

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE, AND RECYCLABLE MATERIALS

26.04.02 Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System is Not Available.

Authority: Environment Article, Title 9, Subtitles 2, 3, 4, 5, 11, 16, and Title 10, Annotated Code of Maryland

COMAR T. 26, Subt. 04, Ch. 02, Refs & Annos

Authority: Environment Article, §§9-216, 9-217, 9-223, 9-252, 9-255, 9-257, 9-268, 9-319, 9-403, 9-404, 9-510, 9-1108, 9-1114, 9-1605.2, 10-103, 10-301, and 10-304, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(8) (text unchanged)

(9) “Community water supply system” means a *community water system as defined in Environment Article, §9-401, Annotated Code of Maryland* [source of water and distribution system, including treatment facilities and storage facilities whether publicly or privately owned, serving two or more individual lots].

(10)—(30) (text unchanged)

(31) “Person” means *the federal government, the State, a county, municipal corporation, or other political subdivision of the State, or their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative, or a partnership, firm, association, public or private corporation, or another entity.* [an individual, partnership, firm, corporation, cooperative enterprise, or a governmental agency.]

(32)—(33) (text unchanged)

(34) “Portable unit” means a *transportable, self-contained potable water supply or sewage collection device.*

(a) “Portable unit” includes a *water buffalo, a mobile water storage tank or trailer, a chemical toilet, a restroom mounted on a trailer, or a similar device.*

(b) “Portable unit” does not include a *vehicle that is used solely for the delivery of potable water or the transportation of sewage.*

(35) “Privy” means an [earth] *earthen pit, [or] watertight pit, or receptacle that [for receiving] receives [nonwatery] non-water-carried human waste* [wastes over which is placed a privy house containing a seat or seats].

(36)—[(36)] (37) (text unchanged)

(38) “Septage” means the liquid and solid material pumped or removed from *portable units, chemical toilets, septic tanks, seepage pits, privies, [cesspools,] or holding tanks when the system is cleaned and maintained.*

(39)—[(50)] (51) (text unchanged)

(52) “Water supply system” means a *public water system as defined in Environment Article, §9-401, Annotated Code of Maryland.* [system that provides water for human consumption through pipes or other constructed conveyances and includes all sources of water that are or may be used as potable water including wells, springs, cisterns, or other sources and their appurtenances, such as, pitless adaptors, pumps, pressure tanks, water lines, and treatment and storage facilities.]

(53) [(52)] (text unchanged)

.02 General Provisions.

A. The requirements of this chapter apply to new on-site sewage disposal systems and non-community water supply systems, replacements, additions to existing systems, repair or replacement of an existing system, *portable units*, and any potential changes in the strength or volume of the sewage entering an on-site sewage disposal system.

B. *Community Sewerage System.*

(1) *Except as authorized by the Department, a person may not construct or install an on-site sewage disposal system to serve a property that is already connected to a community sewerage system.*

(2) If a community sewerage system is adequate and economically available to the building to be served, the Approving Authority may require a connection to the *community sewerage system.*

C. (text unchanged)

D. A person may not *store, transport, or dispose* of sewage, body, or industrial [wastes] *waste* in any manner which may [cause pollution of] *pollute* the ground surface, the waters of the State, or create a nuisance.

E. (text unchanged)

F. Water Supply for Non-Community System.

(1) *Except as authorized by the Department, a person may not construct or install a well to provide potable water to a property that is already connected to a community water supply system.*

(2) Only the following may be used as a water supply for residential and other establishments not served by a community water supply system:

(a)—(b) (text unchanged)

(3)—[(5)] (6) (text unchanged)

G. (text unchanged)

H. (text unchanged)

I. If water under pressure is not available, all human body wastes shall be disposed of in approved privies[, chemical toilets,] or *portable units* [any other installations acceptable to the Approving Authority] *subject to Regulation .08 of this chapter.* [These methods may not be authorized for new construction.]

