

Water in the 2007 Virginia General Assembly



The 2007 Virginia General Assembly convened January 10, adjourned February 24, and held a reconvened (“veto”) session on April 4. During the session, the Assembly considered 3427 measures (3069 introduced in this session and 358 continued from the 2006 session). This year’s “short session” Assembly also considered amendments to the 2006-08 biennial state budget.

In this article, *Virginia Water Central* lists 150 measures in the 2007 Assembly that dealt with water resources or with land activities with a relatively direct impact on water. The list also includes some bills that may affect water resources *indirectly*, such as certain bills about air pollution, electricity generation, or transportation.

Water Central’s list comes from the Legislative Information Service (LIS) Web site, at <http://leg1.state.va.us>. Most measures were located by searching the following LIS subject categories: Budget; Conservation; Energy Conservation and Resources; Fisheries and Habitat of Tidal Waters; Game, Inland Fisheries and Boating; Water and Sewer Systems; and Waters of the State, Ports and Harbors. *Water Central’s*

list is organized alphabetically by these LIS categories. A few bills found in other categories are included under “Miscellaneous” at the end of the list (with the LIS category indicated). Bills are listed under only one category, even if LIS listed them more than once.

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.

Detailed information about the bills is available at the LIS Web site.

Water Central does not claim that our list includes *all* bills that potentially could affect Virginia’s water resources.

Following Next Year’s General Assembly

Various services are available for following legislation during a General Assembly session. Virginia’s **Legislative Tracking Service** allows tracking up to five bills in one “profile”; online registration is at www.virginia.gov/liab/cgi-bin/liab_signup.cgi. To track more than five bills, the **Lobbyist-In-A-Box** subscriber service is available for a fee; visit www.virginia.gov/liab/infopage.htm. The Legislative Automated Systems Help Desk at (804) 786-9631 also has information about either tracking service.

You may enquire about bills during sessions by phoning (toll free) (888) 892-6948 (Senate bills) or (877) 391-FACT (House of Delegates bills). To express your opinion on legislation during a session, phone the **Constituent Hotline** at (800) 889-0229; in Richmond, use (804) 698-1990.

BUDGET

HB1650 Budget Bill. Appropriation of public revenues for the two years ending, respectively, on June 30, 2007, and June 30, 2008. **Passed.**

CONSERVATION

Land Conservation Bills

HB 1713 Resources Authority; expands projects that can be financed to include land conservation and preservation. **Incorporated** into HB 2694 (see below).

HB 2191 Land preservation tax credit; maximum amount allowed annually. **Failed** in House Finance Committee.

HB 2226 Land conservation income tax credits; removes annual inflation indexing. **Failed** in House Finance Committee.

HB 2694 Resources Authority; expands projects that can be financed to include land conservation and preservation. **Passed.** Identical to SB 1211.

HB 2825 Land Conservation Fund; disbursement of moneys. Identical to SB 942. **Passed.**

HJ 576 Open space and farmlands; joint subcommittee studying funding sources for purchase of development rights. **Incorporated** into HJ 692 (see below).

HJ 692 Open space and farmlands; joint subcommittee studying funding sources for purchase of development rights. **Passed.** Identical to SJ 401.

SB 804 Easements; landlocked parcels. **Failed** in Senate Courts of Justice Committee.

SB 942 Land Conservation Fund; disbursement of moneys. Identical to HB 2895. **Passed.**

SB 1211 Resources Authority; expands projects that can be financed to include land conservation and preservation. **Passed.** Identical to HB 2694.

SJ 358 Northern Virginia land preservation; Department of Conservation & Recreation & task force to study. **Failed** (stricken from Senate Rules Committee at request of patron).

SJ 396 Northern Virginia parkland; Governor to establish task force to study. **Incorporated** into SJ 401 (see below).

SJ 401 Open space and farmlands; joint subcommittee studying funding sources for purchase of development rights. **Passed.** Identical to HJ 692.

Other Conservation Bills

HB 1689 Municipal solid waste; regulation thereof. **Passed.**

HB 2206 Highway construction projects; shortens time for state agencies to respond for permits requested. **Failed** in House.

