

# SENATE BILL 973

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SB 13/2SS12 – SRU

3lr2928

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By: **Senator Pipkin**

Introduced and read first time: February 15, 2013

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting the Department of the Environment from requiring a  
5 person to install, or have installed, an on-site sewage disposal system that  
6 utilizes nitrogen removal technology on certain property in the State; and  
7 generally relating to on-site sewage disposal systems.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 9–1108  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2012 Supplement)

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

15 **Article – Environment**

16 9–1108.

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

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

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

22 (b) A person may not:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Install, or have installed, on property a person owns in the State in  
2 the Chesapeake and Atlantic Coastal Bays Critical Area, an on-site sewage disposal  
3 system to service a newly constructed building, unless the on-site sewage disposal  
4 system utilizes nitrogen removal technology; or

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

9 **(C) THE DEPARTMENT MAY NOT REQUIRE A PERSON TO INSTALL, OR**  
10 **HAVE INSTALLED, ON PROPERTY A PERSON OWNS IN THE STATE THAT IS**  
11 **LOCATED OUTSIDE THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL**  
12 **AREA, AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN**  
13 **REMOVAL TECHNOLOGY.**

14 **[(c)] (D)** (1) Subject to paragraph (2) of this subsection and in accordance  
15 with § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the  
16 cost difference between a conventional on-site sewage disposal system and a system  
17 that utilizes nitrogen removal technology with money from the Bay Restoration Fund,  
18 if 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)] (E)** (1) Subject to paragraph (2) of this subsection, a person who  
28 violates subsection (b) of this section is subject to the civil and administrative  
29 penalties and the enforcement mechanisms provided in §§ 9-334 through 9-342 of this  
30 title.

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

32 **[(e)] (F)** (1) The Department shall adopt regulations to implement this  
33 section.

34 (2) The regulations adopted in accordance with paragraph (1) of  
35 this subsection shall include provisions to ensure that appropriate management

1 measures are provided for the operation and maintenance of nitrogen removal  
2 technology.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 2013.