

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 834

(Delegate Love)

Environment and Transportation

Education, Health, and Environmental Affairs

On–Site Sewage Disposal Systems – Outreach and Education (Septic Awareness Act of 2022)

This bill requires the Maryland Department of the Environment (MDE) to establish the third week in September as SepticSmart week. During SepticSmart week, MDE must use the educational materials provided under the U.S. Environmental Protection Agency’s (EPA) SepticSmart initiative and other resources to promote community awareness regarding (1) the proper use and maintenance of on-site sewage disposal (septic) systems and (2) the impact of proper design, installation, operation, and maintenance of those systems on preserving surface and underground waters, promoting public health, and avoiding costly repairs. The bill also requires a contract for the sale of residential real property to include a provision that provides notice of the Septic Systems Outreach Toolkit available through EPA’s website; the bill establishes related requirements.

Fiscal Summary

State Effect: The bill is not anticipated to affect State operations or finances. MDE can implement the bill with existing budgeted resources.

Local Effect: None. The bill does not directly affect local operations or finances.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: “Septic Systems Outreach Toolkit” means a set of materials that promote homeowner education and awareness regarding septic systems and are available to the public for download from EPA’s [website](#).

The provision in a contract for the sale of residential real property that provides notice regarding the Septic Systems Outreach Toolkit must (1) include an Internet address that links to the toolkit and (2) be independently initialed by the purchaser. The failure of a vendor to include, or for the purchaser to initial, the required contract provision may not void the contract.

Current Law: “On-site sewage disposal system” is a sewage treatment unit, collection system, disposal area, and related appurtenances. The term includes a shared facility or community sewerage system that disposes of sewage effluent beneath the soil surface.

Maryland Department of the Environment Onsite Systems Division

MDE’s Onsite Systems Division provides technical assistance and direction to county health departments and local approving authorities for the implementation of delegated programs for on-site sewage disposal systems (commonly referred to as septic systems) and individual wells. Pursuant to current regulations, a person may not construct or attempt to construct a septic system without first obtaining a permit from the appropriate approving authority.

Real Property Provisions

Statute does not require septic system information to be provided to purchasers of real property. However, statute does require various other statements and disclosures.

For example, a contract for the initial sale of a new home must contain an acknowledgment that the purchaser was provided by the home builder with written information about any energy-efficient options, including a statement that tax credits may be available related to the energy-efficient options, that are available for installation in the home before construction is completed.

In addition, a contract for the sale of real property must contain a specified statement regarding the potential for the property to be located in the Chesapeake and Atlantic Coastal Bays Critical Area and that additional zoning, land use, and resource protection regulations apply in that area.

Additional Comments: EPA’s SepticSmart initiative is a nationwide public education effort with resources for homeowners, local organizations, and government leaders. EPA has numerous [links](#) on its website to teach homeowners how septic systems work and to provide tips on how to properly maintain a septic system. EPA also has posters and other materials available for download for various target audiences. MDE notes that the department participates in SepticSmart Week.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of the Environment; Department of Housing and Community Development; Department of Legislative Services

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