

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

Senate Bill 835

(Senator Hester)

Education, Energy, and the Environment

Environment and Transportation

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Environment - Delegated Authorities - Well and Septic Program Permits

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This bill requires a local health department (LHD) or county government to which the Maryland Department of the Environment (MDE) has delegated authority to administer a well and septic program to submit a schedule of review times for well and septic program permits to MDE for approval by December 1, 2024. Beginning three months after the schedule is approved by MDE, and every three months thereafter, an LHD or county government must submit well and septic program permit data to MDE for review. **The bill takes effect June 1, 2024.**

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Fiscal Summary

**State Effect:** The bill's requirements can be handled with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill's requirements can be handled using existing local resources. Revenues are not directly affected.

**Small Business Effect:** Minimal or none.

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Analysis

**Current Law:**

*Septic Systems Permitting*

MDE delegates the authority to issue permits to construct and repair conventional septic systems to local approving authorities. Pursuant to current regulations, a person may not

construct or attempt to construct a septic system without first obtaining a permit from the appropriate approving authority. A person also may not alter a septic system or cause it to receive any increase in flow or change in the character of wastewater unless permitted. A person must obtain an appropriate septic system permit, well construction permit, public or private water supply system permit, or public or private sewerage permit before constructing or altering any structure, residence, floating home, or commercial establishment that is served or planned to be served by a septic system or a private water supply system. Local approving authorities, generally LHDs, conduct inspections.

### *Water Well Construction Permitting*

MDE's water well construction program regulates the permitting and installation of water wells in the State, including for potable and nonpotable supply wells. Wells must be installed by a Maryland-licensed well driller, and the licensed well driller must obtain a well construction permit prior to drilling. MDE delegates authority to enforce the State's water well construction regulations to LHDs and other local approving authorities. Licensed well drillers apply to the local approving authority to obtain a well construction permit prior to drilling. After obtaining a permit to drill, the well driller must also submit a completion report to the approving authority. If the well is to be used as a potable water supply, a Certificate of Potability is required before the well is put into service.

### *Study and Report Related to Well and Septic Systems Permitting*

Chapter 577 of 2023 requires MDE, in consultation with the Department of Legislative Services and the University of Maryland Agriculture and Food Systems Extension Program, to study the implications of the delegation of MDE's well and septic systems permitting authority to the Maryland Department of Health. MDE was required to submit an interim report of its findings and any recommendations for legislative or administrative changes to the Governor and the General Assembly by December 1, 2023. The interim report can be found [here](#). A final report is due by December 1, 2024.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 992 (Delegate Stein) - Environment and Transportation.

**Information Source(s):** Maryland Department of the Environment; Maryland Association of County Health Officers; Baltimore City; Harford County; Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2024  
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