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In Reference to Onsite Wastewater Initiatives: HB302, SB22, and HB407

In Favor of SB22 and HB407- On-Site Sewage Disposal Systems - Inspection – Licensing

Environmental and Transportation Committee Members,

My name is Eddie Harrison, I am here to represent MOWPA (Maryland Onsite Wastewater Professionals Association). MOWPA represents all Maryland professionals in the Onsite Industry. Our membership includes: Installers, Pumpers, Engineers, Property Transfer Inspectors, Operation and Maintenance Providers, and Code Officials.

[The Maryland Onsite Wastewater Professionals Association (MOWPA) is a 501 C(6) not-for-profit organization, chartered in September 2004 to provide education and training programs for individuals and companies working in the onsite sewage disposal system industry.

OUR MISSION....to promote and enhance the use of onsite wastewater treatment and disposal by providing a forum for education, development and information transfer in order to create viable treatment processes, design, construction, operation and maintenance capabilities within the onsite industry. www.mowpa.org

I represent MOWPA as an un-compensated Legislative Liaison, current Vice-President, and former Board President.

My day job is the owner of BAT Onsite, LLC. BAT Onsite, LLC is primarily an Operation and Maintenance Provider for automated Onsite Wastewater Systems including, but not limited to: Advanced Treatment Units (including BAT), Pump Systems, Mound Systems, Drip Dispersal Systems, and pretty much any Onsite Wastewater System that requires electrical/mechanical operation under 5,000 gallons per day. I am currently servicing over 500 units, covering the whole State of Maryland. I have been working in the Onsite Wastewater Industry since 1984.

The Onsite Wastewater System (Septic System) is the most expensive appliance in a home. With the innovations, revelations, and concentration of Onsite Systems over the past 60 years, this Industry deserves a more serious approach to how it is regulated.

The Onsite Wastewater Industry has evolved tremendously since the 1950s. The logic back then was, “Just dig a hole in the ground and the water will go away”. And many people, today, still subscribe to this mentality. We learned from those times that not all soil will dispose of the wastewater. We also have learned that just because it goes into the ground, it does not necessarily go away. There were building lots, with Onsite Systems, created prior to the 1970s that could not support an Onsite System. Some are too small. (Waterfront developments can have 1/8 acre lots with a house, there are lots created all over the State that are only ½ acre lots with a house) Additionally, some developments are on soils that just don’t perc for one reason or another. These are lots that have homes on them today, are failing today, and in increasing numbers. Causes of the failures are due to the condensing of development poor original design, and to the aging of the systems.

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The wide variety of technologies in the Onsite Wastewater Industry, being utilized today, require varying levels of training, experience, and expertise to install and maintain. MDE has some certifications in place for installation and maintenance on a small portion of these technologies.

Property Transfer Inspectors is a blatant problem. And needs immediate attention. There was a law passed in 1999 to fix the issue of curbside Onsite Wastewater Inspections. The law reads:

9-217.1.a “After July 1, 1999, every person engaged in the business of inspecting an on-site sewage disposal system for a transfer of property must certify to the Department of the Environment that the person has completed a course of instruction, approved by the Department, in the proper inspection of on-site sewage disposal systems.”

The law went on to say that MDE would draft regulation to support this law. **That never happened.** So, the requirement now is that a person is certified after taking a course of study approved by MDE, but there is no requirement that they have to follow anything they were taught in the course or renew their certification. We literally have Inspectors doing the “Curbside” inspection on these properties with no legal recourse. I, personally, have been approached to be an expert witness, to testify to what a proper inspection would be, and the case was dropped due to lack of precedent.

MOWPA is one of the authorized training organizations approved to certify Onsite Wastewater Property Transfer Inspectors. **MDE has not offered the “Free” course since around 2005.** There needs to be a Statewide mechanism to bring the professionals together in education and training, to give Single Family Onsite Wastewater System owners good quality, consistent, professional service to save them on unnecessary repairs and maintain their property values.

MOWPA hosted a “Septic Summit” on October 15, 2020 at Howard County Conservancy in Ellicott City. We invited House E&T Committee Members, Senate EHEA Committee Members, MDE, Conference of Local Environmental Health Directors, Environmental Health Officers, MACo, Environmental Lobbying groups, Realtor Lobbyists, Builder Lobbyists, and MOWPA. We had a very successful event. There were 21 attendees representing every group we invited. There was good food, and hearty discussion/debate over all of the Onsite Wastewater Issues and possible solutions. The number one issue discussed was the faulty Onsite Wastewater Property Transfer Inspection regulation, or lack thereof. All in the room agreed there was a significant problem, but did not agree on the solution.

MOWPA is in support of SB22 and HB407 because, as a group, we see many deficiencies in our Industry caused by lack of education.

