



2011 ENVIRONMENTAL LEGISLATIVE WRAP-UP

April 12, 2011

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Dear Conservation Voter,

The 2011 General Assembly session started out strong, with Governor O'Malley leading the way with a budget that supported environmental programs and bills to promote offshore wind energy, promote electric vehicles and restrict pollution from septic systems. We were buoyed by the moves of legislators like Delegates Hucker, Mizeur and Carr for their forward-thinking bills to address stormwater runoff, drilling for natural gas by injecting chemicals into shale formations (Marcellus Shale) and pollution from single-use bags. With the inclusion of five new "conservation-minded" senators, we felt our chances were good for some big wins.

But unfortunately, the legislature failed to enact significant protections for Marylanders' water, air, and public health. The legislators appeared to be stuck in a mindset that was shortsighted. As the session drew to a close, it was clear that many chose to react to perceived short-term economic costs over long-term investments in our economy, our environment, and the health of our families. Legislators missed many critical opportunities, leaving Maryland LCV, many in the environmental community, and citizens all across the state frustrated by the lack of political will. We believe that this inaction will cost the citizens of Maryland far more in the long run.

One of the biggest obstacles we faced this session was that many legislators decided to heed the inflammatory rhetoric and economic scare tactics that our opponents used to block progress; clearly, cynicism won over progress.











In the final tally, the General Assembly was strong on the budget, including \$24 million for the Chesapeake Bay and Atlantic Coastal Bays Trust Fund and preserving of most of the funding for Program Open Space. But they missed important opportunities to promote offshore wind power (SB861/HB1054, Administration), reduce pollution from plastic bags (SB602, Raskin/HB1034, Carr), regulate natural gas extraction from Marcellus Shale (HB 852, Mizeur) and create a funding stream for much needed stormwater management projects.

The defeat of these bills is disappointing to say the least, especially on the heels of a statewide election that saw many of our legislators running to "clean up the bay" and "create green jobs." But, because the clock is ticking, Maryland LCV will be back next year demanding that we see real progress for Marylanders, our environment, and the long-term health of our economy.

Thank you for all your work this session; your emails, phone calls, visits to Annapolis, and attendance at the environmental summit helped us achieve a strong budget and pass a number of good laws to protect our air, land, and water. Stay tuned for our 2011 General Assembly Environmental Scorecard in June.

Cindy Schwartz
 Executive Director

2011 GENERAL ASSEMBLY WINNERS & LOSERS

Green Budget 	Stormwater 
Offshore Wind Energy 	Clean Energy 
Bag Bill 	Septics  
Marcellus Shale 	Other Important Bills  

At midnight on April 11, the 2011 session of the Maryland General Assembly adjourned. With your help, the Maryland League of Conservation Voters worked to keep the environment front and center for lawmakers. Here are some highlights and lowlights of the 2011 legislative session:

Budget

HB 70 / SB 87

The recession continued to dominate the legislative session in Annapolis, but in the end legislators chose to follow the Governor's lead and invest in the environment to protect jobs today and create jobs tomorrow. Unfortunately, there was one notable exception - the legislature extended the two-year diversion of energy efficiency program funds from the Strategic Energy Investment Fund.

- Chesapeake Bay Trust Fund - \$23.5 million
- Energy Efficiency – some funding restored
- Program Open Space, funding preserved
- Agency Enforcement - protected



Offshore Wind Energy

HB 1054 Speaker Busch (Request of Gov. O'Malley), Del Hucker/
SB 861 President Miller (Request of Gov. O'Malley), Sen. Pinsky

This bill to bring offshore wind energy and green jobs to Maryland was a centerpiece in Governor Martin O'Malley's legislative agenda for 2011. The United Steelworkers and environmental groups joined forces to pass this bill. The legislation would have required the Public Service Commission (PSC) to negotiate long-term contracts of up to 25 years between Maryland utilities and offshore wind generating companies. Sadly, this bill never made it out of the Senate Finance Committee. Advocates are vowing to continue the fight next year.



Bag Bill

HB 1034, Del. Carr / SB 602, Sen. Raskin

This bill would have established a five-cent fee for single-use plastic and paper bags distributed at stores. The proceeds would have been split among the retailers, the Chesapeake Bay Trust for environmental restoration projects, and program administration and enforcement. These bills were not voted on in either committee.



Marcellus Shale

HB 852, Del. Mizeur/ SB 634, Sen. Frosh

Would have prohibited drilling for natural gas in Maryland until and unless drilling companies demonstrate that wetlands, forests, critical habitats, and existing communities would not be put at risk.



Stormwater

HB 1064, Del. Hucker and HB 668, Del. Carr

In order to restore the health of the Chesapeake Bay Watershed, each city and county throughout the region needs funding to invest in its community to reduce the polluted runoff poisoning our waterways. HB 1064 would have required counties and municipalities to adopt laws to establish a stormwater remediation fee and a local watershed protection and restoration fund. The work on this bill continues and we expect passage in 2012. HB 668 would have required state agencies to pay stormwater utility fees to municipal and county governments if they own property in those localities where fees are assessed.

Clean Energy

HB 1121, Del. McHale/ SB 690, Sen. Middleton

In a move that sets the hard-won progress made to promote clean energy in Maryland back several years, the legislature voted to add incineration to the Renewable Portfolio Standard (RPS). This bill will have a chilling effect on the RPS's ability to drive the development of renewable energy by allowing a dirty source of energy to be counted.

