



Senate Bill 113

Environmental Health Specialists and On-Site Sewage Disposal Systems – Transfer of Responsibilities and Standards, Regulations, Applications, and Plans

MACo Position: **OPPOSE**

To: Education, Health, & Environmental
Affairs Committee

Date: February 2, 2022

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** SB 113. As drafted, this bill would impose inadvisable changes to the septic approval process - including unreasonable deadlines on environmental health staff to complete septic applications - which may result in the unintended consequences of potential risk to public health and safety.

Through contact with the bill sponsor, counties remain open to a productive outcome requiring bill amendments and/or state resources to offset these concerns.

Counties recognize that timely processing of approvals is crucial for local commercial and residential activity in affected areas. This need for expedience must also be weighed with due considerations for safety and public health. Counties agree with the intent of SB 113 to seek a faster approval window for septic systems in an effort not to hamper economic development. While counties recognize unwarranted delays in any process is a serious concern, the current proposal to address septic approvals is flawed.

As such, MACo and local environmental health professionals have dedicated considerable time to discussing alternative solutions to address septic approval delays with both the bill sponsor and her staff. The sponsor and these county actors agree the septic review process is nuanced, particularly when balancing local regulations and actors outside of local Environmental Health Departments. Each case is individualized depending on scope, size, location, etc. Often, delays in the approval process are a result of poor design quality, delays in getting information to the local departments, lack of communication between landowners and developers, and/or poor communication or delays from the Maryland Department of Environment.

In recognizing the complexity of this issue, and these local concerns, MACo understands the bill sponsor may be prepared to introduce several productive sponsor amendments. These amendments include: removing language transferring the Board of Environmental Health Specialists from Maryland Department of Health to MDE; removing language requiring septic application approvals within two months of submission; adding language requiring any MDE-developed database for local health departments to be single data entry; and finally, requiring an appropriation of \$5,000,000 beginning in the next fiscal year to address critical staffing shortages and retention issues around environmental health employees within the Maryland Department of Health budget.

Counties praise and thank the Senator for her foresight in taking up this issue and her openness to evaluating alternative solutions. While MACo would urge an **UNFAVORABLE** report on SB 113 as introduced, the anticipated sponsor amendments would pose a more collaborative approach to these concerns and eliminate this opposition. Counties look forward to working with the Committee should it support this realigned approach.