

2012 VA General Assembly

Legislation Concerning Stormwater Issues

Several pieces of legislation dealing with stormwater issues are presently being considered in the Virginia General Assembly. The following is a brief summary of the major issues of interest to environmental professionals. This publication reflects the status of these bills as of February 17th.

HB 176 Nutrient credit certification; regulations.

Summary as introduced: Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to the Chesapeake Bay Total Maximum Daily Load (TMDL), the legislation sets out certain requirements of the regulations, permits the Department of Conservation and Recreation to establish an online registry of certified credits, and allows municipal separate storm sewer systems to acquire and use credits under certain conditions.

Status: 02/14/12 House: Passed. Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

HB 203 Assessments for local improvements, special; adds City of Hampton to localities that may impose.

Summary as introduced: Adds the City of Hampton to the lists of localities that may impose special assessments upon abutting property owners for improvements related to the initial paving of streets, flood prevention, and the undergrounding of utilities.

Status: 01/26/12 House: Passed. Senate: Referred to Committee on Local Government

HB 1009 Land-disturbing activities; service of order for violation.

Summary as passed House: Specifies the means of serving an order for land disturbance where no plan has been approved or permit obtained, other than where an agricultural exemption applies. Current law refers only to an order for a failure to comply with a plan or permit.

Status: 02/16/12 House: Passed. Senate: Reported from Committee on Agriculture, Conservation, and Natural Resources.

HB 1065 Erosion & Sediment Control Stormwater, & Chesapeake Bay Preservation Acts; integration of programs.

Summary as introduced: Integrates elements of the Erosion and Sediment Control Act, the Stormwater Act, and 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

Status: 02/16/12 House: Passed. Senate: Reported from Committee on Agriculture, Conservation and Natural Resources.

SB 32 Assessments for local improvements, special; adds City of Hampton to localities that may impose

Summary as introduced: Adds the City of Hampton to the lists of localities that may impose special assessments upon abutting property owners for improvements related to the initial paving of streets, flood prevention, and the undergrounding of utilities.

Status: 02/17/12 Senate: Passed. House: Reported from Counties, Cities and Towns.

SB 77 Nutrient credit certification; regulations.

Summary as passed Senate: Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain 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.

Status: 02/13/12 Senate: Passed with substitute. House: Referred to Committee on Agriculture, Chesapeake, and Natural Resources.

SB 174 Stormwater program assistance; DCR to provide technical and staff assistance in managing

Summary as introduced: Requires the Department of Conservation and Recreation, if requested by a local government, to provide technical and staff assistance in managing the local stormwater municipal separate storm sewer system (MS4) program.

02/15/12 Senate: Left in Committee on Agriculture, Conservation and Natural Resources

SB 227 Stormwater service district; allocation of revenues.

Summary as introduced: Allows a town located within a stormwater service district to retain any revenues collected by the service district within the town, so long as the town maintains its own MS4 permit.

Status: 02/13/12 Senate: Passed. House: Referred to Committee on Counties, Cities and Towns.

SB 402 Nutrient Offset Fund; priority for funding for certain facilities.

Summary as introduced: 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.

Status: 02/02/12 Senate: Continued to 2013 in Committee on Agriculture, Conservation and Natural Resources

SB 407 Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs

Summary as introduced: Integrates elements of the Erosion and Sediment Control Act, the Stormwater Act, and 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.

Status: 02/17/12 Senate: Passed. House: Passed.

SB 560 Sanitary districts; authorizes board of supervisors to construct and maintain dams within district.

Summary as introduced: Authorizes the board of supervisors of a sanitary district to construct and maintain dams within the district. Current law does not address dams but permits such boards to construct and maintain water supply systems, drainage systems, lighting systems, and other facilities. The bill will become effective upon its passage.

Status: 02/13/12 Senate: Passed.

SB 672 Hampton Roads Sanitation District; amends enabling act, etc.

Summary as passed Senate: Amends the sanitation district's enabling act by expressly permitting the Hampton Roads Sanitation District Commission to determine the rate of interest on revenue bonds, removing the six percent interest-rate cap for the sale of bonds, and allowing the Commission to refund revenue bonds at a higher interest rate than that at which they were issued where the Commission determines such a refund to be in the best interests of the District. Where the Commission secures revenue bonds with a trust agreement, the bill allows such an agreement to require that the bonds be delivered to the trustee with written instructions to cancel them before they will be deemed extinguished. The bill eliminates the requirement that the public official's liability insurance policy covering each Commissioner shall have a \$10,000 deductible and be available through the Commonwealth. A change to the definitions section expands the meaning of the word "owner" to include not only individuals, corporations, and other listed entities but also limited liability companies. The bill also makes clarifying amendments.

Status: 02/17/12 Senate: Passed. House: Referred to Committee on Counties, Cities and Towns.