

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall not affect or repeal any local ordinance in existence as of January 1, 1985.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1985.

May 28, 1985

The Honorable Benjamin L. Cardin
Speaker of the House of Delegates
State House
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 212, because enactment of this legislation may prove detrimental to the public health and to our efforts to improve the water quality of the Chesapeake Bay, its tributaries and other waters of the State.

Specifically, House Bill 212 would prohibit local health departments from requiring a lot owner to obtain more than one approval for the installation of a septic system if initial approval has been obtained after July 1, 1985. The bill further provides that subsequent approval for a septic system may be required where there have been changes to the lot or immediate vicinity or where new information becomes available indicating that the system would pose a threat to public health or the environment. The bill was amended to exclude Anne Arundel, Baltimore, Harford, Howard, and Montgomery Counties from the relaxation of current subsequent approval requirements. I have received veto requests from the Secretaries of Health and Mental Hygiene and State Planning, the Maryland Conference of local Environmental Health Directors, the Maryland Association of County Health Officers, and individual county health departments.

The argument advanced in support of the bill is that a lot owner who purchases a lot for which approval of a septic system has been granted earlier in time should not be required to undergo the inconvenience and expense of obtaining additional approval to build on the lot today. The premise underlying this argument is that notwithstanding the passage of perhaps many years between initial approval of a septic system and actual construction on the lot, a percolation test of subsoil integrity is valid in perpetuity.