

SB 479 Lazur Fav.pdf

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Position: FAV

Testimony on SB479

Name: Andrew Lazur

Affiliation: University of Maryland Extension

Address: Central Maryland Research and Education Center
2005 Largo Road, Upper Marlboro, MD 20774

Phone: 301-789-5256

Email: lazur@umd.edu

Bill Reference Number: HB318 and SB479 Environment – Onsite Wastewater Services – Regulation

Position on Bill: Informational

I am a statewide Water Quality Specialist with University of Maryland Extension providing septic and private well education primarily to homeowners. In 2021 I worked with Senator Hester's office in surveying and determining how other states oversee the onsite wastewater industry. 35 states require state licensing for some, or all sectors of the septic industry, all states have some level of certification requirements, and six states (AL, MS, NC, NH, and VA) have state onsite licensing boards. We surveyed and interviewed the states with licensing boards (full report attached) to identify: a) reasons for establishing a board; b) board function; c) what would they included in the board's duties; and d) what recommendations for other considering a board.

a) Reasons for the board included: establishing minimum standards/qualifications for onsite professionals (63%); provide oversight of onsite professionals (63%); establish enforcement of standards and ethical conduct (50%); and provide a licensing and certification mechanism (37%).

b) Board functions included: license and regulate onsite professionals; establish minimum standards of knowledge and experience to ensure competency and ethical conduct; protect environmental and public health; establish training and certification; provide appropriate enforcement procedures

c) What would they include: have greater capacity to take action against licensees operating unethically; standard permit and other forms; and include time of sale Inspector certification.

d) What recommendations do they have for others: include stronger regulations on the inspection process; work with related industry groups; make certification process user friendly; a board on 9-11 members with heavy industry representation; include hands-on training for onsite professionals.

SB479 Team Septic Factsheet FAV .pdf

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Team Septic

An informal coalition of septic (Onsite Wastewater Systems) professionals and environmental organizations

SB479 Environment – Onsite Wastewater Service – Regulations

Septic systems are vital home and commercial appliances that play a crucial role in the health and wellbeing of not only our waterways, but also people. They are easily the most expensive appliance in a home.

Maryland continues to grow, and this mean more septic systems. At the same time older systems are reaching the end of their lifespan. EPA estimate at least 10% are failing.

We also better understand how a wide number of factors impact the effectiveness of these systems and demand different designs. The increase in serious rain events, flooding and sea level rise are all having significant impact on these systems. Therefore, it is important to have a septic industry that has the oversight and capacity to adapt to our changing landscape.

Septic systems are essentially a decentralized wastewater treatment plant and need to be designed, installed, and serviced properly for its specific conditions and flows. This requires specialized knowledge and regular continuing education.

Why is a professional board needed?

Other industries have similar boards to ensure the best training and accountability, these include professional boards for electricians, plumbers, home inspectors, interior designers, well drillers and home improvement contractors. The septic industry urgently needs the same.

These important appliances require a unique set knowledge to install a system that meets the individual challenges of each home including the soil type at the site, nearby streams or water ways, the percolation of soil, the slope of the land, the size of home and many other factors.

Inconsistent local licensing

Five counties have no licensing of installers: Howard, Montgomery, Cecil, Somerset, and Baltimore City. Licensing for other parts of industry varies wildly from county to county. Some may require a one-day class and a small fee. Others just require a fee. This scattershot approach to regulating this industry does not provide the training or accountability that is urgently needed.

This bill does not prevent a local jurisdiction from implementing additional requirements. Septic professionals frequently work in several counties. A statewide professional board will afford a consistent level of oversight. 26 other States have a similar professional board. This includes all the States that are contiguous to Maryland.

Role of Environmental Health Officers

County Environmental Health Officers are tasked with a long list of responsibilities to protect Marylanders. This includes the approval of the design of new septic systems and to inspect them when installed. This is important work. Their jobs will be made easier if those doing the designing and installation have better training and accountability. HB 302 supports the work of the Environmental Health Officers.

It is important to note that Environmental Health Officers are not aware of many problems you heard about at the hearing. They are not the people called when the septic backups into the basement or up in the yard or when alarms go off. The professionals you heard from at the hearing are working longer and longer hours addressing these calls and seeing the bad designs, improper installations, and bad repairs.

Conclusion

HB 318 sets up the missing professional board and safeguards against faulty designs and faulty installations that pollute our waterways and groundwater and pose a public health risk and will protect the investment in a home. When there are problems this bill provides missing accountability. At its heart this is a consumer-friendly effort.

HB 318 establishes a board made up of the profession from across the state as well as consumers to recommend to Maryland Department of the Environment actions and regulations to strengthen the industry and sets up an enforcement mechanism for bad actors. This protects the homeowner and the industry. Most serious professional septic service providers support this bill. Every Maryland septic system owner will benefit from its protections.

Examples of Septic System Design, Installation and Maintenance Issues

1. A licensed plumber illegally installed a septic system in Taneytown that failed. This cost the homeowner was \$10,000 for the illegal system and \$20,000 for the installation of a permitted system. Nothing was done to this plumber and he is still permitted to do work in Carroll Co.
2. "I got a Norweco (advanced treatment device) alarm call. I found the pump chamber was flooded and the system was about one flush away from going into the house. They had to have the pump chamber pumped out to give them enough storage until the pump chamber could be repaired on Monday. This system failed because of the way it was wired. Most electrical work outside the house for a septic system does not get inspected by the electrical department. They just assume the health department is looking at it. This is true for all counties.
3. A new homeowner discovered that their septic system was badly designed and installed only after their dog got seriously sick. The property transfer inspection when they bought their home did not identify any issues.

