



**VAMSA – VAMWA – VA AWWA WUC
JOINT LEGISLATIVE TRACKING REPORT
February 25, 2021**

Notes: Descriptions summarize bills as introduced. Due to amendments throughout session, substance of bill following introduction may differ from summary description. Please refer to bill text for current provisions. Links are provided for your convenience. Yellow highlighting indicates new information compared to last published tracking report. Bills in *italics* are dead and have been moved to the end of each section.

WATER SUPPLY / DRINKING WATER

HJ 538 (Aird) Access to water; human right. Recognizing that access to clean, potable, and affordable water is a necessary human right. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hj538>

1/22/21 Reported from Rules with amendments (14-Y 4-N)

1/26/21 Passed House (61-Y 33-N)

2/19/21 Reported from Rules with Amendments by voice vote

2/22/21 Passed Senate (39-Y 0-N)

2/24/21 Passed House (63-Y 33-N)

SB 1210 (Petersen) Environmental permit fees. Directs the Virginia Waste Management Board to adopt regulations to collect from any person operating certain facilities permitted for the disposal, storage, or treatment of nonhazardous solid waste such annual fees as are necessary to provide funding for the total direct costs of the nonhazardous solid waste management program when aggregated and combined with other existing fees. The bill also directs SWCB to adopt regulations specifying permit maintenance fees that each permitted facility shall pay to the Board for certain water quality or withdrawal permits. Requires the fee amounts to be set at an amount that is necessary to collect no less than 40% and no greater than 50% of the direct costs required for the administration, compliance, and enforcement of such permits. The bill contains enactment clauses that (i) direct the relevant Boards to adopt such regulations by Jan. 1, 2022, and (ii) provide for the expiration of existing provisions for similar permit fees contingent upon the adoption of such regulations. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1210>

1/26/21 Reported from ACNR with substitute (15-Y 0-N)

2/3/21 Reported from Finance and Appropriations (16-Y 0-N)

2/4/21 Passed Senate (39-Y 0-N)

2/10/21 Reported from ACNR (21-Y 0-)

2/15/21 Passed House (100-Y 0-N)

SB 1291 (Mason) Virginia Water Protection Permit; withdrawal of surface water or ground water; plans for water auditing and leak detection and repair. Requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and a leak detection and repair plan that comply with regulations adopted by the State Water Control Board pursuant to the provisions of the bill. The provisions of the bill shall not become effective until 30 days after the adoption by the Board of such regulations. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1291>

1/17/21 Reported from ACNR with amendment (8-Y 7-N)

1/26/21 Passed Senate (22-Y 17-N)

2/15/21 ACNR Subc recommends reporting (6-Y 2-N)

2/17/21 Reported from ACNR (13-Y 8-N)

2/22/21 Passed House (56-Y 44-N)

WASTEWATER (INCLUDING BIOSOLIDS)

HB 2129 (Lopez) Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program. Requires the SWCB to adopt by June 30, 2022, regulations establishing a Phase III WIP Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works by Feb. 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the WQIF. The ENRC Program is required to proceed regardless of whether such grants will exceed the available funds in the Fund for a given fiscal year. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

Directs the SWCB to convene a stakeholder group during the adoption of regulations required to carry out the provisions of the bill and provides that such adoption by the Board shall be exempt from certain procedures of the APA. The bill provides that the priority projects and waste load allocation reductions that it sets forth shall be deemed to implement goals of the Chesapeake Bay Phase III WIP. **Same as SB 1354.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2129>

1/25/21 Subc recommends reporting with substitute (7-Y 1-N)

1/27/21 Reported from ACNR with substitute (18-Y 4-N)

1/27/21 Re-referred to Appropriations

1/29/21 Subc recommends reporting (6-Y 1-N)

1/29/21 Reported from Appropriations (14-Y 8-N)

2/3/21 Passed House (58-Y 39-N)

2/16/21 Senate: Reported from ACNR and re-referred to Finance and Approps. (13-Y 0-N)

2/22/21 Reported from Finance and Appropriations (14-Y 0-N)

2/25/21 Passed Senate with substitute (38-Y 1-N)

SB 1354 (Hanger) Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program. Requires the SWCB to adopt by June 30, 2022, regulations establishing a Phase III WIP Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous WLA reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works by Feb. 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the WQIF. The ENRC Program is required to proceed regardless of whether such grants will exceed the available funds in the Fund for a given fiscal year. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program

at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

Directs the SWCB to convene a stakeholder group during the adoption of regulations required to carry out the provisions of the bill and provides that such adoption by the Board shall be exempt from certain procedures of the APA. The bill provides that the priority projects and waste load allocation reductions that it sets forth shall be deemed to implement goals of the Chesapeake Bay Phase III WIP. **Same as HB 2129.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1354>

2/4/21 Reported from ACNR with substitute (15-Y 0-N)

2/4/21 Reported from Finance and Appropriations with amendments (14-Y 0-N 1-A)

2/5/21 Passed Senate (38-Y 0-N)

2/10/21 Reported from ACNR (18-Y 3-N)

2/15/21 Reported from Appropriations with substitute (14-Y 8-N)

2/18/21 Passed House (65-Y 35-N)

2/22/21 House substitute agreed to by Senate (39-Y 0-N)

HB 1396 (Hashmi) Sewage; Onsite Sewage Indemnification Fund; Wastewater Infrastructure Policy Working Group; report. Authorizes the State Board of Health to use the Onsite Sewage Indemnification Fund to provide grants and loans to property owners with income at or below 200 percent of the federal poverty guidelines to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal. The bill provides that no expenses shall be paid from the Fund to support the program for training and recognition of onsite soil evaluators, or to provide grants or loans to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal in lieu of payment to any owner or owners qualified to receive payment from the Fund. The bill also directs the Board to adopt regulations that include consideration of the impacts of climate change on proposed treatment works.

