



MARYLAND LEAGUE
OF CONSERVATION VOTERS

February 24, 2021

**SUPPORT HB1133: Tree Planting – Urban Trees Program and
Commission for the Innovation and Advancement of Carbon Markets
and Sustainable Tree Plantings**

**Maryland League of
Conservation Voters**

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Dear Chairman Barve and members of the committee,

Maryland League of Conservation Voters strongly supports HB 1133 Tree Planting – Urban Trees Program and Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings and thanks Delegate Bridges for his leadership on this Maryland LCV and environmental community priority legislation.

HB1133 is similar to an important provision of the Climate Solutions Now Act that we support as a legislative priority. We support HB1133 because it would fund the planting 500,000 sustainable native trees in urban and underserved areas. In many cities in Maryland, trees are sparse in underserved areas and some neighborhoods of color. The lack of trees exacerbates social inequities.

Trees provide Marylanders enormous health benefits. Trees and forests across the U.S. absorb 17.4 million tons of air pollutants, preventing 670,000 cases of asthma and other acute respiratory symptoms annually. Trees can help reduce surrounding air temperatures by as much as 9° F. This can significantly reduce heat stroke and hospitalizations due to heat waves that are becoming all too common under climate change. According to American Forests, “In cities nationwide, trees prevent approximately 1,200 heat-related deaths and countless heat-related illnesses annually.” Views of trees reduce stress. Studies show that populations living near forested areas exhibit lower asthma, diabetes, and high blood pressure rates. Urban trees help build stronger communities. Nature and trees provide settings in which relationships grow stronger and violence is reduced.

Our trees, forests, and urban tree canopy is incredibly valuable in terms of cost savings in Maryland. For example, Prince George’s County found that their trees filter 4.3 billion gallons of rainwater per year. The cost to filter this water without them would be \$12.8 billion per year. Those are real costs that the county avoided to comply with its Clean Water Act NPDES permit.

Each tree does so much for Marylanders. Over 20 years, one red maple tree can:

- Save 570 kWh of electricity and 20 MMBtu of fuel for cooling and heating from nearby communities by providing shade and winter wind block
- Remove over 3,000lbs of carbon dioxide
- Catch 27,000 gallons of rain and floodwater
- Stop 4,800 gallons of runoff pollution
- Reduce UV-B exposure by about 50%
- Filter 15 pounds of ozone, nitrogen dioxide, and sulfur dioxide from the air we breathe.

However, not everyone has been able to share in these benefits equally. In Maryland, analysis of demographic and land cover data confirms that low-income communities and communities of color have more impervious surfaces and less tree canopy, on average, than communities that are wealthier and predominantly white. Statewide, the quartile of census tracts with the most non-white residents are 35% impervious on average, whereas the whitest quartile of census tracts is only 13% impervious. The quartile of census tracts with the highest poverty rates have a tree canopy cover of 31% on average, compared to a 50% tree canopy cover in the quartile of census tracts with the lowest poverty rates. In fact, the implementation of green infrastructure including urban trees in Maryland has not been equitable. According to data downloaded from MDE's StormwaterPrint GIS web application, green infrastructure implementation in wealthier and whiter census tracts within Maryland's Phase I MS4 jurisdictions has far outpaced green infrastructure implementation in census tracts with higher poverty rates and non-white populations.

