

# SENATE BILL 479

M3, C2

2lr2546  
CF HB 318

---

By: **Senator Hester**

Introduced and read first time: January 27, 2022

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On-Site Wastewater Services – Regulation**

3 FOR the purpose of establishing the State Board of On-Site Wastewater Professionals in  
4 the Department of the Environment; establishing the On-Site Wastewater  
5 Professionals Fund as a special, nonlapsing fund; requiring interest earnings of the  
6 Fund to be credited to the Fund; requiring the Board to submit a certain annual  
7 report to the Secretary of the Environment; requiring, subject to a certain exception,  
8 a certain individual to be licensed by the Board before providing certain on-site  
9 wastewater services in the State; authorizing a certain individual to continue to  
10 provide certain services until certain license requirements are established if the  
11 individual pays a certain fee to the Department; specifying that this Act does not  
12 prevent or prohibit a local government from imposing certain requirements or  
13 standards; and generally relating to the establishment of the State Board of On-Site  
14 Wastewater Professionals and the regulation of individuals providing on-site  
15 wastewater services in the State.

16 BY adding to

17 Article – Environment

18 Section 9–11A–01 through 9–11A–21 to be under the new subtitle “Subtitle 11A.  
19 On-Site Wastewater Services”

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2021 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – State Finance and Procurement

24 Section 6–226(a)(2)(i)

25 Annotated Code of Maryland

26 (2021 Replacement Volume)

27 BY repealing and reenacting, with amendments,

28 Article – State Finance and Procurement

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 6–226(a)(2)(ii)144. and 145.  
2 Annotated Code of Maryland  
3 (2021 Replacement Volume)

4 BY adding to  
5 Article – State Finance and Procurement  
6 Section 6–226(a)(2)(ii)146.  
7 Annotated Code of Maryland  
8 (2021 Replacement Volume)

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

11 **Article – Environment**

12 **SUBTITLE 11A. ON–SITE WASTEWATER SERVICES.**

13 **PART I. DEFINITIONS; GENERAL PROVISIONS.**

14 **9–11A–01.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (B) “BOARD” MEANS THE STATE BOARD OF ON–SITE WASTEWATER  
18 PROFESSIONALS.

19 (C) “LICENSE” MEANS ANY CATEGORY OF PROFESSIONAL LICENSE ISSUED  
20 BY THE BOARD TO AN INDIVIDUAL TO PROVIDE ON–SITE WASTEWATER SERVICES IN  
21 THE STATE.

22 (D) “ON–SITE WASTEWATER SERVICES” MEANS ANY ACTIVITY ASSOCIATED  
23 WITH THE DESIGN, INSTALLATION, OPERATION AND MAINTENANCE, PUMPING,  
24 REPAIR, OR PROPERTY TRANSFER INSPECTION OF AN ON–SITE WASTEWATER  
25 SYSTEM.

26 (E) (1) “ON–SITE WASTEWATER SYSTEM” MEANS:

27 (I) A WASTEWATER SYSTEM DESIGNED TO TREAT AND DISPOSE  
28 OF EFFLUENT ON:

29 1. THE SAME PROPERTY THAT PRODUCES THE  
30 WASTEWATER; OR

31 2. AN EASEMENT; OR

1 (II) A HOLDING TANK.

2 (2) "ON-SITE WASTEWATER SYSTEM" INCLUDES A SEPTIC OR ANY  
3 OTHER ON-SITE SEWAGE DISPOSAL SYSTEM.

4 9-11A-02.

5 (A) THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL EMPLOYED BY A  
6 LOCAL, STATE, OR FEDERAL AGENCY WHILE PERFORMING THE DUTIES OF THAT  
7 EMPLOYMENT.

8 (B) NOTHING IN THIS SUBTITLE PREVENTS OR PROHIBITS A LOCAL  
9 GOVERNMENT FROM IMPOSING REQUIREMENTS, STANDARDS, OR FEES THAT ARE  
10 MORE STRINGENT THAN THE REQUIREMENTS, STANDARDS, OR FEES ESTABLISHED  
11 IN THIS SUBTITLE.

12 9-11A-03. RESERVED.

13 9-11A-04. RESERVED.

14 PART II. STATE BOARD OF ON-SITE WASTEWATER PROFESSIONALS.

15 9-11A-05.

