

# Water in the 2011 Virginia General Assembly

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The 2011 Virginia General Assembly convened January 12 and adjourned February 26. The reconvened (“veto”) session was held April 6. During the session, the Assembly considered 2965 measures (2692 introduced this year and 273 continued from 2010), passing 1599 of them and defeating 1366. The Assembly also considered amendments to the 2010-12 biennial state budget.

In this article, *Virginia Water Central* lists 183 measures in the 2011 Assembly that dealt with water resources directly or with land uses or other activities that are likely to affect water. The list comes from the Legislative Information System (LIS) Web site, at <http://leg1.state.va.us>, in the categories indicated by sub-headings below. Bill summaries were also taken from LIS (edited in some cases for space or clarity). Bills are listed under only one category, even if LIS listed them more than once. The categories searched and the bills listed include all those with *direct* water relevance (such as bills in the “Water and Sewer Systems” category) as well as those with a *potential or indirect* relevance to water (such as bills dealing with land conservation and energy-efficiency, two activities that ultimately affect water resources). *Water Central’s* list below *does not necessarily include all bills* that potentially affect Virginia’s water resources.

Within each category, bills are listed in order of their **bill number**, using the following abbreviations: **HB** = bill started in House of Delegates; **HJ** = joint resolution started in the House; **SB** = bill started in the Senate; and **SJ** = joint resolution started in the Senate. Numbers in the left-hand column have been added by *Water Central* for cross-referencing among the bills.

A table at the end of the article lists several topics and bills from the 2011 Assembly that received attention in various news media. For a selection of online news articles about water-related legislation in the 2011 Assembly, please visit the *Virginia Water Central* News Grouper at <http://www.delicious.com/arafl0/11VaGenAssembly>.

## 2011 Virginia General Assembly Water-related Bill Inventory

If you are reading this article online, click on the bill numbers to access bill information at the Legislative Information System (LIS).

Frequently used abbreviations: DCR = Department of Conservation and Recreation; DEQ = Virginia Department of Environmental Quality; DGIF = Department of Game and Inland Fisheries; DMME = Department of Mines, Minerals and Energy; EPA = U.S. Environmental Protection Agency; House ACNR = House Agriculture, Chesapeake, and Natural Resources committee; SCC = State Corporation Commission; Senate ACNR = Senate Agriculture, Conservation, and Natural Resources committee; VDH = Virginia Department of Health; IMS = Virginia Institute of Marine Science; VMRC = Virginia Marine Resources Commission.

### BUDGET

1	<a href="#">HB 1500</a>	<b>Budget Bill.</b> Amendments to the 2010-12 biennial budget (July 1, 2010-June 30, 2012).	Passed.
2	<a href="#">HB 1938</a>	<b>Budget process; changes State's budget from biennial budget to budget covering single fiscal year.</b>	Failed in House Appropriations.
3	<a href="#">HB 2517</a>	<b>Budget process; zero-based principles required for preparation of budget bills.</b>	Failed in House Appropriations.
4	<a href="#">SB 800</a>	<b>Budget Bill.</b> Appropriations for the 2010-2012 biennial budget.	Passed.

## CONSERVATION

### Land Conservation Bills

5	<a href="#">HB 1445</a>	<b>Land preservation tax credit.</b> Limits maximum amount that any taxpayer may receive to \$10 million annually.	Incorporated into HB 1820 (#8).
6	<a href="#">HB 1621</a>	<b>Open-space land.</b> Expands the definition in the Open-Space Land Act to include lands provided or preserved for agricultural and forestal production.	Passed.
7	<a href="#">HB 1715</a>	<b>Conservation easements.</b> Removes requirement that person recording easement mail certified copy to attorney general, but requires copies to other parties.	Passed.
8	<a href="#">HB 1820</a>	<b>Land preservation tax credits.</b> Limits maximum amount of credits in any calendar year by the Department of Taxation to \$100 million plus any previously issued credits that have been disallowed or invalidated by the Department.	Passed.
9	<a href="#">SB 979</a>	<b>Land preservation tax credit.</b> Provides that the annual report compiled by the DCR on qualified donations include information on riparian buffers required on land qualifying for tax credits.	Passed.
10	<a href="#">SB 1087</a>	<b>Land preservation tax credits; requires use of licensed transfer agent to transfer to taxpayer.</b>	Incorporated into SB 1232 (#13).
11	<a href="#">SB 1088</a>	<b>Land preservation tax credits; refunded by the Tax Commissioner.</b>	Failed in Senate Finance.
12	<a href="#">SB 1104</a>	<b>Open-space land.</b> Companion is HB 1621 (#6); please see that bill for summary.	Passed.
13	<a href="#">SB 1232</a>	<b>Land preservation tax credits.</b> Companion is HB 1820 (#8); please see that bill for summary.	Passed.

### Other Conservation Bills

14	<a href="#">HB 1397</a>	<b>Residential energy-efficiency standards and federal legislation.</b> Would have exempted any residential building or manufactured home in Virginia from being subject to federal legislation relating to residential energy-efficiency standards if such buildings comply with the Statewide Uniform Building Code, and would have prohibited state agencies from assisting implementation of federal climate change legislation.	Passed House; failed in Senate ACNR.
15	<a href="#">HB 1398</a>	<b>State responses to carbon dioxide standards.</b> Would have deferred to the U.S. EPA the enforcement of any carbon dioxide standards or cap-and-trade provisions that are included in the federal Clean Air Act; prohibited the governor or the General Assembly from enforcing any climate-change international agreement until approved by the U.S. Senate; and authorized the attorney general to bring an action against the EPA if he or she finds that mandated standards are based on a finding that is not scientifically demonstrated.	Failed in House Courts of Justice.
16	<a href="#">HB 1418</a>	<b>Special license plates for the Blue Ridge Parkway and James River Park System.</b> Authorizes these plates and designates the activities in these areas to be supported by the revenue generated.	Passed.
17	<a href="#">HB 1474</a>	<b>Erosion and sediment control.</b> Would have allowed public service authorities annually to file general erosion and sediment control specifications with the Virginia Soil and Water Conservation Board for construction of water and sewer lines. See similar HB 1495 (#18).	Failed in House ACNR.
18	<a href="#">HB 1495</a>	<b>Erosion and sediment control plans.</b> Authorizes water, sewer, sewage disposal, stormwater control, refuse collection, and disposal authorities to file a general erosion and sediment control plan	Passed.

