

SB830 - EHS and OSDS Reform - Clean Water Action -

Uploaded by: Emily Ranson

Position: FAV

SB830: Environmental Health Specialists and On-Site Sewage Disposal Systems - Reform (Environmental Health Systems Support Act of 2023)

Senate Education, Energy, and the Environment Committee

February 23, 2023

Position: Favorable

Permit Tracking System

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 legislature establish a permanent database.

Increase Staffing

MDE needs more staff to effectively manage the onsite wastewater program and support the environmental health officers. We have heard complaints from homeowners, industry members, and others about long wait times to permit new or failing systems. Employees are asked to do too much with too little, and increasing the number of staff will help spread the load.

Loan forgiveness

In our work around this space, we have also heard stories about how difficult it is to recruit and retain environmental health officers. Loan forgiveness could be an impactful incentive to entice new graduates to spend some time working at local health departments.

Study on staffing needs

Ultimately, the state needs to address the growing problem of too few environmental health specialists. SB830 sets up a study to address the intertwined problems of recruitment, retention, wages, and an apprenticeship to develop a pipeline to get new employees into the field.

Study on delegation of authority

Maryland uses a concept of delegated authority to run its septic permitting system, which has some benefits and some drawbacks. While we do agree that this study is important, we do worry that the University of Maryland Agricultural and Food Systems Program may not have adequate staff or expertise to make recommendations on organizational structures. This study may benefit from a larger workgroup or at the very least drawing expertise from other Maryland universities' business and management programs.

Thank you,

Emily Ranson
Clean Water Action
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SB 830 - Septic Reform - FAV - REALTORS.pdf

Uploaded by: Lisa May

Position: FAV



Senate Bill 830 – Environmental Health Specialists and On-Site Sewage Disposal Systems - Reform (Environmental Health Systems Support Act of 2023)

Position: Support

Maryland REALTORS® supports SB 830, to provide greater predictability and consistency in the provision of septic permitting in the state.

The septic approval process and operations of local health departments regarding septic inspections are a growing concern for real estate professionals and their clients. Delays in receiving necessary permits and inspections, as well as changing standards, have led to delays in real estate transactions and even cancellations of contracts to purchase.

In our discussions with these local departments, MDE, and elected officials, one impediment to better operations is a lack of a shared system which tracks all septic activities in the state. It is difficult to determine whether current timeframes are occurring statewide or if they are regional anomalies. SB 830 is a necessary first step to developing that system and providing accountability for timely processing of permit applications and inspections.

We have also learned that in some areas of the state, it is difficult to recruit qualified environmental specialists to carry out this important work. This bill creates an incentive to assist with that issue through a loan assistance repayment program.

Based upon the growing impacts that septic system approvals and inspections are having on the industry, we urge greater coordination and oversight of this process, and ask for your support of SB 830.

**For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org**

MBIA Letter of Support SB 830.pdf

Uploaded by: Lori Graf

Position: FAV

February 23, 2023

The Honorable Brian J. Feldman
Senate Education, Health & Environmental Affairs Committee
Miller Senate Office Building,
2 West Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: MBIA Letter of Support SB 830 Environmental Health Specialists and On-Site Sewage Disposal Systems - Reform (Environmental Health Systems Support Act of 2023)

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 830 Environmental Health Specialists and On-Site Sewage Disposal Systems - Reform (Environmental Health Systems Support Act of 2023)**. MBIA **Supports** the Act in its current version.

This bill would require the health department to standardize their permit form and provide greater transparency for on site sewage disposal system applicants. MBIA strongly supports this measure. It is no secret that the permitting process for on-site waste disposal is a lengthy process that can often be difficult for applicants to navigate. This bill would require that the process be updated by implementing a comment system for failed applicants so they will know the reasons why their applications are rejected, develop a tracking system so that it is apparent where permits are in the process, establish monthly informational meetings to update the public on current regulatory practices, create a permanent staff within the Department of the Environment dedicated to this process.

