

MWCOG Chesapeake Bay & Water Resources Policy Committee

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2025 Legislative Updates

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Virginia Updates



Source: flickr: Jim Hickcox

Drinking Water Funding



💧 **Budget Item 280**

- ~Provides \$1.8M in second year of General Funds for VDH
- ~General drinking water program operations

💧 **VDH Must Submit Report**

- ~Use for funds for federal and state regulation implementation
- ~To money committee chairs by Oct. 1, 2025

💧 **Caution**

- ~VDH will be looking for more funding and potentially targeting ratepayers through increase in per customer waterworks operations fee

Stormwater Funding



💧 **Budget Item C-53.80 (#1c)**

- ~Provides \$40M in tax-supported bond proceeds for 1st year of SLAF
- ~Provides matching grants to local gvts for planning, design, and implementation of stormwater Best Management Practices

💧 **Budget Item 359 (#3c)**

- ~Provides additional \$50M for Community Flood Preparedness Fund

Water Quality Improvement Fund: New Appropriations in Pending FY25-FY26 State Budget Bill

Budget Item #	Governor's Bill	House Bill	Senate Bill	Final GA Bill (In Review by Gov)
365	\$17.4M	\$17.4M	\$17.4M	<i>\$17.4M</i>
C-53.50	-	\$31.2M	-	\$31.2M
Total:	\$17.4M	\$48.6M	\$17.4	<i>\$48.6M</i>

💧 Cash or Debt for Last Year's \$400M Funding?

- ~ Governor converted last year's debt to cash
- ~ GA proposes to keep as debt (frees up cash for other use)

💧 Next Steps

- ~ Governor's Action on pending budget amendments
- ~ Governor's December 2025 outgoing budget (FY27-FY28)

WQIF Workgroup Study (Budget Language)



- 💧 **SNHR to Establish WQIF Workgroup**
 - ~ Requested by Delegate Bulova
- 💧 **Study Water Quality Grant Funding Generally**
 - ~ Broad review of grant funding programs
 - ~ Agriculture, Wastewater, Urban Stormwater
- 💧 **Report Recommendations by Nov. 1, 2026, to**
 - ~ House and Senate Money Committees,
 - ~ House and Senate ACNR Committees, and
 - ~ State Water Commission

WQIF Study Scope



- Organizational structure in the Code and Budget Bill
- Disposition of funding
- Feasibility of incorporation of Stormwater SLAF
- Grant approval guidelines including cost-effectiveness and co-benefits of practices funded
- Grant agreement terms
- Annual reporting requirements
- Improvements to current funding needs assessments
- Outdated or unnecessary requirements

Participants

- ◆ VML, VACo, VAMWA, VAMSA
- ◆ Va Assn of Soil and Water Conservation Districts
- ◆ Va Farm Bureau Federation, Virginia Cattlemen's Assn
- ◆ CBF, James River Assn
- ◆ DEQ, DCR
- ◆ Chesapeake Bay Commission
- ◆ Staff of House and Senate money committees

Occoquan Reservoir PFAS Reduction Program: HB 2050 (Bulova) (PASSED)

💧 **Occoquan Reservoir (a Fairfax Water source)**

- ~ Effort to avoid \$389M upgrade & \$24M annual O&M at FW WTP
- ~ Applies to direct and indirect industrial wastewater discharges
- ~ Applies to industrial stormwater discharges w/ individual NPDES permit
- ~ Quarterly monitoring by Method 1633
- ~ Exceedances of PFAS MCLs trigger
 - ~ By 2027, VPDES and IU permit mods
 - ~ By 2029, compliance with PFAS MCLs as end-of-pipe effluent limits

💧 **Status**

- ~ Passed GA
- ~ Awaiting Governor's action

Disclosure of PFAS Use by Industrial Users: SB 1319 (McPike) (PASSED)



💧 **As Introduced**

- ~ Statewide quarterly monitoring by all industrial dischargers for 1 year
- ~ If any signs of PFAS, source would continue to monitor quarterly

💧 **As Amended & Passed**

- ~ POTW must notify relevant Industrial Users to self-report PFAS use
- ~ POTW receiving Industrial User's self-report shall send information to DEQ

💧 **Status**

- ~ Awaiting Governor's action

Capital Project Apprentice Labor Mandate: HB 2482 (Krizek) / SB 962 (Carroll Foy) (PASSED)

💧 Apprentice Labor Mandate

~8% of all labor hours in capital projects

💧 DBP, Contractor, and Utility Concerns

~Lack of apprentices

~Loss of responsive bidders on capital projects

~Higher prices for construction

💧 Governor's Action Pending

~Potential amendments or veto this year? Same legislation next year?

Apprentice Labor Mandate (cont.)



Va. Code § 2.2-4302.3. Additional public works contract requirements.

C. At least eight percent of total labor hours of any capital outlay project shall be required to be performed by apprentices. A public body shall require the contractor and its subcontractors subject to this section to provide reports certifying the apprentice labor hours worked and applicable trade.