HB 2384 Uniform Environmental Covenants Act; created. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

HB 2396 Goose Creek; designating portion in Fauquier and Loudoun Counties as Scenic River. **Passed.**

HB 2431 Reversion of federal lands; state to take title to lands containing environmental contamination. **Passed.**

HB 2539 Water Resources and Wetlands Protection Program; created. **Passed.**

HJ 698 Power plants; Department of Health to study public health effects of using trona to mitigate emissions. (Trona is a mineral with properties similar to baking soda that is used to reduce sulfur dioxide emissions.) **Failed** in House Rules Committee.

HJ 709 State park along South Mayo and North Mayo Rivers; Department of Conservation and Recreation to study feasibility in Henry County. **Passed.**

SB 1031 Power plant siting; requirement for applicant. **Passed.**

SB 1115 Trees and timber; proceeds of sale of those from state parks and natural area preserves (plus threshold for competitive bids). **Passed.**

[SB 1418](#) First Landing State Park; Department of Conservation and Recreation to lease portion. **Passed.** Similar to HB 3151 (see below under Game, Inland Fisheries, and Boating).

ENERGY CONSERVATION AND RESOURCES

- [HB 1640](#) Retail Sales and Use Tax; exemptions include for alternative fuel burning stoves. **Passed.**
- [HB 1678](#) Retail Sales and Use Tax; exemptions include energy-efficient products. **Passed.**
- [HB 1878](#) Income tax, state; energy-efficient equipment deduction. **Failed** in House Finance Committee.
- [HB 2160](#) Income tax, state; energy-efficient equipment tax credit. **Failed** in House Finance Committee.
- [HB 2555](#) Green Buildings Act; created, report. **Failed** in House General Laws Committee. Companion to SB 1273.
- [HB 2618](#) Real estate tax; localities allowed to tax certain energy-efficient buildings at a lower rate. **Passed.** Companion to SB 1051.
- [HB 2739](#) Retail Sales and Use Tax; exemptions include Energy Star certified products. **Failed** in House Finance Committee.
- [HB 3125](#) Income tax, state; energy-efficient equipment tax credit. **Failed** in House Finance Committee.
- [SB 867](#) Retail Sales and Use Tax; exemptions include Energy Star qualified products. **Passed.**
- [SB 870](#) Income tax, corporate; extends sunset provision for machinery & equipment used in recycling process. **Passed.** Similar to SB 990.
- [SB 990](#) Income tax, corporate; extends sunset provision for machinery & equipment used in recycling process. **Failed** in Senate Finance Committee. Similar to SB 870.
- [SB 1051](#) Real estate tax; localities allowed to tax certain energy-efficient buildings at a lower rate. **Passed.** Companion to HB 2618.
- [SB 1152](#) Energy Policy Act of 2006; Renewable Electricity Production Grant Program and Solar and Wind Energy System Acquisition Fund. **Passed.**
- [SB 1273](#) Green Buildings Act; created, report. **Failed** in Senate Finance Committee. Companion to HB 2555.
- [SB 1275](#) Sustainable Energy, Energy Efficiency, and Energy Conservation Fund, plus renewable energy and energy efficiency program requirements. **Failed** in Senate Commerce and Labor Committee.
- [SJ 361](#) Waste minimization, reuse, and recycling; Joint Legislative Audit and Review Commission to study. **Passed.**

FISHERIES AND HABITAT OF TIDAL WATERS

- [HB 1624](#) Menhaden; limits on amount harvested annually. **Incorporated** into HB 2082 (see below)
- [HB 1720](#) Gold mining, recreational; exempts miners from having to obtain [Marine Resources Commission] permit if meet certain conditions. **Passed.**
- [HB 1855](#) Aquaculture; sets guidelines for placement of temporary shellfish enclosures in state waters. **Passed.**
- [HB 1868](#) Saltwater fishing licenses; sets commission fee for license agents. **Passed.**
- [HB 1993](#) Oysters; shifts measurement to point of landing to enforce selling thereof. **Passed.**
- [HB 2020](#) National Forest Stamp [for hunting, fishing, or trapping]; changes term thereof to one year from date of purchase. **Passed.**
- [HB 2043](#) Crab meat; processors to include on label of container date was processed and packed. **Failed** in Senate Agriculture, Conservation and Natural Resources Committee after passing House.
- [HB 2082](#) Menhaden; establishes annual harvest quota for portion of Chesapeake Bay. **Passed.**
- [HB 2250](#) Exemption from licensing; exempts siblings of landowner from obtaining any hunting, etc., license. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.
- [HB 2642](#) Subaqueous land; Marine Resources Commission to convey certain lands to S&S Marine Supply in Hampton. **Passed.** Companion to SB 1367.
- [HB 2782](#) State-owned bottomlands; circumstances for conveyance. **Passed.**
- [HB 2990](#) Subaqueous lands; Marine Resources Commission to convey two adjoining parcels. **Passed.**

HJ 650 Crab traps; Center for Coastal Resources Management to study those abandoned/discarded.

