NICOLE BAILEY

24TH ANNUAL

MARYLAND ENVIRONMENTAL

LEGISLATIVE SUMMIT

2018

Thursday, January 18
4:00–6:00 p.m.

AGENDA

WELCOME

Karla Raettig, Maryland League of Conservation Voters

Secretary Ben Grumbles, Maryland Department of the Environment

Senate President Thomas V. Mike Miller

Speaker of the House Michael E. Busch

Senator Joan Carter Conway, Chairman of Education, Health and Environmental Affairs Committee (invited)

Delegate Kumar Barve, Chairman of House Environment and Transportation Committee

KEYNOTE

Bob Perciasepe, Center for Climate and Energy Solutions

Priority Bill: Forest Conservation Act—Mike Galvin, SavATree

Priority Bill: Clean Energy Jobs—Nicole Sitaraman, Sunrun Inc.

Priority Bill: Public Service Commission Transparency—Kelly Canavan, AMP Creeks Council

Budget Priority: Enforcement—Jacqueline Guild, Chesapeake Legal Alliance

Priority Bill: Sytrofoam Ban—Claire Wayner and Mercedes Thomas, Baltimore Beyond Plastics

CALL TO ACTION

Karla Raettig, Maryland League of Conservation Voters

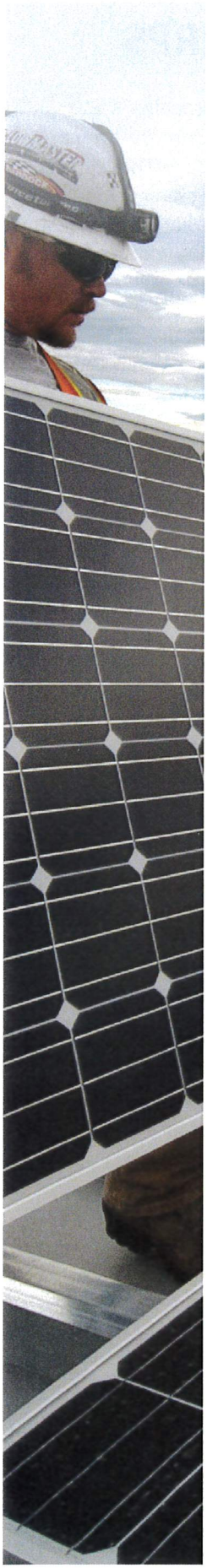
Forest Conservation Act

Maryland has made a commitment to increase forest land, both under the Chesapeake Clean Water Blueprint and the Bay Agreement. Yet we continue to suffer devastating net losses because of a weak Forest Conservation Act (FCA). If the State has any chance of retaining and increasing forest land, the Act must be updated and improved before it's too late.

The FCA was passed by the Maryland General Assembly in 1991. It has the potential to be one of Maryland's best tools for protecting Maryland's forest lands, but the Act currently does not reflect policies recommended by a task force in 2011. It also requires much less acreage to be replanted than cleared and contains many exemptions or alternatives to retaining or replanting forest, ultimately resulting in a net loss of forest land.

There are a number of ways that we can improve the FCA that would increase forest land in Maryland. The Chesapeake Bay Foundation is recommending changes that emphasize the retention of Maryland's best forests:

- Identify and protect Maryland's best forests by providing a clear definition of ecologically important areas that should be considered a priority for retention and protections;
- Provide transparent and consistent criteria to be considered and applied by local governments when a developer proposes to clear priority forests;
- Require replacement of priority forests that are allowed to be cleared on a one-to-one basis where an acre of forest replanting will be required when an acre of priority forest is removed;
- Require the review and planning for important natural resource protection to come earlier in the development review process to allow for site design improvement and reduced impacts on healthy forests;
- Authorize and encourage partnerships between state, local and nonprofit organizations engaged in tree-planting efforts to help use the fees paid by developers in lieu of the developer's replanting requirements; and,
- Require a long-overdue update of the 1997 state guidance document that guides replanting efforts.



