sb117- septic regualtion- EEE 1-28-2025.pdf
Uploaded by: Lee Hudson
Position: FAV

Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony prepared for the
Education, Energy, and the Environment Committee
on
Senate Bill 117
January 28, 2025
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for this opportunity to urge a policy for caring for creation. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with three judicatories in every State region.

Our community's environmental statement ("Caring for Creation", ELCA 1993) was adopted when a principal public concern was corruption of natural commons from pollution and depletion. Pollution of waters is cited ("Caring for Creation", pg. 4).

A holding of our public commitment is that air and water are not to be sequestered and exploited as if property. "The commons," a domain the Anthropocene exploits and reconfigures, does not belong to human hegemony, no matter how insistently asserted and engineered. Our tradition's understanding of "commons" is from the spiritual counsel, *The earth is the Lord's, and all that is within it, the world, and all dwelling in it* (Psalm 24:1-2).

Well-and-septic became a substitute for public utilities of wastewater treatment and water supply in order to facilitate helter-skelter scattered-site development in exurb- and rural subdivisions. This is not a recent or obscure planning policy issue. Scattered-site became a favored planning policy in the 80s, 90s and aughts; so much so that Maryland was moved to consider "Smart Growth," a policy in hindsight that was more rhetorical than practical. In my MGA advocacy experience regulation of septic system standards has been a recurring issue since the aughts as Central Maryland subdivisions competed with one another for development finance. (As illustration, **MDE Title 26** of 2013.)

Senate Bill 117 more or less revisits subject. The problems caused by favoring well-and-septic for development are that it ignores geology, geography, and fluid dynamics. The catnip of not paying for water and sewer infrastructure merely results in waste in the commons where it visits new and other costs on the public. Water has a physics that's not negotiable.

The bill is drafted as a benefit for Bay health, a goal on which the State has spent millions of dollars. And yet improvements keep moving out of reach. This iteration of regulation attends to nitrogen, which becomes *nox*, which generates dead zones in the Bay. Given the abundance of land use in proximity to Bay watershed the bill is welcome because it is necessary.

Clean waters are gifts from the commons not to be squandered and we therefore urge your favorable report.

Lee Hudson

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MDE SB117 SUP.pdf
Uploaded by: Les Knapp
Position: FAV

The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 117
Environment - Bay Restoration Fund - Septic System Upgrade Program

Position: Support
Committee: Education, Energy, and the Environment Committee
Date: January 28, 2025
From: Jeremy D. Baker, Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 117. The bill makes four critical updates to the Bay Restoration Fund (BRF) to improve septic system upgrades with Best Available Technology (BAT) for nitrogen removal.

First, the bill prioritizes funding for failing septic systems in any nitrogen-impaired watershed in the State. Under current law, prioritization is focused on the critical areas like the Chesapeake and Atlantic Coastal Bays. The expanded prioritization better targets some of Maryland's most vulnerable ecosystems and communities and improves nitrogen reduction efforts at the local level. This change is based on a recommendation from the 2023 report *Achieving Water Quality Goals in the Chesapeake Bay: A Comprehensive Evaluation of System Response* (CESR Report).

Second, the bill expands BRF funding access for moderate-income homeowners, providing needed financial assistance for upgrades and maintenance, such as drainfield replacements, that would otherwise be cost-prohibitive. This change provides some additional flexibility for funding deserving projects.

Third, the bill would authorize MDE to establish performance-based funding levels based on the actual nitrogen removal efficiency of approved BAT systems. This would incentivize homeowners to consider higher performing systems over lower performing systems. The bill does not alter the underlying BAT system criteria nor does it limit a homeowner from choosing any system on the approved BAT list. This change is also based on a CESR report recommendation.

Finally, the bill adjusts an eligibility date that is starting to exclude otherwise worthy projects from consideration of BRF assistance. When the BRF was originally created, eligibility was limited to those septic systems installed on or before October 1, 2008. As time has moved forward, some systems installed after that date are reaching the end of their natural lifespans and homeowners are unfairly being excluded from accessing BRF funding. The bill alters the eligibility date to require a septic system to have been installed at least 15 years before July 1 of the year in which the application for funding is made.

Senate Bill 117 updates the BRF to keep this nationally recognized funding program focused on improving water quality for all Marylanders, meeting our Chesapeake Bay restoration goals, and

providing a more equitable and fair funding process. Accordingly, MDE asks for a **FAVORABLE** report for SB 117.

