



# CHESAPEAKE BAY COMMISSION

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## **2012 General Assembly Session Maryland, Virginia and Pennsylvania**

**May 4, 2012 - CBC Meeting- Washington D.C**

### **MARYLAND**

Chesapeake Bay Related Legislation (all passed, some awaiting signature)

#### **Environment-Bay Restoration**

##### **Senate Bill 240 (Administration) - Environment - Bay Restoration Fund - Fees**

Increased the Bay Restoration Fund fee, which is dedicated to upgrading wastewater treatment plants, cover crops and upgrading septic systems to BAT. The fee is increased to \$5.00 per month for properties within the watershed and remains at \$2.50 per month for properties not located in the watershed. Septics fee increases from \$30 to \$60 per year for each system in the watershed. The fee reverts back to current levels beginning July 1, 2030.

Beginning in fiscal 2018 after payment of outstanding bonds and required uses, the Bay Restoration Fund may also be used for funding ENR at Major-Minor WWTP's ( up to 500,000gallons per day) and then for Minor WWTP's ( less than 500,000 gallons per day) then to local stormwater projects in jurisdictions that have enacted a stormwater fee.

Despite the various exemptions provided, it is likely that the bill will increase fee revenues by more than \$53.0 million in fiscal 2013 and by more than \$55.0 million annually beginning in fiscal 2014.

##### **House Bill 987- (Del. Hucker) Stormwater Management - Watershed Protection and Restoration Program**

Requires the state's largest jurisdictions (ten jurisdictions) to create a dedicated fee by July 2013 to reduce polluted stormwater runoff. This applies only to MS-4 counties and Baltimore City. The fee will be set by counties/city, which must also develop a stormwater plan. The bill exempts governmental properties and regularly organized volunteer fire departments.

##### **Senate Bill 236- Sustainable Growth and Agricultural Preservation Act of 2012**

The purpose is to steer future residential growth toward development served by public sewer and away from development in areas requiring septic systems. The bill establishes a system of land use tiers, which may be adopted by local jurisdictions. Beginning December 31, 2012, the bill prohibits a jurisdiction from approving a major residential subdivision served by on-site sewage disposal systems, community sewerage systems, or shared systems unless it adopts the growth tiers established by the bill.

The bill establishes land use and sewerage criteria and restrictions applicable to each of the four growth tiers.

“Tier I” areas are locally designated growth areas or municipal corporations that are Priority Funding Areas served by public sewerage.

*Only subdivisions on public sewer are allowed in Tier I.*

“Tier II” must be planned to be served by public sewerage in a municipal growth element or a mapped locally designated growth area, and be needed to satisfy the demand for development at densities consistent with the jurisdictions long-term development policy. *Subdivisions on public sewerage systems and minor subdivisions on septic are allowed in Tier II.*

Tier “III” areas are areas not planned for sewerage service; not dominated by agriculture or forest land; not planned or zoned by a local jurisdiction for land agricultural; or resource protection, and fall into one of the following categories”

1. A municipal corporation not served by public sewerage.
2. A rural village as defined by statute.
3. An area planned or zoned for large lot development.
4. A mapped locally designated growth area

*Major and minor subdivisions on septic are allowed in Tier III.*

Tier “IV” areas must be planned or zoned for land. Ag, or resource protection, preservation, or conservation, be dominated by ag lands, forest lands, or land subject to a State or local conservation or preservation covenant, restriction or easement.

*Only minor subdivisions on septic allowed in Tier IV, unless the Department of Planning verifies that the subdivision and zoning requirements in a jurisdiction’s total Tier IV area results in an actual overall yield of not more than one dwelling unit per 20 acres. If the Department verifies, major subdivisions on septic systems are allowed in Tier IV.*

A jurisdiction that does not adopt a growth tier may authorize either a minor residential subdivision served by on-site sewage disposal systems, or any subdivision in a “Tier I” area served by “public sewer.”

