



## Testimony in SUPPORT of HB1101

February 26, 2024

Dear Chairman Korman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of **HB1101** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

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 on the Eastern Shore we are seeing the use of state regulated permits increase. Of particular concern are state groundwater discharge permits, which authorize the disposal of wastewater to groundwater. Groundwater discharge permits include, among other things, spreading wastewater on farm fields using spray irrigation systems as a means of disposing of, and beneficially reusing, nutrients in that wastewater. These are state permits and not federal permits because the state assumes that all of the nutrients applied to a farm field in this manner are taken up by plants, and zero pollution enters groundwater or surface waters.

We believe this is a false understanding of the impact of these facilities, which is evidenced through state inspection records. There are roughly 235 groundwater discharge permits in the state—more than a third of those are on the Eastern Shore. **Between 2018 and 2022, the state conducted more than 330 inspections of groundwater discharge permits, and over two thirds of those inspections resulted in the need for “additional investigation” or “corrective actions,” or showed results of “noncompliance,” or “unknown.”** When facilities violate their permit, the chance of pollution impacting local waterways and groundwater increases, which can have a negative effect on people drinking water and downstream recreational waterways.

**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

### ShoreRivers

Isabel Hardesty, Executive Director  
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

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,

A handwritten signature in black ink that reads "Matt Pluta". The signature is fluid and cursive, with the first name "Matt" and last name "Pluta" clearly distinguishable.

Matt Pluta  
**Choptank Riverkeeper**  
**ShoreRivers**