



MARYLAND  
GREEN BUILDING COUNCIL  
2008 ANNUAL REPORT



Presented to  
Governor Martin O'Malley  
and  
The Maryland General Assembly

November 1, 2008

### **COVER DRAWING:**

Pharmacy Hall Addition at the University of Maryland School of Pharmacy is a \$67 million, seven-story, 112,565 square-foot education and research building equipped with \$17 million in scientific and information technology equipment and furniture. It will include lecture halls wired for computers and distance-learning technology, a new patient interaction laboratory, and four floors of space dedicated to clinical and translational research in pharmacogenetics, nanomedicine, and drug discovery. It will be an addition to the existing, 25-year-old Pharmacy Hall. The addition is scheduled to open in the fall of 2010.

Primary LEED-related activities include innovative, energy efficient design, extensive natural lighting, and furniture and building finishes made from renewable materials.

Additionally, construction waste management and recycling with the goal of diverting 50-75% of non-hazardous construction and demolition waste from disposal, to redirect recyclable materials back into the manufacturing stream, and to redirect reusable materials to appropriate sites. The recycled materials include concrete, plastic, brick, acoustic tile, glass, carpet, insulation, and gypsum wall board.

Drawing courtesy: University of Maryland, Baltimore  
Ellenzweig and Richter Cornbrooks Gribble, Inc. Architects

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MARYLAND DEPARTMENT OF GENERAL SERVICES  
OFFICE OF THE SECRETARY

November 1, 2008

The Honorable Martin O'Malley  
Governor of Maryland

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate

The Honorable Michael E. Busch  
Speaker of the House of Delegates

The Honorable Members of the General  
Assembly of Maryland

Re: Maryland Green Building Council Annual Report

Ladies and Gentlemen:

The Maryland Green Building Council, created by Chapters 115 and 116 of the 2007 Laws of Maryland, is privileged to submit to you its second Annual Report.

In your charge to the Council, you asked that we make recommendations for the implementation plan for a State higher performance building program. With the submission of its first Annual Report on January 14, 2008, the Maryland Green Building Council met this challenge and requested the passage of legislation to implement its recommendations. You responded by passing Senate Bill 208 which was signed into law as Chapter 124 of the Annotated Code of Maryland and took effect on July 1, 2008.

Under the provisions of the law, all new or significantly renovated, fully-funded or owned State buildings over 7,500 square feet must achieve at least a Silver rating as determined by the US Green Building Council Leadership in Energy and Environmental Design. While the statute exempts certain structures, primarily unoccupied buildings, it clearly states the intent to employ green building technologies in the construction or renovation of all State buildings to the extent practicable. Additionally, the Department of Budget and Management and the Department of General Services are directed to jointly establish a waiver process for capital projects deemed unsuited for meeting the proposed high performance building standards. Finally, the law provides an avenue for additional State funding for the design and construction of high efficiency green schools.

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Maryland Green Building Council

By passing this legislation in its original form without amendments, it was evident that you approved of the Maryland Green Building Council's efforts to accomplish the tasks described in the statute that led to its establishment. There were three areas, however, that the Council felt needed additional attention: (1) clarification of the waiver process; (2) evaluation of green building rating systems; and, (3) recommendations for any future activities of the Council. Workgroups were established to fully review these items and the details of their deliberations have been included in this report.

Of particular importance are the recommendations of the workgroup that considered the future activities of the Council. At this point, the Council has accomplished its original purpose: evaluating and recommending a high performance building program for state facilities. Any additional activities besides annually reporting on the implementation of this program would likely require additional legislation expanding the Council's authority for involvement. In reviewing the possibilities for future activities, the workgroup considered the recommendations of the defunct Maryland Green Building Task Force and sections of the Climate Action Plan prepared by the Maryland Commission on Climate Change. While opportunities for additional attention appear virtually limitless, there was general agreement among members that the Council should continue its efforts exclusively dealing with high performance building, that the Council should remain advisory only, and that under no circumstances should its activities require the expenditure of additional State funds.

The Members of the Council are dedicated to its mission and greatly appreciate the opportunity you have afforded them to serve our State. We hope that our efforts have benefited our citizens and will continue to benefit them in the future.

Respectfully submitted,

Albert Winchester III, Chairman  
Maryland Green Building Council



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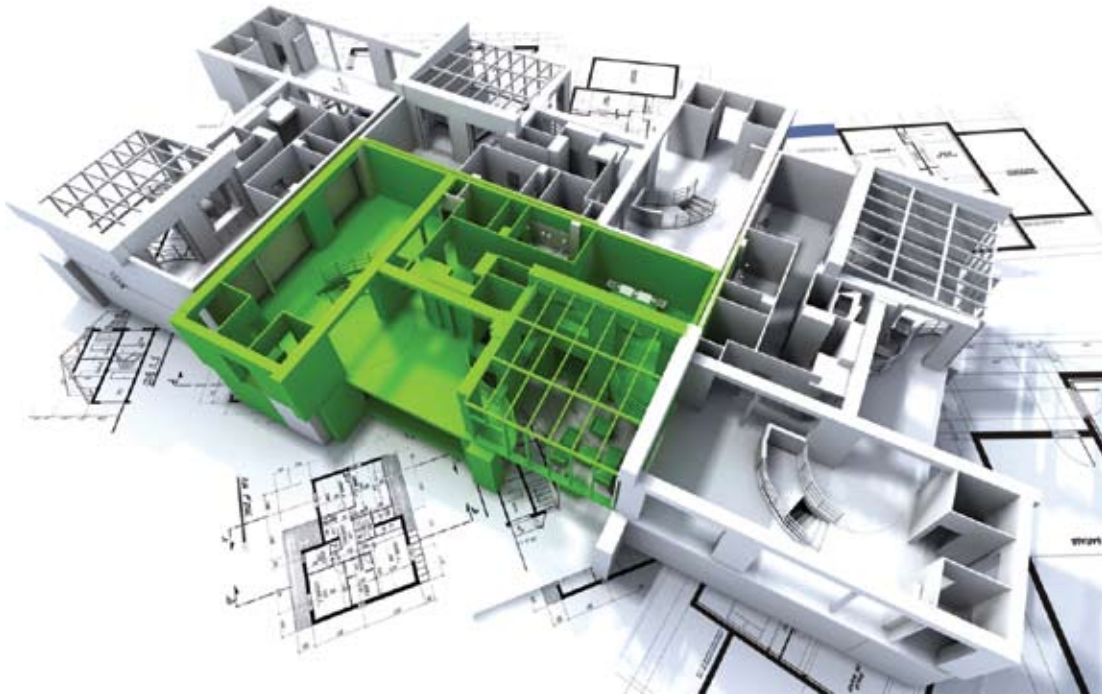


## EXECUTIVE SUMMARY

On April 24, 2007, Governor Martin O'Malley signed House Bill 942 – Section 4-809 of the State Finance and Procurement Article – entitled “Maryland Green Building Council.” This law re-established the Maryland Green Building Council (the Council) in the Department of General Services (DGS), providing for private sector membership, State agency membership and assistance and staffing by the DGS.