Property within minor residential subdivisions is generally restricted from further subdivision beginning December 31, 2012. The bill establishes several exceptions from these restrictions, and allows for the transfer of subdivision rights among specified agricultural property owners to mitigate the effect of the bill’s restrictions. Finally, the bill requires MDE to propose, in consultation with counties and other stakeholder groups, regulations that establish nutrient offset requirements for new residential major subdivisions within Tier III areas to be served by on-site sewage disposal systems or shared systems

## **Renewable Energy**

### **Senate Bill 1004- (Sen. Middleton & CBC ) Renewable Energy Portfolio Standard – Renewable Energy Credits – Thermal Biomass Systems**

Allows manure-to-energy system operator to earn a Renewable Energy Credit for producing thermal energy. Operators could previously earn a REC only for electricity production. REC's can be sold to electric supply companies to satisfy their obligation under the Renewable Portfolio Standard. The manure-to-energy system must be shown to substantially reduce emission of NOX as compared to a direct burn unit.

### **House Bill 1117, (Del's Hershey and Jameson)**

Specifies that for the purposes of issuing a stormwater permit for a project to install a solar panel, any calculation relating to the impervious surface of the project may include only the foundation or base supporting the solar panel.

## **Natural Resources**

### **House Bill 1306- Department of Natural Resources - Aquaculture Leasing**

Streamlines the aquaculture program. Requires DNR to establish water column application fees, rents, and surcharges in consultation with the Aquaculture Coordinating Council. The bill also reduces required advertising in local newspapers for a submerged land or water column lease application from weekly for four weeks, to weekly for two weeks. The bill further prohibits placement of unlawfully harvested oysters on a lease and authorizes aquaculture demonstration leases in specified portions of oyster sanctuaries. DNR's authority to regulate the taking, possession, transport, or sale of oysters from leased oyster bottoms is altered to allow for the harvest of oysters under three inches in size from leased bottom.

## **Agriculture**

### **House Bill 1303- Departmental Agriculture - Cost Sharing for Water Pollution Control**

Increases from \$100,000 to \$200,000 the maximum dollar amount of State cost-sharing for water pollution control projects under Maryland Agricultural Water Quality Cost-Share Program, MACS. This change is anticipated to help farmers install animal waste storage and treatment projects that will be needed to comply with nutrient management requirements and help the State achieve the reductions called for in the baywide pollution diet, or Total Maximum Daily Load.

### **House Bill 1304- Department of Agriculture - Animal Waste Technology Fund**

Establishes an Animal Waste Technology Fund (formerly in DBED) administered by MDA to provide financial assistance for animal waste technology projects to individuals and business enterprises that (1) conduct research or develop technologies that are intended to reduce

the amount of nutrients in animal waste; (2) alter the composition of animal waste; (3) develop alternative animal waste management strategies; or (4) use animal waste in a production process. The stated goal of the fund is to encourage the development and implementation of economically feasible technologies that help protect the public health and the environment by reducing the amount of nutrients from animal waste to enable farmers to meet nutrient management requirements and provide alternative animal waste management strategies to farmers.

### **Senate Bill 118 Departmental - Voluntary Agricultural Nutrient and Sediment Credit Certification Program**

Adds sediment trading to the program by authorizing MDA to establish requirements for the voluntary certification and registration of sediment credits on agricultural land. The multi-year \$512,000 federal grant from the U.S. Department of Agriculture's Natural Resources Conservation Service that was used to initiate the nutrient credit certification program may be used for the sediment credit certification program as well.

### **Agricultural Land Preservation**

#### **Senate Bill 294/ House Bill 444- Family Farm Preservation Act of 2012**

The Maryland estate tax does not explicitly provide for an exemption for agricultural property. These bills exempt from the State estate tax up to \$5 million of qualified agricultural property.

### **Water Management**

#### **House Bill 1411- (Del. George) - Water Management Administration - Wetlands and Waterways Program Fees**

The Wetlands and Waterways Program within MDE administers a statewide program for the management, conservation, and protection of Maryland's tidal wetlands and nontidal wetlands and waterways, including the 100-year floodplain. The current fee schedule has not been sufficient to support the program even with ongoing general fund appropriations. This bill alters wetlands and waterways application fees, fee exemptions, and minimum compensation rates. The bill also alters the definition of a "major project" and establishes several new definitions. Finally, the bill requires MDE to convene a workgroup by January 1, 2015, which must report findings and recommendations on the effect of the bill by December 1, 2015.

