



CBCP Legislative & Regulatory Issues Tracking - 2016

VIRGINIA LEGISLATION

LEGISLATIVE SCHEDULE - KEY DATES

Jan. 13 - Session convened Jan. 15 - Budget amendments due Jan. 22 - Last day to introduce legislation Feb. 16 - Crossover	Mar. 2- Last day for Budget Bills Mar. 12-Adjournment
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http://dls.virginia.gov/pubs/calendar/cal2016_2.pdf

Bill Number/Sponsor	Title	Description	Bill Status	Link
WATER QUALITY				
STORMWATER / FUNDING				
HB 1250 (Wilt)	Virginia Erosion and Stormwater Management Act; consolidation of programs, opt-out for locations.	A bill to consolidate stormwater programs by combining existing statutory programs relating to soil erosion and stormwater management, and directing the State Water Control Board (the Board) to permit, regulate, and	3/5/16 Passed House and Senate.	http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb1250&submit=GO
Various	Budget Amendments for SLAF Funding	Senate and House proposed Amendments to the VA Budget to add Stormwater Local Assistance Funds (SLAF) to the budget in the amount of \$50-\$100 M. Hanger and Landes both submitted \$100 M amendments the Budget. The Senate was more open to the stormwater funding amendments than the House	House has voted to support the Senate proposal of a \$20 M budget addition for the SLAF program, so this is expected to get passed by the Administration.	
HB 438 (Bulova), SB 292 (Hanger)	Sediment Reduction Credits Use by MS4s	Local governments requesting nutrient trading to be expanded to include sediments to achieve MS4 TSS compliance.	Signed by Governor. To go into effect July 1, 2016.	http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=HB438&submit=GO http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb2028&submit=GO
SB 468 (Wagner)	Local stormwater utility; waiver of charges for rail roads.	Bill has evolved to have fee exemptions for railroads. VAMSA members are not comfortable with railroad exemptions.	VAMSA members fought the rail road exemption, and on 3/11 it was removed from SB 468. SB 468 will be cleaned up to include public-private partnership language and to remove exemptions.	http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=SB468&submit=GO
HB 1164 (Morris)	Local stormwater utility; waiver of charges for church or religious body.	Exemption from SW fees for religious groups.	<ul style="list-style-type: none"> • Undermines "utility" approach to stormwater fees; shifts higher costs to other citizens • Bill ended. 	http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=HB1164&submit=GO
HB 801 (Morris)	Prohibits the Commonwealth and localities from imposing a charge and calling it a "fee" unless the charge relates to a direct and immediate specific service		Bill ended.	http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=HB801&submit=GO
WASTEWATER / FUNDING				
HB 448 (Cox)	Acquisition of nutrient offset credits	Allows new and expanding wastewater discharge facilities to acquire nutrient offset credits through the Virginia Nutrient Credit Exchange Association (the Association) for a period longer than five years. The bill would also allow such facilities to acquire nutrient offset credits on their land or on contracted land on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Watershed Implementation Plan. Any such acquisition would be subject to approval by the SWCB. Under current law, the acquired credits are valid for the duration of the facility's five-year general permit. This bill would remove the five-year limitation and allow the facility seeking the offset	1/7/16 House referred to Subc: Ag, Chesapeake, Natural Resources	http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB448
HB 977 (Lopez)	State waters; unlawful discharge of deleterious substance into waters.	Reduces permittee to DEQ notification deadline of spillage from 24 hrs. to 12 hrs.	Bill ended 2.15.16.	http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb977&submit=GO
BIOSOLIDS				

