

Open Work Session

Letter of Support – Senate Bill 854/House Bill 1126 – Use of Graywater Systems on Former Dredge Sites or in Remote areas with Minimal Public Access

March 1, 2022

Delegate Chris Adams and Mr. John Knorr came before Council. Senator Addie Eckardt, Delegate Carl Anderton, and Delegate Wayne Hartman joined Council via Zoom videoconference.

Senator Eckardt said they presented this Bill last week and she thought Council might want an update on why they are here tonight. She then thanked Council for the opportunity to be here and said they have restored her faith in the process as this has been a very well-done meeting.

Senator Eckardt said they introduced this Bill and they have been trying to resolve this issue as the pandemic created a situation where they really needed a solution to be able to preserve a business on the west side. She said they have been working with a number of the different Departments through the years, and through this past year they finally concluded that there would be an opportunity to introduce Legislation. She said they crafted something and worked it out with the property owner and then went back and upgraded that to what it is now. She said they went to the Education, Health and Environmental Affairs Committee this week and presented Senate Bill 854 - Graywater Systems on Public and Private Buildings.

Senator Eckardt explained, currently there is no law in place that allows for the disposal of graywater systems safely and properly for small seasonal businesses. She said businesses located on a unique site or dredge site are also prohibited from using graywater systems on their property resulting in a number of issues that can establish a clean and successful business. She said this Bill would authorize the use of graywater systems for handwashing through three component sinks by a public or private building that is located in a former dredge site or a remote area with minimal public access and operates on a seasonal basis. She said they tried to craft a piece of Legislation that was extremely narrow that they could put forth before the Committee. She said the tanks would be required to be disposed of in accordance with regulations and guidelines established by the Maryland Department of Health.

Senator Eckardt said they added amendments to define the three-compartment bar sanitation sinks to be used in the system as well. She said proper regulations are essential in order to preserve their natural waterfronts, especially the Chesapeake Bay, from any further pollution or wastewater; however, this needs to be done in a way that does not harm their small businesses as well.

Senator Eckardt said they introduced the Bill, and, as it was discussed, Mr. John Sheckles did a great job testifying with her last week. She said, after much discussion and very much concern for the preservation of their small businesses, particularly during the pandemic, which has aggravated this unique opportunity, the Committee asked if they would go back to the County and ask if this could be a County-specific Bill.

Senator Eckardt thanked Council again for the opportunity to be here tonight and asked for their consideration on this piece of Legislation to move forward being a local Bill.

Delegate Adams said he and Senator Eckardt certainly have been working on this for the past year. He said he knows there have been two meetings – one with the property owner, and one they had with

Legislators, the Department of Health, and the Department of Environment. He said he always sensed that there was a willingness to find a way forward; however, the regulatory environment as the Bill is drafted does not provide for that. He said he thinks Senator Eckardt describing the Bill and its purpose and Legislative intent speaks generally to the narrow nature of the fact that the property has been improved. He clarified, the building is there and it was permitted, and they want this business to remain. He said the property owner, Mr. Knorr, certainly speaks very straightforwardly about the Red Roost, Boonies, and the other restaurants he owns, and how difficult it has been to be in business during the pandemic, and that the Bull Lips location is an attraction and is the difference maker for his business, and he believes him. He explained, he has gone to Bull Lips and hung out as a constituent and friend and then gone to the restaurant and had dinner, and he can tell Council that the reality of being in the restaurant business right now is nearly impossible watching how customers have such demand to show up at a restaurant and restaurants are very limited. He said, what Bull Lips means to Mr. Knorr, and these are his own words as Mr. Knorr has his own way of putting it, is , when somebody comes to his restaurant for all-you-can-eat crabs and has to wait for an hour to an hour and a half, he is giving them a chance to go out to the waterfront. He said, frankly, it looks just like some areas he likes to go to in Florida, and it is a beautiful location. He said Mr. Knorr is doing it currently in a way that is very environmentally responsible with the way he is disposing of graywater. He said, because it is seasonal, the way Mr. Knorr is taking care of the business reflects positively on the fact that this is right on the Wicomico River, and he thinks the Legislature, himself, and Senator Eckardt would agree that these are not normal times. He said, with the facts as they are presented and the fact that they are not asking for something to be built as it is already there, and the fact that the Legislature seems willing to listen as the hearing went well, from what he understands, he will use Senator Eckardt's words, that politics is the exploration of what is possible, and he thinks the Legislature is hearing two Bills saying respectfully that they are trying to help this business owner where and how they can. He said West Wicomico is Roaring Point, the Westside Fire Department, Cedar Hill, and that is his district and that is why he wanted to bring this Bill. He said it is also Boonies and also the Red Roost, which is a historic business that has been around for as long as he can remember, so he thinks this is a good Bill that is here for the right reasons.

