

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1444 (Washington County Delegation)  
Environment and Transportation

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Washington County - On-Site Sewage Disposal System Regulations - Exemptions

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This bill authorizes the Washington County Health Department (WCHD) to exempt an owner of residential real property – that is located in a Washington County Agricultural (Rural) or Rural Village Zoning district and, as of June 1, 2026, is served by a conventional on-site sewage disposal system (septic system) that utilizes a septic tank – from compliance with COMAR 26.04.02 (which governs, among other things, septic systems for homes in counties where a public sewage system is not available) if compliance with all or part of the regulation would be unduly burdensome. To establish that compliance would be unduly burdensome, an applicant must demonstrate that the unique characteristics of the property, existing infrastructure, or location of the septic system at issue makes compliance financially or physically impracticable. The bill (1) establishes a process for property owners to apply to WCHD for an exemption and (2) requires WCHD to review applications, make determinations, and issue permits granting exemptions if it determines that compliance would be unduly burdensome. The bill also establishes provisions regarding the applicability, term, and renewal of an exemption granted pursuant to the bill. **The bill takes effect June 1, 2026.**

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** WCHD can review and issue permits for exemptions using existing resources. The bill does not establish any application or permit fees, so there is no anticipated impact on Washington County revenues. There is no effect on other local governments.

**Small Business Effect:** Minimal.

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## Analysis

**Bill Summary:** An application for an exemption under the bill must (1) be submitted to WCHD and (2) include a report by a person licensed by the State Board of On-Site Wastewater Professionals that describes the burdens unique to the property that make compliance with specific regulations under COMAR 26.04.02 unduly burdensome.

WCHD must review an application and determine whether complying with the regulation or regulations specified in the application would be unduly burdensome. If WCHD determines that compliance would be unduly burdensome, it must issue a permit specifying the criteria from which the property owner is exempt.

An exemption granted under the bill (1) applies only to the property owner named in the application and does not run with the property and (2) expires three years after the date of issuance or on registering a change in title to the property (whichever occurs first). However, an exemption may be renewed an unlimited number of times.

### **Current Law:**

#### *Septic Systems Permitting and Related Regulatory Requirements*

The Maryland Department of the Environment (MDE) delegates the authority to issue permits to construct and repair conventional septic systems to local approving authorities. COMAR 26.04.02 governs sewage disposal and certain water systems for homes and other establishments in counties where a public sewage system is not available. Among other things, a person may not construct or attempt to construct a septic system without first obtaining a permit from the appropriate approving authority. A person also may not alter a septic system or cause it to receive any increase in flow or change in the character of wastewater unless permitted. A person must obtain an appropriate septic system permit, well construction permit, public or private water supply system permit, or public or private sewerage permit before constructing or altering any structure, residence, floating home, or commercial establishment that is served or planned to be served by a septic system or a private water supply system. Various requirements for the design and construction of conventional septic systems and, in some cases, the use of septic systems that utilize the best available technology for the removal of nitrogen, are specified in the regulations.

Local approving authorities, which are generally local health departments, conduct inspections and ensure compliance with the regulations. In Washington County, the local approving authority is WCHD.

## *State Board of On-site Wastewater Professionals*

Chapter 419 of 2022 established the State Board of Wastewater Professionals as a unit within MDE to regulate and license individuals who provide on-site wastewater services in the State, including septic system property transfer inspections. Pursuant to Chapter 419, generally, an individual must be licensed by the board before providing on-site wastewater services in the State. However, an individual who provides such services in the State may continue to provide such services until MDE establishes regulations that implement the licensing requirements established under Chapter 419 if the individual (1) complies with all applicable State and local laws and regulations; (2) pays a \$150 fee to MDE by December 31, 2022; and (3) pays a \$150 renewal fee every two years thereafter until MDE sets license and any other service-related fees by regulation.

Chapter 419 required MDE to adopt implementing regulations by July 1, 2025. MDE promulgated emergency regulations implementing portions of Chapter 419 by establishing licensing provisions for on-site wastewater property transfer inspectors. The emergency regulations took effect December 31, 2025, and expire May 24, 2026. Chapter 419 also required that all individuals who provide on-site wastewater services in the State be licensed by the board by July 1, 2026.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Washington County; Maryland Association of County Health Officers; Maryland Department of the Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2026  
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Analysis by: Kathleen P. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510