

SB572_IndivisibleHoCoMD_FAV_E.Fixsen.pdf

Uploaded by: Elizabeth Fixsen

Position: FAV



SB572

Environment - Collection and Reporting of Drinking Water and Wastewater Documents, Data, and Information – Requirements

Testimony before Education, Energy, and the Environment Committee

February 6, 2024, 1:00 pm

Position: FAVORABLE

Dear Chair Feldman, Vice-Chair Kagan, Sponsor Washington, and members of the committee, my name is Elizabeth Fixsen, and I represent the 700+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today in support of SB572, a bill requiring public dissemination of information pertaining to local water quality.

Specifically, the bill requires that a water utility operating in the State to post on its website or provide to the Department of the Environment documents, data, and information required as part of the water utility's annual water quality consumer confidence report; [and requires] local government to provide or post on its website data and information to a certain water utility.

Approximately 5.1 million Maryland residents are served by public drinking water systems while over 1 million completely rely on private wells as their source of water. Recent studies have detected microbiological contaminants such as total coliforms and E. coli in both private and public drinking water supplies in Maryland, as well as per- and polyfluoroalkyl substances (PFAS), aka "forever chemicals," in approximately 1.3% of Marylanders' public drinking water.

Recent tests revealed the presence of E. coli in the drinking water in three sites in West Baltimore, a predominantly Black and low-income area. City officials determined the contamination was caused by a cascade of infrastructure failures.

Aging urban infrastructure is a nationwide problem impairing water quality; however, the repair of such deteriorating infrastructure is a long-term project, and in the interim, this bill will help to ensure that that citizens have ready access to information about water quality in their community.

We respectfully urge a favorable report.

Elizabeth Fixsen
Savage, MD

Sources Cited:

University of Maryland. *Grand Challenges: The Maryland Safe Drinking WATER (Water Analysis and Testing for Education and Research) Study*. <https://research.umd.edu/safe-drinking-water>

NBC News. 'I'm scared to give it to my kids': Baltimore's water issues are symptoms of a growing national problem. <https://www.nbcnews.com/news/us-news/baltimore-national-water-problems-epa-rcna62762>

CLA Testimony SB 572.pdf

Uploaded by: Evan Isaacson

Position: FAV



Support for Senate Bill 572

Dear Chairman Feldman and Members of the Committee:

The Chesapeake Legal Alliance supports SB 572 because access to clean water is a human right, but is certainly not treated as such right now. Greater transparency and access to data are the first steps to addressing many of the larger and more systemic obstacles to delivering clean water. Without adequate data we cannot understand the full extent of our water problems, much less offer the right solutions. Basic questions abound:

- ❖ How many low income households in Maryland are deprived of something as fundamentally important as clean and safe drinking water?
- ❖ How many low income Marylanders are currently being punished for nothing more than a lack of resources?
- ❖ Are utilities really doing everything they can and should do to prevent deprivation of service or penalizing households?
- ❖ How much would it cost to end the inhumane practice of shutting off a family's water?
- ❖ What are the social, economic, and environmental consequences of budgeting for water differently than all of the other basic and critical municipal services (e.g., taxes)?
- ❖ How many homes are taking full advantage of low income assistance programs or hardship exemptions? Where do we need to target outreach to help these individuals?
- ❖ Why do some communities seem to have less success accessing state and federal grants? What is the reason behind this and what can be done to change it?
- ❖ What percentage of utility revenues come from ratepayers versus other local, state, or federal sources and how does that vary? What role can the General Assembly play in ensuring that greater water infrastructure funding is available to displace pressure on low income ratepayers?
- ❖ Where can infrastructure extension and expansion projects do the most good for public health and water quality?
- ❖ If we wanted to invest in providing safer domestic water supplies for Maryland's lowest income households, how much would that cost and where should we target these efforts?
- ❖ How many utilities are owned by private equity? What are the trends and consequences?