**To that end, the Council was charged with the following tasks:**

- Task 1. Evaluate Current High Performance Building Technologies*
- Task 2. Provide recommendations for cost effective green building technologies that the State might consider requiring in the construction of State facilities*
- Task 3. Develop a list of building types for which green building technologies should not be applied; consider a waiver process where appropriate*
- Task 4. Report to the Governor and the General Assembly on a yearly basis as to recommendations for the implementation plan for a state higher performance building program and any progress that has been made during the preceding year.*





Six private sector members and designees from ten State departments and agencies were selected in September 2007 and met for the first time on October 26, 2007. Based on recommendations from the Maryland Green Building Council's 2007 Annual Report, Senate Bill (SB) 208 was signed into law as Chapter 124 of the Annotated Code of Maryland by Governor Martin O'Malley on April 24, 2008.



**SB 208 Bill Signing:** Governor Martin O'Malley signs Senate Bill 208. (Seated left to right) Secretary of the Senate William B.C. Addison, Jr., Lt. Governor Anthony G. Brown, Senate President Thomas V. Mike Miller, Governor O'Malley, House Speaker Michael E. Busch and Sylvia Siegert, Journal Clerk for the House of Delegates. (Standing left to right) David Pratt\*, Donna Fletcher, Kevin Hughes, Sean McGuire\*, Stephen Gilliss, Chad Clapsaddle\*, Mark Bundy\*, Delegate William Bonrott, Delegate Guy Guzzone, DGS Secretary Alvin Collins\*, Stephen Pattison\*, Denise Watkins\*, Green Building Council Chair Albert "Buz" Winchester, III, Delegate Dan Morhaim, Dan Baldwin\*, Joan Cadden, Carolyn Varney-Alvarado\*, and Anja Caldwell\*. (\*Green Building Council members)

The law requires all new or substantially renovated buildings, 7,500 gross square feet (gsf) and larger, to meet the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED™) Silver rating or better. An additional 2% total investment in the design and construction appropriation for high performance buildings to accommodate anticipated front end costs would apply only to buildings that are fully State funded or owned and are "occupied" buildings (starting with buildings funded for design beginning in FY 2009). Warehouses, garages, maintenance facilities, and other similar building types would be exempt from the requirement; however, the use of green building strategies would be encouraged. State agencies should be able to apply for a waiver by providing a detailed explanation to the Council that demonstrates why a proposed project should not meet the program requirements. The law also includes provisions for partially State funded school buildings to receive additional funding to provide for the design and construction for high efficiency green schools.

The Council also recommended that it not evaluate or recommend specific high performance technologies at this time, but rather allow design professionals to use a free market approach to design, employing the technologies deemed appropriate for each specific project.



For 2008, the Maryland Green Building Council met on April 22, 2008, to establish topics to consider for the continuing development of the State High Performance Green Building Program. These topics included:

- Task 1. Report on the progress of the State High Performance Building Program*
- Task 2. Clarify the waiver process for projects for which these requirements may not be appropriate*
- Task 3. Develop criteria for evaluating alternative green building ratings systems*
- Task 4. Develop recommendations for future areas of study by the Council which would support and encourage High Performance Building in Maryland*

### **Progress of the State High Performance Green Building Program**

As a result of the passage of SB 208, nine new fully state funded capital projects totaling 1,387,593 gsf and costing approximately \$704.3 million shall be designed as High Performance Buildings. These projects are located in Allegany, Anne Arundel, Dorchester, and Prince George's Counties and Baltimore City. They include a major renovation project, a visitor center and museum, detention facilities, and higher education facilities for law, business, pharmacy and the physical sciences.

Public school buildings to be constructed as High Performance Schools under Chapter 124 will not be identified until later this year or in 2009. Since schools that have requested for planning approval this year most likely won't be funded to meet the high performance requirement until FY 2010, only a small number of requests for the additional State funding available in FY 2010 is expected.

### **Clarification of the Waiver Process**

Waiver requests shall be submitted at the same time as the proposed project's Part I program and will be granted only on demonstration of substantial cause and if the applicant can demonstrate that meeting the requirements of the Program interferes with the mission or the functionality of the project. Cost will not be considered as a reason to waive the requirements of the Program. Parties requesting waivers shall propose alternatives to the specific areas that cannot be met and demonstrate that all other resources have been sought to meet the Program requirements. The Council shall evaluate the waiver request and recommend approval or non-approval in writing to DGS within 30 days of receipt.

Waivers for public schools subject to SB 208 shall be considered under separate instructions as developed by the Interagency Committee on School Construction.



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## **Green Building Rating Systems Criteria**

The Council initially chose and continues to support the USGBC LEED Green Building Rating System as the standard by which the State's buildings are to be measured for performance. As stated in the Council's 2007 Annual Report, LEED is the most recognized and utilized third party verification system in use worldwide. With the emergence of other high performance rating systems, at least one of which has been selected for use alongside the LEED system by other jurisdictions, the Council thought it important to identify criteria by which other systems could be evaluated as part of the State's High Performance Green Building Program.

The Council found that, in order to qualify for use in the Program, ratings systems must be easy to administer, easily measurable, accountable, flexible and sustainable. The Council would review other systems upon their organization's request and provide a recommendation to the Secretary of the Department of General Services for a final decision. In the event that more than one system is recognized by the Council and accepted for use in the Program, the final determination of which system is actually used for any particular project would be made by the project design team.

