

Grading Maryland's Governor

July 21, 2008

Dear Marylander,

Since 1979, the Maryland League of Conservation Voters (LCV) has served as the independent political voice for the environment in our state. We advocate for sound conservation policies, work to elect pro-environment candidates, and hold our elected officials accountable through scorecards and reports such as the one you are now reading. Our annual *General Assembly Scorecard* assesses the votes of Maryland senators and delegates, and, since 1997, we have produced *Gubernatorial Report Cards* every two years to provide voters with an in-depth analysis of our governors' environmental records.

With input from conservation leaders from across the state, the Maryland League of Conservation Voters' Board of Directors and staff have prepared this assessment of the environmental accomplishments of Governor Martin O'Malley. The graded categories, and the issues detailed within each graded category, are intended to be representative of the Administration's commitment to conservation and environmental

Governor Martin O'Malley	
OVERALL GRADE	A-
Air Quality	A
Water Quality	B+
Climate Change	A
Energy	A
Smart Growth	A-
Transportation	B-
Fisheries & Wildlife	A
Administration & Appointments	A

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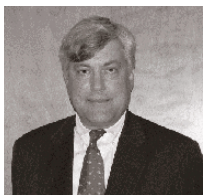
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protection and not necessarily a comprehensive listing of every state action; the issues are also not necessarily weighted equally. The methodology used to prepare this and prior gubernatorial scorecards includes a thorough review of agency actions, policy positions, funding priorities, public statements, environmental advisors, and executive appointments. Maryland LCV sincerely thanks all of the organizations and individuals who provided feedback to make this report as comprehensive as possible.

The Maryland League of Conservation Voters is pleased to assign the grade of A- to Governor Martin O'Malley on this Gubernatorial Mid-Term Report Card. This is the first time a governor has ever earned an A grade on a Maryland LCV report card, and we believe the actions detailed in this report explain why this Administration has earned such an excellent evaluation.

Governor O'Malley came into office with a state budget deficit and a faltering economy, but even in this difficult fiscal climate he has consistently placed the environment on the forefront of his policy agenda. With few exceptions, Governor O'Malley has followed through with positive legislative initiatives while keeping the promises he has made to the people of Maryland. Governor O'Malley has taken advantage of the public concern about the environment, in particular global warming, that is emerging across the nation and is using it to advance Maryland to its rightful place as a national leader in environmental policy. He has instilled an environmental ethic throughout his agencies—not just the traditionally thought of Departments of Natural Resources and Environment—and is emerging as a national leader.

With this in mind, however, Maryland LCV would like to make it clear that this high grade was not awarded lightly, nor does it come without the expectation of future improvement. With this grade, Governor O'Malley has set a high bar for himself and his Administration, a bar that Maryland LCV—and conservation voters across the state—will be observing closely in the coming months and years.



A handwritten signature in cursive script that reads "Frederick H. Hoover, Jr." in dark ink.

Frederick H. Hoover, Jr.,
Chairman of the Board of Directors



A handwritten signature in cursive script that reads "Cindy Schwartz" in dark ink.

Cindy Schwartz, Executive Director

Air Quality

Grade: A

As one of his first acts in office, the governor visibly demonstrated his commitment to strong clean air policy when he testified before the Maryland legislature in favor of the Clean Cars Act, which made Maryland one of the leading states in the nation in reducing emissions from vehicles. The O'Malley Administration has also pushed to improve our air quality through both administrative and legal action. This three-pronged approach of legislation, administration, and litigation illustrates the broad-based environmental ethic that runs throughout the executive branch.

Clean Cars Act: **GOOD**

Governor O'Malley aggressively pushed for this comprehensive legislation that will strengthen standards for vehicle emissions that cause smog and other health-damaging pollution. In particular, this bill adds carbon dioxide—the main cause of global warming—to the list of pollutants covered by vehicle emission standards. The tougher standards, already passed in eleven other states, will reduce carbon dioxide pollution in Maryland by 4.4 million tons per year beginning in 2011. They also require that a percentage of 2011 model year cars sold each year are advanced technology vehicles, such as hybrids. In conjunction with the 2007 Healthy Air Act, the Clean Cars Act will significantly limit greenhouse gas emissions, which scientists say must be reduced in order to avoid the most dire consequences of climate change.