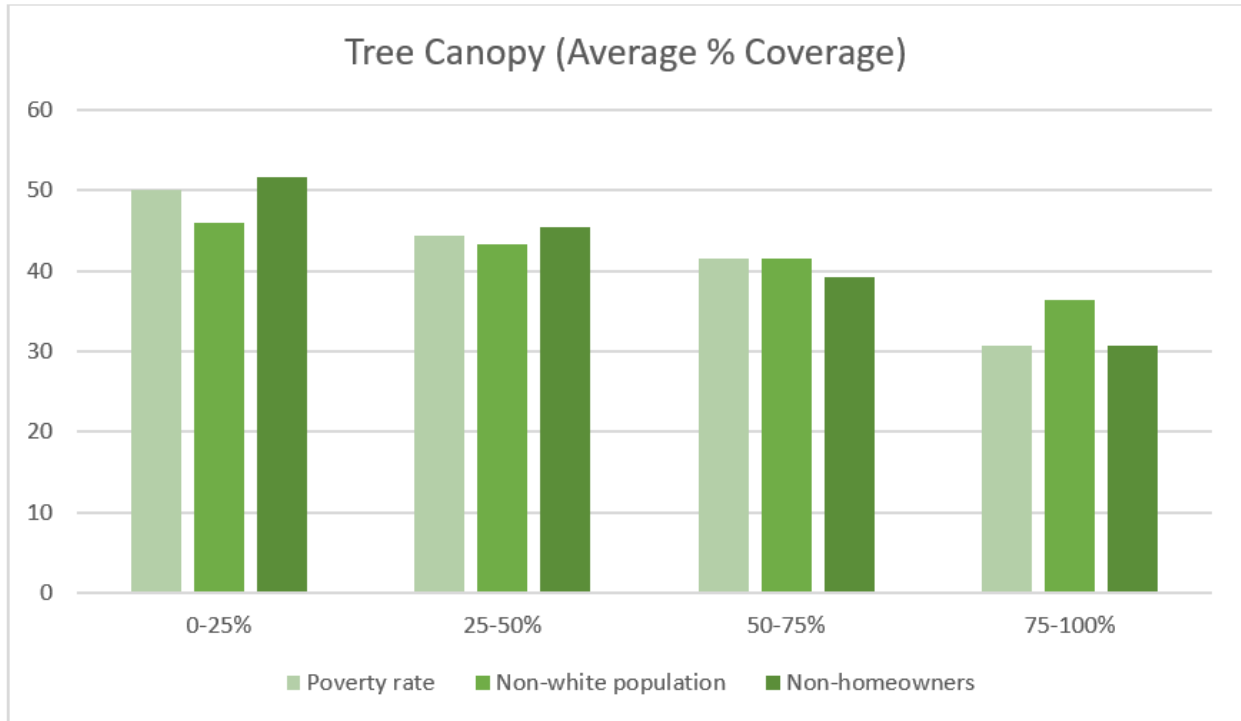


Figure 1: Tree canopy percentages were obtained from the Maryland high-resolution tree canopy data layer developed as part of NASA’s Carbon Monitoring System study.

For public health, racial justice, equity, climate change, clean water, the Chesapeake Bay, and the wellbeing of Marylanders, we support HB1133. Thank you for your consideration of this bill, and if you have any questions, please contact Ben Alexandro, water program director, at balexandro@mdlcv.org.

We strongly urge a favorable report on HB1133.

1. Marylanders and the Bay at risk

One big hurricane could scour out a huge amount of sediment laden with all sorts of pollution that is built up behind the Conowingo dam and send polluted water downstream resulting in significant impacts to the Bay. The dam did not create the sediment, primarily Pennsylvania agriculture did. However, the dam operation does prevent the polluted sediment from going downstream and significantly affecting the health of the river and Bay.

Studies show that the operation of the dam itself is causing some of this scouring and pollutant loading (up to 20% of the pollution coming past the dam in big storm events). A large enough storm could destabilize much of the sediment behind the dam and dump much of it into the Bay. This would not only have negative impacts on the ecosystem of the Bay, but it is also worth noting that according to [Maryland EJScreen Mapper](#), the area just below the dam in Harve de Grace and Perryville is an environmental justice hotspot. These already

overburdened communities would feel the disproportionate impacts of pollution going through the dam.

Under the Clean Water Act and Maryland state law, a federal permit to any facility that discharges to navigable waters may not be issued unless the state certifies that the activity does not violate state water quality standards or limitations. The dam is not meeting water quality standards and therefore, should not receive a permit.

