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SENATE BILL NO. 771

Offered January 10, 2007

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A BILL to provide for certain projects and grants to be financed by the Virginia Public Building Authority.

Patrons—Chichester, Hanger, Quayle and Stosch

Referred to Committee on Finance

Whereas, it shall be the policy of the Commonwealth, and it is the purpose of this act, to restore and improve the Chesapeake Bay and its tributaries, to protect the Chesapeake Bay from further impairment and to restore it for the benefit of current and future citizens of the Commonwealth. The Commonwealth has committed to restoring the Chesapeake Bay by the end of 2010 and has established caps for nitrogen and phosphorus entering the Chesapeake Bay and its tidal tributaries sufficient to meet our water quality clean-up standards. The clean-up initiative will require at least eighty-nine publicly owned sewage treatment facilities to install technologies that will achieve significant additional reductions of nitrogen and phosphorus to meet the pollution cap. The General Assembly further determines and finds that the restoration, improvement and protection of the Chesapeake Bay and its tributaries is a shared responsibility among state and local governments and individuals and, to that end, the General Assembly finds and determines that timely issuance of bonds to secure a more reliable source of future funds to aid the Commonwealth and its regional and local governments and authorities in upgrading sewage treatment facilities to meet the nutrient reduction goals set forth in the Chesapeake Bay Agreement and improve water quality throughout Virginia's portion of the Chesapeake Bay watershed is necessary.

Be it enacted by the General Assembly of Virginia:

1. § 1. That pursuant to §§ 2.2-2261, 2.2-2263 and 2.2-2264 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to finance through the issuance of its bonds as described in this act, without limitation and together with other available funds, certain Virginia Water Quality Improvement Grants under Article 4 (§ 10.1-2128 et seq.) of Chapter 21.1 of Title 10.1 of the Code of Virginia, such grants to be used exclusively to fund a portion of some or all of the acquisition, design, construction, installation, equipping, improvement or renovating of the following projects:

Shenandoah - Potomac River Basin

FACILITY NAME

OWNER

ACSA-Fishersville STP

Augusta County Service Authority

Luray STP

Town of Luray

ACSA-Middle River Regional STP

Augusta County Service Authority

HRRSA-North River WWTF

Harrisonburg-Rockingham Regional Sewer Authority

ACSA-Stuarts Draft STP

Augusta County Service Authority

Waynesboro STP

City of Waynesboro

ACSA-Weyers Cave STP

Augusta County Service Authority

Berryville STP

Town of Berryville

Front Royal STP

Town of Front Royal

Mount Jackson STP

Town of Mount Jackson

New Market STP

Town of New Market

Shenandoah Co.-North

Fork Regional WWTP

Shenandoah County

Stoney Creek Sanitary District STP

Stoney Creek Sanitary District

Strasburg STP

Town of Strasburg

Woodstock STP

Town of Woodstock

FWSA-Opequon Water

Reclamation Facility

Frederick-Winchester Service Authority

FWSA-Parkins Mill WWTF

Frederick-Winchester Service

INTRODUCED

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57		Authority
58	Purcellville-Basham Simms WWTF	Town of Purcellville
59	LCSA-Broad Run WRF	Loudoun County Service Authority
60	Leesburg WPCF	Town of Leesburg
61	Round Hill WWTP	Town of Round Hill
62	PWCSA-H.L. Mooney WWTF	Prince William County Service Authority
63		
64	Upper Occoquan Sewage Authority WWTP	Upper Occoquan Sewage Authority
66	FCW&SA-Vint Hill WWTF	Fauquier County Water and Sewer Authority
67	Alexandria Service Authority WWTP	Alexandria Service Authority
68	Arlington Co. WPCF	Arlington County
69	Fairfax Co. - Noman-Cole Pollution Control Facility	Fairfax County
71	Stafford Co.-Aquia WWTP	Stafford County
72	Colonial Beach STP	Town of Colonial Beach
73	Dahlgren Sanitary District WWTP	King George County Service Authority
74		
75	Fairview Beach STP	King George County Service Authority
76		
77	Purkins Corner WWTP	King George County Service Authority
78		
79	District of Columbia - Blue Plains STP (Virginia portion)	Loudoun County Service Authority and Fairfax County contract for capacity
81		
82		
83		
84	Rappahannock River Basin	
85		
86	FACILITY NAME	OWNER
87	Culpeper WWTP	Town of Culpeper
88	Marshall WWTP	Town of Marshall
89	Mountain Run WWTP	Culpeper County
90	Orange STP	Town of Orange
91	Rapidan STP	Rapidan Service Authority
92	FCW&SA-Remington WWTP	Fauquier County Water and Sewer Authority
93		
94	Warrenton STP	Town of Warrenton
95	Wilderness Shores WWTP	Rapidan Service Authority
96	Spotsylvania Co.-FMC WWTF	Spotsylvania County
97	Fredericksburg WWTF	City of Fredericksburg
98	Stafford Co.-Little Falls Run WWTF	Stafford County
99	Spotsylvania Co.-Massaponax WWTF	Spotsylvania County
100	Montross-Westmoreland WWTP	Westmoreland County
101	Oakland Park STP	King George County Service Authority
102	Tappahannock WWTP	Town of Tappahannock
103	Urbanna WWTP	Town of Urbanna
104	Warsaw STP	Town of Warsaw
105	Reedville Sanitary District WWTP	Reedville Sanitary District
106	Kilmarnock WWTP	Town of Kilmarnock
107		
108	York River Basin	
109		
110	FACILITY NAME	OWNER
111	Caroline Co. Regional STP	Caroline County
112	Gordonsville STP	Town of Gordonsville
113	Ashland WWTP	Hanover County

114	Doswell WWTP	Hanover County
115	HRSD-York River STP	Hampton Roads Sanitation District
116	Parham Landing WWTP	New Kent County
117	Totopotomoy WWTP	Hanover County
118	HRSD-West Point STP	Hampton Roads Sanitation District
119	HRSD-Mathews Courthouse STP	Hampton Roads Sanitation District
120		
121	James River Basin	
122		
123	FACILITY NAME	OWNER
124	Buena Vista STP	City of Buena Vista
125	Clifton Forge STP	Town of Clifton Forge
126	Covington STP	City of Covington
127	Lexington-Rockbridge Regional WQCF	Maury Service Authority
128	Alleghany Co.-Low Moor STP	Alleghany County
129	Alleghany Co.-Lower Jackson	
130	River WWTP	Alleghany County
131	Amherst-Rutledge Creek WWTP	Town of Amherst
132	Lynchburg STP	City of Lynchburg
133	RWSA-Moores Creek Regional STP	Rivanna Water and Sewer Authority
134	Crewe WWTP	Town of Crewe
135	Farmville WWTP	Town of Farmville
136	Chesterfield Co.-Falling	
137	Creek WWTP Chesterfield County	
138	Henrico Co. WWTP	Henrico County
139	Hopewell Regional WWTF	City of Hopewell
140	Chesterfield Co.-Proctors	
141	Creek WWTP	Chesterfield County
142	Richmond WWTP	City of Richmond
143	South Central Wastewater	
144	Authority WWTF	South Central Wastewater
145		Authority
146	Chickahominy WWTP	New Kent County
147	HRSD-Boat Harbor STP	Hampton Roads Sanitation District
148	HRSD-James River STP	Hampton Roads Sanitation District
149	HRSD-Williamsburg STP	Hampton Roads Sanitation District
150	HRSD-Nansemond STP	Hampton Roads Sanitation District
151	HRSD-Army Base STP	Hampton Roads Sanitation District
152	HRSD-Virginia Initiative Plant STP	Hampton Roads Sanitation District
153	HRSD-Chesapeake/Elizabeth STP	Hampton Roads Sanitation District
154		
155	Eastern Shore Basin	
156		
157	FACILITY NAME	OWNER
158	Cape Charles WWTP	Town of Cape Charles
159	Onancock WWTP	Town of Onancock
160	Tangier Island WWTP	Town of Tangier

161 § 2. Such grants shall be used solely for the purpose of funding the design and installation of
 162 nutrient removal technology at the publicly owned treatment works described above to implement the
 163 Commonwealth's Chesapeake Bay Tributary Strategies and assist the owners in complying with nutrient
 164 discharge control regulations adopted by the State Water Control Board. The General Assembly hereby
 165 finds and determines that each such project benefits the Commonwealth and its regional and local
 166 governments and authorities by preserving, restoring and enhancing the health and vitality of the
 167 Chesapeake Bay.

