

Mission H2O Legislative Tracking  
February 21, 2020

The 2020 Virginia General Assembly session convened on Wednesday, January 8. Crossover occurred February 11 and all bills that are still alive have crossed to the other chamber for consideration. March 7 is the last day of session. Links to each bill are provided if you would like to review the specific language.

BILL	PATRON	SUMMARY	STATUS
<b>REGULATION OF WATER RESOURCES</b>			
<a href="#">HB 542</a>	Carr	<p>Mission H2O supports this bill. It authorizes DEQ to establish regional planning boundaries, and adds to the requirements associated with regional water supply plans.</p> <p>DEQ proposed minor amendments to the bill. First, language was changed to require the Board to “estimate” rather than “predict” the risk that each locality or region will experience water supply shortfalls. Another amendment strikes the provision stating that strategies to address water supply risks should be the most cost-effective. Finally, an amendment requires that water withdrawal registrations include location data in a coordinate system specified by the Board. The House Appropriations Committee amendment clarifies that the bill does not supplant regional planning pursuant to interstate compacts or other cross-jurisdictional agreements.</p>	Passed House (61-37); Referred to Senate Committee on Agriculture, Conservation and Natural Resources
<a href="#">HB 586</a>	Guzman	<p>Mission H2O opposes this bill. It requires the Commissioner of Health to convene a workgroup to study the occurrence of PFOA, PFOS, and PFAS in the Commonwealth's public drinking water and to develop recommended MCLs for these substances.</p> <p>The amendments to the bill clarify the PFAS substances to be included, adding PFBA, PFHpA, PFHxS and PFNA.</p> <p>The Committee substitute makes the recommendations of MCLs optional and expands the bill to include other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary by the Commissioner. The substitute also extends the deadline for the report from Dec. 1, 2020 to Dec. 1, 2021.</p>	Passed the House (99-0); Referred to Senate Committee on Education and Health; Reported from Committee (15-0); Rereferred to Senate Finance and Appropriations

<a href="#">HB 1257</a>	Rasoul	<p>Mission H2O opposes this bill. It directs the Board of Health to adopt MCLs for (i) PFOS, PFOA, and other PFAS compounds; (ii) chromium-6; and (iii) 1,4-dioxane.</p> <p>One amendment appears to give the Board discretion about whether to adopt MCLs by inserting the phrase “as deemed necessary” into the bill. Another amendment removes the requirement to consider establishing MCLs for other contaminants after two or more states set limits or issue guidance on such contaminants. The final amendment inserts an effective date of July 1, 2022.</p>	Passed House (58-40); Referred to Senate Committee on Health and Education
<a href="#">HB 1674</a>	Hodges	<p>Mission H2O supports this bill. The administration is strongly opposed.</p> <p>This bill authorizes the SWCB to issue a provisional surface water withdrawal permit within the Eastern Virginia Groundwater Management Area to an applicant that has not identified an end user for the water.</p> <p>The substitute adds a provision to assure that a provisional permit without an end user or for which an end user is not imminent will not interfere with a subsequent surface water withdrawal permit application for water from the same affected stream reach when use of the provisional permit would not be appropriate.</p>	Passed House (94-4); Referred to Senate Committee on Agriculture, Conservation and Natural Resources
<a href="#">HJ 35</a>	Convirs-Fowler	This bill requires DEQ to study the Albemarle-Pamlico watershed in Virginia including analyzing land use and demographic data, stormwater data, groundwater data including rainfall data and future projections, threats to drinking water supplies, and groundwater supply, quality, and sustainability data, among other areas. The study is focused on the health of the watershed and the Albemarle-Pamlico estuarine system and threats to the system from population growth and development.	Referred to House Committee on Rules; Assigned to Subcommittee on Studies; Subcommittee recommends continuing to 2021 by voice vote
<a href="#">HJ 92</a>	Lopez	This bill requires VDH’s Office of Drinking Water to study the Commonwealth's drinking water infrastructure and oversight of the drinking water program. In conducting its study, the bill would require the Office to: (i) evaluate the existing drinking water program infrastructure and oversight of the drinking water program to identify problems or issues that may result in contamination of drinking water with lead or copper or other substances or organisms; and (ii) develop recommendations for addressing such problems or issues. The bill	Agreed to by the House (87-5); Referred to Senate Committee on Rules; Reported from Rules on a voice vote