16 (A) THERE IS A STATE BOARD OF ON-SITE WASTEWATER PROFESSIONALS  
17 IN THE DEPARTMENT.

18 (B) THE PURPOSE OF THE BOARD IS TO:

19 (1) REGULATE INDIVIDUALS WHO PROVIDE ON-SITE WASTEWATER  
20 SERVICES OR ENGAGE IN THE BUSINESS OF PROVIDING ON-SITE WASTEWATER  
21 SERVICES IN THE STATE FOR THE PURPOSE OF SAFEGUARDING THE LIFE, HEALTH,  
22 PROPERTY, ENVIRONMENT, AND PUBLIC WELFARE OF THE RESIDENTS OF THE  
23 STATE; AND

24 (2) ESTABLISH, IN CONSULTATION WITH THE DEPARTMENT,  
25 MINIMUM STANDARDS FOR ON-SITE WASTEWATER SYSTEMS THAT ARE NOT  
26 REQUIRED TO BE PERMITTED UNDER § 9-323 OF THIS TITLE, INCLUDING  
27 STANDARDS FOR THE PROCESSES, PROCEDURES, TECHNIQUES, AND MATERIALS  
28 ASSOCIATED WITH THE PROPER DESIGN, ACCEPTABLE INSTALLATION, ADEQUATE  
29 OPERATION AND MAINTENANCE, INCLUDING PUMPING OR REPAIR, AND PROPERTY  
30 TRANSFER INSPECTION OF AN ON-SITE WASTEWATER SYSTEM.

1 **9-11A-06.**

2 (A) (1) **THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:**

3 (I) **AS A NONVOTING MEMBER OF THE BOARD, THE**  
4 **SECRETARY, OR THE SECRETARY'S DESIGNEE;**

5 (II) **SIX INDIVIDUALS APPOINTED BY THE GOVERNOR WITH THE**  
6 **ADVICE OF THE SECRETARY AND WITH THE ADVICE AND CONSENT OF THE SENATE;**

7 (III) **ONE INDIVIDUAL DESIGNATED BY THE MARYLAND ONSITE**  
8 **WASTEWATER PROFESSIONALS ASSOCIATION; AND**

9 (IV) **ONE REPRESENTATIVE OF THE MARYLAND CONFERENCE**  
10 **OF LOCAL ENVIRONMENTAL HEALTH DIRECTORS, DESIGNATED BY THE MARYLAND**  
11 **CONFERENCE OF LOCAL ENVIRONMENTAL HEALTH DIRECTORS.**

12 (2) **OF THE MEMBERS OF THE BOARD:**

13 (I) **AT LEAST SIX SHALL BE ON-SITE WASTEWATER**  
14 **PROFESSIONALS; AND**

15 (II) **TWO SHALL BE CONSUMER MEMBERS.**

16 (3) (I) **THE ON-SITE WASTEWATER PROFESSIONAL MEMBERS OF**  
17 **THE BOARD SHALL BE REPRESENTATIVE OF ALL REGIONS OF THE STATE.**

18 (II) **BEFORE JULY 1, 2026, THE ON-SITE WASTEWATER**  
19 **PROFESSIONAL MEMBERS OF THE BOARD SHALL:**

20 1. **BE LICENSED BY A LOCAL GOVERNMENT; OR**

21 2. **HOLD A LETTER FROM THE LOCAL HEALTH**  
22 **DEPARTMENT STATING THAT THE MEMBER HAS BEEN PROVIDING ON-SITE**  
23 **WASTEWATER SERVICES FOR A MINIMUM OF 7 YEARS AND IS IN GOOD STANDING.**

24 (III) **ON AND AFTER JULY 1, 2026, AND IN ACCORDANCE WITH**  
25 **THIS SUBTITLE, THE ON-SITE WASTEWATER PROFESSIONAL MEMBERS OF THE**  
26 **BOARD SHALL BE LICENSED BY THE BOARD.**

27 (4) **EACH CONSUMER MEMBER OF THE BOARD:**

1 (I) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

2 (II) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO  
3 REGULATION BY THE BOARD;

4 (III) MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR  
5 THE PROFESSIONAL MEMBERS OF THE BOARD; AND

6 (IV) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE  
7 HAD A FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON  
8 REGULATED BY THE BOARD.