The bill sets out the policy of the Commonwealth regarding wastewater infrastructure and establishes the four-member Wastewater Infrastructure Policy Working Group as an advisory board in the executive branch of state government to continually assess wastewater infrastructure needs and develop policy recommendations. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1396>

1/26/21 Reported from ACNR (12-Y 3-N)

2/3/21 Reported from Finance and Appropriations (12-Y 0-N 3-A)

2/5/21 Passed Senate (22-Y 16-N)

2/17/21 ACNR Subc recommends reporting (6-Y 2-N)

2/17/21 Reported from ACNR (16-Y 6-N)

2/19/21 Appropriations Subc recommends reporting (8-Y 0-N)

2/22/21 Reported from Appropriations (19-Y 1-N)

HB 2188 (Hodges) VDH; DEQ; pilot program; Engineered septic systems. Requires VDH and DEQ, in partnership with the Middle Peninsula Planning District Commission, to initiate a three-year pilot program designed to study the use of engineered septic systems that house and treat sewage effluent in an elevated, self-contained unit suitable for areas with high water tables and susceptible to flooding in Coastal Virginia. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2188>

2/5/21 Left in Appropriations

STORMWATER

HB 1982 (Bulova) Nutrient credits; use by facility with certain stormwater discharge permit. Authorizes a facility that has been issued a VPDES permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit so long as the credits meet several requirements. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1982>

1/20/21 Reported from ACNR with amendments (22-Y 0-N)

1/25/21 Passed House (100-Y 0-N)
2/16/21 Reported from ACNR (13-Y 0-N)
2/19/21 Passed Senate (39-Y 0-N)

HB 1983 (Bulova) Wetland and stream mitigation banks; proximity of impacted site. Provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. Provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1983>

1/20/21 Reported from ACNR with amendments (16-Y 6-N)
1/25/21 Passed House (84-Y 15-N 1-A)
2/16/21 Reported from ACNR (13-Y 0-N)
2/19/21 Passed Senate (39-Y 0-N)

HB 2042 (Guy) Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. **Same as SB 1393.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2042>

1/21/21 Subc recommends reporting with amendments (6-Y 3-N)
1/22/21 Reported from Counties, Cities and Towns with amendments (13-Y 9-N)
1/27/21 Passed House (57-Y 43-N)
2/15/21 Reported from Local Govt with amendments (11-Y 3-N)
2/17/21 Passed Senate (26-Y 11-N)
2/19/21 Passed House (57-Y 43-N)

HB 2187 (Hodges) Commonwealth Center for Recurrent Flooding Resiliency; study topics. Directs the Commonwealth Center for Recurrent Flooding Resiliency to (i) undertake certain topics of study to assist the Commonwealth and achieve the mission of the Center, (ii) oversee the development of a Flood Resiliency Clearinghouse Program, (iii) research and provide recommendations for solutions that manage both water quality and flooding and emphasize nature-based solutions, and (iv) make final recommendations for solutions to be approved for flood mitigation that are deemed appropriate for permitting by certain agencies of the Commonwealth. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2187>

1/18/21 House ACNR Subc recommends reporting with substitute (8-Y 0-N)
1/20/21 Reported from ACNR (22-Y 0-N)
1/18/21 Referred to Appropriations; Subc: Higher Education
1/25/21 Subc recommends reporting (7-Y 0-N)
1/25/21 Reported from Appropriations (22-Y 0-N)
1/28/21 Passed House (100-Y 0-N)
2/16/21 Reported from ACNR (15-Y 0-N)
2/19/21 Passed Senate (39-Y 0-N)

SB 1309 (Ebbin) Local stormwater assistance; flood mitigation and protection. Authorizes grants from a local Stormwater Management Fund to be used for measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, including floodproofing, flood protection products, and grading. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1309>

1/18/2021 Senate: Reported from Local Government with substitute (14-Y 0-N 1-A)
1/21/21 Passed Senate (39-Y 0-N)

2/12/21 Reported from Cities and Towns (22-Y 0-N)

2/17/21 Passed House (99-Y 0-N)

SB 1393 (Marsden) Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. **Same as HB 2042.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1393>

1/25/21 Reported from Local Government with substitute (12-Y 3-N)

2/1/21 Passed Senate (26-Y 13-N)

2/10/21 Reported from ACNR with amendments (14-Y 7-N)

2/15/21 Passed House (56-Y 43-N)

2/17/21 House amendments agreed to by Senate (31-Y 8-N)

SB 1404 (Lewis) Stormwater Local Assistance Fund; grant requirements. Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay TMDL requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1404>

2/4/21 Reported from ACNR (15-Y 0-N)

2/5/21 Passed Senate (38-Y 0-N)

2/10/21 Reported from ACNR (21-Y 0-N)

2/15/21 Passed House (100-Y 0-N)

HJ 552 (Levine) Study: joint subcommittee to study recurrent inland and urban flooding across the Commonwealth; report. Establishes a two-year joint subcommittee, consisting of eight legislative members and five non-legislative citizen members, to study the development of a comprehensive and coordinated planning effort to address recurrent flooding across the Commonwealth. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HJ552>

2/5/21 House: Left in Rules

SB 1352 (Lewis) Flood control; Department of Flood Control and Commonwealth Flood Control Board established; report. Creates the 14-member Commonwealth Flood Control Board as a policy board in the executive branch of state government with various duties coordinating and implementing existing and new flood control programs and measures in Virginia. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+SB1352>

1/26/2021 Stricken at request of Patron in ACNR

DAMS & DAM SAFETY

SB 1280 (Bell) Dams; negotiated settlement agreements. Authorizes the Virginia Soil and Water Conservation Board to enter into a negotiated settlement with the owners of certain impounding structures who have allegedly violated or failed, neglected, or refused to obey any permit condition, provision of the Dam Safety Act, or Board regulation or order. The settlement shall require the dam owner to correct deficiencies at the dam structure and to pay civil charges for past alleged violations instead of any appropriate civil penalty that could be imposed. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1280>