HJ 120 (Landes)	Biosolids and Industrial Residuals Study, report	JLARC to study biosolids and industrial residuals; report. Directs JLARC to analyze scientific literature on the health effects of biosolids (treated sewage sludge) and industrial residuals (wastes resulting from industrial processes), evaluate the feasibility of requiring municipal utilities that are currently permitted to generate "Class B" material to upgrade their facilities to generate "Class A" material, and undertake other analyses.	This is the only VA biosolids bill that has advanced. It calls for a two year staff study of biosolids management, but it is unclear whether it will receive funding.	http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HJ120
DRINKING WATER				
Regulation 9VAC25-210	Proposed Amendment to Virginia Water Protection Permit (VWP) Regulations	Stated intent was to streamline existing regulations. Proposed regulation would move provisions affecting surface water withdrawals; define "Public water supply safe yield" as part of a larger proposal to move the safe yield definition from the VA Dept. of Health waterworks regulations to the VWP. As proposed, the revisions could affect VWP rules addressing definitions, treatment of	VA-DEQ has published a proposed amendment to the VWP regulations.	http://register.dls.virginia.gov/details.aspx?id=5265
OUTREACH & EDUCATION				
HJ 31(Lingamfelter)	Chesapeake Bay Awareness Week	Chesapeake Bay Commission is sponsoring Tri-State resolution for an awareness week the 2nd week of June.	Passed by House and Senate, and awaiting the Governor's signature.	http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HJ31
HJ 88 (Anderson)	Water Professionals Appreciation Day- June 30	Championed by Prince William Co. Service Authority and supported by CBPC.	Passed by House and Senate, and awaiting the Governor's signature.	http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HJ88

MARYLAND LEGISLATION

LEGISLATIVE SCHEDULE - KEY DATES

Jan. 13 - Session convenes

Feb. 5 - Senate bills introduced
Feb. 12 - House bills introduced

Bill Number/Sponsor	Title	Bill Description	Bill Status	Link
WASTEWATER				
HB 90 (Lafferty)	On-Site Sewage Disposal Systems - Operation and Maintenance Costs - Low-Income Homeowners	Requiring MDE to assist, with money from the Bay Restoration Fund, low-income homeowners with the cost, up to 50%, of 3-year operation and maintenance contracts for on-site sewage disposal systems that utilize nitrogen removal technology; and requiring the Department or a local government to determine applicant eligibility and the amount of assistance to be provided.	In the House - Hearing 3/22	http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=HB0090&stab=01&pid=billpage&tab=subject3&ys=2016RS
STORMWATER				
HB 82 (Carr) / SB 719	Stormwater Management - Assessment of Local Fees, Charges, and Excise Taxes - Leasehold Interests	Requires a leasehold or other limited interest in property that is owned by the federal government, the State, a county, a municipality, or an agency or instrumentality of the federal government, the State, a county, or a municipality to be assessed a specified stormwater remediation fee, a specified stormwater management charge, or a specified stormwater management excise tax by a county or municipality under specified circumstances.	In the House - Hearing was 2/3; no updates.	http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=HB0082&stab=01&pid=billpage&tab=subject3&ys=2016RS http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=03&id=sb0719&tab=subject3&ys=2016RS
SB 45 (Simonaire)	Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Use of Funds.	Specifies the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used only for nonpoint source pollution control projects, prohibiting the transfers to the General Fund or a special fund of the State except under specified circumstances. Would make it a referendum.		http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=SB0045&stab=01&pid=billpage&tab=subject3&ys=2016RS
CLIMATE				
SB 323 (Pinsky) / HB 610 (Barve)	Green House Gas Reduction Act of 2009- Reauthorization	Calling for a target of 40% reduction in green house gas emissions by 2030; from the current 25% reduction from 2006 levels anticipated by 2020.	Hearing 2/26	http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=03&id=sb0323&tab=subject3&ys=2016RS http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=03&id=hb0610&tab=subject3&ys=2016RS

