



CHESAPEAKE BAY COMMISSION

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A SUMMARY OF THE 2019 STATE LEGISLATIVE SESSIONS

VIRGINIA

Stormwater

House Bill 1822 (Bulova) requires the Department of Environmental Quality to consult with stakeholders annually to estimate the amount of grant funding that local governments will request during the upcoming year from the Water Quality Improvement Fund and the Stormwater Local Assistance Fund and to submit those estimates to the Governor as part of a biennial funding report and an annual progress report that are required by current law. The bill also allows for Water Quality Improvement Fund grants for the consolidation of wastewater facilities.

Senate Bill 1248 (Reeves)/House Bill 1614 (Cole) allows a locality to develop and administer a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands.

Senate Bill 1328 (Hanger) would have explicitly authorized in Code that a portion of the moneys appropriated to the Stormwater Local Assistance Fund could be used to provide matching grants to local governments that are not regulated under municipal separate storm sewer system permits for the planning, design, and implementation of stormwater best management practices.

Agriculture

House Bill 2637 (Webert) authorizes the State Water Control Board to issue loans and grants from the Virginia Water Facilities Revolving Fund for the construction, renovation, improvement, or equipping of facilities or structures to implement agricultural best management practices to prevent pollution of state waters. The bill includes among the types of facilities or structures for which a loan or grant may be issued riparian buffers.

Fisheries

House Bill 1779 (Bloxom) provides the Commissioner of Marine Resources with flexibility to decide which area within a riparian owner's waters shall be assigned for planting oysters and removes the \$1.50 fee of such assignment.

House Bill 2047 (Stolle) provides a process for the approval of municipal dredging projects located in the Lynnhaven River or its creeks and tributaries in leased oyster planting grounds and establishes a procedure for determining compensation to such leaseholder.

Senate Bill 1413 (Mason) provides the Commissioner of Marine Resources with flexibility to decide which area within a riparian owner's waters shall be assigned for planting oysters and removes the \$1.50 fee of such assignment. The bill changes various provisions related to oyster-

planting grounds, including (i) increasing the application fee for an assignment of general or riparian oyster-planting grounds, (ii) authorizing the Commissioner to consider the public benefits and impacts of shellfish aquaculture or whether a transfer or renewal of an oyster-planting lease is in the public interest when determining whether to allow such transfer or renewal of an assignment, (iii) directing the Marine Resources Commission to adopt regulations related to license renewal fees, and (iv) increasing the application fee for a transfer of an oyster-planting lease.

Senate Bill 1046 (Cosgrove)/House Bill 1769 (Knight) would have transferred the management of the menhaden fishery from the General Assembly to the Virginia Marine Resources Commission.

Septic Systems

House Bill 2322 (Hodges) directs the Department of Health to develop a plan for oversight and enforcement of the pump-out of onsite sewage treatment systems that do not require a Virginia Pollutant Discharge Elimination System permit established pursuant to the Chesapeake Bay Preservation Act and are located in counties eligible for participation in the Rural Coastal Virginia Community Enhancement Authority.

Preventing Other Sources of Pollution

House Bill 2762 (Bulova) requires that Class B firefighting foam that contains intentionally added fluorinated organic chemicals containing at least one fully fluorinated carbon atom (PFAS chemicals) cannot be used for training purposes or testing beginning July 1, 2021.

Senate Bill 1355 (Wagner) /House Bill 2786 (Ingram) requires that legacy coal ash impoundments within the Chesapeake Bay watershed remove all of the ash for recycling, known as encapsulated beneficial use, or deposition in a permitted and lined landfill that meets certain federal standards.

