



CBPC 2024 LEGISLATIVE UPDATE

Heidi Bonnaffon and Katie Dyer
COG

Chesapeake Bay and Water Resources Policy Committee
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Metropolitan Washington
Council of Governments

Legislative Priorities for Water-2024

Support Investments in Water Infrastructure

Support sustained and expanded funding for federal water quality programs, including the EPA's Chesapeake Bay Program, the Water Infrastructure Finance and Innovation Act (WIFIA), Water Resources and Development Act (WRDA) and for state programs including grants for local governments and water utilities, state revolving funds (SRFs),...

Support Climate and Flood Resiliency Initiatives

Support funding to address robust climate change analysis, adaptation and resiliency planning, flood control and management, drought management, and development and coordinated implementation of local best practices.

Ensure Stormwater Regulatory Feasibility

Support actions that provide for a feasible pace for future MS4 stormwater permits and reasonable reporting requirements.

Ensure Local Government Input

Ensure that local governments and wastewater and drinking water utilities are given opportunities to provide timely and meaningful input on legislation and management decisions affecting the Chesapeake Bay and local water quality.

Support Affordability and Regulatory Flexibility

Support cost-effective scheduling and financing of water quality programs, including streamlining permits, flexibility to achieve nutrient and sediment reduction across wastewater, stormwater, and other sectors, affordability of water, and full funding for agricultural conservation programs.

Support Water Supply Security

Support water quality security and resiliency through research, planning, and programs and drinking water source protection policies and programs to ensure a resilient, reliable and clean drinking water supply for the region.



2024 CBPC Legislative Tracking

CBPC Legislative Tracking Team

- CBPC's Legislative Tracking Team is a small group of CBPC members who 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
- A series of bi-weekly calls have been held since January to discuss legislation as it relates to CBPC legislative priorities
- The committee primarily runs from January – April

Virginia Legislation

PFAS testing, self-monitoring, self-reporting

- HB 1085 (Rasoul) & SB 243 (Rasoul) PFAS Expert Advisory Committee; established, monitoring sources. **PASSED**
 - Requires the VDH to assist VEQ develop and implement a plan to prioritize and conduct PFAS assessments for identifying significant sources of PFAS in public water system's raw water source or sources. Provides that any facility that is a potential source of PFAS, as identified by DEQ, is required to self-report manufacture and use of such substances. Establishes a PFAS Expert Advisory Committee.

Water Workforce

- HB 220 (Orrock, Sr) Water facilities; staffing; licensed operators. **PASSED**
 - Requires water workers to employ a licensed operator. The bill establishes protocol for an unexpected vacancy of the licensed operator position and permits remote monitoring of the facility by the licensed operator upon a demonstration of adequate monitoring technology.
- SB 554 (Jordan) Department of Professional and Occupational Regulation; waterworks and wastewater works operators; reciprocal licensing. **PASSED**
 - Requires the recognition of current and valid licenses or certificates issued by a neighboring state, as fulfillment of qualifications for licensure as a waterworks and wastewater works operator.



Virginia Legislation

Tree Bills -**PASSED**

HB 459 (Sullivan), HB 529 (Hope), and HB 1100 (Carr) – Gives localities more authority on conservation and replacement of trees during land development process

Environmental Justice

HB 333 (Jones) – Virginia Council on Environmental Justice; appointments to fill vacancies. **PASSED**

HB 1000 (Anthony) – Environmental Justice Task Force; report **FAILED**

Data Centers – **Continued to 2025**

SB 289 (Romen) – Adopt regulations for stormwater management techniques & HB 338 (Thomas) – Allows a locality, prior to approval of a data center, to assess effects on water usage and carbon emissions

Maryland Legislation

Stream Restoration

- HB 1284 (Terrasa, Lehman, Ruth) – Wetlands and Waterways Program-Stream Restoration Projects
 - Alters requirements for stream restoration applications, public notice periods, and changes to credits
- HB 1165 (Love, et al)/SB 969 (Elfreth, Guzzone) – Whole Watershed Act
 - Creates Licensing Obligation and Board for Stream Restoration, local, state, and federal employees do not need a license if performing duties of employment
 - Creates Whole Watershed Fund Partnership to accelerate restoration
- SB 798 (Hester) – Stream Restoration Contractors Licensing Board, Stream Restoration Contractors, and Stream Restoration Project Requirements
 - Creates Licensing Obligation and Board for Stream Restoration, local governments are not exempt but does exempt state and federal employees
 - Withdrawn by sponsor, public comment language is being integrated into the Whole Watershed Act

