



CHESAPEAKE BAY COMMISSION

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HIGHLIGHTS OF THE 2023 STATE LEGISLATIVE SESSIONS Pennsylvania, Maryland, and Virginia

PENNSYLVANIA (as of 5-1-2023)

(2023-2024 2-year, full-time Session, January 3, 2023-November 30, 2024)

PENDING – INTRODUCED

HB 156 (Representative Pashinski)

Fertilizer

Would make technical corrections to the Fertilizer Law enacted last Session.

Status: On Table in House

SB 144 (Senator Yaw) / HB 683 (Representative Sturla)

PFAS – Firefighting Foam

Would restrict the use of Class B firefighting foams containing PFAS for training and testing, while allowing use for emergencies.

Status: House Veterans Affairs & Emergency Preparedness Committee

HB 200 (Representative Owlett) / Co-Sponsor Memo (Senator Yaw)

Stream Cleaning – 10-year Maintenance Permit

Would allow for local governments to apply for a 10-year stream maintenance permit.

Status: House Environmental Resources & Energy Committee (HB 200)

HB 935 (Representative Pickett) / Co-Sponsor Memo (Senator Yaw)

Stream Cleaning – Emergency Maintenance Permit

Would allow counties to opt-in to emergency maintenance permits in consultation with their county conservation district.

Status: House Environmental Resources & Energy Committee (HB 935)

HB 677 (Representative Sturla)

Stream Fencing

Would remove provision in Clean Streams Law that precludes any requirement to fence livestock out of streams, with allowance for crossings and watering.

Status: House Environmental Resources & Energy Committee

HB 685 (Representative Sturla)

Clean & Green

Would require a conservation plan for a farm to enroll in the preferential property tax assessment program.

Status: House Agriculture & Rural Affairs Committee

[HB 20](#) (Representative Sturla) / [SB 278](#) (Senator Muth)

PA Water Resources Act

Would charge large water users (those who withdraw more than 10,000 gallons/day) a fee of 1/100 of a cent for non-consumptive uses and 1/10 of a cent for consumptive uses. The fee would not apply to municipal uses.

If the user is an electric utility, the fee would be \$1.00/MWH generated and sold.

Revenue would be used to fund water improvement projects, distributed back to the watersheds in which it was generated.

Status: House Environmental Resources & Energy Committee (HB 20) / Senate Environmental Resources & Energy Committee (SB 278)

[HB 699](#) (Representative Webster)

Comprehensive Stormwater Management Planning and Integrated Water Resources Planning

Would require, with enforceability, the development and implementation of comprehensive watershed-based stormwater management plans by municipalities or counties.

Would allow a county, multiple counties, multiple municipalities or water resource management authorities to develop integrated water resources management plans.

Status: House Environmental Resources & Energy Committee

PENDING – NOT YET INTRODUCED

[Co-Sponsor Memo](#) (Senator Yaw)

PFAS – Food Packaging

Would prohibit the manufacturing, distribution, sale or offer for sale in the Commonwealth of any food packaging containing PFAS in any amount. Would also require manufacturers to post a certificate of compliance at the place of business.

[Co-Sponsor Memo](#) (Senators Martin and Yaw)

Low Carbon Fuel Standard

Would establish a low carbon fuel standard for PA. Low carbon fuels would include renewable natural gas such as methane from agriculture, wastewater, municipal waste, etc.

[Co-Sponsor Memo](#) (Representatives Sturla, Hill-Evans and Benninghoff)

Chesapeake Bay Awareness Week

Would designate the week of June 4-10, 2023, as Chesapeake Bay Awareness Week in Pennsylvania.

MARYLAND

(90-day session, January 11-April 10)

PASSED

[HB 723](#) (Delegate Love, Bridges, Stein, et al.) / [SB 526](#) (Senator Elfleth, Guzzone, et al.)

