

# APPENDIX A

## SUMMARY OF ENVIRONMENTAL BILLS OF INTEREST 2007 VIRGINIA GENERAL ASSEMBLY

Each year, the Virginia General Assembly considers scores of bills that could impact the environment and conservation efforts in the commonwealth. This appendix identifies and summarizes several such bills that were considered by the General Assembly in 2007 and indicates whether they “Passed” or “Failed”. For the most part, the summaries are from the Virginia General Assembly Legislative Information System. By going to the LIS Web site (<http://leg1.state.va.us>), the entire bill as well as its history and patrons can be reviewed. Unless otherwise noted, the summaries set forth herein describe the bill as originally submitted. Because bills are frequently amended, reference should be made to the LIS Web site for final language of bills of interest.

### Senate Bills

**SB 771 Virginia Public Building Authority; water treatment.** Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works and nonsignificant dischargers to implement the Commonwealth's Chesapeake Bay Tributary Strategies. **PASSED.**

**SB 817 Zoning; road capacity.** Allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. **FAILED.**

**SB 821 Violation of erosion and sediment control ordinances.** Allows localities to adopt an ordinance that assesses a civil penalty between \$100 and \$1,000 for violation of erosion and sediment control laws. The bill also increases the cap on civil penalties from \$3,000 to \$10,000. This bill is identical to HB 2568. **PASSED.**

**SB 867 Sales tax exemption; energy-efficient products.** Provides a sales tax exemption for purchases of certain Energy Star qualified products with a sales price of \$2,500 or less made during a four-day period each year in mid-October. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. The sales tax holiday would expire in July of 2012. **PASSED.**

**SB 869 Transfer of development rights.** Provides that any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The bill also expands the definition of "sending property." This bill is identical to HB 2503. **PASSED.**

**SB 870 Income tax credits; machinery and equipment used in recycling process.** Extends the sunset date from January 1, 2007, to January 1, 2015, for the income tax credit for machinery and equipment used to produce goods from recyclable materials. The bill would also make the credit available to individual income taxpayers. Currently, only corporate income taxpayers may claim the credit. **PASSED.**

**SB 939 Conservation of trees during the land development process for air quality improvement in certain localities.** Provides that certain localities may, by ordinance, require conservation of trees during the development process. The bill also provides that the tree conservation ordinance may require that the site plan for any subdivision or development provide for the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage ten years after development is projected to be as follows: (i) ten percent tree canopy for a site zoned business, commercial, or industrial; (ii) ten percent tree canopy for a residential site zoned 20 or more units per acre; (iii) 15 percent tree canopy for a residential site zoned more than ten but less than 20 units per acre; (iv) 20 percent tree canopy for a residential site zoned more than five but not more than ten units per acre; and (v) 30 percent tree canopy for a residential site zoned one to five units per acre. Finally, the bill mandates that any tree conservation ordinance provide for reasonable exceptions to or deviations from the canopy requirements. **FAILED.**

**SB 942 Virginia Land Conservation Fund disbursements.** Establishes a threshold that determines how the unrestricted funds in the Virginia Land Conservation Fund will be expended. If, by September, the new deposits in the Fund are less than \$10 million, 25 percent of the moneys in the Fund is allocated to the Open-Space Land Preservation Trust Fund and 75 percent is disbursed in the form of grants equally among the following four uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmlands and forest preservation, and historic area preservation. If the Fund contains \$10 million or more, the OSLPTF receives 25 percent of the moneys in the Fund and the remaining funds are awarded equally in the form of grants among five uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmland preservation, forestland conservation, and historic area preservation. Any OSLPTF funds not disbursed or committed to a project by the end of the fiscal year revert to the Virginia Land Conservation Fund to be redistributed among the authorized uses. This bill is identical to HB 2825. **PASSED.**

**SB 1031 Power plant siting.** Establishes a pre-application planning and review process for certain gas or electric utility facilities. **PASSED.**

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**SB 1051 Classification of real property; energy-efficient buildings.** Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification. **PASSED.**

**SB 1102 Adjustment or relocation of billboard signs.** Provides that the owner of a billboard situated on land acquired due to widening, construction, or reconstruction by purchase or by exercise of eminent domain may relocate the billboard to another location on the same property and may adjust the height or angle of the billboard. **FAILED.**

