

APPENDIX A

SUMMARY OF ENVIRONMENTAL BILLS OF INTEREST

2013 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 2013. 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 main 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 2013 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 2013 General Assembly through adjournment sine die on February 23, 2013. 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

HB 1695 Agricultural-customer generators, eligible; renewable energy incentives through net metering. Requires the State Corporation Commission to establish a net energy metering program for eligible agricultural customers. Agricultural net metering will allow a customer that operates a solar, wind, or aerobic or anaerobic digester gas facility of up to 500 kilowatts as part of an agricultural business to be served by multiple meters that are located at separate but contiguous sites, provided the generating facility is located on land owned or controlled by the agricultural business and is used to provide energy to metered accounts of the agricultural business. *Minchew*: **PASSED**

HB 1834 High Performance Building Act; use of certain forest products. Requires the Department of General Services to include in the high performance building certification program, certificate credits for forest products certified by the Forest Stewardship Council or certified under the Sustainable Forestry Initiative or the American Tree Farm System. *Poindexter*: **FAILED**

HB 2137 Local governments; environmental impact reports, prohibits purchase of certain deicing agents. Localities; environmental impact reports and the sale of certain deicing agents. Raises from \$500,000 to \$2 million the cost threshold at which a locality will be required to obtain an environmental impact report for a highway project. For certain projects costing more than \$500,000 and less than \$2 million, the locality is required to consult with the Department of Historic Resources to make efforts to minimize impacts to historic resources. The bill also

exempts the sale of deicing agents containing urea from the current prohibition on such sales where the deicing agent is to be used by a municipal corporation at an airport. *Byron*: **PASSED**

HJ 609 Biosolids; DEQ to study substances contained in certain wastewater treatment facilities. Directs the Department of Environmental Quality to study the substances contained in biosolids generated from wastewater treatment facilities that are applied to lands for agricultural purposes. *Gilbert*: **CARRIED OVER**

Waste Disposal

HB 1727 Water and waste authorities; rates and charges. Clarifies the ability of a water or waste authority to fix rates for services that are furnished by a refuse collection and disposal system. The bill expands the list of rate-setting powers that require a public hearing by adding the rate-setting power found in subdivision 10 of § 15.2-5114, a power that includes the establishment of incentives for green roofs. The bill combines the two parallel processes found in current law for the setting of rates for sewage disposal and refuse collection, and it reduces the period for publication of notice of a rate-setting hearing from 60 days to 14 days. Finally, the bill provides that no rate established before January 1, 2013, shall be invalidated because of a failure to provide the required public notice. The bill also makes technical changes. *Toscano*: **CARRIED OVER**

Motor Vehicles

HB 1944 Electric vehicles, converted; fees for inspection. Allows safety inspectors of converted electric vehicles to charge an additional fee of no more than \$40 for such an inspection. *Lopez*: **PASSED**

SB 1102 Emissions inspection; minimum miles per gallon rating required to be exempt from testing. Decreases the minimum miles per gallon rating required to be exempt from emissions inspection testing from 50 to 48 miles per gallon for 2008 and 2009 hybrid vehicles. *Ebbin*: **PASSED**

General Assembly

HJ 669 Renewable energy; Commission on Electric Utility Regulation to study portfolio standard program. 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. *Herring*: **CARRIED OVER**

SJ 331 Renewable energy; establishment of mandatory portfolio standard program for State, 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.

Northam: **CARRIED OVER**

SJ 338 Environmental regulation; need for reducing burden of EPA regulations.

Recognizes the need for regulatory agencies to use administrative discretion to reduce the burden placed upon the coal and electricity-generation industries by the regulations recently adopted by the Environmental Protection Agency. *Martin:* **CARRIED OVER**

Energy Conservation and Resources

HB 1916 Income tax, state and corporate; tax credit for solar thermal systems. Establishes beginning in 2013 an individual and corporate income tax credit for solar energy space heating, water heating, space cooling, and industrial and commercial process heating systems placed in service. The credit would equal 35 percent of the installed cost of the system and only the ultimate consumer or user of the system would be allowed to claim the credit. The credit would not exceed (i) \$500,000 for solar energy systems placed in service for any purpose other than use for a single-family dwelling or placed in service and having in excess of 120 square feet of collector area or (ii) \$2,500 for every other solar energy system placed in service.