## **Future Activities of the Maryland Green Building Council**

As the high performance building movement gains momentum in both the public and private arena, the Council believes that there are a number of ideas that it can study and recommend to encourage these efforts. A number of these would be a continuation of the work and final recommendations of the Green Building Task Force and in support of the Climate Action Plan, which was recently completed by the Maryland Commission on Climate Change.

Some of the initial areas of study considered by the Council include expanding the requirements to partially state funded projects, certain private projects and state leased properties, recommending programs to increase awareness of high performance building technologies and benefits in Maryland and systematically upgrading the State's stock of existing buildings to improve energy efficiency, operation, and maintenance. The Council is also interested in exploring creative ways to make currently exempt building types meet higher performance standards and studying incentives for the use of specific high performance building technologies in public and private markets.

The Council respectfully requests the approval of the Governor and General Assembly to more broadly interpret its mission to make "recommendations for the implementation plan for a state higher performance building program" to include these areas of study.



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## INTRODUCTION

With Senate Bill (SB) 208 signed into law on April 22, 2008, the Maryland Green Building Council met to discuss an agenda of work for 2008. By law the Council would be required to report on the progress made in the previous year in the implementation of the State High Performance Green Building Program. In addition, the Council agreed that one of its original tasks, the development and implementation of a waiver process, had not been fully realized. The Council also recognized that the LEED system selected for use continues to evolve and change and, also, that additional competing green building rating products are being developed and recognized by other jurisdictions nationwide. To that end, the Council decided that criteria and standards for selection and use of rating systems should be developed. Finally, the Council felt that in the spirit of Chapter 116 of the Annotated Code of Maryland to report annually on “Recommendations for the Implementation Plan for a State Higher Performance Building Program,” it should discuss, deliberate, and recommend strategies to further the cause of Green Building in Maryland.

With this agenda in hand, the Council worked throughout the summer of 2008 in subcommittees to complete these tasks.





## PROGRESS OF THE STATE HIGH PERFORMANCE GREEN BUILDING PROGRAM

The State's original pilot projects, Goodpaster Hall at St. Mary's College and the Hammerman Beach Services Building at Gunpowder State Park completed their first season of use. LEED certification for both projects is still pending. Chip Jackson, Associate Vice President of Planning and Facilities at St. Mary's College, reports that Goodpaster Hall "is a terrific project and we are still glowing about it." The building "has been a huge success not only in its green components, but as a catalyst for further commitment to environmental stewardship." St. Mary's students voted to tax themselves by increasing the fees they pay the College, allowing for the purchase of renewable energy credits for 100% of the entire campus's electric use. Students also donated \$65,000 to the College to install a geothermal heat pump system at the River Center, which reduces electric usage by 40-50%. Goodpaster Hall is also used to hold sustainability meetings and host speakers on sustainability topics.



Goodpaster Hall

The Council also recognizes The University System of Maryland's (USM) Camille Kendall Academic Center, Shady Grove, which completes its first full year of occupancy in November 2008 and is another success story. The 192,000 square-foot Camille Kendall Academic Center at the Universities at Shady Grove (USG) in Montgomery County is the largest "green" higher education building in the State of Maryland and one of the first USM buildings to achieve a LEED Gold certification. The building's "green" features include roof gardens, an energy-conserving HVAC and water system, recycled building materials, and the use of sustainable materials such as wheat board, bamboo flooring, and banana fiber tables. The Kendall Center was named "Public Building of the Year" by the American Institute of Architects (AIA) of Maryland. In June, 2008, it was honored as the "Best Green Building" by the National Association of Industrial & Office Parks (NAIOP).

For Fiscal Year (FY) 2009, eight new fully state funded capital projects qualified to be designed as High Performance Green Buildings. These proposed projects, totaling approximately 1,387,000 gross square feet (gsf) and costing approximately \$704.3 million are located in Allegany, Anne Arundel, Dorchester and Prince George's Counties and Baltimore City. The proposed projects include an interesting mix of building types including a major renovation project, detention facilities, and higher education facilities for law, business, pharmacy and the physical sciences. In addition to these projects, the Department of Natural Resources (DNR) is beginning design in FY 2009 on a partially federally funded interpretive center in Dorchester County to be designed to a minimum LEED Silver level.



- Alterations and renovations to the Lowe House Office Building in Annapolis is a project of the Department of General Services (DGS). Proposed improvements include upgrading electrical and HVAC systems, integrating the fire alarm system with the recent new addition, replacing the roof, abating asbestos and making other life, safety, and code improvements. This project



Lowe House Office Building

encompasses 83,900 gsf and is estimated to cost \$6,497,000. This project is unique in that it will be the State's first green renovation project and will utilize the LEED for Existing Buildings (EB) rating system. The architecture and engineering (A/E) selection process is scheduled to begin this fall.

- Morgan State University proposes to construct a new School of Business Complex at the Northwood Shopping Center. The complex will house the School of Business and Management, including the Hospitality Management program. The Complex will include classrooms, laboratories, faculty offices, conference/meeting rooms, and technical support areas. The facility replaces obsolete space in McMechen Hall which is over 30 years old. The project totals approximately 145,800 gross square feet at an estimated cost of \$82,900,000.
- The first of three proposed projects of The Department of Public Safety and Correctional Services is the 25,932 gsf vocational education building for inmates from the Western Correctional Institution and adjacent North Branch Correctional Institution in Allegany County. The facility will include space for classrooms, laboratories, computer labs, office /clerical, maintenance, and equipment and storage areas. The facility will reduce inmate idleness, as well as enable inmates to re-enter society better equipped to succeed. The project's cost is \$14,749,000 and the A/E design team selection has been initiated for this project.
- The new Women's Detention Center (WDC), located at the Baltimore Detention Center, will house 800 inmates and provide space for reception and court transfer, sleeping, dining, education, training, recreation, counseling, medical and mental health services, and visitation. The new facility consolidates these functions in one new facility to provide complete separation from the male population. The project totals 458,069 gsf at a cost of approximately \$176,250,000. This will be the first of two green detention-type facilities to be constructed under the High Performance Green Building Program.
- The second or concurrent detention-type facility to be constructed under the High Performance Green Building Program is the proposed Youth Detention Facility. The





program includes inmate housing, educational services, administration, program services (counseling, drug treatment, etc.), visitation, medical, recreation, and food services space for 180 youths who have been charged as adults. The facility will consolidate all of these functions in one facility to provide complete separation from the adult population. The project totals 214,580 gsf and is estimated to cost \$103,850,000. The A/E design team selection process is nearing completion for this project.

