

Chesapeake Bay and Water Resources Policy Committee

January 23, 2026

2026 Legislative Session— Maryland and Virginia

Lisa M. Ochsenhirt

AQUALA**W**

MD Legislative Session

- ♦ **2026 Session Dates**

- ~ Jan. 14: *General Assembly convenes*
- ~ Jan. 21: *Deadline for Budget Introduction*
- ~ Feb. 9: Senate Bill Introduction Date
- ~ Feb. 13: House Bill Introduction Date
- ~ Mar. 23: Crossover
- ~ Apr. 6: Budget to Be Passed By Both Chambers
- ~ Apr. 13: Adjournment Sine Die
- ~ June 2: Governor to Sign Bills by This Date



- ♦ **Dems in Control of Both Houses**

- ~ 34-13 in Senate, 101-39 in House (1 empty seat)
- ~ With a Democratic Governor

State Budget



- **Budget, Budget, Budget**

- ~ Will loom large over the 2026 Session
- ~ Maryland faces a \$1.5 B budget gap for coming fiscal year
- ~ In 2025 GA increased certain fees (EX: 6% tax on vending machine sales)
- ~ What will 2026 GA do? Increase revenues, start cutting expenditures, or a combination of both?

- **Bills with High Fiscal Impacts Will Be Scrutinized**

- ~ Opportunity for localities to push back on bills that shift costs to localities
- ~ If you are asked to provide information for Fiscal & Policy Note, please try to do so

State Budget (cont.)



- **Agency Cost Shifting**

- ~ Some agencies may be looking for other ways to financially support programs
- ~ EX: Administrative penalties, increased fees for permit applications
- ~ Or pass along tasks (and costs associated with those tasks) to counties and municipalities

- **Next Year is Election Year**

- ~ GA Members looking to reinforce records with constituents before elections
- ~ Could see some creative/unusual bills

Wastewater: PFAS Bills

- **Senator Love Will Introduce 2 Bills**

- ~ Likely to also see cross-filed bills from Delegate Stein

- **Bill #1: Product Phase Out Bill**

- ~ Meant to reduce level of PFAS chemicals in State from consumer products
 - ~ CA Governor Newsom vetoed similar bill
 - ~ Would have banned cleaning products, dental floss, juvenile products, food packaging, ski wax, cookware with intentionally added PFAS
 - ~ From Newsom's veto: "while this bill is well-intentioned, I am deeply concerned about the impact this bill would have on the availability of affordable options in cooking products"

Wastewater: Expected PFAS Bills (cont.)



- **Bill #2: Biosolids Bill**

- ~Would apply to all biosolids land applied in State

- **Basic Concepts**

- ~Ban on land app. if biosolids have PFOS + PFOA levels > 50 ppb
 - ~Additional management requirements for land app. if biosolids have PFOS + PFOA levels between 25 and 50 ppb
 - ~No restrictions for biosolids with PFOS + PFOA levels < 25 ppb
 - ~NB: No legislative text available yet, so concepts are subject to change

Wastewater: Expected PFAS Bills (cont.)

• **Discussions**

- ~ Have taken different path than in 2025
- ~ Senator Love has been meeting regularly with MDE and stakeholders

• **MAMWA and MACO Jointly Submitted “Asks”**

- ~ EX: Allow POTWs to use a running annual average
- ~ Do not impose additional management measures using a single sample
- ~ Consistent with drinking water SDWA NPDWR MCL compliance

• **Ongoing Discussions**

- ~ How localities will pay to address new requirements (funding)
- ~ Shoring up local authority over industrial users in bill
- ~ Senate EEE has scheduled a briefing on PFAS and biosolids for Jan. 29, 2026; House E&T and Health will be scheduling for Feb. 4

Stormwater: HB 250 (E&T Chair Korman for MDE)/SB 108 (EEE Chair Feldman for MDE)

