

An Affiliate of  
the Maryland Association  
of Counties, Inc.



Reply to:

Robert M. Summers, Ph.D.  
Secretary, Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

July 31, 2012

Re: COMAR 26.04.02.01-.12

Dear Secretary Summers,

The Maryland Conference of the Local Environmental Health Directors (Conference) would like to submit comments regarding the proposed changes to the Code of Maryland Regulations (COMAR) 26.04.02. As you are aware, the delegation agreements between the individual counties and your Department have tasked us with oversight relating to the design review and approval, installation, and operation of on-site sewage disposal systems (OSDS) within our respective jurisdictions.

Our Conference would like to acknowledge our support of the Department to reduce nitrogen footprints from OSDS discharges. The intent of the regulations is a positive step toward reducing pollutants to the Chesapeake Bay and its tributaries. We have also supported the changes to the shared facility definitions included in Senate Bill 236, and the operation and maintenance provisions for BATs included in the proposed regulations. We have done so constructively, providing conference survey information and data on actual lot creation and permit numbers at the local level, along with implementation suggestions to our MDE liaisons. We have done so in supporting the work of the task force, and carried on these communications during the 2012 legislative session and beyond in reviewing these proposed regulations.

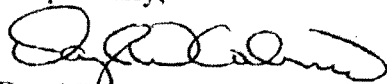
However, as the delegated authorities, our Conference feels we were excluded from the review and discussion process prior to the publication of regulations in the Maryland Register. Our members have reservations on several aspects of the proposed regulations which were outlined in our testimony to the Joint Committee on Administrative, Executive, and Legislative Review (attached). Based on these reservations, our Conference unanimously supports this request to suspend instituting the regulations until such time as the Department and representatives of

our Conference meet to discuss and address our concerns. We feel that by re-crafting certain aspects of the proposed regulations we will be able to enhance the regulations in a manner that is practical to implement and not diminish the overall efforts to improve the Bay's water quality.

Our Conference members represent the frontline efforts of improving water quality in the State and we ask in that capacity to be given the opportunity to work with your staff to address our concerns and put forth a set of regulations that will highlight this common effort.

We appreciate your consideration to withdraw the draft regulations and work with our membership to address our stated concerns. If there is any additional information we can provide, please contact me at 301-475-4335.

Respectfully,



Daryl W. Calvano R.S., B.S.  
President, Maryland Conference of Local Environmental Health Directors

Cc: Ulder Tilman MD, MPH, President Maryland Association of County Health Officers  
Jay Prager, Maryland Department of the Environment  
Les Knapp, Jr., Associate Director, Maryland Association of Counties