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February 22, 2023

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

***RE: Letter of Information – House Bill 635 – Water Pollution Control – Discharges from Construction Sites – Limits on Liability***

Dear Chair Barve and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 635 but offers the following information for the Committee’s consideration.

House Bill 635 would hold liable the individual who holds a discharge permit issued by the Maryland Department of Environment (MDE) when there is a violation associated with construction activities. The MDOT State Highway Administration (SHA) holds permits issued by MDE for stormwater discharge related to construction projects.

As House Bill 635 is drafted, it is unclear if the definition of “permit holder” applies to the State. The MDOT respectfully requests clarification to the definition of permit holder and whether this legislation would apply to State agencies. MDOT SHA District Offices hold these permits, however the construction activities are performed by contractors. As House Bill 635 written, MDOT SHA would be held liable for violations that result from issues with the contractor’s work.

The Maryland Department of Transportation respectfully requests the Committee consider this information as it deliberates on House Bill 635.

Respectfully submitted,

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