

Gene von Gunten

SB 254 On-Site Sewage Disposal Systems-Inspection-Licensing

Support

Senator Paul G. Pinsky
Chairman, Education, Health, and Environmental Committee
Maryland General Assembly

Dear Senator Pinsky:

I would like to submit comments in favor of SB 254. I reside in Carroll County, but for over 28 years I was involved in local environmental health regulation- first as a Registered Environmental Health Specialist for Frederick County (16.5 years); and later in a similar capacity with the Montgomery County Department of Permitting Services (the delegated authority for on-site sewage disposal matters). I retired in 2018 as Manager of the Well & Septic Section at MCDPS. I have resided my entire life in homes that were (are) served by individual well and septic systems.

In my professional capacity with Montgomery County, I had the occasion to meet Attorney General Byron Frosh in 1997- at that time the A.G was a State Delegate from Montgomery County and in practice as a private attorney. Mr. Frosh had been hired by a young couple who had unwittingly purchased an older home and had discovered the home had an illegal “**straight pipe**” that discharged the home’s sewage into a stream. Prior to the sale, an inexperienced private inspector had visited the property and declared the septic system functional. Unfortunately, the home had no such septic system.

Subsequent soil evaluations indicated the home, purchased for about \$150,000, needed an advanced “**drip disposal**” septic system with a price tag over **\$45,000**. Needless to say, the young couple did not have the funds for this; and did not have adequate remaining credit to borrow the funds.

On that occasion, I challenged Delegate Frosh to draft proposed legislation to stop abuses of this nature. To my surprise, he agreed, and in the next legislative session Frosh introduced a comprehensive septic inspection bill- not unlike SB 254. Unfortunately, the Frosh bill met with stiff opposition from a surprising source: the **Maryland Department of the Environment**. As a result, a much simpler bill was enacted on the final day of the session.

The law that took effect on July 1, 1999 was a very simple affair; and it required private septic inspectors to simply take a one-day course approved by MDE. The law has proven to be an improvement over the unregulated activity that took place prior to 1999; but abuses continue to occur as there is no requirement for a license; no requirement for continuing education; and no provision for any penalty for bad behavior. SB 254 would rectify this and restore the “spirit” of the original Frosh legislative proposal. I have had the occasion to discuss this with the Attorney General and he is much in favor of this upgrade.

Please allow me to relate what this legislation means to thousands of Maryland residents who purchase existing homes each year that are served by septic systems. I have been involved with hundreds of home buyers over the past 30 years who relied upon the “professional” inspections conducted by private inspectors; and far too many found out the hard way that an “**unprofessional**” inspection could lead to their **financial ruin**. Please set aside for the moment the environmental impact of these inadequate or flawed inspections- this is a **CONSUMER PROTECTION** issue at its core. SB 254 **WILL** save Maryland home purchasers emotional and financial heartache.

Sincerely,

Gene von Gunten

Westminster, MD