Fly Ash Consent Decree: **SHOWS PROMISE**

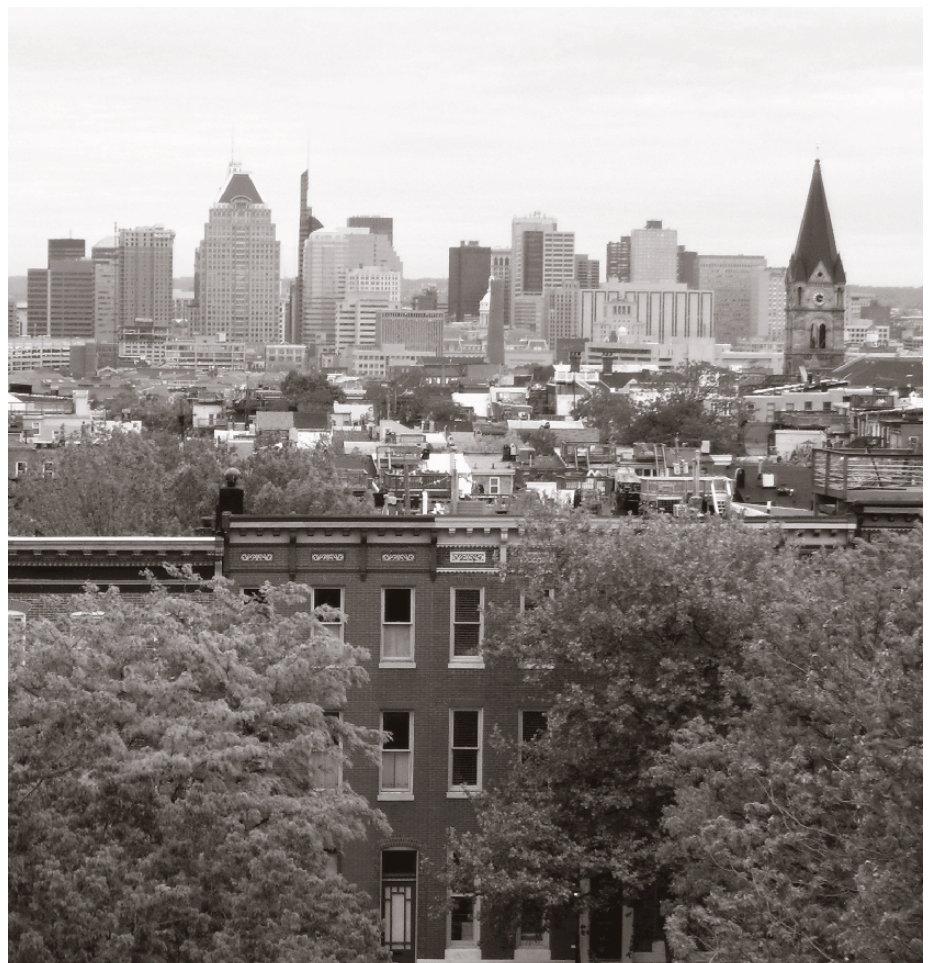
In 2007, a series of reports revealed that Constellation Energy and its partner, BBSS, Inc., deposited 2.4 million tons of a highly carcinogenic toxic fly ash from its coal-fired power plant at a site near Crofton, Maryland. This became a major concern to nearby residents when toxics from the fly ash leaked out of the landfill and began to seep into their groundwater. As a result, Constellation Energy began providing

bottled water to residents acutely affected by the contamination. In October 2007, the Maryland Department of the Environment (MDE) entered into a consent decree with Constellation and BBSS, Inc., that required the companies to pay a fine, halt dumping the fly ash, dig new wells, re-line the site, and mitigate the damage they caused. We still await strong regulations from

MDE on the air pollution impact of fly ash and also ensure proper lining of the ground where the ash is spread

Clean Air Lawsuit: **GOOD**

The Environmental Protection Agency (EPA) has avoided issuing any important rules on coal-fired power plants for nearly eight years, in part because EPA argued it does not have authority to regulate carbon as a pollutant. As a result, the only way to get the EPA to take action was through legal means. Although the previous Administration blocked Maryland's participation, Governor O'Malley joined sixteen other states in a lawsuit asking the federal courts to allow coal-fired power plants to employ cleaner burning technologies designed to reduce toxic mercury emissions. This suit resulted in an unprecedented \$4.2 billion settlement and mandatory technological upgrades on coal-fired power plants.



Water Quality

Grade: B+

Despite the Chesapeake Bay's beauty and economic importance, its quality continues to decline, in part because Maryland is growing faster than the Bay can sustain. Governor O'Malley has addressed this problem by focusing upon the Bay's greatest needs. These include creating BayStat to efficiently monitor programs and creating a dedicated funding source to clean up the Chesapeake and coastal bays. The Critical Areas Act (see Smart Growth section) will help restore our most sensitive waters, and the governor has, for the first time, proposed new standards for major poultry operations. The heart of solving this problem relies on a stringent and transparent rule-making process. We are hopeful that the Administration's new stormwater and poultry regulations will ensure less pollution runs off into our tributaries.

Chesapeake and Atlantic Coastal Bays 2010 Trust Fund: **GOOD**

In April 2008, Governor O'Malley signed the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, which creates a dedicated fund to implement the tributaries strategies outlined in the Chesapeake 2000 Agreement. The fund allocates \$25 million for the first fiscal year and will be administered by the BayStat program. Although the initial funding level is lower than originally requested, in 2009 and in future years there should be \$50 million in the fund. We recognize the importance of creating this critical fund, even when the state is coping with a significant budget deficit. We applaud Governor O'Malley's extraordinary leadership championing this program to clean up and protect the Bay and our waterways.

