Legislation Concerning Environmental Issues

Several pieces of legislation dealing with environmental concerns 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 7th.

HB 846 Virginia Stormwater Management Program; exemptions for certain localities.  
Summary as introduced: Exempts the Towns of Chincoteague, Saxis, and Tangier from compliance with the Virginia Stormwater Management Program. The bill exempts Chincoteague and Tangier Islands from any VSMP for land-disturbing activities adopted by Accomack County.  
Status: 1/23/14 House: Continued to 2015 by Agriculture, Chesapeake and Natural Resources voice vote

HB 968 Brownfield properties; changes definition of bona fide prospective purchaser.  
Summary as introduced: Changes the definition of the "bona fide prospective purchaser" of brownfield property to include not only the person who acquires or proposes to acquire ownership of a brownfield property but also the tenant of such person. The bill conforms Virginia's definition with the federal definition.  
Status: 01/21/14 House: Passed Senate: referred to Committee on Agriculture, Conservation & Natural Resources

HB 1071 Stormwater Management Program; delays implementation by local governments.  
Summary as introduced: Delays the date that local governments will have to assume responsibility for administering the Stormwater Management Program from July 1, 2014, to July 1, 2015.  
Status: 1/23/14 House: ACNRSub: Chesapeake recommends laying on the table by voice vote

HB 1117 Stormwater Management Program; delays implementation by local governments  
Summary as introduced: Delays the date that local governments will have to assume responsibility for administering the Stormwater Management Program from July 1, 2014, to July 1, 2015.  
Status: 1/23/14 House: ACNRSub: Chesapeake recommends laying on the table by voice vote
HB 1170 Stormwater management; separately built single-family residences.  
Summary as introduced: Expands the exemption from state stormwater permit requirements for certain separately built single-family residences by raising the area of disturbance for exempt projects from one acre to three acres. The bill does not alter the disturbance area for projects located in jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations  
Status: 1/23/14 House: ACNRSub: Chesapeake recommends laying on the table by voice vote

HB 1173 Stormwater management programs; optional for some localities.  
Summary as introduced: Expands the exemption from state stormwater permit requirements for certain separately built single-family residences by raising the area of disturbance for exempt projects from one acre to three acres. The bill does not alter the disturbance area for projects located in jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations  
Status: 2/6/14 House: Passed Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

SB 48 Eastern Virginia Groundwater Management Area; prohibition on oil and gas drilling.  
Summary as introduced: Prohibits the drilling for oil and gas in the Eastern Virginia Groundwater Management Area. When the General Assembly enacted the Groundwater Management Act in 1973, it declared that the continued, unrestricted usage of groundwater is contributing and will contribute to pollution and the shortage of groundwater, thereby jeopardizing the public welfare, safety, and health. The Act recognized that the state has the right to the reasonable control of all groundwater resources in order to conserve, protect, and beneficially utilize the groundwater of the Commonwealth. The bill would apply to groundwater and the associated aquifers in the coastal plain of Virginia. The bill would also require the Department of Environmental Quality to adopt regulations protecting surface and ground water resources before the Department of Mines, Minerals and Energy issues a drilling permit in those areas of Tidewater where such activity is allowed.  
Status: 2/7/14 Senate: Passed House: Referred to Committee on Labor

SB 53 Stormwater management; waiver of charges for places of worship  
Summary as introduced: Requires a locality that adopts a system of stormwater management service charges to provide for a waiver of at least 50 percent of such charge to any church, synagogue, or other place of worship.  
Status: 1/30/14 Senate: Passed by indefinitely in Agriculture, Conservation and Natural Resources 10-Y, 4-N, 1-A

SB 423 Stormwater management program; regulations, single-family residence.  
Summary as introduced: Authorizes the State Water Control Board to adopt regulations that create a procedure for approving permits for individual parcels in a common plan of development, provide a General Permit for Discharges of Stormwater from Construction Activities that omits unneeded information on post-construction water quality standards, and provide reciprocity with other states regarding certification of best management practices. The bill also allows the submission of an agreement in lieu of a permit where land-disturbing activity results from the construction of a single-family residence.  
Status: 2/7/14 Senate: Constitutional reading dispensed

SB 425 Stormwater management programs; clarifies appeals process for persons subject to permit requirement.  
Summary as introduced: Delays the date that local governments will have to assume responsibility for administering the Stormwater Management Program from July 1, 2014, to July 1, 2015.  
Status: 2/6/14 Senate: Incorporated by Committee on Agriculture, Conservation and Natural Resources

SB 431 Voluntary Remediation Program; removes cap on registration fees.  
Summary as introduced: Removes the $5,000 cap on registration fees collected by the Department of Environmental Quality from persons conducting voluntary remediation on contaminated properties. The fees defray the costs of administering the voluntary remediation program. The bill also exempts the Virginia Waste Management Board from the regulatory requirements of the Administrative Process Act (APA) so that new regulations needed to adjust the fee schedule will be in place by July 1, 2014. The bill requires any subsequent adjustment to the fee schedule to be in compliance with the APA.  
Status: 1/24/14 Senate: Passed House: Referred to Committee on Agriculture, Chesapeake & Natural Resources

SB 469 Stormwater Management Program; localities with minimal Chesapeake Bay watershed.  
Summary as introduced: Delays the date on which local governments are required to assume responsibility for administering the Stormwater Management Program from July 1, 2014, to July 1, 2015, in those localities in which less than 11 percent of the land area drains to the Chesapeake Bay  
Status: 2/6/14 Senate: FAILED

SB 530 Stormwater Management Program; delays implementation by local governments.  
Summary as introduced: Delays the date that local governments will have to assume responsibility for administering the Stormwater Management Program from July 1, 2014, to July 1, 2015.  
Status: 2/6/14 Senate: Incorporated by Committee on Agriculture, Conservation and Natural Resources

SB 547 Uranium exploration; sampling of well activity.  
Summary as introduced: Requires the holder of a permit to conduct uranium activities to contact those property owners who have wells located within 750 feet of the exploration activity and, with the owners' consent, to periodically sample their water supply. The bill requires sampling every six months during the time the exploration activity is being conducted and six months after the exploratory drill holes have been plugged. The permit holder is required to submit the results of the tests to the State Health Department, which is required to provide a nontechnical interpretation of the results to the well owner. The permit holder will be responsible for reimbursing the State Health Department for the costs of providing the nontechnical description of laboratory results to the well owner.  
Status: 1/16/14 Senate: Continued to 2015 in Agriculture, Conservation and Natural Resources 9-Y, 0-No