		requires an executive summary and report of findings and recommendations to be submitted to the General Assembly no later than the first day of the 2021 General Assembly session.	
<a href="#">SB 106</a>	Surovell	<p>This bill prohibits hydraulic fracturing in the EVGWMA.</p> <p>The substitute revises the prohibition on fracturing to state that “No person shall conduct any hydraulic fracturing in any well that has been drilled through any portion of a groundwater management area declared by regulation pursuant to the provisions of the Ground Water Management Act of 1992.”</p> <p>During discussion of the bill on the Senate floor, Senator Surovell proposed an amendment. The amendment clarifies that no person shall conduct fracking on any well in a groundwater management area drilled prior to January 1, 2020.</p>	Passed Senate (26-13); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee
<a href="#">SB 673</a>	Mason	<p>This bill prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to establish criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use.</p> <p>The substitute clarifies that DEQ must specify in its regulations the information that must be submitted by a golf course or any other person seeking a determination from DEQ that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use. Such regulations shall require the DEQ, within 30 days of receipt of a complete request, to make a determination as to the adequacy of the quantity or quality of the ground water in a surficial aquifer.</p>	Passed Senate (20-19); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee; Reported from Subcommittee (5-3); Reported from Committee (12-9)
<a href="#">SB 679</a>	Mason	This bill re-establishes the Eastern Virginia Groundwater Management Advisory Committee to assist DEQ and the State Water Commission in developing, revising, and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area.	Passed Senate (40-0); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee; Reported from Subcommittee with Amendments (8-

		<p>The substitute softens the responsibilities of the committee stating that the committee may develop statutory, budgetary and regulatory recommendations after DEQ reports on activities taking place in the EVGWMA. The substitute appoints DEQ as the facilitator of the committee and requires annual reporting by DEQ to the State Water Commission, the Governor and the General Assembly by Nov. 1 each year.</p> <p>The House Committee amendment adds a sunset date of July 1, 2025.</p>	0); Reported from Committee with Amendments (22-0)
<b>UTILITY RELATED BILLS</b>			
<a href="#">HB 1609</a>	Mugler	<p>This bill provides that when a publicly owned wastewater treatment works conducts land-disturbing activities in order to construct or expand a facility, it may comply with the water quality requirements associated with such land-disturbing activities by generating and using point source nutrient credits through the operation of its existing treatment facilities. The bill requires the treatment works to notify the Department of Environmental Quality of its plan and to adopt a ratio of 10-point source nitrogen credits for each point source phosphorus credit used. The bill contains technical amendments.</p> <p>The substitute imposes additional requirements including a requirement that a facility's wasteload allocation be reduced if the credits are to be used as permanent credits. The substitute also caps at 10 pound per year the amount of credit that may be applied toward a single project's postconstruction phosphorus control requirement. The 10-pound limit does not apply to water reclamation and reuse projects at a treatment works.</p>	Passed House (99-0); Referred to Senate Committee on Agriculture, Conservation and Natural Resources
<b>OTHER BILLS OF INTEREST</b>			
<a href="#">HB 282</a>	Campbell	<p>This bill designates a 19.25-mile segment of the Maury River as a component of the Virginia Scenic Rivers System.</p> <p>The minor Senate Committee amendment clarifies the area that the designation covers.</p>	Passed House (90-9); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Referred to Senate Committee on Agriculture, Conservation and Natural