MBIA supports this streamlining of this long and difficult process. Making it more open to public scrutiny and a more formal and dedicated staff will avoid the intentional and unintentional delay inherent in the process. It is important that this process be navigable and accessible both to developers and to the public at large as they consider how to best make use of the available developable land.

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

cc: Members of the Senate Education, Health & Environmental Affairs Committee

SB 830 Matt Geckle Fav EEE 2-23-23.pdf

Uploaded by: Mathew Geckle

Position: FAV



BACK RIVER PRE-CAST, LLC
PO BOX 329
GLYNDON, MD 21071
410-833-3394

**SB830 Environmental Health Specialist and On-Site Sewage Disposal
Systems – Reform (Environmental Health System Support Act of 2023)**

Education Energy and Environment

February 23, 2023
Mathew Geckle
Back River Precast

Position: Favorable

As an On-site Wastewater professional, I appreciate Sen. Hester efforts to improve this industry both in timeliness and effectiveness. I want to focus on two sections of the legislation: the Data base and staffing.

A statewide database to log in septic system process is a first step We do believe that we need a database for all septic systems in the state not just new permits. This database should include information needed to make inspection and repairs much easier and faster. The current hodgepodge of county systems makes it hard for a new homeowner to know critical information about their systems or for the professional being called out to do emergency repairs to accurately assess the problem and the fixes needed.

Staffing is the second key issues. Both MDE and the local offices urgently need more staffing to meet the growing septic work load.

We appreciate the opportunity we have had to work with Sen. Hester on these issues.

• Matthew Geckle

Vice-President

SB0830-EEE_MACo_SWA.pdf

Uploaded by: Dominic Butchko

Position: FWA



Senate Bill 830

*Environmental Health Specialists and On-Site Sewage Disposal Systems – Reform
(Environmental Health Systems Support Act of 2023)*

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy, and the Environment
Committee

Date: February 23, 2023

From: Sarah Sample and Dominic J. Butchko

The Maryland Association of Counties **SUPPORTS SB 830 WITH AMENDMENTS**. This bill could establish, update, and refine the process of managing and installing on-site sewage disposal systems across the state.

The legislation proposes beneficial advances, such as establishing a student loan forgiveness program for environmental health specialists, and standardized regulations and guidance for on-site sewage disposal systems. The bill also seeks to provide more funding and resources at the state level to tackle some of the goals set forth, including adding new positions, allocating funding, exploring the use of a statewide database, and creating a standardized permit form. While these elements could be welcome advances, they are complementary to, rather than centered upon, the area of greatest need in this field: the professional environmental health positions tasked with the actual inspection and evaluation duties.

Considering the significant demand on these departments locally and the necessity for more resources to meet those needs, this legislation presents an opportunity to bring about many changes for the better if some of the intent is more equitably focused across the entities that do the work. Therefore, MACo suggests that SB 830 be amended to address the central and alarming challenge facing this field.

For background, most county environmental health departments are carrying out these inspections and related functions through either their county government, the local health department, or a contracted entity. There is a great deal of variability in how each jurisdiction operates and organizes these departments and their efforts across the state have maintained the safety of vital resources that no one can live without – food, water, and a healthy environment. The great effort and importance of these programs cannot be overstated.

Counties appreciate that this bill attempts to take a comprehensive look at some of the issues facing state and local environmental health departments. Unfortunately, the bill focuses too

directly on resources at the state level without drilling down into the challenges that local jurisdictions are facing in implementation, rather than coordination. The needs of local governments (and most often local health departments) must be met if meaningful reform is to be effective and prompt. SB 830 could be the foundation for that needed effort.

The central amendment counties seek would be a requirement that the Department of Budget and Management collaborate with local jurisdictions on updating current salaries for local environmental health specialists, and proceeding with position reclassifications where they are found appropriate based on market trends. Attracting and retaining qualified professionals will not be possible until a reasonable wage is paid to recognize the market value of these individuals with a 4-year science degree. While SB 830's student loan forgiveness program is a very good step, it could never fully address this labor market discrepancy.

