

SB165.FAVORABLE. ShoreRivers.pdf

Uploaded by: Annie Richards

Position: FAV



Testimony in Support of Senate Bill 165 - Environment - Environment - On-Site Wastewater Systems - Requirements for Inspection and Pumping Services and Implementation Dates

February 3, 2026

Dear Chair Feldman and Members of the Committee:

Thank you for the opportunity to submit testimony in support of SB165 on behalf of ShoreRivers. ShoreRivers is a river protection organization serving Maryland's Eastern Shore, with more than 2,700 members. Our mission is to protect our waterways through science-based advocacy, restoration, education, and engagement

In 17 of Maryland's 24 counties, nitrogen pollution from septic systems exceeds nitrogen pollution from municipal wastewater treatment plants. Failing septic systems contribute excessive nitrogen, phosphorus, and bacterial pollution to both groundwater and surface waters, threatening natural resources and public health. Public health research from the University of Maryland has also found significant positive associations between high concentrations of septic systems in floodplains and increased infections from *Campylobacter* and *Salmonella*. Septic system failures can result from aging infrastructure, changing soil conditions, compromised drain fields, flooding, and other factors. Other research confirms that that improper design, maintenance, or location of private wells and septic systems contributed to 67% of reported outbreaks from groundwater contamination from 1971 and 2008". (Wallender et al., 2014)¹ **Without regular inspections, failing systems can go undetected for decades, increasing nutrient pollution in local waterways and contaminating nearby drinking water wells. SB165/HB146 is designed to protect public health and the environment by ensuring septic systems are properly maintained, inspected, and monitored.**

As the Chester Riverkeeper, work with residents of Kent and Queen Anne's counties — because of the area's rural character, a large percentage of residents rely on septic systems. Many homeowners have never had their systems inspected, leaving both current and future residents vulnerable to exposure from coliform bacteria and elevated nitrate and phosphate pollution. In many cases, this pollution poses a direct human health risk not only to homeowners and tenants, but to the broader community and our rivers.

Years of water quality testing show that the Chester River suffers from elevated fecal enterococci levels —likely from failing septic systems — that prevent waterways from meeting clean water standards and limits recreational use. Establishing regular septic inspection protocols will provide Maryland residents with assurance that their systems are functioning properly and will help ensure cleaner, safer, and more swimmable rivers for future generations. **We thank Senator Brooks for this legislation, and ShoreRivers respectfully urges the committee to adopt Senate Bill 165.**

Sincerely,
Annie Richards, Chester Riverkeeper on behalf of **ShoreRivers:**

¹ <https://api.drum.lib.umd.edu/server/api/core/bitstreams/5522cf74-e903-4959-83f6-d3c4cd28597d/content>

ShoreRivers

Scott Budden, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

Key Requirements of SB165.pdf

Uploaded by: Benjamin Brooks

Position: FAV

Key Requirements & Timeframes in SB165

Landlord Obligations (Rental Properties)

Effective Date: June 1, 2026 — this is when the bill would take effect if passed.

Inspection & Pumping Deadline:

- Landlords of residential properties served by an **on-site wastewater (septic) system** must ensure that the system is **inspected and pumped**:
 - **On or before July 1, 2028**, and
 - **Before each new tenant takes occupancy thereafter.**

Who Must Perform the Work:

- Inspections and pumping must be done by individuals **licensed under Title 9, Subtitle 11A of the Environment Article** to perform those specific services.

Validity Period:

- A septic inspection and pumping done to meet this requirement is **valid for 3 years**. That means a property inspected and pumped can satisfy the requirement for future use during that 3-year window, *unless earlier action is needed*.

Failed System Reporting:

- If an inspection identifies a **failing septic system**, landlords must:
 - Notify the **delegated approval authority** (typically the local health department or county delegated authority), and
 - Provide notice once the system has been **fixed**.

Requirements for Real Estate Sales (Property Transfers)

Effective for Contracts Signed Beginning: July 1, 2028

Contract Provision:

- All contracts for the sale of **residential property served by an on-site wastewater system** must include a clause requiring the **purchaser** to ensure that the system:
 - Has been **inspected** by a licensed inspector; and
 - Has been **pumped** by a licensed service person, as a **condition of sale**.

Settlement Requirements:

- **Settlement (closing) may not occur** until:
 1. Both the **inspection report** and
 2. **Pumping confirmation** have been delivered to both seller and buyer, and
 3. Each has **certified in writing** that they have **received and reviewed** those documents.

Validity Window for Sales:

- Like with rentals, an inspection and pumping done to satisfy a sale requirement is **valid for 3 years**, unless a real estate contract or mortgage condition requires otherwise.

