



CHESAPEAKE BAY FOUNDATION

House Bill 1444

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

Date: March 11, 2026

To: Environment and Transportation Committee

Position: **UNFAVORABLE**

From: Matt Stegman,
MD Staff Attorney

The Chesapeake Bay Foundation (CBF) **OPPOSES House Bill 1444** which allows the Washington County Health Department to grant exemptions from certain COMAR on-site sewage disposal system regulations when compliance would be “unduly burdensome.” The bill is inconsistent with Maryland law because it authorizes a county health department to grant exemptions from statewide septic regulations when only the Maryland Department of the Environment (MDE) has legal authority to modify those standards.

The bill usurps state authority. COMAR 26.04.02 is a statewide regulatory framework administered exclusively by MDE. The regulation defines the “Approving Authority” as “the Secretary of the Environment or the Secretary’s designee,” not a local health department. Deviations from septic regulations must go through MDE, and counties have no independent authority to waive or modify these state requirements. Were the bill’s provisions to become law, state and local control may become duplicative or conflict, creating confusion, inefficiency, and uncertainty around state policy to protect the public and the environment from harm caused by inadequate septic system management.

Local government may not weaken state environmental and public health standards. The onsite sewage disposal regulations in COMAR are issued under multiple sections of the Environment Article and give MDE the exclusive role in setting minimum septic system standards statewide. HB 1444 allows a county health department to override state minimum siting, design, and construction requirements; create county specific regulatory exemptions; and issue permits that contradict the statewide standards administered by MDE. The bill’s provisions erode the state’s ability to provide uniform, predictable, and effective septic system oversight throughout the state as the Environment Article requires.-specific regulatory exemptions

A local exemption undermines statewide permitting. COMAR requires that “a person may not construct or alter an on-site sewage disposal system without first receiving a permit from the Approving Authority.” HB 1444 would allow Washington County to issue exemptions from COMAR without MDE approval, thereby creating a second, conflicting permitting pathway. This contradicts COMAR’s uniform statewide permitting system, the statutory requirement that MDE evaluate system safety and environmental protection, and the state-level role in ensuring compliance with Best Available Technology (BAT) nitrogen-removal requirements.

For these reasons, CBF urges the Committee’s UNFAVORABLE report on HB 1444. For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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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.