Environment – Water Resources and Wetlands - Enforcement

• Authority for Maryland Department of the Environment (MDE) To Pursue Administrative Penalties

- ~ For violations of Title 5 (Water Resources), Subtitle 5 (Appropriation or Use of Waters, Reservoirs, and Dams)
- ~ For violations of Title 16 (Wetlands and Riparian Rights), Subtitle 5 (Penalties and Fines)
- ~ Up to \$5,000 per violation per day not to exceed total of \$100,000

• Status

- ~ Hearing w/ House Environment & Transportation (E&T) Committee (HB 250) on W, Feb. 4
- ~ Hearing w/ Senate Education, Energy, & the Environment (EEE) Committee (SB 108) on T, Feb. 3

Stormwater: HB 257 (E&T Chair Korman for MDE) Environment – Flood Related Watershed Studies and Comprehensive Flood Management Grant Program



- **Shifts Responsibility for Flood-Related Watershed Studies**
 - ~ From MDE to localities (“subdivisions”)
- **MDE Takes First Step**
 - ~ By Jan. 1, 2028, and every 5 years thereafter identifies priority watersheds to require localities to conduct watershed studies
 - ~ Watersheds chosen based on demonstrated history of or significant potential for flood-related impacts
- **Once Watershed is Chosen**
 - ~ “Subject to the availability of funding and consistent with guidelines established” by MDE must conduct the watershed study with date for completion
 - ~ Then establish schedule to “regularly update” the model data, assumptions, quality assurance, and quality control of study

Stormwater: HB 257 (E&T Chair Korman for MDE) (cont.)



• **Plan Implementation**

- ~ “Each subdivision shall implement the comprehensive flood management plan for its watershed”
- ~ Implementation must begin within 1 year after the plan is completed

• **Comprehensive Flood Management Grant Program**

- ~ Enhancements to existing grant program to assist with implementation

• **Status**

- ~ Hearing with E&T on W, Feb. 11

Stormwater: HB 34 (Bouchat, Fair, Moon, Schindler)/SB 189 (Lewis Young)

Municipalities – Open Drainage Inlets – Required Grating Systems (Mason’s Law)

- **Municipalities (Not Counties)**

- ~ Must incorporate an approved grating system when new open drainage inlets are constructed
- ~ Must install an approved grating system on an existing open drainage inlets in jurisdiction

- **Grating System Requirement**

- ~ Must be secured to the inlet end of the open drainage inlet or the concrete structure housing the inlet so grate cannot be removed without tools; cannot be removed by force of flood water

- **Status**

- ~ Hearing with E&T on W, Feb. 4 (HB 34)
- ~ Hearing with EEE on T, Feb. 3 (SB 189)

Drinking Water: HB 204 (Allen)/SB 264 (Brooks)

Drinking Water – Regulation – Control and Prevention of Waterborne Disease



♦ Obligations for Public Water Systems (PWS)

- ~ Maintain a detectable disinfectant residual level of at least 0.5 mg of free chlorine per liter or 1.0 mg of monochloramine per liter; failure would subject a PWS to penalties
- ~ Conduct residual testing “at frequent and regular intervals” to determine levels at “different points in the public water system.”
- ~ Provide timely written notice of any disruption in the distribution system “that could result in increased levels” of legionella bacteria “to all residential, commercial, and institutional customers served by the public water system and located in the area affected by the disruption.”

♦ Definition of Disruption

- ~ Very long and includes things like water treatment plant maintenance or changes

Drinking Water: HB 204 (Allen)/SB 264 (Brooks) (cont.)