9 (B) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:

10 (1) HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION  
11 FROM A PERSON REGULATED BY THE BOARD; OR

12 (2) GRADE AN EXAMINATION GIVEN BY OR FOR THE BOARD.

13 (C) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE  
14 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

15 (D) (1) THE TERM OF A VOTING MEMBER IS 3 YEARS.

16 (2) A VOTING MEMBER MAY SERVE TWO TERMS CONSECUTIVELY.

17 (3) THE TERMS OF VOTING MEMBERS ARE STAGGERED AS REQUIRED  
18 BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2022.

19 (4) AT THE END OF A TERM, A VOTING MEMBER CONTINUES TO SERVE  
20 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

21 (5) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
22 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED  
23 AND QUALIFIES.

24 (E) THE GOVERNOR MAY REMOVE A VOTING MEMBER FOR INCOMPETENCE,  
25 MISCONDUCT, OR ON RECOMMENDATION OF A MAJORITY OF THE BOARD.

26 9-11A-07.

27 (A) THE MEMBERS OF THE BOARD SHALL DESIGNATE A CHAIR.

1           **(B) THE BOARD SHALL DETERMINE THE MEANS OF THE ELECTION OF**  
2 **OFFICERS.**

3 **9-11A-08.**

4           **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**  
5 **QUORUM.**

6           **(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS**  
7 **MEETINGS.**

8           **(C) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR**  
9 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN**  
10 **THE STATE BUDGET.**

11           **(D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE**  
12 **BUDGET.**

13 **9-11A-09.**

14           **THE BOARD SHALL:**

15                   **(1) MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE**  
16 **ADOPTION OF REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE,**  
17 **INCLUDING:**

18                           **(I) LICENSING PROCEDURES, QUALIFICATIONS, AND**  
19 **CONTINUING EDUCATION REQUIREMENTS FOR THE FOLLOWING CATEGORIES:**

20                                   1.   **DESIGNER;**

21                                   2.   **MASTER INSTALLER AND JOURNEY INSTALLER;**

22                                   3.   **MASTER ON-SITE WASTEWATER PROPERTY**  
23 **TRANSFER INSPECTOR AND JOURNEY ON-SITE WASTEWATER PROPERTY TRANSFER**  
24 **INSPECTOR;**

25                                   4.   **MASTER PUMPER AND JOURNEY PUMPER; AND**

26                                   5.   **MASTER OPERATION AND MAINTENANCE PROVIDER**  
27 **AND JOURNEY OPERATION AND MAINTENANCE PROVIDER;**

1                   **(II) CERTIFICATION PROCEDURES, QUALIFICATIONS, AND**  
2 **CONTINUING EDUCATION REQUIREMENTS FOR THE FOLLOWING CATEGORIES:**

- 3                   1.   **DESIGNER;**
- 4                   2.   **ADVANCED TREATMENT INSTALLER;**
- 5                   3.   **MOUND INSTALLER;**
- 6                   4.   **DRIP DISPERSAL INSTALLER;**
- 7                   5.   **PUMP DISPERSAL SYSTEM INSTALLER;**
- 8                   6.   **ADVANCED TREATMENT OPERATION AND**  
9 **MAINTENANCE PROVIDER;**
- 10                  7.   **ADVANCED TREATMENT UNIT PUMPER;**
- 11                  8.   **ADVANCED TREATMENT PROPERTY TRANSFER**  
12 **INSPECTOR; AND**
- 13                  9.   **ANY OTHER CATEGORY ASSOCIATED WITH A SPECIFIC**  
14 **ON-SITE WASTEWATER TREATMENT TECHNOLOGY; AND**

15                   **(III) MINIMUM STANDARDS FOR ANY PROCESSES, PROCEDURES,**  
16 **TECHNIQUES, AND MATERIALS ASSOCIATED WITH THE PROPER DESIGN,**  
17 **ACCEPTABLE INSTALLATION, ADEQUATE OPERATION AND MAINTENANCE,**  
18 **INCLUDING PUMPING OR REPAIR, AND PROPERTY TRANSFER INSPECTION OF AN**  
19 **ON-SITE WASTEWATER SYSTEM THAT IS NOT REQUIRED TO BE PERMITTED UNDER §**  
20 **9-323 OF THIS TITLE;**

21                   **(2) REVIEW REGULATIONS PROPOSED BY THE DEPARTMENT TO**  
22 **CARRY OUT THE PROVISIONS OF THIS SUBTITLE;**

