

**2008 LEGISLATIVE UPDATE**

As Maryland celebrates Earth Day week, we can also celebrate significant environmental progress! The legislative session closed as one of the most successful in recent memory for environmental and health protection.

Governor O'Malley's proposal to use BayStat to target Chesapeake Bay 2010 Trust Funds to projects where the greatest nutrient reductions will be achieved for the lowest cost has been signed. This signals a major shift in policy. The legislation allows BayStat to annually target funds, with advice from the Science Advisory Panel, to the highest priority areas. While the original \$50M was reduced to \$25M reflecting revised State revenue projections, it is a major step forward. Kudos to all who have been working on this proposal!

The Administration proposal to update the Critical Areas law also has been enacted. By expanding buffer requirements to 200', enhancing the Critical Areas Commission authority, strengthening enforcement, and updating critical areas maps, development within 1000' of the Bay will have less impact. "Living Shorelines," the preferred practice for shoreline stabilization, also received a big boost. A MDE bill to require Living Shorelines wherever possible, a key "adaptation" recommendation by Governor O'Malley's Climate Change Commission, also has been signed. Adaptation describes measures to implement so that we are better prepared for sea level rise. Likewise, wetlands

protection received a major boost with the creation of a wetlands permit fee. This user fee puts Maryland on equal footing with other states and allows MDE to restore the technical capacity needed to review the over 2000 wetland permitting applications received annually and upgrade the program's mitigation measures.

On the energy front, Governor O'Malley signed an ambitious energy package. First, the Maryland Strategic Energy Investment Fund creates an unprecedented level of energy conservation for Maryland. The Fund uses revenues from auctions of greenhouse gas emission allowances through the Regional Greenhouse Gas Initiative "RGGI" to increase assistance to ratepayers, fund the low-income energy assistance program, pay for energy conservation programs like smart meters and energy efficient windows and funds a climate change program. The second measure, a renewable portfolio standard, increases the percentage of renewable energy used from 9.5% to 20% by 2022. The third measure establishes Governor O'Malley's goal to reduce energy consumption by 15% by 2015 and will provide customers with effective demand reduction programs.

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While the Global Warming Solutions Act, which would have set a mandate to reduce ghg emissions by 25% in 2020 and a goal to reduce by 90% in 2050 did not pass, the energy package enacted marches Maryland down the ghg reduction path. The energy measures combined with the Clean Cars Program are expected to reduce Maryland's greenhouse gas emissions by over 20% by 2020.

In a significant improvement for Maryland's air quality permitting program, a bill passed that will increase emissions fees for Maryland's largest sources to be more in line with fees in surrounding states and removes a cap on emissions fees after 2010. Passage of this bill ensures Maryland can meet minimum federal requirements for funding adequacy and restore MDE's permitting, inspection and monitoring capability.

MDE also successfully proposed a bill that will authorize MDE to include minority participation goals for ENR projects ensuring that millions of dollars worth of construction through upgrades of Maryland's largest wastewater treatment plants will include minority and women led businesses. Another measure created a uniform statute of limitations for enforcement actions – the

timeframe within which an enforcement action must be brought – to three years. MDE also successfully introduced a bill that requires responsible parties to report historically contaminated property to MDE, a major new tool for protecting public health.

At MDE, we celebrated Earth Day with Marasco Newton Foundation by recognizing student photographers focusing on nature, adopting sidewalk planters as part of the Washington Village's Main Street program, and participating in several of the many festivals Marylanders have on tap for Earth Day. Thank you for your support during the legislative session and here's to an enjoyable Earth Day week and continuous success during the remainder of the year!

P.S. If you have not already celebrated Earth Day, please consider replacing incandescent light bulbs with compact fluorescent bulbs or, if you feel more ambitious, an upgrade to your septic system with state of the art nutrient removal technology using a grant! For more information visit MDE's website at: [www.mde.state.md.us](http://www.mde.state.md.us)

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