

SENATE BILL 964

M3, J1

5lr3320
CF HB 1124

By: **Dorchester County Senators**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2025

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County – Well and On-Site Sewage Disposal Activities –**
3 **Privatization Program**

4 FOR the purpose of authorizing the Department of the Environment, at the request of the
5 Dorchester County government and a certain delegated approval authority for
6 Dorchester County, to establish a privatization program for the performance of
7 certain activities associated with a certain well or on-site sewage disposal system
8 delegation of authority in Dorchester County; and generally relating to the
9 performance of well and on-site sewage disposal activities in Dorchester County.

10 BY adding to
11 Article – Environment
12 Section 9–1104.1
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2024 Supplement)

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

17 **Article – Environment**

18 **9–1104.1.**

19 **(A) IN THIS SECTION, “DELEGATED APPROVAL AUTHORITY” MEANS THE**
20 **LOCAL HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED A WELL OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ON-SITE SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY BY THE
2 DEPARTMENT.

3 (B) THIS SECTION APPLIES ONLY TO DORCHESTER COUNTY.

4 (C) (1) AT THE REQUEST OF A COUNTY GOVERNMENT AND THE
5 DELEGATED APPROVAL AUTHORITY, THE DEPARTMENT MAY ESTABLISH A
6 PRIVATIZATION PROGRAM FOR THE PERFORMANCE OF ANY ACTIVITIES ASSOCIATED
7 WITH A WELL OR ON-SITE SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY
8 BY THE DEPARTMENT.

9 (2) IF THE DEPARTMENT ESTABLISHES A PRIVATIZATION PROGRAM
10 UNDER THIS SECTION, THE DEPARTMENT SHALL:

11 (I) SPECIFY WHETHER THE PRIVATIZATION PROGRAM HAS A
12 LIMITED DURATION OR IS ONGOING;

13 (II) SPECIFY THE ACTIVITIES ASSOCIATED WITH A WELL OR
14 ON-SITE SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY COVERED UNDER
15 THE PRIVATIZATION PROGRAM;

16 (III) ESTABLISH REPORTING AND PERFORMANCE MONITORING
17 REQUIREMENTS, AS DETERMINED APPROPRIATE BY THE DEPARTMENT;

18 (IV) CONDUCT MANDATORY COMPLIANCE AUDITS ON AT LEAST
19 AN ANNUAL BASIS; ~~AND~~

20 (V) CONSIDER REASONABLE CONSUMER PROTECTION
21 REQUIREMENTS, INCLUDING FEE CAPS AND DISPUTE RESOLUTION MECHANISMS;

22 (VI) REQUIRE THAT PARTICIPANTS IN THE PRIVATIZATION
23 PROGRAM CARRY APPROPRIATE INSURANCE AND PROVIDE FINANCIAL
24 ASSURANCES, INCLUDING INDEMNIFICATION OF THE STATE, AND BONDS, LETTERS
25 OF CREDIT, OR SIMILAR FINANCIAL SECURITY, THE AMOUNTS OF WHICH SHALL BE
26 DETERMINED BY THE DEPARTMENT;

27 (VII) ENSURE THAT THE PRIVATIZATION PROGRAM COMPLIES
28 WITH APPLICABLE PROCUREMENT LAWS;

29 (VIII) ESTABLISH APPROPRIATE ETHICS POLICIES, INCLUDING
30 CONFLICT OF INTEREST STANDARDS, FOR THE PRIVATIZATION PROGRAM; AND

31 (IX) REQUIRE PARTICIPANTS IN THE PRIVATIZATION PROGRAM
32 TO TRANSFER ANY RECORDS RELATED TO THE PRIVATIZATION PROGRAM TO THE

1 DELEGATED APPROVAL AUTHORITY, AT WHICH TIME THE RECORDS SHALL BE
2 CONSIDERED PUBLIC RECORDS SUBJECT TO TITLE 4 OF THE GENERAL PROVISIONS
3 ARTICLE (THE PUBLIC INFORMATION ACT).

4 (3) THE DEPARTMENT MAY SUSPEND OR HALT A PRIVATIZATION
5 PROGRAM IF THE DEPARTMENT DETERMINES THAT THE PROGRAM:

6 (I) IS FAILING TO COMPLY WITH ANY REQUIREMENT
7 ESTABLISHED UNDER THIS SECTION;

8 (II) IS FAILING TO MEET REPORTING OR PERFORMANCE
9 MONITORING REQUIREMENTS ESTABLISHED UNDER THIS SECTION; OR

10 (III) POSES A RISK TO PUBLIC HEALTH OR THE ENVIRONMENT.

11 (D) IN ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM
12 ESTABLISHED UNDER THIS SECTION, A PERSON MUST:

13 (1) BE AN ENVIRONMENTAL HEALTH SPECIALIST LICENSED ~~IN~~ BY
14 THE STATE;

15 (2) HAVE DEMONSTRATED SATISFACTORY EXPERIENCE IN THE
16 ACTIVITIES ASSOCIATED WITH A WELL OR ON-SITE SEWAGE DISPOSAL SYSTEM
17 DELEGATION OF AUTHORITY COVERED UNDER THE PRIVATIZATION PROGRAM; AND

18 (3) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE
19 DEPARTMENT OR REQUESTED BY THE DELEGATED APPROVAL AUTHORITY TO
20 ENSURE THE QUALITY OF THE WORK PERFORMED UNDER THE PRIVATIZATION
21 PROGRAM.

22 (E) THE DELEGATED APPROVAL AUTHORITY SHALL REVIEW AND APPROVE
23 OR DISAPPROVE ANY WORK PERFORMED BY A PERSON UNDER A PRIVATIZATION
24 PROGRAM, CONSISTENT WITH THE DELEGATION OF AUTHORITY BY THE
25 DEPARTMENT.

26 (F) A DELEGATED APPROVAL AUTHORITY SEEKING TO ESTABLISH A
27 PRIVATIZATION PROGRAM UNDER THIS SECTION SHALL WORK WITH THE
28 DEPARTMENT AND COUNTY GOVERNMENT TO IMPLEMENT THE PRIVATIZATION
29 PROGRAM.

30 (G) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE
31 PRIVATIZATION PROGRAM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2025. It shall remain effective for a period of 3 years and, at the end of June 30, 2028,
3 this Act, with no further action required by the General Assembly, shall be abrogated and
4 of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.