

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
CHESAPEAKE BAY & WATER RESOURCES POLICY COMMITTEE  
MAY 15, 2026**

**Legislative Briefing:**  
*Water, Wastewater & Stormwater in MD & VA*

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President

**AQUALAW**

# Overview

- **Partnerships Across Local Govt for Clean & Safe Water & Water Management**
  - MWCOG and other multi-jurisdictional planning bodies that make a difference (NVRC, HRPDC)
  - Counties (MACo, VACo) & Municipalities (VML, MML)
  - Utility Groups (MAMWA / MAMSA & VMDWA / VMDWA / VAMSA)
- **AquaLaw Colleagues**
  - Lisa Ochsenhirt (MD), Rosewin Sweeney (MD), Ross Phillips (VA), Michelle Ashworth (Everywhere)
- **Focus Today – Top Bills That Passed**
  - Drinking Water
  - Wastewater
  - Stormwater

# Drinking Water

# VA: Water Usage Reporting by Water Withdrawers: SB 553 (Srinivasan) / HB 496 (Guzman) – PASSED & APPROVED

**Final version (PASSED and APPROVED BY GOVERNOR) amends Va. Code 62.1-44.38 C to add:**

***Any water user required to register water withdrawal and use** data pursuant to this subsection that provides water to another person offsite shall include in its report, submitted on its **regular reporting schedule**, the **total volume of potable** water and, reported separately, the **total volume of reclaimed** water provided during each month for each of the following categories:*

- (i) a **data center**, as that term is defined in subdivision A 43 of § 58.1-3506, **with an air permit** issued by the Department and*
- (ii) **to the extent available without utility billing system modifications**, (a) domestic purposes, (b) commercial and industrial purposes, separately or combined as available, and (c) all other non-categorized purposes.*

*Where monthly data is not available, such data may be submitted based on the total volumes provided during each quarter. For purposes of this subsection "reclaimed water" means water that has been treated and repurposed from wastewater or non-potable sources. Reclaimed water volumes shall not be aggregated with potable water volumes in any public reporting, summary, or planning document produced by the Board pursuant to this section.*

**DEQ Air Permit Database:**

<https://www.deq.virginia.gov/news-info/shortcuts/permits/air/issued-air-permits-for-data-centers>

# Right of Entry for Lead Status Inspections: HB 1149 (Hodges) – PASSED & APPROVED

- Enabling legislation authorizing right of entry for service line inspections near the property line to determine lead status for EPA-required inventories
- Tracks similar existing laws providing access for exterior inspections
- Amends Va. Code §15.2-2144 (Inspection of water supplies) – FOR LOCALITIES
- Amends Va. Code §15.2-5114 (Powers of authority) – FOR AUTHORITIES
- Sunsets July 1, 2028, unless extended by GA (e.g., 2028 Session if needed)

# MD: Secondary MCLs Action Plan:

**HB 1196 (Long) / SB 940 (Henson) – PASSED & APPROVED**

- **MDE Must Develop Action Plan to Enforce Standards for Secondary Maximum Contaminant Levels in Drinking Water**
  - Discoloration, taste, and odor (i.e., aesthetic and operational, not health issues)
  - Community water systems and non-transient, noncommunity water systems
- **MDE Must Work with Stakeholders Incl. Owners/Operators**
  - Report back to GA on findings and recommendations by December 1, 2026
- **Most States Leave These Secondary Items to Localities**
  - The Primary MCLs provide the health protection

# Wastewater

# MD: PFAS & Biosolids: HB 925 (Stein) & SB 719 (Love) – PASSED & APPROVED

Effective Date	Oct. 1, 2028
Applicability	Sewage sludge land application in Maryland to agricultural or marginal land
Monitoring Frequency	Once per month if commingling
Test Method	1663A or equivalent approved by MDE; subject to a reporting limit developed by MDE
Data Disclosure to Landowner	For biosolids in the 25-50 ppb tier, notification to owner or operator of land, adjoining landowners, and local officials 14 days before land application
Regulated PFAS	PFOA, PFOS, or a mixture of PFOA and PFOS
Compliance Metric	Average of samples for previous 12 mos. For commingling, mass balance calculation for year if insufficient number of samples exist
Prohibited Tier	≥ 50 ppb
Restricted Tier	25 ppb to < 50 ppb During the development and implementation of the source tracking study and mitigation plan, person may land apply at 3 dry tons/acre max rate, Class B setbacks, and additional setbacks if near public and private wells Complete <b>source tracking study and mitigation plan</b> ; submit mitigation plan within 6 mos. of completing source tracking study; mitigation plan must be implemented within 5 years of triggering the middle tier
Unrestricted Tier	≥ 25 ppb
Blending	Commingling w/other materials allowed for <b>2 years</b> after biosolids monitoring triggers the middle tier Commingling does not include more traditional blending that is meant to create a more saleable product

