

HB0843-ET-FAV.pdf

Uploaded by: Brandon Scott

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 843

March 1, 2023

TO: Members of the Environment and Transportation Committee
FROM: Brandon M. Scott, Mayor, City of Baltimore
RE: House Bill 843 - Baltimore Regional Water Governance Task Force
POSITION: Support

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) supports for House Bill (HB) 843.

HB 843 seeks to establish a task force which will be responsible for reviewing the organizational structure and governance models as outlined in the 2021 Water/Sewer Services Comprehensive Business Process Review for Baltimore City and Baltimore County as well as additional water and wastewater governance models to assess various regional approaches and make a recommendation as to which model may be best for the Baltimore Region.

I have worked with my Administration and County Executive Johnny Olszewski to develop the framework for this task force which will allow for an efficient, effective, and expeditious review to take place. HB 843 includes membership from Baltimore City, Baltimore County, members appointed by Governor Wes Moore, one member of the House of Delegates, one member of the Senate of Maryland, and one member representing the additional jurisdictions who use the water and wastewater systems of Baltimore City.

Baltimore City's water system was first established in the mid-19th century when the City had around 250,000 residents and has since undergone a vast expansion to provide service to nearly 1.8 million residential and business consumers across Baltimore City and 5 surrounding jurisdictions today

Today's utility includes three reservoirs containing 86 billion gallons of water, three water treatment plants, two wastewater treatment plants, and multiple pumping stations to serve the growing needs of the Baltimore region.

These treatment plants combined produce 360 million gallons of drinking water each day. Our wastewater treatment plants collect and treat an average flow of 200 million gallons of wastewater daily through a complex system of 3,100 miles of sanitary mains

We have been proud to diligently serve as the Baltimore region's water supplier for all of these years, but we are at a pivotal moment in history where we need to determine what the future needs of our region will look like and how to best address those needs through the utility.

Cities across the nation, and countries across the world are facing the harsh reality of the need and to ensure clean drinking water for future generations. Data from the US Census Bureau also makes clear that Black and Brown communities are those most disproportionately affected by water access issues.

Due to these historic and ongoing inequities, it is essential that we ensure that our services are efficient, equitable, and sustainable for every customer throughout the entirety of the system. We need to ensure that those who have the greatest responsibility for the utility are the ones engaged in performing the work. We need to ensure that the voices of those most vulnerable to the effects of climate change and the ongoing water crisis are heard.

The Task Force will not only review various governance models for their own merit, but will be responsible for determining which governance model would be best suited for OUR utility. Baltimore's water and wastewater utility, like any utility, has its own unique circumstances, so we must not just try and provide a cookie cutter solution to a complex problem.

For these reasons, I request a **favorable** report on HB 843.

BaltimoreCounty_FAV_HB0843.pdf

Uploaded by: County Executive John Olszewski, Jr.

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

JOSHUA M. GREENBERG
Associate Director of Government Affairs

BILL NO.: **HB 843**

TITLE: Baltimore Regional Water Governance Task Force

SPONSOR: Delegate Smith

COMMITTEE: Environment and Transportation

POSITION: **SUPPORT**

DATE: March 1, 2023

Baltimore County **SUPPORTS** House Bill 843 – Baltimore Regional Water Governance Task Force. This vital legislation would establish the Baltimore Regional Water Governance Task Force.

For decades, residents of Baltimore County and Baltimore City have been served by shared water and wastewater utilities that are owned and operated by the City of Baltimore, and currently managed by an agreement dating back to 1972. This agreement does not reflect our region’s incredible growth since it was put in place over half a century ago. In 2021, Baltimore County joined Baltimore City to release a comprehensive 3rd-party review of the regional water and wastewater utilities that examined the system’s operations, management, and maintenance and identified opportunities for improvements. This evaluation also recommended that Baltimore City and Baltimore County explore regional solutions in order to help standardize high quality services across the region, improve customer experience, and lower shared costs.

HB 843 creates a Task force on Baltimore Regional Water and wastewater to do precisely that. This legislation would address will advance collaborative decision making to provide safe and equitable water services in a way that prioritizes fairness, equity, and stability among rate payers. It will also afford shared responsibility for long-term capital planning, operation and maintenance, and prudent governance. By charting a shared vision for a modern, efficient, and equitable system, we will be better prepared to serve our residents, businesses, and visitors for decades to come.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 843. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

HB 843_CBF_FAV.pdf

Uploaded by: Doug Myers

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 843

Baltimore Regional Water Governance Task Force

Date: March 1, 2023	Position:	Support
To: House Environment and Transportation Committee	From:	Doug Myers Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 843 which creates a task force to consider a joint jurisdictional management authority for water and wastewater utility management in the Baltimore metropolitan region.

Recent failures at Baltimore's Patapsco and Back River Wastewater Treatment plants and the discovery of E. coli bacteria in drinking water resulting in a boiled water order underscores the need to address operations and maintenance issues at these facilities. Indeed, the failures at the wastewater treatment plants resulted in discharges to surface waters well in excess of permit limits effectively reversing progress on the state's Watershed Implementation Plan under the Chesapeake Bay Blueprint for 2020 and 2021.

CBF supports the creation of the Task Force, specifically to address staffing, training, certification and management of facility workforces and the logistical and financial support that will be needed to retain a trained and certified workforce at these facilities into the future. Significant capital upgrades have been made through the Bay Restoration Fund allowing these plants to theoretically meet enhanced nutrient reduction standards relied upon to meet Bay cleanup goals. We cannot sacrifice those investments or the health of our public and ecological resources by allowing the system to spiral into disrepair. HB 843 ensures that the important conversations necessary to reform governance of the Baltimore water and wastewater utility systems move forward.

CBF urges the Committee's FAVORABLE report on HB 843.

For more information, please contact Matt Stegman, Maryland Staff Attorney at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

HB 843 Support.pdf

Uploaded by: Jeff Tosi

Position: FAV



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

March 1, 2023

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

Re: House Bill 843 - Baltimore Regional Water Governance Task Force

Dear Chairman Barve,

The Maryland Environmental Service (MES) supports House Bill 843, which would establish the Baltimore Regional Water Governance Task Force to study approaches to water and wastewater governance in the Baltimore region. MES urges the committee to grant House Bill 843 a favorable report.

MES supports the design and construction, operations and maintenance, and management of biosolids at water and wastewater treatment plants (WWTP) across the State, including many municipal, county, and privately-owned facilities, as well as State-owned plants at correctional and health facilities, rest areas, and State parks. The MES engineering staff plan and manage capital improvement and other public works projects, helping clients determine their water and wastewater needs; assisting in selecting the right-size facility, technology, and equipment; preparing specifications; and overseeing the upgrades of older plants and the construction of new ones. In many cases, MES operations and maintenance staff remain on these sites, handling the day-to-day tasks that keep plants running smoothly and meeting permit requirements, along with help from the biosolids staff who work to ensure environmentally acceptable, reliable, and cost-effective methods are used to manage the solid material generated by each WWTP.

Previously, MES assisted Baltimore City in bringing the Back River WWTP into compliance. MES partnered with Baltimore City to accomplish this task in the first 90 days.

While MES would not be an official member of this proposed Task Force, MES is required to be consulted on the report development and recommendations. MES will add invaluable insight on many levels, and we look forward to contributing in any way we can.

Contact: Jeff Tosi, Director of Government Affairs
Phone/Email: 410-729-8504 (w) | jtosi@menv.com

MDE HB0843 Support.pdf

Uploaded by: Tyler Abbott

Position: FAV



The Maryland Department of the Environment
Secretary Serena McIlwain

House Bill 843
Baltimore Regional Water Governance Task Force

Position: Support

Committee: Environment and Transportation

Date: March 1, 2023

From: Gabrielle Leach

The Maryland Department of the Environment (MDE or the Department) **SUPPORTS** House Bill 843. The bill would establish a Task force to identify and recommend water supply and wastewater collection governance structures best suited for the Baltimore region.

House Bill 843 would establish a Task force to study water supply and wastewater governance in Baltimore City and surrounding jurisdictions that are served by Baltimore City's water supply and wastewater collection systems. The Task force would consist of thirteen (13) members, appointed by certain governmental groups. Staff for the Task force would be jointly provided by the Mayor of Baltimore City and the County Executive of Baltimore County. HB 843 does not provide for MDE to be represented on the Task force, however, the bill requires the Task force to consult with MDE, and Maryland Environmental Service, in developing its recommendations and report. MDE has regulatory responsibilities over the Task force's subject areas and expects to provide subject matter expertise regarding necessary legislation and funding to establish the recommended model.

Additionally, the bill follows up to the July 2021 Water/Sewer Services Comprehensive Business Process Review that was jointly undertaken by Baltimore City and Baltimore County. The consultants on that project "provided several models of governance and operations that may provide optimal customer service, system reliability, or interjurisdictional collaboration, and specifically recommended the exploration of alternative governance structures."

MDE believes the Task force will be helpful in recommending a comprehensive and long-term solution to wastewater needs in the Baltimore metropolitan region. Accordingly, MDE urges a **FAVORABLE** report for HB 289.

HB0843-FWA.pdf

Uploaded by: Alice Volpitta

Position: FWA



March 1, 2023

Bill: Baltimore Regional Water Governance Task Force (HB0843)

Position: Favorable with Amendment

Dear Chairman Barve and Members of the Environment and Transportation Committee,

Blue Water Baltimore's mission is 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 to offer strengthening amendments to HB0843 - Baltimore Regional Water Governance Task Force.**

Blue Water Baltimore is deeply familiar with the systemic problems with Baltimore's water infrastructure, from sewage overflows into our local waterways to sewage backups into residents' homes. We are plaintiff intervenors in the City's Modified Consent Decree for sewage overflows, long-time advocates for assistance for residents impacted by sewage backups, and are currently party to a lawsuit focused on Clean Water Act violations at the Back River and Patapsco Wastewater Treatment Plants. As a Waterkeeper organization Blue Water Baltimore speaks on behalf of the Patapsco and Back Rivers, and we seek to amplify the voices of the people who live, work, and recreate near these waterways.

