

2015 VA General Assembly

Legislation Concerning Stormwater Issues

The following is a representative list of the major pieces of legislation dealing with stormwater concerns that were considered in the Virginia General Assembly during the regular 2015 session. This publication reflects the status of these bills as of the end of the regular session.

The following bills were passed by both the House and Senate and will become law this year.

HB 1817 Flood protection plan; DCR to regularly update.

Summary as introduced: Directs the Department of Conservation and Recreation to regularly update the flood protection plan for the Commonwealth and to make the plan accessible online. This is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding.

Status: 2/24/15 House: Passed Senate Passed Signed by both branches

HB 1827 Routine HWY maintenance projects; exemption from erosion & sediment control requirements.

Summary as introduced: Exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program.

Status: 2/24/15 House: Passed Senate: Passed Signed by both branches

HB 2067 Daylighted streams; not required to become Resource Protection Area.

Summary as passed House: Provides that the State Water Control Board (SWCB), when developing the criteria for a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act, shall not require that a daylighted stream become an RPA. The bill requires any locality that does not designate an RPA adjacent to a daylighted stream to use a water quality impact assessment to ensure that development adjacent to the stream does not result in the degradation of the stream. The locality's assessment must (i) be consistent with the SWCB's criteria for water quality impact assessments in RPAs, (ii) identify the impacts of proposed development on water quality, and (iii) determine measures to mitigate adverse impacts. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or other underground drainage system and is redirected into an aboveground channel using natural channel design concepts. The bill does not limit a locality's authority to include such a stream within an RPA

Status: 2/25/15 House: Passed with substitute Senate: Passed with substitute Passed both branches.

HJ 587 Study; impact of stormwater regulations on high water table area; report.

Summary as passed House: Requests the Department of Environmental Quality to conduct a two-year study of the application of the post development stormwater management technical criteria, as established in the Virginia Stormwater Management Regulations, in areas with a seasonal high groundwater table.

Status: 2/24/15 House: Passed with substitute Senate: Passed

SB 1047 Stormwater utility; waiver of charges for certain property

Summary as passed Senate: Provides that where two adjoining localities each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to covered property of a school board of one locality that is located in the other locality..

Status: 2/27/15 Senate: Passed with substitute House: Passed with substitute

SB 1079 Flood Protection Plan

Summary as introduced: Directs the Department of Conservation and Recreation to regularly update the flood protection plan for the Commonwealth and to make the plan accessible online. This is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding.

Status: 2/23/15 Senate: Passed House: Passed Signed by both branches

SB 1201 Stormwater; dredging by municipal separate storm sewer system permittees

Summary as passed Senate: Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed as a method by which to meet pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal under the Chesapeake Bay Watershed Model. The bill requires that any dredging comply with all applicable laws. The bill also requires that any locality imposing certain stormwater fees shall make funds available for stormwater maintenance dredging where stormwater has contributed to the deposition of sediment in state waters.

Status: 2/27/15 Senate: Passed with substitute House: Passed with substitute

SB 1284 Water Implementation Plans (WIPs); replacement of tributary strategies

Summary as passed Senate: Replaces the tributary strategies for cleaning up the Chesapeake Bay and its tributaries, which were last prepared in 2003-2004, with the Water Implementation Plans (WIPs) developed pursuant to the Chesapeake Bay total maximum daily load (TMDL). The bill authorizes the Secretary of Natural Resources to oversee the development and implementation of the WIPs.

Status: 2/23/15 Senate: Passed House: Passed Signed by both branches

The following bills were left in committee or stricken from docket.**HB 1293 Stormwater fees; exemption for religious groups.**

Summary as introduced: Requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations.

Status: 2/10/15 House: Left in Agriculture, Chesapeake & Natural Resources

HB 1294 Churches and other religious bodies.

Summary as introduced: Exempts churches, religious associations, and religious denominations from all state and local taxes, fees, and other charges.

Status: 2/10/15 House: Left in Finance

HB 1450 Virginia Residential Property Disclosure Act; representations related to special flood hazard area.

Summary as introduced: Requires the residential property disclosure statement provided by a property owner to a prospective purchaser under the Virginia Residential Property Disclosure Act to include explanation that the owner makes no representation with respect to the presence of any maintenance agreement for any stormwater detention facility on the property or with respect to whether the property resides in any special flood hazard area. The bill requires the statement to advise prospective purchasers to exercise whatever diligence they deem necessary to determine the presence of any such agreement or location of any such special flood hazard areas prior to settlement.

Status: 2/10/15 House: Left in General Laws

HB 1866 Dam Safety, Flood Prevention and Protection Assistance Fund; use of Fund.

Summary as introduced: Allows the Director of the Department of Conservation and Recreation to make loans from the Dam Safety, Flood Prevention, and Protection Assistance Fund of up to \$300,000 to be used to elevate or flood-proof primary and secondary single-family homes, owner-occupied rental housing of not more than four units, and businesses. To be eligible, homeowners' and business owners' structures must be subject to coastal flooding and located in either Zone VE or Coastal Zone AE, as defined by the Federal Emergency Management Agency and the National Flood Insurance Program.

Status: 2/10/15 House: Left in Appropriations

HB 2227 Stormwater management; small agricultural structures, impervious cover.

Summary as introduced: Expands the stormwater management exemptions available to single-family detached residential structures to also include agriculture structures occupying a footprint of less than 2,500 square feet. The bill also directs the State Water Control Board to adopt a regulatory definition of "impervious cover" that excludes unpaved farm roads that are closed to public travel.

Status: 2/10/15 House: Left in Agriculture, Chesapeake & Natural Resources

SB 1146 Virginia Vegetation Program; established by the Department of Environmental Quality

Summary as introduced: Directs the Department of Environmental Quality to establish the Virginia Vegetation Program, organizing volunteer labor to plant native vegetation on unimproved lands that is managed by the Virginia Department of Transportation or in stormwater management basins that are located on public lands. The bill requires the Department to establish planting criteria, develop an information packet, arrange planting in coordination with volunteers and local officials, and create a list of appropriate planting sites. The bill also addresses potential liability for any injury or damages caused or sustained by program volunteers.

Status: 1/29/15 Senate: Stricken at request of Patron