

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 606

(Carroll County Senators)

Education, Health, and Environmental Affairs

Environmental Matters

Carroll County - Privately Employed Sanitarians Licensed by the State - Soil
Percolation Tests

This bill prohibits Carroll County or the local health department in Carroll County from prohibiting a person from directly hiring or scheduling a privately employed sanitarian to conduct a soil percolation test. The privately employed sanitarian must be licensed by the State, notify the county or its health department that a soil percolation test will be conducted, and allow a representative to observe the test. If a person obtains a test from a privately employed sanitarian, the county or its health department must accept the test results.

The bill takes effect July 1, 2009, and terminates June 30, 2011.

Fiscal Summary

State Effect: The bill is not anticipated to significantly affect State operations or finances.

Local Effect: Fee revenues for the health department in Carroll County decrease due to fewer soil percolation tests being conducted. In addition, the bill may cause an uncompensated increase in the workload of the health department in Carroll County.

Small Business Effect: Potential meaningful impact on privately employed sanitarians in and around Carroll County to the extent that the bill results in an increase in the demand for their services.

Analysis

Current Law: Satisfactory soil percolation tests are required for any property to be served by an on-site sewage disposal (septic) system. For conventional septic systems, other than sand mounds, the percolation rate must be between 2 and 30 minutes per inch. For sand mounds, the vertical permeability must be between 2 and 60 minutes per inch. Except in areas of the coastal plain specifically delineated in a groundwater protection report, there must be at least four feet of satisfactory unsaturated soil below the bottom of a septic system.

Current law authorizes the Maryland Department of the Environment (MDE) to establish a privatization program for performing soil percolation tests in one or more counties in the State. The health department for any county seeking to establish such a program is directed to work with MDE to implement the program.

In general, to practice as an environmental sanitarian in Maryland, a person must be licensed by the State Board of Environmental Sanitarians within MDE. To qualify for a license, an applicant must pass an examination. Various application, examination, license, and renewal fees apply.

Background: The purpose of a percolation test is to determine the suitability of soils for the installation of a septic system and treatment of sewage effluent. More specifically, a percolation test measures the ability of the soil to absorb liquid. The suitability of soil for the subsurface disposal of sewage is determined by its physical characteristics and percolation rates.

According to MDE, during one of the building booms in the late 1980s, the local health departments had a difficult time keeping up with the demand for soil percolation tests. As a result, Chapter 508 of 1992 authorized MDE to establish a privatization program. MDE advises that privatization programs were established in Carroll, Charles, and Howard counties. Carroll and Howard counties no longer have privatization programs, and the program in Charles County requires the consultant to schedule the test with the health department so that it has the option of witnessing the test.

According to MDE, there were 736 sanitarians and sanitarians-in-training registered by the board in 2007, most of whom were employed by local health departments (528) or the Department of Health and Mental Hygiene/MDE (116). Of the total, 70 were privately employed, 22 were retired, and an estimated 450 perform soil percolation tests. According to MDE, there are also an unknown number of sanitarians licensed by the National Environmental Health Association.

Local Fiscal Effect: According to the Carroll County Health Department, fee revenues associated with soil percolation tests have averaged around \$60,000 annually. If half of individuals opt to hire a privately employed sanitarian, then fee revenues would decrease by \$30,000.

The bill does not require local health department personnel to observe soil percolation tests conducted by the privately employed sanitarians. Therefore, to the extent that local authorities opt not to observe soil percolation tests for which they do not obtain fees, future workloads may increase to address faulty septic systems. If local authorities decide to observe the soil percolation test, they will still not be compensated for doing so with a fee.

Additional Information

Prior Introductions: A similar bill was introduced in the 2008 session as SB 786 and heard by the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: None.

Information Source(s): Harford, Montgomery, and Wicomico counties; Baltimore City, Maryland Department of the Environment; Department of Health and Mental Hygiene; Department of Legislative Services

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