Budget (awaiting Governor’s signature) *

	FY19	FY20
<i>Agricultural Cost-Share (including Technical Assistance, Reserve, Recordation)</i>	\$5,884,000	\$83,757,699
<i>Stormwater Local Assistance Fund</i>		\$10,000,000
<i>Alexandria Combined Sewer Overflow</i>		\$25,000,000
<i>Oyster Replenishment and Restoration</i>		\$1,000,000
<i>Environmental Education</i>		

*Only funding proposed *in addition to* the approved FY19 budget is listed within the table

MARYLAND

HB0109 (Delegate Lierman) / SB0285 (Senator Kagan)

Environment - Expanded Polystyrene Food Service Products - Prohibitions

Prohibiting a person from selling in the State an expanded polystyrene food service product on or after July 1, 2020; prohibiting food service businesses or schools from selling or providing food or beverages in expanded polystyrene food service products on or after July 1, 2020; confirming the authority of local government entities to establish standards that are at least as stringent as those in the Act; requiring the Department of the Environment to conduct a public education and outreach antilittering campaign; etc.

HB0190 (Delegate Lafferty)

Environment - Failing On-Site Sewage Disposal System – Definition

Defining the term 'failing on-site sewage disposal system' for certain provisions of law to mean an on-site sewage disposal system or a component of an on-site sewage disposal system that threatens the public health due to certain conditions; providing that the Act may not be construed to preempt or prevail over any county ordinance, law, or rule that provides a more stringent definition of the term 'failing on-site sewage disposal system'; providing the Act may not be construed to alter a certain enforcement referral method; etc.

HB0272 (Delegate Lafferty) / SB0234 (Senator Young)

Natural Resources - State and Local Forest Conservation Funds

Requiring a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank in the same county or watershed are not available before the person may pay money to a State or local forest conservation fund to meet certain requirements; prohibiting a local authority from collecting money for deposit into its forest conservation fund unless it has submitted to the Department the mitigation plan and accounting procedures; applying the Act prospectively; etc.

HB0298 (Delegate Busch) / SB0448 (Senator Pinsky)

Oysters - Tributary-Scale Sanctuaries - Protection and Restoration

Establishing a network of oyster sanctuaries in the five tributaries identified by the Department of Natural Resources for large-scale restoration pursuant to the 2014 Chesapeake Bay Watershed Agreement; codifying the boundaries of certain oyster sanctuaries; prohibiting a person from catching oysters in or removing oysters from a certain oyster sanctuary, subject to a certain exception; requiring the Department to provide reports on certain restoration plans to certain committees of the General Assembly by certain dates; etc.

HB0703 (Delegate Lafferty) / SB0505 (Senator Elfreth)

Environmental Violations - Reporting Requirements

Requiring certain jurisdictions to report to the Department of the Environment on certain information relating to the number of cases alleging violations of sediment and erosion control laws and regulations and building and grading permits by January 1 each year; requiring the Department to provide technical assistance to certain jurisdictions to meet the reporting requirements of the Act; and requiring the Department to report the information collected to the Governor and the General Assembly on or before March 1 each year.

HB0720 (Delegate Barve) / SB0830 (Senator Elfreth)

Natural Resources - Fishery Management Plans – Oysters

Requiring the Department of Natural Resources to convene the Oyster Advisory Commission, in coordination with the University of Maryland Center for Environmental Science, by June 1, 2019; requiring the Department, in coordination with the University of Maryland Center for Environmental Science and the Commission, to develop a package of consensus recommendations for enhancing and implementing the fishery management plan for oysters; requiring the Commission, with certain assistance, to develop certain recommendations; etc.

HB0735 (Delegate Healey) / SB0729 (Senator Guzzone)

Technical Study on Changes in Forest Cover and Tree Canopy in Maryland

Requiring the Harry R. Hughes Center for Agro-Ecology, in consultation with the Departments of Natural Resources, Environment, Planning, and Agriculture and the Chesapeake Bay Program to conduct a technical study to review changes in forest cover and tree canopy in the State; providing for the scope of the study; and requiring the Harry R. Hughes Center for Agro-Ecology to submit a report of the findings of the technical study to the Governor and the General Assembly by December 1, 2019.

