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Favorable with Amendments for HB131 - Bay Restoration Fund – Septic System Upgrade Program

Environment and Transportation Committee,

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 HB131 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 are 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 distributor) 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 HB131 be tabled for more discussion and industry input.

Thank you for your time
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