• **Obligations for MDE**

- ~ Adopt regulations to require notification plans for PWS that use monochloramine and require monitoring of a PWS during construction activities that may impact the PWS
- ~ Investigate if a PWS fails to meet the minimum detectable disinfection residual requirements
- ~ Develop procedures and guidelines for notifying customers if a PWS fails to maintain minimum residual levels
- ~ Sample and test a PWS if notified by MDH that there has been a legionnaires' disease diagnosis and if legionella bacteria is found through testing, require the PWS to do additional testing

• **Obligations for MDH**

- ~ Investigate any reported diagnosis of legionnaires' disease, with procedures and guidelines for these investigations that include "the documentation of any disruption" in the distribution system "that may have caused the release of legionella bacteria into the water exposure points"

• **Status**

- ~ Hearing with E&T on W, Feb. 4 (HB 204); no hearing date yet for SB 264

Miscellaneous: SB 143 (Benson)

Public Works Contracts – Apprenticeship Requirements (Maryland Workforce Apprenticeship Utilization Act)

- **Requires Apprentices on Covered Projects**

- ~ “Covered project” = a project for the construction of a public work subject to Subtitle 2 of Title (Prevailing Wage Rates – Public Works Contracts)
- ~ Must have at least 20% done by apprentices
- ~ Penalties for violations
- ~ Secretary may waive requirements in some situations (cannot find apprentices)

- **Contractor on Covered Project**

- ~ Must verify they are employing correct number of apprentices or pay State Apprenticeship Training Fund

- **Subcontractor on Covered Project Exceeding \$100,000**

- ~ Must take same steps as above

- **Status**

- ~ First Reading Finance and Budget and Finance

VA Legislative Session: Long 60-Day Session

• 2026 Session Dates

- ~ Jan. 14: *General Assembly Convenes*
- ~ Jan. 16: *Budget Amendment Request Deadline*
- ~ Jan. 23: Last Day to Introduce Legislation
- ~ Feb. 18: Crossover
- ~ Feb. 22: Money Committees Act on Budget Bills
- ~ Mar. 14: Adjournment Sine Die
- ~ Apr. 13: Governor's Action Deadline
- ~ Apr. 22: Veto Session



2025 Virginia Elections



• **Generally**

- ~ Almost every locality got “bluer” vs. 2021 election
- ~ Inauguration for Governor (D), Lt. Governor (D), and Attorney General (D) on Jan. 17, 2026
- ~ New Governor-Elect Spanberger had biggest D win % since 1962

• **General Assembly**

- ~ 17 newly elected House members (13 D, 4 R)
- ~ 53 of the 100 House members will have served no more than 4 years
- ~ 64 House Ds is most since early 1980s
- ~ From 51 D/49 R in 2025 to 64 D/36 R in 2026 (13 seat swing)
- ~ Senate remains 21 D/19 R in 2026 (no 2025 election)

Key Appointments



- ♦ **Secretary of Natural and Historic Resources**

- ~ David Bulova
- ~ Deputy Secretary Adrienne Kotula (currently DLS staff to Ches. Bay Comm.)

- ♦ **Natural and Historic Resource Agency Heads**

- ~ Still waiting for announcements on DEQ, DCR, VMRC, DHR

WQIF Needs

Table 3.2: 2025 WQIF Needs Survey Results – WQIF Point Source Funding Need for 2026 to 2030

WQIF Grants	2026	2027-2028 Biennium		2029-2030 Biennium		Total Need (2026 - 2030)
	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	
Applicant	\$419,727,590	\$401,889,942	\$129,330,219	\$105,165,103	\$113,445,308	\$1,169,558,162
TOTALS	\$419,727,590	\$531,220,161		\$218,610,411		\$1,169,558,162