Stormwater Management Act of 2007: **SHOWS PROMISE**

One of the largest sources of water pollution comes from nutrients and fertilizers washed into the Bay waterways from stormwater runoff. In April 2007, Governor O'Malley signed into law a sweeping piece of legislation that creates one of the nation's strongest standards for managing stormwater pollution by



requiring building techniques that keep stormwater on site. The Maryland Department of the Environment (MDE) is responsible for implementing the provisions of this law and its real effectiveness will ultimately rely upon how well MDE writes and enforces the rules outlined in the stormwater legislation. In particular, we hope to see MDE promulgate a rule requiring no net increase of stormwater runoff from a site. This rule would reflect the true intention of the law.

Phosphorous Ban: **FAILING**

In April 2007, Governor O'Malley signed into law a bill that would ban the use of phosphorous in dishwasher detergent by January 2010. Phosphorous, one of the most damaging nutrients in the Bay, chokes off oxygen to

aquatic life and creates algal blooms. After heavy lobbying from Proctor & Gamble, the General Assembly in 2008 passed a bill that delayed the ban for six months until July 2010. This will directly result in 7.5 tons more phosphorous polluting the Chesapeake Bay. Many in the environmental community, including Maryland LCV, lobbied against this bill and encouraged Governor O'Malley to veto it. Unfortunately, Governor O'Malley allowed the bill to become law without his signature.

Wetlands Violations: **GOOD**

In 2007, MDE began sorting through a backlog of wetlands permits, which led to a review of open complaints against potential polluters. In 2008, Governor O'Malley signed a law that creates a fund for MDE to administer its "Wetlands and Waterways" program that seeks to protect these important filters for the Bay.

This bill will result in more enforcement and is designed as a "polluters pay" model, placing the burden of clean-up on the violator and not on the taxpayer.

Cover Crops: **GOOD**

Governor O'Malley included almost \$9 million in his budget for FY2008 for the continuation of the cover crop program, a highly cost-effective and sustainable way to control erosion and reduce nutrient runoff into the Chesapeake Bay and its tributaries during the winter when farmers are not growing other crops.

Poultry Farm Pollution Permits: **SHOWS PROMISE**

In May 2008, MDE released its revised version of the Maryland Animal

Feeding Operation (MAFO) permit to address water pollution from the state's largest poultry operations. The proposed rules would require permits for an estimated 75-100 of the state's largest poultry farms.

Governor O'Malley is to be commended for initiating action to address this. Major corporate poultry operations have never been regulated by the state, and the fact MDE is developing the new rules, rather than the Department of Agriculture, reveals that the Administration's true interest is in environmental protection not industry protection. The proposed permits would require farmers to complete or update their Nutrient Management Plans, currently required by the state, as well as a Soil Conservation and Water Quality Management Plan. Other key requirements address the time manure piles may remain uncovered in fields, the spreading of manure on cropland, and the use of vegetative buffers and setbacks along ditches and streams.

Many environmental advocates feel MDE's proposal needs to be strengthened if nutrient pollution from poultry is to be meaningfully addressed. Currently, fewer than 100 of the state's estimated 900 poultry operations would be regulated by the permit. Manure piles will be allowed to remain uncovered in fields for up to 90 days, and the setback requirement for keeping manure away from streams will be only 50 feet in flat areas like the Eastern Shore. There is also serious concern about the state's ability to enforce these provisions and to acquire monitoring or sampling data to track environmental performance. Clearly, if this proposal is not as strict as what is currently required by other states or by the Federal government, there is room for improvement. Close scrutiny is required to ensure that the Administration's first efforts in this area reduce the impact of poultry farms on the Bay.

Climate Change

Grade: A

Climate change may be the most challenging issue of our day. With 3,100 miles of shoreline, Maryland is one of the most vulnerable states to sea level rise and faces serious environmental, agricultural, and economic harm if we do not take significant action soon. Governor O'Malley has been a leader on these issues, evidenced by his strong support for energy efficiency programs and the Global Warming Solutions Act.

Commission on Climate Change: GOOD

In April 2007, Governor O'Malley signed an Executive Order creating the Maryland Commission on Climate Change, whose charge is to develop a Climate Action Plan for the state. The Climate Change Commission, comprised of a diverse group of stakeholders inside and outside the environmental community, issued an interim report in December 2007. The report's recommendations for the 2008 legislative session specifically called for a plan to reduce global warming pollution in the state 25 percent below 2006 levels by 2020 and 90 percent below 2006 levels by 2050. These targets became the foundation for the Global Warming Solutions Act.