Contact: Jeremy D. Baker, Director of Government Relations

Cell: 240-548-3321, Email: jeremy.baker@maryland.gov

SB0117-EEE-FAV.pdf
Uploaded by: Nina Themelis
Position: FAV

BRANDON M. SCOTT
MAYOR

Office of Government Relations
88 State Circle
Annapolis, Maryland 21401

SB0117

January 28, 2025

TO: Members of the Education, Energy, and the Environment Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 0117 – Environment - Bay Restoration Fund - Septic System Upgrade Program

POSITION: SUPPORT

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 117.

SB 117 would modify Maryland's Bay Restoration Fund by updating how septic system upgrades are funded and prioritized. The bill would authorize the Department of the Environment to establish performance-based funding levels for nitrogen removal technologies in septic systems, using a systematic evaluation and ranking process. It creates a three-tier priority system for funding repairs: priority to failing systems in the Chesapeake and Atlantic Coastal Bays Critical Area, second to systems near nitrogen-impaired waters, and third to other failing systems threatening public health or water quality. The legislation also expands eligibility for funding to include moderate-income homeowners and updates the qualification criteria for community sewerage system replacements.

This bill would have minimal direct impact on the city due to the limited use of septic systems and the presence of established municipal infrastructure. By reducing nutrients from on-site sewage systems, the legislation would alleviate the burden on treatment facilities and improve discharge quality into state waters. Expanding funding for replacing outdated or failing systems, combined with a performance-based approach to nitrogen removal technologies, may offer meaningful improvements for Maryland's watersheds.

For the above stated reasons, the BCA respectfully **supports** Senate Bill 117.

Testimony in support of SB0117 - Environment - Bay

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB#0117_Richard Kaplowitz_FAVORABLE

1/28/2025
Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#0117 -

FAVORABLE

Environment - Bay Restoration Fund - Septic System Upgrade Program

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#0117, Environment - Bay Restoration Fund - Septic System Upgrade Program

This bill facilitates accomplishment of the goals of Senate Bill 320 (Bay Restoration Fund) was signed into law on May 26, 2004. Chesapeake Bay has experienced a decline in water quality due to over enrichment of nutrients (mainly phosphorus and nitrogen). Effluent from wastewater treatment plants is one of the top three major contributors of nutrients entering the Bay (urban and agricultural runoffs are the other two). [This bill created] a dedicated fund, financed by wastewater treatment plant users, to upgrade Maryland's wastewater treatment plants with enhanced nutrient removal (ENR) technology so they are capable of achieving [a specific] wastewater effluent quality. [1]

This will be accomplished by authorizing the Department of the Environment to establish performance-based funding levels for best available nitrogen removal technologies for on-site sewage disposal systems using a certain evaluation and ranking process. It further requires the Department to make certain eligible funding levels available on its website. It will alter priorities for funding the repair or replacement of certain on-site sewage disposal systems by identifying failing systems located within the watershed of a nitrogen-impaired body of water.

The Chesapeake Bay is intrinsic to life in Maryland. It is part of our state identity, local culture, and a vibrant part of Maryland's history and State pride. [2] For both current and future generations we must do all we can to protect this vital part of our state.

I respectfully urge this committee to return a favorable report on SB#0117.

[1] https://mde.maryland.gov/programs/water/bayrestorationfund/pages/index.aspx

[2] https://mde.maryland.gov/programs/Water/TMDL/TMDLImplementation/Pages/what-is-the-bay.aspx#:~:text=Maryland's%20National%20Treasure&text=It%20provides%20its%20inhabitants%20with,generations%20of%20Marylanders%20to%20enjoy.

2025-MML-SB117-Testominy.pdf
Uploaded by: Tyler Brice
Position: FAV

Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

January 28, 2025

Committee: Senate - Education, Energy, and Environment

Bill: SB 117 - Bay Restoration Fund - Septic System Upgrades - Nitrogen Removal

Position: ***Favorable***

Reason for Position:

On behalf of the Maryland Municipal League (MML), representing 160 municipal governments across the state, we respectfully submit this testimony in ***support*** of Senate Bill 117, which enhances the Bay Restoration Fund's Septic System Upgrade Program by establishing performance-based funding levels for nitrogen removal technologies in on-site sewage disposal systems.

