

SB 835 MDP Written Testimony.pdf

Uploaded by: Andrew Wilson

Position: FAV

HEARING DATE: February 20, 2024

BILL NO: SB0835

COMMITTEE: Education, Energy, and the Environment Committee

POSITION: Support

FOR INFORMATION CONTACT: Andrew Wilson (443) 366-4224

TITLE: Environment - Delegated Authorities - Well and Septic Program Permits

BILL ANALYSIS:

The bill requires the MDE delegated authority that administers the county septic and well program to submit by December 1, 2024, a schedule of review times for well and septic program permits for MDE to approve. The bill also requires the MDE delegated authority to submit well and septic program permit data to MDE every 3 months.

POSITION AND RATIONALE:

The Maryland Department of Planning (MDP) supports SB0835. The well and septic program permit data would be very useful for various planning analyses, such as an analysis of development activity outside of areas served by public water and sewer systems. Also, by requiring the submittal of local well and septic program permit data to MDE, the state would also ensure that a single format is followed by each local government for providing this data, which currently is gathered locally in different formats. Having the local data in a single format would facilitate the completion of state-level analyses. MDP will note that It would be beneficial to have this data included in an existing or alternative reporting process rather than a separate process entirely as proposed in the bill's current language.

SB 835 - Septic - FAV - REALTORS.pdf

Uploaded by: Christa McGee

Position: FAV



Senate Bill 835 – Environment - Delegated Authorities - Well and Septic Program Permits

Position: Support

Maryland REALTORS® supports SB 835, to establish reporting requirements for local septic permit processing times.

The septic approval process and operations of local health departments regarding septic inspections have been a concern for real estate professionals and their clients for several years. Delays in receiving necessary permits and inspections, as well as changing standards, have led to delays in real estate transactions and even cancellations of contracts to purchase.

In our discussions with these local health departments, the Maryland Department of the Environment, and elected officials, one impediment to better operations is a lack of uniform information on septic activities in the state. It is difficult to determine whether inspection and processing delays are occurring statewide or if they are regional anomalies.

SB 835 is a necessary first step to developing that system and providing accountability for timely processing of permit applications and inspections. And, if reporting determines that timely processing is not occurring, this will allow the state to look at alternate approaches to the current system.

Based upon the growing impacts that septic system approvals and inspections are having on the industry, REALTORS® urge greater oversight of this process and ask for your support of SB 835.

**For more information contact
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FINAL _ SB 835 - well and septic testimony.docx.pd

Uploaded by: Katie Fry Hester

Position: FAV

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 cursive script that reads "Katie Fry Hester".

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

Interim Report for SB 830.pdf

Uploaded by: Katie Fry Hester

Position: FAV



Environmental Health Systems Support Act of 2023: Interim Report

Maryland Department of the Environment
Water and Science Administration
Prepared for the General Assembly



Wes Moore
Governor

Aruna Miller
Lieutenant Governor

Serena McIlwain
Secretary

Suzanne Dorsey
Deputy Secretary

Interim Report for SB 830

In accordance with SB 830, Chapter 577 of the Acts of 2023, the Maryland Department of the Environment (MDE) is conducting a study of the implications of the delegation of the Department's authority related to well and septic systems permitting to the Maryland Department of Health. The Department is submitting this interim report with the final report due December 1, 2024. The study is required to address: the benefits of and issues with the existing system of the Department's delegating authority related to well and septic systems, lessons that can be drawn from other states' administrative structure and accountability measures, and the optimal long-term staff organization structure to best address issues of delays, communication and customer service.

The Department consulted with the Department of Legislative Services to request research assistance regarding the lessons that could be drawn from other states' administrative structures and accountability measures. In addition, the Department consulted with the University of Maryland Agriculture and Food Systems Extension Program to gather information regarding the organizational structure of each local approving authority and processes for communication and customer service.

The Department conducted multiple statewide stakeholder meetings to discuss the benefits and challenges with the delegation structure, the well and septic permitting process, and customer service. The stakeholders included representatives from the building, developer, real estate industry and the Maryland State Health Officers and Environmental Health Directors. Following each meeting, a confidential survey was provided to participants to obtain individual responses.

Following this interim report and in anticipation of the final report due 2024, the Department will continue with our surveying by conducting phone surveys with random property owners throughout the state who have obtained a well or septic permit in 2023.

Summary

The Department recognizes the need for standard operating procedures, improved guidance documents, and additional oversight of local approving authorities. The Department, while developing documents, will conduct program appraisals to gather additional information to consider regarding the effectiveness of the current administrative structure of the delegation agreements. The Department will continue to research and study the information provided from the Department of Legislative Services and the University of Maryland Agriculture and Food Systems Extension Program. In addition, the Department will continue conducting customer service surveys with property owners throughout the state to analyze if any progress can be noted. The final report will include details of these findings.

Background

To understand the administrative structure of the Department's delegation of authority, it is relevant to provide the background for the evolution to the present structure. In 1953, the

authority for well and septic permitting was established under Maryland Article 43 387C, which identified the Secretary of the Maryland Department of Health and Mental Hygiene (now the Maryland Department of Health) as the authority for public health and environment. At this time, the Secretary of the Maryland Department of Health and Mental Hygiene delegated the authority to administer and enforce public health and environmental laws to the County Health Officers. Therefore, the local health department performed the duties related to well and septic permitting. In 1985, Maryland laws changed to include the Environment Article, which created the Maryland Department of the Environment (MDE or the Department). The Secretary of MDE was redesignated as the authority for enforcing the provisions of the Environment Article and the rules and regulations adopted under the Article. Considering the County Health Officer was the agent, at that time, performing the duties locally, the Department entered into Delegation Agreements with each County Health Officer. The administrative structure has remained the same with a few modifications for home rule counties.

MDE is responsible for carrying out and enforcing the provisions of the Environment Article of the Annotated Code of Maryland and the rules and regulations adopted under the Article. The Environment Article authorizes the Secretary to delegate duties, powers, and functions to a health officer for a county or to another county official authorized to administer and enforce environmental laws. The Secretary has delegated the authority in each county to the County Health Officer or another County Official to perform the duties, powers and functions related to well and septic permitting. This makes the local Approving Authority responsible for implementation of the regulations and responsible for following the regulations except where the regulations clearly state the duties will be performed by the Department.

The delegation agreements that include well and septic permitting are not limited to issuance of septic system construction permits or water well construction permits. The delegations also include functions related to approval of subdivisions, review of building permit applications, issuance of certificates of potability, issuance of operational permits for bathing beaches, and issuances of notices of violation. The basic functions are soils and site evaluations to determine the adequacy for onsite sewage disposal systems, review of plans and materials for use in any proposed onsite sewage disposal system, inspection of the onsite sewage disposal system during construction, inspection of well construction, water sampling and interpretation of sample results for certificates of potability, investigation of nuisance complaints of improperly functioning water supplies or septic systems, and sanitary surveys. The delegated regulations in the delegation agreements are:

COMAR 26.04.02 “Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System is Not Available.”

COMAR 26.04.03 “Water Supply and Sewerage Systems in the Subdivision of Land in Maryland”

COMAR 26.04.04 “Well Construction”

COMAR 26.04.05 “Shared Facilities”

COMAR 26.08.09 “Public Bathing Beaches”

In Maryland, the local Approving Authorities are either Maryland Department of Health employees or Local County Government employees. The Department provides oversight of the Delegation of Authority and assigns an MDE Regional Consultant to each county to assist with implementation and interpretation of regulations and to provide technical assistance with the well and septic programs to ensure compliance with Maryland law and regulations.

