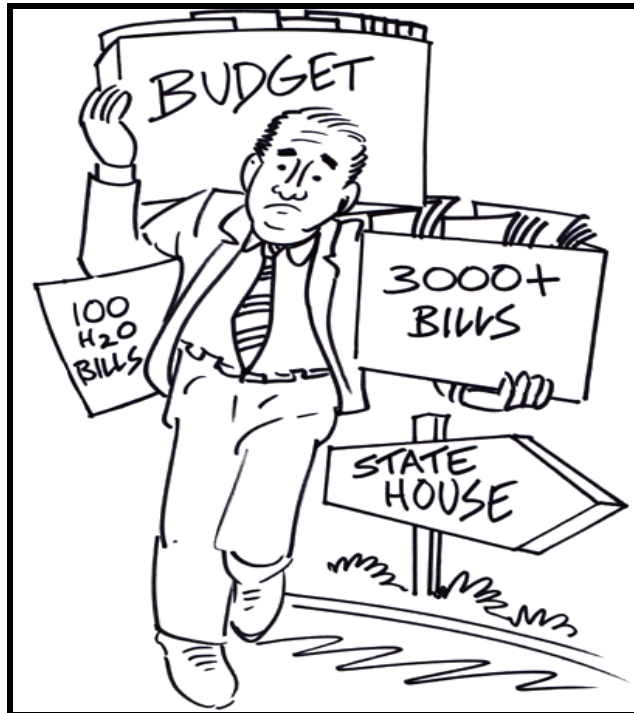


Virginia Water¹ Central

Virginia Water Resources Research Center Blacksburg, Virginia March 2003 (No. 25)

FEATURE ARTICLE

Water in the 2003 Virginia General Assembly



The 2003 Virginia General Assembly convened on January 8 and adjourned on February 22, with a reconvened (“veto”) session on April 2. The legislature considered **3277 measures; 1585 passed** and **1692 failed**. The legislature also considered amendments to the Fiscal Years 2003/2004 biennial budget that had been adopted in the 2002 session.

This article lists 99 measures related to water resources or to land resources with a potential impact on water. The list comes from the Legislative Information Service (LIS) Web-site, at <http://leg1.state.va.us/031/lis.htm>. The bill summaries below were taken directly from LIS, with some editing for space, clarity, or emphasis. Please note that the bill numbers in this file are NOT hyperlinked. To access more information about any bill, please visit the LIS Web site.

Bills that passed are listed first, followed by bills that failed. In each group, 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. The consecutive numbers (1–99) are for convenience within this article and have no *legislative* significance.

The listed bills were found by searching for water-related legislation in nine LIS categories: 1) Conservation; 2) Drainage, Soil Conservation, Sanitation, and Public Facilities Districts; 3) Fisheries and Habitat of Tidal Waters; 4) Game, Inland Fisheries and Boating; 5) Health; 6) Mines and Mining; 7) Waste Disposal; 8) Water and Sewer Systems; and 9) Waters of the State, Ports and Harbors. Pages 10–12 list this year’s bills according to these LIS categories (without summaries).

PASSED

1. **BUDGET BILLS—HB 1400/SB 700:** Appropriation of the public revenue for the two years ending respectively, on the thirtieth day of June, 2003, and the thirtieth day of June, 2004. For access to the text of these bills and of their amendments, go on-line to leg2.state.va.us/MoneyWeb.NSF/sb2003.
2. **HB 1451 Staunton State Scenic River:** Extends the segment of the Staunton River that is designated a state scenic river from 40.5 river miles to 51.3 river miles.
3. **HB 1459 Erosion and Sediment Control; requirements for plan approval:** Changes the requirement to provide the name of an individual holding a certificate of competence *prior to approval* of erosion and sediment control plans to requiring instead that the name of such certificate holder must be provided *prior to actual land-disturbance*.
4. **HB 1476 Rudee Inlet Authority:** Repeals the 1960 Act of Assembly that created the authority, whose duties have been taken over by the Virginia Beach Erosion Committee and the Beaches and Waterways Commission.
5. **HB 1481 Waterfowl sanctuaries and blinds:** Repeals a number of Acts of Assembly that provide for the establishment of waterfowl sanctuaries in various localities, including the Act prohibiting hunting from floating blinds in five Tidewater counties and in several segments of the Rappahannock and Potomac rivers, and the Act that establishes wildlife sanctuaries in areas of what is now Virginia Beach (no longer needed because Virginia Beach has adopted an ordinance that prevents hunting in these areas).
6. **HB 1504 Harvesting of oysters from private oyster beds:** Allows the Virginia Marine Resources Commission to grant a special exemption to allow harvesting of oysters from private oyster beds one hour prior to sunrise from June 15 to September 1, with 24 hours notice.
7. **HB 1505 Emergency water supply permit:** Authorizes the State Water Control Board (SWCB) to issue an emergency Virginia Water Protection Permit to an applicant seeking to develop an additional source of water supply, if the Board finds that there is an insufficient drinking water supply for an area served by a public water system. (A proposed activity that will affect a water resource may receive a Water Protection Permit if the SWCB determines that the proposed activity is consistent with the Clean Water Act and state law in protecting instream beneficial uses.¹)
8. **HB 1525 Waterway "pass-through" zones; local ordinances; penalties:** Allows localities, after notifying the Department of Game and Inland Fisheries, to enact ordinances establishing "pass-through" zones where watercraft traffic congestion routinely poses a significant safety risk. The ordinance must require watercraft operators to maintain reasonable and safe speeds and must prohibit them from anchoring, loitering, or engaging in recreational activities while in such a zone.
9. **HB 1526 Personal watercraft; local ordinances; penalty:** Allows the city of Virginia Beach (defined by population bracket) to enact ordinances establishing minimum distances from the shoreline beyond which personal watercraft may be operated in excess of the slowest possible speed required to maintain steerage and headway (but must be at least 100 feet from the shoreline and 200 feet from swimmers in ocean waters).
10. **HB 1532 Landfill siting:** Allows Halifax County to site a landfill closer than five miles up-gradient from a water source, if the director of the Department of Environmental Quality determines that such distance would not be detrimental to human health and the environment. Currently, only Mecklenburg has an exemption that allows it to construct a landfill closer than the statewide five-mile up-gradient separation requirement.
11. **HB 1627 Virginia Scenic River Board:** Creates the Virginia Scenic River Board, eliminates the Virginia Scenic River Advisory Boards, corrects a mileage error related to the Staunton State Scenic River, designates the Historic Lower James River as a state scenic river, codifies the St. Mary's River as a river segment worthy of designation, and requires a report by the Department of Conservation and Recreation in 2009 to evaluate the effectiveness of the new state board. This bill incorporated a related proposed measure, **HB 1970** (same title).
12. **HB 1661 Private piers:** Establishes size specifications for exemptions from the requirement by the Virginia Marine Resources Commission for a permit for private piers.