1/19/21 Reported from ACNR (15-Y 0-N)

1/25/21 Passed Senate (39-Y 0-N)

2/10/21 Reported from ACNR (21-Y 0-N)

2/15/21 Passed House (100-Y 0-N)

GRANTS & FUNDING

HB 1859 (Guy) Local financing of clean energy and other programs; when owner costs are incurred. Changes the parameters for local ordinances authorizing loan contracts for the installation by property owners of clean energy, resiliency, or stormwater management improvements. The bill provides that if the property owner incurred the costs of improvements to be refinanced or reimbursed within the two years prior to the closing date of the financing, the loan amount may include the total costs of the improvements to be refinanced or reimbursed. The bill removes the requirement that the applicable local ordinance include the proposed interest rate for the loan program and the maximum aggregate dollar amount that may be financed with respect to a property, and it provides that no loan offered under the program shall be used to improve a residential dwelling that contains fewer than five dwelling units. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1859>

1/15/21 House: Reported from Counties, Cities and Towns with substitute (16-Y 6-N)

1/20/21 Passed House (61-Y 38-N)

2/1/21 Reported from Local Government (11-Y 2-N 2-A)

2/3/21 Passed Senate (26-Y 12-N 1-A)

HR 225 (Guzman) Memorializing Congress; HR 6422; National Infrastructure Bank. Urges the Congress of the United States to pass H.R. 6422 and create a National Infrastructure Bank to finance urgently needed infrastructure projects. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HR225>
2/5/21 Left in Rules

MISCELLANEOUS WATER & ENVIRONMENT

HB 2074 (Simonds) Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.

The bill directs each state agency, no later than Oct. 1, 2021, to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action.

The bill prohibits the issuance of a permit for any covered activity, including construction of an electric generating facility or sanitary landfill, until the applicant has submitted, and the permitting authority has approved, a public involvement plan, a cumulative impact statement, and an environmental justice impact statement, if applicable. The bill requires the permitting authority to deny the application or approve it with or without conditions. Finally, the bill requires each local government adopting or reviewing a comprehensive plan to also adopt an environmental justice strategy. **Same as SB 1318.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2074>

1/27/21 Subc recommends reporting with substitute (7-Y 1-N)

1/27/21 Reported from ACNR with substitute (16-Y 6-N)

2/2/21 Appropriations Subc recommends reporting with substitute (5-Y 3-N)

2/3/21 Reported from Appropriations with substitute (13-Y 9-N)

2/5/21 Passed House (56-Y 44-N)

2/17/21 Reported from General Laws and Technology with Substitute (8-Y 4-N 1-A)

2/22/21 Reported from Finance and Appropriations (10-Y 4-N)

SB 1143 (Cosgrove) Extension of certain wetlands permits through 2021. Retroactively extends until January 1, 2022, certain wetlands permits set to expire between March 1, 2020, and July 1, 2021.

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1143>

1/26/21 Reported from ACNR (15-Y 0-N)

2/1/21 Passed Senate (39-Y 0-N)

2/10/21 Reported from ACNR (21-Y 0-N)

2/15/21 Passed House (100-Y 0-N)

SB 1258 (Marsden) Solar projects; erosion and sediment control. Requires the State Water Control Board to administer a Virginia Erosion and Sediment Control Program (VESCP) on behalf of any locality that notifies DEQ that it has chosen not to administer a VESCP for any solar photovoltaic (electric energy) project with a rated electrical generation capacity exceeding five megawatts. The provisions of the bill become effective only when an appropriation effectuating funding of one full-time position to carry out the purposes of the bill on behalf of the SWCB is included in a general appropriation act.

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1258>

1/19/21 Reported from ACNR with substitute (15-Y 0-N)

2/2/21 Reported from Finance and Appropriations with amendment (16-Y 0-N)

2/4/21 Passed Senate (39-Y 0-N)

2/17/21 Reported from ACNR (21-Y 0-N)

2/19/21 Reported from Appropriations Subc with amendments (8-Y 0-N)

2/22/21 Reported from Appropriations with amendments (20-Y 0-N)

2/24/21 Passed House (97-Y 0-N)

SB 1282 (Morrissey) Greenhouse gas emissions inventory; regulations. Directs DEQ to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations, to become effective no later than January 1, 2022, necessary to collect data needed to conduct, update, and maintain the inventory. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1282>

1/26/21 Reported from ACNR with substitute (9-Y 6-N)

2/3/21 Reported from Finance and Appropriations (11-Y 4-N)

2/4/21 Passed Senate (22-Y 16-N)

2/17/21 Reported from ACNR (13-Y 8-N)

2/22/21 Passed House (56-Y 44-N)

SB 1318 (Hashmi) Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.

The bill directs each state agency, no later than October 1, 2021, to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action.

The bill prohibits the issuance of a permit for any covered activity, including construction of an electric generating facility or sanitary landfill, until the applicant has submitted, and the permitting authority has approved, a public involvement plan, a cumulative impact statement, and an environmental justice impact statement, if applicable. The bill requires the permitting authority to deny the application or

approve it with or without conditions. The bill requires each local government adopting or reviewing a comprehensive plan to also adopt an environmental justice strategy. **Same as HB 2074.**

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1318>

1/20/21 Reported from General Laws & Technology with amendments (7-Y 6-N)

2/2/21 Reported from Finance and Appropriations with substitute (11-Y 5-N)

2/5/21 Passed Senate (22-Y 17-N)

2/18/21 Reported from General Laws with substitute (13-Y 9-N)

2/23/21 Passed House (55-Y 43-N)