- The University System of Maryland (USM) proposes to construct three new facilities under the High Performance Green Building Program. The first of these is a new Law School at the University of Baltimore located in Baltimore City to accommodate growing enrollment and changes in instructional methods. The new facility will also allow the school to locate its nationally recognized law clinic programs in one centralized location facilitating the integration of clinicians and non-clinical faculty. The project will create 189,700 gsf at an estimated cost of \$107,233,000.

- The second USM project proposes to construct an addition to and renovate Pharmacy Hall at the University of Maryland Baltimore Campus to provide additional classrooms, laboratories, office, and study space. The addition is needed to accommodate an enrollment increase at the School of Pharmacy and to expand its research activities and will be the focus of the



Pharmacy Hall Addition

LEED certification activity. The project will allow the School of Pharmacy to expand its current enrollment by 82% and partially address the State's shortage of trained pharmacists. This project is currently in the early stages of construction including excavation and demolition. During this current work, the primary LEED-related activities include construction waste management and recycling with the goal of diverting 50-75% of non-hazardous construction and demolition waste from disposal, to redirect recyclable materials back into the manufacturing stream, and to redirect reusable materials to appropriate sites. The recycled materials include concrete, plastic, brick, acoustic tile, glass, carpet, insulation, and gypsum wall board. The project will involve 112,565 gsf at a cost of \$78,027,000.

- The final project of the USM is the construction of Phase I (142,400 gsf) of the new Physical Sciences Complex on the College Park Campus to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology (IPST). The new building will be completed in three phases. Most of the units to be housed in the new building



currently occupy three aged, dilapidated, and obsolete buildings. The project's estimated cost is \$120,600,000.

- The Department of Natural Resources (DNR) has recently initiated fee negotiations with an architectural firm for the design of the Harriet Tubman Underground Railroad State Park in Dorchester County. The project's main feature is a 15,000 gross square foot interpretive visitor center featuring an exhibit space, orientation film theatre, library, gift shop and multipurpose meeting space. The park will also include a memorial garden, walking paths and trails, a picnic pavilion and an information kiosk. The current estimated cost for the project is \$14,200,000.

These differing building types provide an excellent testing ground for the High Performance Green Building Program and may offer greater insights to facilitate the refinement of the program in the future. The different projects will also allow a diverse group of people, including legislators and their staffs, male and female adult inmates, incarcerated youths, students, faculty, and the general public, to participate in and experience the benefits of saving the State's natural resources, experiencing the comfort of energy efficient State buildings, and enjoying the health benefits of improved indoor environments.

Chapter 124 of the State of Maryland annotated code also included provisions for the construction of high performance green schools. The Interagency Committee on School Construction has developed guidelines for application and waivers to fit within its own approval and funding process; however, Chapter 124 is limited in FY 2009 since "for FY 2010 through FY 2014 only, the State shall pay 50% of the local share of the extra costs, identified and approved by the interagency committee, that are incurred in constructing a new school to meet the high performance building requirements of this section." Without the additional funding to be provided by the State, which is delayed until FY 2010, it is anticipated that few requests for high performance schools will be received this year.



## CLARIFICATION OF THE WAIVER PROCESS

A subcommittee of the Maryland Green Building Council (Council) worked through the summer to provide clarification of a waiver process for projects which for various reasons may not be able to achieve the LEED Silver goal of the High Performance Green Building Program (Program). The group worked to define the nature of a waiver, developed criteria for qualifying for a waiver and reviewed the process for applying for a waiver. It was generally felt that the waiver qualification and process should not be made too easy, thus inviting Using Agencies to apply. Overall, the process has not changed markedly from that introduced in the original Program; however, the process now clearly requires the applicant to explore alternatives. To date, no requests for waivers have been received for FY 2009 projects and none are anticipated.

Definition: A state agency may apply for a waiver from meeting the full requirements for a LEED Silver rating under the Program or, in the case of a particular hardship, a specific technical requirement of the Program. In the application, the applicant must indicate why the project cannot meet the Program requirements and offer a proposed alternative to meet the requirements of the Program as closely as possible. The waiver, however, should not totally relieve the applicant from utilizing sustainable building practices. In the event that a waiver is granted, the agency developing the project shall make every effort to employ green building strategies and report these efforts to the Council, which in turn shall report to the Governor and General Assembly.

Qualification: The Council recommends that excessive cost attributed to meeting the requirements of the Program may not be used as the sole reason for requesting a waiver and that this shall be stated specifically in the waiver section of the Program. High performance elements should, by the nature of the design process used, be integral to the design of the project just as the structure of the building is integral to the design. Adequate additional funding has been provided for meeting the requirements of the Program. This should not, however, open the door to runaway costs because the Department of Budget and Management (DBM) shall vet the project's budget, including high performance costs in the usual process. The exclusion of cost as a qualification for waiver is also in line with The Interagency Committee on School Construction's "High Performance Schools" draft procedure, which states that "Additional costs involved in achieving high performance certification will not be accepted as a cause for granting a waiver."

The Council recommends that the primary qualification for the granting of a full or partial waiver shall be the demonstration of substantial cause that meeting the overall or specific requirements of the Program interferes with the primary mission or the functionality of the project. As part of the review of a waiver application, the Council shall also make its expertise available to the requesting agency for consultation for the purposes of developing creative solutions to help meet the requirements of the Program.

Process: The waiver application shall include the applicant's name, the name and address of the project and contact information. The application shall include a letter (two-page maximum) identifying: 1) why the proposed project cannot meet the Program requirements, 2) proposed alternatives to the specific areas that cannot be met, and 3) demonstration that all other resources have been sought to meet the Program requirements.