Benefits with the Existing Delegation

The Department’s research to identify the benefits of the existing delegation structure with industry stakeholders and local approving authorities provided the consensus that continuity and familiarity with the local agency was an advantage to all parties. Well and septic permitting services integrate with the many of the county functions such as the local building permit procedure, having local approving authorities that are involved with the county agencies is a comfort and convenience. In addition to understanding the local issues and how to implement state regulations locally is a service for both the State and the County. For example, the local approving authority’s involvement with updating the county water and sewer planning document benefits the County and the State.

The Department asked the industry what they consider to be the advantage of the current local well and septic permitting authority and the repetitive responses are summarized below.

Quick response and understanding of local conditions
Water supply wells and on-site sewage disposal systems depend on local knowledge; while MDE should establish the minimum requirements for these systems to protect the health, safety and welfare of the public, it would be very difficult for a State agency to effectively review the design and installation of these systems within a state with the diverse geology and geography as Maryland.
Knowledge of the local area challenges that may not exist in other areas.
Knowledgeable and practical staff
Quicker response times, less red tape, less people who need to be involved is typically best. Additionally, local people typically understand the region best.
Local level accessibility and timeliness

Issues with the Existing Delegation

The Department stakeholder meetings revealed several challenges with the existing delegation that ranged from consistency both locally and statewide, timeliness, accountability and continuity. The industry expressed a need for transparency on the decision making processes and a strong desire to understand the regulatory requirements in a clear and concise manner. Reliability of decisions is crucial for the industry to properly represent their clients and there have been concerns with decision changes within a local health department without any clear justification. Inconsistently applying rules and regulations leads to confusion, erodes confidence, and creates distrust for realtors and builders. The stakeholders expressed the general perception is that any challenges of a local approving authority's decision will promote retribution or retaliation. To remain silent to prevent this occurrence appears to be the manner of operation. This was reflected by the ratio of attendees in the meeting to the completed survey responses. The Department highlight the issues with the existing delegations are:

1. Consistency
2. Interpretation of the regulations
3. Timing
4. Understanding the reasoning for decisions
5. Oversight
6. Accountability

The Health Officers and Environmental Health Directors identified the challenges with the current structure of the delegation and the responses are summarized below.

Lack of communication or formal guidance from MDE
Timely response to questions and requests for assistance from MDE
Lack of standard operating procedures
Consistency with decisions
Workforce - adequate staff, recruitment and retention
Conflict resolution between MDE and the Approving Authority
Permit fees not equivalent with service

Other States Structures and Accountability Measures

The Department of Legislative Service reviewed relevant statutes, regulations, delegations agreements and program web pages from various states. Based on the review, the practice of delegating a state's environmental regulatory authority to a local governing agency is relatively common. Different states implement the delegation in various manners therefore DLS examined seven different states Arizona, Minnesota, Pennsylvania, Vermont, Virginia, Washington and

Wisconsin. The overview of each of these states' delegation and structure was provided to the Department with links to conduct additional research.

The effectiveness of achieving compliance with environmental goals could not be determined by DLS from the other states research but it was noted specific policies would provide clarity and improve accountability. DLS concluded the state and local government delegation relationship may benefit from express policies, either by law, regulation, agreement, or guidance that address the following:

1. Delegated functions and duties
2. Standards of performance
3. Program oversight
4. Inspections
5. Complaint handling
6. Enforcement authority
7. Personnel qualifications and training
8. Recording keeping and reporting
9. Regional approaches

The Department will conduct additional research of these states to determine the effectiveness and efficiency with delegations practices. Whether the Department determines the delegation structure should be changed or not, it will be beneficial to identify improvements that could be incorporated into the processing of permitting, complaint resolution, and responsive communication.

Optimal Long-term Staff Organization Structure

The Department is reviewing the data collected and comparing personnel qualifications along with inventory of workload to determine the optimal organization structure. Well and septic permits inventory workload varies throughout the state as reflected in the table on the following page. The adequate number of staff necessary to perform these duties and associated responsibilities as well as the organization of the staff will be determined at the completion of this study.

County	Number of Well Construction Permits Issued in FY 23	Average time for issuance of well construction permit	Number of Onsite Sewage Disposal Permits Issued in FY23	Average time for issuance of Onsite Sewage Disposal Permit
Allegany	44	0-2 days	10	
Anne Arundel	399	1 day	421	24 hrs
Baltimore City	121	2 days	na	na
Baltimore County	201	3-5 days	367	3-7 days
Calvert	157	10	586	10
Caroline	135	30 day	139	30 day
Carroll	142	10 days	329	1-4 weeks
Cecil	177	5 days avg.	120	18-20 wks.
Charles	196	5-14 days	252	10-14 days
Dorchester	178		258	
Frederick	176	1 week	259	2-3 weeks
Garrett	124	2-3 Days	86	2-3 Days
Harford	181	5-10 days	312	5-14 days
Howard	72	10 days	179	24 hours
Kent	89	15 days	54	30 days
Montgomery	174	15 days	205	30 days
Prince George's	134	5 days	58	10 days
Queen Anne's	178	1-2 days	118	2-5 days
Somerset	69	1-2 weeks	76	4-6 weeks
St. Mary's	188	5-7 bus days	255	0-2 bus. days
Talbot	158	5-7 bus days	103	14 days
Washington	117		146	
Wicomico	236	3 days	187	2 weeks
Worcester	156	5 days	96	1-2 wks

Delays

The Department is in the process of collecting data from local approving authorities to analyze the average permit processing times. The data varies by county, considering counties with advanced databases have the ability to track permits whereas other counties tracking is more labor intensive. The analysis of this data will assist in determining the expected turnaround times for permitting. In addition, the Department has developed a draft delegation agreement which includes a quarterly requirement for statistical reporting of permit inventory and processing times.

Organization of data and ease of standardizing permits is necessary to improve processing times. The Department is exploring resources to develop a database that would include the standardized well construction permit application and the standardized sewage construction permit application to integrate data and expedite the permitting process.

An initial survey conducted by the Department in September/October 2023 with homeowners demonstrated 60% of the delays were due to construction/contractor issues and 40% to local permitting issues. The permitting process for 66% of the individuals surveyed was less than 60 days, with the same percentage satisfied in the time it took to obtain a permit.

The stakeholder meetings survey asked “how long did it take to receive a decision on the last well or septic permit you applied for” the response indicated 61.5% received a decision within 60 days and 53.8% received a decision in less than 30 days.

Communication

The Department has developed standard operating procedures for the local approving authorities to utilize to develop their own standard operating procedures representing each local process. In addition, the Department is drafting additional guidance documents to assist with implementation of regulations. The review of other states will assist the Department with methods to improve communication between the Department, local Approving Authorities, and the public.

The survey response from homeowners conducted by the Department indicates 71% would rate the effectiveness of communication with the local permitting authority as excellent. The stakeholders meeting survey asked if the local permitting authority provided efficient service to which 20% stated no.

Customer Service

The response provided by the University of Maryland Agriculture and Food Systems Extension Program survey for customer service related complaints outlines the types of complaints received by local authorities. Although the subject was based on categorizing complaints, the results were not clear if the complaints are actual complaints regarding customer service or inquiries related to the status of projects. The types of complaints were:

- Status of permit application
- Complaints often go to others outside the Health Department (MDE/MDH or local/state politicians)
- Requirement for wet season testing

- Permit delays
- People not satisfied with site evaluations results, requesting a second opinion
- Requests for repairing failed drainfield
- Replacement options limited to a sewage holding tank

The survey response of homeowners conducted by the Department indicated 71.4% rated the overall customer service experience from the local permitting authority as excellent. The stakeholders meeting survey asked if the local permitting authority provided efficient service to which 20% stated no. Recognizing improvements are necessary to increase the satisfaction of customer service the Department will continue to explore procedural changes that may be implemented.

