



# CHESAPEAKE BAY COMMISSION

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## Written Testimony

Bill Number/Title: HB 714 / Bay Restoration Fund – Intended Use Plans and Privately Owned Wastewater Facilities  
Committee: Environmental and Transportation  
Hearing: February 18, 2022  
Position: Favorable

### Background

The Chesapeake Bay Commission is a tri-state legislative commission created by law in Maryland, Pennsylvania and Virginia to advise the members of the three general assemblies on matters of watershed-wide concern. Its fundamental purpose is to assist each assembly to develop legislation and policies that foster the collaborative and practical restoration of the Chesapeake Bay and its watershed.

HB 714 would make the following changes to Maryland’s environmental laws:

- 1) MDE would be required to submit to the General Assembly each intended use plan that the Department submits to the EPA to request federal grants and awards;
- 2) As related to the use of Bay Restoration Funds, it amends the definition of “privately owned wastewater facility” to require the facility provides wastewater treatment or disposal services to multiple residential dwelling units;
- 3) MDE and MDP would need to include the impacts of providing funding to privately owned facilities in their annual assessment report on the impacts of the BRF; and
- 4) As related to funding from the Clean Water Commerce Act account, MDE could not provide funding to a privately owned wastewater facility that within the past two years had not complied with its discharge permit, unless the owner of the facility lacks the financial capacity to upgrade the facility, the facility is independently owned and the owner is not a subsidiary of another business.

### Position

The Commission supports HB 714. The changes in the reporting requirements (items 1 and 4 above) increase the transparency of state agency action to the General Assembly. Requiring that “privately owned wastewater facilities” provide service to multiple residential dwelling units is consistent with the original intent of the BRF – to provide funding to support water, septic and stormwater infrastructure that our citizens use and pay for. The changes related to the Clean Water Commerce Act are also consistent with this approach, and specifically prohibits funding “bad actors” who are in violation of their discharge permits, while providing some flexibility to the agency for facilities that serve multiple households, but might not have the financial means to correct failing (and very costly) infrastructure.