

**Title 26**  
**DEPARTMENT OF THE ENVIRONMENT**  
**Subtitle 04 REGULATION OF WATER SUPPLY,**  
**SEWAGE DISPOSAL, AND SOLID WASTE**

**Chapter 03 Water Supply and Sewerage Systems in the Sub  
division of Land in Maryland**

Authority: Environment Article, §9-506,  
Annotated Code of Maryland

**Preface**

It is the intent of these regulations to assure that subdivisions developed in the State shall be served by an adequate community water supply and community sewerage system, or, when developed in the absence of either a community water supply or community sewerage system, shall provide for an adequate and safe supply of drinking water and for the safe disposal of sewerage on each building site until such time as community water and sewerage facilities are made available.

These regulations shall also apply to mobile home parks constructed in the absence of community water or sewer systems.

**.01 Definitions.**

A. "Approving Authority" means the Secretary of the Environment or his designee.

B. "Community sewerage system" means any system, whether publicly or privately owned, serving two or more individual lots for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of the sewage and industrial wastes.

C. "Community water supply system" means a source of water and a distribution system, including treatment facilities and storage facilities, whether publicly or privately owned, serving two or more individual lots.

D. "County plan" means a comprehensive plan and all amendments and revisions of it for the provision of adequate water supply systems and sewerage and solid waste disposal systems and solid waste accep

tance facilities throughout the county to include all towns, municipal corporations, and sanitary districts in it.

E. "Developer or subdivider" means a person, persons, partnership, firm, corporation, or cooperative enterprise undertaking or participating in the development of a subdivision.

F. "Fifty year flood plain" means that area which would be inundated by storm water runoff equivalent to that which would occur with a rainfall of 50 year frequency, and is designated in the soil survey for a particular jurisdiction and to include the additional drainage which would accumulate from developed areas above the site under consideration.

G. "Individual sewerage system" means a single system of sewers and piping, treatment tanks, or other facilities serving only a single lot and disposing of sewage or individual wastes of a liquid nature, in whole or in part, on or in the soil of the property, into any waters of this State, or by other methods.

H. "Individual water supply system" means a single system of piping, pumps, tanks, or other facilities utilizing a source of ground or surface water to supply only a single lot.

I. "Lot" means a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

J. "Lot area" means the total usable area which is included within the rear, side, and front lot lines but to exclude those areas:

- (1) Covered by mean high tide;
- (2) In an existing or proposed public road; and
- (3) Having land sloped exceeding 25 percent and areas located within the 50-year flood plain.

K. "Lot width" means the horizontal distance between the side lot lines measured at the building lot line or set-back line.

L. "Minimum ownership" means the minimum ownership area which may be required to be titled and recorded in the name of a person or persons, partnership, firm, corporation, or cooperative enterprise when community water or sewerage systems are not available. More than one lot may be included in the minimum ownership area.

M. "Preliminary plan" means a drawing of a proposed subdivision containing information as required by these regulations for review by the Approving Authority.

N. "Record plat" means a completed drawing of the subdivision which contains all pertinent information required by these regulations and any other data necessary for recording plats.

O. "Soil survey" means the scientific inventory consisting of soil maps, soil unit descriptions, classification in the National System, and interpretations for use, as conducted by the National Cooperative Soil Survey by the U.S. Department of Agriculture, Soil Conservation Service, in cooperation with the Maryland Agricultural Experiment Station.

