



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

***Senate Bill 108
Environment - Water Resources and Wetlands - Enforcement***

Position: Support
Committee: Education, Energy, and the Environment
Date: February 3, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 108.

Bill Summary

Senate Bill 108 authorizes MDE to exercise administrative enforcement options for certain violations related to water appropriation and use, dam safety, waterway and floodplain construction, and tidal wetlands. Currently, MDE is limited to enforcing these provisions through civil or criminal penalties, which often requires resource-intensive circuit court litigation and may not be warranted given the nature of the violation. The bill also outlines specific factors MDE must consider when assessing a penalty, including the willfulness of the violation, actual environmental harm, the cost of restoration, and the economic reasonableness of addressing the violation. Administrative penalties collected under the bill would generally be paid into the Maryland Clean Water Fund. The bill establishes a penalty cap of \$5,000, with a total maximum penalty of \$100,000, whereas civil penalties do not have a maximum.

Position Rationale

Senate Bill 108 creates a critical "middle ground" enforcement tool that bridges the gap between simple warnings and costly circuit court litigation - a process that can take years to resolve and is financially burdensome for both the State and the regulated community. Consequently, only the most egregious violations are typically considered for enforcement, leaving a significant number of smaller but still important violations unaddressed. An example of this is a registered dam owner's failure to maintain an up-to-date emergency action plan. This plan is necessary for both public safety and environmental protection, but pursuing a dam owner through civil litigation is often not an ideal option and would automatically force an owner to incur legal costs.

The bill aligns with MDE's goal to protect and improve water quality by deterring violations and better coordinating with regulated communities by facilitating quick and cost-effective resolutions. By authorizing administrative enforcement, MDE can increase compliance by providing a tangible incentive for violators to communicate with MDE and resolve issues voluntarily before they escalate. Additionally, this authority improves efficiency, as administrative hearings are typically resolved in approximately six months compared to the two to three years often required for circuit court cases. Finally, the bill ensures fairness through strict penalty caps and the consideration of certain factors to ensure equitable settlements that fit the violation and keep costs lower for the regulated community.

Accordingly, MDE asks for a **FAVORABLE** report for SB 108.

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