

**Open Work Session**  
**Environmental Health – Operations and Program Successes**  
**June 15, 2021**

Ms. Lori Brewster, Health Officer, and Mr. Donato Williams, Acting Director of Environmental Health, came before Council. Ms. Brewster said she will turn it over to Mr. Williams, who came to Wicomico about a year and a half ago retired from Calvert County, and has been working in a contractual role since then. She said he was Director of Environmental Health in Calvert County, as well as higher level positions in the Calvert County Health Department, and Wicomico is very fortunate to have him.

Mr. Williams said he did not know exactly what the Council wanted to talk about except failing septic systems, but he thought it might be good to start out with their Division of Environmental Health and how it is set up. He said they are actually composed of two programs; the Environmental Protection Program, which is where their land activities occur, has one supervisor and two environmental health specialists, and he is happy to announce they just got a trainee a few weeks ago who is a graduate of Salisbury University. He said they also have their Community Protection Program, which is the other side of their shop, and has one supervisor and three environmental health specialists who take care of food facilities, pools, mobile home parks, campgrounds, beaches, and the rabies prevention control program. He said they actually are responsible for 582 restaurant facilities in the County that have to be inspected at least twice a year. He said they have 55 pools, 21 mobile home parks, 31 campgrounds, three beaches, and they have animal bites every day. He said, in fact, they are on-call 24/7, 365, so they stand on-call for rabies prevention and other environmental problems, and they also do nuisance investigations on that side of the shop. He said on their Environmental Protection Program side they handle septic systems, new construction, repairs, wells, new agricultural and replacement wells. He reported, in 2020 they received 419 permit applications and issued 371. He said from January 2021 until now, they received 290 applications and they have issued 151, so they are trying to put the work out the best they can, but they are severely limited, of course, by staffing. He said they also had a tremendous setback with the pandemic and all the things that went with that. He said he looked at some numbers this morning and they are averaging about four to five weeks before they can actually touch the permit to begin the process, and, depending on the type of permit they are dealing with, it takes time.

Mr. Williams said he took a lot of notes during the Public Comments earlier in the meeting, and he is embarrassed that he does not know Timberlake, but he will know it by this afternoon. He explained, some permits will take a long time for various reasons, particularly on older, smaller lots.

Mr. Williams said, not being from here, he had to get a really quick education on flat ground. He said it is fairly flat here, and a lot of clay soil and a lot of sand. He said, in areas where they have a lot of smaller lots there seems to be more impervious soils they have to work with, and sand mounds are not unusual replacements. He said he will be the first to say they take up a lot of space and cost more money, but it is the alternative they have available. He said they have 12 different types of systems they can work with in the field of sand mounds. He said some of them require BAT, and some do not. He clarified, BAT is not a make of a system, BAT is a term they use for best available technology, and best available technology is a process where they can reduce nitrogen in the effluent that goes into whatever they are putting it into. He said they have three different types of BAT systems they use in addition to the other sand mound type systems. He said he is going to be honest that they have some they have been working with for three months to try to get in, and the reason these can sometimes take time to get into the ground is

because they work outside the normal regulations of COMAR 2604, and they have to get special permission from MDE to be able to do that. He clarified, the County does a review, MDE does a review, and then they are able to get these in, but that is only after the engineers have designed the system. He said some of them are extremely high-tech and they have a lot of computer control devices in them, so it is not like the old days. He said he started doing septic systems in 1974, and back then they used to dig a hole and put some rock and a pipe in, so things have changed. He said they now have computer controlled dosing and alternating systems, so it has really developed, and this is why sometimes they can be held up, but they process the ones that are simpler faster.

Mr. Williams said he is only at his desk a few hours a day because he is in the field and runs backhoe tests as that is what he likes to do and needs to do to help out. He explained, backhoe tests are usually deeper systems where they try to go down to 10 feet and look for sand so they can backfill with gravel. He said there is a lot to it and it is complicated, but they are moving as quickly as they can.

Mr. Williams said he is happy to report that they actually have recruitment going on right now for two environmental health aides who will actually assist the sanitarians and provide some relief with what they are doing, and that will help tremendously. He said it only requires a high school diploma and comes with full State benefits. He said they are also recruiting for another environmental trainee, and the minimum time for an environmental trainee to be licensed is one year, or two years if they cannot meet the requirements of the licensing, and then there is testing that has to be completed for licensing. He said it is quite involved, and it is not easy to get a license to practice environmental health in Maryland, but he is happy to report they are recruiting three positions right now. He said the last recruit they were able to hire took a year and three months to recruit and hire that position, so that tells Council where they are. He said they will do the best they can, but that is where they are with it.

