

HOUSE BILL 671

M3

5lr1475

By: **Delegate Stein**

Introduced and read first time: January 24, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On-Site Sewage Disposal Systems – Climate Vulnerable Areas**

3 FOR the purpose of requiring, by a certain date, a county water and sewerage plan to
4 include a plan to minimize certain inundation risks to on-site sewage disposal
5 systems and limit the installation of new on-site sewage disposal systems in certain
6 climate vulnerable areas; prohibiting the installation of an on-site sewage disposal
7 system in a climate vulnerable area to service a newly constructed building unless
8 certain conditions are met; prohibiting the replacement of an existing on-site sewage
9 disposal system in a climate vulnerable area unless certain conditions are met;
10 expanding the uses of a certain account in the Bay Restoration Fund to include
11 providing financial assistance to certain low-income homeowners for certain costs
12 attributable to installing or replacing the drain field of an on-site sewage disposal
13 system in a climate vulnerable area under certain circumstances; and generally
14 relating to on-site sewage disposal systems and climate vulnerable areas.

15 BY repealing and reenacting, with amendments,

16 Article – Environment

17 Section 9–505(a)(18) and (19), 9–1108, and 9–1605.2(g) and (h)(1) and (2)

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2024 Supplement)

20 BY adding to

21 Article – Environment

22 Section 9–505(a)(20)

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2024 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

27 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-505.

2 (a) In addition to the other requirements of this subtitle, each county plan shall:

3 (18) For a county with a population greater than 150,000 according to the
4 latest Department of Planning projections, include a recycling plan by July 1, 2014 that:

5 (i) Provides for a reduction through recycling of at least 35% of the
6 county's solid waste stream by weight or submits adequate justification, including economic
7 and other specific factors, as to why the 35% reduction cannot be met;

8 (ii) Provides for recycling of the solid waste stream to the extent
9 practical and economically feasible, but in no event may less than a 15% reduction be
10 submitted; and

11 (iii) Requires full implementation of the recycling plan by December
12 31, 2015; [and]

13 (19) For a county with a population less than 150,000 according to the latest
14 Department of Planning projections, include a recycling plan by July 1, 2014 that:

15 (i) Provides for a reduction through recycling of at least 20% of the
16 county's solid waste stream or submits adequate justification, including economic and other
17 specific factors, as to why the 20% reduction cannot be met;

18 (ii) Provides for recycling of the solid waste stream to the extent
19 practical and economically feasible, but in no event may less than a 10% reduction be
20 submitted; and

21 (iii) Requires full implementation of the recycling plan by December
22 31, 2015; AND

23 **(20) BY JANUARY 1, 2026, INCLUDE A PLAN TO:**

24 **(I) MINIMIZE THE INUNDATION OF EXISTING ON-SITE SEWAGE**
25 **DISPOSAL SYSTEMS FROM FLOODING AND SEA LEVEL RISE; AND**

26 **(II) LIMIT THE INSTALLATION OF NEW ON-SITE SEWAGE**
27 **DISPOSAL SYSTEMS IN AREAS OF THE COUNTY THAT ARE DELINEATED AS:**

28 **1. A COAST SMART CLIMATE READY ACTION**
29 **BOUNDARY; OR**

30 **2. A RIVERINE CLIMATE READY ACTION BOUNDARY.**

1 9–1108.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) **“CLIMATE VULNERABLE AREA” MEANS AN AREA OF THE STATE**
4 **THAT IS DELINEATED AS:**

5 (I) **A COAST SMART CLIMATE READY ACTION BOUNDARY; OR**

6 (II) **A RIVERINE CLIMATE READY ACTION BOUNDARY.**

7 (3) **“Nitrogen removal technology” means the best available technology for**
8 **the removal of nitrogen.**

9 [(3)] (4) **“On–site sewage disposal system” means a sewage treatment**
10 **unit, collection system, disposal area, and related appurtenances.**

11 (b) (1) **[A SUBJECT TO SUBSECTION (C) OF THIS SECTION, A person may**
12 **not:**

13 [(1)] (I) **Install, or have installed, on property a person owns in the State**
14 **in the Chesapeake and Atlantic Coastal Bays Critical Area, an on–site sewage disposal**
15 **system to service a newly constructed building, unless the on–site sewage disposal system**
16 **utilizes nitrogen removal technology; or**

17 [(2)] (II) **Replace or have replaced, an existing on–site sewage disposal**
18 **system on property a person owns in the State in the Chesapeake and Atlantic Coastal**
19 **Bays Critical Area, unless the replacement on–site sewage disposal system utilizes**
20 **nitrogen removal technology.**

21 [(c) (1)] (2) **[Subject to paragraph (2) of this subsection and in] IN**
22 **accordance with § 9–1605.2(h) of this title, the Department shall assist homeowners in**
23 **paying the cost difference between a conventional on–site sewage disposal system and a**
24 **system that utilizes nitrogen removal technology with money from the Bay Restoration**
25 **Fund, if sufficient funds are available.**