		annually with the Virginia Soil and Water Conservation Board. See similar HB 1474 (#17).	
19	<a href="#">HB 1498</a>	<b>Non-durable plastic bags.</b> Would have banned the use of non-durable plastic carry-out bags by retailers.	Failed in House ACNR.
20	<a href="#">HB 1737</a>	<b>Stormwater management systems.</b> Clarifies statutory language and makes technical changes regarding a locality's authority to regulate stormwater management.	Passed.
21	<a href="#">HB 1751</a>	<b>Lawn fertilizers; prohibits applications of those containing phosphorus for use on lawns, etc.</b>	Incorporated into HB 1831 (#26).
22	<a href="#">HB 1760</a>	<b>Stormwater management fees; localities shall provide waivers to federal, state, etc., agencies.</b>	Incorporated into HB 1737 (#20).
23	<a href="#">HB 1828</a>	<b>Virginia Pollution Abatement Permit inspections.</b> Removes the requirement that the DEQ inspect facilities covered by a permit annually for confined animal-feeding operations or once every five years for other facilities, and sets a new standard that all facilities should be inspected to ensure compliance with statutory, regulatory, and permit requirements. Companion is <a href="#">SB 1298</a> (not listed in table).	Passed.
24	<a href="#">HB 1829</a>	<b>Virginia Soil and Water Conservation Board membership.</b> Increases the board's voting membership from 10 to 12 by adding three new at-large members—who are required to be knowledgeable of stormwater management—and changing the DCR director to a non-voting member.	Passed.
25	<a href="#">HB 1830</a>	<b>Agricultural resource-management plans; compliance with water-quality requirements.</b> Allows agricultural landowners who implement a resource-management plan—following criteria to be specified by the Soil and Water Conservation Board—to be deemed in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL) established under the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water-quality requirements for nutrients and sediment. The presumption does not preclude enforcement of provisions pursuant to a resource-management plan otherwise required by law, of a Virginia Pollutant Discharge Elimination System permit, of a Virginia Pollution Abatement permit, or of requirements of the Virginia Chesapeake Bay Preservation Act.	Passed.
26	<a href="#">HB 1831</a>	<b>Banning lawn fertilizers with phosphorus, de-icers with urea.</b> Prohibits the sale, distribution and use of lawn maintenance fertilizer containing phosphorus beginning December 31, 2013 (not applicable to starter fertilizer, manipulated manure, yard waste compost, and certain other materials). Also, beginning on December 31, 2013, it will be unlawful to offer for sale any de-icing agent containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and sidewalks, or other paved surfaces. The Board of Agriculture and Consumer Services will establish reporting requirements for contractor-applicators and licensees who apply lawn fertilizer to more than 100 acres of non-agricultural lands annually. Golf courses must implement a nutrient-management plan—reviewed by the DCRs—by July 1, 2017. The DCR is to establish a cost-share program to assist in implementation of the nutrient-management plans. The Department of Agriculture and Consumer Services is authorized to develop consumer information and recommended best practices for the application of lawn fertilizer and is required to provide a list of contractor-applicators who apply fertilizer on non-agricultural lands and have met the training requirements. The bill	Passed.

		prohibits localities from further regulating contractor-applicators who are in compliance with the fertilizer laws, golf courses that have approved nutrient management plans, and agricultural operations with a resources-management plan or a nutrient-management plan.	
27	<a href="#">HB 2047</a>	<b>Virginia Waterways Clean Up and Consumer Choice Act; paper and plastic bag fee.</b> Would have imposes a five-cent fee on non-durable paper and plastic bags (with certain exemptions). Retailers would have retained one cent (or two cents) if the retailer has a customer bag-credit program) with the rest of the revenue to be deposited in the Virginia Water Quality Improvement Fund.	Failed in House Finance.
28	<a href="#">HB 2057</a>	<b>Regulation of fertilizers.</b> Revises laws governing the manufacture and application of fertilizer, with provisions regarding labeling, permit periods, reporting by commercial fertilizer distributors, and penalties.	Passed.
29	<a href="#">HB 2058</a>	<b>Water quality reports.</b> Consolidates several reports on the progress in cleaning up Virginia's impaired waters into semi-annual and annual reports submitted by the Secretary of Natural Resources to the legislative committees of oversight.	Passed.
30	<a href="#">HB 2071</a>	<b>Stormwater utility fees: exemption for certain religious and non-profit uses.</b>	Failed in House Counties, Cities and Towns.
31	<a href="#">HB 2287</a>	<b>Non-hazardous solid waste management facilities.</b> Would have established the same fee structure for sanitary landfills, non-captive industrial landfills, and construction and demolition debris landfills, at <b>\$0.145 per ton</b> of waste deposited in their facility, to be adjusted annually based on the Consumer Price Index. Incinerators and energy recovery facilities would have been assessed an annual fee of <b>\$0.03 per ton</b> . The bill also would have required the DEQ to develop and implement policies and procedures to maximize efficiency and eliminate unnecessary delays in processing waste-permit applications and amendments. See similar SB 1007 (#118).	Failed in House ACNR.
32	<a href="#">HB 2341</a>	<b>Plastic bags; 20-cent plastic bag fee.</b>	Incorporated into HB 2047 (#27).
33	<a href="#">HB 2344</a>	<b>Cigarette butts disposal.</b> Would have imposed a civil penalty of \$100 for each cigarette butt disposed of improperly, with proceeds to be deposited in the Litter Control and Recycling Fund.	Failed in House ACNR.
34	<a href="#">HB 2348</a>	<b>Fertilizer and deicing agents; requires certain localities to regulate sale and application.</b>	Incorporated into HB 1831 (#26).
35	<a href="#">HB 2368</a>	<b>Supplemental environmental projects.</b> Authorizes the Virginia Soil and Water Conservation Board and the DCR to utilize supplemental environmental projects through court orders. The bill defines "supplemental environmental project," establishes objectives that such projects must meet, and specifies conditions for using such projects as part of a court order. The DEQ has had similar authority since 1997.	Passed.
36	<a href="#">HB 2372</a>	<b>Flashing amber warning lights.</b> Allows flashing amber warning lights on certain state vehicles performing environmental functions.	Passed.
37	<a href="#">HB 2414</a>	<b>License plates, special; issuance to supporters of the James River Park System.</b>	Incorporated into HB 1418 (#16).
38	<a href="#">HB 2463</a>	<b>Fertilizer and deicing agents; regulation of application, report.</b>	Incorporated into HB 1831 (#26).
39	<a href="#">HB 2520</a>	<b>Advisory boards, councils, and other advisory collegial bodies: elimination of certain ones.</b> Among several other provisions, the Lower James River Advisory Committee is eliminated.	Passed.
40	<a href="#">SB 875</a>	<b>Renewable portfolio standards.</b> Would have removes the	Failed in Senate ACNR.

		requirement that utilities participating in a renewable portfolio standard (RPS) program collectively use no more than 1.5 million tons of forest products each year towards meeting RPS goals.	
41	<a href="#">SB 990</a>	<b>Regulation of fertilizers.</b> Companion bill is HB 2057 (#28); please see that bill for summary.	Passed.
42	<a href="#">SB 922</a>	<b>Fertilizer; regulation of application and labeling.</b>	Incorporated into SB 1055 (#44).
43	<a href="#">SB 968</a>	<b>Endangered and threatened species programs.</b> Would have consolidated into one program the endangered plant and insect species program administered by the Virginia Department of Agriculture and Consumer Services, the Virginia Natural Area Preserve Program and Cave Protection Program administered by the DCR, and the endangered fish and wildlife program.	Failed in Senate ACNR.
44	<a href="#">SB 1055</a>	<b>Banning lawn fertilizers with phosphorus, de-icers with urea.</b> Companion is HB 1831 (#28); please see that bill for summary.	Passed.
45	<a href="#">SB 1060</a>	<b>Impoundment structures; determination of hazard potential classification, development of permit.</b> Allows the DCR director to provide financial assistance for the determination of the hazard classification for impounding structures, dam-break analysis, mapping and digitization of dam-break inundation zones, incremental-damage analysis, and other engineering requirements such as emergency action plan development. The bill authorizes, under certain circumstances, a simplified dam-break inundation-zone analysis to determine whether the impounding structure has a low hazard-potential classification.	Passed.
46	<a href="#">SB 1064</a>	<b>Erosion &amp; sediment control plans.</b> Companion is HB 1495 (#18); please see that bill for summary.	Passed.
47	<a href="#">SB 1099</a>	<b>Nonpoint nutrient offsets.</b> Establishes priorities to be used by permit issuing authorities when considering off-site phosphorous control options for stormwater permits, and provides conditions under which use of an off-site option can be granted.	Passed.
48	<a href="#">SB 1233</a>	<b>Virginia Law Officers Retirement System.</b> Adds DCR conservation officers as members of this retirement system.	Passed Senate; failed in House Appropriations.
49	<a href="#">SB 1412</a>	<b>Virginia Soil and Water Conservation Board membership.</b> Companion bill is HB 1829 (#24); please see that bill for summary.	Passed.
50	<a href="#">SB 1465</a>	<b>Lawn fertilizer; regulation of application and labeling.</b>	Incorporated into SB 1055 (#44).
51	<a href="#">SB 1471</a>	<b>Advisory boards, councils, and other advisory collegial bodies: elimination of certain ones.</b> Companion is HB 2520 (#39); please see that bill for summary.	Passed.

