

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #15: FOR YOUR INFORMATION

A. 2014 Legislative Session Highlights

Environmental

HB 131 Chesapeake Bay; voluntary tax contributions for restoration, report.

Summary as passed House:

Tax contributions for restoration of the Chesapeake Bay. Requires the Secretary of Natural Resources to submit a report to the committees of oversight and the Virginia delegation to the Chesapeake Bay Commission by November 1 of each year describing how the moneys from the voluntary income tax check-off for Chesapeake Bay restoration activities were expended. The bill requires the report to be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grants, beginning with awards granted on or after July 1, 2014.

HB 445 Administrative Process Act; standard procedures for adoption of waste load allocations.

Summary as introduced:

Administrative Process Act; standard procedures for adoption of waste load allocations by the State Water Control Board. Establishes minimum procedural requirements for the adoption of all waste load allocations, including public notice, public comment opportunity, a stakeholders advisory group process, agency response to comments, and a public meeting. Historically, waste load allocations were established under various procedures on a case-by-case basis. The bill requires that a comprehensive listing of all total maximum daily load waste load allocations adopted or approved by the State Water Control Board prior to July 1, 2014, be set forth in the Water Quality Management Planning Regulation (9VAC25-720). The bill also provides that any amendment prior to July 1, 2025, of the Water Quality Management Planning Regulation waste load allocations for nitrogen or phosphorus related to chlorophyll-a water quality criteria for multiple James River basin facilities shall be undertaken in accordance with the Administrative Process Act.

HB 911 Living shorelines projects; issuance of general permits.

Summary as introduced:

Living shorelines general permit. Requires regulations for the issuance of general permits for living shoreline projects to include an expedited review process. The bill allows construction of such projects under the local wetlands and coastal primary sand dunes ordinances. A living shoreline is a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline

habitat; and maintains coastal processes through the strategic placement of plants, stone, and fill. This bill is identical to SB 569.

HB 975 Hybrid electric motor vehicles; repeals annual license tax.

Summary as passed House:

Annual license tax on hybrid electric motor vehicles. Repeals the \$64 annual license tax on hybrid electric motor vehicles that was first imposed beginning July 1, 2013. The bill also provides for refunds of the license tax paid on hybrid electric motor vehicles for registration years beginning on or after July 1, 2014. This bill is identical to SB 127.

SB 414 Chesapeake Bay; voluntary tax contributions for restoration, report.

Summary as passed Senate:

Tax contributions for restoration of the Chesapeake Bay. Requires the Secretary of Natural Resources to submit a report to the committees of oversight and the Virginia delegation to the Chesapeake Bay Commission by November 1 of each year describing how the moneys from the voluntary income tax check-off for Chesapeake Bay restoration activities were expended. The bill requires the report to be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grants beginning with awards granted on or after July 1, 2014. This bill is identical to HB 131.

HB 795 Waste kitchen grease; persons transporting to conspicuously display decal.

Summary as passed House: (all summaries)

Transportation of waste kitchen grease; decal. Requires certain persons transporting waste kitchen grease to conspicuously display a decal issued by the Commissioner on the outside of any vehicle used for such purpose. Current law requires the person to display his name and registration number on the vehicle in letters not less than three inches high. This bill is identical to SB 614.

HB 1173 Stormwater management programs; State Water Control Board to establish procedures and regulations.

Summary as passed: (all summaries)

Stormwater management programs; optional for some localities. Requires the Department of Environmental Quality to establish a Virginia Stormwater Management Program (VSMP) for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4). The bill defers the VSMP requirement for six months for certain recent MS4 localities. The bill alters the permitting appeals process and allows for an agreement in lieu of a stormwater management plan, and it directs the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions, the registration of single-family residences, and the reciprocity given by Virginia for proprietary Best Management Practices established elsewhere. The bill exempts single-family residences from payment of the Department's portion of the fee for the state general permit. Finally, the bill provides that the consolidation of state post-

construction requirements into Virginia's General Permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act. This bill incorporates HB 58, HB 649, and HB 261 and contains an emergency clause. This bill is identical to SB 423.

SB 423 Stormwater management programs; State Water Control Board to establish procedures and regulations.

Summary as passed: (all summaries)

Stormwater management programs; optional for some localities. Requires the Department of Environmental Quality to establish a Virginia Stormwater Management Program (VSMP) for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4). The bill defers the VSMP requirement for six months for certain recent MS4 localities. The bill alters the permitting appeals process and allows for an agreement in lieu of a stormwater management plan, and it directs the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions, the registration of single-family residences, and the reciprocity given by Virginia for proprietary Best Management Practices established elsewhere. The bill exempts single-family residences from payment of the Department's portion of the fee for the state general permit. Finally, the bill provides that the consolidation of state post-construction requirements into Virginia's General Permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act. This bill incorporates SB 425 and SB 530 and contains an emergency clause. This bill is identical to HB 1173.

Freedom of Information Act

SB 161 FOIA; participation in meetings by electronic communication in event of emergency, etc.

Summary as passed Senate: (all summaries)

Virginia Freedom of Information Act; participation in meetings in event of emergency or personal matters. Provides that if a public body does not approve of the remote participation of one of its members in the event that an emergency or personal matter prevents such an attendance, the public body must record the reason for the disapproval in the meeting minutes.

Local Government Mandates

HB 1011 Local Government, Commission on; local mandates.

Summary as passed House: (all summaries)

Commission on Local Government; local mandates. Extends from July 1, 2014, to July 1, 2018, the task force appointed by the Governor to review state mandates on localities.