MBIA Onsite Wastewater Needs Survey.pdf

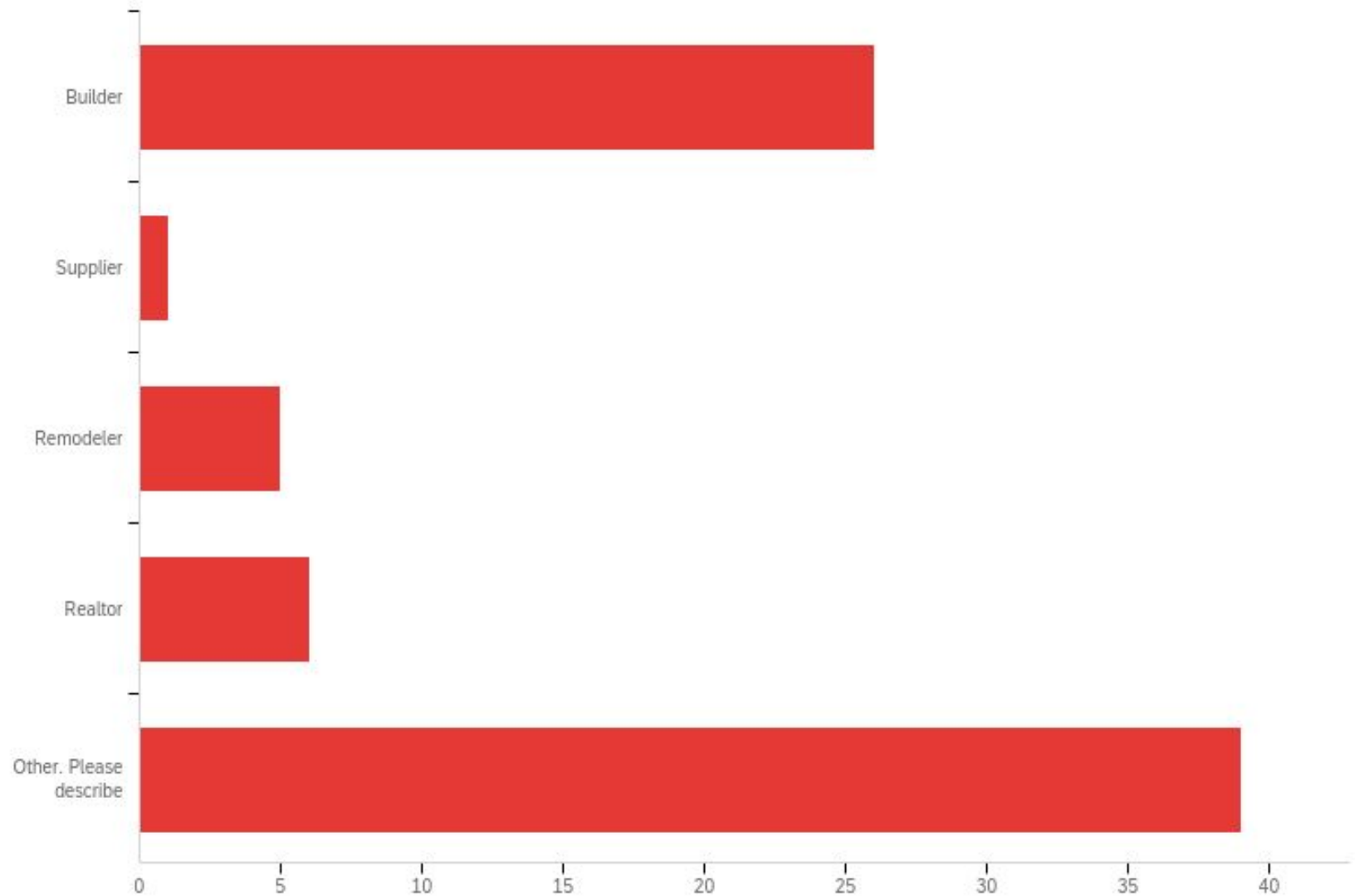
Uploaded by: Katie Fry Hester

Position: FAV

Maryland Building Industry Onsite Wastewater Needs Survey

October 7th 2021

1. What is your role in Maryland's building industry? Check all that apply.

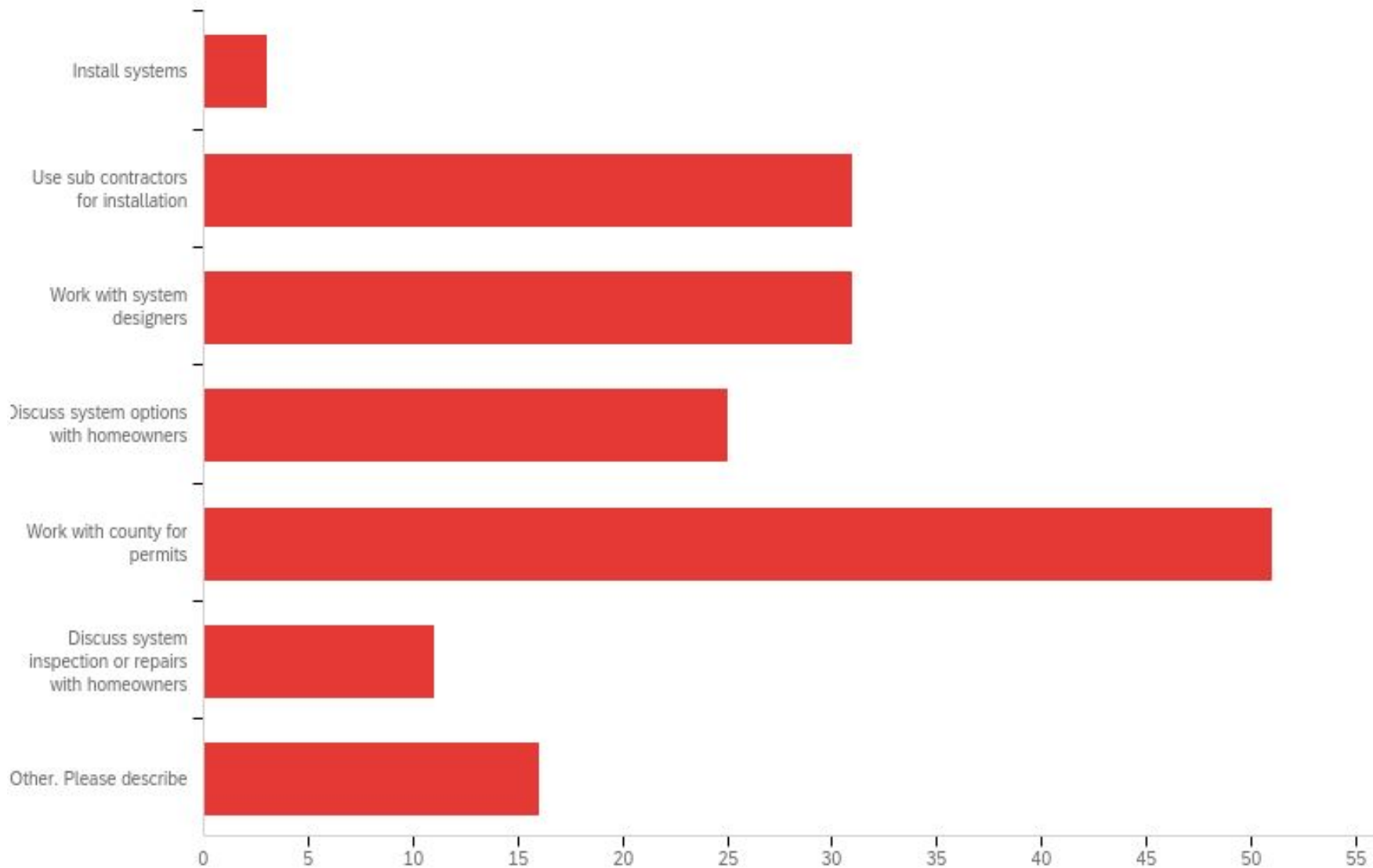


1. What is your role in Maryland's building industry?

OTHER:

Role	Frequency
Attorney	2
Consultant	3
Designer	3
Developer	9
Engineer	15
Homeowner	1
Installer	2

2. In what ways are you involved with the installation and/or approval of onsite wastewater or septic systems? Check all that apply.