**SB 1199 Office of Intermodal Planning and Investment.** Amends the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office. **PASSED.**

**SB 1211 Virginia Resources Authority.** Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation. This bill is identical to HB 2694, which incorporates HB 1713. **PASSED.**

**SB 1250 Immunity of citizens at public hearings.** Provides that any citizen appearing at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity shall be immune from a civil liability for a violation of § 18.2-499 (willful and malicious injury to another's reputation, trade, business, or profession), or a claim of tortious interference with an existing contract or a business or contractual expectancy, arising from a citizen's statements concerning matters properly before the governing body. **PASSED.**

**SB 1254 Denying or modifying an application for rezoning when transportation network is inadequate.** Allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public

and private resources will address the anticipated transportation impact of the proposed development. **FAILED.**

**SB 1256 Storage of hazardous materials.** Permits localities to prohibit the initiation of new storage of hazardous materials in floodplains five stream miles upstream of an intake for a public water supply. However, the provisions of this bill shall not apply to (i) operations of the Virginia Department of Transportation or its contractors concerning the construction, reconstruction, or maintenance of highways, or (ii) all Department of Defense facilities and operations. **FAILED.**

**SB 1273 Department of General Services; Green Buildings Act.** Requires all major facility projects of state agencies to be constructed to meet United States Green Building Council Leadership in Energy and Environmental Design certification standards, unless granted an exemption by the Director of the Department of General Services. Such projects will not be required to obtain official LEED<sup>®</sup> certification. Application of the requirement will be phased in over the next three years based on the square footage of the project. The provisions of the bill do not apply to construction projects of public school districts. **FAILED.**

**SB 1312 Powers of CTC; highway access management standards.** Requires the Commonwealth Transportation Commissioner to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways. **PASSED.**

**SB 1329 Design and construction of public facilities.** Allows localities to provide for adoption of guidelines for the design and construction of public facilities, public infrastructure, and other structures within areas of proposed development or rezoning. **FAILED.**

**SB 1356 Impact fees for public facilities related to residential development.** Provides that any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purpose of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses. **FAILED.**

**SB 1396 Offshore energy.** States that it is the policy of the Commonwealth (i) to support federal funding for the Department of the Interior, Minerals Management Service, (ii) to support the inclusion of the area off Virginia's Atlantic coast for further study and analysis and possible lease sales as part of the Department of the Interior's 2007-2012

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Five Year Leasing Plan with respect to exploration 50 miles or more off the Atlantic shoreline, and (iii) to urge the President of the United States to revoke the administrative withdrawal from exploratory and leasing activity of submerged lands that are 50 miles or more off the Atlantic shoreline of the Commonwealth. **FAILED.**

**SB 1403 Department of Environmental Quality.** Consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board--the Virginia Board of Environmental Quality--with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, shall be transferred to the Department of Environmental Quality. The Department will hold public meetings for the presentation of staff recommendations on major permitting decisions. A citizen appeals board is established and granted the authority to hear appeals on decisions of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bill includes a "reenactment clause" that requires the General Assembly of 2008 to reaffirm the legislation and delays the effective date until July 1, 2008. This bill is identical to HB 3113. **PASSED.**

**SB 1416 Electric utility regulation; advances scheduled expiration of capped rate period.** Advances the scheduled expiration of the capped rate period from December 31, 2010 to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities and limits the ability of most consumers to purchase electric generation service from competing suppliers. The Virginia General Assembly Legislative Information System provides a summary that is too lengthy to reproduce here; the reader is referred to the LIS Web site (<http://leg.1.state.va.us>) for the complete summary. **PASSED.**

**House Bills**

**HB 1669 Residential development impact fees.** Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing public safety facilities are inadequate to support a proposed residential development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any such assessment, the locality shall have in place a capital facilities plan that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. Localities may only assess impact fees under this subdivision against persons constructing five or more residential structures per calendar year in such locality. **FAILED.**

**HB 1670 Residential development impact fees.** Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing facilities for schools are inadequate to support a proposed residential development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements

attributable to the proposed development. Prior to any such assessment, the locality shall have in place a capital facilities plan that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. Localities may only assess impact fees under this subdivision against persons constructing five or more residential structures per calendar year in such locality.