## ENERGY CONSERVATION AND RESOURCES

52	<a href="#">HB 1542</a>	<b>Renewable energy property and energy audit tax credits.</b> Would have granted an income tax credit (of various amounts and percentages of cost) to residences and businesses for renewable energy property (including solar panels, solar hot water, and geothermal heat pumps) and residential energy audits.	Failed in House Finance.
53	<a href="#">HB 1547</a>	<b>Income tax credit for nonprofit charitable donations for Energy Star qualified products.</b> Would have granted a tax credit to taxpayers making a donation to charitable nonprofit organizations that use the donation for Energy Star qualified products.	Failed in House Finance.
54	<a href="#">HB 1598</a>	<b>Solar energy collection devices and community associations.</b>	Failed in House

		Would have invalidated restrictive covenants adopted by a community association that prohibit solar energy devices on an owner's property.	Counties, Cities and Towns.
55	<a href="#">HB 1685</a>	<b>Agricultural net energy metering.</b> Would have made operators of agricultural net metering facilities an eligible category under the state's net energy metering program. ("Net energy metering" means measuring the difference electricity supplied to an eligible customer-generator from the electric grid and the electricity generated and fed back to the grid by the customer-generator.)	Failed in House Commerce and Labor.
56	<a href="#">HB 1686</a>	<b>Distributed solar generation demonstration programs.</b> Directs the State Corporation Commission (SCC) to consider for approval petitions filed by a utility to own and operate distributed solar generation facilities and to offer special tariffs to facilitate customer-owned distributed solar generation as alternatives to net metering.	Passed.
57	<a href="#">HB 1912</a>	<b>Electric utility rate-making procedures and renewable energy.</b> Directs the SCC, when required to approve the construction of an electric utility facility, to consider the economic and job-creation objectives of the Commonwealth Energy Policy, and to consider the extent to which the use of renewable energy resources by a utility would further the objectives of that Policy and whether the cost of such resources would result in unreasonable rate increases.	Passed.
58	<a href="#">HB 1983</a>	<b>Net energy metering program: allowable capacity.</b> Increases from 10 to 20 kilowatts the maximum capacity of an electrical generation facility of a residential customer that qualifies for participation in a net energy metering program, and provides that a customer-generator with a capacity above 10 kilowatts shall pay a monthly standby charge.	Passed.
59	<a href="#">HB 2117</a>	<b>Electric utility regulatory system.</b> Would have reinstated much of the system under which investor-owned electric utilities were regulated prior to 1999, repealed the Virginia Electric Utility Regulation Act, and reenacted provisions relating to SCC ratemaking that existed prior to 2007 legislation that re-regulated most investor-owned electric utilities.	Failed in House Commerce and Labor.
60	<a href="#">HB 2191</a>	<b>Voluntary Solar Resource Development Fund established.</b> Establishes this revolving-loan fund and requires the DMME to provide the option for electric-utility customers to make voluntary contributions. The fund will be used to make loans for eligible solar-energy projects. The measure expires July 1, 2016.	Passed House; in Senate Commerce and Labor.
61	<a href="#">HB 2308</a>	<b>Clean special fuels motor vehicle and plug-in electric motor vehicle tax credit.</b>	Failed in House Finance.
62	<a href="#">HB 2316</a>	<b>Clean Energy Manufacturing Incentive Grant Program.</b> Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program effective July 1, 2013, and the Biofuels Production Incentive Grant Program effective July 1, 2017, to create a program that provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency. To be eligible for a grant, a manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage (a wind-energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs).	Passed.
63	<a href="#">HB 2389</a>	<b>Virginia Resources Authority.</b> Adds renewable energy projects to those projects which the Authority may finance.	Passed.
64	<a href="#">HB 2446</a>	<b>Renewable energy portfolio standard program.</b> Would have provided that electric utilities would receive double credit toward meeting the goals of the renewable energy portfolio standard program	Passed House; failed in Senate Commerce and Labor.

		for energy from biomass or waste-to-energy; triple credit toward such goals for energy from sunlight (formerly double); and quadruple credit toward such goals for energy from sunlight if the facility is located in Virginia and the majority of the products used to generate the energy are manufactured or assembled in the United States.	
65	<a href="#">HB 2447</a>	<b>Renewable energy incentives.</b> Would have created various incentives for development of renewable energy facilities, including establishing a preference in energy procurement for state facilities for the use of renewable energy, setting a goal for 20 percent of the energy consumed at state facilities to be renewable energy by 2025, allowing the Department of General Services to contract for renewable energy on a negotiated basis without using a competitive procurement process, establishing a Virginia Resources Authority program under which 70 percent of the amount of loans for the capital cost of a qualifying facility may be guaranteed, and expanding the existing permit-by-rule program for small renewable energy facilities to include all renewable energy facilities, regardless of size.	Failed in House Commerce and Labor.
66	<a href="#">HB 2470</a>	<b>Carbon dioxide emissions.</b> Would have prohibited the State Air Pollution Control Board and the DEQ from restricting emissions of carbon dioxide and would have declared any federal law or regulation on carbon dioxide emissions to be without authority and of no force within the boundaries of the Commonwealth.	Failed in House Health, Welfare and Institutions.
67	<a href="#">HB 2514</a>	<b>Electric utility regulation.</b> Would have established various conditions for rate-of-return requests by investor-owned utilities.	Failed in House Commerce and Labor.
68	<a href="#">HJ 605</a>	<b>National Offshore Wind Technology Center.</b> Expresses the General Assembly's support for establishing such a center in Hampton Roads.	Passed.
69	<a href="#">HR 72</a>	<b>Greenhouse gas emission regulation.</b> Expresses the House's request that the Congress prohibit the U.S. EPA from regulating greenhouse gas emissions.	Passed House.
70	<a href="#">SB 814</a>	<b>Offshore energy resources policy.</b> Would have declared it the policy of the Commonwealth to support oil and natural gas exploration, development, and production 75 miles or more off Virginia's coast, subject to the condition that such activities not be permitted if they would adversely affect aquatic resources of the Chesapeake Bay. Currently, the Commonwealth's policy is to support these activities 50 miles or more off Virginia's coast. The measure also would have made support for commercial offshore wind facilities part of the Commonwealth's policy.	Failed in Senate Commerce and Labor.
71	<a href="#">SB 859</a>	<b>Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact <u>repealed</u>.</b>	Passed.
72	<a href="#">SB 862</a>	<b>Commonwealth Energy Policy on local renewable energy facility siting ordinances.</b> Requires that such ordinances be consistent with the Commonwealth Energy Policy and provide reasonable criteria to be addressed in the siting of any wind or solar energy facility.	Passed.
73	<a href="#">SB 883</a>	<b>Electric utility regulatory system.</b> Companion bill is HB 2117 (#59); please see that bill for summary.	Failed in Senate Commerce and Labor.
74	<a href="#">SB 975</a>	<b>Voluntary Solar Resource Development Fund established.</b> Companion bill is HB 2191 (#60); please see that bill for summary.	Passed.
75	<a href="#">SB 981</a>	<b>Renewable energy sources; tax credit for producing energy.</b> Would have established, beginning January 1, 2012 and ending July 1, 2016, a \$1-per-megawatt-hour income tax credit for electricity or thermal energy generated from renewable sources harvested or captured in Virginia.	Passed Senate; failed in House Finance.

