

2009 Legislative Session Review

- House Bill 90 (**Enacted**) was introduced at the request of MDE to correct a technical error regarding the Bay Restoration fee. It ensures the bondholders that the legislature will not be able to reduce the BRF fee as long as bonds are outstanding and thereby compromise the ability to pay the bonds back. Only an increase in fee can be recommended by the Advisory Committee.
- House Bill 1105 and Senate Bill 721 (**Enacted**) prohibits the installment of new privately owned individual sewerage system with a surface discharge and to serve only a single lot.
- House Bill 176 and Senate Bill 554 (**Enacted**) requires new or replaced on-site sewage disposal systems located in the Chesapeake Bay and Atlantic Coastal Bays Critical Area to utilize nitrogen removal technology. Also, requires MDE to provide financial assistance and adopt regulations to implement this legislation.
- House Bill 176 and Senate Bill 1064 (**Failed**) would require Best Available Technology (BAT) upgrades to existing on-site sewage disposal systems that need to be repaired or replaced as well as to new systems. Hearings on these Bills were held and the Department testified in support of these bills with amendments. The Department made amendments to these Bills that make it clear that it is only paying for upgrades to the extent that funds are available in the Septic Fund as a result of the Bay Restoration fee. These Bills also added a provision that would authorize the Department to establish regulations governing the inspections, operations, and maintenance of these septic systems. The home builders were opposed to these Bills due to costs it would add to new homes and the local health directors testified in opposition since the requirements could discourage people from replacing or making needed repairs to their on-site disposal systems. There will be a work group on this Bill and the information will be posted by the House Environmental Committee when that occurs.
- House Bill 221 (**Failed**) proposes to switch the distribution of BRF fees from Septic System funds between cover crops program and septic system upgrades. Currently 60% of the funds are for septic system upgrades and 40 % for the cover crops program. This Bill would reverse that by making it 60% for the cover crop program and 40% for the septic system upgrades. The Department opposed this bill and did not expect this Bill to pass, given the interest and increase in septic system upgrades with Best Available Technology.
- House Bill 346 (**Failed**) authorizes the use of Bay Restoration Fund for the costs to local governments for inspecting the upgrades to ensure long term performance of nitrogen-removing septic systems funded under this section. The Department supported this Bill with amendments to limit the amount of money spent on inspection and sampling to not exceed two percent of the total funds collected, so that there are sufficient funds available for the actual upgrades of the septic systems.
- House Bill 529 (**Failed**) proposed using funds from the Bay Restoration Fund to address environmental problems associated with improper handling and disposal of septage that's pumped out of septic tanks. This would authorize the Department to regulate the septage haulers and require it to review the fees assessed by the sewage treatment plants to the septic haulers for disposal of septage as well as reduce these fees to make it economically practical for the haulers to operate. The Department opposed this Bill and met with the Bill's sponsor to develop a better way to address this issue.

- House Bill 1083 (**Failed**) would require Best Available Technology (BAT) on new and replacement systems as well as inspections once every ten years on all septic systems in the State by making available 20 percent of the septic fee for these inspections. This would equate to 42,000+ inspections a year and would have a significant fiscal impact on the Department since it would reduce the remaining funding available to support and implement the basic BRF septic upgrade program. The Department therefore opposed this Bill on fiscal grounds.
- House Bill 1106 (**Failed**) prevents Anne Arundel County from requiring a homeowner in that County that received a grant for upgrade of their septic system to pay back the grant if they increased the size of the dwelling. The County has since changed its policy at the direction of the Department and therefore this Bill has now been withdrawn.
- House Bill 1362 (**Failed**) would allow a set of septic systems in a community to be hooked up to a state of the art sewage treatment plant where it can be demonstrated it is more cost-effective than to upgrade the existing septic systems.
- Senate Bill 329 (**Failed**) allows Dorchester County to put a lien on the property whose owner is not paying the BRF fee. The Department did not take a position on this bill, as it does not impact the Department.