Regional authority for water on table

Baltimore task force open to other options as well

By Christine Condon

The Baltimore water task force, convened to decide the future of the area's drinking water and wastewater infrastructure, came close to homing in on a single governance model at its second meeting Wednesday night: a regional water authority.

In its first-ever vote, the 13-member group — made up of Maryland water and wastewater officials as well as politicians and a labor leader — narrowed down their list of possible models.

They eliminated two options, both of which were unlikely to be chosen from the outset: a cooperative model — typically used in remote, rural areas with fewer residents — and a memorandum of understanding, which is a non-binding document that would fall short of the group's mission to reimagine the governance model altogether.

The group flirted with focusing on one option exclusively: establishing a regional water and wastewater authority, which also could be called a "special district."

It's been seen as possibility from the outset, first raised by a 2021 report commissioned by the city and county on water and sewer. But it also would be the most radical. Under this plan, Baltimore City, which owns most of the area's water and wastewater assets, such as reservoirs, treatment plants and pumping stations, likely would lease those assets to a newly formed, not-for-profit authority — led by a combination of city and county appointees or elected officials.

The city still would own the assets, but the Baltimore City Department of Public Works would no longer manage them day to day. And functions of Baltimore County's Department of Public Works and Transportation would transfer to the authority as well.

The new organization would take on all of the water system's customers rather than dividing them over city

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and county lines, potentially changing the way water bills are tabulated and costs are distributed.

It would be an extensive, multiyear transformation of the area's water and sewer system in the wake of several high-profile water issues in recent years, including persistent disputes over billing, and equipment failures at the two Baltimore-run wastewater treatment plants along the Back River and Patapsco Rivers, which caused pollution concerns and several ongoing lawsuits.

Drinking-water issues also have occurred, including E. coli contamination a year ago, and the recent discovery of very low levels of an illness-inducing parasite cryptosporidium in the open-air Druid Lake Reservoir. The city's two open-air, finished-water reservoirs should be replaced by underground tanks by the end of the year.

A regional authority would bring Baltimore's system in closer alignment to a Washington, D.C.-area model. WSSC Water, which serves Montgomery and Prince George's counties, is run by a board of commissioners selected by the county executives and approved by the county councils. Two people affiliated with WSSC Water sit on the Baltimore-area task force.

But after a "no" vote from the vast majority of the task force members on a motion to only consider a regional water authority, other options still will be considered. That includes making improvements to the current framework for water management through an "inter-municipal agreement."

It also includes an arrangement where one of the localities (more likely the city) would function as a wholesaler, and the other (more likely the county) would simply buy the water and wastewater service rather than helping to manage parts of the system.

The city currently offers some water on a wholesale basis to other surrounding counties, including Anne Arundel and Howard. But disentangling Baltimore County from the city's water system might prove difficult, and it would represent a step back for the county, in contrast to the voiced desires of county executive Johnny Olszewski, who has called for the county, with its larger population, to have a seat at the table.

In proposing the motion to only consider a regional water authority, task force member Timothy Barr, the Maryland Environmental Service's managing director of water and wastewater, said he thought aspects of the existing intermunicipal agreement and wholesale arrangements could be "folded into" a new water authority.

"That way, we can focus our efforts on the one option," Barr said. "And we still have a lot of work to do as far as making a proposal."

That proposal, which will go to city and county leaders, is due Jan. 30 — in time for the next state legislative session, should state action be needed. Task force Chairman Bill Henry, Baltimore's comptroller, has said he feels all of the options could be hashed out between the city and the county alone.

The task force only has a few meetings remaining before it is expected to issue a recommendation. Then it will hold a few more to collect public comment before making its final selection.

Yosef Kebede, who recently left his post as director of the city's water and wastewater division, said he supported Barr's idea of eliminating the existing governance model from contention, calling it the "do-nothing" option.

"Having served in the city for four years, recruitment, retention and employee issues are very critical"' said Kebede, now Howard County's director of Public Works. "The governance structure that we should be pursuing is one that can help resolve those."

But some task force members pumped the brakes. Del. Dana Stein, a Democrat who represents Baltimore County and is vice-chair of the House Environment and Transportation Committee, called eliminating so many options in the task force's second meeting premature.

"If I had to vote today, as opposed to in December, I would probably vote for [a water authority]" Stein said. "But I'm not sure I have all the information, or have had a chance to digest pros and cons of different models."

Henry said he was "sympathetic" to Barr's motion, adding that he tends to "resist the idea of wasting time studying models that we probably won't seriously consider."

"I would feel like we hadn't done our jobs fully if we ruled out other options, and then found out that maybe somebody, somewhere is making intermunicipal agreements work, and we just have to figure out what they're doing differently."

The task force also voted to ask its consultants, to gather information about stormwater management, which wasn't included in its General Assembly mandate, but members argued was inextricably linked. Because of cracks and breaks in Baltimore's aging sewer lines, stormwater can infiltrate the system and overwhelm it, contributing to backups into residents' homes and sewage overflows.

"We're a team of doctors, who have our water and wastewater system on the table, and we're doing some surgery," Henry said of stormwater problems. "You could just ignore it ... Or we can take care of it while we've got the patient open — right now."

The stormwater issue was brought to a vote after a stern resolution passed earlier this week by the Baltimore City Council. The resolution chastised the task force — and perhaps its creators in the General Assembly — for a "lack of engagement with members of the city council."

The resolution stated that the city should have a majority of votes on any newly created water board, given that most of the assets belong to Baltimore. And it called on the task force to consider stormwater, and to place conversations about equity at the center of their discussions.

"Conversations about leadership of the new structure ... must include ensuring that our majority Black and increasingly diverse community are not disproportionately bearing the fiscal burden of our aging water system," read the resolution.

Equity has been a key concern from advocacy groups, such as Washington, D.C.-based nonprofit Food and Water Watch, which focuses on government and corporate accountability related to food and drinking water. During the General Assembly session this year the nonprofit was among a group advocating for the task force to be required to analyze racial and economic equity, and to be given more time to complete its mission.

"We were basically reassured by state legislators that: 'Of course they're going to do this. Everyone agrees with it' — and that it doesn't need to be included in the law," Grant said.

But during a hearing before Baltimore's City Council last week, Henry stated it's unlikely the task force has time to craft a full equity study, though the topic could be part of the discussions.

The water authority option also had caused uncertainty for local water workers, said Antoinette Ryan Johnson, president of the City Union of Baltimore, which represents some water system employees, but is not on the task force. Another union for local water workers, the American Federation of State, County and Municipal Employees, has a representative on the task force.

"If a new regional utility is to be created, what happens to hundreds perhaps thousands of employees working in the system now?" Ryan Johnson asked members of the City Council in late September.