This is just a fraction of important questions that deserve answers. But without data these questions will go unanswered for the policymakers and budget analysts who need much more information to help Marylanders and our environment achieve our clean water goals and needs. This is why we support SB 572. For more information, you may reach Evan Isaacson at evan@chesapeakelegal.org.

FoodandWaterWatch-Support-SB572.pdf

Uploaded by: Jorge Aguilar

Position: FAV



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

SB 572- Collection and Reporting of Drinking Water and Wastewater Documents, Data, and Information – Requirements

February 6, 2024

Education, Energy, and the Environment

FAVORABLE

On behalf of Food & Water Watch and our 44,000 supporters in Maryland, we recommend you issue a favorable report on SB 572 to require water utilities to disclose water affordability metrics annually. This disclosure includes data about water service disconnections and local policies related to water shutoffs and available low-income assistance programs.

Water affordability is a growing statewide problem, as utilities continue to increase water and sewer bills to update aging infrastructure, comply with new regulations necessary to protect public and environmental health, and address the impacts of climate change.

Utilities often disconnect water service when households are unable to afford their water bills. Nationally, we estimate that 15 million households are shutoff in a typical year due to unpaid water bills.¹ We do not know the scope of the crisis in Maryland, and that is why we urge you to support this legislation. Disconnecting water service poses a very real threat to personal wellbeing, and stopping shutoffs is an important public health intervention. Our research with Cornell University found that in 2020, water shutoff moratoria, including the one imposed by the State of Maryland, prevented the spread Covid-19 and saved lives.²

More transparency is urgently needed about water shutoffs to help inform local and state policy decisions. All utilities — including privately owned ones — must track water shutoffs for nonpayment and disclose that information to the public.

Again, we urge a favorable report on SB 572 to inform local and state policies on water affordability and protect the human right to water.

Sincerely,

Jorge Aguilar
Southern Region Director
Food & Water Watch

¹ Food & Water Watch. "America's Secret Water Crisis: National Shutoff Survey Reveals Water Affordability Emergency Affecting Millions." 2018. Available at https://www.foodandwaterwatch.org/wp-content/uploads/2021/03/rpt_1810_watershutoffs-web2.pdf

² Zhang, Xue et al. "Water Shutoff Moratoria Lowered COVID-19 Infection and Death Across U.S. State." *Am J Prev Med.* 2022 Feb; 62(2): 149–156. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8433038/>

SB572 Written Testimony.pdf

Uploaded by: Jose Coronado Flores

Position: FAV



Testimony in SUPPORT of SB572

**Environment – Collection and Reporting of Drinking Water and Wastewater Data and Information
– Requirements**

Senate Education, Energy, and the Environment Committee

Jose Coronado-Flores , On Behalf of CASA

February 6th, 2024

Dear Honorable Chair Feldman and Members of the Committee,

CASA is pleased to offer **favorable testimony in support of SB572 - Environment – Collection and Reporting of Drinking Water and Wastewater Data and Information – Requirements**. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 155,000 Black and Latino immigrants and working families.

SB572 is important legislation that will address the lack of transparency on behalf of water utility companies. In particular, this bill will require water utilities to report on critical information that concerns low-income communities of color. For example, SB572 would require utilities to report how many low-income households they serve, the amount owed in late payments, water shutoffs, and what households are served by lead pipes. This information would ultimately be public and accessible to all Marylanders on an MDE platform.

Water is a vital resource that everyone uses. However, currently, the details of whom and how one's water is provided can be opaque to a regular user. Data concerning how much debt certain communities hold to water utilities can eventually be used to offer aid to low-income households, and knowing if one's water is provided by lead pipes can also be used to prevent lead exposure and to hold water utilities accountable to replacing these pipes or making sure they are up to safe standards. CASA urges a favorable report.

