

**CITY OF BALTIMORE
COUNCIL BILL 25-0004R
(Resolution)**

Introduced by: Councilmember Gray

Cosponsored by: Councilmembers Parker, Dorsey, Conway, Schleifer, Middleton, Torrence,
Bullock, Porter, Blanchard, Jones, Glover, Ramos, and President Cohen

Introduced and adopted: January 13, 2025

A COUNCIL RESOLUTION CONCERNING

1 **Request for City Action – Expand the Sewage Onsite Support Program**

2 FOR the purpose of expressing support for the Environmental Protection Agency’s (“EPA”) and
3 Maryland Department of the Environment’s (“MDE”) May 22, 2023 order to the Baltimore
4 City Department of Public Works (“DPW”) to extend Sewage Onsite Support (“SOS”)
5 Program coverage to all residential backups caused, at least in part, by a condition in the
6 City-owned portion of the sewage collection system, and calling on the Mayor and
7 Department of Public Works to implement the full original order in the Emergency Response
8 Plan under the Modified Consent Decree between the City, EPA, and MDE.

9 **Recitals**

10 **WHEREAS**, raw sewage contains both a variety of pathogens, which can cause serious
11 illnesses, and moisture, which can promote the growth of toxic mold.

12 **WHEREAS**, in 2002, Baltimore City entered into a Consent Decree with EPA and MDE to
13 address violations of the Clean Water Act from discharges of untreated sewage. Under the
14 Decree, DPW was required to investigate its wastewater collection system and make
15 improvements to eliminate sanitary sewer overflows, which it failed to do by the 2016 deadline.

16 **WHEREAS**, in 2017, the City entered into a Modified Consent Decree with EPA and MDE
17 that set forth new requirements and deadlines for City compliance in 2 phases. The deadline for
18 completion of Phase I was January 2, 2021 and the deadline for Phase II is December 31, 2030.

19 **WHEREAS**, pursuant to the Modified Consent Decree, DPW is required to establish a
20 “Building Backup Expedited Reimbursement Program” (“BBERP”) for costs incurred by
21 residents for cleaning and disinfecting their property after certain sewage backups. In May 2023,
22 EPA and MDE approved the City’s proposal to substitute the BBERP with the SOS Program to
23 provide direct assistance to residents with wet-weather capacity-related backups, but denied the
24 City’s plan to restrict the long-term program to only these types of backups.

25 **WHEREAS**, in lieu of adopting EPA and MDE’s order, the City invoked the dispute resolution
26 process of the Modified Consent Decree. This process has continued between the agencies and
27 the City for over a year without public comment, oversight, or input.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 25-0004R

1 **WHEREAS**, residents of Baltimore City have a significant and ongoing interest in knowing
2 what terms will be agreed upon in the finalized version of the Expedited Reimbursement
3 Program and SOS Program required under the Modified Consent Decree. City residents have
4 repeatedly expressed strong support for expanded and strengthened requirements for the City’s
5 response to sewage backups.

6 **WHEREAS**, in a presentation to the City Council on June 3, 2024, DPW informed the City
7 Council that in Fiscal Years 2023 and 2024, to that date, 60 households had applied for the
8 Expedited Reimbursement Program but DPW had approved only 3 for reimbursement, totalling
9 \$14,842.12 in reimbursements. In the same timeframe, DPW had assisted only 15 households
10 through the SOS program, totaling \$121,064.12. This amount of assistance is well below the
11 scope of sewage backup damage suffered by City residents.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, that the City
13 Council expresses its support for EPA and MDE’s May 2023 directive to the City of Baltimore to
14 offer assistance under the SOS program for building backups originating, at least in part, in the
15 City-owned portion of the sewage collection system, regardless of whether the backups occurred
16 due to wet weather or capacity restriction, and calls on the Mayor and Department of Public
17 Works to immediately end its dispute over the directive and re-release the Revised Emergency
18 Response Plan adopting EPA and MDE’s full original recommendation.

19 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Mayor, the
20 Director of the Department of Public Works, the Commissioner of the Baltimore City Health
21 Department, the City Solicitor, the U.S. Environmental Protection Agency, the Maryland
22 Department of the Environment, and the Mayor’s Legislative Liaison to the City Council.