

## **APPENDIX A**

### **SUMMARY OF ENVIRONMENTAL BILLS OF INTEREST**

### **2012 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 2012; and indicates whether they “Passed”, “Failed” or were “Carried Over.” Note that the General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been “incorporated” in another bill. The summary for the bill will so note when this occurs.

The major substantive provisions of each measure are listed as summaries prepared by Virginia legislative staff. The appropriate bill number and patron are noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2012 Acts of Assembly, or the Legislative Information System on the Internet (<http://lis.virginia.gov>) for detailed information on legislation.

These summaries reflect actions of the regular session of the 2012 General Assembly through adjournment sine die on March 10, 2012. Many of the measures were subject to gubernatorial review and veto. Therefore, some measures may have been amended and some may not have become law.

#### **AGRICULTURE, HORTICULTURE AND FOOD**

**HB1210 Slowly available nitrogen.** Requires that beginning July 1, 2014, lawn maintenance fertilizer list on its directions for use its nitrogen application rates. If such fertilizer does not list on its directions for use nitrogen application rates that are consistent with rates recommended in the Virginia Nutrient Management Standards and Criteria, it cannot be registered, sold, distributed or used in Virginia. The bill also requires the Department of Conservation and Recreation to adopt fast-track regulations to incorporate the application rates recommended by the Virginia Department of Agriculture and Consumer Services. *Patron - Lingamfelter*  
**PASSED**

**HB396 Invasive plants.** Instructs the Board of Agriculture and Consumer Services to adopt regulations for the control of invasive plants. The bill classifies invasive plants as belonging to one of two tiers, depending upon whether the plant is widely disseminated in Virginia. Any activity involving a tier 1 invasive plant would be prohibited without written approval, while the provision of tier 2 invasive plants to consumers by nurseries and landscaping services would be permitted if the provider were to clearly identify the plants as tier 2 invasive plants. *Patron – Hope*  
**FAILED**

**DRAINAGE, SOIL CONSERVATION, SANITATION AND PUBLIC FACILITIES DISTRICTS**

**SB560 Sanitary districts; construction of dams; emergency.** Authorizes the board of supervisors of a sanitary district to construct and maintain dams within the district . Current law does not address dams but permits such boards to construct and maintain water supply systems, drainage systems, lighting systems, and other facilities. The bill will become effective upon its passage. *Patron – Stuart* **PASSED**

**FISHERIES AND HABITAT OF THE TIDAL WATERS**

**HB40 Standards for use of coastal primary sand dunes; exemption.** Authorizes the Virginia Beach Wetlands Board to determine which structures or properties are in imminent danger from erosion or storm damage. If such structures or properties are found to be in imminent danger, the property owners will be able to erect or maintain protective bulkheads of a type, size and configuration approved by the board. This is the same exemption from the Coastal Primary Sand Dunes and Beaches Act that applies to homes located in the Sandbridge Beach subdivision. **CARRIED OVER**

**GAME, INLAND FISHERIES AND BOATING**

**HB855 Nuisance species; coyotes and feral swine.** Adds coyotes and feral swine to the definition of "nuisance species." *Patron – Yost* **PASSED**

**HIGHWAYS, BRIDGES AND FERRIES**

**HB 34 Signs or advertising, unlawful; Commissioner of Highways agreements with local government. Advertising within highway limits.** Allows the Commissioner of Highways to enter into agreements with any local governing body authorizing local law-enforcement agencies or other local governmental entities to act as agents of the commissioner regarding unlawful advertising on highways and collection of penalties and costs. The bill also amends the law regarding such agreements with Fairfax County to provide that signs providing directions to "special events" posted on weekends shall not be subject to such agreements. *Patron – Albo* **PASSED**

**HB85 HOV lanes; use by vehicle with clean special fuel license plates.** Requires the Commissioner of Highways to report annually to the Chairmen of the House and Senate Transportation Committees on those High Occupancy Vehicle facilities whose high traffic volume has resulted in a degraded condition as identified by federal law. This report is to be used by the chairmen as the basis for recommendations for further restrictions on the use of HOV facilities by clean special fuel vehicles. *Patron – Greason* **PASSED**

**HB626 Highway noise; certain reports by VDOT required.** Allows the local governing body of any county, city, or town, at its own expense, to evaluate noise from highways it may designate for analysis. *Patron – LeMunyon PASSED*

