

Baltimore water system could be turned over to nonprofit with appointed or elected board

Taylor DeVille

The task force recommending changes to Baltimore region's water system is looking closely at the prospect of a quasi-public authority overseen by appointed or elected officials — an option resoundingly opposed by water equity advocates.

During a Wednesday City Hall hearing, Baltimore Regional Water Governance Task Force chairman and city Comptroller Bill Henry offered officials two alternative regional water authority structures being weighed [by the joint city-county task force](#): the task force could recommend the city turn over its most valuable asset to a not-for-profit organization with a directors' board controlled by political appointees, or a board that includes elected officials themselves.

But both options have their drawbacks, Henry said: Appointed water authorities “function as an accountability firewall” to shield elected officials from political backlash for unpopular but possibly necessary changes.

That model could also shift the “liability” of [occupational health hazards that city Department of Public Works employees have faced](#) while working more to maintain the water system within a short-handed bureau, Henry added — which city union leaders and utility equity advocates say is at the heart of the water system's woes.

With elected officials on the board, “all of them are on record voting for or against what needs to be done,” Henry said. “That provides more direct accountability — but elected officials are also more likely to be biased against raising rates [of utilities], even when the system needs more money to do what it's trying to do.”

“Any kind of governance structure has pros and cons,” Henry told city officials. If one model “was simply better than all the rest, everybody would just be using it.”

Even with so many unknowns, Henry asserted that the city will retain ownership of its water system. He did not mention other governance options the task force expects to review before it issues final recommendations to County Executive Johnny Olszewski Jr., Mayor Brandon Scott and Gov. Wes Moore, which is expected in late January 2024.

What's not on the table, Henry said, is selling the water system's “actual infrastructure” — although leasing it is an option, he said. The task force is not considering turning over “day-to-day operations

to a for-profit entity,” he added.

But “the status quo is not something that we are looking forward to recommending that we continue,” Henry said.

Private-public control of the region’s water utility, which provides drinking water and sewer service to 1.8 million homes and businesses, is precisely what water equity advocates don’t want. It is, though, the structural change they believe public officials have already, quietly, decided they want.

Advocates who expect the task force to recommend a partially private water authority point out the county and city appointed the former and current managers of the quasi-public Washington Suburban Sanitary Commission — which provides drinking water to Prince George’s and Montgomery counties — to the task force.

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“Having them both appointed is notable — it does indicate something,” Mary Grant, the Maryland campaign director for the nonprofit Food & Water Watch, which advocates for equitable food, water and climate policies, said in an interview.

Adding to the skepticism is Sen. Ben Cardin’s recent celebration of the Washington Suburban Sanitary Commission’s well-regarded, “model governance” [during a Senate committee hearing](#) on water infrastructure earlier this month.

“The Baltimore system is one that’s based upon the city’s management” and has had “serious problems,” Cardin told the Washington Suburban Sanitary Commission chief executive officer Kishia Powell.

“I just hope that you can add some expertise as to how we can have a structure that can provide [for] the future needs for the customers in the Baltimore region that depend upon the Baltimore water authority,” Cardin said.

Those comments illustrate there’s “federal and congressional pressure looking at this model in particular,” Grant said.

Addressing city officials Wednesday, Food & Water Watch organizer Jomar Lloyd described the water task force as seemingly “a sham.”

“How can you do this without an equity analysis?” Lloyd asked. “How can you say the city will be in power, but not liable to any faults at the hand of the authority?”

Worsening matters is the unreasonable three months the task force has to meaningfully answer

questions surrounding equity issues: What happens to city public works employees vested in retirement and pension systems? Who will bear the brunt of any rate increases?

Much of that is “far past what we’re [the task force] looking at today,” Henry said.

Scott and Olszewski announced the Baltimore Regional Water Governance Task Force in January following General Assembly legislation requiring such a group study approaches to water and wastewater governance in the region and recommend how the system should be owned, run and managed — all before January 2024.

Councilwoman Odette Ramos, who convened the Wednesday hearing, and Council President Nick Mosby, questioned the deadline by which to deliver the recommendations, saying it limits public input and doesn’t allow for substantial review of disparate impacts that could result from changes to the utility, which council members and activists want.

The January deadline was required by state legislation passed earlier this year requiring the county and city establish a regional water governance task force. But recommendations to change the system, Henry has stressed, don’t necessarily need Maryland approval. Still, the task force has to operate within the bounds of the law, even if that precludes the task force from digging deeply into water system equity.

“The reality is, this is a lot of work in a very short period of time, and they [task force researchers] may simply not have the capacity to do the level of equity assessment that I think most people who care about one” would want, Henry said.

That leaves the task force to address equity issues largely “in the broader sense,” Henry said — the task force, for instance, could recommend a water authority continue and possibly regionalize programs like the city’s Water4All billing discount program.

The question of whether the region’s water and sewer system, which also serves parts of Carroll, Howard and Harford counties, should be overhauled has lingered for years amid its dysfunction.

For years Baltimore City has borne the burden of maintaining an aging system that’s increasingly strained by its biggest customer, Baltimore County, as it’s grown about 300,000 residents larger than the city — a more than 47% population difference between the jurisdictions, per U.S. Census data.

Baltimore City government provides water, sets water billing rates, treats Baltimore County sewage, and is responsible for operating and maintaining utility infrastructure, most of which lies underground in Baltimore County. County officials have for years called for a more significant seat at the table of the water system, but a jointly commissioned 2021 consultant report found the city and county barely communicate when it comes to system infrastructure and emergencies.

Customers have complained about inaccurate bills and the relatively high cost of water in Baltimore compared to Baltimore County. Environmental advocates have criticized the system for sewage leaks. Commuters have criticized water main breaks that have shut down major roads.

The task force has [just four more meetings](#) before they must issue final recommendations in January.