2. In what ways are you involved with the installation and/or approval of onsite wastewater or septic systems?

Other.

Proposed well & septic for subdivision development

Design systems (5)

Work with BRF and other grand programs. Work on septic to sewer conversions, including to generate nutrient credits.

Perc testing and system design

environmental regulation

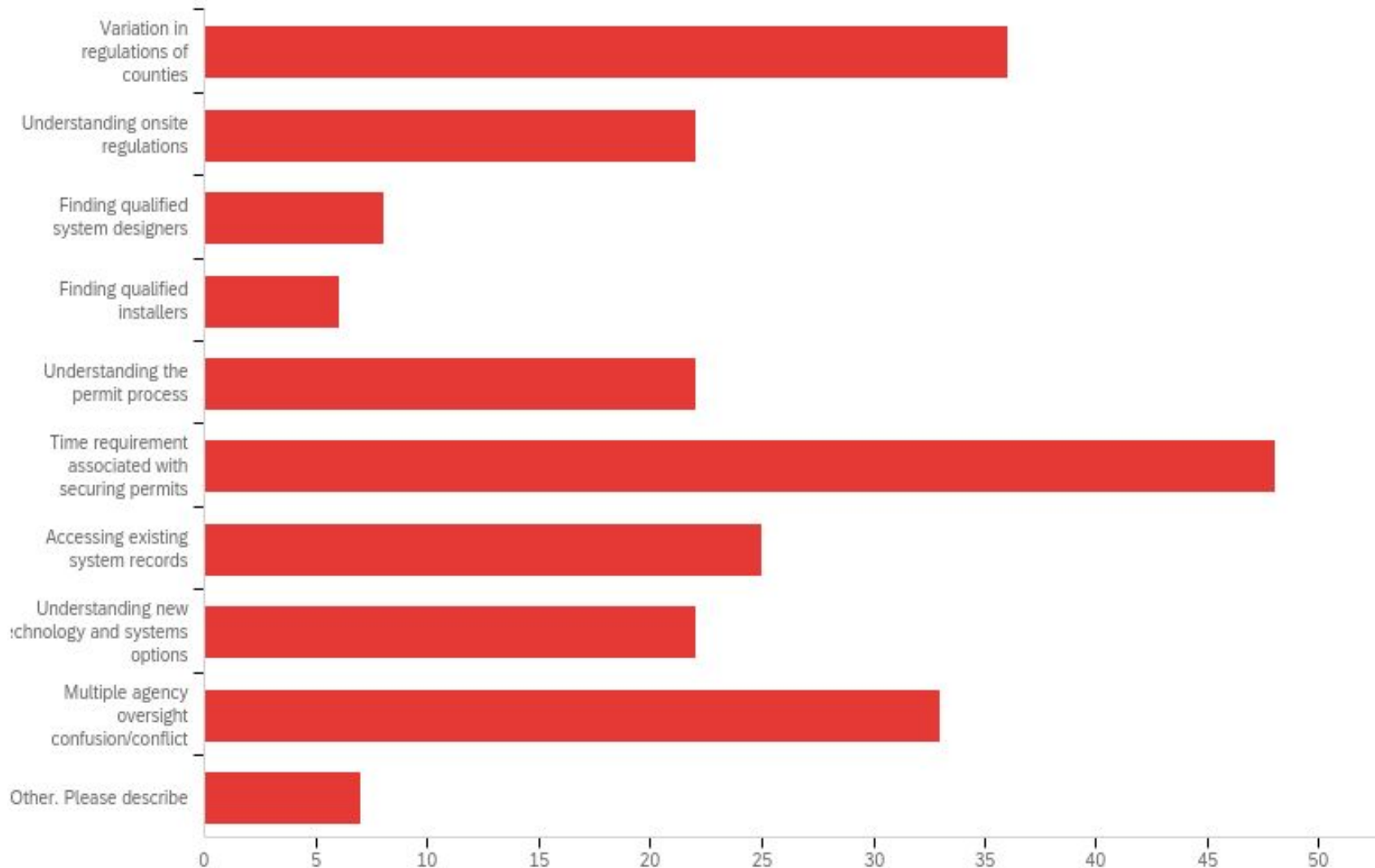
I prepare and procure approval of septic designs through the local health departments and MDE.

personally have a septic system

Create subdivision plats; observe percolation testing

Design and Permitting

3. What are the greatest issues you experience with onsite systems? Check all that apply.



3. What are the greatest issues you experience with onsite systems? Check all that apply.

Other. Please describe - Text

Difficult working with County utilities to get permitting for water or sewerage connections as ecosensitive alternatives

