



## CHESAPEAKE BAY COMMISSION

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### 2010 General Assembly Sessions Maryland, Virginia & Pennsylvania

#### Maryland

##### SB 278 / HB 474 Smart, Green and Growing – Maryland Sustainable Growth Commission

This bill, offered by the Administration, simply establishes the permanent, 30-member “Maryland Sustainable Growth Commission” and charges the body to look at Smart Growth patterns and options within the State. This new Commission is an extension of the existing Task Force on the Future for Growth and Development in Maryland, created in 2006 and set to expire on December 31, 2010. The new Commission will be comprised of experts from all sectors of Maryland’s workforce and will focus on policies and actions needed to grow sustainably.

##### SB 285 / HB 475 Smart, Green and Growing – The Sustainable Communities Act of 2010

Another Smart Growth Administration bill, this legislation broadens the 14-year old Heritage Tax Credit program and re-titled the credit program as the “Sustainable Communities Tax Credit” as a way to support revitalization of existing urban infrastructure. The bill authorizes \$50 million over 3 years and expands access and eligibility to the tax credit program for communities that traditionally would not have qualified. The Heritage Tax Credit program has been an effective tax credit that has incentivized redevelopment of existing properties, thus potentially avoiding sprawl development that has been so costly and damaging to the health of the Chesapeake Bay.

##### SB 287 / HB 464 Maryland Clean Energy Incentives Act of 2010

The measure simply extends a tax credit program that has offered a financial incentive needed for the growth of the renewable energy market and industry during the industry’s beginning stages. The bill takes a small step for the industry that will have a large impact on renewable energy growth and development within Maryland. A robust and sustainable renewable energy sector will have a direct positive impact on the water quality of the Chesapeake Bay.

##### SB 342 / HB 1191 Natural Resources – Oyster Poaching – Hearing

Final Outcome: passed Senate; but no action taken by the House Environmental Matters Committee. This bill would have imposed stricter penalties for specified oyster fishing violations. An individual who commits an offense specified in the bill would have their license to catch oysters revoked. Department of Natural Resources would have to hold hearings to determine if the licensee knowingly committed an offense, and DNR would have to revoke the license if the offense was knowingly committed. It also restricts the person whose license has been revoked from using a tidal fish license issued to catch oysters or from receiving a transfer of a tidal fish license to catch oysters after revocation.

HB 98 Department Of Natural Resources – Tidal Fish Licenses – Transfer and Suspension  
The legislation clarifies that the Department’s existing suspension authority for tidal fish licenses and closes loopholes in the law. The legislation clarifies the law so that an individual who violates state or federal commercial fisheries law may not avoid a license suspension penalty by working on another tidal fish license.

## Virginia

SB 341 DCR to provide estimate of amount of land used for production agriculture under Land preservation tax credit. This bill requires the Department of Conservation and Recreation, in preparing its annual report on qualified Land Preservation Tax Credit donations, to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" that have been protected by conservation easements and that have onsite operational best management practices.

SB 346 Land conservation practices database. Requires the Secretary of Natural Resources, with assistance from the Secretary of Agriculture and Forestry, to establish and maintain a database of on-sight agricultural best management practices. The database is intended to document voluntary actions taken by the agricultural and silvicultural sectors and will (i) be uniform in content and format to applications in the other states of the Chesapeake Bay watershed, (ii) maintain the confidentiality of information, and (iii) use existing methods of data collection. By November 1, 2010, the Secretary of Natural Resources shall submit a report on the establishment of the database and associated costs and responsibilities for its long-term maintenance.

SB 345 Oyster restoration projects; authorizes Resources Authority to finance. This bill authorizes the Virginia Resources Authority (a bonding authority) to finance oyster restoration efforts undertaken by local governments.

SB 272 Procurement of Biodiesel by State Agencies. This bill requires the Department of General Services to establish guidelines for state agencies to purchase diesel fuel containing at least two percent biodiesel for use in on-road vehicles. There is an exemption if (i) biodiesel is not practically available or (ii) the cost exceeds the cost of unblended diesel fuel.

SB 623/HB 803 Income tax, corporate and individual; green job tax credit. This bill allows a \$500 individual or corporate income tax credit for the creation of “green jobs” paying an annual salary in excess of \$50,000 for taxable years 2010 through 2014. Each taxpayer is allowed a credit for up to 350 new green jobs. "Green job" means employment in industries relating to the field of renewable or alternative energies, including biomass and biofuels systems.

