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Saving a National Treasure

October 11, 2022

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Health, Environment, and Technology Committee
Baltimore City Council
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Re: Council Bill 22-0103R – Investigational Hearing – Sewage Backup

Dear Chair McCray and members of the Health, Environment, and Technology Committee:

The Chesapeake Bay Foundation is a 501(c)(3) non-profit, public interest organization whose mission is to “Save the Bay” and keep it saved. Through dedicated education, restoration, advocacy, and litigation, CBF works to improve water quality and ensure that all those who live, work and recreate in the Chesapeake Bay Watershed have access to a safe and healthy environment. The Chesapeake Bay Foundation (CBF) submits the following comments for the October 12, 2022, investigational hearing for Bill [22-0103R](#). We thank the committee for hosting this hearing and for your vigilance on the matter of sewage backups.

For the last decade, CBF has engaged in a combination of advocacy and outreach focused on Baltimore City’s Consent Decree and its implementation. The 2017 Modified Consent Decree reflected many realities on the ground, including the widespread and pressing concern of “Basement Backups,” and included provisions for the Baltimore City Pilot Building Backup Expedited Reimbursement Program (“ERP”) as a result. While this program had significant potential to provide relief for residents who experienced basement backups, residents and advocates identified significant issues with the administration of the ERP. In October 2019, CBF, along with other commenters detailed the impacts of the ERP’s lackluster and inconsistent rollout and made suggestions on how to improve the program. (*See Attachment A*)

Since that time, progress has been made to strengthen the ERP, and CBF appreciates the efforts that the City has made thus far. However, as the Baltimore region continues to receive increased rainfall and basement backups events persist, so does the need for a robust and effective ERP. Just as on the ground knowledge revealed the severity of the basement backup program in 2017, the City must take this opportunity to ensure that any modification to the ERP reflect the current realities on the ground.

Basement backup events are neither guaranteed or predictable. Backup events vary in severity but typically results in an influx with raw sewage and standing water from lower-level toilets and other drains. Individuals who have experienced a backup

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have reported water levels rising beyond the first level of their homes and have lost furniture, clothes, and heirlooms in the aftermath of an event. Because all backups are different, the costs and needs to recover after an event are also diverse. The imposition of a strict \$5,000 cap on funding to support residents fails to adequately acknowledge the sometimes-exorbitant costs associated with properly cleaning and removing raw sewage from a home, multiple times a year. This is especially true when the inflexibility of homeowners insurance policies is taken into account. Individuals who attempt to recoup costs through their insurance policies have had their claims denied, their coverage canceled or ended up in a never ending back and forth between the City and their provider over responsibility. This system cannot continue.

This dynamic also presents significant environmental justice concerns as a resident's ability to clean up after a backup event is directly tied to their ability to pay for professional services. Faced with mounting costs and multiple backup events, many choose to undertake the clean-up themselves. In recounting this problem at a September 2019 public hearing, a commenter poignantly noted "how clean is clean" when you have to do this work on your own? The answer to that question only highlights additional concerns beyond the costs: public health dangers and contamination from raw sewage and associated byproducts.

Residents throughout the City who have experienced backups have long been told by the City officials that they could protect themselves by installing sump pumps, or by being vigilant in monitoring what they introduce to their residential drains. This advice has shown some benefits but as ultimately proven to be ineffective. Despite installing expensive parts, residents continue to experience wet and dry weather backups.

Sewage backups are costly to residents, hazardous to human health, and are often symptomatic of related systemic problems that harm local waterways and the Chesapeake Bay. The City's ongoing work to repair and replace aging sewer lines represents positive progress. However, residents should not be asked to bear unreasonable financial costs and burdens on quality of life while these efforts are underway. As climate change makes rainfall events even more intense, the City's programs must be made more accessible and more fully represent the impacts experienced by its residents. We echo other environmental organizations (Blue Water Baltimore, Clean Water Action, and Environmental Integrity Project) in requesting the following changes to the Expedited Reimbursement Program (ERP) and the Sewage Onsite Support (SOS) program:

- **Expand both the SOS and the ERP to cover dry weather backups that are caused by any conditions in the public system.**
- **Maintain both the SOS and ERP assistance programs so that residents are not shortchanged when building backup response procedures fail.**
- **Improve advertising for both programs.**
- **Remove the arbitrary \$5,000 cap on ERP reimbursement to provide full coverage for damages.**
- **Require resident consent before contractors dispose of property.**

- **Conduct proactive outreach to residents who may have experienced a capacity-related sewage backup, based on DPW's hydraulic model.**

We thank committee members for their time and urge you to require Baltimore City to improve its response to sewer backups.

Sincerely,

Julieta Rodrigo

Urban and Community Resilience Manager, Chesapeake Bay Foundation

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