Mr. Cannon said he was at a west side forum a couple of weeks ago and one of the first things they asked was what the Council was going to do for economic development down there, and he said there is somebody who is already doing that, and this is a part of that whole process of what they can do to enhance their lifestyle there.

Mr. Hastings said he is glad this is a local Bill as it could have killed it if they were opening up options elsewhere. He said they certainly want to make this happen, so they are doing it the right way when it cannot be done anywhere else in the State. He then suggested that Council's letter might want to be changed to be specific to Wicomico County to spell that out in the first sentence.

Mr. Hastings said the only other thing is that he thinks they need to be clear on nontoxic chemicals for handwashing. He said, if he is getting it right, that is what they are using, and to this day one can still buy many handwashes that still use toxic chemicals, to which Mr. Knorr responded, they are really sensitive to that. He explained, he is the Senior Vice President of Phillips Foods, which is a global food manufacturer, and they are actually very sensitive on handwashing and everything else, so everything they use there is biodegradable.

Mr. Knorr said, to give some background, his family is the largest hospitality employer in Wicomico County, and for year-round hospitality employers on the Shore, they are one of the largest. He said they opened Bull Lips a number of years ago because the Red Roost is a failing business, to be quite frank, due to seafood prices in an all-you-can-eat venue like that and with all the challenges they have with increased insurance as their flood insurance itself is \$32,000 a year. He said their costs have gone through the roof, so they came up with a plan to open a waterfront bar and thought that could drive revenue to save the business. He said the Red Roost has been there since 1974 and they bought it in 1996, and it was a very good business for them for a number of years. He said the restaurant business is very challenging, but when they add in the seafood part of it, especially crabs, it does not work. He said there have been major crab house closures on the Eastern Shore lately, and that is because they are not financially viable, and this makes that business viable.

Mr. Knorr said they had a sunset closure on the holding tanks and they are allowed to use them. He clarified, he was not aware of the sunset as it was done by an employee of theirs during the construction, but it was allowed. He said last year coming out of COVID they had a really rough run as an industry, and the local Health Department would not let them reopen, so they had to escalate it and it actually ended up at Governor Hogan's on a Friday afternoon with Delegate Adams and Senator Eckardt going through on a Monday and Governor Hogan got them opened. He said, unfortunately, they have not been able to work it out, so they are going on a parallel path right now. He said they are going after this Legislation because, quite frankly, he is a parent, and he does not see the need to put another drain field in Wicomico County, and what they are doing is more environmentally sound. He said he has nothing against MDA or MDH, but they protect their regulations and enforce them and a lot of times are not open to trying something new, but what they are doing is much more environmentally sound as they have a water tank for handwashing and everything there is disposable. He said they are open Fridays, Saturdays, and Sundays, and every Monday they have a licensed septic hauler pump out the graywater tank and the two porta potties there because it is a satellite bar to the Red Roost, and put it into a County facility, and they do that every Monday. He said that makes him feel a lot better because he does not want his kids to have to live with this down the road. He said he thinks they need to look at more creative and innovative ways in Maryland to do this, but right now he is concentrating on his business. He said they have worked with the State Delegates to put together this Bill, and MDE sent a letter with the wording, such as system versus portable water tank, but that stuff can be cleaned up. He said the bottom line is they want to have a tank for handwashing, they want to have a tank for the graywater, and they want to have their two porta potties. He said it is a satellite bar to the Red Roost, so if someone does not want to use the porta potty, they have a continual van going back and forth to the Red Roost, but they are doing it right. He said it is not in the current regulations, but that is why they have a Bill. He said he is kind of baffled by the letters he is seeing saying this is not in regulation, which is why they are putting the Bill in.