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The waiver application shall be submitted as part of the Part I building program submission to the Department of Budget and Management (DBM) and shall at the same time be submitted in electronic format (MS Word or PDF format for distribution to the Council) to the Maryland Green Building Council in care of the Department of General Services at:

**Maryland Green Building Council – Waiver Application**  
**c/o Department of General Services – Office of the Secretary**  
**301 Preston Street – Room 1401**  
**Baltimore, Maryland 21201**  
**(410) 767-4938**  
**[MDGreenBldgs@dgs.state.md.us](mailto:MDGreenBldgs@dgs.state.md.us)**

The Council shall evaluate the waiver request and recommend approval or non- approval within 30 days of receipt in writing to the Secretaries of DGS, DBM, and the Maryland Department of Transportation (MDOT) in accordance with Chapter 124. The final decision shall be made by the Departments' Secretaries.



## GREEN BUILDING RATING SYSTEMS EVALUATION CRITERIA

Background: During the initial efforts of the Maryland Green Building Council (the Council) the need for a system of metrics for building performance was recognized. After reviewing several existing third-party green building rating systems, the Council chose the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Green Building Rating System. As stated in the Council's 2007 Annual Report, LEED is the most recognized and utilized third party verification system in use worldwide. The system is flexible and non-prescriptive since it encourages the design process to identify the best strategies for each project. Most importantly, LEED has an in-place third party review process that will require no State oversight or creation of new bureaucratic structure.

As the green building movement continues to grow and mature, new programs and rating systems will be developed that provide alternatives to evaluating a project's "greenness." To ensure that the Council is using the best available system(s), a set of criteria needed to be developed that could be used by the Council to evaluate alternative rating systems. This is needed to determine if these alternative rating systems would help the State achieve the objectives of the High Performance Green Building Program (Program) as well as or better than LEED. These criteria need to establish the benchmarks for what the Council wants in a green building rating system and how well they support a set of goals for the Program. During the summer of 2008, a subcommittee of the Council addressed the issue of sustainable building rating systems. Its task was to develop a set of criteria or benchmarks by which the Council could evaluate other emerging rating systems for use in achieving the goals of the Program.

Deliberations: The Council needs to be able to compare any rating system against a set of standards. Thus, the subcommittee's goal was not to review and evaluate any particular system(s), but rather to develop the criteria by which any system could be evaluated. These criteria were not to be technical standards. They were to be qualitative standards that represent the attributes of the ratings system and their benefits to the state. Two documents were used in the development of these criteria: 1) the American Institute of Architects (AIA) 2005 Position Statement on Sustainable Rating Systems, and 2) the "Sustainable Building Rating Systems Summary" by the Department of Energy (DOE) Pacific Northwest National Laboratory (PNNL), July 2006. As noted in the PNNL report, "...sustainable building rating systems are defined as tools that examine the performance or expected performance of a 'whole building' and translate that examination into an overall assessment that allows for comparison against other buildings. For a rating system to add value to the sustainable design and/or operation of a building, it must offer a credible, consistent basis for comparison, evaluate relevant technical aspects of sustainable design, and not be over-burdensome to implement and communicate." These concepts were used as the foundation for developing the review criteria.

The criteria have been divided into several categories. These categories represent goals for the Program. They represent what the Program hopes to achieve and how building green will benefit the State. There are no points attached to each category, they are all of equal value and should be considered in total. They are to provide the Council the means to evaluate rating systems relative to how well the system meets and supports the goals of the Program.



*Administrative* - This category relates to both the requirements of the State in administering the rating system and how the rating system itself is to be administered. It must not cause any new administrative burden (staff or fiscal) to the State. It must support, or at least not conflict with, other State programs and initiatives such as Smart Growth and the Chesapeake Bay restoration efforts. There are several other State initiatives that currently have incorporated green building requirements. It is essential that any other rating system not conflict with these existing programs. The system must also provide training, education and outreach, and testing. There must be an educational component that provides training for building professionals in green building, testing for competency, and outreach to the general public about values and availability of green buildings. These efforts should not create a financial responsibility or burden to the State, but be incorporated into the administration and costs of the rating system.

Criteria:

- Demonstrate that the system does not require any additional administrative support by the State. (Low or no new State administrative burden).
- Demonstrate that their certification process is compatible with other existing State initiatives (such as tax credits) that use a green building rating system.
- Demonstrate that training, education and outreach for their standards are provided to the building industry and the general public. Indicate the availability and frequency of the training and outreach opportunities and the availability of technical support from providers of the rating system.
- Demonstrate having broad, diverse involvement of government, private industry, and non-government organizations (environmental and other interest groups) represented in the development of the rating system.
- Demonstrate the availability and responsiveness of direct requests for assistance, and usability of information on their Web site along with documented case studies and useful FAQs.
- Describe the process for self-evaluation of the rating system and for product maturity (process for updates and changes to the rating system).

*Measurability* - The system must be verifiable. It is not sufficient to say that a system was installed or that the model indicated a level of efficiency. There must be rigorous industry accepted tests and protocols conducted and verified by third parties that demonstrate the results. There are too many instances of systems that were supposed to have been installed that in fact were not or parts of systems that were installed incorrectly. The system needs to have a standardized, verifiable system for documenting sustainable design-related performance. Building commissioning is an example of this.

Criteria:

- Demonstrate that the system uses industry-accepted methods or benchmarks to demonstrate meeting performance standards (commissioning, etc.).
- Demonstrate they require compliance to be verified by independent third party.
- Demonstrate that standardized data and information collection procedures have been established.
- Demonstrate that numeric measurements are required to evaluate absolute and relative performance.
- Identify what system is used for verifying sustainable design practices for a particular



application, including who evaluates the application and at what level of detail they review the application.

- Identify what type of documentation is required and at what stages of the project it will be collected.

*Accountability* - There needs to be some standard measure by which the competence in green building concepts and technology can be demonstrated for both the professionals involved and the rating system itself. The professionals must undergo some rigorous testing to demonstrate their level of knowledge and expertise in green building and sustainable design. This testing should be administered by a third party organization that has been peer reviewed and is accepted by the industry as credible. The process for certification must be administered in a manner that is transparent to the public. The rating system itself must also demonstrate that it embraces all aspects of sustainable development and that it has general acceptance by the building industry. This does not imply that everyone must accept the system, but it must utilize technologies and practices that are standard to the industry and have been generally accepted as appropriate sustainable technologies and protocols. Lastly, the certification process must contain a peer review component.