The Maryland Clean Energy Jobs Initiative

Increasing Maryland's Renewable Energy Goal to 50% by 2030

Clean, renewable energy is a powerful driver of economic development and job creation in Maryland.

Unfortunately, most of Maryland's electricity still comes from carbon-spewing fossil fuels—coal and natural gas. The harmful emissions from these sources hurt our health, our economy and our climate. We must act now to transform our energy sector away from harmful fossil fuels and toward a clean energy economy.

A broad and diverse coalition of business leaders, public health officials, scientists, labor organizations, clergy members, social justice advocates and environmentalists has come together to call on Maryland's elected officials to double the state's Renewable Portfolio Standard (RPS) policy to 50% renewable electricity by 2030.

The Benefits of the Maryland Clean Energy Jobs Campaign

More clean, renewable electricity—like wind and solar energy—to power our homes and businesses will benefit our health, our economy, our climate and our communities, and bring us on a pathway to achieve 100% renewable energy in Maryland.

Health Benefits

Fossil fuel combustion is a public health crisis across Maryland.

- In Baltimore City, the number of children afflicted with asthma is twice the national average.
- Air pollution from fossil fuels disproportionately harms low-income communities and people of color, with 68% of African Americans and nearly two in five Latinos living within 30 miles of a coal-fired power plant.[1]
- Doubling Maryland's renewable electricity goal will significantly improve the state's air quality, preventing 290 premature deaths and over 3,000 asthma attacks annually.[2]

Economic Benefits

Maryland is poised to stimulate a statewide resurgence of manufacturing and construction jobs.

- Maryland's solar industry now boasts over 165 companies and employs over 5,000 residents.
- Between 2015 and 2016 the solar industry grew 20 times faster than the state's overall state economy.[3]

- Raising Maryland's Renewable Portfolio Standard to 50% by 2030 could support and retain nearly 20,000 jobs in the solar industry.
- The wind industry is also beginning to thrive in Maryland. A typical 250 MW wind farm creates about 1,079 jobs over the lifetime of the project.[4]

Climate Benefits

Maryland is a coastal state with over 3,000 miles of tidal shoreline, thus making us one of the most vulnerable states in America to sea level rise.

- Climate change means more severe storms, increased flooding, more extreme heat and droughts other detrimental impacts.
- Increasing Maryland's RPS to 50% would reduce 8.1 million metric tons of CO2, which is the carbon equivalent of taking 1.7 million cars off the road each year.

Justice Benefits

Low-income communities and communities of color have borne the majority of the costs for dirty energy production.

- Nationally, African Americans comprise of only 6.6% of the solar workforce—a percentage even lower in Maryland at 5.9%.
- Women currently only represent 28% of the solar workforce.
- In Maryland, low-income communities and communities of color face higher cancer risks from hazardous air pollutants.[5]
- Communities of color are also more likely to live near facilities that emit toxic emissions.[6]

As Maryland's renewable energy industry grows we need to foster a more diverse workforce that is representative of the population and to ensure that as we create economic wealth in Maryland, we are not increasing economic inequality.

A Better, Stronger RPS

The Maryland Clean Energy Jobs Campaign is also committed to stopping all subsidies to waste-to-energy incineration under the state's RPS policy. This will end the practice of Marylanders investing their tax dollars in sources that harm their communities and block investments in clean, renewable energy sources like wind and solar.

Phasing Out Harmful Waste Incineration

The Maryland Clean Energy Jobs Campaign is committed to phasing out incineration as a Tier 1 source in the RPS.

- Incineration threatens local communities and the whole state, which is why many local and statewide groups oppose construction of any new incinerators.
- New clean energy development from removing waste to energy incineration from the RPS would decrease carbon emissions and reduce healthcare costs.
- More investments in clean energy and less dependence on fossil fuel and trash combustion would significantly improve the lives for all communities, especially low income residents and communities of color.

