



# CHESAPEAKE BAY COMMISSION

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## HIGHLIGHTS OF THE 2024 STATE LEGISLATIVE SESSIONS Virginia, Maryland, and Pennsylvania

### VIRGINIA

*(60-day Regular Session, January 10 – March 9, Reconvene Session April 17)*

#### **PASSED**

#### **[SB 243](#) (Senator McPike) / [HB 1085](#) (Delegate Rasoul)**

##### **PFAS Expert Advisory Committee; established, monitoring sources.**

Requires, for every public water system, the Department of Health to assist the Department of Environmental Quality by transferring quarterly all validated monitoring results that indicate PFAS maximum containment level exceedances. In such circumstances, the bill provides that the Department of Environmental Quality is required to develop and implement a plan to prioritize and conduct PFAS assessments for identifying significant sources of PFAS in such public water system's raw water source or sources. The bill requires any facility, if deemed by the Department of Environmental Quality to be a potentially significant source of PFAS in the public water system's raw water source, to perform and promptly report the results of quarterly discharge monitoring and to report its manufacture or use of PFAS.

#### **[SB 297/298](#) (Senator French) / [HB 1015](#) (Delegate Wilt)**

##### **Agricultural best management practices & agricultural equipment purchase tax credits; extension of sunset date.**

Extends from January 1, 2025, to January 1, 2030, the sunset date of the individual and corporate agricultural best management practices income tax credit and extends from January 1, 2026, to January 1, 2030, the sunset date of the individual and corporate income tax credit for the purchase of conservation tillage and precision agricultural application equipment.

#### **[HB 309](#) (Delegate Hope)**

##### **Forestland and Urban Tree Canopy Conservation Plan.**

Requires the Department of Forestry, in coordination with a Technical Advisory Committee composed of stakeholders, to develop a Forestland and Urban Tree Canopy Conservation Plan no later than November 1, 2026, and update such plan at least once every five years thereafter.

#### **[SB 402](#) (Senator Stuart) / [HB 1185](#) (Delegate Hodges)**

##### **Blue catfish marketing work group; report.**

Requires the Department of Agriculture and Consumer Services to convene a work group to support the creation of a robust and resilient market for blue catfish. The work group shall (i) review past and ongoing efforts to promote the creation of a market for blue catfish, (ii) identify and explore potential sectors for the blue catfish market, and (iii) identify any actions that the Commonwealth can take to promote and expand the market for blue catfish. The Department shall submit a report of the findings and recommendations no later than September 1, 2025.

**[SB 464](#) (Senator Stuart) / [HB 596](#) (Delegate Askew)**

**Fisheries Innovation for Sustainable Harvest Fund; established.**

Establishes the Fisheries Innovation for Sustainable Harvest Fund for the purposes of supporting and promoting the economic growth and development of Virginia's seafood economy. All royalties collected as a result of the generation or transmission of electrical or compressed air energy from offshore renewable sources, including wave or tidal action, currents, offshore winds, and thermal or salinity gradients, shall be paid into the state treasury and appropriated to the Fund.

**[SB 616](#) (Senator Pillion) / [HB 892](#) (Delegate Bulova)**

**Office of Working Lands Preservation established.**

Transfers from the Department of Agriculture and Consumer Services to the Department of Forestry the Office of Farmland Preservation and its powers and duties and reporting requirements, the Virginia Farm Link Program, the Century Farm Program, and the Virginia Farmland and Forestland Preservation Fund.

**[HB 985](#) (Delegate Tran)**

**Pavement sealants with high polycyclic aromatic hydrocarbon; prohibits, civil penalty.**

Prohibits the sale or distribution of any pavement sealant that contains polycyclic aromatic hydrocarbon concentrations greater than one percent by weight on or after July 1, 2024, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill also prohibits the application or use of such sealants on or after July 1, 2025. Any person who violates either prohibition is subject to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund.