26 [(2) In calendar years 2010, 2011, and 2012, the Department shall assist
27 homeowners by paying 100% of the cost difference between a conventional on–site sewage
28 disposal system and a system that utilizes nitrogen removal technology with money from
29 the Bay Restoration Fund, if the homeowner:

30 (i) **Is required under subsection (b)(2) of this section to replace an**
31 **existing on–site sewage disposal system with an on–site sewage disposal system that**
32 **utilizes nitrogen removal technology; and**

33 (ii) **Has a failing on–site sewage disposal system.]**

1 (C) (1) BEGINNING JULY 1, 2026, A PERSON MAY NOT:

2 (I) INSTALL, OR HAVE INSTALLED, ON PROPERTY A PERSON
3 OWNS IN THE STATE IN A CLIMATE VULNERABLE AREA, AN ON-SITE SEWAGE
4 DISPOSAL SYSTEM TO SERVICE A NEWLY CONSTRUCTED BUILDING, UNLESS:

5 1. THE ON-SITE SEWAGE DISPOSAL SYSTEM:

6 A. UTILIZES NITROGEN REMOVAL TECHNOLOGY; AND

7 B. WAS APPROVED BY THE DEPARTMENT WITH
8 CONSIDERATION GIVEN TO CLIMATE RESILIENCY, INCLUDING THE POTENTIAL FOR
9 FUTURE INUNDATION OF DRAIN FIELDS AND BACKUP DRAIN FIELDS ON THE
10 PROPERTY; AND

11 2. THE PERSON PAYS TO THE DEPARTMENT AN
12 ALTERNATIVE COMPLIANCE FEE IN AN AMOUNT EQUIVALENT TO THE COST OF
13 CONNECTING THE PROPERTY TO AN EXISTING MUNICIPAL WASTEWATER FACILITY;
14 OR

15 (II) REPLACE OR HAVE REPLACED, AN EXISTING ON-SITE
16 SEWAGE DISPOSAL SYSTEM ON PROPERTY A PERSON OWNS IN THE STATE IN A
17 CLIMATE VULNERABLE AREA, UNLESS THE REPLACEMENT ON-SITE SEWAGE
18 DISPOSAL SYSTEM:

19 1. UTILIZES NITROGEN REMOVAL TECHNOLOGY; AND

20 2. WAS APPROVED BY THE DEPARTMENT WITH
21 CONSIDERATION GIVEN TO CLIMATE RESILIENCY, INCLUDING THE POTENTIAL FOR
22 FUTURE INUNDATION OF DRAIN FIELDS AND BACKUP DRAIN FIELDS ON THE
23 PROPERTY.

24 (2) THE DEPARTMENT SHALL DEPOSIT ANY FEES COLLECTED UNDER
25 PARAGRAPH (1)(I)2 OF THIS SUBSECTION INTO THE BAY RESTORATION FUND
26 ESTABLISHED UNDER § 9-1605.2 OF THIS TITLE.

27 (d) (1) Subject to paragraph (2) of this subsection, a person who violates
28 subsection (b) OR (C) of this section is subject to the civil and administrative penalties and
29 the enforcement mechanisms provided in §§ 9-334 through 9-342 of this title.

30 (2) The penalties imposed under this section may not exceed \$8,000.

31 (e) (1) The Department shall adopt regulations to implement this section.

1 (2) The regulations adopted in accordance with paragraph (1) of this
2 subsection shall include [provisions]:

3 (I) PROVISIONS to ensure that appropriate management measures
4 are provided for the operation and maintenance of nitrogen removal technology; AND

5 (II) SITE EVALUATION CRITERIA AND DESIGN REQUIREMENTS
6 FOR ON-SITE SEWAGE DISPOSAL SYSTEMS INSTALLED IN CLIMATE VULNERABLE
7 AREAS THAT MINIMIZE THE IMPACT FROM CLIMATE EVENTS, INCLUDING
8 PROHIBITING THE USE OF DEEP TRENCH SYSTEMS.

9 9-1605.2.

10 (g) There shall be deposited in the Bay Restoration Fund:

11 (1) Funds received from the restoration fee;

12 (2) Net proceeds of bonds issued by the Administration;

13 (3) Interest or other income earned on the investment of money in the Bay
14 Restoration Fund; [and]

15 (4) FEE REVENUE COLLECTED BY THE DEPARTMENT UNDER §
16 9-1108(C)(1)(I)2 OF THIS TITLE; AND

17 (5) Any additional money made available from any sources, public or
18 private, for the purposes for which the Bay Restoration Fund has been established.

