



CHESAPEAKE BAY COMMISSION

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HIGHLIGHTS OF THE 2022 STATE LEGISLATIVE SESSIONS Pennsylvania, Maryland, and Virginia

PENNSYLVANIA (as of 5-3-2022)

(2021-2022 2-year, full-time Session, January 5, 2021-November 30, 2022)

PENDING - INTRODUCED

[SB 64](#) (Senator Martin)

Ag Preservation Funds

Would allow a portion of state farmland preservation funding to be set-aside for use by land trusts.

Status: House Agriculture & Rural Affairs Committee

[SB 251](#) (Senator Yaw)

Fertilizer

Would update components of the existing fertilizer program and adds new requirements for the certification of professional fertilizer applicators and establishes provisions related to the application of fertilizer to non-agricultural lawns and turf for the purpose of protecting water quality.

Status: On the Table in House

[SB 302](#) (Senator Yaw) / [HB 1166](#) (Representative Sturla)

PFAS

Would prohibit the use of PFAS chemicals in firefighting foam used for testing or training purposes.

Status: House Veterans Affairs & Emergency Preparedness Committee

[SB 465](#) (Senator Yaw)

Agricultural Conservation Assistance Program

Would create a new statewide agricultural cost-share program administered by the State Conservation Commission and county conservation districts.

Status: Senate Appropriations

[SB 475](#) (Senator Yaw)

Nutrient Procurement

Would establish a pay-for-success program within the Pennsylvania Infrastructure Investment Authority, to allow for long-term (up to ten year) contracts for nutrient or sediment reduction activities.

Status: Senate Environmental Resources & Energy Committee

[SB 525](#) (Senator Gordner) / [HB 2020](#) (Representatives Schlegel Culver and Quinn)

Growing Greener III

Would establish the framework for a Growing Greener III Program for programs within the Departments of Conservation & Natural Resources, Environmental Protection, and Agriculture. Funding proposed as \$500 million from ARPA.

Status: Senate Appropriations Committee (SB 525) / House Environmental Resources & Energy Committee (HB 2020)

[SB 635](#) (Senator Yudichak)

C-PACE Enhancements

Would expand the Property-Assessed Clean Energy program to include “resiliency” projects, among others.

Status: House Commerce Committee

[SB 832](#) (Senators Yaw, Martin, and Laughlin) / [HB 1901](#) (Representative Hershey)

Clean Streams Fund

Would establish a Clean Streams Fund in the State Treasury, to support non-point source pollution reductions. Could receive funds from federal, state or other sources. Initial funding proposed as \$250 million from ARPA.

Status: Senate Appropriations Committee (SB 832) / House Environmental Resources & Energy Committee (HB 1901)

[HB 20](#) (Representative Sturla)

Pennsylvania Water Resource 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 agricultural or residential uses. Revenue would be used to fund water improvement projects.

Status: House Environmental Resources & Energy Committee

[HB 810](#) (Representative Sturla)

Livestock Stream Exclusion

Would repeal a clause in current law that prohibits the Commonwealth or a municipality from requiring livestock to be fenced out of streams. The new language would allow for appropriate stream crossings.

Status: House Environmental Resources & Energy Committee

[HB 1226](#) (Representative Sturla)

Clean & Green

Would require a conservation plan as a pre-requisite for a farm to enroll in the Clean & Green preferential property tax assessment program.

Status: House Agriculture & Rural Affairs Committee

[HB 1237](#) (Representative Quinn)

P3

Would expand the scope of “public private partnerships” for public infrastructure projects.

Status: House State Government Committee

[HB 1246](#) (Representative Quinn)

Green Buildings

Would require “major facility projects” of the Commonwealth to meet high-performance building standards.

Status: House State Government Committee

[HB 2404-2411](#) (Representatives Owlett, Pickett, Fritz, Hamm, Armanini, O’Neal, Smith and Hershey)
A package of bills to streamline the process for waterway maintenance with the purpose of preventing flooding.
Status: House Environmental Resources & Energy Committee

PENDING – NOT YET INTRODUCED

[Co-Sponsor Memo](#) (Senator Yaw)
“Stream Cleaning”

Would direct the Environmental Quality Board to develop regulations for stream “cleaning” and maintenance and the removal of obstructions and flood-related hazards from waterways.

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

Would include methane from agriculture, wastewater, municipal waste, etc. in the Alternative Fuels Incentive Grant Program as “Renewable Natural Gas.”

[Co-Sponsor Memo](#) (Senators Martin, Santarsiero and Cappelletti)
Household Hazardous Waste Collection

Would increase the per-county funding from \$100,000 to \$250,000 for collection events.