WQIF Current Balance & Shortfall

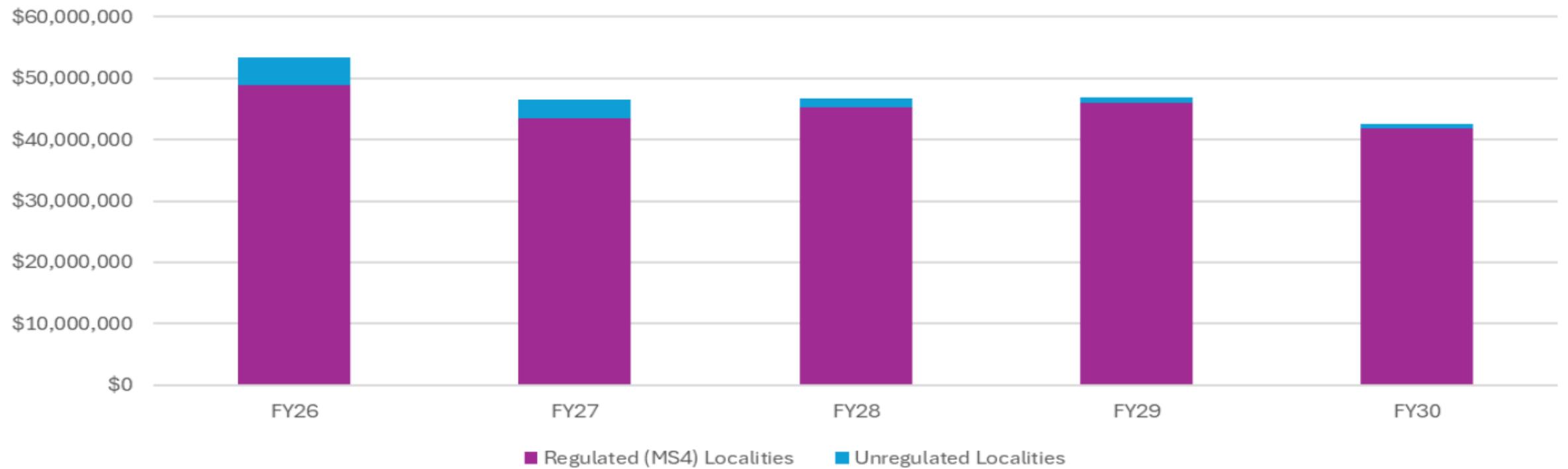


Table 3.3: Current WQIF Account Balance and Estimated WQIF Shortfall (FY 2026 – FY 2030)

Current Unobligated WQIF Balance	\$622 million
WQIF Application Future Obligations (based on estimated grant application amounts not represented in needs assessment)	(\$794 million)
WQIF Needs Assessment Eligible Projects (based on estimated grant amounts in the needs survey)	(\$497 million)
Projected WQIF Shortfall	(\$669 million)

SLAF Needs

2025 SLAF Needs Survey Results
FY 2026 - FY 2030
Total Estimate = \$ 235,974,832



SLAF Needs (cont.)

Table 4.1: 2025 SLAF Needs Survey Results

Applicant	2026	2027-2028 Biennium		2029-2030 Biennium		Total Need
	FY26	FY27	FY28	FY29	FY30	
Regulated (MS4) Localities	\$48,935,335	\$43,494,528	\$45,218,000	\$45,979,118	\$41,904,188	\$225,531,169
Unregulated Localities	\$4,455,769	\$3,097,734	\$1,436,254	\$878,939	\$573,967	\$10,443,663
FY Totals	\$53,391,104	\$46,592,262	\$46,654,254	\$46,859,057	\$42,478,155	\$235,974,832
TOTALS	\$53,391,104	\$93,246,516		\$89,337,212		\$235,974,832

Budget Proposal (From Outgoing Administration)



- **DCR Budget**
 - ~ \$2.5 M for Dam Safety, Flood Prevention and Protection Assistance Fund
 - ~ \$750,00 for harmful algal blooms in Lake Anna
- **Environmental Financial Assistance**
 - ~ \$43.5 M for SLAF
 - ~ \$140.5 M for WQIF but earmarked for HRSD Boat Harbor Plant subject to grant agreement
- **New Governor Will Submit Amendments**
 - ~ To reflect Administrative priorities

