

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 38

An Act to amend and reenact § 62.1-132.20 of the Code of Virginia, relating to Craney Island Disposal Area.

[H 2413]

Approved February 23, 2009

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-132.20 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-132.20. Craney Island Disposal Area.

A. No agency of the Commonwealth, including the Virginia Port Authority, shall have the authority to expand the Craney Island Disposal Area northward or westward or beyond its present capacity or to cause activities which will result in such expansion of the Craney Island Disposal Area. In addition, no state funds shall be expended for any activities which will result in the expansion of Craney Island northward or westward or beyond its present capacity as a disposal area for material dredged from any site, including the Hampton Roads Harbor. However, the Commonwealth and the Virginia Port Authority are authorized to expend state funds for a feasibility study and an environmental impact study related to the potential expansion of Craney Island to the east for an additional marine terminal.

B. The Virginia Port Authority is hereby directed, in coordination with other state and federal agencies, including the United States Army Corps of Engineers, to locate, establish, and use ocean disposal areas for ocean-suitable dredge materials from the Hampton Roads Harbor, or some other suitable site, and to use the existing Craney Island Disposal Area for dredge material suitable or unsuitable for alternate disposal, including ocean disposal, with priority given to materials dredged from the Southern Branch of the Elizabeth River. ~~An additional marine terminal may, with the consent of the General Assembly and the Governor, be constructed on the eastern side of Craney Island if studies show that it is in the public interest to use dredge material to develop such a facility~~ *The construction of a marine terminal on the eastern side of Craney Island Disposal Area using dredge material to extend the disposal area eastward, as defined in the U.S. Army Corps of Engineers Feasibility Study approved on October 24, 2006, and authorized by Congress in the Water Resources Development Act of 2007, is hereby authorized.*

C. Prior to the disposal of any dredged material either at an ocean area or on the Craney Island Disposal Area, after the Craney Island Disposal Area has attained its capacity limit, the appropriate state agencies shall investigate and consider the cost and availability of beneficial uses of the dredged material. The appropriate state agencies shall consult with state and federal agencies to ensure the environmental acceptability of any beneficial use. When such environmentally acceptable beneficial use is available and economically feasible, the appropriate state agencies shall pursue such use.

For purposes of this section, "Craney Island Disposal Area" means that parcel of land lying and being in the body of water known as Hampton Roads Harbor, within the City of Portsmouth and adjacent to the City of Suffolk.