



**SB165 -**

**Environment - On-Site Wastewater Systems - Requirements for Inspection and Pumping  
Services and Implementation Dates**

**February 3, 2025**

Position: Favorable

Dear Chair Feldman and Members of the Committee,

Clean Water Action supports SB165 to establish requirements for inspecting and pumping septic systems during property transfer. 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 a decade 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.

Maryland has approximately 420,000 septic systems across the state, and when they fail they release untreated or improperly treated waste into the surrounding area. This is a major concern for certain bodies of water, where surrounding failing septic systems pose health concerns. A 2014 analysis by Wallender et al of the CDC's Waterborne Disease and Outbreak Surveillance System found that the improper design, maintenance, or location of private wells and septic systems contributed to 67% of the reported outbreaks from groundwater contamination between 1971 and 2008, underscoring the public health need to proactively identify failing systems.<sup>1</sup>

If a septic system can be inspected before it fails, the homeowner can take action to prolong the life of the system – either fixing a part or changing behavior (like ceasing use of a garbage disposal, flushing inappropriate items, or increasing pump out frequency). Unfortunately

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<sup>1</sup> Wallender et al. 2014. "Contributing factors to disease outbreaks associated with untreated groundwater." Ground Water. <https://pubmed.ncbi.nlm.nih.gov/24116713/>

septic systems frequently suffer from “flush and forget” - residents assume that as long as they can flush their toilet, everything is working fine.

SB165 provides the safeguard of having septic systems inspected at time of home sale or when a new renter moves in. This enables a glimpse into the system and provides the opportunity for repairs or changes to be made before the system poses a public health risk.

This approach works. In the first six years of implementing their ordinances requiring inspection at property transfer, two Michigan counties found 1,000 failed septic systems and 300 homes without any septic system.<sup>2</sup> Every failed or missing septic system is a threat to public health and the environment.

To avoid redundant inspections, the bill allows an inspection to be valid for three years, although a mortgage lender would likely require its own current inspection. This both mirrors the well inspection requirement but also reflects the input from industry who felt like three years appropriately balanced the need to catch problems with avoiding redundancy. The general feeling was that a problem is unlikely to become a crisis in three years, although possible depending on use.

SB165 reflects the amendments added to Delegate Guyton’s HB747 last year and includes a list of exceptions when a property transfer would not need an inspection. We feel like these exceptions reasonably balance the intent of the legislation – to prevent and fix failing septic systems – with flexibility for certain property transfer situations. The amendments also require that a failing system be reported to the delegated authority and that when the system is fixed, they are notified.

Thank you,



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<sup>2</sup> “Why does Michigan need a statewide code for septic systems?” Flow Water Advocates. September 20, 2023. <https://flowwateradvocates.org/michigan-septic-code/>

## **How does SB165 fit within what Maryland has already done on septic systems?**

In 2021, the General Assembly passed [SB22/HB407](#) to license the people conducting property transfer inspections of septic systems. Before this law, inspectors were certified by the state but not licensed, which led to new homeowners dealing with failed systems after inadequate inspections.

In 2022, the General Assembly passed [HB11/SB483](#) to require inspections of drinking water wells at property transfer or every three years for rental properties.

SB165/HB146 builds on this legacy by requiring, at the time a property changes hands, an inspection of the septic system by a licensed septic property transfer inspector and this must include a pump out of the system. This is required when the home is sold or when a new tenant occupies a property, but no more frequently than every three years.

Summary of the bill:

- When a property is transferred to a new owner or renter, an inspection must occur if one has not occurred in the last three years
- In certain family transfer situations, an inspection must occur in the last five years
- The law does not preclude a mortgage lender from requiring a new inspection
- Failing systems must be reported to the delegated authority overseeing septic systems, and when the system is fixed it must be reported to the delegated authority

**Why only at property transfer/turnover?** Advocates opted to tie inspections to property transfer because it is a logical time to check in on a septic system's health and to mirror the well inspection bill. While this bill will not identify failing systems with a single long term property owner or renter, we felt this was a move in the right direction.

**Why use three years?** In consulting with the realtors and Maryland Onsite Wastewater Professionals Association, we decided that three years was a sweet spot for inspections at property transfer. The industry felt comfortable that most systems could survive three years of abuse without catastrophic failure, and we wanted to be sensitive to realtor concerns about unnecessary inspections.

**Aren't inspections already required at property transfer?** Not by law. Most mortgage lenders will require an inspection, but not all lenders do. Homebuyers not purchasing the home with a mortgage are also not required to get an inspection under the existing system.

**Why have exemptions?** We modeled these exemptions on what Massachusetts uses for their inspection requirements, with the addition of still requiring an inspection within the last five years to give family-transfers a couple more years of a valid inspection. Advocates were balancing our desire to protect the environment and human health from failing septic systems with concerns – with more flexibility for family properties.

**Do home inspections inspect the septic system?** No, a septic system inspection is a different type of inspection and requires someone licensed to perform septic system inspections in the state.

**How much does a septic inspection cost?** The cost of inspections varies somewhat depending on size and location but generally in the \$300 - \$600 range.