



**Senate Bill 726 – Bay Restoration Fund & Authorized Uses
Decommission of Wastewater Treatment Lagoon**

John D. Miller, Burgess
Town of Middleton

Good afternoon, Chair Feldman and Committee Members:

The Town of Middleton is facing a state-mandated \$40-million-dollar overhaul of all our wastewater treatment facilities, including the decommissioning of our West Lagoon Plant, and consolidating treatment at our East Wastewater Plant.

These developments were initiated by notification from MDE, that the lagoon will no longer be permitted as a treatment facility in the Chesapeake Bay Watershed. The changes are not due to poor planning, or growth, but an MDE mandate to upgrade treatment.

Our lagoon is in a floodplain and must be decommissioned, and entirely new treatment infrastructure built, at extraordinary costs never before seen by the Town, or likely any town our size.

Middleton has total assets of \$25 million. A \$40-million-dollar overhaul of treatment facilities, that replaces still-working and paid-for infrastructure, constitutes fiduciary negligence.

We've had several meetings with MDE and Elected Officials, expressing our grave fiscal concerns.

MDE responded that: 1) they haven't mandated that lagoons be decommissioned, 2) that our lagoon can be upgraded, and 3) the Town can

consider treatment options, substandard to meet state water quality goals and the ENR benchmark.

Our lagoon is in a high-risk floodplain and cannot be upgraded or replaced. While it's true that Middletown must only upgrade treatment to meet current permit requirements, the BRF subsidy heavily incentivizes upgrading to ENR and it's the best-and-only option for municipalities planning mandated upgrades, in both the short-term, and more importantly the long-term.

If we want an affordable, ecofriendly, and long-lasting investment, we have one course of action: 1) Decommission the lagoon, 2) relocate service out of the floodplain, and 3) upgrade our East Plant to ENR and double capacity.

Ultimately, that's what everybody wants: a lasting investment, funding critical infrastructure improvements that satisfies water quality goals for decades to come, but won't also bankrupt capital improvement programs and shackle small towns with equally lengthy debt service terms.

On behalf of Middletown, we support Senate Bill 726. Chair Feldman and Committee Members, thanks for your time and consideration!