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Committee: Education, Health, and Environmental Affairs

Testimony on: SB221 “Department of the Environment – Enforcement Authority”

Position: Support

Hearing Date: February 2, 2022

The Maryland Chapter of the Sierra Club strongly supports SB 221, which updates, expands, and strengthens enforcement authority of the Maryland Department of the Environment (MDE) on matters involving waterway construction and dam safety, tidal and nontidal wetlands, drinking water, waterworks, wastewater works, and industrial wastewater works. The bill increases the amounts of monetary penalties for violations, adds civil or administrative penalties, provides for injunctive relief, and enables potential reduction of fines based on a variety of factors. These changes are intended to enhance the State’s ability to protect our waters by providing alternatives to criminal enforcement.

Clean water is critical to public health and the health of the Chesapeake Bay and other watersheds. Taking initiative to protect our natural and manmade water systems can save us from expensive and harmful events. The bill would make many impactful changes in the law, including the following.

Updates to the State’s drinking water statutes (Environmental Article Title 9, Subtitle 4) would include changing the requirement that MDE prove a civil violation be “willful” in order to take action. The bill would also allow for penalties to be levied against persons who violate drinking water regulations. These two changes could be substantial in protecting drinking water quality.

The bill would also update the Maryland Water Quality Laboratory Certification Act (Environment Article Title 9, Subtitle 10). Laboratories that test drinking water are governed under this statute, which has not been updated since 1982. This bill would give MDE more authority over operations of these labs and would allow better enforcement of the Safe Drinking Water Act’s testing and recordkeeping requirements.

This bill also would amend the Maryland Waterworks and Waste Systems Operators Act (Environmental Article Title 12) to increase the operators’ recordkeeping requirements. The bill would allow MDE to take action when the law is not being followed in a water or wastewater plant. This section satisfies recommendations by the EPA and helps Maryland qualify for the annual federal Drinking Water State Revolving Loan Fund capitalization grant that is used to fund Maryland’s Water Supply Program.

Founded in 1892, the Sierra Club is America’s oldest and largest [national] grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

Finally, the bill would expand MDE's civil and administrative enforcement tools related to waterway construction and dam safety. It would also provide new administrative authorities for tidal and nontidal wetlands protection.

In summary, SB 221 takes a comprehensive approach to address the many factors that affect water quality as well as manmade and natural water systems by updating, expanding, and strengthening the enforcement actions that MDE can take. The authorities provided would be helpful in addressing some of the important and longstanding water quality enforcement challenges that the State has faced. We urge a favorable report

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