



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 1128

Environment – Water Quality Certifications – Requests
(Water Quality Certification Improvement Act)

DATE: FEBRUARY 28, 2020

POSITION: SUPPORT

The Chesapeake Bay Foundation (CBF) SUPPORTS HB 1128. This bill requires someone seeking a water quality certification to submit detailed information, including a description of all activities and infrastructure associated with the project, a list of all waterways that may be impacted by the project, and consideration of effects of climate change, sea level rise, and storm surges on the project throughout the duration of the federal license. HB 1128 also establishes procedural requirements for the Department of the Environment's review of the information.

CBF has engaged frequently with the Department of the Environment regarding the narrowness of their interpretation of project impacts under their Water Quality Certification review of Federal Clean Water Act permits. For example, it is not uncommon for an applicant to submit plans that only identify direct impact footprints. These may include only portions of the project that cross streams or wetlands and fit within the current statutory definition of Waters of the United States which was recently narrowed in interpretation by the Trump Administration. There are many factors that may alter a site's hydrology in addition to direct wetland or stream disruptions.

The increase to pollution discharge carried downstream from the project site – often affecting multiple local streams and rivers before reaching the Bay – will depend on the amount of tree-clearing associated with the development and the breadth of the associated impervious surfaces. Ground disturbance and construction access during the development stage will also have a significant effect on stream scour downstream of a project responsible for loads of nutrients and sediment. These issues have been a major focus of CBF's advocacy with the Department during the last three triennial reviews of water quality standards starting in 2013. HB 1128 provides minimum standards to guide reasonable review of water quality certification requests made to the Department.

For these reasons, CBF urges a FAVORABLE report on HB 1128 from the House Environment and Transportation Committee. If you have any questions, please contact Doug Myers, Maryland Senior Scientist at 443.482.2168 or dmyers@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403
Phone (410) 268-8816 • Fax (410) 280-3513

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 300,000 members and e-subscribers, including over 107,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.