🚫 Exceptions & When Requirements Don't Apply

The bill does **not require an inspection/pumping for certain transfers**, including:

- Transfers between **current spouses**, or between a **parent and child**, or between **siblings (whole blood)** if held in trust;
- **Refinance transactions** where ownership isn't truly changing;
- Transfers that don't involve introducing a **new party** to the property; and
- The **initial transfer** of property after construction.

Validity Period:

- A septic inspection and pumping done to meet this requirement is **valid for 5 years**. That means a property inspected and pumped can satisfy the requirement for future use during that 5-year window, *unless earlier action is needed*.

Extended Licensing & Regulatory Deadlines (Support Provisions)

SB165 also **extends deadlines** tied to the Department of the Environment and the State Board of On-Site Wastewater Professionals:

- The date by which the Department must adopt implementing **regulations** was extended to **July 1, 2027**, and
- The date by which all individuals providing septic services must be **licensed** is extended to **July 1, 2028**.

SB165_Septic .pdf

Uploaded by: Benjamin Brooks

Position: FAV

BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee
Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 303
Annapolis, Maryland 21401
410-841-3606 · 301-858-3606
800-492-7122 Ext. 3606
Benjamin.Brooks@senate.state.md.us

District Office
Windsor Mill Office
8419 Liberty Road, Suite B
Windsor Mill, Maryland 21244
410-496-4037

TESTIMONY IN SUPPORT OF SB 165
Environment – On-Site Wastewater Systems – Requirements for Inspection
And Pumping Services and Implementation Dates

Education, Energy and the Environment Committee
February 3, 2026

Chair Feldman, Vice Chair Kagan, and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 165, On-Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates. The bill establishes new requirements for inspecting and pumping septic systems when a property changes occupancy or ownership, with limited exceptions. Specifically, it sets clear, phased requirements that balance homeowner readiness and public health protection.

Beginning June 1, 2026, landlords must ensure systems are inspected and pumped by July 1, 2028, and before new tenants occupy properties. For property sales starting July 1, 2028, contracts must include inspection and pumping as conditions of sale, with closing contingent upon delivery and review of inspection and pumping documentation. These requirements also include reporting of failed systems to the Delegated Authority and timelines for licensing and regulatory implementation by the Department of the Environment, ensuring an orderly transition.

Failing septic systems are a growing, but largely untracked source of pollution in Maryland, exacerbated by changing rainfall, and decades of improperly placed infrastructure. The lack of proactive inspections and adequate resources for homeowners leaves communities exposed to serious public and environmental health risks.

SB 165 advances public health protection, environmental stewardship, and fairness in housing transactions across our state. For these reasons, I respectfully urge the Committee to issue a favorable report on SB 165.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks".

Benjamin Brooks

ArundelRiversFAVSB165.pdf

Uploaded by: Elle Bassett

Position: FAV



PO Box 760 Edgewater, MD
21037

410-224-3802
www.arundelrivers.org

Testimony in SUPPORT of SB165 – Environment – On-Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates

Energy, Education, and the Environment Committee
February 3, 2026

Dear Chair Feldman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB165**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

SB165 will ensure that septic systems are properly inspected and pumped out prior to property transfer or when a new tenant occupies the property. Inspecting and pumping out septic systems is crucial for maintaining their functionality, preventing environmental hazards, and avoiding costly repairs. Inspections and regular pump outs will prevent system failures, protect public health, better protect our local environment, save costs and extend the lifespan of the septic system, and maintain property values.

Maryland has over 420,000 septic systems and Anne Arundel County has the largest pollution from septic systems among all counties in Maryland. And while Anne Arundel County makes up just 9% of the population, it contributes 17% of the septic pollution to the Chesapeake Bay. **Ensuring these systems are functioning properly is critical to maintaining community health and meeting our clean water goals.**

If a septic system is not functioning correctly, it can cause groundwater pollution. Contaminated water from a failing system can seep into local rivers and nearby wells, impacting local ecosystems, wildlife, and human health. Regular pumping and inspections help safeguard the surrounding environment, preventing the spread of harmful contaminants. Arundel Rivers conducts testing at local community swimming beaches throughout the summer months and we often see high bacteria counts regardless of rainfall.¹ This could indicate E coli bacteria contamination from nearby failing septic systems. This is a proven problem across the state. **According to Maryland Department of the Environment's 2024 Integrated Report of Surface Water Quality, there were 52 new fecal bacteria impairments in the state added to list, specifically impacting shellfish harvesting and swimming beaches.**² Both the Department of the Environment and the Department of Natural Resources have listed failing septic systems as a potential source of fecal bacteria impairments.