**FAILED.**

**HB 1671 Development impact fees.** Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing parks, playgrounds, and recreational facilities are inadequate to support a proposed development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any such assessment, the locality shall have in place a capital facilities plan that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development.

**FAILED.**

**HB 1678 Sales tax exemption; energy-efficient products.** Provides a sales tax exemption for purchases of certain Energy Star qualified products with a sales price of \$2,500 or less made during a four-day period each year in mid-October. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. The sales tax holiday would expire in July of 2012. **PASSED.**

**HB 1689 Regulation of municipal solid waste.** Repeals two provisions of the solid waste laws enacted in 1999 that were subsequently found to be unconstitutional by the federal court. The bill repeals the authority of the Solid Waste Management Board to develop regulations governing the commercial transport of nonhazardous municipal solid waste by truck. This section was declared unconstitutional because it imposed certain requirements on large trucks carrying solid waste that violated the commerce clause. The federal court found that the statute placed "disproportionate burdens" on trucks carrying waste from outside of Virginia. The second provision found to be unconstitutional under the commerce clause was the 2,000 tons per day cap placed on landfills for accepting municipal solid waste. This is a recommendation of the Virginia Code Commission.

**PASSED.**

**HB 1710 Virginia Public Building Authority; water treatment.** Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works and non-significant discharges to implement the Commonwealth's Chesapeake Bay Tributary Strategies. This bill is identical to SB 771. **PASSED.**

**HB 1713 Virginia Resources Authority.** Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation. This bill has been incorporated into HB 2694. **FAILED.**

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**HB 1715 Casting garbage.** Increases the fine for dumping garbage into the waters of the state from a maximum of \$100 to \$1,000. **PASSED.**

**HB 1724 Statewide transportation impact fees.** Imposes a fee for the issuance of a certificate of occupancy for every building or structure that is neither exempt from taxation by law nor actually valued at more than \$100,000 at the time such final certificate of occupancy is issued. The fee is due within 90 days of the issuance of such certificate of occupancy. The amount of the fee is equal to five percent of the actual value of such building or structure, exclusive of the first \$100,000 of such actual value. The amount of the fee may, however, increase to five percent of the sales price of such building or structure, exclusive of the first \$100,000 of such sales price, if no fee has been collected on such building or structure and such building or structure is sold within 90 days of the issuance of a certificate of occupancy; in this event, the amount of the fee is due and payable on the date of the settlement of the sale. Under all circumstances, the fee is capped at \$20,000 per building or structure.

An amount equal to two-thirds of the fee is deposited into the Transportation Trust Fund and must be spent in the construction district in which the fee was collected. The Governor may waive the collection of the amount to be deposited into the Transportation Trust Fund if he determines that the economic benefits of the building or structure outweigh any negative impact such building or structure may have on transportation.

Moreover, an amount equal to the remaining one-third of the fee is deposited into a special interest-bearing account of the locality in which the fee was collected, and such amount must be spent on transportation projects within that locality. A locality may waive the collection of the amount to be deposited into its special interest-bearing account if its governing body determines that the economic benefits of the building or structure outweigh any negative impact such building or structure may have on transportation. **FAILED.**

**HB 1745 Residential development impact fee assessments; adequate public facilities.**

Allows localities to adopt ordinances for the assessment of impact fees and acceptance of cash proffers when certain public facilities are inadequate to support a proposed residential development. If the proposed development is for senior residents only, then impact fees may be assessed and cash proffers may be accepted in relation to the adequacy of public safety, or public sewer or water facilities. For all other proposed residential developments, the impact fees may be assessed, and the cash proffers may be accepted, in relation to the adequacy of education, transportation, or public water or sewer needs. Such fees and proffers shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment or acceptance of cash proffers, the locality must identify the particular public facility needs in its comprehensive plan, and must have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality does not apply impact fees or cash proffers paid by a developer to the capital project that

served as the basis for such assessment or acceptance within six years of collection, then the developer may seek a writ of mandamus to compel the locality to do so. Any impact fee ordinance and any cash proffer ordinance shall expire after six years, and may then be adopted for consecutive six-year periods. **FAILED.**

