

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 204

An Act to amend the Code of Virginia by adding in Title 62.1 a chapter numbered 3.7, consisting of sections numbered 62.1-44.117 and 62.1-44.118, relating to the Chesapeake Bay and Virginia Waters Clean-up and Oversight Act.

[H 1150]

Approved March 24, 2006

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 62.1 a chapter numbered 3.7, consisting of sections numbered 62.1-44.117 and 62.1-44.118 as follows:

CHAPTER 3.7.

CHESAPEAKE BAY AND VIRGINIA WATERS CLEAN-UP AND OVERSIGHT ACT.

§ 62.1-44.117. Development of an impaired waters clean-up plan; strategies; objectives.

A. The Secretary of Natural Resources shall develop a plan for the cleanup of the Chesapeake Bay and Virginia's waters designated as impaired by the U.S. Environmental Protection Agency. The plan shall be revised and amended as needed to reflect changes in strategies, timetables, and milestones. Upon the request of the Secretary of Natural Resources, state agencies shall participate in the development of the plan.

B. The plan shall address both point and nonpoint sources of pollution and shall include, but not be limited to the following:

1. Measurable and attainable objectives for cleaning up the Chesapeake Bay and other impaired Virginia waters;

2. A description of the strategies to be implemented to meet specific and attainable objectives outlined in the plan;

3. Time frames or phasing to accomplish plan objectives and the expected dates of completion;

4. A clearly defined, prioritized, and sufficiently funded program of work within the plan both for point and nonpoint source clean-up projects;

5. A disbursement projection plan detailing the expenditures for point and nonpoint projects and whenever possible, a listing of the specific projects to which the funds are to be allocated;

6. Potential problem areas where delays in the implementation of the plan may occur;

7. A risk mitigation strategy designed to reduce the potential problems that might delay plan implementation;

8. A description of the extent of coordination between state and local governments in developing and achieving the plan's objectives;

9. Assessments of alternative funding mechanisms, that shall include but not be limited to the feasibility of utilizing the Virginia Resources Authority, that would address the needs of the Commonwealth to handle and appropriate state funds prudently and efficiently and address the needs of localities to achieve their goals in a timely and affordable manner; and

10. Recommendations to the oversight committees, as defined in § 62.1-44.118, for legislative action.

C. In reporting and documenting progress being made in clean-up efforts to the oversight committees, the plan shall include measures to assess the progress in accomplishing the program of work outlined in the plan. Special emphasis shall be given to the identification of trends that are either positively or negatively impacting plan accomplishment. These shall include, but are not limited to:

1. Stream miles added and removed from the 303(d) list under the federal Clean Water Act; waters meeting water quality standards; and total reductions of nitrogen, phosphorus, and sediment by tributary basin from point and nonpoint sources of pollution;

2. Scope of water quality monitoring of rivers, streams, estuaries, and lakes and the cumulative number of miles or acres assessed to evaluate the effectiveness of the efforts to restore impaired waters;

3. Number of best management practices (BMP) implemented; participation level in BMP cost-share programs; number of Total Maximum Daily Loads developed and implemented; local compliance levels with nonpoint programs, such as erosion and sediment control, stormwater management, and the Chesapeake Bay Preservation Act; number of wastewater treatment upgrades underway and number completed; and levels of compliance with nutrient-based permit limits; and

4. Updated or new strategies that would permit the optimal use of resources to meet plan objectives as the plan is revised over time.

For the purposes of this chapter "impaired waters" means those waters as defined in § 62.1-44.19:4.

§ 62.1-44.118. Status reports on progress; legislative oversight.

The Secretary of Natural Resources shall submit the impaired waters clean-up plan as described in § 62.1-44.117 no later than January 1, 2007, to the House Committee on Agriculture, Chesapeake and

Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance. Thereafter, a progress report on the implementation of the plan shall be submitted semiannually to these committees of oversight. If there are questions as to the status of the clean-up effort the chairman of any of these committees may convene his committee for the purpose of receiving testimony. The executive branch departments and the Secretary of Natural Resources may request a meeting of any of the committees to inform them as to the progress of the clean-up or to propose specific initiatives that may require legislative action.

2. That the Virginia Resources Authority shall provide to the Secretary of Natural Resources alternative funding mechanisms to carry out the provisions of this act.