

HOUSE BILL 177

M3

11r1406
CF SB 160

By: **Delegates Lafferty, Beidle, Bobo, Cardin, Carr, Feldman, Frush, Gaines, Glenn, Hubbard, Hucker, Mizeur, Morhaim, Niemann, and Pena-Melnyk**

Introduced and read first time: January 27, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On-Site Sewage Disposal Systems – Nitrogen Removal**

3 FOR the purpose of prohibiting the installation of an on-site sewage disposal system
4 in the State in the watersheds of the Chesapeake and Atlantic Coastal Bays to
5 service a newly constructed building unless the system utilizes nitrogen
6 removal technology; and generally relating to on-site sewage disposal systems
7 with nitrogen removal technology.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–1108
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Tax – General
15 Section 10–208(a) and (q)
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

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

20 **Article – Environment**

21 9–1108.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (b) A person may not:

6 (1) Install, or have installed, on property a person owns in the State in
7 the **WATERSHEDS OF THE** Chesapeake and Atlantic Coastal Bays [Critical Area,] an
8 on-site sewage disposal system to service a newly constructed building, unless the
9 on-site sewage disposal system utilizes nitrogen removal technology; or

10 (2) Replace or have replaced, an existing on-site sewage disposal
11 system on property a person owns in the State in the Chesapeake and Atlantic Coastal
12 Bays Critical Area, unless the replacement on-site sewage disposal system utilizes
13 nitrogen removal technology.

14 (c) (1) Subject to paragraph (2) of this subsection and in accordance with
15 § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost
16 difference between a conventional on-site sewage disposal system and a system that
17 utilizes nitrogen removal technology with money from the Bay Restoration Fund, if
18 sufficient funds are available.

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

23 (i) Is required under subsection (b)(2) of this section to replace
24 an existing on-site sewage disposal system with an on-site sewage disposal system
25 that utilizes nitrogen removal technology; and

26 (ii) Has a failing on-site sewage disposal system.

27 (d) (1) Subject to paragraph (2) of this subsection, a person who violates
28 subsection (b) 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.

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

Article – Tax – General

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2 10–208.

3 (a) In addition to the modification under § 10–207 of this subtitle, the
4 amounts under this section are subtracted from the federal adjusted gross income of a
5 resident to determine Maryland adjusted gross income.

6 (q) (1) (i) In this subsection the following words have the meanings
7 indicated.

8 (ii) “Nitrogen removal technology” has the meaning stated in §
9 9–1108 of the Environment Article.

10 (iii) “On–site sewage disposal system” has the meaning stated in
11 § 9–1108 of the Environment Article.

12 (2) The subtraction under subsection (a) of this section includes the
13 amount by which the cost difference between a conventional on–site sewage disposal
14 system and a system that utilizes nitrogen removal technology exceeds the amount of
15 assistance the Department of the Environment provides the homeowner under §
16 9–1108 of the Environment Article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2011.