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HOUSE JOINT RESOLUTION NO. 640

Offered January 12, 2005

Prefiled January 11, 2005

Establishing a joint subcommittee to study options to provide a long-term funding source to clean up Virginia's polluted waters, including the Chesapeake Bay and its tributaries. Report.

Patrons—Callahan, Cox and McQuigg

Referred to Committee on Rules

WHEREAS, the Commonwealth of Virginia has a responsibility under Article XI of the Constitution of Virginia "to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth"; and

WHEREAS, the Virginia Department of Environmental Quality reported in 2004 that over 6,900 miles of rivers and streams and over 1,900 square miles of Virginia's estuaries are polluted, with these waterways and the Chesapeake Bay being listed on the federal Clean Water Act's "dirty waters" list; and

WHEREAS, the Virginia Department of Environmental Quality reported in 2004 that at least 2,700 miles of the rivers, creeks, and streams and over 110,000 acres of the lakes listed on the Clean Water Act's "dirty waters" list reside outside of the Chesapeake Bay watershed; and

WHEREAS, the Clean Water Act requires that Virginia implement cleanup strategies to restore these polluted waters in a timely fashion; and

WHEREAS, the Commonwealth's timeframe for implementing cleanup strategies is further constrained by a 1999 court consent decree; and

WHEREAS, as a result of nitrogen and phosphorous, the Chesapeake Bay, as well as portions of the Bay's tributaries, are included on the list of polluted waters; and

WHEREAS, almost two-thirds of the pollution responsible for the federal listing is attributed to inadequately treated sewage and polluted run-off from agricultural activities; and

WHEREAS, the Commonwealth of Virginia, in conjunction with other Chesapeake Bay states and the federal government, is committed under the Chesapeake 2000 Agreement to dramatically reduce nitrogen and phosphorous pollution in order to restore the health of the polluted waters of the Chesapeake Bay and its tidal tributaries; and

WHEREAS, the United States Environmental Protection Agency will dictate to the Commonwealth and local jurisdictions the actions necessary to restore the Chesapeake Bay and its tidal tributaries if state and local actions fail to restore these polluted waters to a healthy condition by 2010; and

WHEREAS, clean water is an issue of critical concern to the economies of the Commonwealth and local jurisdictions, as well as the health and welfare of the people of Virginia; and

WHEREAS, in 1989 a report entitled *Economic Importance of the Chesapeake Bay*, conservatively estimated that even in its severely degraded state the Chesapeake was worth \$678 billion to the economies of Virginia and Maryland; and

WHEREAS, a recent report by the Chesapeake Bay Watershed Blue Ribbon Finance Panel, entitled *Saving a National Treasure: Financing the Cleanup of the Chesapeake Bay*, concluded that it would be difficult to identify a major segment of the region's economy that is not shaped and enhanced by the Chesapeake Bay; and

WHEREAS, the cost of achieving the required reductions in nitrogen and phosphorous pollution in Virginia is estimated to exceed \$3 billion; and

WHEREAS, a recent report from the Chesapeake Bay Commission, entitled *Cost Effective Strategies for the Bay - Identifying Smart Investments for Nutrient Reduction*, establishes that a major portion of the needed pollution reductions can be achieved for significantly less money by focusing on the most cost-effective and sustainable pollution reduction methods including the modernization of sewage treatment plants and the installation of best management practices on agricultural lands; and

WHEREAS, \$160 million a year would provide sufficient funds for achieving the majority of needed reductions in nitrogen and phosphorous pollution statewide by modernizing sewage treatment plants with state-of-the-art pollution removal technologies and installing best management practices on agricultural land; and

WHEREAS, although the Virginia Water Quality Improvement Fund has recently received allocations of \$30 million during the 2004-2006 biennial budget to address the Commonwealth's pollution cleanup needs, the General Assembly recognizes that the allocation is inadequate and inconsistent from year-to-year; and

WHEREAS, the people of Virginia not only have a constitutional right to clean water for drinking

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59 and recreational use but they also support the allocation of additional funding to restore Virginia's
60 streams, rivers and Chesapeake Bay; and

61 WHEREAS, the General Assembly has a constitutional obligation to ensure the cleanliness and safety
62 of Virginia's streams, rivers and the Chesapeake Bay; and

63 WHEREAS, the General Assembly has received for consideration proposed legislation that would
64 impose a dedicated user fee on Virginia households in order to restore polluted streams and rivers and
65 the Chesapeake Bay as well as proposed legislation that would dedicate a portion of the sales tax to the
66 restoration of these waters; and

67 WHEREAS, the General Assembly recognizes the urgency with which it must act in order to restore
68 polluted streams and rivers and the Chesapeake Bay, that it must allocate a significant increase in
69 funding to this restoration, and that such funding must be consistent and dedicated to this purpose; now,
70 therefore, be it

71 RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be
72 established to study options to provide a long-term funding source to clean up Virginia's polluted waters,
73 including the Chesapeake Bay and its tributaries. The joint subcommittee shall have a total membership
74 of seven members that shall consist of six legislative members and one ex officio member. Members
75 shall be appointed as follows: four members of the House, one of whom shall be the Chairman of the
76 House Committee on Agriculture, Chesapeake and Natural Resources, one of whom shall be the
77 Chairman of the House Committee on Appropriations, one of whom shall be the Chairman of the House
78 Committee on Finance, and one of whom shall be appointed by the Speaker of the House of Delegates;
79 two members of the Senate, one of whom shall be the Chairman of the Senate Committee on
80 Agriculture, Conservation and Natural Resources, and one of whom shall be the Chairman of the Senate
81 Committee on Finance. The Secretary of Natural Resources or his designee shall serve ex officio with
82 voting privileges. The joint subcommittee shall elect a chairman and vice-chairman from among its
83 membership, who shall be members of the General Assembly.

84 In conducting its study, the joint subcommittee shall determine the most effective means to provide a
85 long-term funding source that will sufficiently and predictably generate the necessary revenue from
86 sectors, including, but not limited to, state, federal, local and private sources, to fund the pollution
87 reduction measures necessary to restore polluted waters identified on the Clean Water Act's "dirty
88 waters" list. Specific attention shall be given to the Commonwealth's commitment and legal obligation to
89 restore the polluted waters of the Chesapeake Bay and its tidal tributaries.

90 Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates.
91 Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be
92 provided by the Division of Legislative Services. Technical assistance shall be provided by Department
93 of Environmental Quality, the Department of Conservation and Recreation, and the staffs of the House
94 Committee on Appropriations and the Senate Committee on Finance. All agencies of the Commonwealth
95 shall provide assistance to the joint subcommittee for this study, upon request.

96 The joint subcommittee shall be limited to four meetings for the 2005 interim, and the direct costs of
97 this study shall not exceed \$ 6,000 without approval as set out in this resolution. Approval for
98 unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the
99 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is
100 agreed to, written authorization of both Clerks shall be required.

101 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
102 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
103 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
104 joint subcommittee.

105 The joint subcommittee shall complete its meetings by November 30, 2005, and the chairman shall
106 submit to the Division of Legislative Automated Systems an executive summary of its findings and
107 recommendations no later than the first day of the 2006 Regular Session of the General Assembly. The
108 executive summary shall state whether the joint subcommittee intends to submit to the General
109 Assembly and the Governor a report of its findings and recommendations for publication as a House or
110 Senate document. The executive summary and the report shall be submitted as provided in the
111 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
112 and reports and shall be posted on the General Assembly's website.

113 Implementation of this resolution is subject to subsequent approval and certification by the Joint
114 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
115 delay the period for the conduct of the study, or authorize additional meetings during the 2005 interim.