SB0234 (Senator Young) HB0272

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SB0546 (Senator Pinsky) / [HB0904 (Delegate Stewart)]

Agriculture - Nutrient Management - Monitoring and Enforcement

Requiring that a summary of each nutrient management plan be filed and updated with the Department of Agriculture at certain times; authorizing the Department to require an updated summary to take the form of an annual implementation report; requiring a manure broker to provide certain information to a certain person; requiring a person who holds a certain certificate or license to comply with certain reporting requirements and deadlines related to implementation of the Phosphorus Management Tool; etc.

Maryland Budget Action Highlights

- Chesapeake and Atlantic Coastal Bays 2010 Trust Fund: \$53.6 million
- Program Open Space State Share (land acquisition): \$41.1 million
- Rural Legacy: \$25.7 million
- MDA Agricultural Land Preservation (state funds): \$42.0 million
- DNR Oyster Restoration Program: \$2.6 million
- DNR Coastal Resilience Program: \$3.1 million
- MDA Cost Share Program: \$8.5 million
- MDE Water Quality Revolving Loan Fund \$8.8 million
- MDE Bay Restoration Fund: \$70 million
- MDE Septic System Upgrade Program: \$15 million
- State Highway Administration funding for WIP implementation: \$112.0 million

PENNSYLVANIA

(As of 5-1-19; 2019 is the first year of a two-year Session)

Hellbender

SB 9 (Yaw) Designates the Eastern Hellbender as the State Amphibian. (Act 3 of 2019)

Funding

SB 108 (Yaw & Yudichak)/HB 374 (Everett) would allow for a voluntary contribution of \$3 to be made when applying for or renewing a driver's license or renewing the registration of a motor vehicle. Funds would go to DCNR programs: 40% to TreeVitalize; 60% to Riparian Forest Buffer Grants. (SB 108 in Senate Environmental Resources & Energy Committee; HB 374 on Second Consideration in the House)

HB 473 (Everett) would allow certain municipalities to enact stormwater fees without going through a municipal authority. (In House Local Government Committee)

HB 139 (Quinn)/TBD (Killion) would expand eligible Growing Greener projects within DCNR, DEP and PDA, to include Heritage Areas, abandoned mine lands, floodplain management, green infrastructure, and ag BMPs, among others. Would also broaden the distribution of Growing Greener funds to include DCED, Fish & Boat Commission, Game Commission, and Historical and Museum Commission. (HB 139 in House Environmental Resources & Energy Committee; Co-sponsor memo distributed in Senate)

TBD (Yaw) would establish a competitive bidding process for nutrient reductions. Private partners would implement reductions and only be paid by the state after reductions were in place and verified. (Co-sponsor memo has been distributed)

TBD (Killion & Yudichak/Murt & Wheatley) would fund \$4.5 billion in infrastructure improvements, including green infrastructure, from a bond initiative re-paid from a Marcellus Shale severance tax (a.k.a. *Restore Pennsylvania*). (Co-sponsor memos have been distributed)

Streams

HB 1389 (Sturla) would remove provision in Clean Streams Law that precludes any requirement to fence livestock out of streams. Appropriate crossings and watering facilities would be allowed. (Introduced)

TBD (Yaw) would enable county-level permits for stream maintenance and removal of obstructions from waterways and establish a tool to evaluate stream channel elements and guide watershed-specific actions. (Co-sponsor memo has been distributed)

Emerging Contaminants

SB 581 (Collett) would establish a maximum contaminant level for PFAS of 10 ppt. (In Senate Environmental Resources & Energy Committee)

HB 627 (Briggs) would prohibit the use of single-use polystyrene food containers. (In House Environmental Resources & Energy Committee)

Chesapeake Bay Awareness Week

HR 281 (Gillespie)/TBD (Yaw) designates June 2-8, 2019 as Chesapeake Bay Awareness Week in PA (Introduced in the House; Co-sponsor memo distributed in the Senate)

Fertilizer

TBD (TBD) The PA Department of Agriculture is developing a bill to establish standards for all turf and other commercial uses of fertilizer.