



Senate Bill 289

Environment – Water Pollution Control Penalty

MACo Position: **OPPOSE**

To: Education, Health, and Environmental
Affairs Committee

Date: February 12, 2013

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) OPPOSES SB 289. The bill would essentially constitute a new burden on taxpayers and deprive local governments of needed resources that could be used to address the infrastructure problem of sewage overflows.

SB 289 would increase from \$5,000 to \$10,000 the daily administrative fines that the Maryland Department of the Environment (MDE) may charge for sewage overflow violations.

MACo has long opposed the imposition of civil and administrative penalties by one level of government against another. Monetary penalties against local governments are not borne by stockholders or corporate officers, but by citizens through increased rates or taxes, or decreased services, such as public safety. MDE should not seek to penalize or levy charges on a local government but instead should work collaboratively with them to achieve the mutually shared goal of addressing the infrastructure challenge posed by sewage overflows.

MACo recognizes that MDE needs the ability to enforce environmental regulations on local governments but believes that criminal and injunctive relief are more appropriate as these penalties are subject to an established process with well-defined appeal and defense rights. Additionally, MDE has recently shown through increased enforcement efforts that it can collect a significant amount of fines under the existing penalty levels. According to the bill's fiscal note, for FY 2012, MDE collected about \$1.2 million in civil and administrative penalties in 155 actions. Clearly, MDE already wields a meaningful regulatory "stick."

SB 289 imposes a new and unnecessary financial burden on local governments and channels funds that could be used to address the sewage overflow problem to MDE. Accordingly, MACo recommends the Committee issue an UNFAVORABLE report on SB 289.