

2015 Maryland Legislative Update

Years of clean water victories came under siege in Maryland's 2015 legislature. Clean Water Action responded with ramped up efforts to educate sixty-eight new legislators and the new Governor, Larry Hogan, about the importance of preserving the state's legacy of landmark protections for water resources and healthy communities.

Defending Pollution Prevention Regulations

Gov. Hogan began his new term with an attempt to repeal the Watershed Protection and Restoration Act (HB 987), first passed in 2012 with leadership from Clean Water Action. The measure requires Maryland's ten largest and most developed jurisdictions to create polluted runoff reduction programs. It allows for an innovative fee system based on amounts of paved areas that contribute pollution, to pay for prevention and clean up programs.

Clean Water Action and the Clean Water, Healthy Families campaign worked with General Assembly champions to stop all repeal legislation. The campaign won an amended revision that actually strengthened the original Watershed Protection and Restoration Act. The new law (SB 863) will make sure the polluted runoff funding programs have the transparency, accountability and enforcement mechanisms necessary to make them successful.

The jurisdictions must submit annual reports and biannual Financial Assurance Plans to demonstrate they have 75 percent of the needed funding in place by 2016, and 100

percent by 2018. Penalties of up to \$10,000 per day kick in if a jurisdiction falls short. The bill also allows local governments with a polluted runoff fee to impose that fee on state and federal properties for the first time. Certain state funding, such as the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, can now be used as a match for those jurisdictions with polluted runoff fees, or withheld from those jurisdictions with inadequate plans.

Protecting Communities from Fracking

Since 2011, Clean Water Action has worked with a diverse coalition of Maryland organizations to persuade legislators and the Administration that unconventional oil and gas extraction (hydraulic fracturing or 'fracking') is inherently dangerous to water resources and community health. With the work of Governor O'Malley's Marcellus Shale Advisory Commission complete, and departmental regulations drafted, it appeared the state was poised to begin issuing permits for fracking.

Clean Water Action organized

a two-part campaign to push for a long-term moratorium, along with other bills to regulate fracking so stringently that polluting companies would decide not to drill in this state.

Long-term Drilling Moratorium

Emerging science, including hundreds of peer-reviewed studies, case studies, and reports, demonstrates that fracking poses significant threats to Marylanders' health and safety and to air, soil and water quality. Fundamental data gaps remain on fracking's long-term and cumulative impacts. There is no persuasive evidence yet, showing that the practice can be regulated in a way that adequately protects public health, natural resources, or the economy.

Clean Water and Don't Frack MD, a 100 group coalition, pursued a statewide campaign and won passage for the Protect Our Health and Communities Act (HB449/ SB409). The Act establishes a 2.5 year moratorium, requires that regulations be in place by October 2016 and prohibits any fracking permits before October 2017.



HISTORIC VICTORY TO PROTECT OUR WATER

AFTER TEN YEARS, the US EPA has restored protection under the Clean Water Act to 60% of our stream miles and millions of acres of wetlands. These are waterways that used to be protected from pollution, but those protections were called into question a decade ago, putting the sources of drinking water for 1 in 3 Americans at risk.



Thank you to EPA Administrator Gina McCarthy and President Obama for fixing this problem and protecting clean water.



Introducing Brent Bolin

Hello members and friends. My name is Brent Bolin, and in

April I joined Clean Water Action as the new Chesapeake Regional Director. In my years at the local, state and regional levels in the Chesapeake Bay clean water movement, I have developed a strong appreciation for the power and importance of grassroots public involvement in winning effective environmental and health protections and building lasting change. I am excited about the way Clean Water Action connects members directly to the policy process protecting clean water and building healthy communities.

MARYLAND

Baltimore Bomb Trains

Baltimore is a port city where crude oil-by-rail is starting to rear its ugly head. Production, transportation, and export of crude oil-by-rail from American port cities are on the rise. U.S. railroads moved more than 800,000 barrels per day of crude oil in 2013, a 70-fold increase from 2005. Not coincidentally, accidents are also on the rise, with five derailments and explosions since January 2015.

Ships will unload one million gallons per day of North Dakota Bakken crude oil, known to be highly explosive and volatile, onto rail cars in Fairfield Peninsula. From there, they will begin a crisscrossing local trip turning neighborhoods in the south, downtown,



Crude oil trains passing near homes in the Northeast Corridor.

and parts of northeast Baltimore into de facto oil pipelines. The proposition is both dangerous and irresponsible. The prospects for either an accident or harmful impacts to health and the environment seem certain.

Clean Water Action supported legislation (HB1073) to require the state Department of the Environment to study potential risks and impacts in the event of a crude oil spill during rail transport, establish accident prevention, emergency response, and contingency plans. The bill successfully moved through the House, but ran into surprising opposition in the Senate.