Delegate Anderton said they have all been working on this for quite awhile now and he wants to give Mr. Knorr credit for his patience as he has been very patient dealing with this, and the fact they were able to get the business open last summer is tremendous. He said there were two Bill tracks they had put in. He explained, they drafted a Bill just pertaining to Wicomico County that they were going to do, and Delegate Adams took the lead as it is in his district and it is in Senator Eckardt's district, so he backed off. He said they wanted to go the State route all the while knowing they would probably have to end up tailoring this back to a Wicomico Bill. He said it is coming to their Committee next week, and they

will take it to a hearing and craft it into a Bill just for this one particular place, and he is very hopeful that they will be able to get this done and they will not have to worry about it anymore and can move on to the next problem on their list. He said it is amazing how everyone is working together on these different things, and it is just great seeing this team come together when there is an issue and everybody works their part to make sure they all come together and get it done. He said it is just going to be another brick in the wall of all the successes they have had together, and he is just hopeful to get it done.

Delegate Hartman said he thinks Delegate Adams and Senator Eckardt are doing a great job and he certainly supports the concept. He said the operator has a great location and he thinks it is a very safe and proven way to continue keeping that business viable. He said he is here to support it 100 percent and hopes that the County Council will do the same.

Mr. Cannon said, from what he understands, for the letter of support the Council is looking to send, the only change they might make is some suggestion that it be a local Bill, and that would not compromise it with any of the Delegates or Senators.

Mr. McCain said they were talking about this yesterday and Mr. Hastings' first question was why it is just a local Bill.

Mr. Knorr said he knows Mr. Hastings takes the environmental front, so if he would like to come down this week, he can walk him through and show him around. He said it is a very simple, closed system, to which Mr. Hastings responded, he is sure it is all good, he just wants to make sure they can get it through. He said, knowing the MDE crowd, they are just going to want to hear it spelled out that it is nontoxic chemicals or something like that because that is the one thing that is going to be brought up. Mr. Knorr responded, they are using biodegradable and all that stuff, and it is all disposable. He said his one concern is still the use of their two outhouses, but recognizing that is a satellite bar.

Mr. Holloway said they have done a good job on this and he thinks this is an answer to a problem. He said he brought up graywater when the Health Department was here about a year ago. He said, if they looked at how graywater is dispensed through septic systems now and they could separate that for some of the homes that they are having problems with in Wicomico County, he thinks they can solve some other problems. Mr. Knorr responded, there are systems that do that, and in the past year he has done way too much research on this. He clarified, he knows much more about septic systems and disposal. He said there are fascinating systems all down the east coast that are allowable, and he brought those forward, but he has been told he is wasting his time and to stick to the book. He said he thinks Mr. Holloway is hitting on something because they need more development in this County and there are systems out there that allow it, but right now he wants to concentrate on his business. Mr. Holloway clarified, that is where they are concentrating, but he just wanted to say that this is not a new issue. He said this is something that could possibly help somebody else, whether it be a business or a homeowner in Wicomico County, so hopefully this will get some attention.

Mr. Cannon said it looks like they have Council consensus for this letter. He said they appreciate everyone being here as he knows it is very difficult with everyone's schedule.

There was no further discussion.

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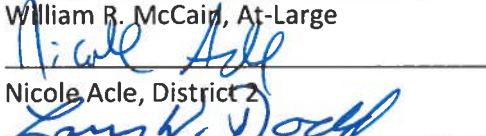
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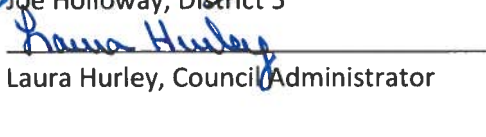
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Josh Hastings, District 4



Joe Holloway, District 5



Laura Hurley, Council Administrator