

MDE'S Legislative Agenda in 2009

MDE is focusing on maintaining our priorities to protect public health. Given the State's tight fiscal situation—along with MDE's own internal deficit—this year's legislative agenda is more modest than last year, one of MDE's most successful legislative sessions ever. Here are some of the important issues we'll be working on this session:

Taking Action on Climate Change

The most talked-about legislation MDE is working is the Greenhouse Gas Reduction Act of 2009. The bill, co-sponsored by Senator Pinsky, Delegate Barve, and the O'Malley/Brown Administration, requires Maryland to reduce greenhouse gas emissions 25 percent by 2020. We are optimistic that the Greenhouse Gas Reduction Act will pass this year for a number of reasons. Programs in place, once fully implemented, will reduce emissions by over 12 percent—half-way to the 25 percent reduction. The Climate Change Commission's 2008 Climate Action Plan provides a solid "road map" of 42 actions to get the remaining reductions—at an estimated \$2 billion net benefit to the State.

In light of the failure of climate change legislation last year, at the direction of Governor O'Malley, MDE convened labor, manufacturing, transportation, and environmental advocates to work together to develop a new approach to meet the critical needs of many interests and still adhere to the science-recommended reductions. This year's legislation supports these goals and is solidly endorsed by the stakeholders.

Controlling Coal Combustion Byproducts

Coal combustion byproducts, created when we burn coal for energy, have received significant attention due to serious ground-water contamination in Anne Arundel County and, more recently, a large spill in Tennessee. While Maryland does not have ash ponds like the facility in Tennessee, the disposal and use of these byproducts has been a priority issue for MDE over the past two years.

After waiting for federal regulations for more than six years, last year MDE enacted regulations that modernize controls for the disposal of coal combustion byproducts and their use in mine reclamation. The new regulations also require annual reporting. Because MDE has no funding source to pay for this entirely new—and very necessary—regulatory program, this session, MDE will sponsor legislation requiring producers of coal combustion byproducts to pay a small "fee for service" for each ton of byproducts they create. The revenues would fund implementation of the new disposal regulations as well as regulations to be developed in 2009 to determine safe recycled uses for coal combustion byproducts.

Giving Counties Authority to Recover Cleanup & Monitoring Costs

Local Health Departments can perform an important role in investigating potential pollution of residential water supplies. Currently, when MDE asks Local Health Departments to sample wells related to an oil or hazardous substance release, those governments do not have the legal authority to recover their costs. MDE will support a bill authorizing counties to recover costs incurred in monitoring and assessing the release or discharge of pollutants. We also support extending these “cost recovery” provisions for local governments and MDE to include all water pollution, not just oil and controlled hazardous substances.

Reducing Nutrient Pollution from Septic Systems

MDE strongly supports legislation to require all new or replacement septic systems across the State to use nitrogen removal technology. Outdated septic systems installed each year without nitrogen-removing technology are equivalent to a brand new 500,000 gallon wastewater treatment plant going online annually—with no treatment for nitrogen removal! Modern septic systems can remove 50 percent of a system’s nitrogen before it gets into groundwater and local waterways.

Free septic system upgrades, worth an average of \$11,000 to homeowners and small businesses, are currently available through

the Bay Restoration Fund. If you have not upgraded your system, please visit MDE’s homepage for more information!

Reducing Mercury

MDE anticipates supporting legislation to reduce mercury from vehicles by creating a mandatory Mercury Auto Switch Recovery program. The legislation would require vehicle dismantlers and scrap recyclers to participate in a program to remove and recycle the mercury switches in scrapped vehicles.

Keeping Maryland Smart, Green and Growing

The O’Malley/Brown Administration has also introduced legislation to implement smart growth recommendations from the Task Force on the Future for Growth and Development in Maryland. Growth continues to be one of the biggest challenges facing water quality, the bay restoration, and air quality in Maryland. This legislation, which would provide us all an easy way to evaluate how we are doing in encouraging smarter growth patterns, is critical.

The Budget

MDE’s 2007 Fiscal Analysis quantified MDE’s internal structural deficit, including a one-time funding gap of \$25 million and over 300 full-time employees to meet current mandates. A recent 2009 Fiscal Analysis Update concludes that, even with two major fee changes in 2008, MDE’s fiscal prognosis

MARYLAND

remains about the same, although the annual increase in revenue needed to maintain current levels of staffing has decreased from \$4 to \$3 million.

MDE has implemented “MDEStat” to make weekly progress on efficiency. We continue to place our priorities on the programs that most directly affect the environment and public health.

Governor O’Malley’s commitment to maintaining our priorities, even in tight fiscal times, has also resulted in full funding of

Program Open Space and record funding for cover crops—two critical environmental programs.

The task before us is to find the opportunities in every challenge we face. With that in mind, the next few months will surely be a busy and, hopefully, fruitful time as we work in Annapolis to make progress for our environment.



Sincerely,

A handwritten signature in black ink that reads "Shari T. Wilson". The signature is fluid and cursive.

Shari T. Wilson
Secretary, Maryland Department of the Environment