



Senate Bill 334

Water Pollution Control – Intervention in Civil Actions – Rights and Authority

MACo Position: **OPPOSE**

To: Judicial Proceedings and Education, Health, and
Environmental Affairs Committees

Date: January 26, 2021

From: Michael Sanderson and Alex Butler

The Maryland Association of Counties (MACo) **OPPOSES** SB 334. The bill would allow virtually any person to intervene in State civil actions, regulations, or certain permit renewals without limit or other traditional standing as an affected party. The bill would subject local governments, and their well-intentioned water cleanup efforts, to unnecessary and burdensome litigation.

SB 334 gives any person who has standing under the federal Clean Water Act the ability to intervene in State enforcement actions. Essential local government National Pollutant Discharge Elimination System (NPDES) permits would now be vulnerable to increased challenge from third parties. Sufficient provisions already exist to allow private parties to seek relief without this addition. Additionally, the bill stands in direct conflict with §9-344 of the Environment Article that designates the Attorney General as the responsible authority.

SB 334 would allow third parties to further complicate and delay already complex cases between defendants and the State. Local governments would then be forced to negotiate resolutions with unaffected parties, as they now have a newly granted “cause of action” to involve themselves in State enforcement cases relating to water pollution.

SB 334 would give new, unnecessary legal standing to unaffected parties that would complicate State enforcement actions and lead to increased costs and burden for local government. Accordingly, MACo requests that the Committee give SB 334 an **UNFAVORABLE** report.