Maryland does not need another environmental injustice that lets 'Big Oil' use Baltimore city as a throughway to East Coast refineries. [Learn more and take action, www.cleanwater.org/feature/protecting-baltimore-city-crude-oil-rail-shipments](http://www.cleanwater.org/feature/protecting-baltimore-city-crude-oil-rail-shipments)

VIRGINIA

Defending Clean Water in the 2015 Virginia Legislature

Clean Water Action and its allies successfully defeated HB 1488, HB 1572 and HB 1293, which threatened Virginia's land conservation program and stormwater management by making it more difficult to protect open space and waiving stormwater permit fees for property owned by religious associations. Clean Water Action members across Virginia urged elected officials in the General Assembly to oppose these bad bills and support Stormwater Impact Fees and preserving open space as a cost-effective strategy to reduce flooding and water pollution.

Tackling Stormwater Runoff in Loudoun County, Virginia

Loudoun County has experienced rampant growth and development in watersheds that supply the region's drinking water. Increased sedimentation and bacteria from stormwater runoff degrades sources of drinking water and adds to the contamination already generated by agricultural runoff and wastewater effluent. The results are waterways that are classified as impaired under the Clean Water Act; and water sources that are not suitable for human consumption without increasingly elaborate and expensive treatment regimes. Downstream costs include increased financial costs for treatment plus costs to human health from chemical treatment of raw water).

Clean Water Action conducted a series of presentations for Homeowners Associations (HOA), church groups and other civic associations about the interconnectedness of water resources, how existing zoning ordinances and local land use codes in Loudoun County affect the extent of impermeable surfaces in development projects, and the benefits of using green infrastructure. The traditional model of centralized, big-pipe infrastructure is inadequate for dealing with future impacts of

climate change. Clean Water Action will continue advocating for economic growth designed to reduce and manage stormwater runoff by encouraging development that uses less pavement and more natural systems.

State House Race Victory

Clean Water Action endorsed Kathleen Murphy in the 34th District House special election in January 2015 to fill Barbara Comstock's vacant seat. With the help of Clean Water Action members in Fairfax and Loudoun Counties, Kathleen Murphy won a narrow victory. Her election has added a strong voice in the General Assembly on environmental issues such as protecting and restoring the Chesapeake Bay, defending the existing ban on uranium mining, and promoting green technology development. Delegate Murphy will be up for reelection in November 2015.



Virginia Coal Ash Report

Toxic coal ash is harming Virginia residents. The 2012 coal ash disaster on the Dan River revealed the vulnerability of Virginia citizens and their water resources. While most of the post-spill national coverage focused on North Carolina,



Coal ash.

Virginia communities suffered the majority of the harm. Although North Carolina's regulatory failures were on full display, the serious shortcomings of Virginia's program escaped scrutiny. From dangerous dams to leaking dumps to reckless reuse, the errors and omissions of the Virginia Department of Environmental Quality (VDEQ) have caused harm and threatened the health and safety of communities throughout the Commonwealth.

Clean Water Action along with Virginia Conservation Network and EarthJustice released a report describing documented harm from coal ash in Virginia and identifying critical gaps in the state regulatory program. The report highlights solutions presented in the Environmental Protection Agency's (EPA) new coal ash rule that address deficiencies in VDEQ's coal ash regulatory program that have contributed to the damage described above and to the ongoing threat posed to Virginia communities.

Anacostia Phases Out Foam!

On April 28th, Prince George's County joined the District of Columbia and Montgomery County in banning polystyrene foam (plastic foam) food containers. The law, which will go into effect in July 2016, includes packaging materials and the retail sale of foam food materials.

Clean Water Action received over 500 handwritten letters from residents throughout the region expressing their concern on the issue foam poses. On average, plastic foam accounts for 30 percent of the annual trash collected in clean-ups and trash traps in the area. All three councils voted for the bans unanimously.

This is an amazing victory for the Anacostia River and the nearly 2.5 million people living in Prince George's County, Montgomery County and Washington, D.C. Special thanks to all the council members, allies and residents who made this possible.

The Prince George County foam ban follows on the heels of the District of Columbia's plastic foam ban that was passed last summer as part of the Sustainable D.C. Omnibus Act of 2013. The ban, which will take effect January, 2016, covers carryout food containers, such as

clamshells, cups, and plates, at restaurants and take-out.

These actions signal that the Anacostia watershed is heading in the right direction. In 2017, all disposable food ware will have to be recyclable or compostable.

The District Department of the Environment (DDOE)

continues outreach and education on the ban to

ensure that all businesses are compliant by the 2016 implementation date. They are currently finalizing regulations and a list of affordable alternatives, which will be available for comment in the fall of 2015.

DDOE will be enforcing the ban through annual inspections and consumer tips through the 311 hotline. In January 2015, Montgomery County passed a similar bill to ban foam food containers that also included packaging materials such as foam peanuts. They also plan to use 311 to help businesses become compliant. Although it is important to report violators, Clean Water Action strongly encourage residents to also contact 311 when businesses have gone above and beyond the requirements, such as phasing out foam early and/or encouraging the use of recyclable materials.



Follow the foam free movement on social media! #BanTheFoamPGC #FoamFreeDC #BanTheFoam

**CHESAPEAKE
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