**SB209 HOV lanes; use by vehicle with clean special fuel license plates.** Requires the Commissioner of Highways to report annually to the Chairmen of the House and Senate Transportation Committees on those HOV facilities whose high traffic volume has resulted in a degraded condition as identified by federal law. This report is to be used by the chairmen as the basis for recommendations for further restrictions on the use of HOV facilities by clean special fuel vehicles. *Patron – Barker PASSED*

**SB531 Northern Virginia Transportation District; long-range planning.** Establishes responsibilities for various entities for long-range transportation planning for the Northern Virginia Transportation District. This bill is identical to HB 599. *Patron – Marsden FAILED*

**HB114 Littering; cigarettes, civil penalty.** Includes cigarettes specifically in the category of things deemed litter for purposes of criminal punishment for improper disposal of trash. The bill also provides that in lieu of the imposition of the Class 1 misdemeanor criminal penalty, the court may order the defendant to perform community service in litter abatement activities. If the offense involves a cigarette or cigarettes, the court shall order the payment of a \$100 civil penalty payable to the Litter Control and Recycling Fund established in § 10.1- 1422.01 in addition to the imposition of such community service. **FAILED**

**HB693 HOV lanes; use by vehicle with clean special fuel license plates.** Extends until July 1, 2013 the sunset on use of high-occupancy vehicle lanes by vehicles bearing clean special fuel license plates, regardless of the number of occupants. *Patron - Plum FAILED*

**HB758 Littering; penalties.** Defines littering and provides for penalties for littering, based on the gravity of the offense, and subsequent littering offenses. The bill allows counties, cities, and towns to adopt litter control ordinances pursuant to, and to enforce, its provisions. *Patron – Hodges FAILED*

**HB1246 Dulles Greenway; outdoor advertising; tolls.** Allows the Dulles Greenway to lease property under its control for purposes of outdoor advertising. The bill also requires that the amount of toll vary according to distance traveled and take into consideration any income generated by the advertising leases. *Patron – Ramadan CARRIED OVER*

## **MOTOR VEHICLES**

**HB780 Converted vehicles.** Creates a definition for vehicles converted from gas to electric power and provides that such vehicles, when accompanied by certain documents, need not be examined by the Department of Motor Vehicles prior to the issuance of a title. The bill also provides for the titling and registration of and special equipment required for a converted electric vehicle. The bill contains technical amendments. The bill has a delayed effective date of October 1, 2012. *Patron – Lopez PASSED*

**HB805 Emissions inspections.** Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment and allows use of wireless systems and on-road emissions testing. The bill also has a delayed effective date and is identical to SB 502. *Patron – May PASSED*

**SB502 Emissions inspections.** Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment and allows use of wireless systems and on-road emissions testing. The bill also has a delayed effective date and is identical to HB 805. *Patron – Saslaw PASSED*

**HB1072 Emissions inspections.** Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment, allows use of wireless systems to increase convenience, and replaces program validation required by the Clean Air Act with randomly assigned free emissions tests performed when vehicles undergo state safety inspection. Savings generated are dedicated to transportation maintenance projects. The bill removes language related to emissions testing in the Richmond area and establishes an enhanced emissions inspection program for areas other than Northern Virginia. Surplus funds from the program are dedicated to transportation maintenance in those localities required to have basic emissions inspections. *Patron – Hugo FAILED*

**SB397 Electric vehicles; emissions testing.** Exempts qualified plug-in electric on-road vehicles from emissions inspections. *Patron – Hanger FAILED*

## **PUBLIC SERVICE COMPANIES**

**HB232 Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the Renewable Portfolio Standard Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is: (i) constructed, or renovated and improved, after January 1, 2012; (ii) located in the commonwealth; and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to SB 492. *Patron - Cosgrove PASSED*

**HB564 Electric utility ratemaking incentives; landfill gas.** Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 200 basis points above the authorized rate of return, on their investments in generation facilities that are fired by methane or other combustible gas produced in a solid waste management facility licensed by the Waste Management Board. The facility includes the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted. *Patron - Marshall, D. W PASSED*

**HB894 Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the State Corporation Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. The bill contains an emergency clause. *Patron - Ware, R.L. PASSED*

**HB1102 Renewable energy portfolio standard program; credits for investments.** Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of a Renewable Portfolio Standard Goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either: (i) be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the commonwealth; (ii) promote economic development within the commonwealth; (iii) supplement customer-driven alternative energy or energy efficiency initiatives; (iv) supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the commonwealth; or (v) be designed to mitigate the environmental impacts of renewable energy projects. The State Corporation Commission shall issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit for qualified investments made under this measure. *Patron - Miller PASSED*

