



February 9, 2022

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

Re: House Bill 318 – Environmental - On-Site Wastewater Services - Regulation

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed HB 318, *Environmental - On-Site Wastewater Services - Regulation* and would like to share some concerns the Department has regarding this legislation.

HB 318 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. Specifically, HB 318 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 Department currently has adequate and sufficient staff and resources to conduct its mission effectively and efficiently. Any additional legislatively-mandated program or regulation, such as this, will likely hamper our efficiency, force us to divert resources away from current core competencies and likely disrupt customer service and/or diminish services. The legislation as proposed does not provide any funding or positions to manage the Board or implement the new requirements mandated in this bill.

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 by June 1, 2023 and until the Department promulgate regulations by July 1, 2025. The Department will not have adequate time to implement and provide outreach to the industry and community.

Additionally, over the 2021 interim, the Department held a number of workgroups across the State with individuals who work within the septic industry. The consensus of those contractors was they did not view multiple licensing favorably. For example waste haulers and pumpers would be greatly impacted by adding another two or three categories for licensing under this Board; in addition to existing county licensing requirements.

The definitions of HB 318 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 HB 318 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", with a long horizontal line extending to the left.

Tyler Abbott

cc: Lee Currey, Director, Water and Science Administration
Delegate Dana Stein