

SB 461-- Water Quality Fund-- Support.pdf

Uploaded by: Antoinette Ryan-Johnson

Position: FAV

Kenya Campbell
PRESIDENT

LaBrina Hopkins
SECRETARY-TREASURER

**Written Testimony Submitted to the
Maryland Senate Education, Energy, and the Environment Committee
SB 461
Environment – Maryland Water Quality Revolving Loan Fund –
Renaming and Alternations
February 11, 2025
SUPPORT**

Good afternoon Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee. My name is Antoinette Ryan-Johnson, and I am the President of the City Union of Baltimore, AFT Local 800. Our union represents hundreds of employees working for the Baltimore City Water Department, and in this capacity, we are calling for a favorable report to SB 461.

As many of you may have heard, Baltimore City Water, which serves not only the residents of our city, but also Baltimore County and portions of Howard, Anne Arundel and Carroll County, has had a number of challenges and difficulties over the last few years. We are acutely aware of these problems, as one of our union members died on the job at a water treatment facility in 2019. During the process of reviewing the water system in the city, we found that the main driver to these challenges is the system is underfunded given the size of the community it serves. Additionally, our partners at the NAACP Legal Defense Fund found that the way our state scores water infrastructure projects puts communities like Baltimore City and Prince George's County at an unfair disadvantage.

SB 461 is an attempt to rectify this injustice. It would change the way these projects are scored so as minority and underserved communities would receive a more fair share of state and federal dollars to keep on vital infrastructure like water. But additionally, such a revision of the way these projects are scored will help the region and environment, giving City DPW Water the ability to recruit and retain high-quality staff so that major malfunctions that cause things like untreated water to be dropped into our waterways can cease, and so that our water infrastructure facilities can get the necessary people in place to make sure the system works for our entire region. For these reasons, we call on a favorable report to SB 461. Thank you.

CLA Favorable SB 461.pdf

Uploaded by: Evan Isaacson

Position: FAV

Support for Senate Bill 461

Dear Chairman Feldman and Members of the Committee:

The Chesapeake Legal Alliance supports Senate Bill 461. This legislation both modernizes infrastructure funding policy in Maryland and corrects a serious problem that has plagued past decisions.

Maryland is woefully behind in making the critical investments needed to adapt to climate change. From devastating floods to debilitating droughts, each year brings a fresh reminder of what the future climate conditions will look like. Yet Maryland's policies have not kept pace with what is necessary to adequately prepare for this future.

A decade ago, Maryland and its counties were making historic and nation-leading investments in stormwater management and flood control infrastructure. Laws like the Transportation Infrastructure Investment Act of 2013 and Chapter 151 of 2012 resulted in a trajectory where billions in public funds would be devoted to climate-proofing Maryland. Then, this progress stopped. Current annual spending is a fraction of what it was a decade ago.

Meanwhile, over that same time we experienced some truly baffling decisions that steered many millions in state and federal funds from what would have gone to cash-strapped municipalities to instead flow to for-profit companies. Moreover, later analyses have shown that our neediest local governments, including Baltimore City, were being disproportionately turned away from these water infrastructure dollars.

Senate Bill 461 addresses both of these problems. By expanding the eligibility of the Water Quality Revolving Loan Fund to include uses like floodplain, wetland, and green infrastructure projects, the bill will provide funds for the things that we need most to make Maryland a livable place through the 21st century. And by directing the Department of the Environment to prioritize underserved communities and to make funding available for technical assistance, the bill can help mitigate the past disparities that have deprived some communities from the water infrastructure we desperately need.

For these and many other reasons we support Senate Bill 461.

For more information, you may reach Evan Isaacson at evan@chesapeakelegal.org.

Senate bill 461 Frostburg (FWA)(2025).pdf

Uploaded by: Todd Logsdon

Position: FWA



City of Frostburg

Todd Logsdon
Mayor

Commissioners

Donald L. Carter, Jr.
*Commissioner of
Finance*

Kevin G. Grove
*Commissioner of Public
Safety*

Nina Forsythe
*Commissioner of
Water, Parks and
Recreation*

Adam Ritchey
*Commissioner of Public
Works*

**Hayden Lindsey,
Lydia Claar**
*Interim City Administrator
Deputy City Administrator*

Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice-Chair
2 West Miller Senate Office Building
Annapolis, Maryland 21401

**Re: Senate Bill 461: Environment - Maryland Water Quality Revolving Loan Fund -
Renaming and Alterations – FAVORABLE W/ AMENDMENTS**

February 11, 2025

Dear Chairman Feldman and Committee Members:

On behalf of the City of Frostburg, I humbly write this letter in support of Senate Bill 461; entitled: Environment - Maryland Water Quality Revolving Loan Fund - Renaming and Alterations and offer the following friendly amendments.

As originally written, Senate Bill 461, would rename the Maryland Water Quality Revolving Loan Fund. This legislation would also alter the conditions under which the Maryland Water Quality Improvement Revolving Loan Fund may be used to include supporting certain projects. Finally, it would require the Maryland Water Infrastructure Financing Administration to prioritize certain communities and to use a certain scoring system when creating a certain intended use plan.