Many of the longstanding challenges with water quality and water infrastructure in Baltimore City are rooted in decades of inequitable infrastructure investments and environmental racism. These problems can, therefore, only be redressed through intentional interventions and significant investments that center racial and economic equity. Supporters of water utility regionalization such as the American Water Works Association and U.S. Water Alliance often frame the consolidation of local water systems as a logical way to support aging and under-resourced local systems, much like Baltimore City's. By pooling resources, the argument goes, a regional system can lead to operational, staffing, and financial stability, more reliable service, improved emergency response, and effective long-term planning and management.^{1,2}

While there can be significant benefits to consolidating the management of water systems, there are also serious impacts that must be considered and mitigated based on experiences in other jurisdictions. A key point of comparison in this case is Detroit, whose water system was regionalized in 2013, much to the detriment of Detroit's Black residents. Since Baltimore City and County have similar racial and class differences as Detroit does with its surrounding counties, it is vital that legislators look seriously at what happened in Detroit and ensure that you are centering an equity lens in your consideration of this legislation and any subsequent discussions of regionalizing Baltimore's water system.

¹ American Water Works Association. (Last updated April 19, 2019). [AWWA Policy Statement on Regional Collaboration by Water Utilities](#).

² U.S. Water Alliance. (2019). [Utility Strengthening through Consolidation: A Briefing Paper](#).

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Lessons to Learn from Regional Water Authority in Detroit

Prior to 1977, Detroit fully controlled its region's water system, similar to how Baltimore City owns and manages the Baltimore region's water system today. For decades, predominantly white suburban politicians unsuccessfully attempted to create a regional authority through legislation to take control of the water system away from the city, efforts that predominantly Black city leaders strongly opposed.³ After violations of federal Environmental Protection Agency regulations, a federal judge oversaw Detroit's water system between 1977 - 2013. This federal oversight is seen by critics of regionalization as the first step toward taking control of the system away from the city.

During Detroit's 2013 bankruptcy process, a regional water board, the Great Lakes Water Authority (GLWA), was officially created. Under this arrangement, Detroit still technically owns the water system but leases it to the GLWA for \$50 million dollars per year. The GLWA is governed by a six-member board: two members are from the city; three others are from the predominantly white surrounding counties, and the last is appointed by the governor.⁴ This makeup ensures that the city can be easily outnumbered by representatives from the surrounding counties. Critics have observed that as white suburban leaders have exerted their power through the regional system, they have further racially stigmatized the City of Detroit and removed the City's agency over water provision for its predominantly Black and low-income residents, worsening existing crises such as water shutoffs.⁵

Given Detroit's troubled experience with regional control over its water system and the significant problems with regional approaches to water and wastewater management in other majority Black cities in the U.S., it is incumbent upon the General Assembly to heed these warnings and ensure that Maryland does not repeat these mistakes.

Strengthening Amendments

As you consider this bill, we urge you to strengthen it by ensuring a **broader range of stakeholders** are represented on and consulted by the Task Force, mandating meaningful opportunities for **public input and engagement**, requiring **racial and economic equity impact assessments**, ensuring any alternative governance models explored by the Task Force **uphold and protect existing ratepayer and labor protections**, and **extending the timeline** for this complex work to be conducted.

This bill seeks to build off the recommendations from a 2021 business review of water and sewer services commissioned by Baltimore City and Baltimore County.⁶ A key conclusion of that study – that the City and County need to better understand and evaluate the system before making any decisions about restructuring it – support the need for these strengthening amendments.

This bill aims to codify the third recommendation from that report, focused on convening stakeholders. The 2021 study specifically named the importance of including “a broad range of stakeholders.”⁷ But as currently written, this Task Force is far too narrow in its membership to fulfill that recommendation. At minimum, **low-income ratepayers and labor unions must be represented on the Task Force** to ensure that any potential alternative governing structure does not negatively impact the most vulnerable users of the water system or the workers who operate and sustain it. To enable a diversity

³ Jon Cramer. (October 31, 2015). [Race, Class, and Social Reproduction in the Urban Present: The Case of the Detroit Water and Sewage System](#). *Viewpoint Magazine*.

⁴ Cramer, 2015.

⁵ Kornberg, D. (2016, June 17). [The Structural Origins of Territorial Stigma: Water and Racial Politics in Metropolitan Detroit, 1950s-2010s](#). *International Journal of Urban and Regional Research* 40(2), 263-283.

⁶ NewGen Strategies & Solutions. (July 2021). [Water/Sewer Services Comprehensive Business Process Review, Baltimore County and Baltimore City](#).

⁷ NewGen, 2021.

of experiences and perspectives to participate on the Task Force, the **required background knowledge should also be expanded** to include utility affordability, sewage backups, climate resilience, stormwater, collective bargaining, racial equity impact assessments, source water protection, integrated planning, and public health.

As well as adding these voices and areas of expertise to the Task Force itself, members should **consult with more stakeholders and experts** as they examine alternative governance models. Since the Task Force does not include representatives for all of the affected jurisdictions, each impacted county must at least be consulted throughout the process. The Task Force should also consult the Maryland Commission on Environmental Justice and Sustainable Communities, the Environmental Protection Agency, and the Washington Suburban Sanitary Commission to reduce unintended consequences to overburdened and underserved communities, ensure strong environmental and social outcomes, and learn lessons from other regions.

In addition to the narrow Task Force membership, a key problem with this bill is the complete lack of opportunities for public input. Baltimore's water and wastewater system serves 1.8 million people. Any discussions about altering the governance and management of a utility that provides vital services to that large of a population **must be vigorously discussed and debated in public with meaningful opportunities for residents and ratepayers to provide input**. The Task Force must advertise all of its meetings and ensure they are open to the public in alignment with Maryland's Open Meetings Act, hold a series of public hearings in all of the impacted jurisdictions, provide a comment period on a draft report before finalizing its recommendations, and explicitly acknowledge and respond to public input in the final report. Specific recommendations about the number and location of hearings and other details can be found in the amendment language attached to our testimony.

As many scholars and activists have pointed out, the regionalization of water and sewer systems is part of a broader national trend of regional and state government entities transferring control of infrastructure assets away from majority Black cities.⁸ Given that water regionalization can result in increased water rates, reduced community input, and deferred maintenance on local infrastructure, Justin Keller and Sarah J. Howe of the Metropolitan Planning Council conclude that "communities of color have more to lose from water service regionalization."⁹ Therefore, **this Task Force must conduct thorough racial and economic equity impact assessments** to account for any disparate impacts a regional governance structure may have, particularly on Baltimore City's Black and low-income residents.

It is also important to note that regional systems typically preempt existing local laws and programs. Blue Water Baltimore has fought hard for increased protections for residents impacted by sewage backups in Baltimore City through improvements to the Expedited Reimbursement Program and the establishment of the Sewage Onsite Support program. Our allies at the Right to Water Coalition have achieved significant ratepayer protections via the Water Accountability and Equity Act, and Baltimore City voters overwhelmingly approved Ballot Question E in 2018 banning the privatization of the city's water system. Unions in local jurisdictions have fought for years to negotiate collective bargaining agreements for their members. All of these hard-won protections could be jeopardized by a regional body, thereby disenfranchising local residents and workers. **The Task Force must commit to only considering public sector solutions that honor and uphold existing local ratepayer and worker protections.**

⁸ Cramer, 2015.

⁹ Justin Keller and Sarah J. Howe. (December 6, 2021). [The missing component in water service regionalization debates: equity](#). Metropolitan Planning Council.

Finally, **the timeline for the Task Force's work must be extended** to enable sufficient time for the numerous analyses necessary to properly assess alternative governance options to be conducted and to solicit public input.

We urge a favorable report on HB0843 with the suggested strengthening amendments.

Sincerely,

A handwritten signature in black ink that reads "Alice Volpitta". The signature is written in a cursive, flowing style.

Alice Volpitta
Baltimore Harbor Waterkeeper

Amendment 1. Adjusting the membership of the taskforce

Page 3, line 2
After "Governor"
add

"INCLUDING: 1. ONE REPRESENTATIVE FROM A LOCAL COMMUNITY ORGANIZATION REPRESENTING LOW-INCOME WATER RATEPAYERS IN THE CITY, AND 2. ONE LOW-INCOME WATER RATEPAYER IN THE CITY."

Page 3, line 3
After "Mayor of Baltimore City"
add

", INCLUDING AT LEAST ONE MEMBER FROM CITY UNION OF BALTIMORE, AFT LOCAL 800, REPRESENTING EMPLOYEES WORKING IN THE CITY'S WATER/WASTEWATER FACILITIES

Page 3, line 5
After "County"
add

", INCLUDING AT LEAST ONE MEMBER FROM THE BALTIMORE COUNTY FEDERATION OF PUBLIC EMPLOYEES, AFT LOCAL 4883, REPRESENTING COUNTY EMPLOYEES WORKING IN THE COUNTY'S WATER DEPARTMENT"

Page 3, line 13
Strike "or"
and add

"4. UTILITY SERVICE AFFORDABILITY, INCLUDING PERSONAL KNOWLEDGE; 5. RACIAL EQUITY IMPACT ASSESSMENTS; 6. COLLECTIVE BARGAINING AGREEMENTS; 7. SEWAGE BACKUPS, INCLUDING PERSONAL KNOWLEDGE; 8. STORMWATER; 9. INTEGRATED PLANNING; 10. CLIMATE RESILIENCY; 11. SOURCE WATER PROTECTION; OR 12. PUBLIC HEALTH; AND"

Page 3, line 14
After "(ii)"
add

"EITHER 1. RECEIVE WATER AND WASTEWATER SERVICE FROM THE WATER AND WASTEWATER UTILITY, OR 2."

Amendment 2. Including racial equity and economic equity impact assessments

Page 5, line 6
Strike "and"
and add

“(5) CONDUCT A RACIAL EQUITY IMPACT ASSESSMENT AND AN ECONOMIC EQUITY IMPACT ASSESSMENT FOR EACH ALTERNATIVE GOVERNANCE STRUCTURE; AND”

Page 5, line 7

Strike “(5)”

and add

“(6)”

Amendment 3: Directing the Task Force to limit their study to public sector solutions that will (1) exclude private for-profit ownership, operation or management of the systems as prohibited by the Baltimore City Charter, (2) protect democratic decision-making and the rights of workers and residents, and (3) not undermine or conflict with local water affordability laws and charter protections approved by voters.