We commend the General Assembly's commitment to improving water quality and environmental sustainability across Maryland. SB 117 takes a pragmatic and effective approach to addressing nutrient pollution by providing municipalities and residents with access to transparent evaluations and rankings of best available nitrogen removal technologies. By offering performance-based funding, this bill supports informed decision-making and the selection of cost-effective solutions that deliver measurable environmental benefits.

Many Maryland municipalities are on the front lines of managing wastewater infrastructure and addressing environmental challenges. This legislation directly benefits local governments by expanding funding eligibility to include the repair or replacement of failing septic systems and connections to existing municipal wastewater facilities. These measures not only help municipalities reduce nutrient pollution but also enhance public health by addressing failing or outdated systems. SB 117 also recognizes the importance of prioritizing areas critical to water quality improvement, ensuring that municipalities in sensitive areas have the resources they need to protect the Chesapeake Bay and its tributaries. This emphasis on transparency and accessibility further strengthens the partnership between the state, municipalities, and residents.

For these reasons, the Maryland Municipal League respectfully requests a favorable report on Senate Bill 117. For more information, please contact Tyler Alexis Brice, Manager of Advocacy and Public Affairs, at tylerb@mdmunicipal.org or 254-652-8110.

Thank you for your consideration, and we look forward to continuing to work together to achieve our shared environmental and public health goals.

SB117_ShoreRivers Testimony IN SUPPORT with ammend
Uploaded by: Annie Richards
Position: FWA

Testimony in SUPPORT with AMMENDMENTS of Senate Bill 117 – Environment - Bay Restoration Fund - Septic System Upgrade Program

Education, Energy, and Environment Committee Hearing
2:30pm – January 28, 2025

1/24/25

To Chair Feldman, Vice Chair Kagan, and members of the committee,

Thank you for this opportunity to submit testimony in **SUPPORT with AMMENDMENTS** for **SB117** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,500 members. Our mission is to protect local waterways through science-based advocacy, restoration, education, and engagement.

Our rivers are impaired by nitrogen, phosphorus, sediment, and bacteria. Pollution from septic systems has a great impact on local water quality in rural areas, such as the Eastern Shore. Outdated and failing septic systems leach nitrogen, phosphorus, and harmful bacteria to tidal and non-tidal waterways — causing pollution and human health concerns. Pollution from septic systems now exceeds nitrogen pollution from our wastewater treatment plants in 17 counties, including Kent and Queen Anne's, which make up the Chester River watershed. As the Chester Riverkeeper, I research and collect water quality data including nitrogen, phosphorus, and fecal enterococci bacteria levels and communicate my findings to communities within my watershed. On the Chester, of the 13 sites I monitor for fecal enterococci pollution, four failed to meet the threshold for safe water contact more than half of the times they were tested. **Additionally, recent studies from the University of Maryland Environmental Finance Center state that "properties with septic systems make up 46 percent of all properties in Maryland that are exposed to a 100-year coastal flood event," making it vital for the Department of the Environment to include resiliency considerations when funding and siting septic projects.** 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 functional to lessen human health and environmental impacts in the face of climate change.

While we believe SB117 will improve the funding scope of the Bay Restoration Fund (BRF) to accelerate septic and drain field upgrades in *both* the Critical Area and non-tidal waterways, we offer the following friendly amendments:

- Include "frequency of required pump out and repair frequency cost" when ranking best available technology (BAT) systems
- Specify watershed size for "failing systems that are located within the watershed of a nitrogen -impaired body of water"
- Include failing septic systems in the 500-year floodplain in the priority funding list within the Bay Restoration Fund

ShoreRivers is a strong proponent for policies that help to address pollution coming from septic systems. For these reasons, **we urge a favorable report, with amendments, from this committee for SB117.**

Sincerely,
Annie Richards, Chester Riverkeeper on behalf of:

ShoreRivers
Isabel Hardesty, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

shorerivers.org | 443.385.0511 | info@shorerivers.org

Written Testimony SB117.pdf
Uploaded by: Edward Harrison
Position: FWA

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MOWPA
MARYLAND ONSITE WASTEWATER PROFESSIONALS ASSOCIATION

Favorable with Amendments for SB117 -
Bay Restoration Fund – Septic System Upgrade Program

To Environment and Transportation Committee Members,

My name is Eddie Harrison, I am the legislative liaison representing MOWPA (Maryland Onsite Wastewater Professionals Association). MOWPA represents all Maryland professionals in the Onsite Industry. Our membership includes: Installers, Pumpers, Engineers, Property Transfer Inspectors, Operation and Maintenance Providers, and Code Officials.

