



MARYLAND
Association of
COUNTIES

2019 Session Preview



Metropolitan Washington
Council of Governments

Chesapeake Bay and Water Resources Policy

Committee

2019-01-18



2018 Election - In General

- 🏰 **National Politics Influenced Local Results**
- 🏰 **A Divided Government**
- 🏰 **Republican Governor on Second Term**
 - 🏰 **Larry Hogan (R) beat challenger Ben Jealous (D) with 56.1% of the vote to Jealous' 42.7%**
 - 🏰 **Hogan won 21 of 24 Counties**
- 🏰 **Democratic Attorney General and Treasurer**
- 🏰 **Democratic Comptroller (sometimes aligns with Governor)**
- 🏰 **Democratic General Assembly**



2018 Election – General Assembly

Senate

 32 Democratic Senators, 15 Republican Senators

 Republicans gain +1 seat

 18 new Senators out of 47 (38%)

Senate Leadership

 3 new chairs (Budget & Taxation; Education, Health, & Environmental Affairs; Finance)

 4 new vice chairs (Budget & Taxation; Education; Health & Environmental Affairs; Finance; Judicial Proceedings)

House of Delegates

 98 Democratic Delegates, 43 Republican Delegates

 Democrats gains +7 seats

 42 new Delegates out of 141 (30%)

House Leadership

 1 new chair (Judiciary)

 3 new vice chairs (Economic Matters, Health & Government Operations, Judiciary)



2019 Session – Bills

-  **3,127 pieces of legislation (3,101 bills + 26 joint resolutions) in 2018 Session (Whew!)**
-  **Will this trend hold for 2019 Session and beyond?**
 -  **Department of Legislative Services currently has ~1700 Legislative Requests (LRs), which is below same point in 2018**
 -  **As of January 18, 134 Senate Bills and 117 House Bills have been introduced**



2019 Session – Hogan's Agenda

 **Centrist Governance**


 **Tax Cuts**

 **Public School System Accountability**

 **Environmental Issues & the Bay**

 **Redistricting**

 **Before 2020 – Fix 6th Congressional District won by David Trone (D) – Maryland Attorney General has appealed**

 **After 2020 Census – General Redistricting**









Ongoing Issues - Chesapeake Bay TMDL

- **Draft Phase III Watershed Implementation Plans (WIPs) due to EPA on March 1, 2019, final WIPs posted June 28, 2019**
- **Accounting for Growth**
 - Use current 2025 growth projections for Phase III WIP & 2-year milestones (projections then updated every two years)
- **Conowingo Dam**
 - Separate WIP for dam (but who will be responsible?)
 - Maryland Water Quality Certification requires Exelon to pay \$172 million annually for water quality projects
 - Litigation from both Exelon and environmental groups
- **Climate Change**
 - Updated targets incorporating climate change to be done in 2021
 - Estimated 9 million new pounds nitrogen, 500,000 new pounds phosphorus



Ongoing Issues - MS4 Permits

Phase I Permits



-  Department of Environment working to finish draft permits – date slippage into 2019
-  County workgroup organized by Washington Metropolitan Council of Governments and MACo (open to Phase II jurisdictions as well)
-  MACo letter submitted 2018-05-30
 -  Extend 20% impervious surface restoration goal through next permit cycle and do not add new requirements
 -  Allow nutrient credit trading to temporarily close any gaps
 -  Do not add interim benchmarks beyond existing reporting requirements



Ongoing Issues - MS4 Permits

Phase I Permits (cont.)

MACo letter submitted 2018-11-16

-  Remove “impervious surface equivalent” load caps when crediting the progress of practices toward meeting the ISR requirements in current permits
-  Clarify the calculation of the impervious acre equivalent calculation for stream restoration practices.

Nutrient credit trading for current permits will be allowed after modification (needs public hearing)

Phase II Permits

Issued April 27, 2018, Effective October 1, 2018

Contains 20% ISR, nutrient credit trading

Appeals and litigation



Ongoing Issues - Climate Change

- 📌 **Maryland on track to meet statutory 25% greenhouse gas reductions by 2025. New statutory goal is 40% by 2030 with “aspirational goal” of 80% by 2050.**
- 📌 **Maryland Commission on Climate Change must work on recommendations for new Greenhouse Gas Reduction Act Plan to reach 40 by 30.**
- 📌 **Some rejected recommendations for 40 by 30 plan (for now)**
 - 📌 **More aggressive and explicit compact development requirements (what does this mean?)**
 - 📌 **End landfill permitting by 2019, require large producers of organic waste (2 tons+) to compost or anaerobically digest by 2020, increase recycling rates to 60% by 2020 & 80% by 2035**
 - 📌 **Annual residential & commercial building retrofit targets and have all new buildings be carbon neutral by 2030**



2019 Session – Septic Systems

-  **No Best Available Technology for Nitrogen Removal (BAT) requirement?**
-  **Statewide database (run by Maryland Department of the Environment)**
-  **Authority for local administrative fines**
-  **Statewide licensing for septic system installers and related professions**
-  **Protect Bay Restoration Funds (BRF) septic account & expand uses to encourage adoption of county Septic Stewardship Programs**
-  **Support for enhanced health department and environmental health funding**



2019 Session – Other Issues






Recycling

-  New mandates/requirements?
-  Acknowledging market fallout from China

Statewide polystyrene/foam ban

Plastic straw legislation




Forest Conservation Act

-  Legislation introduced in 2017 and 2018 failed.
-  New approach for 2019 includes three bills:
 -  Study legislation
 -  Changing “No Net Loss of Forest” definition to remove tree canopy
 -  Fee-In-Lieu legislation





2019 Session – Other Issues

Renewable Portfolio Standard (RPS)

-  **50% (or higher) renewable energy requirement**
-  **Remove waste-to-energy from Tier 1 classification**
-  **Challenge: requiring energy to be generated in Maryland – where should community and utility scale solar go?**


Green Amendment

-  **SB 873 of 2018 (failed) would have amended Maryland Constitution to create a right to provide for “clean air, pure water, healthy communities, an environment free of conditions that degrade public health or natural resources, and the preservation of the natural, scenic, historic, and aesthetic values of the environment.”**
-  **New version in 2019 – “unreasonably degrade” standard?**




2019 Session – MACo Initiatives


Continuing State Commitment to Education

-  MACo advocates for a partnership approach to meeting the education and facility needs of Maryland’s students that fairly balances state responsibilities with local obligations, and seeks equitable and efficient solutions to meet current expenses and future goals.


Re-prioritizing Public Health

-  MACo advocates to prioritize public health in the face of the opioid epidemic and crises to come by reviving local health department funding and targeting drug treatment funding to address demand where it is needed most.

Repeal “Implied Preemption” Court Doctrine (2-year effort)

-  Legislation should specify that preemption should not take place in the courts by mere interpretation, but in the open and accessible lawmaking process, where all stakeholders may be heard on the merits of their arguments.

Next Generation 9-1-1 Implementation

-  Updating state laws, and the 9-1-1 financing system, to provide the flexibility and resources needed for this important step is a public safety priority affecting every part of Maryland.





Contact Information

Leslie Knapp Jr.
Legal and Policy Counsel
Maryland Association of Counties
lknapp@mdcounties.org
Phone: 410.269.0043