



CHESAPEAKE BAY COMMISSION

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MARYLAND

Microbeads

House Bill 216- Prohibits manufacture or sale of personal care products containing synthetic plastic microbeads. Microbeads travel through wastewater treatment plants and end up as pollution in the Bay. The bill bans manufacture by 2018 and sale by 2018 of microbeads in personal care products, and bans manufacture by 2018 and sale by 2019 of microbeads for over-the-counter drugs. The bill allowed microbead that biodegrade. The CBC successfully pressed for language that only exempts microbeads that biodegrade in a marine environment and helped close a loophole in the definition of plastics.

Stormwater

Senate Bill 863- Stormwater- Repeal of Mandatory Fees: The bill authorizes a jurisdiction to repeal or reduce a fee before July 1, 2016, if the jurisdiction identifies dedicated revenues, funds, or other sources of funds that will be deposited into its watershed protection and restoration fund to be used to meet the requirements of the Phase I MS4 permit. The jurisdiction must also submit a financial assurance plan to the Maryland Department of the Environment (MDE) that demonstrates a good faith effort toward achieving sufficient funding of the requirements of the Phase I MS4 permit. These specific conditions, however, do not apply to a jurisdiction that repeals or reduces its fee after July 1, 2016.

Financial Assurance Plans and Reporting Requirements: The bill also requires each Phase I MS4 jurisdiction to file a financial assurance plan with MDE by July 1, 2016, and every two years thereafter. The financial assurance plan must (1) identify all local actions that will be required for the jurisdiction to comply with its Phase I MS4 permit; (2) identify the funding sources that will support those efforts, including a five-year projection of costs and revenues for permit compliance; and (3) demonstrate that the jurisdiction has sufficient funding in the current fiscal year budget to meet estimated annual costs. The local governing body of a jurisdiction must hold a public hearing and approve the financial assurance plan before filing it with MDE. MDE must determine whether a financial assurance plan demonstrates sufficient funding within 90 days after filing. A plan is sufficient if the plan shows that the jurisdiction has specified funding sources to meet (1) 75% of the projected Phase I MS4 permit compliance costs for the two-year period immediately following the filing date for a plan filed by July 1, 2016, or (2) 100% of the projected Phase I MS4 permit compliance costs for the two-year period immediately following the filing date of the plan for a second and subsequent plan. If the funding in the plan is insufficient, MDE must (1) issue a warning to the jurisdiction for plans filed by July 1, 2016, and help the jurisdiction develop a sufficient plan or (2) for a second or subsequent plan, in addition to any other remedy available, impose specified administrative penalties

Financing Stormwater Management: The bill also alters definitions relating to the Maryland Water Quality Financing Administration (WQFA) to conform to federal law and extends the term of loans made under the Water Quality Revolving Loan Fund to 30 years. Additionally, the bill alters the intent of the General Assembly with regard to the use of the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to provide matching funds to jurisdictions that have enacted a stormwater remediation fee.

Chesapeake and Atlantic Coastal Bays 2010 Trust Fund

Senate Bill 863- Allows the use of up to 25% of the 2010 Trust Fund for matching funds to local governments and other political subdivisions that have enacted a stormwater remediation fee. The Chesapeake and Atlantic Coastal Bays 2010 Trust Fund was established in 2008 and is used for nonpoint source pollution control projects to help meet Chesapeake Bay restoration goals and to improve the health of the Atlantic Coastal Bays and their tributaries. When the fund was established, it was allocated 2.3% of motor fuel tax revenues and 55% of sales and use tax revenues from short-term vehicle rentals, after certain initial distributions.

Bay Restoration Fund

Senate Bill 133/House Bill 156- Adds to the authorized uses of BRF, beginning in fiscal 2016, to authorize funding for up to 87.5% of the cost of projects, as approved by MDE, relating to CSO abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations. The bills also alter the priority of BRF funding beginning in fiscal 2018 by making grants for septic system upgrades, stormwater management, and CSO and sewer abatement projects of equal priority, with funding decisions made on a project-specific basis. Additionally, the bills state that MDE must base its funding decisions for specified project costs on a determination of “water quality and public health benefits.” Finally, the bills expand the scope of local stormwater management projects eligible for BRF grants by authorizing grants to a local government that has enacted and implemented a system of charges to fully fund the implementation of a stormwater management program.

