

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1219 (Delegate M. Fisher)  
Environment and Transportation

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Calvert County – Soil Percolation Tests – Validity

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This bill establishes that a soil percolation test performed on an unimproved property in Calvert County remains valid for a period of at least 20 years if (1) a satisfactory soil percolation test is filed with the Calvert County Health Department and (2) the property has not been altered since the date of the soil percolation test.

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Fiscal Summary

**State Effect:** The bill primarily affects Calvert County and does not materially affect State finances or operations.

**Local Effect:** Minimal decrease in Calvert County revenues from a reduction in site evaluation/sanitary construction application fees. Calvert County expenditures are not materially affected.

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

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Analysis

**Current Law/Background:**

*Soil Percolation Tests, Generally*

The Maryland Department of the Environment (MDE) has broad authority over the regulatory process related to the installation of new septic systems, additions to existing septic systems, the repair or replacement of existing septic systems, and changes in the

strength or volume of the sewage entering septic systems. This authority is generally delegated to local governments (local approving authorities).

A “soil percolation test” is a procedure used to determine the rate of movement of water through soil at the depth of installation of a proposed site of a septic system. Soil percolation tests are required as part of the comprehensive site evaluation process to determine whether and what type of a septic system can be installed on a given property. Site evaluations consider topography, soils, geology, surface and subsurface drainage, useable area, and groundwater conditions, along with local records and percolation tests or other permeability tests, to estimate soil hydraulic properties and determine whether there is adequate space to support a septic system on a specific site.

The local approving authority can require as many soil percolation tests as are considered necessary, but at least one percolation test per acre must be conducted. Other pertinent soil evaluations may be required if considered necessary. The length of time for which a soil percolation test is valid varies by jurisdiction and, in part, depends on site-specific factors. MDE advises that in some jurisdictions, a percolation test is valid for one or two years. Others allow an older percolation test to be used if the site characteristics have not changed.

#### *Soil Percolation Tests in Calvert County*

In Calvert County, before a soil percolation test is conducted, a site evaluation/sanitary construction application must be submitted to the environmental health division within the Calvert County Health Department. The health department charges a \$175 fee to test repair/replacement systems and a \$250 fee to test existing lots of record or subdivisions of land. A licensed environmental health specialist and a licensed septic installer must be present during a percolation test or site evaluation, and only a licensed septic installer is authorized to dig a percolation test. A percolation test in Calvert County is considered valid for two years and must be renewed every two years. Percolation tests can be renewed at the discretion of the approving authority and may be denied if it is determined that there is insufficient information to ensure compliance with current regulations.

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### **Additional Information**

**Prior Introductions:** HB 1155 of 2018, a bill with similar provisions that would have applied statewide, received an unfavorable report from the House Environment and Transportation Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 6, 2019  
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