Wastewater: Caboose Budget

• Proposed Change to Item 365

~ *“Q. Pending further action in subsequent General Assembly sessions and prior to public comment and approve of future Water Quality Improvement Fund (WQIF) eligible projects that exceed unobligated balances held by the Department, the Department shall report qualified WQIF projects to the Governor, the Chairs of House Appropriations and Senate Finance and Appropriate Committees for funding consideration no later than October 1st annually. As such, the Department shall establish a WQIF solicitation period to determine project demand, as well as criteria to prioritize eligible projects based on quantifiable nutrient reduction demand, cost-effectiveness of the project, impact on cost shared projects with multiple funding sources, funding need of the requesting entity, and project readiness. Grant agreements for awarded projects shall be fully executed before project construction costs are incurred, and no amount shall be awarded for a grantee to backfill project construction costs are incurred, and no amount shall be awarded for a grantee to backfill construction costs met with any type of taxable debt.”*

• Potential POTW Impacts

~ Changes WQIF to competitive basis grant program versus supporting full need

Wastewater: HB 880 (Kent)

Department of Environmental Quality; Monitoring Requirements for Per- and Polyfluoroalkyl Substances in Biosolids

• VA DEQ Directive

- ~ *“1. That the Department of Environmental Quality (the Department) shall amend the Virginia Pollutant Discharge Elimination System Permit Regulation (9VAC25-31) to require an owner of a sewage treatment works to sample and test sewage sludge for PFAS, as that term is defined in § 62.1-44.34:29 of the Code of Virginia, once a month. The results from such sampling shall be subject to all existing reporting, compliance, and enforcement provisions.”*

• Status

- ~ Referred to House Agriculture, Chesapeake and Natural Resources

Wastewater: HB 938 (Clark)

Department of Environmental Quality; Monitoring Requirements for Per- and Polyfluoroalkyl Substances in Biosolids

• Current Law

- ~ Requires a potential significant source of PFAS to public water supplies to report to VA DEQ on its PFAS manufacture or use (VA Code §62.1-44.34:31(A))

• Proposed Amendment

- ~ Would require every POTW running a pretreatment program to require certain industrial users to self-report on PFAS use (ex., centralized waste treatment industrial facility)
- ~ Once a report is received, POTW sends to VA DEQ within 90 days
- ~ Does not limit VA DEQ or POTW authority *“to which any user discharges wastewater, to require monitoring or reporting or otherwise regulate the discharge of the PFAS target analytes or other pollutants under other applicable legal authority.”*

• Status

- ~ Referred to House Agriculture, Chesapeake and Natural Resources Committee

Wastewater: HB 1072 (Laufer) **Local Authority to Test and Monitor the Land Application of Sewage Sludge Within Its Political Boundaries**

♦ **Current Law**

- ~ Establishes requirements for use of biosolids in VA (VA Code §62.1-44.19:3)
- ~ Allows county, city, or town to adopt an ordinance to test and monitor on the land application of sewage sludge in the jurisdiction to ensure compliance with applicable laws and regulations (VA Code §62.1-44.19:3(I))

♦ **Proposed Amendment**

- ~ Would allow a locality to adopt ordinance to test and monitor to ensure compliance with applicable laws and regulations *“including all water quality standards set for in the Surface Water Standards with General, Statewide Application, Part I (9VAC25-260-5 et seq.) of 9VAC26-260 of the Virginia Administrative Code, and not limited to testing and monitoring for substances listed in the Virginia Pollutant Abatement Permit Regulations (9VAC 25-32 of the Virginia Administrative Code.”*

♦ **Status**

- ~ Referred to House Agriculture, Chesapeake and Natural Resources Committee

Wastewater: SB 138 (McPike) PFAS Monitoring; DEQ to Require for Industrial Wastewater Source; Publicly Owned Wastewater Treatment Works

• **Current Law**

- ~ Requires a potential significant source of PFAS to public water supplies that is a listed facility to conduct quarterly PFAS monitoring for 1 year (ex., centralized waste treatment industrial facility) (VA Code §62.1-44.34:32(A))