**[HB 1458](#) (Delegate Hernandez)**

**Chief Resilience Officer of the Commonwealth; moves position under the Secretary.**

Requires the Chief Resilience Officer to convene an Interagency Resilience Management Team to support the coordination of planning and implementation of resilience efforts, eliminates the position of Special Assistant to the Governor for Coastal Adaptation and Protection, and requires the Director of the Department of Conservation and Recreation to convene an Advisory Review Committee to assist in the distribution of loans and grants from the Virginia Community Flood Preparedness Fund and the Resilient Virginia Revolving Fund. The bill requires, for the two Funds, the Department make available for public inspection records of each application for grants and loans, the actions taken thereon, and provide an opportunity for a 30-day public comment period prior to each new grant or loan offering to solicit feedback on proposed revisions to the Funds' manuals.

***DID NOT PASS / VETOED***

**[SB 306](#) (Senator Salim) [HB 47](#) (Delegate Siebold)**

**Invasive plant species; requirements for retail sales.**

Requires, for the retail sale of any invasive plant species for outdoor use on a list established by the Department of Conservation and Recreation, a retail establishment to post in a conspicuous manner on the property located in proximity to each invasive plant display signage identifying such plant as invasive, educating consumers regarding invasive plant species, and encouraging consumers to ask about alternatives.

**[HB 529](#) (Delegate Hope)**

**Trees; replacement during development process.**

Expands existing local government authority to replace trees during the development process by expanding such authority statewide. Current authority only exists within the Chesapeake Bay watershed. The bill allows localities to establish higher tree canopy replacement percentages based on density per acre.

**[HB 863](#) (Delegate Hernandez)**

**Virginia Residential Property Disclosure Act; flood-related disclosures.**

Requires the Real Estate Board to include on its repetitive risk loss disclosure form for owners of residential real property space for the disclosure of historical flood damages, flood insurance claims, and costs to such residential real property along with other related information. The bill also requires the owner of residential real property within the Commonwealth to disclose to any purchaser or renter of such property certain facts related to the flood history and risk of such property.

**[HB 949](#) (Delegate Lopez)**

**Hazardous Substance Facility Response Plans; reporting of substance discharge, etc.**

Requires the submission of EPA required facility response plans to the Department of Environmental Quality and compliance with such plan. The bill provides requirements for reporting, recordkeeping, and inspection and authorizes the Department to initiate a civil action to obtain certain equitable relief for violations of the bill's provisions. The bill imposes civil penalties for any person that negligently, willfully, or knowingly (a) discharges or causes to discharge a hazardous substance from a facility or (ii) fails to implement or comply with an EPA-approved facility response plan.

**[HB 1088](#) (Delegate Carr)**

**Board of Education; instructional materials on climate change and environmental literacy.**

Requires the Board of Education to make available to each local school board instructional materials on climate change and environmental literacy that are based on and include peer-reviewed scientific sources. The bill requires the Board of Education to develop, adopt, and make available to each local school board model policies and procedures, based on peer-reviewed scientific sources, pertaining to the selection of instructional materials on climate change and environmental literacy, including a requirement for any such selected material to accurately portray changes in weather and climate patterns over time, the impacts of human activity on changes in weather and climate patterns, and the effects of climate change on people and resources.

**[HB1100](#) (Delegate Carr)**

**Conservation of trees during the development process.**

Expands the authority to conserve trees during the development process Commonwealth-wide. Current authority only exists for Planning District 8 (Northern Virginia) in certain circumstances.

**[HB 1167](#) (Delegate Krizek)**

**English ivy; local prohibition on sale, civil penalty.**

Authorizes any locality to adopt an ordinance prohibiting the sale of English ivy, with violations punishable by a civil penalty not to exceed \$50 for a first violation and not to exceed \$200 for a subsequent violation within 12 months.

***BUDGET – Awaiting Introduction for Special Session May 13 – 15, 2024***

## **MARYLAND**

***(90-day session, January 10-April 8)***

### **PASSED**

**[HB 109](#) (Chair, E&T, by request) / [SB 281](#) (Chair, EEE, by request)**

#### **Natural Resources - Submerged Aquatic Vegetation - Alteration or Removal Requirements**

Authorizing certain persons to alter certain submerged aquatic vegetation in a certain manner and in accordance with certain requirements; authorizing a public utility company or telecommunications carrier to alter certain submerged aquatic vegetation in a certain manner and in accordance with certain requirements; and altering certain requirements related to the alteration or removal of certain submerged aquatic vegetation.