168 § 3. Grants that are funded pursuant to the provisions of this act shall not be used to calculate,
 169 offset, or reduce the share of federal, state, or local revenues or funds otherwise available to any
 170 regional or local government.

171 § 4. The Virginia Public Building Authority is authorized to take any and all necessary, proper or
172 convenient steps and to exercise any and all powers granted to it by law to carry out the undertaking
173 and financing contemplated by the provisions of this act, including the power to finance grants to fund
174 a portion of the costs of any or all of the projects set forth by the issuance of revenue bonds from time
175 to time in an aggregate principal amount not to exceed \$ 250,000,000, plus amounts needed to fund
176 issuance costs, reserve funds, original issue discount and other financing expenses.

177 § 5. The net proceeds of Virginia Public Building Authority bonds shall finance Virginia Water
178 Quality Improvement Grants to fund or reimburse approved capital costs for each such project as and
179 to the extent determined by the Department of Environmental Quality pursuant to the provisions of this
180 act and of Article 4 (§ 10.1-2128 et seq.) of Chapter 21.1 of Title 10.1 of the Code of Virginia,
181 including but not limited to the qualification of projects for Virginia Water Quality Improvement Grants
182 as set forth in §§ 10.1-2129, 10.1-2130, and 10.1-2131 and written guidelines developed by the
183 Secretary of Natural Resources in accordance with § 10.1-2129. Bond proceeds may not be used to pay
184 debt service on obligations of regional or local governments or authorities. A separate account shall be
185 maintained for the grants under this act and for bonds issued to finance such grants. Upon certification
186 to the Authority by the Department of Environmental Quality that a project qualifies for a grant under
187 the provisions of this act and the provisions of Article 4 (§ 10.1-2128 et seq.) of Chapter 21.1 of Title
188 10.1 of the Code of Virginia and of the proposed amount and purpose of such grant, the Authority shall
189 cause the disbursement of bond proceeds to fund such grant, but only to the extent of available funds
190 therefor.

191 § 6. The proceeds of such bonds are hereby appropriated for disbursement from the state treasury
192 pursuant to Article X, Section 7 of the Constitution of Virginia, and § 2.2-1819 of the Code of Virginia.
193 Grants funded with proceeds of the bonds will be deposited in a separate account in the Virginia Water
194 Quality Improvement Fund, pursuant to § 10.1-2128, which authorizes such Fund to "consist of such
195 other sums as may be made available to it from any other source, public or private." The general
196 conditions and general provisions of the general appropriation act enacted pursuant to Chapter 15
197 (§ 2.2-1500 et seq.) of Title 2.2 of the Code of Virginia, in effect from time to time, and all of the terms
198 and conditions contained therein shall apply to the capital projects listed in this act.

199 **2. That if any clause, sentence, paragraph, section, or part of this act or the application thereof to**
200 **any person, entity, or circumstance is adjudged invalid by any court of competent jurisdiction,**
201 **such judgment shall not affect the validity of the remainder hereof but shall be confined to the**
202 **clause, sentence, paragraph, section, or part hereof directly involved in the controversy in which**
203 **such judgment shall have been rendered, and to this end the provisions of this act are severable.**

204 **3. That all bonds issued heretofore by the Virginia Public Building Authority to provide funds to**
205 **pay for all or any portion of the cost of one or more projects or portion or portions thereof are**
206 **hereby validated, ratified, approved, and confirmed.**

207 **4. That the first issuance of bonds authorized in this act shall be contingent upon the**
208 **appropriation and deposit of the \$200,000,000 from the general fund as specified in Item 364 B. 1.**
209 **of Chapter 3 of the 2006 Acts of Assembly, Special Session 1.**

210 **5. That no bonds authorized in this Act shall be issued for the purposes specified in this act prior**
211 **to July 1, 2008.**