

SB113: Environment – Environmental Health Specialists and On–Site Sewage Disposal Systems – Transfer of Responsibilities and Standards, Regulations, Applications, and Plans
Senate Education, Health, and Environmental Affairs Committee
February 2, 2022

Position: Favorable with Amendments

Dear Chairman Pinsky and Members of the Committee,

Clean Water Action, Shore Rivers, and the Chesapeake Bay Foundation support SB113 to amend some of the processes around septic permitting in the state, but have some concerns and suggested amendments which are being introduced by the bill sponsor.

Moving the Board of Environmental Health Specialists

From our standpoints, we are generally ambivalent to the concept of moving the Board of Environmental Health specialists to the Maryland Department of the Environment from the Maryland Department of Health. We are not confident that a move would improve the current problems. We understand that MDE is already chronically understaffed and that they have the existing authority to exercise more oversight over the environmental specialists.

Furthermore, the Environmental Health Specialists were previously under MDE and were moved to MDH. Our understanding is that administrative support for the specialists has improved while under MDH.

Tracking Database

We enthusiastically support the concept of a database to track septic permits as they make their way through the process and think this could be a good building block for ultimately having a more uniform and user friendly database for septic systems. Current septic records vary widely across counties, as some have moved to digital records while others are still on paper. Many other states have statewide, uniform septic databases which would be good models for Maryland. For example, [Florida has a replicable database that should be explored](#).

Our understanding is that one of the problems that applicants are having with permitting septic systems is that once the permitting process has initiated, it is a black box of information - they may or may not know where the system is in the process, creating uncertainty.

Amendment: **CREATE A WORKGROUP CONSISTING OF ENVIRONMENTAL HEALTH PROFESSIONALS, ON-SITE WASTEWATER PROFESSIONALS, MEMBERS OF THE**

ENVIRONMENTAL COMMUNITY, AND THE MARYLAND DEPARTMENTS OF HEALTH AND ENVIRONMENT TO DETERMINE THE SCOPE OF THE DATABASE.

Incentives

We are unsure what incentives could exist to encourage the timely completion of review and approval for septic system permits. From our understanding of the problems, the main reasons for the delay are a.) inadequate design and/or b.) understaffed departments that have difficulty competing with the private sector for staff.

It is our understanding that the sponsor is including an amendment to provide more funding for the departments so they can increase review capacity.

Amendment: **Delete Page 3 Lines 12-14.**

Time Frame for Approval

We are very concerned about creating strict timelines for approving septic systems. Our concern is that this will create pressure for substandard permits to be approved.

COMAR regs 26.04.02 already require that if a permit is going to be denied it has to be denied within 30 days.

Permitting a septic system is an iterative process, with sometimes significant back-and-forth on comments and changes needed. We understand the intent of this time frame in order to provide greater consistency for permitting, but would suggest that if a change is needed here to use a system like requiring updates and reasons for delays instead of placing a time limit on approving a system.

Amendment: **Delete Page 3 Line 17-19.**

Conclusion

We appreciate Senator Hester working with us and our concerns and support her proposed amendments to find the path forward for a database, removing the incentive language and adding \$5 million for more staffing, and deleting the two month time frame for permitting approvals. We appreciate the opportunity to work further with Senator Hester and the Committee to improve the management of septic systems moving forward and urge a favorable report with these amendments on SB113.

Thank you,

Emily Ranson
Clean Water Action
eranson@cleanwater.org

Elle Bassett, Miles-Wye Riverkeeper
ShoreRivers
ebassett@shorerivers.org

Robin Jessica Clark, Esq.
Chesapeake Bay Foundation
rclark@cbf.org