Page 5, line 11

After “Task Force shall”

Add

“(1) CONSIDER ONLY ALTERNATIVE GOVERNANCE MODELS THAT ADHERE TO RATEPAYER AND LABOR PROTECTIONS ESTABLISHED BY LOCAL JURISDICTIONS, INCLUDING: (i) BALTIMORE CITY BALLOT QUESTION E OF 2018, WHICH WAS APPROVED BY VOTERS, TO AMEND THE CITY CHARTER TO PROHIBIT PRIVATE, FOR-PROFIT OWNERSHIP, OPERATION OR MANAGEMENT OF THE WATER SUPPLY AND WASTEWATER SYSTEM; (ii) THE WATER ACCOUNTABILITY AND EQUITY ACT OF BALTIMORE CITY, WHICH ESTABLISHED: A LOW-INCOME WATER AFFORDABILITY PROGRAM; WATER SHUTOFF PROTECTIONS FOR VULNERABLE HOUSEHOLDS; A DISPUTE RESOLUTION PROCESS; RIGHTS OF TENANTS TO RECEIVE THEIR BILLS, ACCESS ASSISTANCE, AND DISPUTE RESOLUTION; AND AN OFFICE OF CUSTOMER ADVOCACY AND APPEALS; (iii) COLLECTIVE BARGAINING AGREEMENTS, WORKER PENSIONS, AND BENEFITS FOR WORKERS IN THE CITY AND THE COUNTY; AND (iv) BALTIMORE CITY’S SEWAGE ONSITE SUPPORT PROGRAM AND EXPEDITED REIMBURSEMENT PROGRAM; ”

Page 5, line 11

Before “consult with”

add

“(2)”

Amendment 4: Requiring public input.

Page 5, line 12

After “Service”

strike “.”

and add

“; AND (3) PROVIDE OPPORTUNITIES FOR PUBLIC INPUT BY: (1) PUBLISHING A DRAFT OF ITS FINDINGS AND RECOMMENDATIONS FOR PUBLIC REVIEW ON THE WEBSITES OF THE CITY AND COUNTY; (2) HOLDING PUBLIC HEARINGS: (I) PRIOR TO THE DEVELOPMENT OF A DRAFT REPORT; (II) AFTER THE ISSUANCE OF A DRAFT REPORT; (III) WITH HEARINGS HELD ONLINE AND IN PERSON AT DIFFERENT TIMES OF DAY AND LOCATED AT: 1. THE SEVEN EARLY VOTING SITES WITHIN THE CITY; 2. FIVE LOCATIONS IN THE COUNTY AT SITES WITHIN THE WATER SYSTEM SERVICE AREA THAT ARE CONVENIENT FOR PUBLIC TRANSPORTATION; AND 3. ONE LOCATION IN EACH OF THE FOUR OTHER JURISDICTIONS OF THE AFFECTED COUNTIES. (3) PROVIDING A PUBLIC COMMENT PERIOD OF AT LEAST 90 DAYS ON THE DRAFT REPORT PRIOR TO FINALIZING THE FINDINGS AND RECOMMENDATIONS; (4) ASSESSING THE PUBLIC INPUT IN THE FINAL REPORT BY (I) SUMMARIZING THE PUBLIC HEARINGS, PUBLIC COMMENTS, AND OTHER FEEDBACK; (II) ADDRESSING HOW THAT INFORMATION WAS INCORPORATED INTO THE FINAL REPORT AND RECOMMENDATIONS; AND (III) EXPLAINING THE REASONS WHY ANY PUBLIC FEEDBACK WAS NOT INCORPORATED INTO THE FINAL REPORT AND RECOMMENDATIONS; (5) ADVERTISING ALL TASK FORCE MEETINGS ON THE WEBSITES OF ALL AFFECTED JURISDICTIONS AND THE MARYLAND DEPARTMENT OF ENVIRONMENT, AND ON AT LEAST ONE SOCIAL MEDIA ACCOUNT; AND (6) HOLDING ALL MEETINGS OPEN TO THE PUBLIC ONLINE AND IN-PERSON, PURSUANT TO THE MARYLAND OPEN MEETINGS ACT.”

Amendment 5: Expanding the timeline to allow sufficient time to conduct the review and solicit public feedback.

Page 5, line 13

After “On or before”

add

“JUNE 30, 2025, THE TASK FORCE SHALL REPORT ITS DRAFT FINDINGS AND RECOMMENDATIONS TO THE MAYOR OF BALTIMORE CITY, THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.”

Page 5, line 13

Strike (i)

Add

“(j)”

Page 5, line 13

After “On or before”

strike “January 30, 2024” and

add

“June 30, 2027”

Page 5, line 13

After “Task Force shall report its”

add

“final”

Page 5, line 21

After “remain effect through June 30,”

strike “2024” and

add

“2027”

Page 5, line 21

After “at the end of June 30,”

strike “2024” and

add

“2027”

Additional provisions to further the purposes of this legislation:

- Provide not less than \$2 million in funding from the State general fund to produce expert analyses on various governing models and alternatives, and to provide stipends for low-income ratepayers to participate on the taskforce. Analyses should include:
 - Comprehensive rate analyses;
 - Fiscal impact analyses for the City, County, stormwater systems of City and County, and the water /sewer utility systems;
 - Racial equity impact assessment;
 - Economic equity impact assessment;
 - Environmental impact and environmental justice analyses;
 - Legal analysis, including an assessment of legal consequences for local ratepayer and labor protections established by local jurisdictions, for the existing federal consent decree, and for any outstanding lawsuits;
 - Examination of other case studies of regional models beyond the limited sampling included in the 2021 review, and inclusive of Detroit/ Great Lakes Regional Water Authority, as there is substantial research available about how this regionalization deepened regional racial inequities; and
 - Alternatives analysis of options other than a governance change to address the underlying problems, such as how to address staffing shortfalls and equity in allocation of state and federal funding to the water/sewer system.
- Expand the Task Force’s scope of study to assess all six tasks included in the entire 2021 review.
- Expanded consultation in section (h) to include representatives for all affected jurisdictions, the Maryland Commission on Environmental Justice and Sustainable Communities, the U.S. Environmental Protection Agency, and the Washington Suburban Sanitary Commission.

HB0843-FWA.pdf

Uploaded by: Alice Volpitta

Position: FWA



March 1, 2023

Bill: Baltimore Regional Water Governance Task Force (HB0843)

Position: Favorable with Amendment

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While there can be significant benefits to consolidating the management of water systems, there are also serious impacts that must be considered and mitigated based on experiences in other jurisdictions. A key point of comparison in this case is Detroit, whose water system was regionalized in 2013, much to the detriment of Detroit's Black residents. Since Baltimore City and County have similar racial and class differences as Detroit does with its surrounding counties, it is vital that legislators look seriously at what happened in Detroit and ensure that you are centering an equity lens in your consideration of this legislation and any subsequent discussions of regionalizing Baltimore's water system.

¹ American Water Works Association. (Last updated April 19, 2019). [AWWA Policy Statement on Regional Collaboration by Water Utilities](#).

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Lessons to Learn from Regional Water Authority in Detroit

Prior to 1977, Detroit fully controlled its region's water system, similar to how Baltimore City owns and manages the Baltimore region's water system today. For decades, predominantly white suburban politicians unsuccessfully attempted to create a regional authority through legislation to take control of the water system away from the city, efforts that predominantly Black city leaders strongly opposed.³ After violations of federal Environmental Protection Agency regulations, a federal judge oversaw Detroit's water system between 1977 - 2013. This federal oversight is seen by critics of regionalization as the first step toward taking control of the system away from the city.

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Given Detroit's troubled experience with regional control over its water system and the significant problems with regional approaches to water and wastewater management in other majority Black cities in the U.S., it is incumbent upon the General Assembly to heed these warnings and ensure that Maryland does not repeat these mistakes.

Strengthening Amendments

As you consider this bill, we urge you to strengthen it by ensuring a **broader range of stakeholders** are represented on and consulted by the Task Force, mandating meaningful opportunities for **public input and engagement**, requiring **racial and economic equity impact assessments**, ensuring any alternative governance models explored by the Task Force **uphold and protect existing ratepayer and labor protections**, and **extending the timeline** for this complex work to be conducted.

This bill seeks to build off the recommendations from a 2021 business review of water and sewer services commissioned by Baltimore City and Baltimore County.⁶ A key conclusion of that study – that the City and County need to better understand and evaluate the system before making any decisions about restructuring it – support the need for these strengthening amendments.

This bill aims to codify the third recommendation from that report, focused on convening stakeholders. The 2021 study specifically named the importance of including “a broad range of stakeholders.”⁷ But as currently written, this Task Force is far too narrow in its membership to fulfill that recommendation. At minimum, **low-income ratepayers and labor unions must be represented on the Task Force** to ensure that any potential alternative governing structure does not negatively impact the most vulnerable users of the water system or the workers who operate and sustain it. To enable a diversity

³ Jon Cramer. (October 31, 2015). [Race, Class, and Social Reproduction in the Urban Present: The Case of the Detroit Water and Sewage System](#). *Viewpoint Magazine*.

⁴ Cramer, 2015.

⁵ Kornberg, D. (2016, June 17). [The Structural Origins of Territorial Stigma: Water and Racial Politics in Metropolitan Detroit, 1950s-2010s](#). *International Journal of Urban and Regional Research* 40(2), 263-283.

⁶ NewGen Strategies & Solutions. (July 2021). [Water/Sewer Services Comprehensive Business Process Review, Baltimore County and Baltimore City](#).

⁷ NewGen, 2021.

of experiences and perspectives to participate on the Task Force, the **required background knowledge should also be expanded** to include utility affordability, sewage backups, climate resilience, stormwater, collective bargaining, racial equity impact assessments, source water protection, integrated planning, and public health.

As well as adding these voices and areas of expertise to the Task Force itself, members should **consult with more stakeholders and experts** as they examine alternative governance models. Since the Task Force does not include representatives for all of the affected jurisdictions, each impacted county must at least be consulted throughout the process. The Task Force should also consult the Maryland Commission on Environmental Justice and Sustainable Communities, the Environmental Protection Agency, and the Washington Suburban Sanitary Commission to reduce unintended consequences to overburdened and underserved communities, ensure strong environmental and social outcomes, and learn lessons from other regions.

In addition to the narrow Task Force membership, a key problem with this bill is the complete lack of opportunities for public input. Baltimore's water and wastewater system serves 1.8 million people. Any discussions about altering the governance and management of a utility that provides vital services to that large of a population **must be vigorously discussed and debated in public with meaningful opportunities for residents and ratepayers to provide input**. The Task Force must advertise all of its meetings and ensure they are open to the public in alignment with Maryland's Open Meetings Act, hold a series of public hearings in all of the impacted jurisdictions, provide a comment period on a draft report before finalizing its recommendations, and explicitly acknowledge and respond to public input in the final report. Specific recommendations about the number and location of hearings and other details can be found in the amendment language attached to our testimony.