Aquaculture

Senate Bill 808/House Bill 287- Establishes that a person who willfully, negligently, recklessly, wrongfully, or maliciously enters an area leased to another for aquaculture to harvest, damage, or transfer shellfish or to alter, damage, or remove markings or equipment is liable to the leaseholder for damages in the amount of (1) three times the value of the shellfish harvested, damaged, or transferred; (2) actual restoration costs; and (3) relevant attorney fees and court costs. The penalties do not apply to a properly credentialed leaseholder or agent of the leaseholder.

House Bill 128- Adds a representative of the aquaculture industry in the State to both the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission to facilitate resolution of user conflicts that arise between aquaculture permit holders and recreational and commercial fishing license holders.

Invasive Species

House Bill 860- Prohibits, after April 1, 2017, an owner of a vessel from placing the vessel or having the vessel placed in a lake owned or managed by the State, at a public launch ramp or public dock, unless the owner has cleaned the vessel and removed all visible organic material. Violations are subject to civil penalties. DNR must convene a workgroup to evaluate actions that reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State.

Chesapeake Conservation Corps

Senate Bill 600- Increased state funding from the Environmental Trust Fund (ETF) that is directed to the Chesapeake Bay Conservation Corps program from \$250,000 annually to \$375,000 annually. The Conservation Corps, managed by the Chesapeake Bay Trust, facilitates youth involvement in energy conservation and environmental efforts, and associated career opportunities for the participants, by pairing young individuals ages 18 to 25 with qualifying host organizations to undertake energy conservation and environmental projects. The bill also requires the Maryland Transportation Authority, in consultation with the Chesapeake Bay Trust, to report to the General Assembly by October 1, 2015, on the feasibility of establishing a donation program for the benefit of the Chesapeake Bay Trust to which E-ZPass account holders may donate.

Hydraulic Fracturing

Senate Bill 409/House Bill 449- Requires MDE to adopt regulations to provide for the hydraulic fracturing of a well for the exploration or production of natural gas by October 1, 2016, and prohibit the regulations that are adopted from taking effect until October 1, 2017. The bills also prohibit MDE from issuing a permit to drill a well using hydraulic fracturing until October 1, 2017.

Commission on Climate Change

Senate Bill 258/House Bill 514- Codifies the 2014 executive order establishing the Commission on Climate Change and adds a few additional requirements, including (1) a requirement for the University of Maryland Center for Environmental Science to create new sea level rise projections and update them at least every five years; (2) a requirement for each State agency to recommend regulatory or other changes to support the State's greenhouse gas reduction efforts; and (3) a requirement that certain State agencies report on the status of programs that support the State's greenhouse gas reduction efforts or address climate change.

Southern Maryland Regional Food Hub

The Tri-County Council for Southern Maryland is a cooperative planning and development unit for Calvert, Charles, and St. Mary's counties. The Southern Maryland Agricultural Development Commission (SMADC) is a part of the council and works with the council to develop programs to stabilize the region's agricultural economy as Maryland farmers transition away from tobacco production. SMADC has been investigating using funds from the Cigarette Restitution Fund for the initial stages of creating a regional agricultural business park and food innovation center in southern Maryland, known as a "food hub." However, the council is not authorized in statute to acquire or own property. Accordingly, **Senate Bill 909-** Authorizes the council, in order to accomplish its purposes, to use any money available to it to finance the purchase or lease of property by (1) any combination of Anne Arundel, Calvert, Charles, Prince George's, or St. Mary's counties; (2) the Maryland Food Center Authority; or (3) another entity, as determined by the council, that is authorized to finance or purchase property. If the council determines that money should be used to finance the purchase or lease of property under the bill, the council, in accordance with State procurement law, must prepare and issue a request for proposals, evaluate responses to the request, and select an entity purchase or lease property. The bill also prohibits the council from owning or leasing property except for a lease of office space for its own use.

Vibrio Public Information Campaign

Vibrio bacteria occur naturally in estuarine or marine environments, including the Chesapeake Bay and its tributaries. *Vibrio* infections usually result from exposure to water or consumption of raw or undercooked seafood containing the bacteria. While *Vibrio* infections are rare, when it comes in contact with an open

wound, *Vibrio* can cause serious infections and can be particularly dangerous for people with weakened immune systems. There were 57 reported cases of *Vibriosis* (a type of infection resulting from *Vibrio* bacteria) in Maryland in 2013, which is a high among recent years (since 2005) when the number of reported cases has generally been between 25 and 45.

Senate Bill 83 requires MDE, in consultation with the Department of Natural Resources (DNR), the Department of Health and Mental Hygiene, and stakeholders, to develop and implement a public health campaign about the risks associated with the *Vibrio* bacteria by June 15, 2015. The campaign must (1) identify that *Vibrio* is a naturally occurring bacteria that is a rare waterborne cause of illness nationwide; (2) target the geographical areas and times of year that the *Vibrio* bacteria is most active; (3) warn of the dangers of contracting a *Vibrio* infection; (4) emphasize preventative measures; (5) implement processes to ensure that the medical community is aware of the risks and symptoms of, and is prepared to treat, a *Vibrio* infection; and (6) post additional information about *Vibrio* infections on MDE's website.

BUDGET ACTIONS

Capital Budget- reflects GO bonds, bond premiums, general, special and federal funds.

- 2010 Trust Fund (funds non-point reduction projects)–
- Program Open Space Stateside- \$26,102,750
- Program Open Space Local- \$30,134,900
- Rural Legacy- \$10,082,149
- DNR Oyster Restoration Program- \$7,600,000
- Md. Agricultural Land Preservation Program- \$26,144,500
- Md. Agricultural Cost Share Program- \$2,000,000
- Md. Dept. of Environment Septic System Upgrade Program- \$14,000,000
- MDE Enhanced Nutrient Removal Program- \$80,000,000
- MDE Biological Nutrient Removal Program- \$26,500,000
- MDE Water Quality Revolving Loan Fund- \$130,000,000

Budget Reconciliation and Financing Act (BRFA) diverts the following funds to the general fund:

- 2010 Trust Fund- \$8.6 million to the general fund in fiscal 2016.
- Program Open Space Unencumbered Balance- \$10.5 million to general fund from 2015
- Program Open Space- \$37,712,700 million to the general fund from 2016
- Bay Restoration Fund from Cover Crop Program balance- \$1,375,000 from 2015

PENNSYLVANIA

Chesapeake Bay-related legislation as of 5-5-15

PENNVEST

SR 6 (Greenleaf) – would require the Legislative Budget & Finance Committee to perform a comprehensive review and evaluation of the implementation of the Pennsylvania Infrastructure Investment and Authority Act. (In Senate Environmental Resources & Energy Committee)

Forestry

SR 55 (Hutchinson) – would establish a Forestry Task Force to study the renewal and management of the Commonwealth’s forests. (In Senate Environmental Resources & Energy Committee)

Public Access

HB 458 (Ross) – would allow for limited trail easements on property subject to an agricultural conservation easement. (In House Agriculture & Rural Affairs Committee)

SB 72 (Alloway) – would amend the Recreational use of Land and Water Act which provides liability protection for landowners who allow individuals to use their land for recreational purposes. Would expand the definition of “recreational purpose,” the scope of land covered and the liability coverage. (In Senate Environmental Resources & Energy Committee)

Turf Fertilizer

SB 563 (Alloway) – Would limit the amount of nitrogen and phosphorus and retail fertilizers and fertilizer applied by a professional. Would require certification of professional fertilizer applicators. Applies only to residential, commercial and athletic turf. Does not apply to agriculture. (In Senate Agriculture & Rural Affairs Committee)

Green Buildings

SB 615 (Rafferty) – would require the design, construction and renovation of certain state-owned or state-leased buildings to comply with energy and environmental building standards. (In Senate Environmental Resources & Energy Committee)

Water Wells

SB 653 (Vance) – would create statewide standards for water well construction and the decommissioning of abandoned water wells. (In Senate Environmental Resources & Energy Committee)

Purchase of Nutrient Credits

SB 724 (Vogel) – would establish an RFP program within PENNVEST to allow for state purchase of pollution reduction credits through contracts at least ten years in length. (In Senate Agriculture & Rural Affairs Committee)

Adopt-A-River

HB 519 (Sturla) – Would establish an Adopt-A-River program, similar to the Adopt-A-Highway program for litter removal. (In House Environmental Resources & Energy Committee)

Sewer Lines

HB 801 (Readshaw), **SB 288 and SB 289** (Fontana) – Would allow municipalities to use public funds for the improvement of private lateral sewage lines. (HB in House Environmental Resources & Energy Committee, SB 288 in Senate Environmental Resources & Energy Committee, SB 289 in Senate Appropriations Committee)

Preferential Assessment

HB 806 (Causer) – Would amend the Preferential Assessment of Farm and Forestland Program (“Clean & Green”) to prohibit the application of use values that result in assessments higher than fair market value. (On the Table in the House)

INTRODUCTION PENDING (Sturla) – Would require farms enrolled in Clean & Green to have a current Erosion & Sedimentation Control Plan.

VIRGINIA

Chesapeake Bay Clean-up Management & Terminology

HB 1535 & HB 1536 Delegate Bulova: Removes out-of-date references to the tributary strategy plans that appear in the Water Quality Improvement Act and eliminates reports that are duplicative of milestone progress reports. The tributary strategy plans have been replaced by the Chesapeake Bay TMDL Watershed Implementation Plan as the approach for cleaning up the Chesapeake Bay.

SB 1284 Senator Hanger: Replacement of tributary strategies with WIP. Cleans up tributary strategy language and authorizes the Secretary of Natural Resources to oversee the development and implementation of the Watershed Implementation Plans.

SB 1203 Senator Wagner: Separates Little Creek watershed from inclusion in the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.

Public Access & Trails

HB 1542 Delegate Lingamfelter: Establishes State Trails Advisory Committee; Establishes an advisory committee of the Department of Conservation and Recreation to assist in developing and implementing a statewide system of attractive, sustainable, connected, and enduring trails, including old growth forest trails, for the perpetual use and enjoyment of citizens. The bill has a sunset date of January 1, 2021.

Pollution Reduction

HB 1697 Delegate Bulova: Synthetic plastic microbeads. (bill failed) Defines the term "synthetic plastic microbead" and prohibits the manufacture of certain personal care products containing microbeads beginning in 2018. The bill also bars the sale of such products, and the manufacture of over-the-counter drugs containing microbeads, beginning in 2019, and it prohibits the sale of such drugs beginning in 2020.

HB 2078 Delegate Lingamfelter: Community Wastewater Treatment Grant Program and Fund. (bill failed) Establishes the Community Wastewater Treatment Grant Program and Fund to provide grant funds to localities that are experiencing widespread onsite sewage system failure or potential failure for the construction of community wastewater treatment systems. Localities receiving grants are required to provide matching funds.

Fisheries Management & Invasive Species

HB 2195 Delegate Lingamfelter: Revocation of commercial fishing privileges and civil penalty. Authorizes the Marine Resources Commission to revoke the privilege to fish in tidal waters of any person who has been convicted of unlawfully taking oysters or other shellfish from oyster grounds. Currently, such a conviction only results in the revocation of a person's tidal fishing license. The bill also increases from two years to five years the maximum duration of the revocation of a fishing license or the privilege to fish in tidal waters. Authorizes the Commission to assess a civil penalty not to exceed \$10,000 against

a person if it finds the person has engaged in fishing other than for recreational purposes during the revocation period. The bill requires the Commission to consider the person's history of violating the conservation, health, and safety laws or regulations in setting the amount of the civil penalty.

HB 2240 Delegate Ransone: Introduction, stocking, and release of blue catfish; penalty. Makes it unlawful for any person to introduce into, stock in, or release into waters of the Commonwealth the blue catfish; however, the blue catfish may be released into the same water body in which it was caught. A violation of the provisions of the bill is a Class 2 misdemeanor.

SB 1464 Senator Lewis: Menhaden fishery management. Authorizes the Governor to revise quota for menhaden landings if the Atlantic States Marine Fisheries Commission acts to increase the total allowable landings during a specific time period. The bill also removes the July 1, 2016, sunset date for management of the menhaden fishery and contains an emergency clause

Stormwater Management

SB 1047 Senator Hanger: Stormwater utility fee; waiver. Provides that where two adjoining localities each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to covered property of a school board of one locality that is located in the other locality.

SB 1201 Senator Wagner: Stormwater maintenance dredging as a BMP for MS4s. Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay watershed as a method by which to meet pollutant reduction and loading requirements. The Chesapeake Bay Program must first approve the procedure as a creditable practice for pollutant removal.

Agriculture

SB 1126 Senator Hanger: Resource management plans (Ag Certainty); consideration of certain records in closed meetings. Protects producer personal information by closing a current FOIA “loophole” by creating an open meeting exemption for those portions of meetings of a Resource Management Plan Technical Review Committee, a Soil and Water Conservation District Board, a review committee of the Department of Conservation and Recreation, or the Virginia Soil and Water Conservation Board when such body discusses or considers records currently excluded from the Freedom Of Information Act.

SJ 311 Senator Hanger: Commending the **10 River Basin Grand Winners of the Clean Water Farm Award** recognizing annually the best stewardship farmers in each of Virginia’s major river basins.

Virginia Budget

\$150,000 for the SEAS Program (Shoreline Erosion Advisory Service) - providing shoreline erosion control advice to tidal property owners

\$10,696,471 additional funding for the Agricultural BMP Cost Share Program, now \$16.5 M in FY16; plus funding for technical assistance provided by SWCDs.

\$5 million additional funds to the Stormwater Local Assistance Fund to help MS4 localities implement required stormwater pollution controls.