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**SENATE BILL NO. 984**

Offered January 14, 2009

Prefiled January 12, 2009

*A BILL to amend and reenact § 10.1-2103 of the Code of Virginia, relating to the Chesapeake Bay Preservation Act; stormwater regulations.*

Patron—Wagner

Referred to Committee on Agriculture, Conservation and Natural Resources

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

**1. That § 10.1-2103 of the Code of Virginia is amended and reenacted as follows:**

§ 10.1-2103. Powers and duties of the Board.

The Board is responsible for carrying out the purposes and provisions of this chapter and is authorized to:

1. Provide land use and development and water quality protection information and assistance to the various levels of local, regional and state government within the Commonwealth.

2. Consult, advise, and coordinate with the Governor, the Secretary, the General Assembly, other state agencies, regional agencies, local governments and federal agencies for the purpose of implementing this chapter.

3. Provide financial and technical assistance and advice to local governments and to regional and state agencies concerning aspects of land use and development and water quality protection pursuant to this chapter.

4. Promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.). *The Board shall adopt regulations that treat swimming pools and any other impoundments of surface waters, including fountains and retention ponds, as permeable surfaces for the purpose of stormwater management.*

5. Develop, promulgate and keep current the criteria required by § 10.1-2107.

6. Provide technical assistance and advice or other aid for the development, adoption and implementation of local comprehensive plans, zoning ordinances, subdivision ordinances, and other land use and development and water quality protection measures utilizing criteria established by the Board to carry out the provisions of this chapter.

7. Develop procedures for use by local governments to designate Chesapeake Bay Preservation Areas in accordance with the criteria developed pursuant to § 10.1-2107.

8. Ensure that local government comprehensive plans, zoning ordinances and subdivision ordinances are in accordance with the provisions of this chapter. Determination of compliance shall be in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

9. Make application for federal funds that may become available under federal acts and to transmit such funds when applicable to any appropriate person.

10. Take administrative and legal actions to ensure compliance by counties, cities and towns with the provisions of this chapter including the proper enforcement and implementation of, and continual compliance with, this chapter.

11. Perform such other duties and responsibilities related to the use and development of land and the protection of water quality as the Secretary may assign.

12. Enter into contracts necessary and convenient to carry out the provisions of this chapter.

INTRODUCED

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