¹ <https://sites.google.com/view/aaccecoperationclearwater>

² https://mde.maryland.gov/programs/water/TMDL/Integrated303dReports/Documents/Integrated_Report_Section_PDFs/IR_2024/MD%202024%20Final%20IR%209_4_24.pdf

In 2024, there was an E coli outbreak in Lake Anna in Virginia, likely from nearby septic systems.³ A study from the University of Maryland in 2014 found that “improper design, maintenance, or location of private wells and septic systems contributed to 67% of reported outbreaks from groundwater contamination from 1971 and 2008” (Wallender et al., 2014).⁴ Many homeowners may not even realize that their systems aren’t functioning properly. The best way to identify failures is through inspection.

Inspection of systems is a proven method in identifying problems and failures. In the first six years of implementing their ordinance requiring inspection at property transfer, two Michigan counties found 1,000 failed septic tanks and 300 homes without any septic system at all.⁵ This bill takes a reasonable, inexpensive, and proactive step towards identifying problem systems and properly maintaining systems to prevent future problems.

Many chose to live in Maryland because of the Chesapeake Bay – the opportunity to swim, fish, play, and work on local waterways. It’s critical that we ensure we are protecting these resources and our own human health. SB165 reflects the amendments added to Delegate Guyton’s HB747 last year and includes an adequate list of exceptions to when inspections would not be required. We are grateful to Senator Brooks for introducing this important legislation, and we respectfully request a FAVORABLE REPORT on SB165.

Sincerely,



Elle Bassett
South, West, and Rhode Riverkeeper
Arundel Rivers Federation

³ <https://wjla.com/news/health/lake-anna-water-sickness-e-coli-likely-source-health-outbreak-sick-children-adults-virginia-shiga-producing-stomach-cramps-multi-agency-environment-pollution-sick-boats-septic-swimmers-memorial-day-cause>

⁴ <https://api.drum.lib.umd.edu/server/api/core/bitstreams/5522cf74-e903-4959-83f6-d3c4cd28597d/content>

⁵ <https://forloveofwater.org/michigan-septic-code/>

SB165_CleanWaterAction_FAV (1).pdf

Uploaded by: Emily Ranson

Position: FAV



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.¹

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

¹ 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.² 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,



Emily Ranson
Chesapeake Regional Director, Clean Water Action

eranson@cleanwater.org

² “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.

MDE SB 165 SUP.pdf

Uploaded by: Jeremy D Baker

Position: FAV



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

***Senate Bill 165
Environment – On-Site Wastewater Systems – Requirements for Inspection and Pumping
Services and Implementation Dates***

Position: Support
Committee: Education, Energy, and the Environment
Date: February 3, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 165.

Bill Summary

Senate Bill 165 proposes new inspection and pump-out requirements for septic systems during certain property transfers or rental tenant changes. These inspections and pump-outs are good for 3 years and do not have to be repeated again within that time frame.

The bill also extends the time period for MDE to adopt regulations relating to licensing requirements for individuals who provide on-site wastewater services (septic installers, designers, haulers, *etc.*) to 2027 and for the State Board of On-Site Water Professionals (Board) to license individuals who provide on-site wastewater services to 2028.

Position Rationale

A septic system is typically the most expensive appliance in a home. The bill's inspection and pumping requirements are a reasonable and practical way to protect homebuyers and renters, ensure on-site wastewater systems are functioning properly, and protect water quality.

Regarding the regulation and licensing extensions, the Board was created by HB 318 of 2022, which also required: (1) MDE, in consultation with the Board, to adopt licensing requirements for individuals who perform on-site wastewater services by July 1, 2025; and (2) for individuals who perform on-site wastewater services to be licensed by the Board by July 1, 2026. However, the Board was not fully seated until 2024 due to legislation revising the Board's membership in 2023 (HB 30/SB 7) and need for Senate confirmation for many of the members, which occurred during the 2024 Session. Given the two year delay in seating the Board, MDE believes an equivalent 2 year extension for the regulations and licensing is appropriate.

For the reasons detailed above MDE asks for a **FAVORABLE** report for SB 165.

Contact: Alex Butler, Deputy Director of Government Relations
Phone: 443-695-7478, Email: alex.butler@maryland.gov

FAV_SB165 - On-Site Wastewater Systems Inspections

Uploaded by: Martinna Parham

Position: FAV



January 30, 2026

SB165 – Environment – On-Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates

Hearing Date: February 3, 2025

Position: **FAVORABLE**

Dear Chair Feldman and members of the Energy, Education, and the Environment Committee:

Waterkeepers Chesapeake respectfully requests a **FAVORABLE report on SB165**. Waterkeepers Chesapeake is a network of Waterkeeper programs across the Chesapeake and coastal bays region, with 12 Waterkeeper members located in Maryland. Waterkeepers are local advocates working with their communities to protect access to clean water and to restore waterways. These Waterkeepers represent thousands of Maryland residents who rely on on-site wastewater (septic) systems.