HJ 559 (Guzman) Recognizing that global warming caused by human activity has resulted in a climate and ecological emergency. Expresses the sense of the General Assembly in recognizing that global warming caused by human activity that increases emissions of greenhouse gases has resulted in a climate and ecological emergency. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HJ559>

2/5/21 Left in Rules

HB 1937 (Rasoul) Green New Deal Act. Establishes a moratorium, effective January 1, 2022, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import/export terminals for fossil fuel resources... <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1937>

2/5/21 Left in Labor and Commerce

HB 2221 (Hayes) Environmental permits; community and environmental justice outreach. Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual VPDES permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60 days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of DEQ. ... **Same as SB 1373.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2221>

2/23/21 Left in ACNR

SB 1373 (McClellan) Environmental permits; community and environmental justice outreach. Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual VPDES permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit ... **Same as HB 2221.** <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+SB1373>

2/6/21 Senate: Left in ACNR

HJ 556 (Lopez) Constitutional amendment (first reference); environmental justice. Establishes that it is the policy of the Commonwealth to follow the principles of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies and to ensure that no population, especially minority, low-income, or historically economically disadvantaged communities, faces higher levels or greater impacts of pollution and climate change than other populations. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HJ556>

2/5/21 House: Left in Privileges and Elections

OIL & GAS INDUSTRY (INCLUDING PIPELINES)

SB 1265 (Deeds) Natural gas pipelines; stop work orders. Authorizes DEQ to conduct inspections of the land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections only if such inside diameter is greater than 36 inches. The bill also specifies certain instances that may give rise to such inspection and authorizes DEQ to issue a stop work order for every work area in Virginia in the event that adverse impacts or likely adverse impacts are found on a repeated, frequent, and widespread basis.

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1265>

2/4/21 Reported from ACNR (15-Y 0-N)

2/5/21 Passed Senate (38-Y 0-N)

2/17/21 Reported from ACNR (14-Y 7-N)

2/22/21 Passed House (61-Y 39-N)

SB 1311 (McClellan) Water quality standards; modification of permits and certifications. Requires DEQ to revise the applicable erosion and sediment control plan or stormwater management plan when a stop work order has been issued for violations related to certain pipelines to ensure compliance with state water quality standards. The bill changes from the Department to the SWCB (the Board) the entity that approves such water quality standards and specifications for certain pipelines. The bill requires an applicant seeking modification or revocation of certain approvals or conditions from another state or federal agency that is likely to result in an adverse impact to state water quality to submit to the Board a copy of the request for such modification or revocation.

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1311>

2/4/21 Reported from ACNR with substitute (8-Y 7-N)

2/5/21 Passed Senate (20-Y 17-N)

2/17/21 Reported from ACNR with substitute (13-Y 9-N)

2/23/21 Passed House (56-Y 42-N)

2/24/21 House substitute with amendments agreed to by Senate (20-Y 19-N)

HB 1934 (Simon) Public utilities; gas pipelines in residential subdivisions. Prohibits a public service corporation or other utility from constructing or installing a gas pipeline greater than 12 inches in diameter under any public road or state highway within a residential subdivision including under the median or any sidewalk running parallel to any such public road or state highway without prior written application and approval by the board of supervisors or other governing body of the locality in which such public road or state highway is located. Violations of the prohibitions are subject to a penalty of \$10,000 ...

<https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1934>

2/5/21 House: Left in Labor and Commerce

HB 2292 (Cole) Fossil fuel projects moratorium. Establishes a moratorium, effective Jan. 1, 2022, on any approval by any state agency or political subdivision required for (i) electric generating facilities that generate fossil fuel energy through the combustion or use of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) modification of an import or export terminal for a fossil fuel resource ...

<https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2292>

2/5/21 House: Left in Labor and Commerce

EMINENT DOMAIN

SB 1270 (Cosgrove) Eminent domain; notice of intent to file certificate. Provides that the notice required to be sent to a landowner prior to an authorized condemnor recording a certificate of take or certificate of deposit shall state that (i) the certificate of take or certificate of deposit will be recorded between 30 and 45 days from the date of the notice and (ii) that property will transfer to the condemnor upon recordation and that the owner has the right to petition the court for distribution of the funds represented in the certificate.

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1270>

1/18/21 Reported from Judiciary (14-Y 0-N)

1/21/21 Passed Senate (39-Y 0-N)

2/17/21 Reported from Courts of Justice (22-Y 0-N)

2/22/21 Passed House (98-Y 0-N)

PROCUREMENT

HB 1811 (Helmer) Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods. Provides that in the course of procuring goods, if a public body receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP) designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such public body may only select among those bids. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1811>

1/19/21 Subc recommends reporting (5-Y 3-N)

1/21/21 Reported from General Laws (13-Y 9-N)

1/26/21 Passed House (55-Y 44-N)

2/10/21 Reported from General Laws and Technology with amendments (11-Y 1-N 2-A)

2/15/21 Passed Senate with amendments (25-Y 14-N)

2/17/21 House Rejected (0-Y 99-N)

2/19/21 Senate insists on amendments (38-Y 0-N)

2/19/21 Conference Committee convened

HB 1849 (Simonds) Apprenticeship training programs; required contract provisions. Requires all public bodies to include in every contract for construction over \$250,000 provisions requiring the contractor, during the performance of the contract, to participate in an apprenticeship training program for each separate trade or classification program in which it employs construction employees. The bill also requires such contractors to include the same provision in all subcontracts over \$50,000 so that such provisions will also be binding upon each subcontractor. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1849>

1/26/21 Subc recommends reporting with amendments (6-Y 2-N)

1/28/21 Reported from General Laws with amendments (13-Y 9-N)

2/1/21 Reported from Appropriations with substitute (14-Y 8-N)

2/4/21 Passed House (54-Y 44-N)

2/10/21 Reported from General Laws and Technology (8-Y 5-N)

2/15/21 Passed Senate (21-Y 18-N)

HB 2288 (Graves) Virginia Public Procurement Act; construction contracts; requirement to submit list of subcontractors. Requires bidders or offerors on contracts for construction of \$250,000 or more to submit along with their bid or proposal a list of all subcontractors, regardless of tier, that the bidder or offeror will use on the contract to perform work valued at \$50,000 or more, including labor and materials. The bill requires such list to include certain information about each contractor. The bill also requires the bidder or offer to submit (i) a statement declaring that the bidder or offeror has reviewed the qualifications and performance history of each subcontractor and found such qualifications and performance history to be sufficient to qualify the subcontractor to perform the subcontract work...

