

# **APPENDIX A**

## **SUMMARY OF ENVIRONMENTAL BILLS OF INTEREST 2009 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 2009 and indicates whether they “Passed”, “Failed” or were “Carried Over”. 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 provided below 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 933 Mufflers on motorcycles. Provides that motorcycles shall use a muffler system in good working order that meets federal standards. FAILED

SB 973 Virginia Resources Authority; loans for renewable energy. Authorizes the Virginia Resources Authority to finance renewable energy projects and permits localities to lend funds obtained through the assistance of the Virginia Resources Authority to any person for the purpose of producing or purchasing renewable energy or renewable energy related equipment, systems, or products. FAILED

SB 982 Regulation of stormwater. Requires localities to provide full or partial waivers of charges 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, as long as a stormwater permit has been obtained from either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required. Under current law, localities have the option of providing such waivers and permits. APPROVED

SB 1050 Virginia Natural Resources Commitment Fund; funding. Provides for the Department of Conservation and Recreation to determine the annual funding needs for agricultural best management practices and to provide the same to the Governor. The bill also changes the formula for allocating moneys in the Virginia Natural Resources Commitment Fund. Eight percent will be distributed to the soil and water conservation districts, 55 percent will be used for matching grants for BMPs on lands within the Chesapeake Bay watershed, and 37 percent will go to matching grants outside the Chesapeake Bay watershed. APPROVED

SB 1114 Stormwater management; emerging technology. Directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution. APPROVED

SB 1145 Greenhouse gas emissions; mandatory reporting. Requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks. The regulations would apply only to those sources that emit more than a *de minimis* amount of greenhouse gas and that are already required to report emissions of other air pollutants. To the extent possible, reporting requirements will incorporate standards and protocols developed by other widely recognized and verified greenhouse gas inventory programs. Beginning in 2010 and every three years thereafter, the Virginia Department of Transportation is required to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth. The Board is also authorized to establish a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases. The voluntary program may include the reporting of reductions in emissions from motor vehicle fleets owned by persons otherwise required to report emissions from stationary sources. FAILED

SB 1471 Stormwater control and water or waste systems; Real property; Commonwealth's title. Authorizes the Governor, at the request of a local authority and in a form approved by the Attorney General, to disclaim any and all rights, title, and interest of the Commonwealth in and to lands used for stormwater control systems or water or waste systems if he finds (i) there is no greater public need or purpose than such use or (ii) that public use and necessity have been established. Such disclaimer shall be filed with the appropriate court and shall have the legal force and effect of disclaiming, releasing, and renouncing all of the right, title, and interest of the Commonwealth in and to such lands. APPROVED

SJ 332 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy. APPROVED

SJ 345 Resolution; encouraging the increased usage of recycling receptacles. Encourages state and local governments to increase the usage of recycling receptacles at public places and governmental facilities. PASSED

**House Bills**

HB 1758 Bonds; flood mitigation. Authorizes issuance of bonds not to exceed \$100 million to be used as matching funds for localities' flood mitigation projects that are approved by the Department of Conservation and Recreation. FAILED

HB 1775 Invasive species. Charges the Secretaries of Natural Resources and Agriculture and Forestry with the responsibility of developing an invasive species management plan to prevent the introduction of invasive species and to control and eradicate those species that are present on Virginia's lands and waters. The Secretary of Natural Resources will establish an advisory group consisting of state agency heads, and representatives of various stakeholder groups to develop the plans and assist in coordinating and implementing the recommendations of the plan. This bill is identical to SB 1211. PASSED.

HB 1788 Alternative on-site sewage systems. Clarifies the locality's power to regulate nonconventional sewage disposal systems by prohibiting localities from prohibiting the use of such systems. This bill is identical to SB 1276. APPROVED

HB 1828 Localities and water authorities; rate incentives for green roof construction. Allows localities and water authorities to offer rate incentives for green roof construction. APPROVED

HB 1930 Certification of stormwater development property. Authorizes the Department of Conservation and Recreation to certify stormwater management development properties as being designed, constructed, or reconstructed for the primary purpose of abating or preventing pollution. Such a certification allows the local government to tax the property at a different rate from other classifications of real property. This technical change is necessary because responsibility for administering the stormwater program was moved from DEQ to the Department of Conservation and Recreation. APPROVED

HB 1931 Water Facilities Revolving Fund. Authorizes the Virginia Resources Authority to provide a portion of the fees it receives for administering the loan fund to DEQ to cover some of that agency's costs for administering the construction assistance loan program. APPROVED

HB 1975 Local incentives for green roofs. Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to SB 1058. APPROVED