**[HB 233](#) (Chair, E&T, by request) / [SB 306](#) (Chair, EEE, by request)**

#### **Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Climate, Equity, and Administrative Provisions**

Authorizing the Critical Area Commission to adopt regulations governing the transfer of development rights, fee in lieu payments, the assessment of and adaption of the critical area for climate resiliency, enhancing resilience in the critical area, and environmental justice and equity initiatives; establishing certain considerations of climate change, climate resiliency, and equity as general principles and minimum elements of local programs; etc.

**[HB 235](#) (Chair, HGO, by request) / [SB 253](#) (Chair, Budget and Taxation, by request)**

#### **Department of Natural Resources - Pay-For-Success Contracts - Procurement Exemption**

Exempting pay-for-success contracts negotiated or entered into by the Department of Natural Resources from certain provisions of the General Procurement Law.

**[HB 449](#) (Delegate Ivey, et al.) / [SB 148](#) (Senator A. Washington, et al.)**

#### **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; and authorizing the Governor to include in the annual State budget an appropriation of up to \$20,000,000 for the comprehensive flood management grant program in fiscal year 2026 and each fiscal year thereafter.

**[HB 613](#) (Delegate Boyce, et al.)**

#### **Natural Resources - Recreational Catching of Oysters or Clams - Requirements**

Altering certain authorizations to recreationally catch clams in the State; establishing a recreational oyster license; requiring an applicant for a recreational oyster license to be at least 16 years of age; requiring the Department of Natural Resources to use a part of the application fees collected to replenish public fishery oysters bars; requiring the Department to issue complimentary or discounted recreational oyster licenses; authorizing certain individuals to catch oysters without a license under certain circumstances; etc.

**[HB 807](#) (Delegate Stein, et al.) / [SB 1140](#) (Senator Mautz)**

#### **Natural Resources – Submerged Aquatic Vegetation Surveys**

Altering the definition of "aerial survey" for purposes of surveying submerged aquatic vegetation to include other surveys that encompass certain geographic areas and use certain methodologies; and requiring the

Department of Natural Resources to study and report to the General Assembly on the implications and feasibility of using alternative methods other than an aerial survey to delineate SAV protection zones on or before December 1, 2025.

**[HB 991](#) (Delegate Love, et al.) / [SB 1074](#) (Senators Ready, Elfreth, et al.)**

**Agriculture - Food Processing Residuals Utilization Permit - Establishment**

Establishing a food processing residuals utilization permit; prohibiting a person from utilizing food processing residuals in the State unless the person obtains a permit; requiring the Department of Agriculture to provide a certain notice and information to certain persons in a county where food processing residuals will be stored; establishing the Food Processing Residuals Administration Fund; authorizing a representative of the Department to enter and inspect any site where food processing residuals are utilized; etc.

**[HB 992](#) (Delegate Stein) / [SB 835](#) (Senator Hester)**

**Environment - Delegated Authorities - Well and Septic Program Permits**

Requiring a local health department or county government to which the Department of the Environment has delegated authority to administer a septic and well program to submit, by December 1, 2024, a schedule of review times for certain well and septic program permits for approval; and requiring a local health department or county government to submit well and septic program permit data to the Department for review beginning 3 months after the original schedule submission approved by the Department and every 3 months thereafter.

**[HB 1101](#) (Delegate Love, et al.) / [SB 653](#) (Senator Augustine, Elfreth, et al.)**

**Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**

Providing certain persons standing in environmental and natural resources protection proceedings; authorizing persons that meet standing requirements to bring certain civil actions under certain circumstances; requiring a plaintiff, under certain circumstances, to give certain notice and provide certain documentation to the Department of the Environment and the Attorney General and to file a certain affidavit; authorizing a court to grant certain relief, award certain costs, and impose certain civil penalties; etc.

