

Stein Testimony HB 1068.pdf

Uploaded by: Dana Stein

Position: FAV

DANA M. STEIN
Legislative District 11
Baltimore County

Vice Chair
Environment and Transportation
Committee

Subcommittees
Chair, Environment
Natural Resources,
Agriculture and Open Space



The Maryland House of Delegates
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The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

Delegate Dana Stein Testimony in Support of HB 1068 -

Local Health Department, Environmental Health Specialist and On-Site Sewage Disposal Systems – Systems Standards, Regulations, Applications and Funding

HB 1068 is a key companion bill to HB 318 heard earlier this session that sets better standards and accountability for the septic or On-Site sewage disposal industry. This bill looks to another part of the process: the local governments permitting process. HB 1068 works to improve the efficiency, consistency, and communication at the local level in the permitting process.

Senator Katie Hester held a series of meetings with different interest groups over the past interim, which included a series of listening session led by Maryland Department of the Environment (MDE). This bill is the result of those conversations. One finding, which came from both the building community and agri-business, was a real frustration with the unpredictable nature of the septic permitting process. The standards change from county to county and communication about the permitting process, its standards, and timeline was often poor. This bill helps to make the system easier to use and more transparent.

This bill does several things:

1. It creates a database so an applicant can follow what stage their permit application is during the permitting process;
2. requires MDE to develop and make available a standardized permit form for the installation of on-site sewage disposal systems;
3. and it develops statewide standards for private, environmental health specialists who work in this industry.
4. MDE is also to host monthly meetings with local government employees working in this field to discuss the laws and interpretations of these issues. This will improve the understanding of these regulations and improve consistency in their application.

While the bill calls for adding \$5 million more annually into environmental health agency budgets, I recognize that underfunding and understaffing are a department-wide issue that needs to be addressed elsewhere, so I will be striking that language.

We have heard time and time again that both MDE and the Environmental Health Officers are severely understaffed. Better systems, training, and accountability will help make these important jobs a bit easier. As a result, the septic system permitting process that impacts our health and environment will be better and safer as well as more consistent and predictable for the development industry.

HB 1068_eranson_fwa.pdf

Uploaded by: Emily Ranson

Position: FAV

HB1068: Environment – Environmental Health Specialists and On–Site Sewage Disposal Systems – Transfer of Responsibilities and Standards, Regulations, Applications, and Plans

House Environment and Transportation Committee

March 2, 2022

Position: Favorable with Amendments

Dear Chairman Barve and Members of the Committee,

Clean Water Action, ShoreRivers, and the Chesapeake Bay Foundation support HB1068 to amend some of the processes around septic permitting in the state. We appreciate the work that Senator Hester and Delegate Stein have put into the bill to address many of our original concerns. HB1068 includes many of the amendments that we worked on in SB113.

As amended, SB113 (and HB1068) create an online tracking system for the status of septic system permit applications. Our understanding is that one of the problems that applicants are having with permitting septic systems is that once the permitting process has initiated, it is a black box of information - they may or may not know where the system is in the process, creating uncertainty.

We enthusiastically support the concept of a database to track septic permits as they make their way through the process and think this could be a good building block for ultimately having a more uniform and user friendly database for septic systems.

Current septic records vary widely across counties, as some have moved to digital records while others are still on paper. Many other states have statewide, uniform septic databases which would be good models for Maryland. For example, [Florida has a replicable database that should be explored](#).

If the Maryland Department of the Environment is creating a new, online tracking system, then we would want it to be useful outside tracking permitting, and to endure so the state and counties have database of where septic systems exist in the state - enabling targeted education and a more complete understanding of where septic systems are in the state. To this end, we suggest that the legislation establish a workgroup to determine the scope of this new database.

Amendment: **CREATE A WORKGROUP CONSISTING OF ENVIRONMENTAL HEALTH PROFESSIONALS, ON-SITE WASTEWATER PROFESSIONALS, MEMBERS OF THE ENVIRONMENTAL COMMUNITY, AND THE MARYLAND DEPARTMENTS OF HEALTH AND ENVIRONMENT TO DETERMINE THE SCOPE OF THE DATABASE.**

We appreciate Senator Hester and Delegate Stein working with us and our concerns and support HB1068 as it finds a path forward for a database and adds \$5 million for more staffing. We appreciate the opportunity to work further to improve the management of septic systems moving forward and urge a favorable report with this amendment on HB1068.