Global Warming Solutions Act: GOOD

In the 2008 legislative session, Governor O'Malley publicly supported the Global Warming Solutions Act, which would have set mandatory limits on greenhouse gas emissions. In what would have been one of the nation's strongest climate change laws, this bill used the best available scientific data to set the targets necessary to avoid the worst impacts of global warming. Governor O'Malley strongly advocated in the House of Delegates and the Senate for passage, testified on Capital Hill in favor of similar federal legislation, and spoke at a rally with more than three hundred Marylanders in support of the

bill. Unfortunately, the bill failed in the House Economic Matters Committee.

Regional Greenhouse Gas Initiative (RGGI) & Strategic Energy Investment: GOOD

At the beginning of his term, Governor O'Malley included Maryland in a coalition of neighboring states designed to reduce greenhouse gas emissions and establish a cap and trade system for carbon allowances for large power plants. Maryland's admission to this program was mandated when the Healthy Air Act was passed, the year before O'Malley took office, which required the governor to join. We commend Governor O'Malley for participating actively in the multi-state effort to make RGGI a success, which eventually could become a model for a nationwide cap and trade system to reduce greenhouse gas emissions. This initiative paved the way during the 2008 legislative session for the passage of the Strategic Energy Investment Fund, another O'Malley Administration priority, which allocates how the Maryland Energy Administration will direct funds received from the sale of the carbon allowances.

Energy

Grade: A

Soon after Governor O'Malley was elected, the Maryland Energy Administration (MEA) issued a report stating that Maryland faced a burgeoning energy crisis. Utility deregulation passed by the General Assembly in 1999 had resulted in a dramatic rise in utility bills, and MEA warned of rolling blackouts on the horizon. This looming challenge forced the Administration to direct MEA to develop a comprehensive plan to keep energy bills low, keep the lights on, and meet environmental goals that became part of a bold legislative agenda championed by the O'Malley Administration during the 2008 legislative session. The governor complimented this legislation with administrative action (described in the Administration and Appointments section) that focused on conservation, renewables, and efficiency.

EmPOWER Maryland Energy Efficiency Act of 2008 and the Strategic Energy Investment Fund: GOOD

These bills, which codify a goal set by Governor O'Malley to reduce per-capita electricity consumption in Maryland 15 percent by 2015, were passed in the 2008 General Assembly session. This reduction will be achieved through a variety of simple, proven technologies, such as programmable thermostats and high-efficiency light bulbs. Utility companies will account for two-thirds of these reductions, while MEA will achieve the final third through state-run programs. Not only will this law reduce energy consumption and the resulting pollution, it will also create jobs in the energy efficiency industry and provide long-term savings for rate payers.

Renewable Portfolio Standards: GOOD

While the EmPOWER Act will reduce the total amount of Maryland's energy consumption, the Renewable Portfolio Standards determines where our energy comes from. Currently, about 60% of Maryland's energy comes from dirty, polluting coal. This bill, signed by the governor in April 2008, requires that 20 percent of Maryland's energy come from renewable sources, such as wind and solar power by the year 2022.

Maryland Solar Energy Incentive Act: GOOD

With the passage of this 2007 bill, Maryland became one of the leading states promoting solar power. This bill calls for the development of 1,500 megawatts of solar energy by the year 2022 by requiring utilities to purchase electricity from solar power sources. This will provide incentives for large, commercial scale roof-top solar installations. This law will also raise the amount of energy consumers can sell back to a utility from their residential solar systems from 200 kilowatts to 2 megawatts. This encourages greater use of residential solar installations.

Solar and Geothermal Tax Incentive and Grant Program: GOOD

The Solar Grant program creates tax incentives for citizens to install solar energy panels and appliances in their homes. This program was created in 2005, but it has always been underfunded and non-functional. This bill expands the Solar Grant program and now includes geothermal projects. Marylanders may now receive a \$2,500/kw grant for solar panels and \$3,000 for solar water heating. Additionally, geothermal grants will be awarded in the amounts up to \$3,000 for residential systems and up to \$10,000 for com-

mercial systems. Governor O'Malley successfully changed the program to make the grant size large enough to be meaningful to homeowners. He will now need to fund it at levels high enough to sufficiently stimulate the residential solar market in the state.

Green Building Initiatives: GOOD

Much of the energy we produce is never used at all, but is instead lost due to inefficiencies in building construction. A collection of green building initiatives introduced by Governor O'Malley in 2008 seeks to address this problem. In December 2007, the Green Building Task Force issued its recommendations on how to most effectively use low-impact codes and green building programs. Accordingly, the governor decreed that all new public school construction must meet or exceed the LEED (Leadership in Energy and Environmental Design) Silver standard and signed the High Performance Buildings Act, which requires that all new and renovation construction projects using state funds must meet the Silver LEED standard. Governor O'Malley also provided incentives for renovations and refurbishments by qualifying green buildings for the historic buildings preservation tax credit.