Criteria:

- Demonstrate having broad, diverse involvement of government, private industry, and non-government organizations (environmental and other interest groups) represented in the development of the rating system.
- Demonstrate how the system achieved acceptance within the design and construction community.
- Demonstrate that the training and educational materials reflect industry standards in sustainable building technology.
- Demonstrate that the system requires industry accepted third party certification.
- Describe how the rating system addresses the key sustainable design characteristics that are emphasized in the High Performance Building Program:
  - o Light Pollution Reduction
  - o Water Use Reduction
  - o Optimize Energy Performance
  - o Construction Waste Management
  - o Low Volatile Organic Compounds (VOC) Emitting Materials
- Demonstrate how the certification process was peer reviewed.
- Indicate required documents of actual building energy and operational performance.

*Flexibility* - There is no one way to build green. For any given project, green building can be achieved in a variety of ways. Any green building rating system used by the State must provide options within major categories to meet certification requirements. While most rating systems have this menu system of options, there must be requirements for a high level of environmental standards and a broad commitment to general sustainability.



Criteria:

- Demonstrate that the system provides alternative approaches to achieving the different levels of certification.
- Identify the requirements in the rating systems that support high standards of environmental protection and sustainability.

*Sustainability* - While all aspects of sustainability are important, some are more important to sustaining the economics of the work place. Energy efficiency provides great savings to the State. From a life cycle perspective, these savings make building green cost effective. Better indoor environmental quality is equally important to the economic of the work place. Studies have shown that workers in green offices have less absenteeism and increased productivity. This means a greener bottom line for the office. These issues should be highlighted in any rating system.

Criteria:

- Demonstrate how the system addresses all of the primary areas of sustainable development – siting, energy use, water use, indoor environmental quality, and materials selection.
- Identify any other sustainable concepts that are integral to the system, such as sensitivity to community and cultural interests or green house gas reduction.
- Demonstrate how the system promotes and applies innovative designs and collaborative processes that improve environmental performance.

Review Process: Organizations with a green building rating system that wish to be considered by the State shall submit a written request to the Secretary of the Department of General Services at:

**Maryland Green Building Council**  
**c/o Department of General Services – Office of the Secretary**  
**301 Preston Street – Room 1401**  
**Baltimore, Maryland 21201**  
**(410) 767-4938**  
**MDGreenBldgs@dgs.state.md.us**





In addition to providing a response to each of the evaluation criteria, the request must contain a description of the rating system, a list of the kinds of projects the system can evaluate, documentation that describes the system and how it evaluates a project, reference documentation and a list of any associated fees. A printed copy and an electronic copy (MS WORD or PDF format) of all material should be provided. The Secretary of DGS shall direct all requests for consideration of alternative green building rating systems to the Council for review and recommendation. The Council may invite the sponsoring organization and/or their representatives to give a presentation to the Council. The presentation should provide information sufficient for the Council to evaluate all of the criteria. After reviewing all available information, the Council will make a recommendation to the Secretary of DGS regarding how well the proposed system would help the State achieve the objectives of the Maryland High Performance Green Building Program. A copy of the Council's recommendation will be sent to the requesting organization. Based on the input from the Council, the Secretary will make a final recommendation to the Governor and the General Assembly.



## FUTURE ACTIVITIES OF THE MARYLAND GREEN BUILDING COUNCIL

Its primary task complete - that of developing the High Performance Green Building Program (Program) – the Maryland Green Building Council (Council) assembled a subcommittee to look into areas in which to study and work on ways to further the cause of High Performance Building in the State of Maryland. The subcommittee worked through the summer investigating current state programs and initiatives, the work of past councils and workgroups, and brainstormed its own ideas. As the high performance building movement gains momentum in both the public and private sectors, the Council believes that there are a number of ideas that it can study and recommend to encourage these efforts. A number of these would be a continuation of the work and recommendations of the now defunct Green Building Task Force and would support the Climate Action Plan of the Maryland Commission on Climate Change.

The Council respectfully requests the approval of the Governor and General Assembly to more broadly interpret its mission to make “recommendations for the implementation plan for a state higher performance building program” to include some of these areas of study in the coming years.

The following are recommendations for activities the Council could study, support, and encourage through its activities. These are consolidated from the Climate Action Plan of the Maryland Commission on Climate Change (2008, “Next Steps,” Chapter 7; Appendix D, RCI-1, RCI-4) and the recommendations of the Green Building Task Force (2007 Report).

### Expansion of Green Buildings in Government

- Expanded reach of program. Require that all construction (regardless of source of funds) on State-owned or State-leased property meet LEED Silver or equivalent. Require that all projects funded even only in part with State money (e.g., local bond bills, money given to counties, community colleges, independent colleges, certain affordable housing development projects, etc.) meet the same requirement. Explore creative thoughts on building types that may, at first glance, not be considered as capable of a LEED certification (e.g., parking garages, prisons, etc.).
- Continuously-improved standards. The high performance building program(s) of the State, including targeted goals for achieving certification standards by accepted rating organizations, should be aligned on a regular basis to meet energy conservation and reduction goals established by the State. Ultimately, the goal may be LEED “Gold” or “Platinum” (or equivalent) as required to meet energy goals. [See State Buildings Energy Efficiency and Conservation Act (SB-267) of 2006; EmPOWER Maryland Initiative; and the Climate Action Plan of 2008]
- Focus on energy issues. Existing State and local government buildings shall be retrofitted for maximum energy efficiency, achieving the targeted 15% reduction in energy consumption by the year 2015. To meet this goal, the State and local governments shall benchmark all buildings and facilities. Government buildings, facilities and related operations (including wastewater and water utilities) will be in operation for many years and should be designed in a manner that meets or exceeds building codes. Energy savings measures can pay for themselves



through reductions in energy costs and improvements in workforce productivity over the lifetime of the structure.

- Expand green building to include operations and maintenance. Participation in LEED-EB or a comparable standard would be encouraged or required for government buildings and facilities to ensure continued high performance through proper building operations and maintenance.

