



**Delaware-Maryland Synod**  
**Evangelical Lutheran Church in America**  
God's work. Our hands.

Testimony prepared for the  
**Environment and Transportation Committee**  
on  
**House Bill 131**  
February 5, 2025  
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for this opportunity to urge a policy for caring for creation. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with three judicatories in every State region.

Our community's environmental statement ("Caring for Creation", ELCA 1993) was adopted when a principal public concern was corruption of natural commons from pollution and depletion. Pollution of waters is cited ("Caring for Creation", pg. 4).

A holding of our public commitment is that air and water are not to be sequestered and exploited as if property. "The commons," a domain the Anthropocene exploits and reconfigures, does not belong to human hegemony, no matter how insistently asserted and engineered. Our tradition's understanding of "commons" is from the spiritual counsel, *The earth is the Lord's, and all that is within it, the world, and all dwelling in it* (Psalm 24:1-2).

Well-and-septic became a substitute for public utilities of wastewater treatment and water supply in order to facilitate helter-skelter scattered-site development in exurb- and rural subdivisions. This is not a recent or obscure planning policy issue. Scattered-site became a favored planning policy in the 80s, 90s and aughts; so much so that Maryland was moved to consider "Smart Growth," a policy in hindsight that was more rhetorical than implemented. In my MGA advocacy experience regulation of septic system standards has been a recurring issue since the aughts as Central Maryland subdivisions competed with one another for development. (As illustration, **MDE Title 26** of 2013.)

**House Bill 131** more or less revisits subject. The problems caused by favoring well-and-septic for development are that it ignores geology, geography, and fluid dynamics. The catnip of not paying for water and sewer infrastructure merely results in waste in the commons where it visits new and other costs on the public. Water has a physics that's not negotiable.

The bill is drafted as a benefit for Bay health, a goal on which the State has spent millions of dollars. And yet improvements keep moving out of reach. This iteration of regulation attempts to attend to nitrogen, which becomes *nox*, which generates dead zones in the Bay. Given the abundance of land use in proximity to Bay watershed the bill is welcome because it is necessary.

Clean waters are gifts from the commons not to be squandered and we therefore urge your favorable report.

Lee Hudson

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