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2288>

1/26/21 Subc recommends reporting with amendments (5-Y 3-N)

1/28/21 Reported from General Laws with substitute (13-Y 9-N)

2/1/21 Reported from Appropriations with amendments (13-Y 9-N)

2/4/21 Passed House (53-Y 45-N)

2/17/21 Reported from General Laws and Technology with amendment (8-Y 4-N)

2/22/21 Passed Senate with amendment (21-Y 18-N)

2/23/21 House Vote: Rejected (0-Y 97-N)

2/24/21 Senate insists on amendment (39-Y 0-N)

2/24/21 Conference Committee convened

SB 1305 (McPike) Virginia Public Procurement Act; public works contracts; subcontractor workforce requirements. Requires all public bodies and covered institutions, defined in the bill, to include in every public works contract of more than \$250,000 certain provisions related to the outsourcing of subcontracted work, which a contractor shall agree to during the performance of such contract. Such provisions mandate that a contractor shall only utilize subcontractors that certify in writing to the contract that they will outsource no more than 10 percent of the cost of the work subcontracted for, excluding the provision of materials, with specified exceptions. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1305>

1/20/2021 Reported from General Laws and Technology with amendments (9-Y 6-N)

1/27/21 Reported from Finance and Appropriations with amendment (9-Y 6-N)

2/2/21 Passed Senate (21-Y 18-N)

2/16/21 Reported from General Laws (12-Y 9-N)

2/16/21 Re-referred to Appropriations; Subc on Commerce, Ag and Nat Resources

SB 1384 (Surovell) Virginia Public Procurement Act; local arbitration agreements. Allows a participating locality, for any procurement solicitation or contract exceeding \$10,000 for goods and services, to require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses, defined in the bill, in employment, civil rights, and consumer disputes, and provides that a locality may consider the policies and practices related to arbitration of each bidder and offeror. The bill also provides that a participating locality shall require the bidder or offeror to provide written or electronic submissions to allow the locality to ascertain (i) whether the bidder or offeror requires persons with whom it is in a work relationship or prospective work relationship to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover an employment or civil rights dispute... <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1384>

1/27/21 Reported from General Laws and Technology (8-Y 7-N)

2/5/21 Passed Senate (20-Y 17-N 1-A)

2/16/21 Reported from General Laws (12-Y 9-N)

2/16/21 Re-referred to Courts of Justice; Civil Subc

2/19/21 Subc fails to recommend reporting (4-Y 4-N)

HB 1741 (Campbell, by request) Virginia Public Procurement Act; contract clause requiring subcontractor reporting of payments to employees and independent contractors. Requires any contract awarded by a state agency or an agency of local government to require the contractor to include in each of its subcontracts a provision requiring the subcontractor to report to the contractor on a monthly basis ... <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1741>

2/5/21 House: Left in General Laws

HB 1857 (Subramanyam) Virginia Public Procurement Act; architectural and professional engineering term contracting; certain localities. Exempts any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for environmental, location, design, and inspection work regarding highways and bridges. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1857>

2/5/21 House: Left in General Laws

HB 1996 (Murphy) Virginia Public Procurement Act; determination of responsibility; local option to include criteria in Invitation to Bid. Allows localities to include in the Invitation to Bid criteria that may be used in determining whether any bidder, not just any bidder who is not prequalified by the Virginia Department of Transportation as under current law, is a responsible bidder. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1996>

1/26/21 Passed House (56-Y 44-N)

2/17/21 Passed by indefinitely in General Laws and Technology (9-Y 6-N)

FREEDOM OF INFORMATION

HB 1931 (Levine) Virginia Freedom of Information Act; electronic meetings. Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. Clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25% of the meetings held that calendar year rounded up to the next whole number, whichever is greater. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1931>

1/19/21 Subc recommends reporting (8-Y 0-N)

1/21/21 Reported from General Laws (21-Y 0-N)

1/26/21 Passed House (99-Y 0-N)

2/10/21 Reported from General Laws and Technology (12-Y 2-N)

2/15/21 Passed Senate (28-Y 11-N)

HB 2025 (Gooditis) Virginia Freedom of Information Act; record exclusion for personal contact information provided to a public body. Provides that personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2025>

1/19/21 Subc recommends reporting (8-Y 0-N)

1/21/21 Reported from General Laws (22-Y 0-N)

1/26/21 Passed House (99-Y 0-N)

2/17/21 Reported from General Laws and Technology (13-Y 1-N)

2/22/21 Passed Senate (39-Y 0-N)

HB 1917 (Mugler) Publication of certain notices on locality's website. Provides that in any instance in which a locality is required to publish certain notices related to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality's website. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1917>

2/5/21 House: Left in Counties, Cities and Towns

HB 1997 (Murphy) Virginia Freedom of Information Act; definition of "meeting." Increases from three to four the number of members of a public body meeting as an informal assemblage that constitutes a meeting under the Virginia Freedom of Information Act. <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1997>

2/5/21 House: Left in General Laws

HB 2000 (Roem) Virginia Freedom of Information Act; charges for production of public records. Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual records requests to such public body within 31 consecutive days... <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2000>

1/19/21 Tabled in General Laws (22-Y 0-N)