**HB 1758 Obstructing or contaminating waters.** Increases the penalty for obstructing or contaminating state waters to a Class 1 misdemeanor. Currently, the penalty is a fine of not less than \$100 nor more than \$500 or confinement in jail for not more than 12 months, or both. **PASSED.**

**HB 1804 Solar water heating system pay-as-you-save pilot program.** Directs the State Corporation Commission to analyze, and if appropriate, to establish, a pilot program whereby residential customers who install a solar water heating system will be able to pay for the system as an item on their monthly electricity bill. Participation in the pilot program would be voluntary. Participating electricity distributors will be required to submit proposed tariffs for recovery of the costs of the systems over a term not to exceed 75 percent of the expected life of the system, in monthly amounts that are less than the expected reductions in the electricity bill resulting from the installation of the system. This bill has been incorporated into HB 2401. **FAILED.**

**HB 1858 Cash proffers; purchase of development rights programs.** Provides that a locality that has established a purchase of development rights program may include in its zoning ordinance provisions for the voluntary proffering in writing, by the owner, of reasonable conditions, which shall include the payment of cash to the locality for local purchase of development rights that will be dedicated as easements for conservation, open space, or other purposes pursuant to the Open-Space Land Act. No such proffer shall be accepted by a locality, however, if the owner has already proffered dedication of such easements to that locality. For purposes of this bill, development rights means the level and quantity of development permitted by the zoning ordinance expressed in terms of housing units per acre, floor area ratio, or equivalent local measure. **FAILED.**

**HB 1865 Adequate water resources.** Permits localities to adopt reasonable provisions allowing the locality to deny or delay subdivision approval or issuance of a building permit or deny a rezoning request if the locality demonstrates that public facilities related to the provision of water are inadequate to support the services that will be required by a proposed subdivision or zoning classification. The locality shall base such determination on its water supply plan as approved by the Department of Environmental Quality and on-demand projections in such plan. **FAILED.**

**HB 2067 Virginia Indoor Clean Air Act; penalty.** Provides that it shall be unlawful for any person to smoke in any establishment built and operated after July 1, 2008 as a restaurant, unless such establishment is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. Additionally, the bill provides that no wait staff or busboys in such restaurants shall be required by the proprietors or person who manages or otherwise controls any

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such restaurant to work in smoking areas mandated by this section without consent of such employees. The bill prohibits smoking in any building owned or leased by the Commonwealth or agency thereof or any locality. The bill contains technical amendments. **FAILED.**

**HB 2118 Impact fees for public facilities related to residential development.**

Provides that any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses. **FAILED.**

**HB 2128 Adjustment or relocation of billboard signs.** Provides that the owner of a billboard situated on land acquired due to widening, construction, or reconstruction by purchase or by exercise of eminent domain may relocate the billboard to another location as close as practicable on the same property and may adjust the height or angle of the billboard. **PASSED.**

**HB 2247 Biofuels Incentive Grant Program; production eligibility.** Lowers the eligibility requirement of the volume of biofuels produced and sold from ten million gallons to 10,000 gallons per calendar year for a producer to be eligible for a grant. This bill has been incorporated into HB 3089. **FAILED.**

**HB 2325 Clustering.** Defines several key terms in the existing clustering statute that requires most localities to designate a portion of unimproved land as eligible for clustering of single-family dwellings. Also, "unimproved land" shall apply to residentially zoned land only, rather than residential and agricultural land. **FAILED.**

**HB 2326 Clustering of single-family dwellings.** Makes the clustering provisions that are slated to become effective July 1, 2007, optional, rather than mandatory. **FAILED.**

**HB 2327 Clustering of single-family dwellings.** Exempts certain agricultural counties from provisions that require most localities to designate certain areas for potential clustering of single-family dwellings. **FAILED.**

**HB 2401 Electric Utility Conservation Programs; created, report.**

Requires investor-owned utilities and cooperatives providing electric distribution services to develop and implement plans and programs to meet goals to be adopted by the State Corporation Commission that provide for increasing efficiency and reducing consumption of electric energy in the commonwealth. **FAILED.**

