

Introduced	<u>3/6/17</u>
Public Hearing	<u>3/28/17</u>
Council Action	<u>4/3/17</u>
Executive Action	_____
Effective Date	_____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 5

Bill No. 24 -2017

Introduced by: Jon Weinstein and Greg Fox

AN ACT requiring that any on-site sewage disposal system installed within a major subdivision in the Rural Conservation (RC) zoning district utilize Best Available Technology for Nitrogen removal; and generally relating to on-site sewage disposal systems.

Introduced and read first time March 6, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, 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 March 20, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on April 3, 2017 and Passed , Passed with amendments , Failed was withdrawn.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Scaled with the County Seal and presented to the County Executive for approval this _____ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, 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 Howard County*
2 *Code is hereby amended as follows:*

3 *By Amending:*

4 *Title 3 - BUILDINGS*

5 *Subtitle 8. - ON-SITE SEWAGE DISPOSAL SYSTEMS*

6 *Section 15.801. – Definitions.*

7 *Section. 3.807. - Design of an on-site sewage disposal system.*

8 *Subsection(b) “Type of System.”*

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TITLE 3 - BUILDINGS

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SUBTITLE 8. - ON-SITE SEWAGE DISPOSAL SYSTEMS

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14 **Section. 3.801. - Definitions.**

15 Terms used in this subtitle have the meanings indicated.

16 (C) *BEST AVAILABLE TECHNOLOGY FOR REMOVAL OF NITROGEN.* A TECHNOLOGY THAT HAS BEEN
17 APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A BEST AVAILABLE
18 TECHNOLOGY FOR REMOVING NITROGEN FROM ONSITE SEWAGE DISPOSAL SYSTEMS.

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20 **Section. 3.807. - Design of an on-site sewage disposal system.**

21 (b) *Type of System.* The type of on-site sewage disposal system to be installed shall be
22 determined on the basis of location, soil permeability, ground-water elevation, sewage flow,
23 and any other limiting conditions identified by the approving authority. ANY SYSTEM
24 INSTALLED WITHIN A MAJOR SUBDIVISION IN THE RURAL CONSERVATION (RC) ZONING

1 DISTRICT SHALL UTILIZE BEST AVAILABLE TECHNOLOGY FOR REMOVAL OF NITROGEN, AS
2 DEFINED IN THIS SECTION.

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4 **Section 2. *Be it further enacted by the County Council of Howard County, Maryland, that items***
5 ***(c) through (o) of the Section 3.801 of the County Code are hereby renumbered to be items (d)***
6 ***through (p), respectively.***

7 **Section 3. *And Be It Further Enacted by the County Council of Howard County, Maryland that***
8 ***this Act shall become effective 61 days after its enactment.***

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BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2017.

Jessica Feldmark, 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 _____, 2017.

Jessica Feldmark, 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 _____, 2017.

Jessica Feldmark, 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 _____, 2017.

Jessica Feldmark, Administrator to the County Council

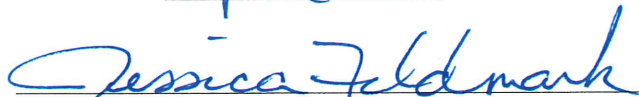
BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2017.

Jessica Feldmark, 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 April 3, 2017.



Jessica Feldmark, Administrator to the County Council

Testimony of the Howard County Association of Realtors®
Regarding CB 24-2017
Delivered March 20, 2017
To the Howard County Council

Chairman Weinstein and members of the Council,

My name is David Yungmann. I am a Realtor® with Keller Williams Integrity in Ellicott City and a Board Member of the Howard County Association of Realtors®. I'm testifying on behalf of HCAR in strong opposition to CB-24.

For years you've heard claims that conventional septic systems cause enormous harm to groundwater quality and the health of The Bay. The volume of that rhetoric has increased over the past several years and has become a primary factor in development and zoning policy. However, science simply does not back up those claims.

A 2012 study by the University of Maryland examined the costs and benefits of various water improvement methods. Septic system improvements were identified as the least cost effective tool due to a variety of factors.

The three largest sources of pollutants account for around 65% of all Bay pollution. Yet septic systems contribute less than 6% of the pollutants, 75% of which is from systems within 1,000 yards of tidal waters – the Critical Area. That leaves less than 2% attributed to the tens of thousands of private septic systems statewide outside of the Critical Area. CB-24 seeks to lower (not eliminate) the pollutants from a mere 200-300 new septic systems in Howard County.

However, the BAT system costs \$8,000-\$10,000 more than a modern conventional septic system. The annual maintenance can be \$500/year due to the need for a constant stream of electricity and annual maintenance. All to eliminate a virtually non-existent level of pollutants. And this is why the University of Maryland study ranked these BAT septic investments as the least cost effective tool to protect groundwater and The Bay.

What this CB-24 requirement does accomplish is unnecessarily increasing the cost of housing in Howard County. But because it effects a relatively small number of homeowners and developers – septic regulation and BAT system requirements are the easy target for advocates. It's easy to talk about death by 1,000 scratches if it's not your money.

This is why we count on you as policy-makers to collect the facts and recognize that requirements like this are expensive regulations with little positive impact.

In the event that CB-24 is intended as a means to restoring development rights through approval of CB-16, HCAR supports that effort but remains in strong opposition to imposing BAT requirements for any reason. Restoration of those property rights should not require offsetting bad policy or costly regulation with no return. We urge you to vote no on CB 24 and appreciate your consideration.