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### State Legislative Session 2012: Chesapeake Bay Pollution Reduction Bills

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This document provides a state legislative session update. As of April 19, 2012, three state legislatures out of the six within the Bay States ended its 2012 legislative session; moreover, two active state legislatures out of three fail to address Chesapeake Bay environmental issues. Read each bill synopsis from each Bay jurisdiction below.

PA – 2012 Legislative Session (as of April 17, 2012, session ongoing)

[Senate Bill No. 1466](#): Appropriations Bill for 7/1/12 – 6/30/13 (Chesapeake Bay Agricultural Source Abatement receives \$2,667,000 of state appropriations. Further, Chesapeake Bay Pollution Abatement receives \$6,200,000 of federal appropriations; Chesapeake Bay Commission receives \$227,000 of state appropriations.) (latest action: re-committed to the Appropriations Committee, April 3, 2012)

[House Bill No. 1863](#): Amending Title 72 of the Pennsylvania consolidated statutes; establishing accounts and funds (The bill requires two percent of money stored in a natural gas severance tax account be transferred and utilized to provide funding assistance for Pennsylvania's Watershed Implementation Plan. The tax will be levied on every operator that severs natural gas from a producing unconventional gas well in the Commonwealth save its exceptions. The tax rate shall be 4.9% of the gross value of units severed at the wellhead during a reporting period thereafter for each producing well.) (latest action: referred to Finance Committee, Nov. 9, 2011)

VA – 2012 Legislative Session (session ended March 10, 2012)

[House Bill 176](#); [Senate Bill 77](#): Nutrient credit certification; regulations, Nutrient Trading Act is established, penalty (The bill directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of nutrient credits. Referring to Chesapeake Bay Total Maximum Daily Loads (TMDLs), the legislation sets out certain requirements of the regulations, directs the Department of Conservation and Recreation to establish an online registry of certified credits, and provides for enforcement and appeals. The bill provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act or any attendant regulations shall be subject to a civil penalty not exceeding \$10,000.)(The bill passed unanimously in both the House and Senate; as of April 13, 2012, the Bill awaits signature by the Governor.)

[House Joint Resolution 129](#): Attorney General to explore challenge to constitutionality of regulations by USEPA (resolution; requesting the Attorney General to explore a challenge to the constitutionality of federal TMDL regulations; report)(as of 2/14/12, the Resolution is left in Agriculture, Chesapeake and Natural Resources Committee.)

[House Bill 932](#): Voluntary Nutrient Management Plan Program; Virginia Department of Conservation and Recreation to develop training and certification program (This bill requires the Department of Conservation and Recreation to operate a voluntary nutrient management program to assist owners and operators of agricultural land to effectively manage and apply nutrients to their land. In developing the program, the Department is to begin testing the software for assisting owners and operators of agricultural lands by July 1, 2013 and begin full implementation by July 1, 2014.)(passed unanimously in the House and Senate; as of April 13, 2012, the Bill awaits signature by the Governor)

[House Bill 1065](#): Erosion and Sediment Control, Stormwater, & Chesapeake Bay; integration of programs (The bill integrates elements of the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (“one-stop shopping”) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board.)(The bill passed unanimously in the House and Senate; as of April 13, 2012, the Bill awaits signature by the Governor.)

[Senate Bill 402](#): Nutrient Offset Fund; priority for funding for certain facilities (The bill establishes as a priority for funding from the Nutrient Offset Fund those nutrient offsets that are produced from facilities that generate electrical or heat energy, steam, or hot water *using animal waste as a fuel source*. The initial priority for funding will be the oxygen-starved gasification of up to 75,000 tons of animal waste per year that has been generated on poultry or dairy farms in Augusta, Page, Rockingham and Shenandoah Counties. The nutrient offsets purchased with moneys from the Fund will be available for sale to owners or operators of new or expanded facilities required to offset nutrient loads through the watershed general permit. The bill requires the Department of Environmental Quality and the

Department of Conservation and Recreation to conduct a 12-month assessment of the success of the operation of the first gasification facility to receive initial priority) (As of April 13, 2012, the Senate continued the bill to 2013 in the Agriculture, Conservation and Natural Resources Committee.)

MD- 2012 Legislative Session (session ended April 9, 2012)

[House Bill 446](#): Bay Restoration Fee Increase: (The bill increases the bay restoration fee on individuals or entities. The fee increases from: (1) \$2.50 to \$5.00 per month for those receiving an individual water or sewer bill from a billing authority; (2) \$30 to \$60 per year for each user of an on-site sewage disposal (septic) system or sewage holding tank that does not receive a water bill; and (3) \$2.50 to \$5.00 per month for each equivalent dwelling unit (EDU) up to 2,000 EDUs for multiunit residential users that do not receive an individual sewer bill and for nonresidential users. The bill provides various exemptions, but it is projected the bill will increase fee revenues by more than “53.0 million in fiscal year 2013 and by more than \$55.0 million annually beginning in FY 2014.”)(passed legislation).

[Senate Bill 236](#): Reducing Nutrient Pollution from Septic Systems and Sprawl (The bill establishes a system of land use tiers, which may be adopted by local jurisdictions. Beginning December 31, 2012, the bill prohibits a jurisdiction from approving a major residential subdivision served by on-site sewage disposal systems, community sewerage systems, or shared systems *unless* it adopts the growth tiers established by the bill. However, a jurisdiction that does not adopt a growth tier may authorize either a minor residential subdivision served by on-site sewage disposal systems, or any subdivision in a “Tier I” area served by “public sewer.” The bill also establishes land use and sewerage criteria and restrictions applicable to each of the four growth tiers. Property within minor residential subdivisions is generally restricted from further subdivision beginning December 31, 2012. Finally, the bill requires the Maryland Department of Environment to propose regulations establishing nutrient offset requirements for new residential major subdivisions within Tier III areas to be served by on-site sewage disposal systems or shared systems.)(passed legislation).

[House Bill 987](#): Reducing Nutrient Pollution from Stormwater (bill requires each county and municipal corporation subject to a National Pollution Discharge Elimination System Phase I municipal storm sewer system permit by July 1, 2013, to adopt local laws or ordinances necessary to establish an annual stormwater remediation fee and a local watershed protection and restoration fund to provide financial assistance for the *implementation of local stormwater management plans*)(passed legislation).

DE – 2012 Legislative Session (session ends June 30, 2012; last updated April 16, 2012)

N/A

WV – 2012 Legislative Session (session ended March 18, 2012)

[Senate Bill 615](#): bill makes West Virginia’s Water Pollution Control Act consistent with the Federal Water Pollution Control Act by clarifying that

compliance with the effluent limits contained in a National Pollution Discharge Elimination System permit is deemed compliant with West Virginia's Water Pollution Control Act (passed legislation).

[Senate Bill 676](#): extending grant funding application date for Chesapeake Bay watershed compliance projects (compliance projects funded by infrastructure lottery revenue bonds)(passed legislation).

NY – 2012 Legislative Session (session ends June 24, 2012)

N/A

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