Varying interpretation of the regulations between plan reviewers

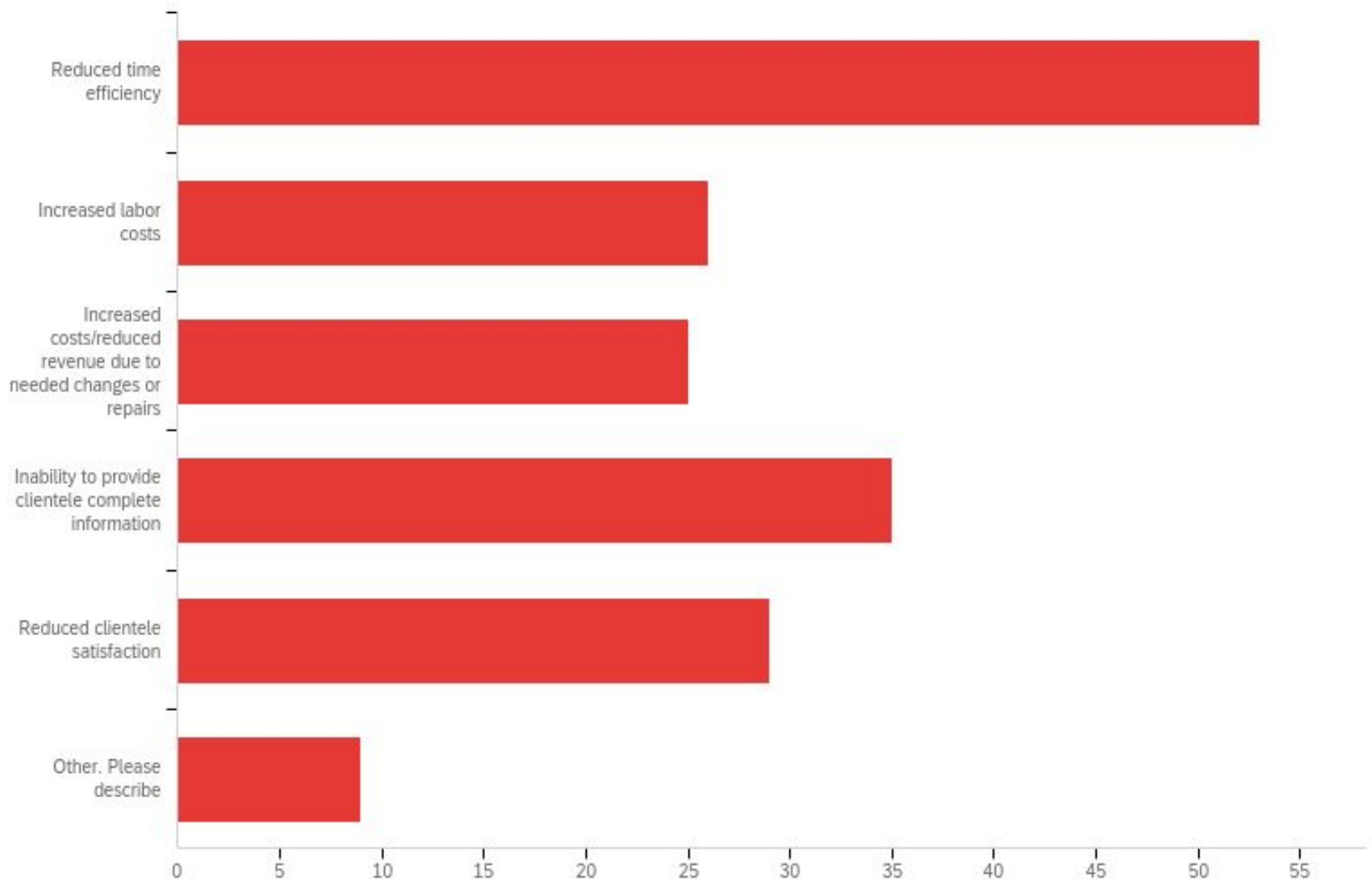
Excessive review times, inconsistent reviews within same department, Covid-19 impacts on staffing

I don't want to do any more well and septic. Too expensive and too much brain surgery.

We do very few of these systems, no problems to report

Cost to developer

4. How do these issues impact your business? Check all that apply.



4. How do these issues impact your business? Check all that apply.

Other. Please describe - Text

Very long delays in completing s, occupancies and more expensive housing.

Staff burn-out/fatigue

ROI and efficiency concerns of newest septic requirements

Additional review submissions

Restrictions on where and to what extent the systems can be installed reduce business and growth opportunities for our business (consulting).

As an attorney assisting property owners and developers in navigating these requirements, these issues positively impact my business.

No issue for us

Fewer projects due to cost of system

5. How would you describe the variation in review of septic systems across counties?

Please describe - Text

Inconsistency in interpretation of MDE Rules/standards from County to County. Individual County discretion on interpretation.

no two counties are alike in their interpretation of the state code

On-Site system design should not be a surrogate for Land Use control. The variability of replacement (reserve) area is inconsistent from jurisdiction to jurisdiction.

Some Counties do inspections at several stages of the install (Layout, open trench, and pre-backfill) Most just do pre-backfill. And, one has the plumbing inspectors do the inspections and they barely look at the system.

may be due to soil types

variation in number of perc tests required and how the results are applied, policies for perc testing for repairs vary

One county allows something that another county does not allow. The one county has a much better record retrieval system than the other

Plan interpretation of what is a bedroom. Setbacks from septic field and downgrade water well

Please describe - Text

Some jurisdictions are more integrated with the DPZ process.....and some aren't. Also, standards like a well box vs three well locations are not consistent.

Some Counties have the Health Department report/structured under the County Executive while others have the Health Department report to the State

This is a 100% true story. After many years working as a developer in Howard County on well and septic jobs, I had one in Anne Arundel County. Based on my own experiences and innumerable similar reports/stories from others, I expected all health departments to be as hostile, unproductive and unhelpful as Howard County's. But, the experience was so shockingly different, I literally stopped the Anne Arundel County Environmental Health staff person to ask them why they were being helpful! After some discussion, it became clear that the focus on "customer service" was a clear mandate for all Anne Arundel County employees that was an enforced/encouraged by the County Executive. It is noted that there is a similar focus on "customer service" among Howard County employees including the County Departments involved in the permitting of development projects (DPW and DPZ) and that focus is consistently enforced/encouraged by the Howard County Executive. But, unlike DPW and DPZ in Howard County and Environmental Health staff in Anne Arundel County, the Environmental Health staff in Howard County do not report to the County Executive. Instead, they report to the State Health Department where the concerns of engineers and developers about delays in the County's plan permitting process being caused by unhelpful and uncooperative staff are (understandably) a lower priority than issues like hospital safety, vaccine roll-outs and food safety. The Howard County Environmental Health Department is deeply integrated with the County's Departments of Planning, Zoning and Public Works yet they have demonstrated (for years) a willful disregard of the norms and expectations of the system in which they operate. In general, I believe the current staff at Howard County's Environmental Health Department are competent and capable. But, they shouldn't continue operating (as they do now) without the same expectations other agencies involved in County-level permitting processes. Anne Arundel County's Environmental Health Department reports to the County Executive and Howard County's should as well.

Please describe - Text

Health Departments have varying processes and methods of approval and systems they generally approve. A standard process should be generated for the entire state since the Health Department is the approving authority.

Some counties take too long to review designs (short-staffed?) while others are more lenient and in system design than others. Some counties go by COMAR regs exclusively while others have their own more-restrictive design criteria.

Time and regulations vary greatly. Some jurisdictions design the systems others rely on the consultant

Varies

Howard used to be more flexible with innovative systems but it has been a few years since I processed a permit there. If MDE becomes involved it is much more difficult and time-consuming to get through the review process.

Different jurisdictions have different requirements for pipe bedding, testing, backfill material and type of vaults.

all over the board.

Please describe - Text

Testing very different between Baltimore, Carroll and Harford.

County Specific Tank/trench/system requirements

Confusion in what the state allows and what county says is allowable.

I work mostly in Howard County, but the few other counties seem to have similar regulations.

It seems review variation is related to reviewer's personal interpretation of regulations.

Each county seems to have their own individual hot buttons when reviewing septic designs for lots.

There are variants in design preferences and code throughout the state. Some Counties have created manuals such as Anne Arundel (which needs to be updated), and some have unwritten policies.

Some counties are much more stringent than others. Some counties are willing to work with us when we have a situation where a creative solution is needed.