The credit would be required to be claimed in three equal annual installments for solar energy systems serving other than a single-family dwelling. The credit would expire and no further credit could be claimed if the solar energy system is disposed of, taken out of service or moved out of the commonwealth during any of the installment years. Any unused credit could be carried forward for three taxable years. The credit would sunset in 2018. *Surovell and Krupicka:*

CARRIED OVER

HB 1917 Electric utilities; renewable thermal energy. Expands the definition of "renewable thermal energy" to include the energy output from certain solar energy systems located in the commonwealth that heat air or water for residential, commercial, institutional or industrial processes. Under current law, the term encompasses only the energy output from renewable-fueled combined heat and power facilities used in industrial processes. Renewable thermal energy is eligible to satisfy the goals of the renewable energy portfolio standard program. The measure also defines "solar energy system" as a system that produces heat or electricity, or both, from sunlight. *Surovell, Krupicka, Minchew and Ramadan:* **PASSED**

HB 1946 Renewable energy; amends existing portfolio standard program. Amends the existing renewable energy portfolio standard program to require that for calendar years 2016 through 2025 a utility shall apply (i) only renewable energy generated or purchased in Virginia, off its coast or represented by a renewable energy certificate from eligible sources in Virginia or

off its coast and (ii) renewable energy sales or renewable energy certificates from electric energy derived from any combination of sunlight, onshore wind, offshore wind, wave motion, tides or geothermal power to meet at least 40 percent of the sales requirement for the RPS Goal in that year. The measure also eliminates provisions that give double or triple credit toward meeting the RPS Goals for energy from specified sources of energy. *Lopez and Krupicka*: **CARRIED OVER**

HB 2180 Electric utilities; renewable energy portfolio standard program, eligible energy. Renewable energy portfolio standard program; eligible energy. Provides that renewable energy that is purchased by a participating utility under an agreement executed on or after July 1, 2013, will count toward meeting the RPS Goals of the renewable energy portfolio standard program only if the agreement expressly transfers ownership of renewable attributes, in addition to ownership of the energy, to the participating utility. The bill also provides that renewable energy generated by the utility will be counted toward meeting the RPS Goals if it is from a facility in which the public utility owns at least a 49 percent interest that is located in the commonwealth, in the interconnection region of the regional transmission entity of which the utility is a member, or in a control area adjacent to such interconnection region. Renewable energy represented by renewable energy certificates will continue to be eligible to be counted toward meeting the RPS Goals. This bill is identical to SB 1259. *Rust*: **PASSED**

HB 2305 Community associations; restrictions on solar panels. Clarifies that a community association may establish reasonable restrictions concerning the size, place and manner of placement of solar energy collection devices on property designated and intended for individual ownership and use. The bill also requires the resale certificate required under the Virginia Condominium Act and the disclosure packet under the Virginia Property Owners' Association Act to contain a statement setting forth any restriction, limitation or prohibition on the right of an owner to install or use solar energy collection devices on his property. In addition, the bill adds to the seller's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act that the seller makes no representations with respect to right to install or use solar energy collection devices on the property. *Ramadan*: **PASSED**

HB 2334 Solar-powered or wind-powered electricity generation facility; SCC to conduct pilot program. Directs the State Corporation Commission to conduct a pilot program in a certain utility's service territory. Under the pilot program, a person that owns or operates a solar-powered or wind-powered electricity generation facility with a capacity between 50 kilowatts and one megawatt that is located on premises owned or leased by an eligible customer-generator will be allowed to sell the electricity generated from such facility exclusively to the eligible customer-generator under a power purchase agreement. The power purchase agreement will provide for third party financing of the costs of the renewable generation facility. The minimum size requirement does not apply to certain nonprofit entities. The SCC shall establish guidelines concerning aspects of the pilot program by December 1, 2013. This bill is identical to SB 1023. *Yancey, Hodges and Kilgore*: **PASSED**

HJ 666 State renewable energy utility; joint subcommittee to study feasibility of establishing. Establishes a joint subcommittee to study the feasibility of establishing a state renewable energy utility. The joint subcommittee is directed to examine the report of Delaware's

Sustainable Energy Task Force, examine the feasibility of authorizing a state renewable energy utility to issue tax-exempt bonds to fund renewable energy improvements at state buildings, and determine what lessons can be learned from Delaware's experience in establishing and operating its sustainable energy utility. *Surovell and Minchew*: **CARRIED OVER**

SB 1023 Solar-powered or wind-powered electricity generation facility; SCC to conduct pilot program. Directs the State Corporation Commission to conduct a pilot program in a certain utility's service territory. Under the pilot program, a person that owns or operates a solar-powered or wind-powered electricity generation facility with a capacity between 50 kilowatts and one megawatt that is located on premises owned or leased by an eligible customer-generator will be allowed to sell the electricity generated from such facility exclusively to the eligible customer-generator under a power purchase agreement. The power purchase agreement will provide for third party financing of the costs of the renewable generation facility. The minimum size requirement does not apply to certain nonprofit entities. The SCC shall establish guidelines concerning aspects of the pilot program by December 1, 2013. This bill is identical to HB 2334. *Edwards; Delegate: Torian*: **PASSED**