### **Sustainability and Support for the State's High Performance Green Building Program**

- Data gathering to support life cycle costing. Establishment of energy performance and operations baselines for both new and existing State and other government buildings, followed by audits of these buildings. Audit results could be used to target and prioritize investments in improving government building energy efficiency.
- Increase awareness, communication, and discussion of high performance green building in Maryland. Provide alternatives, advice, and information to program or project managers who are looking for ways to “go green” in existing programs or during the product or program development process. Pursue publication of an e-newsletter and Web site. Provide content on green building for posting to other newsletters or Web sites.
- Implementation process. Improvement and review of efficiency goals over time, and development of flexibility in contracting arrangements to encourage integrated energy-efficient design and construction. Recommend infrastructure for implementation (e.g., meters, accounting systems, staff) be established as soon as possible.
- Operating budget incentives. Establishment of “retained savings” policies whereby government agencies are able to retain funds saved by reducing energy bills for further energy efficiency/renewable energy investments or other uses. Full and accurate cost accounting should be employed to determine cost differentials in environmental design features for State-owned buildings by linking the capital expenditures to operation and maintenance costs. Potential supporting measures for this option include training and certification of building sector professionals, but could also include surveys of government energy and water use, energy benchmarking, measurement, and tracking programs for municipal and state buildings.
- Requirement of carbon-neutral bonding for new construction and renovations and additions. A carbon-neutral performance standard will require architects and engineers to design buildings to meet a climate-neutral requirement and built to meet or exceed the State's existing sustainable, high performance green building guidelines and will save money as life-cycle costs will yield lower operational costs.



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- Focus incentives on specific building technologies, including white roofs, rooftop gardens, landscaping to lower electricity demand, storm water management and solar photovoltaic systems to provide electricity when demand is highest.
  - Climate Impact Assessment. Require State agencies and other large capital project sponsors to perform a Climate Impact Assessment under an approved State protocol prior to undertaking new capital projects, including a build/no-build analysis and examination of alternatives with lower green house gas emissions impacts, and an assessment of the project's impact on climate change adaptation issues.



APPENDICES

*Appendix I: Chapter 124 – Annotated Code of Maryland*

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**CHAPTER 124**

**(Senate Bill 208)**

AN ACT concerning

**High Performance Buildings Act**

FOR the purpose of requiring certain buildings to be high performance buildings; requiring certain buildings that are renovated to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; providing for a certain waiver process from certain high performance building requirements; repealing certain provisions of law relating to high performance buildings; expressing a certain intent of the General Assembly; requiring certain new schools receiving State public school construction funds to be high performance buildings; requiring the Board of Public Works to establish a certain waiver process from certain high performance building requirements; requiring that a certain waiver process include a certain review and approval by the Interagency Committee on School Construction; requiring the State to pay a certain amount of certain local costs related to the construction of schools that are high performance buildings for certain fiscal years; requiring the Board of Public Works to adopt certain regulations; providing for the applicability of certain provisions of this Act; defining certain terms; and generally relating to high performance buildings.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 3–602(d)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)

BY adding to  
Article – State Finance and Procurement  
Section 3–602.1  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,  
Article – Education  
Section 5–301(d)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)

BY adding to  
Article – Education



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Section 5-312  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - State Finance and Procurement**

3-602.

(d) [(1) (i) In this paragraph, "high performance building" means a building that:

1. achieves at least a silver rating according to the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Green Building Rating System as adopted in 2001 or subsequently by the Maryland Green Building Council;

2. achieves at least a two globe rating according to the Green Globes Program as adopted by the Green Building Initiative;

3. achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard; or

4. meets nationally recognized, consensus-based, and accepted green building guidelines, standards, or systems approved by the State.

(ii) 1. A unit of State government requesting an appropriation for preliminary planning of a proposed capital project may include in its request a justification for proposing that a building in the project is appropriate for design as a high performance building.

2. If justification is submitted under subparagraph 1 of this subparagraph concerning a building in a proposed capital project, the Department shall review whether it is practicable and fiscally prudent to incorporate in the capital project the use of a comprehensive process of design and construction that would result in the building being a high performance building.

(2)] (1) Before an appropriation may be authorized for preliminary planning of a proposed capital project:

(i) the unit of the State government requesting the appropriation shall submit to the Department a program describing, in detail, the scope and purpose of the project; and



(ii) the Secretary of Budget and Management must approve the program.

[(3)] (2) Before an appropriation may be authorized for construction of a proposed capital project:

(i) the unit of State government requesting the appropriation shall submit to the Departments of Budget and Management and General Services a detailed design program, which shall include all information required by the Departments; and

(ii) both the Secretary of Budget and Management and the Secretary of General Services must approve the detailed design program.

**3-602.1.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “HIGH PERFORMANCE BUILDING” MEANS A BUILDING THAT:

(I) MEETS OR EXCEEDS THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL’S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM SILVER RATING; OR

(II) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD APPROVED BY THE SECRETARIES OF BUDGET AND MANAGEMENT AND GENERAL SERVICES.

(3) “MAJOR RENOVATION” MEANS THE RENOVATION OF A BUILDING WHERE:

(I) THE BUILDING SHELL IS TO BE REUSED FOR THE NEW CONSTRUCTION;

(II) THE HEATING, VENTILATING, AND AIR CONDITIONING (HVAC), ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE REPLACED; AND

(III) THE SCOPE OF THE RENOVATION IS 7,500 SQUARE FEET OR GREATER.