Thank you,

Emily Ranson
Clean Water Action
eranson@cleanwater.org

Elle Bassett, Miles-Wye Riverkeeper
ShoreRivers
ebassett@shorerivers.org

Robin Jessica Clark, Esq.
Chesapeake Bay Foundation
relark@cbf.org

MBIA Letter of Support HB 1068.pdf

Uploaded by: Lori Graf

Position: FAV

March 2, 2022

The Honorable Kumar P. Barve
Environment & Transportation Committee
House Office Building, Room 251,
6 Bladen St., Annapolis, MD, 21401

RE: Support HB 1068 Environmental Health Specialists and On-Site Sewage Disposal Systems

Dear Chairman Barve:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 113 Environmental Health Specialists and On-Site Sewage Disposal Systems**. MBIA **Supports** the Act in its current version.

This bill would standardize the application process for and encourage the efficient completion of approval plans for the installation of on-site sewage disposal systems. MBIA respectfully supports this measure. The promotion of consistent standards of application and regulation makes staying in compliance with the law much simpler and reduces the potential for unintentional errors and corrections. The creation of a statewide standard is a large part of maintaining consistency of process across local jurisdictions. Additionally, the inclusion of the Board of Environmental Health Specialists as a member of the list of regulatory bodies makes sure that regulation will be focused not just on engineering and waste water but also on the tremendous task of maintaining the high public health standards that citizens expect in the State of Maryland. MBIA supports the renewed focus on creating and maintaining safe public health systems.

As far as the timeframes in the bill, COMAR regulations 26.04.02 already require that if a permit is going to be denied it has to be denied within 30 days. Therefore, we believe we should get approvals in a specific timeframe as well. Lastly, should any work group or task force be created, the Building Industry should be included. We have a lot of expertise in the area and can be a valuable resource.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

HB1068 Back River PreCast FAV .pdf

Uploaded by: Mathew Geckle

Position: FAV



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

**HB1068 Environmental Health Specialist and On-Site Sewage Disposal
Systems – Transfer of Responsibilities and Standards, Regulation,
Applications and Plans
Environment and Transportation**

March 2, 2022

Mathew Geckle

Back River Precast

Position: Favorable

As an On-site Wastewater professional, I appreciate the Vice Chair's efforts to improve this industry both in timeliness and effectiveness. I want to focus quickly on mostly on the importance of the database.

We particularly support this requirement for a database to log in septic system permit progress and would support adding a workgroup to determine the best way to get Maryland and local jurisdictions into this century with a comprehensive data base on septic systems like other states have. We would not have to reinvent the wheel but learn from places like Florida who have created effective data bases.

Not only will this system help applicants better know their permit progress, but it will also give us better data on why applicants were denied and the kind of permits being sought. All information now that is hard to gather.

We also agree that local county environmental health officers can do more to communicate effectively about the status of permits for a septic system repair, replacement or for a whole new unit. This communication is critical to be able to properly plan for even a simple project.

We do recommend adding to Page 2 line 23 – 26 that the local environmental health department also provide the applicant ways to remedy the reasons for permit denial if appropriate.

This bill is a nice companion to HB 318 you heard earlier this session that sets up a new licensing board for the septic system industry with appropriate standards and accountability. This bill is asking the local departments to invest in better communication and permit tracking to help the permit process be better and more predictable. Together these two bills will make a significant improvement in this industry.

We appreciate the opportunity to testify today and urge a favorable report.

HB1068_FWA_Grundy

Uploaded by: Jo Grundy

Position: FWA

House Bill 1068 – Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems – Systems Standards, Regulations, Applications, and Funding

Jo Ann Grundy, Founder of CROSS. Learn more at www.crossmaryland.org.

Favorable with Amendments



CROSS-Maryland
Citizens for Responsible Oversight of Septic Systems

Written Testimony for March 2, 2022

Thank you for this opportunity to share my concerns and suggested amendments to this bill.

I have experience in writing environmental regulations and have worked in watershed planning, engineering, construction, disease control, and project management. 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 (Citizens for Responsible Oversight of Septic Systems). Septic oversight has increased dramatically without notification to property owners, who bear the financial burden when their system fails. My focus last year was on local issues and Carroll County's short-sighted decision to reallocate remaining sewer capacity from over 1,200 older homes in the Freedom Designated Growth Area on small lots planned for sewer connection for decades in favor of undeveloped parcels planned for higher density development.