The errors include a drip dispersal system was installed with the incorrect control panel, resulting in the incorrect amount of water being dispersed in the drain field. This also messed up the routine system flushing and backflow. Additionally, the K rain valve was broken. Neither the inspector nor the installer could be held responsible.

4. Homeowner buys a house after the septic property transfer inspector says everything is in good shape. Three years later they put their house on the market and a different inspector

finds a straight pipe to a stream. To sell they must make a \$40,000 septic repair.

5. Installer goes to a small lot on an older property to make a quick and easy repair. Sometimes they get a permit and sometimes not. They do not always protect the site from damage from their equipment. Often, the quick fix that does not solve the problem as the owner discovers when they still cannot flush their toilet. This kind of work can damage the property to the point that even a new innovative system will not work, and they must now use a holding tanks severely decreasing the value of the property.
6. Designer submits a poor design to the county. After three submittals the county gets frustrated and writes down exactly what needs to be corrected on the submittal. After five more submittals the county just accepts what they have submitted, even though there are still mistakes.
7. "I go to a big job that I supplied materials for to see how the installer is doing. The installer has the wrong pump in one of the chambers. When questioned, they do not even have the design drawings on site. After they review the drawings, they agree with me. But they say the engineer just left the site and said everything was great despite the wrong pump in the wrong place."
8. "I go to a job to certify a new BAT installation. I discovered the pump chamber equipment was installed incorrectly. I did not supply this equipment nor was I supposed to inspect it but did because a bad installation will affect how my BAT preforms. This pump chamber passed three county inspections. The homeowner ended up paying \$5,000.00 to correct the problem. The installer paid nothing and would not return the homeowner calls."
9. Installer puts in a septic tank backwards. This error results in a backup or at best, a terribly slow draining system. Depending on the grade of the site this could go undetected for years, but it will eventually have to get fixed.
10. With the more frequent and heavy rains systems are not being designed to meet these conditions. County approves a septic design; installer goes to install the system and the trenches fill up with water while the installer is digging them even on a sunny day. System has failed before it was completed. Usually when this happens the property owner is looking at a \$50,000.00 system and a delay on their project of 6 - 12 months.

SB479 Harrison MOWPA FAV.pdf

Uploaded by: Edward Harrison

Position: FAV

HB318/SB479 Environment - On-Site Wastewater Services – Regulation

Written Testimony

Eddie Harrison

Representing Maryland Onsite Wastewater Professionals Association (MOWPA)

9608B Fountain School Rd., Union Bridge, MD 21791

Phone: 410-795-8691 Email: rdsefe@aol.com

In Favor

I am presenting this information in outline form to give the reader the ability to direct their attention to the sections that are of the interest. There are many good reasons to support the proposed Board, making it hard to condense. There is also so much that most people don't understand about the science of Onsite Wastewater.

Thank you and I hope this information is helpful to those that read it.

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HB318/SB479 Environment - On-Site Wastewater Services – Regulation

Written Testimony

Eddie Harrison

Representing Maryland Onsite Wastewater Professionals Association (MOWPA)

9608B Fountain School Rd., Union Bridge, MD 21791

Phone: 410-795-8691 Email: rdsefe@aol.com

In Favor

- **Motivation for this Bill:**
 - The need to ensure Consumer Protection
 - The need to sustain Property Values
 - The need to protect Public Health and the Environment
 - The need to instill professionalism and uniform “Standards of Practice” to the Onsite Wastewater Industry
- **Purpose of the Bill:**
 - To educate, license, and certify ALL Onsite Wastewater Professionals. Including, but not limited to:
 - Pumpers
 - Installers
 - Designers
 - Operation and Maintenance Providers
 - Property Transfer Inspectors
 - To create a Board that will:
 - Manage and oversee the Licensees
 - Approve and require courses of study to acquire and maintain licenses and certifications
 - Be made up of mostly private industry with representation from MDE and Environmental Health Officers.
 - Implement sanctions on any bad actors, if need be.
 - Develop “Standards of Practice” that would be consistent across the State of Maryland
- **Brief History of Onsite Wastewater:**
 - Indoor facilities were not a “Standard of Living” until after World War II.
 - Post WW II and up through the 1950s, houses were built, and older homes were retrofitted, with indoor bathrooms. The onsite wastewater systems installed during this period of time were crude and mostly homemade design. (Many were cesspools and/or outfall pipes.)
 - During the 1960s the State and Counties started designing and regulating Onsite Wastewater Systems. This is when standards were originally developed for conventional, gravity-based systems.
 - During the 1970s and 1980s is when a lot of learning was done due to system failures:
 - Soil evaluation techniques were improved and implemented.
 - System designs were improved.
 - It was realized many systems had been installed on properties that did not support conventional/gravity Onsite Wastewater Systems.
 - Pump systems started to be utilized to send the effluent to better soils uphill or at a distance from the dwelling.
 - During the 1990s the introduction of Innovative and Alternative (I&A) systems were developed and utilized due to poor soil conditions on existing properties. Examples of Innovative and Alternative were:
 - Sand Mounds