Jose Coronado-Flores

Research and Policy Analyst

jcoronado@wearecasa.org, 240-393-7840

MML-SB 572 - FWA.pdf

Uploaded by: Angelica Bailey Thupari

Position: FWA



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

TESTIMONY

February 6, 2024

Committee: Senate Education, Energy, and the Environment

Bill: SB 572 – Environment - Collection and Reporting of Drinking Water and Wastewater Documents, Data, and Information - Requirements

Position: Support with Amendment

Reason for Position:

The Maryland Municipal League respectfully opposes Senate Bill 572, which requires a water utility company to post on its website or share with the Maryland Department of the Environment (MDE) its annual water quality consumer confidence report and related data. While MML agrees that publicly available drinking water and wastewater service information is important, the bill as drafted poses some burdensome mandates for local governments. We echo the Maryland Association of Municipal Wastewater Agencies' (MAMWA) concerns on the following points:

- **Monthly and Annual Data Reporting.** This bill requires that the number of disconnected or terminated accounts be reported monthly. Our members already provide much of this information to the State quarterly, and simply don't have the personnel to do so more frequently. The same principle applies to the bill's annual CCR posting requirement: the annual deadline should align with each utility's fiscal year to ensure consistency and reduce administrative burdens.
- **Late Payments and Disconnections.** If this legislation aims to reduce *involuntary* service terminations, requiring utilities to include *voluntary* terminations is unnecessary and burdensome. Further, the bill requires a utility to share its policies regarding late payments and terminations, including the "events" that led to the charges or termination. "Events" is vague and should be defined.

MML's membership includes over 70 municipal water providers, all with different financial resources and staffing levels. Our municipal water utilities value transparency and continuity of service, but simply cannot comply with vague or onerous requirements. For these reasons, the League respectfully requests that the committee adopt these changes before granting Senate Bill 572 a favorable report.

FOR MORE INFORMATION CONTACT:



Maryland Municipal League

The Association of Maryland's Cities and Towns

Theresa Kuhns

Angelica Bailey Thupari, Esq.

Bill Jorch

Justin Fiore

Chief Executive Officer

Director, Advocacy & Public Affairs

Director, Public Policy & Research

Deputy Director, Advocacy & Public Affairs

SB0572-EEE_MACo_SWA.pdf

Uploaded by: Dominic Butchko

Position: FWA



Senate Bill 572

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

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy, & Environment
Committee

Date: February 6, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 572 WITH AMENDMENTS**. This bill establishes reporting requirements for water and wastewater utilities, primarily aimed at making sure publicly available data is easily accessible. Some of these requirements are overbroad, vague, or very difficult to implement, so counties urge caution in advancing this bill without attention to these concerns.

The core functions of county government center around delivery of basic services. As stewards of both critical infrastructure and billions of dollars in public money, counties hold equal the values of operational excellence and government transparency. SB 572 is intended to ensure that local constituents have access to certain information related to billing, public financing, and a number of other items. While counties are grateful that the sponsor and advocates have introduced a more refined bill meant to assuage concerns, there still remains a number of elements that require revision in order to be implementable. Specifically, the Maryland Association of Municipal Wastewater Agencies (MAMWA) cite these concerns, with MACo's concurrence:

- **Link to Consumer Confidence Reports (CCRs)** – Some of the State's publicly-owned treatment works (POTWs) do not provide drinking water service, and therefore do not provide a CCR to their customers. CCRs are federally regulated under the Safe Drinking Water Act; adding additional information to the report could dilute the purpose of the CCR, intended to be narrowly focused on drinking water quality. In addition, as some utilities may mail a CCR to customers, SB 572 would greatly increase mailing costs. *Counties request that the Committee amend SB 572 to require posting of the information on a website without a link to the CCR process.* (p. 3, l. 15-19; p. 4, l. 22-25; p. 5, l. 7-8, l. 11-12, l. 20-23; p. 6, l. 18-21)
- **Monthly Data** – The bill requires that certain data be provided by month (eg, number of disconnected or terminated accounts). Many, if not all, of the POTWs and public water systems in the state bill on a quarterly basis. *Counties request that the Committee amend SB 572 to allow for reports on the same basis as billing.* (p. 6, l. 29)
- **Annual Reporting** – The bill requires an annual posting of the CCR, an annual submittal of the CCR to the Maryland Department of the Environment (MDE), and inclusion of certain data on an