SB165 will ensure that septic systems are properly inspected and pumped out prior to property transfer or when a new tenant occupies the property. Inspecting and pumping out septic systems is crucial for maintaining their functionality, preventing environmental hazards, and avoiding costly repairs. Inspections and regular pump outs will prevent system failures, protect public health, better protect our local environment, save costs and extend the lifespan of the septic system, and maintain property values.

Maryland has over 420,000 septic systems. In 17 of Maryland's 24 counties, nitrogen pollution from septic systems exceeds nitrogen pollution from municipal wastewater treatment plants. Failing septic systems contribute excessive nitrogen, phosphorus, and bacterial pollution to both groundwater and surface waters, threatening natural resources and public health. Public health research from the University of Maryland has also found significant positive associations between high concentrations of septic systems in floodplains and increased infections from *Campylobacter* and *Salmonella*. Septic system failures can result from aging infrastructure, changing soil conditions, compromised drain fields, flooding, and other factors. Other research confirms that improper design, maintenance, or location of private wells and septic systems contributed to 67% of reported outbreaks from groundwater contamination from 1971 and 2008". (Wallender et al., 2014)¹ Without regular inspections, failing systems can go undetected for decades, increasing nutrient pollution in local waterways and contaminating nearby drinking water wells.

Years of water quality testing by the Waterkeepers throughout Maryland show that many waterways, especially in rural areas, suffer from elevated bacteria levels — likely from failing

septic systems — that prevent waterways from meeting clean water standards and limits recreational use. Many homeowners may not even realize that their systems aren't functioning properly. Establishing regular septic inspection protocols will provide Maryland residents with assurance that their systems are functioning properly and will help ensure cleaner, safer, and more swimmable rivers for future generations.

Waterkeepers Chesapeake requests a FAVORABLE report on SB165 which will protect public health and the environment by ensuring septic systems are properly maintained, inspected, and monitored.

Thank you for your time and consideration.

Sincerely,

Martinna Patham, Program Associate
Waterkeepers Chesapeake
martinna@waterkeeperschesapeake.org

SB164Geckle FAV.pdf

Uploaded by: Mathew Geckle

Position: FAV



BACK RIVER PRE-CAST, LLC
PO BOX 329
GLYNDON, MD 21071
410-833-3394

**SB 164 Environment – Onsite Wastewater Systems – Requirement for Inspection
and Pumping Services**

February 3, 2026

Favorable

Back River Precast supports SB 164 to require a limited number of inspections of septic systems in Maryland. More frequent inspections can identify problems early when a repair can be relatively inexpensive. When a system fails it is very expensive to replace it in both time and money. But a failed system is also costly for our environment.

A failing system is putting sewage into our groundwater, nearby waterways and sometimes graphically bubbling up in our yards or into our basement. This bill simply ensures that septic systems are inspected to protect both renters and new homeowners

Matthew Geckle

Vice-President

SB 165 - CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

Senate Bill 165

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

Date: February 3, 2026

To: Education, Energy, and the Environment Committee

Position: FAV

From: Alan Girard,
Director of Advocacy

The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 165**, which requires a licensed onsite wastewater systems professional to conduct an inspection when a property with such a system is sold or made available for rent. Nonpoint source pollution to the Chesapeake Bay – including pollution from onsite wastewater (also known as septic) systems – is not well managed. The Chesapeake Bay Program’s Comprehensive Evaluation of System Response (CESR) report finds that addressing pollution from septic systems and other nonpoint pollution sources remains a significant obstacle to restoration efforts, and that existing pollution control programs are insufficient to achieve the nonpoint source pollution reductions required by the Total Maximum Daily Load (TMDL) Bay clean-up program that Maryland supports.

Pollution from septic systems now exceeds nitrogen pollution from centralized wastewater treatment plants in 17 Maryland counties. Poor maintenance, old age, changing site conditions, flooding, and inadequate management significantly compromise septic system performance, threatening water quality and public health. When the condition of Maryland’s 420,000 septic systems is not evaluated to identify any need for corrective action, residents and the environment are vulnerable to nutrient pollution, as well as an increase in bacterial infections, which the University of Maryland finds associated with high concentrations of septic systems in flood plains. More than 12 percent of septic systems in Maryland are located within 1,000 feet of tidal water.

The requirement in the bill to ensure a septic system is inspected and pumped as a condition of sale or when a tenant occupies a rental property is responsive to Maryland’s commitments to protect public and environmental health. The measure supports MDE efforts to track, manage, and modernize records for septic systems in the state. It also compliments drinking water well requirements adopted under the Maryland Private Well Safety Act of 2023 (*Ch. 587, Md. Laws, 2023*). SB 165 as introduced can help Maryland, as a signatory, implement the 2025 Chesapeake Bay Watershed Agreement, and achieve the goal in the agreement of reducing excess nitrogen, phosphorus, and sediment to meet state water quality standards.

