



CHESAPEAKE BAY COMMISSION

Policy for the Bay • www.chesbay.us

A SUMMARY OF THE 2020 STATE LEGISLATIVE SESSIONS Maryland, Pennsylvania, and Virginia

MARYLAND

PASSED

HB 619 (Delegate Young)

Environment – Use of Fire-Fighting Foam and PFAS Chemicals

Prohibiting, on or after October 1, 2021, the use of Class B fire-fighting foam that contain intentionally added PFAS chemicals for certain testing or training purposes; providing that the Act does not restrict the manufacture, sale, or distribution of certain Class B fire-fighting foam or the discharge or other use of certain fire-fighting foam in emergency fire-fighting or prevention operations; requiring the use of nonfluorinated foam for fire-fighting training; establishing certain penalties; etc.

HB 687 (Delegate Stein) / SB 597 (Senator Young)

Agriculture - Cost-Sharing Program - Fixed Natural Filter Practices

Prohibiting the use of certain cost-sharing funds to fund a conservation practice that does not meet certain requirements; authorizing certain cost-sharing funds to be made available for certain fixed natural filter practices; prohibiting basing a reduction in certain cost-sharing rates on tons of soil saved or an amortization formula; requiring that certain cost-sharing for the planting of multiple species of cover crops equal or exceed the rates paid for the planting of a single species of cover crop; etc.

SB 457 (Senator Elfreth) / HB 539 (Delegate Watson, C.)

Local Governments - Resilience Authorities - Authorization

Authorizing a local government to create a Resilience Authority by local law; specifying certain requirements for the adoption of a local law establishing an Authority; specifying the powers that a local government may grant an Authority; authorizing an Authority to issue certain bonds for certain purposes; authorizing the local governing body to dedicate certain revenues of the local government to the repayment of bonds and to support operations or resilience infrastructure projects of an Authority; etc.

SB 808 (Senator Elfreth) / HB 911 (Delegate Gilchrist)

Natural Resources - Fishery Management Plans – Oysters

Altering the date from June 1, 2019, to April 1, 2020, by which the Department of Natural Resources is required to convene in a certain manner the Oyster Advisory Commission; altering the version of the fishery management plan for oysters that the Department is required to develop before taking certain management action governing oyster sanctuaries; requiring the Department to include certain information in the interim report to be submitted by August 1, 2021, to the Governor and the General Assembly; etc.

PENNSYLVANIA

Pennsylvania is in the second half of its 2019-2020 Session

ACTION JUNE – DECEMBER 2019

SB 634 (Yaw)

Conservation Excellence Grant Program

Part of Governor Wolf's "PA Farm Bill" initiative, Act 39 of 2019 establishes a new agricultural cost-share program administered by the State Conservation Commission. Initially funded at \$2.5 million for FY2019-2020, it prioritizes "Tier 1" counties under PA's Phase III Chesapeake Bay Watershed Implementation Plan and applicants that are willing to include loans in their funding package instead of 100% reliance on grants.

SR 208 (Martin)

Local Water Week

Designated August 10-17, 2019 as *Local Water Week* in Pennsylvania.

HB 374 (Everett)

Keystone Tree Fund

Act 78 of 2019 allows 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.

HB 1410 (Stephens)

PFAS Remediation

Act 101 of 2019 redirects a portion of state tax revenue generated on and around the former Willow Grove NAS to a new municipal authority for remediate water contamination.

HR 281 (Gillespie)/SR 121 (Yaw)

Chesapeake Bay Awareness Week

Designated June 2-8, 2019 as *Chesapeake Bay Awareness Week* in Pennsylvania.

HR 373 (Gillespie)

Fishing & Boating Week

Designated June 1-9, 2019 as *Fishing & Boating Week* in Pennsylvania.

Budget Highlights

The REAP ag BMP tax credit program received an additional \$3 million in credits for a total of \$13 million, and the State Conservation Commission received \$500,000 to cover interest rate reductions under the Agri-Link loan program to fund ag BMP implementation.

PRE-COVID LEGISLATION PENDING IN 2020 (as of 4/30/2020)

SB 575 (Yaw)/HB 1642 (Everett)

Nutrient Procurement

Would establish a competitive bidding process for nutrient reductions based on “pay-for-performance.” Private partners would implement reductions and only be paid by the state after reductions were in place and verified.

In House State Government Committee.