Focusing On Workforce Development

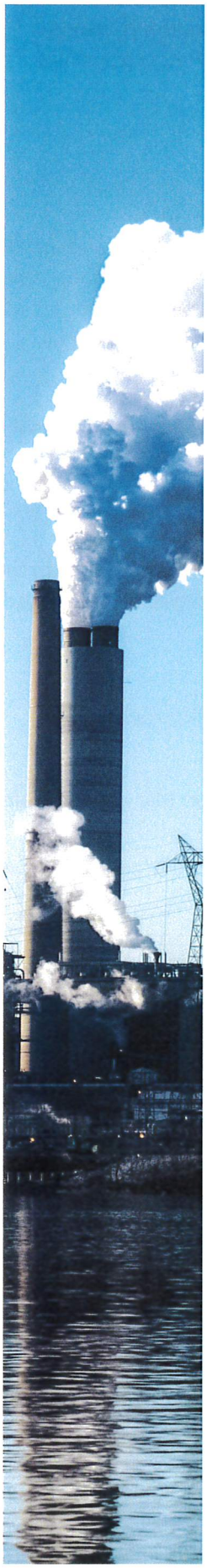
We will partner with government agencies, labor groups and clean energy stakeholders to examine the best funding opportunities to invest in job training in the clean energy industry.

- This will benefit economically distressed regions of the state and to remove barriers for entry in the clean energy economy.
- The policy would also increase funding for capital and loans to help minority-, veteran-, and women-owned businesses enter and grow within the renewable energy industry.

For references, please visit:
http://bit.ly/CCAN-MD50RPS-Factsheet

A renewable energy future is an achievable future

This campaign builds on past successes in Maryland. In 2016, the Maryland General Assembly passed the original Clean Energy Jobs Act, achieving a 25% renewable electricity standard by 2020. The bold, visionary goal of 50% by 2030 is the next step in a Maryland powered by 100% clean, renewable energy. We know that together we can work towards a clean, renewable energy future.



Proposed Reform at the Public Service Commission

Maryland's Public Service Commission (PSC), established in 1910, regulates gas, electric, telephone, water, and sewage disposal companies, as well as electricity suppliers, construction of a generating station and some common carriers engaged in the transportation for hire, among other activities.

The PSC membership consists of five appointed Commissioners who make decisions about the subject matter described above in a quasi-judicial court proceeding. Among its responsibilities, the PSC issues Certificates for Public Convenience and Necessity (CPCN), which provide authority for construction or modification of new generating stations or high-voltage transmission lines.[1] This process is **exceedingly opaque** in its administration and as a result is unnecessarily difficult for members of stakeholder communities to navigate. Over the years, the PSC has continually approved CPCN requests from utility companies throughout Maryland in opposition to residents and neighbors living near these facilities, and a growing chorus of public health professionals, and environmental advocates.

Our top of the concerns about the PSC process are:

1. Lack of transparency in the process, with little notice to the community and confusing website.

2. Lack of information about public health impacts of energy infrastructure on nearby residents before issuing a CPCN.

In a well-known matter, Order Number 87243 to issue a certification to Mattawoman Energy, LLC to construct a gas-powered energy facility in Prince George's County, the PSC noted the moral injustice of otherwise legal action, stating "[i]t is unfortunate for Brandywine that it is a suitable and legally available area for proposed power plant projects. If a proposed plant to be sited in Brandywine meets all legal requirements (at all governmental levels), the fact that other plants are located nearby is not a legal restriction to another one being built. This is true even though **the negative impacts of a plant fall most severely upon Brandywine while the benefits are distributed across a much larger geographic area**."

In response, *Earthjustice* filed a complaint on behalf of the *Brandywine TB Southern Region Neighborhood Coalition* and the *Patuxent Riverkeeper*, arguing that the CPCN violated Title VI of the 1964 Civil Rights Act because it disproportionately subjected the black residents of Brandywine to air pollution and other negative impacts based on their race. The complaint went forward under the rationale that if a government entity, charged explicitly with serving the public interest through a commitment to diversity, mutual respect, and ethical conduct, makes its decision based on an illegal premises, it is time to take action.

The Mattawoman power plant is a blatant and visible example of the need for *timely* citizen participation and *enhanced* public health protections in the PSC process. There are ongoing examples of the harmful impacts of PSC proceedings without notice and health considerations impacting residents throughout the state of Maryland.