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In Favor

- At-Grade Mounds
- Low Pressure Dosing Systems
- Drip Irrigation Systems
- Lagoons
- Sand and Peat Filtration Systems
- Constructed Wetland Systems
- Advanced Wastewater Treatment Systems
- And more....
- From around 2000 forward Advanced Treatment units and Automated Dispersal Systems began being utilized more and more:
 - Some of the previously designated “I&A” Systems became designated as “Conventional” and have been installed on new homes.
 - Many more “I&A” systems have been installed in increasing numbers each year.
 - The development of the Best Available Technology (BAT) designation and regulations surrounding this designation. These “BAT” technologies are Advanced Pretreatment Units that remove nitrogen at a 50% reduction in addition to the many other, more valuable, processes for the reduction of waste in the wastewater.
 - The “BAT” regulation came with mandatory maintenance and certification of Operation and Maintenance Providers by regulation (No license).
 - In 2013, there was a regulation change that required all new construction have the “BAT” technology installed, (basically) statewide.
 - In 2016, the regulation was rescinded back to the “BAT” not required on all new construction, but still required in the “Critical Area” and where site conditions may dictate, and local authorities specify.
- Current Licensing:
 - Installer licensing is governed by the individual Counties with 6 jurisdictions having no licensing requirements of Onsite Wastewater Installers.
 - MDE certifies (not license) installers of:
 - Sand Mounds and At-Grade Mounds
 - BAT Installers
 - BAT Operation and Maintenance Providers
 - MDE and all local jurisdictions have no licensing or certification for:
 - Advanced Treatment Units not covered under the BAT designation
 - Installers of other Advanced Dispersal Systems (Drip Dispersal System, Low Pressure Dosing Systems, or any other I&A or automated treatment or dispersal system not designated “BAT”)
 - Operation and Maintenance of any Automated Treatment of Dispersal system that does not have the “BAT” designation.
 - Designers of Onsite Wastewater Systems. The policies vary widely from jurisdiction to jurisdiction and level of complicity to the system. Policy is the only governing factor.
 - Pump truck operators.

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In Favor

- Property Transfer Inspectors are currently only certified. Licensing by MDE is in progress without the benefit of trade representation with a Trade Board.
- **Current Deficiencies in the Onsite Wastewater Industry that a Board, Licensing and Certification can help resolve:**
 - 6 jurisdictions have no licensing requirement for Onsite Wastewater System Installers:
 - Howard
 - Montgomery
 - Cecil
 - Summerset
 - Charles
 - *(Not sure which one, but MDE did a survey and reported 6 Local Jurisdictions)*
 - MDE certifications of BAT Installers and BAT Operation and Maintenance Providers only apply to “BAT” treatment systems. It does not apply to installing any other sophisticated system. It does not apply to maintenance of any system installed prior to the “BAT” designation or any system installed under conditions that don’t include “BAT” requirements (Pretreatment included in an I&A residential design or pretreatment on a light commercial system)
 - MDE certification of Sand Mound and At-Grade Mounds does not apply to the installation of any other automated or sophisticated Dispersal system.
 - Most advanced treatment units and automated dispersal systems are not being maintained:
 - Property owners don’t realize these systems require routine maintenance for them to operate as designed.
 - A property owner’s first call is always to a pumper or plumber, when there is a problem, and neither of these professionals are trained on these technologies. They rarely provide accurate maintenance and repair information.
 - When one of these systems goes without proper maintenance for an extended period of time the damage can be extensive. This can lead to high dollar repair or cause irreparable damage to the dispersal system. Dispersal system failure could result in the need for new automated dispersal system costing \$30K to \$50K to replace. Many times, the property may not support another dispersal system and have to install a holding tank, where all sewage produced on the property has to be hauled away by a pumper truck. This can result in reducing the property value by up to 50%.
 - Poor designs:
 - **(*Note:** *Most Onsite wastewater systems installed, today, are gravity, conventional systems with “Cookie Cutter” design criteria. But more and more,*

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In Favor

every year, additional sophisticated systems are required for the dwindling inventory of buildable home sites. Also, repairs to legacy properties, with marginal soils, require advanced treatment and/or dispersal systems to compensate for this.)

- There are no Statewide requirements to design an onsite system. If you are a former regulator, installer, technology vendor, have a sound reputation and the regulator trusts you, you can design the system. For more advanced designs, if you have any sort of degree in design (i.e.: Architect, Landscape Architect, Engineer) you can design a system. This is very problematic:
 - There are only a few formally educated designers (Architect, engineer) that know how to design an Onsite Wastewater System. Onsite design is not included in their college curriculum. The ones that are competent at Onsite Wastewater System design have learned by trial and error or have taken the extra step to educate themselves.
 - Due to the above, many designs are sent back and forth between the designer and the approving authority, thus costing the property owner time and money. The designer usually charges for his repeated redrawing of the design. Most importantly, this can take up to a year to get the design approved by the approving authority.
 - Many times, due to lack of education, some approving authority employees miss vital design flaws, and systems are installed that don't properly function as intended. (In my line of work, I am regularly dealing with systems that don't function as designed and I have to compensate, somehow, at a cost to property owner.)
 - Many times, the County Sanitarian and the contractor have to redesign the system in the field, prior to and during installation.
- How an Onsite Wastewater System functions is its own science that has evolved heavily over the past 70 years. It requires specific training to design properly. Regular plumbers and standard design architects and engineers lack the proper specific training in the Onsite Wastewater field.
- Poor enforcement of bad actors:
 - If a person installs an Onsite System, or services an Onsite System without a permit or license, today, there is no regulatory recourse. It is up to the property owner to sue such a person, if need be. (And they won't sue someone that saves them a bunch of money by installing a sub-parr system)
 - Many licensed individuals have installed illegal systems and no action was taken, due to the structure that some Counties have. Again, back to the Property owner to initiate legal action.

