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SENATE JOINT RESOLUTION NO. 438
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on February 5, 2001)

(Patron Prior to Substitute—Senator Ruff)

Directing the Commission Studying the Future of Virginia's Environment to study the implementation of local erosion and sediment control programs and local stormwater management programs.

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; and

WHEREAS, Senate Joint Resolution No. 373 (2001) continues the Commission Studying the Future of Virginia's Environment to create opportunities for the members of the Commission to become educated on environmental issues that may require legislative action; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commission Studying the Future of Virginia's Environment be directed to study the implementation of local erosion and sediment control programs and local stormwater management programs.

In conducting its study, the Commission 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 Commission 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 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 Commission, upon request.

The Commission shall complete its work in time to submit its written findings and recommendations by October 20, 2001, to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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