76	<a href="#">SB 1134</a>	<b>Offshore Wind Development Authority; membership.</b> Exempts members of the U.S. Armed Forces who serve on Authority from a provision barring federal government employees from holding a state office.	Passed.
77	<a href="#">SB 1229</a>	<b>Clean Energy Manufacturing Incentive Grant Program created.</b>	Incorporated into SB 1360 (#79).
78	<a href="#">SB 1392</a>	<b>Electric utility ratemaking incentives for using Virginia coalbed methane gas.</b> Authorizes electric utilities to earn an enhanced rate of return on investments in generation facilities that are fired at least 50 percent by coalbed methane gas produced from Virginia wells. Companion bill is HB 2337 (#113).	Passed Senate; in House Commerce and Labor.
79	<a href="#">SB 1360</a>	<b>Clean Energy Manufacturing Incentive Grant Program.</b> Companion bill is HB 2316 (#62); please see that bill for summary.	Passed.
80	<a href="#">SB 1398</a>	<b>Coalbed methane gas; conflicting claims to ownership.</b> Would have established rules for resolving conflicting claims.	Failed in Senate ACNR.

## FISHERIES AND HABITAT OF TIDAL WATERS

81	<a href="#">HB 1656</a>	<b>Menhaden fishing restriction.</b> Would have prohibited fishing for Menhaden within one mile of the low mean water mark in waters adjacent to the Hampton, Newport News, Norfolk, and Virginia Beach.	Failed in House ACNR.
82	<a href="#">HB 1689</a>	<b>Pound net licenses in waters of Chesapeake Bay.</b> Would have prohibited the VMRC from issuing any additional pound net licenses for the waters of the Chesapeake Bay east of the Bay Bridge Tunnel, and prohibited current license holders from transferring the license to anyone who would set a pound net in the designated area, but allowed current license holders to fish these waters with pound nets.	Failed in House ACNR.
83	<a href="#">HB 1712</a>	<b>Fishing in interjurisdictional waters.</b> Clarifies that a person fishing in interjurisdictional inland waters is subject to the laws of the jurisdiction in which he is fishing. Companion bill is <a href="#">SB 1299</a> (not included in this table).	Passed.
84	<a href="#">HB 1724</a>	<b>Crab dredging season.</b> Authorizes the VMRC to adjust the opening or closing dates of a the Blue Crab dredge season or to close the crab dredge season for one or more years; currently the Commission may set the season for only one year at a time.	Passed House; failed in Senate ACNR.
85	<a href="#">HB 1886</a>	<b>Crabbing area.</b> Clarifies the boundaries where taking or catching Blue Crabs is prohibited.	Passed.
86	<a href="#">HB 1913</a>	<b>Menhaden fishing restriction.</b> Would have prohibited catching of Menhaden with purse nets in the Rappahannock River and its tributaries. Currently, such fishing is prohibited in the Rappahannock above and west of the R.O. Norris, Jr., Bridge (Route 3 between Lancaster County and Middlesex County).	Failed in House ACNR.
87	<a href="#">HB 1944</a>	<b>Public oyster ground closings notice.</b> Increases from five to 30 days the public notice time that the VMRC is required to give before closing a public oyster ground, except for closings by the Virginia Department of Health or for state replenishment programs.	Passed.
88	<a href="#">HB 2165</a>	<b>Menhaden fishing.</b> Would have authorized the VMRC to assess a \$10/ton fee on harvested Menhaden, with the fees to be used to evaluate the condition of the Menhaden fishery.	Failed in House Finance.
89	<a href="#">HB 2166</a>	<b>Summer flounder size limits.</b> Would have directed the VMRC to set the same size limits for summer flounder taken by <i>commercially</i> licensed hook-and-line fishermen and persons fishing <i>recreationally</i> with a hook and line.	Failed in House ACNR.

90	<a href="#">HB 2186</a>	<b>Chesapeake Bay crab meat labeling.</b> Would have required that containers of crab meat represented as Chesapeake Bay crab meat include at least 51 percent by weight crab meat from the Bay and meet VDH standards for blending and repacking of crab meat.	Failed in House ACNR.
91	<a href="#">HB 2263</a>	<b>Commercial fisheries taxation, regulatory relief, and preservation.</b> Would have provided four mechanisms for commercial fishery tax relief, regulatory relief, and preservation, including land-preservation tax credits for waterfront land, local commercial fisheries zones, a separate class of property for tax rate purposes, procedures for covenants to preserve the availability and affordability of real property for commercial fisheries businesses.	Failed in House ACNR.
92	<a href="#">HB 2280</a>	<b>Menhaden management.</b> Would have directed the VMRC to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden, required that any moratorium on the fishery be subject to legislative review, and repealed the governor's authority to implement Menhaden management measures by proclamation.	Failed in House ACNR.
93	<a href="#">HB 2369</a>	<b>Menhaden harvesting cap.</b> Would have reduced—starting January 2012—the cap on the Menhaden harvesting 20 percent annually until the harvesting were prohibited.	Failed in House ACNR.
94	<a href="#">SB 765</a>	<b>Menhaden management.</b> Companion bill is HB 2369 (#92); please see that bill for summary.	Failed in Senate ACNR.
95	<a href="#">SB 940</a>	<b>Striped Bass recognition.</b> Designates the Striped Bass as Virginia's official saltwater fish, and changes the Brook Trout from official state fish to official freshwater fish.	Passed.
96	<a href="#">SB 963</a>	<b>Aquaculture opportunity zones.</b> Removes the authority of the VMRC to establish commercial shellfish aquaculture opportunity zones in the waters off the shores of the Northern Neck, the Middle Peninsula, and Tangier Island.	Passed.
97	<a href="#">SB 964</a>	<b>Coastal resource management.</b> Requires the VMRC to establish a general permit regulation that authorizes and encourages <b>living shorelines</b> as the preferred alternative for stabilizing tidal shorelines. The Commission, in cooperation with the DCR and with technical assistance from the Virginia Institute of Marine Science (VIMS), shall also develop integrated guidance for the management of tidal shoreline systems for the regulatory entities with authority over shoreline management projects. VIMS shall also develop comprehensive coastal resource management guidance for local governments. Those localities in Tidewater Virginia must incorporate such guidance at the next scheduled review of their comprehensive plan. [ <i>Ed. Note:</i> See <a href="#">Rivers and Coast</a> , Spring 2011, from VIMS Center for Coastal Resources Management, for an article about comprehensive coastal resource management plans.]	Passed.
98	<a href="#">SB 1190</a>	<b>Aquaculture production activities and right-to-farm law.</b> Would have expanded the definitions of agricultural operation and production agriculture in the "Right to Farm Act" to include aquaculture, meaning no special exception or conditional use permit would be required for aquaculture in areas zoned for agriculture.	Passed Senate; failed in House ACNR.