### **Marcellus Shale**

#### **House Bill 1123- Del Mizeur- Presumptive Impact Areas -Contamination Caused by Gas Wells in Deep Shale Deposits**

Establishes a presumptive impact area that applies to areas around a deep shale deposit gas well for which MDE has issued a gas exploration or production permit. In a presumptive impact area, it is presumed that contamination of a "water supply" was caused by the activities of gas

exploration or production. The presumptive impact area is in effect within a radius of 2,500 feet from the vertical wellbore and for 365 days after the last event of well drilling, completion, or hydraulic fracturing. The bill establishes the conditions under which a permittee must replace a water supply or compensate a property owner, specifies when a permittee's actions are deemed adequate to resolve contamination presumed to be caused by the permittee, and provides specified exceptions to the presumption of causation and the requirement that a permittee compensate a property owner or replace a water supply.

### **Senate Bill 472- (Sen. Edwards) -Dormant Mineral Interests - Termination by Court Order**

Requires that a court order that terminates a mineral interest under the Maryland Dormant Mineral Interests Act contain specific identifying information, which is generally consistent with current requirements of the Maryland Rules.

### **House Bill 402 – Del Beitzle- Land Records - Dormant Mineral Interests and Natural Gas and Oil Leases - Court Order and Recordation Requirements**

Establishes the same requirements as SB 472 but also prohibits a clerk of a circuit court from recording an instrument that effects a real property lease dealing in natural gas and oil unless the instrument is accompanied by a complete intake sheet. Generally, a deed or other instrument affecting property and presented for recordation in the land records must be (1) accompanied by a complete intake sheet on the form provided by the Administrative Office of the Courts; or (2) if the deed or other instrument effects a change in ownership on the assessment books, endorsed by the assessment office for the county where the property is located.

### **Judicial Review of Environmental Permits**

House Bill 186- Chapters 650 and 651 of 2009 expanded standing for individuals, associations, and organizations in bringing challenges related to the issuance of many environmental licenses and permits. Thus, Chapters 650 and 651 replaced administrative hearing procedures with provisions regarding judicial review of permit determinations. According to MDE, the repeal of the provisions regarding administrative cases also resulted in the inadvertent deletion of a reference to the right to appeal to the Court of Special Appeals for a party who is aggrieved by a final judgment of a circuit court after a contested case hearing under the Administrative Procedure Act. *House Bill 186 (passed)* addresses this issue by authorizing a decision of the circuit court to be appealed to the Court of Special Appeals in a case involving a petition for judicial review of specified environmental permits. The bill applies retroactively.

## **MD BUDGET ACTIONS**

**Capital Budget-** \$38 million was approved in the for stormwater projects and will be administered through the 2010 Trust Fund.

**Operating Budget** - \$25 million specifically for the Trust Fund, is still up in the air due to the status pending approval in a special session.

**2010 Trust Fund**- \$2.20 M for Agricultural Technical Assistance: FY'13 Budget increases funding for agricultural technical assistance by an additional \$1.6M over last year's levels. This increase will fund and additional 23 new Soil Conservation District Positions (39 in total supported through the Trust Fund) to assist the farming community in the implementation of best management practices.

**The Trust Fund also allocates:**

- \$12 M for Cover Crop Implementation
- \$8.97 M for Buffer and Wetland Restoration:
- \$27.8 Million for Local Stormwater Projects:

**Bay Restoration Fund** –the increased portion of funds going to cover crops from the BRF will reduce the need on the Trust Fund proposed allocation of \$12M by approximately \$5M. As a contingency, it is proposed that the \$5M be allocated to support the farm community in implementing their goals under TMDL and Watershed Implementation Plans. More specifically, these funds will assist in implementing the proposed MDA nutrient management regulations and forthcoming changes to the Phosphorus-site index. The Proposed allocation of excess funds is:

- \$2M provided in grants to farmers;
- \$0.5M for the Manure Transport Program;
- \$2.5M for development of alternative manure use technologies.

## **VIRGINIA**

Chesapeake Bay Related Legislation (passed and approved by the Governor)

### *Natural Resource Protection*

#### **House Bill 932 (Del. Lingamfelter): Individual Nutrient Management Planning Web-based Software.**

Provides that the Department of Conservation and Recreation operate a voluntary nutrient management program to assist owners and operators of agricultural land and turf to effectively manage and apply nutrients to their land. In developing the program, the Department is to begin testing the software for assisting owners and operators of agricultural lands and turf by July 1, 2013, and begin full implementation by July 1, 2014. The development of the software may be deferred until funds become available.