MISCELLANEOUS

HB 1763 (Wilt) Tax credit; agricultural best management practices. Creates an enhanced individual and corporate income tax credit beginning in taxable year 2021 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 75% of the first \$100,000 expended in

implementing certain Ag BMPs, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Ag BMPs Cost-Share Program. **Same as SB 1162.**

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1763>

1/26/21 Subc recommends reporting with amendments (10-Y 0-N)

1/26/21 Reported from Finance with amendments (22-Y 0-N)

1/29/21 Reported from Appropriations with substitute (22-Y 0-N)

2/3/21 Passed House (99-Y 0-N)

2/16/21 Reported from Finance and Appropriations with amendments (13-Y 0-N)

2/17/21 Passed Senate with amendments (39-Y 0-N)

2/18/21 Passed House (100-Y 0-N)

HB 1836 (Plum) Secretary of Natural Resources. Renames the Secretary of Natural Resources as the Secretary of Natural and Cultural Resources. The bill also designates the Secretary as the Chief Resilience Officer and removes the Virginia Museum of Natural History from the purview of the Secretary. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1836>

1/13/21 Reported from ACNR (17-Y 5-N)

1/19/21 Passed House (69-Y 30-N)

2/16/21 Reported from ACNR with substitute (13-Y 2-N)

2/19/21 Passed Senate with substitute (25-Y 13-N)

2/23/21 House Vote: Rejected (0-Y 96-N)

2/24/21 Senate insists on substitute (39-Y 0-N)

2/24/21 Conference Committee convened

HB 1837 (Plum) Virginia Soil and Water Conservation Board; membership. Clarifies that each of the six non-legislative citizen members of the Virginia Soil and Water Conservation Board (the Board) who is not an at-large member is to be appointed by the Governor from a list of two qualified nominees submitted for each vacancy by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts in consultation with other groups. **Same as SB 1161.**

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1837>

1/18/21 Subc recommends reporting with substitute (8-Y 0-N)

1/20/21 Reported from ACNR with substitute (22-Y 0-N)

1/25/21 Passed House (100-Y 0-N)

2/16/21 Reported from ACNR (13-Y 0-N)

2/19/21 Passed Senate (39-Y 0-N)

HB 1846 (Robinson) License restrictions for minors; use of handheld personal communications devices. Clarifies that the prohibition on the use of a handheld personal communications device or other wireless communications device by the holder of a provisional driver's license applies regardless of whether or not the device is being used for communication purposes. The bill exempts the use of such device's applications for solely navigation purposes and global positioning systems, provided that the driver does not enter information into or manually manipulate the device or system while operating the vehicle. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1846>

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1846>

1/19/21 Subc recommends reporting (8-Y 0-N)

1/21/21 Reported from Transportation (21-Y 0-N)

1/28/21 Passed House (100-Y 0-N)

2/11/21 Reported from Transportation with substitute (14-Y 0-N)

2/16/21 Passed Senate with substitute (39-Y 0-N)

2/18/21 Passed House (98-Y 0-N)

HB 1862 (Helmer) Employee protections; medicinal use of cannabis oil. Prohibits an employer from discharging, disciplining, or discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease. The bill provides that such prohibition does not (i) restrict an employer's ability to take any adverse employment action for any work

impairment caused by the use of cannabis oil or to prohibit possession during work hours or (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1862>

2/2/21 Passed House as amended (86-Y 12-N 1-A)

2/22/21 Reported from Commerce and Labor with amendments (14-Y 0-N 1-A)

2/24/21 Passed Senate with amendments (26-Y 13-N)

HB 2257 (Bloxom) Hampton Roads Sanitation District. Makes numerous changes to the enabling act for the Hampton Roads Sanitation District related to the addition of Northampton and Accomack Counties to the district, including realignment of the residency requirements for Commissioners. Other changes include (i) defining the term "associated water system" and inserting it as appropriate throughout the bill; (ii) amending certain eminent domain powers related to procurement of lands contiguous to the site of an existing sewage disposal system for construction and operation of an expanded sewage disposal system to meet new regulatory requirements, including nutrient removal technology; (iii) altering authority related to rates; and (iv) making various technical and clarifying updates. <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2257>

1/28/21 Subc recommends reporting (9-Y 0-N)

1/29/21 Reported from Counties, Cities and Towns (21-Y 1-N)

2/3/21 Passed House (98-Y 0-N)

2/15/21 Reported from Local Government (13-Y 0-N)

2/17/21 Passed Senate (38-Y 0-N)

SB 1161 (Hanger) Virginia Soil and Water Conservation Board; membership. Clarifies that each of the six non-legislative citizen members of the Virginia Soil and Water Conservation Board (the Board) who is not an at-large member is to be appointed by the Governor from a list of two qualified nominees submitted for each vacancy by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts in consultation with other groups. **Same as HB 1837.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1161>

1/19/21 Reported from ACNR with substitute (15-Y 0-N)

1/25/21 Passed Senate (39-Y 0-N)

2/10/21 Reported from ACNR (21-Y 0-N)

2/15/21 Passed House (100-Y 0-N)

SB 1162 (Hanger) Tax credit; agricultural best management practices. Creates an enhanced individual and corporate income tax credit beginning in taxable year 2021 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 75% of the first \$100,000 expended in implementing certain agricultural best management practices, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Agricultural Best Management Practices Cost-Share Program. The bill retains a tax credit for 25% of expenses made for all other agricultural best management practices that are not eligible for the enhanced credit rate, but increases the maximum amount of expenses to which one can apply the 25% credit from \$70,000 to \$100,000. **Same as HB 1763.** <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1162>

2/3/21 Reported from Finance and Appropriations with substitute (16-Y 0-N)

2/4/21 Passed Senate (38-Y 0-N)

2/10/21 Reported from Finance (22-Y 0-N)

2/15/21 Passed House (98-Y 0-N 2-A)