SB 679 (Yaw)

Stream Cleaning

Would enable county-level permits for stream maintenance and removal of obstructions in waterways. Would establish a tool to evaluate stream channel elements and guide watershed-specific actions.

On calendar in Senate.

SB 915 (Yaw)

Fertilizer

Would limit N and P in bagged DIY fertilizer and N and P applications by professional lawn companies unless they prepare a site-specific nutrient management plan. Would require training and certification of professional fertilizer applicators and increase existing fertilizer manufacturer/distributor fees (for the first time since the 1980s) to adequately fund the PDA fertilizer program.

On calendar in Senate.

SB 919 (Yaw)

PFAS

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

In House Environmental Resources & Energy Committee.

SB 950 (Pittman/Yaw/Argall)

RGGI

Would require legislative approval of any carbon tax or multi-state carbon agreement.

In Senate Environmental Resources & Energy Committee.

SB 1030 (Yaw)

Sewage Systems

Would allow a land development plan to include conventional or alternate sewage systems based on site-specific conditions.

In House Environmental Resources & Energy Committee.

SR 320 (Yaw/Vogel)/HR 802 (Causer)

Conservation District Week

Would designate May 3-9, 2020 as *Conservation District Week* in Pennsylvania.

In Senate Rules & Executive Nominations Committee (SR 320).

In House Agriculture & Rural Affairs Committee (HR 802).

SR Pending (Martin/Yaw)

Chesapeake Bay Awareness Week

Would designate June 7-13, 2020 as *Chesapeake Bay Awareness Week* in Pennsylvania.

Co-sponsor memo issued.

HB 473 (Everett)

Stormwater Fees

Would allow certain municipalities to enact stormwater fees without going through a municipal authority.

In House Local Government Committee.

HB 1389 (Sturla)

Livestock Stream Exclusion

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

In House Environmental Resources & Energy Committee.

COVID-RELATED LEGISLATION PENDING (as of 4/30/2020)

HB 1822 (Keller)

Special Fund Contracts

Would preclude any new contracts requiring expenditures from many state agency special fund accounts for the duration of the declared COVID emergency.

Passed House.

HB 2416 (Everett)

Tolling of regulations

Would delay the finalization of any pending regulation until 90 days after expiration of the emergency declaration. Provides for a waiver process.

On calendar in House.

SB Pending (Yaw)

Tolling of regulations

Would prohibit any department or agency advisory committee meeting and consideration or adoption of a proposed or final rulemaking subject to the Regulatory Review Act and during the existence of a disaster emergency, unless the action is directly related to responding to the disaster emergency or adhering to a state or federal statutory timeline or court order.

Co-sponsor memo issued.

VIRGINIA

PASSED

SB 704 (Senator Mason) / HB 1422 (Delegate Plum)

Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; stream exclusion.

Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program.

SB 791 (Senator Lewis) / HB 1448 (Delegate Plum)

Menhaden; management of fishery

Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. The bill directs the Commissioner of Marine Resources to establish a Menhaden Management Advisory Committee to provide guidance to the Commission.

HB 520 (Delegate Bulova)

Department of Environmental Quality; tree planting as land cover type, best management practice; stakeholder advisory group.

Directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). The bill provides that the stakeholder group shall be composed of development and construction industry representatives, environmental technical experts, local government representatives, and others and that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by November 1, 2020, and to include a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use.

HB 504 (Delegate Hope)

Chesapeake Bay Preservation Areas; mature trees. Adds the preservation of mature trees or planting of trees, both as a water quality protection tool and as a means of providing other natural resource benefits, to the list of activities that the State Water Control Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. Coastal resilience and adaptation to sea-level rise and climate change was also added to the list of activities and a regulatory process to adopt these changes was authorized.

SB 776 (Senator Lewis)

Wetlands protection; living shorelines.

Requires the Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of wetlands and to approve only living shoreline approaches to shoreline stabilization unless the best available science shows that such approaches are not suitable.

HB 882 (Delegate Bulova)

Stormwater management; proprietary best management practices. Directs the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice (BMP) only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. The bill requires any proprietary BMP that is included on the Virginia Stormwater BMP Clearinghouse website prior to July 1, 2020, to provide documentation to the Department of Environmental Quality showing that its effectiveness has been verified by another state, regional, or national certification program and prohibits any such proprietary BMP that fails to provide such documentation from being used in any stormwater management plan submitted on or after January 1, 2022.