¹ See *Virginia Code*, § 62.1-44.15:5, "Virginia Water Protection Permit."

13. **HB 1671 Virginia Envirothon Program:** Authorizes Soil and Water Conservation Districts to coordinate and implement the Virginia Envirothon, a resource-conservation program for high school students.
14. **HB 1748 Virginia Water Facilities Revolving Fund; brownfields remediation:** Clarifies the intent of the Brownfields Restoration and Land Renewal Act of 2002 to allow the State Water Control Board to extend loans from the Water Facilities Revolving Fund to localities, public authorities, partnerships, or corporations for brownfield-remediation activities. A brownfield is real property for which expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance.
15. **HB 1875 Virginia Soil and Water Conservation Board:** Reduces the total membership of the Board from 12 to 10 members, eliminates *ex-officio* voting members except for the director of the Department of Conservation and Recreation, and adds two members appointed by the governor from the Commonwealth at-large.
16. **HB 1876 Water and sewer charges:** Adds the City of Roanoke to localities that may provide that taxes or charges imposed for a waterline or sewer, or the use thereof, within or outside the locality shall be a lien on the real estate served by such waterline or sewer.
17. **HB 1953 Creation of the Low Impact Development Assessment Task Force:** Requires the director of the Department of Environmental Quality to appoint a Low Impact Development Assessment Task Force to (i) develop a certification process for low-impact development techniques in achieving quantifiable pollution prevention or abatement results, (ii) develop other guidance for local governments and the general public as necessary to promote a more complete understanding of the most effective use of low-impact development techniques, (iii) recommend changes to existing statutes and regulations to facilitate the use of low-impact development techniques, and (iv) develop a model ordinance for use by local governments.
18. **HB 1972 Health; water quality analysis:** Adds Warren and Goochland counties to the localities that may establish testing requirements for compliance with state drinking-water quality standards pursuant to the state regulation (12-VAC-5-630) for building-permit applicants who propose to use private groundwater wells.
19. **HB 1992 Fees for solid waste disposal:** Restates a population bracket, originally intended to apply to Accomack County, based on the 2000 U.S. Census. The existing language authorizes certain counties to impose fees related to the disposal of solid waste. Accomack County is also granted additional authority related to charging and collecting the fee, such as fee prorating, late penalties, and discounts.
20. **HB 2156 Water supply fund:** Authorizes the Virginia Board of Health to enter into an agreement with the State Water Control Board to manage certain aspects of this fund, such as reviewing financial assistance applications and project bid documents, monitoring projects, and ensuring compliance with environmental review.
21. **HB 2236 Water quality reports:** Requires the Department of Conservation and Recreation to submit its report on the impacts of nonpoint source pollution on water quality to the Department of Environmental Quality for inclusion in the state water-quality report submitted to the U.S. Environmental Protection Agency.
22. **HB 2239 Haul seine nets:** Changes the definition of a haul seine net. The current definition is ambiguous, has resulted in confusion in the proper setting and use of the gear, and has forced haul seiners to work in shallow waters where submerged aquatic vegetation (SAV) beds are located. Changing the definition will allow the Marine Resources Commission to prepare a management plan that recognizes a more appropriate use of the gear, which will minimize the impact of the net on the SAV beds.
23. **HB 2314 Erosion and Sediment Control Law:** Clarifies that shoreline-erosion control projects involving land-disturbing activities in tidal waters under the regulatory authority of local wetlands boards, the Virginia Marine Resources Commission, and the U.S. Army Corps of Engineers are *not* subject to the Virginia Erosion and Sediment Control Law.
24. **HB 2376 Cathode ray tube recycling program:** Requires the Virginia Waste Management Board to adopt regulations to encourage cathode ray tube and electronics recycling. The bill also authorizes a locality to prohibit disposal of cathode ray tubes in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all cathode ray tubes generated within the jurisdiction. This bill incorporated a related measure, **HB 2375, Electronic Equipment Recycling Program.**

