

Del Stein Testimony HB 30.pdf

Uploaded by: Dana Stein

Position: FAV

DANA M. STEIN
Legislative District 11
Baltimore County

Vice Chair
Environment and Transportation
Committee

Subcommittees
Chair, Environment
Natural Resources,
Agriculture and Open Space



The Maryland House of Delegates
6 Bladen Street, Room 251
Annapolis, Maryland 21401
410-841-3527 · 301-858-3527
800-492-7122 Ext. 3527
Fax 410-841-3509 · 301-858-3509
Dana.Stein@house.state.md.us

The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

Delegate Stein Testimony in Favor

HB030 Environment- On-site Wastewater Services – Board, Fees, and Penalties

This bill asks for several key fixes to a bill we passed last year (HB318) which established a professional licensing board for the septic industry. The purpose of HB 318 was to bring much-needed standards and accountability to the septic industry by creating a board to oversee the licensing procedures for people in the industry, such as installers, designers, property transfer inspectors, operations and maintenance providers, and pumpers. The septic board is just like the licensing boards for plumbers, electricians, well drillers, and other trade professionals.

The changes proposed in this year's bill are in response to issues that arose as MDE started to implement the bill and have been shared with them.

Clarification 1. Page 2 line 5:

This change makes it clear that the only time a Property Transfer license is required is when there's an inspection for the purpose of property transfer.

Clarification 2. Page 2 line 24 – 26:

The text in these lines clarifies that application fees are paid into the on-site wastewater professionals fund established under last year's bill.

Clarification 3. Page 2 line 30:

This change is for the same reason as Clarification 1.

Clarification 4. Page 3 lines 3 – 4:

This change is needed to specify the Fund into which any penalty will be paid. Penalties collected will be paid into the Maryland Clean Water Fund.

Clarification 5. Page 3 line 21:

To make the numbers work out for the total board membership, the bill reduces the number of professional on-site members from six to five.

Clarification 6. Page 3 Lines 24 – Page 4 line 7:

By deleting lines 25 on page 3 through Line 7 on page 4, this change simplifies the geographic requirement for board members and, instead of mandating one from each of five regions of the state, it substitutes the preferred language: “shall be representative of all geographic regions of the State.”

As we have learned, it is hard to get memberships in these boards, and we want to give some flexibility to the Governor’s Office to make this more possible.

Clarification 7. Page 6 Line 7-8:

This change establishes the “On-site Wastewater Professional Fund” to be used by MDE to pay for the cost of board administration from the fees collected.

The bill is an emergency bill so that there’s no delay in MDE’s work to implement last year’s legislation.

These changes are supported by the groups that worked so hard over several years to create an effective licensing board for the septic or on-site industry.

HB 30 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

HB 30 Environment – On-Site Wastewater Service –
Board Fees and Penalties

House Environment and Transportation
February 1, 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.

HB30 FAV Eddie Harrison.pdf

Uploaded by: Edward Harrison

Position: FAV

In Favor of HB30 – 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 **HB30 – 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

HB 30 Matt Geckle Pre Cast FAV.pdf

Uploaded by: Mathew Geckle

Position: FAV



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

HB 30 Environment – On-Site Wastewater Service –
Board Fees and Penalties

House Environment and Transportation
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MDE HB 30.pdf

Uploaded by: Tyler Abbott

Position: FAV



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

House Bill 30

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

Position: Support
Committee: Environment and Transportation Committee
Date: February 1, 2023
From: Gabrielle Leach

The Maryland Department of the Environment (MDE or the Department) **SUPPORTS** HB 30. 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, HB 30 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 HB 30). This bill makes necessary clarifications and technical changes for the implementation of the Board. Accordingly, MDE urges a **FAVORABLE** report for HB 30.

Contact: Gabrielle Leach, Deputy Director of the Legislation and Intergovernmental Affairs
410-260-6302 (Annapolis Office), 410-453-3235 (cell), Gabrielle.Leach@maryland.gov

Testimony and Amendment HB 30 On-Site Wastewater S

Uploaded by: Christopher Costello

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