

TRUSTEE'S MESSAGE

By Sally Hornor



2021 Maryland Legislative Update

April 12 will bring us the end of the 2021 state legislative session. Although not all bills may be decided when this newsletter is issued, it is useful to look at some of the proposed legislation that would impact the Chesapeake Bay watershed. Thus far we have seen both wins and losses when we look at environmental bills. It is significant to see that many environmental bills include provisions that would lessen the impact of development on underserved and disadvantaged communities.

SB0414/HB583 Climate Solutions Now Act of 2021. Sponsors: Pinsky/Stein. This bill requires reducing greenhouse gas emissions by 60% from 2006 levels by 2030 and requires zero-net gas emission by 2045. Reductions in greenhouse gas emissions would in part be attained by a combination of energy efficient building standards and renewable energy incentives. It also calls for some of the state funds that are spent on climate change, such as tree planting and a shift to zero-emission buses, be spent in urban environmental justice communities. This bill passed the Senate and awaits House approval.

SB227/HB295 Water Pollution – Stormwater Management Regulations and Watershed Implementation Plans – Review and Update. Sponsors: Elfreth/Love. This bill requires that the Maryland Dept. of the Environment update their stormwater plans with recent precipitation data every five years. This will help to ensure that stormwater Best Management Practices are scaled for the amount of stormwater they are designed to retain. This bill has passed both the Senate and the House.

HB991 Natural Resources – Forest Mitigation Banks – Qualified Preservation. Sponsor: Gilcrest. Forest mitigation banks are a tool that permit developers to replace trees removed during development by permanently protecting forested land or by paying for reforestation or afforestation. This bill permits developers to mitigate clearing of forests with the purchase of forests in unthreatened areas rather than retaining or replanting onsite. It also does not prioritize preservation of forests of greater ecological value such as riparian buffers. Environmental groups have opposed this bill on the grounds that there is insufficient information on the role that forest mitigation banks play in maintaining forest cover. This bill has passed the House.

HB314/SB223 Plastic Bag Reduction Act Sponsors: Lierman/Augustine. This bill bans plastic bags at checkout and permits areas that charge for paper bags to continue to do so. This bill has passed the House.

HB22/SB195 Stop PFAS Pollution Act Sponsors: Love/Elfreth. PFAS are a family of organic compounds that are called “forever chemicals” as they are not decomposed in nature. See winter 2020/2021 CEPA newsletter for a discussion of these compounds. They are widely used in packaging, flame retardants on furniture, and firefighting. This bill would require policies to prevent their spread. It did not make it out of committee, perhaps due to a lack of current understanding of the extent of PFAS contamination.

SB540/HB427 Federal Clean Water Act – Authority of State Sponsors: Hershey/Gallion. This bill would prevent Maryland from waiving the Water Quality Certification plan developed in 2018 for the Conowingo Dam that would require Exelon to reduce nitrogen and phosphorus pollution in the amount equal to what had been trapped previously or pay an annual fine of \$172 million. This bill did not pass out of committee. Instead, the State reached an agreement with Exelon that continues their license to operate the dam and hydroelectric power grid for the next 50 years. This agreement requires Exelon to pay a total of \$200 million that is to be used to remove debris passing over the dam, plant underwater grasses, fund oyster and mussel restoration, improve fish passage and study the sediment buildup behind the dam. There is no requirement to reduce nutrients flowing over the dam.

HB843 Haul Seine Bill Sponsor: Howard. Permits use of large seine nets for fishing in rivers of Anne Arundel County and the Bay. Although gizzard shad are targeted, other fish such as yellow and white perch would be caught. Gizzard shad are important filter feeders in our rivers and, if caught, would be sold for 5 cents/lb as bait fish. Did not pass out of committee.

If you are interested in seeing the final resolution of these as yet undecided bills, you can check at the Maryland League of Conservation Voters Hotlist (mdlcv.org) or the Maryland General Assembly website (mgaleg.maryland.gov); these sites were used as references for this article. The session ends April 12.