

Testimony in Support of SB653
Standing - Environmental and Natural Resources Protection Proceedings
(Clean Water Justice Act of 2024)
Senate Energy, Education, and Environment Committee 2/27/2024
Submitted on 2/26/2024

To Chair Feldman and Committee Members,

My name is Pete Jayne. I live outside of Centreville and I urge a favorable report on SB653. The Clean Water Justice Act allows communities that are impacted by illegal water pollution to enforce state law. Access to the courts to enforce laws that protect communities from pollution was at the heart of the federal Clean Water Act (CWA). Unfortunately, the U.S. Supreme Court recently removed many of our streams and wetlands from CWA protection. Fortunately, Maryland law still protects these waterways, but it includes no right for communities to enforce the law like under the CWA.

Wetlands and streams are hugely important aspects of our landscape – they filter out contaminants, keep drinking water clean, protect us from flooding, and provide billions of dollars in benefits. These aquatic ecosystems are also important for maintaining our remarkable biodiversity. For example, here on the Eastern Shore, wetlands known as Delmarva Bays are essential to the existence of many species of plants and animals. This includes common species such as wood ducks but also many rare and endangered plants and animals. By definition, the water levels in Delmarva Bays are dictated by ground water and thus they are not connected to any stream or river. This feature means they are no longer included in the CWA and are now only protected by Maryland law. Given our urgent climate and biodiversity crises, we should be doing everything we can to protect these unique and important Maryland wetlands.

The Clean Water Justice Act will:

- Provide a new right for impacted community members to enforce the law in state court the same way that they were previously able to do in federal court under the Clean Water Act.
- Give Marylanders the same degree of access to state courts as they have in federal court.
- Repair the threat to Maryland’s critical water resources caused by the U.S. Supreme Court decision.

It’s important to note that the bill does not create a right of judicial review of final agency actions and does not expand standing beyond that provided by federal courts, essentially restoring the enforcement of clean water laws to what existed before the Supreme Court’s ruling.

I support this bill because the plant and animal diversity and abundance here on the Eastern Shore is important to me – it’s why I choose to live here. Wetlands are a key habitat component supporting this diversity and yet they have declined precipitously in our state. The provisions of SB653 will help communities such as mine nurture the remaining wetlands of our remarkable state.

Thank you for your consideration, and I look to the committee to give SB653 a favorable report.

Sincerely,
Peter S. Jayne
Centreville, Maryland