After I, representing MOWPA, supported an Onsite Wastewater Board bill in 2019, it was subsequently pulled to be negotiated in a work group with the Maryland Conference of Local Environmental Health Directors. I was a member of this workgroup representing MOWPA. Les Knapp from MACo moderated this group. There were 4 representing the Health Directors, two Environmental Lobbyists, one Onsite Industry supplier, and myself. We met four times, in person and conference calls. The meetings were very

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constructive when it came to the structure of the bill. We made very relevant adjustments to wording to improve the bill. However, the Health Directors, assigned to this group, took exception to the scope of the licensing. They, collectively, did not want licensing to cover all of the trades. They did, however, feel there was an urgent need for Onsite Property Inspectors to be licensed, not anyone else. I feel that the four Health Directors that were assigned to our work group had a rigid opinion. I don't believe we could have told them anything that would allow them to consider licensing Installers, Pumpers and Operation and Maintenance Providers. I can personally name 6 other Health Directors that fully support this initiative, but none of them were given to this group.

A full licensing Board of Onsite Wastewater Professionals is an initiative that MOWPA members have been discussing and working on for several years. We have had many industry members and code officials weigh in on how a Trade Board for our Industry would professionalize the Industry, protect Homeowners, protect property values, keep Government oversight, have Private Industry input, and protect our ground water. This Bill, SB22 and HB407, are "emergency bridge" bills to cover the dire need for proper Onsite Wastewater Property Transfer Inspections until a full Onsite Wastewater Board is up and running. The Board Bill (HB302) was drafted off of a concept draft that was vetted by many MOWPA Members, other Industry members, and code officials.

More and more complicated Onsite Wastewater Systems are being used, to address soil types, topography and location of properties to waterways. The ideal building lot locations are dwindling and more existing properties that were approved prior to modern screening practices need innovative design. Some systems being installed today utilize telemetry, proprietary readers, hydraulic calculations, electronic controls and more. These technologies need more qualified/technology specific training and recognized certification. This is needed for Design, Installation, Operation and Maintenance, Pumping, and Inspection. MDE certifies Property Transfer Inspectors, BAT installers, BAT O&M providers, and mound installers. They DO NOT certify or regulate any installer of an Advanced Treatment Unit (ATU) that is not designated BAT. They DO NOT certify or regulate any O&M provider for an ATU that is not designated BAT. They DO NOT certify or regulate any installer of Drip Dispersal Systems. They DO NOT certify or regulate any O&M provider for ANY automated dispersal system (Mounds, drip dispersal, Low Pressure Dosing, Time dosing, etc.). Only the Mound system Certifications have any sort of renewal and updated training requirement. And, no local jurisdiction has any regulation or certifications to monitor any of these specific technologies.

We have the full support of a majority of the Onsite Wastewater Professionals community. MOWPA put out an online survey of our total membership two years ago. The results we received back was that 80% of the respondents were in favor of State Wide licensing, 13% need more information, and 7% said no.

Note: Nationwide Installer Licensing: At least 26 States in the continental United States (all of Maryland's surrounding States) have some sort of State-wide licensing/certificate program for Installers in the Onsite Wastewater Disposal Industry. And almost all of the States along the East Coast have it.

I ask for favorable report of **SB22 - On-Site Sewage Disposal Systems - Inspection – Licensing**

Thank you for your time,

Eddie Harrison

Definitions

Septic System – A type of Onsite Wastewater System where there is no aerobic treatment.

Septic tank – A box on the ground that allows solid material to separate out of the wastewater, where some solids will float to top and other solids will sink to bottom. Then has some sort of baffle to allow semi clear (or treated) effluent to exit to a dispersal system

Dispersal system – Some sort of system that allows the treated effluent to disperse into the ground, plant uptake, and/or air. Drywell, Tile field, Deep trench, Sand Mound, At-Grade Mound, Low Pressure Dosing System, Drip Dispersal System, Lagoon, Constructed Wetlands, etc.

Automated Dispersal System – Any dispersal system that requires mechanical or electrical functions to operate

Onsite Wastewater System – Any system that treats/filters solids and contaminants from wastewater then disposes of the effluent on the same property as the wastewater was produced.

Onsite Wastewater Installer – Any person that participates in the process of installing Onsite Wastewater Systems. Excavation, setting tanks, plumbing, setting equipment, connecting equipment

Onsite Wastewater Designer – Any person that designs Onsite Wastewater Systems

Property Transfer Inspector – Any person that inspects an Onsite Wastewater System in order to facilitate the sale of a property which is serviced by an Onsite Wastewater System

Pumper – Any person engaged in removing sludge and/or effluent from any part of an Onsite Wastewater System and hauling off of the property

Operation and Maintenance Provider – Any person engaged in routine service, maintaining, repairing, or inspecting the mechanical functions of an Onsite Wastewater System

Advanced Treatment Unit – A treatment unit that would replace the position of a septic tank. Treats the wastewater to a cleaner effluent. Usually incorporates some sort of air induction

BAT (Best Available Technology) – A specific brand and model ATU that MDE has designated as reducing nitrogen by at least 50%. And also has to have been installed after the BAT designation was assigned to the unit. (Some exact same units were installed prior to their BAT approval and are NOT considered BAT)

Bootleg – Work performed without proper licensing and/or permitting

Curbside Inspection – An inspection done mostly from the street. The inspector may walk the property to look for septic leakage, but not much else.