

2010 VA General Assembly

Legislation Concerning Stormwater Management Issues

Several pieces of legislation dealing with stormwater management are presently being considered in the Virginia General Assembly. The following is a brief summary of the major issues of interest. This publication reflects the status of these bills as of March 12th.

HB 155 Stormwater management programs; delays for two years DCR's regulations governing.

Summary as introduced: Delays for two years the Department of Conservation and Recreation's regulations governing the stormwater management program that were to be implemented on July 1, 2010.

Status: 02/10/10 House: Incorporated by Agriculture, Chesapeake and Natural Resources (HB1220-Hugo) by voice vote

HB 987 Stormwater regulation; amends current law.

Summary as introduced: Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

Status: 02/12/10 House: Continued to 2011 in Appropriations by voice vote

HB 1100 Stormwater management; certain landowners shall be immune from civil liability.

Summary as introduced: Provides that landowners who cede responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or political subdivision thereof shall be immune from civil liability in relation to such stormwater management facility. The immunity does not extend to cases of intentional or willful misconduct or gross negligence.

Status: 03/12/10 House: Bill text as passed House and Senate (HB1100ER)

HB 1220 Stormwater management regulations; extends effective date that establishes local program criteria.

Summary as introduced: Extends the effective date of the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria based on the completion of the Virginia Total Maximum Daily Loads (TMDL) Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL approved by the United States Environmental Protection Agency and the regulations thereafter adopted to implement the Plan.

Status: 03/02/10 House: Signed by Speaker 03/03/10 Senate: Signed by President

HB 1221 Water Facilities Revolving Fund; loans for stormwater runoff control best management practices.

Summary as introduced: Provides that loans may be made from the Virginia Water Facilities Revolving Fund, at the State Water Control Board's discretion, to a local government for construction of facilities or structures or implementation of best management practices that reduce or prevent pollution of state waters caused by stormwater runoff from impervious surfaces.

Status: 03/12/10 House: Bill text as passed House and Senate (HB1221ER)

HB 1311 Stormwater management regulations; extends effective date that establishes local program criteria.

Summary as introduced: Delays the effective date of regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater to no later than September 1, 2011. The bill also requires the Virginia Soil and Water Conservation Board to conform the regulation to be consistent with this effective date.

Status: 02/10/10 House: Incorporated by Agriculture, Chesapeake and Natural Resources (HB1220-Hugo) by voice vote

SB 123 Stormwater management; developer of single lot to provide where redevelopment is proposed.

Summary as introduced: Requires the developer of a single lot to provide stormwater management where substantial redevelopment of the lot is proposed. Defines “substantial redevelopment” as land-disturbing activities that occur on more than 15 percent of the square footage of any single lot.

Status: 02/16/10 Senate: Left in Local Government

SB 245 Stormwater management regulations; extends effective date that establishes local program criteria.

Summary as introduced: Delays the effective date of regulations that establish local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater management from July 1, 2010, to July 1, 2011. Any regulation adopted prior to this date shall be considered outside the scope of authority granted by the General Assembly.

Status: 02/01/10 Senate: Incorporated by Agriculture, Conservation and Natural Resources (SB395-Wagner) (15-Y 0-N)

SB 395 Stormwater management regulations; extends effective date that establishes local program criteria.

Summary as introduced: Extends the effective date of the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria based on the completion of the Virginia Total Maximum Daily Loads (TMDL) Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL approved by the United States Environmental Protection Agency and the regulations thereafter adopted to implement the Plan.

Status: 03/10/10 Senate: Bill text as passed Senate and House (SB395ER)

SB 650 Stormwater regulation; amends current law.

Summary as introduced: Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

Status: 02/16/10 Senate: Continued to 2011 in Finance (15-Y 0-N)