## GAME, INLAND FISHERIES, AND BOATING

99	<a href="#">HB 1622</a>	<b>Reckless operation of watercraft to include such operation of paddleboards and other self-propelled watercraft.</b>	Failed in House ACNR.
100	<a href="#">HB 1629</a>	<b>Parking violations on their DGIF properties.</b> Clarifies that parking violations on DGIF properties are subject to a \$25 civil	Passed.

		penalty, not to criminal penalties.	
101	<a href="#">HB 1971</a>	<b>Acquisition of title to an abandoned vessel; changes notification procedures.</b> Changes the newspaper notification requirement—from three days to three issues—for a landowner proceeding to acquire title to a vessel abandoned on his land or in water adjacent to his land.	Passed.
102	<a href="#">HB 2176</a>	<b>Stocking or introduction of game birds, animals, and fish.</b> Requires that DGIF policies to acquire and introduce any new species of game birds, animals, or fish be implemented only with the authorization and cooperation of affected local governments.	Passed.
103	<a href="#">HB 2334</a>	<b>Fish and Wildlife Commission.</b> Would have established an eight-member Fish and Wildlife Commission to review matters referred to it by legislative committees.	Passed House ACNR; failed in House Appropriations.
104	<a href="#">HB 2370</a>	<b>Multiple-year licenses.</b> Authorizes the Board of Game and Inland Fisheries to issue multiple-year hunting, fishing, or trapping licenses or permits, with the costs of these licenses not to exceed the costs of permits or licenses purchased annually.	Passed.
105	<a href="#">HB 2423</a>	<b>Drunk boating; transfer of custody of person arrested.</b> Reinstates language allowing for arrest without warrant of a person suspected of operating a boat while intoxicating and allowing the transfer of custody to another officer who may obtain a warrant.	Passed.
106	<a href="#">SB 982</a>	<b>Endangered and threatened species.</b> Authorizes the Board of Game and Inland Fisheries to adopt regulations on the taking, possession, etc., of experimental populations of threatened or endangered species.	Passed.
107	<a href="#">SB 991</a>	<b>Acquisition of title to an abandoned vessel; changes notification procedures.</b> Companion bill is HB 1971 (#101); please see that bill for summary.	Passed.
108	<a href="#">SB 995</a>	<b>Special combined individual sportfishing licenses; boat license.</b> Creates an additional boat-license option for special combined individual sportfishing licenses (which allows licensees to fish in all the tidal waters of the Commonwealth) that enables recreational boaters to fish in the tidal waters of the Commonwealth under one combined license.	Passed.
109	<a href="#">SB 1017</a>	<b>Stocking or introduction of game birds, animals, and fish.</b> Companion bill is HB 2176 (#102); please see that bill for summary.	Passed.

## MINES AND MINING

110	<a href="#">HB 1988</a>	<b>Ownership of space opened underground by coal removal.</b> Would have provided that the owner or the lessee of coal retains the right to any coal remaining after mining as well as the shell, container chamber, passage, space and void opened underground that was created by the removal of the coal. The bill would not have affected ownership rights in natural gas or coalbed methane.	Passed House; failed in Senate ACNR.
111	<a href="#">HB 2123</a>	<b>Coal surface mining operations; National Pollutant Discharge Elimination System (NPDES) permits.</b> Clarifies that the authority to issue NPDES permits for coal surface mining has been delegated by the SWCB to the director of the DMME, and expressly gives the director the authority to determine whether a discharge may violate a water-quality standard and to decide what testing or monitoring is necessary.	Passed.
112	<a href="#">HB 2181</a>	<b>Coalbed methane gas; conflicting claims to ownership.</b>	Passed House ACNR;

		Companion bill is SB 1398 (#80); please see that bill for summary.	failed in House Courts of Justice.
113	<a href="#">HB 2237</a>	<b>Electric utility ratemaking incentives for using Virginia coalbed methane gas.</b> Companion bill is SB 1392 (#78); please see that bill for summary.	Passed.
114	<a href="#">SB 1025</a>	<b>Coal surface mining operations; National Pollutant Discharge Elimination System (NPDES) permits.</b> Companion bill is HB 2123 (#111); please see that bill for summary.	Passed.
115	<a href="#">SB 1111</a>	<b>Virginia Coal Employment and Production Incentive Tax Credit.</b> Extends from July 1, 2011, to July 1, 2016, the sunset date for the redemption or refund provision of this tax credit. Electricity generators in the Commonwealth are allowed three-dollar-per-ton credit for each ton of Virginia-mined coal used.	Passed.

## WASTE DISPOSAL

116	<a href="#">HB 1703</a>	<b>Alcoholic beverages packaging: mandating recycling at government stores.</b>	Failed in House General Laws.
117	<a href="#">HB 2268</a>	<b>Virginia Peninsula area solid waste management system authority.</b> Would have set requirements for appointing a board of directors over any solid-waste authority serving specified Virginia Peninsula localities.	Failed in House Counties, Cities and Towns.
118	<a href="#">SB 1007</a>	<b>Non-hazardous solid waste management facilities.</b> Establishes the same fee structure for sanitary landfills, non-captive industrial landfills, and construction and demolition debris landfills, at <b>\$0.115 per ton of waste</b> deposited in their facility, to be adjusted annually based on the Consumer Price Index. Incinerators and energy recovery facilities will be assessed an annual fee of <b>\$0.055 per ton.</b> The bill also requires the DEQ to continue efforts to improve its solid-waste program and submit a report to the General Assembly regarding such efforts by December 1, 2011. See similar HB 2287 (#31), which failed.	Passed.

## WATER AND SEWER SYSTEMS

119	<a href="#">HB 508</a>	<b>Sewage sludge (or biosolids) land application.</b> Would have required the SWCB to establish procedures for notifying health-sensitive individuals who live within two miles of the site where sewage sludge is going to be land-applied, and to adopt regulations that protect sensitive environmental features from the impacts of land application of sewage sludge.	Failed in House ACNR.
120	<a href="#">HB 1521</a>	<b>Water authorities, sewer authorities, etc., as political subdivisions of State.</b> Specifies that water authorities, sewer authorities, sewage-disposal authorities, stormwater-control authorities, and refuse-collection/disposal authorities are political subdivisions of the Commonwealth.	Passed.
121	<a href="#">HB 1626</a>	<b>Onsite sewage systems: voluntary upgrades.</b> Allows the owner of an onsite or alternative discharging sewage system that is not failing to obtain a construction permit to improve the system, in accordance with regulations of the Board of Health, provided such upgrade is for the purposes of reducing threats to the public health, or to ground and surface waters, including the reduction of	Passed.

