



**SB117 – Environment – Bay Restoration Fund – Septic System Upgrade Program  
Education, Energy, and the Environment  
January 28, 2025**

Position: Favorable with Amendment

Dear Chair Feldman and Members of the Committee,

Clean Water Action supports SB117 with amendments. Clean Water Action is a national environmental and drinking water advocacy organization with an office in Baltimore since 1980. We have worked on the issues surrounding septic systems for almost ten years and have been grateful for the legislative advances the General Assembly has made over those intervening years. Maryland has come a long way forward in how it addresses septic systems and pollution.

Pollution from septic systems is an issue for many parts of the state outside the critical area – or 1000 feet around tidal waters of the Chesapeake Bay. As an organization very focused on drinking water quality, protecting the freshwater drinking water sources that we use is absolutely vital.

SB117 allows the Bay Restoration Fund to better address nitrogen pollution from septic systems by adding to the priority list failing systems within nitrogen impaired watersheds. These are watersheds that cannot take in more nitrogen without degrading and where we need to target interventions to reduce sources of nitrogen.

Non-point source pollution is a problem that we need to address in order to restore the Chesapeake Bay and many of the streams and rivers that we rely on and enjoy. It is a death by a thousand cuts – an individual may not make the difference, but the actions and choices of thousands of individuals do. Maryland has approximately 420,000 septic systems in the Chesapeake Bay Watershed. Pollution from septic systems now exceeds nitrogen pollution from our wastewater treatment plants in 17 counties, including: Caroline, Carroll, Calvert, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Kent, Queen Anne's, Somerset, St.

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Mary's, Talbot, Washington, Wicomico, and Worcester County. Within an individual watershed, pollution of septic systems may be a significant contributing factor of their impairments, especially in watersheds upstream of a wastewater treatment plan (given that pollution flows downstream).

We respectfully request that the committee consider the following amendments to SB117:

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 within the existing BATMN database with some tweaks.
2. Defining the size of the nitrogen-impaired body of water. The size of the watershed matters, and we would want to see this enhanced prioritization be given to an appropriately sized watershed so the limited septic funds in the Bay Restoration Fund can be targeted to the areas most at risk
3. Adding "FAILING SEPTIC SYTEMS 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 areas are the most efficient and function to reduce human health and environmental impacts in the face of climate change.

Clean Water Action appreciates the Department of the Environment and Senator Hester for tackling this issue and we look forward to continuing to work with them to reduce nitrogen pollution from septics to improve our local water quality and human health outcomes. Thank you and we urge a favorable report with the amendments above.

Best,



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