

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 572

An Act to amend and reenact § 10.1-1186.01 of the Code of Virginia, relating to reimbursements to localities for upgrades to treatment works.

[S 690]

Approved March 11, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1186.01 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1186.01. Reimbursements to localities for upgrades to treatment works.

A. The General Assembly shall fund grants to finance the reasonable costs of design and installation of nutrient removal technology at the publicly owned treatment works designated as significant dischargers contained in subsection E, or as eligible nonsignificant dischargers as defined in § 10.1-2117. Notwithstanding § 10.1-2128, at such time as grant disbursements pursuant to this section reach 200 percent of the appropriations provided for in Chapter 951 of the Acts of Assembly of 2005 and Chapter 10 of the Acts of Assembly of 2006, Special Session I, 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 shall review the future funding needs to meet the purposes of the Water Quality Improvement Act and the appropriate funding mechanism for such needs.

B. The disbursement of grants for the design and installation of nutrient removal technology at those publicly owned treatment works included in subsection E and eligible nonsignificant dischargers shall be made as follows: (i) the first phase of a grant shall be disbursed upon written certification that 25% of the local share of the cost of nutrient removal technology for the project has been expended; (ii) the second phase upon written certification that 50% of the local share of the cost of nutrient removal technology for the project has been expended; (iii) the third phase upon written certification that 75% of the local share of the cost of the nutrient removal technology for the project has been expended; and (iv) the final phase upon written certification that 100% of the local share of the cost of the construction, expansion, or upgrade of nutrient removal technology for the project has been expended monthly based on a requisition submitted by the grant recipient in the form requested by the Department. Each requisition shall include written certification that the applicable local share of the cost of nutrient removal technology for that portion of the project covered by such requisition has been incurred or expended. Except as may otherwise be approved by the Department, disbursements shall not exceed 95 percent of the total grant amount until satisfactory completion of the project. The distribution of the grants shall be effected by one of the following methods:

1. In payments to be paid by the State Treasurer out of funds appropriated to the Water Quality Improvement Fund pursuant to § 10.1-2131;

2. Over a specified time through a contractual agreement entered into by the Treasury Board and approved by the Governor, on behalf of the Commonwealth, and the locality or public service authority undertaking the design and installation of nutrient removal technology, such payments to be paid by the State Treasurer out of funds appropriated to the Treasury Board; or

3. In payments to be paid by the State Treasurer upon request of the Director of Environmental Quality out of proceeds from bonds issued by the Virginia Public Building Authority, in consultation with the Department of Environmental Quality, pursuant to §§ 2.2-2261, 2.2-2263, and 2.2-2264, including the Commonwealth's share of the interest costs expended by the locality or regional authority for financing such project during the period from 50% completion of construction to final completion of construction.

C. The General Assembly shall have the sole authority to determine whether disbursement will be made pursuant to subdivision B 1, B 2, or B 3, or a combination thereof; provided that a disbursement shall only be made pursuant to subdivision B 3 upon a certification by the Department of Environmental Quality that project grant reimbursements for the fiscal year will exceed the available funds in the Water Quality Improvement Fund.

D. Exclusive of any deposits made pursuant to § 10.1-2128, the grants awarded pursuant to this section shall include such appropriations as provided for in Chapter 951 of the Acts of Assembly of 2005; and Chapter 10 of the Acts of Assembly of 2006, Special Session I.

E. The disbursement of grants to finance the costs of design and installation of nutrient removal technology at the following 89 publicly owned treatment works and other eligible nonsignificant dischargers shall be provided pursuant to the distribution methodology included in § 10.1-2131. However, in no case shall any publicly owned treatment works receive a grant of less than 35% of the costs of the design and installation of nutrient removal technology.

FACILITY NAME	OWNER
Shenandoah - Potomac River Basin	
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	
Regional Sewer Authority	Harrisonburg-Rockingham
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 Authority	Frederick-Winchester Service
Purcellville-Basham Simms WWTF	Town of Purcellville
LCSA-Broad Run WRF	Loudoun County Service Authority
Leesburg WPCF	Town of Leesburg
Round Hill WWTP	Town of Round Hill
PWCSA-H.L. Mooney WWTF Authority	Prince William County Service
Upper Occoquan Sewage	
Authority WWTP	Upper Occoquan Sewage Authority
FCW&SA-Vint Hill WWTF	Fauquier County Water and Sewer
	Authority
Alexandria Sanitation Authority WWTP	Alexandria Sanitation Authority
Arlington Co. WPCF	Arlington County
Fairfax Co. - Noman-Cole	
Pollution Control Facility	Fairfax County
Stafford Co.-Aquia WWTP	Stafford County
Colonial Beach STP	Town of Colonial Beach
Dahlgren Sanitary District WWTP	
Authority	King George County Service
Fairview Beach STP Authority	King George County Service
Purkins Corner WWTP Authority	King George County Service
District of Columbia - Blue	
Plains STP (Virginia portion	
and Fairfax County contract	
for capacity)	Loudoun County Service Authority
Rappahannock River Basin	
Culpeper WWTP	Town of Culpeper
Marshall WWTP	Town of Marshall
Mountain Run WWTP	Culpeper County
Orange STP	Town of Orange
Rapidan STP	Rapidan Service Authority
FCW&SA-Remington WWTP	Fauquier County Water and Sewer
	Authority