D. Upon a written determination made *in advance* by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency, or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, a public body may adjust or waive the requirements of this section for a specific capital outlay project for the following reasons:

1. The demonstrated lack of availability of apprentices in specific geographic areas; or
2. A disproportionately high ratio of material costs to labor hours that makes the required minimum level of apprentice participation not feasible.

Other Bills of Interest



💧 PASSED

- 💧 HB 2749 (LeVere)/SB 1408 (Reeves): Department of Health; waterworks; mandatory reporting of anomalies; negligence
- 💧 HB 2008 (Martinez)/SB 1093 (Perry): Virginia Erosion and Stormwater Management Program authorities; restoration of locality-wide right of entry

💧 FAILED (SELECT ISSUES THAT MIGHT BE BACK IN FUTURE SESSION)

- 💧 HB 1618 (Clark): Public drinking water; VDH microplastics study
- 💧 SB 923 (Stuart): Interbasin water transfer prohibition (water intake/wastewater discharge)
- 💧 HB 2132 (Milde): “Double bonding” of common E&S and Post-Construction Stormwater BMP facilities

Maryland Updates



Source: flickr: J. Stephen Conn

Dates of Interest



- ~Jan. 8, General Assembly convenes*
- ~Jan. 15, Deadline for Budget Introduction*
- ~Feb. 3, Senate Bill Introduction Date*
- ~Feb. 7, House Bill Introduction Date*
- ~March 17, Crossover*
- ~March 31, Budget to Be Passed By Both Chambers*
- ~April 7, Adjournment Sine Die*
- ~May 27, Governor to Sign Bills by This Date*

Biosolids and PFAS: HB 909 (Stein); SB 732 (Love)

💧 As Introduced

- ~ Would have *de facto* shut down all biosolids land application in Maryland
 - ~ See slide below with median concentrations
- ~ Both have powerful sponsors
 - ~ Del. Dana Stein, D, Balt. Co., House Speaker Pro Tem
 - ~ Sen. Sara Love, D, Mont. Co., Chair, Ches. Bay Comm.

💧 Potomac Riverkeeper Pushing Hard for Bill

- ~ Working with Chesapeake Legal Alliance
- ~ Organization providing free legal services to “protect the Chesapeake Bay watershed”

💧 Status

- ~ Neither bill made it through cross-over; does not mean bills are dead
- ~ But bills must move quickly to have a chance at passing

MD POTW PFOS & PFOA Levels: Biosolids (ppb)

Statistical Value	PFOA	PFOS
Maximum	37	174
75th percentile	10.82	25.38
Median	4.98	12.7
25th percentile	2.38	5.74

Original Text



💧 **Any Sewage Sludge Utilization Permit**

- ~ Issued or renewed by Maryland Dept. of the Environment (MDE)
- ~ Must include limit for land application of biosolids to agricultural land
- ~ For PFOA or PFOS, lesser of:
 - ~ 1 microgram/kilogram (same as 1 ppb)
 - ~ Level in EPA health-based standards or
 - ~ Level established in MDE regulations

💧 **Sampling Requirement**

- ~ Biosolids must be sampled no more than 14 days before land application
- ~ With narrow exceptions

💧 **MDE May Adopt Regulations**

- ~ To set limits more stringent than above
- ~ To include other PFAS substances

Negotiations Underway...



💧 **Maryland's Generators Band Together**

- ~ MAMWA, DC Water, WSSC, Cumberland, Frostburg, MD Environmental Service
- ~ Testify at 2 bill hearings with serious concerns
- ~ Joined by Mid-Atlantic Biosolids Association, NACWA, Lynne Moss (B&V)
- ~ MAMWA shares cost impacts of more than \$44 M/year (for just 6 MAMWA members)

💧 **Senator Love Strikes a Tentative Agreement**

- ~ With MDE, Riverkeepers, MACo, MML, MAMWA
- ~ But not all interested stakeholders are present (e.g., Synagro)
- ~ See basic concept in slide below

Most Recent Text



💧 **On or After Oct. 1, 2026**

- ~ Cannot land apply Class A or B biosolids or other products made from sewage sludge on agricultural land
- ~ If total PFOA and PFOS are greater than the lesser of:
 - ~ 50 mg/kg or
 - ~ Level established in EPA standards

💧 **By Oct. 1, 2028, MDE Must Adopt Regulations**

- ~ To establish limits not greater than less of:
 - ~ 25 mg/kg or
 - ~ As low as technologically and economically feasible based on available sampling data
- ~ To expand setbacks from sensitive sites (e.g., wells)
- ~ To reduce land application rates if concentrations are close to ceiling

Most Recent Text (cont.)



💧 **Must Show Compliance with Limits**

- ~ MDE will develop regulations to:
 - ~ Require testing of biosolids or other products applied to agricultural land
 - ~ Require testing “within a reasonable time” before land application of any biosolids or other products made from sewage sludge if they are mixed with other sewage sludge or solid waste made a third-party

💧 **Enactment Clause**

- ~ “That it is the intent of the General Assembly that the Department of the Environment, in establishing regulations under Section 1 of this Act, shall consider the latest and best scientific information available on the public health risks of applying sewage sludge contaminated with PFOS, PFOA, other per- and polyfluoroalkyl substances, or any mixture of these substances, to agricultural land.”

