

Chesapeake Bay Foundation – 1,000 Friends of Maryland – Waterkeepers Chesapeake
South River Federation – Midshore Riverkeeper Conservancy – Maryland League of Women
Voters – Assateague Coastal Trust – Gunpowder Riverkeeper – Maryland Sierra Club

SENATE BILL 812

SEDIMENT CONTROL – VIOLATIONS – ENFORCEMENT

DATE: MARCH 8, 2016

POSITION: OPPOSE

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The organizations listed above recommend an unfavorable report on Senate Bill 812 from the Education, Health, and Environmental Affairs Committee. This bill would undermine and delay enforcement of sediment and erosion control violations. These violations have severe negative impacts on local water quality, and cause problems that are far more expensive to fix than to prevent.

COMMENTS:

Soil stabilization during construction is a basic and cost-effective way to avoid the severe degradation that sediment pollution causes in rivers, streams, and the Chesapeake Bay. Fine sediments from construction sites not only produce visible nuisance plumes, but more importantly are responsible for degradation of local stream habitat quality and water quality. Sediment pollution also fills in navigable channels and requires expensive stream restoration and dredging projects. State law, regulations, and individual or general permits dictate the erosion control measures that each construction site must comply with during any disturbance of soil. These measures are typically as simple as covering exposed soil with straw, mulch or grass seed, and maintaining a perimeter barrier. Complying with these simple preventative measures are typically around 100 times more cost-effective than trying to undo the damage done downstream.¹

Unfortunately, compliance with state laws and permits for soil stabilization to prevent erosion is woefully low. Compounding the problem of low compliance, there is a serious lack of state and local inspectors available to find and correct these violations. **This bill would increase the workload of the limited number of inspectors while allowing violators to pass off their responsibilities to local governments and taxpayers.** By requiring an agency to triple the time spent notifying responsible parties of violations, inspection staff will be burdened with an even greater workload while the extreme erosion problems go uncorrected. This is inherently unfair, and also extremely cost-inefficient. The net result is less enforcement, poorer compliance, and even more sediment pollution.

Any legislation that further delays enforcement of sediment and erosion control violations is simply a passing of costs from the violator to the citizens. State and local agencies have to provide increased funding and staff to cover the increased inspection workload, and taxpayers have to pay to clean up the mess caused by those who fail to comply with simple laws in the first place.

Conclusion

For the reasons stated above, the listed organizations oppose SB812 and recommend an unfavorable report. Please contact Elaine Lutz of the Chesapeake Bay Foundation with any questions: elutz@cbf.org.

¹ A 2015 Greater Baltimore Construction Survey Report that a number of groups participated in discovered that approximately every dollar spent keeping sediment on a construction site saves taxpayers at least \$100 in avoided damages. See the full report here: <http://ceds.org/gbs/2015GBSES=PRReport.pdf>