WATER QUALITY				
HB 325 (Carr, Barve, and Stein)	Use of Bay Restoration Funds for Nutrient Trading	Authorizes funds in the Bay Restoration Fund to be used for the costs associated with the purchase of cost-effective nitrogen and phosphorous nutrient credits in support of the efforts by the State to restore the health of the Chesapeake Bay. Requires DOE to consult with the Secretary of Agriculture and the Secretary of Natural Resources when adopting specified regulations.	Hearing was on 2/10; no updates.	http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0325&tab=subject3&ys=2016RS
HB 211 (Healy)/ SB 198 (Nathan-Pulliam)	Pollinator Protection Act	Would eliminate the use of neonicotinoid (neonic) pesticides by home applicators, and would require labeling of plants and seeds treated with neonics. Research is showing neonics to be toxic to stream benthic organisms and to crabs.	Hearing in House 3/10.	http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=HB0211&stab=01&pid=billpage&tab=subject3&ys=2016RS http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=SB0198&stab=01&pid=billpage&tab=subject3&ys=2016RS
AGRICULTURE				
HB 599 (Lam)/ SB 496 (Madaleno)	Poultry Litter Act	Act would require poultry growers of either retaining liter ownership or transferring it to the integrators (Purdue, Tyson, etc.).	Hearing 2/24	http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0599&tab=subject3&ys=2016RS http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=sb0496&tab=subject3&ys=2016RS
OUTREACH & EDUCATION				
SB 620 (Middleton)	Chesapeake Bay Awareness Week	Chesapeake Bay Commission (CBC) is sponsoring a Tri-State resolution for an awareness week the 2nd week of June.	Senate hearing on 3/4. Same effort in VA and PA.	http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=SB0620&tab=subject3&ys=2016RS

CBPC Legislative & Regulatory Issues Tracking - 2016

NATIONAL / REGIONAL

CATEGORY						
Issue / Bill Number	Bill or Activity Description	Bill or Activity Status / Patron	Partners Tracking Issue	Partner Positions	Potential or Proposed CBPC Position / Action *	Background Information / Links
FUNDING						
Water Infrastructure Finance and Innovation Act (WIFIA)	WIFIA provides a new financing mechanism that would provide low interest rate financing for large dollar-value wastewater and drinking water projects.	The ban on tax-exempt matching funds for WIFIA was successfully removed in December, as part of the Surface Transportation Bill. And funding has been allocated for EPA to set up the WIFIA program. However, funding has not yet been provided for actual implementation loans. Must evaluate President's upcoming budget to identify whether those implementation funds will be provided and are adequate to make program viable.	AWWA, WEF, NACWA	Seek appropriations in federal budget for WIFIA implementation loans.	<i>Support need to fund WIFA to support implementation loans; and quantify potential use of such funds locally.</i>	http://www.epa.gov/wifia
Clean Water and Drinking Water State Revolving Loan Funds (SRF, CWSRF, DWSRF)	SRF funds are used for a wide range of wastewater and drinking water projects.	In the federal FY 2016 budget, SRF funding for drinking water and wastewater were cut, and the same is expected in the new federal budget which is under development.	AWWA, WEF, NACWA	Ask Congress to provide 'robust' funding for both CWSRF and DWSRF programs.	<i>Advocate for robust funding for SRF programs; and quantify local use of SRF funds to support the continued local need for those funds.</i>	
Tax-exempt Municipal Bonds	Most local governments utilize these low-interest bonds to help provide affordable funding for major capital projects.	Efforts to implement across-the-board tax reforms has led some to suggest removing the tax-exempt status of these municipal bonds.	AWWA, WEF, NACWA, MACO	Advocate for retaining the tax-exempt status of these bonds. MACO is also interested.	<i>Advocate for retaining the tax-exempt status of these bonds.</i>	
Resolution for targeted Dept. of Interior Funding	CBC has proposed a resolution for funding 'Rivers to Chesapeake' - lands adjacent to federal holdings.	Resolution being drafted	CBC	Enhance restoration efforts for all federal lands in Bay watershed.	<i>TBD</i>	
Resolution for targeted USDA Funding	CBC has proposed a resolution to fund agriculture [BMPs] across the Bay watershed.	Resolution being drafted	CBC	Enhance use of USDA supported agricultural BMPs in Bay watershed.	<i>TBD</i>	