CBF urges the Committee’s FAVORABLE report on SB 165. For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

2026 SB165 Bob Zillig Testimony.pdf

Uploaded by: Robert Zillig

Position: FAV

Testimony in Support of SB165

On-Site Wastewater Systems – Requirements for Inspection and Pumping Services and Extension of Sunset and Implementation Dates

Senate Energy, Education and Environment Committee – Hearing 2/3/2026 1:00PM

Submitted on Jan 30th

To Chair Feldman and Committee Members,

My name is Bob Zillig. I live in Grasonville, MD, on the Chester river and I urge a **favorable** report on SB165.

I am passionate about this bill because I know the damage a leaking septic system can do to our river systems. My parents built our family home on the Chester River in 1967 and initially relied upon a septic system. The system's drainage tile was a mere 50 feet away from the river shoreline. I remember as a child asking my Dad why the grass always grew so thick and heavy in a stripe in our yard. He was a Sanitary Engineer and explained that the "green stripe" was the nitrogen leaching from our septic drainage system. We were fortunate in that our county was able to link our community to the public sewage treatment plant in 1992 insuring our home's waste was environmentally processed. Understandably, many existing homes in our county still must rely upon septic systems. SB165 addresses the environmental risk of these potentially leaking systems by requiring an inspection upon real estate transfer.

SB165/HB146 is designed to:

- Protect public health and the environment by ensuring septic systems are properly maintained, inspected, and monitored.
- Reduce nitrate, phosphate, and bacteria contamination in both well water and local rivers.
- Increase state tools to identify and remediate undiagnosed failing septic systems throughout Maryland.

This is fair ask given that it protects the potential buyer and our Maryland waterways. It is not unreasonable to require an inspection of a septic system upon title transfer. Many buyer's home inspections already request this inspection to be undertaken. A leaking septic system is the last thing a new buyer wants to be surprised with after purchase. Please support this reasonable bill to improve the **health of our community and our rivers**.

Thank you for your consideration, and I look to this committee giving SB165 a **favorable** report.

Sincerely,

Bob Zillig
bczillig@gmail.com
(630)-408-3075

Assateague Coastal Trust - Testimony - SB165.pdf

Uploaded by: Taylor Swanson

Position: FAV



Testimony in SUPPORT of SB165 – Environment – On-Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates

Energy, Education, and the Environment Committee
February 3, 2026

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB165** on behalf of Assateague Coastal Trust.

Assateague Coastal Trust is dedicated to its mission of conservation, preservation, and protection of the waterways of Worcester County and Maryland's Lower Eastern Shore. Our work helps ensure that residents and visitors to Maryland's coast forever enjoy the resources provided by our coastal waters.

Worcester County is particularly vulnerable to pollution from failing septic systems. As a largely rural county with limited access to centralized wastewater treatment, thousands of homes and businesses rely on on-site septic systems. In Maryland, nitrogen pollution from septic systems exceeds that from municipal wastewater treatment plants in 17 of the state's 23 counties, and this imbalance is especially pronounced on the Lower Eastern Shore. When septic systems fail or are improperly maintained, they release nitrogen, phosphorus, and harmful bacteria into groundwater and nearby surface waters, which directly threatens drinking water supplies, public health, and the Coastal Bays that define our region.

Scientific research underscores these risks. Studies by the University of Maryland have found significant associations between high densities of septic systems in flood-prone areas and increased rates of infections such as *Campylobacter* and *Salmonella*. Other research shows that improper design, siting, or maintenance of private wells and septic systems contributed to 67% of reported groundwater contamination outbreaks between 1971 and 2008 (Wallender et al., 2014)¹. In a low-lying coastal county like Worcester, where high water tables, sandy soils, and flooding are common, these risks are amplified. This issue is further exacerbated through extreme rain events and flooding.

Without regular inspection and maintenance, septic system failures can remain undetected for years or even decades. During that time, untreated waste can contaminate private drinking water wells and contribute to nutrient pollution. Each of the five Coastal Bays of Maryland are subject to nutrient imbalances in part caused by failing septic systems. For Worcester County,

this represents real consequences to tourism, fisheries, recreation, and public health for residents and visitors alike.

Senate Bill 165 provides a practical, preventive approach to addressing these challenges. By establishing regular inspection and pumping requirements, the bill helps ensure septic systems are functioning as designed, before failures result in costly repairs, contaminated wells, or polluted waterways. This proactive approach protects homeowners, safeguards public health, and reduces long-term environmental and economic costs for Worcester County and the Lower Eastern Shore.

Assateague Coastal Trust strongly supports Senate Bill 165 as a commonsense measure to communities and waterways across Maryland. We respectfully urge the committee to adopt a FAVORABLE REPORT on this legislation and take an important step toward a cleaner, safer, and more resilient future for all of Maryland's waters.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Swanson", with a horizontal line extending to the right and a double slash at the end.