As many scholars and activists have pointed out, the regionalization of water and sewer systems is part of a broader national trend of regional and state government entities transferring control of infrastructure assets away from majority Black cities.⁸ Given that water regionalization can result in increased water rates, reduced community input, and deferred maintenance on local infrastructure, Justin Keller and Sarah J. Howe of the Metropolitan Planning Council conclude that "communities of color have more to lose from water service regionalization."⁹ Therefore, **this Task Force must conduct thorough racial and economic equity impact assessments** to account for any disparate impacts a regional governance structure may have, particularly on Baltimore City's Black and low-income residents.

It is also important to note that regional systems typically preempt existing local laws and programs. Blue Water Baltimore has fought hard for increased protections for residents impacted by sewage backups in Baltimore City through improvements to the Expedited Reimbursement Program and the establishment of the Sewage Onsite Support program. Our allies at the Right to Water Coalition have achieved significant ratepayer protections via the Water Accountability and Equity Act, and Baltimore City voters overwhelmingly approved Ballot Question E in 2018 banning the privatization of the city's water system. Unions in local jurisdictions have fought for years to negotiate collective bargaining agreements for their members. All of these hard-won protections could be jeopardized by a regional body, thereby disenfranchising local residents and workers. **The Task Force must commit to only considering public sector solutions that honor and uphold existing local ratepayer and worker protections.**

⁸ Cramer, 2015.

⁹ Justin Keller and Sarah J. Howe. (December 6, 2021). [The missing component in water service regionalization debates: equity](#). Metropolitan Planning Council.

Finally, **the timeline for the Task Force's work must be extended** to enable sufficient time for the numerous analyses necessary to properly assess alternative governance options to be conducted and to solicit public input.

We urge a favorable report on HB0843 with the suggested strengthening amendments.

Sincerely,

A handwritten signature in black ink that reads "Alice Volpitta". The signature is written in a cursive, flowing style.

Alice Volpitta
Baltimore Harbor Waterkeeper

Amendment 1. Adjusting the membership of the taskforce

Page 3, line 2
After "Governor"
add

"INCLUDING: 1. ONE REPRESENTATIVE FROM A LOCAL COMMUNITY ORGANIZATION REPRESENTING LOW-INCOME WATER RATEPAYERS IN THE CITY, AND 2. ONE LOW-INCOME WATER RATEPAYER IN THE CITY."

Page 3, line 3
After "Mayor of Baltimore City"
add

“, INCLUDING AT LEAST ONE MEMBER FROM CITY UNION OF BALTIMORE, AFT LOCAL 800, REPRESENTING EMPLOYEES WORKING IN THE CITY’S WATER/WASTEWATER FACILITIES

Page 3, line 5
After "County"
add

“, INCLUDING AT LEAST ONE MEMBER FROM THE BALTIMORE COUNTY FEDERATION OF PUBLIC EMPLOYEES, AFT LOCAL 4883, REPRESENTING COUNTY EMPLOYEES WORKING IN THE COUNTY’S WATER DEPARTMENT”

Page 3, line 13
Strike "or"
and add

"4. UTILITY SERVICE AFFORDABILITY, INCLUDING PERSONAL KNOWLEDGE; 5. RACIAL EQUITY IMPACT ASSESSMENTS; 6. COLLECTIVE BARGAINING AGREEMENTS; 7. SEWAGE BACKUPS, INCLUDING PERSONAL KNOWLEDGE; 8. STORMWATER; 9. INTEGRATED PLANNING; 10. CLIMATE RESILIENCY; 11. SOURCE WATER PROTECTION; OR 12. PUBLIC HEALTH; AND”

Page 3, line 14
After "(ii)"
add

"EITHER 1. RECEIVE WATER AND WASTEWATER SERVICE FROM THE WATER AND WASTEWATER UTILITY, OR 2."

Amendment 2. Including racial equity and economic equity impact assessments

Page 5, line 6
Strike "and"
and add

“(5) CONDUCT A RACIAL EQUITY IMPACT ASSESSMENT AND AN ECONOMIC EQUITY IMPACT ASSESSMENT FOR EACH ALTERNATIVE GOVERNANCE STRUCTURE; AND”

Page 5, line 7

Strike “(5)”

and add

“(6)”

Amendment 3: Directing the Task Force to limit their study to public sector solutions that will (1) exclude private for-profit ownership, operation or management of the systems as prohibited by the Baltimore City Charter, (2) protect democratic decision-making and the rights of workers and residents, and (3) not undermine or conflict with local water affordability laws and charter protections approved by voters.

Page 5, line 11

After “Task Force shall”

Add

“(1) CONSIDER ONLY ALTERNATIVE GOVERNANCE MODELS THAT ADHERE TO RATEPAYER AND LABOR PROTECTIONS ESTABLISHED BY LOCAL JURISDICTIONS, INCLUDING: (i) BALTIMORE CITY BALLOT QUESTION E OF 2018, WHICH WAS APPROVED BY VOTERS, TO AMEND THE CITY CHARTER TO PROHIBIT PRIVATE, FOR-PROFIT OWNERSHIP, OPERATION OR MANAGEMENT OF THE WATER SUPPLY AND WASTEWATER SYSTEM; (ii) THE WATER ACCOUNTABILITY AND EQUITY ACT OF BALTIMORE CITY, WHICH ESTABLISHED: A LOW-INCOME WATER AFFORDABILITY PROGRAM; WATER SHUTOFF PROTECTIONS FOR VULNERABLE HOUSEHOLDS; A DISPUTE RESOLUTION PROCESS; RIGHTS OF TENANTS TO RECEIVE THEIR BILLS, ACCESS ASSISTANCE, AND DISPUTE RESOLUTION; AND AN OFFICE OF CUSTOMER ADVOCACY AND APPEALS; (iii) COLLECTIVE BARGAINING AGREEMENTS, WORKER PENSIONS, AND BENEFITS FOR WORKERS IN THE CITY AND THE COUNTY; AND (iv) BALTIMORE CITY’S SEWAGE ONSITE SUPPORT PROGRAM AND EXPEDITED REIMBURSEMENT PROGRAM; ”

Page 5, line 11

Before “consult with”

add

“(2)”

Amendment 4: Requiring public input.

Page 5, line 12

After “Service”

strike “.”

and add

“; AND (3) PROVIDE OPPORTUNITIES FOR PUBLIC INPUT BY: (1) PUBLISHING A DRAFT OF ITS FINDINGS AND RECOMMENDATIONS FOR PUBLIC REVIEW ON THE WEBSITES OF THE CITY AND COUNTY; (2) HOLDING PUBLIC HEARINGS: (I) PRIOR TO THE DEVELOPMENT OF A DRAFT REPORT; (II) AFTER THE ISSUANCE OF A DRAFT REPORT; (III) WITH HEARINGS HELD ONLINE AND IN PERSON AT DIFFERENT TIMES OF DAY AND LOCATED AT: 1. THE SEVEN EARLY VOTING SITES WITHIN THE CITY; 2. FIVE LOCATIONS IN THE COUNTY AT SITES WITHIN THE WATER SYSTEM SERVICE AREA THAT ARE CONVENIENT FOR PUBLIC TRANSPORTATION; AND 3. ONE LOCATION IN EACH OF THE FOUR OTHER JURISDICTIONS OF THE AFFECTED COUNTIES. (3) PROVIDING A PUBLIC COMMENT PERIOD OF AT LEAST 90 DAYS ON THE DRAFT REPORT PRIOR TO FINALIZING THE FINDINGS AND RECOMMENDATIONS; (4) ASSESSING THE PUBLIC INPUT IN THE FINAL REPORT BY (I) SUMMARIZING THE PUBLIC HEARINGS, PUBLIC COMMENTS, AND OTHER FEEDBACK; (II) ADDRESSING HOW THAT INFORMATION WAS INCORPORATED INTO THE FINAL REPORT AND RECOMMENDATIONS; AND (III) EXPLAINING THE REASONS WHY ANY PUBLIC FEEDBACK WAS NOT INCORPORATED INTO THE FINAL REPORT AND RECOMMENDATIONS; (5) ADVERTISING ALL TASK FORCE MEETINGS ON THE WEBSITES OF ALL AFFECTED JURISDICTIONS AND THE MARYLAND DEPARTMENT OF ENVIRONMENT, AND ON AT LEAST ONE SOCIAL MEDIA ACCOUNT; AND (6) HOLDING ALL MEETINGS OPEN TO THE PUBLIC ONLINE AND IN-PERSON, PURSUANT TO THE MARYLAND OPEN MEETINGS ACT.”

Amendment 5: Expanding the timeline to allow sufficient time to conduct the review and solicit public feedback.

Page 5, line 13
 After “On or before”
 add

“JUNE 30, 2025, THE TASK FORCE SHALL REPORT ITS DRAFT FINDINGS AND RECOMMENDATIONS TO THE MAYOR OF BALTIMORE CITY, THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.”

Page 5, line 13
 Strike (i)
 Add
 “(j)”

Page 5, line 13
 After “On or before”
 strike “January 30, 2024” and
 add
“June 30, 2027”

Page 5, line 13

After “Task Force shall report its”

add

“**final**”

Page 5, line 21

After “remain effect through June 30,”

strike “2024” and

add

“**2027**”

Page 5, line 21

After “at the end of June 30,”

strike “2024” and

add

“**2027**”

Additional provisions to further the purposes of this legislation:

- Provide not less than \$2 million in funding from the State general fund to produce expert analyses on various governing models and alternatives, and to provide stipends for low-income ratepayers to participate on the taskforce. Analyses should include:
 - Comprehensive rate analyses;
 - Fiscal impact analyses for the City, County, stormwater systems of City and County, and the water /sewer utility systems;
 - Racial equity impact assessment;
 - Economic equity impact assessment;
 - Environmental impact and environmental justice analyses;
 - Legal analysis, including an assessment of legal consequences for local ratepayer and labor protections established by local jurisdictions, for the existing federal consent decree, and for any outstanding lawsuits;
 - Examination of other case studies of regional models beyond the limited sampling included in the 2021 review, and inclusive of Detroit/ Great Lakes Regional Water Authority, as there is substantial research available about how this regionalization deepened regional racial inequities; and
 - Alternatives analysis of options other than a governance change to address the underlying problems, such as how to address staffing shortfalls and equity in allocation of state and federal funding to the water/sewer system.
- Expand the Task Force’s scope of study to assess all six tasks included in the entire 2021 review.
- Expanded consultation in section (h) to include representatives for all affected jurisdictions, the Maryland Commission on Environmental Justice and Sustainable Communities, the U.S. Environmental Protection Agency, and the Washington Suburban Sanitary Commission.