As you may know, the City of Frostburg's system is a Combined Sewer Overflow (CSO) system - meaning our sewers were combined with our storm water. The State declared this was an environmental problem and declared all systems that are CSOs must be corrected. In 2003, the Maryland Department of the Environment (MDE) created a consent decree with the City of Frostburg and since then, the City has been correcting this issue using state funds to do it through the Maryland Water Quality Revolving Loan Fund.

In 2019, the State expanded eligible projects under this revolving fund. When this change occurred, the City of Frostburg dropped to the bottom of the priority list and nearly stopped receiving funding to complete the projects that the State was mandating us to complete.

While we support this legislation and its legislative intent, we're requesting this committee to respectfully consider our proposed amendments. We believe these friendly amendments would satisfy the City's ongoing environmental obligations, pursuant to our existing consent decree with MDE, while satisfying the bill's provisions, under § 9-1601 (2)(II) (1.)(C.). Most importantly, this adjustment would potentially increase Frostburg's standing on the priority list for funding.

It is for these reasons that the City of Frostburg respectfully requests this committee to support SB461, with our proposed amendments (below).

Thank you for your consideration and if you have any questions or concerns, please do not hesitate to contact my office at any time.

Sincerely,



Todd J. Logsdon, *Mayor*
City of Frostburg

PROPOSED AMENDMENTS:

On page 6, lines 8-11. We seek to make the following additions to these provisions to read, as follows:

“(II) REVIEWS AND CONSIDERS APPLICATIONS THAT WERE PREVIOUSLY DENIED OR RECEIVED A REDUCED PRIORITY AND THAT INCLUDED PROJECTS THAT:

- 1. ALIGNED WITH THE STATE’S LAWS, CONSENT DECREES, AND GOALS INVOLVING:”**

MAMSA Ltr SB 461 2.7.25.pdf

Uploaded by: Lisa Ochsenhirt

Position: INFO



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

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

Dear Chair Feldman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am submitting a **letter of information** on SB 461, which would change the State's Water Quality Revolving Loan Fund (WQRLF) statute. MAMSA is an association of the State's local governments and leading stormwater consulting firms who work for clean water and safe infrastructure based on sound science and good public policy. Many members rely on WQRLF funding to pay for stormwater 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
MAMSA Deputy General Counsel

cc: Committee Members, SB 461 Sponsor

MAMWA Ltr SB 461 2.7.2025.pdf

Uploaded by: Lisa Ochsenhirt

Position: INFO



Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane, 7th Floor

Laurel, MD 20707

Tel: 301-206-7008

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

MEMBER AGENCIES

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Washington County
WSSC Water

CONSULTANT MEMBERS

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GHD Inc.
Hazen & Sawyer
HDR Engineering, Inc.
Jacobs
Ramboll Americas
WRA

GENERAL COUNSEL

AquaLaw PLC

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).
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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

MDE SB461 INF.docx.pdf

Uploaded by: Serena McIlwain

Position: INFO



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 461

Environment - Maryland Water Quality Revolving Loan Fund - Renaming and Alterations

Position: Informational
Committee: Education, Energy, and the Environment
Date: February 11, 2025
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) offers the following **INFORMATIONAL** testimony for SB 461.

Bill Summary

Senate Bill 461 amends the Maryland Water Quality Revolving Loan Fund statute to expand its scope and update its framework. The bill renames the Fund as the Water Quality Improvement Revolving Loan Fund and adjusts its purpose to focus on preserving, maintaining, and improving Maryland's water resources. It broadens the eligible uses of the Fund to include projects addressing decentralized wastewater systems, stormwater management infrastructure, floodwaters, floodplains, streams, tributaries, wetlands, and technical assistance for such initiatives. The bill mandates the inclusion of technical assistance for overburdened communities and emphasizes green and blue infrastructure in the annual Intended Use Plan. It also requires the scoring system for project applications to prioritize underserved communities and consider previously denied applications for projects that align with state climate change, flood mitigation, and water quality goals, as well as those addressing environmental harm and insufficient infrastructure.

Key Points

The Water Quality Revolving Loan Fund is a federally-funded program, and many aspects of the program are dictated by federal law, regulations, grant terms and conditions, and policies. After consulting with EPA staff, the bill appears to be in conflict with some of the federal requirements in material respects.

The Clean Water Act defines eligible projects for Fund financing and some of the newly added uses included in SB 461 are focused on water quantity rather than quality or treatment facility resiliency, and may not qualify under federal grant terms. Additionally, the Fund is limited to capital projects and cannot support operations, maintenance, or technical assistance.

Further, SB 461 amends § 9-1605(d) of the Environment Article to revise the preparation and scoring of the Intended Use Plan, which is required by federal law. The EPA reviews the plan before finalization to ensure it meets legal requirements and aligns with EPA policies. The EPA also reviews changes to Maryland's scoring system and affordability criteria before implementation.

Finally, This bill would make technical assistance available to all borrowers or overburdened communities, but federal grant terms prohibit this. The grant limits technical assistance to eligible borrowers (e.g., rural, small, and tribal treatment works) and restricts it to the limited set-aside funding.

Contact: Alex Butler, Deputy Director of Government Relations
Email: alex.butler@maryland.gov

To the extent that the bill conflicts with federal requirements, MDE will be, at a minimum, prohibited from effectuating those conflicting provisions of the bill.

MDE hopes this **INFORMATIONAL** testimony regarding SB 461 is helpful. Please do not hesitate to reach out if you have any questions.