



FAVORABLE: SB492: Environment – Discharge Permits – Inspections and Administrative Continuations

Chairman Pinsky and Members of the Committee,

We are writing in strong support of Senate Bill 492 on behalf of Waterkeepers Chesapeake and the undersigned 13 organizations. As we all depend on healthy clean waterways in our state, we are in support of ensuring the safety of Maryland’s waterways for our drinking water, recreational uses, seafood industries, community use and economic vitality. Currently, hundreds of facilities are polluting our local waterways, severely endangering public health through contamination of the drinking water supply that serves 5.5 million Marylanders, causing safety concerns with seafood products, property damage, illness in our communities, and loss of revenue. The Maryland Department of the Environment, the agency in charge of enforcement, is critically understaffed and is failing to identify, inspect, and enforce against pollution violations, consequently allowing them to continue for months or years. By passing this bill and requiring the MDE to react promptly in inspecting facilities with expired permits or in continual violation of their pollution limits, Maryland takes a massive step towards preventing a public health crisis like the tragedy in Flint, Michigan.

This past year has presented us with a number of significant, high-profile pollution incidents. For example, the two largest wastewater treatment plants in Baltimore illegally discharged millions

of gallons of sewage into tributaries of the Chesapeake Bay. These illegal discharges threaten not only the public health of Marylanders but put the health of aquatic life at risk as well. In fact, this past fall, 25,000 gallons of untreated sewage overflowed into the St. George Creek in St. Mary's County, consequently leading to dozens contracting food-borne illnesses from tainted oysters. Following this incident, a spokesman for the MDE acknowledged that the agency failed to act promptly after receiving a report of the overflow. We believe the passage of this bill will not only further our goal of protecting Marylanders from the dangers of unsafe drinking water and food-borne illnesses, but also help protect and maintain an essential part of Maryland's seafood economy.

According to the MDE's annual enforcement and compliance reports, the number of enforcement actions taken by MDE's water administration for the 2021 fiscal year (627) were the lowest in almost two decades, despite the number of violations from these facilities being on the rise. Currently, there is a backlog of more than a hundred expired and administratively continued water pollution control permits. Considering the extent to which the MDE is understaffed, this backlog cannot come as much of a surprise. Just two months ago, Attorney General Frosh released a statement warning Governor Hogan of the dramatic understaffing of the MDE and potential safety risk to Marylander's health as a consequence. The AG cited a report that found a "severe gap" between the available staffing and funding resources for the MDE's Water Supply Program (WSP) and those that would be required to run the program. To illustrate the severity of this gap, the report found that the MDE needs "approximately 187% more full-time employees than currently staffed, and 93% more funding than currently available to effectively implement the program and ensure safe drinking water for the public." The passage of this bill will help provide the MDE with the procedures necessary to assess the current need for additional personnel, and then require the department to fill these positions within three years in order to help clear the backlog and effectively run the program.

This bill will help to avoid costly litigation as inspection and notification allows for a quick response by a facility in violation to get the facility back in compliance. Fines under this bill are already provided in law and are capped at either \$5000 or \$10,000, as opposed to civil

enforcement which could drag out for many months or even years and results in penalties of hundreds of thousands or millions.

Maryland Department of the Environment has insufficient staff to properly oversee water quality and MDE inspectors have more than six times the national average of the number of facilities in their charge and simply cannot keep up. This bill requires MDE to assess the staffing needs and then fill these positions. Tens of thousands of gallons of untreated sewage have previously overflowed and not only threaten public drinking water systems but also the seafood that Marylanders have the privilege of enjoying. This bill will ensure timely notice of violations, opportunities for facilities to correct them, and timely issuance of permit renewals. The requirements of this bill will also help prevent our citizens from contracting food-borne illnesses and help protect and maintain Maryland's seafood economy.

Waterkeepers Chesapeake strongly believes SB 492 helps further the goal of providing all Marylanders with **safe access to drinking water, preventing food-borne illnesses, and ensuring the MDE can fulfill their responsibility to protect the health and welfare of all Marylanders.** From the monthly inspections of facilities in noncompliance, to addressing the severe understaffing of the MDE, Senate Bill 492 will provide the proper procedures to help reach these goals.

Through discussion with MDE, the Farm Bureau, municipal wastewater treatment facilities, and the builders associations, we would also support some small clarifying and technical amendments to clear up any confusion about applicability and also ensure that there are no unintended consequences. We also believe that clarifying a few items will *greatly reduce* the current abnormally large fiscal note for this bill. We believe that the true costs of implementing this bill will total in the \$200,000 - \$300,000, but that these costs will be largely or even fully offset by gained revenue from speedy administrative penalties. Additionally, the fiscal note does not take into account the millions and often billions of dollars of costs associated with water quality violations and the property damage, public health problems, water quality remediation, loss of seafood and recreation and multitude of other impacts.

We thank Chairman Pinsky and the numerous cosponsors of this bill for their leadership in helping to ensure that all Marylanders have access to safe, clean waterways.

For these reasons, we urge a favorable report on SB 492.

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