



## Senate Bill 266

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

MACo Position: **OPPOSE**

To: Education, Health, and Environmental  
Affairs Committee

Date: January 31, 2017

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** SB 266. The bill would require the use of best available nitrogen reduction technology (BAT) septic systems in the watersheds of the Chesapeake Bay, Atlantic Coastal Bay, and impaired local waterways. This broad-based BAT septic system mandate is not: (1) supported by science; (2) cost-effective; and (3) necessarily the best method to address local water quality and the small amount of nitrogen that BAT systems would allegedly reduce.

BAT septic systems can reduce nitrogen emissions over conventional septic systems, but that reduction is contingent on the local hydrologic and geologic conditions where the BAT system is being installed. There is no comprehensive scientific study that shows BAT systems will reduce nitrogen in every location in Maryland. Both the United States Environmental Protection Agency (EPA) and the United States Geological Survey have questioned the need to require BAT systems everywhere.

According to the Maryland Department of the Environment, the removal of the BAT septic system requirement beyond the Chesapeake Bay and Atlantic Coastal Bays Critical Areas will result in only a modest increase in nitrogen from these systems, in the context of the overall Chesapeake Bay Total Maximum Daily Load (TMDL). Additionally, septic systems account for only 6% of the total nitrogen load for the entire Bay watershed and only 8% for Maryland specifically. The nitrogen reduction that will be generated based on the costs required to install (and maintain) BAT systems is neither efficient nor cost-effective.

However, this does not mean that the nitrogen load goes away or can be ignored. Counties must still address both Bay and local water quality issues through their own Watershed Improvement Plans, but should have the flexibility to address those loads in the most appropriate and cost-effective manner. MACo has consistently argued for local flexibility since its first comments to EPA on the proposed Bay TMDL.

Requiring the use of BAT septic systems throughout Maryland is not science-based or cost-effective, 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 SB 266 an **UNFAVORABLE** recommendation.