



Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

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March 8, 2022

The Honorable Kumar Barve, Chair
Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401

Re: HB 1201 (Oyster Repletion Fund)

Dear Chairman Barve:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am writing to **oppose** HB 1201, which would mandate that the Maryland Department of the Environment (MDE) impose a 25% surcharge on a civil penalty associated with a discharge to the Chesapeake Bay or its tributaries to fund the Oyster Repletion Fund. MAMWA requests that the Committee vote **NO** on HB 1201 because of potentially significant negative impacts on the State's wastewater treatment plants and ratepayers.

MAMWA is a statewide association of local governments and wastewater treatment agencies that serve approximately 95% of the State's sewered population. MAMWA members own and operate wastewater treatment plants across the State and are committed to operating these plants within the limits of their discharge permits to the benefit of local and Chesapeake Bay water quality. If a wastewater treatment plant violates state law or its permit, it is already subject to civil penalties up to \$10,000 per violation per day and administrative penalties up to \$10,000 per violation per day with a cap of \$100,000 total. Requiring that MDE tack on an additional 25% in penalties (MDE has no enforcement discretion under the bill) is unreasonable and would result in local wastewater ratepayers paying fines to fund a statewide program, even if there is no evidence that oysters were harmed or even present at the point of discharge. MAMWA supports oyster restoration projects, but, respectfully, they should be funded through the State budget and not through increases to the State's civil penalty structure.

Please feel free to contact me at lisa@aqualaw.com or 804-716-9021 with any questions.

Sincerely,

Lisa Ochsenhirt
Deputy General Counsel

GENERAL COUNSEL

AquaLaw PLC

cc: House Environment and Transportation Committee Members
HB 1201 Sponsors

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