		nitrogen discharges.	
122	<a href="#">HB 1739</a>	<b>Municipal separate storm sewer systems (MS4) facilities; right of entry.</b> Gives the operators of a permitted MS4 system the right of entry to inspect properties that discharge into their facilities.	Passed.
123	<a href="#">HB 1772</a>	<b>Water and sewer charges; lien on real estate in Clifton Forge.</b> Adds the Town of Clifton Forge 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, with certain conditions.	Passed.
124	<a href="#">HB 1888</a>	<b>Water and sewer charges; liens imposed by localities.</b> Would have changed the method by which localities can collect delinquent water bills from users of residential rental properties, putting localities on the same footing as water and sewer authorities.	Failed in House Counties, Cities and Towns.
125	<a href="#">HB 1969</a>	<b>Sewage disposal systems: civil summonses.</b> Would have allowed localities to use a properly licensed contractor working on behalf of the locality to issue civil summonses for certain violations related to sewage-disposal systems.	Passed House Counties, Cities and Towns; failed in House Courts of Justice.
126	<a href="#">HB 2185</a>	<b>Onsite sewage systems: submission of evaluations.</b> Would have provided that the VDH require onsite soil evaluations with every application for an onsite sewage or alternative discharging sewage system (with authority for VDH to waive the requirement for applicants below the federal poverty guidelines).	Failed in House Health, Welfare and Institutions.
127	<a href="#">HB 2260</a>	<b>Well water systems provider license: exception for licensed plumber.</b> Would have provided an exception for licensed plumbers to the requirement that well-water systems providers have a specific license as such a provider.	Failed in House General Laws.
128	<a href="#">HB 2297</a>	<b>Termination of water services: notice required.</b> Provides that a public water-service utility providing shall not terminate service for nonpayment until sending a written notice to the customer by mail 10 days in advance of making the termination, and that service cannot be terminated until 20 days after the customer's bill has become due.	Passed.
129	<a href="#">HB 2326</a>	<b>Waterworks systems: escrow.</b> Authorizes that Board of Health regulations for determining the amount of bonds or escrowed funds required of licensed water suppliers may be based on the age and condition, operation cost, and replacement cost of system infrastructure, and that the Board or a local governing body may proceed against the bond or escrowed fund upon the revocation of a waterworks operation permit.	Passed.
130	<a href="#">HB 2409</a>	<b>Water and sewer charges: local authority for liens.</b> Adds the Town of Abingdon to the list of localities that may by ordinance provide that taxes or charges for water or sewer service shall be a lien on the real estate served by such waterline or sewer system.	Passed.
131	<a href="#">HB 2425</a>	<b>Delinquent sewer and water fees and charges: notice.</b> Established several provisions related to unpaid utility fees: 1) requires that prior to recording a lien on an owner's property for a tenant's unpaid water or sewer fees, the water or sewer authority shall provide the owner with 30 days' written notification, and the owner can avoid the lien by paying the obligations; 2) if the former tenant pays the authority after the owner already has, the property owner shall be entitled to receive a refund and shall be subrogated against the former tenant in place of the authority in the amount paid by the property owner; 3) requires an authority to notify a property owner, if he so requests, of a tenant's delinquent	Passed House; in Senate Local Government.

		water bill when a tenant's water bill has become 15 days delinquent; and 4) prohibits an authority from denying service to a new tenant for unpaid charges unless a lien has been recorded against the property owner. Companion bill is SB 1216 (#136).	
132	<a href="#">HB 2492</a>	<b>Onsite sewage systems: certain owners may be exempt from requirements for operation and maintenance.</b> Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2010, with flows of less than 1,000 gallons per day, and serving a single-family dwelling occupied by the system owner shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system serving his own residence.	Failed on House floor.
133	<a href="#">SB 846</a>	<b>Water and sewer charges and taxes: local authority for liens.</b> Would have granted localities the same authority that water and sewer authorities have in placing liens against owners, lessees, or tenants of property and would have ranked the lien on parity with liens for unpaid real estate taxes.	Passed Senate; failed in House Counties, Cities and Towns.
134	<a href="#">SB 1056</a>	<b>Wastewater treatment discharge reduction.</b> Would have authorizes the SWCB, in consultation with the DEQ, to develop strategies to eliminate 50 percent of wastewater discharges from sewage-treatment facilities by July 1, 2020.	Passed Senate; failed in House ACNR.
135	<a href="#">SB 1160</a>	<b>Water &amp; sewer systems' authority to require adjacent property owners to connect.</b> Provides that an authority may require adjacent property owners to connect their buildings to the authority's system <i>upon or after</i> the acquisition or construction of the water or sewer system (current law says only "upon.")	Passed.
136	<a href="#">SB 1216</a>	<b>Delinquent sewer and water fees and charges; notice.</b> Companion bill is HB 2425 (#131); please see that bill for summary.	Passed
137	<a href="#">SB 1228</a>	<b>Water and sewer charges: lien on real estate in Clifton Forge.</b> Companion bill is HB 1772 (#123); please see that bill for summary.	Passed.
138	<a href="#">SB 1427</a>	<b>Water reuse: guidelines for grants.</b> Requires the Secretary of Natural Resources, in developing written guidelines for awarding grants from the Water Quality Improvement Fund, to develop guidelines that define criteria and financial incentives for water reuse.	Passed.
139	<a href="#">SB 1466</a>	<b>Liens; water and waste authorities required to notify property owner of those that may be placed.</b> Would have required that a property owner be informed in advance by written notice that liens may be placed on his property under certain circumstances for the unpaid charges by a tenant.	Passed Senate; failed on House floor.
140	<a href="#">SB 1475</a>	<b>Town of Leesburg differential rates for residents and non-residents.</b> Would have provided that the resident vs. non-resident percentage differential for water/sewer rates, fees, and charges imposed by the Town of Leesburg could not be increased from the percentage existing as of January 1, 2011.	Failed in Senate Local Government.

## WATERS OF THE STATE, PORTS AND HARBORS

141	<a href="#">HB 1623</a>	<b>Wetlands: no individual or general Virginia Water Protection Permit required if Corps of Engineers' permit approved.</b> Companion bill is SB 885 (#163).	Passed House ACNR; failed in House Transportation.
142	<a href="#">HB 1624</a>	<b>Powers of DEQ executive director regarding consent orders</b>	Passed House; failed in

		<b>for permit violations.</b> Would have authorized the executive director of the DEQ, when the SWCB is not in session, to enter into consent orders over violations of groundwater permits or surface water management area permits.	Senate ACNR.
143	<a href="#">HB 1635</a>	<b>Virginia ports ownership.</b> Would have required approval of the governor and the General Assembly before a change in ownership.	Failed in House Transportation.
144	<a href="#">HB 1649</a>	<b>Virginia Water Protection Permit fee exemption for Navy dredging.</b> Extends the exemption from fee requirements for a Virginia Water Protection Permit to dredging activities performed by the Navy (the Army Corps of Engineers are already exempted from such fees).	Passed.
145	<a href="#">HB 1723</a>	<b>VMRC permits for encroachment on subaqueous beds.</b> Increases from \$50,000 to \$500,000 the threshold value of projects eligible for an expedited review by the VMRC commission of a request for a permit for encroachment on subaqueous beds.	Passed.
146	<a href="#">HB 1734</a>	<b>Licensing soil scientists.</b> Requires professional soil scientists to be licensed by the Board for Professional Soil Scientists and Wetland Professionals, effective July 1, 2013, and sets out requirements for licensure (currently, soil scientists are subject to voluntary certification).	Passed.
147	<a href="#">HB 1738</a>	<b>Reporting of water withdrawals above certain levels; SWCB to impose a civil penalty for failure to report.</b> Would have authorized the SWCB to <i>require</i> the currently voluntary reporting of water withdrawals for crop irrigation exceeding in any month a total of one million gallons (for crop irrigation) or a daily average of 10,000 gallons per day (for all other uses) in any month, and to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. The revenue generated would have been deposited in a special fund used solely for DEQ water supply planning responsibilities.	Passed, but vetoed by governor, and veto sustained in House.
148	<a href="#">HB 1743</a>	<b>Nottoway River in Virginia Scenic Rivers System.</b> Extends the Scenic River-designated portion of the Nottoway River from the current 39.5 miles to 72.5 miles. The bill includes language clarifying that the designation does not preclude the state or localities from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water-supply project.	Passed.
149	<a href="#">HB 1855</a>	<b>Fish passageways for the Harvell Dam.</b> Requires the Department of Game and Inland Fisheries—prior to any breach of the Harvell Dam on the Appomattox River in Petersburg—to prepare a report on the alternatives to the proposed breach of the dam. The report is due to the House ACNR and the Senate ACNR by November 30, 2011.	Passed.
150	<a href="#">HB 1943</a>	<b>No-discharge zones.</b> Requires that criteria for establishing no-discharge zones shall be based on improvement of impaired tidal creeks, and describes actions that must be taken to ensure that there is no discharge of sewage from vessels while in a no-discharge zone.	Passed.
151	<a href="#">HB 2103</a>	<b>Aboveground storage tanks in City of Fairfax.</b> Requires the SWCB to develop standards for facilities with aboveground storage tanks located in the City of Fairfax, having an aggregate capacity of one million gallons or greater, and existing prior to January 29, 1992, to upgrade to meet (by July 1, 2021) best practices standards for new or retrofitted tanks. The bill's specifications apply to the Pickett Road Tank Farm in Fairfax.	Passed.

