



Maryland Municipal League
The Association of Maryland's Cities and Towns

February 5, 2021

The Honorable Vice Chairman Dana Stein
House Environment & Transportation Committee
Environmental Subcommittee
251 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: House Bill 76/Senate Bill 334 (Water Pollution Control – Intervention in Civil Actions – Rights and Authority)

Dear Vice Chairman Dana Stein,

The Maryland Municipal League appreciates the opportunity to clarify our opposition to 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.

MML's concern with this legislation is not whether the bill expands standing, but the increased fiscal and logistical challenges its implementation would create for local governments. Civil enforcement actions in this area are rare but allowing third party interest groups to intervene in civil enforcement cases between local governments and MDE lengthens and complicates the case, increasing legal fees. Our members are facing unprecedented financial challenges and cannot afford increased costs in any area.

Such interventions could also interfere with efficient and effective resolutions. Several years ago there was significant litigation between MDE and Montgomery County relating to Montgomery County's MS4 Permit¹. Several environmental groups tried to intervene in the litigation, including groups that were not located in Montgomery County. Ultimately MDE and the County were able to reach an agreement, but if the interest groups had been allowed to intervene as parties, they could have stalled such negotiations.

¹ *Maryland Department of the Environment v. Anacostia Riverkeeper*, 447 Md. 88 (2016).

The existing standing statute 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.

We are happy to continue to work with the bill's sponsors and proponents, but at this time, the Maryland Municipal League must renew its opposition to HB 76.

Respectfully,

A handwritten signature in blue ink, appearing to read "Angelica Bailey".

Angelica Bailey, Esq.
Director of Government Relations
Maryland Municipal League
(443) 756-0071

CC: Environment Subcommittee Members
Delegate Kumar Barve
Delegate Sara Love
Senator Jill P. Carter
Alex Butler, Maryland Association of Counties
Natasha Mehu, City of Baltimore