

SB007 West FAV.pdf

Uploaded by: Christopher West

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 322
Annapolis, Maryland 21401
410-841-3648 · 301-858-3648
800-492-7122 Ext. 3648
Chris.West@senate.state.md.us

District Office
1134 York Road, Suite 200
Lutherville-Timonium, MD 21093
410-823-7087

February 2nd, 2023
Senate Education, Energy, and the Environment Committee
The Honorable Brian Feldman
2 West Miller Senate Building
Annapolis, MD, 21401

Re: Senate Bill 007 – Environment – On-Site Wastewater Services – Board, Fees, and Penalties

Dear Chairman Feldman and members of the Committee,

It is a great pleasure to appear before the Education, Energy and the Environment Committee this afternoon to present Senate Bill 007. Let me emphasize at the outset that Senate Bill 007 has nothing whatsoever to do with James Bond. To the contrary, this very modest bill just makes several technical revisions to last year's House Bill 318 (codified as Chapter 419).

Both Chapter 419 and this bill deal with creating a licensing board for the septic system industry. Despite the use of the phrase "wastewater system" throughout the legislation, we're talking about septic systems, not community wastewater treatment plants.

The changes proposed in Senate Bill 007 are in response to issues that arose as MDE started to implement Chapter 419 and this bill has been developed in coordination with MDE. You will note that Senate Bill 007 is an emergency bill so that MDE can quickly proceed and meet the deadlines passed in last year's bill.

At various places in Senate Bill 007, the bill makes it abundantly clear that the regulatory regime set up by Chapter 419 only applies when property containing a septic system is about to be transferred to a new owner. Under Chapter 419, in such a situation, a person who conducts an inspection of a septic system when the property is about to be transferred is required to hold a valid septic system property transfer license issued by the Maryland Department of the Environment. At any other times that a septic system needs to be inspected, this regulatory regime will not apply.

Senate Bill 007 also redirects the modest licensing fees to a new entity to be known as the "On-Site Wastewater Professionals Fund. It further provides that any administrative penalties for violations of the law or regulations shall be paid into the Maryland Clean Water Fund. Finally, it slightly alters the composition of the State Board of On-Site Wastewater Professionals.

The changes reflected in Senate Bill 007 are all supported by the groups that worked so hard over several years to create an effective licensing board for the septic industry. The bill has no opposition.

I appreciate the Committee's consideration of Senate Bill 007 and will be happy to answer any questions the Committee might have.

SB007 Matt Geckle Pre Cast FAV.pdf

Uploaded by: Dru Schmidt-Perkins

Position: FAV



BACK RIVER PRE-CAST, LLC
PO BOX 329
GLYNDON, MD 21071
410-833-3394

SB007 Environment – On-Site Wastewater Service

—
Board Fees and Penalties

Senate Education Energy and
Environment
February 2, 2023

Mathew Geckle
Back River Pre-Cast

Position: Favorable

I am a septic system professional in Maryland. My work includes installing and maintaining systems and I have worked over a number of years with this committee to improve our profession.

Thank you for passing the legislation to create this important board that will improve the professionalism of this work and bring important accountability when it is needed.

I was pleased to work with the Maryland Department of the Environment last year as they set to implement the new licensing board for on-site wastewater also known as septic systems board. These changes are really just technical and passing this bill quickly will help the agency get this board up and operating quickly.

SB07 Eddie Harrison MOWPA FAV.pdf

Uploaded by: Edward Harrison

Position: FAV

In Favor of SB07 – Onsite Wastewater Services – Board, Fees, and Penalties

To Environment and Transportation Committee Members,

My name is Eddie Harrison, I am the legislative liaison representing MOWPA (Maryland Onsite Wastewater Professionals Association).

Myself, representing MOWPA, and working with a group, affectionately referred to as “Team Septic” worked very hard and negotiated with many agencies and other stake holders to have 2021 HB407/SB22 Property Transfer Licensing and its counterpart the 2022 HB318 Onsite Wastewater Board and Licensing both pass out of this body and signed by the Governor. With the complexity of these bills and the extent of negotiations that occurred, there were sure to be a few technical errors. This bill is to correct these errors.

I, along with “Team Septic”, had meetings with MDE to bring these errors to light. The context of this Bill is the result of those meetings.

