



**HEARING NOTES**

**City Council Resolution: 21-0016R**

**Investigative Hearing - Building Backups of Untreated Sewage**

**Committee:** Health, Environment, and Technology

**Chaired by:** Danielle McCray

**Hearing Date:** March 24, 2021

**Time (Beginning):** 10:00 AM

**Time (Ending):** 12:05 PM

**Location:** Webex Virtual Hearing

**Total Attendance:** Approximately 85 people

**Committee Members in Attendance:**

Danielle McCray	John Bullock	Mark Conway	Ryan Dorsey
Phylicia Porter	James Torrence	Isaac "Yitzy" Schleifer	

<b>Bill Synopsis in the file?</b> .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
<b>Attendance sheet in the file?</b> .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
<b>Agency reports read?</b> .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
<b>Hearing televised or audio-digitally recorded?</b> .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
<b>Certification of advertising/posting notices in the file?</b> .....	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
<b>Evidence of notification to property owners?</b> .....	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
<b>Final vote taken at this hearing?</b> .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
<b>Motioned by:</b> .....	Dorsey		
<b>Seconded by:</b> .....	Conway		
<b>Final Vote:</b> .....	Favorable		

**Major Speakers**

*(This is not an attendance record.)*

Marcia Collins, Department of Public Works  
Patrick Hancock, Law Department  
Alice Volpitta, Blue Water Baltimore  
Dr. Chris Heaney, Johns Hopkins University

Yosef Kebede, Department of Public Works  
Paul Desantis, Law Department  
Cherring Spence, Resident  
Jennifer Kunze, Clean Water Action

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## Major Issues Discussed

1. Chairwoman McCray called the hearing to order and explained the Committee's plan for the proceedings.
2. Councilman Burnett discussed the background and purpose of the resolution.
3. Yosef Kebede from the Department of Public Works (DPW) presented on the causes of building backups of untreated sewage, DPW's expedited reimbursement program (ERP), and DPW's new sewage onsite support program (SOS) to assist residents in cleaning up their homes after backups occur (presentation in file).
4. Patrick Hancock from the Law Department explained the City's general liability claims process. He noted that the City has received 292 claims and paid \$242,000 in the last four years, and that it currently has 38 open claims.
5. Representatives from other agencies summarized their written reports and noted that they were available to answer the Committee's questions.
6. Councilmembers asked the following questions:
  - a. How has COVID-19 affected community outreach? It has made some outreach efforts complicated, but DPW representatives have gone door to door safely to distribute information, attended virtual meetings, and kept in contact with community leaders. DPW has also worked with the Office of Emergency Management on outreach in certain neighborhoods.
  - b. Why is the reimbursement and cleanup program limited to wet weather events when many backups occur in dry weather? The City generally needs to establish that it is liable before it pays for or conducts cleaning. DPW will look for ways to expand the ERP and SOS programs after the pilot.
  - c. Has DPW further considered a single application for all of the programs? The ERP and SOS programs use the same application. General liability claims require a lot more information, so combining the applications would make the process more complicated for applicants.
  - d. Why are ERP applications still relatively low compared to the number of backups? Communications and outreach have been issues, but DPW has been working to raise awareness.
  - e. How does DPW handle situations when BGE causes a sewage backup? DPW investigates and will work with the third-party and the resident to make sure the negligent party pays. Residents generally are not eligible for the ERP in those situations.
  - f. If a homeowner does work at the direction of the City and the problem is later found to be something else, will the Law Department pay for that work? It depends on the circumstances and whether the City was negligent.
  - g. How does DPW work with the Housing Authority when backups occur in public housing? Resident claims go through the same process.
  - h. Does DPW follow up to check for mold or other long term problems after a backup occurs? No, DPW does not have a program to follow up with residents.
  - i. Why is there such a big difference in the number of ERP claims and number of general liability claims? The ERP is much narrower than general liability claims.
  - j. Is there a budget for the reimbursement program? The ERP is budgeted \$2 million per year.

- k. What is the process and timeline when a backup occurs? It starts with the resident's report through 311. Then DPW dispatches an investigator who may be able to determine the cause and ERP/SOS eligibility in the field. If the resident qualifies, the SOS contractor will coordinate with the resident to do the work.
  - l. What are the sources of procedural denials for the ERP? The 24-hour reporting requirement was a significant source, but has been removed. The remaining requirement to file for reimbursement within 90 days can be a source.
  - m. Is landlord approval required for the SOS program? There is a process to inform property owners, but DPW does not deny service to tenants.
  - n. How many contractors does the City have for the SOS program? Three. DPW will provide a list to the committee.
  - o. Are any of the SOS program contractors minority or women owned businesses? DPW will check and report back to the committee.
  - p. How does DPW define a wet weather event for the ERP? The program requires a ¼ inch of precipitation in a 24-hour period. Investigators also check manholes in the area to see if they were holding water indicating a capacity issue.
  - q. Why does the City deny claims if there is a blockage even with wet-weather? Blockages reduce capacity separately from known issues with the system's capacity, so it is outside the scope of the ERP. Residents can still file liability claims in those instances.
7. A stakeholder panel discussed sewage backups and the City's programs. Alice Volpitta explained the background for the sewage consent decree and the limits of the City's current programs. Dr. Heaney discussed the public health risks related to sewage backups and inequities in who is most impacted. Cherring Spence shared her personal experiences dealing with repeated sewage backups into her home and inadequate City response. Jennifer Kunze discussed the weaknesses in the City's current programs and the need to expand them beyond wet weather related backups.
  8. A councilmember asked the panel about continuing issues months after a backup. It is difficult to cleanup sewage completely without assistance and inadequate cleanup can lead to mold and other problems long after the backup occurs.
  9. Members of the public testified about example cleanup programs in other cities that could be used to improve Baltimore's programs and asked when residents must report backups to qualify for the SOS program. Yosef Kebede explained that reporting a backup as soon as possible aids the City's investigation, but there is no specific deadline.
  10. The Committee voted to recommend the resolution favorably.

### Further Study

Was further study requested?

Yes     No

If yes, describe.

1. DPW will ensure that its website accurately reflects the current procedural requirements for the ERP and SOS programs.
2. DPW will provide the list of contractors for the SOS program and whether each is a minority or women owned business.

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**Committee Vote:**

D. McCray: ..... Yea  
J. Bullock: ..... Yea  
M. Conway: ..... Yea  
R. Dorsey: ..... Yea  
P. Porter: ..... Yea  
J. Torrence: ..... Yea  
I. Schleifer: ..... Yea

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Matthew L. Peters, Committee Staff

Date: March 26, 2021

Cc: Bill File  
OCS Chrono File