23                   **(3) ESTABLISH A CODE OF ETHICS PROVIDED BY THE DEPARTMENT**  
24 **FOR:**

- 25                   **(I) MEMBERS OF THE BOARD; AND**
- 26                   **(II) INDIVIDUALS LICENSED BY THE BOARD;**

1           **(4) ON OR BEFORE JUNE 1, 2024, MAKE RECOMMENDATIONS TO THE**  
2 **DEPARTMENT FOR ESTABLISHING THE LICENSING AND CERTIFICATION**  
3 **PROCEDURES SPECIFIED UNDER ITEM (1) OF THIS SECTION;**

4           **(5) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER**  
5 **THIS SUBTITLE; AND**

6           **(6) KEEP A CURRENT RECORD OF ALL INDIVIDUALS AND ENTITIES**  
7 **LICENSED UNDER THIS SUBTITLE.**

8 **9–11A–10.**

9           **(A) (1) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL**  
10 **SET BY REGULATION REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF**  
11 **LICENSES AND OTHER SERVICES THAT THE BOARD PROVIDES.**

12           **(2) THE FEES SHALL BE SET TO PRODUCE FUNDS TO APPROXIMATE**  
13 **THE COSTS OF MAINTAINING THE BOARD.**

14           **(B) THE BOARD SHALL PUBLISH A SCHEDULE OF THE FEES.**

15           **(C) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS SUBTITLE**  
16 **INTO THE ON–SITE WASTEWATER PROFESSIONALS FUND ESTABLISHED UNDER §**  
17 **9–11A–11 OF THIS SUBTITLE.**

18 **9–11A–11.**

19           **(A) IN THIS SECTION, “FUND” MEANS THE ON–SITE WASTEWATER**  
20 **PROFESSIONALS FUND.**

21           **(B) THERE IS AN ON–SITE WASTEWATER PROFESSIONALS FUND.**

22           **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO MAINTAIN THE**  
23 **BOARD.**

24           **(D) THE BOARD SHALL ADMINISTER THE FUND.**

25           **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
26 **SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

27           **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
28 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**



1           **(F) THE FUND CONSISTS OF:**

2           **(1) ALL FEES, PENALTIES, AND FINES COLLECTED UNDER THIS**  
3 **SUBTITLE;**

4           **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

5           **(3) INTEREST EARNINGS OF THE FUND;**

6           **(4) DONATIONS TO THE FUND; AND**

7           **(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
8 **THE BENEFIT OF THE FUND.**

9           **(G) THE FUND SHALL BE USED ONLY TO MAINTAIN THE BOARD AND**  
10 **IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.**

11           **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**  
12 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

13           **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**  
14 **THE FUND.**

15           **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
16 **WITH THE STATE BUDGET.**

17           **(J) MONEY EXPENDED FROM THE FUND TO MAINTAIN THE BOARD OR**  
18 **IMPLEMENT THE PROVISIONS OF THIS SUBTITLE IS SUPPLEMENTAL TO AND IS NOT**  
19 **INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**  
20 **APPROPRIATED FOR THE BOARD.**

21 **9-11A-12.**

22           **ON OR BEFORE DECEMBER 31 EACH YEAR, THE BOARD SHALL PREPARE AND**  
23 **SUBMIT AN ANNUAL REPORT TO THE SECRETARY ON:**

24           **(1) THE STATUS OF THE ON-SITE WASTEWATER PROFESSIONALS**  
25 **FUND;**

26           **(2) REVENUES AND EXPENDITURES FROM THE ON-SITE**  
27 **WASTEWATER PROFESSIONALS FUND;**

1           **(3) THE EFFICIENCY OF THE REGULATIONS ADOPTED BY THE**  
2 **DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE;**

3           **(4) COMPLIANCE WITH THE REGULATIONS ADOPTED BY THE**  
4 **DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE; AND**

5           **(5) BASED ON THE FACTORS SPECIFIED IN ITEMS (1) THROUGH (4) OF**  
6 **THIS SECTION, THE NECESSITY TO REVIEW AND ADJUST THE FEES SET BY THE**  
7 **DEPARTMENT BY REGULATION.**

