



**The Maryland Department of the Environment
Secretary Serena McIlwain**

***Senate Bill 168
Environmental Justice in Confined Aquatic Disposal Act***

Position: Informational
Committee: Education, Energy, and the Environment Committee
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From: Jeremy D. Baker, Government Relations Director

The Maryland Department of the Environment (MDE) offers the following **INFORMATIONAL** testimony on SB 168.

The bill would prohibit MDE and the Board of Public Works (BPW) from authorizing, under Title 16 of the Environment Article, certain projects for disposal of dredge material within a certain geographic distance of overburdened residential communities.

As currently drafted, SB 168 presents several operational challenges. First, the bill lacks clear thresholds for "contamination" leaving the criteria for Confined Aquatic Disposal (CAD) subject to interpretation. The proposed legislation does not list any constituents or levels that would be considered "contaminated" to ensure compliance with legal requirements, creating uncertainty.

Additionally, as dredged material placement is federally regulated by the U.S. Army Corps of Engineers, MDE would still need to process and transmit applications, creating administrative inefficiencies and complicating coordination between federal and state agencies.

Third, the bill is unclear on how it applies, if at all, to permit applications currently received by MDE.

Finally, because the bill imposes limitations on CAD projects, it may also have an impact on the ability of some local governments to efficiently manage dredged material from their navigational channels.

MDE understands and appreciates concerns raised by overburdened communities. As an alternative, MDE would be willing to work with the bill's sponsor to ensure an affected community fully participates in the permitting process and that any required mitigation efforts are focused to directly benefit that community.

MDE hopes this **INFORMATIONAL** testimony on SB 168 is helpful.

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