



CHESAPEAKE BAY COMMISSION

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A SUMMARY OF THE 2018 STATE LEGISLATIVE SESSIONS Maryland, Virginia, and Pennsylvania

MARYLAND

(only bills of significance included)

PASSED

HB 3/SB 138 - Environment - U.S. Climate Alliance - Membership

This bill requires the Governor to include Maryland as a member of the U.S. Climate Alliance by July 1, 2018, and stipulates that withdrawal from the alliance is conditional on statutory approval from the General Assembly. The bill also requires the Governor to report annually, beginning December 1, 2018, on the State's participation in the alliance, including (1) any collaborations or partnerships among alliance members or external stakeholders and (2) any policies or programs that the alliance has endorsed, undertaken, or considered.

SB 290/HB 230 - Regional Greenhouse Gas Initiative - Withdrawal - Legislative Approval Required (Regional Greenhouse Gas Initiative Extension Act)

This bill restricts the State's ability to withdraw from the Regional Greenhouse Gas Initiative (RGGI) by requiring statutory approval from the General Assembly prior to withdrawing.

SB 203 - Agriculture - Nutrient Management - Fertilizer Use on Turf

This bill modifies certain limitations on the application of fertilizers containing nitrogen and/or phosphorus on turf by professional fertilizer applicators. Commission sponsored bill.

HB 1350/SB1006 - Sea Level Rise Inundation and Coastal Flooding - Construction, Adaptation, and Mitigation

This bill expands the applicability of Coast Smart siting and design criteria to included local projects for which at least 50% of the costs are funded with State funds and modifies a requirement that must be included in the criteria. The bill also requires the establishment of specified plans and criteria relating to saltwater intrusion, the use of State funds for specified hazard mitigation, and nuisance flooding.

DID NOT PASS

HB 538/SB 651 - Environment - Expanded Polystyrene Food Service Products - Prohibition

This bill would have prohibited, beginning January 1, 2019, (1) a person from selling or offering for sale in the State an "expanded polystyrene food service product" and (2) a "food service business" or school from selling or providing food in an expanded polystyrene food service product. A local government,

county, or municipality may enact standards that are at least as stringent as the bill's provisions. The Maryland Department of the Environment (MDE) must conduct a specified public education and outreach campaign and is authorized to (1) promulgate regulations to implement the bill and (2) grant a waiver to a food service business or school from the bill's prohibition, as specified. County health departments must enforce the bill's prohibitions and may impose a monetary penalty for violations under specified conditions.

HB 766 -Forest Conservation -Technical Study and Programmatic Review

This bill requires the Department of Legislative Services (DLS), in consultation with specified State agencies and the Chesapeake Bay Program, to (1) undertake a specified technical study to review changes in forest cover and tree canopy in the State and (2) study and issue a specified programmatic review relating to the Forest Conservation Act (FCA) and local forest conservation programs. DLS must report on the technical study and programmatic review by November 15, 2018, and convene a specified work session by November 30, 2018. This bill and SB 610 were originally the same, but they were amended differently in each chamber.

SB 610 -Task Force on the Forest Conservation Act Offset Policy

This bill establishes the Task Force on the Forest Conservation Act Offset Policy to review and study specified issues relating to the impact of development on forested land and the extent to which forest loss is offset through reforestation policies under the Forest Conservation Act (FCA). The task force must (1) develop findings and recommendations for legislation to implement specified policies under FCA to preserve forest land and offset forest loss and (2) report those findings and recommendations to the Governor and the General Assembly by December 1, 2018. The Department of Legislative-Services (DLS) must provide staff for the task force. This bill and HB 766 were originally the same, but they were amended differently in each chamber.

