

COG staff summary of status of 2012 Virginia and Maryland General Assembly legislation addressing Chesapeake Bay restoration issues

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Status as of May 1, 2012

The 2012 **Virginia** General Assembly convened Jan. 11, and adjourned March 10

* **HB 176 (Knight) Regulation of nutrient credit certification. Also SB 77 (Watkins)** Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to the Chesapeake Bay TMDL, the legislation sets out certain requirements of the regulations, permits DCR to establish an online registry of certified credits, and allows municipal separate storm sewer systems to acquire and use credits under certain conditions. **Approved with amendments**

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=121&typ=bil&val=hb176>

* **SB 494 (Watkins) Bond issuance for wastewater treatment facilities.** Authorizes the Virginia Public Building Authority to issue an additional \$300 million in bonds to continue installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the WIP. These funds would complete projects at facilities under existing signed WQIF agreements and at additional eligible facilities that did not receive moneys from the original bonds issued in 2007. **Passed Senate, but was killed in the House**

<http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+SB494>

Staff note: This bill was supported by COG. Despite its defeat, VAMWA reports that the final budget approved by the Governor contains \$89 million in new funds for wastewater plant upgrades under the WQIF, enough for the state to meet its portion of cost-share grants to local wastewater plants through June 30, 2013.

* **HB 1210 (Lingamfelter) Slowly available nitrogen.** Requires that beginning July 1, 2014, lawn maintenance fertilizer list on its directions for use its nitrogen application rates. If such fertilizer does not list on its directions for use nitrogen application rates that are consistent with rates recommended in the Virginia Nutrient Management Standards and Criteria, it cannot be registered, sold, distributed, or used in Virginia. The bill also requires DCR to adopt fast-track regulations to incorporate the application rates recommended by the Virginia Department of Agriculture and Consumer Services. **Approved with amendments**

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=121&typ=bil&val=hb1210>

Staff note: This bill was supported by COG.

* **HJ 49 (Gilbert) Governor's Executive Reorganization Plan. Also SJ 66 (McDougle)** Sets out the Governor's executive reorganization plan for approval by each house of the General Assembly. The reorganization would include the transfer of the MS4 permitting program from DCR to DEQ. **Approved with amendments**

<http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HJ49>

The 2012 **Maryland** General Assembly convened Jan. 11 and adjourned April 9.

*** HB 987 / SB 614 Stormwater Management – Watershed Protection and Restoration Program**
<http://mlis.state.md.us/2012rs/billfile/HB0987.htm#Synopsis>

Requiring that local governments subject to Phase I municipal stormwater permits establish a stormwater fee program unless one is already in place as of July 1, 2012. **Approved with amendments**

*** HB 549 Stormwater Management – Residential Stormwater Practices – Inspection and Maintenance**
<http://mlis.state.md.us/2012rs/billfile/HB0549.htm>

Would allow local governments alternatives to having to conduct individual inspection of stormwater management systems, such as outreach and education, in certain situations. **Unfavorable report by House Environmental Matters Committee**

*** HB 487 / SB 822 Environment – Watershed Implementation Plan – County Implementation**
<http://mlis.state.md.us/2012rs/billfile/HB0487.htm>

Local governments would not be required to implement WIP activities unless state or federal governments provide adequate funding. **Unfavorable report by House Environmental Matters Committee**

*** HB 446 / SB 240 Environment – Bay Restoration Fund – Fees**
<http://mlis.state.md.us/2012rs/billfile/HB0446.htm>

Based on the work of the state's Task Force on Sustainable Growth and Wastewater Disposal, this bill would increase the current Bay Restoration Fund fee for residential homeowners from \$30 to \$60/year. It also would allow portions of the fund to be used for new uses, such as stormwater grants to local government, starting in 2018. **Approved with amendments**

*** HB 445 / SB 236 Sustainable Growth and Agricultural Preservation Act of 2012**
<http://mlis.state.md.us/2012rs/billfile/hb0445.htm>

Based on the work of the state's Task Force on Sustainable Growth and Wastewater Disposal, this bill would set up a tiered system of growth that would limit the construction of new subdivisions served by septic systems in certain tiers under certain conditions. **Approved with amendments**

*** HB 1247 Community Cleanup and Greening Act of 2012**
<http://mlis.state.md.us/2012rs/billfile/hb1247.htm>

Would require specified stores to charge and collect a 5-cent fee for each disposable carryout bag the store provides to a customer; fees collected would have been used by the state for various purposes. **Unfavorable report by House Economic Matters Committee**