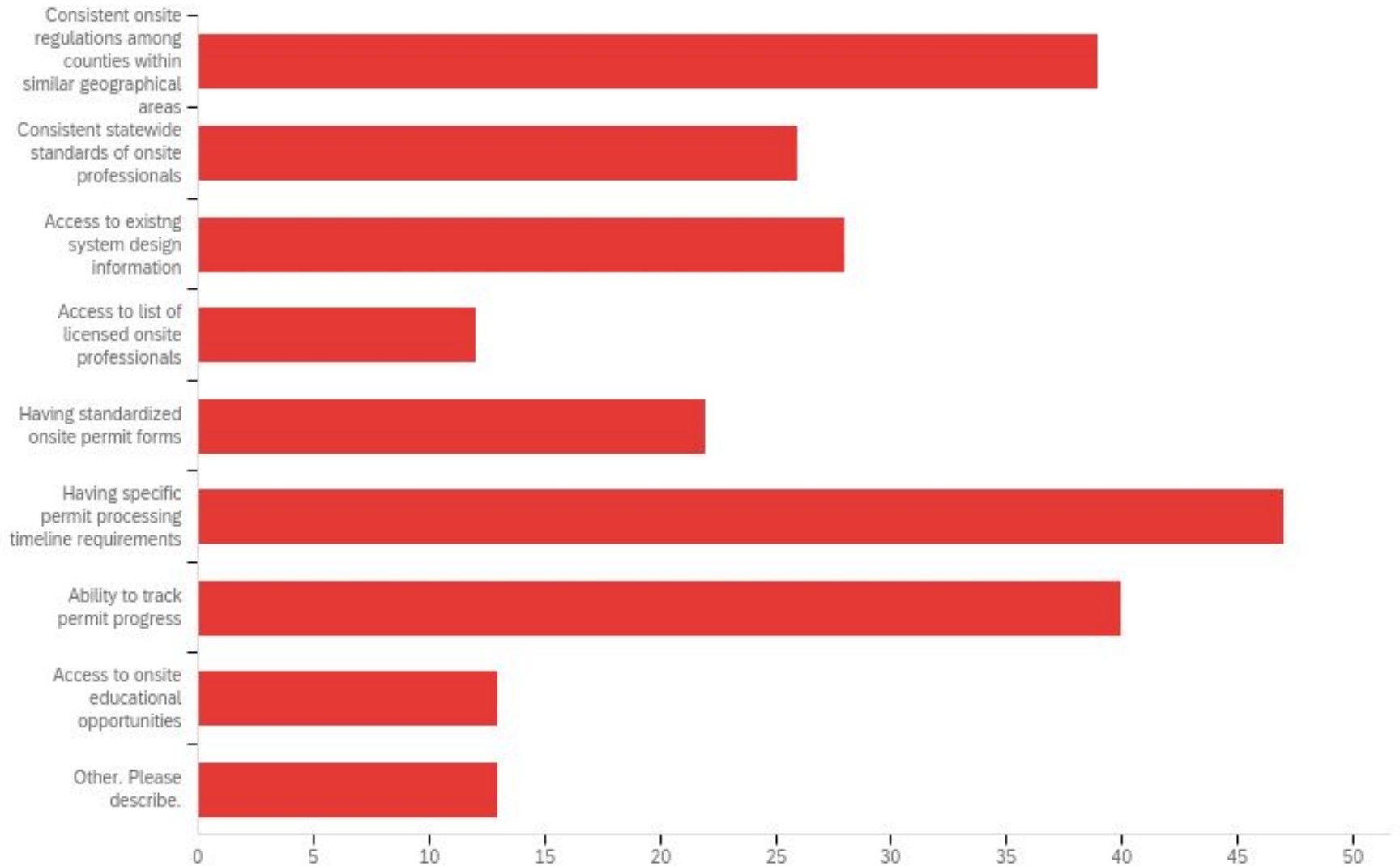
6. Which county(s) have you observed to be relatively easy to get a septic permit?

County	Frequency
Anne Arundel	4
Baltimore	2
Carroll	2
Cecil	2
Frederick	2
Harford	2
Howard	2
Montgomery	4
Eastern Shore	1
Western MD	2
None	11

7. Which county(s) have you observed to be difficult to get a septic permit?

County	Frequency
Anne Arundel	5
Baltimore	6
Carroll	4
Cecil	1
Frederick	5
Harford	1
Howard	12
Montgomery	9
Prince George's	3
St. Mary's	1
Washington	2
Wicomico	1

8. What changes or ideas do you think would be helpful in reducing issues? Check all that apply.



8. What changes or ideas do you think would be helpful in reducing issues?

Other. Please describe. - Text

Not increasing bureaucracy to implement statewide uniformity.

Prior notice before enforcement of a new or prior unenforced regulation.

I don't believe, given the variability across the state and even within a jurisdiction, that consistent on-site regulations are advisable.

Better educated designers and installers

Educational opportunities for plan reviewers as well to promote accurate application of State regulations.

The Howard County Environmental Health Department is deeply integrated with the County's Departments of Planning, Zoning and Public Works yet they have demonstrated (for years) a willful disregard of the norms and expectations of the system in which they operate. In general, I believe the current staff at Howard County's Environmental Health Department are competent and capable. But, they shouldn't continue operating (as they do now) without the same expectations other agencies involved in County-level permitting processes. Anne Arundel County's Environmental Health Department reports to the County Executive and Howard County's should as well.

Revise water usage per bedroom. The amount of water per bedroom or person is very antiquated. The low flow showers, toilets and faucets means much less water is produced than the amount set by the state.

8. What changes or ideas do you think would be helpful in reducing issues?

Other. Please describe. - Text

MOWPA (Maryland Onsite Wastewater Professional Assoc) used to have an Technical Educational Program.

stop multiple rounds of agency comments. owner submits plan. receives and addresses agency comments. agency approves plan.

AA Co requires 2 review processes. Initially, a request for design based on the size of the house is required, which takes 3 weeks, then the plan is designed and submitted which takes 4 weeks and then a grading permit is required.

Consistent interpretation

More flexibility at the county level for creative solutions

I do not think that one system would work for the entire state since there are differences in soil types and topography. Different solutions may be best practices

value added ag onsite wastewater needs survey.pdf

Uploaded by: Katie Fry Hester

Position: FAV

Maryland Agriculture Industry Onsite Wastewater Needs Survey
October 4th 2021

1. What County is your operation located? n=22

Anne Arundel - 2

Baltimore -1

Calvert - 1

Carroll -2

Dorchester -1

Frederick - 2

Howard - 2

Montgomery - 6

Prince George's - 1

Queen Anne's - 3

2. What type of value added operation do you have? Check all that apply

Answer	%	Count
Agriculture Tourism	36.73%	18
Farm Alcohol Producer	32.65%	16
Fruit or vegetable processing	8.16%	4
Meat processing	6.12%	3
Other Value-Added Agriculture Production, please describe.	14.29%	7
Creamery/Dairy	2.04%	1
Total	100%	49

•

Other:

Bake pies, Tasting room, Winery, Flower farm

3. What are the greatest issues you experience with the review and approval of your septic system?

Waste water

We struggled with the health department's process. No communication until a call with the Health Officer, and Maryland Distiller's Guild got on that call with us. Once we had approval, when we were ready to begin pulling permits, the county pulled "new maps" and it cost another \$2,800 to an environmental company to prove our tax ditch is, in fact, an ag ditch, not a "perennial stream".

NA

We're treated like a large commercial establishment and thus a massive expensive septic system was required to open the tasting room.

Not getting percs

Getting the health department to understand what we do.

Time. From the moment a decision is made that a septic system is needed, it can take years to get a completed system. Lack of Capacity. Due to the nature of Ag Tourism, there can be large but infrequent uses, systems are designed for the single busiest day. this would require unmanageably huge and expensive systems.

Being forced to put in a septic system for a 1-season glamping venture in a 5 acre field that was designed and prepared to remove all waste for disposal by professional, licensed waste disposal trucks. In other states this has been an acceptable practice with the use of self contained bathroom units.

Time and money in addition to overboard requirements

3. What are the greatest issues you experience with the review and approval of your septic system?

Limited perk test time

Just finding the correct COMAR code that applies to our operations

We have been told we cannot add another septic system so are forced to rent multiple portajohns which are expensive and not ideal

lack of communication, no phone call backs, poor response time, no follow through on part of staff, no on the ground assistance or suggestions and this always requires additional visits that are never timely , gvida issues

Finding the information needed to make a decision, affordability

The staff decision makers are too rigid and difficult to deal with. They expected us to build a pretreatment sewage treatment plant costing hundreds of thousands of dollars.

