Call for Public Hearing on Renegotiation of the 2005 Baltimore County Sanitary Sewer Consent Decree

November 24, 2025

The following organizations have signed-on in support of the attached letter to Baltimore County Council as of November 24, 2025:

Baltimore Bird Club – Conservation Committee
Baltimore County Progressive Democrats Club
Friends of Roland Run
Greater Baltimore Group of the Sierra Club
Greater Timonium Community Council
Greenbrier Community Association
Harris Hill Condominium Association
Heatherfield Community Association
Indivisible Baltimore County
Lakehurst Community Association
Rogers Forge Community Association
Sparks-Glencoe Community Planning Council
Towson Communities Alliance
The Meadows of Greenspring

GREEN TOWSON
ALLIANCE

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November 24, 2025

Baltimore County Council Chairman Mike Ertel
400 Washington Ave
Towson, MD 21204

Re: Renegotiation of Sanitary Sewer Consent Decree

Dear Chairman Ertel:

The Green Towson Alliance (GTA) respectfully requests that the County Council invite the Director of Public Works and Transportation (DPWT) and the County Attorney, as well as a representative of the Maryland Department of the Environment (MDE), to appear before the Council to inform council members and the public about the claims by the United States Environmental Protection Agency (EPA) and MDE that the County is not complying with the terms and conditions of the 2005 Sanitary Sewer Overflow Consent Decree. The Director and County Attorney also should be asked to describe their responses to those claims: Are the claims true and, if so, what is the County doing to come into compliance?

This is a matter of importance not only because of the continuing damage to water quality and public health, especially in the Jones Falls watershed, but also because of its enormous potential impact on the County budget. As you know, Green Towson Alliance and other subject matter experts have provided evidence to you that DPWT has been less than forthcoming about the deficiencies in the County's public sewer system and about the investment that it will take to remedy those deficiencies. It comes as no surprise to us that the EPA and MDE have concluded that the County is in violation of the Consent Decree, something that we've been saying since 2017.

A missed opportunity

Approval by the Council in July 2025 of a contract with the private law firm Beveridge & Diamond, PC, to assist the Office of Law with the negotiation of modifications to the Consent Decree, would have been an appropriate time for an inquiry, but it was a missed opportunity. The matter might have drawn more scrutiny if administration officials had not understated the seriousness of the situation facing the County.

This is how it was described by County Attorney James Benjamin in the Fiscal Note:

"There are concerns on the part of EPA and MDE regarding timing of remedial measures involving Sewershed Repair, Replacement and Rehabilitation (SRRR) Plans pursuant to the Consent Decree. There are legal questions concerning the issue of major modifications under the

Consent Decree. There are also legal questions related to the issue of stipulated penalties under the Consent Decree."

The EPA and MDE did not simply raise "concerns" and "legal questions" with the County. They specified violations of the Consent Decree and measures necessary to correct them. Attached is a copy of a letter from MDE to DPWT dated March 6, 2025, that sets the agenda for negotiation of a modified and extended Consent Decree. If there is a more recent version of the agenda, we do not have access to it.

Here is an unambiguous description of the situation as we understand it: The EPA and MDE allege that the County is violating the Consent Decree in a number of significant ways that endanger the environment and human health and have advised the County that the Consent Decree must be modified and extended to ensure that the violations are corrected before the Consent Decree is terminated.

Negotiation of a modified Consent Decree has begun. If the County does not agree to a modification, EPA and MDE can seek a court order imposing one. They also have recourse to legal and equitable remedies to compel the County to correct the violations, and to impose additional stipulated monetary penalties as provided in the Consent Decree.

Mr. Benjamin's testimony at the work session on July 1, 2025, repeated the explanation in the Fiscal Note. Mr. Benjamin was not asked a single question by Council members at the work session, and the contract for outside legal counsel was approved without discussion at the legislative session on July 7, 2025. Perhaps Council members would have expressed more of an interest in why the County needed to spend $75,000 (billed at the rate of $650 per hour for attorney time) on outside counsel if the explanation of the situation facing the County had been less ambiguous.

Also, we recently learned that Mr. Benjamin and DPWT Director Lauren Buckler briefed the Council on the Beveridge & Diamond contract at a closed meeting of the Council some time prior to the vote, and that Ms. Buckler attributed some of claims of noncompliance to staff shortages and turnover at MDE, and to a lost document and errors by MDE. By allowing that testimony at a closed meeting, the Council limited itself to hearing one side of the story.

We did not become aware of the contract until publication of the minutes of the July 7th legislative session. It was identified on the agendas only as "Contract – Beveridge & Diamond, PC – Legal Services". The topic was not addressed in the order that it appeared on the agenda for the July 1st work session, due to "confusion" and instead was heard at the end of the 3 ½ hour long work session, when the few people still there were ready to go home.