# VA: PFAS & Biosolids: HB 1443 (Lopez) & SB 386 (Stuart) – PASSED & APPROVED

<b>Monitoring Begins (if Land Applied)</b>	January 1, 2027
<b>Monitoring Applicability</b>	Sewage sludge used for land application, distribution & marketing
<b>Frequency</b>	Monthly 1st year, then ≥Qtrly (reduce to Qtrly with DEQ approval)
<b>Test Method</b>	EPA Method 1633 or EPA revision ( <i>i.e.</i> , 1633A) or DEQ approved
<b>Data Disclosure to Landowner</b>	Required (all 1633 analytes)
<b>Regulated PFAS</b>	July 1, 2027: PFOS “or” PFOA; after July 1, 2029: PFOS “and” PFOA (sum)
<b>Limits Take Effect</b>	July 1, 2027
<b>Limits Applicability</b>	Sewage sludge land application, distribution & marketing
<b>Unrestricted Tier</b>	<25 ppb
<b>Restricted Tier</b>	≥25 to <50 ppb: 3 dry tons/acre max rate (or DEQ-approved alt risk mgmt strategy)
<b>Prohibited Tier</b>	≥50 ppb
<b>Compliance Metric</b>	Rolling annual average
<b>“Spike” Safeguard for Annual Avg</b>	Retest required if any result >75 ppb; prohibit if 2 consecutive results >75 ppb
<b>Blending</b>	Allowed permanently; if blended, the above concentration limits apply to mixture
<b>Permit Modifications</b>	Required; minor modifications process
<b>Work Group</b>	Required study, extensive scope & future recommendations

*VA PFAS: Industrial Discharges to Sewer Systems*  
**Industrial Wastewater PFAS Monitoring**  
**HB 938 (Clark) / SB 138 (McPike) – Passed & Approved**

- **Requires Quarterly Monitoring (Some Adjustments Possible) By:**
  - Any facility manufacturing PFAS, any electroplating or metal finishing facility using PFAS, any semiconductor or circuit board facility using PFAS, any paper or packaging manufacturing facility using PFAS, and any textile mill, tannery, or leather, fabric, or carpet treater using PFAS;
  - Any centralized waste treatment industrial facility;
  - Any industrial launderer defined by NAICS 812332; and
  - Any airport, air base, air station, fire training facility, landfill, or other facility or site that the publicly owned treatment works has a reasonable basis to believe is a source of PFAS.
- **Testing Will Be Overseen by Pretreatment Staff in Localities / Authorities**

# VA: Wastewater Nutrient Removal Grants

- **Water Quality Improvement Fund (WQIF)**
- **State Budget (pending)**
  - May add \$189M - \$200M in the first year
  - Likely to leave second year (no funds) to be addressed in 2027 Session
- **Item 368 (Para. I (eye)) should be revised with new policy language**
  - Caboose Bill added Youngkin Administration's significant changes to grant access
  - Revisit / fix / revise for FY27-FY28 to maintain a strong water quality program

# Stormwater

# MD: Municipalities – Open Drainage Inlets – Inventories and Improvements (Mason’s Law); HB 34 (Bouchat) / SB 189 (Lewis) – PASSED & APPROVED

- **Applicability**

- Applies to open drainage inlets = structure with surface opening with 12” + diameter
- Covers privately owned and publicly owned inlets as of 10/1/26, but does not include inlet owned or maintained by federal, state, county, or school board or inspected by MDE

- **Municipal Requirements**

- Inventory (July 1, 2027)
- Prioritization Plan (Apr. 1, 2028) for improving inventoried inlets
- Not required to improve inlets that are not a legitimate risk to public safety
- Notify private property owners when a grate or fencing will be installed on a privately owned inlet
- Complete Improvements (Apr. 1, 2031) to inlets identified in prioritization plan
- Municipality is responsible for cost of improvements on public and private property
- However, not responsible for maintaining improvement on private property
- Liability Protection: “Once a municipality has installed an approved grating system on a privately owned existing open drainage inlet, the municipality: (2) may not be held liable for incidents arising out of the maintenance of an approved grating system”

# VA: Conservation and Replacement of Trees: HB 549 (Hope) / SB 589 (Salim) – PASSED & APPROVED

- Expands local government authority to require developers to conserve or replace trees during the development process → now statewide authority
- Allows localities to establish higher tree canopy replacement percentages based on density per acre
- Strengthen local government's role in approving exceptions when the strict application of the ordinance would result in unnecessary or unreasonable hardship
- Permits localities to monitor and assess the condition and coverage of tree canopies at development sites during a period of up to 20 years after the trees are planted.

# VA: Grants to Localities

- **Stormwater Local Assistance Fund (SLAF)**
  - Hope to retain the \$43.5 M in Introduced Budget
- **Community Flood Protection Fund (CFPF)**
  - State is returning to RGGI, which is the funding source for this major grants program (fund balance has been adequate to maintain operations in meantime)
  - Usable for flooding projects including many stormwater water quality benefits

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# **QUESTIONS?**

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