annual basis. This should be aligned with each utility's fiscal year, so that data matches other utility metrics that are tracked by fiscal year, such as the utility's balance sheet. *In addition to severing the link to the CCR, counties request that the Committee amend SB 572 to allow for annual reports based on the utility's fiscal year basis.* (p. 4, l. 22-25; p. 5, l. 7-8, l. 11-12, 20-23; p. 6, l. 18-21)

- **Vague Requirement** – The bill directs a water utility to share policies relating to late payments and termination charges, including the “events that result in fees and charges associated with termination of service or late payment.” *Counties request that the Committee amend SB 572 to define “events.”* (p. 6, l. 3-4)
- **Disconnections** – The bill appears to be aimed, in large part, on obtaining more information on terminations. If so, including information on voluntary disconnections (for example, when a customer is moving) seems unnecessary. *Counties request that the Committee amend SB 572 to remove this requirement.* (p. 6, l. 25)
- **Low-Income Fund** – Fines from the bill would be used to ensure drinking water and wastewater availability for low-income households. MAMWA and MACo support this concept, but counties are not in the position to collect and evaluate the income of customers. *Counties request that the Committee amend SB 572 to clarify that the State's POTWs will not have this responsibility.* (p. 8, l. 16-21)

Counties recognize and agree with the general intent of SB 572, but believe it is critical that the Committee consider the feedback from boots-on-the-ground experts who will largely oversee implementation. MACo stands ready to work with the Committee to make any necessary adjustments and urge SB 572 be given a report of **FAVORABLE WITH AMENDMENTS**.

Support with Amendments SB 572 - Water and Wastewa

Uploaded by: Erin Dey

Position: FWA



Karen Henry, Director
2662 Riva Road, Suite 400
Annapolis, MD 21401
410-222-7042
pwhenr00@aacounty.org
www.dpwandyou.com

January 29, 2024

Maryland General Assembly
Legislative Services Building
90 State Circle
Annapolis, MD 21401

Dear Senator Washington and Members of the Education, Energy, and the Environment Committee,

The Anne Arundel County Department of Public Works writes this letter to support the Maryland Association of Municipal Wastewater Agencies' (MAMWA) request for amendments to Senate Bill 572 - Collection and Reporting of Drinking Water and Wastewater Documents, Data, and Information.

As drafted, this legislation would require the Anne Arundel County Department of Public Works to publish information unrelated to water quality within the County's annual water quality consumer confidence report (CCR). The CCR contains important information about the quality of public water resources and DPW is concerned the volume of information required by this legislation will overshadow the intent of the CCR.

This legislation would require the County to include information related to payment policies in the CCR. The County has well established methods of providing payment policy information to our customers, which includes a multimedia approach to providing this important information to our utility customers. In our experience, information about billing and fee changes is best communicated through a combination of online material, printed mailers, and in-person door hangers. It is unlikely customers will seek to find this information in the CCR and it is more likely to detract from the main purpose of the CCR. Anne Arundel County supports MAMWA's request to amend SB 572 to require posting of the information on a website without a link to the CCR process.

We appreciate your hard work in the General Assembly and believe it is best to allow local jurisdictions to provide payment policy information in the manner that has proven most effective in their jurisdiction.

Sincerely,

A handwritten signature in cursive script that reads "Karen Henry".

