



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 649

Environment - Discharge Permits - Inspections and Administrative Continuances

Date: February 23, 2022

Position: Support

To: Environment & Transportation Committee

From: Robin Clark, Maryland Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 649, which will provide the Department of Environment with additional tools to support and ensure well-functioning wastewater treatment facilities and industrial stormwater sites throughout Maryland, protecting Maryland's residents from harmful pollution discharges into local streams and rivers and the Chesapeake Bay.

Water pollution control permits do not serve their purpose if their terms are not followed.

Water pollution control permits create the terms by which businesses and wastewater treatment plants in Maryland may operate while limiting discharges and pollution overflows into Maryland's waterways.

When a permit's five-year term expires and is not properly renewed, that outdated permit may be allowed to continue in effect through an administrative continuance. A number of administrative continuances now burden our State, meaning that in some cases new technologies and pollution reduction methods are not incorporated into facilities' operating requirements. This legislation seeks to give the Department of Environment the staff needed to address the backlog of these so-called "zombie" permits and eventually reduce the practice of extensions beyond one year.

A notice of significant noncompliance with a permit's terms can indicate a failure of a facility to report its monitoring data, or a violation of one of the permit's limits for a particular pollutant. While a failure to report may not be a clear indication of an issue, without reporting there is no way to know whether the failure to report is masking an issue. In the case of a violation of a pollution limit, the underlying cause of the issue needs to be addressed as soon as possible to bring the facility back into compliance. This legislation requires monthly inspections of significant noncompliance findings by the Department of the Environment or as recorded in the U.S. Environmental Protection Agency's ECHO database.¹ These inspections should encourage more regular reporting and expedite corrective actions.

HB 649 takes reasonable steps to increase oversight to confront discharge issues as they arise, and to address the backlog of outdated permits.

This legislation will require that the Maryland Department of Environment inspects facilities in significant noncompliance with their pollution permits within a month's time. It seeks to encourage those facilities to

¹ United States Environmental Protection Agency, *Enforcement and Compliance History Online* ([ECHO](#)), last visited February 21, 2022.

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develop a plan for remediating any issues and employs reasonable fines to motivate compliance. Through prompt attention to issues at a facility, remedies may be accomplished earlier, likely reducing costs, harm, and liability. The legislation also requires the Department to report to the General Assembly on the number of employees needed to help clear the backlog of outdated permits, and to work towards hiring those staff.

CBF urges the Committee's FAVORABLE report on HB 649. For more information, please contact Robin Jessica Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.