HB318/SB479 Environment - On-Site Wastewater Services – Regulation

Written Testimony

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In Favor

- **Maryland Onsite Wastewater Professionals Association’s (MOWPA) Involvement in the Promotion of this Bill:**
 - MOWPA has had licensing as topic of discussion for 20 years. Licensing, as a vehicle, to educate all Onsite Wastewater Professionals to a higher and more consistent level.
 - We were invited to a Cecil County Commissioner Committee meeting to discuss bringing licensing to that County, I believe around 2015.
 - We conducted a “Survey Monkey” survey in 2018, where we had an 80% approval for Statewide Licensing, 13% wanted more information, and only 7% said no.
 - We have an annual Conference every year, including Covid year (Virtual), and the topic is discussed, in open forum, every year, with no dissent.
 - In 2019 MOWPA hosted a “Septic Summit” where we had a 2 hour lunch meeting with representation from MDE, Environmental Health Specialists, Environmental Health Directors, Environmentalists, Real Estate Industry, Building Industry, and Legislators to discuss the problems with the Onsite Wastewater Industry. It was a very active discussion with all participants engaged. Noted attendees were: Susan Dorsey (MDE), Nony Howell (MDE), Dru Schmidt Perkins (environmental lobbyist), Emily Ranson (Clean Water Action), Edwin Singer (Health Officer Car. Co), Bill Castelli (Real Estate Lobbyist), Delegate Mark Chang, and many more, about 30 participants all together.
 - I, Eddie Harrison have been authorized by the MOWPA Board to advocate and testify to move this initiative forward for the past 6 years.
 - I, representing MOWPA, have actively collaborated with environmentalists, Onsite Wastewater Professionals, and Legislators to draft legislation to improve the Onsite Wastewater Industry. This group affectionately calls itself “Team Septic”. (Not an official organization)
 - I, Representing MOWPA, participated in 4 workgroup sessions in 2019 with 4 members of the Conference of Environmental Health Directors, 2 Environmentalists, a technology manufacturer, Les Knapp from MACo, and myself. The meetings were very productive and brought out many tweaks needed to the Onsite Wastewater Board Bill.
 - I, representing MOWPA, participated in the workgroup sessions initiated by Senator Hester and hosted by MDE this past Summer/Fall. There were 4 meetings, set up as regional discussions representing the 4 regions of the State: Western, Southern, Eastern, and Central. I actively participated in the Western meeting and announced myself and then quietly listened to the Eastern meeting.
- **“Team Septic”:**
 - Is not any sort of official organization.
 - It is a bipartisan group of Onsite Wastewater Professionals, Environmentalists, Legislators, and concerned citizens that have loosely come together to improve the Onsite Wastewater Industry.
 - After a bill was successful a few years ago, someone shouted “Go Team Septic” and it stuck.
 - There are no dues, mandatory meetings, or even a leader. Just concerned Maryland Citizens trying to make a difference. Please join us!

HB318/SB479 Environment - On-Site Wastewater Services – Regulation Written Testimony

Eddie Harrison

Representing Maryland Onsite Wastewater Professionals Association (MOWPA)

9608B Fountain School Rd., Union Bridge, MD 21791

Phone: 410-795-8691 Email: rdsefe@aol.com

In Favor

- **Benefits of the Maryland Board of Onsite Wastewater Professionals:**
 - Education provided to the Onsite Wastewater Professionals that is consistent and up to date.
 - A Board made up of Onsite Wastewater professionals to influence Legislation, Regulation, and Policy in relation to the Onsite Wastewater Industry.
 - Enforcement implemented by the industry, to the industry, in an order to be appropriately firm and fair.
 - A resource for Legislators and Policy makers when wanting to enact laws, regulation, and policy regarding the Onsite Wastewater Industry.
 - More professionalism in the Industry.
 - More respect for the Onsite Wastewater Industry and better property owner education
- **History of the Bill:**
 - First introduced in 2019 as HB840 by Delegate Stein. Passed the House of Delegates and then pulled in the Senate to be set for a workgroup with the Conference of Environmental Health Directors.
 - Filed in 2020 by Delegate Stein, Passed the House of Delegates and then was collateral damage from the short Covid session.
 - This bill was filed again as HB302 in 2021 by Delegate Stein. It, again passed the House of Delegates and then was pulled and referred to workgroup sessions initiated by Senator Hester.
 - In 2021 a licensing bill for Property Transfer Inspectors was passed. This bill was intended as a precursor to the Board Bill, due to the emergency nature of Property Transfers. It was set to be managed by MDE until there could be an Onsite Wastewater Board. (A simple license managed by MDE, was thought that it could be set up in a year, where a Board will take a few years to get up and fully implemented. It is thought that the Board would pull the Property Transfer License into the Board, with the guidelines that MDE had set into place.)

