



House Bill 1128

*Environment – Water Quality Certifications – Requests
(Water Quality Certification Improvement Act)*

MACo Position: **OPPOSE**

To: Environment and Transportation

Date: February 28, 2020

From: Alex Butler

The Maryland Association of Counties (MACo) **OPPOSES** HB 1128. The bill would complicate a certification process for water quality, grant unprecedented legal standing to entities without a direct effect, and ultimately would significantly increase project costs for local governments.

Under the proposed language in HB 1128, legal standing to challenge water quality certifications would be greatly expanded to entities in the State even if they cannot demonstrate a direct adverse effect. This would upend established legal standing in the State and subject certification requestors to increased, and frequently prolonged, litigation.

HB 1128 would require that counties request more individual permits. This would impose significant additional costs on local governments as it would increase the frequency and complexity of requests for certificates.

The bill's provisions also apparently would leave State law out of alignment with the federal Clean Water Act §401. Such inconsistencies in law would likely lead to litigation and process delays – undermining governments' ability to pursue these efforts successfully, and the Maryland Department of Environment's capacity to oversee the certification process.

HB 1128 would impose burdensome costs and delays on local governments seeking water quality certificates, unreasonably grant new legal standing to potentially unaffected entities, and could subject the Maryland Department of the Environment to increased litigation. Accordingly, MACo urges the Committee to give HB 1128 an **UNFAVORABLE** report.