



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

February 3, 2021

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 274 – State Finance and Procurement - Chesapeake Bay Watershed States - Expenses and Contracts (Quit Polluting My Bay Act of 2021)

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 274, State Finance and Procurement - Chesapeake Bay Watershed States - Expenses and Contracts (Quit Polluting My Bay Act of 2021) and would like to offer a letter of information about this legislation.

Senate Bill 274 would prohibit any reimbursement for travel expenses related to traveling in a State which has been identified by the U.S. Environmental Protection Agency (EPA) to have used “Backstop Level Actions” in connection with the implementation of the Chesapeake Bay TMDL. Backstop Level Actions means that EPA has identified substantial concerns within a jurisdiction’s strategy to implement the TMDL goals. Additionally, it would prohibit a procurement contract for goods or services from businesses that reside within states that have implemented the Backstop Level Actions. Currently, the only state that that EPA has identified with Backstop Level Actions is Pennsylvania.

This bill would affect MDE operations. Under the prohibitions for travel reimbursement and procurement found in this bill, Department staff would be unable to attend any meetings, trainings, workshops, or conferences that took place in Pennsylvania and which incurred expenses in Pennsylvania related to meals, lodging, parking, fuel, transit, etc. With EPA Region 3 offices in Philadelphia, Susquehanna River Basin Commission offices in Harrisburg, interstate and federal coordinated oversight of the Peach Bottom Atomic Power Station in Delta, several important training events and workshops occurring in Pennsylvania (e.g. Section 319 Nonpoint Source Pollution Training in Pittsburgh), this bill would severely limit the Department’s participation to only those instances where teleconference or webinar were possible and effective.

This bill’s prohibition on the procurement of goods and services would also prevent the Department from contracting with vendors from Pennsylvania that provide necessary services at affordable costs. Departmental costs could rise due to having to switch to a different vendor located further away (when the same service is not available in Maryland). Two such examples occur in Western Maryland. In one case it was necessary for the Department to contract with a Pennsylvania company to supply bottled water to a residence near the Pennsylvania line that did not have access to potable water due to a contaminated well. Using another vendor from farther away would increase costs considerably. In

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another instance, the Mining Program sometimes struggles to find contractors to do mine reclamation work and as a result often accepts bids from companies based in Pennsylvania and West Virginia.

Thank you for your consideration. We will continue to monitor Senate Bill 324 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Benjamin F. Kramer