



Testimony in SUPPORT of HB1101

March 25, 2024

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony **Favorable with Amendments** for **HB1101** on behalf of ShoreRivers.

Maryland currently lacks a mechanism that allows community members impacted by water pollution to hold polluters accountable in state court for their actions. This is important, as citizen suit provisions can assist regulatory agencies in addressing pollution and, when an administration fails to act, it gives communities assurance that they have the means to protect themselves from water pollution.

At the federal level, a citizen suit provision is a foundational component of the Clean Water Act that affords communities the opportunity to defend their right to swimmable, fishable, and drinkable waters. This provision has proven to be effective. Over a 10-year period, Waterkeeper groups representing communities impacted by water pollution have brought nearly 25% of Clean Water Act lawsuits in the nation.

We support **HB1101** because it restores a legal right that individuals lost when the U.S. Supreme Court ruled in the *Sackett v. Environmental Protection Agency* case where the federal definition Waters of the U.S. was narrowed to exclude ephemeral wetlands and intermittent streams, or those waterways that are flowing and filtering out pollution only after it rains. Luckily, Maryland's definition of Waters of the State includes those wetland and streams, so they are still legally protected in State law. **However, the State law lacks the citizen suit provision that Federal law has, therefore, if these wetlands and streams were polluted, they can't be protected in the court by the communities impacted.**

HB1101 is fair across all communities, and provides anyone in Maryland a right to protect themselves against water pollution. The Clean Water Justice Act does not target one industry over another, and it does not place an additional strain of resources on any entity. Specifically, this does not target or disproportionately impact farmers or poultry growers on the Eastern Shore. Poultry growers are already covered under a federal permit for the operation of their poultry houses. **Also, the bill as amended removes government entities from liability if they were to pollute these same waterways and we ask that this committee remove that amendment and put *government entity* back in the bill.** The government is responsible for the safe handling and discharge of the majority of wastewater and a significant amount of stormwater entering local rivers every day and they should be held accountable, just like everyone else, when they break the law.

Giving community members the appropriate tools to defend their local waterways is an important part of making sure that Marylanders can maintain healthy and vibrant natural resources that provide benefits beyond just the physical use of a waterway. We ask the Committee to please vote favorably and give Marylanders the right to stop pollution if ever they need to.

Sincerely,

ShoreRivers

Isabel Hardesty, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
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