

2023 LEGISLATIVE UPDATES

Chesapeake Bay and Water Resources Policy Committee

March 17, 2023

2023 COG Legislative Committee

- CBPC's Legislative Tracking Team is a small group of CBPC members who periodically meet with staff to review legislative initiatives in D.C., Maryland, and Virginia
- COG staff track various bills during the legislative session that fall within COG's legislative priorities
- The tracking team has been meeting bi-weekly since January to discuss relevant legislation and specific bills to send comment letters on
- The next meeting is Thursday, March 23rd

Key Dates in VA/MD/DC

Virginia

- Session convened January 11
- Crossover is February 7
- Adjournment: February 25

• Maryland

- Session convened January 11
- Crossover is March 20
- Adjournment: April 10

• DC

- 2-year session 2023-24

Virginia Budget

- Virginia adjourned without an approved budget for FY24
 - Negotiations on the budget remain ongoing, delayed to a future Special Session later this year
 - Second session in a row lawmakers did not finish a budget by its scheduled adjournment
- Stormwater Local Assistance Fund:
 - \$25M approved last session beginning in FY23
 - House approved amendment additional \$10M, Senate approved amendment additional \$20M
- Resilient Virginia Revolving Fund: \$200M
 - \$100M from general fund (\$25M from RGGI Community Flood Preparedness Fund), \$100M remaining contingent on revenue forecasting
 - House approved amendment removes the \$100M from the general fund contingent deposit, preserving the fund



Virginia Budget

- \$237M for wastewater treatment plants investments
- \$137 million for the Virginia Agricultural Cost-Share program
- Research to Reduce Salt Entering Virginia's Surface and Ground Water Resources
 - House approved amendment provides \$200,000 from the general fund the second year to support a research project to field test a method to reduce the amount of salt entering Virginia's surface and groundwater resources from stormwater runoff.
- Study of Forests and Tree Canopy
 - Senate approved amendment provides \$500,000 to the Department of Forestry to conduct a statewide technical study of changes and trends in forests and the tree canopy

Virginia Legislation – Comment Letters

Support

- HB 2095 (Bulova) & SB 1149 (Marsden) – Plans and Programs; Drought Evaluation and Response Plans – **PASSED**
 - CBPC joint comment letter with the COG Board
 - Recognize service areas that use the Potomac River as a water supply source, to be a distinct drought evaluation region, the bill would incorporate provisions including triggers, actions, and messages from the COG Drought Plan into the Virginia Drought Monitoring and Response Plan

Opposed

- HB 2282 (Edmunds) Virginia Stormwater Management Program; Virginia Erosion and Sediment Control Program; exemptions for the harvesting of forest crops – **FAILED in Senate**
 - The bill would create a new exemption for tree clearing for development purposes, reducing local governments' authority as it relates to stormwater management, sediment and erosion control, and tree clearing

Virginia Legislation that Passed

- HB 1485 (Webert) & SB 1129 (Hanger)– Chesapeake Bay Watershed Implementation Plan, effective date
 - Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan provisions from 2026 to 2028
 - Includes addition of specific reporting requirements to track agriculture progress in implementing the practices, convene a stakeholder advisory group to review annual progress, municipal wastewater pollution reductions cannot count toward agricultural sector reductions
- HB 2189 (Rasoul) Requirements to test for PFAS; publicly owned treatment works; discharges
 - Requires industrial users of publicly owned treatment works that receive and clean, repair, refurbish, or process items that contain PFAS to test waste streams for PFAS prior to and after cleaning, repairing, refurbishing, or processing such items.

Maryland Legislation – Comment Letters

Support

- SB 77 (Jackson) & HB 190 (Ivey) – Homeowner’s Extreme Weather Mitigation and Preparation Grant Program
 - Establishes a grant program for local governments to assist residential properties in mitigating water damage caused by extreme weather events

Opposed

- HB 942 (Terrasa, Lehman, & Ruth) Wetlands and Waterways Program - Authorizations for Stream Restoration Projects
 - Revises the criteria for stream restoration projects, making it more challenging for MS4 permittees to implement stream restoration projects, Prioritizes upland stream projects ahead of stream restoration

Maryland Legislation – Tracking

- SB 407 (Ready) **Passed Senate** / HB 848 (Rose) – Drinking Water - Innovative Potable Reuse Pilot Program
 - Establishing the Innovative Potable Reuse Pilot Program in the Department of the Environment for the purpose of authorizing the regulated use of reclaimed water as a source for drinking water treatment facilities
- SB 512 (Lam) – Drinking Water - Legionella Pneumophila Bacterium - Minimizing Growth and Transmission
 - Requiring an owner or operator of a public water system to maintain a detectable residual disinfectant level of at least 0.5 milligrams per liter of chlorine



Maryland Legislation – Tracking

- SB 513 (Lam) – Collection and Reporting of Drinking Water and Wastewater Data and Information – Requirements
 - Requiring a water utility operating in the State to provide certain data and information to the Department of the Environment and comply with certain reporting requirements
- HB 1209 (Lehman & All) -- Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023).
 - Requiring the Department of the Environment to publish a statewide flood risk assessment map projected to the year 2050, educate the public on certain information, and establish a certain model floodplain ordinance by July 1, 2024

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