P. "Subdivision" means the division of a single tract, tracts, or other parcels of land, or a part of it, into two or more lots, for the purpose, whether immediate or future, of sale or of building development. Subdivision includes a change in street lines or lot lines, unless the Approving Authority determines that the change will not adversely affect the safety and adequacy of well sites or sewage disposal areas of the subject lot or adjacent lots. However, division of land for agricultural purposes into parcels of more than 3 acres, not involving any new street or easement of access, may not be included within the meaning of "subdivision". ,

#### **.02 Submission of Plans and Procedures for Securing Approval.**

A. Any developer or subdivider contemplating the subdivision of land, before preparation of a preliminary plan, may request a review by the Approving Authority and other agencies having jurisdiction to secure information concerning general requirements in the area in which the proposed subdivision is to be located. If individual water supply or individual sewerage systems are contemplated, rejection or tentative approval may be secured at this time by submitting a boundary plat of the proposed subdivision and by drilling test wells and performing soil percolation tests on the entire tract in the numbers and at the locations as the Approving Authority may require, but not less than one percolation test per acre. The soil percolation tests should be performed only at the time of year when the highest water table can be expected as indicated for a given area by the soil survey. The results of the percolation tests shall be considered along with available data on the general topography, soil classifications, surface and subsurface drainage conditions, elevation of the water table, the history of failures

of sewerage systems and individual water supplies in adjacent areas, and the extent of sewerage systems and individual water supply development in the adjacent area. The development of a subdivision may not be considered where, in the opinion of the Approving Authority, the infiltration of individual sewerage system wastes may result in the contamination of the ground water.

B. Application for approval of a subdivision shall include a preliminary plan and any other forms required by the Approving Authority. These forms shall include a description of the methods proposed for providing water supply and sewage disposal. Where individual water supply or sewerage systems are contemplated, the Approving Authority shall require at least one percolation test on each lot at the approximate disposal site, and any other tests as may be required, to be conducted under the supervision of the Approving Authority, with the resultant data becoming part of the application. The soil percolation test sites will be shown on the preliminary plan.

C. In those areas where the soil survey indicates moderate or severe restriction due to seasonal high water tables, the percolation tests shall be performed at the time of year when the highest water table can be expected as indicated for a given area by the soil survey. The tests shall be performed at such elevation as to leave undisturbed soil for the underground sewage disposal area after grading is completed. The Approving Authority shall consider the general topography of the area, soil classifications, surface and subsurface drainage conditions, elevation of the ground water table, the history of failures of sewerage systems, and well water supply development in the adjacent area.

D. The preliminary plan of a subdivision shall be clearly drawn to scale and shall show street arrangements, building lines, rights-of-way, utility and drainage easements, lot dimensions, and lot area. All lots shall be numbered. Topography shall be shown on 2-foot contours, provided, however, that if ground slope is sufficiently steep for 5-foot contours to show the surface configuration, the Approving Authority may permit use of the larger contour interval. Smaller contour intervals may be required where 2-foot contours do not indicate existing surface conditions. A general site location map shall be included with the preliminary plan for reference identification of the area. At least two white prints of the preliminary plan shall be submitted to the Approving Authority.

E. If a community water supply or community sewerage system is to be used in the development of any new subdivision, the record plat

shall contain a statement, signed by the Approving Authority, to the effect that use of the community water supply or community sewerage system is in conformance with the county plan. The record plat shall also contain a statement, signed by the owner, that the facilities will be available to all lots offered for sale.

F. If a community water supply or community sewerage system is to be constructed to serve any new subdivision, the record plat shall contain a statement, in addition to the above, signed by the owner, to the effect that plans for the facilities, including any necessary point of discharge, have been approved by the Department of the Environment. The Approving Authority shall require of the owner any assurance he deems necessary that the facilities will be maintained and operated so as to provide for a continuous and acceptable water supply or sewage disposal service to the properties served.

G. If individual water supplies or individual sewage systems are to be used to serve any new subdivision, the preliminary plan shall show the proposed location of water supply wells, sewage disposal areas, location of percolation tests, and shall include the location of existing wells and sewerage systems located within 100 feet of the proposed subdivision boundaries.

H. All lots in a subdivision proposed for uses other than single family dwellings, such as churches, public utilities, shopping centers, multifamily dwellings and buildings, general commercial or industrial buildings, shall be designated for that use on the preliminary plan, together with scale dimensions and approximate area of each site. Where individual water supply or individual sewerage systems are proposed for the facilities, these sites shall be planned with due regard for the size of the system that will be required and the necessary land area which shall be provided for the installation and replacement of the systems.

