

HOUSE BILL 1043

M3

5lr1897

By: **Delegates Parrott, Afzali, Beitzel, Buckel, Shoemaker, Szeliga, Vogt, B. Wilson, and Ciliberti**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On-Site Sewage Disposal System – Nitrogen Removal**
3 **Technology – Exemption**

4 FOR the purpose of authorizing a person to install, or have installed, an on-site sewage
5 disposal system that does not utilize certain nitrogen removal technology to service
6 a newly constructed building on property that a person owns in the State that is
7 located outside the Chesapeake and Atlantic Coastal Bays Critical Area; authorizing
8 a person to replace, or have replaced, an existing on-site sewage disposal system
9 with a system that does not utilize certain nitrogen removal technology on property
10 that a person owns in the State that is located outside the Chesapeake and Atlantic
11 Coastal Bays Critical Area; prohibiting certain regulations from requiring a new or
12 replacement on-site sewage disposal system to utilize certain nitrogen removal
13 technology if the system is on property that a person owns in the State that is located
14 outside the Chesapeake and Atlantic Coastal Bays Critical Area; and generally
15 relating to on-site sewage disposal systems utilizing nitrogen removal technology.

16 BY repealing and reenacting, without amendments,
17 Article – Environment
18 Section 9–1108(a)
19 Annotated Code of Maryland
20 (2014 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article – Environment
23 Section 9–1108(b) and (e)
24 Annotated Code of Maryland
25 (2014 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Environment

1
2 9–1108.

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

4 (2) “Nitrogen removal technology” means the best available technology for
5 the removal of nitrogen.

6 (3) “On–site sewage disposal system” means a sewage treatment unit,
7 collection system, disposal area, and related appurtenances.

8 (b) (1) A person may not:

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

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

17 (2) A PERSON MAY:

18 (I) **INSTALL, OR HAVE INSTALLED, ON PROPERTY A PERSON**
19 **OWNS IN THE STATE LOCATED OUTSIDE THE CHESAPEAKE AND ATLANTIC COASTAL**
20 **BAYS CRITICAL AREA AN ON–SITE SEWAGE DISPOSAL SYSTEM THAT DOES NOT**
21 **UTILIZE NITROGEN REMOVAL TECHNOLOGY TO SERVICE A NEWLY CONSTRUCTED**
22 **BUILDING; OR**

23 (II) **REPLACE, OR HAVE REPLACED, AN EXISTING ON–SITE**
24 **SEWAGE DISPOSAL SYSTEM ON PROPERTY A PERSON OWNS IN THE STATE LOCATED**
25 **OUTSIDE THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA WITH A**
26 **SYSTEM THAT DOES NOT UTILIZE NITROGEN REMOVAL TECHNOLOGY.**

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

28 (2) The regulations adopted in accordance with paragraph (1) of this
29 subsection shall include provisions to ensure that appropriate management measures are
30 provided for the operation and maintenance of nitrogen removal technology.

1 **(3) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH**
2 **(1) OF THIS SUBSECTION MAY NOT REQUIRE A NEW OR REPLACEMENT ON-SITE**
3 **SEWAGE DISPOSAL SYSTEM TO UTILIZE NITROGEN REMOVAL TECHNOLOGY IF THE**
4 **NEW OR REPLACEMENT ON-SITE SEWAGE DISPOSAL SYSTEM IS ON PROPERTY A**
5 **PERSON OWNS IN THE STATE LOCATED OUTSIDE THE CHESAPEAKE AND ATLANTIC**
6 **COASTAL BAYS CRITICAL AREA.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2015.