Passed.

SB 1333 Aquaculture; sets guidelines for placement of temporary shellfish enclosures in state waters.

Passed.

SB 1367 Subaqueous land; Marine Resources Commission to convey certain lands to S&S Marine Supply in Hampton. **Passed.** Companion to HB 2642.

GAME, INLAND FISHERIES, AND BOATING

HB 1627 Boating safety education; must complete to operate a motorboat, civil penalty. **Passed.**

Identical to SB 1241.

HB 2019 Waterfowl blind licenses; allows for electronic transmission of license applications. **Passed.**

HB 2313 Migratory Waterfowl Conservation Stamp; changes term to fiscal year. **Passed.**

HB 2373 Motorboats; speed limits on Smith Mountain Lake. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

HB 2374 Boating safety education; increases penalty if not completed. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

HB 2978 Watercraft; maiming of another resulting from operation while intoxicated; penalty. **Passed.**

Identical to SB 1130.

HB 3118 Freedom of Information Act; exemption for certain records of Department of Game and Inland Fisheries. **Failed** in House General Laws Committee.

HB 3151 First Landing State Park; Department of Conservation and Recreation to lease portion.

Passed. Similar to SB 1418 (above under Conservation).

HB 3169 Hunting and fishing license, lifetime; allows resident disabled veterans to purchase. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

SB 883 Freedom of Information Act; exemption for certain records of Department of Game and Inland Fisheries. **Failed** in Senate General Laws and Technology Committee.

SB 1076 Disabled persons; authorizes Department of Forestry *et al.* to adopt hunting, etc. regulations.

Failed in Senate Committee on Agriculture, Conservation and Natural Resources Committee (stricken at request of patron).

SB 1130 Watercraft; maiming of another resulting from operating while intoxicated; penalty. **Passed.**

Identical to HB 2978.

SB 1241 Boating safety education; penalty if not completed. **Passed.** Identical to HB 1627.

SB 1314 Boating under influence of alcohol; makes blood- and breath-testing protocol consistent with that used for driving under influence. **Passed.**

SJ 444 General Assembly; confirming appointment of James Carlton Courter as director of Department of Game and Inland Fisheries. **Passed.**

WATER AND SEWER SYSTEMS

HB 1710 Virginia Public Building Authority; authorized to issue bonds for nutrient-removal technologies at specified water-treatment plants. **Passed.** Identical to SB 771.

HB 1865 Water resources; locality to deny or delay subdivision approval of building permit if public water facilities are inadequate. **Failed** in House Counties, Cities and Towns Committee.

HB 1949 Onsite Sewage Indemnification Fund; increases indemnification claim time. **Passed.**

HB 1951 Traditional onsite sewage system; definition. **Failed** in House General Laws Committee.

HB 2079 Sewage sludge; consolidates program that regulates application thereof. **Incorporated** into HB 2802 (see below).

HB 2366 Water systems; Board of Health to implement program on chronically noncompliant systems. **Passed.** See similar SB 998.

HB 2692 Onsite Sewage Indemnification Fund; limitations. **Passed.**

HB 2791 Onsite sewage disposal system; securing permit for installation in Augusta County. **Passed.** Identical to SB 1215.

HB 2801 Sewage sludge; requires local government certify that land-application site is in compliance with ordinances. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee. See similar SB 1313.

HB 2802 Land application of biosolids; management and regulation consolidated under Department of Environmental Quality. **Passed**. Identical to SB 1339.

HB 3039 Water and sewer charges; adds Town of Blacksburg to localities that may provide lien on real estate. **Passed**. Identical to SB 1050.

HB 3102 Cities of Lynchburg and Richmond Combined Sewer Overflow Fund; created. **Failed** in House Appropriations Committee. Identical to original version of SB 1301; also see related SB 1322.

HB 3134 Onsite sewage systems; Board of Health to establish program for operation and maintenance of alternative systems and to establish fund to cover program costs. **Passed**. See similar SB 1270.

