

MARYLAND GENERAL ASSEMBLY 2009

SB 273/HB 294 – Planning visions

SB 276/HB 295 – Annual reports/implementation of planning visions

SB 280/HB 297 – smart and sustainable growth act of 2009

Offered by the Administration, this legislative package set out to achieve more effective Bay-friendly growth patterns by strengthening and reinvigorating the fundamental tools of smart growth. The suite of bills adds a set of modernized growth Visions already in place, impacting the future growth philosophy in Maryland. The package also sets a statewide smart growth goal and now requires local governments to develop their own goals. Maryland jurisdictions will now report on a uniform set of indicators in order to provide better information to influence better planning policy decisions. The package also seeks to protect the time and effort citizens invest in their local community's comprehensive plans by enhancing the role of these plans for smart growth.

SB 554/HB 176 – BAY RESTORATION ACT OF 2009

This legislation, as amended, requires all new on-site septic systems within Maryland's Critical Area utilize the best available nutrient removal technology. The bill requires the Maryland Department of Environment to assist homeowners, through use of Bay Restoration Funds, in covering the cost difference between a conventional septic system and installation of a new septic system that includes enhanced nutrient removal (ENR) technology.

SB 553/HB 609 – CHESAPEAKE BAY PHOSPHOROUS REDUCTION ACT OF 2009

This measure codifies the Agreement that the Chesapeake Executive Council forged with The Scotts Company LLC and the headwater state jurisdictions to reduce phosphorus content in residential lawn fertilizers for home use by April 1, 2010. This bill extends the same commitment to all fertilizer manufacturers. It also establishes labeling requirements for lawn fertilizer.

SB 271/HB 312 – AQUACULTURE – SHELLFISH – LEASING

This legislation, introduced as a Maryland Department of Natural Resources Departmental bill, amends current water leasing laws to better encourage oyster aquaculture in the Bay. It was particularly timely issue given the Commission's past interest in oysters and current focus on the Federal oyster PEIS.

SB 278/HB 315 – GREENHOUSE GAS EMISSIONS ACT OF 2009

This bill sets an enforceable cap on statewide carbon emissions in Maryland, reducing emissions 25% by 2020. It also requires the Maryland Department of the Environment work with all stakeholders to develop a plan to achieve these reductions, and sets a 2012 deadline to have all the regulations in place to achieve the reductions.

SB 666/HB 1291 – NO NET LOSS OF FORESTRY POLICY

A subject long been supported by the Commission (CBC signed the 2006 Chesapeake Executive Council Forest Conservation Directive and subsequent 2007 Directive on the topic), this bill establishes a “No Net Loss” standard for the state, and amends the Forest Conservation Act by increasing the level of payments required from developments that impact forests and reduces the exemption for minor impacts.

SB 549/HB 771 – SUSTAINABLE FORESTRY ACT OF 2009

This piece of legislation declares a number of policy statements and findings relating to forests and revises certain provisions of law relating to the protection of forestry practices from specified private actions. The bill also defines sustainable forestry and ecosystem services, and is consistent with the 2006 Chesapeake Executive Council Forest Conservation Directive.

SB 555/HB 1379 – BIOMASS AND BIOFUELS – IN-STATE INCENTIVES

Final Outcome: INCOMPLETE. Passed Senate with Amendments (35-7); No action by House Economic Matters Committee.

A bill introduced by Commission member and 2009 Maryland Delegation Chairman, Senator Mac Middleton, this bill called for certain motor vehicle fuel blend requirements contingent on in-state production of biodiesel or cellulosic biofuel at certain levels, as well as allowed for landowners who generate excess electricity from on-site combustion of biomass to sell that excess electricity back to the utility companies for a profit. The provisions contained in the bill were consistent with the recommendations outlined in the Commission’s 2008 biofuels report.

