

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 776 (Senator Mautz)  
Education, Energy, and the Environment

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**Graywater Systems - Public and Private Buildings - Authorization**

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This bill defines “graywater” and “graywater system” and authorizes a graywater system to be used to serve a public or private building that (1) is located on a former dredge site or (2) is located in a remote area with minimal public access and operates on a seasonal basis. The owner or operator of a building authorized to use a graywater system under the bill must safely dispose of the graywater in accordance with any guidelines or regulations adopted by the Maryland Department of the Environment (MDE), the Maryland Department of Health, or a federal agency.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances. MDE can update its regulations with existing budgeted resources.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** Minimal. It is assumed that the bill only applies to a limited number of small businesses.

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**Analysis**

**Bill Summary:** “Graywater” means untreated water generated by the use of and collected from a “handwashing sink” or a “three-compartment bar sanitation sink.” “Graywater” does not include water from a shower, toilet, bathtub, lavatory or kitchen sink, or dishwashing machine. “Graywater system” means a holding tank connected to a handwashing sink or a three-compartment sanitation sink used to collect and store

graywater. A “handwashing sink” means a sink used for handwashing only. “Three-compartment bar sanitation sink” means a three-compartment sink used only for washing barware and bar tools. The term does not include a sink used for washing glassware, food service, preparation tools, or washing utensils.

**Current Law:** Pursuant to Chapter 705 of 2018, the use of graywater is authorized for residential purposes, under specified conditions, and if the use is permitted under regulations established by MDE. However, as of the writing of this fiscal and policy note, MDE has not yet promulgated regulations authorizing the use of graywater. Pursuant to Chapter 705, “graywater” is defined as used, untreated water generated by the use of and collected from a shower, a bathtub, or a lavatory sink; the term does not include water from a toilet, a kitchen sink, or a dishwashing machine.

The use of graywater is currently regulated as sewage. A person may only dispose of sewage in accordance with an approved septic system permit or other method of disposal approved by the Secretary of the Environment (or designee). State law also prohibits a discharge of any wastewater, regardless of volume, into the waters of the State, without a permit from MDE.

MDE statute and regulations specify water supply requirements for commercial and residential properties, and any establishment must have a potable water supply (in addition to proper sewage disposal). A building permit may not be issued unless the property has an acceptable means of sewage disposal and water supply. Absent a community water system, a satisfactory water supply well or a surface water supply that is permitted by MDE and meets regulatory requirements are the only suitable water supply sources.

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### **Additional Information**

**Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 854 and HB 1126 of 2022.

**Designated Cross File:** HB 1170 (Delegate Adams) - Environment and Transportation.

**Information Source(s):** Maryland Association of County Health Officers; Baltimore, Frederick, and Montgomery counties; Maryland Department of the Environment; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2023  
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