Prohibition of Wind Turbines on Public Lands: GOOD

In April 2008, Governor O'Malley issued an order prohibiting the construction of wind turbines on public lands administered by the Department of Natural Resources. This order emerged from an intensive public hearing process, during which many community residents expressed concerns about building turbines on state land. While we hope wind power will become an increasing part of Maryland's renewable energy package, we believe a wind farm must be properly sited so that it is not a detriment to the environmental, recreational, and other economic uses of public lands.

Smart Growth

Grade: A-

Maryland was once nationally renowned for its Smart Growth programs, and Governor O'Malley has demonstrated a commitment to restoring our once prominent place in managing development and population increases in sustainable and economically feasible ways. Looking ahead, the 2009 General Assembly session promises to be an important period for smart growth legislation, and the environmental community is likely to push for a package of reforms designed to further the smart growth agenda.

Office of Smart Growth: **NEEDS IMPROVEMENT**

One of Governor O'Malley's first official acts after taking office was to reconstitute the Office of Smart Growth created by Governor Glendening. In June 2007, Governor O'Malley directed his subcabinet on Smart Growth to review the state's existing smart growth programs and policies and develop a comprehensive, inclusive, and progressive strategy to more effectively spur and manage growth in Maryland. This is a strong first step, but much more needs to be done. We strongly urge significant legislation and/or administrative actions that curb sprawl and emphasize preservation. We have seen

most agencies take significant steps to make sure that their work leads to more efficient development patterns and effective use of state dollars.

Base Realignment and Closure (BRAC) Zones: **GOOD**

In May 2008, Governor O'Malley signed a law that would in part encourage BRAC related growth to be steered into smart growth areas called BRAC zones. He placed his second in command, Lieutenant Governor Anthony Brown, in charge of making this a top priority. BRAC is expected to bring tens of thousands of new jobs and residents to Maryland over the next decade. BRAC zones will receive funds

for vital infrastructure to meet the needs from the expected new Marylanders.

Program Open Space: **GOOD**

In 1969, in an effort to help land conservation keep pace with development, the Maryland legislature passed a law establishing a real estate transfer tax as a dedicated funding source for Program Open Space and other land conservation programs. From 2002-2005, more than \$480 million of these dedicated funds were diverted from Program Open Space and other land conservation programs and used for unrelated purposes. For the past two years, Governor O'Malley has followed through on his election year pledge to not raid Program Open Space, and he has fully funded this vital and popular program to protect parks and open spaces. The Department of Natural Resources is also developing criteria to help the Board of Public Works evaluate which public lands are best suitable for purchase by the state.

In addition, included in the governor's 2008 tax package was a measure to close a loophole that allowed certain business entities, such as limited liability corporations, to avoid paying the real estate transfer tax that funds Program Open Space. The state was losing countless sums of money each year through this loophole and missing out on untold amounts of funding for lands conservation and parks as a result.

Opposition to Four Seasons Development: **GOOD**

Governor O'Malley holds a seat on the three-member Board of Public Works, which oversees approval for major construction projects near wetlands and in the state's critical areas. In May 2007, the Board rejected a permit to construct a 1,350 unit development on Kent Island. A project this large would have resulted in a tremendous amount of additional impervious sur-



face, substantially contributing to pollution from stormwater runoff. It was strongly opposed by local residents. Stopping this enormous development, sited largely within a critical area, was a huge victory for the health of the Bay.

Critical Areas Act Reform: GOOD

The original Critical Areas Act, passed in 1984, created a 1,000 foot buffer protecting Maryland's tidal shorelines from overdevelopment. The law, initially designed to protect some of our most sensitive areas near waterways, was significantly weakened by uneven application, lax enforcement, and sparse resources. The retooled version of this law, signed by Governor O'Malley in April 2008, strengthens it by converting guidelines into regulations, adding important enforcement pieces, and holding contractors accountable.

Terrapin Run: GOOD

Terrapin Run is a proposed large development in a beautiful stretch of rural Eastern Allegany County. The Allegany County government has given the green light to the developer, who hopes to build a 4,300 unit development in an area where the county's comprehensive plan calls for rural protection. This area has no water, sewer, schools, major roads, or other infrastructure needed to support this small city. Governor O'Malley stressed his opposition to this violation of the comprehensive plan that would destroy farmland rather than steer development into existing towns and cities. The Administration filed a friend of the court brief to oppose this development, but the state's highest court ruled in favor of the developer.

Transportation

Grade: B-

Maryland is at a critical point when it comes to transportation. Over 1.5 million new Marylanders are expected in the next thirty years, and the federal Base Realignment and Closure Act will bring new military and civilian jobs to the region. These new residents will travel to and from work, school, and shopping. At the same time, rapidly increasing gas prices are putting a strain on everyone's budget. Maryland can no longer afford to focus primarily on roads; we must commit to creating connected communities that allow daily activities to be done with less reliance on cars. Governor O'Malley has championed Transit-Oriented Development, urged the federal government to modify its funding formulas, and expanded mass transit options.

