

February 15, 2022

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

Mr. Chairman and Members of the Committee,

We are writing in strong support of Senate Bill 492 on behalf of Waterkeepers Chesapeake, a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. As we here at Waterkeepers work to protect and maintain the ability of the public to safely enjoy the waters of our State, we are in support of ensuring the safety of Maryland's public drinking water systems. Currently, hundreds of facilities are polluting our local waterways, severely endangering the public health through contamination of the drinking water supply that serves 5.5 million Marylanders. 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.

Alexander Villazon
Waterkeepers Chesapeake

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 Safety 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.

Waterkeepers Chesapeake strongly believe SB 492 would provide helps further the goal of providing all Marylanders with **safe access to drinking water, preventing food-borne illnesses, and ensuring the MDE's WSP can be effectively run** to better serve and protect the health and welfare of Marylanders. From the establishment of monthly inspections of facilities in noncompliance, to the addressing of the severe understaffing of the MDE, Senate Bill 492 will provide the proper procedures to help reach these goals.

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