Taylor Swanson,
Executive Director and Assateague COASTKEEPER
Assateague Coastal Trust

1. <https://api.drum.lib.umd.edu/server/api/core/bitstreams/5522cf74-e903-4959-83f6-d3c4cd28597d/content>

HB146 SB165 1-29-26 revised to Supp with Amend MJD

Uploaded by: Heather Moritz

Position: FWA



Affiliate of The Maryland Association of Counties, Inc.

January 29, 2026

TO: Members, House Environment and Transportation Committee
Members, Senate Education, Energy and the Environment Committee
FROM: Maryland Conference of Local Environmental Health Directors
RE: **HB146 and SB165– Environment – on-site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates**

The Maryland Conference of Local Environmental Health Directors (Conference) provides this **Letter of Support with Amendments** for HB146 in their capacities as the State’s twenty-four Environmental Health Directors who carry out delegated authorities from both the Maryland Department of the Environment (MDE) and Maryland Department of Health (MDH).

The Conference supports the bill's intent to create increased requirements for onsite water disposal systems (OSDS) maintenance during property sales and for rental properties, however, agree that amendments to the language need to occur. As proposed, the Conference has concerns with the impact on OSDS determinations by implying that pump outs and OSDS inspections can occur separately. There needs to be clarification that each jurisdiction has a means for OSDS failures to be reported that need to be followed and that most repairs and all installations would require Local Health Department oversight and permitting. Additionally, OSDS that are proposed to be abandoned as part of a property transfer should not be subject to the pumping and inspection of the OSDS. The Conference highly recommends the following **BOLDED** amendments:

8-122 (Page 3)

Line 12: Replace OR with AND

(B) OF THIS SECTION, A PROPERTY TRANSFER INSPECTION ~~OR~~ **AND** PUMPING SERVICE

Lines 13-14: Include proposed language

PERFORMED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION IS VALID FOR 3 YEARS. **The Property Transfer Inspection and Pump Out of the OSDS must occur concurrently.**

Lines 16-19: Amend with proposed language

WASTEWATER SYSTEM, THE LANDLORD OF THE PROPERTY SHALL: ~~NOTIFY THE DELEGATED APPROVAL AUTHORITY:~~

(1) ~~ABOUT THE FAILURE;~~ **AND Notify the Delegated Authority in accordance with their process, policy or ordinance AND**

(2) ~~WHEN THE SYSTEM IS FIXED.~~ **Obtain any and all necessary permits to correct the failure**

10-716 (Page 4)

After Line 12: Include proposed exemption of this Section if OSDS is to be abandoned as part of the property transfer,

(III) The On-Site Wastewater System is to be abandoned in conjunction with the property transfer.

10-716 (Page 5)

Line 4: Replace OR with AND

~~OR~~ **AND** PUMPING SERVICE PERFORMED IN ACCORDANCE WITH SUBSECTION (C)(1) OF

Line 5: Include Proposed language

THIS SECTION IS VALID FOR 3 YEARS. The Property Transfer Inspection and Pump Out of the OSDS must occur concurrently

Line 7-10: Amend with proposed language

WASTEWATER SYSTEM, THE OWNER OF THE PROPERTY SHALL: ~~NOTIFY THE DELEGATED APPROVAL AUTHORITY:~~

(1) ~~ABOUT THE FAILURE; AND~~ **Notify the Delegated Authority in accordance with their process, policy or ordinance AND**

(2) ~~WHEN THE SYSTEM IS FIXED.~~ **Obtain all necessary permits to correct the failure**

The Conference recommends the bill be revised to include the above amendments; however, concerns related to the oversight, enforcement and management of this proposal remain. As the intent is to further protect public health through increased maintenance of an OSDS the **Conference Supports with Amendments** HB 146 and SB 165.

For more information:

Conference Contact:

Michael Davis, President

Maryland Conference of Local Environmental Health Directors

Email: mjdavis@howardcountymd.gov

Support

Uploaded by: Ryan Frick

Position: FWA

Superior Septic Services, LLC

Written Testimony

HB 146/SB 165 - Favorable with Amendments
Maryland General Assembly – 2026 Session

My name is Ryan Frick, and I am the owner of Superior Septic Services, LLC, with over 21 years of experience working on onsite wastewater systems throughout Maryland. I am submitting this testimony in support of HB 146 and SB 165, with technical amendments.

I fully support the intent of this legislation to protect public health, groundwater, and consumers by requiring Property Transfer Inspections (PTIs) and septic pumpouts. These measures will significantly improve transparency and environmental protection across the State.

However, based on long-standing industry standards and field experience, three targeted amendments are necessary to ensure the bill functions as intended.

