BALTIMORE SUN
LIGHT FOR ALL
BALTIMORESUN.COM
THURSDAY, NOVEMBER 16, 2023

The 466-acre Back River Wastewater Treatment Plant site is seen along Eastern Avenue in Dundalk. **JERRY JACKSON/BALTIMORE SUN**

City has long to-do list for wastewater plants

Spending board approves consent decree and $3.3M fine for river pollution

By Christine Condon

Baltimore's spending board voted Wednesday to approve paying a $3.3 million penalty to the state — a historic fine for pollution that flowed from the city's poorly maintained wastewater treatment plants and into the Patapsco and Back rivers.

Along with the payment comes a big to-do list for the city, in the form of a court-monitored consent decree, which the city's Board of Estimates also approved Wednesday.

The board's unanimous vote affirms the consent decree, which already was signed by the city's Department of Public Works, and sends it to a Baltimore City Circuit Court judge for final approval.

Upon approval, the consent decree would settle two lawsuits filed against the city as a result of the pollution: one by the Maryland Department of the Environment and the other by a local nonprofit watchdog called Blue Water Baltimore. All three parties were involved in the consent decree negotiations.

Per the consent decree, the city's full penalty is $4.75 million, but the remaining $1.4 million will only be paid if the city violates its agreement in the next two years.

Under the consent decree, the city agreed to a timeline for particular repairs at each of the two problematic plants, to produce new plans for adequately staffing the facilities and to allow a third-party engineering company to supervise its progress and produce reports.

The city also will install signs and warning lights at the discharge pipes where each of the plants dump treated wastewater into the rivers. If the plants malfunction, and any part of the treatment process must be bypassed — meaning the water could contain higher-than-acceptable levels of pollution — the light will flash for 24 hours.

The city will produce quarterly updates and hold annual meetings about its progress at the two plants.

The violations covered by the consent decree technically began as early as 2017, but the bulk of the problems occurred in 2021 and 2022, when high quantities of

Turn to Decree, *Page 2*

FROM PAGE ONE

Decree

from Page 1

pollutants were dumped into the rivers because of inadequate treatment. After Blue Water Baltimore expressed concerns, MDE inspected both facilities in 2021 and discovered the extent of the problems.

The state sent the Maryland Environmental Service to "take charge" of the Back River plant. Following negotiations with the city, the environmental service mainly assisted with repairs and did not take over management of the facility. The service's team produced a detailed report describing the problems at the facility, arguing that the lack of urgency to fix the plants went all the way to the top of the city's public works department.

With the plant in disrepair, high bacteria levels in the Back River, which separates Dundalk and Essex, prompted warnings to residents to avoid contact with the water in the spring and summer of 2022. The episode frustrated residents of the waterfront community, who were forced to avoid water recreation, sowing mistrust in the city's ability to effectively run the plants.

Nearly $2 million of the city's $3.3 million payment will go toward environmental projects in the Back River and Patapsco watersheds. The Chesapeake Bay Trust will administer competitive grants for the funding.

At Wednesday's Board of Estimates meeting, Baltimore Mayor Brandon Scott, who is one of the board's five members, emphasized "significant progress" made at both wastewater plants, which were discharging water that was compliant with state standards as of the most recent reporting from the city.

"This really is an important turning point for the Department of Public Works," Scott said. "We're talking about much longer disinvestment at Back River and Patapsco than 2017 that got us to this point. And we've been working alongside our partners at MDE to get to this point."

In his comments before the board, Darnell Ingram, DPW's general counsel, highlighted improvements such as the hiring of environmental compliance and safety managers and the removal of thousands of tons of sludge that had clogged the two treatment facilities.

The Patapsco Wastewater Treatment Plant is a secondary treatment facility located on the Patapsco River at Wagner's Point. Baltimore Mayor Brandon Scott says "significant progress" has been made at both plants. **JERRY JACKSON/BALTIMORE SUN**

As part of the consent decree, the city is committing to a host of other improvements, Ingram said, including the rehabilitation of the large egg-shaped digesters at the Back River plant, which he said will cost about $88 million.

DPW recommended the city board approve the consent decree "based on the numerous violations alleged and the potential risks associated if this matter were to be the subject of protracted litigation."

During the meeting, Baltimore City Council President Nick Mosby spoke about the potential that Baltimore's water system could transition to a regional water authority, where surrounding counties, which are served by the city's water and wastewater system, would get a say in how the assets are operated, unlike in the current system, where the city has full control and Baltimore County merely contributes a portion of the funding.

"As we continue to see these really large dollar amounts go into a system that we are maybe on the cusp of losing full autonomy and control over — that's what I would like to talk about," said Mosby, who voiced his opposition to the regional authority idea.

A 13-member task force, created by an act of the state legislature, has been meeting for the past few months, and will make a recommendation on the future of Baltimore's water system in January.

Baltimore Comptroller Bill Henry, who chairs the task force, has stated that the group will make no recommendation that the city lose ownership of its treatment plants and other infrastructure. But who operates the facilities could change.

"This is not just about retaining the asset," Scott said Wednesday. "But also, us finally getting to a point where, quite frankly, our partners around the region ... they're putting in the same weight that we're putting in — that the city's not pulling all the weight consistently and being the ones that are bearing the bad news."