Mr. Davis said maybe he is missing something, but the Secretary was here a couple of months back and said the ultimate decision is left with the Department locally, but Mr. Williams is saying these systems have to be approved by MDE before they can go in the ground. Mr. Williams responded, INA, which stands for innovative and alternative technology, means systems that are not exactly within the regulations, have to be approved by MDE, so that is correct. Mr. Davis asked if what Ms. Insley is proposing has to go back to MDE to be approved, to which Mr. Williams responded, he assumes that is under MDE review. Mr. Davis asked if it takes six months, to which Mr. Williams responded, it can take up to six months. Mr. Davis said they have had contractors say they can go to neighboring Counties and get them approved in no time, so why is Wicomico such a hard place to get septic systems approved, to which Mr. Williams responded, he can only share that he is now in the network of Environmental Health Directors for the State of Maryland and the delay times for MDE reviews comes up at every meeting. He said they are just busy and they have a lot going on. Mr. Davis said, so they put Wicomico on the backburner, to which Mr. Williams responded, they are not now because he has been bugging the living daylight out of them. Mr. Davis said contractors have said they have no problem getting systems approved in Somerset or Worcester, but it is always Wicomico that they have a lot of problems with.

Ms. Brewster said she would like to speak to this as well. She said, if Council recalls, MDE did an audit in 2018 of work that had been done in 2016 under their previous Administration. She said, during that time they found significant issues with the way the work was done, so they were in Wicomico for over a year working with staff and reviewing every piece of work that occurred in Wicomico County, so they are under a little more scrutiny by MDE related to the work that had been done previously.

Mr. Williams said they go over every permit application with a fine tooth comb, they make sure all the I's are dotted and the T's are crossed. He clarified, he is saying they are doing it by the book.

Mr. McCain thanked Mr. Williams for attending the meeting and said they understand the overrun of the Department sometimes, especially in an active real estate market like they have right now, so they know it is very challenging when they combine that with the whole issue of replacement systems. He said Mr. Williams kind of hit the nail on the head earlier, and this is something he shared with Secretary Grumbles when he was here, but they talked about soil compositions being primarily clay, which perks, but it perks slower and takes longer. He said he has run into numerous occasions where septic providers say they can put in a system that will work perfectly fine, but the parameters they have to do it within do not work, and he hears that time and time again. He said maybe they need to get Secretary Grumbles back here because his big thing is that changes have to be made with more flexibility in the science of it. He said so many times they come back with a mound system, and he has experienced personally where they are right on the verge of needing a mound or not needing a mound, and it all depends on just what day it is and they are checking the flow rates, so they need more flexibility and more alternatives. He said the septic people say that it exists, but it has to fit in the box. He said he thinks they should bring Secretary Grumbles back because he does not see that anything has changed. He clarified, he knows Mr. Williams is working hard to make changes within the office to keep up, but the science needs to change. He said Mr. Williams mentioned mound systems becoming so prevalent, but they take up a lot of space and are the only alternative that works and are costly, but, from a real estate perspective, that is the last thing someone wants stuck in their front yard. He said it might cost \$30,000, but the property value does not change, so it is a problem. He said most of the development in the County was in the 1980s and 1990s, so over the next four to five years they are going to have entire subdivisions where he can guarantee every one of those drain fields will fail. He said that is just a fact, but they have entire subdivisions that one by one are getting replaced with mound systems, and it is a problem.

Mr. Williams said he agrees with Mr. McCain that it is a problem. He said, as a last resort they will also put in holding tanks, and no one wants to talk about holding tanks, but they are doing more and more holding tanks. He said since January of this year they have done five holding tank agreements, which are used when every option has been exhausted – they have dug every piece of dirt and measured everything they can. He said sometimes they move wells on properties in order to get separations. He said, when all else fails, they will actually have to go to the holding tank system, and that is their worst alternative. He clarified, he spent 17 years as a utilities director and ran water and sewer systems.