MARYLAND

(90-day session, January 12-April 11)

PASSED

[HB0133](#) (Delegate Stewart) / [SB0372](#) (Senator Kagan)
Environment - Sealant Products - Prohibitions (Safer Sealant Act of 2022)

Prohibiting, on or after October 1, 2023, a person from supplying, selling, or offering for sale a high-PAH sealant product for application to a driveway or parking area in the State; prohibiting, on or after October 1, 2023, a person from applying or soliciting the application of a high-PAH sealant product to a driveway or parking area in the State; establishing a civil penalty up to \$2,500 for each violation and an administrative penalty up to \$2,500 for each violation, but not exceeding \$100,000 total; etc.

[HB0275](#) (Delegate Love) / [SB0273](#) (Senator Elfreth)
Environment – PFAS Chemicals – Prohibitions and Requirements (George “Walter” Taylor Act)

Prohibiting, on or after January 1, 2024, a person from using, manufacturing, or knowingly selling or distributing Class B fire-fighting foam that contains intentionally added PFAS chemicals in the State; prohibiting, on or after January 1, 2024, a person from manufacturing, selling, or distributing a certain rug or carpet in the State; prohibiting, on or after January 1, 2024, a manufacturer or distributor from manufacturing, selling, or distributing certain food packaging intended for direct food contact in the State; etc.

[HB0318](#) (Delegate Stein) / [SB0479](#) (Senator Hester)
Environment - On-Site Wastewater Services – Regulation

Establishing the State Board of On-Site Wastewater Professionals in the Department of the Environment to regulate individuals who provide on-site wastewater services in the State and to establish minimum standards for certain on-site wastewater systems; requiring the Department, in consultation with the Board, to set certain fees for the issuance and renewal of licenses and other Board-provided services; establishing the On-Site Wastewater Professionals Fund; requiring the Board to establish a certain code of ethics; etc.

[HB0649](#) (Delegate Love) / [SB0492](#) (Senator Pinsky)

Environment - Discharge Permits - Inspections and Administrative Continuations

Establishing inspection and reporting requirements for certain permit holders; requiring the Department of the Environment maintain on its website a list of certain noncompliant permit holders and provide certain Senators and Delegates with a link to the list by monthly e-mail; establishing administrative penalties for certain permit holders determined to be in significant noncompliance of certain State or federal water quality standards, effluent limitations, or other requirements; etc.

[HB0653](#) (Delegate Love) / [SB0348](#) (Senator Elfreth)

Conservation Finance Act

Providing that the Department of Agriculture, the Department of Natural Resources, and the Maryland Environmental Trust must allow participants in certain cost-sharing programs to participate in and receive compensation from greenhouse gas markets, carbon credits, or soil carbon programs under certain circumstances; authorizing certain units to enter into pay-for-success contracts with certain aggregators to procure certain environmental outcomes projects or already certified environmental outcomes; etc.

[HB0784](#) (Delegate Stein)

Department of Natural Resources - Irreplaceable Natural Areas Program – Establishment

Establishing the Irreplaceable Natural Areas Program in the Department of Natural Resources to preserve Maryland's native biodiversity on State-owned land managed by the Department; requiring the Department by July 1, 2023 to adopt regulations designating irreplaceable natural areas on State-owned land managed by the Department and establishing management objectives for irreplaceable natural areas; etc.

[HB0869](#) (Delegate Gilchrist) / [SB0945](#) (Senator Gallion)

Wetlands and Waterways Program Division - Permitting for Ecological Restoration Projects - Required Study

Requiring the Department of the Environment's Wetlands and Waterways Program Division to study permitting for ecological restoration projects; requiring the Department to report on its findings and recommendations to the Governor and the General Assembly by June 1, 2024; etc.

[SB0007](#) (Senator Elfreth) / [HB0015](#) (Delegate Luedtke)

Invasive and Native Plants - Classification, Listing, and Use

Requiring the Secretary of Agriculture to classify certain plants as a tier 1 or tier 2 invasive plant; requiring the Department of Natural Resources to create, maintain, and publish on its website a list of plant species native to the State; requiring that each entity that receives State funding and each State agency prioritize the use of plants native to the State for every planting project; and requiring the Department to notify nurseries, landscapes, plant wholesalers, and plant retailers of the Act's requirements.

[SB0014](#) (Senator Elfreth) / [HB0100](#) (Delegate Solomon)

Sustainable Maryland Program and Fund – Establishment

Establishing the Sustainable Maryland Program; establishing the Sustainable Maryland Program Fund as a special, nonlapsing fund to expand and enhance Sustainable Maryland's promotion and support of communities in Maryland in the effort to realize environmental, economic, and social sustainability; requiring

interest earnings of the Fund to be credited to the Fund; requiring the Governor, in fiscal year 2024 and each fiscal year thereafter, to provide an appropriation of \$500,000 to the Fund; etc.

[SB0090](#) (Senator West) / [HB0595](#) (Delegate Mangione)

Department of the Environment - Supplemental Environmental Projects Database

Requiring the Department of the Environment to create and maintain a database of supplemental environmental projects that the Department may consider for implementation as part of a settlement of an enforcement action; and requiring the Department to prioritize the selection of a supplemental environmental project located in the same geographic area as the alleged violation and to ensure that the scope and cost of a chosen project are sufficient to allow the Department and the alleged violator to reach a settlement.

[SB0171](#) (Administration)

Environment - Public Participation Modernization Act

Authorizing the Department of the Environment to hold certain public meetings and hearings regarding certain licensing, permitting, and regulatory responsibilities using teleconference or Internet-based conferencing technology under certain circumstances; requiring that certain hearings regarding sewage sludge permits be held in accordance with provisions of law regarding public participation rather than with the Administrative Procedure Act; etc.

[SB0354](#) (Senator Elfreth) / [HB0714](#) (Delegate Stein)

Bay Restoration Fund - Intended Use Plans and Privately Owned Wastewater Facilities

Requiring the Department of the Environment to provide a certain intended use plan to the General Assembly within 5 days of the plan's publication for public comment; altering the definition of "privately owned wastewater facility" as it relates to the awarding of grants from the Bay Restoration Fund; requiring the Department to report on or provide certain information regarding funding for privately owned wastewater facilities to the General Assembly and the Department of Budget and Management; etc.

[SB0528](#) (Senator Pinsky)

Climate Solutions Now Act of 2022

Requiring the State to reduce statewide greenhouse gas emissions by altering statewide greenhouse gas emissions goals, establishing of a net-zero statewide greenhouse gas emissions goal, developing certain energy efficiency and emissions reduction requirements for certain buildings, requiring electric companies to increase their annual incremental gross energy savings, establishing certain zero-emission vehicle requirements for the State fleet, and establishing an electric school bus pilot program; etc.

[SB0541](#) (Senator Elfreth) / [HB0727](#) (Delegate Luedtke)

Natural Resources - Maryland Park Service and State Parks - Alterations (Great Maryland Outdoors Act)

Addressing infrastructure, capacity, and accessibility needs within the Maryland Park Service and State parks, including establishing systems and processes for surveying infrastructure and critical maintenance needs, increasing the number of Maryland Park Service full-time employees, requiring the Department of Budget and Management to conduct certain staff reviews, and requiring the Department of Natural Resources to develop a certain capital improvement plan and a comprehensive long-range strategic plan; etc.

[SB0630](#) (Senator Hester) / [HB0706](#) (Delegate Sample-Hughes)

Maryland Department of Emergency Management - Office of Resilience

Establishing the Office of Resilience in the Maryland Department of Emergency Management; requiring the Secretary of Emergency Management to appoint a Chief Resilience Officer to direct the Office of Resilience;

and requiring the Office of Resilience to coordinate with appropriate State agencies and State entities to meet certain goals.

[SB0814](#) (Senator Hester) / [HB1312](#) (Delegate Watson)

Public Safety - Resilient Maryland Revolving Loan Fund – Alterations

Altering the Resilient Maryland Revolving Loan Fund to provide loans to private property owners for hazard mitigation projects, including wind retrofits, flood mitigation elevation, floodproofing, wildland fire retrofit mitigation, and earthquake retrofit mitigation; authorizing the Fund to include money from the Federal Emergency Management Agency; requiring a portion of the Fund to be used for hazard mitigation projects for buildings under certain circumstances; and authorizing loan forgiveness under certain circumstances.

[SB0830](#) (Senator Elfreth) / [HB1228](#) (Delegate Crosby)

Natural Resources – Oysters – Spat, Shells, and Substrate

Establishing various programs, goals, research requirements, planning requirements, and funding requirements related to oyster spat, oyster shells, and oyster substrate; requiring the Maryland Agricultural and Resource-Based Industry Development Corporation to provide loans up to \$250,000 to finance the eligible costs of certain eligible seafood processing projects; replacing the oyster shell recycling tax credit with an annual grant program administered by the Department of Natural Resources; etc.

[SB0876](#) (Senator Bailey) / [HB1201](#) (Delegate Jacobs)

Water Pollution - Oyster Repletion Supplemental Environmental Projects

Requiring the Department of the Environment to include oyster repletion projects in a certain database; and requiring the Department to prioritize a supplemental environmental project involving certain oyster repletion projects for a party who is in violation of a certain effluent limitation or unpermitted discharge.