HB318/SB479 Environment - On-Site Wastewater Services – Regulation Written Testimony

Eddie Harrison

Representing Maryland Onsite Wastewater Professionals Association (MOWPA)

9608B Fountain School Rd., Union Bridge, MD 21791

Phone: 410-795-8691 Email: rdsefe@aol.com

In Favor

- **Summary:**

- This initiative has come from the Onsite Wastewater Professionals working directly with environmental groups. The industry sees many issues that have been festering for decades that could best be addressed with a professional Board populated by the industry.
- Technology has been outpacing the knowledge base of the professionals in the Onsite Wastewater Industry. Many Professionals are not at the same level of understanding of automated treatment and dispersal systems
- ALL designers will be required to obtain certification/license from this Board after producing evidence of Onsite Wastewater Design education.
- ALL Onsite Wastewater Professionals will be required to have an appropriate level of education for their trade, so that they will be consistent and work together to improve the Industry, give proper quality service, and help to maintain property values.
- It will give the Onsite Wastewater Industry a level of professionalism. and new people to the industry, a sense of pride and accomplishment to enter this Industry.
- There will be available a stable and consistent source of enforcement of bad actors in the Industry and protect the consumer.
- It will provide a better level of maintenance to the Onsite Wastewater Systems to protect the environment and public health.
- The Board can not only take over enforcement issues for MDE and Local Health Departments, but can also assist in legislation, regulation, and policy for the Industry that will obtain the goals desired in a way that the Industry can conform easily. The Board can also assume many other burdens MDE and Local Health Departments want to delegate to it to help relieve their short staffing issues.

- **Interesting points:**

- The Onsite Wastewater System is the most expensive alliance in the home.
- This initiative was completely Industry born.

Thank you for your time in consideration of this issue,

Eddie Harrison

Legislative Liaison for MOWPA

SB479_CleanWaterAction_Support.pdf

Uploaded by: Emily Ranson

Position: FAV



SB479 - On-Site Wastewater Services - Regulation

House Environment and Transportation Committee

February 24, 2022

Position: Favorable

Dear Chairman Pinsky and Members of the Committee,

Septic systems are complicated, vital systems that play a crucial role in the health and wellbeing of not only our waterways, but also people. As Maryland continues to grow, our understanding of soil types and processes expands, and our rain events intensify, it is important to have a septic industry that has the oversight and capacity to adapt to our changing landscape. For these reasons, Clean Water Action supports the creation of a licensing board for the industry.

Many industries have similar commissions and boards to regulate the members of their industry, including:

- Appraisers, Appraisal Management Companies, and Home Inspectors
- Barbers
- Cemeteries
- Interior Designers
- Elevator Safety Review
- Foresters
- Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) contractors
- Home Improvement Contractors
- Locksmiths
- Electricians
- Plumbers
- Pawnbrokers

Ultimately, a septic system has the sole responsibility for treating hazardous waste coming out of a home or place of business. It is essentially a decentralized wastewater treatment plant and **needs to be designed, installed, and serviced properly for its specific conditions and flows**. The patchwork, decentralized system Maryland currently employs is not sufficient to regulate this industry. Having a licensing and regulatory board enables a consistent floor of regulations for the industry and continuing education requirements. The legislation does not preempt local authorities from having localized requirements or licensing.

SB479 improves accountability to ensure proper design and workmanship in installation and maintenance and is a critical tool to safeguard against faulty designs and faulty installations that pollute our waterways and groundwater, and pose a public health risk.

We respectfully request a favorable report on SB479 to create a licensing board for the Onsite Wastewater Industry.

Thank you,

Emily Ranson
Clean Water Action
eranson@cleanwater.org

Elle Bassett
Shoer Rivers
ebassett@shorerivers.org

Erik Fisher
Chesapeake Bay Foundation
EFisher@cbf.org

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Uploaded by: Gene von Gunten

Position: FAV

February 24, 2022

Education Health and Environmental Affairs

TESTIMONY IN FAVOR OF SENATE BILL 479

My name is **Gene von Gunten**. I reside near Westminster, MD in Carroll County. I worked my entire professional life in local environmental health administration. I was employed by the Frederick County Health Department and the Montgomery County Department of Permitting Services (MCDPS) from 1978 until my retirement in 2017. My entire career was involved with individual water well and septic system matters. **I would like to testify in favor of Senate Bill 479.**

This Bill is, at its core, a **consumer protection** measure. It is intended to serve and protect the over 400,000 Maryland households that are served by on-site sewage disposal systems. These systems need an accurate soil evaluation; a competent design; an accomplished installer; and careful and educated septic service professionals.

For many **decades** we heaped much of this responsibility on our local health departments. We assumed there would be adequate and experienced staff at these local offices to handle these systems, cradle to grave. In the reality of 2022, this notion is **out of date** and the consumer is **not** being effectively served.

This Septic Board would fill in so many of the gaping holes that are now plaguing this industry. The consumers will benefit greatly from a Board with **oversight** over the entire on-site industry. Our well trained and honest providers will benefit from a level playing field and a single point of oversight; our septic system owners will be protected from bad actors and will have a **forum** to air complaints- short of an expensive and frustrating trip through the civil courts.

Once this Board takes over so many of these functions, MDE and the local health departments will be freed up to continue their **core responsibilities**. Their time will no longer be wasted acting as **referees** over complaints generated by shoddy workmanship.

This industry, MDE, and our local health departments are at a critical crossroads. If we fail to create this board, deepening staff shortages and accumulating conflicts will certainly be the result.

I hope you will support SB 479 and the entire on-site wastewater industry.

Gene von Gunten, BEHS #0318

HB318 James Powell FAV.pdf

Uploaded by: James (Rob) Powell

Position: FAV

JAMES R. POWELL
421 ROCKWAY ROAD
CATONSVILLE, MARYLAND 21228
443-900-3169

HB318 Environment – Onsite Wastewater Services – Regulations
February 9, 2022

RECOMMENDATION – FAVORABLE

My Background: On-site sewage disposal system designer/consultant since 2014. Employed by Baltimore County Department of the Environment from 1977 – 2014 in capacity of Supervisor, Soil Evaluation Section, Groundwater Management

Narrative: This bill seeks to establish an Environmental Board which, among other responsibilities, would establish minimum standards for professionals working in the field of on-site wastewater. This would include aspects of operation/maintenance (O & M), design, and installation of onsite wastewater systems.