PENNSYLVANIA

Status as of May 4, 2009

Nutrient Trading

SB 767 – cosponsored by Senators Brubaker and Waugh:

Would establish a Nutrient Credit Trading Board to oversee the nutrient credit trading program, and would require regulations governing the application for and review of nutrient credits. (In Senate Environmental Resources and Energy Committee)

HB 112 – cosponsored by Representative Fairchild:

Would establish a Nutrient Reduction Credit Trading Program and oversight board. Would authorize the use of certain funds for generation of nutrient reduction credits, and would create a nutrient reduction credit bank. Also includes biofuel provisions (see “Biofuels” below). (In House Environmental Resources and Energy Committee)

HB 1381 – cosponsored by Representative Sturla:

Would establish a Nutrient Credit Trading Program Board to implement the nutrient credit trading program, and would require regulations governing the application for and review of nutrient credits. (In House Environmental Resources and Energy Committee)

HB 1326 :

Would establish a Nutrient Reduction Trading Program Board to implement the nutrient credit trading program, plus other activities (see “Conservation Funding” below). (In House Agriculture and Rural Affairs Committee)

Biofuels

HB 112 – cosponsored by Representative Fairchild:

In addition to nutrient trading provisions (see “Nutrient Trading” above), the bill would provide funds to Conservation Districts to provide technical assistance to farmers for the implementation of best management practices related to cropping systems used for the production of biofuel feedstocks. (In House Environmental Resources and Energy Committee)

HB 136 – cosponsored by Representative Fairchild:

Would amend the mine reclamation bonding process to encourage the planting of switchgrass or other bioenergy crops on previously mined lands. (In House Appropriations Committee)

SB 698 – sponsored by Senator Waugh:

Would establish the Pennsylvania Farms to Fuels Initiative, to provide per acre incentives for farmers to transition to biofuel crops, provided the farmer is implementing an approved conservation plan. (In Senate Agriculture and Rural Affairs Committee)

HB 110:

Would require the use of biodiesel in diesel-powered Commonwealth vehicles, beginning with B5 in 2010 and increasing to B20 in 2016. (In House Environmental Resources and Energy Committee)

Stormwater

SB 524:

Would authorize counties to regulate storm water within a watershed-based planning area and would authorize the formation of water resources management authorities. (In Senate Environmental Resources and Energy Committee)

Conservation Funding

SB 490 – cosponsored by Senator Brubaker:

Would amend 1955 Act requiring that gas lease rents and royalties from Commonwealth land be placed in a special fund for conservation, recreation, dams and flood control. Would specifically provide that certain monies in the fund be distributed to 1) conservation districts that have responsibilities related to oversight of oil and gas development, and 2) DEP for administration of a nutrient credit trading program. (Passed Senate, in House Environmental Resources and Energy Committee)

HB 1326 :

Would provide up to \$170 million annually for nutrient reduction upgrades at sewage treatment plants, grants and tax credits to farmers for best management practice implementation and funding to conservation districts for technical assistance delivery. Would also create a Nutrient Reduction Trading Board (see “Nutrient Trading” above). (In House Agriculture and Rural Affairs Committee)

VIRGINIA

HB 2001/SB1186 Biofuels Production Incentive Grant Program

The Biofuels Production Incentive Grant Program is amended to provide a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels. The program now distinguishes between advanced biofuels, which are made from winter cover crops, cellulose, hemicellulose, lignin or algae, and traditional biofuels made from traditional agricultural feedstocks such as corn and soy beans. The program requires the production of one million gallons per year for eligibility.

HB 2002/SB 1427 Virginia Energy Plan; promotes the use of sustainable biofuels made from traditional agricultural crops

The sustainable production and use of advanced biofuels made from feedstocks such as winter cover crops, warm season grasses, fast-growing trees and algae are added as objectives of the Virginia Energy Plan. The bill also adds to the Commonwealth’s energy policy support of the delivery infrastructure needed for statewide distribution of biofuels to consumers and increased implementation of silvicultural and agricultural best management practices to protect water quality.

SB 1357 Clean fuel vehicle job creation tax credit; adds advanced biofuels

The clean fuel vehicle job creation tax credit is expanded to include new jobs associated with the production of advanced biofuels, the conversion of vehicles from traditional fuels to advanced biofuels and the manufacture of components for vehicles that utilize advanced biofuels. Advanced biofuels means a fuel derived from any cellulose, hemicellulose or lignin that is derived from renewable biomass or algae. A corporation is eligible for the tax credit of \$700 for each job that is created in the taxable year that the job is created and in each of the two succeeding years.

SB 1358 Alternative fuel tax; exemption for agricultural operations

This bill provides an on-farm exemption from the alternative fuel tax. Alternative fuel produced on a farm and that is used for farm use or in a motor vehicle operated by the producer of the fuel will not be taxed.

