



## Senate Bill 302

### *Environment – Water Pollution Control – Reporting and Penalties*

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 302. 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.

The bill would double the daily civil and administrative fines that the Maryland Department of the Environment (MDE) may charge for sewage overflow violations. The cap on total administrative fines is also doubled. Finally, MDE must publish annually on its website the total amount of sewage overflow in gallons for the previous year and the fines collected as a result of the overflows.

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. For the 2012 version of this bill, SB 877, MDE stated in its written Senate testimony: "This bill should result in higher penalty settlements for cases to those being settled now and increase the deterrent value of enforcement actions." But taking money from a local government through the collection of civil or administrative penalties only makes it that much more difficult for the local government to address the sewage overflow issue.

SB 302 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 302.