Wait time for plan review, requirement for seperate holding tank

Too costly &

Forcing applicant to upgrade existing systems where it is not necessary

I want to have a farm stay but can't afford a new septic just for one site for that.

Inconsistent standards, lack of knowledge, lack of accountability, lack of real data (all referencing our county/state officials)

Having to install a 1,000 gallon tank system.

None

4. How do these issues impact your business?

Cost Prohibitive

This cost us another 6+ months, plus the \$2,800 to the env company and more to my surveyor. I anticipate that now that we have a builder and are ready to go again, there will be SOMETHING else with the septic.

NA

We spent \$40k on a septic system that we'll likely never even use to 1/2 of it's capacity.

We can't build worker housing on one site because we can't expand the existing septic

Takes valuable time

Many times a system is required, however the public is prohibited from using this system and port-a-johns must be brought in. NO ONE wants to use a port-a-john

First, It cost about \$10,000 for a 5-1/2 month use. Second I now have a useless septic tank in the oats field. I guess the notion of "no trace left behind" doesn't apply to health dept officials who forced the issue. Third, while it's not directly related to the septic system, this health official allowed water for toilets, showers to be brought in via water buffalo containers from an approved municipality for this season only. However, he stated that if we want to have the same operation next year he will force us to drill a well. That puts an end to this venture.

Monetarily

Unable to have a kitchen as provided by the farm bill due to expense of multiple septic systems to satisfy health department

Without support from our County Commissioner we would have been dead in the water. Sometimes the Health department does not want to meet businesses halfway and stick to a cookie cutter approach

We get frequent complaints from visitors who would understandably prefer a better restroom

brings projects to a stop and has huge cost implications

cost

We haul our wastewater.

Delayed opening by over a month, cost 10's of thousands in loss of business and 10's of thousands in additional engineering/permit requirements

It cuts into the bottom line

Delays and extra (and unforeseen) costs

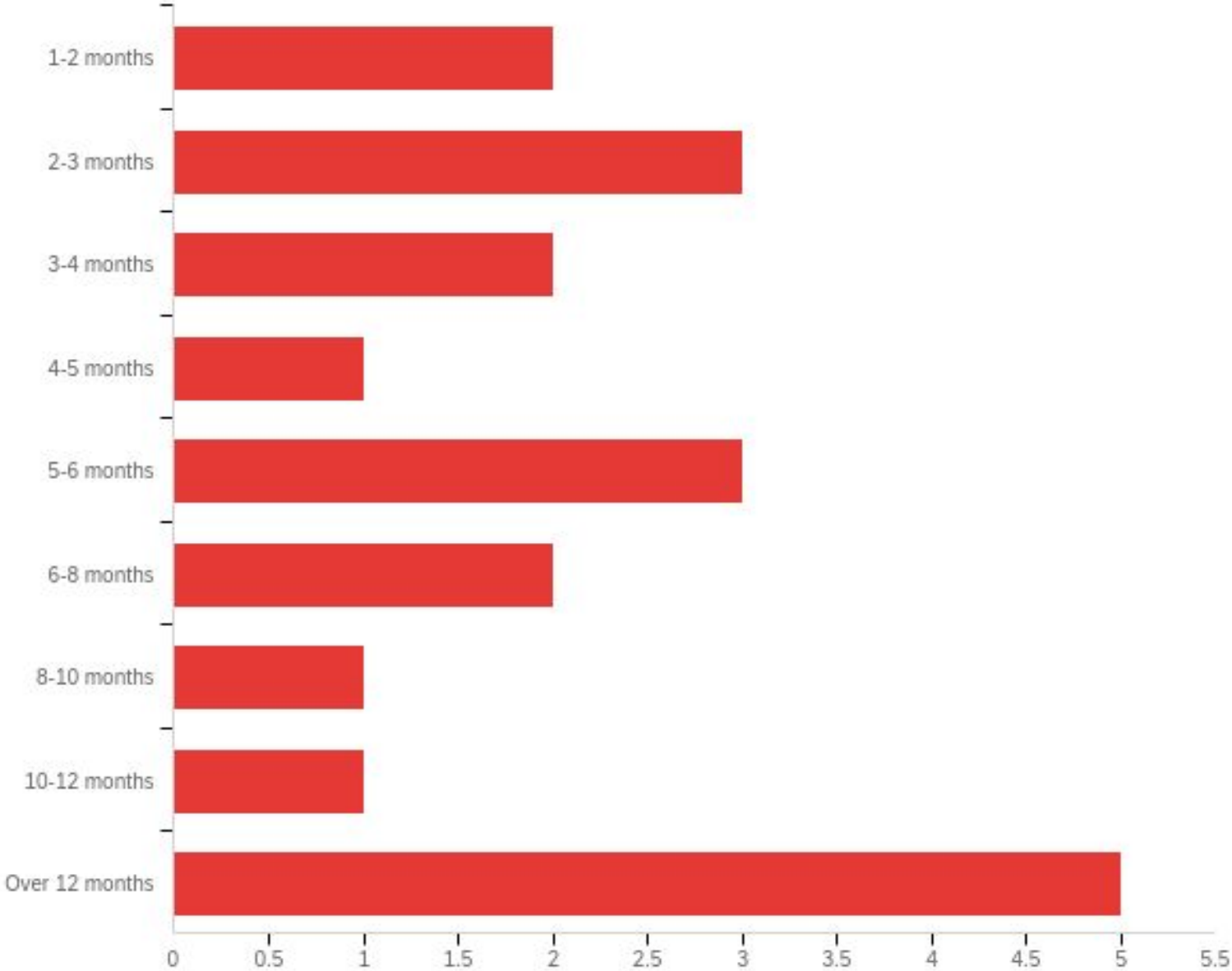
It's ridiculous to require all these things when we just want to have a little glamping setup which could help me farm full time and secure my family farm for the future. Our county is awful. I should just move to another state that is easier to work with.

