HB 136 Environment -On-site Waste Water Services – Regulation
House Environment and Transportation Committee
Eric Casey

Position: Favorable

Dear Mr. Chairman,

My name is Eric Casey, and I am the Executive Director of the National Onsite Wastewater Recycling Association (NOWRA). NOWRA is the largest organization within the U.S. dedicated to educating and representing the interests of professionals within the onsite and decentralized wastewater industry. NOWRA's members include installers, service providers, designers, regulators, engineers, manufacturers, educators, and other parties in the protection of North America's water resources, the environment, and public health. The Maryland Onsite Wastewater Professionals Association (MOWPA) is a long-time Affiliate of NOWRA and MOWPA members also belong to NOWRA.

A key tenet of NOWRA's Mission is to "strengthen and promote the onsite and decentralized wastewater industry through activities that support recognition and promotion of professionalism for industry practitioners." We accomplish this mission by providing continuing education, training, and public outreach.

As the organization's Executive Director for the past decade, I have worked closely at the local, state and national levels on a wide range of policy issues, which affect onsite wastewater professionals, including licensure. As such, I am well qualified to discuss licensure practices around the country and why I believe it is important for Maryland to license its installers, service providers and pumpers. The testimony I am submitting reflects my views only, and are not necessarily NOWRA's official position on this matter. Unfortunately, once NOWRA became aware of this issue, there was not enough time for the organization to adopt an official position.

There are a number of reasons why a licensure program for installers, service providers and pumpers makes sense.

A licensure program will help to ensure that OSDS professionals have a fundamental understanding of the biology, chemistry, math and surveying techniques necessary to ensure that systems are properly installed, maintained and serviced. OSDS in Maryland frequently require advanced treatment technologies to achieve desired reductions in nitrogen discharge. Professionals who don't understand the science or math behind septic systems have no business installing or servicing such systems.

A licensure program will ensure that OSDS professionals are aware of new developments which can affect the design, installation and maintenance of onsite disposal systems. Examples

include impacts from an increased use of pharmaceuticals, sea-level rise, and new nitrogen reduction technologies.

A licensure program will help to eliminate 'bad actors' who install, service or pump OSDS systems improperly. Poorly trained individuals who perform shoddy work on OSDS sites increase the likelihood of system failures which threaten public health and the environment. They also undermine public confidence in the efficacy of onside disposal systems.

A licensure program is supported by Maryland OSDS professionals. It is generally rare for any group of professionals to request additional regulatory oversight, yet Maryland OSDS professionals support licensure of their profession. That should serve as a red flag that the current system of regulatory oversight of professionals is inadequate to protect public health, the environment or homeowners who rely on OSDS for sanitation.

Licensure is strongly supported by EPA as a key component for reducing nitrogen pollution from OSDS into the Chesapeake Bay. In its publication *A Model Program for Onsite Management in the Chesapeake Bay Watershed (US EPA, 2013),* EPA said, "Given the complexity of most nitrogen treatment technologies, a variety of professionals and technicians have an increased role in the successful design, installation, and management of these advanced onsite wastewater systems. A statewide training and certification program could ensure that service providers and wastewater professionals are qualified to design, install, and operate various advanced treatment systems….EPA recommends that the state wastewater regulatory authority, health department or other appropriate entity develop and administer a statewide training, testing, and certification program for installers, designers, inspectors, O&M providers, pump haulers, site evaluators, and regulatory staff."

Across the nation, increasing numbers of states have recognized that licensure for OSDS professionals is just as important as licensure for professionals such as electricians and plumbers. The following states currently license OSDS professionals: Virginia, Delaware, Pennsylvania, Rhode Island, Massachusetts, Vermont, New Hampshire, North Carolina, Georgia, Florida, Alabama, Ohio, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, Texas, Oklahoma, New Mexico, Oregon, and Washington

The decision to implement a licensure program should not be stalled by anecdotal claims that county officials don't see enough problems with the current system to justify increasing oversight of OSDS professionals at the state level. When most Maryland counties are unable to report how many systems they have or where they are located, anecdotal claims that "all is well" should be met with a high degree of skepticism. Further, the National Association of Counties estimates that 10 percent of onsite disposal systems are in failure mode at any given time. EPA estimates of system failures are as high as 25%. When most jurisdictions lack even fundamental data on the septic systems they are supposed to regulate, it is not credible to assume that they can authoritatively state that problems don't exist.

Maryland has been at the forefront of many innovative ways to address nitrogen pollution in the Chesapeake Bay – the Bay Restoration Fund, its Smart Growth initiatives, its strict nitrogen discharge requirements for OSDS, and more. Licensure of all OSDS professionals would be a constructive and valuable way to help Maryland maintain its role as a leader in protecting our valuable water resources.

Thank you for this opportunity to present testimony.