



**The Maryland Department of the Environment
Secretary Serena McIlwain**

***Senate Bill 572
Environment - Collection and Reporting of Drinking Water and Wastewater Documents,
Data, and Information - Requirements***

Position: Oppose
Committee: Education, Energy, and the Environment
Date: February 6, 2024
From: Jeremy D. Baker

The Maryland Department of the Environment (MDE) **OPPOSES** SB 572.

Bill Summary

The bill would require certain water and wastewater utilities to collect and publish certain information via an “Annual Water Quality Consumer Confidence Report” (CCR) and establish civil penalties for non-compliance. The bill would impose new reporting obligations for water and wastewater utilities State-wide and mandate a voluminous database of CCRs, or links to CCRs on third-party websites, for MDE to establish, operate, and maintain on an ongoing basis.

MDE currently reviews the annual CCR for all (~460) community water systems for compliance with requirements under the Safe Drinking Water Act and publishes the reports on MDE’s website. The bill would require MDE to expend significant resources to review water utilities’ CCRs for compliance with the new information required by the bill, ensure that CCRs remain available via third-party websites from MDE’s website, seek explanations and supplemental information from water utilities when CCRs are incomplete, and create and implement procedures to enforce compliance with the bill. The bill would similarly require new expenditures from water and wastewater utilities throughout the state to gather and disseminate this information each year. Additionally, the bill would create a new wastewater reporting requirement which would require the addition of a significant amount of staffing to oversee.

Position Rationale

MDE has the following concerns regarding the implementation of the bill:

- Environmental Article 8 9-407(b) states the State primary drinking water regulations may not be more stringent than the complete interim or revised national primary drinking water regulations in effect at the time. EPA considers the Consumer Confidence Report Rule as a National Primary Drinking Water Regulation. The bill would result in a regulation that is more stringent than the Code of Federal Regulations;
- The proposed language does not align with the intent of the Consumer Confidence Report or the federal Safe Drinking Water Act that requires the report. Furthermore, EPA is revising the CCR Rule such that format and content are simplified to better convey information to consumers;

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- MDE does not play a role in utility billing procedures and should not enforce reporting requirements related to service termination;
- Many small water systems do not have existing service termination policies. The bill implies policies must be created, which may create a legal and financial burden to small water systems;
- The bill would void existing regulations that allow community water systems that serve fewer than 10,000 people to use alternative means to deliver CCRs to customers;
- The CCR does not report wastewater utility information. The scope of the data and reporting required for the wastewater component under the bill and the number of affected entities necessitates the development of a tracking database and an electronic portal on MDE's website for report submission and public use;
- Wastewater-only utilities cannot terminate service as envisioned by the bill; and
- The bill requires water utilities to publish various information (e.g., balance sheet, income statement, cash flow statement, service disconnection numbers, etc.) that MDE has no independent way to verify. As such, the bill would require MDE to post CCRs and links to CCRs on third-party websites with no way to audit or guarantee the veracity of their content. This could undermine MDE's credibility if a water utility publishes false information.

Finally, to successfully implement the bill and fulfill its numerous obligations, MDE would need to hire 17 new employees, thereby increasing general fund expenditures by \$1.2 million in fiscal 2025 and \$1.4 million or more annually thereafter.

For the reasons detailed above, MDE urges an **UNFAVORABLE** report for SB 572.