Septics



Several bills were offered this year to address pollution entering the Chesapeake Bay from septic systems. HB 177 (Del. Lafferty) would have required septic systems that use nitrogen removal technology to be a part of all newly constructed buildings. HB 1107 (Del. Lafferty) would have required developers of sub-divisions to either to hook up to public sewer systems or install a shared waste water treatment system. HB 687 (Del. Bobo) / SB 544 (Sen. Young) would have required that fertilizers contain a percentage of "bay-friendly" nitrogen. Finally, HB 706 (Del. Clagett) / SB 546 (Sen. Young) would have banned phosphorus from fertilizers. All of these bills died in committee.

Other Environmentally Important Bills



Arsenic in Chicken Feed: SB 417 (Sen. Pinsky) / HB 754 (Del. Hucker) would have prohibited the use of arsenic in chicken feed. This bill died in the House Environmental Matters Committee.



Bay Restoration Fund: SB 539 (Sen. Colburn) / HB 57 (Del. Costa) will authorize revenue collected for the Bay Restoration Fund be used to pay the cost of connecting properties served by onsite sewage disposal systems to specific existing municipal wastewater facilities.



Bisphenol-A (BPA) Free Maryland: SB 151 (Sen. Frosh) / HB 4 (Del. Hubbard) will prohibit the manufacturing, sale or distribution of baby food, infant formula and other products intended for children four and under if the packaging contains the dangerous chemical BPA. It also prohibits sports water bottles containing BPA.



Commercial Building Disclosure: SB 261 (Sen. Frosh) / HB 718 (Del. McIntosh) would have required owners of relevant categories of buildings to publicly disclose their energy to use to the public, prospective buyers, and renters. These bills were not voted on in either committee.



Consolidating the Departments of the Environment and Natural Resources: SB 153 (Sen. Colburn) would have consolidated the Maryland Department of the Environment into the Department of Natural Resources. This bill died in the Education, Health and Environmental Affairs Committee.



Green Building Incentive Zone: SB 646 (Sen. Ramirez) / HB 795 (Del. Summers) would have authorized the creation of green business zones in Maryland. This bill did not make it out of Committee.



High Performance Buildings: SB 387 (Sen. Frosh) / HB 910 (Del. McIntosh) would have expanded the 2008 High Performance Building Act by requiring LEED Silver Building Standards for capital projects that are funded solely or in part by a grant from the state. This bill died in the Budget and Taxation committee.



Pesticide Reporting: SB 785 (Sen. Montgomery) / HB 660 (Del. Frush) requires the Maryland Department of Agriculture to adopt regulations that establish reporting requirements concerning the use and release of pesticides and the purchase and the sale of restricted use pesticides. The bill passed with a number of bad amendments in the House Environmental Matters Committee. The Senate Health, Education and Environmental Affairs Committee properly killed the bill.



Tax Credit for Electric Vehicle Recharging Equipment: SB 177 (President Miller, by request of the Administration) / HB 163 (Speaker Busch, by request of the Administration) will allow a state income tax credit of 20% of the cost of qualified electric vehicle recharging equipment.



Solar Energy: SB 717 (President Miller, by request of the Administration in Finance, Sen. Garagiola) / HB 933 (Speaker Busch, by request of the Administration, Del. Jameson) will allow energy from solar water heating systems to be counted toward the Renewable Portfolio Standard (RPS); those who own solar water heating systems will receive a renewable energy credit.

Good Government



**SB 644 (Sen. Ferguson) / HB 766 (Del. Mizeur) and
HB 48 (Del. Morhaim)**

We backed several good government bills again this session. HB 766 / SB 644 will establish promote open government and transparency policies for all branches of our state government and HB 48 will require a public body to give on-line public notice of a meeting.

What can you do to help?

Visit our website at www.mdlcv.org to:



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Sign up for email news updates and information on how you can speak up to protect Maryland's air, land and water.



Make a gift to the Maryland League of Conservation Voters and help us "Keep Score for the Environment"!



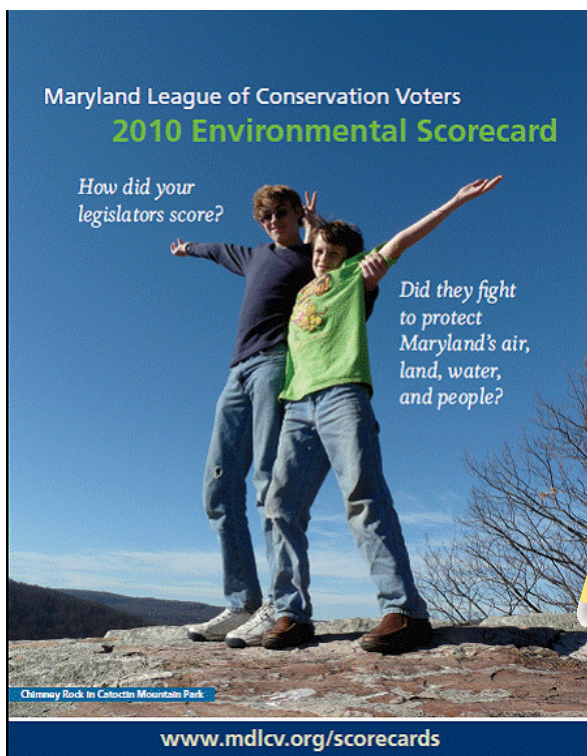
Learn about upcoming events in your area.



Volunteer with the Maryland League of Conservation Voters and make a greater difference.

For more than 30 years, the Maryland League of Conservation Voters has been the *independent* political voice for the environment in our state. Maryland LCV is dedicated to making environmental protection and restoration a top priority for Maryland's elected officials, appointed leaders, candidates, and voters. The Maryland League of Conservation Voters advocates for sound conservation policies, works to get pro-environment candidates elected, and holds elected officials accountable for their votes and actions.

Watch for the release of the Maryland LCV Environmental Scorecard in June !



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