



2019 GENERAL ASSEMBLY LEGISLATIVE WRAP-UP

March 7, 2019

Resiliency – Subaqueous Lands

- Bills would authorize VMRC to grant easements over or title to subaqueous lands to political subdivisions acting as nonfederal sponsors of federally authorized civil works projects with the U.S. Army Corps of Engineers (3x3x3)
- HB2309 (Stolle) – Left in committee
- SB1569 (Lewis) – Stricken in committee at request of patron

Resiliency – “Soggy Socks”

- Bill would direct State Water Control Board to adopt regulations allowing filling in certain low-lying areas of landward 50 feet of RPAs on residential property. Would also eliminate certain permitting requirements.
- HB2506 (Hodges) – Left in committee

Resiliency – Funding

- Bills would use funds from RGGI sale of emissions allowances to fund flood mitigation projects, energy efficiency programs, and for revitalizing Southwest Virginia
- HB2735 (Toscano) – Left in committee
- SB1666 (Lewis) – Passed by indefinitely in committee

Resiliency Budget Items - Proposed

	Proposed Governor's budget	Proposed House Budget	Proposed Senate Budget
Matching Funds for USACE 3x3x3 Studies	\$500,000 (FY19) \$500,000 (FY20)	\$500,000 (FY19) \$500,000 (FY20)	\$500,000 (FY19) \$500,000 (FY20)
Commonwealth Center for Recurrent Flooding Resiliency - ODU	\$409,200 (FY19) \$409,200 (FY20)	\$409,200 (FY19) \$409,200 (FY20)	\$409,200 (FY19) \$409,200 (FY20)
Commonwealth Center for Recurrent Flooding Resiliency - VIMS	\$432,894 (FY19) \$432,894 (FY20)	\$432,894 (FY19) \$432,894 (FY20)	\$432,894 (FY19) \$432,894 (FY20)

Stormwater – Old Design Criteria

- Competing bills were proposed:
 - ▣ HB2154 (Stolle)– extend Part IIC to 2024
 - ▣ HB2361 (Jones) – as of July 1,2019 all land disturbance has to meet Part IIB
- Neither bill passed

Stormwater – BMP Disclosure

- HB 2019 (Murphy) – Originally proposed that HOA has to disclose BMPs and maintenance obligations
- Substitute - purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of BMPs, or any maintenance agreement for such facilities
- Passed

Natural Resources Budget

	Conference Committee Approved
DEQ — 5 FTEs, website redesign, online service portal for permits	\$859,075 (FY20)
DEQ — 11 FTEs for regulatory review and permit writing	\$150,000 (FY19) \$1,404,056 (FY20)
DEQ — Environmental Justice study	\$100,000 (FY20)
SLAF	\$50M (FY20) \$10M
VCAP	\$1M (FY20)
WQIF supplement	\$20M (FY19) \$15M (FY20)

Water Quality – WQIF & SLAF

- HB1822 (Bulova) – VA Water Quality Improvement Fund (WQIF); grant for wastewater conveyance facility; estimates of future funding requests; Stormwater Local Assistance Fund (SLAF)
 - ▣ Allows WQIF to fund conveyance of wastewater from one treatment plant to another for nutrient removal at no more additional cost of a plant upgrade
 - ▣ Stakeholder annual estimate of requests for WQIF and SLAF dollars and submit to Governor
 - ▣ Passed House and Senate unanimously

Water Quality – Oysters, use conflicts

- SB1413 (Mason) – Oyster planting grounds; lease assignments
 - ▣ Based on recommendations from Clam and Oyster Aquaculture Work Group
 - ▣ Clarifies code and increases fees to reduce use conflicts for new leases, renewals, and lease transfers
 - ▣ Passed
- HB2047 (Stolle) – Municipal dredging in Lynnhaven
 - ▣ Extends sunset date from 2019 to 2035 to allow dredging to continue on condemned leased grounds for municipal dredging needs and incorporates a process to address lease grounds that provide beneficial use
 - ▣ Passed unanimously

Proffer Reform

- HB 2342 / SB 1373
- “Fix” proposed by homebuilders to 2016 law
 - ▣ Eases language that makes the current law unworkable
- Key Provisions
 - ▣ Attempts to end communication freeze between applicant and staff about project impacts
 - ▣ Could add ambiguity about what is an “unreasonable proffer”
 - ▣ Does not fix issue about accounting for public facility capacity of approved but unbuilt projects