HB 3136 Sewage sludge; prohibits land application unless generated locally. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

HB 3170 Sewage sludge; person seeking permit to apply to land to identify specific sites it will be applied. **Incorporated** into HB 2802 (see above).

HB 3178 Wastewater treatment plants; funding for upgrades. **Failed** in House Appropriations Committee.

HJ 694 Biosolids; panel of experts to study impact of land application. **Passed**.

SB 771 Virginia Public Building Authority; water treatment. **Passed**. Identical to HB 1710.

SB 798 Sewage overflows; regarding Water Control Board authorization to issue administrative orders for corrective actions. **Passed**.

SB 852 Water and sewage systems, private; localities not required to take over. **Failed** in House Counties, Cities and Towns Committee after passing Senate.

SB 998 Water systems; Board of Health to implement program on chronically noncompliant systems. **Passed**. See similar HB 2366.

SB 1050 Water and sewer charges; adds Town of Blacksburg to localities that may place lien on real estate. **Passed**. Identical to HB 3039.

SB 1215 Onsite sewage disposal system; permit for installing in Augusta County. **Passed**. Identical to HB 2791.

SB 1270 Sewage disposal; Board of Health to promulgate regulations governing the maintenance, inspection and use of alternative onsite sewage systems. **Passed**. See similar HB 3134.

SB 1300 Sewage sludge; locality may adopt an ordinance that requires special use permit for routine storage. **Passed**.

SB 1301 Water Quality Improvement Fund; Combined Sewer Overflow funding for Cities of Lynchburg and Richmond. **Passed**, but governor offered substitute; governor's substitute passed by Senate but rejected by House on April 4; **governor veto** on April 10. Original version identical to HB 3102; also see related SB 1322.

SB 1313 Sewage sludge; requires local government certify that application site is in compliance with ordinances. **Passed**. See similar HB 2801.

SB 1322 City of Lynchburg Combined Sewer Overflow Fund; created. **Failed** in House Appropriations Committee after passing Senate. See related HB 3102 and SB 1301.

SB 1339 Land application of biosolids; management and regulation consolidated under Department of Environmental Quality. **Passed**. Identical to HB 2802.

SB 1377 Water & sewer rates; prohibits towns from charging unreasonably discriminatory rates for service to residents of adjacent county. **Failed** in Senate Local Government Committee.

WATERS OF THE STATE, PORTS AND HARBORS

HB 1758 Obstructing or contaminating state waters; increases penalty. **Passed**.

HB 1847 Waste load allocations; Water Control Board to grant thereof for Chesapeake Bay nutrient-credit exchange program. **Passed**.

HB 1859 Citizen water-quality monitors; Department of Environmental Quality to set goal of having 3,000 stream miles monitored by citizen groups by 2010. **Passed**.

HB 2085 Petroleum Storage Tank Fund; requires reports by professionally certified engineer, geologist, etc. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

HB 2180 Stormwater inspectors; removes certification required by Department of Environmental Quality. **Passed.**

HB 2203 Subaqueous lands; parties in City of Norfolk in 2006 to pay amount commensurate with property interest. **Passed.**

HB 2225 Publications tax; created, revenue to be deposited in Water Quality Improvement Fund. **Failed** in House Finance Committee.

HB 2229 Impaired Waters Clean-up Plan Report; consolidation of the Tributary Strategy Implementation Report, the Watershed Planning and Permitting Report, and the Water Quality Improvement Fund Annual Report. **Passed.**

HB 2483 Water quality monitoring; establishes April 30 of each year as the deadline for the public to submit its recommendations of which specific water segments should be included in the State Water Control Board's water quality monitoring plan. **Passed.**

HB 2487 Low-flow protections to be included in authorizing certain withdrawals of water from the Potomac River. **Passed.**

HB 2679 Localities with Chesapeake Bay Preservation areas; allows impact fees for public facilities related to development. **Failed** in House Counties, Cities and Towns Committee. Identical to HB 2680.

HB 2680 Localities with Chesapeake Bay Preservation areas. **Failed** in House Counties, Cities and Towns Committee. Identical to HB 2679.

HB 2695 Dams, low-head; regarding liability if owners use signs and buoys to warn public of hazards of swimming, fishing, etc. **Passed.**

HB 2710 Dams and related facilities; service districts authorized to construct and maintain. **Passed.**

HB 2779 Haley's Mill Pond Dam; Virginia Department of Transportation to repair dam in Middlesex County. **Failed** in House Transportation Committee.