I. Within 30 days after completion of the required tests and after consultation with other official agencies and review of all pertinent data, if the Approving Authority is satisfied that the site is suitable for the proposed water supply and sewage disposal installations, an approval to proceed will be issued. Lots may not be sold for purposes of construction or construction begun in any subdivision without the approval of the Approving Authority.

J. If a record plat is not filed within 6 months of the approval of the preliminary plan, the approved preliminary plan shall become null and void, provided, however, that extension may be granted at the discre

tion of the Approving Authority upon written request for not more than 12 months following the termination date of the preliminary plan.

K. A subdivision plat may not be recorded in the land record offices of this State unless it bears the signature of the Secretary or the Secretary's designee.

.03 Minimum Ownership.

A. In all subdivisions, individual water supply and sewage disposal facilities may be permitted when in conformance with the county plan and where the following acceptable physical conditions are present: topography, soil types, surface and subsurface drainage, and the absence of a fluctuating high water table. These determinations shall be based upon available information which shall include the history of individual water supply and individual sewerage system failures in adjacent areas, extent of existing individual water supplies and sewerage systems, information obtained from the soil survey for the jurisdiction, standard percolation tests, available geologic and hydrologic data and any other information which may be available. Minimum ownership of property shall be determined in accordance with the following criteria:

(1) For each dwelling unit a minimum area of 10,000 square feet exclusive of buildings, easements, right-of-ways, and other permanent or physical objects, shall be provided for the subsurface disposal of sewage.

(2) Minimum ownership shall be determined in accordance with provisions of Regulation .02A, B, and C and the following table:

Time Required for a <b>1 Inch Drop</b>  (minutes)	Using Individual <b>Wells &amp; Sewerage Facilities</b> <i>Min. Width Min. Area</i> <i>(feet) (sq. ft.)</i>		Using Public <b>Water Facilities &amp; Individual Sewerage Systems</b> <i>Min. Width Min. Area</i> <i>(feet) (sq. ft.)</i>	
	1 to 5	100	20,000	100
6 to 15	125	25,000	100	17,500
16 to 25	150	30,000	100	20,000
26 to 30	150	40,000	150	30,000

Over 30 minutes unacceptable

(3) Where soil percolation test results indicate readings of less than 1 minute for a 1 inch drop, the approval or rejection of the area

for subdivision purposes shall be at the discretion of the Approving Authority.

(4) Percolation tests shall be made in sufficient number and at the locations specified by the Approving Authority. Areas included in the table are subject to exclusions designed in Regulation .01J. Minor variations in lot widths and total area given in the table not exceeding 5 percent of the table values may be allowed when, in the opinion of the Approving Authority, conditions warrant these variations.

(5) Where community sewerage is available and individual water supply systems must be utilized, the minimum lot area shall be 10,000 square feet with a minimum of 75 feet. In this situation the "lot area" may include areas having land slopes exceeding 25 percent.

(6) In subdivisions where individual water supplies and individual sewerage facilities are authorized, the developer may subdivide the property in a manner which will provide for smaller lots than determined by the table in §A(2), above. However, a notation shall be made on the preliminary plan and on the record plat that the minimum ownership shall be equal to the minimum width and minimum area established by the table until community sewerage and water have been made available. Not more than one principal building may be erected or constructed on a lot, or lots, contained in the minimum ownership area as established by the table until community sewerage has been made available. '

B. In subdivisions where individual water supplies or individual sewerage systems are proposed, if the Approving Authority finds that the lot sizes permitted in §A(2) of this regulation will not assure the safety of individual water supplies or the continued functioning of individual sewerage systems, he shall reject the subdivision plan or require its amendment to provide increased lot sizes. In making the amendments, the Approving Authority shall include the following factors along with any others which may be given:

- (1) Topography;
  - (2) Soil type and condition;
  - (3) Surface and subsurface drainage;
  - (4) Water table level;
  - (5) History of failures of individual sewerage systems in adjacent areas;
- and

(6) Extent of individual water supply or individual sewerage system development in adjacent areas.