SB 1058/HB 1975 Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc

Localities are authorized to grant local incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives may include a reduction in permit fees and a streamlined process for the approval of building permits when green roofs are used, or a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance.

SB 1145 /HB 2202 Greenhouse gas emissions; State Air Pollution Control Board to adopt regulation requiring reporting

Failed to pass.

The State Air Pollution Control Board would be required to adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks. The regulations would apply only to sources that emit more than a de minimis amount of greenhouse gas and that already report emissions of other air pollutants. Also, beginning in 2010, the Virginia Department of Transportation would have to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth. The Air Board would also be authorized to establish a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases. The voluntary program may include the reporting of reductions in emissions from motor vehicle fleets owned by persons otherwise required to report emissions from stationary sources.

SB 233 Transportation Plan; include quantifiable measures & achievable goals for greenhouse gas emission

Failed to pass.

This measure required the Commonwealth Transportation Board to include in the Statewide Transportation Plan quantifiable measures and achievable goals for carbon dioxide gas emissions, which would be considered when evaluating and selecting transportation improvement projects.

SB 1146 Diesel fuel; biodiesel minimum content

Failed to pass.

As introduced this bill would have required, by January 1, 2011, that all diesel fuel sold in the Commonwealth to consumers for use in on-road internal combustion engines contain at least 2% biodiesel fuel.

The bill was amended in the Senate, limiting its application to only state procurement of diesel fuel. The requirement of 2% biodiesel would only apply to purchases of diesel fuel for use in on-road internal combustion engines and would not apply if the cost of exceeded the cost of unblended diesel fuel by 5 percent or more. Based sufficient availability of biodiesel, the Governor could have increased the requirement of biodiesel fuel up to 20 percent by volume.

Maryland General Assembly, (2007 Special Session & 2008 Session)

2007 Special Session

SB 5 - Establishment of the Chesapeake Bay 2010 Green Fund via the Transportation and State Investment Tax

Increasing tobacco tax rates for cigarettes; imposing a State admissions and amusement tax on net proceeds from bingo games and tip jars; increasing the sales and use tax rate from 5% to 6%; designating tax-free periods; requiring distribution of tax revenues to the Transportation Trust Fund; increasing the maximum amount of specified bonds; altering the definition of "total purchase price" of a motor vehicle to allow a trade-in allowance in tax computation; establishing the Chesapeake Bay 2010 Trust Fund; etc.

2008 Session

SB 213/HB 369 - Chesapeake 2010 Trust Fund and Nonpoint Source Fund

Altering the Chesapeake Bay 2010 Trust Fund and its purposes; providing for the uses of the Fund; establishing in statute the BayStat Program and BayStat Subcabinet; requiring the Program to distribute funds from the Trust Fund to the BayStat Subcabinet agencies; requiring the BayStat Subcabinet agencies to redistribute the funds through grants to various entities and to the Chesapeake Bay Nonpoint Source Fund; etc.

SB 844/HB 1253 - Chesapeake and Atlantic Coastal Bays Critical Area Protection Program

Authorizing the Maryland Home Improvement Commission to deny, reprimand, suspend, or revoke home improvement licenses for failure to comply with specified requirements in the Chesapeake and Atlantic Coastal Bays; authorizing the Critical Area Commission to adopt and amend specified regulations; requiring the Commission to adopt and amend specified regulations; etc.

SB 309/HB 712 - Global Warming Solutions Act

Authorizing specified moneys to be paid into, and expanding the permissible uses of, the Maryland Clean Air Fund; requiring the Department of the Environment to adopt regulations to require specified reductions in greenhouse gas emissions by specified years; requiring the Department to publish

specified lists of greenhouse gas reduction measures and a final plan, and to adopt regulations in order to implement these measures; creating the Office of Climate Change within the Department and specifying its duties; etc.

SB 205/HB 374 - EmPOWER Maryland Energy Efficiency Act of 2008

Establishing the State goal of achieving a 15% reduction in per capita electricity consumption and peak demand by the end of 2015; requiring that, by specified dates, the Public Service Commission shall adopt regulations or issue orders requiring each electric company to procure or provide to specified customers specified energy efficiency and conservation measures and services that are designed to achieve specified energy reduction targets by specified dates; etc

SB 268/HB 368 - RGGI Maryland Strategic Energy Investment Program

Repealing the Maryland Renewable Energy Fund and establishing the Maryland Strategic Energy Investment Program in the Maryland Energy Administration; establishing the purpose of the Program; establishing the duties of the Administration under the Program; establishing the Maryland Strategic Energy Investment Fund; providing that the Fund is a special, nonlapsing fund not subject to a specified law; etc.