I represent MOWPA as an un-compensated Legislative Liaison, current Vice-President, and former Board President.

My day job is the owner of BAT Onsite, LLC. BAT Onsite, LLC., is primarily an Operation and Maintenance Provider for automated Onsite Wastewater Systems. Including: Advanced Treatment Units (including BAT), Pump Systems, Mound Systems, Drip Dispersal Systems, and pretty much any Onsite Wastewater System that requires electrical/mechanical operation under 5,000 gallons per day. I am currently servicing close to 1,000 units, covering the whole State of Maryland. I have been working in the Onsite Wastewater Industry as an installer, pumper, designer, property transfer inspector, and operation and maintenance provider since 1984.

Statement of Favorable with Concerns

MOWPA is concerned with the portion of SB117 as it relates to: "RANKING AND EVALUATING BEST AVAILABLE TECHNOLOGIES AND ESTABLISHING PERFORMANCE-BASED FUNDING LEVELS AS PROVIDED IN § 9-1108.1 OF THE ENVIRONMENT ARTICLE"

We do appreciate The Maryland Department of the Environment's efforts to improve on the Bay Restoration Fund and the fund's purpose of reducing nutrients in Chesapeake Bay by trying to get the best value for the money. However, we believe the proposed Ranking process would be detrimental to the purpose of reducing nitrogen in our environment. All approved BAT technologies currently meet or exceed the MDE minimum nitrogen reduction. Maryland consumers should be able to have choices and fair competition.

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Unintended Consequences

The primary source of funding for all installations of BATs in Maryland is through the BRF program. Almost 90% of the funding is provided by the Bay Restoration Fund for the installation of BAT systems in Maryland. Approximately 10% of the funding comes from private sales. With 700 to 800 BATs installed in any given year, this means that less than 100 systems area sold to consumers directly. Ranking the technologies in an effort to reduce the number of BATs approved for BRF funding would cause some technologies to leave Maryland.

There are currently eleven (11) BAT approved systems available in Maryland. If MDE inhibits or halts the BRF funding of the lower performing units, there will be eleven (11) technologies competing for the 100, or so, annual BAT installation for the whole state. This will discourage the lower performing systems from selling their technologies in the State of Maryland. If a technology chooses to leave the state, they may not provide support in the form of replacement parts and tech support maintenance of existing units that have been installed for 20 or so years.

My Personal Experience

My profession (My day job) is as an Operation and Maintenance Provider for automated Onsite Wastewater Systems in the State of Maryland, operating as BAT Onsite, LLC. We service close to 1,000 BAT units statewide. We are certified to service 8 out of the eleven (11) BAT technologies currently on the MDE approved list. Out of all the BAT systems that we service there are about 8 technologies that were installed as MDE pre-approved BAT, but, for one reason or another, were never fully designated as BAT. I am sure there are many more that I have not, personally, serviced. Out of the 8 technologies, only one is still supported, where parts and technical support are readily available. For the other technologies: I must investigate the manufacturer of the specific part; convince the “Part” manufacturer to sell me the part; going around the BAT manufacturer (which acts as a distributer) that won’t answer my calls. There is one BAT manufacturer, that I have dealt with, that can claim to support their technology (only 2 units in MD), but they take up to 3 months to deliver parts.

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Advanced Treatment Units are not "Big Business"

BAT approved Advanced Treatment Units (ATUs) are not a high demand product in the country, unlike automobiles and refrigerators. They are sold in a select market. They are a constantly developing technology. Many technologies go out of business after a few years or move on from a previous design. The ATU industry needs to be supported, and massaged to evolve and encouraged for advancements in performance. Not blocked from selling their product.

If we inhibit the sale of some of the current BAT technologies and allow them to leave our state, the choices for the consumer will become limited. Limiting the choices will result in less competition and very likely to increase the cost per unit. Not lower the cost.

One Size Does not Fit All

Each of the current, available BAT technologies have different characteristics. Removing nitrogen is not the primary results these technologies accomplish. The primary purpose of these technologies is to remove solids and many other compounds from the wastewater. Nitrogen reduction is more of an "extra" feature they perform.