Intercounty Connector: FAILING

The Intercounty Connector (ICC) is an unnecessary, costly highway project designed to connect I-270 in Western Montgomery County to the I-95 corridor in Prince George's County. The ICC will add miles of impervious surface to a watershed already stressed from stormwater runoff, it will increase our global warming pollution, and, according to numerous studies, it will increase sprawl and not reduce traffic congestion. Even though the approval process was well underway by his first day in office, Maryland LCV is disappointed that Governor O'Malley has consistently supported building the ICC, arguing, among other things, that it will spur economic development. Conservationists counter that mass transit also spurs economic development and that the billions of dollars could be better spent on bringing urgently needed public transit options to communities. Legislators introduced three bills during the 2008 General Assembly session to either eliminate funding or delay the construction of the Intercounty Connector. All of these bills died in committee, in no small part due to the O'Malley Administration's unwavering support for the ICC. The ICC is projected to cost at least \$2.4 billion, and it is likely to delay more important mass transit options.

Fare Box Recovery: GOOD

This bill would reduce requirements for how much money each bus or rail line must achieve from dollars put into the farebox. This legislation also created better benchmarks to evaluate transit lines to ensure that the system is operating as efficiently as possible for the citizens of the state.

Transit-Oriented Development: GOOD

This 2008 O'Malley Administration bill allows funding to support transit-friendly development. This development will help convert transit stops surrounded by a sea of parking into mixed use communities where people can commute, live, work, and shop.

Mass Transit: GOOD

Governor O'Malley has reinvigorated the planning and construction of new transit options across the state. These include the Washington, D.C., metro Purple Line, the Baltimore area Red Line, and a score of commuter bus improvements. The Department of Transportation has also kicked off a bold plan for the Maryland Rail Commuter (MARC) system adding much-needed capacity, plans for weekend services, and train frequency. This plan is important and we would urge quicker

action. We also applaud the installation of bike racks on buses that will make cycling a more viable option. Governor O'Malley has begun to look to the future of Maryland transit with hopes of making it environmentally sound and cost efficient, by investing \$411 million into the construction of the Baltimore Red Line and other mass transit options around major Maryland cities.

The D.C. Purple Line

Governor O'Malley has reinvigorated the planning and construction of the new Washington, D.C., area transit lines. The Purple Line is a proposed 16-mile rapid transit line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County. It will provide a direct connection with several stops at the Washington Metro Red, Green, and Orange Lines. The Purple Line will also connect to MARC, AMTRAK, and local bus services. The Purple Line will address the growing road congestion by providing an alternative to driving and offer more options to the large number of people in the area who already rely on transit. It will also create business opportunities along the line's path, while connecting more Marylanders to major economic centers as well as to their homes and jobs.



Corridor Cities Transitway

The Corridor Cities Transitway is a proposed light rail or express bus transit line that will extend northwest from the Shady Grove Metro station to Clarksburg in Montgomery County. Master plans for both Montgomery and Frederick counties propose extending the line along the I-270 corridor into Frederick City.

The Baltimore Red Line

The Red Line is a proposed 12-mile, east-west corridor transit line for Baltimore, connecting the areas of Woodlawn, Edmondson Village, West Baltimore, downtown Baltimore, Inner Harbor East, Fells Point, Canton, and the Johns Hopkins Bayview Medical Center Campus. Like the Purple Line,

the Red Line would connect service to Baltimore's existing transit systems. This new line will connect major employment centers such as the Social Security Administration, downtown Baltimore, and the Hopkins Medical Campus.

MARC Growth and Investment Plan

The Maryland Rail Commuter (MARC) shuttles an average of 30,000 riders daily. With ridership increasing, Governor O'Malley has committed to expanding this service to accommodate the projected additional capacity. The MARC Growth and Investment Plan has invested in twenty-six new locomotives with stronger EPA air emissions standards. These new trains will come into operation in early 2009. The Penn Line, which runs from Perryville, Maryland to the Washington, D.C., Union Station, added three new daily trains in February 2008.

Opposition to a Third Bay

Bridge: GOOD

Ideas for a third bridge to span across the Chesapeake Bay began several years ago. Governor O'Malley has opposed a third bridge because the proposed sites for the new bridge are unprepared to shoulder the growth that would come with this addition, nor are there the billions of dollars to fund the infrastructure that will result from this project.



Fisheries & Wildlife

Grade: A

The O'Malley Administration's handling of fish and wildlife issues reflects not only a deeply felt concern for preservation but also a conviction to do the right thing. The governor has actively worked to meet the preservation needs of many critical Maryland species while recognizing the economic needs of the citizens who depend on them.