HB 843 – Baltimore Regional Water Governance Taskf

Uploaded by: Denise Riley

Position: FWA



A Union of Professionals
AFT-Maryland

5800 Metro Drive, Suite 100 • Baltimore, MD 21215-3226
410/764-3030 • fax: 410/764-3008
md.aft.org

Kenya Campbell
PRESIDENT

LaBrina Hopkins
SECRETARY-TREASURER

**Written Testimony Submitted to the
Maryland House of Delegates Energy and Transportation Committee
HB 843 – Baltimore Regional Water Governance Taskforce
March 1, 2023**

Favorable-with-amendments

Chair Barve and members of the Committee, on behalf of the American Federation of Teachers - Maryland (AFT-MD), representing more than 20,000 members including those in the City Union of Baltimore (CUB) and the Baltimore County Federation of Public Employees (BCFPE), which represent the city and county employees in their respective water departments, we call for a favorable-with-amendments report for HB 843.

CUB's and BCFPE's amendments – drafted with with our coalition partners in Food and Water Watch, include the following, a taskforce membership to ensure employee and community voices are included in discussions; insurances that the water utility system will not be privatized; the protections the people of Baltimore have placed to safeguard their water system are respected; and an adjustment to the report timeline to allow these substantial issues to be studied in depth.

Water, a fundamental human right, must be fairly and equitably distributed to residents. Proposed changes to the system must have input from the community and include voices of those who are engaged in the day-to-day operations of the delivery and upkeep of our city's water system. The amendments to the taskforce membership portion of the bill call for the mayor and the county executive to appoint at least one representative each from the union of county and city employees currently working for the water systems. In addition, the amendment calls for the Governor to appoint members that represent low-income water rate payers, as water affordability has been at the forefront of issues over the past decade.

Finally, we call for an adjustment to the deadline for the taskforce to submit its report and recommendations to the general assembly; nine months is simply just not enough time to effectively study this issue.

We ask that the committee adopt these amendments and issue a favorable-with-amendments report to HB 843. Thank you.

HB 843 - Baltimore Regional Water Governance Task

Uploaded by: Donna Edwards

Position: FWA



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096

Balto. (410) 269-1940 • Fax (410) 280-2956

President

Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

HB 843 - Baltimore Regional Water Governance Task Force House Environment and Transportation Committee March 1, 2023

SUPPORT WITH AMENDMENT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 843 with amendments. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

Access to clean, safe, and affordable drinking water is a human right recognized by the United Nations.¹ Residents of the greater Baltimore region have worked hard to protect their water infrastructure from privatization and organize for lower bills.

This task force will issue recommendations that impact hundreds of thousands of families and thousands of workers employed by the water and wastewater systems in and around the city. It is essential that workers directly have a voice on this task force in order to provide input and feedback on decisions that might impact them.

We encourage the committee to issue a favorable report with the following amendment.

Add the following language to Page 3, Line 9, moving all subsequent language down:

(vii) two members representing water and wastewater workers, appointed by the Maryland State & DC AFL-CIO.

¹ United Nations General Assembly Resolution, "A/RES/64/292." July 2010.

HB 843 Testimony BSSC.pdf

Uploaded by: Douglas Celmer

Position: FWA

HB 843

3/1/2023 2PM Rm. 250

Baltimore Regional Water Governance Task Force

Testimony of Douglas Celmer board chair (BRNPCA)

Good afternoon Chairman Barve and members of the Committee. I would like to thank you for the opportunity to appear before you and discuss the bill creating a task force to study Baltimore Regional Water Governance

My name is Douglas Celmer Representing the Back River Neck Peninsula Community Association (BRNPCA) and the Celmer Family.

My Family has lived alongside of Back River for 100 years, my granddaughter is 5th Generation Celmer on this land. We know first hand about the Back River Wastewater Treatment plant and its failings.

HB 43

Section 1 paragraph (b) (1)

ALL political jurisdictions shall be EQUALLY represented. Clean drinking water and properly treated waste water are a right of all persons in the State.

It is absolutely unacceptable that the City of Baltimore shall have veto authority for the actions of this task force. Paragraph (f) (2).

The Goal of the Task force shall be the creation of an independent Baltimore Suburban Sanitary Commission (BSSC) modeled after the very effective and professional Washington Suburban Sanitary Commission (WSSC) that serves Montgomery and Prince Georges Counties.

Thank You for your kind attention.

Douglas Celmer

Board Chair BRNPCA

HB 843 Testimony BSSC.pdf

Uploaded by: Douglas Celmer

Position: FWA

HB 843

3/1/2023 2PM Rm. 250

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HB 43

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Thank You for your kind attention.

Douglas Celmer

Board Chair BRNPCA

J.Ripley testimony HB843 - Baltimore Regional Wate

Uploaded by: John Ripley

Position: FWA



BALTIMORE COUNTY
FEDERATION OF
PUBLIC EMPLOYEES
AFT / AFL - CIO / BCFPE Local #4883

John Ripley
BCFPE President
305 W. Chesapeake Ave., Suite L-30
Towson, Maryland 21204-4841
Ph: 410-296-1875
Fax: 410-296-1879

**Written Testimony Submitted to the
Maryland House of Delegates Environment and Transportation Committee
From the Baltimore County Federation of Public Employees, AFT Local 4883
HB 843– Baltimore Regional Water Governance Taskforce
March 1, 2023**

Favorable-with-amendments

Good afternoon Chair Barve and members of the House Environment and Transportation Committee. My name is John Ripley, and I am the President of the Baltimore County Federation of Public Employees representing over 1500 county employees, including hundreds of employees working with the county's water services. I am also on the Executive Board of AFT Maryland and the Metropolitan Baltimore Council of AFL-CIO. We call for a favorable-with-amendments report for HB 843, the bill that would create a taskforce to study the potential to create a regional water utility for Baltimore City and County. We have appended the proposed amendments to our written testimony for your review.

Our amendments– drafted in concert with our coalition partners in Food and Water Watch, the NAACP Legal Defense Fund, and other environmental and social justice organizations– relate largely to three major fields: taskforce membership to ensure employee and community voices are included in these vital discussions, insurances that the water utility system will not be privatized and the protections the people of Baltimore have placed to safeguard their water system are respected, and adjusting the timeline of a report due back so that these major, substantial issues can be studied with the depth and breadth necessary for an undertaking of this sort.

Again, BCFPE represents hundreds of county workers who work in the water and wastewater systems for Baltimore county. These members not only have particular, valuable, front-line insights on the strengths and weaknesses of the current system, but also have a right to participate in larger conversations over decisions that may impact their work. Their representation on this taskforce is a must.

Members of the committee, the proposed work of this taskforce must not be understated: the undertaking of a monumental task to re-envision how water, a fundamental human right, if fairly and equitably distributed to residents in both our county and Baltimore City, must not be taken lightly. This task must have ample output from the community members most impacted by decisions we are making, and include voices of those who are engaged in the day-to-day operations of the delivery and upkeep of our city's water system. Our amendments to the taskforce membership portion of the bill call for the mayor and the county executive to appoint at least one representative each from the union of county and city employees currently working for the water systems. In addition, the amendment calls for the Governor to appoint members to the taskforce that represent low-income water rate payers, as water affordability issues have been at the forefront of conversations regarding City and County water over the past decade.

Finally, we call for a rethinking of the deadline for the taskforce to submit its report and recommendations to the general assembly; nine months is simply just not enough time to effectively study this issue, consider the potential outcomes, and hear concerns from impacted members of the public. While there has been a study published in 2021, commissioned by both the city and the county, that study was a general business process review. If the charge of this taskforce is to look specifically at how the current water system may be transformed into another alternative regional water system, more time needs be devoted to looking at the costs and means by which the current systems can be transferred to a new regional entity.

We ask that the committee adopt these amendments, and issue a favorable-with-amendments report to HB 843.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "John E. Ripley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

President John Ripley

Baltimore County Federation of Public Employees Local #4883

AFT Maryland / Metropolitan Baltimore Council AFL-CIO - CLC

HB0843_Food_and_Water_Watch_FWA.pdf

Uploaded by: Mary Grant

Position: FWA



1616 P Street, NW
Suite 300
Washington, DC 20036
T +202.683.2500
F +202.683.2501
foodandwaterwatch.org

HB0843 - Baltimore Regional Water Governance Task Force

March 1, 2023

Environment and Transportation
FAVORABLE WITH AMENDMENTS

On behalf of Food & Water Watch and our 44,000 supporters in Maryland, **we recommend that you issue a favorable report on HB0843 if and only if the Baltimore Right to Water Coalition's amendments are adopted.** This list of amendments supported by Food & Water Watch and other advocacy, environmental, and labor organizations is included at the end of this testimony. These amendments seek to protect the ratepayers and workers of the water and sewer utility.

HB0843 establishes a Task Force to recommend a new governance model for the Baltimore water and sewer utility. Given that the intention is to guide state legislation to enact the recommended changes, we strongly believe that there must be more public input into this process and more guardrails to protect the public from unintended harm.

Food & Water Watch was a founding member of the Baltimore Right to Water Coalition, and since 2016, we have worked with organizations across the City and our City's elected officials, under the leadership of Mayor Brandon Scott, to help codify and implement several water consumer protections for residents of Baltimore City. While our aging water and sewer system does not lack for challenges, these consumer protections are among the strongest in the nation, and any recommended change in utility governance must ensure their preservation.

We propose five amendments:

(1) Low-income ratepayer and labor stakeholder participation on the taskforce.

Workers and low-income ratepayers deserve to have a seat at the table and a voice in the future of our water and sewer utility. Any change in utility governance would disproportionately impact them. Workers could see changes to their jobs, their benefits, and their working conditions, and low-income residents in the City would be disparately impacted by any resulting rate increase, new rate structures, or loss of local ratepayer protections and assistance programs.

We request that the Governor's appointees to the Task Force include (1) a representative from a local community organization representing low-income water ratepayers in the City and (2) a low-income water ratepayer in the City. We further urge the Committee to explore providing a stipend for this low-income community member to participate on the Task Force. We also

request that the Mayor and the County Executive each appoint at least one representative from the labor unions representing the workers at the utility in their respective jurisdictions.

Decisions about our water and sewer utility should be made by people impacted by those decisions. Therefore, we request that the Task Force members be either directly served by the utility or represent ratepayers in their respective jurisdictions. Outside subject matter experts are better suited to serve as consultants instead of decision makers.

