Department of the Environment

# Policy Changes Affecting Utilities in Maryland

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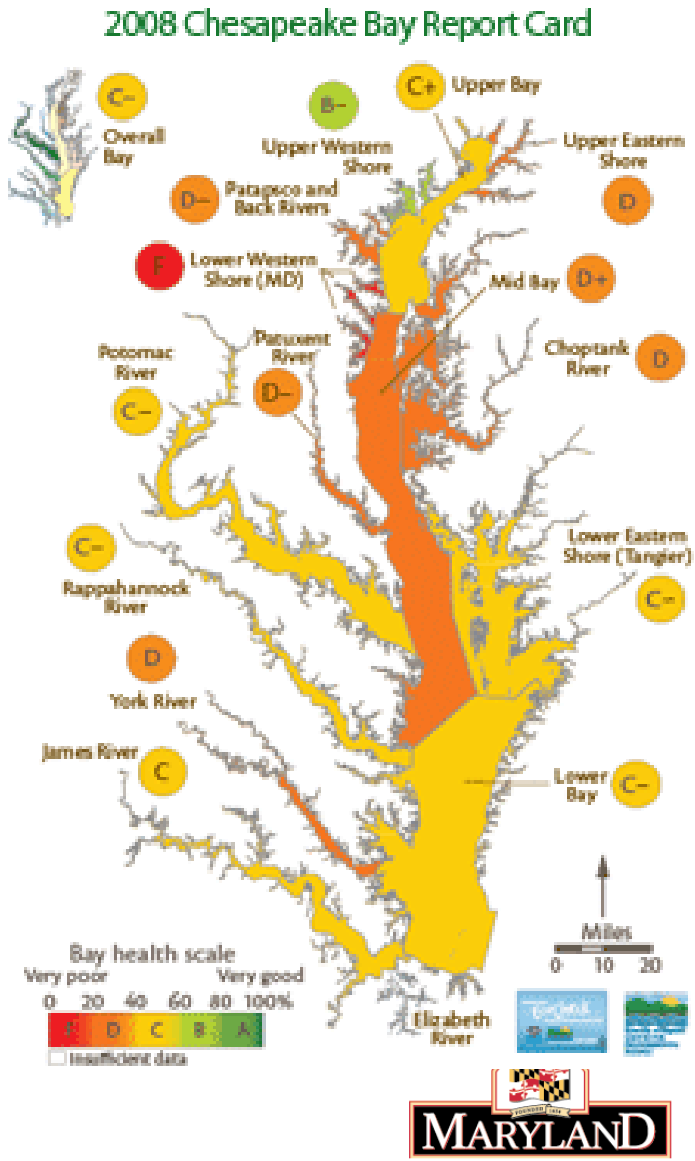
# Current Regulatory Landscape

- Chesapeake Bay Program/ Bay TMDL
- Stormwater Management Act of 2007
- General Permit for SW associated with Construction
- Erosion & Sediment Control Specifications
- Anti-Degradation
- Permit Challenges/ Standing
- Climate Change

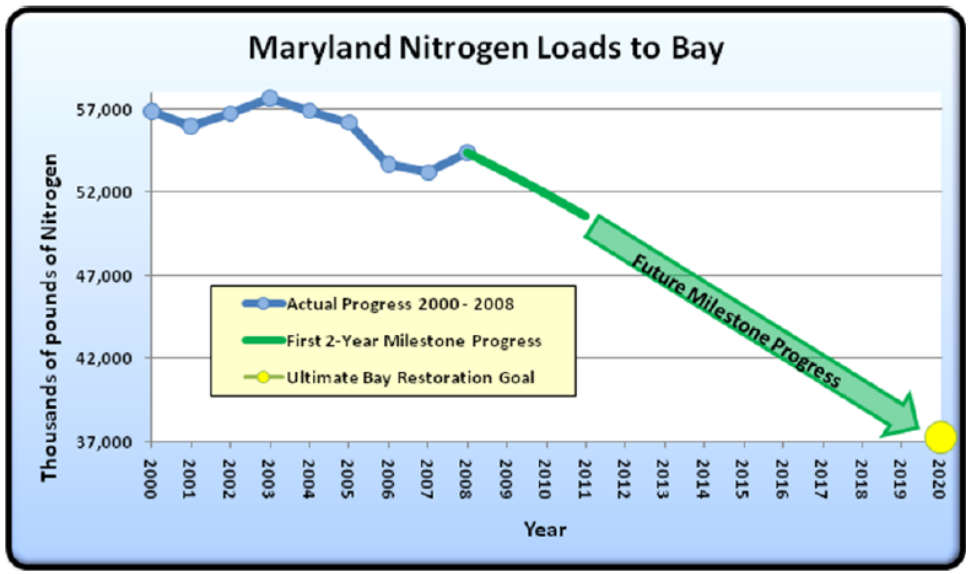
# Chesapeake Bay Program

- Maryland sets 2-year Milestones in May 2009
- Bay TMDL to be finalized Dec 2010
- Watershed Implementation Plans required by each State.
- Compliance schedules and ACCOUNTABILITY
- Alignment with NPDES permitting
- Reasonable Assurance



# 2 Year Milestones

- 3.75 Million pounds of Nitrogen to be removed by Dec 2011 (193,000 lbs of Phosphorus)
- 27 discrete actions across all sectors.
- No Change in Point Source strategy ➔ ENR
- Accelerated reductions in Septics and stormwater.



