

# SENATE BILL 1122

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0lr3541  
CF HB 62

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By: **Senator Muse**

Constitutional Requirements Complied with for Introduction in the last 35 Days of  
Session

Introduced and read first time: March 11, 2010

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Payment of Cost Differential – Nitrogen Removal Technology**

3 FOR the purpose of requiring that the Department of the Environment pay for certain  
4 costs associated with the installation of on–site sewage disposal systems  
5 utilizing nitrogen removal technology with money from the Bay Restoration  
6 Fund under certain circumstances in certain calendar years; declaring the  
7 intent of the General Assembly; and generally relating to on–site sewage  
8 disposal systems utilizing nitrogen removal technology.

9 BY repealing and reenacting, without amendments,  
10 Article – Environment  
11 Section 9–1108(a)  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2009 Supplement)  
14 (As enacted by Chapter 280 of the Acts of the General Assembly of 2009)

15 BY repealing and reenacting, without amendments,  
16 Article – Environment  
17 Section 9–1108(b)  
18 Annotated Code of Maryland  
19 (2007 Replacement Volume and 2009 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Environment  
22 Section 9–1108(c)  
23 Annotated Code of Maryland  
24 (2007 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Environment**

4 9–1108.

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

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

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

10 (b) A person may not:

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

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

19 (c) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND IN**  
20 **accordance with § 9–1605.2(h) of this title, the Department shall assist homeowners in**  
21 **paying the cost difference between a conventional on–site sewage disposal system and**  
22 **a system that utilizes nitrogen removal technology with money from the Bay**  
23 **Restoration Fund, if sufficient funds are available.**

24 **(2) IN CALENDAR YEARS 2010, 2011, AND 2012, THE**  
25 **DEPARTMENT SHALL ASSIST HOMEOWNERS BY PAYING 100% OF THE COST**  
26 **DIFFERENCE BETWEEN A CONVENTIONAL ON–SITE SEWAGE DISPOSAL SYSTEM**  
27 **AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY WITH MONEY**  
28 **FROM THE BAY RESTORATION FUND, IF THE HOMEOWNER:**

29 **(I) IS REQUIRED UNDER SUBSECTION (B)(2) OF THIS**  
30 **SECTION TO REPLACE AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM WITH**  
31 **AN ON–SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL**  
32 **TECHNOLOGY; AND**

33 **(II) HAS A FAILING ON–SITE SEWAGE DISPOSAL SYSTEM.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided by §  
2 9–1108(c)(2) of the Environment Article, as enacted by Section 1 of this Act, it is the  
3 intent of the General Assembly that the Department of the Environment may use an  
4 economic means test to determine the financial assistance awarded to a homeowner  
5 for the cost difference between a conventional on–site sewage disposal system and a  
6 system that utilizes nitrogen removal technology.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2010.