



## Mayor and Council of Rockville

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Telephone: 240-314-8870

Email: [jwoods@rockvillemd.gov](mailto:jwoods@rockvillemd.gov)  
CONTACT: James Woods,  
Deputy Director of Public Works

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### **HB 402: DEPARTMENT OF THE ENVIRONMENT – ENFORCEMENT AUTHORITY**

#### **FAVORABLE WITH AMENDMENTS**

The Rockville Mayor and Council are thankful to the Chair and members of the House Environment and Transportation Committee for the opportunity to comment on HB 402: Department of the Environment – Enforcement Authority. The Mayor and Council supports HB 402 with amendments.

This bill expands the Maryland Department of the Environment’s (MDE’s) enforcement authority. While the City appreciates the need for enforcement and climate protection, we are concerned that some of these proposed provisions have a negative impact on the City’s employees. Under this bill, simple infractions such 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 a 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. The City of Rockville echoes the concerns of the Maryland Municipal League (MML) and 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. With adoption of these amendments, the City of Rockville would respectfully request a favorable report.