First, PTIs and septic pumpouts must be coordinated and performed together. The most critical amendment to HB 146 and SB 165 is the requirement that a septic tank pumpout and Property Transfer Inspection (PTI), when both are required, be performed together and coordinated by the Property Transfer Inspector.

Allowing these services to be performed separately creates a significant risk of missed diagnoses, incomplete inspections, and potential misrepresentation of onsite system conditions. If a septic tank is pumped prior to the inspector's arrival, many of the most important diagnostic indicators are permanently lost.

Under nationally accepted inspection protocols, and as taught in Maryland's PTI training programs, a proper inspection includes pumping the septic tank while the inspection is actively in progress. This sequencing is critical because it allows the inspector to:

- Observe evidence of backups or surcharging in the tank
- Evaluate the condition of internal tank components, including baffles, tees, and structural integrity
- Observe hydraulic behavior, including any flow returning from the dispersal system during pumpdown
- Identify signs of system overload, failure, or improper operation that would otherwise remain hidden

Superior Septic Services, LLC

When a tank has already been pumped days or even hours before an inspection, these indicators no longer exist. In those situations, an inspector is limited to a surface-level evaluation that may falsely suggest the system is functioning properly.

This separation also opens the door to intentional concealment. A knowledgeable or motivated property owner could have the system pumped shortly before inspection to temporarily mask chronic issues such as backups, ponding, or dispersal failure. That outcome directly undermines the consumer-protection and environmental goals of this legislation.

This amendment does not expand the scope of the bill or increase regulatory burden. Instead, it ensures that inspections required under this legislation are accurate, meaningful, resistant to manipulation, and protective of consumers, public health, and the environment.

Second, Advanced Treatment Units (ATUs/BAT systems) should not be subject to mandatory pumpouts. These systems are monitored, operated, and maintained by licensed Operation and Maintenance providers, and improper or unnecessary pumping can damage system performance. Evaluation by a licensed O&M provider within six months is a more appropriate requirement.

Third, properties purchased for redevelopment, demolition, or sewer connection should be exempt, as PTIs and pumpouts in these cases provide no public health benefit and unnecessarily consume resources.

These amendments do not weaken this bill, they strengthen it. I respectfully support these bills with Amendments.

Thank you for your consideration.

Respectfully submitted,
Ryan Frick
Superior Septic Services, LLC

SB165 and HB146.pdf

Uploaded by: Ryan Nagi

Position: FWA

S. Ryan Nagi, 2880 Hallowing Point Road. Prince Frederick, MD 20678

240-496-4621

In Favor of SB165 and HB146 with Amendments -

Department of the Environment – Fees, Penalties, Funding, and Regulation

To Environment and Transportation Committee Members,

My name is Ryan Nagi Owner of SPEK Home Inspections. We started in the onsite wastewater industry in about 2010 performing on-site sewage disposal inspections for property transfer after we were certified. We recognized the lack of professionalism and consistency of property transfer inspections in our area and it launched us into the on-site waste water industry even further now providing all types of on-site wastewater services such as septic installations, system repairs, operations and maintenance of BAT units and property transfer inspections for real estate transactions. The only on-site sewage disposal service that we do not provide directly is pump outs. We have a great rapport with local companies who provide that service for us when needed.

Statement

I am here to support SB 165 and HB146 With the following amendments:

The amendments I would like to see are the following:

The on-site sewage disposal inspection and pump out need to be performed at the same time. This is crucial for several reasons.

The current MDE approved education literature when teaching the on-site property transfer inspection course states: in order to perform an accurate inspection of the on-site sewage disposal system, the septic tank needs to be pumped out. This is accurate and why you would want to have it pumped out during the inspection.

You can visually inspect the structural integrity of the interior walls of the septic tank that can find common deficiencies such as but not limited to: leaking, root intrusion, cracking that would render that septic tank as unsatisfactory

You can visually inspect the outlet baffle that plays a crucial role in preventing solids from entering the soil absorption system that can reduce system lifespan.

You can visually observe any backflow that occurs from the soil absorption system during inspection. This gives crucial information to the inspector, providing a clear, more accurate picture of the condition of the systems and components beyond the septic tank that you cannot get if you do not pump the system at the inspection.