19 (h) (1) [With regard to the funds collected under subsection (b)(1)(i)1 of this
20 section from users of an on-site sewage disposal system or holding tank that receive a water
21 bill and subsection (b)(1)(i)2 and 3 of this section, beginning in fiscal year 2006, the] THE
22 Comptroller shall:

23 (i) Establish a separate account within the Bay Restoration Fund
24 THAT CONSISTS OF:

25 1. FUNDS COLLECTED UNDER SUBSECTION (B)(1)(I)1
26 OF THIS SECTION FROM USERS OF AN ON-SITE SEWAGE DISPOSAL SYSTEM OR
27 HOLDING TANK THAT RECEIVE A WATER BILL AND SUBSECTION (B)(1)(I)2 AND 3 OF
28 THIS SECTION; AND

29 2. FEE REVENUE COLLECTED BY THE DEPARTMENT
30 UNDER § 9-1108(C)(1)(I)2 OF THIS TITLE; and

1 (ii) Disburse the funds as provided under paragraph (2) of this
2 subsection.

3 (2) The Comptroller shall:

4 (i) Deposit 60% of the funds **UNDER PARAGRAPH (1)(I)1 OF THIS**
5 **SUBSECTION AND ALL OF THE FUNDS UNDER PARAGRAPH (1)(I)2 OF THIS**
6 **SUBSECTION** in the separate account to be used for:

7 1. Subject to paragraphs (3), (4), (5), and (6) of this
8 subsection, with priority first given to failing systems and holding tanks located in the
9 Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the
10 Department determines are a threat to public health or water quality, grants or loans for
11 up to 100% of:

12 A. The costs attributable to upgrading an on-site sewage
13 disposal system to the best available technology for the removal of nitrogen;

14 B. The cost difference between a conventional on-site sewage
15 disposal system and a system that utilizes the best available technology for the removal of
16 nitrogen;

17 C. The cost of repairing or replacing a failing on-site sewage
18 disposal system with a system that uses the best available technology for nitrogen removal;

19 D. The cost, up to the sum of the costs authorized under item
20 B of this item for each individual system, of replacing multiple on-site sewage disposal
21 systems located in the same community with a new community sewerage system that is
22 owned by a local government and that meets enhanced nutrient removal standards; or

23 E. The cost, up to the sum of the costs authorized under item
24 C of this item for each individual system, of connecting a property using an on-site sewage
25 disposal system to an existing municipal wastewater facility that is achieving, or has signed
26 a funding agreement with the Department and is under construction to achieve, enhanced
27 nutrient removal or biological nutrient removal level treatment, including payment of the
28 principal, but not interest, of debt issued by a local government for such connection costs;

29 2. The reasonable costs of the Department, not to exceed 8%
30 of the funds deposited into the separate account, to:

31 A. Implement an education, outreach, and upgrade program
32 to advise owners of on-site sewage disposal systems and holding tanks on the proper
33 maintenance of the systems and tanks and the availability of grants and loans under item
34 1 of this item;

35 B. Review and approve the design and construction of on-site
36 sewage disposal system or holding tank upgrades;

1 C. Issue grants or loans as provided under item 1 of this item;
2 and

3 D. Provide technical support for owners of upgraded on-site
4 sewage disposal systems or holding tanks to operate and maintain the upgraded systems;

5 3. A portion of the reasonable costs of a local public entity
6 that has been delegated by the Department under § 1-301(b) of this article to administer
7 and enforce environmental laws, not to exceed 10% of the funds deposited into the separate
8 account, to implement regulations adopted by the Department for on-site sewage disposal
9 systems that utilize the best available technology for the removal of nitrogen;

10 4. Subject to paragraph (7) of this subsection, financial
11 assistance to low-income homeowners, as defined by the Department, for up to 50% of the
12 cost of an operation and maintenance contract of up to 5 years for an on-site sewage
13 disposal system that utilizes nitrogen removal technology;

14 5. Subject to paragraph (8) of this subsection, a local
15 jurisdiction to provide financial assistance to eligible homeowners for the reasonable cost
16 of pumping out an on-site sewage disposal system, at least once every 5 years, unless a
17 more frequent pump out schedule is recommended during an inspection, not to exceed 10%
18 of the funds allocated to the local jurisdiction; [and]

19 6. In fiscal years 2020 and 2021, financial assistance to a
20 local jurisdiction for the development of a septic stewardship plan that meets the
21 requirements under paragraph (8)(iii)2 of this subsection; and

22 **7. IF THE DEPARTMENT APPROVES THE INSTALLATION**
23 **OR REPLACEMENT OF AN ON-SITE SEWAGE DISPOSAL SYSTEM IN A CLIMATE**
24 **VULNERABLE AREA IN ACCORDANCE WITH § 9-1108(C) OF THIS TITLE, FINANCIAL**
25 **ASSISTANCE TO LOW-INCOME HOMEOWNERS, AS DEFINED BY THE DEPARTMENT,**
26 **FOR UP TO 100% OF THE COSTS ATTRIBUTABLE TO INSTALLING OR REPLACING THE**
27 **DRAIN FIELD OF THE ON-SITE SEWAGE DISPOSAL SYSTEM; AND**

28 (ii) Transfer 40% of the funds **UNDER PARAGRAPH (1)(I)1 OF THIS**
29 **SUBSECTION** to the Maryland Agriculture Water Quality Cost Share Program in the
30 Department of Agriculture in order to fund cover crop activities.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2025.