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Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

February 24, 2026

The Honorable Brian Feldman, Chair
Senate Committee on Education, Energy and the Environment
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 682 – Anne Arundel County – Community Sewerage Systems – Homeowners Association Control

Dear Chair Feldman and Distinguished Members of the Committee,

The Maryland Environmental Service (MES) supports SB 682, which would create a very narrow exception to the general mandate in the Environment Article §9-1110, which generally requires that community sewerage systems or shared facilities with two or more different entities hooked up shall be managed by a government entity of some kind. The narrow exception would authorize a homeowners association (HOA) in Anne Arundel County to manage, operate and maintain a community sewerage or shared facility if the facility was in operation prior to January 1, 2026, and has been in full operational compliance for at least six months prior. To our knowledge, this exception would only apply to one community, so this will not end up in a proliferation of communities requesting this type of agreement. The bill is permissive in that all interested parties (Maryland Department of the Environment, Anne Arundel County, MES, the HOA) must sign off, meaning any one party has a right of refusal.

The HOA would also need to establish rates to cover operations and maintenance costs and a capital reserve sufficient to cover costs to replace the facility. If the HOA, after taking control of the facility, fails to fulfill the obligations of being a controlling authority and fails to comply with an MDE order, MDE would then be required to direct MES to take control of the facility. In the event that happens, any costs incurred by MES for the management, operation and maintenance of the facility shall be charged to the HOA or the individual lot owners. Should the HOA or the individual lot owners fail to reimburse MES, MES would be permitted to recover its costs under the mechanism set forth in Section 3-109 of the Natural Resources Article.

The bill, as introduced, addresses the primary concern for MES – payment for services. MES is a non-budgeted, fee-for-service independent unit of state government and cannot absorb operational obligations without a payment arrangement. By authorizing MES to recover its costs through the mechanisms set forth in NR § 3-109, the bill provides MES with assurance that it will be able to recover those costs in the event the HOA or individual lot owners fail to remit payment.

We appreciate your time and attention to this matter and we urge a favorable report.

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