Maryland Legislation

Salt

- HB 1055 (Qi, Foley, Guyton, and Ruth) – Environment – Highways – Salt Application
 - Requires each State agency, county, and municipality to maintain certain records of its highway salt application

Climate and Environmental Equity

- SB 148 (Washington & All) & HB 449 (Ivey & All) – Comprehensive Flood Management Grant Program - Funding for Underserved and Overburdened Communities
 - Requiring at least 40% of funding provided under the comprehensive flood management grant program to be used for projects located in or directly benefiting underserved or overburdened communities, authorizes that the Governor may include up to \$20M in the annual State budget in FY26

PFAS Monitoring

- SB 956 (Hester) & HB 1153 (Love & All): Environment - Water Pollution Control - Protecting State Waters From PFAS Pollution (Protecting State Waters From PFAS Pollution Act)

Virginia Budget

Virginia Budget-General Assembly's Conference version

- Water Quality Improvement Fund (WQIF) —\$400M for wastewater
- Stormwater Local Assistance Fund (SLAF) — No new funding this year; pay-for-outcome pilot in lieu
- Pay-for-Outcomes Pilot Program at DEQ for non-point source pollution — \$20M
- Regional Greenhouse Gas Initiative Participation (RGGI) (language only)
- Resilient Revolving Loan Fund — \$125M; no additional funding
- Funding for three full time DEQ employees for PFAS monitoring and reporting requirements for public water systems (pursuant to HB 1085).
- Cost analysis of PFAS and Lead and Copper Rule — Directs \$500K to VDH for the study of the costs to localities for implementing the pending federal PFAS and EPA Lead and Copper Rules for lead service line replacement.

**Thanks to Aqualaw for this budget synopsis.

Maryland Budget

- Governor Moore’s State of the State Speech (Feb. 9) outlined priorities.
 - “Leave no one behind”
 - Make MD a leader in clean energy and greenest state in the country
 - FY25 budget (Jan. 17)
 - Operating budget HB 350/SB 360
 - Capital budget: HB 351/SB 361
 - Budget Reconciliation HB 352/SB 362 -includes money for Conowingo dredging
 - Increase in MDE employee #s
 - Increase in Water and Science Admin.
 - \$189 M Water Quality Revolving Loan Fund (low interest loans for WW upgrades, stormwater)
 - \$72 M for Bay Trust Fund (up from \$61 M in FY24)
 - \$15 M for Trees
 - \$10 M Urban Trees program
 - \$2.5 M for planting on ag lands
- **Thanks to Aqualaw for this budget synopsis.

Congressional Budget FY '24 Appropriations

- Funding for the Potomac secondary water source study (U.S. Army Corps)!- \$500K
- Chesapeake Bay Program \$92 million continuation
 - About 2/3 will be used in the form of grants, to states and for small watersheds
- EPA Topline \$9.16 billion (FY '23 was \$10.1 billion, equaling 10% reduction for EPA)
 - Funding for Clean Water and Drinking Water State Revolving Funds matches FY '23, although with significant earmarks
 - CWSRF \$1.64 billion, \$788 million earmarks
 - DWSRF \$1.13 billion, \$632 million earmarks

Congressional Budget FY '24 Appropriations

- Water Infrastructure Finance and Innovation Act (WIFIA), \$64.6 million (compared to \$68 million in FY '23)

Other notable budget items

- Water Infrastructure Workforce, \$5.4 million (vs. \$6 million FY '23)
- Reducing Lead in Drinking Water, \$22 million (vs. \$25 million, FY '23)
- Drinking water infrastructure resiliency and sustainability, \$6.5 million (vs. \$7 million, FY '23)
- Stormwater infrastructure technology, \$2 million (vs. \$3 million, FY '23)

Heidi Bonnaffon

Senior Planner

(202) 962-3216

hbonnaffon@mwkog.org

Katie Dyer

Environmental Planner

(202) 962-3324

kdyer@mwkog.org

mwkog.org

777 North Capitol Street NE, Suite 300

Washington, DC 20002



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