

**KATIE FRY HESTER**  
*Legislative District 9*  
Howard and Montgomery Counties

Education, Energy, and  
Environment Committee

Chair, Joint Committee on  
Cybersecurity, Information Technology  
and Biotechnology



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**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

February 19, 2024

Chairman Feldman, Vice-Chair Kagan, and members of the Energy, Education, and Environment Committee:

Thank you for your consideration of SB 835, Environment- Delegated Authorities- Well and Septic Permit Programs, which will require well and septic programs with delegated authority to submit data surrounding permit turnaround times to the Department of Environment in order to create a mechanism for accountability.

Since 2021, this committee has heard numerous bills aimed to address the problems associated with our well and septic permitting program. Well and septic systems are time intensive and costly pieces of the construction process for Maryland’s homeowners and small businesses - often costing upwards of \$10,000 each. Their permits are overseen by the Maryland Department of Environment, but are delegated to the local health departments, which sometimes face challenges related to staffing, customer service, and work quality.

Last session, this Committee passed legislation requiring MDE to submit a report on the structure and performance of these delegated authorities. The Environmental Health System Support Act of 2023 Interim Report found that the existing delegation of authorities leads to issues with “consistency, interpretation of the regulations, timing, understanding the reasoning for decisions, oversight, and accountability.” Additionally, it found that the average time it takes for approval of permits varies from 1 day to 1 month, often without adequate and consistent communication between our local health departments and permit applicants.

In order to be able to increase the consistency and effectiveness of the permitting process, MDE must have accurate data. Therefore, SB 835 will simply require each local delegated authority to submit a schedule for well and septic permit review times to MDE for approval. Once the basic schedule has been approved, a delegated authority must submit well and septic permit data to the Department for review.

SB835 does not create a mandatory permit turnaround time or impose a “one size fits all” solution. However, it does ensure that MDE will have critical data on permit turnaround time to

evaluate the performance of our local programs. Otherwise, we cannot make an honest assessment about whether each program is meeting the needs of local constituents and providing the best customer service possible.

There is one small amendment which clarifies that the final report, due December 1, 2024, completes the research started last year and addresses 2 areas of potential inconsistency around flow rates and additions. Once completed, this final report will include necessary concrete suggestions for administrative, policy or legislative improvements.

In summary, this simple bill is a critical next step in ensuring that even when the state delegates authority, customer service is still monitored at the state level. SB 835 provides a basic, yet meaningful mechanism to promote accountability and transparency in well and septic permit turnaround times. For these reasons, I respectfully request a favorable report of SB 835.

Sincerely,

A handwritten signature in black ink that reads "Katie Fry Hester". The signature is written in a cursive, slightly slanted style.

Sen. Katie Fry Hester  
District 9 - Howard & Montgomery County