



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**.