C. In subdivisions near or adjacent to existing or proposed potable water supply reservoirs, a lot located within 2,500 feet of the normal water level, measured horizontally, may not have installed an individual sewerage system unless it has an area of not less than 43,560 square feet with a minimum width of 175 feet. In addition, no part of the sewage disposal facility may be closer to the normal water level, measured horizontally, than is given below:

<i>Feet From Water Intake</i>	<i>Distance in Feet From Normal Water Level</i>
3,000 and over	100
3,000 or less	200

Normal water level shall be the elevation of the spillway crest. These limitations may not apply to areas below the dam forming the reservoir.

D. In subdivisions near or adjacent to streams used as potable water supply sources, a lot location within 5,000 feet upstream from the water intake may not use an individual sewerage facility unless it has an area of not less than 43,560 square feet with a minimum width of 175 feet. In addition, no part of the sewage disposal facility may be closer to the stream bank than is given below:

<i>Feet Upstream From Water Intake</i>	<i>Distance in Feet From Stream Bank</i>
3,000 and over	100
3,000 or less	200

E. The lot sizes designated in §A, above, may not apply when community water supply and community sewerage facilities are available or under construction contract. When these community utilities are used, lot size requirements shall be those designated by the planning and zoning authority, or other authorities or agencies having jurisdiction in the area. Individual water supply and sewerage systems may be provided on an interim basis as authorized by the county plan.

**.04 Approval of Community Water Supply and Community Sewerage Installations.**

A. Where the installation of a community water supply or a community sewerage system, or both, is to be provided, plans for the installa



tion shall be subject to the approval of the Approving Authority and the Department of the Environment.

B. Where a community water supply system or community sewerage system, or both, is proposed for a subdivision and is to be operated by an entity such as an individual, partnership, or a utility corporation rather than a public agency, the operating entity shall comply with the regulations of the Public Service Commission (Article 78, Annotated Code of Maryland) and shall be responsible for operation and maintenance of the system. In all cases the operating entity shall be approved by the Approving Authority and the Department of the Environment. This approval shall be conditioned upon the financial and ownership requirements as are found necessary to assure continued, efficient, and effective operation of the s\_, -rem.

**.05 Variances.**

The Department of the Environment may grant minor variances to area, well siting, distance, width, and slope requirements of these regulations, if lot configuration and physical circumstances so require, upon the recommendation of the Approving Authority provided that the public health is protected.

**.06 Appeal.**

A person aggrieved by a final decision of the Approving Authority in a contested case has the right to have the decision reviewed in accordance with the provisions of the Administrative Procedure Act and other applicable statutes and regulations. All appeals shall be filed with the Director, Water Management Administration, within 30 days after notification of the final decision by the Approving Authority.

**.07 Penalty.**

Any person who violates the provision of any of these regulations shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than \$50 and no more than \$100 for each offense and such other penalties as may be provided by law.

**.08 Effective Date.**

Any preliminary plan or record plat of a subdivision which has been submitted to the Approving Authority before the date of adoption may not be required to comply with these regulations, if final approval and recordation, when required by law, is completed no later than 6 months from the date of adoption.

26.04.03.08

ENVIRONMENT

Administrative History

Effective date: March 3, 1972

Regulation.O1P amended effective December 14, 1979 (6:25 Md. R. 1981)

Regulation.02K amended effective February 24, 1986 (13:4 Md. R. 396)

Regulation .04-1 adopted effective February 24, 1986 (13:4 Md. R. 396)

Regulations .04-1-.07 recodified as Regulations .05-.08

Chapter recodified from COMAR 10.17.03 to COMAR 26.04.03

Regulation .06 repealed and new Regulation .06 adopted effective October 26, 1992

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