HB 2785 Highway funds; additional allocation to certain port cities. **Passed.**

HB 2839 Soil Scientists and Wetland Professionals, Board for; extends waiver of requirements, etc. **Passed.**

HB 2938 Potomac River; restores jurisdictional provision of Maryland-Virginia Compact. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

HB 2989 Portsmouth Port & Industrial Commission; authority to provide financing by leasing, etc. facilities. **Passed.** Identical to SB 957.

HB 3005 Natural gas pipeline; Marine Resources Commission to grant easements and rights-of-way across Hampton Roads harbor and Elizabeth River. **Passed.**

HB 3037 Potomac River Fisheries Commission; amends compensation, powers, and duties. **Passed.**

HB 3088 Discharges into Levisa Fork; prescribes size of mixing zone for discharge of salty mine water and prohibits PCB discharge. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee. Identical to SB 1402.

HB 3113 Environmental Quality, Department of; consolidation of Air Pollution Control Board, State Water Control Board, and Waste Management Board; increase of authority; *requires re-enactment in 2008.* **Passed.** See also SB 1403.

HB 3129 Service districts; additional powers with regard to dredging of creeks and rivers. **Passed.**

HJ 658 James River; celebrating panoramic view thereof from Libby Hill Park. **Passed.**

SB 900 Virginia Beach Police Department Marine Patrol; enforcement of federal security and safety zones. **Passed.**

SB 957 Portsmouth Port and Industrial Commission; authority to provide financing by leasing, etc. facilities. **Passed.** Identical to HB 2989.

SB 1256 Hazardous materials; allows localities to prohibit storage in certain floodplains. **Failed** in House Counties, Cities and Towns Committee after passing Senate.

SB 1396 Offshore energy resources; exploratory, etc., activity of submerged lands off Atlantic shoreline. **Failed** in House after passing Senate.

SB 1402 Discharges into Levisa Fork; prescribes size of mixing zone for discharge of salty mine water and prohibits PCB discharge. **Failed** in Senate Agriculture, Conservation and Natural Resources Committee. Identical to HB 3088.

SB 1403 Environmental Quality, Department of; consolidation of various boards, increase of authority. Bill amended to include House's re-enactment clause (see HB 3113 above). **Passed.**

MISCELLANEOUS

Administration of Government

HJ 681 Changing Climate; joint subcommittee to study risks, etc., in state. **Failed** in House Rules Committee.

Drainage, Soil Conservation, Sanitation, And Public Facilities Districts

HB 1931 Hampton Roads Sanitation District Commission; increases membership. **Failed** in House General Laws Committee.

HB 2568 Erosion/sediment control violations, penalties. **Passed.** Identical to SB 821.

SB 821 Erosion/sediment control violations, penalties. **Passed.** Identical to HB 2568.

Eminent Domain

HB 2954 Public uses; definition and limitations. **Passed.** Identical to SB 781.

HJ 708 Eminent domain; Joint Legislative Audit and Review Commission to study current state of law regarding exercise. **Failed** in House Rules Committee.

HJ 723 Constitutional amendment establishing limitations on taking of private property for public uses (first reference). **Failed** in Senate after passing House.

SB 781 Public uses; definition and limitations. **Passed.** Identical to HB 2954.

SJ 404 Eminent domain; Joint Legislative Audit and Review Commission to study use by governmental entities. **Failed** in House Rules Committee after passing Senate.

Health

HB 2102 Private well construction prohibited within 50 feet of agricultural property lines except under certain conditions. **Passed.**

HB 2691 Environmental Health Education and Training Fund; created. **Passed.**

HB 3167 Lead poisoning prevention; physicians to make available to parents information on dangers. **Passed.**

Highways, Bridges, And Ferries

HB 2663 Pesticides and fertilizers; prohibits providers of lawn care services from applying to streets or other impervious surfaces. **Failed** in House Agriculture, Chesapeake and Natural Resources Committee.

Public Service Companies

HB 3068 Electric utility regulation. **Passed.** Identical to SB 1416.

SB 1416 Electric utility regulation. **Passed.** Identical to HB 3068.

Taxation

SB 1167 Retail Sales and Use Tax; exemptions during "holiday" to include hurricane-preparedness equipment. **Passed.**

Waste Disposal

HB 1715 Garbage; increases fine for dumping into state waters. **Passed.**

HB 3133 Sanitary landfills; post-closure guidelines to be developed. **Passed.**