In alignment with the current bill, I am in favor of creating standardized forms and a database to track permit applications throughout the state. I also support auto-fill features for information already on record to simplify the process. I agree that if a permit is denied, the applicant should also simultaneously be given information on how to appeal the denial. I preferred the language in the original bill with a two month deadline to approve or deny permit applications. If the application is for a repair or replacement of a failing system it could pose a risk to public health. I know of residents that have had to relocate or discontinue use of their central plumbing until their system could be fixed due to raw sewage backing up into their homes. Such failing systems could also be contaminating ground water and surrounding drinking water wells.

My largest concern with this bill is the language under Section 2 of House Bill 1058 and Section 3 of Senate Bill 311 stating "...on or before October 1, 2023, the Department of the Environment shall adopt regulations establishing that the requirement for a minimum area of 10,000 square feet for subsurface disposal of sewage under COMAR 26.03.03.03 applies to detached dwellings." COMAR 25.04.02.02 (attached) began requiring this for systems installed on or before November 18, 1985. Therefore, this language would only apply to older dwellings constructed prior to 1985. Such dwellings often do not have the land available to meet this requirement. This would automatically make such properties out of compliance with the new law. Similar legislation passed in New Jersey several years ago has led to home foreclosure, bankruptcy, and abandonment of properties when homeowners could not afford to replace their functioning systems on small lots.

I also have concerns with allowing private individuals outside of the Maryland Department of the Environment (MDE) to be classified as Environmental Health Specialists. I would prefer to offer incentives to encourage recruitment and job retention of those licensed by the Board of Environmental Health Specialists

under MDE. However, I disagree with appropriating \$5 million specifically for Environmental Health Specialists to address wage disparities and staffing shortages. I believe the state of Maryland needs to re-evaluate their pay scale for their entire workforce to be competitive with other states and the private sector. When I moved to Maryland twenty years ago, I recently left a job at the Ohio Environmental Protection Agency (EPA) as an Environmental Health Specialist and Registered Sanitarian. I turned down a job offer at MDE since it was considerably less pay than I was making at Ohio EPA. Later I accepted a federal job making almost twice what MDE offered. I know from experience that other departments are short-staffed at MDE. I am currently managing a construction project valued at over \$80 million and the MDE storm water permit has been delayed for months due to a backlog caused by staff shortages.

Thank you in advance for your time.

.02 General Provisions.

A. The requirements of this chapter apply to new on-site sewage disposal systems and non-community water supply systems, replacements, additions to existing systems, repair or replacement of an existing system and any potential changes in the strength or volume of the sewage entering an on-site sewage disposal system.

B. If a community sewerage system is adequate and economically available to the building to be served, the Approving Authority may require a connection to the system.

C. On-Site Disposal System.

(1) Notwithstanding any other provision of this regulation, the Department may approve an on-site sewage disposal system:

(a) For a lot or parcel that was recorded and approved by the Department on or before November 17, 1985 if it meets the Department's regulations and policies that were in effect on November 17, 1985, and has at least one replacement system area; or

(b) For a lot or parcel that was recorded and approved by the Department on or before November 18, 1985 and was approved subject to a 10,000 square foot or greater disposal area, if it meets the other requirements and policies that were in effect on November 17, 1985. However, if a lot was approved subject to a 10,000 square foot disposal area, this disposal area is required; or

(c) For a lot that was recorded without Department approval before November 18, 1985, if it meets the other requirements of this regulation except that only area sufficient for an initial and one replacement system is required for the lot's initial dwelling unit. A 10,000 square foot area sufficient for an initial system installation and two replacement systems is required for each additional dwelling unit.

(2) If the Department has approved a county's groundwater protection plan, a sewage disposal system may be installed with less than a 4-foot treatment zone in a coastal plain county if the system complies with a groundwater protection report incorporated in the county's master water and sewerage plan. These counties include Talbot, Dorchester, Wicomico, Worcester, Somerset, Caroline, and Queen Anne's. A maximum density requirement of 160 residences or its equivalent per square mile for ground water protection shall apply in these areas for lots where direct ground water penetration is used for sewage disposal.

D. A person may not dispose of sewage, body, or industrial wastes in any manner which may cause pollution of the ground surface, the waters of the State, or create a nuisance.

E. A person may only dispose of sewage, body, or industrial wastes in accordance with an approved on-site sewage disposal permit or other method of disposal approved by the Approving Authority.

F. Water Supply for Non-Community System.

(1) Only the following may be used as a water supply for residential and other establishments not served by a community system:

(a) A well that satisfies the requirements of COMAR 26.04.04; and

(b) A surface water system permitted by the Department and which meets the requirements of COMAR 26.04.01.