25. **HB 2393 Department of Conservation and Recreation Board consolidation:** Creates special funds, reorganizes the Board of Conservation and Recreation as a policy board, and merges both the Board on Conservation and Development of Public Beaches and the State Park Foundation into the Board of Conservation and Recreation.
26. **HB 2396 Virginia Outdoors Foundation's; regional open-space preservation:** Eliminates the Outdoors Foundation's regional open-space preservation advisory boards and recommends a broad geographical representation for the members of the Foundation's board of trustees.
27. **HB 2434 Silvicultural Activities; best management practices:** Provides that a notice, special order, or emergency special order issued by the State Forester regarding the conduct of silvicultural activities shall remain in effect until the State Forester determines that the corrective measures specified therein have been implemented.
28. **HB 2436 Invasive Species Council established:** Establishes the nine-member Invasive Species Council, composed of executive branch agency heads and chaired by the secretary of Natural Resources, to provide leadership regarding prevention and control of invasive species and guide preparation of an invasive species management plan. There is 2006 "sunset" on the Council.
29. **HB 2602 Construction and operation of treatment works:** Gives the State Water Control Board and the Department of Environmental Quality *sole* authority to regulate the construction and operation of sewage treatment plants, including the review and approval of the plans and specifications for such facilities (removing the Board of Health from joint responsibility for issuing certificates to construct and operate facilities).
30. **HB 2631 Soil and Water Conservation District Boards:** Specifies that *vacant* director positions in soil and water conservation districts will *not* be considered for constituting a quorum for board business.
31. **HB 2702 Mandatory connection to water and sewage systems in certain counties:** Adds Wythe County to the localities that may require mandatory connection to their water and sewage systems by certain owners of property potentially served by such systems, but that may *not* charge a non-user fee.
32. **HB 2726 Property tax; certified pollution control equipment and facilities:** Adds to the definition of certified pollution-control equipment and facilities—for property tax classification purposes—any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, or fuel.
33. **HB 2742 Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center:** Extends to June 30, 2008, the period that operations grants for activities of this Center may be awarded (from the current deadline of June 30, 2006).
34. **HB 2752 Nonindigenous Aquatic Nuisance Species Act:** Creates the Nonindigenous Aquatic Nuisance Species Act within the Department of Game and Inland Fisheries; declares the Zebra Mussel, the Quagga Mussel, and Northern Snakehead fish as nonindigenous aquatic nuisance species; authorizes the Board of Game and Inland Fisheries to declare other nonindigenous aquatic nuisance species if it finds that the presence of such nonindigenous aquatic species in state waters poses or is likely to pose a significant threat of harm; makes it illegal to knowingly import, possess, transport, sell, purchase, give, receive, or introduce into state waters, any nonindigenous aquatic nuisance species without a permit from the director (which permits require satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into state waters); and sets penalties for violation up to \$25,000 plus liability for the costs of investigation, control, and eradication incurred by any state agency or local government of the Commonwealth as a result of such unlawful conduct. This bill incorporated a related proposed measure, **HB 2814** (same title).
35. **HB 2789 Trichloroethylene prohibited; penalty:** Adds trichloroethylene (TCE) to the list of hazardous household chemicals identified by the Department of Environmental Quality and prohibits the use or sale of any household product containing TCE as of January 1, 2004, with violation a Class 3 misdemeanor.
36. **HJ 550 Commending the United States Coast Guard Auxiliary:** The General Assembly commends the United States Coast Guard Auxiliary for 63 years of meritorious service to the people of Virginia.
37. **HJ 633 Study; collection of rents and royalties:** Directs the Virginia delegation to the Chesapeake Bay Commission to study the collection of rents and royalties for the use of state-owned bottomlands. The delegation is to examine (i) the current moratorium on the collection of rents and royalties, (ii) establishment of a regulatory framework for use of state waters and bottomlands, and (iii) proposals by the Institute of Marine Science regarding shallow-water management.

