



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 28, 2020

The Honorable Kumar P. Barve, Chair  
Environment and Transportation Committee  
Room 251, House Office Building  
Annapolis, MD 21401

**Re: HB1035 – Bay Restoration Fund – Use of Funds – Municipal Wastewater Facilities**

Dear Chairman Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 1035 entitled *Bay Restoration Fund – Use of Funds – Municipal Wastewater Facilities* and would like to provide the Committee with the following letter of support.

This bill expands the authorized use of the Bay Restoration Fund (BRF) to include the costs associated with connecting properties with failing septic systems to an existing wastewater treatment plant (WWTP) that has signed a funding agreement with MDE and is under construction to achieve enhanced nutrient removal (ENR) or biological nutrient removal (BNR) level treatment. The bill sunsets September 30, 2024.

The BRF can currently fund the connection of properties with failing septic systems to an existing WWTP that is achieving ENR or BNR level treatment. For failing septic systems that are located outside of a Priority Funding Area (PFA) there are existing protections in statute to ensure that any connections will not induce sprawl growth and will result in a net reduction of nutrients to the environment, in addition to resolving public health issues associated with failing septic systems. These projects are required to go through a public process that includes a notice and 30 day public comment period, be included in the County Master Water and Sewer Plan, and as be approved by the state's Smart Growth Coordinating Committee. Any connections of failing septic systems to WWTPs as authorized under HB1035 would be subject to the same level of protection and public process.

Maryland is nearly finished upgrading its 67 largest WWTP to ENR level treatment. This is a significant accomplishment and is helping to ensure the state stays on schedule to meet the Chesapeake Bay TMDL 2025 deadline. As the state finishes these upgrades, the next highest priority for the BRF is upgrading any minor WWTPs (under 500,000 gallons per day) that are interested in upgrading and deemed to be cost effective. There are a limited number of these WWTPs that have or will sign funding agreements with MDE and be under construction between now and September 30, 2024, and as such the impact of this legislation will be limited in nature. For those WWTPs that would be able to connect failing septic systems under this legislation there will be benefit to the environment and public health by allowing these connections to proceed concurrent with the WWTP upgrades. Without the benefit of being able to move these failing septic connections forward while the WWTP is being upgraded, these individual with failing systems are left to wait a significant amount of time (in some cases 4 or more years) before they are able to connect their homes and resolve their public health issues.

Thank you for your consideration. We will continue to monitor HB1035 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,

Tyler Abbott  
Cc: The Honorable Christopher T. Adams