SB 1163 (Hanger) Tax credits of agricultural equipment. Establishes a refundable individual and corporate income tax credit for 25% of expenditures, up to a maximum of \$17,500, made for the purchase of conservation tillage and precision agriculture equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or improving precision of pesticide and fertilizer application or injection, beginning in taxable year 2021. The bill expires the existing individual and

corporate income tax credits for conservation tillage equipment and purchase of advanced technology pesticide and fertilizer application equipment after taxable year 2020... <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1163>

2/3/21 Reported from Finance and Appropriations with amendments (16-Y 0-N)

2/4/21 Passed Senate (39-Y 0-N)

2/15/21 Reported from Finance with amendments (22-Y 0-N)

2/18/21 Passed House with amendments (100-Y 0-N)

2/19/21 House amendments agreed to by Senate (38-Y 0-N)

SB 1389 (Lewis) Property; required disclosures for buyer to exercise due diligence; flood risk report. Requires DCR to (i) develop, maintain, and update on its public website a statewide database and an official map of any parcel of real property in the Commonwealth and (ii) make available on its website a copy of a flood risk report for each parcel of real property in the Commonwealth, the details of which are outlined in the bill. The bill adds obtaining a flood risk report from DCR to the list of things a purchaser is advised to exercise due diligence on when purchasing a property. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed effective date of Jan. 1, 2022. The provisions of the bill are contingent on funding in a general appropriation act.

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1389>

1/27/21 Reported from General Laws and Technology with substitute (14-Y 0-N)

2/3/21 Reported from Finance and Appropriations with amendments (15-Y 0-N)

2/4/21 Passed Senate (39-Y 0-N)

2/11/21 Reported from General Laws (20-Y 2-N)

2/16/21 Passed House (94-Y 5-N)

HB 1974 (Rush, by Request) Professional regulation; exemptions from license requirements for architects and professional engineers; onsite sewage systems receiving residential wastewater. Removes certain requirements from the exemption from licensure as an architect or professional engineer for persons who prepare plans, specifications, documents, and designs for conventional and alternative onsite sewage systems receiving residential wastewater. The bill removes the requirement that any such plans, specifications, documents, or designs utilize packaged equipment generally... <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1974>

2/5/21 House: Left in General Laws

KEY DATES

Jan. 10 – Budget amendment request deadline (5pm)

Jan. 13 – Session convenes; pre-filed bill introduction deadline

Jan. 22 – Last day to introduce legislation (3pm)

Feb. 5 – Crossover deadline; beginning Feb. 6 each house may only consider the other's bills

Feb. 10 – Special Session to Commence

Feb. 19 – Budget Conferees Appointed

March 1 – Adjournment Sine Die

April 7 – Reconvened Session (“Veto Session”)

**SUPPLEMENTAL BUDGET REPORT –
HOUSE AND SENATE FLOOR-APPROVED BUDGET AMENDMENTS AS OF 2/12/2021**

WATER SUPPLY / DRINKING WATER

Lead Water Testing Program (Item 304) (#1s, Senate-Approved). Amendment provides funding (\$431,450 \$250,000) for VDH to handle plans and test results of lead water testing by local schools and provides funding for VDH to handle the plans and test results of lead water testing submitted to the agency from child care facilities.

Study of Certain Substances in Drinking Water (Item 307) (#1s, Senate-Approved). Amendment provides \$60,000 from the general fund each year for the continued work of VDH's Office of Drinking Water to continue its study of the occurrence of PFOA, PFOS, and other PFAS in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, and other PFAS for inclusion in regulations of the Board of Health applicable to waterworks.

Mason Neck Water Supply (Item 374) (#1s, Senate-Approved) / #1h, House-Approved). Amendment provides \$1.5 million the second year from the general fund for the costs of connecting Mason Neck State Park to the local municipal drinking water system.

Research to Reduce Salt in Surface and Groundwater Resources (Item 377) (#1h, House-Approved). Amendment provides \$175,000 the second year for a field test of using native plants to capture and remove salt from paved surface stormwater runoff.

Groundwater Monitoring Well – Fredericksburg (Item 377) (#1h, Krizek / #3s, Surovell). Amendment provides \$500,000 from the general fund the second year for a groundwater monitoring well in the Eastern Groundwater Management Area.

GRANTS & FUNDING

Enhanced Nutrient Removal Certainty Program (Item C-70.50) (#1h, House-Approved). Provides bond proceeds (\$150 million) to implement the enhanced Nutrient Removal Certainty Program under HB 2129.

Stormwater Management Fund (Item 377) (#2h, House-Approved). Provides \$1.1 million from the general fund the second year to be deposited in the Virginia Stormwater Management Fund, and directs the SWCB to adopt a schedule that sets fees at an amount of at least 60 percent of the direct costs for DEQ's administration, compliance, and enforcement activities in its stormwater management programs.

SLAF Funding (Item 379) (#1h, House-Approved). Provides \$26.0 million from the general fund the second year for deposit in SLAF for stormwater quality retrofits and upgrades.

SLAF Scoring Criteria Budget Language (Item 377) (#4h, Herring). Amendment directs DEQ to evaluate the criteria used to assess Stormwater Local Assistance Fund project proposals to include projects that address local stormwater resiliency and capacity needs.

DEQ Chesapeake Bay TMDL Grant Requirements Budget Language (Item 379) (#1s, Lewis). Amendment modifies the eligibility conditions for WQIF grants administered by DEQ to allow for a focus on single nutrient reduction and to allow for grants to cover more than half of a project cost in localities with high or above average fiscal stress.

Annual Sewer Rate Increases Budget Language (Item 379) (#1h, Cole, J.). Amendment authorizes DEQ to consider sewer rate increases as part of the determination of reasonable sewer cost as part of Water Quality Improvement Fund grant agreements.

