

Senate Bill 479 – Environment – On-Site Wastewater Services – Regulation
Jo Ann Grundy, CROSS (Citizens for Responsible Oversight of Septic Systems)
Unfavorable



CROSS-Maryland
Citizens for Responsible Oversight of Septic Systems

Written Testimony for February 24, 2022

Thank you for this opportunity to voice my opposition to this bill. While I appreciate the time Senator Hester has spent researching septic issues, this bill is largely unchanged from Delegate Stein's 2021 bill.

I have experience in writing environmental regulations and have worked in watershed planning, engineering and construction, and project management for multi-million-dollar projects. In the past three years, I have become an advocate for property owners with septic systems. This is the result of my own experience with the septic industry's unethical practices. As a result, I founded CROSS.

Some may argue that a Board of On-site Wastewater Professionals is overdue. Comparisons can be made to the existing Board of Well Drillers and Board of Environmental Health Specialists, however; this bill is far broader in scope and goes well beyond licensing requirements. As a result, this board gives too much discretion to the septic industry without safeguards in place to ensure that decisions made are fair and reasonable to septic owners. Septic oversight has increased dramatically without notification to property owners, who are expected to bear the financial burden, which may cost tens of thousands of dollars when their system fails.

The Maryland Board of Well Drillers does not have the ability to establish standards for well design, installation, operations and maintenance, repair, or inspection (see attached). This is the responsibility of MDE. MDE staff involved in writing regulations for septic systems are Environmental Health Specialists. (As a side note: I previously worked for Ohio EPA as an Environmental Specialist and Registered Sanitarian.) Of the six states in the US that currently have a Board of On-site Professionals, none of these have such a broad influence over the industry. Such Boards were created to establish the qualification levels of those working in the septic industry and some only deal with septic inspectors.

This bill will create a Board, which has the authority to regulate individuals performing septic services, set standards on design, installation, operations and maintenance, repair or inspection of such systems and make recommendations on adoption of regulations. This may include mandatory inspections, maintenance, or repair or replacement of functioning systems. This bill is a clear conflict of interest. Of the nine board members, eight have the authority to vote and at least six of the voting board members shall be on-site wastewater professionals who make their living selling, inspecting, or maintaining septic systems. The Board does not include equal representation of property owners on septic without conflicts of interest to ensure that decisions made are fair and reasonable.

The Maryland On-site Wastewater Professionals Association (MOWPA), which is to fill one of the nine seats, previously overstepped their boundaries in 2014 when they included language in their Training Manual for Property Transfer Inspectors to automatically fail certain systems regardless of their ability to function as intended. This was conflict with laws and regulations. Eddie Harrison, one of the largest supporters of this bill, was the on the MOWPA Board during this time and would directly profit from the maintenance of new

systems with his business, BAT onsite, LLC. I brought this to the attention of MDE Secretary Ben Grumbles in 2019 who said his staff would address this issue.

The On-site Wastewater Professionals speaking today do not represent the entire industry. Many On-site Wastewater Professionals disagree with this bill and support MDE defining and Local Health Departments regulating consistent standards for all aspects of industry.

Some in the septic industry would like to see more septic systems replaced using Best Available Technology (BAT). This would involve the installation of a BAT tank. A BAT tank is five times more expensive than a conventional tank and requires regular maintenance and electricity to operate and may decrease home values. A BAT tank's focus is on nitrogen reduction. It does not reduce other nutrients or pathogens from the waste. The Bay Restoration funding for septic replacement only covers the material cost of the BAT tank itself and funding is limited. Installation of a BAT tank and drainage field costs tens of thousands of dollars. It is important to note that two of the largest supporters of this bill this year and in previous years manufacture or maintain BAT tanks.

According to the Chesapeake Bay Program's website, it is estimated that five percent of nitrogen loads are from septic tanks compared to 20 percent from municipal and industrial wastewater. This correlates to the roughly 25 percent of Maryland homes served by septic systems. Waste pumped from a tank is hauled to a wastewater treatment plant for further treatment to reduce nitrogen. No method of sewage disposal is perfect. Combined sewer overflows and damaged or deteriorated sewer lines also contaminate water resources.

The only thing I would keep in this bill is the code of ethics, which I recommended to Delegate Stein during the 2020 legislative session for this bill: and his bill for licensing septic inspectors. Licensing of septic inspectors is now law; however, a code of ethics is still absent.

Thank you in advance for your time.

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Purpose, Composition, and Appointment of Members of the Board of Well Drillers

Purpose

1. Issue and renew licenses to applicants who meet the requirements of the licensing law and regulations;
2. Prepare and revise licensing regulations and Board policies and guidelines; and,
3. Investigate allegations of misconduct by license holders and to take enforcement action against a license holder who is found to have violated the provisions of the licensing law and regulation. The enforcement action that could be taken includes issuing a written reprimand, or suspending or revoking that individual's license.

Composition and Appointment of Members

The Board consists of 7 members who are appointed by the Governor with the advice of the Secretary of MDE and the advice and consent of the Maryland State Senate. Of the seven Board members:

1. One shall be from the Department of the Environment;
2. One shall be from the Department of Natural Resources;
3. One shall be public member; and
4. Four shall be licensed master well drillers who are actively practicing well drilling at the time of appointment and shall include:
 - i. One from Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, or Worcester County;
 - ii. One from Baltimore City or Baltimore, Carroll, Harford, Howard, or Montgomery County;
 - iii. One from Anne Arundel, Calvert, Charles, Prince George's, or St. Mary's County; and
 - iv. One from Allegany, Frederick, Garrett, or Washington County

Members serve two-year terms. At the end of a term, a member appointed by the Governor continues to serve until a successor is appointed and qualifies. A member appointed to fill out the term of another member serves only for the rest of the term and until a successor is appointed and qualifies.

Curent Commission Membership

| Slot | Appointee | Term Begin | Term End | Appointed |
|--|----------------------|------------|-----------|-----------|
| Maryland Department of the Environment (MDE) | Robert A. Peoples | 7/1/2018 | 6/30/2020 | 11/7/2018 |
| Department of Naural Resorces (DNR) | Heather A. Quinn | 7/1/2018 | 6/30/2020 | 8/6/2018 |
| Public—Chair | Hahns S. Hairston | 7/1/2018 | 6/30/2020 | 11/7/2018 |
| Well Driller—Eastern MD | Michael T. Hall | 7/1/2018 | 6/30/2020 | 7/1/2018 |
| Well Driller—Western MD | David M. Kelly | 7/1/2018 | 6/30/2020 | 8/6/2018 |
| Well Driller—Southern MD | David B. Hartman | 7/1/2018 | 6/30/2020 | 8/6/2018 |
| Well Driller—Western MD | Larry Dale Brenneman | 7/1/2018 | 6/30/2020 | 8/6/2018 |

Contact Information

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