Natural Resources – Forest Preservation and Retention

Altering the definition of "qualified conservation" for purposes of provisions of law related to forest mitigation banks; altering certain methods of calculating forest afforestation, reforestation, and preservation requirements; authorizing local jurisdictions to adopt certain alternative afforestation, reforestation, and preservation requirements; requiring the Department of Natural Resources to establish a workgroup to evaluate and recommend incentives for private landowners to conserve forest; etc.

[HB 631](#) (Delegate Stein) / [SB 470](#) (Senator Elfreth, Guzzone, et al.) Senate version passed.

Natural Resources - Land Conservation - Establishment of Goals and Programs (Maryland the Beautiful Act)

Establishing certain goals and programs related to land conservation; establishing the Local Land Trust Revolving Loan Program to provide loans to certain land trusts to purchase land for conservation purposes; establishing the Land Preservation Rapid Response Advisory Committee to review loan applications and make recommendations on which projects to fund; establishing the Local Land Trust Revolving Loan Fund; establishing the 40 x 40 Land Conservation Implementation Grant Program to support land conservation goals; etc.

[HB 607](#) (Delegate Love) / [SB 471](#) (Senator Elfreth) Senate version passed.

Sediment Control Plans, Discharge Permits for Stormwater Associated With Construction Activity, and Notice and Comment Requirements

Requiring the Department of the Environment to review and update specifications for sediment control plans in a certain manner on or before December 1, 2025, and every 5 years thereafter; prohibiting the Department from authorizing the discharge of stormwater associated with construction activity under a general discharge permit unless certain requirements are satisfied; and requiring the Department to take certain public notice and comment actions if a person makes a written request within the public notification period of the permit.

[HB 284](#) (Delegate Love, et al.) / [SB 222](#) (Senator Augustine, Elfreth, et al.) Senate version passed.

Environment - Statewide Recycling Needs Assessment and Producer Responsibility for Packaging Materials

Altering the definition of "organics recycling" to include the processing of certain compostable packaging materials in a certain manner; requiring the Department of the Environment to approve a single producer responsibility organization to represent the interests of producers by October 1, 2023; establishing a producer responsibility advisory council to provide advice and make recommendations regarding establishing and implementing a producer responsibility program in the State for packaging materials; etc.

[HB 874](#) (Delegate Stewart, Love et al.) / [SB 611](#) (Senator Bailey, Elfreth, et al.)

Office of the Attorney General - Environmental and Natural Resources Crimes Unit - Establishment

Establishing the Environmental and Natural Resources Crimes Unit of the Office of the Attorney General to investigate and prosecute cases against persons that violate State criminal environmental and natural resources laws; and requiring the Attorney General, by November 30 each year, to report to the Governor and the General Assembly on all the activities of the Unit and any actions taken by the Department of the Environment or the Department of Natural Resources in response to the findings and recommendations of the Unit.

[HB 319](#) (Delegate Stein et al.) / [SB 158](#) (Senator Hettleman)

Pesticides - PFAS Testing - Study

Requiring the Department of Agriculture, in consultation with certain State and federal agencies, to study the use of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in pesticides in the State; and requiring the Department to report its findings and recommendations to the Governor, the Senate Committee on Education,

Energy, and the Environment, and the House Health and Government Operations Committee on or before November 1, 2023.

**[HB 503](#) (Delegate Stein, Bridges, Love, et al.) / [SB 923](#) (Senator Rosapepe) House version passed.
Natural Resources - Greenspace Equity Program - Establishment**

Establishing the Greenspace Equity Program in the Department of Natural Resources to provide grants to eligible applicants for enhancing the public health and livability of overburdened and underserved communities by implementing projects to preserve, create, and enhance community greenspace; requiring the Department to submit certain grant applications to the Maryland State Clearinghouse for Intergovernmental Assistance; requiring certain grant applications to be subject to approval by the Board of Public Works; etc.

**[HB 950](#) (Delegate Stein, Love et al.) / [SB 836](#) (Senator Brooks)
Maryland Native Plants Program**

Establishing the Maryland Native Plants Program to respond to the increasing demand for, use of, and sale of native plants at retail garden centers and wholesale nurseries and to educate the public on native plants; requiring the Department of Agriculture to administer the Program in coordination with the University of Maryland Extension and to establish the "Maryland Natives" marketing program; requiring the University of Maryland Extension to hire an extension agent to serve as a native plant specialist for certain purposes; etc.