SB 678 Income tax credits; producing electricity primarily from agricultural livestock waste. This bill would allow individual or corporate income tax credits for an electric energy facility producing electricity primarily from agricultural livestock waste. The amount of the state tax credit would be equal to the amount of the federal Energy Credit.

HB 1135 Wastewater discharge permits; certain conditions for owner of sewage facility. This bill requires facilities treating domestic sewage with a discharge greater than 1,000 gallons per day and up to 39,999 gallons per day that have not begun the discharge of pollutants prior to January 1, 2011, to acquire waste load allocations sufficient to offset their nitrogen and phosphorus discharges.

HB 1290 Nutrient trading; Eastern Shore facility to acquire credits in Potomac & Rappahannock tributaries. Allows wastewater treatment facilities on the Eastern Shore to acquire nitrogen and phosphorus credits from facilities in the Potomac and Rappahannock tributaries. Currently, a permitted facility can acquire point source nitrogen credits, among other restrictions, from one or more permitted facilities in the same tributary.

HB 1221 Water Facilities Revolving Fund; loans for stormwater runoff controls. This bill allows the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to a local government for construction of stormwater best management practices to reduce or prevent pollution of state waters caused by runoff from impervious surfaces. However, under the bill, wastewater treatment facilities have the first priority in obtaining financing from the Fund.

HB 1220 Stormwater management regulations; changes effective date that establishes local program criteria. This bill delays the recently-approved stormwater management regulations that were to go into effect on July 1, 2010. The regulations, however, must be adopted within 280 days after the establishment of EPA's Chesapeake Bay-wide TMDL, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulations that would be necessary to comply with such TMDL.

#### State Funding

Agricultural BMP Cost Share Program: \$9.1M

Biofuels Production Fund: \$4.8M

## Pennsylvania

### Passed

SR 215 directs the Legislative Budget and Finance Committee to conduct a study of the costs of agricultural compliance with Pennsylvania's Chesapeake Bay nutrient and sediment reduction goals.

### Pending

SB 698 would establish the PA Farms to Fuels Initiative and provide incentive payments to farmers to support transition to a bioenergy crop. Funds would also be available to Conservation Districts to provide technical assistance to farmers during the transition (in Senate Appropriations Committee).

SB 884 would establish the Agricultural Land Conservation Assistance Grant Program within the Agricultural Area Security Law (in Senate Appropriations Committee).

SB 172 would allow local governments to exempt from local tax millage rate increases any land that has been preserved through a non-profit land trust for agricultural purposes. Current law only permits millage rate freezes for land preserved through the state farmland preservation program (in Senate Appropriations Committee).

HB 951 would provide additional property or income tax authority to local governments for the purpose of open space preservation (passed House, is in Senate Appropriations Committee).

Six bills have been introduced to authorize establishment of a severance tax for Marcellus Shale gas. They vary in how the proceeds would be allocated; with the General Fund, several existing state environmental programs, and local governments all proposed to receive varying percentages of the revenue.

SB 905, SB 997 and SB 1254 (in Senate Finance Committee)

HB 1489 (in House Environmental Resources and Energy Committee)

HB 2438 (in House Appropriations Committee)

HB 2443 (in House Finance Committee)

SB 1092 would amend the Oil and Gas Act to strengthen well casing requirements to protect groundwater (reported from Senate Environmental Resources and Energy Committee, in Senate Appropriations Committee).

HB 1205 would amend the Oil and Gas Act to strengthen protections for landowners whose water supply is presumed to be impacted by well drilling activities (reported from House Environmental Resources and Energy and Rules Committees, in House Appropriations Committee).

HB 2213 would amend the Oil and Gas Act to increase bonding requirements for wells using hydraulic fracturing, expand the requirements for disclosure of chemicals used in hydraulic fracturing, and strengthen protections for landowners whose water supply is presumed to be impacted by well drilling activities (in House Environmental Resources and Energy Committee).

HB 2235 would impose a five year moratorium on the leasing of state forest land for Marcellus Shale exploration, drilling or production (reported from House Environmental Resources and Energy and House Appropriations Committees).

HR 729 would direct the Legislative Budget and Finance Committee to review the Commonwealth's laws and regulations governing the development of natural gas within the Marcellus Shale formation (in House Environmental Resources and Energy Committee).