- 38. SB 726 Sale of hunting and fishing licenses:** Relieves a clerk of a circuit court from the responsibility of selling hunting and fishing licenses, if the Board of Game and Inland Fisheries has designated an agent to sell hunting and fishing licenses in the county or city in which the clerk is located.
- 39. SB 766 Virginia Outdoors Foundation's regional open-space preservation advisory boards:** Identical to **HB 2396**, # 26 above, which also passed.
- 40. SB 786 Admittance, parking and use at Department-owned facilities; penalty:** Allows the Department of Game and Inland Fisheries to establish admittance, parking, or other use fees at department-owned facilities. Any person holding a valid hunting, trapping, or fishing permit, or a current certificate of boat registration issued by the department does not have to pay these fees.
- 41. SB 896 Confined animal feeding operations:** Authorizes the State Water Control Board to promulgate regulations requiring Virginia Pollutant Discharge Elimination System (VPDES) permits for confined animal feeding operation to the extent necessary to comply with Section 402 of the federal Clean Water Act. Certain confined animal feeding operations will be covered under VPDES permits as opposed to a general Virginia Pollutant Abatement permit. The bill also requires the State Water Control Board to impanel an advisory group.
- 42. SB 913 Erosion and sediment control law; certificate of competence:** Grants erosion and sediment control plan-approving authorities the option to waive the requirement for a certificate of competence (for land-disturbing activity) for agreements in lieu of a plan. An agreement in lieu of a plan is a contract between the plan-approving authority and the landowner, used for ensuring proper implementation of conservation measures during construction of a single-family residence. Currently, all plan-approving authorities must require that the name of an individual, who holds a certificate of competence and who will be in charge of and responsible for carrying out the land-disturbing activity, be provided both on erosion and sediment control plans and on agreements in lieu of a plan.
- 43. SB 914 Department of Conservation and Recreation Board consolidation:** Identical to **HB 2393**, # 25 above, which also passed.
- 44. SB 965 Waste tire piles and tire tax:** Strengthens the Department of Environmental Quality's ability to clean up the 339 remaining tire piles throughout the state; authorizes and specifies conditions for the establishment of tire convenience centers as collection points for temporary storage of tires; establishes a strict liability standard for damages incurred by neighboring property owners and other third parties when a tire pile burns, applicable in the case of an un-permitted tire piles of more than 100 tires (currently, strict liability applies when there are more than 50,000 tires); grants the department the authority to enter property and remove a tire pile if the owner refuses an order to remove the tires; grants the department the right to obtain a lien against the property for the amount expended from the Waste Tire Fund to clean up the tire pile; and over three years increases the new-tire fee from \$.50 per new tire sold to \$1.00 per tire, with the extra revenue generated to be used solely for removing tire piles.
- 45. SB 966 Certain private waterworks; appointment of receiver:** Grants the Commissioner of Health the authority, in addition to the other civil and criminal penalties and injunctive or other relief, to petition the circuit court for the jurisdiction in which any private waterworks is located for the appointment of a receiver, if the Commissioner finds that the waterworks is unable or unwilling to provide adequate and safe service for any of several reasons stipulated by the bill. The bill also stipulates the petition process, the powers and duties of the receiver, and court options following receipt of a petition.
- 46. SB 1013 Conservation of trees during localities' development:** Amends current provisions that allow localities to provide by ordinance for the planting and replacement of trees during the development process.
- 47. SB 1051 Virginia Water Facilities Revolving Fund:** Allows the State Water Control Board to make loans from the Virginia Water Facilities Revolving Fund to local governments or "holders" for purchasing or acquiring an interest in real property. The Board must consult with the Department of Conservation and Recreation to verify that the purchase protects or improves water quality; prevents water pollution; and protects natural or open-space values of the property, or assures its availability for agricultural, forestal, recreational, or open-space use.
- 48. SB 1053 Conservation easements; requirements to be a holder:** Allows organizations that have been in existence for at least five years and are registered and in good standing with the State Corporation Commission to be sole holders of conservation easements if they also meet the other existing

criteria (prior to this law, such entities could only *co-hold* conservation easements and the *principal office* of a sole holder of a conservation easement had to have been in the state for five years).

- 49. SB 1075 Fees for solid waste disposal:** Pertaining to Accomack County, this bill is identical to **HB 1992**, # 19 above, which also passed.
- 50. SB 1088 Land application of sewage sludge; requirements and regulations:** Amends current law regarding land-application of sewage sludge, also called “biosolids.” Its provisions include the following: establishes standard complaint and investigation procedures, including the maintenance of a searchable electronic database of complaints by the Virginia Department of Health (VDH); requires nutrient-management plans by certified persons for all land application sites, regardless of the frequency of application, a change from the current regulations covering sites where biosolids are applied more than once every three years; requires Department of Conservation and Recreation approval of certain nutrient-management plans; allows VDH to incorporate into the permit reasonable site-specific special conditions to protect the environment or persons residing in the vicinity of the proposed application site; requires permit holders to provide VDH with evidence of financial responsibility that will be available to pay claims for cleanup costs, personal injury, and property damage; creates a land-application certification program to be established by VDH, under which a certified land applicator must be on location at all times during the application process; grants to localities that have adopted an ordinance for testing and monitoring biosolids the authority to order abatement of land-application activity for violations of relevant laws and regulations; and requests that VDH review certain reports of the National Research Council and the U.S. Environmental Protection Agency, report its findings to the Virginia Board of Health by June 30, 2004, and, if requested by the Board, initiate rulemaking proceedings by September 1, 2004. A related measure, **HB 2083 Sewage sludge**, failed (see # 73 below).
- 51. SB 1094 Small Water or Sewer Public Utility Act rate increases:** Requires a small water or sewer utility that implements a rate increase of 50 percent or more to file financial data with the State Corporation Commission. If a hearing is ordered on the increase, the Commission shall expedite the hearing and the funds produced by the increase shall be held in escrow until the Commission has rendered its decision.
- 52. SB 1137 Transporting wastes on state waters:** Eliminates the stacking limitation for containers on barges and the prohibition on transporting waste on the Rappahannock, James, and York rivers. This bill broadens the Waste Management Board's authority to establish a waste barging fee to fund not only administration and enforcement costs but also activities for abating pollution caused by barging of waste, improving water quality, or other environmental improvement purposes.
- 53. SB 1168 Mandatory connection to water and sewage systems in certain counties:** Adds Bland County to the counties that may require mandatory connection to their water and sewage systems by owners of property that may be served by such systems.
- 54. SB 1186 State water-safety zones and restricted areas; penalty:** Allows the Virginia Marine Resources Commission, after consultation with the U.S. Coast Guard and U.S. Corps of Engineers, to establish by regulation state water-safety zones or restricted areas in tidal waters wherein public access shall be restricted or prohibited in the interest of public safety. These regulations will be exempted from the Administrative Process Act and enforced by the Virginia Marine Police. In times of official state or national emergency, the governor is authorized to adjust the boundaries of safety zones or restricted areas by executive order.
- 55. SB 1193 Regulation of stormwater:** Allows localities to provide full or partial waivers of storm drainage and facilities fees to any person who develops, redevelops, or retrofits outfalls, discharges, or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Prior to this bill, such waivers were available only to persons holding permits from the Department of Environmental Quality for complete private maintenance of stormwater facilities. This bill is intended to provide more flexibility to localities in encouraging development that reduces stormwater drainage in instances not currently subject to state permitting requirements.
- 56. SB 1221 Water-supply planning:** Requires the State Water Control Board, in consultation with the State Health Commissioner, local governments, public service authorities, and other interested parties, to establish a comprehensive water-supply planning process for the development of local, regional, and state water-supply plans. The planning process is to ensure adequate and safe drinking water, encourage and protect all beneficial uses, and develop and promote incentives for alternative water sources. A citizens' technical advisory committee is to continue to advise the Department of