(2) Racial equity and economic equity impact assessments.

It is essential that this Task Force incorporate racial and economic equity into its recommendation and findings.

A change in governance of the water and sewer utility would have a profound impact on Baltimore City, one of the nation's largest majority Black cities. Baltimore City owns the water and sewer systems, and the water and sewer systems are the City's biggest assets. In 2021, the water and wastewater systems had combined total capital asset value of \$5.4 billion — more than \$2 billion more than the capital asset value of the rest of the entire City government (\$3.2 billion).

A regional authority established by state statute would take away decision making from the City's majority Black elected officials and transfer control to a new board appointed by likely by a combination of the Mayor, the County Executive, and other state or county officials. Because the board members are unelected officials, Baltimore City's majority Black population would lose ballot box accountability over the people who make decisions about rates and services.

If a new water authority is established, a key decision will be whether Baltimore City is compensated for the loss of these assets, and if so, how will the new authority recover that cost. If the City is not compensated for the loss of assets, the transfer could cause substantial harm to the City and its majority Black population. If the new authority does pay for the assets, then it must recover that cost through rate hikes on customers, deepening the existing water affordability crisis that disproportionately harms Black households. A study from utility affordability expert Roger Colton found that water bills are already unaffordable for low-income households in every part of the City.

Water and sewer regionalization is part of a broader national trend that disparately impacts majority Black cities and raises serious concerns for racial and economic equity. For example, there is substantial academic research about how the regionalization of Detroit's water and sewer utility system and resulting unfair cost allocations deepened regional water and sewer insecurity and racial inequities. Hundreds of thousands of Detroit residents have had their water shutoff since the forced regionalization of their water and sewer system by a state-appointed emergency manager, disproportionately harming Black residents.¹

(3) Guardrails to preserve ratepayer and worker protections established under local laws.

Because a transfer to a governing entity established by state statute could preempt local laws and protections, the Task Force must ensure that any new governance structure will preserve local labor and ratepayer protections.

We recommend that the Task Force be limited to study only alternative governance models that adhere to ratepayer and labor protections approved by local jurisdictions, including:

- Baltimore City Ballot Question E of 2018, which was approved by voters, to amend the City Charter to prohibit private, for-profit ownership, operation or management of the water supply and wastewater system;
- The Water Accountability and Equity Act of Baltimore City, which established a low-income water affordability program; water shutoff protections for vulnerable households; a dispute resolution process; rights of tenants to receive their bills, access assistance, and dispute their bills; and an office of Customer Advocacy and Appeals;
- Collective bargaining contracts, worker pensions, and benefits for workers in the City and the County; and
- Baltimore City's Sewage Onsite Support Program and Expedited Reimbursement Program.

The loss of these protections would cause substantial harm to the residents and workers.

(4) Robust public input.

The public deserves a say in the future of our water and sewer system. Notably, Baltimore City residents have overwhelmingly declared the water and sewer system to be an inalienable asset of the City, when more than three-quarters of voters approved Ballot Question E in 2018. State legislation to establish a regional authority could circumvent the City Charter, which would effectively disenfranchise the City's majority Black population from the decision about their water and sewer system. A robust public input process is necessary to provide adequate opportunity for public engagement and feedback. The legislation currently requires no public hearings, public input, public comments, or any public participation at all.

As a solution, we recommend that the Task Force hold public hearings prior to drafting a recommendation and then another after releasing a draft recommendation. These public hearings should be located within the water and sewer service areas at sites convenient for residents to reach on public transportation. We recommend holding the hearings online and in person at each of the seven early voting centers within the City, as effort has already gone into determining that those locations are accessible to residents across the City.

We also recommend that the draft recommendation be open for public comment and feedback, and that the Task Force explain how it has incorporated the feedback it received from

the public when it reports its final recommendation. Further, all meetings of the Task Force should be explicitly open to the public in person and virtually and be held pursuant to the Maryland Open Meetings Act.

(5) A longer study time.

Under this emergency legislation, the Baltimore Regional Water Governance Task Force must recommend a new governance model for the Baltimore water and sewer system by January 30, 2024. That's less than a year. This is far too hasty for a meaningful analysis of our 200-year-old system. We propose an extended timeline that provides time for a draft recommendation to be released to the public for comment and feedback.

Much more due diligence is necessary to protect everyone served by the water and sewer system. Currently, the Task Force will look at one section of a single consultant's report on this issue. This provides insufficient information to properly assess alternative governing models. While the 2021 review provides several case studies, which can be useful, case studies should not be generalized because water and sewer systems have high asset specificity.

For example, many Maryland state legislators have a positive view of WSSC, but this system was created from the beginning as a regional system and never underwent a major structural change. Inequities can arise in the very process of governance change. More, it is important to point out two other very important differences between the systems: (1) system age, as Baltimore's system is 200 years old, and WSSC is half that; and (2) income and poverty. The financial situation of people served by WSSC is on average very different from those served by Baltimore City. The median income in Baltimore City is \$54k; it is \$117k in Montgomery County and \$91k in Prince George's County. The poverty rate in Baltimore City (20.3%) is about twice that of WSSC's service area. A change in governance will not alter the underlying reality of poverty and financial hardship facing many Baltimore City residents, and rather, that underlying reality means that Baltimore City residents, particularly its low-income Black families and seniors, are particularly vulnerable to a governance change that seizes control of their utility away from locally elected officials.

No effort has been made to estimate how any of the alternative structures will impact water rates, or to study the racial and economic equity impacts of changes in governance. The legislation would put the onus of additional analyses on an all-volunteer Task Force to complete within a year. This is unreasonable. At a minimum, adequate due diligence would merit the following studies:

- Comprehensive rate analyses under each alternative governance scenario;
- Fiscal impact analyses for the City, County, the stormwater systems of City and County, and the water and sewer utility systems;
- Racial equity impact assessments;
- Economic equity impact assessments;
- Environmental impact and environmental justice analyses;

- Legal analyses, including an assessment of legal consequences for local ratepayer and labor protections established by local jurisdictions, for the existing federal consent decrees, and for any outstanding lawsuits;
- Examination of other case studies of regional models beyond the limited sampling included in the 2021 review, and inclusive of Detroit/ Great Lakes Regional Water Authority and interviews with the We the People of Detroit research collective; and
- Alternatives analysis of options other than a governance change to address the underlying problems, such as how to address staffing shortfalls and equity in allocation of state and federal funding to the water and sewer system.

Any move to a new governance structure in absence of these analyses would render any Task Force recommendation incomplete and inadequate to the design of future legislation.

The future of our water and sewer system is far too important for a rush to judgement without any opportunity for public participation and engagement. Our water and sewer utility provide services that are essential for public health and wellbeing, and while we support efforts to improve its functioning and expand productive collaboration among various jurisdictions, we should not rush into a major change without sufficient review, stakeholder engagement, and opportunity for public participation and input.

Our water and sewer system faces many difficulties and challenges, but the hard truth is that there will be no quick fix or silver bullet. These problems cannot be solved in a year, and it can be difficult to see how a change in governance could possibly redress the decades of federal and state disinvestment in our aging system. This process must proceed with caution and care, rooted in the region's complex histories of redlining and disinvestment in Black communities and reaching for an affirmative goal of water justice.

I urge you to incorporate the following recommended amendments from the Baltimore Right to Water Coalition before allowing HB0843 to move forward.

Thank you for your time and consideration,

Mary Grant
Public Water for All Campaign Director
Food & Water Watch

¹ For example, see: Haas Institute at the University of Berkeley et al. "Water Equity and Security in Detroit's Water and Sewer District." January 2019, Available at https://haas.institute.berkeley.edu/sites/default/files/detroit_water_equity_full_report_jan_11_2019.pdf; Mesmer K., Aniss M., Mitra R. (2020). Naturalizing environmental justice: How privileged residents make sense of Detroit's water shutoffs. In Schmitt C. R., Castor T. R., Thomas C. S. (Eds.), *Water, rhetoric, and social justice: A critical confluence* (pp. 149–170). Lexington Books.

Amendment 1. Adjusting the membership of the taskforce

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“(5) CONDUCT A RACIAL EQUITY IMPACT ASSESSMENT AND AN ECONOMIC EQUITY IMPACT ASSESSMENT FOR EACH ALTERNATIVE GOVERNANCE STRUCTURE; AND”

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After “remain effect through June 30,”

strike “2024” and

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Additional provisions to further the purposes of this legislation:

- Provide not less than \$2 million in funding from the State general fund to produce expert analyses on various governing models and alternatives, and to provide stipends for low-income ratepayers to participate on the taskforce. Analyses should include:
 - Comprehensive rate analyses;
 - Fiscal impact analyses for the City, County, stormwater systems of City and County, and the water /sewer utility systems;
 - Racial equity impact assessment;
 - Economic equity impact assessment;
 - Environmental impact and environmental justice analyses;
 - Legal analysis, including an assessment of legal consequences for local ratepayer and labor protections established by local jurisdictions, for the existing federal consent decree, and for any outstanding lawsuits;
 - Examination of other case studies of regional models beyond the limited sampling included in the 2021 review, and inclusive of Detroit/ Great Lakes Regional Water Authority, as there is substantial research available about how this regionalization deepened regional racial inequities; and
 - Alternatives analysis of options other than a governance change to address the underlying problems, such as how to address staffing shortfalls and equity in allocation of state and federal funding to the water/sewer system.
- Expand the Task Force’s scope of study to assess all six tasks included in the entire 2021 review.
- Expanded consultation in section (h) to include representatives for all affected jurisdictions, the Maryland Commission on Environmental Justice and Sustainable Communities, the U.S. Environmental Protection Agency, and the Washington Suburban Sanitary Commission.

CUB-HB843testimony.pdf

Uploaded by: Maxine Holmes

Position: FWA



City Union of Baltimore

Local 800, AFT, AFL-CIO

**Written Testimony Submitted to the
Maryland House of Delegates Energy and Transportation Committee
From the City Union of Baltimore, AFT Local 800
HB 843– Baltimore Regional Water Governance Taskforce
March 1, 2023**

Favorable-with-amendments

Good morning, Chair Barve and members of the House Environment and Transportation Committee. My name is Maxine Holmes, and I am a Labor Relations Specialist for the City Union of Baltimore, a union for Baltimore City employees, including 395 city employees working in the city's water and wastewater department. We call for a favorable-with-amendments report for HB 843, the bill that would create a taskforce to study the potential to create a regional water utility for Baltimore City and County. We have appended the proposed amendments to our written testimony for your review.

