

February 28, 2020

The Honorable Kumar Barve  
Chairman, House Environment and Transportation Committee  
House Office Building, Room 251  
6 Bladen Street  
Annapolis, MD 21401

**RE: Opposition of House Bill 1128 (Environment – Water Quality Certifications – Requests (Water Quality Certification Improvement Act))**

Dear Chairman Barve:

The Maryland Building Industry Association (MBIA), representing 100,000 employees of the building industry across the State of Maryland, supports House Bill 1128 (Environment – Water Quality Certifications – Requests (Water Quality Certification Improvement Act)).

This measure requires a person seeking a water quality certification (WQC) to submit a request to the Maryland Department of the Environment (MDE). Though we appreciate the intent, this is redundant and overly broad. WQC is already reviewed and issued by the State as part of the Joint Federal/State application process. This bill creates a separate application process, which would be costly and burdensome to the applicant (i.e. Calculation of the amount of pollution for each potential direct or indirect discharge from the project; a groundwater map if required; whether a waterway impacted by the project will still comply with any TMDL or other application water quality standards; the anticipated effects that increased rainfall, sea level rise, and storm surges will have on water quality once the project is complete). There is also some uncertainty as to when MDE will require some of these elements (i.e. groundwater map, an anti-degradation alternatives analysis for waterways).

If the concern is limited to federally licensed projects like pipelines and dams, the language in this measure should address those concerns specifically and limit the scope to projects that are required to be federally licensed only. Otherwise, this bill will have unintended consequences for the building industry.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: House Environment and Transportation Committee Members