



Maryland Municipal League  
*The Association of Maryland's Cities and Towns*

TESTIMONY

February 25, 2022

**Committee:** Senate Education, Health, and Environmental Affairs

**Bill:** \_\_\_\_\_ HB 402 – Department of the Environment – Enforcement Authority

**Position:** Support with Amendment

**Reason for Position:**

This measure would expand the Maryland Department of the Environment's (MDE's) enforcement authority. While MML appreciates the need for enforcement and climate protection, we are concerned that some of these proposed provisions go too far. Under this bill, something as simple as letting a certification lapse could result in civil penalties of up to \$10,000 per day, up to \$100,000 in new administrative penalties, and up to a year in jail and a \$10,000 criminal penalty for municipal wastewater employees like plant superintendents and operators. The increased personal and financial risk will disincentivize retention of current employees and dissuade potential new applicants.

This bill also greatly expands potential liability by removing "willfulness" as an element of violation. Under current law, MDE is charged with focusing on "willful" violations by water suppliers. This measure removes "willfulness," meaning that anyone who violates the standards is liable for the penalties detailed above regardless of intent. Acts of God, or simple human error, are equated with intentional malfeasance. This is unreasonable and unfair.

Attracting and retaining employees is already a challenge in this industry; this bill would exacerbate this problem. MML echoes the concerns of the Maryland Association of Counties (MACo) and the Maryland Association of Municipal Wastewater Agencies (MAMWA), and requests amendments removing the enforcement risk for local employees. The current penalties are more than sufficient. With adoption of these amendments, MML would respectfully request a favorable report.

**FOR MORE INFORMATION CONTACT:**

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