



February 23, 2022

Environment - Discharge Permits - Inspections and Administrative Continuations (SB492)

Position: FAVORABLE

Dear Chair Pinsky and Members of the Education, Health, and Environmental Affairs Committee:

Blue Water Baltimore is a nonprofit organization with a mission to restore the quality of Baltimore's rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities. We write today in strong support of "Environment - Discharge Permits - Inspections and Administrative Continuations" (Senate Bill 492).

One of our essential functions as a Waterkeeper organization is to receive and respond to tips on our Pollution Reporting Hotline about pollution that is degrading Baltimore's waterways and harming community members. These are pollution issues elevated by the people who are most severely impacted; the people fishing downstream of factories illegally discharging chemicals into the Jones Falls, and the people swimming in the Herring Run downstream of toxic illegal landfills. These aren't just hyperbolic examples. These are real-world issues that I've responded to in my capacity as your Baltimore Harbor Waterkeeper, and they are the types of problems that become disasters in the absence of adequate inspections and law enforcement.

When I receive those tips on our hotline and I begin the process of investigating suspected polluters, a troubling pattern begins to emerge. These facilities are typically in "Significant Noncompliance" with their discharge permits – sometimes due to limit exceedances, but oftentimes for simply failing to submit their required discharge monitoring reports at all.

In a system that relies almost entirely upon self-reporting to identify potential problems at these facilities, a failure to submit the required discharge monitoring reports is among the most serious violations of a facility's permit. Without adequate self-reporting, the entire system falls apart. There must be commensurate actions taken by the Maryland Department of the Environment (MDE) every time a facility falls into such significant noncompliance, or else the pollution will snowball and public trust will be eroded. Unfortunately, after years of lackluster enforcement, this is exactly what has happened in the Baltimore region.

Roughly 70% of facilities with industrial stormwater permits in Maryland are not in compliance with pollution controls. While this is a problem across the state, there are dozens of these types of facilities clustered in the Baltimore region, many of which are located in lower-income areas where people have fewer resources to speak out against the

pollution. Toxic heavy metals and sediment flow off of these sites during rainstorms, contaminating the streams and rivers throughout our watershed. These are facilities that are chronically flying under the radar, conducting business as usual while in Significant Noncompliance with their permits simply because they can. Because it's cheaper to run the risk of getting caught than it is to implement real solutions that reduce pollution and protect communities. The first and easiest step to curb the onslaught of pollution is to require site inspections for facilities as soon as they fall into MDE's "Significant Noncompliance" category.

This year we're celebrating the 50th anniversary of the federal Clean Water Act. This bedrock piece of legislation, combined with state water pollution control laws, gives us the power to protect our local streams and rivers for the good of the people. But laws without enforcement are just good advice, and MDE has chronically under-enforced these laws for years. Inadequate enforcement against repeat offenders only serves to incentivize bad actors who take advantage of a broken system. In Baltimore, our local waterways and overburdened communities are paying the price, a price which these polluters only see as the cost of doing business.

Senate Bill 492 puts common-sense guardrails around existing laws to ensure that they are adequately enforced for the good of the environment and the people of Maryland. If polluters are brazen enough to stop submitting their discharge monitoring reports under the belief that MDE just won't do anything about it, it's time to call their bluff. It's time to give the lion back its teeth.

For these reasons, Blue Water Baltimore, on behalf of our thousands of members and supporters, respectfully urges a Favorable Report on SB 492. Thank you.

Alice Volpitta
Baltimore Harbor Waterkeeper
Blue Water Baltimore
avolpitta@bluewaterbaltimore.org