**HB1166 Renewable portfolio standard program; reporting.** Requires each utility participating in the renewable portfolio standard program to identify, in its annual report to the State Corporation Commission, the states where purchased or owned renewable energy was generated, the decades in which the renewable energy generating units were placed in service, and the fuel types used to generate the renewable energy. This bill is identical to SB 382. *Patron - McClellan PASSED*

**SB382 Renewable portfolio standard program; reporting.** Requires each utility participating in the renewable portfolio standard program to identify, in its annual report to the State

Corporation Commission, the states where the purchased or owned renewable energy was generated, the decades in which the renewable energy generating units were placed in service, and the fuel types used to generate the renewable energy. This bill is identical to HB 1166.

*Patron – McEachin PASSED*

**SB413 Renewable energy portfolio standard program; credits for investments.** Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of a Renewable Portfolio Standard Goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either: (i) be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the commonwealth; (ii) promote economic development within the commonwealth; (iii) supplement customer-driven alternative energy or energy efficiency initiatives; (iv) supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the commonwealth; or (v) be designed to mitigate the environmental impacts of renewable energy projects. The State Corporation Commission shall issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit qualified investments made under this measure. The measure also provides that a utility shall receive double credit toward meeting the program's goals for energy from facilities in the commonwealth fueled primarily by animal waste. *Patron – Norment PASSED*

**SB492 Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the Renewable Portfolio Standard Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is: (i) constructed, or renovated and improved, after January 1, 2012; (ii) located in the commonwealth; and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to HB 232. *Patron – Watkins PASSED*

**SB493 Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the State Corporation Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable

energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. *Patron – Watkins* **PASSED**

**HB69 Renewable energy portfolio standard.** Requires each investor-owned electric utility and distribution cooperative to participate in a renewable energy portfolio standard program commencing with calendar year 2013. Under the program, each utility is required to generate renewable energy or to purchase renewable energy certificates, or both, in amounts that start in 2013 at three percent of the total electric energy sold in the base year of 2007 and that increase to 20 percent of such amount in 2020 and thereafter. Failure to meet the required percentages will result in the assessment of alternative compliance payments, which are to be paid into the newly created Virginia Sustainable Energy Fund. The measure provides that an investor-owned electric utility that was authorized to receive a performance incentive as a consequence of its participation in the renewable portfolio standard program as it existed prior to the effective date of this act shall continue to receive the incentive until the utility's next biennial rate review proceeding. *Patron – Englin* **FAILED**

**HB70 Energy conservation and efficiency goal.** Establishes a statewide goal of reducing the consumption of electric energy within the commonwealth, through energy conservation and efficiency actions taken by government, electric utilities, and retail customers, by 2025 to a level that is 19 percent less than the quantity of electricity that would reasonably be projected to be consumed in the commonwealth in 2025 in the absence of such actions. The measure specifies percentages of the reductions in consumption that are to be attained through elements including energy performance improvements resulting from enhancements to the Statewide Building Code and appliance efficiency standards, improved energy performance of publicly owned buildings, energy performance improvements in the industrial sector, and combined heat and power. Investor-owned utilities are required to address their energy efficiency and demand response management programs in their annual conservation reports. The measure also requires electric cooperatives to file assessments of impediments to their implementation of certain rate initiatives. *Patron – Englin* **FAILED**

**HB312 Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if the net present value of the benefits exceeds the net present value of the costs as determined by any three of four benefit cost tests. The four tests to be considered are the Total Resource Cost Test, the Utility Cost Test (also referred to as the Program Administrator Test), the Participant Test, and the Ratepayer Impact Measure Test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in

measurable and verifiable energy savings that lead to efficient use patterns and practices. *Patron - Ware, R.L. FAILED*

**HB590 Renewable energy facilities; eligibility for incentives.** Establishes a requirement that electricity generated from renewable sources be generated from a facility located in the commonwealth, or a facility off the commonwealth's coastline if it is an offshore wind facility, in order to qualify as renewable energy for purposes of the renewable energy portfolio standard program. The measure also makes renewable powered generation facilities located outside of the commonwealth, except offshore wind facilities located in waters off the commonwealth's shoreline, ineligible for certain cost recovery and enhanced rate of return incentives in the Virginia Electric Utility Regulation Act. *Patron – Merricks FAILED*

