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MAYOR

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SB 969

March 5, 2024

TO: Members of the Education, Energy and the Environment Committee

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

RE: Senate Bill 969 – Stream and Watershed Restoration – Stream Restoration Contractor Licensing and Chesapeake and Atlantic Coastal Bays Restoration and Funding (Whole Watershed Act)

POSITION: OPPOSE

Chair Sen. Brian J. Feldman, Vice Chair Sen. Cheryl C. Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill 969.

SB 969 would establish the Stream Restoration Contractors Licensing Board and require those who are contractors or employed by an individual or entity that is licensed as a stream restoration contractor before the person performs or solicits to perform stream restoration contractor services in the State. This legislation would also require the Department of the Environment to provide notices of certain violations to a stream restoration contractor.

The Baltimore City Department of Public Works of Baltimore City opposes this bill for the following reasons:

1. The definition of “stream restoration contractor services” is too expansive by including any disturbance within the stream channel, not just the environmental restoration activities as defined by the Chesapeake Bay Program. Any work within a stream channel, regulated floodplain, or wetland already requires federal and state permits, which typically require a five-year monitoring period after construction. This legislation doesn't reflect how these permits would be related to the proposed license.
2. There isn't a clear timeline for the Licensing Board and associated regulations, exams, and training to be established. The State's prioritization for establishing a license for stream restoration contractors over other best management practices (BMPs) that are approved to improve water quality appears to be more of a challenge to this type of BMP than an endorsement.
3. The Bay Restoration Fund (and the associated fee) was created to fund projects to reduce pollutant loads associated with municipal sanitary sewer services. We have concerns with using these funds for projects other than its main purpose of sewer infrastructure. We also have concerns about transferring funds from the Clean Water Commerce Account for the Whole Watershed Fund if the funds are used for the same intent.
4. The criteria for Whole Watershed Restoration Partnership seems prohibitive to urban area applications using language such as “rapid delisting of streams” or “rapidly improving conditions”, regardless of the other language related to “benefitting overburdened and underserved communities”. The legislation does not recognize that most impaired watersheds are already regulated by MDE under an MS4 permit, which requires jurisdictions to submit TMDL implementation plans.

For these reasons, the Baltimore City Administration respectfully requests an unfavorable report on SB 969.