



Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

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February 7, 2025

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

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Re: Letter of Information -- SB 461 (Maryland Water Quality Revolving Loan Fund-Renaming and Alterations)

Dear Chair Feldman:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am submitting a **letter of information** on SB 461, which would substantively change the State's Water Quality Revolving Loan Fund (WQRLF) statute. MAMWA includes wastewater treatment agencies that serve approximately 95% of the State's sewered population. Many members rely on WQRLF funding to help pay for wastewater projects.

- Under the Clean Water State Revolving Loan Fund, the U.S. Environmental Protection Agency provides grant funds to Maryland that capitalize the Maryland WQRLF. Federal law governs which projects and activities are eligible for assistance under a state program. 33 U.S.C. §1383(c). SB 461 includes several project types that may not be eligible under federal law (e.g., floodwaters, floodplains, streams, and tributaries). (p. 5, l. 10-18).
- The State WQRLF statute already includes a list of eligible projects. SB 461's proposed projects would conflict with or cause confusion when compared to the existing list. For example, current law allows funding to be used for source water protection or property acquisitions/easements in the Chesapeake and Atlantic Coastal Bay watersheds. Although SB 461 "tributary" projects are not defined, these projects may already be covered by the existing protection of watersheds language in the statute.
- SB 461's proposed scoring system prioritizes underserved communities disadvantaged by economic distress, high environmental burdens, and insufficient infrastructure. (p. 6, l. 1-7). However, underserved community is already defined at Md. Code ENV. §1-701(8), without reference to environmental burdens or insufficient infrastructure. SB 461's proposed change at p. 6 seems to conflict with existing law.
- Requiring the Maryland Department of the Environment (MDE) to review and consider previously denied applications (p. 6, l. 8-19) would be an unreasonable burden and unfair to applicants who need immediate funding. Funding is limited each year, and MDE regularly receives many more applications than it can fund.

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: Committee Members, SB 461 Sponsor