			Resources; Reported from Committee with Amendment (13-2)
<a href="#">HB 704</a>	Keam	<p>This bill requires each state agency to conduct an environmental justice evaluation for any proposed regulation or policy involving state actions or funds. The bill also codifies the Council on Environmental Justice.</p> <p>The substitute clarifies several definitions including “community of color” which is defined as a geographically distinct area where the population of color is higher than the population of color in the Commonwealth expressed as a percentage of the total population of color. The substitute modifies the definition of “fair treatment” by removing impacts from an “environmental decision” and replacing it with “any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.” The substitute adds a definition for “fenceline community.” The substitute amends and narrows the policy statement regarding environmental justice. The substitute would require each state agency to determine whether any decision is likely to affect any environmental justice community or fenceline community, including the adoption or regulations, guidance or policy and regarding funding decisions. It would require each agency to develop an agency-specific environmental justice policy by Jan. 1, 2021. The substitute replaces the proposed council on environmental justice with a 10 member interagency environmental justice working group.</p> <p>The substitute coming out of the House Appropriations committee strikes the provision laying out the responsibilities of each agency as well as the provision on an interagency environmental justice working group, simply leaving the definitions section and the policy statement regarding environmental justice.</p> <p>The Senate Committee substitute removes definitions that related to the original language of the bill and retains the simple policy statement regarding environmental justice.</p>	Passed House (60-40); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee with Substitute (10-5)

<a href="#">HB 705</a>	Keam	This bill removes permitting authority from the Air, Waste, and Water Boards and would place that authority with DEQ. The bill also changes the composition of the Boards from appointment exclusively by the Governor to the following: two members appointed by the Governor; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and three members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources.	Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Subcommittee on Natural Resources; Continued to 2021 with Substitute by voice vote
<a href="#">HB 797</a>	Askew	This bill requires each local school board to test and remediate for lead in certain potable water sources. The bill also requires local school boards to notify parents if testing results indicate lead contamination that exceeds an EPA MCL.  The substitute requires reporting lead testing results to VDH and notification to parents if testing results indicate lead contamination that exceeds 10 parts per billion.	Passed House (99-0); Referred to Senate Committee on Education and Health; Reported from Committee (14-0); Rereferred to Senate Committee on Finance and Appropriations; Reported from Committee (16-0)
<a href="#">HB 799</a>	Askew	This bill requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water for lead. The bill requires remediation where the testing results indicate a level of lead at or above 15 parts per billion. The bill also allows provides such programs to use bottled water in lieu of testing or remediation. The bill has a delayed effective date of July 1, 2021.	Passed House (99-0); Referred to Senate Committee on Education and Health; Reported from Committee (10-0); Rereferred to Senate Committee on Rehabilitation and Social Services
<a href="#">HB 1042</a>	Herring	This bill codifies the Virginia Council on Environmental Justice to advise the Governor and provide recommendations to protect vulnerable communities from disproportionate impacts of pollution, as well as ensure such communities have meaningful involvement in the decision-making process. The bill provides that 18 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. The bill has an expiration date of July 1, 2023.  The substitute changes the composition to 27 members including 21 nonlegislative members and six ex officio members made up of Secretaries of Natural Resources, Commerce and Trade, Agriculture and Forestry, Health and Human Resources, Education, and Transportation.	Passed House (55-43); Referred to Senate Committee on General Laws and Technology; Reported from Committee (10-5); Passed Senate (25-15)

		The substitute removes the expiration provision and lays out staggered terms of two and four years.	
<a href="#">HB 1128</a>	Lopez	This bill requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the State Water Control Board (in addition to DEQ), and that DEQ give the reported discharge information to local newspapers, television stations, and radio stations.	Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee; this bill was incorporated into HB 1205 by the Committee
<a href="#">HB 1205</a>	Tran	<p>This bill decreases the reporting time period for unlawful discharges of deleterious substances into state waters from the current 24 hours to eight hours. The bill also requires DEQ to give the report to VDH, local newspapers, television stations, and radio stations, and disseminate via commonly used social media platforms and email notification lists. DEQ must make this report within eight hours of receipt of such information. The bill also requires DEQ, if VDH determines that the discharge may be detrimental to the public health, to provide information regarding such determination to the same recipients within eight hours of receipt of such determination.</p> <p>The substitute bill removes the proposed eight hour reporting provision for dischargers and replaces the DEQ reporting provision to VDH and the media from eight hours to 12 hours.</p> <p>The Senate Committee substitute simplifies the reporting language and removes all timing requirements. The substitute further leaves the determination as to whether the discharge may be detrimental to public health with VDH and makes DEQ the decider of whether the discharge may impair beneficial uses (rather than the Board). The substitute includes an enactment clause requiring DEQ to report to the General Assembly on a protocol that could be used to determine whether a discharge would have a de minimis impact on beneficial uses and proposed implementation procedures if the Code were to be amended to require dissemination of all discharges except those determined to have a de minimis effect on beneficial uses.</p>	Passed House (59-37); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee with Substitute (15-0); Rereferred to Senate Committee on Finance and Appropriations

