



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 924

March 1, 2023

TO: Members of the Environment & Transportation Committee

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

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

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) 924.

HB 924 would require the Maryland Department of the Environment (MDE) to monitor effluent discharged from certain sewage treatment plants, evaluate whether certain effluent impacts certain midge populations, and place an inspector at certain sewage treatment plants under certain circumstances; require certain discharge permits to limit nitrogen, phosphorus, and bacterial discharge under certain circumstances; require MDE to post on its website certain status updates and steps taken to address certain deficiencies; authorize the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on a certain dwelling; and generally relating to sewage treatment plants and property tax credits.

HB 924 would require MDE to monitor Wastewater Treatment Plants' (WWTPs) effluent discharges to evaluate whether the effluent and any nutrients in the discharge affects midge fly populations in the surrounding areas, and whether the effluent contributes to the growth of phytoplankton. If MDE finds that the WWTP released effluent beyond the limits of the permit within the last 24 months, has failed to maintain basic operation and maintenance of the facility, or, for a WWTP that requires a wastewater capacity plan, failed to submit an updated plan, an inspector would be hired to be onsite for at least 180 days until these issues were resolved.

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. MDE provides protocols for testing that WWTPs must follow, and all test results are reported to MDE via DMR and MDE notification systems. Any violations are self-reported to MDE, as required.

All reporting information is available on the MDE website. HB 924 does not define what constitutes basic operation and maintenance, and while operation and maintenance performance can be linked to effluent violations, the same cannot be said of wastewater capacity plans. The procedures proposed in HB 924 conflict with the permitted inspection protocol already established by MDE.

The Baltimore City Department of Public Works operates and manages the Back River and Patapsco WWTPs under permits issued by MDE. These WWTPs are regional facilities, treating sewage from Baltimore City and the surrounding counties. The U.S. Environmental Protection Agency (EPA) delegated MDE the authority to issue National Pollutant Discharge Elimination System permits (NPDES permits) that prescribe acceptable limits and loadings for discharges into the Back River and Patapsco Rivers 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. HB 924 would establish and apply nutrient limits to certain WWTPs. For example, the legislation would establish a Total Nitrogen (TN) limit of 3.0 mg/l for certain WWTPs, which is at the edge of technology. While some plants, including Back River, have performed below 3.0 mg/l, the permit limits established by MDE are not a one-size-fits-all proposition, but are based on science and are specific to receiving waters' conditions and Bay protection considerations. Permit performance is based on pounds sent to the respective tributary, and not concentrations as proposed in the bill. Establishing permit limits legislatively usurps MDE's authority to establish science-based NPDES parameters, as granted and approved by EPA.

HB 924 attempts to correlate midge fly growth to effluent violations. Midge fly larvae 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 are efforts underway, however, to address midge fly complaints. Baltimore County is working with the Department of Agriculture to spray the shoreline to mitigate the proliferation of the midge flies in the summer months. At the Back River WWTP, a biological larvicide is applied to the surface of the sand filters to help curtail the presence of midge flies. These practices have proven to be effective in greatly reducing midge fly numbers. Attempting to assign responsibility for midge fly populations to one entity and seek tax credits, as proposed in HB 924, is not credible.

It is for all of these reasons that we respectfully ask for an **unfavorable** report on HB 924.