



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 24, 2022

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
Miller Senate Office Building, Suite 2W
Annapolis, Maryland 21401

Re: Senate Bill 479 – Environmental - On-Site Wastewater Services - Regulation

Dear Chair Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed SB 479, *Environmental - On-Site Wastewater Services - Regulation* and would like to share some concerns the Department has regarding this legislation. MDE wanted to note that we are currently working with the sponsors and stakeholders to address the current issues with this bill.

SB 479 proposes to amend Title 9 of the Environment Article by creating a licensing authority regulating individuals in the on-site wastewater system industry through establishing a new State Board of On-Site Wastewater Professionals (Board). Specifically, SB 479 proposes to add a new subtitle 11A to the Environment Article, titled “On-site Wastewater Services.” Sections 9-11A-01 through 9-11A-21 of this subtitle would establish: 1) definitions pertaining to the new Board; 2) its composition, requirements (e.g., the number of members, their method of selection, the Board’s officers, etc.), powers, and jurisdiction, including the administration of a newly established “On-Site Wastewater Professionals Fund” (the “Fund”); 3) provisions regarding the Board’s licensing of individuals; and 4) prohibitions against, and administrative penalties for, the performance of on-site wastewater services without a license from the Board and other violations of the subtitle. The proposal includes amending the State Finance and Procurement Article to include the Fund among other special funds whose interest earnings do not accrue to the General Fund of the State.

The effective date of July 1, 2022 in the proposed bill will require the Department to collect fees and implement a tracking system to all individuals providing on-site wastewater services, prior to the Board becoming fully operational on June 1, 2023, and until the Department promulgate regulations by July 1, 2025. This proposed timeframe will not allow the Department to have adequate time to implement and provide outreach to the community and industry.

The definitions of SB 479 pertaining to the Board and its jurisdiction are broad enough to intersect with both the State Board of Environmental Health Specialists and the State Board of Waterworks and Waste Systems Operators. Section 9-11A-01(D) defines “on-site wastewater services” as “any activity associated with the design, installation, operation and maintenance, pumping, repair, or property transfer inspection of an on-site wastewater system”. This presents an overlap and conflict with the two other state boards and existing provisions of COMAR.

Thank you for your consideration. We will continue to monitor SB 479 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 tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott". The signature is written in a cursive style with a long horizontal line extending to the left.

Tyler Abbott

cc: The Honorable Katie Fry Hester
Lee Currey, Director, Water and Science Administration