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HB 146 – Favorable with amendments

Bay Restoration Fund - Disbursement and Use of Fund

Chair and Members of the Environment and Transportation Committee:

My name is Eddie Harrison, and I serve as the Legislative Liaison for the Maryland Onsite Wastewater Professionals Association (MOWPA). MOWPA represents professionals across Maryland's onsite wastewater industry, including installers, pumpers, engineers, property transfer inspectors, operation and maintenance providers, and code officials.

I serve MOWPA in an uncompensated capacity as Legislative Liaison and am currently Vice President and a former Board President. Professionally, I am the owner of BAT Onsite, LLC, an operation and maintenance provider specializing in advanced onsite wastewater systems. Our work includes Advanced Treatment Units (BAT), pump systems, mound systems, drip dispersal systems, and other regulated onsite systems under 5,000 gallons per day. I currently maintain more than 500 systems statewide and have worked in this industry since 1984 in roles including installer, pumper, designer, inspector, and maintenance provider.

Support Statement

MOWPA supports HB 146 because it provides meaningful protection for property owners purchasing homes or businesses served by onsite wastewater systems, while also strengthening safeguards for Maryland's waterways, environment, and public health. We believe, however, that the bill would be more effective if amended to better align with established industry standards and to reduce the risk of substandard inspections or intentional fraud.

We respectfully offer the following recommended amendments:

1. Require a Pumpout as Part of the Property Transfer Inspection

A pumpout is essential to conducting a complete and accurate inspection. Many indicators of system deficiencies can only be identified before, during, and after pumping. National industry standards require that a proper property transfer inspection include a pumpout. When inspections and pumpouts are performed separately, inspectors are unable to fully assess system conditions. MDE has historically resisted endorsing this practice.

2. Clarify Treatment of Advanced Treatment Units (BAT Systems)

Advanced Treatment Units, commonly referred to in Maryland as BAT systems, are significantly more complex than conventional septic tanks. Improper pumping can damage mechanical components or disrupt

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the biological treatment process. Current Maryland regulations already require annual servicing by a licensed operation and maintenance provider. When properly maintained, these systems may not require pumping for up to ten years. Revising statutory references from "septics" to "septic tanks and holding tanks" would provide the State Board of Onsite Wastewater Professionals clearer authority to address this distinction appropriately.

3. Exempt Properties Intended for Redevelopment or Demolition

Properties being sold for redevelopment, repurposing, connection to public sewer, or demolition should be exempt from property transfer inspections. In these cases, inspections represent an unnecessary use of resources when the existing system will be abandoned or replaced.

For your reference, I have also provided a supporting statement from the National Onsite Wastewater Recycling Association (NOWRA). Although labeled as a draft, the statement reflects NOWRA's position on this issue and was developed by its volunteer board on short notice.

For these reasons, MOWPA respectfully requests a favorable report for HB 146 with the amendments outlined above.

Thank you for your consideration.

Respectfully submitted,

Eddie Harrison

Legislative Liaison, Maryland Onsite Wastewater Professionals Association (MOWPA)

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January 30, 2026

Mr. Eddie Harrison, Vice-President
Maryland Onsite Wastewater Professional Association (MOWPA)
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RE: NOWRA Position on HB146 and SB 165

Dear Mr. Harrison,

The National Onsite Wastewater Association (NOWRA) has reviewed the proposed language in Maryland HB146 and SB165 and offers the attached draft position statement. The position statement was developed by the NOWRA Technical Practices Committee after reviewing the text of the legislation. NOWRA strongly believes that in order to do a proper inspection of a septic tank, the tank should only be pumped as part of the inspection with the inspector present. The position statement outlines our reasoning and justification for this position.

As the largest national organization focused on onsite wastewater treatment systems with over 5,500 members, NOWRA monitors, and if appropriate, provides comments on legislative activities that affect our industry. The two proposed Maryland legislative bills will potentially impact our industry, so NOWRA has provided the attached position.

Feel free to contact me or any of [NOWRA's Executive Committee or Board of Directors](#) if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Groves".

Thomas W. Groves
Executive Director

NOWRA Position Statement: When to Pump the Septic Tank for Real Estate Transactions

Introduction

When preparing to sell or purchase property with an onsite wastewater treatment system, a common question arises: should the septic tank be pumped before the real estate inspection is performed? This section reviews the arguments for and against pumping prior to inspection and provides a recommendation based on industry best practices.

Discussion

Advocates of pumping the septic tank before an inspection argue that this step allows inspectors to thoroughly assess the internal structure of the tank. By emptying the tank, inspectors can look for issues such as cracks or malfunctioning baffles. Finding these problems ahead of time helps prevent unexpected and potentially costly repairs or replacements after the sale, providing reassurance to both sellers and buyers.

On the other hand, some local regulations recommend not pumping the septic tank immediately before inspection. The main concern is that pumping could mask the true operation of the septic system. Inspectors need to observe liquid levels, check for backflow from the drain field, and assess the system's ability to process household waste under normal conditions. If the tank is emptied before the inspection, inspectors may not see signs of poor drainage or potential backups, which could mislead buyers and hide existing problems.

The best approach is to combine both schools of thought. The pump out should be scheduled on the same day and time as the system inspection. The initial assessment should be conducted with the septic system in its existing state and while the inspector is still present the tank is pumped and the inspector can check for the integrity and look for broken or missing baffles or tees. This process ensures that all parties have an accurate understanding of the property's condition and enables them to proceed with the transaction confidently.

Conclusion

In the end, whether to pump a septic tank before an onsite wastewater treatment system inspection depends on the goals of the inspection and local regulations. The best approach involves clear communication between buyers, sellers, inspectors, and regulatory agencies to meet the goals of the inspection. By following best practices all parties can ensure a more accurate and transparent evaluation, ultimately protecting their investment and the environment.

This position paper is a draft and has not been officially approved by NOWRA at this time.