

# **2025 SB964 Letter of Support from County Council o**

Uploaded by: Johnny Mautz

Position: FAV

**COUNTY COUNCIL OF DORCHESTER COUNTY**

COUNTY OFFICE BUILDING

501 Court Lane, P.O. Box 26

Cambridge, Maryland 21613

(410) 228-1700

GEORGE L. PFEFFER, JR., PRESIDENT

MIKE DETMER, VICE PRESIDENT

ROB KRAMER, JR.

WILLIAM V. NICHOLS

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JERRY JONES  
COUNTY MANAGER

MACLEOD LAW GROUP LLC  
COUNTY ATTORNEY

February 7, 2025

The Honorable Brian Feldman, Senator  
Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

RE: LOS – SB964 Dorchester County - Well and On-Site Sewage Disposal Activities - Privatization Program

Dear Chairman Feldman and Committee Members:

On behalf of the Dorchester County Council, I respectfully offer its support for Senate Bill 964 entitled "Dorchester County - Well and On-Site Sewage Disposal Activities - Privatization Program" for the purpose of authorizing the Department of the Environment, at the request of the Dorchester County government and a certain delegated approval authority for Dorchester County, to establish a privatization program for the performance of certain activities associated with a certain well or on-site sewage disposal system delegation of authority in Dorchester County; and generally relating to the performance of well and on-site sewage disposal activities in Dorchester County.

Privatizing the inspection and permitting process for residential and commercial wells and on-site septic systems will enhance efficiencies for services that are currently only completed by the Environmental Health Office through the Dorchester County Health Department. Expanding services from being completed by the Environmental Health Office alone, to multiple private contractors can offer several advantages, such as increasing the turnaround time for processing permits and inspections, providing flexible hours for customers outside of standard office hours, distribute the level risk and liability from the services rendered, lessening that of the State of Maryland. This shift will also provide cost savings from decreasing that liability, as well as decreasing operational resources for in-house services, which the potential savings could be reallocated to other vital public health initiatives and community programs. Senate Bill 964 will also benefit the community by stimulating the local economy through the creation of new business opportunities for companies that specialize in well and septic services, foster job creation, business growth and increased competition. Also this will increase the health and safety of the community by enabling faster inspections and repairs, which will prevent or reduce the impact of failing septic systems.

Thank you for your time and consideration of this letter of support. If you have any questions, please contact the Council's Office at (410) 228-1700

Sincerely,

George L. Pfeffer, Jr.

President

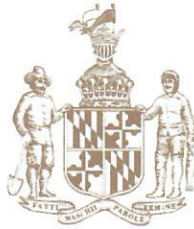
cc: The Honorable Johnny Mautz, Senator  
The Honorable Christopher T. Adams, Delegate  
The Honorable Sheree Sample-Hughes, Delegate  
The Honorable Tom Hutchinson, Delegate

**2025 SB964.pdf**

Uploaded by: Johnny Mautz

Position: FAV

SENATOR JOHNNY MAUTZ  
CHAIR



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401  
DORCHESTER COUNTY DELEGATION

February 13, 2025

Senator Brian Feldman  
Chair  
Education, Energy, and the Education Committee  
Miller Senate Office Building, 2 West  
Annapolis, MD 21401

**RE: LETER OF SUPPORT SB 964  
Dorchester County – Well and On-Site Sewage Disposal Activities – Privatization Program**

The Dorchester County Senate Delegation supports SB964 Dorchester County – Well and On-Site Sewage Disposal Activities – Privatization Program.

I thank you for your committee's consideration of the bill and request a favorable report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnny Mautz", written over a faint blue circular stamp.

Senator Johnny Mautz  
District 37  
Caroline, Dorchester, Talbot and Wicomico Counties

**MDE SB964 SWA.docx.pdf**

Uploaded by: Jeremy D. Baker

Position: FWA



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***Senate Bill 964  
Dorchester County – Well and On-Site Sewage Disposal Activities –  
Privatization Program***

**Position:** Support with Amendments  
**Committee:** Education, Energy, and the Environment  
**Date:** February 25, 2025  
**From:** Alex Butler, Deputy Director of Government Relations

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The Maryland Department of the Environment (MDE) **SUPPORTS SB 964 WITH AMENDMENTS.**

**Bill Summary**

Senate Bill 964 authorizes MDE, upon request from Dorchester County's government and its local health department, to establish a pilot program allowing private licensed environmental health specialists to perform certain well and septic system permitting activities on behalf of the Dorchester County Health Department. The bill also includes protective “guardrails” and MDE would continue to provide oversight, ensuring that all privatized activities adhere to Maryland’s stringent environmental and health regulations.