152	<a href="#">HB 2126</a>	<b>Wetland mitigation banks.</b> Replaces <i>Virginia Code</i> references to an outdated map used to identify mitigation banks with the more readily identifiable hydrologic unit boundaries of the National Watershed Boundary Dataset.	Passed.
153	<a href="#">HB 2137</a>	<b>Nottoway River; extends portion that is designated as a component of Virginia Scenic Rivers System.</b>	Incorporated into HB 1743 (#148).
154	<a href="#">HB 2310</a>	<b>Filled subaqueous bottomlands: conveyance of title.</b> Creates an administrative procedure that allows the VMRC to convey title to filled subaqueous bottomlands if the applicant can provide evidence that such fill was lawfully deposited; and removes the requirement that grantees compensate the Commonwealth in an amount equivalent to 25 percent of the assessed value of the specified parcel, providing instead that grantees will pay a fee reasonably related to the costs to effect the conveyance. The new procedure does not apply to subaqueous bottomlands filled by publicly funded initiative and put to a continuing public use such as beach nourishment projects and public landings. See related SB 1133 (#170).	Passed.
155	<a href="#">HB 2402</a>	<b>Interbasin water transfers.</b> Would have established a procedure—including public notice, an environmental impact statement, an evaluation of alternatives, and measures to mitigate impacts—for people seeking an interbasin transfer of waters exceeding two million gallons per day.	Failed in House ACNR.
156	<a href="#">HB 2424</a>	<b>Appomattox River in Virginia Scenic Rivers System.</b> Designates a 19.2-mile segment of the Appomattox River in Chesterfield County as a scenic river. The bill includes language clarifying that the designation does not preclude the state or localities from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water-supply project, and the owner of Harvell Dam in Petersburg may reconstruct, operate, and maintain the dam (subject to any other law or regulation).	Passed.
157	<a href="#">HB 2486</a>	<b>Impaired waters: SWCB restoration plans to be controlling.</b> Requires that plans developed by the SWCB to restore impaired waters will be controlling unless amended or withdrawn by the SWCB.	Passed.
158	<a href="#">HB 2495</a>	<b>Advanced Shipbuilding Training Facility Grant Program.</b> Revises this program to allow the Commonwealth, the eligible city, and the qualified shipbuilder to structure an agreement whereby the eligible city would receive grants, not to exceed \$42 million (subject to appropriation) for costs of building the facility, and the qualified shipbuilder—upon fulfilling performance requirements—would gain ownership of the facility at the end of the grant period. The bill also changes from June 30, 2009, to August 31, 2011, the date by which a memorandum of understanding must be reached to qualify a shipbuilder for the program.	Passed.
159	<a href="#">HB 2519</a>	<b>Virginia Water Protection Permits: agencies to submit comments within 45 days.</b> Requires that agencies (such as the DGIF, the DCR, the VMRC, the VDH, and the Department of Agriculture and Consumer Services) having an opportunity to comment on a Virginia Water Protection Permit submit such comments within 45 days or be deemed as having waived the right to comment.	Passed.
160	<a href="#">SB 778</a>	<b>Nottoway River in Virginia Scenic Rivers System.</b> Companion	Passed.

		bill is HB 1743 (#148); please see that bill for summary.	
161	<b>SB 814</b>	<b>Offshore energy resources.</b> Would have made it Commonwealth policy to support oil and natural gas exploration, development, and production 75 miles or more off Virginia's coast, rather than 50 miles offshore as the current policy states, and would have made such activities subject to the condition that they not damage the natural resources of the Chesapeake Bay. The measure also included language supporting offshore wind-energy development, acknowledged risks evidenced by the Deepwater Horizon explosion in the Gulf of Mexico, and deleted from Commonwealth policy support for including Atlantic Planning Areas in the Mineral Management Service's (now Bureau of Ocean Energy Management, Regulation, and Enforcement) draft environmental impact statement on offshore oil and natural gas exploration.	Failed in Senate Commerce and Labor.
162	<b>SB 843</b>	<b>Aboveground storage tanks in City of Fairfax.</b> Companion bill is HB 2103 (#151); please see that bill for summary.	Passed.
163	<b>SB 885</b>	<b>Wetlands: no individual or general Virginia Water Protection Permit required if Corps of Engineers' permit approved.</b> Companion bill is HB 1623 (#141).	Failed in Senate ACNR.
164	<b>SB 955</b>	<b>Craney Island Disposal Area.</b> Would have authorized the Virginia Port Authority to dispose at Craney Island material dredged from sediment remediation and wetlands mitigation sites along the Southern Branch of the Elizabeth River.	Failed in Senate ACNR.
165	<b>SB 961</b>	<b>Virginia Water Protection Permit fee exemption for Navy dredging.</b> Companion bill is HB 1649 (#144); please see that bill for summary.	Passed.
166	<b>SB 1021</b>	<b>Virginia Water Protection Permits: agencies to submit comments within 45 days.</b> Companion bill is HB 2519 (#159); please see that bill for summary.	Passed.
167	<b>SB 1100</b>	<b>Nutrient Offset Fund.</b> Creates this fund within the existing Virginia Water Quality Improvement Fund (WQIF), to be administered by the director of the DEQ for purchase of nutrient reductions under the Chesapeake Bay Watershed Nutrient Credit Exchange Program. Priority is to be given to nutrient offsets produced from facilities that generate electricity from animal waste. The nutrient offsets purchased with money from the new 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.	Passed.
168	<b>SB 1102</b>	<b>Nutrient trading: trades from certain non-point source activities not subject to a two-for-one trading ratio.</b> Exempts animal waste-to-energy or animal waste-reduction facilities from the "two-for-one" trading ratio rule of the Chesapeake Bay Watershed Nutrient Credit Exchange Program, which requires that two pounds of a nutrient be purchased for each pound to be offset when the allocation is purchased from a nonpoint source	Passed.
169	<b>SB 1119</b>	<b>Permit compliance: civil penalty limits.</b> Would have increased the limit of a civil penalty issued by a special order of the DEQ director of the Department of Environmental Quality from \$10,000 to \$10,000 for an initial violation, \$15,000 for a second violation of the same provision, or \$30,000 for a third or subsequent violation of the same provision. The DEQ would have been required to develop guidance to improve coordination between the department and local governments regarding landfills.	Passed, but vetoed by governor, and veto sustained in Senate.

170	<a href="#">SB 1133</a>	<b>Filled subaqueous bottomlands: conveyance of title.</b> Declares that lands that (i) were once or may have been state-owned bottomlands, (ii) were filled prior to July 1, 1960, and (iii) were acquired by private persons after the bottomlands were filled, are free and clear of any claimed ownership by the Commonwealth. If a person desires further assurance of title, he may request the conveyance through a special Act of Assembly using the current conveyance procedure. In choosing to obtain the conveyance through this procedure, the person seeking the conveyance would be required to pay an amount equivalent to 25 percent of the assessed value of the specified parcel. See related HB 2310 (#154).	Passed.
171	<a href="#">SB 1237</a>	<b>Groundwater withdrawal permit fees.</b> Would have increased from \$6,000 to \$12,000 the maximum amount that the SWCB can charge for a permit to withdraw groundwater from \$6,000 to \$12,000, and authorized the SWCB to set up a schedule for paying fees annually over the life of the permit.	Passed Senate; failed in House ACNR.
172	<a href="#">SB 1265</a>	<b>Licensing soil scientists.</b> Companion bill is HB 1734 (#146); please see that bill for summary.	Passed.
173	<a href="#">SB 1441</a>	<b>Impaired waters: SWCB restoration plans to be controlling.</b> Companion bill is HB 2486 (#157); please see that bill for summary.	Passed.
174	<a href="#">SB 1456</a>	<b>Safety certifications for dams.</b> Requires dam owners who submit annual safety-compliance certifications to do so each year by January 15. At each meeting of the Soil and Water Conservation Board, the director of the DCR shall identify those impounding structures that are currently classified as “high hazard” and determined to be noncompliant.	Passed.