(2) A spring or dug well may not be used as a water supply for a new homesite.

(3) A cistern may not be used as a potable water supply.

(4) A well for a new construction, addition, or alteration and a potential source of contamination shall meet the minimum setback requirements established in COMAR 26.04.04.

(5) The owner of an abandoned well shall properly fill and seal the well in compliance with the requirements of COMAR 26.04.04.11.

G. Building and floating home contractors, septic contractors, plumbers, licensed well drillers, drivers, and diggers, along with any person for whom the work is being performed, are responsible for compliance with these regulations and COMAR 26.04.04.

H. An on-site sewage disposal system may not serve more than one building unless specifically authorized by the Approving Authority. In those instances where connection of more than one building to an onsite sewage disposal system is approved, the available area for onsite sewage disposal shall meet the requirements established by §C of this regulation.

I. If water under pressure is not available, all human body wastes shall be disposed of in approved privies, chemical toilets, or any other installations acceptable to the Approving Authority. These methods may not be authorized for new construction.

J. Site evaluations including percolation tests shall be conducted under the supervision of the Approving Authority. Other pertinent soil evaluations may be required by the Approving Authority if considered necessary.

K. A holding tank may be used to resolve an existing on-site sewage disposal failure if a community sewerage facility is not available and on-site repair protective of the public health is not possible. A holding tank may not be permitted to serve new construction or for the purpose of adding capacity to an existing disposal system in order to accommodate a change in property use. For a building served by a holding tank, the Approving Authority may not allow a building addition or a change-in-use or operation that would result in a foreseeable or potential increase in sewage flows from the building. A holding tank may be permitted to serve a public building as determined by the Approving Authority and the Department of the Environment to be essential. The permission to allow a holding tank for an essential public service building shall include consideration of the following:

- (1) Whether the proposed building is directly related to and necessary to protect the public safety;
- (2) Whether the proposed building supplies any critical public service;
- (3) The volume and character of the waste to be generated, and, its ultimate disposal; and
- (4) The expected length of time the holding tank will be in service before a conventional disposal mode is available.

L. A holding tank is required to hold a minimum of 7 days effluent and shall be of watertight construction. The Approving Authority may require a test of water tightness, in accordance with Regulation .05(F) of this chapter. The owner shall regularly remove and dispose of the contents in accordance with Regulation .08 of this chapter. The applicant shall submit, along with the application, a maintenance contract which is acceptable to the Approving Authority and which includes an acceptable pumping schedule by an approved liquid waste hauler. The Approving Authority may issue a holding tank permit if it determines that the issuance of the permit complies with the requirements of this section and does not compromise the public health, a maintenance contract requires safe and adequate disposal of sewage generated, and a holding tank agreement and easement is recorded in the land records for the property.

M. Criteria for a Holding Tank for an Owner Occupied, Legally Occupied, and Legally Situated Dwelling Unit.

- (1) A community sewerage facility is not available and on-site repair is not possible.
- (2) The dwelling unit is presently legally occupied by the owner or some other person who has permission of the owner or is vacant, but could be occupied by the owner or some other person who has permission of the owner.
- (3) The dwelling is physically occupied in compliance with all required occupancy permits, except for any permit or permit requirement relating directly to the sewage disposal system. If no occupancy permit is required, a dwelling unit is legally if it is physically occupied.
- (4) The dwelling has all required governmental approvals relating to its size (including all enclosed floor space) and location.
- (5) The square footage of the original dwelling may is not increased.
- (6) The estimated daily sewage flow may not be increased beyond the proven historical use.
- (7) The dwelling does not require major repairs.
- (8) The dwelling is existing if it has been occupied year round within 3 years prior to the date of an application for approval of a sewage disposal system. The approving authority may grant a variance if:
 - (a) The applicant demonstrates to the satisfaction of the approving authority that occupancy was interrupted by events beyond his control;
 - (b) The dwelling is the only structure on the property; and
 - (c) The dwelling has been occupied year round within 7 years of the application.

N. No part of an on-site sewage disposal system may be covered or used until it has been inspected and approved by the Approving Authority or a third party approved by the Approving Authority.

O. If hydrologic or geologic problems exist, or if construction activities may adversely impact the sewage system, the Approving Authority may require installation, inspection, and approval of the on-site sewage disposal system before issuance of the building

permit by the local agency issuing building permits.