2. Loss of billions of dollars

The settlement only requires Exelon pay \$200 million over nearly 50 years. However, much of the work these funds would be applied is already underway and has nothing to do with water quality. In fact, only about \$61 million in cash payments, or about \$1.2 million worth of pollution reduction per year, would be required. Studies show that the actual cost of meaningfully reducing the nutrients and sediment behind the dam has been estimated at approximately \$41 – \$172 million each year. While the financing to address the sediment pollution at the Conowingo Dam is currently being discussed, at this point in time, the state should not agree for the next 50 years that Exelon's obligations are limited to approximately 1% of the financial needs.

3. Disastrous 'fine print'

3.6 SRBC, Conowingo WIP, Chesapeake Bay TMDL, and Similar Proceedings (a) Collateral Proceedings states: *"As part of this Settlement Agreement and throughout its Term, MDE agrees that it shall not seek to impose upon Exelon, as part of (1) any SRBC proceeding, the Conowingo Watershed Implementation Plan (or "Conowingo WIP"), the Chesapeake Bay TMDL or any proceedings related thereto including proceedings of the Chesapeake Bay Program partnership (each, a "Collateral Proceeding"), or (2) any NPDES permit for the Dam, any State Discharge Permit for the Dam, any modification of the New License throughout its Term, any new CWA Section 401 water quality certification issued in connection with a federal permit requirement for any construction related to the FERC Relicensing Proceeding, or any similar proceedings"* This language means that under the settlement, Maryland would agree to not make the WIP or the NPDES permit stronger for nearly 50 years. Conowingo desperately needs a stronger WIP and NPDES permit if we want to reach our 2025 goals to restore the Bay and keep it healthy for years beyond. **"MDE agrees that it shall not seek to impose upon Exelon" any additional requirements under these provisions even if it becomes apparent during the dam's 50-year license that additional requirements are necessary to assure compliance with the Clean Water Act and/or water quality standards.**

NPDES Permit: Under the settlement, MDE could not put in place a more stringent permit than what the current permit requires and the current NPDES Clean Water Act permit is woefully inadequate. Under the current NPDES permit, that would essentially remain in effect under this settlement, 398.41 pounds of sediment would be permitted to be discharged

per day on average.¹ ‘Emergency releases’ would also be allowed. So, this allows all those litter filled dam releases we see summer after summer and could lead to increasingly devastating problems in the future. The fact we see this release happen time and time again shows that the underlying controls are inadequate. The permit also does not address a lot of issues such as possible catastrophic scouring, effects on fish populations, and effects that changes in flow rates have downstream.

Conowingo Watershed Implementation Plan: Under the proposed settlement, Maryland would not be able to significantly improve the Conowingo Watershed Implementation Plan (CWIP). The current CWIP has no plan to address the millions of pounds of sediment behind the dam. It does not require enough best management practices to mitigate the influx of pollution coming down to the Bay from upstream, and it does not hold Exelon financially accountable for cleaning up the pollution. The CWIP goals that are laid out cannot be performed without sufficient funding. Finally, because no feasible funding source was identified for the CWIP, the nitrogen, phosphorus, and sediment loads at the dam will need to be allocated among the other states if this plan falls through. In terms of both funding and additional loads, officials from Bay partner states have already sounded their concerns over the inequity of this approach. HB 427 would help Maryland from having to rely on vague cleanup plans and inequitable offsets.

Conclusion:

HB 427 is a bi-partisan bill that will prevent Maryland from entering into a settlement agreement that waives the state's authority under Section 401 of the Clean Water Act and jeopardizes the state's clean-up efforts for the next 50 years. **For all the above reasons, Maryland League of Conservation Voters urges a favorable report of SB 427.**

If you have any questions, please email Water Program Director Ben Alexandro at balexandro@mdlcv.org.

¹A monthly average of 30mg/L and daily maximum of 45mg/L of suspended solids. Average design flow is 47.74 MDG (MDG= Millions of Gallons per day). Since 1mg/L is 8.3454e-6 gallons, that means 398.41 pounds of sediment permitted to be discharged per day on average equating to 145,519 pounds of sediment permitted per year legally to be discharged.

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Documents/ExelonMD/FERC/Conowingo-Vol1-Public.pdf#page=180&zoom=100,249,344>