Most all the BAT units are installed as repairs of existing properties. A majority of those repairs are installed on properties that have restrictive circumstances. When choosing the appropriate technology, an installer or designer will choose BAT technology based on the property's site constraints. (Examples: *Some technologies utilize two tanks. Some sites have space issues to consider and therefore require a technology that has a smaller footprint. * Some properties require pumping the treated effluent to a higher elevation. The designer/installer may have to utilize a technology the has a built-in discharge pump, in order to save money and utilize a smaller equipment footprint. * Some properties may require dispersal technology (Drain field) that needs a clearer quality effluent. For this the designer/installer may need to utilize a technology that reduces the solids better while still meeting the BAT minimum nitrogen reduction.

Allowing any of the eleven (11) choices currently available to withdraw their presence in Maryland would inhibit the ability to apply the best design fit for an individual property.

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Current Ranking Method Needs to be Looked at

Currently MDE has a ranking document intended for property owners to shop for a BAT technology that they may prefer. As a consumer guide, it is adequate. As for ranking for an accurate "cost to operate and overall cost per pound of nitrogen removed", it falls short. The current list factors in: cost to purchase the unit, cost to install the unit, cost of annual maintenance, and cost of energy consumption.

There are a few other costs that go into maintaining these units over the life of the system:

1) How long will the system last before a complete replacement is required. This can only be learned over a long period of time and experience from the existing systems in the ground.
2) The cost associated with parts replacement: frequency, availability, and price of said parts. One technology may have parts that carry a service life of 20 years, while another may only carry a service life for parts to be 10 years. One system that I service that needs parts replaced almost every other year. (Let's not forget the labor for trouble shooting and repairing said parts) This too will take many years of being used by the public to determine. MDE currently has the vehicle to track the cost of ongoing repairs. With a little tweaking and Service Provider input, the BATMIN website could track this.
3) The cost of occasional Waste Hauler pumping out the system. I have some systems that have gone ten years without needing to be pumped. I also have a couple of systems that require pumping every year or every other year. Pumping these BAT units can be simple with a trained waste hauler coming and pumping just the trash tank of the system, however this is the exception more than the norm. Most BAT pumpouts require: 1) A Certified Service technician to shut down the unit, remove some of the equipment, and restart the unit at the end of the process; 2) A Waste Hauler to pump out the entire unit; 3) A water hauler to bring water to the unit and refill the processing portion of the unit (Can be 900 to 2,000 gallons). The need for three professions on the property to perform one service procedure, this process can cost the property owner up to $1,000 each time.

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The process for bringing in new technologies is currently prohibitive

One thought that was mentioned to me in discussions pertaining to the purpose of this piece of legislation was that "Maybe the lesser performing systems will up their game". There is a flaw in this line of thinking. Currently, to obtain a BAT classification: A technology needs to be NSF certified for 50% reduction in nitrogen; Then need to install 15 test systems (Without the assistance of BRF funding) Followed by the submission of the test results on one year of field testing of 12 of the 15 systems. This would also apply to any current BAT designated system that wanted to modify their technology to produce the unit cheaper and or raise the performance of the nitrogen reduction. If there is no market to sell these units outside of BRF funded installations, the feasibility of approving ANY more technologies is highly unlikely.

Conclusion

MOWPA, as a group, does not have a consensus on expanding the priority funding criteria to "Impaired waterways". We would have to poll the membership, but I see no reason to believe that there would be a huge resistance.

In conclusion, this industry is not prepared for BRF contracts to be selected/awarded based on any sort of ranking.:

1) There needs to be a market for privately funded BAT units to be installed in Maryland, so that a vendor can sell approved units without having to depend on BRF funding. This would also allow more, maybe better, technologies to become BAT approved.
2) There needs to be more operational cost data collected to properly rate these systems.

Once these conditions are met, MOWPA would have no objection to ranking

MOWPA suggests an Amendment for SB117 be tabled for more discussion and industry input.