Maryland Budget Actions

Budget Reconciliation and Financing Act

- \$2.5 million for Next Generation Farmland Acquisition Program

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

- 2010 Trust Fund-\$52.9 million
- Program Open Space Stateside-\$51.6 million
- Program Open Space Local-\$52.3 million
- Rural Legacy-\$25.0 million
- DNR Oyster Restoration Program-\$0.3 million
- DNR Coastal Resilience Program -\$4.7 million

- Md. Agricultural Land Preservation Program-\$49.0 million
- Md. Agricultural Cost Share Program-\$8.5 million
- Md. Dept. of Environment Septic System Upgrade Program-\$15.0 million
- MDE Biological Nutrient Removal Program-\$70.0 million
- MDE Water Quality Revolving Loan Fund-\$306.6 million

VIRGINIA

(Highlights)

Stormwater

House Bills 1307 and 1308 (Hodges) had their genesis in General Assembly 2017, which approved a year-long stakeholder study of possible changes to the stormwater management program for the rural coastal communities of Eastern Virginia.

House Bill 801 (O'Quinn) would have prohibited the State Water Control Board from adopting any regulation or standard relating to stormwater that is inconsistent with or more stringent than any federal requirement or guidance.

Groundwater

House Bill 771 (Jones) would have created an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District (HRSD).

House Bill 358 (Bulova) requires the developer of a subdivision located in a designated ground water management area to apply for a technical evaluation.

Tree Preservation

House Bill 494 (Hodges) supports increased tree cover by affording localities across the Chesapeake Bay watershed the authority to expand tree planting and preservation with new development.

Preventing Other Sources of Pollution

House Bill 1475 (Poindexter) and Senate Bill 344 (Peake) will facilitate the implementation of new water quality standards for ammonia in fresh water streams. While the initial bills would have caused a delay in the new water quality standards, the final bills will implement these important standards without delay.

House Bill 1150 (Wilt) would have prohibited the use of toxic coal tar sealants in Virginia. These sealants have high levels of polycyclic aromatic hydrocarbons (PAHs) which are harmful to humans and wildlife under certain conditions. The Chesapeake Bay Program has prioritized PAHs as the second most important toxic contaminant.

House Bill 192 (Yancey) will promote the use of rainwater harvesting by requiring the Virginia Department of Health to develop a more extensive regulatory program on the use of rainwater and gray water.

Fisheries

House Bill 822 (Knight) would have adopted into Virginia law recent updates to the Atlantic States Marine Fisheries Commission's menhaden management plan. This bill was not heard, but was then reintroduced at the request of Gov. Ralph Northam as House Bill 1610 (Knight). While that version passed the House Agriculture Committee, it was referred back to committee before it could be voted on by the full House.

House Bill 1488 (Helsel) would have removed a provision in the Virginia Code that prohibits carrying oyster dredge gear onboard a vessel while crossing an oyster sanctuary. This prohibition is intended to prevent oyster poaching from sanctuaries.

Pipelines

Senate Bill 950 (Hanger) provides that, for the construction of certain natural gas transmission pipelines greater than 36 inches inside diameter, the issuance of a Virginia Water Protection Permit and an additional water quality certification for upland conditions shall together constitute the certification required under § 401 of the federal Clean Water Act.

Pennsylvania

(Status as of May 1, 2018)

SB 792 (Alloway): creates a certification program for commercial and public applicators of fertilizer; restricts and/or requires specific application rates; authorizes a public outreach/educational program; and increases fertilizer manufacturing license and product registration fees.

- Passed Senate; in House Agriculture & Rural Affairs Committee

SB 799 (Alloway): Would reauthorize the Growing Greener program, with new allocations to various state agencies for environmental improvement projects, including an increased focus on water and designated funding for the Susquehanna watershed. Would also create a nutrient credit procurement program allowing the Commonwealth to purchase nutrient reductions via an RFP/competitive bid process.

- Passed Senate; in House Environmental Resources & Energy Committee

SB 658 (Yaw): Would designate the Eastern Hellbender as the state amphibian.

- Passed Senate; in House State Government Committee

HB 913 – HB 916 (Everett): Would expand the types of municipalities authorized to enact stormwater fees.

- Passed House; on Second Consideration in Senate

HR 773 (Gillespie): Designates June 3-9, 2018 as Chesapeake Bay Awareness Week

- Introduced as Non-Controversial Resolution

Water Use Fee Study (Legislative Budget and Finance Committee): Calculating the amount of revenue that could be generated by a fee on withdrawals and consumptive uses of water in the Commonwealth, such as the fee described in **HB 20** (Sturla), and the potential cost to consumers from such a fee.

Report expected June 6, 2018