#### **House Bill 1009 (Del. Ramadan)- Improved erosion & sediment control for development:**

Streamlined enforcement actions when a developer begins a land-disturbing activity without an approved plan or permit. Gives them 7 days to correct shortcomings or a stop work order will be issued.

#### **House Bill 1065 (Del. Sherwood) & Senate Bill 407 (Sen. Hanger):**

Integrates at the locality level the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. Requires all Virginia localities, statewide, to adopt the Virginia Stormwater Management Program by July 1, 2014.

#### **House Bill 1210 (Del. Lingamfelter): Implements Nitrogen Rate Reductions in Lawn Fertilizer.**

Requires that beginning July 1, 2014, lawn maintenance fertilizer list on its directions for use its nitrogen application rates. If such fertilizer does not list on its directions for use nitrogen application rates that are consistent with rates recommended in the Virginia Nutrient Management Standards and Criteria, it cannot be registered, sold, distributed, or used in Virginia. The bill also requires the Department of Conservation and Recreation to adopt fast-track regulations to incorporate the application rates recommended by the Virginia Department of Agriculture and Consumer Services.

#### **HJ 243 (Del. Byron) Study of DEQ assuming all wetlands permitting under Clean Water Act Section 404.**

Requesting the Department of Environmental Quality to study the benefits and costs of seeking authority from the U.S. Environmental Protection Agency to administer the § 404 permitting program under the federal Clean Water Act Report. DEQ will consider the assumption of review of greater than one acre wetlands now still considered by Army Corp of Engineers.

### Nutrient Credit Trading

**House Bill 176 (Del. Knight) & Senate Bill 77 (Sen. Watkins): Expansion of Virginia Nutrient Credit Exchange Program (nutrient credit trading).**

Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to Chesapeake Bay Total Maximum Daily Loads (TMDLs), the legislation sets out certain requirements of the regulations, directs the Department of Conservation and Recreation to establish an online registry of certified credits, and provides for enforcement and appeals. The bill provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act or any attendant regulations shall be subject to a civil penalty not exceeding \$10,000.

### Renewable Energy

**House Bill 1102 (Del. J. H. Miller) & Senate Bill 413 (Sen. Norment): Renewable Portfolio Standard program; credits for investments in renewable or alternative energy.**

Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of an RPS Goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either (i) be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promote economic development within the Commonwealth; (iii) supplement customer-driven alternative energy or energy efficiency initiatives; (iv) supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) be designed to mitigate the environmental impacts of renewable energy projects. The State Corporation Commission shall issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit for qualified investments made under this measure. The measure also provides that a utility shall receive double credit toward meeting



the program's goals for energy from facilities in the Commonwealth fueled primarily by animal waste.

**House Bill 232 (Del. Cosgrove) & Senate Bill 492 (Sen. Watkins) Renewable energy; adds landfill gas and certain thermal energy.**

Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours.

**House Bill 1166 (Del. McClellan) & Senate Bill 382 (Sen. McEachin): Renewable portfolio standard program; reporting.**

Requires each utility participating in the renewable portfolio standard program to identify, in its annual report to the State Corporation Commission, the states where purchased or owned renewable energy was generated, the decades in which the renewable energy generating units were placed in service, and the fuel types used to generate the renewable energy.

**VA BUDGET ACTIONS**

**VA CBC Budget Location Change:** Legislative Department: relocate VA CBC budget from under the Division of Legislative Services to be a separate budget item; language to continue Virginia Office support by Legislative Services

**Water Quality Improvement Fund:** waves FY13 deposit to the reserve fund and designates up to \$1,000,000 to DCR to support grants for local government stormwater program development.

