



2008 VA General Assembly

Legislation Concerning Water & Wastewater Issues

FYI-Several pieces of legislation dealing with water and wastewater concerns are presently being considered in the Virginia General Assembly. The following is a brief summary of some of the major issues of interest to water and wastewater professionals. This publication reflects the status of these bills as of January 16, 2008. More information can be found at <http://leg1.state.va.us/>.

HB 8 Water and sewer charges; adds Town of Kenbridge to localities that may attach lien on real estate: Patron-Wright

Summary as introduced: Adds the Town of Kenbridge to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Status: 11/21/07 House: Referred to Committee on Counties, Cities and Towns

HB 49 Utility easements; conveyance thereof subject to condition is void if not used within 20 years: Patron-Cole

Summary as introduced: Provides that any conveyance of an easement for the location, construction, or installation of facilities to be used to provide utility services shall be subject to the condition that it is void if the easement has not been used within 20 years.

Status: 01/10/08 House: Assigned Courts sub: Civil

HB 208 Public facilities; deferral of subdivision plats or site plans when inadequate: Patron-Cole

Summary as introduced: Allows any locality to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years. A locality may also consider the adequacy of public facilities in the preparation of its zoning ordinance.

Status: 12/27/07 House: Referred to Committee on Counties, Cities and Towns

HB 294 Water and sewage connections; New Kent County to require connection by certain property owners: Patron-Peace

Summary as introduced: Provides that New Kent County may require connection to its water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing or correctable domestic supply or source of potable water and a then-existing or correctable system for the disposal of sewage.

Status: 01/03/08 House: Referred to Committee on Counties, Cities and Towns

HB 358 Water hook-up permits; suspending during certain emergencies: Patron-Cole

Summary as introduced: Allows a locality that has adopted a water supply emergency ordinance to suspend the issuance of water hook-up permits for connection to its water and sewer systems during such emergency.

Status: 01/04/08 House: Referred to Committee on Counties, Cities and Towns

HB 392 Stormwater ordinances; authorizes localities classified as MS4 to enact: Patron-Bulova

Summary as introduced: Authorizes localities classified as MS4 stormwater localities to enact ordinances to enforce stormwater permits. The bill would give these localities the authority to seek civil charges and injunctive relief, and impose civil penalties. Any person violating the ordinance would be subject to a criminal penalty of a Class 1 misdemeanor.

Status: 01/04/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

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HB 394 Water and waste authorities; powers: Patron-Bulova

Summary as introduced: Grants such authorities powers related to intellectual property rights.

Status: 01/04/08 House: Referred to Committee on Counties, Cities and Towns

HB 645 Water Protection Permit, Board to consider project as part local or regional water supply plans: Patron-Hogan

Summary as introduced: Requires the State Water Control Board, prior to issuing a Virginia Water Protection Permit, to consider the permitted project as part local or regional water supply plans.

Status: 01/08/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

HB 689 Combined Sewer Overflow Fund; designating funds to be deposited therein for use by certain cities: Patron-Valentine

Summary as introduced: Designate funds to be deposited in the Combined Sewer Overflow Fund for use by the Cities of Lynchburg and Richmond for the completion of their combined sewer overflow projects in certain years when direct general appropriations to the fund are less than \$5 million. Deposits shall neither exceed \$5 million per year nor \$50 million over 10 years. Any funds shall be divided equally between the Cities of Lynchburg and Richmond.

Status: 01/16/08 House: Referred to Committee on Appropriations

HB 877 Water and Waste Authorities Act; powers of each authority: Patron-Loupassi

Summary as introduced: Provides that the powers of each authority created by the governing body of a single locality shall be exercised by an authority board of not less than five nor more than seven members. Under current law, the number of such authority board members is five.

Status: 01/08/08 House: Referred to Committee on Counties, Cities and Towns

HB 976 Single lot development; developers to provide stormwater management: Patron-Shannon

Summary as introduced: Provides that the developer of a single lot shall provide storm water management where substantial redevelopment of such lot is proposed. Substantial redevelopment" shall be deemed to occur when land-disturbing activities occur on more than 15 percent of the square footage of any single lot.

Status: 01/08/08 House: Referred to Committee on Counties, Cities and Towns

HB 1166 Onsite treatment works; Board of Health, et al. to accept designs from professional engineers: Patron-Saxman

Summary as introduced: Authorizes the Board of Health, the Commissioner of Health, and the Department of Health to accept treatment works designs from individuals licensed as professional engineers. The bill establishes the procedure for submission and review of designs.

Status: 01/09/08 House: Referred to Committee on Health, Welfare and Institutions

HB 1297 Public facilities; locality may by ordinance adopt provision for adequacy: Patron-Frederick

Summary as introduced: Provides that any locality that is subject to the provisions of the Chesapeake Bay Preservation Act may by ordinance adopt provisions related to the provision of adequate public facilities. Local adequate public facility provisions may be applied during the subdivision or site plan review and approval process.

Status: 01/09/08 House: Referred to Committee on Counties, Cities and Towns

HB 1342 Water and sewer charge; adds Isle of Wight County to localities that may attach lien on real estate: Patron-Barlow

Summary as introduced:

Adds the County of Isle of Wight to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Status: 01/09/08 House: Referred to Committee on Counties, Cities and Towns

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HB 1355 Sewage treatment plants; expanded or upgraded facility must accept, etc. from onsite systems: Patron-Bulova

Summary as introduced: Provides that whenever the governing body of a locality or a combination of governing bodies of two or more localities is expanding or upgrading a sewage treatment plant, the facility shall be expanded or upgraded so that it has the capability to accept and treat the septage from all onsite sewage disposal systems, which are not adequately served by another approved disposal site, located in the locality or combination thereof to be served by such plant. Certification of this capability shall be provided to the Department of Environmental Quality prior to the approval of any state certificate to construct.

Status: 01/09/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

HB 1380 Sewage systems; counties and towns may approve.: Patron-Albo

Summary as introduced: Clarifies that counties and towns may approve a sewage system at a reduced size if it is in the best interest of the locality.

Status: 01/09/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

HB 1408 Betterment loans; Director of Dept. of Environmental Quality to determine eligibility therefore: Patron -Poindexter

Summary as introduced: Directs the Board of Health and the Director of the Department of Environmental Quality to develop procedures for qualifying the owners of failing septic tanks, underground storage tanks, and contaminated dry cleaning stores, for betterment loans to be provided by private lenders.

Status: 01/10/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

SB 185 Impact fees; grants authority to high-growth localities: Patron-Herring

Summary as introduced: Grants general impact fee authority to "high-growth" localities. Any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts sufficient to defray all or part of the capital costs of public facilities related to residential development. Impact fees imposed and collected shall only be used for public facilities that are impacted by a particular development project; however, the fees may be used in the general area of the project.

Status: 01/07/08 Senate: Referred to Committee on Local Government

SB 378 Reuse and reclamation of water; Water Control Board to promote and establish requirements: Patron-Stuart

Summary as introduced: Requires the State Water Control Board to promote and establish requirements for the reclamation and reuse of all waters of the Commonwealth, including stormwater and wastewater. Currently, the Board is only required to evaluate wastewater for reuse. The Board is also requested to identify policies, in consultation with the State Water Commission and the Virginia Resources Authority, that provide financial incentives for the construction of improvements allowing increased reclamation and reuse of waters. The Board will recommend the policies in a report presented to the General Assembly and the Governor no later than December 1, 2008.

Status: 01/08/08 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

