

019600526

## SENATE JOINT RESOLUTION NO. 438

Offered January 19, 2001

*Establishing a joint subcommittee to study the implementation of local erosion and sediment control programs and local stormwater management programs.*

Patrons—Ruff; Delegate: Dillard

Referred to Committee on Rules

WHEREAS, it is the stated policy of the Commonwealth to protect state waters from pollution, impairment, or destruction; and

WHEREAS, in response to concerns regarding the adverse impacts of erosion and sediment on the quality of state waters, the General Assembly adopted the Erosion and Sediment Control Law (§10.1-560 et seq.) in 1973, which requires local governments or soil and water conservation districts in Virginia to adopt and administer an erosion and sediment control program; and

WHEREAS, the Division of Soil and Water Conservation within the Department of Conservation and Natural Resources studied the implementation of the Virginia Erosion and Sediment Control Program and recommended in a report submitted to the General Assembly in 1988 that there be an increase in staffing at the Division of Soil and Water Conservation and that enforcement capabilities be improved; and

WHEREAS, the General Assembly passed House Joint Resolution 178 in 1992, which created a joint subcommittee to study the necessity of improvement in erosion and sediment control programs statewide, including ways that the State Water Control Board could assist localities in developing, enforcing, and improving existing erosion and sediment control programs, and after concluding its study the subcommittee recommended that greater assistance be given to localities in implementing erosion and sediment control programs and that greater emphasis be placed on ensuring that localities update their programs to reflect changes in state law; and

WHEREAS, in response to concerns regarding the adverse impacts of stormwater on the quality of state waters, the General Assembly adopted the Stormwater Management Act (§ 10.1-603.1 et seq.) in 1989, which allows local governments to adopt and administer stormwater management programs; and

WHEREAS, the Chesapeake Bay 2000 Agreement calls for the reduction of sediment in areas of rapid development and growth throughout the Chesapeake Bay watershed; and

WHEREAS, effective local erosion and sediment control programs and local stormwater management programs are necessary to reduce the amount of sediment that enters the Chesapeake Bay and to ensure Virginia's compliance with the Chesapeake Bay 2000 Agreement; and

WHEREAS, there is currently insufficient information as to the effectiveness of local programs in controlling erosion and sediment and managing stormwater and the consistency of such programs with the Erosion and Sediment Control Law and the Stormwater Management Act; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the implementation of local erosion and sediment control programs and local stormwater management programs. The joint subcommittee shall consist of six members as follows: two members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; and four members of the House of Delegates, to be appointed by the Speaker of the House, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

In conducting its study, the joint subcommittee shall examine (i) the consistency of local erosion and sediment control ordinances with the Erosion and Sediment Control Law; (ii) the adequacy of local stormwater management programs and the consistency of such programs with the Stormwater Management Act; and (iii) the implementation of erosion and sediment control programs and stormwater management programs by local governments, including a review of local program administration, plan review, inspection and enforcement. The subcommittee shall also make recommendations as to ways to ensure that local erosion and sediment control programs and local stormwater management programs are consistent across jurisdictional lines and ways to improve existing erosion and sediment control programs and stormwater management programs.

The direct costs of this study shall not exceed \$7,500.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Department of Conservation and Recreation and the Department of Environmental Quality. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its written findings and

INTRODUCED

SJ438

59 recommendations to the Governor and the 2002 Session of the General Assembly as provided in the  
60 procedures of the Division of Legislative Automated Systems for the processing of legislative  
61 documents.

62 Implementation of this resolution is subject to subsequent approval and certification by the Joint  
63 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the  
64 study.