

SB 108 Environment - Water Resources and Wetlands

Uploaded by: Humna Sharif

Position: FAV

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.

MDE SB 108 SUP.pdf

Uploaded by: Jeremy D Baker

Position: FAV



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.

Contact: Alex Butler, Deputy Director of Government Relations
Phone: 443-695-7478, Email: alex.butler@maryland.gov

ShoreRivers_Support_SB108.pdf

Uploaded by: Matt Pluta

Position: FAV



**Testimony in Support of Senate Bill 108
Environment – Water Resources and Wetlands – Enforcement**

January 30, 2026

Thank you for this opportunity to submit testimony in **SUPPORT SB108** on behalf of ShoreRivers. ShoreRivers is a river protection organization on Maryland’s Eastern Shore with more than 2,000 members. *Our mission is to protect Maryland’s Eastern Shore waterways through **science-based advocacy, restoration, education, and engagement.***

We are encouraged to see Maryland Department of the Environment (MDE) bring this bill forward under the shared principle that effective environmental protection depends not only on strong laws, but on meaningful enforcement. And this bill directly reinforces that foundation.

SB108 will provide MDE with clearer, more effective administrative enforcement tools for violations related to water use and wetlands construction and development. The bill ensures accountability for environmental harm by authorizing penalties that consider environmental damage, human health impacts, and patterns of repeat violations. It directs penalties back into a fund that can be used for water quality monitoring, restoration and other pollution controls. And it promotes timely compliance rather than prolonged environmental damage.

ShoreRivers supports this bill because it reinforces the principle that **polluters should bear the cost of harm, not our local communities.** We know through our work of identify pollution sources, documenting impacts through monitoring, and advocating for swift corrective actions, that when violations are left unaddressed, or without meaningful consequence, they induce prolonged damage to the environment that requires costly repairs. Administrative enforcement, as authorized through this bill, allows MDE to act more efficiently at addressing violations before they cause lasting harm.

We also know that through years of environmental enforcement that supplemental environmental projects (SEPs) are critical for addressing the pollution impacts within those communities that are harmed the most. And by directing penalties into the Maryland Clean Water Fund, SB108 ensures that enforcement actions directly support communities and activities best aimed at addressing the environmental harm that was caused by the violation. **For these reasons, we urge a favorable report on SB108.**

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pluta".

Matt Pluta, Choptank Riverkeeper on behalf of:

ShoreRivers

Scott Budden, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

SB 108 - CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

Senate Bill 108

Environment – Water Resources and Wetlands – Enforcement

Date: February 3, 2026

Position: Favorable

To: Education, Energy, and the Environment Committee

From: Alan Girard, Director of Advocacy

The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 108**, which enhances the Maryland Department of the Environment’s (MDE) authority to enforce critical water-related laws. The bill authorizes MDE to impose administrative financial penalties for violations related to water appropriations and use, dam safety, and any regulation, permit, or license associated with dredging, filling, or modifying tidal and nontidal wetlands.

Under existing law, MDE must rely mostly on civil court actions to enforce violations related to water appropriation and use, dam safety, and tidal and nontidal wetland protection. Enforcement under this framework can be slow, resource-intensive, and inefficient, constraining delivery of meaningful consequences for violators. Water-related enforcement actions declined 67% between 2016 and 2022 compared to the previous six-year period, which is a record low over the past two decades. The agency resolved 48% fewer significant water-related violations in FY 2016 through FY 2021 than in FY 2010 through FY 2015.¹

A recent wetlands program plan calls for expansion of monitoring, assessment, and wetland inventory updates, which can strengthen MDE’s ability to detect and respond to violations.² However, limited staffing significantly restricts the agency’s enforcement capacity. From FY 2002 to FY 2022, MDE’s budget of state general funds fell by more than one-third, contributing to the loss of one out of every seven staff.³ While recent General Assembly commitments to reverse staffing shortfalls help, the adequacy of human resources needed to enforce Maryland’s environmental laws remains a major concern.

SB 108 can help close capacity and performance gaps by authorizing MDE to issue significant administrative financial penalties for violations. This authority allows MDE to act more quickly than the courts when violations are found and provide a meaningful deterrent to bad actors. By requiring consideration of multiple factors when assessing penalties, the bill ensures enforcement is fair, balanced, and well-justified.

CBF urges the Committee’s FAVORABLE report on SB 108. For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

¹ [2022-cap-enfc-scorecard-3922.pdf](#)

² [md_wetland_program_plan_2021-2025.pdf](#)

³ [2022-cap-enfc-scorecard-3922.pdf](#)

Testimony in support of SB0108 - Environment - Wat

Uploaded by: Richard KAP Kaplowitz

Position: FAV

02/03/2026

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0108- POSITION: FAVORABLE
Environment - Water Resources and Wetlands – Enforcement

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0108, Environment - Water Resources and Wetlands – Enforcement

The Conowingo Dam project has been a source of conflict between the state, the utility, and the community.

A coalition representing at least two Eastern Shore counties has appealed the water quality certification Maryland issued to the Conowingo Dam in September, potentially threatening a \$340 million settlement with the dam's owners. ¹

This bill will empower the State Department of the Environment to exercise more control over both this and similar projects in Maryland. It will accomplish this goal by authorizing the Department of the Environment to impose an administrative penalty for certain violations related to the appropriation or use of water and dam safety; repealing a certain limitation on the Department's authority to issue certain orders and send certain notices related to dam safety; authorizing the Department to impose an administrative penalty of up to \$5,000 for each violation, not to exceed \$100,000, for certain violations related to wetlands construction, modification, or development; etc.

It will make clear to both businesses and local communities that Maryland will vigorously enforce environmental regulations and prevent water and dam safety violations.

I respectfully urge this committee to return a favorable report on SB#/0108.

¹ <https://talbotspy.org/eastern-shore-group-appeals-conowingo-dam-certification/>