

Maryland-Delaware Solid Waste Association

a chapter of the

**National
Waste & Recycling
AssociationSM**

Collect. Recycle. Innovate.

TO: The Honorable Kumar P. Barve, Chair
Members, House Environment and Transportation Committee
The Honorable Brooke E. Lierman

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: January 27, 2021

RE: **OPPOSE** – House Bill 204 – *Environment and Natural Resources – Complaints, Inspections, and Enforcement – Information Maintenance and Reporting*

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** House Bill 204.

House Bill 204 creates new requirements for how the Maryland Department of Environment (MDE) is to receive and process complaints involving suspected environmental violations. It also requires MDE to develop and maintain a website that contains a broad range of information on complaints, inspections, and enforcement actions. The bill also requires the Department of Natural Resources to collect and publish information online.

MDSWA recognizes that information that the legislation requires MDE to publish online and regularly update is information that can be obtained by the public through a FOIA request. However, MDSWA is concerned that publishing it, as proposed in the bill, could lead to inaccurate public conclusions, given that many complaints may not be ultimately found valid, inspection findings may reflect technical issues as opposed to significant environmental concerns. As a result, permitted facilities and businesses may appear to be failing to comply with permit requirements when in fact they may have minor infractions with little or no environmental impact and/or the data reflects inaccurate complaints or findings that are ultimately dismissed.

MDSWA members regularly face significant opposition to facility permitting. The summary information that House Bill 204 requires to be published could be used by organizations looking to stop or discredit a project by misusing the information. Continuing to require the information to be accessed through a FOIA request as opposed to publishing the information online as required by House Bill 204 will retain public access to the information while protecting the reputation of permitted facilities. An unfavorable report is requested.

For more information call:

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