



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 12, 2020

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
House Office Building
Annapolis, Maryland 21401

Re: House Bill 136 – Environment – On-Site Wastewater Services -Regulation

Dear Chairman Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 136, entitled Environment- On-Site Wastewater Services - Regulation and would like to provide information and share our concerns regarding this legislation.

House Bill 136 proposes to establish a State Board of On-Site Wastewater Professionals and requires certain individuals to be licensed by the Board prior to performing on-site wastewater services in Maryland. The bill seeks to establish the Board members and the authority of the Board to recommend to the Department standards for the licensing requirements and the regulations pertaining to the septic industry. The bill further requires any business performing specific on-site services to have the owner or employee licensed by the Board.

MDE believes the broad categories of On-Site Wastewater Professionals will affect all individuals currently employed in the industry, including individuals currently certified by the Department to perform certain duties such as sand mound construction contractors, at-grade construction contractors, best available technology installers, operation and maintenance service providers, and property transfer inspectors. Many county governments or county health departments currently require licensing for septic haulers, septic construction contractors under the existing authority of State regulations or County Local Laws.

MDE would need to develop and adopt regulations governing the eligibility and minimum training required for all individuals employed in the on-site wastewater industry. The State Board member's terms begin on July 1, 2020 and must hold a license from the Board by July 1, 2023. Since the Board will be funded by the collection of fees, the operation of the Board will be unfunded for an indeterminate amount of time. The bill further provides preferences to individuals involved in the industry as of January 1, 2020 who must obtain a license prior to the yet to be determined licensing requirements recommended by the Board. The implementation and enforcement of the licensing requirements is to be the responsibility of the county government.

The Department provides training and maintains a listing of individuals who have obtained certification for specific categories. Currently there are a total of 3,599 individuals who are certified. The county health departments provided MDE a list of categories of individuals currently licensed locally which totals 5,180 individuals. MDE would anticipate licensing would include a minimum population of these individuals.

At current staffing levels, MDE does not have the resources to create and implement the new licensing

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process in the allotted time period. The legislation as proposed provides funding through licensing fee collections that would not be immediately available to the Department.

The Department believes there is merit in having licensing for on-site wastewater professionals, including some type of Board oversight. However, this bill as drafted has a number of issues that need to be addressed and would best be handled through a workgroup or some other stakeholder process. The Department would be willing to work with the sponsor and other stakeholders to solve these issues.

Thank you for your consideration. We will continue to monitor House Bill 136 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,


Tyler Abbott

cc: The Honorable Dana Stein