In 2018, we are supporting two pieces of legislation to address these conflicts:

1. Modernize the public notification process from the PSC by requiring notice via multiple forms of print and social media for all natural gas infrastructure (including at minimum: pipelines, compressor stations, underground storage tanks, power plants, liquefaction facilities, and export facilities) at the time of first contact, from the applicant with an intent to file, and keeping this record as a ***searchable*** item on the PSC website in an easily accessible portal.

2. Requirement of a Health Impact Assessment (HIA) on proposed natural gas infrastructure development project outlined in a certificate of public convenience and necessity (CPCN), including any major modifications to existing projects.

There have been notable attempts to modernize the PSC process, including 2016's *SB 1069*, which includes updates to the types of communication, largely through a local government entity rather than direct communication with residents, and unfortunately only applies to certain types of infrastructure.

While the HIA requirement is new for the PSC, it is a vetted and widely used tool in other parallel policy applications.

Full implementation of these proposals would go a long way in improving the PSC processes to protect Marylanders' safety, health and well-being.

Expanded Polystyrene Food Service Products: Prohibition on Sale and Use

Expanded polystyrene (EPS) foam food packaging is a major component of litter in Maryland's waterways. Among the Chesapeake Bay's tidal waters, the EPA has identified three regions of concern: Baltimore Harbor, the Anacostia River, and the Elizabeth River. Since 2014, 702,017 EPS foam containers have been removed from the Baltimore Harbor alone. EPS foam comprises 25-40% of the trash, by volume, pulled from the Anacostia River before it was able to reach the Chesapeake Bay.

EPS foam is a very significant litter issue. While it represents only 1% of the waste stream, it comprises 10-40% of the litter collected during stream cleanups. The fragile nature of EPS foam causes it to break into millions of tiny pieces upon entering our environment, making it nearly impossible to successfully remove from our waterways. EPS foam can rarely be recycled and municipal curbside collection of EPS foam in Maryland is almost nonexistent. Once EPS foam becomes part of the waste stream, it commonly gets washed or blown into our storm drains and rivers, where it absorbs 10 times more pesticides, fertilizers, and chemicals than other kinds of plastic, increasing exposure to toxins for marine life.

Legislation to restrict the sale and use of EPS foam food packaging in Maryland is being introduced by Del. Brooke Lierman (D-Baltimore City) and Sen. Cheryl Kagan (D-Montgomery County).

Why Support a Restriction on Sale and Use of EPS Foam Food Packaging?

- Styrene, a chief chemical component, is a known carcinogen that leaches into hot liquids.
- People and wildlife that come in contact with this litter will be exposed to increased health risks.
- Occupational exposure to styrene monomers increases risk of lymphoma, leukemia, and other forms of cancer.
- We are not reinventing the wheel: 113 jurisdictions in 11 states have passed a foam ban, including Montgomery & Prince George's Counties and the cities of Gaithersburg, Rockville, & Takoma Park.
- A statewide restriction on EPS foam food packaging will drive innovation in materials and products; support food waste composting and zero waste goals; and protect public health, our waterways, and our environment.

To protect Maryland's waterways and communities, the bill:

- Starting January 2019, prohibits food service businesses and institutions from serving food in EPS foam packaging (cups, plates, clamshells). The bill also prohibits the retail sale of these products in the state.
- Includes provisions allowing businesses to use up existing stock and a grace period in enforcement. The bill also includes a one-year waiver if no affordable alternative packaging is available (Prince George's County and Montgomery County also have waivers, though no entity has applied for the waiver because affordable alternatives are widely available).
- Agency outreach will help businesses upgrade their service model in a cost-efficient way.
- Requires MDE to conduct outreach to businesses. Enforcement occurs through existing inspections by local health departments;
- Puts us one step closer to more fishable and swimmable water in Maryland by eliminating foam.

For more information, please contact Claire Jordan, Trash Free Maryland at Claire@trashfreemaryland.org.