

F. Edward Harrison, Jr. 9608B Fountain School Rd. Union Bridge, MD 21791

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In Reference to Onsite Wastewater Initiatives: HB302, HB 407, and SB22

## **In Favor of HB302 - Environment - On-Site Wastewater Services – Regulation**

Environmental and Transportation Committee Members,

**I apologize for the lengthy testimony, but I divided it into sections to make it faster to read:**

**Pages 1 thru 3 is Back story and qualifications**

**Pages 4 thru 6 is formal position**

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. We have in our membership: 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](http://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 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, that it does not go away. There were building lots 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 1/2 acre lots with a house) Some developments are on soils that just don't perc for one reason or another. And these lots have homes on them today, and are failing today, in increasing numbers. Discovering these properties is partly due to more thorough Property Transfer Inspections. Causes of the failures are due to the condensing of development and to the aging of the systems.

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Many repairs to these aging systems require a more sophisticated treatment and dispersal of the wastewater. A large number of these systems require Advanced Treatment Units (ATUs), as part of the system, to pretreat the wastewater to a cleaner condition and allow for a smaller dispersal system. These ATUs are not new. MDE has designated SOME of them as BAT. They have been experimenting with these technologies for a very long time. I can show you two subdivisions in Frederick County where ATU technology was installed in the early 1970s to compensate for the smaller lot sizes.

After the treatment, there is the dispersal. This is where the effluent, whether from a conventional septic tank or an ATU, is disposed into the ground. The more conventional means to do this are through deep trenches, tile fields, or drywell. A majority of the systems installed today still utilize these conventional methods. But more and more new home systems, today, are utilizing Sand Mounds, At-Grade Mounds, and Low-Pressure Dosing Systems. Repairs to older homes are also using Drip Dispersal Systems, Modified Mounds, Seepage Beds, Lagoons, Constructed Wetlands, and combinations and hybrids of these technologies.

All of the above technologies 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.

There are 5 jurisdictions (Somerset Co, Cecil Co, Baltimore City, Howard Co, and Montgomery Co) that have no licensing structure in place to install Onsite Wastewater Systems. Several jurisdictions have some sort of licensing that has testing and prerequisites. And some counties have only a registration process.

We have untrained professionals performing work on some of these units and costing the homeowner unnecessary money. There are County regulated Pumpers, untrained in the automated technologies, pumping systems and damaging the units, supplying property owner's incorrect maintenance information, and doing repairs that a trained technician has to charge the property owner thousands of dollars to repair the previous repair. We believe this is due to lack of education and training of these professionals. MOWPA offers training on a lot of these topics, but there is no mechanism in place to require Pumpers to take any of this training.

We have licensed, yet untrained, plumbers making repairs on some of these technologies with the same results. Onsite Wastewater Systems ARE NOT plumbing. The work may seem related, but the science and technology are very different. It is a specialty occupation.

MOWPA, being the Maryland Trade organization, has tried, tirelessly, to educate the Onsite Professionals of Maryland. But the professionals are very busy getting their work done and don't have leisure time to spend for elective training. 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.

We have examples of Onsite Systems being installed without a permit and the local permitting authority have little or no recourse for the installer. The "Bootleg" systems I refer to are ones that fail soon after install and property owner is left with paying another contractor to put in permitted system at an

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additional expense. The local Authority advising the property owner to sue the “Bootleg” contractor. And that costs as much as the initial “Bootleg” repair.

We have many examples of new systems being installed with faulty practices. The system will malfunction a few years later. The property owner will call a different contractor to diagnose the problem where they will discover the faulty situation. The homeowner is left to pay for repairs, where, if the work was done correctly at install, would not be necessary.

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. 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.

I know there is no silver bullet, but we are working tirelessly to get the Maryland Onsite Wastewater Industry the professionalism and recognition, as a major public utility, it deserves.

MOWPA hosted a “Septic Summit” on October 15, 2019 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. No one sat quiet.

**MOWPA is in support of HB302 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 that 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

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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 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 took exception to the scope of the licensing. They, collectively, did not want licensing to cover all of the trades. They felt there was an urgent need for Onsite Property Inspectors to be licensed, but 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 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 and I 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 was drafted off of a concept draft that was vetted by many MOWPA Members, other Industry members, and code officials.

There is too little true oversight for the Onsite Wastewater Industry. Five of the 24 jurisdictions have no Installer licensing at all. Some Jurisdictions only require a registration. Some of the jurisdictions have comprehensive testing and prerequisites, but too many have minimal testing and prerequisites. The inconsistency is mind boggling. MDE sets minimum design criteria and some Counties refuse to comply with things they don't agree with. The criteria I am referring to is simple National Industry standard criteria, not government overreach.

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 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.)

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.

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**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 **HB302 - Environment - On-Site Wastewater Services – Regulation**

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.