



Department of the Environment



Education, Health, and Environmental Affairs Committee

Accounting for Growth

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Secretary**

**Maryland Department of the Environment
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To Restore the Bay

- Reduce the current amount of nitrogen, phosphorus and sediment entering the Bay
- Hold the line against pollution from growth and development
 - Maryland is expected to add an estimated 478,000 households by 2035 – more than 2 million pounds of nutrient pollution to the Bay per year
 - If this pollution is not addressed, restoration efforts will not succeed

Working with Stakeholders

- Agencies (DNR, MDA, MDE and MDP) offered a proposal for AfG and engaged in extensive outreach in 2012
- Numerous substantive objections were made to the original proposal and a variety of new ideas were proposed
- A Stakeholders group was established
 - Met 10 times
 - Issued final report in August 2013

Stakeholders Final Report

- August 2013
- Consensus on many issues, including
 - Applicability
 - Effective date
 - Optional fee in lieu
 - Calculation of pollution load
 - Offsetting new septic loads
 - Trading geographies



After the Stakeholders' Final Report

- Two important unresolved issues:
 - Determining how much pollution a new development should be allowed to contribute to the Bay (its loading “baseline”) before having to offset any remaining pollution; and
 - Whether or not, and when and where, to require offsets for phosphorous in addition to nitrogen.
- Additional proposals were identified, evaluated and discussed





The State's Compromise Proposal

- Stormwater Baseline Issue
 - Except for development on forest land, no stormwater offset will be required if the project uses Environment Site Design to the Maximum Extent Practicable
 - For development on forest land, the difference between the forest load and the developed load must be offset
- Offsetting Phosphorus
 - Recognize that, in general, practices to reduce nitrogen will adequately control phosphorus, but
 - After the midpoint assessment of 2017, evaluate whether offsets should be required for local streams, ponds and reservoirs that are impaired for phosphorus



Next Steps

- The State will develop two additional refinements
 - Determine whether phosphorus offsets should be immediately required, either State-wide or in streams, ponds and reservoirs that are impaired for phosphorus
 - Determine how developers could receive credits for reductions beyond ESD to the MEP
- The State will prepare draft regulatory language based on the compromise proposal and solicit comments from stakeholders prior to making any formal proposal

Questions?

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