**Chesapeake Bay Restoration Fund:** designates money from sale of "Friend of the Chesapeake" license plates; \$307,662 for restoration grants

**Rappahannock River Basin Commission- Water Quality and Supply Planning:** \$15,000 for water quality & supply planning project with U. S. Army Corps of Engineers (plus \$15,000 local + \$30,000 federal)

**Rappahannock River Basin Commission- Flood/Rainfall/Water Quality Gauging Network** for Rappahannock Basin; \$22,500 from state, \$22,500 local and \$45,000 federal (Army Corps)

**Soil & Water Conservation District Funding and Study:** Restored the 46% cut to district operational funding in the proposed budget (\$2,046,840 each year); tasked the Secretary of Natural Resources to convene a stakeholder group to examine district administrative, operational and technical assistance needs and report to money committees by October 1, 2012; Chesapeake Bay Commission is named as stakeholder to participate.

**Open Space Preservation- VA Land Conservation Foundation Funding Increase:** An additional \$500,000 each year (brings total to \$1,000,000 each year) for open space preservation

**Chesapeake Bay Education- Meaningful Bay or Stream Outdoor Experience:** Restores \$80,000 for FY13 to fund Bay education activities of Chesapeake Bay Foundation

**Interstate Commission on the Potomac River:** Budget language stating Virginia will remain an active member of ICPRB.

**Funding for Public Wastewater Treatment Facility Upgrades:** provided \$87,569,394 to support the nutrient removal technology upgrades for Bay clean-up requirements through grants from DEQ

**Funding for Natural Resources Commitment Fund (Ag BMP Cost-Share):**\$14,129,933 in new FY13 funding for Ag BMPs (\$9.1 M from recordation fee and \$5,029,933 from surplus 10% from WQIF)

**Nutrient Offset Fund- Animal Waste-to-Energy:** language authorizes DEQ to capitalize the fund for grants or contracts to support animal waste to energy projects

**Potomac River Fisheries Commission Funding- error corrected:** funding was eliminated in error and was corrected

## **PENNSYLVANIA (2011-2012 Session ongoing through November 2012)**

Chesapeake Bay Related Legislation (passed bills are indicated as such, all others are active.)

### **Marcellus Shale**

#### **HB 1950 (Rep. Ellis):**

Authorized counties to impose an impact fee on “spud” wells. Counties must have acted by April 16. If a county does not impose an impact fee, municipalities representing at least half of the county may compel the county to act.

- The fee is determined by a formula that includes the year of drilling and the average price of natural gas and may be adjusted when certain conditions are met.
- The Pennsylvania Public Utility Commission (PUC) administers the fee program.
- Fixed amounts of the fee revenue are first distributed to:
  - Conservation Districts
  - PA Fish & Boat Commission
  - PUC
  - DEP
  - PEMA
  - Office of the State Fire Commissioner
  - Rail Freight Assistance
  - Natural Gas Energy Development Program
- Of the remainder, 60% is distributed to qualifying counties and municipalities for uses related to Marcellus industry impacts, such as roads, water and sewer systems, emergency preparedness, environmental programs, housing, records management, social services, judicial services, career and technical centers, and local and regional planning initiatives
- 40% will go to statewide programs such as the Commonwealth Financing Authority, Environmental Stewardship Fund, Highway Bridge Improvement, PENNVEST, and counties for greenways, trails, open space, etc.
  1. Amends provisions of the Oil & Gas Act, including provisions related to
    - Well permit requirements and notification
    - Municipal comment
    - Well locations
    - Storage of hazardous material
    - Restoration of the well site
    - Protection of water supplies
    - Notification to public water systems
    - Containment of well pad sites
    - Records regarding wastewater
    - Corrosion control
    - Gathering lines
    - Emergency response
    - Well reporting
    - Chemical Disclosure
    - Bonding

- Air emission reporting
  - Enforcement orders
  - Inspections
  - Penalties
  - Local Uniformity
    - Local ordinances cannot be more stringent than state requirements, except where restrictions are not addressed in state law.
    - Operations may be prohibited in residential zones or conditioned if well heads cannot be placed farther than 500' from a building. If placed in a residential zone, additional restrictions apply.
    - Compressor stations may be a permitted use in agriculture and industrial zones and a conditional use in all other zones
    - A municipality, resident or well operator may request the PUC to review an ordinance.
    - Actions challenging a local ordinance may bring an action in Commonwealth Court
2. Requires regulations be developed to:
- Condition a well permit on impacts to public resources and property rights of oil and gas owners
  - Appeal of a permit containing conditions

(Enacted: Act 13 of 2012)

**HB 2278 (Rep. Hanna):**

Would expand the Land Recycling and Remediation regulations to address hydraulic fracturing fluids, and would establish clean-up standards for residential property.