<a href="#">HB 1136</a>	Lopez	<p>This bill directs DEQ to publish and update annually a Virginia Nonfederally Managed Hazardous Waste Site Inventory, consisting of a list of sites that meet certain criteria regarding the presence of hazardous wastes or other hazardous substances. The bill includes a broad definition of “nonfederally managed hazardous waste sites” as any site where a past release of oil or other hazardous substance has occurred</p> <p>The bill authorizes DEQ to identify other categories of waste sites to add to the inventory. The bill requires an owner of an inactive non-federally managed hazardous waste site, defined in the bill, to notify DEQ of its existence. A violation of the notification requirement is subject to a civil penalty of not more than \$5,000 per day.</p> <p>The substitute requires DEQ to create an inventory of hazardous waste sites permitted by or in corrective action by DEQ. Such inventory must include location, nature and known characteristics of the wastes disposed of at the sites and the status or remediation or corrective action undertaken or planned. The inventory must be published by July 1, 2021 and updated annually thereafter and posted on DEQ’s website.</p>	Passed House (73-25); Referred to Senate Committee on Agriculture, Conservation and Natural Resources
<a href="#">HB 1162</a>	Lopez	<p>This bill defines environmental justice and tasks DEQ with furthering environmental justice.</p> <p>The Senate Committee amendment adds faith and disability to the definition of environmental justice.</p>	Passed House (55-44); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee with Amendment (8-6)
<a href="#">HB 1164</a>	Lopez	<p>This bill adds language to DEQ’s statement of policy for addressing climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the administration of environmental laws, regulations. The bill also adds the enhancement of the environment and the promotion of the health and well-being of the Commonwealth's residents and visitors to the Department's policy goals.</p>	Passed House (62-36); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee with Amendment (7-6)

		<p>An amendment to the bill clarifies that DEQ shall ensure the fair treatment and meaningful involvement of all people.</p> <p>The Senate Committee amendment adds faith and disability to the policy statement regarding ensuring fair treatment and meaningful involvement of all people.</p>	
<a href="#">HB 1173</a>	Lopez	This bill allows political subdivisions of the state to receive prospective certification of the tax-exempt status of certain pollution control equipment associated with water, wastewater, stormwater, or solid waste management facilities or systems.	Passed House (91-6); Referred to Senate Committee on Finance and Appropriations; Reported from Committee (11-0); Passed Senate (40-0)
<a href="#">SB 685</a>	Mason	This bill allows political subdivisions of the state to receive prospective certification of the tax-exempt status of certain pollution control equipment associated with water, wastewater, stormwater, or solid waste management facilities or systems.	Passed Senate (39-0); Referred to House Committee on Finance; Reported from Committee (22-0); Passed House (100-0)
<a href="#">HB 1191</a>	Heretick	This bill is the House companion to SB 360. It allows a locality to require a subdivider or developer to install reasonable and necessary sewerage and water facilities to meet the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area.	Referred to House Committee on Counties, Cities and Towns; Assigned to Subcommittee on Land Use; Failed to Report from Committee (11-10)
<a href="#">SB 360</a>	Cosgrove	<p>This bill allows a locality to require a subdivider or developer to install reasonable and necessary sewerage and water facilities to meet the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area.</p> <p>The substitute clarifies that a locality may add provisions to its subdivision ordinance to require a developer or subdivider to install reasonable and necessary sewerage and water facilities to meet the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area.</p>	Passed Senate (39-0); Referred to House Committee on Counties, Cities and Towns; Assigned to Subcommittee on Land Use; Reported from Subcommittee (8-0)

