

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*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

**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.

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57 However, in no case shall any publicly owned treatment works receive a grant of less than 35% of the  
 58 costs of the design and installation of nutrient removal technology.

59	FACILITY NAME	OWNER
60		
61	Shenandoah - Potomac River Basin	
62		
63	ACSA-Fishersville STP	Augusta County Service Authority
64	Luray STP	Town of Luray
65	ACSA-Middle River Regional STP	Augusta County Service Authority
66	HRRSA-North River WWTF	
67	Regional Sewer Authority	Harrisonburg-Rockingham
68	ACSA-Stuarts Draft STP	Augusta County Service Authority
69	Waynesboro STP	City of Waynesboro
70	ACSA-Weyers Cave STP	Augusta County Service Authority
71	Berryville STP	Town of Berryville
72	Front Royal STP	Town of Front Royal
73	Mount Jackson STP	Town of Mount Jackson
74	New Market STP	Town of New Market
75	Shenandoah Co.-North	
76	Fork Regional WWTP	Shenandoah County
77	Stoney Creek Sanitary	
78	District STP	Stoney Creek Sanitary District
79	Strasburg STP	Town of Strasburg
80	Woodstock STP	Town of Woodstock
81	FWSA-Opequon Water	
82	Reclamation Facility	Frederick-Winchester Service
83	Authority	
84	FWSA-Parkins Mill WWTF Authority	Frederick-Winchester Service
85	Purcellville-Basham Simms WWTF	Town of Purcellville
86	LCSA-Broad Run WRF	Loudoun County Service Authority
87	Leesburg WPCF	Town of Leesburg
88	Round Hill WWTP	Town of Round Hill
89	PWCSA-H.L. Mooney WWTF Authority	Prince William County Service
90	Upper Occoquan Sewage	
91	Authority WWTP	Upper Occoquan Sewage Authority
92	FCW&SA-Vint Hill WWTF	Fauquier County Water and Sewer
93		Authority
94	Alexandria Sanitation Authority WWTP	Alexandria Sanitation Authority
95	Arlington Co. WPCF	Arlington County
96	Fairfax Co. - Noman-Cole	
97	Pollution Control Facility	Fairfax County
98	Stafford Co.-Aquia WWTP	Stafford County
99	Colonial Beach STP	Town of Colonial Beach
100	Dahlgren Sanitary District WWTP	
101	Authority	King George County Service
102	Fairview Beach STP Authority	King George County Service
103	Purkins Corner WWTP Authority	King George County Service
104	District of Columbia - Blue	
105	Plains STP (Virginia portion	
106	and Fairfax County contract	
107	for capacity)	Loudoun County Service Authority
108		
109	Rappahannock River Basin	
110		
111	Culpeper WWTP	Town of Culpeper
112	Marshall WWTP	Town of Marshall

113	Mountain Run WWTP	Culpeper County
114	Orange STP	Town of Orange
115	Rapidan STP	Rapidan Service Authority
116	FCW&SA-Remington WWTP	Fauquier County Water and Sewer Authority
117		
118	Warrenton STP	Town of Warrenton
119	Wilderness Shores WWTP	Rapidan Service Authority
120	Spotsylvania Co.-FMC WWTF	Spotsylvania County
121	Fredericksburg WWTF	City of Fredericksburg
122	Stafford Co.-Little Falls Run WWTF	Stafford County
123	Spotsylvania Co.-Massaponax WWTF	Spotsylvania County
124	Montross-Westmoreland WWTP	Westmoreland County
125	Oakland Park STP Authority	King George County Service
126	Tappahannock WWTP	Town of Tappahannock
127	Urbanna WWTP	Hampton Roads Sanitation District
128	Warsaw STP	Town of Warsaw
129	Reedville Sanitary District WWTP	Reedville Sanitary District
130	Kilmarnock WWTP	Town of Kilmarnock
131		
132	York River Basin	
133		
134	Caroline Co. Regional STP	Caroline County
135	Gordonsville STP	Rapidan Service Authority
136	Ashland WWTP	Hanover County
137	Doswell WWTP	Hanover County
138	HRSD-York River STP	Hampton Roads Sanitation District
139	Parham Landing WWTP	New Kent County
140	Totopotomoy WWTP	Hanover County
141	HRSD-West Point STP	Hampton Roads Sanitation District
142	HRSD-Mathews Courthouse STP	Hampton Roads Sanitation District
143	James River Basin	
144	Buena Vista STP	City of Buena Vista
145	Clifton Forge STP	Town of Clifton Forge
146	Covington STP	City of Covington
147	Lexington-Rockbridge Regional WQCF	Maury Service Authority
148	Alleghany Co.-Low Moor STP	Alleghany County
149	Alleghany Co.-Lower Jackson River WWTP	Alleghany County
150	Amherst-Rutledge Creek WWTP	Town of Amherst
151	Lynchburg STP	City of Lynchburg
152	RWSA-Moores Creek Regional STP	
153	Authority	Rivanna Water and Sewer
154	Crewe WWTP	Town of Crewe
155	Farmville WWTP	Town of Farmville
156	Chesterfield Co.-Falling Creek WWTP	Chesterfield County
157	Henrico Co. WWTP	Henrico County
158	Hopewell Regional WWTF	City of Hopewell
159	Chesterfield Co.-Proctors Creek WWTP	Chesterfield County
160	Richmond WWTP	City of Richmond
161	South Central Wastewater	
162	Authority WWTF	South Central Wastewater Authority
163	Chickahominy WWTP	New Kent County
164	HRSD-Boat Harbor STP District	Hampton Roads Sanitation
165	HRSD-James River STP District	Hampton Roads Sanitation
166	HRSD-Williamsburg STP District	Hampton Roads Sanitation
167	HRSD-Nansemond STP District	Hampton Roads Sanitation
168	HRSD-Army Base STP District	Hampton Roads Sanitation

169	HRSD-Virginia Initiative Plant STP	
170	District	Hampton Roads Sanitation
171	HRSD-Chesapeake/Elizabeth STP	
172	District	Hampton Roads Sanitation
173		
174	Eastern Shore Basin	
175		
176	Cape Charles WWTP	Town of Cape Charles
177	Onancock WWTP	Town of Onancock
178	Tangier Island WWTP	Town of Tangier

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

185 G. Notwithstanding the provisions of subsection B of § 10.1-2131, the Director of the Department of  
 186 Environmental Quality shall not be required to enter into a grant agreement with a facility designated as  
 187 a significant discharger or eligible nonsignificant discharger if the Director determines that the use of  
 188 nutrient credits in accordance with the Chesapeake Bay Watershed Nutrient Credit Exchange Program  
 189 (§ 62.1-44.19:12 et seq.) would be significantly more cost-effective than the installation of nutrient  
 190 controls for the facility in question.