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HB 198

February 8, 2023

TO: Members of the Environment & Transportation Committee

FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations

RE: House Bill 198 – Wastewater Treatment Plants – Water Quality Testing and Sewage Overflow and Pipeline Breakage Notification (Environmental Accountability Act of 2023)

POSITION: OPPOSE

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 198.

HB 198 would require an independent third party, selected by the Department of the Environment, to oversee all water quality testing conducted at Wastewater Treatment Plants (WWTPs) in the State, including Baltimore City's Back River and Patapsco Wastewater Treatment Plants, and would specify certain duties of the selected independent third party. The Bill would also establish certain notification requirements for sewage overflows and breaks in certain sewage pipelines at the two treatment plants.

The Baltimore City Department of Public Works operates and manages the Back River and Patapsco Wastewater Treatment Plants under permits issued by the Maryland Department of Environment (MDE). These wastewater treatment plants treat sewage from Baltimore City and the surrounding counties, and have been in 24-hour, seven days a week operation since 1911 and 1933, respectively. The U.S. Environmental Protection Agency delegated MDE the authority to issue National Pollutant Discharge Permits Elimination System permits (NPDES permits) that prescribe the acceptable limits for discharges into the Back River and Patapsco River after treatment. These permits are issued under the federal Clean Water Act and set parameters for factors such as Suspended Solids, Biological Oxygen Demand, Nitrogen and Phosphorus, and Dissolved Oxygen. Last year, the Legislature enacted legislation to provide further oversight of WWTPs that are deemed to be in Significant Noncompliance with the terms of their NPDES permits by requiring monthly inspections from MDE.

Baltimore City performs its water quality testing in-house at the two wastewater treatment plants, in conjunction with third party laboratories certified to perform this work. The City follows all protocols for testing as set by MDE. All test findings are reported to MDE via DMR and MDE notification systems. Any violations are self-reported to MDE, as required, and any MDE violation notices that could result from this self-reporting would reference the City's test results. All reporting information is done through netDMR as required, and is available on the MDE website. Creating another layer of testing oversight is unnecessary and would not serve any meaningful purpose. As to midge larvae, they are found in waterways and are present in and attracted to untreated wastewater. Their presence does not impact the wastewater treatment processes, does not affect the quality of the treated effluent or the receiving waters, and is therefore not subject to any NPDES permit controls. There has, however, been other efforts to address complaints about midges in the vicinity of the WWTPs. The Department of Agriculture sprayed intermittently throughout the summer, and the City has added a biological larvicide to the WWTP sand filters to help curtail the prevalence of the flies. These efforts will be continued for the coming year, and the City has already seen a vast reduction in midge numbers.

Baltimore City performs all required testing at its two WWTPs in conjunction with certified independent third parties, self-reports any NPDES permit limit excursions to MDE, and follows a strict protocol for reporting any Sanitary Sewer Overflows (SSOs) under its Modified Consent Decree. Locations and statuses of SSOs are posted on an interactive map on the Public Works website, warning signs are posted at SSO locations, and press releases are issued for large volume SSOs.

Lastly, the State cannot delegate authority granted to the legislature to a private entity unless there are standards in place to guide the discretion of the outside party. This bill does not contain any clear standards or definitions of key terms. HB is unnecessary and duplicative of laws and policies that are already in place.

It is for the reasons stated above that the BCA respectfully requests an **unfavorable** report on HB 198.

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