



Affiliates of The Maryland Association of Counties, Inc.

March 4, 2026

TO: Members of the Health Environment and Transportation Committee
FROM: Maryland Conference of Local Environmental Health Directors
Maryland Association of County Health Officers
RE: **HB 1444 - Washington County-On-Site Sewage Disposal System Regulations-Exemptions**

The Maryland Conference of Local Environmental Health Directors (Conference) and the Maryland Association of County Health Officers join together to provide this letter of **Opposition** for HB1444 in their capacities as the state's twenty-four Environmental Health Directors who carry out delegated authorities from both MDE and MDH and as the twenty-four Local Health Officers who have the responsibility for the delegated authorities from the State agencies. The Conference and MACHO do not support authorizing the Washington County Health Department to exempt the owners of certain residential properties from compliance with all or part of a certain on-site sewage disposal system regulation if compliance with the regulation would be unduly burdensome, establishing requirements for the consideration and issuance of exemptions under this Act; and other related changes to the on-site sewage disposal systems in Washington County. In addition to making Washington County an outlier among the twenty-four jurisdictions, our concerns are as follows:

1. The Washington County Health Department is charged with protecting the health, safety, and welfare of the people of Washington County by providing an acceptable and adequate water supply and sanitary sewerage facilities to all areas and citizens of the County by identifying and analyzing all sources of pollution within the County and devising a means by which the adverse impact can be minimized or eliminated at the least amount of cost to county citizens. ***HB 1444 would make this harder for the local health department to accomplish.***
2. On-site sewage disposal systems in Washington County have, in many cases, proven challenging in terms of implementing the goals of providing safe and adequate water and sewerage facilities to the citizens of Washington County not only due to limited lot sizes, but also due to the predominately underlain carbonate rock or karst terrain geology of Washington County in which pollutants can travel miles undetected through groundwater. **Over the last four years, an average 53% of all septic permits have been for repairs to existing systems. The only true resolution would be the extension of public water and sewer.**
3. Successful operation of a sewage disposal system depends upon the ability of the soil to absorb and filter the liquid or effluent once it passes from the septic tank through the absorption field. ***The lack of improper absorption and filtering of the effluent will cause health hazards as well as public nuisance situations.*** Septic tanks in and of themselves do not remove pathogenic organisms (harmful bacteria and viruses), thus, at times, requiring the use of innovative and alternative systems when soils will not support the installation of conventional trench systems.

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4. The average life expectancy of a sewage disposal system is 30 years with proper maintenance. Improperly maintained and failing sewage disposal systems have caused waterborne outbreaks in Washington County as in the infectious hepatitis outbreak in Sharpsburg, 1966; the Shigella outbreak at Avalon Manor Nursing Home, 1973; the hepatitis outbreak at Martins Crossroads, 1983; and the E. Coli contamination of wells along Alternate 40 near Boonsboro, 2005, to name just a few. ***Compliance and implementation of COMAR 26.04.02 when using an on-site sewage disposal system is the most cost effective and up-to-date method of preventing possible future ground water and surface water contamination.***
5. The Washington County Health Department along with MDE currently offers variances if needed to certain COMAR 26.04.02 regulations and offers citizens the opportunity to apply for grant money (Bay Restoration Fund, 319 Funding), along with several low interest loans for sewage disposal system repairs.
6. What constitutes an undue hardship is not defined and as such would not be possible for the Washington County Health Department to consistently and fairly enforce.

Accordingly, the Conference and MACHO requests the Committee give HB1444 an **UNFAVORABLE** report. *This communication reflects the position of the Conference and MACHO.*

Thank you for the opportunity to share our views on this matter. If you have any further questions concerning this written testimony, please contact:

For more information:

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