



## House Bill 417

### *Clean Water Commerce Act of 2017*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

Date: February 22, 2017

To: Environment & Transportation Committee

From: Leslie Knapp, Jr. & Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** HB 417 **WITH AMENDMENTS**. The Maryland Department of the Environment (MDE) will offer amendments that provide needed clarity and specificity to create a funding tool that can assist both the State and counties in meeting their Chesapeake Bay Total Maximum Daily Load (TMDL) requirements.

With the amendments proposed by MDE, HB 417 would allow MDE to use up to \$10 million a year from the Bay Restoration Fund (BRF) Wastewater Account to purchase nitrogen, phosphorus, and sediment practices in support of restoring the Chesapeake Bay. The reductions cannot come from the agricultural sector and must be created on or after July 1, 2017. The account's current priority for upgrading major, major-minor, and minor wastewater treatment plants is also maintained. MDE's purchasing authority would sunset after four years.

MDE must also adopt regulations regarding the use of BRF funds in conjunction with the Maryland Departments of Agriculture, Commerce, Natural Resources, and Transportation, and with public and private sector stakeholders. The regulations must specify that the load reductions purchased provide the lowest cost per pound reductions purchased through a competitive process. Load reductions must also be consistent with the Chesapeake Bay Program Partnership Accounting Procedures. MDE would also be subject to several reporting requirements.

MACo has always been supportive of having as many "tools in the toolbox" as possible to help meet our Bay TMDL goals. While MACo had concerns about the broadness and lack of specificity of HB 417 as introduced, the amended bill would not impinge on local uses of the BRF and gives MACo a role in helping to develop the regulations.

With the MDE amendments, HB 417 would provide a useful and flexible tool that could assist both the State and counties in meeting our Chesapeake Bay restoration targets while protecting key local uses of the BRF and establishing appropriate administrative oversight. Accordingly, MACo urges the Committee to issue a report of **SUPPORT WITH AMENDMENTS** for HB 417.