**[HB 1153](#) (Delegate Love, Ivey, Stein, et al.) / [SB 956](#) (Senator Hester)**

**Environment – Water Pollution Control – Protecting State Waters From PFAS Pollution (Protecting State Waters From PFAS Pollution Act)**

Requiring the Department of the Environment to identify significant industrial users that currently and intentionally use PFAS chemicals by July 1, 2026; requiring the Department to develop certain PFAS monitoring and testing criteria for certain significant industrial users by January 1, 2025; requiring the Department by June 1, 2025, to develop PFAS action levels for addressing PFAS contamination from industrial discharge for pretreatment permits; requiring the Department to develop mitigation plans by September 1, 2025; etc.

**[HB 1165](#) (Delegates Love, Ivey, and Stein) / [SB 969](#) (Senators Elfreth, Hester, and Guzzone)**

**Watershed, Stream, and Floodplain Restoration - Chesapeake and Atlantic Coastal Bays Restoration and Stream and Floodplain Restoration Funding (Whole Watershed Act)**

Requiring, in each fiscal year from 2026 through 2030, up to \$100,000 from the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used to fund certain operations grants at a rate of \$20,000 per project sponsor each fiscal year; authorizing the use of the Waterway Improvement Fund for projects that involve the beneficial use of dredged material and for certain water quality monitoring; prohibiting the Department of the Environment from reducing certain monitoring requirements for certain projects; etc.

**[HB 1266](#) (Delegate Stein) / [SB 1144](#) (Senators Guzzone and Elfreth)**

**Clean Water Commerce Account - Contracts for the Purchase of Environmental Outcomes**

Requiring the Department of the Environment, in entering into a certain contract under the Clean Water Commerce Account for the purchase of an environmental outcome, to allow for nonuniform payment schedules for certain purposes; and authorizing the Department to require a certain payment or certain financial protections for contracts of a certain size to ensure certain outcomes.

**[HB 1509](#) (Delegate Stein, et al.) / [SB 1174](#) (Senator McCray, by request)**

**Baltimore Regional Water Governance Model Workgroup - Established**

Establishing the Baltimore Regional Water Governance Model Workgroup to study the regional water governance approach in the Baltimore region; requiring the Governor to include an appropriation of \$500,000 in the annual budget bill for the Workgroup; and requiring the Workgroup to report, on or before June 30, 2027, its findings to the Mayor of Baltimore City, the County Executive of Baltimore County, the Governor, and the General Assembly.

**[HB 1511](#) (Delegate Love)**

**Forest Conservation Act – Modifications**

Altering the definition of "qualified conservation" for purposes of provisions of law related to forest mitigation banks; requiring the Department of Natural Resources to update a certain model local government ordinance by July 1, 2025 and adopt certain regulations relating to forest conservation on or before July 1, 2026; providing that a solar voltaic facilities granted a certificate of public convenience and necessity before July 1, 2023, may not be subject to certain afforestation requirements; etc.

**[SB 1118](#) (Senator Guzzone)**

**Natural Resources - Fish and Fisheries - Reporting Requirements**

Requiring certain persons licensed or regulated with respect to fish and fisheries by the Department of Natural Resources to submit reports in accordance with regulations adopted by the Department.

***BUDGET HIGHLIGHTS***

- MDE Water Quality Revolving Loan Fund: \$203,890,000
- MDE Bay Restoration Fund: \$60,000,000
- MDE Septic System Upgrade Program: \$15,000,000
- MDE Supplemental Assistance Program \$3,000,000
- DNR Chesapeake and Atlantic Coastal Bays 2010 Trust Fund: \$74,520,000
- DNR Program Open Space Public Access Program: \$8,063,000
- DNR Program Open Space Greenspace Equity Program: \$5,000,000
- DNR Rural Legacy: \$15,329,000
- DNR Oyster Restoration Program: \$2,460,000
- DNR Fresh Water Mussel Enhancement: +\$250,000
- DNR Potomac River Fisheries Commission Oyster Revitalization +\$100,000
- MDA Agricultural Land Preservation: \$36,493,000
- MDA Cost Share Program: \$5,000,000

**PENNSYLVANIA (as of 4-28-2024)**

**(2023-2024 2-year, full-time Session, January 3, 2023-November 30, 2024)**

**PASSED**

**[HB 156](#) (Representative Pashinski)**

**Fertilizer**

Would make technical corrections to the Fertilizer Law enacted last Session.