**Position Rationale**

MDE supports the concept of a pilot program. Environmental health specialists are responsible for a variety of critical public health functions, including food safety and well and septic system permitting. Currently, there is a nationwide shortage of environmental health specialists and this shortage is particularly felt in smaller and more rural jurisdictions, such as Dorchester County. Inadequate environmental health specialist staffing can lead to permitting and inspection delays, poor customer service and communication, and additional stress on existing health department staff. A privatization pilot program, with appropriate MDE oversight and guardrails, could help address these challenges. Additionally, the lessons learned from such a program would help inform whether the use of private environmental health specialists should be considered more broadly in the future.

However, there are also potential drawbacks to such a privatization program, including licensure and qualification requirements, liability and indemnification issues, ethics and conflict of interest challenges, public records issues, and the potential for price gouging. As such, MDE is offering amendments that provide more explicit guardrails relating to several of these concerns.

With the offered amendments, MDE believes that there are adequate safeguards in place to consider the supplemental use of licensed private environmental health specialists in the well and septic permitting process in Dorchester County. Accordingly, MDE asks for a **FAVORABLE WITH AMENDMENTS** report for SB 964.

[Amendments on next page]

**Contact:** Alex Butler, Deputy Director of Government Relations  
Email: [alex.butler@maryland.gov](mailto:alex.butler@maryland.gov)

## Amendments

### AMENDMENT NO. 1

[Adds specific requirements relating to insurance and indemnification, procurement, ethics and conflict of interest, and Public Information Act requests]

On page 2, in line 16, strike “AND”; and in line 18, after “MECHANISMS” insert:

**“(VI) REQUIRE, AS PART OF THE PRIVATIZATION PROGRAM THAT ANY PARTICIPANT CARRY APPROPRIATE INSURANCE AND PROVIDE FINANCIAL ASSURANCES, INCLUDING INDEMNIFICATION OF THE STAT, AND BONDS, LETTERS OF CREDIT OR SIMILAR FINANCIAL SECURITY, THE AMOUNTS OF WHICH SHALL BE DETERMINED BY THE DEPARTMENT;**

**(VII) ENSURE THAT THE PRIVATIZATION PROGRAM COMPLIES WITH APPLICABLE PROCUREMENT LAWS;**

**(VIII) ESTABLISH APPROPRIATE ETHICS POLICIES, INCLUDING CONFLICT OF INTEREST STANDARDS, FOR THE PRIVATIZATION PROGRAM; AND**

**(IX) REQUIRE A PARTICIPANT TO TRANSFER ANY RECORDS RELATED TO THE PRIVATIZATION PROGRAM TO THE DELEGATED APPROVING AUTHORITY AT WHICH TIME SUCH RECORDS WILL BE PUBLIC RECORDS SUBJECT TO TITLE 4 OF THE GENERAL PROVISIONS ARTICLE”.**

### AMENDMENT NO. 2

[Makes additional clarifications to some of the bill’s existing requirements and program safeguards]

On page 2, in line 28, strike “IN” and substitute “BY”.

On page 3, in line 1, after “DEMONSTRATED” insert “SATISFACTORY”; in line 5, after “OR” insert “REQUESTED BY THE”; in the same line, after “AUTHORITY” insert “TO ENSURE THE QUALITY OF THE WORK PERFORMED UNDER THE PRIVATIZATION PROGRAM”; and in line 8, after “PROGRAM” insert “, CONSISTENT WITH THE DELEGATION OF AUTHORITY BY THE DEPARTMENT”.

# **SB964.pdf**

Uploaded by: Lisa Laschalt

Position: UNF





Affiliate of The Maryland Association of Counties, Inc.

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

FROM: Maryland Conference of Local Environmental Health Directors

**RE: SB964 – Dorchester County – Well and On-Site Sewage Disposal Activities- Privatization Program**

The Maryland Conference of Local Environmental Health Directors (Conference) provide this letter of **Opposition** for SB964 in their capacities as the state's twenty-four Environmental Health Directors who carry out delegated authorities from both MDE and MDH. The Conference opposes the privatization of well and on-site sewage disposal activities. The concerns are as follows:

1. In the majority Local Health Departments perform all well and on-site sewage disposal activities and are performed by health department licensed environmental health specialists. Decisions are based on COMAR, historical and geological knowledge of the county, guidance and training in conjunction with the Maryland Department of the Environment (MDE) and for the basis of the protection of public health. Although many of these activities are for the possible development of land, the protection of public health is always at the forefront of decision making.
2. We didn't find a consumer protection element within this proposed legislation aimed at providing a just fee for services for all income levels and also this proposal does not provide for the continued delivery of evaluation services by the Local Health Department or the private provider for underserved areas.
3. Local Health Department Environmental Health Programs are integrated in local permitting agencies as well as planning of the Master Water and Sewer Plans with the appropriate local agencies.
4. Proposed in this legislation **9-1104.1.(C) (2) (IV)** states MDE "Conduct mandatory compliance audits on at least an annual basis." Currently MDE does not have sufficient staff to perform audits to the local health departments as well as provide the proper and timely guidance and decision making of those processes and permits that are required to be reviewed by MDE. Regional support to local health departments is not at a sufficient level due to inadequate staffing. This requirement would be an additional burden to an already impacted program.
5. There has been an insufficient number of licensed environmental health specialists to have sufficient staffing for all 24 counties. In the last several years there have been improvements being made to increase staffing as well as longevity in the licensed environmental health specialist workforce that includes:
  - An Annual Salary Review increasing the salaries of all state employed environmental health specialists
  - The Maryland Department of Health in conjunction with Morgan State University has developed an apprenticeship program specifically creating an environmental health specialist curriculum and a career path in the environmental health field that will increase employees at local health departments.

Therefore, the Conference provide a **letter of OPPOSITION** for SB964.

For more information:

Conference: Lisa A Laschalt, President, Maryland Conference of Local Environmental Health Directors,  
Phone: 301-609-6758, [lisa.laschalt@maryland.gov](mailto:lisa.laschalt@maryland.gov)

## **SB 964**

Uploaded by: Eddie Harrison

Position: INFO

P.O. Box 2570  
Ellicott City, MD 21041-2570  
(443-570-2029)  
info@mowpa.org



**Information Only for SB964 -  
Dorchester County - Well and On-Site Sewage Disposal Activities - Privatization  
Program**

Education, Energy, and the Environment 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. We have in our membership: 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 over 800 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**

MOWPA's membership has witnessed a progressive decline of services in most of the local Health Departments and the Onsite Division of the Maryland Department of the Environment over the past 20 plus years. Meanwhile, the complexity of Onsite Wastewater Systems has increased, and the number of failing system repairs has increased. Not forgetting new construction's ebbs and flows. These factors have significantly increased the workload for these departments, while the number of staff members has decreased. We believe that some of these offices are in a crisis mode and may collapse. Some Counties have already returned their MDE Delegation and others are contemplating to do the same.

Most local Health Departments are financially supported with State funds. A few Health Departments are self-funded (with no State dollars). Another few are State funded and then subsidized with additional county funds. The counties that fit the last two scenarios are not struggling with the staffing and overload issues to the level that is plaguing the smaller jurisdictions. This is due to larger employment packages in those Counties.

P.O. Box 2570  
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Back during the early 2000s, budget constraints started a trend of not replacing State/County staff that have left a position or seemed to be in no hurry to fill vacant positions. In some cases, we see smaller counties hiring staff, providing training and experience, only to see them migrate to larger counties, federal government, private industry, or other employment opportunities for more pay. This trend has increased over the years, to a point where we are in crisis. The current County and State staff work hard to do the best job they can. Some staff have left these departments from the frustration and workload.

**An example:** When I started working with one local Health Department in the 80s, the staff consisted of one Health Director, two Deputy Health Directors, four Area Sanitarians (inspecting new systems and repairs) and three “Subdivision” Sanitarians (dealing with new lot percolation tests and plan review for property development). Today in that same County they have one Health Director, one Deputy Health Director, two Area Sanitarians, and one Subdivision Sanitarian trying to accomplish the same duties with a larger workload.

Many of the seasoned staff in these departments have moved on. Many of the current staff are young and inexperienced. New hires are increasingly difficult to attract. It is not surprising that MDE may have to take over some of these local departments, but the fact is MDE doesn’t have the staff to provide the services that are needed either.

Our membership and industry leaders have regular discussions on this subject of SB964. Some members insist that “Privatization” is inevitable to resolve this dilemma. Where others are adamant that privatized invites conflict of interest. All of us agree that SOMETHING needs to be done before there is no one to perform these essential services. Whether that be for the State and Local Government to recruit and hire more help or contract these services out. But the private sector has the same labor shortage as the public sector. Today’s entry level workforce does not want to do manual labor. The young workforce wants to work from home on their laptop.

**MOWPA hopes the legislature makes the correct, informed decision on SB964** and keeps this crisis in mind for any future legislation that could, potentially, improve the staffing shortage plaguing this industry.

Thank you for your time,

Eddie Harrison

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Union Bridge, MD 21791  
410-795-8691  
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