Warrenton STP
 Wilderness Shores WWTP
 Spotsylvania Co.-FMC WWTF
 Fredericksburg WWTF
 Stafford Co.-Little Falls Run WWTF
 Spotsylvania Co.-Massaponax WWTF
 Montross-Westmoreland WWTP
 Oakland Park STP Authority
 Tappahannock WWTP
 Urbanna WWTP
 Warsaw STP
 Reedville Sanitary District WWTP
 Kilmarnock WWTP

York River Basin

Caroline Co. Regional STP
 Gordonsville STP
 Ashland WWTP
 Doswell WWTP
 HRSD-York River STP
 Parham Landing WWTP
 Totopotomoy WWTP
 HRSD-West Point STP
 HRSD-Mathews Courthouse STP
 James River Basin
 Buena Vista STP
 Clifton Forge STP
 Covington STP
 Lexington-Rockbridge Regional WQCF
 Alleghany Co.-Low Moor STP
 Alleghany Co.-Lower Jackson River WWTP
 Amherst-Rutledge Creek WWTP
 Lynchburg STP
 RWSA-Moores Creek Regional STP
 Authority
 Crewe WWTP
 Farmville WWTP
 Chesterfield Co.-Falling Creek WWTP
 Henrico Co. WWTP
 Hopewell Regional WWTF
 Chesterfield Co.-Proctors Creek WWTP
 Richmond WWTP
 South Central Wastewater
 Authority WWTF
 Chickahominy WWTP
 HRSD-Boat Harbor STP District
 HRSD-James River STP District
 HRSD-Williamsburg STP District
 HRSD-Nansemond STP District
 HRSD-Army Base STP District
 HRSD-Virginia Initiative Plant STP
 District
 HRSD-Chesapeake/Elizabeth STP
 District

Eastern Shore Basin

Cape Charles WWTP

Town of Warrenton
 Rapidan Service Authority
 Spotsylvania County
 City of Fredericksburg
 Stafford County
 Spotsylvania County
 Westmoreland County
 King George County Service
 Town of Tappahannock
 Hampton Roads Sanitation District
 Town of Warsaw
 Reedville Sanitary District
 Town of Kilmarnock

Caroline County
 Rapidan Service Authority
 Hanover County
 Hanover County
 Hampton Roads Sanitation District
 New Kent County
 Hanover County
 Hampton Roads Sanitation District
 Hampton Roads Sanitation District

City of Buena Vista
 Town of Clifton Forge
 City of Covington
 Maury Service Authority
 Alleghany County
 Alleghany County
 Town of Amherst
 City of Lynchburg

Rivanna Water and Sewer
 Town of Crewe
 Town of Farmville
 Chesterfield County
 Henrico County
 City of Hopewell
 Chesterfield County
 City of Richmond

South Central Wastewater Authority
 New Kent County
 Hampton Roads Sanitation
 Hampton Roads Sanitation
 Hampton Roads Sanitation
 Hampton Roads Sanitation
 Hampton Roads Sanitation
 Hampton Roads Sanitation
 Hampton Roads Sanitation

Town of Cape Charles

Onancock WWTP

Town of Onancock

Tangier Island WWTP

Town of Tangier

F. To the extent that any publicly owned treatment works receives less than the grant specified pursuant to § 10.1-2131, any year-end revenue surplus or unappropriated balances deposited in the Water Quality Improvement Fund, as required by § 10.1-2128, shall be prioritized in order to augment the funding of those projects for which grants have been prorated. Any additional reimbursements to these prorated projects shall not exceed the total reimbursement amount due pursuant to the formula established in subsection E of § 10.1-2131.

G. Notwithstanding the provisions of subsection B of § 10.1-2131, the Director of the Department of Environmental Quality shall not be required to enter into a grant agreement with a facility designated as a significant discharger or eligible nonsignificant discharger if the Director determines that the use of nutrient credits in accordance with the Chesapeake Bay Watershed Nutrient Credit Exchange Program (§ 62.1-44.19:12 et seq.) would be significantly more cost-effective than the installation of nutrient controls for the facility in question.