**SUPPLEMENTAL BUDGET REPORT –
HOUSE AND SENATE FLOOR-APPROVED BUDGET AMENDMENTS AS OF 2/12/2021**

MISCELLANEOUS WATER & ENVIRONMENT

Utility CARES Funding Budget Language (Item 479.10) ([#1h, House-Approved](#)), ([#1s, Senate-Approved](#)). Amendment allows money for the utility assistance program funded with federal Coronavirus Relief Funds to be applied to a customer's account more than once. In addition, it updates the timing of certain actions related to unspent federal Coronavirus Relief Funds due the recent extension of their use by Congress.

Elevated Septic System Pilot Project in Rural Coastal VA (Item 114) ([#1h, House-Approved](#)). Amendment provides \$120,000 over the biennium from the general fund to fund an elevated specific system pilot program at the Middle Peninsula Planning District Commission. Septic systems in coastal Virginia suffer from a constant threat of sea level rise, storm surges, and chronic flooding which can cause catastrophic failures of in ground septic systems due to water inundation.

Infrastructure Upgrades for Pharmaceutical Manufacturing Economic Development (Item 114) ([#8h, House-Approved](#)). Amendment provides \$10 million in the second year from the general fund to improve a chemical plant complex located in the City of Petersburg; the plant has substantial chemical manufacturing infrastructure that requires a significant upgrade to the water and sewer utilities, once these improvements are made, the plant will be able to serve as the centerpiece of a regional pharmaceutical manufacturing cluster.

Lake Gaston Lyngbya Remediation (Item 373) ([#3h, House-Approved](#)). Amendment provides \$1.2 million ~~\$800,000~~ from the general fund the first year to support lyngbya remediation efforts at Lake Gaston. Lyngbya is an algae that can be harmful to swimmers, boaters, and underwater wildlife.

Increase VCAP Appropriation. (Item 373) ([#2h, House-Approved](#)). Amendment increases the appropriation for the Virginia Conservation Assistance Program by \$500,000 the second year, bringing total funding to \$1.0 million the second year. VCAP currently has a backlog of more than \$200,000 until future funding is provided, and the restoration of the appropriation to its previous level will allow the program to meet growing demand and assist with water quality goals in urban areas.

Fund Full Ag BMP Needs Assessment (Item 373) ([#4h, House-Approved](#)). Amendment provides an additional ~~\$63.6 million~~ \$30 million from the general fund the second year to meet the Virginia's Agricultural Needs Assessment. The amendment would provide an additional \$56.3 million from the general fund for agricultural BMP projects and \$7.3 million from the general fund in additional technical assistance provided to local Soil and Water Conservation District.

Water Quality Enhancement Fee. (Item 377) ([#5s, Senate-Approved](#)). Reverses the proposed water quality enhancement fee included in SB 1100 (Budget Bill), as introduced.

Nutrient Credit Program Workgroup Budget Language (Item 377) ([#3s, Senate-Approved](#)). Amendment directs the creation of a multi-agency workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its sub-watersheds.

Harmful Algal Blooms Mitigation Budget Language (Item 377) ([#4s, Senate-Approved](#)). Amendment directs DEQ, VDACS, and VDH to convene a joint workgroup to provide a report on the prevalence of harmful algae blooms in Virginia waters and strategies to address their occurrence.

Sediment and Erosion Control Plans: ~~SB 1311 SB 1258~~ (Item 377) ([#2s, Senate-Approved](#)). Amendment provides ~~funding (\$50,000) to support the implementation costs of SB 1311 of the 2021~~

**SUPPLEMENTAL BUDGET REPORT –
HOUSE AND SENATE FLOOR-APPROVED BUDGET AMENDMENTS AS OF 2/12/2021**

~~General Assembly which may result in additional Erosion and Sediment Control Plan reviews and variance requests pursuant to provisions of the legislation and actions by the State Water Control Board. provides \$230,000 for staffing dedicated to the erosion and sediment control program to review for solar project permitting and provide this service to projects upon the request of a locality pursuant to the provisions of SB 1258 of the 2021 General Assembly.~~

Invasive Species Workgroup Budget Language (Item 373) ([#2s, Senate-Approved](#)). Amendment directs the creation of a stakeholder workgroup to assess the sale and use of invasive plant species in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.

Dam Safety Improvements: SB 1280 (Item 373) ([#5s, Bell](#)). Amendment provides funding (\$50,000) to address any potential operational and implementation expenses related to [SB 1280](#) of the 2021 General Assembly.

Flood Disclosure Public Website: SB 1389 (Item 373) ([#7s, Lewis](#)). Amendment provides funding (\$50,000) for development of a public website and statewide database of flood risk reports for each parcel of real property in the Commonwealth.

Study of Albemarle-Pamlico Watershed (Item 377) ([#5h, Convirs-Fowler](#)). Amendment provides \$800,000 in the second year and directs DEQ to conduct a comprehensive study of the Albemarle-Pamlico Watershed in Virginia.

MISCELLANEOUS

Environmental Literacy (Item 373) ([#1h, HAC Approved](#)) / ([#1s, SFAC Approved](#)). Amendment restores \$170,000 from the general fund the second year that was unallotted in Chapter 1289 for the environmental education experiences identified in Item 373, Paragraph K. This request recognizes the commitment Virginia made to its students and the importance environmental education plays developing and nurturing watershed stewards. These funds provide for meaningful interactions and learning opportunities for students throughout the Chesapeake Bay watershed.

Costs for Changing the Triennial Review Process for Publicly Regulated Utilities (Item 484) ([#1h, Jones](#)). Amendment provides an increase of \$50,000 in each year from the non-general fund for the State Corporation Commission to cover costs pursuant to the passage of legislation in the 2021 General Assembly Session, which will amend the triennial review process for publicly regulated utilities. This is a placeholder amendment until a final fiscal impact statement is produced.