

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 402
Annapolis, Maryland 21401
410-841-3673 · 301-858-3673
800-492-7122 Ext. 3673
Jack.Bailey@senate.state.md.us

District Office
Dorsey Professional Park
23680 Three Notch Road, Unit 101
Hollywood, Maryland 20636
240-309-4238

March 1, 2022

Senate Bill 580 – Sewer Systems and Wastewater Treatment Plants – Water Pollution – Shellfish Harvester Restitution

Dear Chairman Pinsky and Members of the Committee,

I am writing to introduce Senate Bill 580 – Sewer Systems and Wastewater Treatment Plants – Water Pollution – Shellfish Harvester Restitution. This bill would require an entity that is responsible for a sewer overflow, treatment plant bypass, or unlawful discharge from a wastewater treatment plant that results in an area being closed to shellfish harvesting to pay restitution to affected shellfish harvesters.

The idea for this bill came after conversations with local watermen following an incident that occurred in my district earlier this year, when a sewage leak resulted in the closure of a portion of the Potomac River in St. Mary's County. This incident not only caused major inconvenience and loss of economic opportunity for the shellfish harvesters who normally operate in that portion of the Potomac, it also resulted in people becoming ill. This led to an understandable hesitancy to purchase and eat Maryland oysters, regardless of whether they were harvested in the affected area, which resulted in further losses for our State's watermen.

Senate Bill 580 aims to hold those entities who are responsible for these sewage leaks accountable while providing relief to directly affected shellfish harvesters. This bill would require the payment of three times the economic damages to a harvester who is able to demonstrate that they had caught oysters or clams in the closed areas within the last two years. According to the fiscal note, the Department of the Environment reports that closure orders are rarely required and that there have been only seven in the past 15 years. However, it is also notable that five of those seven occurred in 2021 and 2022.

I am proposing three amendments to go with this bill. The first is to clarify that the bill is intended to provide damages and not restitution. The second is to add provisions that will ensure that the Department provides the public with information about the procedures that are associated with closure orders to make sure that they have confidence that Maryland oysters are safe to eat. The third was introduced at the request of the Chesapeake Bay Foundation to ensure that the bill covers aquaculture lease holders along with shellfish harvesters.

I respectfully request a favorable report with amendments on Senate Bill 580. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey