



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

March 26, 2024

Committee: Senate Education, Energy, and the Environment

Bill: HB 1101 – Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

Position: Oppose

Reason for Position:

The Maryland Municipal League respectfully opposes House Bill 1101. This bill expands legal standing, allowing a newly expanded class of individuals to bring a civil suit against anyone that is alleged to have violated standards regarding nontidal wetlands and/or pollutant discharge into streams.

While we appreciate the amended version, which is more narrowly tailored than the original bill, this proposal remains an unnecessary overreach and would be expensive for local governments. Existing laws on the federal, state, and local levels already provide legal avenues for environmental protection. Under the Environmental Standing Act, the Attorney General, a local government, or any person may pursue legal action for mandamus or relief against the State or an agency for its failure to perform a duty decreed in statute or regulation. The Maryland Department of the Environment (MDE) is authorized to bring both criminal and civil suits for statutory and regulatory violations. Local governments are also authorized to bring civil suits for statutory and regulatory violations. Existing local, state, and federal statute law is more than adequate to address land use and environmental conflicts.

Furthermore, the League is concerned that the actions of municipal governing bodies, planning commissions, boards of zoning appeals, and historic district commissions will be more apt to be questioned in a judicial setting. Because the bill adopts a broad federal definition of standing, savvy opponents will be able to seek judicial review of land use and environmental actions of a legislative body to delay or alter permitted activities after they have been approved. Local governments will undoubtedly be exposed to increased costly and time-consuming litigation.

For these reasons, the Maryland Municipal League opposes HB 1101 and respectfully requests an unfavorable committee report.

FOR MORE INFORMATION CONTACT:

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