Better late than never

The matter remains active and urgent, and the public has the right to be kept informed about Baltimore County's failure to correct ongoing violations of the Consent Decree. In the past, Green Towson Alliance has asked the Council to address the noncompliance without success, first through the annual review of the Basic Services Sewerage Map and then through

the triennial review of the Water Supply and Sewerage Master Plan. The Council has not acted even though the noncompliance resulted in disapproval of development plans for Bluestem Village and Greenspring Manor by the Board of Appeals.

Now that EPA and MDE are forcing compliance, the Council has a duty to take an interest in what is being negotiated, i.e. what are the ways the County is noncompliant, what are the requirements for achieving compliance and what fees may be levied against the County for failure to achieve the requirements of the 2005 Sanitary Sewer Consent Decree. The Council has been known to complain about the impact of being bound to other Consent Decrees. Missing this opportunity for the County to explain publicly why raw sewage is still being discharged into open waters 20 years after the 2005 Sanitary Sewer Consent decree was signed and 5 years after it was supposed to be completed, would be a cynical dereliction of the responsibilities of our elected leaders.

It will be much harder for the County to ignore the EPA and MDE, and a federal court, than it has been for both the administration and Council to ignore environmental organizations including GTA. At this point, the Council should schedule a public hearing and end the appalling lack of transparency about the County's failure to abide by the Consent Decree. A representative of MDE should be invited to the hearing to ensure that the Council and public get an accurate account of the position taken by MDE and EPA on the County's noncompliance with the Consent Decree.

Respectfully,

The Executive Committee of the Green Towson Alliance

John Alexander
Ray Heil
Kirsten Hoffman
Beth Miller
Patty Mochel
Dr. Carol Newill
Allison Schulze
Barbara Waters

Maryland
Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

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CERTIFIED MAIL / ELECTRONIC MAIL
Lauren Buckler, Director (*lbuckler@baltimorecountymd.gov*)
Baltimore County Department of Public Works and Transportation
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: *United States & State of Maryland v. Baltimore County*
Consent Decree Civil Action No. 1:05-cv-02028-AMD, AI# 31394
Consent Decree Status Meeting

Dear Ms. Buckler:

The Maryland Department of the Environment, Water and Science Administration, Compliance Program (MDE) appreciates meeting with the Baltimore County Department of Public Works and Transportation (DPW&T) and the United States Environmental Protection Agency (U.S. EPA) on January 22, 2025 to discuss modifying Paragraph 10 of the Consent Decree Civil Action No. 1:05-cv-02028-AMD (the Consent Decree), to address certain Sewershed Repair, Replacement, and Rehabilitation Plans (SRRR Plans) which go beyond deadlines contained therein.

During this meeting, the U.S. EPA, MDE, and DPW&T agreed that DPW&T would review the outstanding SRRR Plan deadlines, and other outstanding projects under the Consent Decree, and submit a proposal at the end of March to facilitate moving forward with a modification. In addition, the parties agreed to reconvene on February 26, 2025 to have an interim discussion and address any questions or concerns that may have arisen during the review.

On February 24, 2025, the U.S. EPA and MDE (collectively, the Agencies), received a letter sent on behalf of DPW&T requesting that the February 26, 2025 interim meeting and the March deadline both be postponed. DPW&T provided multiple justifications, including high-level transitions due to changes in leadership at the County level, and the analysis of the SRRR Project timelines taking longer than originally anticipated. The Agencies agree with the County's desire to have the next meeting be meaningful and efficient, and so the Agencies are willing to postpone the interim meeting to the end of March, with the proposal and subsequent discussion to follow at the end of April. In the interest of establishing an agenda for the meetings, the Agencies propose to discuss:

1) SRRR deadline extensions beyond March 21, 2020;
2) Any necessary corrective actions within sewersheds where Performance Assessments have been completed;
3) Necessary corrective actions along the boundary with Baltimore City that require coordination with Baltimore City DPW;
4) Including additional SSO outfall and SRRR project details in the quarterly and annual reports;
5) The County's procedural deadlines for private property access/acquisition; and
6) Other outstanding extension requests that do not necessitate modification of the Consent Decree.

Thank you for your continued cooperation towards the resolution of this matter. We look forward to discussing it in additional detail in the near future. If you have any questions please do not hesitate to contact me at (410) 537-3510 or by email at *mde.wsaenforcement@maryland.gov*.

Sincerely,

Patrick Noyes

Patrick Noyes, Enforcement Division Chief
Compliance Program
Water and Science Administration

PCN:jrh
Enclosure

cc(via email):
Amy Bley, DPWT
Chad Thornton, DPWT
Lisa Eicholtz, DPWT
Jennifer Frankovich, Baltimore County Law Office
Randolph Rollman/CD Admin, DPWT
Mark Zolandz, U.S. EPA
Nina Rivera, U.S. EPA
Promy Tabassum, U.S. EPA
Peter Gold, U.S. EPA
Lynn Angotti, MDE OAG
Rebecca Reske, MDE OAG