



**CBPC Legislative & Regulatory Issues Tracking - 2016**

Information & Status - as of 1/15/16

**NATIONAL & REGIONAL OR STATE OR LOCAL ACTIVITIES**

**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 |
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**NATIONAL / REGIONAL**

| <b>FUNDING</b>   |  |   |                  |   |   |   |
|--|--|---|------------------|---|---|---|
| <b>Water Infrastructure Finance and Innovation Act (WIFIA)</b>                       | 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 WIFIA to support implementation loans; and quantify potential use of such funds locally.</i>                          | <a href="http://www.epa.gov/wifia">http://www.epa.gov/wifia</a> |
| <b>Clean Water and Drinking Water State Revolving Loan Funds (SRF, CWSRF, DWSRF)</b> | 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> |   |
| <b>Tax-exempt Municipal Bonds</b>  | 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 | Advocate for retaining the tax-exempt status of these bonds.                | <i>Advocate for retaining the tax-exempt status of these bonds.</i>   |   |
| <b>Resolution for targeted Dept. of Interior Funding</b>                             | 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.         | TBD   |   |
| <b>Resolution for targeted USDA Funding</b>  | 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.           | TBD   |   |



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**NATIONAL / REGIONAL**

**WATER QUALITY & SOURCEWATER PROTECTION**

|  |  |  |      |  |  |   |
|--|--|--|------|--|--|---|
| <b>Microbeads-Free Waters Act</b>                        | 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>  | <a href="http://pallone.house.gov/press-release/president-signs-pallone%E2%80%99s-bill-ban-microbeads-cosmetics">http://pallone.house.gov/press-release/president-signs-pallone%E2%80%99s-bill-ban-microbeads-cosmetics</a> |
| <b>Toxic Substances Control Act</b>                      | 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  |   |
| <b>Cyanotoxins - HR 212</b>                              | 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 sourcewater protection needs.</i> |   |
| <b>Land Conservation in the Chesapeake Bay Watershed</b> | 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  | <a href="http://wtop.com/virginia/2015/12/us-budget-includes-millions-for-chesapeake-bay-watershed/">http://wtop.com/virginia/2015/12/us-budget-includes-millions-for-chesapeake-bay-watershed/</a>                         |



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**NATIONAL / REGIONAL**

**WATER SECURITY**

|  |   |  |  |  |   |   |
|--|---|--|--|--|---|---|
| <b>Cybersecurity Information Sharing Act (S. 754)</b>                | 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   |   |
| <b>North American Energy Security and Infrastructure Act of 2015</b> | 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> | <a href="http://marylandreporter.com/2015/12/23/energy-bill-strips-md-s-rights-on-conowingo-dam/?utm_source=Bay+Brief&amp;utm_campaign=1daed0ade2-Bay+Brief6+7+2013&amp;utm_medium=email&amp;utm_term=0_69e9ffe1b6-1daed0ade2-65240209">http://marylandreporter.com/2015/12/23/energy-bill-strips-md-s-rights-on-conowingo-dam/?utm_source=Bay+Brief&amp;utm_campaign=1daed0ade2-Bay+Brief6+7+2013&amp;utm_medium=email&amp;utm_term=0_69e9ffe1b6-1daed0ade2-65240209</a> |

**WASTEWATER**

|                    |   |  |      |  |   |  |
|--------------------|---|--|------|--|---|--|
| <b>Water Reuse</b> | 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**

|                       |   |  |       |  |     |  |
|-----------------------|---|--|-------|--|-----|--|
| <b>State Hwy Bill</b> | National organizations are tracking, as a possible place to insert desired stormwater and flood control language. |  | NACWA |  | TBD |  |
|-----------------------|---|--|-------|--|-----|--|

**DRINKING WATER**

|                             |   |  |      |  |     |  |
|-----------------------------|---|--|------|--|-----|--|
| <b>Lead and Copper Rule</b> | 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 |  |
|-----------------------------|---|--|------|--|-----|--|



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**MARYLAND**

**LEGISLATIVE SCHEDULE - KEY DATES**

|                            |  |  |   |
|----------------------------|--|--|---|
| Jan. 13 - Session convenes | Feb. 5 - Senate bills introduced<br>Feb. 12 - House bills introduced | March 21 - Crossover<br>April 11 - Adjournment | <a href="http://mgaleg.maryland.gov/pubs-current/current-session-dates.pdf">http://mgaleg.maryland.gov/pubs-current/current-session-dates.pdf</a> |
|----------------------------|--|--|---|

