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Information only for SB835 - Environment - Delegated Authorities - Well and Septic Program Permits

To Environment and Transportation Committee Members,

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

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: Advanced 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 500 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.

Statement

On the surface this bill looks like a fairly non-controversial initiative. But there are underlying issues that are important to shine a light on.

Where public water and sewer is not available, a properly functioning well water supply and septic system are critical to the everyday use and, ultimately, the value of a home/business.

In Maryland, the regulatory oversight for private wells and septic systems is delegated by MDE to the local environmental health department in each county. For a number of different reasons, many environmental health departments have struggled with funding, attracting and retaining competent staffing and keeping up with a heavy workload over the last 10 years. In some counties, this has resulted in extended delays in permit processing and raised questions about the delegation.

In fact, last year the General Assembly passed SB 830 which required MDE to prepare a report to evaluate the current delegation structure, highlight its' merits and problems, and to recommend improvements for customer service and accountability. An interim report for this bill was completed in December 2023, with the final report is due December 1, 2024. It should be noted that the interim report contains a table showing the average turn-around time for well and septic permits for all but 2 jurisdictions.

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Each county has its own unique permitting system. These systems range from sophisticated online systems integrated within a larger county permitting platform to hand written applications submitted by mail or in person. Consequently, the effort/ability of an individual county to provide permit data will vary accordingly. Similarly, the accuracy of any such data will be dependent on how the permit data is managed and tracked.

Even with adequate staffing, the time it takes to process a permit may vary tremendously, especially for septic systems. Delays in processing/approving a permit application are most often due to inaccurate or incomplete information provided by the applicant. In some cases, additional data, or a site inspection is needed to ensure the permit is in compliance with the regulations, and in other instances a variance may be required, necessitating MDE involvement. Permit applications for non-conventional septic systems may take many months before approval can be granted due to the complexity of the system design and the requirement for both county and MDE review.

Further, once a county has reviewed a permit application and issued comments to the applicant, it may be days, weeks or months before these comments are addressed. In some cases, the applicant never responds with the requested information. In summary, a county cannot always control how long it takes to approve a permit.

As detailed in the interim report, the best way to optimize permit processing for well and septic systems is to ensure that each local jurisdiction is properly staffed with adequately trained personnel to review and provide technically correct and consistent comments to applicants.

Adding more work to an over loaded system cannot be helpful in this instance. On the other hand, these reports may help higher level MDE staff understand the problems.

MOWPA has regulators in our membership and on our board to help us stay apprised of their view of the situation.

I ask for consideration of the information supplied for SB835 Environment - Delegated Authorities - Well and Septic Program Permits

Thank you for your time,

Eddie Harrison

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