J. (text unchanged)

K. (text unchanged)

L. *A person may not construct, install, operate, or use a holding tank to serve a property that is already connected to a community sewerage system.*

M. [L.] (text unchanged)

N. [M.] (text unchanged)

O. [N.] (text unchanged)

P. [O.] (text unchanged)

Q. [P.] (text unchanged)

R. [Q.] (text unchanged)

S. [R.] (text unchanged)

T. [S.] (text unchanged)

U. [T.] (text unchanged)

.08 Special Methods of Sewage Collection and Disposal.

A. *Except as authorized by the Department of Health in COMAR 10.15.03, a person may not utilize, operate, or make available a portable unit to allow, support, or facilitate:*

(1) *The occupation or use of a new building or structure;*

(2) *The occupation or use of a modification, alteration, extension, or expansion of an existing building or structure; or*

(3) *A change in use.*

B. *A person may not utilize, operate, or make available a portable unit for longer than 3 days within a 60-day period without authorization from the Approving Authority.*

C. *The Approving Authority may require a permit to utilize, operate, or make available a portable unit or a privy.*

D. *The Approving Authority may inspect a portable unit or a privy and require corrective action to address a violation of this chapter or applicable law within a reasonable time.*

E. *An owner or operator of a property where a portable unit is located shall ensure that each portable unit at the property meets all of the following requirements:*

(1) *Is subject to an enforceable maintenance agreement with an appropriately qualified third party to maintain the portable unit in accordance with manufacturer specifications, to replenish supplies, and to sustain the portable unit in a clean and sanitary condition as determined by the Approving Authority;*

(2) *Is pumped by a licensed septage hauler, if applicable, to ensure that the portable unit does not experience overflows, backups, odors, or unsanitary conditions as determined by the Approving Authority;*

(3) *Is supplied with an appropriate number of handwashing or sanitization stations, if applicable, and maintained in a clean and sanitary condition as determined by the Approving Authority; and*

(4) *Receives potable water, if applicable, at a frequency necessary to maintain adequate water pressure with a backflow prevention device to protect the safety and potability of the stored water and the appropriate functioning of each connected device as determined by the Approving Authority.*

F. [A.] (text unchanged)

G. [B.] (text unchanged)

H. [C.] Chemical toilets shall be:

(1) [constructed of] *Made from* impervious materials[.];

(2) [vented] *Vented* to the outside air above the roof line of a [the] structure housing them[.]; and

(3) [supplied] *Supplied* with an adequate amount of the chemical agent *that reduces and deodorizes* [used to reduce and deodorize] the tank contents. [Chemical toilets shall be used only for special term events, construction projects, and in the abatement of problems.]

I. [D.] [When privies or chemical toilets become filled to recommended capacity, the] *The owner, operator, or licensee of a privy or a portable unit that contains septage shall ensure that* [remove] *the contents are removed and* [dispose] *disposed of [the sewage] in accordance with Regulation .09 of this chapter.*

.09 Septage.

A. The owner, operator, or licensee of a septic tank, portable unit, seepage pit, privy, or [watertight] holding tank [for sewage] shall [remove all solid and liquid contents] *ensure that septage from the septic tank, portable unit, seepage pit, privy, or holding tank is:*

(1) *Removed properly* [as] to prevent a nuisance or a menace to public health or comfort; and

(2) [shall dispose] *Disposed of [the sewage] in compliance with applicable State and local requirements at a facility that is licensed by the Department under Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.*

B. Transportation.

(1) A person engaged in the transportation of septage *or a portable unit that contains septage* shall comply with § B(2) and (3) of this regulation.

(2) Vehicle Requirements.

(a) The owner of each vehicle used for transporting septage *or a portable unit that contains septage* shall maintain the vehicle in a clean and sanitary condition; and

(b) (text unchanged)

(3) The owner shall comply with following vehicle identification requirements:

(a) The name of the septage hauler is legibly lettered on both sides of each vehicle used for transporting septage, and the lettering is at least 3 inches in height[.]; *and*

(b) (text unchanged)