



**TESTIMONY IN SUPPORT OF HOUSE BILL 1297- INDIVIDUAL SURFACE WATER DISCHARGE
PERMITS- STUDY AND PERMIT DECISIONS
(ZOMBIE PERMIT ELIMINATION ACT)**

To be heard by Chairman Barve and Members of the Environment & Transportation Committee on
March 4, 2020

ShoreRivers and the undersigned organizations respectfully request a **favorable report on House Bill 1297.**

Over 40% of Maryland's permits issued under the Clean Water Act are currently expired or *administratively continued* by the Maryland Department of the Environment (MDE). Permits issued under the Clean Water Act should be reissued every 5 years in compliance with current standards. However, these permit holders may continue to operate on old permits until MDE can process their application. This has resulted in industrial facilities, municipal water treatment plants, and other point-source emitters discharging pollution according to permits that expired up to 20 years ago all because MDE failed to make a decision within the permit review process.

Water quality standards under the Clean Water Act are constantly being updated to reflect increasing scientific understanding and changing environmental conditions, but the primary way those conditions are met are by issuing new permits under the Clean Water Act. When these permits are allowed to continue indefinitely, it undermines the process and the point of having water quality standards in the first place.

Permits issued under the Clean Water Act through National Pollution Discharge Elimination System (NPDES) permits in MD are tools for our state to meet our Watershed Implementation Plan goals. Specifically, Maryland has committed to a 33% reduction of non-significant industrial end-of-pipe nitrogen loads by 2025, using NPDES permits that will include loading targets and schedules for reductions. **Our state needs to prioritize updating the NPDES permit review process if we truly recognize using these permits as tools to meet our clean water goals.**

HB1297 will (1) establish a timely review process for Maryland NPDES permits, (2) identify practices to address current administratively extended permits, and (3) prevent future administratively extended permits in the interim.

Healthy rivers and streams are an integral part of our lives in Maryland. Our ecosystems, outdoor recreation, and economy depend on clean water. We trust that the water we swim and fish in is safe. **MDE's failure to make a decision regarding hundreds of expired permits threatens all of these values.**

For these reasons, we urge a favorable report on HB1297.

Anacostia Riverkeeper
Blue Water Baltimore
Clean Water Action

Maryland Conservation Council
Maryland League of Conservation
Voters
Maryland League of Women Voters

Maryland Sierra Club
Patuxent Riverkeeper
ShoreRivers
Waterkeepers Chesapeake

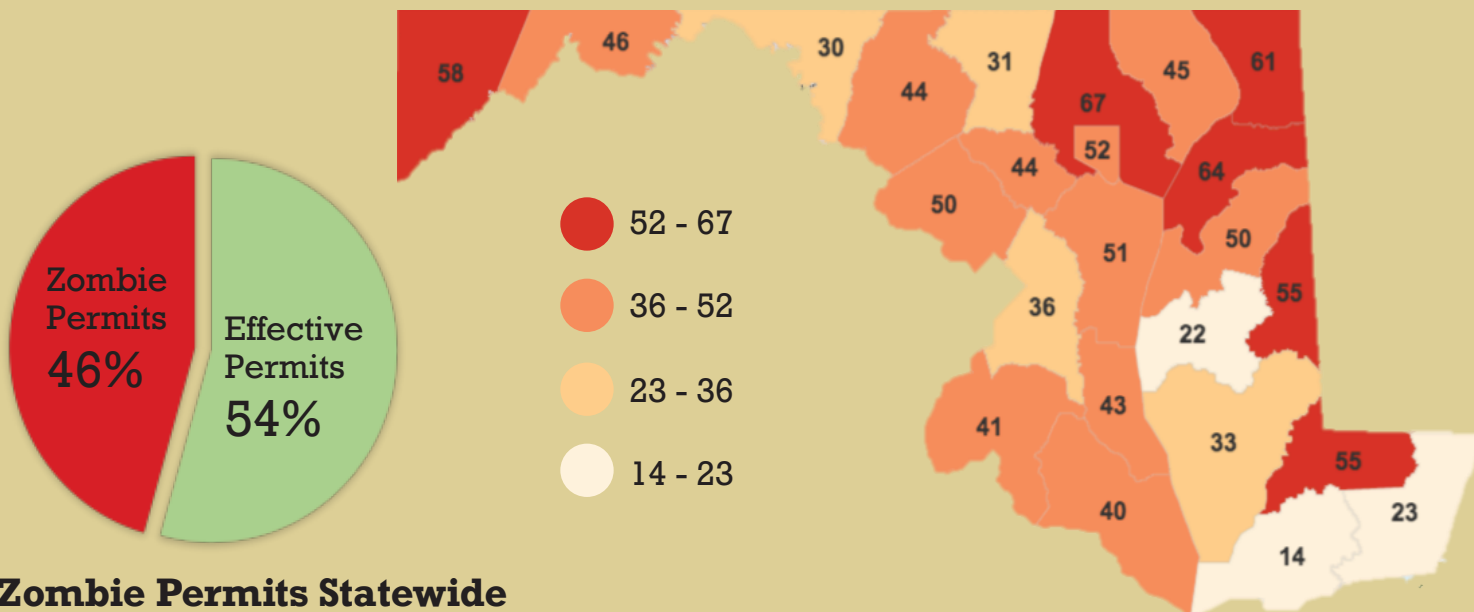
Zombie Permit Elimination Act HB1297



National Pollutant Discharge Elimination Systems (NPDES) permits allow the *discharge of pollution* into waters of the state.