**[HB 289](#) (Delegate Stein, Love et al.) / [SB 282](#) (Senator King, Elfreth, Guzzone, et al.)
Maryland Forestry Education Fund – Establishment**

Establishing the Maryland Forestry Education Fund to expand and enhance the Maryland Forestry Foundation's capacity to provide certain education and resources to forest landowners, the ability of district forestry boards and the knowledge of local governments to achieve healthy and sustainable forests, and the ability of businesses to test innovative best management practices in forestry; and requiring the Governor to include in the annual budget bill \$250,000 for the Fund in fiscal years 2025 and 2026.

[HB 30](#) (Delegate Stein) / [SB 7](#) (Senator West)

Environment - On-Site Wastewater Services - Board, Fees, and Penalties

Altering the composition of the State Board of On-Site Wastewater Professionals; clarifying and altering the distribution of certain fees and penalties; and clarifying the application of certain license requirements and penalties.

**[HB 843](#) (Delegate Smith et al.) / [SB 880](#) (Senator Sydnor et al.)
Baltimore Regional Water Governance Task Force**

Establishing the Baltimore Regional Water Governance Task Force to study approaches to water and wastewater governance in the Baltimore region; and requiring the Task Force to report its findings and recommendations to the Mayor of Baltimore City, the County Executive of Baltimore County, the Governor, and the General Assembly on or before January 30, 2024.

BUDGET HIGHLIGHTS

- **MDE Water Quality Revolving Loan Fund:** \$229,400,000
- **MDE Bay Restoration Fund:** \$66,200,000
- **MDE Septic System Upgrade Program:** \$15,000,000
- **MDE Supplemental Assistance Program** \$5,200,000

- **DNR Chesapeake and Atlantic Coastal Bays 2010 Trust Fund:** \$60,600,000
- **DNR Program Open Space State Share:** \$105,200,000
- **DNR Rural Legacy:** \$33,400,000
- **DNR Oyster Restoration Program:** \$2,000,000
- **DNR Blue Crab Stock Assessment:** \$225,000
- **DNR Fresh Water Mussel Enhancement:** \$400,000
- **MDA Agricultural Land Preservation:** \$94,700,000
- **MDA Cost Share Program:** \$4,000,000

VIRGINIA

(46-day Regular Session, January 11 - February 25, Special Session for budget approval may be called)

PASSED

SB 879 (Senator Stuart) / HB 1664 (Delegate Hodges)

Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created.

Establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program.

SB 997 (Senator Mason) / HB 1438 (Delegate Anderson)

Oyster Replenishment Fund; oyster resource user fees to be credited to Fund.

Expands the use of the Oyster Replenishment Fund to allow the Virginia Marine Resources Commission to provide grants to person that donate oyster shells to nonprofits involved in oyster replenishment activities.

SB 1129 (Senator Hanger) / HB 1485 (Delegate Webert)

Chesapeake Bay Watershed Implementation Plan; changes contingency for effective date.

Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan to allow consideration of a combination of point or nonpoint source pollution reduction commitments other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan have been satisfied. The bill advances from July 1, 2026, to July 1, 2028, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan and requires the Secretary of Natural and Historic Resources and the Secretary of Agriculture and Forestry to convene a stakeholder advisory group to review annual progress and make recommendations toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay TMDL Phase III Watershed Implementation Plan.

SB 1187 (Senator Lewis) / HB 1634 (Delegate Bulova)

Local Comprehensive Plans; Resilience.

Encourages a locality to consider strategies to address resilience in order to anticipate, prepare for, respond to, and adapt to changing conditions and hazardous events within their comprehensive plan.

[SB 1392](#) (Senator Lewis) / [HB 1807](#) (Delegate Bloxom)

Flood plain management; state agency compliance with regulations.

