



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB1101

March 26, 2023

TO: Members of the Senate Education, Energy, and the Environment Committee

FROM: Nina Themelis, Director of the Mayor's Office of Government Relations

RE: House Bill 1101 – Standing – Environmental and Natural Resources Protection Proceedings
Clean Water Justice Act of 2024

POSITION: OPPOSE

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 1101.

HB 1101 allows citizens and citizen groups to enforce several major Maryland environmental statutes against regulated parties, including local governments. In general, the bill enables citizens to take over the State's responsibility to enforce these statutes. This is a very powerful tool and will result in increased costs to City taxpayers and duplicative enforcement actions.

The City would likely see an increase in the number of enforcement actions involving, among other programs, the wastewater treatment plants, the sanitary sewer system, and drinking water facilities—all of which already have effective monitoring and compliance programs in State law. Baltimore City residents would bear the surge in litigation-related costs, be it through increased water and sewer bills or otherwise.

Under HB 1101, the groups bringing enforcement actions can obtain comprehensive injunctive relief to address noncompliance, and to recover attorney fees and expert costs, if their suits have some success. In addition, a court can impose civil penalties on violators and if a case is settled, the violators may agree to provide funds for supplemental environmental projects instead of civil penalties. The recovery of attorney fees and expert costs are great incentives for citizens to bring these enforcement lawsuits, but will result in high costs for the City without much benefit to the public, given existing compliance and enforcement programs.

We respectfully request an **unfavorable** report on HB 1101.