Oyster Restoration: GOOD

In April 2007, Governor O'Malley signed a bill designed to slow the depletion of Maryland oyster populations and restore them to their natural levels. Now the Department of Natural Resources (DNR) can lease parcels of the floor of the Bay for restoration projects, increase penalties for poaching, and create a task force to explore other innovative solutions. The governor also included \$9 million for the Horn Point Laboratory to build an oyster settling facility.

Diamondback Terrapins: GOOD

In 2007, Governor O'Malley signed a law banning the commercial harvest-

ing of the Diamondback Terrapin and limiting recreational harvesting of these turtles to no more than three per person.

Blue Crab Restoration: GOOD

A variety of factors have contributed to the decline of Maryland's blue crab population, including poor water quality, loss of aquatic vegetation and oyster reefs, over-fishing, and climate change. During the 2008 legislative session, Governor O'Malley fought to include \$3 million in DNR's budget for habitat restoration programs, seafood processing industry grants, and aquaculture development. In April 2008, DNR promulgated rules intended to restore



the blue crab population by reducing the fall 2008 female blue crab harvest by 34 percent. Recognizing the importance of the blue crab to Maryland's ecosystem, economy, and identity, Governor O'Malley joined Virginia Governor Tim Kaine in pushing for solutions to address the watermen's livelihood as well as the health of the crab population. In May 2008, Governor O'Malley joined U.S. Senators Barbara Mikulski and Ben Cardin in asking Commerce Secretary Carlos Gutierrez to declare the declining Chesapeake Bay blue crab fishery eligible for federal disaster relief. If Secretary Gutierrez agrees, the federal government could make \$15 million available to assist watermen while DNR works to increase the crab population enough that it will be safe to resume previous harvesting levels.

Living Shorelines: GOOD

In 2008 the O'Malley Administration helped pass a bill requiring the use of more environmentally sound building methods for stabilizing Maryland's shorelines. Instead of the traditional hard shoreline building methods, which use riprap and bulkheads that damage surrounding habitat, "living shorelines" use techniques that are less invasive to the Bay ecosystem and make use of native plants, sand fill, stone, and other organic materials.



Administration & Appointments

Grade: A

Governor O'Malley has worked to infuse an environmental ethic throughout his Administration, including an unprecedented level of cross-agency cooperation. One example is how the Maryland Energy Administration (MEA) developed an energy plan that encourages synergies between MEA and the Public Service Commission not just on regulation but also conservation. The Maryland Department of Transportation is now looking to integrate transportation and development so more Marylanders can live near where they work and shop. Many state agencies now have energy performance contracts that result in more efficient energy use.

The greatest challenge facing the new O'Malley Administration in January 2007 was the looming structural budget deficit, which created a challenging political climate as many worthy causes competed for fewer dollars. In spite of these obstacles, Governor O'Malley and his Administration have made the environment a priority.

BayStat: **SHOWS PROMISE**

In February 2007, Governor O'Malley signed an executive order creating BayStat, a comprehensive new strategic tool to coordinate Chesapeake Bay cleanup efforts. Working with the Secretaries of Agriculture, Environment, Planning, and Natural Resources, along with researchers from the University of Maryland, the O'Malley Administration aims to have the best science, technology, and information available to assess the progress of bay restoration programs. BayStat is intended to evaluate what works and what does not in an open, transparent way that holds elected and appointed officials accountable to Marylanders. The challenge now is to ensure that the Administration's intent matches the execution and delivers on its potential.

Energy Performance Contracts: **GOOD**

In July 2007, Governor O'Malley announced that he would reinvigorate and expand the Energy Performance Contracts program. Under this program, each state agency hires a company to perform an energy audit of its

building, heating, cooling, and lighting facilities and make changes that result in more energy efficient use. The company then gets compensated a percentage of the amount saved on the energy bill. This program will lead to significant reductions in energy usage and greenhouse gas emissions from state government operations.

Cabinet Appointments: **GOOD**

Maryland Department of the Environment Secretary Shari Wilson
Shari T. Wilson was sworn in by Governor Martin O'Malley as the Secretary of the Maryland Department of the Environment (MDE) in March 2007. Her selection was lauded by many environmental groups that have worked with Secretary Wilson and recognize her as a passionate advocate for sound conservation practices. Secretary Wilson has a diverse and strong background, including serving as Chief Solicitor in the Baltimore City Law Department in Land Use and in the City's Planning Department. She has and continues to play integral roles relating to smart growth, stormwater management, environmental justice, and enforce-

ment. Since Secretary Wilson joined the MDE, enforcement actions have increased by nearly 50 percent. This includes MDE's securing consent decrees from Constellation Energy and Honeywell for toxics found at sites in Crofton and Swann Park.