Severely hurt our sales

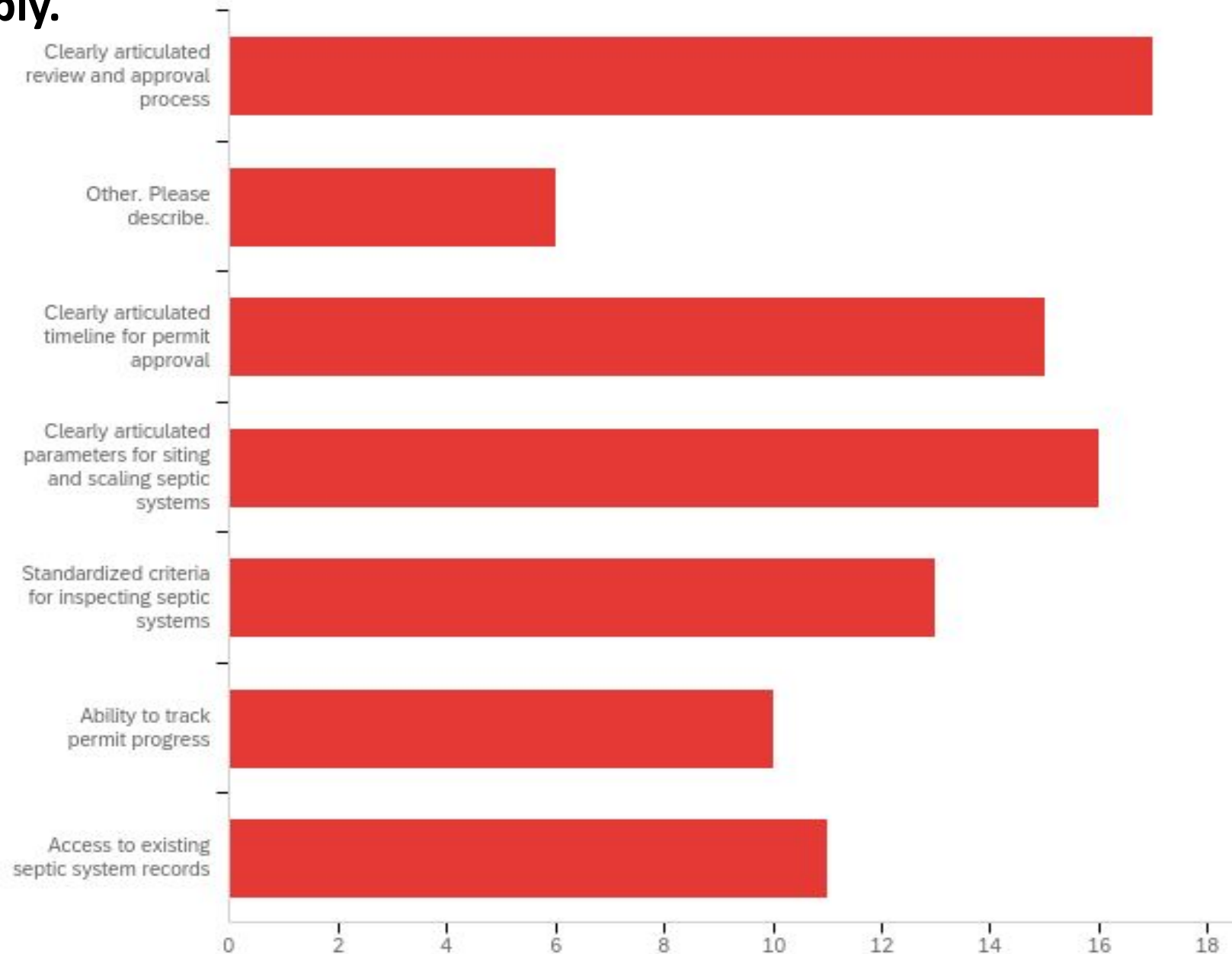
5. On a scale of 1-10 (with 1 being easy and 10 being difficult), rate the ease of the septic plan approval process.

Mean	Std Deviation	Variance	Count
6.91	3.49	12.17	22

6. In your experience, what was the estimated review time between the submission of a septic plan to the county/Maryland Dept. of Health and the final approval?



7. What changes or ideas do you think would be helpful in reducing issues? Check all that apply.



7. What changes or ideas do you think would be helpful in reducing issues? Check all that apply.

Other. Please describe.

NA

Entire system needs to be scrapped. Get rid of the anti business mind set. Reach out to land planners, real estate atty and system installers for some common sense ideas. If you think I'm over reacting, try it yourself, my bet is you'll give up when you realize how long it will take, how expensive it will be and how little GPD you will be allotted.

Common sense thinking when other options are present.

Removal of officious and dictatorial staff.

It is clear that there is much confusion about what the rules are for farm alcohol production facilities
Probably everything needs to be better but I haven't been able to go through the process.

MBIA Letter of Support SB 835.pdf

Uploaded by: Lori Graf

Position: FAV

February 19th, 2024

The Honorable Brian Feldman
Chairman, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Support SB 835 Environment – Delegated Authorities – Well and Septic Program Permits

Dear Chairman Feldman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 835 Environment – Delegated Authorities – Well and Septic Program Permits**. MBIA **supports** the Act in its current version.

SB835 requires a local health department or county government to submit a schedule of review times for certain well and septic program permits to the Department of the Environment on or before December 1, 2024. Our association fully supports this measure, as we believe its provisions will help reduce delays in obtaining permits and will allow construction projects to proceed more smoothly and efficiently. Regular data submissions to the Department of the Environment will help ensure that delegated authorities are effectively managing the well and septic program permits.

For these reasons, MBIA respectfully urges the Committee to give this measure **a favorable** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Education, Energy, and the Environment Committee

SB835 Env - Del Auth - Well and Septic Permits - E

Uploaded by: Donald Curtian

Position: INFO



An Affiliate of
The Maryland Association of Counties, Inc.

Date: February 19, 2024

TO: Members of the Senate Education, Energy, and the Environment Committee

FROM: Maryland Conference of Local Environmental Health Directors
Maryland Association of County Health Officers (MACHO)

RE: SB 835 – Environment - Delegated Authorities - Well and Septic Program Permits

The Maryland Conference of Local Environmental Health Directors (Conference) and the Maryland Association of County Health Officers (MACHO) provide a **Letter of Information for SB 835** that details existing efforts to collect and report information contained in the proposed legislation.

In August 2023, the Conference, working with the Maryland of the Environment (MDE) and the Maryland Department of Health (MDH), created a spreadsheet that includes well and septic permits and turn around times for review. This document also lists the other MDE and MDH programs delegated to local health departments to ensure the health and safety of communities and the environment. This document can be expanded to include other items such as variances, groundwater discharge permits, shared facilities, large system co-review and innovative and alternative on-site sewage disposal systems.

MDE is currently drafting new Delegation Agreements for each local health department. These agreements authorize a Health Officer or other county official to perform the duties, powers, and functions as outlined in the regulations for the delegated programs. Reporting of data will be a requirement. These agreements could factor in additional performance measures that would be of benefit to MDE.

MDE recently submitted an interim report to the General Assembly on well and septic permit delegated agreements per SB 835 passed in 2023 that included information from stakeholder surveys and regional meeting discussions. According to that survey data, 71% of respondents rated communication with local health departments as excellent. MDE is currently conducting other program appraisals and MACHO has requested that MDE resume regular audits of delegated programs.

To expedite the desired reporting, investment in an electronic data management platform is essential. This could be an entirely new statewide system or a method for existing systems to have back-end interoperability so the Departments could pull desired data in real time. Ideally the system would have a front-facing dashboard for the public to track permit processing status. In the absence of a statewide system, local health departments have cobbled together various platforms, or their counties have included them in their county permitting systems. Many local health departments do not have the resources to digitize and must rely on paper records. *MACHO and the Conference have made the request for an investment in an IT solution for local health department environmental programs for two decades.*

Local health departments not only issue well and septic permits; their environmental health programs play an integral role in the local permitting systems and planning and zoning processes They also perform other critical environmental health activities that protect the health and safety of their communities.

Thank you for considering this additional information. For more information, contact:

Conference: Don Curtian, President, Maryland Conference of Local Environmental Health Directors,

Phone: 410-222-7050, hdcurti@aacounty.org

MACHO: Ruth Maiorana, Executive Director, Maryland Association of County Health Officers, Phone:

410-937-1433, рмаiorа1@jhu.edu

SB835 MOWPA infomational.pdf

Uploaded by: Edward Harrison

Position: INFO

P.O. Box 2570
Ellicott City, MD 21041-2570
(443-570-2029)
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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.

Commented [DS1]: Can you put this on MOWPA stationary or have name very prominently displace at top?

**P.O. Box 2570
Ellicott City, MD 21041-2570
(443-570-2029)
info@mowpa.org**



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

9608B Fountain School Rd
Union Bridge, MD 21791
410-795-8691