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**(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO THE EXTENT PRACTICABLE:**

**(1) THE STATE SHALL EMPLOY GREEN BUILDING TECHNOLOGIES WHEN CONSTRUCTING OR RENOVATING A STATE BUILDING NOT SUBJECT TO THIS SECTION; AND**

**(2) HIGH PERFORMANCE BUILDINGS SHALL MEET THE CRITERIA AND STANDARDS ESTABLISHED UNDER THE "HIGH EFFICIENCY GREEN BUILDING PROGRAM" ADOPTED BY THE MARYLAND GREEN BUILDING COUNCIL.**

**(C) (1) THIS SUBSECTION APPLIES TO CAPITAL PROJECTS THAT ARE FUNDED SOLELY WITH STATE FUNDS.**

**(2) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, IF A CAPITAL PROJECT INCLUDES THE CONSTRUCTION OR MAJOR RENOVATION OF A BUILDING THAT IS 7,500 SQUARE FEET OR GREATER, THE BUILDING SHALL BE CONSTRUCTED OR RENOVATED TO BE A HIGH PERFORMANCE BUILDING.**

**(D) THE FOLLOWING TYPES OF UNOCCUPIED BUILDINGS ARE NOT REQUIRED TO BE CONSTRUCTED OR RENOVATED TO BE HIGH PERFORMANCE BUILDINGS:**

**(1) WAREHOUSE AND STORAGE FACILITIES;**

**(2) GARAGES;**

**(3) MAINTENANCE FACILITIES;**

**(4) TRANSMITTER BUILDINGS;**

**(5) PUMPING STATIONS; AND**

**(6) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED BY THE DEPARTMENT.**

**(E) (1) THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF GENERAL SERVICES SHALL JOINTLY ESTABLISH A PROCESS**





**TO ALLOW A UNIT OF STATE GOVERNMENT TO OBTAIN A WAIVER FROM COMPLYING WITH SUBSECTION (C) OF THIS SECTION.**

**(2) THE WAIVER PROCESS SHALL:**

**(I) INCLUDE A REVIEW BY THE MARYLAND GREEN BUILDING COUNCIL ESTABLISHED UNDER § 4-809 OF THIS ARTICLE, TO DETERMINE IF THE USE OF A HIGH PERFORMANCE BUILDING IN A PROPOSED CAPITAL PROJECT IS NOT PRACTICABLE; AND**

**(II) REQUIRE THE APPROVAL OF A WAIVER BY THE SECRETARIES OF BUDGET AND MANAGEMENT, GENERAL SERVICES, AND TRANSPORTATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article - Education**

5-301.

(d) (1) The Board of Public Works may adopt regulations for the administration of the programs provided for in this section.

(2) The regulations adopted by the Board of Public Works may contain requirements for:

- (i) The development and submission of long range plans;
- (ii) The submission of annual plans and plans for specific projects;
- (iii) The submission of other data or information that is relevant to school construction or capital improvement;
- (iv) The approval of sites, plans, and specifications for the construction of new school buildings or the improvement of existing buildings;
- (v) Site improvements;
- (vi) Competitive bidding;
- (vii) The hiring of personnel in connection with school construction or capital improvements;



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(viii) The actual construction of school buildings or their improvements;

(ix) The relative roles of different State and local governmental agencies in the planning and construction of school buildings or school capital improvements;

(x) School construction and capital improvements necessary or appropriate for the proper implementation of this section;

(xi) At the recommendation of the Interagency Committee, the establishment of priority public school construction programs;

(xii) Development of cooperative arrangements that permit the sharing of facilities among two or more school systems;

(xiii) The selection of architects and engineers by school systems;

(xiv) The award of contracts by school systems; and

(xv) Method of payments made by the State under the Public School Construction Program.

(3) The regulations adopted by the Board of Public Works shall contain provisions:

(i) Establishing a State and local cost-share formula for each county that identifies the factors used in establishing the formulas;

(ii) Requiring local education agencies to adopt educational facilities master plans and annual capital improvement programs;

(iii) Providing a method for establishing a maximum State construction allocation for each project approved for State funding;

(iv) Referencing the policies stated in § 5-7B-07 of the State Finance and Procurement Article;

(v) Requiring local school systems to adopt procedures consistent with the minority business enterprise policies of the State as required under the Code of Maryland Regulations;

(vi) Establishing a process for the appeal of decisions by the Interagency Committee to the Board of Public Works;



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(vii) Requiring local education agencies to adopt, implement, and periodically update comprehensive maintenance plans; and

(viii) Authorizing the Board of Public Works to withhold State public school construction funds from a local education agency that fails to comply with the requirements of item (vii) of this paragraph.

(4) In adopting any of these requirements, the State Board and the Board of Public Works shall provide for the maximum exercise of initiative by school personnel in each county to insure that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to insure the proper operation of this section and the prudent expenditure of State funds.

**5-312.**

**(A) IN THIS SECTION, "HIGH PERFORMANCE BUILDING" HAS THE MEANING STATED IN § 3-602.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(B) THIS SECTION APPLIES TO THE CONSTRUCTION OF NEW SCHOOLS THAT HAVE NOT INITIATED A REQUEST FOR PROPOSAL FOR THE SELECTION OF AN ARCHITECTURAL AND ENGINEERING CONSULTANT ON OR BEFORE JULY 1, 2009.**

**(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A NEW SCHOOL THAT RECEIVES STATE PUBLIC SCHOOL CONSTRUCTION FUNDS SHALL BE CONSTRUCTED TO BE A HIGH PERFORMANCE BUILDING.**

**(D) (1) THE BOARD OF PUBLIC WORKS SHALL ESTABLISH A PROCESS TO ALLOW A SCHOOL SYSTEM TO OBTAIN A WAIVER FROM COMPLYING WITH SUBSECTION (C) OF THIS SECTION.**

**(2) THE WAIVER PROCESS SHALL:**

**(I) INCLUDE A REVIEW BY THE INTERAGENCY COMMITTEE TO DETERMINE IF THE CONSTRUCTION OF A HIGH PERFORMANCE BUILDING IS NOT PRACTICABLE; AND**

**(II) REQUIRE THE APPROVAL OF A WAIVER BY THE INTERAGENCY COMMITTEE.**

**(E) FOR FISCAL YEARS 2010 THROUGH 2014 ONLY, THE STATE SHALL PAY 50% OF THE LOCAL SHARE OF THE EXTRA COSTS, IDENTIFIED AND APPROVED BY THE INTERAGENCY COMMITTEE, THAT ARE INCURRED IN**



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**CONSTRUCTING A NEW SCHOOL TO MEET THE HIGH PERFORMANCE BUILDING REQUIREMENTS OF THIS SECTION.**

**(F) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.**

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply to capital projects that have not initiated a Request For Proposal for the selection of an architectural and engineering consultant on or before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

**Approved by the Governor, April 24, 2008.**



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2008 ANNUAL REPORT