Mr. Cannon thanked Mr. Williams for being here. He said Council looks forward to seeing the work Mr. Williams will be doing and they are fully aware of the State coming in and interceding and, in his opinion, causing a lot of complications, and this is part of what the Council shared with Secretary Grumbles. He said they talked with Secretary Grumbles and also met with the Assistant Secretary, and his impression from speaking with both of them is that they very much want to see Wicomico County getting out of this quandary, and they want to see and almost encourage more local autonomy as far as addressing their own issues. He said, regardless of soils or the State interference or anything to that effect, he has witnessed and he knows other Councilmembers have witnessed for the most part 15 years of inconsistencies. He said this was literally an issue when several of the Councilmembers first got into Office in 2006. He clarified, there were some variables with some years better than others, but he would say right now they have fallen right back to where they probably were in 2006, and a lot of that is a matter of inefficiencies, whether it is turnaround time, whether it is staffing shortages, or whether it is

returning calls. He said the public in general really has the impression that the Environmental Health Department just simply has trouble coming to conclusions as to how to resolve the issues. He said the delays might not necessarily be because of lack of staff as it is staff being completely unsure of what the solution is, so that is part of what they are looking for to put this to rest. He said Wicomico County, for the most part he would guess, is probably the one County that is very unique in having this terrible problem. He said he does not hear about this in Dorchester or Worcester, and they know it is not happening in Sussex as they have a completely set of different dynamics, but he feels Wicomico County out of all the Counties in the State of Maryland probably has a really serious issue here. He said he has said many times before that he has developer friends who literally refuse to build in Wicomico County. He clarified, they have done it before, but say they are not going to do it anymore. He said they will go to Worcester and to Sussex, and they certainly do not want to see that, so his request to Mr. Williams is what they can do to make sure they have greater oversight locally and how they can get that in control.

Mr. Williams said he can only share that, since he has been in this position, unless regulations prevent them, they will make decisions, so they try to be as consistent as possible. He said, as he said, every application is being scrutinized closely, so they are doing everything the same way. He said they took the website and changed a lot of things, and they have frequently asked questions on there now and he is trying to develop a water table graph that allows the public to go in and see almost in real time where the water data is and how it is rising and falling because that affects some of the septic systems they work with. He said, if there is anything else Council thinks they should put out there, please let him know. He said, if there is anything they can do to improve communication or relationships, he is all about that. He said they are in this together, to which Mr. Cannon responded, he agrees.

Mr. Cannon said he knows the Health Department is unusual and everyone thinks it is Wicomico employees because it is the Wicomico Health Department. He then asked how many administrative staff from the State there are currently working within the Wicomico Health Department, and how much is the State of Maryland overseeing what Wicomico is doing that could possibly be reasons for delays, to which Ms. Brewster responded, if it is an innovative and alternative system, the State has to be involved, which can delay the process, as Mr. Williams said. She said the State also is in the Department reviewing work every couple of weeks, but that is consistent with what is occurring in other jurisdictions. She said they have regional people who go into the Health Departments if the Environmental Health Division is in the Health Department, which most of them are, and they review the work. She said they are currently also working with MDE to do an audit again of some work from 2016. She explained, she has asked numerous times for them to review the work that was done post-2018, and she has not gotten that yet. She said they are still reviewing work from the last audit. She said she wanted them to review work that was done after the State was involved so they could bring that to Council to show them whether or not there have been improvements in the work they are doing, but she has not received that yet. She clarified, she was told it would be coming, but they were working on this other audit first.

Mr. Holloway said he understands it has been a breath of fresh air since Mr. Williams arrived in the office and there are a lot more things getting done. He clarified, this is no disrespect to Ms. Brewster, but in the past there have been some issues, and Ms. Brewster oversees the entire Department, but a lot of it she has not known about or seen, but some of it she has heard about from the Council. He then asked, in reference to what Mr. McCain said about some of the installers saying they can do something and make it work, do they rely on what some of the installers tell them they can do as far as making it work? He said he has had installers say they told them what will work but they just flat out said no, this

is not the way it is going to be. He said there is a lot of animosity between some of the installers and some of the inspectors when the guys with the boots on the ground actually know what works and what does not work. He then asked if they rely on these guys any and take their advice, and is their staff instructed to pay attention to what they say, to which Mr. Williams responded, yes. He said, when he is on the site, particularly with repairs, there have been times when he has met with contractors on the site, and they have some very good contractors in the County, but sometimes they both scratch their heads wondering what they are going to do and how this is going to work. He said they put together engineering plans and figure out how to make it work. He said, in fact, they are working on one right now where they relied on the contractor heavily to help them design and lay it out, so, yes, they do take their expertise where they can, once again, staying inside the regulations.

Mr. Holloway said, going back to the science of this, he read an article about them separating the gray water to try to alleviate the nitrates going into the systems. He then asked if there is anything in the works as far as that technology being used yet, to which Mr. Williams responded, not that he is aware of in the State of Maryland. He said he knows other States, such as Florida, separate gray waters and use it as irrigation water on golf courses and things like that. He said, in Maryland so far, he knows of no program, but it would be great to entertain that. Mr. Holloway asked why it has not been entertained because it would take so much off of these systems and probably make the systems simpler, so who would they go to about that, to which Mr. Williams responded, apparently the Council has already talked to Secretary Grumbles, so he might be the gentleman to speak with.