SB 1259 Electric utilities; renewable energy portfolio standard program, eligible energy. Provides that renewable energy that is purchased by a participating utility under an agreement executed on or after July 1, 2013, will count toward meeting the RPS Goals of the renewable energy portfolio standard program only if the agreement expressly transfers ownership of renewable attributes, in addition to ownership of the energy, to the participating utility. The bill also provides that renewable energy generated by the utility will be counted toward meeting the RPS Goals if it is from a facility in which the public utility owns at least a 49 percent interest that is located in the commonwealth, in the interconnection region of the regional transmission entity of which the utility is a member, or in a control area adjacent to such interconnection region. Renewable energy represented by renewable energy certificates will continue to be eligible to be counted toward meeting the RPS Goals. This bill is identical to HB 2180. *Edwards*: **PASSED**

SB 1269 Renewable energy portfolio standard program; sale of electricity from renewable sources. Renewable energy portfolio standard program. Amends the existing renewable energy portfolio standard program to require that for calendar years 2016 through 2025 a utility shall apply (i) only renewable energy generated or purchased in Virginia, off its coast or represented by a renewable energy certificate from eligible sources in Virginia or off its coast and (ii) renewable energy sales or renewable energy certificates from electric energy derived from any combination of sunlight, onshore wind, offshore wind, wave motion, tides or geothermal power to meet at least 40 percent of the sales requirement for the RPS Goal in that year. The measure also eliminates provisions that give double or triple credit toward meeting the RPS Goals for energy from specified sources of energy. *McEachin*: **CARRIED OVER**

SB 1286 Solar energy equipment facilities and devices; exempted from state and local taxation. A bill to amend and reenact § 58.1-3661 of the Code of Virginia, relating to taxation of solar energy equipment. *Deeds*: **FAILED**

SB 1341 Renewable energy facilities, certain; exemption from local zoning and land use regulations. Exempts certain electrical generation facilities powered by renewable sources of energy from local zoning and land use requirements. The exemption applies to a facility that is owned by an electric utility, has a capacity of at least four megawatts, is on a parcel of at least 25 acres and has received all required approvals and permits from the State Corporation Commission and environmental regulators. *Saslaw and Watkins*: **FAILED**

Counties, Cities and Towns

HB 1324 Efficiency Evaluation Fund; established, grants to localities. Efficiency Evaluation Fund; grants to localities. Creates the Efficiency Evaluation Fund to provide matching grants to localities to pay for evaluations by private consultants to determine ways in which localities may become more efficient. *Morris*: **CARRIED OVER**

HB 1448 Septic systems, failed; contracts with property owners to provide loans for repairs. Authorizes a locality, by ordinance, to create a loan program to enable the repair of property owners' failed septic systems. Any such ordinance is required to describe the arrangement of the loan program, including any partnership with a planning district commission, and is permitted to provide for the repayment of the loan through water or sewer billings, real property tax assessments or other billings. The bill authorizes other features of a loan program and permits a locality to set a minimum ownership interest or minimum level of proof of ownership of the property for situations in which it is extremely difficult or impossible to identify all of the people who have an ownership interest in the property. *Hodges*: **PASSED**

Emergency

HB 1488 Stormwater management program; delays date local governments will have to for administering. Local implementation of stormwater management program. Delays the date that local governments will have to assume responsibility for administering the stormwater management program from July 1, 2014, to July 1, 2015. *Rush*: **CARRIED OVER**

HB 1718 Transportation projects and planning; reimbursement of VDOT by localities. Requires a locality to repay the Department of Transportation when a locality requests termination of a project and the department does not agree to the termination or the locality or metropolitan planning organization doesn't advance the project. The bill also expands the step before a locality requests alterations to a project to include the design approval by the chief engineer. *Anderson*: **PASSED**

HB 1727 Water and waste authorities; rates and charges. Clarifies the ability of a water or waste authority to fix rates for services that are furnished by a refuse collection and disposal system. The bill expands the list of rate-setting powers that require a public hearing by adding the rate-setting power found in subdivision 10 of § 15.2-5114, a power that includes the establishment of incentives for green roofs. The bill combines the two parallel processes found in current law for the setting of rates for sewage disposal and refuse collection, and it reduces the period for publication of notice of a rate-setting hearing from 60 days to 14 days. Finally, the bill provides that no rate established before January 1, 2013, shall be invalidated because of a failure

to provide the required public notice. The bill also makes technical changes. *Toscano*:
CARRIED OVER