Below is an explanation of the corrections needed for these laws:

- Page 2, lines 5 and 6 – The Property Transfer Licensing was intended to only license Inspectors performing inspections during a property transfer to protect potential buyers from purchasing a home that may not have an adequate Onsite Wastewater Disposal System. The current wording implies that, potentially, anyone inspecting an Onsite Wastewater Disposal System would require a license. Implying that a contractor evaluating a system for a repair or expansion the property owner may be considering. This minor additional wording clears up this misunderstanding.
- Page 2, lines 24, 25, 26 – This additional wording directs the licensing fees, collected by the Board, to a fund that supports the Board.
- Page 2. Line 30 – This is additional wording for the same reason as comment above (Page 2, lines 5 and 6)
- Page 3, lines 2, 3, 4 – Directing penalty revenue towards environmental remediations efforts.
- Page 3, line 21 thru Page 4, line 8 – This change is to clarify the Board Member selection and make the math work.
- Page 6, Lines 6 thru 12 – This is clearer direction on how revenue generated by the Licensing Board is managed.

All of these changes were discussed and agreed upon in meetings with MDE, “Team Septic” and myself (representing MOWPA).

MOWPA is in full support of all of these proposed adjustments to these past Bills.

I represent MOWPA as an un-compensated Legislative Liaison, current Vice-President, and former Board President.

My day job is the owner of BAT Onsite, LLC. BAT Onsite, LLC., which is primarily an Operation and Maintenance Provider for automated Onsite Wastewater Systems. Including, but not limited to: Advanced

**F. Edward Harrison, Jr. 2858 Flag Marsh Rd. Mount Airy MD 21771
410-795-8691**

Treatment Units (including BAT), Pump Systems, Mound Systems, Drip Dispersal Systems, and pretty much any Onsite Wastewater System that requires electrical/mechanical operation under 5,000 gallons per day. I am currently servicing over 600 units, covering the whole State of Maryland. I have been working in the Onsite Wastewater Industry as an installer, pumper, designer, property transfer inspector, and operation and maintenance provider since 1984

MOWPA represents all Maryland professionals in the Onsite Industry. We have in our membership: Installers, Pumpers, Engineers, Property Transfer Inspectors, Operation and Maintenance Providers, and Code Officials.

[The Maryland Onsite Wastewater Professionals Association (MOWPA) is a 501 C(6) not-for-profit organization, chartered in September 2004 to provide education and training programs for individuals and companies working in the onsite sewage disposal system industry.

OUR MISSION....to promote and enhance the use of onsite wastewater treatment and disposal by providing a forum for education, development and information transfer in order to create viable treatment processes, design, construction, operation and maintenance capabilities within the onsite industry. www.mowpa.org

The Onsite Wastewater System (Septic System) is the most expensive appliance in the home.

I ask for **favorable** report of **SB07 – Onsite Wastewater Services – Board, Fees, and Penalties**

Thank you for your time,

Eddie Harrison Board Vice President and Legislative Liaison

410-952-4614

Email: rdsefe@aol.com

Maryland Onsite Wastewater Professionals Association

P.O. Box 2570, Ellicott City, MD 21041

Phone: 443-570-2029 Fax: 443-267-0098

Email: info@mowpa.org

MDE SB0007.pdf

Uploaded by: Tyler Abbott

Position: FAV



**The Maryland Department of the Environment
Secretary-Designee Serena McIlwain**

Senate Bill 7

Environment-On-Site Wastewater Services-Board, Fees, and Penalties

Position: Support
Committee: Education, Energy, and Environment Committee
Date: February 2, 2023
From: Gabrielle Leach

The Maryland Department of the Environment (MDE or the Department) **SUPPORTS** SB 7. The bill makes technical changes needed to implement the State Board of On-Site Wastewater Professionals (Board).

The Board was created by HB 318 of 2022 and will oversee licensing, certification, and training requirements for a variety of on-site wastewater professionals, including installers, property transfer inspectors, designers, pumpers, and operation and maintenance providers. MDE is in the process of setting up the Board to meet the June 1, 2023 deadline for operations. However, as the Department proceeded with its preparations, several technical errors were discovered with HB 318 of 2022. The Department worked with this bill's sponsor to draft the amendments to the statute reflected in HB 30.

Specifically, SB 7 makes the following technical changes:

- Clarifies that an inspection of an on-site sewage disposal for purposes other than a property transfer do not need to be performed by a holder of a property transfer inspection license;
- Clarifies that the application fee collected by MDE for a wastewater property transfer inspection license or for individuals providing on-site wastewater services shall be paid into the On-Site Wastewater Professionals Fund;
- Clarifies that an administrative penalty collected by MDE for violating the requirement to hold a property transfer inspection license shall be paid into the Maryland Clean Water Fund;
- Reduces the number of on-site wastewater professionals from six to five to correctly correlate to the total number of Board members and other membership requirements, and;
- Fixes a mathematical issue regarding the geographic diversity of on-site wastewater professional members while preserving a requirement that the members must be representative of all geographic regions of the state.