- The type of onsite systems being installed today are varied and more complex than those installed in previous years. Soil conditions, site characteristics and topography sometimes dictate installation of engineered systems that are much more complex than the standard systems of prior times. Designing, servicing, and installing such systems dictate the need for more precise procedures to be employed in providing the above services.
- Maryland Department of Environment and local health department regulations provide basic regulations for installation of systems but not for servicing and design of such systems.
- Establishment of a Board of On-site Wastewater Professionals would provide the consumer (property owners) with a level of protection, ensuring that the professional engaged in design, O & M, and installation of the on-site system, is not only licensed, but has the necessary training, experience, and certification for the specific type of system they are working on; something that has been provided for sand mounds and at-grade systems but not for other detailed engineered systems.
- It would also provide a means of ensuring the on-site contractors are operating in a professional manner and would establish enforceable penalties for those few individuals who continue to operate in a sub-standard/inadequate manner. The real winners here are the property owners

SB 479 Geckle Back River PreCast FAV.pdf

Uploaded by: Mathew Geckle

Position: FAV



PO BOX 329 GLYNDON, MD 21071
410-833-3394

SB479

Environment – On-Site Wastewater Service -Regulations Education Health and Environment Committee

February 9, 2022

POSITION: IN FAVOR

Back River Pre-Cast, LLC (BRP) is a Maryland company that manufactures precast products including concrete products used for wastewater. And also install BAT septic systems.

Maryland currently does not have a statewide licensing board for the Onsite Wastewater industry to ensure the protection of the public from faulty workmanship. SB 479 is needed to provide that protection.

- A. There is a need for a licensing board for the Onsite Wastewater industry because currently:
1. there are no standards or regulations for the design, installation and/or maintenance of any onsite wastewater systems in Maryland,
 2. there is no means to provide for accountability to ensure proper design,
 3. there is no means to provide accountability to ensure proper workmanship with regard to installation and/or maintenance (improper/faulty workmanship causes a myriad of financial and environmental problems),
 4. there are no uniform statewide requirements for Onsite Wastewater Professionals,
 5. only some Maryland counties even require a license for installers,
 6. there is no requirement for continuing education as in other professions to keep up with changing technology and requirements,
 7. there are no regulations to safeguard the property, environmental and public health, and public welfare of the citizens of Maryland.

In conclusion, a licensing board is needed for the Onsite Wastewater industry to set regulations and standards and for oversight of the same. Having this licensing board will protect consumers, protect the integrity of our groundwater, and provide for the efficient and safe treatment of onsite wastewater.

A licensing board for the Onsite Wastewater industry would be no different than how numerous other industries have licensing boards currently in place. It is for these reasons that we are in favor of SB479

Respectfully submitted,

Matthew Geckle
Vice President

SB479 Spek Home Fav.pdf

Uploaded by: Ryan Nagi

Position: FAV



SPEK Home Inspections, LLC
2880 Hallowing Point Road
Prince Frederick, MD 20678
Telephone: (240) 925-0085

Email: contact@spekinspections.com
Website: www.SPEKHomeInspections.com

RE: HB318 and SB479; Environment - On-Site Wastewater Services - Regulation; In Support

Dear Assembly Member(s),

My name is Ryan Nagi, I am a regional service provider in Southern Maryland. I am in support of HB318 and SB479. I have been performing onsite sewage disposal system inspection for several years. I have also a licensed installer in Calver and Saint Mary's Counties and install in Charles County. I believe the proposed bill would benefit the industry in Maryland in a multitude of ways. The two most important benefits to approving the two bills, I believe, are providing more protection for consumers and accountability for industry professionals including continuity for onsite sewage disposal system inspections for property transfers in Maryland.

There have been several instances where I have been to an inspection and rated a component of a system in unacceptable condition shortly after another company rated it acceptable. This causes myself to have to explain that the previous inspector/company did not follow the recommended guidelines. Our company's OSDS inspection prices are the highest in our area due to our thoroughness and willingness to follow the recommended guideline. Knowing that the guidelines are only recommended many inspectors and companies in our area do not follow them. With consumer education the price differential has not hindered our ability to gain customers as some in the industry have suggested.

Not to long ago we encountered a system on a waterfront property that was inspected prior and the system was said to be in acceptable condition. When we performed our inspection, we found some fixtures in the home were discharged to a cesspool. This was only discovered by us pumping what was believed to be the septic tank. During the pump out liquid was filling the tank back up almost as fast as it was being pumped. Shortly after our inspection the homeowner hired a licensed septic contractor who did not pull permits. The contractor only installed a trench off the cesspool. I was told this situation was sent to Maryland Environmental Crimes.

These situations and lack of oversight could be prevented or at least lessened with proper laws and regulations in place. Please pass HB318 and SB479 to improve consumer protection and industry continuity.

S. Ryan Nagi

Owner

SPEK Home Inspections, LLC/SPEK Septics

SB 479 LOO.pdf

Uploaded by: Heather Moritz

Position: UNF

An Affiliate of
the Maryland Association
of Counties, Inc.



Reply to:

DATE: February 24, 2022
TO: Members, Education, Health, and Environmental Affairs Committee
FROM: Maryland Conference of Local Environmental Health Directors
RE: Senate Bill 479 – Environmental - On-site Wastewater Services - Regulation

The Maryland Conference of Local Environmental Health Directors (the Conference) **OPPOSES SB 479** regarding On-site Wastewater Services.

