



## House Bill 719

### *On-Site Sewage Disposal Systems – Best Available Technology for Nitrogen Removal - Requirement*

MACo Position: **OPPOSE**

Date: February 23, 2018

To: Environment and Transportation Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 719. The bill would require a property owner to install a septic system that uses best available technology for nitrogen removal (BAT) or replace an existing septic system with a BAT system if: (1) the system is within 1,000 feet of a “blue-line stream” that is located in the watershed of a nitrogen-impaired body of water. “Blue-line stream” means a stream that appears as a broken or solid blue line or purple line on a U.S. Geological Survey topographic map.

The bill’s mandate is overbroad and would require the use of BAT septic systems in significant areas of the state as it applies to any constant or intermittent stream throughout the Chesapeake Bay watershed (which is a nitrogen-impaired body of water). Last year the General Assembly considered, and ultimately rejected, a similar expansive approach that would have required BAT everywhere (HB 281/SB 266 of 2017).

Part of the General Assembly’s rationale for rejecting such an expansive approach is that while BAT septic systems can reduce nitrogen emissions over conventional septic systems, the reduction is contingent on the local hydrologic and geologic conditions where the BAT system is being installed. The requirement will result in a modest nitrogen reduction at best that is neither efficient nor cost-effective based on the costs required to install and maintain BAT systems.

As the bill’s fiscal note states, the determination of whether a septic system falls within 1,000 feet of a blue-line stream falls on the counties, creating additional costs and implementation challenges. Counties already have the authority to require BAT septic systems on a specific site or region based on local water quality conditions. Counties should have the flexibility to address their septic load target in the most efficient and cost-effective method for them. HB 719 would needlessly increase county costs and workload for a minimal return.

Requiring the use of BAT septic systems throughout such a significant area of the state is not science-based or cost-effective, will increase county costs and workload, and will not result in a significant amount of nitrogen load reduction that cannot be better addressed through other methods. Accordingly, MACo requests the Committee give HB 719 an **UNFAVORABLE** recommendation.