<a href="#">HB 1192</a>	Lopez	<p>This bill directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance.</p> <p>The bill also creates the Hazardous Substance Aboveground Storage Tank Fund. The purpose of the Fund is to fund the administration of the AST regulatory program.</p>	<p>Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee; Referred to House Committee on Courts of Justice; Subcommittee recommends continuing to 2021 by voice vote</p>
<a href="#">SB 626</a>	Surovell	<p>See HB 1192.</p>	<p>Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Continued to 2021 (15-0)</p>
<a href="#">HB 1458</a>	Murphy	<p>This bill authorizes the State Water Control Board to administratively withdraw an individual or a general coverage wetland-related water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Prior to an administrative withdrawal, the bill requires that the Board provide (i) notice to the applicant and (ii) an opportunity for an informal fact finding proceeding. The bill also allows an applicant to request suspension of the application review process, but such requests would not affect the Board's ability to administratively withdraw the application. Although this bill is focused on wetland permits, it creates a precedent for other water permitting programs.</p> <p>The amendment restores language that an application shall be deemed approved if the Board fails to act within 45 days.</p>	<p>Passed House (99-0); Referred to Senate Committee on Agriculture, Conservation and Natural Resources</p>
<a href="#">HB 1598</a>	Fariss	<p>This bill designates a 20-mile portion of the James River located in Albemarle, Buckingham, and Fluvanna Counties to the James State Scenic River, a component of the Virginia Scenic Rivers System.</p>	<p>Passed House (88-9); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee (11-2)</p>

<a href="#">HB 1601</a>	Edmunds	This bill adds the 11.5-mile segment of the Staunton River between the U.S. Route 360 bridge and the Staunton River State Park boat landing as a component of the Virginia Scenic Rivers System. The segment of the Staunton River upstream of the U.S. Route 360 bridge to State Route 761 at the Long Island Bridge, a distance of approximately 51.3 miles, adjoins the new segment and is designated as a scenic river in current law, making a total distance of approximately 62.8 miles of the Staunton River a component of the Virginia Scenic Rivers System.	Passed House (88-9); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee (11-2)
<a href="#">HB 1612</a>	Brewer	This bill designates a six-mile portion of Grays Creek in Surry County as a component of the Virginia Scenic Rivers System.	Passed House (90-8); Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee (11-2)
<a href="#">HJ 125</a>	Kory	This bill requires DEQ to study the effectiveness of stormwater management laws and regulations in Virginia. The bill includes a focus on how the stormwater management laws and regulations affect water quality and quantity.	Referred to House Committee on Rules; Assigned to Studies Subcommittee; Subcommittee recommends laying on the table (4-0)
<a href="#">SB 392</a>	McPike	This bill requires each local school board to submit its lead testing plan and any testing results to VDH.  The substitute conforms the bill to the language in HB 797.	Passed Senate (40-0); Referred to House Committee on Education; Assigned to Subcommittee on SOL and SOQ
<a href="#">SB 406</a>	Hashmi	This bill is entitled the Virginia Environmental Justice Act and codifies environmental justice into state law, requiring state agencies to examine the environmental justice impact of any new regulation or policy. The bill also requires the Governor's Secretaries to develop a policy or strategy to promote environmental justice in ways that are tailored to the specific authority, mission, and programs under their Secretariat no later than January 1, 2021. The bill also creates an interagency environmental justice working group to further environmental justice in the Commonwealth.  The substitute conforms the language to that in HB 704.	Passed Senate (25-15); Referred to House Committee on General Laws; Reported from Committee with Substitute (12-9)

<a href="#">SB 616</a>	Deeds	<p>This bill renames the Department of Game and Inland Fisheries as the Department of Wildlife Resources and the Board of Game and Inland Fisheries as the Board of Wildlife Resources.</p>	<p>Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Reported from Committee (14-0-1); Passed Senate (39-0); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Natural Resources Subcommittee; Reported from Subcommittee (8-0); Reported from Committee (16-6)</p>
<a href="#">SB 769</a>	Reeves	<p>This bill directs DEQ to give deference to findings of fact by a presiding officer explicitly based on the evidence presented in any formal proceeding. The bill directs DEQ to include in its case decision the factual and legal basis for any decision that rejects a recommendation from the hearing officer or presiding officer. The bill requires a court hearing any decision on review in which a hearing officer has made a recommendation to DEQ on a factual issue to defer to such recommendation. A violation on account of gross negligence is a Class 1 misdemeanor.</p> <p>The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication.</p> <p>The substitute modifies the language of the original bill to create a rebuttable presumption that a hearing officer's recommendation and requires a court to give deference to the hearing officer's recommendation.</p>	<p>Passed Senate (39-0); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee</p>

