



February 27, 2026

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

Re: OPPOSE-- SB 781 (Environmental Permits – Requirements for Burden Analysis, Issuance and Renewal, and Public Participation (Cumulative Harms for Environmental Restoration for Improving Shared Health – CHERISH Our Communities Act))

Dear Chair Feldman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to **OPPOSE SB 781**, which would apply extensive and burdensome requirements on certain entities applying for a permit from the Maryland Department of the Environment (MDE).

MAMSA is an association of the State's local governments and leading stormwater consultant firms who work for clean water and safe infrastructure based on sound science and good public policy.

Although MAMSA supports some aspects of the bill - for example, the requirement for increased outreach and notice to overburdened communities and public hearings and public comment opportunities relating to the reissuance of covered general permits (p. 16, l. 4-6) - MAMSA's concerns with other aspects of SB 781 are so significant that we are compelled to oppose the bill.

Many of MAMSA's members have locally owned facilities covered by the industrial stormwater general permit targeted by the bill.

MAMSA objects to the bill for the following reasons:

(1) Having Coverage Under MDE's Industrial Stormwater General Permit Does Not Mean There Is an Increased Potential for Adverse Community Environmental and Public Health Impacts. (p. 3, l. 16-17)

SB 781's underlying premise is that there may be environmental and public health burdens imposed on at-risk communities associated with facilities covered by MDE's 20-SW-A (General Permit for Discharges from Stormwater Associated with Industrial Activities).

In fact, many of the county and municipally owned facilities covered by 20-SW-A provide significant societal benefits with no increased risk to the environment or public health. Wastewater treatment plants provide a critical public health benefit by treating residential, commercial, institutional, and industrial waste. Local and highway passenger transportation facilities provide local citizens with bus services and other passenger travel. Water transportation facilities provide local citizens with water taxis. Air transportation facilities provide airport and terminal services. Department of public works and highway maintenance facilities provide essential maintenance for snowplows and trash trucks. School bus maintenance facilities ensure the safety of our students on local buses.

MAMSA does not see the connection between these beneficial facilities and an increased risk to at-risk communities.

(2) The Bill is Unnecessary; MDE Already Reviews Impacts Associated with Facilities Covered by the Industrial Stormwater General Permit and Sewage Sludge Storage and Distribution Facilities.

Current State law directs MDE to consider public and environmental health before it issues an NPDES permit, like 20-SW-A (Md. Code ENV §9-302(b), (c)(1)).

MDE takes this responsibility very seriously. 20-SW-A includes extensive requirements for a covered facility including Chesapeake Bay restoration requirements for certain facilities, requirements for on-site control measures to minimize pollutant discharges, good housekeeping, maintenance of industrial equipment and systems, spill prevention and response procedures, erosion and sediment controls, salt storage, and employee training. Permittees must develop and update a document called a stormwater pollution prevention plan (SWPPP) to address these requirements.

(3) The 1.5 Mile Radius Makes No Sense in Many Situations (p. 2, l. 15 – 30)

The definition of at-risk census tract includes a geographic area within a 1.5-mile radius of a census tract with an EJ score at or above the 75% statewide, a census tract with six or more identified health indicators, or a census tract with proximity to specific facilities. MAMSA is perplexed by the reasoning behind extending the requirements to properties 1.5 miles outside of an EJ area (in many cases, a community 1.5 miles outside of an EJ area would not itself be an EJ community). If the bill moves forward, requirements should be limited to a review of the EJ census-tract itself.

In addition, many permit applicants are in rural areas. There could be facilities in rural parts of the state that are within 1.5 miles of an at-risk community. Those communities could have a small number of residents. It makes no sense to require the extensive level of study required by this bill for 10 people.

(4) Increasing Penalty Amounts by 75% is Punitive (p. 18, l. 13 – 16)

SB 781 increases penalties for violations within an at-risk census tract by 75%. MDE already has significant authority to assess civil penalties. There is no justification for increasing those already high penalties by 75% simply because the action occurred in an at-risk census tract.

(5) Requiring Online Information on Enforcement Raises Privacy and Fairness Questions (p. 18, 17-21)

SB 781 mandates that MDE make information on enforcement actions against a permitted facility available on-line. MAMSA submits that publicly identifying a potential violation, which has not yet been investigated and/or adjudicated, could cause a permittee unwarranted and unfair reputational damage.

In addition, MAMSA would be surprised if MDE would want to publicly identify its investigations until they are completed.

(6) Sending 25% of Fines to At-Risk Communities with No Guardrails Could Encourage Fraud (p. 18, 25-29)

SB 781 states that MDE's goal should be to use at least 25% of any revenue from an enforcement action within an at-risk census tract to assist (undefined) the affected tract.

MAMSA strongly supports guardrails. It is bad public policy to establish a system for contributions to a local

community with no controls in place. There should be basic usage, accounting, and auditing rules in place. If rules are not in place, money can be used on items that are problematic. A good example is in the February 21, 2025, Baltimore Sun (*State accountability on grants, nonprofits has 'fallen through the cracks,' former audit chair says*). The article notes that in 2020, state auditors found that a nonprofit had spent \$750,000 meant to combat opioid addiction on the purchase of a former country club and golf course.

The bill also lacks any detail on how 25% of a large fine would be used if the impacted community is small.

For example, if there are 10 residents near a concentrated animal feeding operation (CAFO), and the CAFO is fined \$4 Million, the community would receive \$1 Million (or \$100,000 per resident) from the enforcement action. Again, there are no details for how this money would be used to "assist" (undefined) these communities.

(7) Limiting MDE's Ability to Issue Future Permits Is Unwise (p. 16, l. 8-20)

SB 781 prohibits MDE from reissuing a future covered individual or general permit with less stringent conditions unless there was a technical or legal error or a less stringent condition is necessary because of events out of a permittee's control.

This is a much more limited subset of the well-known anti-backsliding language in Clean Water Act Section 402. SB 781 leaves out, for example, an exception for information that was not available at the time of permit issuance that, if known, would have justified a less stringent effluent limitation.

MAMSA disagrees that this antibacksliding language is necessary given the federal limitations. In addition, MAMSA submits that MDE should be allowed to change future permits based on the knowledge it gains during permit implementation. If 20-SW-A includes a requirement that MDE discovers is not working well, why would we not want MDE to strike it in a future permit?

(8) Requiring MDE to Report Back on Broadening the Scope of the Bill Is Problematic (p. 20, l. 8 – p. 21, l. 12)

SB 781 directs MDE to report back to the General Assembly on whether to expand the scope of the requirements to include any discharge permit issued under §9-323 of the Environment Article. Expanding these requirements to include municipal separate storm sewer system (MS4) permits would raise many significant issues.

For the reasons above, MAMSA urges the Committee to **Vote NO** on SB 781.

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: Education, Energy, and the Environment Committee Members, SB 781 Sponsor