

An Affiliate of
the Maryland Association
of Counties, Inc.



DATE: February 24, 2022
TO: Members, Senate Education, Health and Environmental Affairs Committee
FROM: Maryland Conference of Local Environmental Health Directors
RE: SB 854- Graywater systems- Public and Private Buildings- Authorization

The Maryland Conference of Local Environmental Health Directors (the Conference) and the Maryland Association of County Health Officers (MACHO) **OPPOSE SB 854** regarding Graywater Systems.

First and foremost, this bill introduces an entirely new definition of graywater that contradicts with the current statute located in Article-Environment §9-1112. The Conference and MACHO believe that the existing definition of graywater in statute is protective of the environment and public health where the proposed definition seems to decrease the scope of what graywater is unnecessarily. Under 9-1112.1(A)(3) the bill's proposed definition of "Graywater System" means a holding tank from a three-compartment sink which is, without question, a kitchen sink and directly conflicts with the definition of graywater provided in statute. Additionally, the definition of "Graywater system" further includes a holding tank used to collect and store potable water. A holding tank used to collect and store potable water is also referred to as a cistern. Cisterns are not safe and adequate water supplies, and they are not part of a graywater system by any commonly held definition. Local health departments also take issue with the lack of a plan to address reuse. The bill defines graywater systems as holding tanks with no clear manner of disposal or **beneficial reuse**. This definition is essentially just describing sewage holding tanks and cisterns, not a graywater system at all.

It appears this bill intends to allow a carve-out for a specific business to be able to operate without complying with current regulations and laws. It is important to understand the impact that this legislation would have on the way that graywater, allowable uses utilizing sewage holding tanks, potable water and food service facilities are safely regulated under the current statutes and regulations in place in Maryland. Approval of this bill would open the door for food service facilities and bars to essentially open anywhere in the state (including made land consisting of dredge spoils) utilizing sewage holding tanks and cisterns for potable water use, which leads to significantly higher risk of waterborne illness.

For these reasons, the Conference and MACHO requests the Committee give SB 854 an **UNFAVORABLE** report.

Handwritten signature of Kenneth Welch in black ink.

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