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Maryland Industrial Sites Violating Permit Laws and Polluting State Waters, New Report Finds

More than a third of the Maryland industrial facilities that are required to report results of stormwater runoff pollution testing to the state are discharging toxic metals such as lead and copper beyond acceptable levels, threatening public health and the Chesapeake Bay, according to a review of state records.

An additional 14 percent of such facilities have failed to file required testing results, meaning that barely half of industrial sites are discharging acceptable pollution levels or testing their stormwater at all.

A new report by the Center for Progressive Reform and Environmental Integrity Project, *Toxic Runoff from Maryland Industry*, examined U.S. Environmental Protection Agency and Maryland records for 180 industrial sites that reported monitoring results from January 2014 to March 2017. The review found that 36 percent (65 total) released stormwater with excessive levels of pollutants, such as lead (a potent neurotoxin), as well as zinc, aluminum, and copper (which can kill marine life).

"These industrial polluters are breaking the law and getting away with it because the Maryland Department of the Environment's enforcement is sadly inadequate," said David Flores, policy analyst at the Center for Progressive Reform and co-author of the report. "The risks posed by industrial facilities prone to toxic stormwater runoff are not evenly distributed throughout Maryland. This pollution puts an undue burden on the health and environment of working-class Marylanders, especially in areas like East Baltimore and parts of Anne Arundel County, Prince George's County, and Salisbury."

"Maryland's industrial stormwater pollution control program does not adequately protect the environment," said Sylvia Lam, an attorney at the Environmental Integrity Project and report co-author. "To the detriment of the public and the environment, industrial polluters unfortunately benefit from weak provisions such as a lack of deadlines to prevent excessive pollution."

Because of inadequate pollution controls, violations of Maryland's general industrial stormwater permit, and inadequate funding and staffing for effective enforcement, this hazardous pollution is running off of these sites when it rains, working its way to nearby rivers, streams, and the Chesapeake Bay.

Some of the average levels of toxic metals in stormwater measured in runoff during the three-year time period examined in the report (January 2014 to March 2017) were extreme. According to state records:

- Cambridge Iron and Metal Company in East Baltimore, for example, discharged stormwater that contained lead that exceeded acceptable levels by an average of 717 percent.

- Potomac German Auto in Frederick had stormwater with aluminum that exceeded acceptable levels by 1,127 percent.

- Salisbury Scrap Metal, Inc., on the Eastern Shore had stormwater with copper that exceeded acceptable levels by 1,564 percent.

- The Southern States agricultural supplies outlet in North Cumberland, MD, had zinc in its runoff that exceeded acceptable levels by an average of 1,378 percent

(For a complete list, see Appendix 2 of report, *Toxic Runoff from Maryland Industry*.)

Despite these high pollution levels, as of September 2017, the Maryland Department of the Environment (MDE) had only inspected 54 percent of the facilities that reported excessively polluted discharges.

But the problem goes beyond facilities that follow the law and report their pollution. Fourteen percent of the facilities required to monitor pollution discharges under the permit failed to report any of the required monitoring data to MDE between 2014 and 2017, a clear and blatant violation of the permit. MDE's inspection rate for non-reporting facilities is only 42 percent, meaning that some Maryland industrial facilities could be discharging untold amounts of toxic metals and other hazardous substances into the state's waterways.

Systematic reforms could improve health outcomes in disproportionately burdened communities and help clean up Maryland's waters. These reforms include changes to MDE's industrial stormwater general permit, which is up for renewal in 2018. Effective changes would strengthen requirements for monitoring, reporting, and public disclosure of toxic runoff pollution and would require polluters to take concrete action to correct discharges that exceed allowable limits – and to do so by a firm deadline.

Rena Steinzor, Center for Progressive Reform Member Scholar and report co-author, added, "Marylanders also need their political leaders – including the governor, the secretary of the Department of the Environment, and their General Assembly representatives – to deliver the resources and support for deterrence-based enforcement policies. That's the only way to ensure crucial environmental safeguards are effective and protective."

Toxic Runoff from Maryland Industry is available online at http://www.progressivereform.org/MDStormwater.cfm.

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