Environmental Quality and the Department of Health regarding changes needed in state water-resources policies and programs. By December 1, 2003, the Board is to prepare a preliminary state plan and proposed criteria for development of the local and regional plans. This bill incorporated two other measures, **SB 1245** and **SB 1259**. A related bill, **SB 2401, Comprehensive water-supply plan, # 80** below, failed.

- 57. SB 1275 Division of Consolidated Laboratory Services; environmental laboratory:** Authorizes the Director of the Division of Consolidated Labs to provide variances to environmental labs conducting any tests, analyses, measurements, or monitoring required pursuant to the Virginia Waste Management Act (*Virginia Code* Section 10.1-1400 *et seq.*), or the State Water Control Law (*Virginia Code* Section 62.1-44.2 *et seq.*), if the variance meets the goals of applicable state law and does not conflict with federal or state law or regulations.
- 58. SB 1307 State Corporation Commission regulation of sewer utilities:** Limits the State Corporation Commission's jurisdiction to regulate the rates, terms, and conditions of sewage treatment services that are provided by certain public utilities under the terms of a franchise agreement between such a public utility and a Virginia municipality.
- 59. SJ 381 Study; desalinization:** Requests the Virginia Water Resources Research Center to study desalinization as part of a strategy to meet Virginia's drinking-water needs. The study will examine costs and benefits of the technology and whether it would be a cost-effective option for localities located near the ocean or a brackish water source.
- 60. SJ 424 Nitrogen reduction in the Chesapeake Bay:** Urges Congress to adopt legislation in support of funding for nitrogen reduction technology. The Commonwealth is a signatory to the Chesapeake 2000 Agreement, in which Virginia pledges to reduce nitrogen to levels sufficient to remove the Chesapeake Bay from the state's list of impaired waters by 2010.

FAILED

- 61. HB 1442 Virginia Conservation Easement Act; requirements for easement holders:** Would have decreased, from five years to three, the time that a prospective holder must have had a principal office in the Commonwealth before holding a conservation easement *without* a co-holder.
- 62. HB 1463 Economic development; Virginia Maritime Investment Act:** Would have established a grant program to be paid (subject to appropriation) from the Maritime Investment Partnership Grant Fund, to eligible ship-repair companies making a capital investment of at least \$50,000.
- 63. HB 1490 Fishing Class II guide license:** Would have created a fishing Class II guide license for owners of recreational headboats or charterboats, and included fees and other requirements for obtaining such a license. An identical bill passed in 2002 but contained a reenactment clause for the 2003 General Assembly in order for the bill to take effect.
- 64. HB 1591 Onsite sewage evaluations and septic system permits:** Would have provided that, when a field analysis is necessary to protect the public health and integrity of the Commonwealth's environment, the Department of Health must conduct the field analysis prior to issuing a letter, permit, or approval; plus other related provisions.
- 65. HB 1660 Personal flotation devices required for children; civil penalty:** Would have required all children under the age of seven to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vehicles under 21 feet, with the operator subject to a fine up to \$250.
- 66. HB 1711 Watercraft and aircraft sales and use tax rate increase:** Would have increased, from two to three percent, the sales and use tax rate on watercraft and aircraft.
- 67. HB 1809 Landfill permit exemption:** Would have exempted, from having to obtain a landfill permit to store the wood waste byproduct, wood- and timber-processing facilities that are in compliance with all state and federal stormwater laws and regulations and those that have implemented a stormwater pollution-prevention plan.
- 68. HB 1883 Deed recordation fee for open-space preservation:** Would have imposed a one-dollar fee on every deed admitted to record as of July 1, 2003, and required the Comptroller to distribute the revenue from such collected fees to the Virginia Outdoors Foundation for the purposes of promoting the preservation natural, scenic, historic, scientific, open-space, and recreational areas.
- 69. HB 1963 Solid waste landfills; permit requirements:** Would have exempted public service authority-owned or -operated landfills from the permit requirements of (i) local government certification of consistency with all applicable ordinances, and (ii) local government host-agreement certification

when permit applications are for new or expanded solid waste landfills on property contiguous to existing permitted landfills.