HB 1762 Hunting; allowed on Sunday in certain counties. Allows any person to hunt or kill wild animals on Sunday, on private lands in the counties of Fairfax, Fauquier, Loudoun and Prince William. However, the hunting or killing of wild birds on Sunday in these localities would continue to be prohibited. *Ramadan and Webert*: **CARRIED OVER**

HB 1878 Sources of revenue; establishing and adjusting for appropriations of state and its localities. Establishing and adjusting sources of revenue for appropriations of the commonwealth and its localities. Makes several changes to sources of revenue of the commonwealth:

Establishes a five percent tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed to the Highway Maintenance and Operating Fund, the Transportation Trust Fund, the Intercity Passenger Rail Operating and Capital Fund and the localities to be used for transportation purposes.

Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the commonwealth to pay this fee. However, owners of hybrid electric motor vehicles registered in the commonwealth would be eligible for a refund of the new five percent tax on motor fuels sales.

Lowers individual income tax rates and changes the individual income tax structure, effective January 1, 2014. Income less than \$5,000 would be taxed at a 0.75% rate, income over \$5,000 and up to \$17,000 would be taxed at a 4.5% rate, and income over \$17,000 would continue to be taxed at a 5.75% rate.

Repeals income tax credits for vehicle emissions testing equipment, clean-fuel vehicles and biodiesel fuel producers effective for taxable years beginning on or after January 1, 2013. Eliminates the sales tax exemption currently extended to certain services, such as auto repairs, taxi and limousines, armored cars, travel and transportation. *Morrissey*: **CARRIED OVER**

HB 2048 Water quality; transfer of responsibility for administration of programs. Consolidation of water quality programs. Moves several water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control and the Chesapeake Bay Preservation Areas. The Virginia Soil and Water Conservation Board will have continuing responsibility for oversight of the soil and water conservation districts and of resource management planning. The Virginia Soil and Water Conservation Board will continue to be responsible for administration of the flood prevention and dam safety laws. The board will continue to be staffed by the Department of Conservation and Recreation. This bill is identical to SB 1279. *Sherwood*: **PASSED**

HB 2063 Sources of revenue; establishing and adjusting for appropriations of state and its localities. Establishing and adjusting sources of revenues for appropriations of the commonwealth. Makes several changes to sources of revenue of the commonwealth as follows: Establishes a 5% tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed to the Highway Maintenance and Operating Fund, the Transportation Trust Fund, the Intercity Passenger Rail Operating and Capital Fund and the localities to be used for transportation purposes. Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the commonwealth to pay this fee. However, owners of hybrid electric motor vehicles registered in the commonwealth would be eligible for a refund of the new 5% tax on motor fuel sales.

Repeals income tax credits for vehicle emissions testing equipment effective for taxable years beginning on or after January 1, 2013.

Authorizes planning district commissions to be eligible to receive revenues to be used solely for transportation purposes within the planning district. The revenues would be generated by an additional 0.5% state sales and use tax and an additional state recordation tax of 15 cents per \$100 in the localities located in the planning district commission. In order to be eligible, the planning district commission must determine, in order of priority, a list of 10 transportation projects that it would like to fund with the revenues. Additionally, the governing bodies of the localities representing at least a majority of the residents within the planning district commission must pass a resolution in support of the generation of such revenues. After these requirements have been met, the General Assembly must specifically authorize the imposition of such taxes in the localities in the planning district commission during the next session of the General Assembly. If the revenues are authorized, then, if applicable, a locality would no longer be authorized to impose a local income tax. *Rust and Minchew*: **CARRIED OVER**

HB 2137 Local governments; environmental impact reports, prohibits purchase of certain deicing agents. Localities; environmental impact reports and the sale of certain deicing agents. Raises from \$500,000 to \$2 million the cost threshold at which a locality will be required to obtain an environmental impact report for a highway project. For certain projects costing more than \$500,000 and less than \$2 million, the locality is required to consult with the Department of Historic Resources to make efforts to minimize impacts to historic resources. The bill also exempts the sale of deicing agents containing urea from the current prohibition on such sales where the deicing agent is to be used by a municipal corporation at an airport. *Byron*: **PASSED**

