



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

January 20, 2021

Committee: House Environment & Transportation

Bill: HB 76 – Water Pollution Control – Intervention in Civil Actions – Rights and Authority

Position: Oppose

Reason for Position:

The Maryland Municipal League strongly opposes HB 76. This bill establishes that a person who has standing under the federal Clean Water Act (CWA) has an unconditional right to intervene in civil actions brought by the State on the State level regarding enforcement of water pollution control or any related discharge permit, effluent limitation, or order issued by Maryland Department of the Environment (MDE). Expanding standing in this way allows anyone who meets the requirements to intervene in the same way an interested or aggrieved party would under the CWA.

Current State law permits the Attorney General, a political subdivision of the State, or any other person regardless of whether the person possesses a special interest different from the general public, to pursue legal action in an appropriate court for mandamus or equitable relief against the State or an agency for its failure to perform under an environmental statute, ordinance, rule, regulation, or order. State law does not authorize citizen suits against private individuals or entities that violate environmental laws, nor does it authorize actions for monetary damages. Standing is reserved for parties with a significant stake in the issue, who has been adversely affected. Ensuring that only relevant parties can be involved protects against frivolous lawsuits clogging up the legal system and utilizing valuable resources.

Civil enforcement actions in this area are rare but expanding standing would result in more complaints filed and the involvement of more parties, increasing the cost of litigating these issues. Allowing third parties to intervene in civil enforcement cases between local governments and MDE lengthens and complicates the case and adds significant cost. In this economy, any extra cost is a challenge to our members. Additionally, the goal of such actions is to protect the environment; making them more expensive and difficult could disincentivize local governments, acting on behalf of individuals, from seeking the enforcement of environmental protections.

Over...

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The existing standing statue in Maryland is more than adequate to address environmental conflicts. It is very likely that municipal finances will be significantly impacted to the extent that the bill results in more individuals or entities seeking judicial review of environmental actions of a legislative body and/or an increase in the length of time and resources needed to address individual cases.

For these reasons, the Maryland Municipal League opposes HB 76 and respectfully requests an unfavorable committee report.

FOR MORE INFORMATION CONTACT:

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