Mrs. Acle said Ms. Brewster mentioned the errors found in 2016. She then asked if there was any type of corrective action plan for those inconsistencies that were found? She said, on the Critical Bay Area Commission they hear very similar descriptions of what was shared with Council that are throughout the State. She said, in other Counties she has seen where the resident is approved for a mound system, but if they do not choose to do that, it is up to the individual homeowner to pursue a different avenue, which could take up to a year. She said she does not know if that message is consistent throughout the County or the State, but she has heard it in other Counties.

Mrs. Acle asked if Mr. Williams would be willing to come to more Work Sessions, whether it is twice a year or quarterly, just to keep this communication going so it is not shutdown and they can have a plan to move forward, to which Mr. Williams responded, he would be more than happy to come any time. He said he believes in communication because it is the easiest way to head off a problem. He said, if there is an issue, they should try to figure it out and fix it.

Ms. Brewster said, on the communication component, she thinks it would be helpful to also have the MDE arm present during some Work Sessions so there is accurate communication from both sides so they are not communicating with one and then communicating with the other arm of the Department.

Ms. Brewster said, as far as the 2016 corrective action, yes, there was a corrective action plan and that is why MDE was involved in all the permitting that occurred within the Department, and they did extensive staff training. She said she thinks Mr. Williams was even part of that for a brief period of time, so that corrective action plan did take place, and that is why she wants an audit of the work done after the State left the Department and they were functioning on their own. Mrs. Acle asked if the corrective action plan was made public, to which Ms. Brewster responded, the audit was made public, but she would have to ask MDE if they actually have the corrective action plan documented. She said the audit

was public and listed a series of properties that were of concern the way the work was conducted, and that is why they did extensive training with all of the staff.

Mr. Hastings said he is glad to have Mr. Williams here and he loves his energy, and it is good to have someone in this spot. He said hopefully they can have three more of him. He said, if there is anything the Council can do to help advocate through the State for more funding or anything like that, he would love to have a go ahead to make sure they can add more staffing.

Mr. Hastings said a couple of years ago a couple of organizations put together their Legislative priorities at the State level, and there was a study showing that MDE, MDA, and DNR were all under-funded by 30 percent compared to where they were before. He said they all want small government, but small government does not always give them efficiency. He said, nonetheless, they need people to be a part of this, and then they need transparency. He said they have to be at that adequate level regardless.

Mr. Hastings said it is always hard to hear this, but their system right now for putting trash in the ground is literally digging a hole and sticking it in the landfill. He said septic systems are just as archaic and he thinks that is important to note because, if anyone has a septic system and has a neighbor within an eighth of a mile, most likely they are getting chemicals from prescription medications, etc. He said this is a larger issue, and this is why he is bringing this up. He said, in Wicomico County and across the Shore they need to move away from this technology. He said they will never have a non-polluting septic system, and they will never have a non-failing septic system, it is just a matter of time, so the idea of how they go about that has to change. He said they continue to this day to approve it, which is great and it was helpful when they had people living on farms because that is what they did, but they have entire subdivisions essentially putting chemicals into the ground. He said they do not use ultraviolet light to kill off any chemicals, so he wanted to bring this up because this is a larger conversation they all need to hear because they are being affected by the chemicals of their neighbors. He said here on the Lower Shore it is very different than the rest of the State because, on the Eastern Shore, he could pour water into the ground and it does not pool, it goes straight down. He clarified, he brings all of this up because he thinks it is important, so anything Council can continue to do to advocate for more staffing and to shift the mode, this is something that needs to be a team effort for all of them. He clarified, not just Planning, not just the County Council, they all have to advocate for changing for a better system, otherwise they are going to continue to deal with the same issues 100 years from now.

Mr. Holloway said Ms. Insley mentioned different systems that are available. He then asked if the installers and homeowners are made aware of them from the onset when they know they have a problem, to which Mr. Williams responded, the contractors are aware of the various systems that are out there, but he is not confident that the homeowners are, and they probably are not. He said they have to also take into account that some of the systems will only work as INA systems, so they have to make sure they are matching the right system to the right application. Mr. Holloway asked if it would be helpful to have a brochure, to which Mr. Williams responded, he can certainly do that. He said, in fact, it is in publication right now through MDE, but he can certainly pull that link and put it on their website.