HB 2190 Stormwater management ordinances; requires localities to adopt more stringent requirements. Stringency of stormwater management ordinances. Establishes a procedure for state review of the stringency of local stormwater ordinances. The bill requires localities within 30 days of the adoption of a more stringent stormwater ordinance or requirement to submit a letter report to the Department of Conservation and Recreation. The letter report is to include an explanation as to why the more stringent ordinance or requirement is necessary. In addition, within 90 days of the ordinance's adoption, a landowner or his agent can request the Department of Conservation and Recreation to determine whether the ordinance or requirement meets the

standards of the state law. The department has 90 days to make such a determination. *Cosgrove*:
PASSED

HB 2253 Transportation; makes several changes to state & local taxes & fees to acct. for & provide funding. The bill makes several changes to the individual and corporate income tax. The bill: (i) decreases all individual income tax rates by 0.2%; (ii) adopts market-based sourcing for corporate income tax for the sourcing of services, marketable securities and property; and (iii) repeals (a) the land preservation tax credit, (b) the long-term care insurance tax credit and (c) the coalfield employment enhancement tax credit, including the ability of electricity generators to allocate tax credits earned by such persons for purchasing coal to persons with an economic interest in coal.

The bill imposes a 5% state tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed for maintenance of roads in the secondary state highway system and construction of new roads.

The bill also increases the additional state registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the commonwealth to pay this fee. However, owners of hybrid electric motor vehicles registered in the commonwealth would be eligible for a refund of the new 5% tax on motor fuels sales.

The bill imposes a 2% state transient occupancy tax, an initial 1% state motor vehicle registration fee and a \$0.20 per \$100 recordation fee in any locality in Northern Virginia that is imposing either of the two local taxes set forth below.

The bill completely exempts food for human consumption from state and local sales taxes, repeals the sales and use tax exemption for nonprofit entities and increases the amount of state sales tax distributed to localities from 1% to 1.23%.

The bill authorizes Fairfax County, Loudoun County and Prince William County to impose a 4% food and beverage tax without a referendum, to be used for the construction of roads that reduce traffic congestion. The bill authorizes Arlington County and the cities in Northern Virginia to impose an additional 0.5% local sales and use tax to be used for the construction of roads that reduce traffic congestion.

The bill also authorizes localities in Hampton Roads to impose an additional 1% sales and use tax to be used for the construction of roads that reduce traffic congestion. All provisions of the bill, except the adoption of market-based sourcing for corporate income tax, are effective January 1, 2016. The market-based sourcing for corporate income tax is effective January 1, 2014. *Albo*: **CARRIED OVER**

Conservation

HB 1367 Cigarettes; deemed litter for purposes of criminal punishment for improper disposal of trash. 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. *Morrissey and Surovell*: **FAILED**

HB 1488 Stormwater management program; delays date local governments will have to for administering. Local implementation of stormwater management program. Delays the date that local governments will have to assume responsibility for administering the stormwater management program from July 1, 2014, to July 1, 2015. *Rush*: **CARRIED OVER**

HB 1531 Public beaches; sand dredging and beach replenishment. Sand replenishment for public beaches. Authorizes the Marine Resources Commission and the Department of Environmental Quality to establish an expedited application review process for dredging of sand and beach replenishment on the public beaches abutting the waters of the Chesapeake Bay. The bill requires the agencies to establish a working group, consisting of representative stakeholders, to assist in the development of the expedited review process. The working group is to consider a requirement that the application for the sand replenishment project permit include the submission of a dredging plan by the locality for areas within the Chesapeake Bay from which the dredged material will be taken and the location of the beach replenishment project. The bill provides several types of information that such a plan would include, such as the analysis of benthic, marine and fishery resources; impact on any historical artifacts; and impact on other uses of the state waters and bottomlands at the dredge site. This bill is identical to SB 946. *Stolle, Knight, Lewis, Spruill and Villanueva*: **PASSED**

HB 1548 Municipal separate storm sewer permittees; guidance documents. Requests the Department of Conservation and Recreation and the Department of Environmental Quality to jointly prepare guidance documents to assist MS4 permittees in developing and implementing their Chesapeake Bay Total Maximum Daily Load Action Plans. The guidance documents shall (i) identify methodologies to be used by MS4 permittees in calculating nutrient reductions and best management practices efficiencies as part of their Bay TMDL planning activities pursuant to MS4 permits and (ii) assist MS4 permittees in developing and implementing their action plans. *Knight*: **FAILED**

HB 1591 Plastic bags; use by retailers. Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles, (ii) at least 2.25 mils thick and (iii) specifically designed and manufactured for multiple reuse. *Ware, O.*: **CARRIED OVER**

HB 2040 Noise abatement practices and technologies; VDOT's evaluation extended for two additional years. Extends for two additional years (until June 30, 2015) VDOT's evaluation of noise abatement practices and technologies demonstration projects. *Comstock and Rust*: **PASSED**

