



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

House Bill 1444

Washington County - On-Site Sewage Disposal System Regulations - Exemptions

Position: Letter of Concern
Committee: Environment and Transportation
Date: March 11, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) offers the following **LETTER OF CONCERN** for HB 1444.

Bill Summary

House Bill 1444 would authorize the Washington County Health Department to exempt certain residential property owners from complying with MDE's onsite sewage disposal system (OSDS) regulatory requirements if the health department determines it would be unduly burdensome. The exemption applies only to the property owner named in the application and does not run with the property. An exemption expires 3 years after the date of issuance but may be renewed an unlimited number of times.

Position Rationale

MDE recognizes local challenges can occur and is available to help resolve issues. However, the bill fundamentally departs from the State's OSDS implementation. While acknowledging different hydrologic and geologic conditions across the state, MDE's regulations seek to provide a consistent application of requirements through objective standards in order to protect both public health and the environment. This bill creates a potentially broad exemption for certain residents in Washington County, which will lead to inconsistent outcomes when compared to other areas of the state.

If a resident seeks an exemption, the health department must review the exemption application and determine whether complying with the regulation or regulations would be "unduly burdensome." This standard is vague and the bill provides no further guidance, likely leading to inconsistent, arbitrary, and legally vulnerable decisions.

The authority to permit and regulate OSDS installations and repairs is delegated to the local health department by the State. Delegated authority requires consistent implementation of state regulations. HB 1444 allows for subjective deviations that could lead to outcomes that threaten public health and the environment.

MDE hopes this information is helpful and is available to questions related to HB 1444.

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