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## HOUSE BILL NO. 1411

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Chesapeake and Its Tributaries  
on February 1, 1996)

(Patron Prior to Substitute—Delegate Murphy)

A BILL to amend the Code of Virginia by adding in Chapter 21 of Title 10.1 an article numbered 3, consisting of sections numbered 10.1-2117 through 10.1-2119, relating to restoration of the Chesapeake Bay and its tributaries.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 21 of Title 10.1 an article numbered 3 consisting of sections 10.1-2117 through 10.1-2119, as follows:

## Article 3.

## Tributary Plans.

§ 10.1-2117. Development and implementation of strategies to restore the water quality and living resources of the Chesapeake Bay and its tributaries.

The Secretary of Natural Resources shall coordinate the development and implementation of tributary plans designed to improve water quality and restore the living resources of the Chesapeake Bay and its tributaries. Such plans shall be tributary specific in nature and prepared for the Potomac, Rappahannock, York, and James River Basins as well as the eastern and western coastal basins as described in the 1993 Department of Environmental Quality document "Discussion Paper: Reducing Nutrients in Virginia's Tidal Tributaries." Each plan shall address the reduction of nutrient inputs to the Chesapeake Bay and its tributaries; the reduction of pollutants, including but not limited to toxics; the preservation and protection of living resources; and the enhancement of the amount of submerged aquatic vegetation, for each tributary basin and the Bay. The plans shall be developed in cooperation with affected stakeholders, including but not limited to local government officials; wastewater treatment operators; seafood industry representatives; commercial and recreational fishing interests; developers; farmers; and local, regional and statewide conservation and environmental interests.

§ 10.1-2118. Tributary plan content; development and implementation timelines.

A. Each tributary plan developed pursuant to § 10.1-2117 shall include, but is not limited to, the following:

1. Specific strategies, goals, commitments and methods of implementation designed to achieve the nutrient, toxics and living resource goals of the 1987 Chesapeake Bay Agreement and the 1992 amendments to that agreement signed by the Governors of Virginia, Maryland, and Pennsylvania, the Mayor of the District of Columbia, the Administrator of the United States Environmental Protection Agency and the Chairman of the Chesapeake Bay Commission, collectively known as the Chesapeake Executive Council.

2. Specific strategies, goals, commitments and methods of implementation that are consistent with the Chesapeake Executive Council's "Chesapeake Bay Basinwide Toxics Reduction and Prevention Strategy" signed by the Chesapeake Executive Council on October 14, 1994.

3. Specific strategies, goals, commitments and methods of implementation designed to achieve the Chesapeake Executive Council's "Submerged Aquatic Vegetation Restoration Goals" signed by the Chesapeake Executive Council on September 15, 1993.

4. Specifically identified state, local and private responsibilities and actions, with associated timetables, for implementation of the plan, to include the (i) person, official, governmental unit, organization or other responsible body; (ii) specific programmatic and environmental benchmarks and indicators for tracking and evaluating implementation and progress; (iii) state and local benefits derived from restoration of the water quality and living resources of the tributary; (iv) state funding commitments and specifically identified sources of state and local funding as well as a method for considering alternative or additional funding mechanisms; and (v) state incentives for local and private bodies for assisting with implementation of the plans.

5. Scientific assumptions which are consistent with those used by the Chesapeake Bay Program.

6. An analysis and explanation of how and when the plan will achieve the elements of subdivisions 1, 2 and 3 of this subsection, as well as a process for evaluating the linkage between each implementation action and its impact on the water quality and living resources of the tributary.

7. A process to adjust the actions to be taken in each plan if measurements of implementation and environmental impact conclude that goals will not be met.

8. An opportunity for public comment and a public education and information program that includes but is not limited to information on specific assignments of responsibility needed to execute the plan.

B. Tributary plans shall be developed, and the coordination of implementation begun, by the

60 following dates:

- 61 1. For the Potomac River Basin January 1, 1997.
- 62 2. For the Rappahannock River Basin January 1, 1998.
- 63 3. For the York River Basin January 1, 1998.
- 64 4. For the James River Basin January 1, 1998.
- 65 5. For the eastern and western coastal basins January 1, 1999.
- 66 § 10.1-2119. Annual reporting.

67 The Secretary of Natural Resources shall report by November 1 of each year to the House  
68 Committee on Chesapeake and Its Tributaries, the Senate Committee on Agriculture, Conservation and  
69 Natural Resources, and the Virginia Chesapeake Bay Partnership Council on progress made in the  
70 development and implementation of each plan. The annual report shall include, but not be limited to:

- 71 1. An analysis of actions taken and proposed and their relation to the timetables and programmatic  
72 and environmental benchmarks and indicators.
- 73 2. The results and analyses of quantitative or qualitative tests or studies, including but not limited to  
74 water quality monitoring and submerged aquatic vegetation surveys, which relate to actual resource  
75 improvements in each tributary. The results and analyses are to be clearly related to designated  
76 portions of each tributary.
- 77 3. The results of any toxic reduction action, including the amounts of toxic reductions achieved,  
78 described by poundage of each toxic reduced and discharged within each tributary basin.
- 79 4. A complete summary of public comments received on each plan.