HB 2048 Water quality; transfer of responsibility for administration of programs. Moves several water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control and the Chesapeake Bay Preservation Areas. The Virginia Soil and Water Conservation Board will have continuing responsibility for oversight of the soil and water conservation districts and of resource management planning. The Virginia Soil and Water Conservation Board will continue to be responsible for administration of the flood prevention and dam safety laws. The board will continue to be staffed by the Department of Conservation and Recreation. This bill is identical to SB 1279. *Sherwood: PASSED*

HB 2069 Seedlings; State Forester to furnish those grown in nurseries to state without expense. Authorizes the state forester to (i) provide seedlings at no expense for use on state forests, public grounds and state parks and (ii) sell seedlings to private individuals. The terms and conditions of the sale and the price of the seedlings will be set by the state forester. *Knight, Fariss, Lewis, Scott, E.T. and Webert: PASSED*

HB 2089 Permits and other information; DEQ to transmit electronically air pollution control. Allows the Department of Environmental Quality to transmit electronically air pollution control, water quality and waste management permits or certificates, as well as other information such as plan approvals. *Wilt: PASSED*

HB 2111 Coal; repeals an obsolete chapter that regulates surface mining. Surface mining of coal. Repeals an obsolete chapter in Title 45.1 that regulates the surface mining of coal. The provisions of this chapter have been superseded by the Virginia Coal Surface Mining Control and Reclamation Act (§ 45.1-226 et seq.). This bill is identical to SB 1014. *Morefield: PASSED*

HB 2137 Local governments; environmental impact reports, prohibits purchase of certain deicing agents. Raises from \$500,000 to \$2 million the cost threshold at which a locality will be required to obtain an environmental impact report for a highway project. For certain projects costing more than \$500,000 and less than \$2 million, the locality is required to consult with the Department of Historic Resources to make efforts to minimize impacts to historic resources. The bill also exempts the sale of deicing agents containing urea from the current prohibition on such sales where the deicing agent is to be used by a municipal corporation at an airport. *Patron: Byron: PASSED*

HB 2190 Stormwater management ordinances; requires localities to adopt more stringent requirements. Establishes a procedure for state review of the stringency of local stormwater ordinances. The bill requires localities within 30 days of the adoption of a more stringent stormwater ordinance or requirement to submit a letter report to the Department of Conservation and Recreation. The letter report is to include an explanation as to why the more stringent ordinance or requirement is necessary. In addition, within 90 days of the ordinance's adoption, a landowner or his agent can request the Department of Conservation and Recreation to determine whether the ordinance or requirement meets the standards of the state law. The department has 90 days to make such a determination. *Cosgrove: PASSED*

HB 2209 Virginia Soil and Water Conservation Board; powers and duties. Transfers authority for administration of the nutrient management certification program and responsibility for adopting regulations on nitrogen application rates from the Department of Conservation and Recreation to the Virginia Soil and Water Conservation Board. The bill also empowers the board to oversee districts' programs and to allocate general fund moneys to soil and water conservation districts to support their operations. This bill is identical to SB 1309. *Knight, Sherwood, Ware, R.L. and Weibert*: **PASSED**

HB 2283 Virginia Recreational Facilities Authority; designated as an agency in executive branch of state. Designates the Virginia Recreational Facilities Authority as an agency in the executive branch of state government that, as such, reports to the Secretary of Natural Resources. *Head*: **CARRIED OVER**

HB 2296 Virginia Urban Best Management Practices Cost-Share Program Fund; established. Requires the Department of Conservation and Recreation to administer an urban best management practices cost-share program. The program would provide matching funds of up to 50 percent to promote best management practices on private property. Eligible projects must be located in a locality subject to MS4 Phase I or Phase II stormwater permits. The bill also establishes the Virginia Urban Best Management Practices Cost-Share Fund as a subfund of the Virginia Water Quality Improvement Fund to provide the matching funds for the cost-share program. *Bulova*: **CARRIED OVER**

HB 2309 Virginia Indoor Clean Air Act; prohibits smoking in health care facilities. Prohibits smoking in health care facilities. *Howell, A.T.* : **CARRIED OVER**

HJ 609 Biosolids; DEQ to study substances contained in certain wastewater treatment facilities. Directs the Department of Environmental Quality to study the substances contained in biosolids generated from wastewater treatment facilities that are applied to lands for agricultural purposes. *Gilbert*: **CARRIED OVER**

HJ 615 Chesapeake Bay Preservation Act; DCR to study feasibility of applying provisions to watershed area. Requests the Department of Conservation and Recreation to study the feasibility of applying the provisions of the Chesapeake Bay Preservation Act to all localities within Virginia's Chesapeake Bay watershed. *Krupicka and Surovell*: **CARRIED OVER**

