Baltimore agrees to hefty fine, consent decree over wastewater treatment plants

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In an effort to settle complaints of pollution violations, Baltimore City has agreed to pay a $4.75 million fine and to enter a consent decree concerning operations at its Back River and Patapsco wastewater treatment plants.

The city's agreement with state regulators and environmental advocates — who filed federal and state lawsuits in 2021 and 2022 seeking a court order to fix the plants — states the plants must replace and repair necessary equipment, submit quarterly progress reports and hold annual public meetings on their progress. The city will also be required to install signs and warning lights at the plants' outfalls in the Patapsco and Back rivers, which will turn on if sewage discharges bypass some or all of the plants' treatment processes. Oversight of the decree will be managed by third-party engineers.

The agreement comes after the state took control last year of the Back River plant in Dundalk after the city failed to act on multiple permit violations and sewage discharges. City officials say significant progress has been made at the plants since that time.

Mayor Brandon Scott said in a news release Thursday that his administration has sought to address the root causes of systemic issues at the plants.

“With the support of our state regulators and advocates, my Administration has worked to shift the trajectory of our wastewater treatment facilities to move us closer to ensuring both of our WWTPs [waste water treatment plants] remain in compliance,” Scott said. “Notably, in the summer of 2023, we posted the Patapsco Wastewater treatment facility’s best effluent numbers ever recorded and have consistently remained well below permitted effluent numbers.”

Advocates with Blue Water Baltimore and its attorneys at the Chesapeake Legal Alliance are touting the settlement as the largest civil penalty for a water pollution violation in 25 years and one of the largest ever civil penalties for a violation of any Maryland environmental law.

The agreement is a “huge victory for clean water and for Baltimore residents,” said Alice Volpitta, Baltimore harbor waterkeeper at Blue Water Baltimore, in a statement.

A $1.9 million portion of the fine, about 40%, will go to restoration projects in the Back River and Patapsco watersheds. The Chesapeake Bay Trust will oversee disbursement of the money in the form of competitive grants. Another $1.425 million will go directly to the Maryland Department of the Environment. The remaining $1.425 million will be set aside, to be paid only if the city violates the consent decree. Advocates say the city could face additional penalties if it fails to meet repair deadlines and conditions.

The city’s Board of Estimates is scheduled to consider final approval for the consent decree on Nov. 15. The agreement must also be approved by the court.

“Conditions at these plants were dire for residents, employees, and for the environment,” said Sydnee Wilson Ruff, interim executive director of Blue Water Baltimore, in a statement. “This agreement strikes a delicate balance between holding polluters accountable, and keeping the lion’s share of the penalty money in the waterways and communities that were most affected by the pollution.”

The Chesapeake Bay Program in recent years reported that pollution coming from Maryland’s wastewater treatment facilities could jeopardize efforts to reduce sediments and nutrient levels to meet goals set for the Chesapeake Bay by 2025.

Advocates took issue with the Patapsco treatment plant, which was releasing more pollution into area waterways than legally permissible. And operations at Back River wastewater treatment plant were temporarily suspended in March following an explosion and fire at a contractor facility.

City leaders this week said the Back River plant has performed at or below permitted levels since June 2022. The Patapsco plant, they said, has also met requirements for discharging nitrogen since January.