



The Maryland Department of the Environment
Secretary Serena McIlwain

House Bill 924
Sewage Treatment Plants – Effluent Discharges, Discharge Permits, and
Property Tax Credit for Impacted Dwellings

Position: OPPOSE

Committee: Environment & Transportation

Date: March 1, 2023

From: Gabrielle Leach

The Maryland Department of the Environment (MDE or the Department) **OPPOSES** House Bill 924.

HB924 would require the Department to do the following:

- Monitor sewage treatment plants that discharge over 50,000,000 gallons per day (gpd) and evaluate whether their effluent contributes to midge populations in the surrounding areas;
- Place an inspector onsite if the facility has within 24 months violated effluent limits of its permit, failed to maintain basic operation and maintenance, or failed to submit a wastewater capacity plan, if required. The inspector must remain on site until Discharge Monitoring Reports show that the facility is complying with its permit limits for 180 days, the facility complies with basic operation and maintenance requirements, or has submitted an updated wastewater capacity plan if the plan is required;
- Provide status updates on the Department website for the on site inspectors;
- Evaluate the availability and viability of new pollution control technologies that may not have been available or used in other wastewater treatment plants since the previous permit's issuance; and
- Require covered wastewater treatment plants to meet specified average annual limits for total nitrogen and phosphorus.

Currently, the bill presents concerns for the Water Science Administration's Compliance Program.

1. First, the requirement that the Department "monitor" a sewage treatment plant and "evaluate" whether their discharges "contribute" to midge populations is unclear and may need to be defined by regulation. Additionally, MDE does not have the expertise to study midge populations as such we would recommend a University or an academic institution to fulfill this requirement. Otherwise the Department will need to hire additional staff to carry out this study.
2. The requirement to "place" an inspector at each sewage treatment plant that violates its effluent limits, failed to maintain basic operation and maintenance, or failed to submit a capacity plan

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would require the Department to prioritize significant resources in assigning its inspectors, particularly those that exceed their effluent limits.

3. Third, the bill's requirement that an inspector must "remain on site" at the facility for at least 180 days, if not longer, until the plant achieves compliance is both vague and impracticable. It is not clear what value having an inspector stay on site, 24 hours - 7 days a week, would have. This would require the Department to dedicate considerable resources to continuous inspections of these facilities. As such, we are working with the sponsor on some other language to allow the bill to be less burdensome.
4. Fourth, beginning on page 3, lines 22-26 and 29-32 and on page 4, lines 1-5, the bill expands the focus of the legislation from "sewage treatment plants" to "wastewater treatment plants." The term "wastewater treatment plant" is not defined, so any treatment of any type of effluent might fall under the term. Consequently, the requirement to conduct an analysis of the availability and viability of new pollution control technologies and the requirements to implement certain total nitrogen, phosphorus, enterococci and e. coli limits are confusing. It is not straightforward to apply these conditions to a wastewater treatment plant (WWTP) that is not primarily treating sewage. A WWTP that is not treating sewage would probably not need to optimize its treatment for nitrogen, phosphorus, enterococci and e. coli. The Department could be required to expend resources that would be significant, and without limit, to try to demonstrate compliance with certain requirements when issuing permits due to vague language around the required analysis and new pollution controls.

MDE would like to note that we have spoken with the sponsor and we are working on potential amendments to address the Department's concerns. However, if the Department and sponsor are unable to reach an agreement on acceptable amendments, MDE urges a **UNFAVORABLE** report for House Bill 924.