The bill adds funding for new positions at the state level, but nothing for the individuals with "boots on the ground." Similar legislation last year evolved into a stakeholder-driven framework, providing \$5 million to help with wage issues at the local level. This is, simply put, the magnitude of the change needed to bring this important local function into the modern workforce climate, and to deliver for resident needs – and it cannot happen without State leadership.

Despite differing models at the county level, there is unanimous agreement that guidance is needed from the State on standards and regulations, which this bill establishes. However, this guidance is coming at a very late stage in this process and therefore should seek to set minimum standards that are required rather than setting both the floor and ceiling into which each jurisdiction must force compliance. The same is true of a standardized form – counties prefer to seek improved data through minimum requirements, rather than strict uniformity.

The problems that environmental health specialists have been facing in Maryland are significant at every level. Without a focus on the local implementation challenges, SB 830 will fall short of its worthy goals. MACo would like to work with all parties to make this a more intuitive approach.

Accordingly, MACo urges a **FAVORABLE WITH AMENDMENTS** report on SB 830.

SB830 2023 Fav w amend_ EH Dir.pdf

Uploaded by: Matt Cumers

Position: FWA

An Affiliate of
the Maryland Association
of Counties, Inc.



Reply to:

DATE: 02/23/2023

TO: Members, Education, Energy and the Environment Committee

FROM: Maryland Conference of Local Environmental Health Directors

RE: Senate Bill 830 Environmental Health Specialists and On-Site Sewage Disposal Systems – Reform – (Environmental Health Systems Support Act of 2023)

The Maryland Conference of Local Environmental Health Directors (Conference), an affiliate of the Maryland Association of Counties, **SUPPORT** Senate Bill 830 with amendments.

The Conference fully supports the aspects of this bill that reference development of consistent standards, providing appeal rights, informational meetings, studying the viability of a permit tracking system, additional staff for MDE, development of a student loan forgiveness program and study of the issues related to Environmental Health in Maryland. However, we take issue with some nuances and other aspects of the bill and recommend revisions as indicated below.

The Conference remains committed to working with the Department of the Environment to identify areas of commonality and data that could potentially be standardized or reported. We took the opportunity last year to provide detailed commentary and suggestions on a standard format and permit form inclusions that all jurisdictions would include in their permits. Unfortunately, no further meetings or discussions took place. A centralized permit application database/portal would overlook the substantial variations in the permitting process throughout the 24 local jurisdictions and the integration of those. The development of **minimum requirements for the permit forms** used by the counties should be the focus of any statewide efforts. Any efforts to the contrary would be potentially very costly to the local governments and taxpayers with no gains in efficiency and customer service. We mention the “middleman” scenario for a centralized permits portal which will only reduce productivity and create confusion at the local level where customer service depends on local contractors and owners dealing directly with local staff.

With respect to the establishment of a central permits tracking repository, the state would need to make the investments in sufficiently funded IT enhancements that make processes more efficient, collect better data, and allow for improved communications. If these investments were approved, a collaborative effort between MDH, MDE and local Approving Authorities (Local Health Departments or County Governments) would be required. MDH has contracted for an IT professional to study the various systems used in EH and Ms. Ghandi found that there is essentially no commonality or interoperability nor is it easily achievable. The scope of a project as described in **21-103 B (1) & (2)** would be massive and extremely costly. We

would advise that this provision **be removed** until the work in A(3) has taken place. Otherwise, there is absolutely no way to know how much this will cost or how much time it will take.

We are perplexed at the choice of the AgFS Extension Program to conduct a statewide study of the implications of the delegation of the Department's authority related to well and septic systems. The Program serves the agricultural producers of the state with applied research and research-based educational programming to increase producer productivity. This organization is ill-suited for an investigation of the merits of other states' well and septic permitting and local delegation programs and the specifics surrounding this matter currently confronting MDH and MDE. Multiple examinations comparing various aspects of Maryland's septic program with other states have already been done by MDE in past years. Further, a comprehensive study of Environmental Health was published in 2005 by the Johns Hopkins School of Public Health and the Conference believes that an updated study in the same fashion should be performed by the same or a similar **unbiased higher education organization**. Working with existing local and state onsite program personnel would produce a reliable report within the stated timeframe in the proposed bill.