P. The permittee shall backfill all as excavations soon as possible. If an excavation is required to be left open, the excavator shall properly protect the excavation to prevent injury to humans and animals.

Q. Every person engaged in the business of removing and disposing of the solid and liquid contents of on-site sewage disposal systems shall obtain an annual permit from the Approving Authority.

R. Sewage or sewage effluent, treated or non-treated, may not be disposed of in any manner that is likely to cause contamination of a potable water supply system or waters of the State, or create a nuisance.

S. An Approving Authority may require operating permits for on-site sewage disposal systems.

T. A local jurisdiction may establish a responsible management entity to manage, operate and maintain an on-site sewage disposal system.

HB 1068 SWA EHD MACHO - w MACHO edits - Final.pdf

Uploaded by: Kenneth Welch

Position: FWA

An Affiliate of
the Maryland Association
of Counties, Inc.



DATE: March 2, 2022

TO: Members, Environment and Transportation

FROM: Maryland Conference of Local Environmental Health Directors
Maryland Association of County Health Officers

RE: HB 1068 – Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems – Systems Standards, Regulations, Applications, and Funding

The Maryland Conference of Local Environmental Health Directors (the Conference) and the Maryland Association of County Health Officers (MACHO) **Support HB 1068 with Amendments.**

Through a collaboration with MACo and Senator Hester's Office, the Conference has provided input on behalf of all local health departments, and our suggested amendments have been accepted by the sponsor. While we wait to see a revised version of the bill with the agreed upon amendments, the Conference and MACHO provide this letter of support for an amended bill that includes the following:

- Amend the requirement of standardized permit forms for the installation of on-site sewage disposal systems to developing minimum requirements for the permit forms;
- Remove from the Health Occupation Article and move under the Environment Article the requirement for the department to promote consistent standards and regulations, develop and make available statewide standards, and host monthly informational meetings, as these responsibilities are not the role of the Board of the Environmental Health Specialists and should be mandated to the department; and
- Remove from the Health Occupation Article and move under the State Budget subtitle in Health-General, for the governor to include in the annual budget the appropriation of \$5,000,000 to address pay disparities and staffing shortages for Environmental Health Specialist employees within the Maryland Department of Health to assist with recruitment and retention of qualified staff.

Accordingly, we request the Committee **SUPPORT SB 1068 WITH above AMENDMENTS.**

Thank you for the opportunity to share our views on this matter. If you have further questions concerning this written testimony, please contact:

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

Ruth Maiorana, Executive Director
Maryland Association of County Health Officers
410-937-1433
rmaiora1@jhu.edu

HB1068-ET_MACo_OPP.pdf

Uploaded by: Dominic Butchko

Position: UNF



MARYLAND
Association of
COUNTIES

House Bill 1068

Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems - Systems Standards, Regulations, Applications, and Funding

MACo Position: **SUPPORT**

To: Environment and Transportation and Health
and Government Operations Committees

Date: March 2, 2022

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1068. The bill would improve the standardization and automation of the on-site sewage disposal system process.

Counties recognize that timely processing of permit approvals is crucial for local commercial and residential activity in affected areas. Counties agree with and appreciate the intent of HB 1068 to streamline internal process information-sharing and invest in local health departments as a means for solving application delays. The proposed improvements are anticipated to ease backlogs and make the application process more efficient and transparent.

In addition, the bill's mandated appropriation makes a much-needed investment in health department staffing and technology. This will help address many of the government-side problems slowing down the application process.

Counties praise and thank the House and Senate sponsors for working with environmental health leaders and for producing a bill steeped in good government. Accordingly, MACo urges the Committee to issue a **FAVORABLE** report.

HB1068_UNF_Guy

Uploaded by: James Guy

Position: UNF



House Bill 1068

Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems –
System Standards, Regulations, Applications and Funding

OPPOSE

March 1, 2022

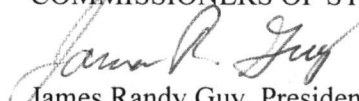
Delegate Kumar P. Barve, Chairman
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

Dear Chairman Barve:

The Commissioners of St. Mary's County OPPOSE House Bill 1068 - Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems – System Standards, Regulations, Applications and Funding which was heard in the Environment and Transportation Committee.

