



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

January 22, 2018

Ben Grumbles, Secretary
Department of the Environment
1800 Washington Blvd
Baltimore, MD 21230

Re: DLS Control No. 17-199
Department of the Environment: Water Pollution:
Maryland Water Quality Trading Program: COMAR 26.08.11.01 - .14

Dear Secretary Grumbles:

The Joint Committee on Administrative, Executive, and Legislative Review (AELR) is currently reviewing the above-referenced proposed regulation, which was published in the December 8, 2017 issue of the *Maryland Register*.

According to the Department of the Environment, the purpose of this action is to establish a trading program that provides greater flexibility and reduces the cost of achieving the Total Maximum Daily Loads (TMDLs) established for the Chesapeake Bay while being protective of local water quality.

For the reasons outlined below, and in accordance with the committee's authority under § 10-111 of the State Government Article, the committee hereby notifies you of its intent to conduct a more detailed study of this regulation and to ask that the department delay final adoption of the regulation. The committee expects to engage the department in a constructive review of issues relating to this regulation.

Ben Grumbles
Department of the Environment
Monday, January 22, 2018
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The purpose of the requested delay is to provide the committee with an opportunity to examine more closely a number of issues relating to whether the statutes under which the regulation was adopted authorize the adoption and whether the regulation conforms to the legislative intent of the statutes. The committee wishes to ensure that concerns raised by stakeholders about the regulation are addressed. To this end, the committee encourages the department to work together with the stakeholders to resolve the issues raised by stakeholders concerning this regulation.

To facilitate its review, the committee would be grateful if the department would submit to the committee copies of any correspondence that the department received concerning the regulation during the public comment period.

The committee appreciates your cooperation in this matter.

Sincerely,



Senator Roger Manno
Senate Chair



Delegate Samuel I. Rosenberg
House Chair

CCF/CLL/cr

cc: President Thomas V. Mike Miller, Jr.
Speaker Michael E. Busch
AELR Committee Members
Patrick H. Murray, Senate Chief of Staff
Alexandra Hughes, House Chief of Staff
Heather W. Barthel
Gail Klakring