(Referred to House Environmental Resources & Energy Committee)

**Mineral Rights**

**SB 1324 (Sen. Yaw):**

Would create a rebuttable presumption of the abandonment of subsurface mineral rights after 50 years of inactivity, in favor of the surface owner.

(Passed Senate, in House Judiciary Committee)

**HB 2308 (Rep. Everett):**

Would create a rebuttable presumption of the abandonment of subsurface mineral rights after 50 years of inactivity, in favor of the surface owner.

(Referred to House Judiciary Committee)

**Energy Efficiency**

**HB 179 (Rep. Miller):**

Would require a reduction in energy use by state government and establish an Interagency Task Force on Energy.

(Referred to House Environmental Resources & Energy Committee)

### **Green Buildings**

#### **SB 1136 (Sen. Rafferty):**

Would require design and construction of certain state buildings to comply with green building standards.

(On First Consideration in Senate)

#### **HB 193 (Rep. Harper):**

Would require design and construction of certain state buildings to comply with green building standards.

(Passed House, in Senate Environmental Resources & Energy Committee)

#### **HB 490 (Rep. M. Smith):**

Would establish a tax credit for installation of a green roof.

(Tabled in House)

#### **HB 491 (Rep. M. Smith):**

Would establish a tax credit for construction of a high-performance green building.

(Referred to House Finance Committee)

### **Alternative Fuels**

#### **SB 849 (Sen. Solobay):**

Would require that an environmental and economic impact study be prepared for the Commonwealth's Alternative Energy Portfolio Standards.

(Referred to Senate Consumer Protection and Professional Licensure Committee)

#### **HB 608 (Rep. Brooks):**

Would promote, through bonding and other provisions, the use of bioenergy crops for reclamation of mine land.

(Referred to House Appropriations Committee)

#### **HB 807 (Rep. Sonney):**

Would add language regarding blending to the biodiesel mandate, to aid enforcement.

(Passed House, on First Consideration in Senate)

#### **HB 1684 (Rep. Rapp):**

Would establish a Biomass Energy Program and Biomass Energy Loan Fund for the purpose of promoting the installation of biomass heating or generating systems.

(Referred to House Commerce Committee)

### **Fuel Testing**

#### **SB 341 (Sen. Greenleaf):**

Would authorize the creation of an Automotive Fuel Testing Program within the Department of Agriculture to ensure compliance with labeling and fuel standards.

(Passed Senate, in House Ag & Rural Affairs Committee)

### **Air Pollution**

#### **SB 304 (M. White):**

Provides for enhanced public review of the Commonwealth's State Implementation Plan under the Air Pollution Control Act.

(Enacted: Act 27 of 2012)

### **Program Review**

#### **SB 302 (Sen. M. White):**

Requires an annual report of the Keystone Recreation, Parks and Conservation Fund by DCNR.

(Enacted: Act 61 of 2011)

#### **HR 71 (Rep. Gillespie):**

Would require the Legislative Budget and Finance Committee to review the Act 537 Sewage Facilities Planning program.

(Referred to House Environmental Resources & Energy Committee)

### **Urban Nutrient Management**

#### **SB 1191 (Sen. Brubaker):**

Would restrict the amount of nitrogen and phosphorus in fertilizer used on turf. Would create certain application restrictions and require certification of those who apply fertilizer to turf for hire.

(Referred to Senate Agriculture & Rural Affairs Committee)

### **Soil Scientists**

#### **SB 1506 (Brubaker):**

Would require soil scientists to be licensed and registered.

(Referred to Consumer Protection & Professional Licensure Committee)

### **Stormwater Planning**

#### **SB 152 (Sen. D. White):**

Would require that stormwater projects be consistent with a stormwater management plan under the Stormwater Management Act or, in the case of non-point source stormwater projects, the Commonwealth's Section 319 Non-Point Source Management Plan, in order to be eligible for PENNVEST funding.