SB 209/HB 375 - Renewable Portfolio Standard Percentage Requirements

Altering the renewable energy portfolio standard by increasing the percentages of electricity sales that must be met in specified years through the accumulation of renewable energy credits from specified sources; redefining a specified renewable energy credit; etc.

SB 246/HB 447 - Fertilizer - Phosphorous Content Reduction

Requiring specified fertilizer to be labeled in a specified manner; prohibiting a person from using, selling, manufacturing, or distributing specified fertilizer after a specified date unless it is low phosphate fertilizer; requiring specified manufacturers to reduce phosphorus levels from lawn care products by a specified amount, by a specified date; requiring specified manufacturers to report annually to the Department of the Environment; and authorizing the Department of the Environment to adopt regulations.

Pennsylvania General Assembly (2007 Special Session & 2007-2008 Session)

Specific session dates can be found at:

<http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm?papowerNav>

2007 Special Session on Energy

Special Session SB 1/HB 1 - Alternative Energy Strategies

An Act providing for development of alternative sources of energy.

Special Session SB 41 - Promotion of Cellulosic Biofuel Feedstock's

An Act providing subsidies to persons who plant and harvest switch grass to be used exclusively to produce cellulosic ethanol as an alternative motor vehicle fuel; and making an appropriation.

2007-2008 Session

SB 1017 - Phosphate Dishwashing Detergent Ban

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, further providing for exclusions and exceptions.

SR 224 Cost Study of Tributary Strategies

A Resolution directing the Legislative Budget and Finance Committee to study the cost for wastewater treatment plants to comply with Pennsylvania's Chesapeake Bay Tributary Strategy.

Virginia General Assembly (Jan. 9 - March 8, 2008)

HB 233 - Phosphate Dishwashing Detergent Ban

Bans the use of phosphorus in detergents for household dishwashing machines. The bill contains a delayed effective date of July 1, 2010.

SB 511/HB 1335 - Agricultural Conservation Funding

A dedicated source of funding for agricultural conservation practices would be created by dedicating one tenth of one cent of the current sales tax to the Department of Conservation and Recreation's Agricultural Best Management Practices Cost-Share Program. Fifty-seven percent of the fund would be used for matching grants to implement BMPs on agricultural lands exclusively in the Chesapeake Bay watershed and 38 percent would be used for all other lands in the Commonwealth. Five percent of the fund would be allocated to soil and water conservation districts for technical assistance. The dedicated funding is expected to be about \$100 million a year.

SB 470 - Natural Resources Funding

Funding for natural resources would be dedicated from (i) 20 percent of the remaining revenues of state recordation taxes that are not currently allocated and (ii) unallocated land preservation tax credits in each calendar year. Money would be distributed with 17 percent to provide matching grants to local purchase of development rights programs, 16 percent to the Virginia Land Conservation Fund, and 67 percent to the Agricultural Best Management Practices Cost-Share Program. The dedicated sources of funds are expected to generate about \$90 million a year.

SB 795 - Bond Bill

This billion dollar bond package includes authorizations for the issuance of \$50M in bonds for the preservation of open space and historic resources.

SB 234 - Mandatory Reporting of Greenhouse Gas Emissions

The State Air Pollution Control Board would be required to adopt regulations calling for the mandatory reporting of greenhouse gas emissions from stationary sources. The regulations would apply only to those sources that are already required to report emissions of other air pollutants and would incorporate standards and protocols developed by other widely recognized greenhouse gas inventory programs. Also, VDoT would be required in 2009 to provide DEQ with data necessary to maintain a greenhouse gas emissions inventory for individual road segments throughout the Commonwealth.

SB 135 - Application of Commercial Fertilizers

The Board of Agriculture and Consumer Services would be required to adopt regulations that ensure contractor-applicators are trained and properly apply regulated fertilizers to non-agricultural land. The regulations would be developed in accordance with the Department of Conservation and Recreation's nutrient management training and certification program. Any contractor applicator who applies fertilizer without first obtaining training required by the regulation is subject to a \$250 civil penalty.