Status: Act 20 of 2023

**PENDING – INTRODUCED**

**[SB 144](#) (Senator Yaw) / [HB 683](#) (Representative Sturla)**

**PFAS – Firefighting Foam**

Would restrict the use of Class B firefighting foams containing PFAS for training and testing, while allowing use for emergencies.

Status: House Veterans Affairs & Emergency Preparedness Committee

**[SB 689](#) (Senator Yaw) / [HB 200](#) (Representative Owlett)**

**Stream Cleaning – 10-year Maintenance Permit**

Would allow local governments to apply for a 10-year stream maintenance permit.

Status: House Environmental Resources & Energy Committee

**[SB 690](#) (Senator Yaw) / [HB 935](#) (Representative Pickett)**

**Stream Cleaning – Emergency Maintenance Permit**

Would allow counties to opt-in to emergency maintenance permits in consultation with their county conservation district.

Status: House Environmental Resources & Energy Committee

**[HB 20](#) (Representative Sturla) / [SB 278](#) (Senator Muth)**

**PA Water Resources Act**

Would charge large water users (those who withdraw more than 10,000 gallons/day) a fee of 1/100 of a cent for non-consumptive uses and 1/10 of a cent for consumptive uses. The fee would not apply to municipal uses. If the user is an electric utility, the fee would be \$1.00/MWH generated and sold. Revenue would fund water improvement projects, distributed to watersheds in which it was generated.

Status: House Environmental Resources & Energy Committee (HB 20) / Senate Environmental Resources & Energy Committee (SB 278)

**[HB 677](#) (Representative Sturla)**

**Stream Fencing**

Would remove provision in Clean Streams Law that precludes any requirement to fence livestock out of streams, with allowance for crossings and watering.

Status: House Environmental Resources & Energy Committee



**[HB 685 \(Representative Sturla\)](#)**

**Clean & Green**

Would require a conservation plan for a farm to enroll in the preferential property tax assessment program.

Status: House Agriculture & Rural Affairs Committee

**[HB 699 \(Representative Webster\)](#)**

**Comprehensive Stormwater Management Planning and Integrated Water Resources Planning**

Would require, with enforceability, the development and implementation of comprehensive watershed-based stormwater management plans by municipalities or counties. Would allow a county, multiple counties, multiple municipalities, or water resource management authorities to develop integrated water resources plans.

Status: House Environmental Resources & Energy Committee

**[HB 797 \(Representative B. Miller\)](#)**

**Native Vegetation along Highways**

Would require, when feasible, the planting of native vegetation in highway rights-of-way.

Status: House Rules Committee (following initial passage in House and amendment in Senate)

**[HB 1166 \(Representative Steele\)](#)**

**High-PAH Driveway Sealants**

After December 31, 2025, driveway sealants with greater than 0.1% polycyclic aromatic hydrocarbons by weight would be prohibited for sale or use within the Commonwealth.

Status: House Appropriations Committee

***PENDING – NOT YET INTRODUCED***

**[Co-Sponsor Memo \(Senator Yaw\)](#)**

**PFAS – Food Packaging**

Would prohibit the manufacturing, distribution, sale or offer for sale in the Commonwealth of any food packaging containing PFAS in any amount. Would require manufacturers to post a certificate of compliance.

**[Co-Sponsor Memo \(Senators Martin and Yaw\)](#)**

**Low Carbon Fuel Standard**

Would establish a low carbon fuel standard for PA. Low carbon fuels would include renewable natural gas such as methane from agriculture, wastewater, municipal waste, etc.

**Chesapeake Bay Awareness Week Resolution (House and Senate)**

Would designate the week of June 2-8, 2024, as Chesapeake Bay Awareness Week in Pennsylvania.

***FY 2024-2025 BUDGET PRIORITY: continuation of Clean Streams Fund***

*(FY 2023-2024 Commonwealth budget expires June 30, 2024)*