The Conference would suggest **more flexibility** in the three allocated positions in MDE. While administrators and an attorney are needed, we believe that there is also a need for more staff with technical expertise to support the delegated programs.

While the loan forgiveness aspect could be potentially helpful with new hires into EH program departments, until the salary issue is addressed for EHS professionals, it is unlikely that any proposed solutions that have been discussed to date will remedy the current crisis in the Local Environmental Health Departments, whether they are considered state or local employees. The consequence of not addressing the **root causes**, such as understaffing, lead to delays in addressing well and septic issues. There have been more than a few lost opportunities for MDE and MDH to coordinate with Health Officers and EH Directors to achieve better outcomes in these programs. As a result, the Local Health Departments are frequently attributed as the source for delays and issues. The added consequence of these factors, further undermines trust in the Health Officer's and EH staff's professional decisions and leads to poor morale and a repeated difficulty in sustaining an effective recruitment and retention cycle.

The Conference recommends a **FAVORABLE WITH AMENDMENTS** report.

Contact: Matt Cumers, President, Maryland Conference of Local Environmental Health Directors, Phone: 410-535-3922 x114

Matthew.cumers@maryland.gov

SB 830 - EEE - PHPA - LOSWA.docx.pdf

Uploaded by: State of Maryland (MD)

Position: FWA



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 23, 2023

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 830 – Environmental Health Specialists and On–Site Sewage Disposal Systems – Reform (Environmental Health Systems Support Act of 2023) – Letter of Support with Amendments

Dear Chair Feldman and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments for Senate Bill (SB) 830 – Environmental Health Specialists and On–Site Sewage Disposal Systems – Reform (Environmental Health Systems Support Act of 2023). This bill, if enacted, will: (1) require the Department of the Environment (MDE) to create a standardized permit form for onsite sewage disposal installations, and require local health departments (LHDs) to provide applicants with information on how to appeal decisions to MDE; (2) amend the Health-Occupations article to require consistent standards and regulations under Title 21, which pertains to the Board of Environmental Health Specialists; (3) require MDH to host monthly informational meetings on the interpretation and application of Health-Occupations Title 21 and corresponding regulations for local government employees who are or work with environmental health specialists; (4) require MDH to develop an online tracking system for onsite sewage disposal applications in conjunction with the Department of Information Technology (DoIT); (5) create additional positions in MDE; and (6) create a loan forgiveness program for the training of environmental health specialists.

MDH appreciates the attention this bill brings to the challenges affecting the environmental health workforce. MDH is committed to working with MDE on information management solutions, training, and communications improvements that are already underway. Additionally, MDH appreciates the collaboration with the bill sponsor on possible amendments and MDH is open to continued discussions on this bill.

MDH notes that the bill’s language amending the Health-Occupations article, as written, will not affect the Environment Article or regulations pertaining to onsite sewage disposal, and recommends that that language be removed from the bill. Further, MDH and MDE are currently meeting monthly (and more frequently in some cases) with the local environmental health units to ensure prompt resolution of any issues that arise regarding staffing shortages or other problems related to onsite sewage disposal system permitting. As such, MDH respectfully

recommends the removal of the bill language that requires MDH to convene monthly meetings with “local government employees who are or work with environmental health specialists.” Additionally, MDH notes that the bill language in Health-Occupations directing MDH to develop an online tracking system for onsite sewage disposal systems, which is under the purview of MDE, is not necessary as MDE is already in the process of developing such a system. This will potentially create a significant redundancy of effort and expense to the State.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

Laura Herrera Scott, M.D., M.P.H.
Secretary