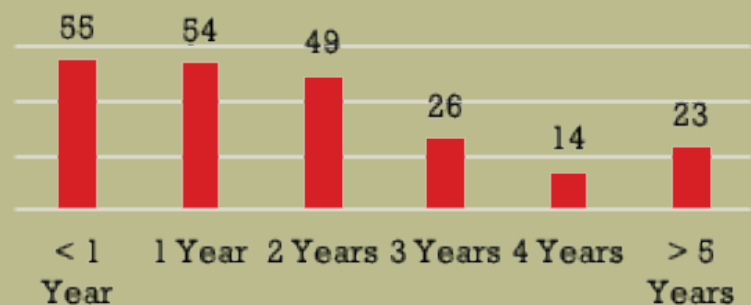
Currently, **over 40%** of Maryland's NPDES permits are expired, or technically known as *administratively continued*, but more commonly branded as **zombie permits**.

% of Zombie Permits per Maryland County



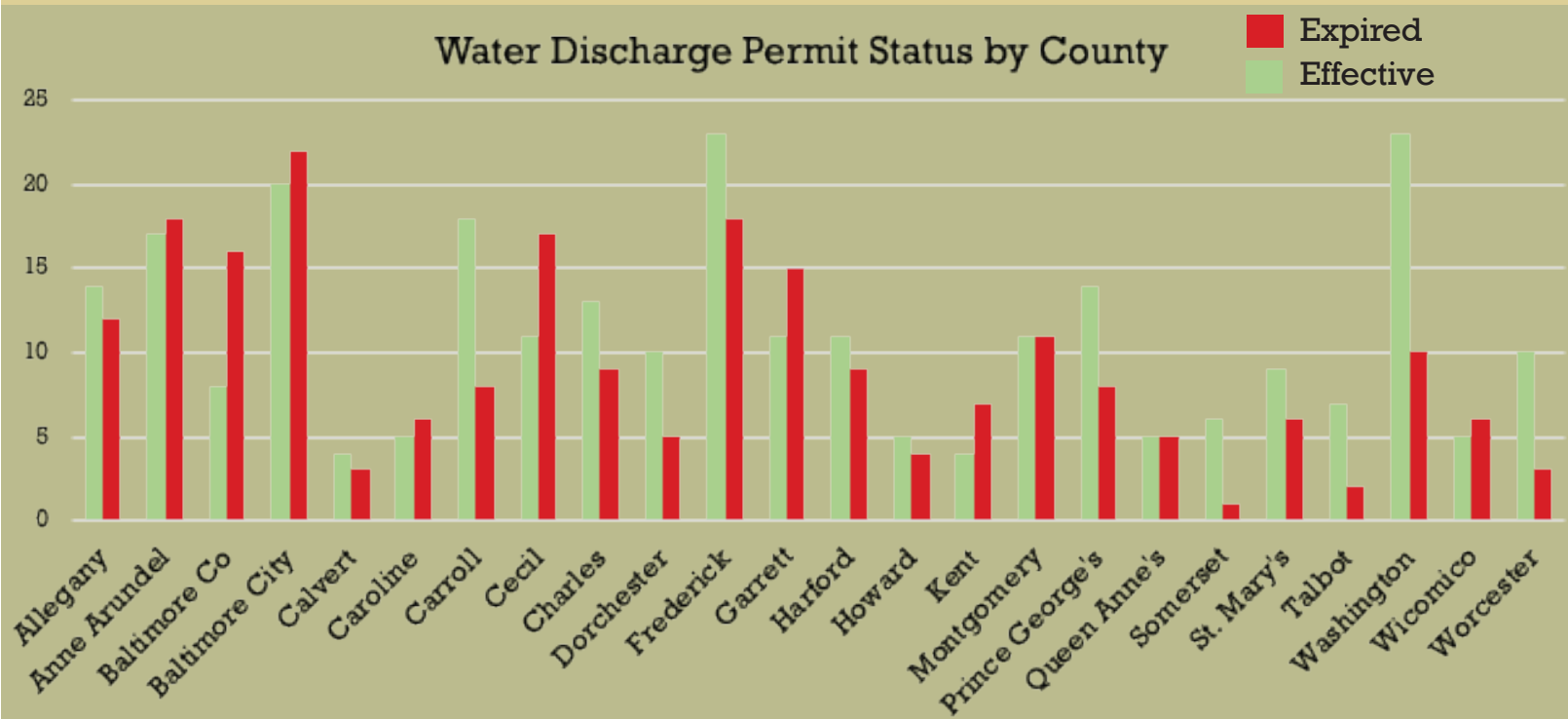
A permit issued under the *Clean Water Act* should be renewed every 5 years. But in Maryland, companies can continue to operate on an expired permit while MDE processes their renewal application, often times taking several years to do so.

Number of Zombie Permits per Years Expired



The oldest discharge water permit expired in 2001.

Like the undead, these permits should have been put to rest a long time ago!



Source: Environmental Protection Agency's Enforcement and Compliance History Online (ECHO) database.

Goals of the Zombie Permit Elimination Act

1

Require the MD Dept. of Environment to study and make recommendations about the timely review of National Pollutant Discharge Elimination System (NPDES) permit applications.

2

End the practice of administratively extending NPDES permits.

3

Address the backlog of administratively extended NPDES Permits.

Contact mpluta@shorerivers.org to learn more.