SB 909 State park master planning; Department of Conservation & Recreation shall solicit comments. Requires the Department of Conservation and Recreation, in considering public comments on stage one and stage two master plans, to make a reasonable effort to solicit comments and to provide timely notice of the comment period to trade associations and private businesses within a 10-mile radius of the park that offer similar services, including private campgrounds, marinas and recreational facilities. *Reeves; Delegate: Farrell*: **PASSED**

SB 946 Public beaches; sand dredging and beach replenishment. Authorizes the Marine Resources Commission and the Department of Environmental Quality to establish an expedited application review process for dredging of sand and beach replenishment on the public beaches abutting the waters of the Chesapeake Bay. The bill requires the agencies to establish a working

group, consisting of representative stakeholders, to assist in the development of the expedited review process. The working group is to consider a requirement that the application for the sand replenishment project permit include the submission of a dredging plan by the locality for areas within the Chesapeake Bay from which the dredged material will be taken and the location of the beach replenishment project. The bill provides several types of information that such a plan would include, such as the analysis of benthic, marine and fishery resources; impact on any historical artifacts; and impact on other uses of the state waters and bottomlands at the dredge site. This bill is identical to HB 1531. *Wagner and McWaters*: **PASSED**

SB 1014 Coal; repeals an obsolete chapter that regulates surface mining. Repeals an obsolete chapter in Title 45.1 that regulates the surface mining of coal. The provisions of this chapter have been superseded by the Virginia Coal Surface Mining Control and Reclamation Act (§ 45.1-226 et seq.). This bill is identical to HB 2111. *Puckett*: **PASSED**

SB 1055 Medical waste; repeals certain provisions regarding disposal of. Disposal of infectious waste. Repeals certain provisions regarding the permitting of infectious waste incinerators by the State Air Pollution Control Board and the Waste Management Board. The repeal of these sections will eliminate outdated regulations, which have been superseded by federal air emission requirements. The Virginia Waste Management Board's regulations related to medical waste incinerators would remain in place under the board's other existing authorities. *Black*: **PASSED**

SB 1166 Littering & illegal dumping; if convicted, ordered to perform minimum of 10 hours community service. Provides that when a person is convicted of illegally dumping or disposing of garbage or refuse on public property or on private property without the permission of the owner, the court may order a mandatory minimum of 10 hours of community service. *Smith*: **PASSED**

SB 1212 Environmental Quality, Department of; provision of information, protection of trade secrets. Provision of information to Department of Environmental Quality; protection of trade secrets. Requires that every person who the Department of Environmental Quality has reason to believe is generating or handling waste provide the department with information about the waste upon request. The bill exempts trade secrets contained in such information from disclosure by the department under certain conditions while still allowing the department to provide such information to the Environmental Protection Agency or as otherwise required by law. *Stuart*: **PASSED**

SB 1279 Water quality; transfer of responsibility for administration of programs. Moves several water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control and the Chesapeake Bay Preservation Areas. The Virginia Soil and Water Conservation Board will have continuing responsibility for oversight of the soil and water conservation districts and of resource management planning. The Virginia Soil and Water Conservation Board will continue to be responsible for administration of the flood prevention and dam safety laws. The board will

continue to be staffed by the Department of Conservation and Recreation. This bill is identical to HB 2048. *Hanger*: **PASSED**

SB 1283 Virginia Recreational Facilities Authority Fund; established. Establishes the fund with the purpose of assisting in the financing of the authority's operations. *Newman*: **CARRIED OVER**

SB 1309 Virginia Soil and Water Conservation Board; powers and duties. Transfers authority for administration of the nutrient management certification program and responsibility for adopting regulations on nitrogen application rates from the Department of Conservation and Recreation to the Virginia Soil and Water Conservation Board. The bill also empowers the board to oversee districts' programs and to allocate general fund moneys to soil and water conservation districts to support their operations. This bill is identical to HB 2209. *Hanger*: **PASSED**

SJ 338 Environmental regulation; need for reducing burden of EPA regulations. Recognizes the need for regulatory agencies to use administrative discretion to reduce the burden placed upon the coal and electricity-generation industries by the regulations recently adopted by the Environmental Protection Agency. *Martin*: **FAILED**

Other

HB 1768 Environmental courts; district court or circuit court may establish, specialized court dockets. Provides that any district court or circuit court may establish an environmental court, a separate court docket within the existing calendar of a district or circuit court, that would have the authority to hear cases involving the protection, improvement and preservation of the public health and the environment. *O'Quinn*: **FAILED**