70. **HB 1973 Health; location and testing of water:** Would have added Warren County to those localities that may adopt standards for location and testing of water from private wells that are consistent with the Board of Health, and standards for construction and abandonment that are more stringent than those adopted by the Board.
71. **HB 1996 Recreational boat freshwater fishing license:** Would have established a recreational boat freshwater fishing license (\$50 per year per boat) that would cover the license holder and resident passengers while fishing from such boat, in lieu of the other fishing license requirements.
72. **HB 2055 Suspension of water and sewer connections:** Would have allowed a locality or a water and wastewater authority to suspend connections to its water and sewer systems during periods when mandatory water-conservation measures have been imposed by the locality or the Commonwealth in the area of the connection.
73. **HB 2083 Sewage sludge:** Would have authorized localities to adopt an ordinance requiring land-applied sewage sludge to contain between 1,001 and 50,000 fecal coliform counts per gram of dry weight. A related measure, **SB 1088 Land application of sewage sludge, # 50** above, passed.
74. **HB 2114 Concealed Weapons Permits; retired Virginia Marine Police officers:** This bill was incorporated into **HB 2798**, a broader concealed-weapons bill, which failed.
75. **HB 2119 Criminal history record for public water supply employees:** Would have allowed localities to require criminal-history information on public water supply employees hired after September 11, 2001.
76. **HB 2129 Mandatory connection to water and sewage systems in certain counties:** Would have added Montgomery County to the counties that may require mandatory connection to water and sewage systems by owners of property potentially served by such systems.
77. **HB 2154 Virginia Department of Game and Marine Resources; established:** Would have combined the Department of Game and Inland Fisheries and the Virginia Marine Resources Commission to form the Virginia Department of Game and Marine Resources.
78. **HB 2163 Local coal and gas severance tax; Dickenson County:** Would have allowed Dickenson County to use *for any purpose* up to \$1 million per year from the one-percent severance tax on coal and gas. Under current law all such revenues are to be paid into a special fund and used solely for road improvement, water quality improvement, and economic development.
79. **HB 2315 Environmental permit fees:** Would have directed the Virginia Waste Management Board and the State Water Control Board to establish a schedule of fees to recover the *full* costs of operating solid-waste, hazardous-waste, and water programs. The 2002 General Assembly passed legislation directing the Waste Management Board to develop a new permit fee schedule to cover *no more than 20 percent* of the direct costs of the solid waste and hazardous waste programs; the 2002 bill also tripled statutory caps on water-permit fees and set a July 1, 2004, sunset on the new fee structure. The 2003 measure would have eliminated the sunset and imposed a new fee structure.
80. **HB 2401 Comprehensive water supply plan:** Would have required the State Water Control Board to develop a comprehensive, statewide water-supply plan covering each of Virginia's major river basins and including the projected water need for a 25-year period, demand management and supply alternatives, conservation measures, and provisions for the protection of ground water, headwaters, and estuaries. Local governments were to develop regional watershed plans for inclusion in the state plan. A related bill **SB 1221, Water-supply planning, # 56** above, which passed.
81. **HB 2466 Vehicle registration fees:** Would have required that well-drilling *support* equipment be treated the same as well-drilling equipment.
82. **HB 2565 Board of Health; regulations; waterworks:** Would have provided that Board of Health waterworks regulations require water meters installed after January 1, 2004, to conform to American National Standards Institute/National Sanitation Foundation Standard 61, which provides for the certification of devices as lead-free.
83. **HB 2781 Chesapeake Bay Local Assistance Department:** Would have authorized the Chesapeake Bay Local Assistance Department to administer the Virginia Coastal Resources Management Program, including the program's annual grant award received from the National Oceanic and Atmospheric Administration.