Mr. Cannon said part of the discussion the Council had with the Assistant Secretary involved just how they can get a better message out, whether they created a video they could put on line, such as if it is new development they could click there and it would explain the exact steps necessary and give them an idea of the timeframe they should anticipate. He said brochures could certainly back that up, but it

would be a matter of finding the funding to put all of this together, and he knows Ms. Brewster made some suggestions as well, which are very good.

Mr. Cannon said a lot of contractors have asked what the possibility is of allowing for private inspectors to privatize this one area. He then asked how that would work as far as State law, to which Ms. Brewster responded, their division is done under a Delegation Agreement from MDE, and MDE determines who they give the Delegation Agreement to. She said, if they took the Delegation Agreement from the Health Department, they would be the people doing the work in Wicomico County until they make a decision as to who they would be willing to give the Delegation Agreement to, if anyone. She said she has discussed that with them and they said right now they are not thinking they would give the Delegation Agreement to anyone, but that would have to be a discussion for the Council, as well as Mr. Williams, herself and MDE to have with the Secretary and Assistant Secretary.

Ms. Brewster said she would like to talk about Mr. Hastings' comments about the funding for this work. She said MDE gives the County \$0 to pay for the work that is done in Environmental Health. She clarified, the County funds 100 percent of their Environmental Health Division in the Health Department, so she thinks there is that piece of knowledge that is beneficial. She said they are considerably low in their salaries in Environmental Health, which makes it extremely difficult to attract individuals to work in the Department. She said the Health Officers as well as the Environmental Health Directors have asked for an annual salary review so they could possibly get an increase in the salary for these positions, and she thinks it could be very helpful if perhaps the Council could have a letter from the Council to help them get an annual salary review so they can attract additional people. She said people can go into the private sector and make a whole lot more money doing the exact same work.

Mr. Cannon said that is a good point and that is the first time he heard exactly what role Council plays because it is hard to find that from the budget. He said, based on the discussions Council has had over the years, he thinks they would be more than willing to try to see where they could make that work.

Mr. Cannon asked if the Delegation Agreement is coming up for review right now, to which Ms. Brewster responded, the Delegation Agreement she has right now is from 1985 she believes, and they have been reviewing it since she has been the Health Officer in 2007. She said she has asked for many years for an updated Delegation Agreement, as the other Health Officers have too. She said the other part of their Environmental Health Program, Community Health, is under a Delegation Agreement with the Maryland Department of Health, and they have an updated Delegation Agreement from them but not from MDE.

Mr. McCain asked if any hybrid versions exist as it sounds like with the Delegation Agreement it has to be one or the other, but do any Counties have a combination of the two, to which Ms. Brewster responded, she does not recall any having a hybrid. She said the only one that is out of the ordinary is Worcester County where the County government operates the Environmental Protection Division of the Environmental Health Program, and that was done many years ago, but she thinks that is the only one.

Mr. Holloway said he knows folks are probably watching this on PAC 14 and may not understand where a lot of this is coming from. He explained, folks are selling their homes and can sell their home as-is, but when they have a lender, that requires a home inspection and a septic inspection. He said he hears from folks that their septic system has been working fine for years but now they are told the septic system will not work and the Health Department comes in and says it may be because there are only two

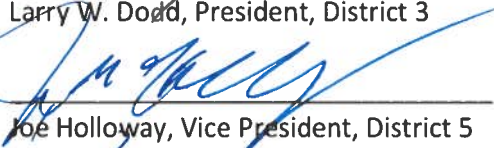
people living there but they may sell it to a family of five. He said it is mainly the lenders that are pushing the issue a lot of times, but not all the time. He clarified, he is not talking about failing systems, he is talking about systems that have to be replaced due to a home sale. He said that is where this is happening and causing a lot of the business because a lot of homes are selling right now.

Mr. Holloway asked if they guarantee the systems they design to work, to which Mr. Williams responded, no, and the reason being is they have no idea how the system is going to function. He clarified, in other words, will there be ten people in the house, will they have a jacuzzi with backwash running into the septic system? He said he went out the other day for a repair and the folks had actually taken their downspouts and rerouted them into the septic tank, which is not a good idea. Mr. Holloway said, if the system is designed to do something, unless people do things like that, he would find it a little hard to take if he spent \$30,000 on a system that the Health Department required him to have and then if he uses the system the way it was supposed to be used but it did not work, and that seems to be a problem, and that has been a problem in the past. Ms. Brewster clarified, that is why they are reviewing these with a fine tooth comb so they do not have premature failures that they have had in the past.

There was no further discussion.



Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



William R. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2

Josh Hastings, District 4



Laura Hurley, Council Administrator