HB 1804 Uranium; establishes 3% state severance tax on receipts of any severed from earth in state. Establishes a three percent state severance tax on the gross receipts of any uranium severed from the earth in the commonwealth. One-half of the proceeds of the tax shall be deposited in the general fund of the commonwealth. The other half of the proceeds shall be distributed to the locality from which the uranium was severed. *Miller*: **CARRIED OVER**

HB 2330 Uranium; establishes process for DMME to issue permits for mining of uranium ore, report. Establishes a process for the Department of Mines, Minerals and Energy to issue permits for the mining of uranium ore. DMME, in consultation with the Department of Environmental Quality, Department of Health, State Corporation Commission, Department of Conservation and Recreation, Department of Game and Inland Fisheries, Department of Historic Resources and Department of Agriculture and Consumer Services, is required to adopt regulations governing uranium mining. DMME shall not accept an application for a uranium mining permit from an applicant unless the applicant had a valid permit for uranium exploration on July 1, 2013. DMME shall not accept an application for a permit to mine uranium at a location more than 10 miles from an area for which a uranium exploration permit was in effect on January 1, 2012. Permit holders are required to pay application fees and annual fees, which shall be sufficient to defray the costs of administering the uranium mining program. The measure establishes the Uranium Administrative Fund, Uranium Response Fund and Long-Term

Monitoring Fund, which will be funded by fees assessed on permittees. A permittee that violates a permit condition or provision of law or regulation may be subject to civil penalties. A person who conducts uranium mining without a permit, violates a condition of a permit, fails to comply with a regulation or order, makes certain false statements, violates recordkeeping requirements or impedes the DMME in its performance of duties is subject to criminal penalties. A uranium mining permit shall not be issued to an applicant unless the applicant is licensed by the State Corporation Commission as a uranium development corporation, the requirements for which are established by this measure. The commission is authorized to suspend a uranium development license if it finds that a licensee is not in compliance with financial responsibility requirements or if it receives notice of a determination by an agency that an operation is being conducted in violation of a permit or license. The commission may revoke a uranium development license if it finds by clear and convincing evidence that the license holder has failed to correct a condition for which its license was suspended or has committed other specified acts. *Jackson*: **CARRIED OVER**

SB 919 Uranium; 3% state severance tax on receipts of any severed from earth in state, proceeds. State severance tax; uranium. Establishes a three percent state severance tax on the gross receipts of any uranium severed from the earth in the commonwealth. One-half of the proceeds of the tax shall be deposited in the general fund of the commonwealth. The other half of the proceeds shall be deposited into an Economic Development and Environmental Trust Fund established for each locality from which uranium is mined. Each locality's fund would be administered by a board appointed by the governing body of the locality. *Watkins*: **FAILED**

SB 1353 Uranium; establishes process for DMME to issue permits for mining of uranium ore, report. Uranium mining; penalties. Establishes a process for the Department of Mines, Minerals and Energy to issue permits for the mining of uranium ore. DMME, in consultation with the Department of Environmental Quality, Department of Health, State Corporation Commission, Department of Conservation and Recreation, Department of Game and Inland Fisheries, Department of Historic Resources and Department of Agriculture and Consumer Services, is required to adopt regulations governing uranium mining. DMME shall not accept an application for a uranium mining permit from an applicant unless the applicant had a valid permit for uranium exploration on July 1, 2013. DMME shall not accept an application for a permit to mine uranium at a location more than 10 miles from an area for which a uranium exploration permit was in effect on January 1, 2012. Permit holders are required to pay application fees and annual fees, which shall be sufficient to defray the costs of administering the uranium mining program. The measure establishes the Uranium Administrative Fund, Uranium Response Fund and Long-Term Monitoring Fund, which will be funded by fees assessed on permittees. A permittee that violates a permit condition or provision of law or regulation may be subject to civil penalties. A person who conducts uranium mining without a permit, violates a condition of a permit, fails to comply with a regulation or order, makes certain false statements, violates recordkeeping requirements or impedes the DMME in its performance of duties is subject to criminal penalties. A uranium mining permit shall not be issued to an applicant unless the applicant is licensed by the State Corporation Commission as a uranium development corporation, the requirements for which are established by this measure. The commission is authorized to suspend a uranium development license if it finds that a licensee is not in compliance with financial responsibility requirements or if it receives notice of a determination

by an agency that an operation is being conducted in violation of a permit or license. The commission may revoke a uranium development license if it finds by clear and convincing evidence that the license holder has failed to correct a condition for which its license was suspended or has committed other specified acts. *Watkins*: **FAILED**