Finally, it is important to note that the Department still needs three new PINs to ensure the proper staffing of the Board (this is reflected in the Department's fiscal notes for both HB 318 and SB 7). This bill makes necessary clarifications and technical changes for the implementation of the Board. Accordingly, MDE urges a **FAVORABLE** report for SB 7.

Testimony and Amendment HB 30-SB 7 On-Site Wastewa

Uploaded by: Tory Pierce

Position: FWA

TESTIMONY

HB 30

Environment - On-Site Wastewater Services - Board, Fees, and Penalties

February 1, 2023

Position: Support with amendment

Honorable Kumar Barve, Chair
Hon. Dana Stein, Vice Chair
House Environment and Transportation Committee

On behalf of the Maryland Society of Professional Engineers (MDSPE) I wish to present an amendment for inclusion in in HB 30 Environment - On-Site Wastewater Services - Board, Fees, and Penalties.

HB 30 has been filed to correct errors and omissions in legislation that was enacted in 2021 and 2022 (HB 407 in 2021 and HB 318 in 2022). The concern for MDSPE has arisen since the Department of the Environment has initiated enforcement of these laws and is requiring Licensed Professional Engineers (PE's) to file for additional license and enlist in training for on-site wastewater services,. This is an activity that PE's are professionally trained and licensed to perform by the Board of Professional Engineers.

The Board of Professional Engineers (Board) licenses PE's, all of whom are well educated, undergo many years of rigorous training in professional engineering firms before they are permitted to take and pass as series of demanding tests administered by the Board.

After they are invested as a PE, they must pay a biennial license fee, and perform a minimum 16 hours of continuing education.

Every engineering firm must maintain a Firm Permit and pay a Firm Permit fee with the Department of Labor..

One of the requirements for professional engineers is that they may not engage in engineering activities unless they have sufficient knowledge and skill in that activity.

To my knowledge, the situation where the Department of the Environment or any other department has required PEs to obtain additional licensing has not been a previous concern. We would not have anticipated this from the initial legislation and if we had, we certainly would have raised this issue at the time.



The legislation did not specify PE's should be licensed. Testifying on behalf of the Department on February 2022, Tyler Abbott indicated that the Department held meetings with workgroups across the state and individual in the septic industry; however, Licensed Professional Engineers were not considered one of the groups to be included at that time. In addition he mentioned that there would be an overlap with the State Board of Environment Health Specialists, and State Board of Waterworks, Clearly, there was not consideration of and no intention to overlap with the Maryland State Board of Professional Engineers.

Our request for this amendment is not academic in nature. The Department is issuing PE's citations demanding that they obtain an on-site wastewater service license, pay a license fee, attend training.

We sincerely believe there is adequate justification and precedent for making an exception for Licensed Professional Engineers. We ask that you give this your consideration.

We respectfully request a favorable consideration of our amendment.

AMENDMENT

SB 7 / HB 30

Environment - On-Site Wastewater Services - Board, Fees, and Penalties

AMENDMENT No. 1

On Page 1, line 4, after penalties; insert: **“EXEMPTING LICENSED PROFESSIONAL ENGINEERS”**

FOR the purpose of altering the composition of the State Board of On-Site Wastewater Professionals; clarifying and altering the distribution of certain fees and penalties; clarifying the application of certain license requirements and penalties; **EXEMPTING LICENSED PROFESSIONAL ENGINEERS**, and generally relating to the regulation of on-site wastewater services.

AMENDMENT No. 2

on page 1, line 9 after 9-217.2, insert: 9-11A-01 (d) (2)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–217.2, **9-11A-01(d)(2)**, 9–11A–06(a), and 9–11A–15 Annotated Code of Maryland (2014 Replacement Volume and 2022 Supplement)

AMENDMENT No. 3

On page 3, after line 9, insert:

“(c) License” means any category of professional license issued by the Board to an individual to provide on-site wastewater services in the State.

(d)

(1) “On-site wastewater services” means any activity associated with the design, installation, operation and maintenance, pumping, repair, or property transfer inspection of an on-site wastewater system.

(2) “On-site wastewater services” does not include:

(I) DESIGN, INSPECTION OR CONSTRUCTION SUPERVISION BY A LICENSED PROFESSIONAL ENGINEER; OR

(II) any type of on-site wastewater system inspection other than a property transfer inspection.”

- 30 -

For assistance contact:

Christopher B Costello
410-746-3452
cb.costello@comcast.net

6030 Marshalee Drive (Ste. 220) □ Elkridge, MD 21076
443-927-7832 □ tim@mdspe.org