8 **9-11A-13. RESERVED.**

9 **9-11A-14. RESERVED.**

10                                   **PART III. LICENSING.**

11 **9-11A-15.**

12           **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
13 **AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD IN ACCORDANCE WITH THIS**  
14 **SUBTITLE BEFORE THE INDIVIDUAL MAY PROVIDE ON-SITE WASTEWATER SERVICES**  
15 **IN THE STATE.**

16           **(2) (I) AN INDIVIDUAL WHO, AS OF JANUARY 1, 2022, HOLDS A**  
17 **LICENSE, REGISTRATION, OR CERTIFICATION TO PROVIDE ON-SITE WASTEWATER**  
18 **SERVICES IN THE STATE MAY CONTINUE TO PROVIDE ON-SITE WASTEWATER**  
19 **SERVICES UNTIL THE LICENSING REQUIREMENTS ARE ESTABLISHED BY THE**  
20 **DEPARTMENT BY REGULATION IF THE INDIVIDUAL:**

21                           **1. ON OR BEFORE DECEMBER 31, 2022, PAYS TO THE**  
22 **DEPARTMENT A FEE OF \$150; AND**

23                           **2. EVERY 2 YEARS THEREAFTER UNTIL THE**  
24 **DEPARTMENT SETS FEES IN ACCORDANCE WITH § 9-11A-10 OF THIS SUBTITLE,**  
25 **PAYS TO THE DEPARTMENT A RENEWAL FEE OF \$150.**

26           **(II) IF A LOCAL GOVERNMENT DOES NOT ISSUE LICENSES,**  
27 **REGISTRATIONS, OR CERTIFICATIONS TO INDIVIDUALS TO PROVIDE ON-SITE**  
28 **WASTEWATER SERVICES, AN INDIVIDUAL MAY REQUEST A LETTER OF GOOD**  
29 **STANDING FROM THE LOCAL HEALTH DEPARTMENT TO CONTINUE TO PROVIDE**  
30 **ON-SITE WASTEWATER SERVICES IN ACCORDANCE WITH SUBPARAGRAPH (I) OF**  
31 **THIS PARAGRAPH.**

1           **(III) THE DEPARTMENT SHALL PAY ALL FEES COLLECTED**  
2 **UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION INTO THE ON-SITE WASTEWATER**  
3 **PROFESSIONALS FUND ESTABLISHED UNDER § 9-11A-11 OF THIS SUBTITLE.**

4           **(B) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE**  
5 **REQUIREMENTS ESTABLISHED BY THE DEPARTMENT BY REGULATION.**

6           **(C) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

7                 **(1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE**  
8 **BOARD PROVIDES; AND**

9                 **(2) PAY TO THE BOARD THE REQUIRED APPLICATION FEE SET BY THE**  
10 **DEPARTMENT BY REGULATION.**

11           **(D) A BUSINESS PROVIDING ON-SITE WASTEWATER SERVICES OR**  
12 **CONTRACTING TO PROVIDE ON-SITE WASTEWATER SERVICES THAT ARE**  
13 **REGULATED BY THE BOARD MUST HAVE AN EMPLOYEE OR OWNER LICENSED BY THE**  
14 **BOARD.**

15           **(E) A LICENSE ISSUED BY THE BOARD IN ACCORDANCE WITH THIS**  
16 **SUBTITLE IS VALID FOR 2 YEARS.**

17           **(F) IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE**  
18 **DEPARTMENT BY REGULATION, THE BOARD MAY ISSUE A CERTIFICATION TO AN**  
19 **INDIVIDUAL TO PERFORM SPECIFIC TASKS ASSOCIATED WITH ON-SITE**  
20 **WASTEWATER SERVICES IF THE INDIVIDUAL:**

21                 **(1) IS LICENSED BY THE BOARD; OR**

22                 **(2) HOLDS A PROFESSIONAL LICENSE THAT IS APPROVED BY THE**  
23 **BOARD.**

24 **9-11A-16.**

25           **SUBJECT TO THE HEARING REQUIREMENTS IN § 9-11A-17 OF THIS SUBTITLE,**  
26 **THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,**  
27 **OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:**

28                 **(1) VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY**  
29 **REGULATION ADOPTED UNDER THIS SUBTITLE;**

1           **(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**  
2 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

3           **(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE; OR**

4           **(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR**  
5 **MISCONDUCT WHILE PROVIDING ON-SITE WASTEWATER SERVICES.**

