



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, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 778 – Wicomico County - Seasonal Restaurants - Potable Running Water and Graywater - Letter of Opposition

Dear Chair Feldman and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of opposition for Senate Bill (SB) 778 – Wicomico County - Seasonal Restaurants - Potable Running Water and Graywater. SB 778 will exempt a seasonal food service facility using a graywater system from requirements to provide potable running water to customers.

MDH supports the current requirements for food service facilities, including (1) providing safe (potable) running water to customers, (2) using a three-compartment sink with running potable water for washing utensils, glassware, and food equipment, and (3) safely disposing of wastewater in an approved septic system where public sewer is not available.

Maryland food service facilities must provide potable running water for use by both employees and patrons. Handwashing and cleaning of utensils, glassware, and food equipment with potable water is a cornerstone of food safety nationwide and emphasized in licensed food safety training programs. Water, unless it comes from a potable supply, may serve as a source of contamination for food, equipment, utensils, and hands. The major public health concern with these proposals is that water may become a vehicle for transmission of diseases, thereby increasing the risk of disease.

Septic system design requirements are based on the anticipated needs of a facility, including the maximum number of people that may be present, regardless of whether they are seated indoors or outdoors, or whether the food service facility is open seasonally or year-round. SB 778 will allow a food service facility to circumvent septic system requirements by categorizing some wastewater as graywater. However, the bill does not enumerate the approved uses for graywater, or the conditions of use, as is done for residential graywater under Environment Article § 9-1112. Without proper protections in place, SB 778 could allow a business to flood a field (regardless of soil drainage) with untreated wastewater, which would threaten both the environment and public health.

The appropriate land use of a site is subject to local zoning laws and permitting, which are designed to ensure that activities are adequately supported by environmental systems. The combination of food service facility regulations from MDH, environmental regulations from Maryland Department of the Environment, and local zoning and permitting, establishes standards to protect the environment and public health. SB 778 proposes to circumvent these well-established public health policies and protections without any evidence that this circumvention is justified.

MDH requests an unfavorable report for SB 778. 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,



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