

BAY RESTORATION FUND ADVISORY COMMITTEE
ONSITE SEWAGE DISPOSAL (OSDS) SUBCOMMITTEE
REPORT TO FULL COMMITTEE

The OSDS Subcommittee met on October 20, 2004. The meeting basically addressed the following four categories of issues:

- Models for identifying users of OSDS not receiving a water and sewer bill.
- What kinds of data are available to the counties?
- Billing.
- Interpretation of Statute.

The following sections summarize the meetings discussion

Models for Users of OSDS Not Receiving a Water and Sewer Bill

1. Possible Washington County Model
 - a. Using Maryland Department of Assessment and Taxation (DAT) data identify all generators of sewage, i.e. improved properties.
 - b. All water and sewer billing authorities delegate billing to the County.
 - i. The legislation does not specifically give Counties authority to bill users that receive a water or sewer bill.
 - ii. The law may need to be amended to allow the billing authorities to delegate billing to the County.
 - c. Bill all users once per year.
 - d. Estimate the number of billed EDUs with a public system and remit funds to the comptroller based on the percent of public verse private systems.
 - e. Develop appeal and exemption process.
2. Possible Anne Arundel County Model
 - a. Using DAT data identify all generators of sewage, i.e. improved properties
 - b. Collect billing address data from all billing authorities for all properties receiving water or sewer bills.
 - c. The County would bill the remaining improved properties.
 - d. Develop appeal and exemption process.

3. Maryland Department of Planning (MDP) Straw Man Model
 - a. Using DAT data identify all generators of sewage, i.e. improved properties.
 - b. Using MDP digitized sewer service area maps, create data layer of properties in the service areas.
 - c. Back-out properties in sewer service areas from the improved property layer to create layer of OSDS users.
 - d. The County would bill all OSDS users (this may only be 80 to 90 percent accurate).
 - e. Develop appeal and exemption process.

4. Environmental Health Method
 - a. It was suggested that some County Environmental Health Programs have GPSed or geo-coded all their OSDS.
 - b. This database would then be provided to the County for billing purposes.
 - c. Develop appeal and exemption process.
 - d. Follow-up discussion at the County Environmental Health Directors monthly meeting on October 21 indicated it is unlikely that any County has GPS coordinates for all OSDS.

Available Databases

1. DAT Real Property Database.
 - a. May be used to develop improved property or “user” data layer.
 - b. Fields are available to indicate public or private sewage, however these fields are not used. DAT suggested that it would not be appropriate or practical for them to collect public verse private data.
 - c. MDP has met with DAT to refine methodologies for identifying improved properties.
2. County Master Water and Sewer Plans
 - a. MDP has digitized all County Master Sewer plans.
 - b. MDP data is excellent on a scale for planning purposes but may be only 80 to 90 percent accurate.
3. Water and Sewer Billing Authority Mailing Lists
 - a. Need to identify all water and sewer billing authorities.
4. Environmental Health OSDS Databases

Billing/Interpretation of Statute

1. Clarification is needed as to who is subject to what fees.
 - a. The only exclusion from fees is schools, local jurisdictions and community colleges.
 - b. Each user of an OSDS is accessed a fee of \$30 per year.
 - i. Are multiple trailers, stores or residences discharging to one OSDS each considered a user and accessed a fee of \$30 per year? It will be difficult to identify and bill all dischargers to some OSDS.

- ii. Are all users assessed the same \$30 per year fee, for example a restaurant with an average daily flow of 5,000 gallons per day.
 - c. Any one with a state groundwater discharge permit or NPDES surface water discharge permit is considered a WWTP under the BRF. These permit holders are further categorized as either sewerage treatment dischargers or industrial dischargers.
2. The BRF OSDS fee may be sent with a tax bill
3. When can and when must a County begin to bill and collect fees?
4. Can a County send a bill with the July 1, 2005 tax bill prorated for the period of October 1, 2005 though June 30, 2006?
 - a. The process being used by the BRF (wwtp) fee is to collect the fee with a billing period after 1/1/05, and prorate. For example, Baltimore County will send out the BRF (wwtp) fee bill in July 2005 (after the statutory date of 1/1/05) along with the property tax bill but collect \$45 on the first bill for the period 1/1/05 – 6/30/06. Under similar logic, the County would collect the BRF (septic) fee with their 7/1/06 bill, which would cover the period 10/1/05 – 6/30/07 (1.75 years) for a total of \$52.50.
5. Can exemptions be made on the basis of hardship to a renter or tenant rather than an owner?
 - a. If the renter is on well and septic and does not currently pay for any w/s charges, the bill should go to the owner. If the owner then includes this fee in the rent, the tenant should be given an opportunity to seek an exemption if financial hardship criteria are met.
6. Is a tenant considered a user or must it be always the owner?
 - a. If the renter is on well and septic and does not currently pay for any w/s charges, the owner is the user for purposes of getting the bill. This is how the BRF (wwtp) fee is being applied to apartment owners where the individual renter does not receive an individual w/s bill.

In addition to the above, the following items were discussed:

- It was suggested that Harford County be used as model for comparing methods of identifying OSDS users. MDP has completed a draft analysis mapping OSDS users in Harford County
- The letter to Chief County officials and County Executives was mailed out on October 27.
- It is important to recognize that no billing system will be 100 percent accurate and will need to be refined.
- Data bases must be created that can be regularly updated.
- The Advisory Committee is actually charged with “IN CONSULTATION WITH THE GOVERNING BODY OF EACH COUNTY: 1. IDENTIFY USERS OF ONSITE SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS”
Not just to advise the Counties.

BRF – OSDS SUBCOMMITTEE MEETING PARTICIPANTS

10/20/04

Jay Prager - MDE
Charles Zeleski – Carroll Co. Health
Wayne Skinner – SDAT
Laura Foussekis – SDAT
Michael Sanderson – MACO
Frank Wise – PG Co. Health
Charles Smyser – Cecil Co. Health
Bob Weber – Howard Co. Health
Diane Bloom – Montgomery Co.
Mike Coveyou – Montgomery Co.
Tay Harris – MDP
Kevin Boone – MD DNR
Tanesha Johnson-Bey – MDE
Michael Ensor – Carroll Co. Gov't.
Joseph Urban – Dir. Of Finance, City of Westminster
Kevin Dayoff – Mayor of Westminster
Susan Kelly – Harford Co. Health
John Scotten – Harford Co. Dept. of the Treasury
Ray Clarke – Talbot Co. DPW
Candace Donoho – MD Municipal League
Councilwoman Roni Chenowith – MACO Rep – Harford Co. Council
Greg Murray – Washington Co. Dept. of Water Quality
Julie Pippel – Washington Co. Dept. of Water Quality
Richard Hall - MDP