You want to have the system pumped out during the inspection for consumer protection. Your constituents will be better protected from inaccurate or faulty, on-site sewage disposal systems due to an inspection and pump out being done at different times versus if they were done at the same time. For example a septic tank that is pumped out the day before an inspection could give the appearance that the soil absorption system is in acceptable condition because pumping it out has removed all the pressure and liquid that was currently sitting in that actual absorption system leading to misdiagnosis

Performing the inspection and pump out at different times can lead to inaccurate conclusions on the actual current condition of the on-site sewage disposal system

With regards to any on-site sewage disposal system that has an aerobic treatment unit or BAT should be exempt from an automatic requirement for pump out. These units should be and many are required by the state to be maintained by a certified operations and maintenance service provider. These service providers maintain the unit on a regularly scheduled basis and through proper inspections and testing procedures, determine when the unit should be pumped out. Pumping these units at a specific time interval when not

necessary can unnecessarily upset the ecosystem within that unit that will reduce the effectiveness of nitrogen reduction in that unit. Furthermore, pump out of these units have the potential for catastrophic damage to units that can collapse under their own weight if not properly filled back up with clean water. Unnecessary alarming of the system can occur causing a disturbance to owners/tenants, and neighboring properties

I ask for favorable report of SB 165 and HB146

Thank you for your time,

Ryan Nagi

MBIA Letter of Opposition SB 165.pdf

Uploaded by: Lori Graf

Position: UNF

January 30th, 2026

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

RE: MBIA Letter of Opposition SB165 Environment – On–Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB165 Environment – On–Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates**.

This bill requires septic systems to be inspected and pumped before new tenants move in and before most property sales. It also requires reporting of failing systems to local authorities. We are concerned that this will add more to the cost of housing and more steps to a process that is already complicated. These extra steps will particularly hurt our industry in rural parts of the State where access to licensed inspectors and pumpers is limited. The added requirements will create delays in the final stages of a property sale which will significantly hurt cash flow and disrupt the timing of a project. Homebuilders typically carry upfront costs for land, construction, labor, materials, and interest on construction loans. Settlement is when the builder is paid and the loan is paid off. If settlement is delayed, builders continue to take on interest, carrying costs, insurance, and taxes. All of these costs are taken on while the builder receives no payments from the homebuyer. This ultimately leads to higher home prices when there is already an affordability crisis in our State.

Although the bill exempts the initial transfer after construction, MBIA is concerned about expanded liability and uncertainty created by inspection reports generated close to settlement. Even the smallest findings may lead to demands for repairs, negotiations to lower the price of a home, or future claims, even though the septic systems were installed and approved by local health departments.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

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

SB 165_realtors_unf.pdf

Uploaded by: William Castelli

Position: UNF



Senate Bill 165 – Environment – On-Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates

Position: Unfavorable

The REALTORS® oppose SB 165 which seeks to require an inspection and pump out of a septic system before sale or lease of the property. The REALTORS® appreciate efforts last year to exempt certain transactions but believe the legislation should mandate disclosure and let the parties determine how to proceed.

SB 165 requires a single-family rental property to be subject to a septic inspection and pump out at least once every three years. The legislation also requires a buyer of single-family property to have a septic system inspected and pumped out as a condition of sale. Settlement may not occur until a report is issued verifying performance of the inspection and pump out. The “for sale” transfer inspection is also good for three years.

The REALTORS® believe that buyers have a responsibility to exercise due diligence in purchasing a property. If the condition of a septic system is important, the buyer has the right to request inspection of the system. This issue, like many others, becomes a point of negotiation between the seller and buyer. SB 165 forces a decision on both parties and potentially stops settlement until the inspection and the report of the inspection are finished. The REALTORS® believe most decisions regarding the property should remain negotiable by the parties.

As an alternative, the REALTORS® have submitted language which would create a disclosure for home sales rather than a mandate. The disclosure would require the seller to inform the buyer if an inspection had been conducted as well as give the buyer the EPA Septicsmart brochure. After disclosure, the parties would then determine whether an inspection would be conducted just as the parties negotiate other matters related to the property.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

Senate Bill 165
(First Reading File Bill)

Amendment 1:

On page 3, after line 28, add:

(1) THE REAL PROPERTY IS EXEMPT UNDER REAL PROPERTY 10-702 (B)(1)

On page 3, line 29, strike “(1)” and insert “(2)”

On page 4, strike lines 11 and 12

Amendment 2:

On page 4, line 16, strike “ENSURE THAT THE SYSTEM HAS BEEN” and insert:
“IS PROVIDED WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY SEPTICSMART HOMEOWNER’S BROCHURE AND NOTIFIED WHETHER THE ON-SITE WASTEWATER SYSTEM HAS BEEN PUMPED AND INSPECTED WITHIN THE LAST 5 YEARS AND PROVIDED THE RESULTS OF THE INSPECTION.”

On pages 4 and 5, strike lines 17 through 5 on page 5, and insert:

“(2) IF A BUYER AND SELLER AGREE TO INSPECT AND PUMP OUT THE ON-SITE WASTEWATER SYSTEM, THE INSPECTION AND PUMP OUT SHALL BE CONDUCTED BY AN INDIVIDUAL WHO IS LICENSED UNDER TITLE 9, SUBTITLE 11A OF THE ENVIRONMENT ARTICLE.”

On page 5, line 6, strike “(E)” and insert “(D)”