**HB 2449 Local noise abatement structure ordinances.** Requires the governing body of every county, city, and town, no later than January 1, 2008, to adopt an ordinance requiring developers to construct, as part of any development abutting any highway or planned highway, in conjunction with such development, any and all noise walls or other noise mitigation structures that may be required to protect properties within the development from highway noise levels that exceed or will exceed standards established by the Virginia Department of Transportation or the federal government. If a noise impact study is required, such study may be conducted by the county, city, or town, by the Department, or by a reputable business with demonstrated expertise in acoustic engineering pursuant to a contract with the county, city, or town, the Department, or the developer whose development may be subject to noise impacts. **FAILED.**

**HB 2486 Conservation of trees during the development process for air quality improvement in certain localities.** Provides that certain localities may, by ordinance, require conservation of trees during the development process. The bill also provides that the tree conservation ordinance may require that the site plan for any subdivision or development provide for the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage ten years after development is projected to be as follows: (i) ten percent tree canopy for a site zoned business, commercial, or industrial; (ii) ten percent tree canopy for a residential site zoned 20 or more units per acre; (iii) 15 percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20 percent tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30 percent tree canopy for a residential site zoned one to five units per acre. Finally, the bill mandates that any tree conservation ordinance provide for reasonable exceptions to or deviations from the canopy requirements. **FAILED.**

**HB 2500 Conditional zoning; high-growth localities by ordinance may choose to utilize. Conditional zoning.** Allows "high-growth" localities to use the "Northern Virginia" form of conditional zoning. This will give high-growth localities greater flexibility including the ability to accept proffers, the need for which is not generated solely by the rezoning. **PASSED.**

**HB 2503 Development rights; county and adjacent city may enter voluntarily into an agreement. Transfer of development rights.** Provides that any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The bill also expands the definition of "sending property." This bill is identical to SB 869. **PASSED.**

**HB 2539 Virginia Water Protection Permit.** Restructures the Virginia Water Protection Permit statute by placing the provisions into a separate article of the State Water Control Law titled "Water Resources and Wetlands Protection Program." The provisions are currently included as a section under the general powers of the Water Control Board. Existing permits are exempted from any changes and shall remain in

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effect until their specified expiration dates or until they are otherwise amended, modified, repealed, or revoked. **PASSED.**

**HB 2555 Department of General Services; Green Buildings Act.** Requires all major facility projects of state agencies to be constructed to meet the United States Green Building Council Leadership in Energy and Environment Design silver certification standard, unless granted an exemption by the Director of the Department of General Services. Such projects will not be required to obtain official LEED certification. Application of the requirement will be phased in over the next three years based on the square footage of the project. The provisions of the bill do not apply to construction projects of public school districts. **FAILED.**

**HB 2568 Violation of erosion and sediment control ordinances.** Allows localities to adopt an ordinance that assesses a civil penalty between \$100 and \$1,000 for violation of erosion and sediment control laws. The bill also increases the cap on civil penalties from \$3,000 to \$10,000. This bill is identical to SB 821. **PASSED.**

**HB 2614 Construction of electrical utility facilities; review of applications by State Corporation Commission.** Requires the State Corporation Commission to conduct an analysis of the facility applicant's assessment of need, load flow analysis, and method of installation. Utilities are required to provide a GIS map of any proposed improvement or extension to the Commission, which shall make the GIS map publicly available on its Web site. **PASSED.**

**HB 2618 Classification of real property; energy-efficient buildings.** Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification. **PASSED.**

**HB 2679 Chesapeake Bay Preservation Act; imposition and collection of certain fees.** Provides that any locality that has designated Chesapeake Bay Preservation areas and that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a

condition of the issuance of any necessary building permits for residential uses.

**FAILED.**

**HB 2680 Impact fees for public facilities related to residential development.**

Provides that any locality that has designated Chesapeake Bay Preservation areas and that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses.