Our amendments– drafted in concert with our coalition partners in Food and Water Watch, the NAACP Legal Defense Fund, and other environmental and social justice organizations– relate largely to three major fields: taskforce membership to ensure employee and community voices are included in these vital discussions; insurances that the water utility system will not be privatized and the protections the people of Baltimore have placed to safeguard their water system are respected; and adjusting the timeline of a report due back so that these major substantial issues can be studied with the depth and breadth necessary for an undertaking of this sort.

The City Union of Baltimore represents city workers who work in the water and wastewater systems for Baltimore city, our members perform many duties for the City including supervising the operations and employees of the fresh water and wastewater plants, testing and treating fresh water to ensure it is safe for human consumption, testing and treating wastewater to ensure it is environmentally safe and free of harmful contaminants. Other employees supervise and maintain the billing system in Baltimore City, generating revenue for the City. While others maintain the residential and commercial meter systems as well as the maintaining the above ground and underground utilities of the water system. These members not only have particular, valuable, front-line insights on the strengths and weaknesses of the current system, but also have a right to participate in larger conversations over decisions that may impact their work. Their representation on this taskforce is a must.

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Antoinette Ryan-Johnson

Executive Vice President

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Sadikia Caldarazzo

Executive Board

James DiBlasio

Diana Elliott

Gary English

Craig Ewell

Menaksha Rice-Jenkins

“Strength in Unity”

*2117 North Howard Street * Baltimore, Maryland 21218-5063* 410-962-1492* www.cub-aft.org*

Members of the committee, the proposed work of this taskforce must not be understated: the undertaking of a monumental task to re-envision how water, a fundamental human right, is fairly and equitably distributed to residents in both our city and Baltimore County, must not be taken lightly. This task must have ample input from the community members most impacted by decisions being made, and include voices of those who are engaged in the day-to-day operations of the delivery and upkeep of our city's water system. Our amendments to the taskforce membership portion of the bill call for the mayor and the county executive to appoint at least one representative each from the union of City and County employees currently working for the water systems. In addition, the amendment calls for the Governor to appoint members to the taskforce that represent low-income water rate payers, as water affordability issues have been at the forefront of conversations regarding City and County water over the past decade.

Finally, we call for a rethinking of the deadline for the taskforce to submit its report and recommendations to the general assembly; nine months is simply just not enough time to effectively study this issue, consider the potential outcomes, and hear concerns from impacted members of the public. While there has been a study published in 2021, commissioned by both the city and the county, that study was a general business process review. If the charge of this taskforce is to look specifically at how the current water system may be transformed into another alternative regional water system, more time needs be devoted to looking at the costs and means by which the current systems can be transferred to a new regional entity.

We ask that the committee adopt these amendments, and issue a favorable-with-amendments report to HB 843. Thank you.

Proposed amendments.

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legislative testimony.pdf

Uploaded by: Michael Myers

Position: FWA

Maryland House of Delegates, Environment and Transportation Committee
Delegate Kumar P. Barve, Chair
March 1, 2023

TESTIMONY OF MICHAEL S. MYERS
Member, Back River Neck Peninsula Community Association, Inc.

Good afternoon Chairman Barve and members of the Committee. I would like to thank you for the opportunity to appear before you and discuss the bill creating a task force to study Baltimore Regional Water Governance.

My name is Mike Myers and I am a member of the Back River Neck Peninsula Community Association. My home is on the shore of Back River where I have resided for the last 10 years.

I am here to testify in favor of the proposed legislation because I think a significant change in management of our water utilities is warranted. Notwithstanding my support, I would like to offer four (4) amendments to the bill as its presently written.

1. First, I would like to suggest a modification of Section 1, Paragraph (i) to shorten the reporting deadline of the Task Force by 90 days from its current date of January 30, 2024 to October 31, 2023. The report will contain findings and recommendations, including proposed legislation, that the community stakeholders would like to review prior to the start of the 2024 legislative session. There are at least 6 community organizations with hundreds of members each that we would like to coordinate a unified assessment of the report, and coordinate with our elected officials and other stakeholders. We are hoping to see new governance legislation enacted in the 2024 session.

2. Second, I would like to see a modification of Section 1, Paragraph (i) to require that the report be made available to the general public. As currently written, the report is to be provided only to the Mayor of Baltimore City, the County Executive of Baltimore County, and to the General Assembly.
3. Third, Paragraph 1, Section (g)(3) currently requires the task force to assesses the governance structures for the Baltimore metro area's water and wastewater utility. I would suggest an even broader scope of the Task Force by going further and examining a potential merger of the 2 million customers of WSSC with the 1.8 million customers of the Baltimore metro area into a large Washington Baltimore Commission with 3.8 million total customers. There may be economies of scale that can be passed down ratepayers across the region, and other benefits, of such an entity. I think its worth some examination.
4. And finally, my fourth suggestion is a modification of Section 1, Paragraph (b)(1) concerning membership on the Committee. As the bill stands, Baltimore City Mayor is allocated 5 members to sit on the Task Force while Baltimore County is allocated only 3. According to 2020 census data, Baltimore County has about 850,000 people compared to Baltimore City's 576,000. Also, according to the 2021 Water/Sewer Comprehensive Business Process Review, Baltimore County has 206,000 water accounts compared to Baltimore City's 194,000. The current ratio does not properly represent stakeholders affected by the legislation. An equal number of County and City members would be more aligned with the goals of Environmental Justice. Those goals are fair treatment and meaningful involvement of all people with respect to development and implementation of environmental laws, regulations, and polices.

I hope the committee will consider my suggestions. Thank you.

Rianna Eckel MVLS HB843 Fav W Amends.pdf

Uploaded by: Rianna Eckel

Position: FWA



JUSTICE FOR ALL

MARYLAND HOUSE ENVIRONMENT AND
TRANSPORTATION COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF HB843 WITH AMENDMENTS: BALTIMORE
REGIONAL WATER GOVERNANCE TASK FORCE

Susan Francis
EXECUTIVE DIRECTOR

WEDNESDAY, MARCH 1ST, 2023

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Reba Letsa
Michelle McGeogh
Saad Malik
Michael March
Anthony May
Chelsea Ortega
Derek P. Roussillon
Marc E. Shach
Dennis J. Shaffer
Sheila J. Stewart
D'Sean Williams-Brown

My name is Rianna Eckel and I am a Baltimore Water Outreach Coordinator with Maryland Volunteer Lawyers Service (MVLS), and the convener of the Baltimore Right to Water Coalition. I have been working on water justice in Baltimore in various capacities for nearly seven years.

MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 3,458 people across the state.

MVLS first became involved with helping clients with their water bill issues through our work in tax sale and housing. As part of our housing work, we see tenants facing the threat of eviction, and homeowners facing the threat of tax sale due to unaffordable water bills. We have been working with the Baltimore Right to Water Coalition to win meaningful protections for Baltimore City residents and improve the Baltimore City Department of Public Works' customer service operations for years, and fear that regionalizing the Department of Public Works would threaten these hard-fought victories; therefore **we recommend HB0843 only be moved favorably with the incorporation of the Baltimore Right to Water Coalition amendments.**

Water is a human right and a basic necessity, but the Task Force process outlined in the legislation as-is does not treat the task at hand with enough deference. The rushed timeline of less than 11-months to produce an analysis and recommendations for a massive, 200-year-old water system, no requirements for public participation and input, and the lack of guardrails around the recommendations are wholly inadequate. The taskforce must be given adequate time to do a thorough job, the ratepayers must be included, and there must be protections in place to ensure that the Task Force will focus on public sector solutions, preserve democratic decision making, and protect the rights of water customers established under local laws.

Additionally, if the Task Force were to recommend regionalization and that form of governance were to move forward, this new authority established under state law would preempt local laws and protections. This change would

take away control from the Baltimore City Council to set local protection and it would eliminate existing protections established under local laws.

Key protections that could be eliminated:

- City Charter protections that establish the water and sewer systems as inalienable assets of the city and banning privatization;
- Worker protections established under existing collective bargaining agreements with local jurisdictions;
- Ratepayer protections established by the Water Accountability and Equity Act, including the Water4All water affordability program, water shutoff protections for vulnerable populations, rights of renters to receive information about their water bills, the Customer Advocate's Office, and dispute procedures; and
- Sewage backup reimbursement programs established by the City.

Water/sewer regionalization is part of a broader national trend that disparately impacts majority Black cities and raises serious concerns for racial equity, accountability, and water affordability: "In the last decade, especially after the 2008 financial crisis, the urban centers of the Midwest such as Chicago and Detroit, but also in the Northeast, such as Baltimore and Philadelphia, have developed a new dynamic: the use of the state (in the form of local or regional governments) to transfer infrastructural resources and their control out of or away from marginalized urban populations, which are predominantly Black, brown, and immigrant."¹

In other jurisdictions that have regionalized their water systems by state statute, the water authority decision making powers about rates and services are given to a board of directors appointed by local elected officials. Protections for water customers would have to be passed through the General Assembly in the more limited 90-day window of the Maryland legislative session. Additionally, as the members of the board would not be elected by the people, it would strip democratic authority from the majority-Black voters in Baltimore City. Regionalization in cities like Detroit, Birmingham, and Pittsburgh has led to skyrocketing water rates, mass shutoffs, lost jobs for workers, and worse service for water utility customers.

The protections and improvements that Baltimoreans have fought hard for must be protected, as must democratic authority. In 2018, 77% of Baltimore's voters voted in favor of Question E, which instructed the water and sewer system to be an inalienable asset of the City. Establishing a regional water authority would be effectively disenfranchising the voters of Baltimore, further eroding trust in the government to work in our interest. Regionalizing and circumventing the will of the people could facilitate privatization and outsourcing, which leads to substantially higher water rates and a further erosion of public control.

More than half of Baltimoreans are already being billed more than the United Nations definition of affordable water service, no more than 3% of household income. The impacts of the recommendations of this Task Force have the potential to dramatically impact low-wealth and BIPOC (Black, Indigenous and other people of color) communities. While we want to be a partner in

ensuring the water system works better for all customers regardless of their jurisdiction, we must not act hastily and must consider the needs and consequences for our most vulnerable communities. For these reasons, we recommend a favorable report with the incorporations of the amendments offered by the Baltimore Right to Water Coalition.

¹ Cramer, Jon. "Race, Class, and Social Reproduction in the Urban Present: The Case of the Detroit Water and Sewage System." *Viewpoint Magazine*. October 31, 2015.