<a href="#">SB 826</a>	McDougle	<p>This bill reduces the maximum potential responsibility of a property owner for a tenant's unpaid water and sewer charges by capping the dollar amount of such property owner's responsibility at \$200.</p> <p>The amendment increased the maximum responsibility from \$200 to \$300.</p> <p>The House Subcommittee amendment limits the bill to only residential properties.</p>	Passed Senate (38-2); Referred to House Committee on Counties, Cities and Towns; Assigned to Land Use Subcommittee; Reported from Subcommittee with Amendment (8-0)
<a href="#">SB 843</a>	Petersen	<p>This bill authorizes the SWCB or DEQ, in its administration of a Virginia Stormwater Management Program, Virginia Erosion and Stormwater Management Program, or Virginia Erosion and Sediment Control Program, to choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimis using a risk-based approach established by the Board. The bill provides that such plans and supporting calculations shall satisfy the requirement that the Board or the Department retain a certified plan reviewer or conduct a plan review. The bill also directs the Board to adopt implementing regulations and provides requirements for the process of adoption.</p>	Passed Senate (40-0); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee
<a href="#">SB 883</a>	Locke	<p>This bill establishes the Virginia Council on Environmental Justice, consisting of 24 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 18 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. The bill has an expiration date of July 1, 2023.</p> <p>The substitute increases the number of members from 24 to 27 and adds a requirement that nonlegislative members shall include representatives of American Indian tribes, community-based organizations, the public health sector, nongovernmental organizations, civil rights organizations, institutions of higher education, or communities impacted by an industrial, governmental, or commercial operation, program, or policy. The substitute also increases the term for nonlegislative members from three years to four years and provides that Council, rather than the</p>	Passed Senate (27-12); Referred to House Committee on Labor and Commerce; Rereferred to House Committee on General Laws; Reported from Committee with Substitute (12-9)

		<p>Governor, shall elect a chairperson and vice chairperson. The substitute also removes the expiration date from the bill and sets staggered terms of two years for 10 citizen members appointed by the Governor and four years for 11 citizen members the Governor appoints.</p> <p>The substitute conforms the language of the bill to that in HB 1042.</p>	
<a href="#">SB 1064</a>	Stuart	<p>This bill directs DEQ to identify the owner of any combined sewer overflow (CSO) outfall east of Charlottesville that discharges into the James River watershed and to determine what actions by the owner are necessary to bring such an outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency. The bill requires any owner of such an outfall to initiate construction activities by July 1, 2025 and bring it into compliance by July 1, 2027. Until compliance is achieved, the bill requires the outfall owner to annually report its progress to DEQ. The bill requires DEQ to provide all such reports to certain legislative committees, the Virginia delegation to the Chesapeake Bay Commission, the Secretary of Natural Resources, and the Governor. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a total maximum daily load (TMDL).</p> <p>The Senate Finance Committee amendment removes the requirements regarding initiation of construction, the compliance deadline, and annual reporting to DEQ.</p>	Passed Senate (40-0); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee
<a href="#">SB 1075</a>	McClellan	<p>This bill requires the Department of Environmental Quality to afford interested persons, for any nonemergency, nonexempt regulatory action, an opportunity, for at least 60 days, to (i) submit data, views, and arguments, either orally or in writing, to the Department and (ii) be accompanied by and represented by counsel or other representative.</p> <p>The Senate Finance Committee amendment requires that the Department of Environmental Quality, prior to promulgating certain air or water related regulations or issuing water related permits or air permits for major sources publish in any affected locality information about how to request a public hearing and where to obtain information about the</p>	Passed Senate (40-0); Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Assigned to Chesapeake Subcommittee