Thank you for your time
Eddie Harrison
MOWPA Legislative liaison
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rdsefe@aol.com

Written Testimony SB117.pdf
Uploaded by: Edward Harrison
Position: FWA

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1) How long will the system last before a complete replacement is required. This can only be learned over a long period of time and experience from the existing systems in the ground.
2) The cost associated with parts replacement: frequency, availability, and price of said parts. One technology may have parts that carry a service life of 20 years, while another may only carry a service life for parts to be 10 years. One system that I service that needs parts replaced almost every other year. (Let's not forget the labor for trouble shooting and repairing said parts) This too will take many years of being used by the public to determine. MDE currently has the vehicle to track the cost of ongoing repairs. With a little tweaking and Service Provider input, the BATMIN website could track this.
3) The cost of occasional Waste Hauler pumping out the system. I have some systems that have gone ten years without needing to be pumped. I also have a couple of systems that require pumping every year or every other year. Pumping these BAT units can be simple with a trained waste hauler coming and pumping just the trash tank of the system, however this is the exception more than the norm. Most BAT pumpouts require: 1) A Certified Service technician to shut down the unit, remove some of the equipment, and restart the unit at the end of the process; 2) A Waste Hauler to pump out the entire unit; 3) A water hauler to bring water to the unit and refill the processing portion of the unit (Can be 900 to 2,000 gallons). The need for three professions on the property to perform one service procedure, this process can cost the property owner up to $1,000 each time.

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MOWPA
MARYLAND ONSITE WASTEWATER PROFESSIONALS ASSOCIATION

The process for bringing in new technologies is currently prohibitive

One thought that was mentioned to me in discussions pertaining to the purpose of this piece of legislation was that "Maybe the lesser performing systems will up their game". There is a flaw in this line of thinking. Currently, to obtain a BAT classification: A technology needs to be NSF certified for 50% reduction in nitrogen; Then need to install 15 test systems (Without the assistance of BRF funding) Followed by the submission of the test results on one year of field testing of 12 of the 15 systems. This would also apply to any current BAT designated system that wanted to modify their technology to produce the unit cheaper and or raise the performance of the nitrogen reduction. If there is no market to sell these units outside of BRF funded installations, the feasibility of approving ANY more technologies is highly unlikely.

Conclusion

MOWPA, as a group, does not have a consensus on expanding the priority funding criteria to "Impaired waterways". We would have to poll the membership, but I see no reason to believe that there would be a huge resistance.

In conclusion, this industry is not prepared for BRF contracts to be selected/awarded based on any sort of ranking.:

1) There needs to be a market for privately funded BAT units to be installed in Maryland, so that a vendor can sell approved units without having to depend on BRF funding. This would also allow more, maybe better, technologies to become BAT approved.
2) There needs to be more operational cost data collected to properly rate these systems.

Once these conditions are met, MOWPA would have no objection to ranking

MOWPA suggests an Amendment for SB117 be tabled for more discussion and industry input.

Thank you for your time
Eddie Harrison
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Arundel Rivers Testimony FWA SB117.pdf
Uploaded by: Elle Bassett
Position: FWA

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Testimony in SUPPORT of SENATE BILL 117 WITH AMENDMENTS – Environment – Bay Restoration Fund – Septic System Upgrade Program

Education, Energy, and the Environment
January 28, 2025

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB117 with amendments**, on behalf of Arundel Rivers Federation. Arundel Rivers is a non-profit organization dedicated to the protection, preservation, and restoration of the South, West and Rhode Rivers with over 4,500 supporters. Our mission is to work with local communities to achieve clean, fishable, and swimmable waterways for present and future generations.

Senate Bill 117 will better address nitrogen pollution coming from septic systems by expanding the priority of Bay Restoration Funding (BRF) to including addressing failing systems within nitrogen-impaired watersheds.

The Comprehensive Evaluation of System Response (CESR) report has highlighted the need to address non-point source pollution in our waterways. A conventional septic system does not remove much nitrogen, instead delivering about 23.2 pounds of nitrogen per year to groundwater. Even Best Available Technology (BAT) systems, only reduce nitrogen loading to about half that of a conventional system. Comparatively, wastewater treatment plants with enhanced nutrient removal can discharge effluent containing only 3milligrams per liter of nitrogen. **Pollution from septic systems now exceeds nitrogen pollution from our wastewater treatment plants in 17 counties**, including: Caroline, Caroll, Calvert, Cecil, Charles, Dorchester, Fredrick, Garrett, Harford, Kent, Queen Annes, Somerset, St. Mary's, Talbot, Washington, Wicomico, and Worcester County. Even in counties where wastewater treatment plants are contributing more nitrogen, septic systems are still having a large impact at the local subwatershed level. For example, **16% of Anne Arundel County's nitrogen loading is coming from septic systems.** This is likely higher in waterways such as the South, West, and Rhode River where there are no large wastewater treatment plants discharging.

