



MARYLAND LEAGUE OF CONSERVATION VOTERS

Testimony in OPPOSITION of House Bill 635 – Water Pollution Control – Discharge From Construction Sites – Limits on Liability

Environment and Transportation Committee

February 22, 2023

Dear Chair Barve and Members of the Committee,

The **undersigned organizations** write today in **OPPOSITION** of HB 635. This legislation seeks to soften liability associated with perhaps the most visible form of pollution that our organizations, our supporters, members of this committee, and residents across Maryland see on a regular basis: sediment pollution running off of construction sites.

According to the U.S. EPA, sediment runoff from construction sites can be 1,000 to 2,000 times greater than runoff from forested lands. Even just a short burst of rain “can contribute more sediment to streams than would be deposited naturally over several decades.”¹ These quick bursts of mud-filled water can destroy a stream and aquatic ecosystem. The cost to repair the damaged streams or dredge the sediment-filled creeks is currently passed along to taxpayers.

At a time when Maryland is seeking to achieve its 2025 Chesapeake Bay restoration goals, we must act to *protect* our most vulnerable waterways from construction-related pollution, not lessen regulations or liabilities.

Permits are tools to ensure our environment and public health are adequately considered and protected from certain activities. Discharge permits issued by the Department for stormwater associated with construction activity in particular were created in an effort to prevent sediment from leaving construction sites or causing any downstream erosion. House Bill 635 will directly undermine the basic intent of that permit. The *existing* administrative and civil penalty ceilings are not substantial enough and this bill only seeks to lower those already inadequate penalties. This will not deter bad actors from continuing to violate permits, it is not enough to ensure developers and construction companies to pay close attention to the pollution controls being installed and maintained, nor is it enough to implement the environmental clean up efforts that would be required to address the damage.

By preventing pollution events from happening in the first place, our state investments would be better protected and taxpayers and the public would not need to spend the current tens of millions of dollars each year to dredge the mud and sediment flowing into waterways or to clean and maintain municipal storm sewer systems, and the even larger amount spent each year to reduce sediment pollution as part of the Bay restoration effort.

Many of our waterways in the Chesapeake Bay are currently designated as impaired by the EPA for sediment pollution. Our state has made a commitment to reduce this pollution by signing the Chesapeake Bay Agreement and by implementing Total Maximum Daily Loads and Watershed Implementation Plans to meet our 2025 Chesapeake Bay Restoration Goals. This bill directly undermines those efforts.

We should be taking steps towards reducing sediment pollution from construction sites, not lessening the liability for violating permit conditions. For these reasons, we urge an unfavorable report on HB 635.

Sincerely,

Arundel Rivers Federation
Assateague Coastal Trust
Blue Water Baltimore
Gunpowder Riverkeeper
Lower Susquehanna Riverkeeper Association
Maryland Campaign for Environmental Human Rights
Maryland League of Conservation Voters
Potomac Riverkeeper Network
ShoreRivers
Sierra Club Maryland Chapter
Waterkeepers Chesapeake

ⁱ Stormwater Phase II Final Rule: Construction Site Runoff Control Minimum Control Measure. US EPA. 2018. pg. 2. available at: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.epa.gov/sites/default/files/2018-12/documents/epa_stormwater_phase_ii_final_rule_factsheet_2.6_construction_runoff_12-04-18.pdf.