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SENATE BILL NO. 810

Senate Amendments in [] — February 2, 2005

A *BILL to amend and reenact § 10.1-2131 of the Code of Virginia, relating to grants for biological nutrient removal technology.*

Patron Prior to Engrossment—Senator Williams

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2131 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2131. Point source pollution funding; conditions for approval.

A. The Department of Environmental Quality shall be the lead state agency for determining the appropriateness of any grant related to point source pollution to be made from the Fund to restore, protect or improve state water quality.

B. The Director of the Department of Environmental Quality shall, subject to available funds and in coordination with the Director of the Department of Conservation and Recreation, direct the State Treasurer to make Water Quality Improvement Grants in accordance with the guidelines established pursuant to § 10.1-2129. The Director shall manage the allocation of grants from the Fund to ensure the full funding of executed grant agreements.

C. Notwithstanding the priority provisions of § 10.1-2129, the Director of the Department of Environmental Quality shall not authorize the distribution of grants from the Fund for purposes other than financing at least ~~ten~~ 50 percent of the cost of design and installation of biological nutrient removal facilities or other nutrient removal technology at publicly owned treatment works until such time as all tributary plans required by §§ 2.2-218 through 2.2-220 are developed and implemented unless he finds that there exists in the Fund sufficient funds for substantial and continuing progress in implementation of the tributary plans. In addition to the provisions of § 10.1-2130, all grant agreements related to nutrients shall include: (i) numerical concentrations on nutrient discharges to state waters designed to achieve the nutrient reduction goals of the applicable tributary plan; (ii) enforceable provisions related to the maintenance of the numerical concentrations that will allow for exceedences of no more than ~~ten~~ 10 percent and for exceedences caused by extraordinary conditions; and (iii) recognition of the authority of the Commonwealth to make the Virginia Water Facilities Revolving Fund (§ 62.1-224 et seq.) available to local governments to fund their share of the cost of designing and installing biological nutrient removal facilities or other nutrient removal technology based on financial need and subject to availability of revolving loan funds, priority ranking and revolving loan distribution criteria. At least ~~ten~~ 50 percent of the cost of the design and installation of biological nutrient removal facilities or other nutrient removal technology at publicly owned treatment works meeting the nutrient reduction goal in an applicable tributary plan and incurred prior to the execution of a grant agreement is eligible for reimbursement from the Fund provided the grant is made pursuant to an executed agreement consistent with the provisions of this chapter.

D. ~~[Notwithstanding any other provision of this section, the]~~ The Director of the Department of Environmental Quality shall enter into grant agreements ~~[with facilities that apply for grants]~~ to finance at least 50 percent of the costs of designing and installing nutrient removal technology at publicly owned treatment works to meet Virginia Pollutant Discharge Elimination System permit effluent limits for total nitrogen and total ~~[oxygen phosphorous]~~, based upon ~~[waste load allocations derived from]~~ standards established to protect beneficial uses in the Chesapeake Bay and its tidal tributaries. In any year when insufficient funds are available to reimburse all eligible costs that have been incurred under grant agreements, the Director shall reimburse such costs to each recipient on a pro rata basis.

Subsequent to the implementation of the tributary plans, the Director may authorize disbursements from the Fund for any water quality restoration, protection and improvements related to point source pollution that are clearly demonstrated as likely to achieve measurable and specific water quality improvements, including, but not limited to, cost effective technologies to reduce nutrient loads. Notwithstanding the previous provisions of this subsection, the Director may, at any time, authorize grants, including grants to institutions of higher education, for technical assistance related to nutrient reduction.

ENGROSSED

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