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**HOUSE BILL NO. 1221**

Offered January 15, 2010

A *BILL to amend and reenact § 62.1-224 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-229.4, relating to the Virginia Water Facilities Revolving Fund.*

Patrons—Bulova and Kory

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-224 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-229.4 as follows:**

§ 62.1-224. Definitions.

As used in this chapter, unless a different meaning clearly appears from the context:

"Authority" means the Virginia Resources Authority created in Chapter 21 (§ 62.1-197 et seq.) of Title 62.1.

"Board" means the State Water Control Board.

"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning and feasibility studies, surveys, plans and specifications, architectural, engineering, financial, legal or other special services, the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings or improvements, site preparation and development, including demolition or removal of existing structures, construction and reconstruction, labor, materials, machinery and equipment, the reasonable costs of financing incurred in the course of the development of the project, carrying charges incurred before placing the project in service, interest on funds borrowed to finance the project to a date subsequent to the estimated date the project is to be placed in service, necessary expenses incurred in connection with placing the project in service, the funding of accounts and reserves which the Authority may require and the cost of other items which the Authority determines to be reasonable and necessary.

"Fund" means the Virginia Water Facilities Revolving Fund created by this chapter.

"Local government" means any county, city, town, municipal corporation, authority, district, commission or political subdivision created by the General Assembly or pursuant to the Constitution or laws of the Commonwealth or any combination of any two or more of the foregoing. The term "local government" includes any authority, commission, district, sanitary board or governmental entity issuing bonds on behalf of an authority, commission, district or sanitary board of an adjoining state that operates a wastewater treatment facility located in Virginia.

"Other entities" means owners of private wastewater treatment facilities.

"Project" means any small water facility project as defined in § 62.1-229 and any wastewater treatment facility located or to be located in the Commonwealth, all or part of which facility serves the citizens of the Commonwealth. The term includes, without limitation, sewage and wastewater (including surface and ground water) collection, treatment and disposal facilities; drainage facilities and projects; *facilities or structures to implement agricultural best management practices to prevent pollution of state waters; necessary remediation activities undertaken at a brownfield site, as defined in § 10.1-1230, for the purpose of reducing ground water contamination or reducing risk to public health; the acquisition of fee simple title to or a permanent conservation or open-space easement in real property to (i) protect or improve water quality and prevent the pollution of state waters and (ii) protect the natural or open-space values of the property or assure its availability for agricultural, forestal, recreational, or open-space use; facilities, structures, or other best management practices that reduce or prevent pollution of state waters caused by stormwater runoff from impervious surfaces;* related office, administrative, storage, maintenance and laboratory facilities; and interests in land related thereto.

§ 62.1-229.4. *Loans for stormwater runoff control best management practices.*

*Loans may be made from the Fund, in the Board's discretion, to a local government for the purpose of constructing facilities or structures or implementing other best management practices that reduce or prevent pollution of state waters caused by stormwater runoff from impervious surfaces. The Board, in consultation with the Department of Conservation and Recreation, shall develop guidelines for the administration of such loans and shall determine the terms and conditions of any loan from the Fund. The Board shall give priority (i) first to local governments that have adopted a stormwater control program in accordance with § 15.2-2114, (ii) second to projects designed to reduce or prevent a*

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**59** *pollutant in a water body where the water body is in violation of water quality standards established*  
**60** *pursuant to § 62.1-44.15, (iii) third to local governments subject to an MS4 discharge permit in*  
**61** *accordance with § 10.1-603.2:2, (iv) fourth to local governments that have adopted a stormwater*  
**62** *management program in accordance with Article 1.1 (§ 10.1-603.2 et seq.) of Chapter 6 of Title 10.1,*  
**63** *and (v) fifth to all others.*