We OPPOSE HB 1068 and request an unfavorable report. We do not believe this legislation would benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2022/0081

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Catherine Pratson, Acting Co-County Administrator
David Weiskopf, Acting, Co-County Administrator

HB 1068 Loc Health Depts, Env Health Specialists a

Uploaded by: Barbara Wilkins

Position: INFO



Maryland

DEPARTMENT OF BUDGET
AND MANAGEMENT

LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lieutenant Governor

DAVID R. BRINKLEY
Secretary

MARC L. NICOLE
Deputy Secretary

HOUSE BILL 1068 Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems – Systems Standards, Regulations, Applications, and Funding (Stein)

STATEMENT OF INFORMATION

DATE: March 2, 2022

COMMITTEE: House Environment & Transportation

SUMMARY OF BILL: HB 1068 applies to systems, standards, regulations and applications for the installation of on-site sewage disposal systems; and mandates an appropriation to the Maryland Department of Environment (MDE) in the amount of \$5 million for addressing wage disparities and staffing shortages of environmental health specialists.

EXPLANATION: The Department of Budget and Management's focus is on the \$5 million mandated appropriation provision for staffing of environmental health specialists, which impacts the FY 2024 budget and subsequent budgets. The FY 2023 Budget allowance has reduced budgeted turnover across most agencies in an effort to address staffing vacancies. In particular, MDE's budgeted turnover was reduced to 5%, which provides \$1.4 million in General Funds for the Department to use for personnel – freeing up expenditures to fill vacancies.

DBM has the responsibility of submitting a balanced budget to the General Assembly annually, which will require spending allocations for FY 2024 to be within the official revenues estimates approved by the Board of Revenue Estimates in December 2022.

Changes to the Maryland Constitution in 2020 provide the General Assembly with additional budgetary authority, beginning in the 2023 Session, to realign total spending by increasing and adding items to appropriations in the budget submitted by the Governor. The legislature's new budgetary power diminishes, if not negates, the need for mandated appropriation bills.

Fully funding the implementation of the Blueprint for Maryland's Future (Kirwan) will require fiscal discipline in the years ahead, if the State is to maintain the current projected structural budget surpluses. Mandated spending increases need to be reevaluated within the context of this education funding priority and the Governor's tax relief proposals.

Economic conditions remain precarious as a result of COVID-19. High rates of inflation and workforce shortages may be short lived or persist, thereby impacting the Maryland economy. While current budget forecasts project structural surpluses, the impact of the ongoing COVID-19 pandemic continues to present a significant budgetary

vulnerability. The Department continues to urge the General Assembly to focus on maintaining the structural budget surplus.

**For additional information, contact Barbara Wilkins at (410) 260-6371
or barbara.wilkins1@maryland.gov**

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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

March 2, 2022

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

Re: House Bill 1068 - Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems – Systems Standards, Regulations, Applications, and Funding

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed HB 1068, entitled *Local Health Departments, Environmental Health Specialists, and On-Site Sewage Disposal Systems – Systems Standards, Regulations, Applications, and Funding*, and would like to share some information and a concern regarding this legislation.

Although HB 1068 is listed as cross-filed with SB 113, they are substantially different bills. HB 1068 requires MDE to create an online tracking system for on-site sewage system applications, develop standardized permit forms, and requires the Department to adopt regulations that would extend the requirement of 10,000 square feet for subsurface disposal for dwelling units to detached dwellings by October 1, 2023. HB 1068 also requires the promotion of professional standards for private environmental health specialists, and the holding of monthly information meetings on associated regulations. Finally, HB 1068 contains a \$5 million annual appropriation to the Maryland Department of Health (MDH) to address “wage disparities and staffing shortages” of environmental health specialists licensed by the Board of Environmental Health Specialists.

HB 1068 would create the same or similar database that is currently being evaluated by MDH to link MDH, MDE, and local health department permitting. MDE and MDH both believe that it would be best to amend the bill to have MDH own the database and oversee development with coordination from MDE.

The proposed legislation directs MDE to adopt regulations relating to subsurface disposal of sewage for detached dwellings under COMAR 26.04.03 Water Supply and Sewerage Systems in the Subdivision of Land in Maryland. In accordance with COMAR, each dwelling unit requires a minimum of 10,000 square feet for subsurface disposal of sewage regardless of if the dwelling is attached or detached. Also, the application of the 10,000 square feet to detached dwellings (such as garage apartments) may effectively expand the minimum area requirements in COMAR 2.604.03.03A, essentially enlarging the minimum lot sizes for such dwellings.

Thank you for considering the MDE’s concerns regarding this legislation. We will continue to monitor HB 1068 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.

Page 2

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 Dana Stein
Lee Currey, Director, Water and Science Administration