(Referred to Senate Appropriations Committee)

#### **SB 452 (Sen. Erickson):**

Would provide for watershed-based stormwater plans and the creation of stormwater management authorities. Would also allow for the development of integrated water resources management plans.

(Referred to Senate Environmental Resources & Energy Committee)

**SB 1261 (Sen. Erickson):**

Would specifically authorize municipal authorities to be created for the purpose of stormwater management.

(Passed Senate, in House Local Government Committee)

**Wastewater Planning**

**HB 823 (Rep. Scavello):**

Would require notification of new residential development to school districts and wastewater systems.

(Passed House, Amended in Senate, Referred to House Rules Committee)

**Utility Investment**

**HB 1294 (Rep. Godshall):**

Allows public utilities to gradually recover infrastructure investment costs from consumers via a “distribution system improvement charge.”

(Enacted: Act 11 of 2012)

**Flood Recovery**

**HB 2244 (Rep. Major):**

Would approve \$1.3 million in funds as match for NRCS stream restoration dollars in wake of flooding from Hurricane Irene and Tropical Storm Lee. Part of a package of flood recovery bills.

(Passed House, in Senate Environmental Resources & Energy Committee)

**Geospatial Coordinating Council**

**HB 1701 (Rep. Cutler):**

Would create a State Geospatial Coordinating Council to create uniform data standards and efficient geospatial policy and technology in Pennsylvania.

(Passed House, in Senate Veterans Affairs & Emergency Preparedness Committee)

**Land Banks**

**SB 1414 (Sen. Argall):**

Would provide for the creation of land banks for the purposes of converting vacant or tax-delinquent properties into productive use.

(Referred to Senate Appropriations Committee)

**HB 1682 (Rep. Taylor):**

Would provide for the creation of land banks for the purposes of converting vacant or tax-delinquent properties into productive use.

(Passed House, in Senate Urban Affairs & Housing Committee)

**Preferential Assessment of Farmland**

**HB 1213 (Rep. Sturla):**

Would require applicants for farmland preferential assessments under the “Clean and Green” Program to verify the farmer is in compliance with existing farm conservation requirements.  
(Referred to House Agriculture & Rural Affairs Committee)

**SB 1298 (Sen. Smucker):**

Would include compost as an “agricultural commodity” for purposes of the Commonwealth’s “Clean and Green” program.  
(Passed Senate, in House Agriculture & Rural Affairs Committee)

**Farmland Preservation**

**SB 1437 (Sen. Brubaker):**

Would amend farmland preservation program to prioritize farms with higher farmland clustering potential.  
(Referred to Senate Agriculture & Rural Affairs Committee)

**HB 562 (Rep. Gillen):**

Removes the ability to sell or extinguish an agricultural conservation easement that was possible after 25 years if the land was deemed to be no longer viable as agricultural land.  
(Enacted: Act 44 of 2011)

**HB 2059 (Rep. Miller):**

Would require inspection of all agricultural conservation easements on at least a biennial basis.  
(Passed House, in Senate Agriculture & Rural Affairs Committee)

**HB 2106 (Rep. Ross):**

Would provide for the landowner to relinquish the right of limited construction on land subject to an agricultural conservation easement.  
(Passed House, in Senate Agriculture & Rural Affairs Committee)

**Recreational & Historic Lands**

**SB 469 (Sen. Argall):**

Would limit liability of landowners who make land and water areas available to the public for recreation.  
(Passed Senate, in House Rules Committee)

**HB 1543 (Rep. Milne):**

Would exempt from prevailing wage requirements labor provided on historic properties and properties maintained by land trusts.  
(Tabled in House)

**Conservation District Funding**

**HB 168 (Rep. Miller):**



Would collect a 10 percent surcharge on environmental fines and penalties to fund county conservation districts.

(Referred to House Environmental Resources & Energy Committee)

**General Fund Budget**

**SB 1466 (Sen. Corman):**

General Appropriations for FY 2013. Conservation funding programs include:

- Keystone Parks & Recreation Fund (proposed to be cut)
- Agricultural Conservation Easement Purchase Fund (proposed to be cut)
- Resource Enhancement and Protection Tax Credit (proposed to be maintained)
- Alternative Energy Production Tax Credit (proposed to be increased)

(Referred to Senate Appropriations Committee)