The Conference has worked with various stakeholders over several years in an effort to find common ground, identify trouble areas within the industry and seek reasonable solutions. We have exchanged ideas with Team Septic on various occasions and supported efforts to move forward with legislation that was narrower in scope. In 2021, we supported Senator Young's SB022, which passed and became statute requiring licensure of property transfer inspectors. That legislation tackled licensure in the area of the industry from which the most contentious issues arise. Additionally, some of our members attended various forums held by the Maryland Department of the Environment which were intended to solicit feedback from business owners and those working in this industry on how they would view a board and its impact on the industry. While some of the industry was in favor, most were simply in favor of the Department of the Environment setting and Local Health Departments implementing consistent standards for all aspects of industry and did not see the creation of a Board necessary. The Conference agrees with those in the industry that sought consistent standards from the Department of the Environment and consistent implementation of those standards.

Additionally, under section 9-11A-05. (B)(2), this Board can establish standards, in consultation with the Maryland Department of the Environment, that govern the industry at-large. We have great concerns about creating a Board to set standards and self-regulate an entire industry which has a substantial impact on the environment and public health. This amounts to a private sector intermediary of an incredibly important and nuanced industry the Conference simply cannot support

For these reasons, we ask that the committee given SB 479 an **UNFAVORABLE** report.

Kenneth Welch, President
Conference of Local Environmental Health Directors
240-777-3840
Kenneth.welch@montgomerycountymd.gov

SB 479_Unfavorable_CROSS_ Jo Ann Grundy_Written T

Uploaded by: Jo Grundy

Position: UNF

Senate Bill 479 – Environment – On-Site Wastewater Services – Regulation
Jo Ann Grundy, CROSS (Citizens for Responsible Oversight of Septic Systems)
Unfavorable



CROSS-Maryland
Citizens for Responsible Oversight of Septic Systems

Written Testimony for February 24, 2022

Thank you for this opportunity to voice my opposition to this bill. While I appreciate the time Senator Hester has spent researching septic issues, this bill is largely unchanged from Delegate Stein's 2021 bill.

I have experience in writing environmental regulations and have worked in watershed planning, engineering and construction, and project management for multi-million-dollar projects. In the past three years, I have become an advocate for property owners with septic systems. This is the result of my own experience with the septic industry's unethical practices. As a result, I founded CROSS.

Some may argue that a Board of On-site Wastewater Professionals is overdue. Comparisons can be made to the existing Board of Well Drillers and Board of Environmental Health Specialists, however; this bill is far broader in scope and goes well beyond licensing requirements. As a result, this board gives too much discretion to the septic industry without safeguards in place to ensure that decisions made are fair and reasonable to septic owners. Septic oversight has increased dramatically without notification to property owners, who are expected to bear the financial burden, which may cost tens of thousands of dollars when their system fails.

The Maryland Board of Well Drillers does not have the ability to establish standards for well design, installation, operations and maintenance, repair, or inspection (see attached). This is the responsibility of MDE. MDE staff involved in writing regulations for septic systems are Environmental Health Specialists. (As a side note: I previously worked for Ohio EPA as an Environmental Specialist and Registered Sanitarian.) Of the six states in the US that currently have a Board of On-site Professionals, none of these have such a broad influence over the industry. Such Boards were created to establish the qualification levels of those working in the septic industry and some only deal with septic inspectors.

This bill will create a Board, which has the authority to regulate individuals performing septic services, set standards on design, installation, operations and maintenance, repair or inspection of such systems and make recommendations on adoption of regulations. This may include mandatory inspections, maintenance, or repair or replacement of functioning systems. This bill is a clear conflict of interest. Of the nine board members, eight have the authority to vote and at least six of the voting board members shall be on-site wastewater professionals who make their living selling, inspecting, or maintaining septic systems. The Board does not include equal representation of property owners on septic without conflicts of interest to ensure that decisions made are fair and reasonable.

The Maryland On-site Wastewater Professionals Association (MOWPA), which is to fill one of the nine seats, previously overstepped their boundaries in 2014 when they included language in their Training Manual for Property Transfer Inspectors to automatically fail certain systems regardless of their ability to function as intended. This was conflict with laws and regulations. Eddie Harrison, one of the largest supporters of this bill, was the on the MOWPA Board during this time and would directly profit from the maintenance of new

systems with his business, BAT onsite, LLC. I brought this to the attention of MDE Secretary Ben Grumbles in 2019 who said his staff would address this issue.

The On-site Wastewater Professionals speaking today do not represent the entire industry. Many On-site Wastewater Professionals disagree with this bill and support MDE defining and Local Health Departments regulating consistent standards for all aspects of industry.

Some in the septic industry would like to see more septic systems replaced using Best Available Technology (BAT). This would involve the installation of a BAT tank. A BAT tank is five times more expensive than a conventional tank and requires regular maintenance and electricity to operate and may decrease home values. A BAT tank's focus is on nitrogen reduction. It does not reduce other nutrients or pathogens from the waste. The Bay Restoration funding for septic replacement only covers the material cost of the BAT tank itself and funding is limited. Installation of a BAT tank and drainage field costs tens of thousands of dollars. It is important to note that two of the largest supporters of this bill this year and in previous years manufacture or maintain BAT tanks.

According to the Chesapeake Bay Program's website, it is estimated that five percent of nitrogen loads are from septic tanks compared to 20 percent from municipal and industrial wastewater. This correlates to the roughly 25 percent of Maryland homes served by septic systems. Waste pumped from a tank is hauled to a wastewater treatment plant for further treatment to reduce nitrogen. No method of sewage disposal is perfect. Combined sewer overflows and damaged or deteriorated sewer lines also contaminate water resources.