Directs the Department of Conservation and Recreation, no later than September 30, 2023, and in cooperation with numerous Secretariats and the Special Assistant to the Governor for Coastal Adaptation and Protection, to establish standards for development in a flood plain for all state agencies and departments. Such standards shall require at least compliance with the National Flood Insurance Program and shall require that any development undertaken by an agency or department on state-owned land located in a Special Flood Hazard Area be protected or flood-proofed against flooding and flood damage.

[HB 1804](#) (Delegate Bloxom)

Tidal wetland mitigation bank; credits.

Authorizes certain entities to purchase or use credits from a tidal wetland mitigation bank located in an adjacent river watershed when such bank contains the same plant community type and salinity regime as the impacted wetlands, which shall be the preferred form of compensation. The provisions of the bill apply only to tidal wetland mitigation banks with a polyhaline salinity regime located in certain subbasins when a tidal wetland mitigation bank with the same plant community type and salinity regime as the impacted wetlands is not available in the same river watershed as the impacted wetland.

[HB 1998](#) (Delegate Krizek)

Native plant species; state agencies to prioritize use on state properties.

Directs the Secretaries of Natural and Historic Resources, Agriculture and Forestry, and Administration to coordinate the development of strategic actions for state agencies to take to prioritize the use of native plant species on state properties.

[HB 2096](#) (Delegate Bulova)

Noxious weeds; invasive plant species.

Removes the current prohibition on the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially.

[HB 2189](#) (Delegate Rasoul)

PFAS chemicals; requirements to test, publicly owned treatment works.

Directs the State Water Control Board to adopt regulations that require any industrial user of publicly owned treatment works that receive and clean, repair, refurbish, or process items that the industrial user knows or reasonably should know use PFAS chemicals, defined in the bill, to test waste streams for PFAS prior to and after cleaning, repairing, refurbishing, or processing such items. The bill requires the results of such tests to be transmitted to the receiving publicly owned treatment works within three days of receipt of the test results by the industrial user of the publicly owned treatment works.

DID NOT PASS

[HB1721](#) (Delegate Clark)

Public drinking water; Commissioner of Health's work group to study occurrence of microplastics.

Directs the Commissioner of Health to convene a work group to study the occurrence of microplastics in the Commonwealth's public drinking water. The bill requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2023.

HB 1742 (Delegate Carr)

Virginia student environmental literacy; grant fund and program.

Requires the Board of Education, in consultation with the Office of Environmental Education at the Department of Conservation and Recreation, The Science Museum of Virginia, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan.

HB 2060 (Delegate Lopez)

Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund created.

Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 250 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, and other requirements of tank owners, and that establish a schedule of registration and renewal fees. The bill authorizes the Board to undertake corrective action in the event of a discharge of a hazardous substance. The bill requires tank owners to notify certain parties in the event of a release of a regulated substance. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund, with moneys from the Fund to be used solely for the administration of the bill and provides for civil penalties for violations of requirements of the bill, with such moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

HB 2209 (Delegate Tran)

High polycyclic aromatic hydrocarbon; prohibits pavement sealants that contain, civil penalty.

Permits a locality to prohibit the sale and distribution of any pavement sealant that contains polycyclic aromatic hydrocarbon concentrations greater than one percent by weight on or after July 1, 2023, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill allows a local governing body to prohibit the use of such sealants beginning July 1, 2024, and subject any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund.

BUDGET HIGHLIGHTS (Pending final approval)

- **Agricultural Cost Share Program:** \$150,021,524 (Senate, including \$12,907,600 for priority agricultural practice incentives); \$137,113,924 (House)
- **Stormwater Local Assistance Fund:** \$20,000,000 (Senate); \$10,000,000 (House)
- **Resilient Virginia Revolving Fund:** \$200,000,000 (Senate); \$100,000,000 (House)
- **Invasive Species Program Establishment:** \$2,425,000 (Senate)
- **Land Preservation Tax Credit:** \$75,000,000 (Senate and House)
- **Blue Crab Stock Assessment:** \$225,000 (Senate and House)
- **Freshwater Mussel Hatchery Support:** Unsuccessful