- 84. HB 2783 Financial assurance for landfills:** Would have required the Virginia Waste Management Board, when calculating the amount an owner should set aside for proper closure of a landfill, to include the interest earned by an escrow account.
- 85. HB 2784 Wastewater and drinking water programs:** Would have transferred the Sewage Disposal program, the Sewage Handling and Disposal Appeal Review Board, the Public Water Supplies program, the Private Well Construction program, and the Gray Water program from the Department of Health to the Department of Environmental Quality.
- 86. HB 2832 No discharge zone:** Would have removed the restriction on the State Water Control Board that prohibits it from promulgating no-discharge regulations that are *more restrictive* than federal law.
- 87. HJ 600 Study; hunting and fishing license exemptions; report:** Would have requested the Virginia Department of Game and Inland Fisheries to study the various exemptions from hunting and fishing license requirements to determine the potential financial impact that these exemptions have on department revenue.
- 88. SB 760 Personal watercraft education course:** Would have required all owners or operators of personal watercraft to complete a boating-safety course approved by the Department of Game and Inland Fisheries or an equivalent course in another state or country. Currently this is only required of operators 14 or 15 years old and of all persons renting personal watercraft to others.
- 89. SB 781 Regulation of outdoor lighting near public waterways:** Would have allowed localities east of the Fall Line to regulate outdoor lighting near public waterways so as to minimize glare and water surface reflections that might interfere with the ability of boat operators to maintain visual contact with illuminated navigation aids.
- 90. SB 886 Landfill closure requirements; exemption:** Would have exempted from the priority closure schedule developed by the Department of Environmental Quality—pursuant to the Virginia Landfill Clean-up and Closure Fund—any municipal solid-waste landfill having a Year 2000 average volume of less than 25 tons per day.
- 91. SB 917 License fees for commercial and recreational saltwater fisheries:** Would have increased the annual license fees for registering a commercial fisherman from \$150 to \$175; for a saltwater recreational fishing license from \$7.50 to \$12.50; for registering a recreational boat used for saltwater recreational fishing from \$30 to \$50; and for a temporary license from \$5 to \$10.
- 92. SB 961 Protection of certain female crabs; penalty:** Would have made it unlawful, for 14 working days between July 1 and August 15 each year (the specific days each year to be set by the Virginia Marine Resources Commission), to catch, possess, or sell an egg-bearing female crab or a female crab from which the egg pouch, sponge, or bunion has been removed.
- 93. SB 968 Adequate public facilities related to water supply:** Would have provided that a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public water-supply facilities can support the services that a proposed subdivision will require.
- 94. SB 1089 Commission on the Future of Virginia's Environment:** Would have established the Commission on the Future of Virginia's Environment as a permanent commission in the legislative branch, with the purpose of the Commission being to review, evaluate, and formulate recommendations concerning Virginia's environment and natural resources.
- 95. SB 1106 Sale of liquid mercury fever thermometers prohibited:** Would have banned the sale of liquid-mercury fever thermometers in Virginia and required the Department of Health, in cooperation with the Department of Environmental Quality, to provide information for local governments and other landfill operators to inform the public on the proper disposal of such thermometers.
- 96. SB 1116 Chesapeake Bay Preservation Act:** Would have abolished the Chesapeake Bay Local Assistance Department and placed responsibility for administering the Chesapeake Bay Preservation Act with the Department of Conservation and Recreation.
- 97. SB 1120 Personal flotation devices required for children; civil penalty:** Identical to **HB 1660**, # 65 above, which also failed.
- 98. SB 1349 Environmental permit fees:** Would have modified the permit-fee exemption, for permits issued by the State Water Control Board, for farming operations engaged in production for market to include the washing and packing of produce by the grower for shipment to market.
- 99. SJ 352 Study; alternative water sources:** Would have directed the State Water Commission to study alternative technologies to develop additional water supplies and determine whether incentives could be provided to those localities that implement alternative water sources.

The following list groups the bills by the categories used by the Virginia Legislative Information System (LIS). "P" = bill passed; "F" = bill failed. Please note: LIS placed some bills in more than one category, but all bills are listed in only one category here.

Conservation

HB 1442 Virginia Conservation Easement Act; requirements for easement holders. F
 HB 1451 Staunton State Scenic River. P
 HB 1459 Erosion and Sediment Control; requirements for plan approval. P
 HB 1627 Virginia Scenic River Board. P
 HB 1671 Virginia Envirothon Program. P
 HB 1748 Virginia Water Facilities Revolving Fund; brownfields remediation. P
 HB 1875 Virginia Soil and Water Conservation Board. P
 HB 1883 Deed recordation fee for open-space preservation. F
 HB 1953 Creation of the Low Impact Development Assessment Task Force. P
 HB 2236 Water quality reports. P
 HB 2314 Erosion and Sediment Control Law. P
 HB 2376 Cathode ray tube recycling program. P
 HB 2393 Department of Conservation and Recreation Board consolidation. P
 HB 2396 Virginia Outdoors Foundation; regional open-space preservation. P
 HB 2434 Silvicultural Activities; best management practices. P
 HB 2436 Invasive Species Council established. P
 HB 2631 Soil and Water Conservation District Boards. P
 HB 2726 Property tax; certified pollution control equipment and facilities. P
 HB 2781 Chesapeake Bay Local Assistance Department. F
 HB 2784 Wastewater/drinking-water programs. F
 HB 2789 Trichloroethylene prohibited; penalty. P
 SB 766 Virginia Outdoors Foundation's regional open-space preservation advisory boards. P
 SB 896 Confined animal feeding operations. P
 SB 913 Erosion and sediment control law; certificate of competence. P
 SB 914 Department of Conservation and Recreation Board consolidation. P
 SB 1013 Conservation of trees during localities' development. P
 SB 1051 Water Facilities Revolving Fund. P
 SB 1053 Conservation easements; requirements to be a holder. P
 SB 1089 Commission on the Future of Virginia's Environment. F
 SB 1116 Chesapeake Bay Preservation Act. F
 SB 1137 Transporting wastes on state waters. P
 SB 1193 Regulation of stormwater. P
 SB 1275 Division of Consolidated Laboratory Services; environmental laboratory. P
 SB 1349 Environmental permit fees. F
 SJ 424 Nitrogen reduction in Chesapeake Bay. P