Department of Natural Resources Secretary John Griffin

Secretary Griffin has returned to the Department of Natural Resources (DNR), where he served during the Glendening Administration. Secretary Griffin continues the vital work of managing Maryland's vast natural resources, including the Chesapeake Bay, 17,000 miles of waterways, nearly 450,000 acres of parks, forests and other public lands, as well as the state's diverse fishery and wildlife species. While previously at DNR, Secretary Griffin implemented such groundbreaking programs as Rural Legacy, a \$500 million program to preserve Maryland's landscapes from development. Griffin also implemented the Green Infrastructure program, a tool to assess statewide land acquisition and preservation efforts, as well as a conservation corps directed at teaching urban youth about natural resources stewardship.

Department of Planning Secretary Richard Hall

The Maryland Department of Planning (MDP) performs an array of vital functions relating to the environment,



and the appointment of Richard Hall as MDP Secretary is a welcome signal that the environmental community's priorities will be reflected by the Administration. In his previous position as MDP's Director of Land Use Planning and Analysis, Secretary Hall led a group of professional planners in reviewing local zoning ordinances, comprehensive plans, annexations, and other planning policies relevant to smart growth. Secretary Hall showed great leadership benefitting local governments and communities by implementing the Priority Funding Area program from the 1997 Smart Growth Act.

Department of Transportation Secretary John Porcari

Having served as the Secretary of the Maryland Department of Transportation (MDOT) during Governor Glendening's Administration, John Porcari's re-appointment is seen as a welcome return for the environmental community. Secretary Porcari's record of accomplishments includes transforming the state's capital program for transportation to require that all projects must be consistent with the principles of smart growth and initiating the Baltimore Regional Transit Plan and the Environmental Impact Study for the Purple Line. While Maryland LCV applauds Secretary Porcari's work to push the Washington, D.C., Purple Line and the Baltimore Red Line, we continue to urge him to withdraw his support for the expensive and environmentally damaging Intercounty Connector.

Critical Areas Commission Chair Margaret McHale

Margaret McHale chairs the Critical Areas Commission, the state agency charged with enforcing the Critical Areas Act. Reforming that landmark piece of legislation became one of the environmental community's highest priorities in 2008, and Chair McHale played a vital role in bringing valuable stakeholders together to forge partner-

ships that made this possible. She also organized trips with Riverkeepers to get a first-hand view of Critical Areas violations. Her input and leadership proved crucial in shaping the compromises necessary to pass the sweeping reform of our state's Critical Areas Law in 2008.

Maryland Energy Administration Director Malcolm Woolf

In July 2007, Governor O'Malley appointed Malcolm Woolf as Director of the Maryland Energy Administration (MEA). Prior to his appointment, Director Woolf worked as Director of the National Governors Association's (NGA) Natural Resources Committee, which helps to mold national policy on energy, the environment, agriculture, and natural resources. He created the NGA's Energy Project to analyze and improve state and federal energy policy. He was also Counsel to the U.S. Senate Environment and Public Works Committee. At MEA, Director Woolf convened the Governor's Energy Summit and authored the Maryland Strategic Energy Plan, which called for increased energy efficiency and renewable energy as a response to Maryland's energy problem. He worked hard to pass the Maryland Strategic Energy Investment Fund, EmPOWER Maryland, and the renewable portfolio standard bills. Director Woolf also organized the donation of the first solar-powered, all-terrain vehicles to Sandy Point State Park and another for the Department of General Services police.



No Child Left Inside: GOOD

Governor O'Malley signed an Executive Order establishing the Maryland Partnership for Children in Nature, a coalition of local, state, private, and non-profit partners tasked with promoting youth learning and health by accelerating environmental education and creating opportunities for outdoor experiences. On April 22, 2008, Governor O'Malley celebrated Earth Day with Congressman John Sarbanes by highlighting their support for the No Child Left Inside Act of 2007. This federal legislation, introduced by Congressman Sarbanes, makes environmental education grants available for student activities and teacher trainings to states that develop state-wide environmental literacy plans.

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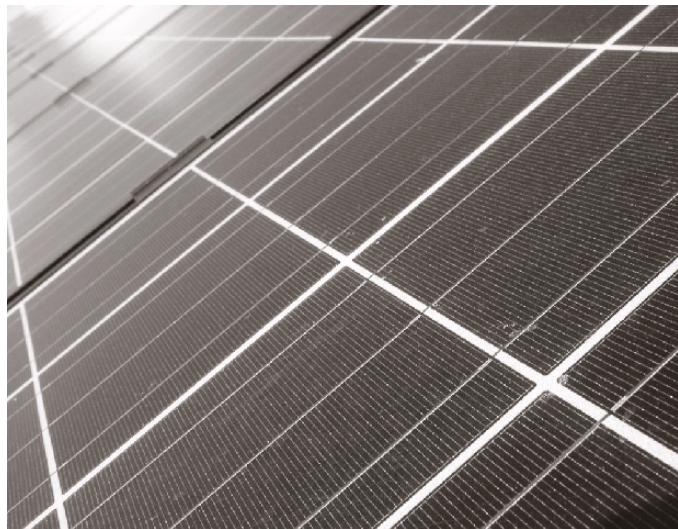
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