6 **9-11A-17.**

7           **(A) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE**  
8 **STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION**  
9 **UNDER § 9-11A-16 OF THIS SUBTITLE IT SHALL GIVE THE INDIVIDUAL AGAINST**  
10 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE**  
11 **THE BOARD.**

12           **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**  
13 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

14           **(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY**  
15 **PROCEEDING UNDER THIS SECTION.**

16           **(D) IF, AFTER DUE NOTICE, THE APPLICANT OR LICENSEE AGAINST WHOM**  
17 **THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY**  
18 **HEAR AND DETERMINE THE MATTER.**

19           **(E) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A**  
20 **CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,**  
21 **MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE**  
22 **GOVERNMENT ARTICLE.**

23 **9-11A-18. RESERVED.**

24 **9-11A-19. RESERVED.**

25                           **PART IV. PROHIBITED ACTS; PENALTIES.**

26 **9-11A-20.**

27           **(A) EXCEPT AS PROVIDED IN § 9-11A-15(A) OF THIS SUBTITLE, AN**  
28 **INDIVIDUAL MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OR OFFER TO PROVIDE**  
29 **ON-SITE WASTEWATER SERVICES UNLESS THE INDIVIDUAL IS LICENSED BY THE**  
30 **BOARD.**

1 (B) A LICENSE MAY NOT BE BORROWED, RENTED, OR TRANSFERRED TO  
2 ANOTHER INDIVIDUAL.

3 9-11A-21.

4 (A) INSTEAD OF OR IN ADDITION TO ANY OTHER PENALTIES AUTHORIZED  
5 UNDER THIS TITLE, THE BOARD MAY IMPOSE AN ADMINISTRATIVE PENALTY ON A  
6 PERSON WHO VIOLATES THIS SUBTITLE IN AN AMOUNT NOT EXCEEDING \$1,000 PER  
7 DAY FOR ALL VIOLATIONS CITED ON A SINGLE DAY.

8 (B) IN SETTING THE AMOUNT OF THE ADMINISTRATIVE PENALTY, THE  
9 BOARD SHALL CONSIDER:

10 (1) THE SERIOUSNESS OF THE VIOLATION;

11 (2) THE HARM CAUSED BY THE VIOLATION;

12 (3) THE GOOD FAITH OF THE VIOLATOR;

13 (4) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR; AND

14 (5) ANY OTHER RELEVANT FACTORS.

15 (C) IF A VIOLATOR FAILS TO PAY AN ADMINISTRATIVE PENALTY WITHIN 90  
16 DAYS AFTER THE IMPOSITION OF THE ADMINISTRATIVE PENALTY BY THE BOARD,  
17 THE MATTER SHALL BE FORWARDED TO THE CENTRAL COLLECTION UNIT IN THE  
18 DEPARTMENT OF BUDGET AND MANAGEMENT FOR THE COLLECTION OF THE  
19 ADMINISTRATIVE PENALTY.

20 (D) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO  
21 THE ON-SITE WASTEWATER PROFESSIONALS FUND ESTABLISHED UNDER §  
22 9-11A-11 OF THIS SUBTITLE.

23 **Article – State Finance and Procurement**

24 6-226.

25 (a) (2) (i) Notwithstanding any other provision of law, and unless  
26 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
27 terms of a gift or settlement agreement, net interest on all State money allocated by the  
28 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
29 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
30 Fund of the State.

1 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
2 to the following funds:

3 144. the Health Equity Resource Community Reserve Fund;

4 [and]

5 145. the Access to Counsel in Evictions Special Fund; AND

6 **146. THE ON-SITE WASTEWATER PROFESSIONALS FUND.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of On-Site  
8 Wastewater Professionals shall be fully operational on or before June 1, 2023.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
10 members of the State Board of On-Site Wastewater Professionals shall expire as follows:

11 (1) three members in 2025;

12 (2) three members in 2026; and

13 (3) three members in 2027.

14 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before July 1, 2025, the  
15 Department of the Environment, in consultation with the State Board of On-Site  
16 Wastewater Professionals, shall adopt regulations to implement Section 1 of this Act.

17 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before July 1, 2026, all  
18 individuals who provide on-site wastewater services in the State shall be licensed by the  
19 State Board of On-Site Wastewater Professionals.

20 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 1, 2022.