COG Member Work Product - Not for Public Distribution
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NATIONAL / REGIONAL

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NATIONAL / REGIONAL						
WATER QUALITY & SOURCEWATER PROTECTION						
Microbeads-Free Waters Act	Act requires manufactures to begin phasing out plastic microbeads from personal care products by July 2017. The small beads pass through wastewater treatment plant processes, and enter waterways. In streams, they attract toxic compounds like PCBs, and are then consumed by fish and other species.	The Act was signed by the President in 2015.	CBC	Support the Act.	<i>Applaud the benefits of taking such pro-active/source reduction actions.</i>	http://pallone.house.gov/press-release/president-signs-pallone%E2%80%99s-bill-ban-microbeads-cosmetics
Toxic Substances Control Act	Act would update EPA's outdated Toxic Substances Control Act.	The Senate and House have passed separate versions of the bill, and it is currently being reconciled. Once done, it will likely require EPA to establish priorities for assessing chemical risks and will increase the number of chemicals reviewed annually by federal inspectors.			TBD	
Cyanotoxins - HR 212	Act mandated EPA to use the best available science and technologies to develop a strategic plan for addressing cyanotoxins after algal blooms occur.	HR 212 was passed in August 2015. EPA will now have to develop plans to implement the requirements of the bill.	AWWA	AWWA provided input on the strategic plan; advocating that more should be done to prevent harmful algal blooms by controlling nutrient runoff.	<i>Support importance of need to address nutrient reductions from all sectors - given both water quality and source water protection needs.</i>	
Land Conservation in the Chesapeake Bay Watershed	Land conservation can be an effective way to protect water quality from excess nutrient/sediment runoff.	\$11 M in the \$1.14 Trillion federal budget is slated for land conservation in the Chesapeake watershed.			TBD	http://wtop.com/virginia/2015/12/us-budget-includes-millions-for-chesapeake-bay-watershed/

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NATIONAL / REGIONAL						
WATER SECURITY						
Cybersecurity Information Sharing Act (S. 754)	Act calls for voluntary participation; provides crucial liability protections for entities sharing info. with feds; and enhances federal info. sharing about potential threats and remediation.	The Act was passed in December's Omnibus bill.			TBD	
North American Energy Security and Infrastructure Act of 2015	Act would give the Federal Energy Regulatory Commission (FERC) lead oversight of dam reauthorization, without needing state input. If implemented as proposed, the bill could impact Exon's relicensing of the Conowingo Dam and remove critical state oversight of this important Bay-related issue.	The bill is currently in the Senate Committee on Energy and Natural Resources awaiting markup.			<i>Evaluate proposed language; and advocate for continued state input for all matters that have water quality implications - to ensure that MD retains ability to address water quality needs with Conowingo Dam.</i>	http://marylandreporter.com/2015/12/23/energy-bill-strips-md-s-rights-on-conowingo-dam/?utm_source=Bay+Brief&utm_campaign=1daed0ade2-Bay+Brief6+7+2013&utm_medium=email&utm_term=0_69e9ffe1b6-1daed0ade2-65240209
WASTEWATER						
Water Reuse	Congress may propose legislation pertaining to reuse; as its an issue especially in Western states.		AWWA		<i>Evaluate proposed legislation and as appropriate, advocate for language that supports the development and application of water reuse programs.</i>	
STORMWATER						
State Hwy Bill	National organizations are tracking, as a possible place to insert desired stormwater and flood control language.		NACWA		TBD	
DRINKING WATER						
Lead and Copper Rule	Lead/drinking water case in Flint, MI is being monitored to see whether it will result in proposed revisions to the Lead and Copper Rule.		AWWA		TBD	