



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 117

Environment - Bay Restoration Fund - Septic System Upgrade Program

Date: January 28, 2025

To: Education, Energy, & Environment Committee

Position: **Favorable with Amendment**

From: Matt Stegman,
Maryland Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS SB 117 WITH AMENDMENTS**. SB 117 makes several changes to the prioritization for septic system upgrades funded through the Bay Restoration Fund (BRF). Specifically, the bill permits funding to be set based on system performance and alters the existing prioritization to include systems located in a nitrogen-impaired watershed. CBF requests that the committee consider amendments described below that would further target BRF septic system funding.

The Chesapeake Bay Program's Comprehensive Evaluation of System Response (CESR) report demonstrated a need to more completely address nonpoint source pollution in our waterways. The BRF has proven a tremendous success in upgrading major and minor wastewater treatment plants (WWTPs) throughout the state and, consequently, reducing nitrogen loads into the Chesapeake Bay. Modern, effective WWTPs can treat effluent to as little as 3 milligrams per liter of nitrogen. Comparatively, even septic systems employing Best Available Technology (BAT) deliver significantly higher nitrogen loads. Pollution from septic systems now exceeds nitrogen pollution from WWTPs in 17 counties.

Maryland will not be able to achieve our water quality goals without doing a better job addressing septics. According to MDE, Maryland has approximately 420,000 septic systems in the Chesapeake Bay watershed, 52,000 of which are located in the Critical Area. Currently, BRF funding for septic upgrades are limited to the Critical Area, meaning that funding source can only reach approximately 12% of septic systems statewide. The bill would retain first priority for systems in the Critical Area, but ensure remaining funds are directed into areas where nitrogen loads are greatest.

CBF respectfully request that the Committee consider the following amendments to SB 117:

1. Adding "FREQUENCY OF REQUIRED PUMP OUT, AND REPAIR FREQUENCY AND COST" to 9-1108.1(c)(2). The Department should consider these costs when evaluating and ranking all BATs as they are critical to the function of the system. This information should be easily collectable with industry support.
2. Defining the size of the nitrogen-impaired body of water.
3. Adding "FAILING SYSTEMS THAT ARE LOCATED WITHIN THE 500 YEAR FLOODPLAIN" as a priority for BRF funding. These regions are the most likely to be impacted by sea level rise and flood inundation. As such, this is an opportunity for the state to ensure that septic systems within these

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areas are the most efficient and functional to lessen human health and environmental impacts in the face of climate change.

CBF requests the Committee's FAVORABLE WITH AMENDMENT report on SB 117.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.