

Chapter 424

(Senate Bill 964)

AN ACT concerning

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

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

BY adding to

Article – Environment

Section 9–1104.1

Annotated Code of Maryland

(2014 Replacement Volume and 2024 Supplement)

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

Article – Environment**9–1104.1.**

(A) IN THIS SECTION, “DELEGATED APPROVAL AUTHORITY” MEANS THE LOCAL HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED A WELL OR ON-SITE SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY BY THE DEPARTMENT.

(B) THIS SECTION APPLIES ONLY TO DORCHESTER COUNTY.

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

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

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

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

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

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

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

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

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

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

(IX) REQUIRE PARTICIPANTS IN THE PRIVATIZATION PROGRAM TO TRANSFER ANY RECORDS RELATED TO THE PRIVATIZATION PROGRAM TO THE DELEGATED APPROVAL AUTHORITY, AT WHICH TIME THE RECORDS SHALL BE CONSIDERED PUBLIC RECORDS SUBJECT TO TITLE 4 OF THE GENERAL PROVISIONS ARTICLE (THE PUBLIC INFORMATION ACT).

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 6, 2025.