Testimony of the Advocates for Herring Bay

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Regarding House Bill 581

An act proposed for the purpose of authorizing certain fee revenue collected for the Bay Restoration Fund to be used to award grants to local governments for the cost of connecting certain existing communities to sewerage systems under certain circumstances and generally relating to the Bay Restoration Fund.

House Bill 581 would authorize a new use of the Bay Restoration Fund (BRF) by allowing localities to use those funds to connect existing communities in the Critical Area with failed septic systems to sewers. The Advocates for Herring Bay (AHB), a group of citizens from southern Anne Arundel County, believes that enacting legislation promoting sewers in the Critical Area is premature for several reasons.

First, such proposals do not account for the ecological costs of building sewer networks in the Critical Area. Sewer access would inevitably spur new residential and commercial development, triggering a loss of wetlands and forests that naturally filter nutrients as well as support biotic diversity. Much of the land in the Herring Bay watershed has been identified by the state as green infrastructure "hubs and corridors" and habitat for forest interior dwelling species. Impairing those natural assets could result in a net increase in the nutrient loads from the Critical Area, especially after accounting for the higher population densities that would accompany sewer expansion. We should not subsidize new sewer systems in the Critical Area until we have accurate and holistic assessments of the environmental impacts and trade-offs resulting from a strategy aimed at one or two pollutants.

Second, the scale of investment needed for public sewer dwarfs the cost of other methods of repairing failed septic systems. According to a 2005 report by MDE, an estimated 3 percent of the households in shoreline communities have failing septic systems.[1] Using that failure rate, H.B. 581 would allow Anne Arundel County to devote all of its BRF resources to address the problems associated with about 400 of the estimated 13,200[2] residential septic systems in our county's Critical Area. Those failed systems could be replaced under BRF's existing on-site treatment program for less than $8 million[3].

[1] Maryland Department of the Environment (MDE), "Total Maximum Daily Loads of Fecal Coliform for Restricted Shellfish Harvesting Areas in Tracy and Rockhold Creeks of the Other West Chesapeake Bay Drainages Basin in Anne Arundel County, Maryland," August 2005, page C-4.

[2] MDE, http://www.mde.state.md.us/water/cbwrf/osds/annearundel_brf.asp

[3] The BRF provided $9 million in 2007 for localities to upgrade about 700 septic systems, or an average of $12,800 per unit, including administrative costs. Unit costs varied by county, with a high of $20,000 per unit in Anne Arundel.

Sewers would be a far more costly solution because they cannot be targeted to replace only failing septic systems. Due to their high capital costs—up to 90 percent of which is for the pipes transporting wastes from homes to a centralized treatment plant—sewers are economically viable only if all of the homes in an area are connected. Connecting 13,200 households to address the 400 failing systems scattered throughout the Critical Area in our county could cost $550 million to $670 million, if recent estimates for sewer conversions in Deale and Edgewater are any guide.[4] AHB questions whether such investments can be justified when residential septic systems statewide account for only 4 percent of the nitrogen released into the Bay each year.[5]

Third, under current law, most of the cost of sewer connections would be borne by the families living in the Critical Area, not taxpayers at large. Thus, implementing this bill could compel all of the households in a designated community to pay thousands of dollars in capital facilities charges, user connection fees, and front-foot assessments even with the benefit of any financial relief this bill could provide. This also could occur without community support for sewer access and without regard to the effectiveness of their septic systems or the thousands of dollars they may have already spent on county-approved septic upgrades, many of which remove nitrogen. Redirecting a portion of the BRF grant funding from septic upgrades to sewers would barely make a dent in the overall cost of sewer conversion. AHB questions whether it is appropriate or equitable to pursue high-cost strategies that rely heavily on citizen financing.

Finally, converting septic systems to sewer would foreclose the development of effective alternatives that may be better suited to the Critical Area. Public sewers are neither perfect nor permanent solutions. Sewers experience accidental releases, leakage from pipes, and an ongoing need for large capital investments to manage contaminants. Once sewers are built, a community would have no other options. That could be a mistake. We urge the state to be more proactive in promoting on-site treatment solutions, which promise to reduce nutrient levels and engage citizens in the management of our water resources. Implementation of the on-site grant program has been slowed by a lack of public knowledge about the grants, and, to our mind, concern about ambiguous contract terms regarding future sewer projects and inconsistencies in the way regulations are enforced. We need to resolve these issues and give citizens time to respond.

The Advocates for Herring Bay strongly support measures that will restore the ecological health of the Bay in a cost-effective and equitable manner. We believe that H.B. 581 falls short of those goals and recommend that the committee not approve the measure.

[4] See Erin Cox, "40 years and still no sewers in Edgewater Beach," *The Capital*, December 23, 2007, noting costs of $42,000 per household, or $1,650 per year for 30 years; and Anne Arundel County's capital budget estimate of $4.9 million for connecting 96 users in Deale to sewer.

[5] Chesapeake Bay Program, http://www.chesapeakebay.net/status_nitrogensources.aspx?menuitem=19797.