		proposed action. Notice provisions are also expanded to include notice to educational, religious, cultural and recreational institutions. In addition, the bill will not become effective unless an appropriation to implement the bill is included in the 2020 appropriation act.	
<b>BUDGET AMENDMENTS</b>			
Item 304 #3s		<p>This amendment increases the maximum waterworks operations fee from \$160,000 to a level necessary to fully fund the operations of the program and free up general funds that are currently subsidizing the program. The General Fund monies, estimated at \$600,000 a year, will then be moved to a special fund. The Virginia Department of Health would establish a grant program to assist local school divisions and child care facilities to conduct lead testing consistent with the Code of Virginia and make grants from the special fund.</p> <p>We understand that in order to replace the \$600,000 in VDH funding, the budget amendment proposes to increase the current cap on the Waterworks Operation Fee. VDH has stated that the proposal would divide the \$600,000 between the 12 largest water systems in the state.</p>	Neither the Budget Committee nor Floor votes impacted this language.
Item 307 #6h	Guzman	This amendment provides \$0.5 million each year in the General Fund for fiscal impacts associated with HB 586 which would require VDH to develop a work group to study PFAS, PFOA, and PFOS in the Commonwealth's drinking water and develop recommendations for specific MCLs for PFAS, PFOA, and PFOS in the VDH waterworks regulations.	This language was not approved by the House budget committee
Item 373 #1s and #2h	Hanger and Willett	This amendment provides an additional \$0.5 million General Fund the first year and \$0.4 million GF the second year to support three FTE for the Department of Conservation and Recreation's Natural Heritage Program. The increased funding and personnel are for support in protecting personal property, cave life and drinking water quality from Lee to Frederick County.	This language was not approved by the budget committees
Item 377 #4h and #2s	Hodges and Norment	This amendment provides partial funding of \$0.5 million in the first year for the construction of groundwater monitoring well, and the purchase and installation of groundwater monitoring equipment, in King William, New Kent, and Gloucester Counties.	This language was not approved by the House but was approved by the Senate budget committee

Item 377 #6h	Murphy	This amendment provides \$50,000 each year as a placeholder to implement HB 1458 which would allow the withdraw of an individual or a general coverage wetland-related water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board.	This language was not approved by the budget committee
Item 377 #7h	Carr	This amendment provides \$115,500 each year as a placeholder to support one position to implement HB 542 for regional water resource planning.	The House budget includes \$231,000 each year
Item 377 #8h	Hodges	This amendment provides \$250,000 each year for DEQ to conduct a review of state water regulations and report its findings to the General Assembly. DEQ is to seek assistance from the Virginia Coastal Policy Center to review existing state water regulations to determine their effectiveness. The regulatory review would include: (1) the continued need for the regulation; (2) the effectiveness of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with other regulations; (4) evaluation of the regulation based upon factors that have changed or changes that would affect the regulation; and (5) the impact these regulations are having on commercial and business development. The review should include regulations administered by DEQ, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, and VDH. A report would be due to the General Assembly by December 1, 2021.	This language was not approved by the House budget committee

Current Committee Meeting Details:

House Committee on Agriculture, Chesapeake and Natural Resources - Wednesday, 9:00 a.m., House Room 3 (Capitol)

- Chesapeake Subcommittee: Monday, 4:00 p.m., 300-A Subcommittee Room (Pocahontas Building)
- Agriculture Subcommittee: Wednesday, 4:00 p.m., 400-B Subcommittee Room (Pocahontas Building)
- Natural Resources Subcommittee: Wednesday, 8:00 a.m., House Room 3 (Capitol)

House Committee on Rules - On the Call of the Chair, House Room 1 (Capitol)

House Committee on Labor and Commerce - Tuesday and Thursday, 1/2 hour after adjournment, House Committee Room (Pocahontas Building)

House Committee on General Laws - Tuesday, and Thursday, 1/2 hour after adjournment, House Room 3 (Capitol)

Senate Committee on Agriculture, Conservation, and Natural Resources - Tuesday, 1/2 hour after adjournment, Senate Room A (Pocahontas Building)

Senate Committee on Commerce and Labor - Monday, 15 minutes after adjournment, Senate Room A (Pocahontas Building)

Senate Committee on Local Government – Monday, 9:00 a.m., Senate Room 3 (Capitol)