# Contingencies

- Require all new and failing septic systems statewide to be replaced with best available technology.
- Require 1:1 or 2:1 best available technology septic system offsets for all new septic systems statewide.
- Require each acre of new development to be offset by retrofitting two acres of pre-1985 land for stormwater management.
- Connect septic systems in targeted watersheds with high septic loads (e.g. Magothy, Severn, South rivers) to WWTPs where it is cost-effective and with effective measures to prevent sprawl

# Stormwater In Maryland

- Requires implementation of Environmental Site Design (ESD) to the maximum extent practicable
- ESD: “using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources”
- Regulation adopted May 2009. Local Ordinance Adoption May 2010.

# ESD Planning Techniques

- Concept Phase
  - Natural Resource Inventory and Protection
  - Implement Site Design Techniques to Minimize Impervious Area
  - Integrate ESD Practices into the Landscape
  - Using Natural Drainage Pathways for Stable Conveyance
- Site Development Phase
  - Examine Use of Alternative Surfaces
  - Use of Nonstructural Practices
  - Integrate E & S Design into Plan
- Final Design and Approval Phase
  - ESD to MEP

# Erosion & Sediment Control Update


- **Public Informational Meeting – Thursday, October 29th at MDE**
- **Initiate Formal Regulatory Process – January 2009**
- **Complete Promulgation – May 2010**

# New Proposed E & S Standards

- ESD to the MEP!
- Planning and Design Section
- Stabilization Requirements
- Grading Unit
- Turbidity Control System
- TMDLs and Tier II, Etc.
- Revised Standard Practices
- New Standard

# General Permit for Construction

- General Permit challenged upon reissuance in January 2008.
- Interim GP expired Dec. 2008.
- Individual Permits issued between Jan-July 2009.
- Approval changed from 48 hours to 45 days
- New requirements for large projects which discharge to impaired waters.
- Public participation process allows for third party review of plans.

# Anti-Degradation

- New requirements for projects impacting Tier II (high quality waters
- No new discharges
- Analytical approach – monitoring and assessment
- Technical guidance under development.
- Protective standards not established at the project/site scale.
- Enhanced SW Management
- Should be captured at the planning level (WRE)

# Other Permitting Changes

- Wetlands permitting expected to improve.
- New federal ELG's for construction due Dec 2009.
- New "standing" definitions go into effect Jan. 2010.
- Increased awareness of Environmental Justice impacts.
- Increased trend toward general permits versus desire for individual requirements.
- Close integration with planning efforts.

# The Governor's Executive Order

- ❑ Signed on April 20, 2007
- ❑ Established the Maryland Climate Change Commission
  - 16 Cabinet Secretaries and 6 members of the General Assembly
  - Called for the Commission to recommend a **Climate Action Plan** by mid-2008
- ❑ Called for a 25-50% reduction in GHG emissions by 2020
- ❑ Established Three Working Groups
  - Mitigation
  - Adaptation
  - Science