Karen Henry
Director

2024-02-05 MAMWA Ltr on SB 572 DW and WW Data Info

Uploaded by: Lisa Ochsenhirt

Position: FWA



Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane, 7th Floor

Laurel, MD 20707

Tel: 301-206-7008

February 6, 2024

MEMBER AGENCIES

Allegany County
Anne Arundel County
City of Baltimore
Baltimore County
Town of Berlin
Cecil County
Charles County
City of Cumberland
D.C. Water
Frederick County
City of Hagerstown
Harford County
City of Havre de Grace
Howard County
Ocean City
Pocomoke City
Queen Anne's County
City of Salisbury
Somerset County Sanitary District
St. Mary's Metro. Comm.
Washington County
WSSC Water

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

Re: SUPPORT WITH AMENDMENTS -- SB 572 (Environment-Collection and Reporting of Drinking Water and Wastewater Data and Information - Requirements)

Dear Chairman Feldman:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am writing to **request amendments** to SB 572, which would require that water or wastewater utilities include certain data with their annual water quality consumer confidence report (CCR). MAMWA Members own and operate municipal wastewater treatment plants, also known as publicly-owned treatment works (POTWs). Many Members also operate public water systems. MAMWA asks for the following amendments to the bill:

- **Link to CCRs** – Some of the State's POTWs do not provide drinking water service, and therefore do not provide a CCR to their customers. CCRs are federally regulated under the Safe Drinking Water Act; adding additional information to the report could dilute the purpose of the CCR, which should be focused on drinking water quality. In addition, some utilities may mail a CCR to customers. SB 572 would greatly increase mailing costs. Please amend SB 572 to require posting of the information on a website without a link to the CCR process. (p. 3, l. 15-19; p. 4, l. 22-25; p. 5, l. 7-8, l. 11-12, l. 20-23; p. 6, l. 18-21)
- **Monthly Data** – The bill requires that certain data be provided by month (e.g., number of disconnected or terminated accounts). Many, if not all, of the POTWs and public water systems in the State bill on a quarterly basis. Please amend SB 572 to allow for reports on the same basis as billing. (p. 6, l. 29)
- **Annual Reporting** – The bill requires an annual posting of the CCR, an annual submittal of the CCR to the Maryland Department of the Environment (MDE), and inclusion of certain data on an annual basis. This should be aligned with each utility's fiscal year, so that data matches other utility metrics that are tracked by fiscal year, such as the utility's balance sheet. In addition to severing the link to the CCR, please amend SB 572 to allow for annual reports on the utility's fiscal year basis. (p. 4, l. 22-25; p. 5, l. 7-8, l. 11-12, 20-23; p. 6, l. 18-21)
- **Vague Requirement** – The bill directs a water utility to share policies relating to late payments and termination charges, including the "events that result in fees and charges associated with termination of service or late payment." Please amend SB 572 to define "events." (p. 6, l. 3-4)

CONSULTANT MEMBERS

Black & Veatch
GHD Inc.
Greeley and Hansen Engineers
Hazen & Sawyer
HDR Engineering, Inc.
Jacobs
Ramboll Americas
Whitman, Requardt & Assoc.
Xylem, Inc.

GENERAL COUNSEL

AquaLaw PLC

MAMWA Letter on SB 572

February 6, 2024

Page 2

- **Disconnections** – The bill appears to be aimed, in large part, on obtaining more information on terminations. If so, including information on voluntary disconnections (for example, when a customer is moving) seems unnecessary. Please amend SB 572 to remove this requirement. (p. 6, l. 25)
- **Low-Income Fund** – Fines from the bill would be used to ensure drinking water and wastewater availability for low-income households. MAMWA supports this concept, but Members are not in the position to collect and evaluate the income of customers. Please amend SB 572 to clarify that the State's POTWs will not have this responsibility. (p. 8, l. 16-21)

Please feel free to contact me with any questions at Lisa@AquaLaw.com or 804-716-9021.

Sincerely,

Lisa M. Ochsenhirt, MAMWA Deputy General Counsel

cc: Education, Energy, and the Environment Committee, SB 572 Sponsor

SB 572 MDE OPP.pdf

Uploaded by: Les Knapp

Position: UNF



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;

Contact: Les Knapp, Government Relations Director
Cell: 410-453-2611 (cell), Email: les.knapp@maryland.gov

- 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.