Drainage, Soil Conservation, Sanitation and Public Facilities Districts

HB 1875 Soil and Water Conservation Board. P
 HB 2631 Soil and Water Conservation District Boards. P
 SB 913 Erosion and sediment control law; certificate of competence. P

Fisheries and Habitat of Tidal Waters

HB 1490 Fishing Class II guide license. F
 HB 1504 Harvesting oysters from private beds. P
 HB 1661 Private piers. P
 HB 2114 Concealed Weapons Permits; retired Virginia Marine Police officers. F
 HB 2239 Haul seine nets. P
 SB 917 License fees for commercial and recreational saltwater fisheries. F
 SB 961 Protection of certain female crabs. F

Game, Inland Fisheries and Boating

- HB 1481 Waterfowl sanctuaries and blinds. P
- HB 1525 Waterway "pass-through" zones; local ordinances; penalties. P
- HB 1526 Personal watercraft; local ordinances. P
- HB 1660 Personal flotation devices required for children. F
- HB 1711 Watercraft and aircraft sales and use tax rate increase. F
- HB 1996 Recreational boat freshwater fishing license. F
- HB 2154 Virginia Department of Game and Marine Resources; established. F
- HB 2752 Nonindigenous Aquatic Nuisance Species Act. P
- HJ 600 Study; hunting and fishing license exemptions; report. F
- SB 726 Sale of hunting and fishing licenses. P
- SB 760 Personal watercraft education course. F
- SB 786 Admittance, parking and use at Department-owned facilities; penalty. P
- SB 1120 Personal flotation devices required for children; civil penalty. F

Health

- HB 1972 Health; water quality analysis. P
- HB 1973 Health; location and testing of water. F
- HB 2565 Board of Health; regulations; waterworks. F
- SB 1106 Sale of liquid mercury fever thermometers prohibited. F

Mines and Mining

- HB 2163 Local coal and gas severance tax; Dickenson County. F

Waste Disposal

- HB 1532 Landfill siting. P
- HB 1809 Landfill permit exemption. F
- HB 1963 Landfills; permit requirements. F
- HB 1992 Fees for solid waste disposal (Accomack County). P
- HB 2315 Environmental permit fees. F
- HB 2602 Construction and operation of treatment works. P
- HB 2783 Financial assurance for landfills. F
- SB 886 Landfill closure requirements; exemption. F
- SB 965 Waste tire piles and tire tax. P
- SB 1075 Fees for solid waste disposal (Accomack County). P

Water and Sewer Systems

- HB 1591 Onsite sewage evaluations and septic system permits. F
- HB 1876 Water and sewer charges. P
- HB 1953 Creation of the Low Impact Development Assessment Task Force. P
- HB 2055 Suspension of water and sewer connections. F
- HB 2083 Sewage sludge. F
- HB 2119 Criminal history record for employees involved; public water supply. F
- HB 2129 Mandatory connection to water and sewage systems in certain counties. F
- HB 2466 Vehicle registration fees. F
- HB 2602 Construction and operation of treatment works. P
- HB 2702 Mandatory connection to water and sewage systems in certain counties. P
- HB 2784 Wastewater and drinking water programs. F
- SB 966 Certain private waterworks; appointment of receiver. P
- SB 968 Adequate public facilities related to water supply. F
- SB 1088 Land application of sewage sludge; requirements and regulations. P
- SB 1094 Small Water or Sewer Public Utility Act rate increases. P
- SB 1168 Mandatory connection to water and sewage systems in certain counties. P
- SB 1193 Regulation of stormwater. P
- SB 1307 State Corporation Commission regulation of sewer utilities. P
- SJ 352 Study; alternative water sources. F

SJ 381 Study; desalinization. P

Waters of the State, Ports and Harbors

- HB 1451 Staunton State Scenic River. P
 HB 1463 Economic development; Virginia Maritime Investment Act. F
 HB 1476 Rudee Inlet Authority. P
 HB 1505 Emergency water supply permit. P
 HB 1525 Waterway "pass-through" zones; local ordinances; penalties. P
 HB 1748 Virginia Water Facilities Revolving Fund; brownfields remediation. P
 HB 2156 Water supply fund. P
 HB 2236 Water quality reports. P
 HB 2314 Erosion and Sediment Control Law. P
 HB 2401 Comprehensive water supply plan. F
 HB 2742 Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center. P
 HB 2832 No discharge zone. F
 HJ 550 Commending the United States Coast Guard Auxiliary. P
 HJ 633 Study; collection of rents and royalties. P
 SB 781 Regulation of outdoor lighting near public waterways. F
 SB 896 Confined animal feeding operations. P
 SB 1051 Water Facilities Revolving Fund. P
 SB 1137 Transporting wastes on state waters. P
 SB 1186 State water safety zones and restricted areas; penalty. P
 SB 1221 Water supply planning. P
 SB 1349 Environmental permit fees. F

—By Alan Raflo

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