**FAILED.**

**HB 2694 Virginia Resources Authority.** Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation. This bill incorporates HB 1713 and is identical to SB 1211. **PASSED.**

**HB 2708 Net energy metering; sales of net electricity.** Requires the default service provider to enter into an agreement to purchase any excess electricity generated by an eligible customer-generator that is consistent with the minimum requirements for such contracts established by the State Corporation Commission. The measure also makes Old Dominion Power subject to the same net energy metering provisions that apply to other investor-owned electric utilities. Old Dominion Power had been exempt from all provisions of the Electric Utility Restructuring Act. **PASSED.**

**HB 2777 Comprehensive plan to include urban development areas.** Provides that every county that has adopted zoning shall, and any city or town may, amend its comprehensive plan to incorporate one or more proposed urban development areas, if such locality meets the criteria for high growth. For purposes of this section, an urban development area is an area designated by a locality that is most suited for development due to proximity to transportation facilities, the availability of public water and sewer, and its proximity to a city, town or other developed area. The comprehensive plan shall designate one or more urban development areas sufficient to meet projected residential growth in the locality for the ensuing 20-year period. Any comprehensive plan amended pursuant to this section shall also be amended to incorporate the opportunity for development that includes features that promote an improved quality of life. No county, city or town that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or any application for rezoning based solely on the fact that the property is located outside the urban development area. Counties shall have until July 1, 2011, to amend their comprehensive plans in accordance with these provisions. **FAILED.**

**HB 2796 Impact fees for public facilities related to residential development.**

Provides that any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses. **FAILED.**

**HB 2814 Denying or modifying an application for rezoning when transportation network is inadequate.** Allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public and private resources will address the anticipated transportation impact of the proposed development. **FAILED.**

**HB 2825 Virginia Land Conservation Fund disbursements.** Establishes a threshold that determines how the unrestricted funds in the Virginia Land Conservation Fund will be expended. If, by September, the new deposits in the Fund are less than \$10 million, 25 percent of the money in the Fund is allocated to the Open-Space Land Preservation Trust Fund and 75 percent is disbursed in the form of grants equally among the following four uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmlands and forest preservation, and historic area preservation. If the Fund contains \$10 million or more, the OSLPTF receives 25 percent of the money in the Fund and the remaining funds are awarded equally in the form of grants among five uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmland preservation, forestland conservation, and historic area preservation. Any OSLPTF funds not disbursed or committed to a project by the end of the fiscal year reverts to the Virginia Land Conservation Fund to be redistributed among the authorized uses. This bill is identical to SB 942. **PASSED.**

**HB 2850 Office of Intermodal Planning and Investment.** Amends the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office. **PASSED.**

**HB 2854 Financial reports by VDOT and VDRPT.** Requires the preparation and dissemination of additional financial information by the Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation. **PASSED.**

**HB 3033 Transfer of development rights.** Permits the severance and transfer of development rights from a sending property without requiring those rights to be immediately affixed to a specific receiving property. In addition, the bill authorizes the purchase and/or sale of development rights by the locality in order to establish a clearinghouse for the conveyance of development rights. **PASSED.**

**HB 3089 Biofuels Incentive Grant Program; production eligibility.** Lowers the eligibility requirement of the volume of biofuels produced and sold from 10 million gallons to two million gallons per calendar year for a producer to be eligible for a grant. The bill also amends the definition of producer to include any agricultural cooperative association, as defined in the Agricultural Cooperative Association Act (§ 13.1-312 et seq.). This bill incorporates HB 2247. **PASSED.**

**HB 3113 Department of Environmental Quality.** Consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board--the Virginia Board of Environmental Quality--with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, shall be transferred to the Department of Environmental Quality. The Department will hold public meetings for the presentation of staff recommendations on major permitting decisions. A citizen appeals board is established and granted the authority to hear appeals on decisions of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bill includes a "re-enactment clause" that requires the General Assembly of 2008 to reaffirm the legislation and delays the effective date until July 1, 2008. This bill is identical to SB 1403. **PASSED.**

**HB 3133 Landfill postclosure document.** Requires the Department of Environmental Quality to develop a postclosure guidance document for those landfills that stopped taking solid waste prior to October 9, 1993. The document is to be developed by May 1, 2007, and has to include comments made by the public. **PASSED.**