The only thing I would keep in this bill is the code of ethics, which I recommended to Delegate Stein during the 2020 legislative session for this bill: and his bill for licensing septic inspectors. Licensing of septic inspectors is now law; however, a code of ethics is still absent.

Thank you in advance for your time.

Environmental Boards

[Board of Waterworks and Waste Systems Operators](#)

[State Board of Well Drillers](#)

[Marine Contractors Licensing Board](#)

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Purpose, Composition, and Appointment of Members of the Board of Well Drillers

Purpose

1. Issue and renew licenses to applicants who meet the requirements of the licensing law and regulations;
2. Prepare and revise licensing regulations and Board policies and guidelines; and,
3. Investigate allegations of misconduct by license holders and to take enforcement action against a license holder who is found to have violated the provisions of the licensing law and regulation. The enforcement action that could be taken includes issuing a written reprimand, or suspending or revoking that individual's license.

Composition and Appointment of Members

The Board consists of 7 members who are appointed by the Governor with the advice of the Secretary of MDE and the advice and consent of the Maryland State Senate. Of the seven Board members:

1. One shall be from the Department of the Environment;
2. One shall be from the Department of Natural Resources;
3. One shall be public member; and
4. Four shall be licensed master well drillers who are actively practicing well drilling at the time of appointment and shall include:
 - i. One from Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, or Worcester County;
 - ii. One from Baltimore City or Baltimore, Carroll, Harford, Howard, or Montgomery County;
 - iii. One from Anne Arundel, Calvert, Charles, Prince George's, or St. Mary's County; and
 - iv. One from Allegany, Frederick, Garrett, or Washington County

Members serve two-year terms. At the end of a term, a member appointed by the Governor continues to serve until a successor is appointed and qualifies. A member appointed to fill out the term of another member serves only for the rest of the term and until a successor is appointed and qualifies.

Curent Commission Membership

Slot	Appointee	Term Begin	Term End	Appointed
Maryland Department of the Environment (MDE)	Robert A. Peoples	7/1/2018	6/30/2020	11/7/2018
Department of Naural Resorces (DNR)	Heather A. Quinn	7/1/2018	6/30/2020	8/6/2018
Public—Chair	Hahns S. Hairston	7/1/2018	6/30/2020	11/7/2018
Well Driller—Eastern MD	Michael T. Hall	7/1/2018	6/30/2020	7/1/2018
Well Driller—Western MD	David M. Kelly	7/1/2018	6/30/2020	8/6/2018
Well Driller—Southern MD	David B. Hartman	7/1/2018	6/30/2020	8/6/2018
Well Driller—Western MD	Larry Dale Brenneman	7/1/2018	6/30/2020	8/6/2018

Contact Information

For more information please contact (410) 537-4466 or Elaine.nolen@maryland.gov.

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1800 Washington Boulevard, Baltimore, MD 21230

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Uploaded by: Tyler Abbott

Position: INFO



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 24, 2022

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
Miller Senate Office Building, Suite 2W
Annapolis, Maryland 21401

Re: Senate Bill 479 – Environmental - On-Site Wastewater Services - Regulation

Dear Chair Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed SB 479, *Environmental - On-Site Wastewater Services - Regulation* and would like to share some concerns the Department has regarding this legislation. MDE wanted to note that we are currently working with the sponsors and stakeholders to address the current issues with this bill.

SB 479 proposes to amend Title 9 of the Environment Article by creating a licensing authority regulating individuals in the on-site wastewater system industry through establishing a new State Board of On-Site Wastewater Professionals (Board). Specifically, SB 479 proposes to add a new subtitle 11A to the Environment Article, titled “On-site Wastewater Services.” Sections 9-11A-01 through 9-11A-21 of this subtitle would establish: 1) definitions pertaining to the new Board; 2) its composition, requirements (e.g., the number of members, their method of selection, the Board’s officers, etc.), powers, and jurisdiction, including the administration of a newly established “On-Site Wastewater Professionals Fund” (the “Fund”); 3) provisions regarding the Board’s licensing of individuals; and 4) prohibitions against, and administrative penalties for, the performance of on-site wastewater services without a license from the Board and other violations of the subtitle. The proposal includes amending the State Finance and Procurement Article to include the Fund among other special funds whose interest earnings do not accrue to the General Fund of the State.

The effective date of July 1, 2022 in the proposed bill will require the Department to collect fees and implement a tracking system to all individuals providing on-site wastewater services, prior to the Board becoming fully operational on June 1, 2023, and until the Department promulgate regulations by July 1, 2025. This proposed timeframe will not allow the Department to have adequate time to implement and provide outreach to the community and industry.

The definitions of SB 479 pertaining to the Board and its jurisdiction are broad enough to intersect with both the State Board of Environmental Health Specialists and the State Board of Waterworks and Waste Systems Operators. Section 9-11A-01(D) defines “on-site wastewater services” as “any activity associated with the design, installation, operation and maintenance, pumping, repair, or property transfer inspection of an on-site wastewater system”. This presents an overlap and conflict with the two other state boards and existing provisions of COMAR.

Thank you for your consideration. We will continue to monitor SB 479 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 tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott". The signature is written in a cursive style with a long horizontal line extending to the left.

Tyler Abbott

cc: The Honorable Katie Fry Hester
Lee Currey, Director, Water and Science Administration