

## Chapter 455

(House Bill 347)

AN ACT concerning

### Environment – Nitrogen Removal Technology – Evaluation and Ranking

FOR the purpose of requiring the Department of the Environment to evaluate and rank certain nitrogen removal technologies for on-site sewage disposal systems for certain purposes; requiring the Department to make available a certain evaluation and ranking on the Department's Web site; requiring the Department to provide a certain evaluation and ranking to a county, municipality, or resident of the State under certain circumstances; requiring the Department to request certain information from certain vendors for certain purposes; defining certain terms; and generally relating to nitrogen removal technology for on-site sewage disposal systems.

BY adding to

Article – Environment

Section 9–1108.1

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

#### Article – Environment

##### 9–1108.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “NITROGEN REMOVAL TECHNOLOGY” HAS THE MEANING STATED IN § 9–1108 OF THIS SUBTITLE.

(3) “ON-SITE SEWAGE DISPOSAL SYSTEM” HAS THE MEANING STATED IN § 9–1108 OF THIS SUBTITLE.

(4) “VENDOR” MEANS A PERSON THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES ON-SITE SEWAGE DISPOSAL SYSTEMS THAT UTILIZE NITROGEN REMOVAL TECHNOLOGY.

(B) (1) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL EVALUATE AND RANK ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES FOR ON-SITE SEWAGE DISPOSAL SYSTEMS TO ADVISE LOCAL GOVERNMENTS AND ~~CITIZENS~~ RESIDENTS OF THE STATE OF APPROVED TECHNOLOGIES THAT QUALIFY FOR FUNDING UNDER § 9-1605.2(H)(2) OF THIS TITLE.

(2) THE DEPARTMENT SHALL:

(i) MAKE AVAILABLE THE EVALUATION AND RANKING OF ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES REQUIRED UNDER THIS SECTION ON THE DEPARTMENT'S WEB SITE; AND

(ii) PROVIDE THE EVALUATION AND RANKING OF ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES TO A COUNTY, MUNICIPALITY, OR RESIDENT OF THE STATE IN ANY CORRESPONDENCE RELATING TO APPROVED TECHNOLOGIES THAT QUALIFY FOR FUNDING UNDER § 9-1605.2(H)(2) OF THIS TITLE.

(C) THE DEPARTMENT SHALL EVALUATE AND RANK ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES FOR ON-SITE SEWAGE DISPOSAL SYSTEMS BASED ON:

(1) THE TOTAL AMOUNT OF NITROGEN REDUCTION THE TECHNOLOGY CAN ACHIEVE;

(2) THE TOTAL COST OF THE TECHNOLOGY, INCLUDING THE ESTIMATED ANNUAL COST OF OPERATION AND MAINTENANCE, INCLUDING ELECTRICITY COSTS;

(3) THE COST PER POUND OF THE NITROGEN REDUCTION; AND

(4) ANY OTHER INFORMATION THE DEPARTMENT DETERMINES IS NECESSARY.

(D) BEGINNING JUNE 1, 2011, AND ~~BIANNUALLY~~ EVERY 2 YEARS THEREAFTER, THE DEPARTMENT SHALL REQUEST INFORMATION FROM VENDORS NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

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

Approved by the Governor, May 19, 2011.