**HB645 Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the Renewable Portfolio Standard Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is: (i) constructed, or renovated and improved, after January 1, 2012; (ii) located in the commonwealth; and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. *Patron – Cosgrove FAILED*

**HB657 Electric utilities; renewable energy portfolio standard program.** Adjusts the mix of energy sources that qualify as satisfying the requirements of the renewable energy portfolio standard program. The measure limits the amount of renewable energy generated outside Virginia or its coastal waters that can qualify for the program. Wind or solar power generated outside Virginia in the interconnection region of the regional transmission entity of which the participating utility is a member will not be eligible if it is purchased through a power purchase agreement entered into after July 1, 2012. The measure allows renewable energy certificates issued by an affiliate of the regional transmission entity to be used to meet the Renewable Portfolio Standard Goals if the energy is from sources with an in-service date of or after July 1, 2007. Nuclear energy is ineligible for credit in meeting certain RPS Goals. The measure requires utilities to permanently retire one renewable energy certificate for each megawatt hour or renewable energy certificate claimed for compliance with RPS Goals. The measure requires that after 2017 at least 20 percent of the energy or certificates in a utility's compliance demonstration be attributable to a combination of energy derived from sunlight, onshore wind, or offshore wind; the minimum percentage increases in 2023 to 40 percent. Finally, the measure removes a provision that allowed a utility to apply excess renewable energy sales in any period to the requirements for any future RPS Goal. *Patron – Rust FAILED*

**HB672 Distributed electric generation; community solar gardens.** Authorizes the establishment of community solar gardens, which are required to be owned by a subscriber organization that has at least 10 subscribers. Subscribers will receive credits on their utility bills from energy generated at the solar facility in proportion to the size of their subscription. The output and renewable energy credits from a solar garden shall be purchased by the utility in the form of net metering credits allocated to the subscribers. To the extent that a subscriber's net metering credit exceeds the subscriber's electric bill in any billing period, the credit will be

applied against future bills. If the electricity output of the community solar garden is not fully subscribed, the utility is required to purchase the unsubscribed renewable energy at a rate equal to the utility's average hourly incremental cost of electricity supply over the immediately preceding calendar year. *Patron – Surovell* **FAILED**

**HB911 Renewable energy; community net metering and renewable energy certificates.**

Requires the State Corporation Commission to establish a program of community net metering, which will allow a group of residential, commercial, industrial, and other customers to establish an "eligible community customer" to act collectively to generate renewable energy for their own use. Members of an eligible community customer may develop a net metered system that provides that excess generation by some members of the group will be used to offset consumption by other members within the group. The generating capacity of an eligible community customer's facility shall not exceed two megawatts at a single site. If electricity generated by the generation facility or facilities within the eligible community customer group in a year exceeds the net electricity consumption by members of the group, the utility shall reduce the eligible community customer's bill for the next monthly billing period by the amount of the excess. An eligible community customer will be exempt from the requirement that he install two-way metering equipment if the electrical generating system from which the eligible community customer obtains electricity is not physically attached to or an integral part of the building or structure where he consumes electricity, provided metering equipment measures the excess electricity from the generation facility. The measure also requires the commission to establish a process for issuing or recognizing renewable energy certificates. The process will provide for the issuance, monitoring, transferring, and use of renewable energy certificates.

*Patron – Minchew* **FAILED**

**HB1017 Renewable energy portfolio standard program.** Eliminates the Performance Incentive provision in the renewable energy portfolio standard program that entitles any investor-owned electric utility to a 50 basis point increase in its authorized combined rate of return on common equity if it meets the program's Renewable Portfolio Standard Goals. The measure retains provisions that allow a utility to recover its costs associated with meeting the RPS Goals, but provides that a utility that exceeds the RPS Goals shall not recover the incremental costs associated with exceeding the RPS Goals unless it demonstrates that the decision to exceed the RPS Goals was reasonable and prudent. *Patron – Poindexter* **FAILED**

**HB1028 Approval of electrical utility facilities.** Requires the State Corporation Commission, when considering requests for approval to construct electrical utility facilities, to consider the public health impacts of the electrical utility facility that have been identified in the applicant's most recent inte-grated resource plan. The measure also requires an electric utility's integrated resource plan to take into consideration public health impacts. *Patron – Englin* **FAILED**

**HB129 Electric utilities; retail competition; purchases from net metering sellers.**

Authorizes individual retail customers who are eligible customer-generators under Virginia's net energy metering program to purchase electricity provided 100 percent from renewable energy exclusively for their own consumption from a net metering seller. A net metering seller is a person, other than a utility or licensed supplier, that owns or operates a renewable energy electricity generation source on premises that is owned, leased or otherwise controlled by an

eligible customer-generator and sells the electricity generated from the renewable generation source exclusively to the eligible customer-generator under a power purchase agreement. This exception to the incumbent electric utility's exclusive service territory applies even if the utility offers an approved tariff for electric energy provided 100 percent from renewable energy.

*Patron – Ramadan* **CARRIED OVER**

### **VIRGINIA ENERGY PLAN**

**HB1177 Virginia Energy Plan; objectives.** Adds to the list of the commonwealth's energy objectives the following: (i) ensuring an adequate energy supply and a Virginia-based energy production capacity; and (ii) minimizing the commonwealth's long-term exposure to volatility and increases in world energy prices through greater energy independence. *Patron – Watson* **PASSED**

**SB627 Solar panels in community associations.** Clarifies a community association's authority to prohibit or restrict the installation of solar power devices. *Patron – Petersen* **PASSED**  
**NOTE – This Bill was vetoed by the Governor.**

**SB505 Combined heat and power facilities; incentives.** Provides that combined heat and power facilities that meet the output and efficiency qualifications for the federal combined heat and power tax credit are eligible for a performance incentive of 200 basis points for the first portion of service life. Such combined heat and power facilities are declared to be certified pollution control equipment and facilities, which are exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia. *Patron – Wagner* **CARRIED OVER**

### **WATERS OF THE STATE, PORTS AND HARBORS**

**HB1281 Assumption of federal wetland and dredge and fill programs.** Authorizes the State Water Control Board to assume full responsibility for regulating wetlands and dredge and fill programs that are currently also under the authority of the U.S. Army Corps of Engineers. The bill will would eliminate dual permitting requirements. The U.S. Environmental Protection Agency would have to determine whether Virginia has the authority to administer the individual and general permit program under § 404 of the Clean Water Act. *Patron – Byron* **FAILED**

**SB509 State Water Control Board regulations.** Requires that state water quality laws be no more restrictive than federal requirements. Currently, Virginia law allows more stringent regulations than those adopted by the federal government, so long as the reasons for the more restrictive provisions are disclosed to the committees having oversight responsibilities. *Patron – Wagner* **FAILED**

**HB186 Authority to prohibit land application of sewage sludge.** Authorizes a locality, by ordinance, to prohibit the land application of sewage sludge within its boundaries; makes clarifying amendments. *Patron – Gilbert* **CARRIED OVER**

**SB402 Nutrient Offset Fund.** Establishes as a priority for funding from the Nutrient Offset Fund those nutrient offsets that are produced from facilities that generate electrical or heat energy, steam or hot water using animal waste as a fuel source. The initial priority for funding will be the oxygen-starved gasification of up to 75,000 tons of animal waste per year that has been generated on poultry or dairy farms in Augusta, Page, Rockingham and Shenandoah Counties. The nutrient offsets purchased with moneys from the fund will be available for sale to owners or operators of new or expanded facilities required to offset nutrient loads through the watershed general permit. The bill requires the Department of Environmental Quality and the Department of Conservation and Recreation to conduct a 12-month assessment of the success of the operation of the first gasification facility to receive initial priority. *Patron – Hanger*  
**CARRIED OVER**

### **STUDY RESOLUTIONS**

**HJ243 Study; state regulation of wetlands; report.** Requests the Department of Environmental Quality to study the benefits and costs of seeking authority from the U.S. Environmental Protection Agency to administer the §404 permitting program under the federal Clean Water Act. *Patron – Byron* **PASSED**

**HJ27 Study; mandatory renewable energy portfolio standard program; report.** Directs the Commission on Electric Utility Regulation to study the establishment of a mandatory renewable energy portfolio standard program for the commonwealth. The study will: (i) address issues associated with transitioning from the existing voluntary renewable energy portfolio standard program to a mandatory program; (ii) determine the costs and benefits that would be associated with requiring electric utilities to meet varying levels of renewable energy portfolio standard goals; (iii) recommend measures to address electric utilities that do not meet the program's goals; and (iv) determine if it is feasible and advisable to require that all electric utilities in Virginia participate in a mandatory renewable energy portfolio standard program. *Patron – Herring*  
**PASSED**