Water and Wastewater Cybersecurity: HB 1062 (Harrison); SB 871 (Hester)

💧 **As Introduced**

- ~ Would have required water and wastewater system to comply with expensive, problematic cybersecurity provisions
- ~ Original requirements in slide below

💧 **Impetus for Bill**

- ~ Work done by MD Cybersecurity Council
- ~ Water Utility Cybersecurity Report by Dr. Matthew Mitroka
- ~ Bill incorporates recommendations from report

💧 **Status**

- ~ SB 871 made it through cross-over with amendments, passed Senate 42-0, with Environment and Transportation and Health and Gvt. Operations; HB 1062 did not

Original Text



- ◆ **Applies To Any Community Water or Sewerage System**

- ~ Serving more than 3,300 customers or
- ~ Using informational technology and operational technology

- ◆ **Each System Must**

- ~ Adopt Cybersecurity standards equal to or exceeding MDE's standards
- ~ Adopt a Zero-Trust approach
 - ~ Similar to the Federal Cybersecurity and Infrastructure Security Agency's (CISA's) Zero-Trust maturity model, for on-premises and cloud-based services
- ~ On or before July 1, 2026 and annually thereafter, hire a third party to assess the system based on MDE's minimum standards

MAMWA Opposed Bill



💧 **Bill is Well Intentioned**

- ~MAMWA Members take cybersecurity very seriously

💧 **Concerns About Viability of Our Systems**

- ~Penetration testing (PEN testing) could damage SCADA systems
- ~Apprehensive about allowing a “white hat” to review systems without clearance and demonstrated knowledge of our equipment and software
- ~Could also be difficult to find competent assistance

💧 **Zero-Trust Is Very Expensive**

- ~Involves connecting stand-alone water and wastewater systems to larger county or municipal system
- ~Also, hiring third part to assess system would cost between \$30,000-\$40,000

Amended Text



- 💧 **Applies To Any Community Water or Sewerage System**

- ~Serving more than 3,300 customers
- ~Not to those smaller system simply using informational technology and operational technology

- 💧 **Each System Must**

- ~Adopt Cybersecurity standards equal to or exceeding MDE's standards
- ~“Commit to adopting a zero-trust cybersecurity approach and begin planning and implementing” zero-trust “as appropriate for each system” modeled after CISA's model
- ~On or before July 1, 2026 and every 2 years thereafter conduct a maturity assessment of the cybersecurity program based on MDE's minimum standards

Dam Safety Fees:

SB 250 (Chair, for Governor)

💧 **Current Law**

- ~ Requires an MDE permit for anyone who is going to work on a reservoir, dam, or waterway obstruction (e.g., construct, reconstruct, repair)
- ~ Some smaller dams are exempt (must meet list of criteria, for ex., must be low hazard)
- ~ No current dam safety permit fee

💧 **MDE Proposed Text**

- ~ Authorizes MDE to establish a fee before issuance of a dam safety permit
- ~ No reference in text to how much the fee might be, but would cover MDE's cost to administer the permit

💧 **Status**

- ~ Made it through cross-over with amendments; passed Senate 33-14; now with House Environment and Transportation

Dam Safety Registration Fees



💧 **Brand New Proposal**

- ~To require each dam owner to register their dams each year with MDE
- ~To register would have to submit application and pay a registration fee

💧 **No Reference in Text to Fee Amount**

- ~MDE would establish by regulation
- ~Would base the fee on the dam hazard classification

💧 **Very Few Exemptions**

- ~In original text, only the federal government would be exempt for its dams

MAMSA Submits Fiscal Note



💧 **Based on Feedback from 7 Members**

- ~ Analyzed registration fee cost plus anticipated permit fees for known projects
- ~ Assumed \$200, \$500, and \$2,000 for registration fees
- ~ Assumed 1% fee for dam safety permits

💧 **Several Members Highlighted Additional Impacts**

- ~ On local citizens and municipalities who own dams

💧 **Total Estimated Fee Increases**

- ~ \$100,540 per year in registration fees (based on MDE's amendments, likely less)
- ~ \$520,381 in dam safety permit fees (based on MDE's amendments, likely more)

Amended Bill



💧 **Dam Safety Permit**

- ~ Adds text to exempt reservoir, dam, waterway obstruction, or small pond that is exempt from MDE permitting requirements
- ~ Dam safety permit fee shall be based on estimated project construction cost
- ~ Fee may not exceed 3% of the estimated project construction cost

💧 **Dam Registration Fee**

- ~ Same exemption as above plus any federal dams
- ~ Beginning Jan. 1, 2027, dam owners must register their dams
 - ~ MDE can waive for financial hardship
- ~ Pay annual registration fee of:
 - ~ \$200 for low-hazard class dam
 - ~ \$500 for significant-hazard dam
 - ~ \$1,000 for high-hazard dam

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