January 23, 2025

Environmental Justice in Confined Aquatic Disposal Act (SB 168)
Position: FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee:

Blue Water Baltimore is a nonprofit organization with a mission to protect and restore the quality of Baltimore's rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities. **We write today in support of SB 168 and urge a favorable report from this committee.**

Blue Water Baltimore is home to the Baltimore Harbor Waterkeeper, and our licensed jurisdiction through the international Waterkeeper Alliance includes the entirety of the Patapsco and Back River watersheds. This means that we are uniquely positioned among environmental NGOs in the region to focus on the health and prosperity of these waterways, and the people who live, work, and recreate around them. **This legislation has direct impacts on the Patapsco River and the overburdened communities residing along its shorelines.**

The Patapsco and Back Rivers are two of the most polluted and beleaguered tributaries to the Chesapeake Bay as evidenced from our routine water quality monitoring and assessments from the University of Maryland Center for Environmental Science.[1][2] Many of the longstanding challenges with water quality and failing water infrastructure in the Baltimore region are rooted in decades of inequitable infrastructure investments and environmental racism. **Polluted streams and rivers are the manifestation of these systemic problems, and the people of Baltimore are being robbed of their inherent right to clean water every day.**

The practice of Confined Aquatic Disposal, or CAD, is relatively new to the state of Maryland. To date, the Maryland Port Administration (MPA) has overseen the construction of one pilot CAD project near Masonville Cove in the Patapsco River, and is evaluating options for a second CAD project in the tidal Patapsco. In short, the practice involves: (1) Digging a huge underwater hole in the riverbed; (2) Disposing of the unsuitable removed material in Dredged Material Containment Facilities, (3) Utilizing a portion of the "good-quality" removed sediment for beneficial reuse projects, and (4) Filling the subaquatic hole with "lower-quality" dredged material that is generated from other locations.

The full extent of the environmental, socioeconomic, and public health impacts of CAD sites in the Patapsco remain unclear, which is why the Bay Enhancement Working Group of the MPA Dredged Material Management Program has established a CAD subcommittee to review the overall concept, need, viability, and available options associated with a second CAD pilot project to aid in meeting the long-term dredged material placement needs of the State. Data from other CAD installations around the world suggest that the impacts associated with CAD cells can be very site-specific, and we don't know how food chain dynamics, contaminant distribution, sediment transport, riverbed stability, or other factors will be affected at a particular location; this is precisely why MPA is constructing and evaluating pilot projects in the Patapsco before the practice potentially spreads to other rivers in the Chesapeake Bay watershed. One thing we know for certain about these CAD sites is that their construction will necessarily destroy subaquatic vegetation, their seed banks, and any benthic life on the riverbed when the holes are dug.

[1] Baltimore Water Watch. 2025. Blue Water Baltimore. http://www.BaltimoreWaterWatch.org.
[2] 2023 Chesapeake Bay Report Card. University of Maryland Center for Environmental Science. https://ecoreportcard.org/report-cards/chesapeake-bay/watershed-health/

As your Baltimore Harbor Waterkeeper, my role is to speak on behalf of the Patapsco and Back Rivers and amplify the voices of the people in those watersheds who love and value their waterways. The communities living near Stoney Creek and Rock Creek along the Patapsco have raised their voices loud and clear, that they are in strong opposition to the construction of CAD cells anywhere in the Patapsco River. In particular, the communities to the west of Stoney Creek (e.g. Stoney Beach and Orchard Beach), which have an MDE Environmental Justice Screening Score of 86.12%, continue to voice concerns about the environmental and public health risks associated with CAD.[3] These are neighborhoods that have already had to bear the brunt of pollution caused by noncompliant wastewater treatment plants and nearby coal-fired power plants, among other sources. **While this piece of legislation was inspired by the grassroots group of people along the Patapsco who see CAD knocking at their front door, the focus on protecting overburdened communities extends statewide.** We know that the cumulative impacts of pollution and environmental destruction are not felt equally across the State, and it is imperative to protect vulnerable communities whenever possible.

This legislation will:

- Prohibit MDE and the Board of Public Works from processing applications and permits that are submitted for the purpose of constructing CAD cells within 5 miles of a residential overburdened community;
- Effectively ban the construction of CAD cells throughout the Patapsco River, given the high density and proximity of overburdened communities along our shorelines;
- Protect community members who already shoulder an oversized load of our collective pollution burden;
- Align MPA's dredged material management practices with the best interests of our local waterways and the people who rely on them.

For these reasons, Blue Water Baltimore respectfully asks this committee to issue a favorable report on SB 168.

Sincerely,

Alice Volpitta
Baltimore Harbor Waterkeeper
Blue Water Baltimore
avolpitta@bluewaterbaltimore.org

[3] MDE EJ Screening Tool Version 2.0 Beta. https://mdewin64.mde.state.md.us/EJ/. Accessed January 23, 2025.