



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 726

Bay Restoration Fund – Authorized Uses – Decommissioning of Wastewater Treatment Lagoon

Date: February 20, 2024

To: Senate Education, Energy, & Environment Committee

Position: **Unfavorable**

From: Gussie Maguire
MD Staff Scientist

Chesapeake Bay Foundation (CBF) **OPPOSES** SB 726 which adds the decommissioning of wastewater treatment lagoons to the list of wastewater treatment plant (WWTP) projects for which Bay Restoration Fund can be tapped. Lagoons must be partially or wholly located within Special Flood Hazard Area Zone A or Zone V floodplains to receive funding.

The Bay Restoration Fund (BRF) collects fees from wastewater treatment plant users to pay, in whole or in part, to upgrade the plants with enhanced nutrient removal (ENR) technology and assist with operations and maintenance. These upgrades help significantly reduce nitrogen and phosphorous pollution in the Chesapeake Bay, and their upkeep is critical to maintaining and increasing nutrient pollution reductions from WWTPs. Lagoon decommissioning is tangential to the mission of the BRF, and would divert needed funds away from ENR upgrades.

According to the US Environmental Protection Agency's Lagoon Inventory Dataset¹, only 16 wastewater treatment lagoons exist in Maryland, and fortunately most do not sit within Special Flood Hazard Area Zones A or V, per Maryland's Flood Risk Application². While decommissioning these outdated treatment systems aligns with the overall need to upgrade wastewater infrastructure, it does not fall within the original purview of the BRF.

The Bay Restoration Fund has been a key part of point source pollution reduction in the Chesapeake Bay watershed, and work remains to be done with this limited pool of funding. Broadening its application risks reducing its effectiveness.

CBF urges the Committee's UNFAVORABLE report on SB 726.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

¹ <https://www.epa.gov/small-and-rural-wastewater-systems/lagoon-wastewater-treatment-systems>

² <https://mdfloodmaps.net/map/>

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.