# Working Group Reports

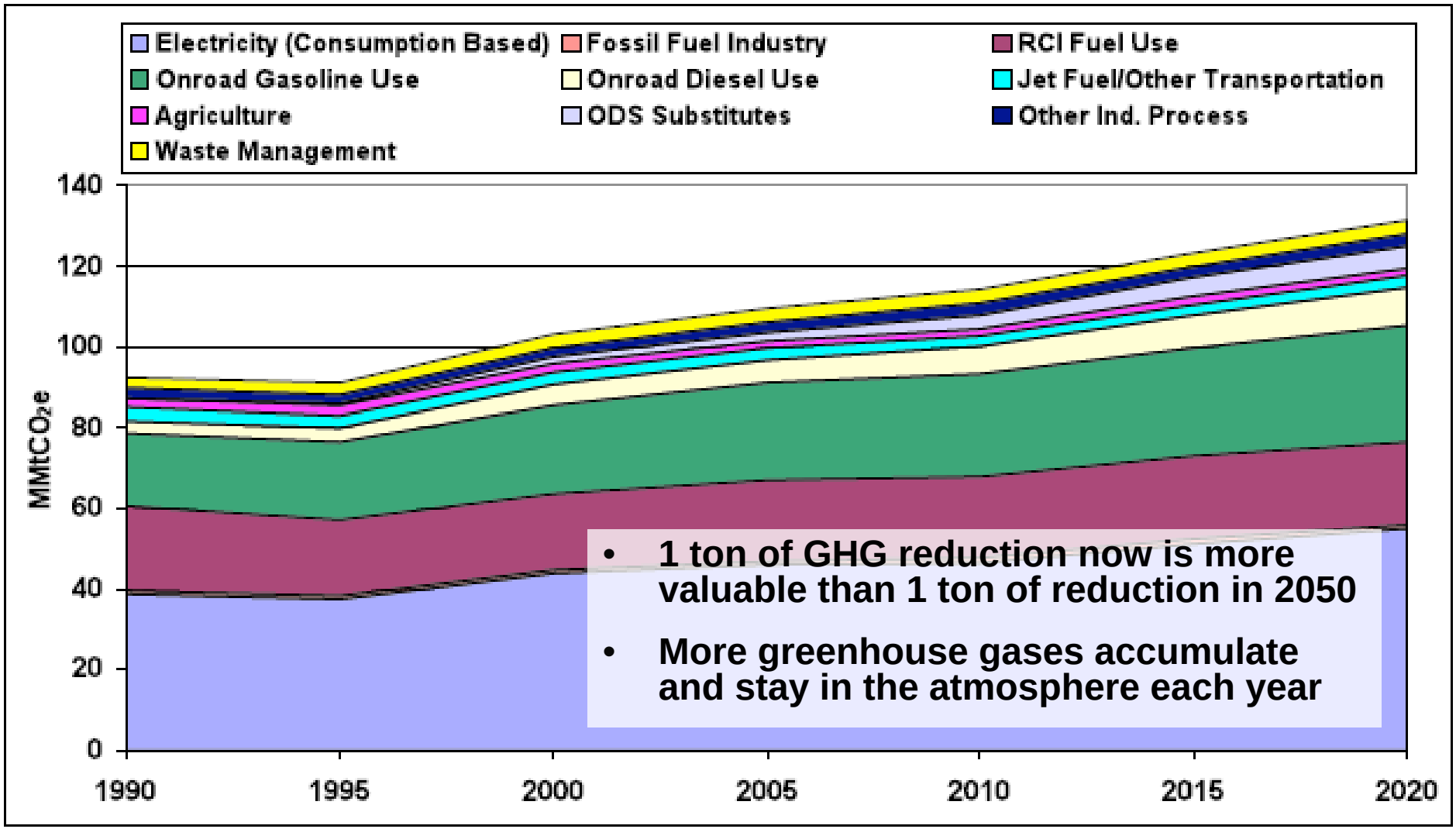
**Science:** Cutting edge report on climate change impacts in Maryland

**Adaptation:** 19 policy options for reducing Maryland's vulnerability

**Mitigation:** 42 policy options for reducing Maryland's GHG footprint

# Importance of Early Actions

Greenhouse Gas Emission Trends in Maryland



# Maryland's Early Actions

- RGGI: Regional Greenhouse Gas Initiative – the first ever cap and trade program for power plants focused on GHG emissions – 10% reduction in emissions by 2019

- Clean Cars: as much as a 30% reduction in GHG emissions

- EmPOWER Maryland: 15% reduction in per capita electricity consumption by 2015
- Renewable Portfolio Standard: 20% of Maryland's electricity to come from green sources by 2022

# Maryland's Legislation

- **Greenhouse Gas Reduction Act of 2009 (GGRA) signed into law in May**

## Key provisions:

### 2020: 25% Reduction of Emissions

- ❑ MDE to adopt State Plan by 2012
- ❑ 2 Reports to Legislature in 2015
- ❑ Requires 2016 Legislative Action
- ❑ Manufacturing Provisions

- **Climate Action Plan is a roadmap for the Greenhouse Gas Reduction Act Plan**

# State Plan under GGRA

**SCHEDULE**

- 2011 Draft Plan to reduce GHG emissions 25% by 2020 from a 2006 base year
- 2011 Public Workshops
- 2011 Submitted to General Assembly October
- 2012 Plan Finalized
- 2015 Report to General Assembly on Status of Plan

**REQUIREMENTS**

- Protect existing jobs
- Include provisions to stimulate creation of new jobs
- Net positive effect on Maryland's economy

# Lessons Learned

- Reducing GHG emissions in a way that supports economic development and job creation is feasible
- GHG emission reductions in the 25% to 50% range by 2020 are achievable – and we need to act quickly
- Economic benefits from Climate Planning could be considerable
- Creating new jobs and protecting existing jobs can - and should - be part of the process
- Leadership, from states like Maryland, is significant in the debate over a strong Federal program

MDE

# THANKS - Questions?

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