HB 1991 Establishment of stormwater programs by localities. Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an

extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010. APPROVED

HB 1995 Transportation; supplemental funding for Northern Virginia. Adds the City of Fairfax to the localities in Northern Virginia who are to use the first 50 percent of the revenues received by the Northern Virginia Transportation Authority solely for urban or secondary road construction and improvements and for public transportation purposes. This bill is identical to SB 1137. APPROVED

HB 2168 Stormwater offsets. Authorizes permit issuing authorities to allow stormwater permit holders to comply with nonpoint nutrient runoff water quality criteria by acquiring nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. The permit issuing authority may only allow the use of nonpoint nutrient offsets when the permit applicant demonstrates that (i) alternative site designs have been considered that may accommodate on-site best management practices (BMPs), (ii) on-site BMPs have been considered in alternative site designs, (iii) appropriate on-site BMPs will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on site. The bill also requires an offset broker to pay the permit issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets. APPROVED

HB 2171 Electrical generation from agricultural waste. Excludes any farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology, including methane digesters, from regulation as a public utility, public service corporation, or public service company. To be eligible for such designation, a person must obtain at least 51 percent of its annual gross income from agricultural operations and produce the agricultural waste that is used as feedstock in the generation of the electricity. Such generator will be permitted to interconnect to the electric grid in accordance with regulations to be adopted by the State Corporation Commission. The measure also provides that such generators of electricity shall not be considered "manufacturers" under any provision of the Code of Virginia. APPROVED

HB 2177 Rechargeable battery recycling. Authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction. APPROVED

HB 2202 Greenhouse gas emissions; mandatory reporting. Requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks. The regulations would apply only to those sources that emit more than a *de minimis* amount of greenhouse gas and that are already required to report emissions of other air pollutants. To the extent possible, reporting

requirements will incorporate standards and protocols developed by other widely recognized and verified greenhouse gas inventory programs. Beginning in 2010, the Virginia Department of Transportation is required to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth. The Board is also authorized to establish a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases. The voluntary program may include the reporting of reductions in emissions from motor vehicle fleets owned by persons otherwise required to report emissions from stationary sources. FAILED

HB 2351 Virginia Natural Resources Commitment Fund; funding. Provides for the Department of Conservation and Recreation to determine the annual funding needs for agricultural best management practices and to provide the same to the Governor. The bill also changes the formula for allocating moneys in the Virginia Natural Resources Commitment Fund. Eight percent will be distributed to the soil and water conservation districts, 55 percent will be used for matching grants for BMPs on lands within the Chesapeake Bay watershed, and 37 percent will go to matching grants outside the Chesapeake Bay watershed. APPROVED

HB 2417 Covenants regarding solar power. Clarifies that restrictive covenants prohibiting the installation of solar panels existing prior to July 1, 2008 may be amended to allow such installation if the amendment is adopted by the membership of the community association in accordance with such association's governing documents. APPROVED

HB 2480 Real property tax; commercial property in Northern Virginia and Hampton Roads. Requires localities to use the revenue from the special real property tax on commercial property in localities embraced by the Northern Virginia Transportation Authority or the Hampton Roads Transportation Authority solely for (i) new road construction and associated design and right of way acquisition, (ii) new public transit construction and associated design and right of way acquisition, (iii) other initial capital costs related to new transportation projects and the operating costs directly related thereto and (iv) the issuance costs and debt service on bonds to support the capital costs permitted in (i) through (iii). Under current law, the localities must use the revenue for transportation purposes that benefit the special regional transportation tax district to which the locality belongs. APPROVED

HB 2598 Department of Conservation and Recreation; purchasing certain abandoned railroad rights-of-way. Grants the Department of Conservation and Recreation a right of first refusal to purchase certain abandoned railroad rights-of-way. FAILED

HJ 713 Compact fluorescent light bulb; Study; Department of Environmental Quality to study disposal of compact fluorescent bulbs; report. Requests the Department of Environmental Quality to study the environmental impact of the expanded use of compact fluorescent light bulbs in the residential sector. In conducting its study, the Department of Environmental Quality shall examine the impact on landfills, proper disposal or recycling in private residences, and public education opportunities. The study should determine the most effective ways to encourage and promote the environmentally sound management of compact fluorescent light bulbs containing mercury. The Department of Environmental Quality shall include in its

recommendations strategies for (i) educating consumers on the benefits of proper management of a product that contains mercury and the need to recycle such bulbs; (ii) publicizing options for proper disposal; and (iii) working with the private sector to develop ways to allow the public to conveniently recycle fluorescent light bulbs. FAILED