• **Proposed Amendment**

- ~ Would require any industrial facility discharging to POTW to conduct quarterly PFAS monitoring for 1 year; if facility detects PFAS in any amount, monitoring continues
- ~ New facility discharging to POTW must conduct monitoring within 90 days of commencement of discharge
- ~ Does not limit VA DEQ or POTW authority *“to which any user discharges wastewater to require monitoring or reporting or otherwise regulate the discharge of the PFAS target analytes or other pollutants under other applicable legal authority.”*

• **Status**

- ~ Referred to Senate Agriculture, Conservation and Natural Resources Committee

Wastewater: SB 386 (Stuart)

Distribution of Sewage Sludge; Perfluoroalkyl and Polyfluoroalkyl Substances Testing Requirements; Civil Penalty

♦ Current Law

- ~ Establishes requirements for use of biosolids in VA (VA Code §62.1-44.19:3)

♦ Proposed Amendment

- ~ Prohibits any person with a Virginia Pollutant Abatement permit to distribute or land apply sewage to distribute or land apply any sewage “*that contains any trace of PFAS*”
- ~ Would require that person above provides written statement to the owner/lessee of land application site that the sewage sludge contains no trace of PFAS
- ~ Noncompliance subjects the permittee to \$5,000 civil penalty for each violation

Wastewater: SB 386 (Stuart) (cont.)



• **Proposed Amendment (cont.)**

- ~ Subsection does not apply to person engaged in an agricultural operation, as defined in §3.2-300 (Right to Farm) and land applying on lands used for those operations
 - ~ “Agricultural operation” includes “any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of all kinds, meat, dairy, and poultry products, nuts, tobacco, nursery, and floral products and the production and harvest of products from silviculture activity;” also includes operations that house livestock

• **Status**

- ~ Referred to Senate Agriculture, Conservation and Natural Resources Committee

Wastewater: HB 952 (Lopez)

Chesapeake Bay Watershed Bay Nutrient Credit Exchange Program; Nutrient Credit Use by Regulate Entities



♦ **Current Law**

- ~ Allows MS4s, CGP permittees, CAFOs, Industrial Stormwater permittees to acquire, use, and transfer nutrient credits for permit compliance purposes

♦ **Proposed Amendment**

- ~ Clarifies that Industrial Stormwater permittees must also comply with limitations for use imposed on MS4s
- ~ EX: Credits are generated and applied for compliance in same calendar year
- ~ Industrial Stormwater permittees can use Exchange Compliance Plan in lieu of writing new plan

♦ **Status**

- ~ Referred to House Agriculture, Chesapeake and Natural Resources Committee

Stormwater: HB 214 (Feggans) Localities; Home Flood Protection Assistance Program



• Locality Option

- ~ DCR shall “*establish and maintain uniform product performance verification standards for home exclusion tools*”
- ~ Locality may use funds from Resilient VA Revolving Fund to administer program
- ~ Locality with a program may partner with a nonprofit on program

• Limitations on Recipients

- ~ Household can only receive funds after it has taken several steps
- ~ EX: Completed “*all required or recommended passive or structural flood mitigation measures, including drainage improvements, minor property regrading, cleaning of ditches, installation of French drains, and downspout reconfiguration*”

Stormwater: HB 214 (Feggans) (cont.)