**HB 3178 Funding for upgrades of wastewater treatment plants.** Provides for a direct appropriation to the Water Quality Improvement Fund of no more than \$500 million for grants to upgrade wastewater treatment plants and provides three methods for the payment of that sum: (i) current funding in the WQIF; (ii) future deposits to the WQIF; and, (iii) the use of Virginia Public Building Authority bonds. The bill provides for the payment of these grants to 89 publicly-owned wastewater treatment plants according to

APPENDIX A:

SUMMARY OF ENVIRONMENTAL BILLS OF INTEREST—2007 VIRGINIA GENERAL ASSEMBLY

the methodology specified in in the Water Quality Improvement Act, with a minimum grant amount of 35 percent of the costs for the design and installation of nutrient removal technology. Should any grant be prorated, the bill prioritizes the use of any year-end revenue surplus or unappropriated general fund balances deposited to the WQIF be used to offset any proration. **FAILED.**

**HB 3194 Civil immunity; persons speaking at certain public hearings.** Provides that any person appearing at a public hearing called by the governing body of a locality or political subdivision, or an agency, authority, board, commission, or other governmental entity shall not be liable for any civil damages for a claim for violation of § 18.2-499 (conspiracy to injure another in trade, business, or profession), for a claim for tortious interference with a business or contractual expectancy, or for statements made in bad faith or with malicious intent resulting from the exercise of his right to speak on matters before a governing body. **FAILED.**

**HB 3196 Comprehensive plan to include urban development areas.** Provides that every county that has adopted zoning may, and that any city or town may, amend its comprehensive plan to incorporate one or more proposed urban development areas, if such locality meets the criteria for high growth. An urban development area is an area designated by a locality that is most suited for development due to proximity to transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town, or other developed area. The comprehensive plan shall designate one or more urban development areas sufficient to meet projected residential growth in the locality for the ensuing 20-year period. Any comprehensive plan amended pursuant to this section shall also be amended to incorporate the opportunity for development that includes features that promote new urbanism and traditional neighborhood development. No county, city, or town that has amended its comprehensive plan in accordance with these provisions shall limit or prohibit development pursuant to existing zoning or any application for rezoning based solely on the fact that the property is located outside the urban development area. Any locality that has not revised its comprehensive plan to establish an urban development area on or before July 1, 2008 shall not receive 50 percent of its annual secondary road allocation from the Virginia Department of Transportation. **FAILED.**

**House Joint Committee**

**HJ 681 Study; climate change; report.** Establishes a joint subcommittee to study the risks and opportunities created in the Commonwealth as a result of the changing climate. Specifically, the joint subcommittee will report on steps the public sector can take to minimize harmful impacts on the environment, such as green building practices and forest preservation; identify business opportunities for Virginia industry arising in various economic sectors that benefit from the efforts to mitigate the harm from climate change, such as alternative fuel technology and feedstocks; review the costs and benefits of possible regulatory schemes, such as market-based and command control initiatives; and suggest ways that the Commonwealth can act now to reduce the future cost of such

regulation and explore the value of participating in a nonnational regulatory scheme. **FAILED.**

**HJ 575 Energy Conservation Awareness Week.** Designates the first week in October, in 2007 and each succeeding year, as "Energy Conservation Awareness Week" in Virginia in support of the national initiative. **PASSED.**

**HJ 692 Study; continues the Joint Subcommittee Studying Long-Term Funding for the Purchase of Development Rights to Preserve Open-Space and Farmlands; report.** Continues for an additional year the Joint Subcommittee Studying Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands. In conducting its study, the joint subcommittee shall review recent funding for the preservation of open-space and other conservation land; the future needs of the Commonwealth for open-space and other conservation land, including but not limited to: working farms and forests, wildlife habitat and gamelands, natural areas, parks, and historic resources; the mix of programs best suited to meet such needs, including but not limited to Purchase of Development Rights programs; the cost of such needs; and long-term funding to pay the costs. In addition, the joint subcommittee shall develop a plan for the sharing of the costs of land preservation among the Commonwealth and its local governments. Further, the joint subcommittee shall identify strategies for increasing land preservation, water supply protection and the availability of large parks to serve Northern Virginia. This resolution incorporates HJR 576 (Lewis) and is identical to SJR 401 (Hanger). **PASSED.**