



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

House Bill 24

Bay Restoration Fund - Authorized Uses - Connection to Existing Municipal Wastewater Facility

Position: Oppose
Committee: Environment and Transportation
Date: February 5, 2025
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **OPPOSES** HB 24.

Bill Summary

The bill amends the Bay Restoration Fund (BRF) statute to allow Septic Upgrade Account funds to be used for the cost of connecting a property in a low-income area that is using an on-site sewage disposal system (OSDS) to an existing municipal wastewater treatment facility, without regard to the level of treatment available at that facility. This new eligibility would only be available if the household currently served by the OSDS to be replaced is located in a low-income area as determined by MDE, has a household income of up to \$300,000 per year, and is located adjacent to an existing sewer main.

Position Rationale

The proposed changes to septic-to-sewer connections and Bay Restoration Fund (BRF) eligibility raise several concerns:

- Removing conditions for septic-to-sewer eligibility may undermine Maryland's comprehensive planning and smart growth policies, potentially conflicting with other state laws.
- The bill allows funding connections to wastewater facilities not meeting enhanced nutrient removal (ENR) or biological nutrient removal (BNR) standards, potentially failing to improve treatment levels and environmental outcomes.
- The term "low-income area" is undefined, and ambiguities in household income requirements could create confusion.
- The bill does not clarify whether properties or households must be in low-income areas. It is unclear whether adjacent properties must connect due to past exclusions, such as the Southern Kent Island project.
- Updates to BRF regulations, including definitions and funding priorities, will be required. Coordination with other pending legislation affecting the same statute is necessary to prevent conflicts.

MDE is willing to discuss potential funding options and strategies for specific communities in need that do not currently qualify for BRF funds. However, as drafted HB 24 raises significant policy concerns regarding well-established environmental goals, planning policies, and equitable funding distribution.

Accordingly, MDE asks for an **UNFAVORABLE** report for HB 24.

Contact: Alex Butler, Deputy Director of Government Relations
Email: alex.butler@maryland.gov