BUDGET HIGHLIGHTS

- MDE Water Quality Revolving Loan Fund \$152 million
- MDE Bay Restoration Fund: \$78 million
- MDE Septic System Upgrade Program: \$15 million
- MDE Supplemental Assistance Program \$3 million
- MDE Conowingo Dam Watershed BMPs \$25 million
- MES Conowingo Dredging \$6 million
- DNR Chesapeake and Atlantic Coastal Bays 2010 Trust Fund: \$46.2 million
- DNR Program Open Space State Share: \$86 million
- DNR Rural Legacy: \$26 million
- DNR Oyster Restoration Program: \$13.8 million
- MDA Agricultural Land Preservation: \$72 million
- MDA Cost Share Program: \$2.0 million

VIRGINIA

(60-day Regular Session January 12-March 12, Special Session convened April 4)

PASSED

SB 756 (Senator Lewis) / HB 1309 (Delegate Bulova)

Resilient Virginia Revolving Fund.

Creates the Resilient Virginia Revolving Fund at the Department of Conservation and Recreation. The bill provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them. The Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants.

SB 551 (Senators Marsden and Lewis) / HB 516 (Delegate Bulova)

Flood resiliency and protection. Virginia Flood Protection Master Plan & Coastal Resilience Master Plan.

The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents.

HB 517 (Delegate Bulova)

Chief Resilience Officer.

Clarifies the designation and role of the Chief Resilience Officer by moving the position from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adding provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan.

SB 537 (Senator Marsden)

Replacement and conservation of trees during development.

The bill allows that any locality may adopt an ordinance providing for the planting and replacement of trees during the development process. Further, the bill specifies provisions related to the conservation of trees during the development process in localities and allows that any locality may adopt such an ordinance. The bill directs stakeholders to meet prior to the 2023 Session of the General Assembly to consider specified topics. The provisions of the bill related to the conservation of trees during the development process do not become effective unless reenacted by the 2023 Session of the General Assembly.

SB 629 (Senator Stuart)

Season for taking oysters.

Extends from March 1 to March 31 the close of the season for taking oysters by patent tongs from public oyster beds, rocks, or shoals. Under current law, the season begins October 1. The bill allows the Marine Resources Commission to close the season for any area in the Commonwealth where the use of patent tongs is permitted when, in its opinion, the condition of the oysters warrants.

DID NOT PASS

[SB 732](#) (Senator Lewis) / [HB 520](#) (Delegate Bulova)

Local Comprehensive Plans; climate resilience.

Requires a locality's comprehensive plan to consider strategies to address climate resilience in order to anticipate, prepare for, respond to, and adapt to changing conditions and hazardous events.

[HB 647](#) (Delegate Carr)

Packaging Stewardship Program and Fund; Stewardship Advisory Committee; established.

Establishes the Packaging Stewardship Program, administered by the Department of Environmental Quality. Under the Program, a producer that sells products with packaging materials in the Commonwealth pays a fee to the Department based upon the amount of packaging used and whether or not it is easily recyclable. A producer may establish an alternative collection program to offset some or all of the fees. The fees are paid into the Packaging Stewardship Fund, established in the bill, and are used to reimburse participating localities for expenses related to recycling, invest in recycling infrastructure and education, and pay administrative costs related to the Program. The bill authorizes the Department to contract with a third party to administer the Program. The bill also establishes a Stewardship Advisory Committee.

[HB 949](#) (Delegate Tran)

Coal tar pavements sealants prohibited.

Prohibits the sale and distribution of any pavement sealant that contains coal tar on or after July 1, 2022, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill prohibits the use of such sealants beginning July 1, 2023. The bill subjects any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund.

[HB 1011](#) (Delegate Guzman)

Commissioner of Health; study of the occurrence of PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS in the Commonwealth's public drinking water; report.

Directs the Commissioner of Health to convene a work group to study drinking water impacts and 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 1228](#) (Delegate Willett)

Water quality; baseline conditions.

Requires the Department of Environmental Quality to document baseline conditions of any waters of the Commonwealth that may be affected by any discharge authorized by the State Water Control Board.

BUDGET HIGHLIGHTS (Pending final approval - CBC amendments)

- **Resilient Virginia Revolving Loan Fund: \$25,000,000 (House), \$10,000,000 (Senate)**
- **Soil and Water Conservation District Administration and Operations: \$3,600,000 per year (Senate and House)**
- **Environmental Literacy: 2 positions at the Department of Conservation and Recreation (Senate and House)**
- **Wastewater: Language amendment for grantee reporting on spend down**