

Tuesday February 3, 2026

TO: Brian Feldman, Chair Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support SB 108 Environment - Water Resources and Wetlands - Enforcement

The Nature Conservancy (TNC) supports SB 108 Environment - Water Resources and Wetlands – Enforcement introduced on behalf of the Maryland Department of the Environment (MDE). TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering solutions that secure clean water, air, and healthy, secure living environments.

Under Maryland state law, MDE has the authority to conserve, protect, and use water resources of the State in accordance with the best interests of the people of Maryland. It is also within MDE's purview to promote public safety and welfare and control and supervise, as feasible, construction, reconstruction, and repair of dams, reservoirs, and other waterworks in any waters of the State.

SB 108 builds on this authority by authorizing MDE to impose an administrative penalty for violations related to water and dam safety of up to \$5,000 for each violation, not to exceed \$100,000. Dams that have fallen into disrepair or have become obsolete pose public safety risks that include tragic drownings when people get too close or underestimate their power. Obsolete or damaged dams also disrupt the natural flow of rivers and fragment important habitat for aquatic species, leading to declines in their populations. They limit recreational access to portions of a river where people could otherwise enjoy the water and the surrounding nature.

Any funds MDE collects under the administrative penalties imposed by SB 108 will be paid into the Maryland Clean Water Fund and the Private Dam Repair Fund. The Maryland Clean Water Fund protects and improves both surface water and ground water quality through managing sediment and erosion control and removing sewage sludge. The Private Dam Repair Fund, which was established last year under SB 250 of 2025, provides financial assistance for repairing, upgrading, or removing privately owned dams.

TNC staff across the country have been working to inventory and, when appropriate, strategically remove dams that no longer serve a useful purpose and pose risks to public safety and the health of our waterways. SB 108 allows MDE to enforce a penalty for dams in violation of water and safety regulations while increasing funding for water quality protections and for addressing outdated or damaged dams' risks to human and waterways' health. We thank MDE for offering this bill, which will increase the agency's capacity to advance water quality goals.

Therefore, we urge a favorable report on SB 108.