Now that we have addressed the larger wastewater treatment plants through Bay Restoration Funds, it is time we begin addressing septic systems as part of the battle to address nitrogen pollution to meet our water quality goals. 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. **This bill will make BRF funding for septic upgrades more equitable** by expanding the priority funding area beyond critical areas, which is an affluent housing area. Currently, the BRF is prioritizing funding to only about 12% of septic systems in the state.

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

Arundel Rivers Federation strongly supports addressing nitrogen pollution from septics to improve our local water quality and address human health concerns and we respectfully request a **FAVORABLE WITH AMENDMENTS REPORT on SB117.**

Sincerely,

Elle Bassett

Elle Bassett
South, West and Rhode Riverkeeper
Arundel Rivers Federation

SB117_CleanWaterAction_FWA.pdf
Uploaded by: Emily Ranson
Position: FWA

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,

Emily Ranson
Chesapeake Regional Director
Clean Water Action
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sb117 Back River Precast FWA Matt Geckle.pdf
Uploaded by: Mathew Geckle
Position: FWA

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SB117 Environment – Bay Restoration Fund – Septic System Upgrade Program

Education, Energy, and the Environment
January 28, 2025

Favorable with Amendments

Back River Precast is supportive of SB117 efforts to expand the use of the septic Bay Restoration Fund beyond the Critical Areas to other impaired waterways.

We know that septic systems are failing throughout Maryland at a concerning pace and are causing pollution of many waterways, not just in the Critical Areas. The BRF should be available to these properties, especially in already nitrogen impaired waterways. The Best Available Technology (BATs) septic units reduce nitrogen – which traditional systems do not – and provide a better reduction of other pollution coming out of septic systems. This is a win for our waters but also for the property owners, especially for their wells.

I do have concerns about the new ranking systems proposed by MDE, I agree that ranking BATs effectiveness is key to ensure that the scarce BRF funds are maximized to protect the health and environment of Marylanders. However, I do believe that this section of the bill needs further work and more conversations with the industry to ensure that we get the best systems rated for use in Maryland. To begin with, MDE should look at the system used in Long Island, New York uses to ensure their systems are the best at protecting the environment and property owner.

MDE’s ranking systems should include:

- Maintenance and operating costs
- Equipment quality – to ensure decades of use.
- Independent verification not just manufacturer information.
- Consider reciprocity – if another state has approved then also good in Maryland.

This is an important issue, and we will continue to work with MDE to make this bill better.

Thank you,

Matthew Geckle
Vice-President

SB 117 - CBF - FWA.pdf
Uploaded by: Matt Stegman
Position: FWA

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 Chespeake 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.

CBFrespectfully 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

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.

SB 117 .pdf
Uploaded by: William Castelli
Position: FWA

Senate Bill 117 – Environment – Bay Restoration Fund – Septic System Upgrade Program

Position: Favorable with Amendments

The Maryland REALTORS® support SB 117 with changes to reflect the limited funding for septic upgrades.

SB 117 makes changes to the septic grant program which helps homeowners pay for enhanced nitrogen removal systems. Initially, the program was intended to fund septic upgrades to properties in Maryland's Critical Areas. The program is funded by the Bay Restoration Fee. Of the money paid into the account by septic system owners, 60% of the fund is used for septic upgrades and 40% of the fund is used for cover crops. Additionally, a portion of the 60% for septic systems could also be used to connect certain failing systems with a community sewerage system.

SB 117 makes two significant changes to the program. First, it authorizes the Maryland Department of Environment (MDE) to establish performance-based funding levels for septic system grants. Second, it expands the program to failing systems within the watershed of any nitrogen-impaired body of water.

REALTORS® often work with homeowners and buyers who access grant funding when trying to sell or purchase a home which is discovered to have a failing system. Because the law requires properties in the Critical Areas to upgrade their septic systems to best available technology (BAT), the septic grant program helps ensure many properties within the critical area remain affordable. Too often, the grant money allocated per county runs out leaving homeowners and buyers – as well as other property owners – in a difficult situation waiting for a new fiscal year.

Given the past funding problems, the REALTORS® are concerned over the availability of funds for new uses under the program. The REALTORS® recommend the Committee consider examining the use of funding that now goes to the wastewater treatment upgrade program for expanded septic uses and consider whether any failing system in a "nitrogen impaired body of water" should be narrowed.

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