

Introduced September 4, 2012
Public Hearing September 18, 2012
Council Action October 1, 2012
Executive Action Oct. 5, 2012
Effective Date Dec. 5, 2012

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 11

Bill No. 30 -2012

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the on-site sewage disposal permit to include the modification, alteration, repair or connection to certain types of disposal systems; and generally relating to sewage disposal permits.

Introduced and read first time September 4, 2012. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 18, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on October 1, 2012 and Passed , Passed with amendments , Failed .

By order Stephen LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2nd day of October, 2012 at 11:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Approved Vetoed by the County Executive Oct. 5, 2012

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Code is amended as follows:*

3
4 *By amending:*

5 *Title 3 – Buildings*

6 *Section 3.801 “Definitions”*

7
8 *By amending subsection (a) of*

9 *Title 3 – Buildings*

10 *Section 3.806 “Permits required”*

11
12 *By amending subsection (a) of*

13 *Title 12 – Health and Social Services*

14 *Section 12.106 “On-site sewage disposal; public swimming pools and spas”*

15
16 **Title 3. Buildings.**

17 **Subtitle 8. On-site sewage disposal systems.**

18
19 **Section 3.801. Definitions.**

20 Terms used in this subtitle have the meanings indicated.

21 (a) *Approving authority.* For on-site sewage disposal systems regulated by this subtitle,
22 the approving authority is the Health Officer for Howard County or the Health Officer's
23 designee.

24 (b) *Bedroom.*

25 (1) Except as provided in paragraph (2) of this subsection, a bedroom is any
26 space in the conditioned area of a dwelling unit or accessory structure that:

27 (i) Is 90 square feet or greater in size;

28 (ii) May be used as a private sleeping area; and

29 (iii) Has at least one window and one interior door.

30 (2) If a home office, library, or similar room is proposed, it may not be a
31 bedroom if there is no closet; and

- 1 (i) The room contains permanently built-in bookcases around the
2 perimeter of the room, desks, and other features that encumber the
3 room;
- 4 (ii) A minimum four-foot-wide opening, without doors, into another
5 room;
- 6 (iii) A half wall (four foot maximum height) between the room and
7 another room; or
- 8 (iv) The room is a first floor room or basement area that does not have
9 direct access to full bathrooms or "roughed in" plumbing that
10 would provide direct access to future full bathroom facilities.
- 11 (c) *COMAR*. The Code of Maryland Regulations.
- 12 (d) *Conditioned space*. An area, room, or space normally occupied and being heated or
13 cooled by any equipment for human habitation.
- 14 (e) *Domestic sewage*. The liquid or water-carried wastes (including gray water and water
15 treatment backwash) from all buildings including, but not limited to, residential
16 buildings, bathhouses, clubhouses, floating homes, commercial buildings, and
17 institutions.
- 18 (f) *Lot*. "Lot" shall have the meaning stated in COMAR.
- 19 (g) *Minor septic repair permit*. A permit issued for minor repairs or replacement made to
20 an existing septic system component including the septic tank, distribution box, piping, or
21 lift pump station.
- 22 (h) *Mound system*. An on-site sewage disposal system utilizing a raised bed of sand fill
23 with a distribution system constructed so as to distribute sewage equally over the ground
24 surface located under the base of the mound.
- 25 (i) *Nuisance* has the meaning stated in section 12.110 of the Howard County Code.
- 26 (j) *On-site sewage disposal*. Disposal of sewage effluent beneath the soil surface at the
27 site of its origination OR OTHER APPROVED LOCATIONS.
- 28 [[(k) *On-site sewage disposal permit*. A permit issued for the installation, design, and
29 disposal of domestic sewage.]]

1 ([I]K) *On-site sewage disposal system.* All private methods of collecting, treating, and
2 disposing of domestic sewage at the site of its origin OR OTHER APPROVED LOCATIONS
3 including, septic tanks, privies, chemical toilets, alternative on-site systems and others.

4 ([m]L) *Person.* An individual, corporation, partnership, business trust, limited liability
5 company, or any other type of business entity.

6 (M) *SEWAGE DISPOSAL PERMIT.* A PERMIT ISSUED BY THE HEALTH DEPARTMENT FOR THE:

7 (1) DESIGN, INSTALLATION, OR CONSTRUCTION OF AN ON-SITE SEWAGE
8 DISPOSAL SYSTEM, SHARED SYSTEM, OR MULTIUSED SYSTEM; OR

9 (2) MODIFICATION, ALTERATION, REPAIR, OR CONNECTION TO AN ON-SITE
10 SEWAGE DISPOSAL SYSTEM, SHARED SYSTEM, OR MULTIUSED SYSTEM.

11 (n) *Shared system.* A water or sewerage system that serves more than one lot of land or
12 more than one user on a single lot of land with water or sewerage systems located on the
13 individual lots or on parcels owned in common by the users or a controlling authority.

14 (o) *Waiver.* A modification to a provision of this subtitle granted by the approving
15 authority.

16
17 **Section 3.806. Permits required.**

18 (a) *[[On-site]] Sewage Disposal Permit; Minor Septic Repair Permit.*

19 (1) *When required.* Where a public sewage disposal system is not available
20 and construction is contemplated for a building for human occupancy or
21 use, or an addition to or alteration of any existing on-site sewage disposal
22 system is proposed, the master plumber, disposal system contractor, or
23 owner shall, prior to beginning any construction, make an application to
24 the approving authority for a minor septic repair permit or an on-site
25 sewage disposal permit in accordance with the requirements of this section
26 and subsection 12.106(a) of the Howard County Code in order to perform
27 the necessary installation or modification to the existing on-site sewage
28 disposal system.