• DCR's Role

- ~ DCR shall “*establish and maintain uniform product performance verification standards for home exclusion tools*”

• Limitations on Uses

- ~ May only be used for temporary home flood exclusion tools including modular door barriers, temporary flood dams, water-inflated or self-activating barriers, garage-entry flood shields, portable sump pump systems with barriers and “*similar protective tools*”
- ~ Cannot be used for permanent structural flood proofing tools that need FEMA flood proofing certification requirements

• Status

- ~ Referred to House Counties, Cities, and Towns Committee

- **Changes VMRC Responsibilities**

- ~ DCR currently responsible for guidelines to assist localities in regulating wetlands to scientifically evaluate wetlands by type and describe consequences of these wetland types and to create minimum standards for wetland protection and conservation
- ~ Adds goal “*to achieve no net loss of existing wetland acreage and functions*”

- **Changes Permit Requirement**

- ~ To include “*1. Permits shall contain requirements for compensating impacts on wetlands sufficient to achieve no net loss on existing wetland acreage and functions*”

Marine Resources Commission; Powers and Duties, Wetlands, Report

- **Secretary To Convene Stakeholder Workgroup**

- ~ To address mitigation requirements for tidal non-vegetated wetlands
- ~ Goal is to “address the need to provide mitigation...that ensures no net loss of wetland acreage and functions, considering a range of mitigation alternatives” including banks, in-lieu fee programs, permittee-mitigation, other approaches
- ~ Report due to GA by Dec. 1, 2026

- **Status**

- ~ Assigned to House Agriculture, Chesapeake, and Natural Resources, Environment Subcommittee

Drinking Water: HB 1149 (Hodges)

Inspection of Water Distribution Systems; Lead Status

Inspections For Water Service Lines



- **Gives Locality Right of Entry**

- ~ If Locality owner or operates water distribution system it may “*at reasonable times and under reasonable circumstances*” enter an establishment or property to obtain information, conduct surveys or investigations to make required determinations on lead status
- ~ Per EPA’s Lead and Copper Rule Improvements and Lead and Copper Rule revisions
- ~ Locality must keep record of all inspections and inform customer of results of inspection

- **Status**

- ~ Referred to House Counties, Cities and Towns Committee

Drinking Water: HB 537 (Hamilton) Regulations Governing Waterworks; Prohibition of Fluoridation of Water



- **Directs State Board of Health**

- ~ To issue regulations to prohibit fluoridation of water
- ~ *“Such regulations shall prevent any waterworks from adding any fluoride or fluoride compounds...to pure water”*
- ~ Regulations must include provisions requiring testing for fluoridation in chemical monitoring requirements for waterworks

- **Status**

- ~ Referred to House Health Subcommittee

Miscellaneous: HB 850 (Krizek)/ HB 1046 (Carr)/ SB 324 (McPike)

VA Public Procurement Act; Additional Public Works Contract Requirements; Delayed Effective Date

• Variations on a Theme

- ~ All require apprentice hours on public projects
- ~ EX: HB 850: *“At least eight percent of the total labor hours of any capital outlay project shall be required to be performed by apprentices”*
- ~ HB 1046, SB 324 at 15%
- ~ Public body must require contractor and subcontractor to certify apprentice labor hours worked
- ~ Some options for waiver (EX: lack of apprentices in specific area)

• Definition of Capital Outlay Project

- ~ “means acquisition of real property, including buildings or plant or machinery or equipment, or new construction or improvements related to state-owned real property, buildings, plant, or machinery or equipment including plans thereof. It shall include any improvements to real property leased for use by a state agency or public educational institution and not owned by the Commonwealth, when such improvements are financed by public funds and do not become state property upon the expiration of the lease.”

Miscellaneous: HB 850 (Krizek)/ HB 1046 (Carr)/ SB 324 (McPike)

VA Public Procurement Act; Additional Public Works Contract Requirements; Delayed Effective Date

• **History**

- ~ Last year's bill HB 2482 (Krizek)/SB 962 (Carroll Foy) vetoed by Governor Youngkin

• **Status**

- ~ HB 850 Referred to House General Laws Committee
- ~ HB 1046 Referred to House General Laws Committee
- ~ SB 324 Referred from Senate General Laws and Technology Committee with substitute and rereferred to House Finance and Appropriations

Questions?

Lisa Ochsenhirt
Lisa@AquaLaw.com
804.716.9021

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www.AquaLaw.com