

Committee: Judicial Proceedings

Testimony on: SB 783

Organization: Dorchester Citizens for Planned Growth (DCPG)

Submitting: Susan Olsen, Board Member

Position: Favorable

Hearing Date: March 9, 2022

Dear Chairman Barve and Committee Members:

Thank you for allowing our testimony in support of SB 783-- Constitutional Amendment -- Environmental Rights. Dorchester Citizens for Planned Growth is an environmental organization located in Dorchester County. We urge you in the strongest terms to vote favorably on HB596.

Many people assume that we already have a right to a clean and healthy environment. Sadly, that is not true in practice. Although in 1973, the MGA enacted the Maryland Environmental Policy Act (MEPA) which states "Each person has a fundamental and inalienable right to a healthful environment," it is now all but forgotten. The Maryland Environmental Human Rights Amendment elevates the right recognized in the MEPA to the level of a constitutionally-protected right and hold state agencies responsible for protecting it.

The need for the amendment is plain as made clear by the saga of the Valley Proteins rendering plant in Linkwood, Dorchester County. Dorchester Citizens for Planned Growth (DCPG) has been raising concerns about that plant since 2012. Our group determined from water sampling and testing that the Transquaking River was becoming polluted by the plant's wastewater and that sludge was being dumped in the river and on the surrounding land by Valley Proteins, Inc., in violation of its applicable permits.

Our group held numerous meetings with the Maryland Department of the Environment (MDE) and the company's executives to no avail. The situation grew worse: the surrounding air smelled wretched and, about three or four years ago, we became alarmed that the pollution might be seeping into the regional aquifer, tainting residents' drinking water. We then reached out to Delegate Sheree Sample-Hughes who did a legislative inquiry. Still nothing.

The Maryland Department of the Environment continued to issue "zombie permits," that is permits carried on for years beyond their expiration date, without performing the required updates. Valley Proteins has been working under a permit that expired in 2006.

The last meeting with both MDE and Valley Proteins executives took place at the Linkwood Fire Hall on November 16, 2021. MDE had finally proposed a new permit, after several local nonprofit organizations threatened legal action.

About 100 people were in attendance. Some residents testified that their water tasted "funny." Others said that they frequently could not open their windows because the smell was so bad. One man testified that his dog would not go outside on bad days. The owner of Higgins Mill Pond lost two much loved dogs who had seizures and died two hours after they were allowed to swim in the pond. Listening to all of this, it was hard not to wonder how much their community's health might be affected, not to mention what the impacts might be on water quality, property values and other aspects of the local economy.

A month after the hearing, Matt Pluta of ShoreRivers sent MDE some drone photos showing the Valley Proteins plant illegally discharging polluted wastewater into the Transquaking River in Linkwood. A temporarily assigned staffer at MDE closed the plant. But MDE allowed the plant to reopen after only two days! The company was up and running again by Christmas Eve, apart from a temporary requirement that its wastewater be disposed of elsewhere.

Clearly, any environmental rights we assume we have are not being enforced. That is why we need a Maryland Environmental Human Rights Amendment. We urge a FAVORABLE vote on SB 783. Your favorable vote would allow Maryland voters the opportunity to decide if they want to add the Maryland Environmental Rights Amendment to our state's Bill of Rights.