29 (2) *Percolation test application.* Before a permit to make the desired
30 installation is issued, a percolation test application, in a form required by
31 the approving authority, shall be obtained and approved. For single-family

1 dwellings where it is necessary to replace an existing component of the
2 septic system other than the soil absorption component, a percolation test
3 application will not be required in order to obtain a minor septic repair
4 permit. The approving authority shall require a soil evaluation, including
5 percolation and other pertinent tests, to be conducted under its supervision,
6 with such information to be made a part of the application.

7 (3) *Percolation test rate results.* The conventional percolation test rate may
8 range between two and 30 minutes per inch or up to 60 minutes per inch
9 for a conventional sand mound system. The results of percolation tests
10 shall be considered in conjunction with available information on
11 topography, soil type and conditions, surface and subsurface drainage
12 conditions, water table level, the history of failing septic systems in
13 surrounding areas, and soil map data.

14 (4) *Approval of percolation test application.* The percolation test application
15 may be approved when the percolation certification plan is signed or, if a
16 percolation certification plan is not required, other demonstration of
17 adequate area for on-site sewage disposal is provided. The percolation test
18 application is valid for two years from the date of payment of the required
19 application fee. The signed percolation certification plan shall remain
20 valid unless changes to the percolation certification plan are required.

21 (5) *Changes to a signed percolation test plan.* Changes to a signed percolation
22 certification plan after the percolation test application has expired may
23 require a new percolation test application. Changes to the signed
24 percolation certification plan that require additional testing shall require a
25 new percolation test application.

26 (6) *Issuance of [[on-site]] sewage disposal permit.* [[An on-site]] A sewage
27 disposal permit may be issued when a site plan submitted with the
28 building permit application is approved.

29 (7) *Duration of permit.* [[An on-site]] A sewage disposal permit and a minor
30 septic repair permit expire one year from the date of issuance.

- 1 (8) *Denial of permit.* [[An on-site]] A sewage disposal permit or minor septic
2 repair permit shall be denied when, upon review of the application and
3 required site plan, the approving authority finds that:
- 4 (i) The proposed design is inadequate to collect, treat and dispose of
5 domestic sewage and effluent discharge in accordance with the
6 standards set forth in this subtitle;
- 7 (ii) Soil and geological conditions are such as to preclude safe and
8 proper operation of the desired installation; or
- 9 (ii) The construction would be detrimental to the general health and
10 welfare of the residents or the environment.
- 11 (9) Installation without permit not allowed. Installation shall not be made
12 without first obtaining a written [[on-site]] sewage disposal permit from
13 the approving authority.
- 14 (10) *Inspections.* The approving authority may make inspections during
15 construction to determine compliance with this subtitle. No part of any
16 installation shall be covered until approval by the approving authority has
17 been granted. Any part of an installation that has been covered prior to
18 final approval shall be uncovered upon order of the approving authority.
19 Final written approval shall not be given until all pertinent data required
20 has been submitted.
- 21 (11) *Final approval.* The on-site sewage disposal system shall not be put into
22 use until final approval of the system installation has been granted by the
23 approving authority.

24
25 **Title 12. Health and Social Services.**

26 **Subtitle 1. Health Code.**

27
28 **Section 12.106. On-site sewage disposal; public swimming pools and spas.**

29 (a) *On-site Sewage Disposal:*

- 30 (1) *Permit required.* No on-site sewage disposal system shall be constructed,
31 MODIFIED, altered, REPAIRED, CONNECTED or caused to receive an increase

1 in flow unless the County Health Officer has issued a [[health]] SEWAGE
2 DISPOSAL permit [[for its construction, alteration or increase in flow]].

3 (2) *Testing and permit fee.* The Board of Health shall recommend and the
4 County Council shall approve a schedule of fees for:

5 (i) Percolation testing and evaluation to determine suitability for on-
6 site sewage disposal systems; and

7 (ii) Issuance of a [[health]] SEWAGE DISPOSAL permit for construction,
8 alteration or increase in flow of an on-site sewage disposal system.

9 (3) *Denial of permit.* [[An on-site]] A sewage disposal permit or minor septic
10 repair permit shall be denied when, upon review of the application and
11 required site plan, the approving authority finds that:

12 (i) The proposed design is inadequate to collect, treat and dispose of
13 domestic sewage and effluent discharge in accordance with the
14 standards set forth in this subtitle;

15 (ii) Soil and geological conditions are such as to preclude safe and
16 proper operation of the desired installation; or

17 (iii) The construction would be detrimental to the general health and
18 welfare of the residents or the environment.

19 (4) *Multiused sewerage systems:*

20 (i) Multiused sewerage system means a multiuse sewerage system as
21 defined in section 9-501 of the Environment Article of the
22 Maryland Code, and a multi-used sewerage system as defined in
23 section 26.03.01.01 of the Code of Maryland Regulations.

24 (ii) A person may not install a multiused sewerage system for a project
25 that contains residential units of any kind.

26 (iii) Notwithstanding subparagraph (ii) of this paragraph, a multiused
27 sewerage system may be installed if the County Health Department
28 determines that extraordinary circumstances exist necessitating the
29 use of a multiused sewerage system to protect the public health.

30 (iv) A multiused sewerage system:

- 1 1. Is subject to regulation under title 18 of the Howard County
2 Code; and
3 2. Shall provide at least 10,000 square feet of subsurface
4 disposal area for each 750 gallons of design flow for
5 wastewater.
6 (v) To carry out this paragraph (4) of this subsection, the County
7 Board of Health may adopt regulations.
8

9 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
10 ***Maryland, that this Act shall become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 5, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council