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After "Mayor of Baltimore City"
add

", INCLUDING AT LEAST ONE MEMBER FROM CITY UNION OF BALTIMORE, AFT LOCAL 800, REPRESENTING EMPLOYEES WORKING IN THE CITY'S WATER/WASTEWATER FACILITIES

Page 3, line 5
After "County"
add

", INCLUDING AT LEAST ONE MEMBER FROM THE BALTIMORE COUNTY FEDERATION OF PUBLIC EMPLOYEES, AFT LOCAL 4883, REPRESENTING COUNTY EMPLOYEES WORKING IN THE COUNTY'S WATER DEPARTMENT"

Page 3, line 13
Strike "or"
and add

"4. UTILITY SERVICE AFFORDABILITY, INCLUDING PERSONAL KNOWLEDGE; 5. RACIAL EQUITY IMPACT ASSESSMENTS; 6. COLLECTIVE BARGAINING AGREEMENTS; 7. SEWAGE BACKUPS, INCLUDING PERSONAL KNOWLEDGE; 8. STORMWATER; 9. INTEGRATED PLANNING; 10. CLIMATE RESILIENCY; 11. SOURCE WATER PROTECTION; OR 12. PUBLIC HEALTH; AND"

Page 3, line 14
After "(ii)"
add

"EITHER 1. RECEIVE WATER AND WASTEWATER SERVICE FROM THE WATER AND WASTEWATER UTILITY, OR 2."

Amendment 2. Including racial equity and economic equity impact assessments

Page 5, line 6
Strike "and"
and add

“(5) CONDUCT A RACIAL EQUITY IMPACT ASSESSMENT AND AN ECONOMIC EQUITY IMPACT ASSESSMENT FOR EACH ALTERNATIVE GOVERNANCE STRUCTURE; AND”

Page 5, line 7

Strike “(5)”

and add

“(6)”

Amendment 3: Directing the Task Force to limit their study to public sector solutions that will (1) exclude private for-profit ownership, operation or management of the systems as prohibited by the Baltimore City Charter, (2) protect democratic decision-making and the rights of workers and residents, and (3) not undermine or conflict with local water affordability laws and charter protections approved by voters.

Page 5, line 11

After “Task Force shall”

Add

“(1) CONSIDER ONLY ALTERNATIVE GOVERNANCE MODELS THAT ADHERE TO RATEPAYER AND LABOR PROTECTIONS ESTABLISHED BY LOCAL JURISDICTIONS, INCLUDING: (i) BALTIMORE CITY BALLOT QUESTION E OF 2018, WHICH WAS APPROVED BY VOTERS, TO AMEND THE CITY CHARTER TO PROHIBIT PRIVATE, FOR-PROFIT OWNERSHIP, OPERATION OR MANAGEMENT OF THE WATER SUPPLY AND WASTEWATER SYSTEM; (ii) THE WATER ACCOUNTABILITY AND EQUITY ACT OF BALTIMORE CITY, WHICH ESTABLISHED: A LOW-INCOME WATER AFFORDABILITY PROGRAM; WATER SHUTOFF PROTECTIONS FOR VULNERABLE HOUSEHOLDS; A DISPUTE RESOLUTION PROCESS; RIGHTS OF TENANTS TO RECEIVE THEIR BILLS, ACCESS ASSISTANCE, AND DISPUTE RESOLUTION; AND AN OFFICE OF CUSTOMER ADVOCACY AND APPEALS; (iii) COLLECTIVE BARGAINING AGREEMENTS, WORKER PENSIONS, AND BENEFITS FOR WORKERS IN THE CITY AND THE COUNTY; AND (iv) BALTIMORE CITY’S SEWAGE ONSITE SUPPORT PROGRAM AND EXPEDITED REIMBURSEMENT PROGRAM; ”

Page 5, line 11

Before “consult with”

add

“(2)”

Amendment 4: Requiring public input.

Page 5, line 12

After “Service”

strike “.”

and add

“; AND (3) PROVIDE OPPORTUNITIES FOR PUBLIC INPUT BY: (1) PUBLISHING A DRAFT OF ITS FINDINGS AND RECOMMENDATIONS FOR PUBLIC REVIEW ON THE WEBSITES OF THE CITY AND COUNTY; (2) HOLDING PUBLIC HEARINGS: (I) PRIOR TO THE DEVELOPMENT OF A DRAFT REPORT; (II) AFTER THE ISSUANCE OF A DRAFT REPORT; (III) WITH HEARINGS HELD ONLINE AND IN PERSON AT DIFFERENT TIMES OF DAY AND LOCATED AT: 1. THE SEVEN EARLY VOTING SITES WITHIN THE CITY; 2. FIVE LOCATIONS IN THE COUNTY AT SITES WITHIN THE WATER SYSTEM SERVICE AREA THAT ARE CONVENIENT FOR PUBLIC TRANSPORTATION; AND 3. ONE LOCATION IN EACH OF THE FOUR OTHER JURISDICTIONS OF THE AFFECTED COUNTIES. (3) PROVIDING A PUBLIC COMMENT PERIOD OF AT LEAST 90 DAYS ON THE DRAFT REPORT PRIOR TO FINALIZING THE FINDINGS AND RECOMMENDATIONS; (4) ASSESSING THE PUBLIC INPUT IN THE FINAL REPORT BY (I) SUMMARIZING THE PUBLIC HEARINGS, PUBLIC COMMENTS, AND OTHER FEEDBACK; (II) ADDRESSING HOW THAT INFORMATION WAS INCORPORATED INTO THE FINAL REPORT AND RECOMMENDATIONS; AND (III) EXPLAINING THE REASONS WHY ANY PUBLIC FEEDBACK WAS NOT INCORPORATED INTO THE FINAL REPORT AND RECOMMENDATIONS; (5) ADVERTISING ALL TASK FORCE MEETINGS ON THE WEBSITES OF ALL AFFECTED JURISDICTIONS AND THE MARYLAND DEPARTMENT OF ENVIRONMENT, AND ON AT LEAST ONE SOCIAL MEDIA ACCOUNT; AND (6) HOLDING ALL MEETINGS OPEN TO THE PUBLIC ONLINE AND IN-PERSON, PURSUANT TO THE MARYLAND OPEN MEETINGS ACT.”

Amendment 5: Expanding the timeline to allow sufficient time to conduct the review and solicit public feedback.

Page 5, line 13

After “On or before”

add

“JUNE 30, 2025, THE TASK FORCE SHALL REPORT ITS DRAFT FINDINGS AND RECOMMENDATIONS TO THE MAYOR OF BALTIMORE CITY, THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.”

Page 5, line 13

Strike (i)

Add

“(j)”

Page 5, line 13

After “On or before”

strike “January 30, 2024” and

add

“June 30, 2027”

Page 5, line 13

After “Task Force shall report its”

add

“**final**”

Page 5, line 21

After “remain effect through June 30,”

strike “2024” and

add

“**2027**”

Page 5, line 21

After “at the end of June 30,”

strike “2024” and

add

“**2027**”

Additional provisions to further the purposes of this legislation:

- Provide not less than \$2 million in funding from the State general fund to produce expert analyses on various governing models and alternatives, and to provide stipends for low-income ratepayers to participate on the taskforce. Analyses should include:
 - Comprehensive rate analyses;
 - Fiscal impact analyses for the City, County, stormwater systems of City and County, and the water /sewer utility systems;
 - Racial equity impact assessment;
 - Economic equity impact assessment;
 - Environmental impact and environmental justice analyses;
 - Legal analysis, including an assessment of legal consequences for local ratepayer and labor protections established by local jurisdictions, for the existing federal consent decree, and for any outstanding lawsuits;
 - Examination of other case studies of regional models beyond the limited sampling included in the 2021 review, and inclusive of Detroit/ Great Lakes Regional Water Authority, as there is substantial research available about how this regionalization deepened regional racial inequities; and
 - Alternatives analysis of options other than a governance change to address the underlying problems, such as how to address staffing shortfalls and equity in allocation of state and federal funding to the water/sewer system.
- Expand the Task Force’s scope of study to assess all six tasks included in the entire 2021 review.
- Expanded consultation in section (h) to include representatives for all affected jurisdictions, the Maryland Commission on Environmental Justice and Sustainable Communities, the U.S. Environmental Protection Agency, and the Washington Suburban Sanitary Commission.

HB843-Baltimore Regional Water-INFO ONLY.pdf

Uploaded by: Cindy Smalls

Position: INFO

HB843-Baltimore Regional Water Governance Task Force
Position: Informational Only

Good afternoon, Chair Barve and Vic-Chair Stein and members of the Environment and Transportation Committee. Thank you for the opportunity for AFSCME Council 67 to submit informational testimony on HB 843 the Baltimore Regional Water and Governance Task Force bill. The purpose of this bill is to establish the Baltimore Regional Water Governance Task Force to study approaches to water and wastewater governance in the Baltimore region, and generally relating to water supply and wastewater treatment in the Baltimore region.

The water supply system developed by Baltimore City has supported the development and expansion of adjacent regional counties. Baltimore County and Baltimore City entered into agreements in 1945 and 1963, and, most recently, in 1972 and 1974 recognizing that substantial increases in population, volume of sewage, operation and maintenance costs, and costs of construction for the jointly used water and wastewater systems compelled updates to the jurisdiction management and funding of the systems. Due to regional population growth, Baltimore City's water and wastewater system now provides water and wastewater service to additional jurisdictions, including Anne Arundel County, Carroll County, Harford County, and Howard County and now serves more than 1.8 million regional residents.

Baltimore City and Baltimore County jointly engaged consultants to conduct a comprehensive business process review to identify strengths and weaknesses of the current governance, planning, data management, and operations of the water and wastewater utilities, to identify opportunities to improve interjurisdictional collaboration, and to understand the current state of the structures and processes for the delivery of water and wastewater services, including operations, planning, and billing, the results of which were finalized in July 2021 in the Water/Sewer Services Comprehensive Business Process. The consultants highlighted the development, operations, and governance of several existing regional models for water and wastewater across the country and a decision to develop the Baltimore Regional Water Governance Taskforce.

AFSCME local 44 represents public employees in local government and specifically Baltimore City Public Works. As we move forward with this creation of a task force, we have a vested interest in being apart of the conversation on the future of water systems in Baltimore City and its employees. We believe that our members expertise and experiences would be invaluable to the task force as discussions concerning employee recruitment and retention, training, and operations are being proposed. Around the country, our members have participated in taskforce to lend a worker prospective.

Thank you, Chair Barve, Vice-Chair Stein for your time.

