



Drop in Maryland Water Pollution Enforcement Imperils Chesapeake Bay Cleanup

***75 Water Enforcement Actions by Hogan's MDE in
Fiscal 2021 Less Than Half Annual Average of Last Two Decades***

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(ANNAPOLIS, MD) — Water pollution enforcement in Maryland has declined over the past two decades in some key areas, and the number of water enforcement actions by the Maryland Department of the Environment (MDE) bottomed out during the Hogan administration. This drop in enforcement imperils Chesapeake Bay cleanup efforts and threatens public health and the environment, according to a new scorecard released by the Chesapeake Accountability Project (CAP).

The first-of-its-kind report, released today, measures enforcement actions over Maryland's last four gubernatorial administrations, going back to 2001. It finds that MDE's Water & Science Administration has taken 67 percent fewer enforcement actions for water pollution violations during the Hogan administration compared to the previous six years.

Examining a longer time period, the 75 enforcement actions taken by MDE's water administration last year (fiscal 2021) was far below the annual average of 168 actions going back to 2001, according to the state data examined by CAP (a coalition of the Center for Progressive Reform, the Chesapeake Bay Foundation, Chesapeake Legal Alliance, Environmental Integrity Project, and Choose Clean Water Coalition.)

“Environmental laws are meaningless without strong enforcement measures to back them up,” said Katlyn Schmitt, Policy Analyst at the Center for Progressive Reform and lead author of the CAP Enforcement Scorecard. “Lax enforcement often leads to lax compliance with important laws that are meant to protect our health and safety. To remedy this, MDE must not only be adequately funded and staffed, but it must also create and implement stronger internal mechanisms to hold itself accountable to robust enforcement of the law.”

The CAP scorecard finds water pollution enforcement levels remained fairly steady during the Ehrlich and O’Malley administrations, with some slight drops in enforcement after the Great Recession of 2008. But over the past six years, Maryland has seen a dramatic drop in water pollution enforcement under the Hogan administration.

Compared to O’Malley’s time in office, Hogan’s water administration:

- Took 67 percent fewer enforcement actions for water pollution violations;
- Identified 70 percent fewer significant violations;
- Inspected 39 percent fewer sites, and;
- Collected 47 percent less money in penalties.

In 2021, the MDE water administration took 55 percent fewer enforcement actions for water pollution violations and identified 38 percent fewer significant violations compared to the 20-year average. The number of pollution inspectors has also declined at the department, from a high of 62 inspectors in 2000 to 50 in 2019, despite more permits being approved in the state. This resulted in widespread noncompliance among various sectors.

“Water pollution enforcement actions took a dramatic nosedive in the past six years under Governor Hogan,” said Courtney Bernhardt, Director of Research at the Environmental Integrity Project. “MDE needs to staff up and turn these trends around. Environmental justice can’t be achieved without vigorous enforcement, and Chesapeake Bay states only have three years left to meet the goals set in the 2010 Bay Cleanup Plan.”

Between 2017 and 2020, roughly three-quarters of inspections found that industrial facilities with stormwater pollution permits were not complying with their permit terms, according to the state data examined by CAP. Over the same time period, MDE took formal enforcement actions against less than 1 percent of those sites found in noncompliance. This may be in part due to the agency’s inadequate financial resources:

MDE represents less than one-fifth of 1 percent of Maryland's general budget — half the level of two decades ago.

“We’re disappointed in this long-term trend, but we hope that it can be corrected with new legislation being considered in the General Assembly to increase inspections and update expired permits,” said Doug Myers, Chesapeake Bay Foundation’s Maryland Senior Scientist. “If we fail to address this issue, it will only make it more difficult for the state to meet the requirements of the Chesapeake Bay cleanup. We can’t fix pollution problems that aren’t being identified due to lack of inspections and enforcement by MDE.”

The organizations that make up CAP are encouraging Maryland legislators to pass legislation this year that can address this problem, as well as increase funding for staffing at MDE. Measures being considered in the General Assembly include Senate Bill 492 and its companion legislation in the House, HB649, which would limit how long expired permits can be administratively continued, require MDE to more frequently inspect facilities with reported pollution violations, and create additional fines for permit holders that fail to quickly address compliance issues.

“The public has a right to expect our government to faithfully carry out laws and programs to protect public health and the environment,” said Eliza Steinmeier, Co-Director of Chesapeake Legal Alliance. “Marylanders, especially the most vulnerable communities that bear an unjust proportion of the pollution around us, deserve to know that the state's agencies are well equipped and doing the job they're charged with. We hope this report serves as a wake-up call to leaders to ensure these issues are promptly corrected.”

It is worth noting that some areas of MDE enforcement are up in recent years — for example, for lead paint violations. The CAP report highlights the fact that it is specifically **water pollution enforcement** actions that are down, and it’s a bad time for reduced enforcement in this area, with a 2025 deadline rapidly approaching for the most recent Chesapeake Bay cleanup plan (also known as the Bay Clean Water Blueprint or Bay Total Maximum Daily Load.)

The *2002 CAP Enforcement Scorecard* is available at <https://chesapeakeaccountability.org/scorecard>.

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The Chesapeake Accountability Project (CAP) comprises five nonprofit organizations, including the Center for Progressive Reform, Chesapeake Bay Foundation, Chesapeake Legal Alliance, Environmental Integrity Project, and Choose Clean Water Coalition. Collectively, these organizations work to reduce bay pollution attributable to weak water pollution permits and lack of government enforcement in the Bay region, particularly in Maryland. For more about CAP, [visit our website](#).