## FROM MISCELLANEOUS CATEGORIES

175	<a href="#">HB 1412</a>	<b>Vehicles damaged by water</b> ( <i>Motor Vehicles category</i> ). Increases from \$1,000 to \$3,500 the threshold for reporting water damage and requires insurance companies to report payment of such a claim to the Department of Motor Vehicles.	Passed.
176	<a href="#">HB 1522</a>	<b>Water and waste authorities; eminent domain powers</b> ( <i>Eminent Domain category</i> ). Amends current law so that water and waste authorities may exercise eminent domain as set out in Chapter 2 (§ 25.1-200 et seq.) or Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 of the <i>Code of Virginia</i> , rather than with the same authority as is vested in the Commonwealth Transportation Commissioner.	Passed.
177	<a href="#">HB 2173</a>	<b>Drinking water community confidence reports; publication options for systems under 10,000 customers</b> ( <i>Health category</i> ). Requires the Board of Health to include in its regulations governing waterworks, water supplies, and pure water a process for granting a waiver to waterworks serving fewer than 10,000 people of the requirement to mail to each customer a copy of its annual Consumer Confidence Report [required by the federal Safe Drinking Water Act]. The bill allows notification of the existence of the consumer confidence report through a notice in a newspaper of general circulation or by other means as the Board may deem appropriate. Companion bill is <a href="#">SB 1024</a> (not included in table).	Passed.
178	<a href="#">HB 2399</a>	<b>Snow and ice removal from vehicles.</b> ( <i>Motor vehicles category</i> ).	Failed in House Transportation.
179	<a href="#">HB 2503</a>	<b>Governor's Transportation Regulatory Review Commission</b>	Failed in House Rules.

		( <i>Transportation category</i> ). Would have created this advisory commission to review regulations annually and identify those regulations that may impede the construction or maintenance of any state or local transportation project.	
180	<a href="#">HB 2516</a>	<b>Agricultural best management practices tax credit</b> ( <i>Agriculture, Horticulture, and Food category</i> ). Would have made several changes to the <i>Virginia Code</i> section (58.1-339.3) governing this tax credit.	Failed in House Finance.
181	<a href="#">HJ 693</a>	<b>Constitutional amendment on taking of private property for public use (first reference)</b> ( <i>Eminent Domain category</i> ). Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged; removes General Assembly authority to define public use; provides that private property can be taken or damaged only for a public use, only with just compensation (which is defined) to the owner, and only so much taken as is necessary for the public use; states that public service companies, public service corporations, or railroads exercise eminent domain for public use the action is for authorized provision of utility, common carrier, or railroad services; states that in all other cases, a taking or damaging of private property is <i>not</i> for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property; states that the condemnor bears the burden of proving that the use is public, without a presumption that it is.	Passed.
182	<a href="#">SB 894</a>	<b>Transportation Board; repeals Va. Code section authorizing Board cooperation with persons establishing certain marine museums</b> ( <i>Highways, Bridges, and Ferries category</i> ).	Passed.
183	<a href="#">SB 1436</a>	<b>Eminent domain procedures</b> ( <i>Eminent Domain category</i> ). Provides that if a condemnor is required to provide an appraisal to the owner of property sought to be condemned, the condemnor must provide copies of all appraisals that the condemnor obtained prior to making an offer to acquire or initiating negotiations for the property; and changes the procedure for offering to sell condemned property back to the former owner to clarify when such an offer is required and how such an offer is communicated. The bill identifies entities to which the bill does not apply. Companion bill is <a href="#">HB 2161</a> (not included in table).	Passed.

## Some 2011 General Assembly Issues and Bills Covered by News Media

### **Biosolids**

- a) HB 508 - Notification of land-application to health-sensitive individuals - FAILED.

### **Chesapeake Bay Fisheries**

- a) HB 2186 - Labeling requirement for Bay crab meat - FAILED.
- b) HB 1724 - Blue Crab winter dredging season - FAILED.

### **Climate Change**

- a) HR 72 - Requesting Congress prohibit EPA from regulating greenhouse gas emissions - PASSED HOUSE.

### **Fish/Fisheries**

- a) SB 940 - Striped Bass as state saltwater fish and Brook Trout as state freshwater fish - PASSED.
- b) SB 963 - VMRC authority to establish aquaculture opportunity zones - PASSED.
- c) SB 1190 - Applying Virginia right-to-farm protections to aquaculture - FAILED.

### **Groundwater**

- a) HB 2103/SB 843 - Construction standards at Fairfax' Picket Road Tank Farm - PASSED.

### **Land Use/Nutrient Management**

- a) HB 1831/SB 1055 - Banning lawn fertilizers containing phosphorus and de-icers containing urea - PASSED.
- b) HB 2057/SB 990 - Fertilizer regulation - PASSED.
- c) HB 1830 - Farm resource-management plans and effect on Total Maximum Daily Loads (TMDL) - PASSED.

### **Menhaden Fishery Management**

- a) HB 2280/SB 765 - Transferring Menhaden management from General Assembly to VMRC – FAILED.
- b) HB 2369 - Regarding the cap on Chesapeake Bay Menhaden harvesting – FAILED.
- c) HB 1656 - Menhaden harvesting nears shorelines in Hampton Roads - FAILED.
- d) HB 1913 - Purse-seine harvesting of Menhaden in the Rappahannock River and tributaries - FAILED.
- e) HB 2165 - \$10-per-ton fee on Menhaden caught in Virginia waters – FAILED.

### **Waste Management: Plastic Bags**

- a) HB 1498 - Ban on non-durable plastic bags by retailers - FAILED.
- b) HB 2047 - Five-cent fee on paper and plastic bags - FAILED.
- c) HB 2341 - Twenty-cent fee on plastic bags - INCORPORATED into HB 2047.

### **Wetlands**

- a) HB 1623/SB 885 - Va. Water Protection permits and Corps of Engineers wetlands permits - FAILED.
- b) HB 2310 and SB 1133 - Conveyance of state bottomlands - PASSED.

### **Miscellaneous**

- a) HB 2399 - Snow and ice removal from cars - FAILED.
- c) SB 1119 - Increasing limit on civil fines by DEQ – PASSED but VETOED by governor.

### **Sources (each issue was mentioned by at least one source)**

Associated Press; *Baltimore Sun*; *Bay Daily* [Chesapeake Bay Foundation blog]; *Charlottesville Daily Progress*; *Daily Press* [Hampton Roads area]; *Fairfax Connection*; *Fredericksburg Free Lance-Star*; *Powhatan Today*; *Richmond Progressive Examiner*; *Richmond Times-Dispatch*; *Roanoke Times*; *Staunton News-Leader*; *Virginian-Pilot*; *Washington Post*; WDBJ-TV (Roanoke); WJZ-TV (Baltimore, Md.); WRIC-TV (Richmond).