**FUNDING**

|                             |  |  |                    |  |     |  |
|-----------------------------|--|--|--------------------|--|-----|--|
| <b>Bay Restoration Fund</b> | Most WWTPs have completed their ENR upgrades, but want to protect Bay Restoration Funding for other WWTP projects, BAT septic upgrades, and stormwater projects. |  | MACO, CBC, Aqualaw |  | TBD |  |
|-----------------------------|--|--|--------------------|--|-----|--|

**WATER QUALITY**

|                                |   |  |                    |  |     |  |
|--------------------------------|---|--|--------------------|--|-----|--|
| <b>Nutrient Credit Trading</b> | This is a high priority for MD to figure out trading across sectors, watersheds, and states. It would allow trading to reach TMDL pollution reduction baseline. Another piece of trading is allocating for growth offsets, as specified in the Maryland WIP. MD is reconvening its trading workgroup, and this will be MD's 3rd attempt to develop an accounting for growth policy. |  | MACO, CBC, Aqualaw |  | TBD |  |
|--------------------------------|---|--|--------------------|--|-----|--|

|                                  |  |  |     |  |     |  |
|----------------------------------|--|--|-----|--|-----|--|
| <b>Pollinator Protection Act</b> | 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. |  | CBC |  | TBD |  |
|----------------------------------|--|--|-----|--|-----|--|

**WASTEWATER**

|  |  |  |                    |  |     |  |
|--|--|--|--------------------|--|-----|--|
| <b>Use of Best Available Technology (BAT) for Septics Regulation</b> | MACO expects that there will be a relaxation of state requirements for BAT septic in non-critical areas, and more local control given to septic, either by a repeal or exemptions/waivers. | Gov. Hogan's Regulatory Reform Commission calls for a revoke of the regulation that currently requires BAT septic in non-critical areas. | MACO, CBC, Aqualaw |  | TBD |  |
|--|--|--|--------------------|--|-----|--|

\* Consistent w/ approved COG Board Legislative Priorities Policies



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**MARYLAND**

**STORMWATER**

|  |   |   |               |  |     |  |
|--|---|---|---------------|--|-----|--|
| <b>Stormwater Financial Reporting Requirements</b> | Current activity resulting from last year's 'fee repeal' efforts. | Will need to track how the financial reporting requirements play out with the MD MS4 permit reform. | MACO, Aqualaw |  | TBD |  |
|--|---|---|---------------|--|-----|--|

**CLIMATE**

|   |  |   |                    |  |     |  |
|---|--|---|--------------------|--|-----|--|
| <b>Green House Gas Reduction Act of 2009 ('16 legislative review)</b> | 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. | Act has wide support. Sponsor - Sen. Pinsky | MACO, CBC, Aqualaw | Concern re: the potential unintended consequences. | TBD |  |
|---|--|---|--------------------|--|-----|--|

|                                     |  |   |                    |  |     |  |
|-------------------------------------|--|---|--------------------|--|-----|--|
| <b>Renewable Portfolio Standard</b> | Would require electric companies to shift from 20% renewable purchase by 2020 to 25% renewable purchase by 2020. | Sponsors - include Sen. Feldman, Del. Frick | MACO, CBC, Aqualaw |  | TBD |  |
|-------------------------------------|--|---|--------------------|--|-----|--|

**AGRICULTURE**

|                           |  |  |     |  |     |  |
|---------------------------|--|--|-----|--|-----|--|
| <b>Poultry Litter Act</b> | Act would require poultry growers of either retaining liter ownership or transferring it to the integrators (Purdue, Tyson, etc.). |  | CBC |  | TBD |  |
|---------------------------|--|--|-----|--|-----|--|

**OUTREACH & EDUCATION**

|                                      |  |                           |     |  |     |  |
|--------------------------------------|--|---------------------------|-----|--|-----|--|
| <b>Chesapeake Bay Awareness Week</b> | Chesapeake Bay Commission (CBC) is sponsoring a Tri-State resolution for an awareness week the 2nd week of June. | Same effort in VA and PA. | CBC |  | TBD |  |
|--------------------------------------|--|---------------------------|-----|--|-----|--|

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**VIRGINIA**

**LEGISLATIVE SCHEDULE - KEY DATES**

[http://dls.virginia.gov/pubs/calendar/cal2016\\_2.pdf](http://dls.virginia.gov/pubs/calendar/cal2016_2.pdf)

|   |                            |                               |  |  |  |  |
|---|----------------------------|-------------------------------|--|--|--|--|
| <p>Jan. 13 - Session convened<br/>                 Jan. 15 - Budget amendments due<br/>                 Jan. 22 - Last day to introduce legislation</p> | <p>Feb. 16 - Crossover</p> | <p>March 12 - Adjournment</p> |  |  |  |  |
|---|----------------------------|-------------------------------|--|--|--|--|

