

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 830

(Senator Hester)

Education, Energy, and the Environment

Environment and Transportation and
Health and Government Operations

**Environmental Health Specialists and Well and Septic Systems Permitting -
Studies (Environmental Health Systems Support Act of 2023)**

This bill requires two studies related to environmental health specialists and well and septic systems permitting. First, the Maryland Department of the Environment (MDE) and the Maryland Department of Health (MDH), in consultation with the Board of Environmental Health Specialists (BEHS), must conduct a study on staffing needs for environmental health specialists in local health departments (LHDs). MDE and MDH must submit a report of their findings and recommendations to the Governor and the General Assembly by December 1, 2023. Second, MDE, in consultation with the Department of Legislative Services (DLS) and the University of Maryland Agriculture and Food Systems (AgFS) Extension Program, must study the implications of the delegation of MDE's well and septic systems permitting authority to MDH. MDE must submit an interim report of its findings and any recommendations for legislative or administrative changes to the Governor and the General Assembly by December 1, 2023; a final report is due by December 1, 2024. **The bill takes effect July 1, 2023, and terminates June 30, 2025.**

Fiscal Summary

State Effect: State finances are not materially affected. Affected State agencies can implement the bill with existing budgeted resources.

Local Effect: Local finances are not directly affected. It is assumed that local approving authorities can provide any necessary data and information with existing resources.

Small Business Effect: Minimal or none.

Analysis

Bill Summary:

Study on Staffing Needs for Environmental Health Specialists in Local Health Departments

MDE and MDH, in conjunction with BEHS, must conduct a study on staffing needs for environmental health specialists in LHDs. The study must include (1) an analysis of the educational and licensing requirements for environmental health specialists, as specified; (2) an analysis of the competitiveness of wages for current environmental health specialists compared to other states' specialists and specialists in the private sector; and (3) an analysis of the feasibility of establishing an apprenticeship program for environmental health specialists. MDE and MDH must submit a report of their findings and recommendations to the Governor and the General Assembly by December 1, 2023.

Study on the Delegation of Well and Septic Systems Permitting Authority

MDE, in consultation with DLS and AgFS, must study the implications of delegating MDE's authority related to well and septic systems permitting to MDH. The study must address (1) the benefits of and issues with the existing system, as specified; (2) lessons that can be drawn from other states' administrative structure and accountability measures; and (3) the optimal long-term staff organization structure to best address issues of delays, communication, and customer service. In conducting the study, MDE must consult with representatives from impacted stakeholder groups. MDE must submit an interim report of its findings and any recommendations for legislative or administrative changes to the Governor and the General Assembly by December 1, 2023. By December 1, 2024, MDE must submit a final report of its findings and any recommendations for legislative or administrative changes to the Governor and the General Assembly.

Current Law:

Environmental Health Specialists

BEHS was created in 1969 to ensure that individuals practicing in Maryland as environmental health specialists meet minimum professional standards. The nine-member board regulates licensed environmental health specialists as well as environmental health specialists in training (individuals who meet the educational requirements for licensure but are obtaining relevant supervised experience); oversees approval of certificates of eligibility for obtaining employment (for those individuals who meet the educational requirements for licensure and are ready to begin obtaining relevant supervised experience but have not yet begun); approves continuing education courses for licensees; and occasionally imposes disciplinary sanctions.

Septic Systems Permitting

MDE delegates the authority to issue permits to construct and repair conventional septic systems to local approving authorities. Pursuant to current regulations, a person may not construct or attempt to construct a septic system without first obtaining a permit from the appropriate approving authority. A person also may not alter a septic system or cause it to receive any increase in flow or change in the character of wastewater unless permitted. A person must obtain an appropriate septic system permit, well construction permit, public or private water supply system permit, or public or private sewerage permit before constructing or altering any structure, residence, floating home, or commercial establishment that is served or planned to be served by a septic system or a private water supply system. Local approving authorities, generally LHDs, conduct inspections.

Water Well Construction Permitting

MDE's water well construction program regulates the permitting and installation of water wells in the State, including for potable and nonpotable supply wells. Wells must be installed by a Maryland-licensed well driller, and the licensed well driller must obtain a well construction permit prior to drilling. MDE delegates authority to enforce the State's water well construction regulations to LHDs and other local approving authorities. Licensed well drillers apply to the local approving authority to obtain a well construction permit prior to drilling. After obtaining a permit to drill, the well driller must also submit a completion report to the approving authority. If the well is to be used as a potable water supply, a Certificate of Potability is required before the well is put into service.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Higher Education Commission; University System of Maryland; Department of Budget and Management; Maryland Department of Health; Maryland Department of the Environment; Department of Legislative Services

Fiscal Note History:
km/lgc

First Reader - February 23, 2023

Third Reader - March 27, 2023

Revised - Amendment(s) - March 27, 2023

Revised - Clarification - March 27, 2023

Analysis by: Kathleen P. Kennedy

Direct Inquiries to:

(410) 946-5510

(301) 970-5510