



Accounting for Growth Policy And Local Governments

**November 7, 2013
WRTC**

***Frederick County Office of Sustainability and
Environmental Resources***



Authority

- **Chesapeake Bay TMDL sets cap on pollutants from new development**
 - **Required for all states**
- **MD also has SB236 requirements to create offset policy on septic systems serving major subdivisions in Tier III areas.**
- **MD's proposed Accounting for Growth (AFG) Policy is designed to meet these requirements.**



Authority

- **AFG Policy will take place through the regulatory process of MDE and not through statute or the legislative process of the General Assembly**
- **Regulations will be reviewed and commented on by legislators through the AELR Committee process, but the General Assembly does not have approval or veto authority.**
- **A draft set of regulations is in internal review at MDE and will be released at any time.**



How are Local Govts Affected?

- **Developers of public projects**
- **Promoters of economic development**
- **Generators of credits**
- **Protectors of environment**
- **Local governments in MD will likely need to have their final AFG ordinances and regulations adopted by December of 2014.**



Process

- **MDE issued draft regulations in 2012**
 - Poorly received by all major stakeholders
- **MDE created stakeholder workgroup that met January-July 2013**
 - Final report released August 23
 - Report has consensus on many items, is advisory only
- **MDE has verbally floated counter-proposal, continually evolving.**



MACo Positions

- Prevent new water pollution to either the Bay or locally impaired waterways
- Must be cost-effective
- Must minimize negative county economic impacts.
- Should not eliminate economic development activity in rural areas, make redevelopment and infill in urban areas impractical, or incentivize conversion of active farmland land to urban uses.



MDE's Current Proposal

- **Only development on forest or septic will have to pay for offset**
 - Exempt: No WWTP-capacity covered by WWTP permit. No stormwater on other LU -does not generate pollution above baseload
 - Has major impacts on growth in rural areas, even within approved growth areas
- **Only redevelopment sites could generate net credits**
 - Not likely due to expense
- **Local governments have first right of refusal on fees per project**
- **Policy likely to regulate N but not P**
 - MDE demonstrates in most instances, development reduces P (except Lake Habeeb)



Justification from MDE on no P

2010 to 2025 load change due to development				
	Change in Urban SW Load, TP EOS	Change in Agriculture Load, TP EOS	Change in Forest Load, TP EOS	Total Change in Stormwater Load, TP EOS
8 Digit Watersheds				
Loch Raven Reservoir	295	-698	-26	-429
Prettyboy Reservoir	438	-1,935	-19	-1,516
Liberty Reservoir	1,529	-5,224	-130	-3,825
Brighton Dam	772	-2,350	-62	-1,639
Rocky Gorge Dam	443	-967	-87	-611
Upper Monocacy River	3,277	-6,057	-723	-3,503
Lower Monocacy River	3,068	-6,956	-426	-4,313
Double Pipe Creek	2,261	-11,700	-139	-9,578
Antietam Creek	757	-4,466	-102	-3,812
Catoctin Creek	1,257	-1,043	-391	-177
Rock Creek	219	-636	-21	-437
Anacostia River	218	-850	-117	-749
Upper Pocomoke River	114	-245	-17	-148
Lakes				
Lake Linganore	726	-1,466	-113	-854
Johnson Pond	74	-358	-4	-289
Lakes (partial land-river segments)				
Lake Habeeb	30	0	-5	25
Clopper Lake	1,518	-4,257	-180	-2,919
Centennial Lake	51	-233	-39	-221
Urieville Community Lake	12	-23	0	-12
Unnamed Tributary of La Trappe Creek In Stream Pond	0	0	0	0
Tony Tank Lake	468	-2,046	-38	-1,617
Adkins Pond	66	-219	-7	-159
Outside of Bay watershed				
Broadford Lake	<i>No Data</i>			
Big Millpond	<i>No Data</i>			



Key Issues to Watch

- Establishing a scientifically defensible baseline requirement for the offsets
- Establishing a permanent, reasonably priced fee-in-lieu option
- Letting local governments have a right of first refusal for using the fee
- Creating the parameters for a robust trading market
- Preventing the State from requiring that the counties assume ultimate financial responsibility for the offsets, which must be maintained in perpetuity.
- Resisting proposals that will create disparate regional impacts
 - Delivery ratios
 - Forest and septic impacts
- Trading of Phosphorus and Nitrogen, or just N.
- Ability to generate credits from a development site

Thank You!

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