**WATER QUALITY**

|                         |   |  |              |  |     |  |
|-------------------------|---|--|--------------|--|-----|--|
| <b>Sediment Trading</b> | Local governments requesting nutrient trading to be expanded to include sediments to achieve TSS compliance. Private sector is asking to include a growth offsets provision that would factor in WWTP capacity. |  | Aqualaw; CBC |  | TBD |  |
|-------------------------|---|--|--------------|--|-----|--|

**STORMWATER / FUNDING**

|                                     |  |  |         |   |     |  |
|-------------------------------------|--|--|---------|---|-----|--|
| <b>Stormwater Regulatory Reform</b> | Plans are to streamline state laws on stormwater, including Stormwater Local Assistance Fund (SLAF) funding. |  | Aqualaw | Would seek to protect SLAF funding allocations. | TBD |  |
| <b>Stormwater Utility Fee</b>       | Potential that a bill may be submitted to "repeal the SW fee, like they did in MD".                          |  | Aqualaw |   | TBD |  |

**WASTEWATER / FUNDING**

|                         |  |  |         |  |     |  |
|-------------------------|--|--|---------|--|-----|--|
| <b>Wastewater Bills</b> | Gov. McAuliffe is calling for \$59 M bond allocation for WWTPs upgrades. |  | Aqualaw |  | TBD |  |
| <b>Biosolids Bills</b>  | Potential that a bill may be submitted to again 'study biosolids.'       |  | Aqualaw |  | TBD |  |

**DRINKING WATER**

|   |  |   |                       |   |   |  |
|---|--|---|-----------------------|---|---|--|
| <b>Proposed Amendment to Virginia Water Protection Permit (VWP) Regulations</b> | 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 exclusions to the permit, the VWP application process, compensatory mitigation requirements, and permit modifications. | VA-DEQ has published a proposed amendment to the VWP regulations. <b>Public comments to be accepted through January 29, 2015.</b> | Potomac Coop Partners | Concern that proposed revisions would result in changes to long-standing Potomac Coop agreements. | Recommend that COG staff work with local DW suppliers to craft a comment letter for CBPC Advocacy WG review & CBPC approval to meet Jan. 29th deadline. |  |
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| <b>VIRGINIA</b>  |  |                                  |                         |                   |  |                                |
| <b>CLIMATE - FLOODING</b>                                    |  |                                  |                         |                   |  |                                |
| <b>Flood Resiliency Technical Support Center</b>             | Gov. McAuliffe's has proposed establishing the 'Commonwealth Center for Recurrent Flooding Resiliency.' It would grant public access to ODU/College of William & Mary's repository of maps, ordinances, etc. for climate issues. |                                  | CBC                     |                   | <i>TBD</i>                                     |                                |
| <b>OUTREACH &amp; EDUCATION</b>                              |  |                                  |                         |                   |  |                                |
| <b>Chesapeake Bay Awareness Week</b>                         | Chesapeake Bay Commission is sponsoring Tri-State resolution for an awareness week the 2nd week of June.   | Same effort in MD and PA.        | CBC                     |                   | <i>TBD</i>                                     |                                |
| <b>AGRICULTURE</b>   |  |                                  |                         |                   |  |                                |
| <b>Update Nutrient Management Regulations for Phosphorus</b> | Bill would require DCR and SWC Board to update the existing Nutrient Management Regulations to address phosphorus management (i.e., to reflect latest research on transport, saturation, winter application, etc.).              | Sponsor - Lingamfelter           | Aqualaw                 |                   | <i>TBD</i>                                     |                                |



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**LOCAL GOVERNMENTS**

**SOURCE WATER PROTECTION**

|   |  |  |                              |                      |            |  |
|---|--|--|------------------------------|----------------------|------------|--|
| <p><b>Ban on Polystyrene Foam Food Containers</b></p> | <p>In a collaborative effort to protect the shared Anacostia watershed and because polystyrene currently accounts for up to 40% of the trash in the Anacostia; the District of Columbia, Montgomery County, and Prince George's County are all instituting a ban on polystyrene this year.</p> | <p>Ban on polystyrene foam food containers went into effect Jan. 1, 2016 in the District, and Montgomery County. It will go into effect in Prince George's County in July.</p> | <p>Anacostia Partnership</p> | <p>Support bans.</p> | <p>TBD</p> | <p><a href="http://dcist.com/2015/12/a_styrofoam_ban_trifecta_kicks_off.php">http://dcist.com/2015/12/a_styrofoam_ban_trifecta_kicks_off.php</a></p> |
|---|--|--|------------------------------|----------------------|------------|--|