

HB 1774 Stormwater management; work group to examine ways to improve.

Introduced by: M. Keith Hodges

SUMMARY AS PASSED HOUSE:

Stormwater and erosion control; work group; stormwater laws. Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to convene a work group to consider alternative methods of stormwater management in rural Tidewater localities. The bill provides that the group is to be facilitated by the Virginia Coastal Policy Center at William and Mary Law School and is to include representatives of institutions of higher education, state agencies, local governments, private industry, and other groups. The bill provides that the work group is to review and consider the creation of rural development growth areas, the development of a volume credit program, the payment of fees to support regional best management practices, and the allowance of the use of stormwater in highway ditches to generate volume credits. The bill requires the Center to report the results of the work group's examination to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by January 1, 2018, which is the date the work group provisions of the bill are set to expire. The bill also delays from July 1, 2017, to July 1, 2018, the effective date of new stormwater laws enacted during the 2016 Session of the General Assembly.

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 345

An Act to amend and reenact the tenth enactments of Chapters 68 and 758 of the Acts of Assembly of 2016 and to direct the Commonwealth Center for Recurrent Flooding Resiliency to convene a work group relating to stormwater and erosion control; local rural development growth areas; volume credit program; regional stormwater best management practices banks.

[H 1774]

Approved March 13, 2017

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Commonwealth Center for Recurrent Flooding Resiliency shall convene a work group to examine opportunities to improve stormwater management in rural localities that are located in Tidewater Virginia, as defined in § 62.1-44.15:68 of the Code of Virginia. The work group shall review and consider alternative methods that could be used in such localities to meet or exceed the level of water quality protection and water quantity control provided by the Virginia Stormwater Management Program (VSMP) Regulation, 9VAC25-870, including (i) the creation of rural development growth areas within such localities, in which stormwater management could be administered by the localities using different approaches than those set forth in the VSMP Regulation; (ii) the development of a volume credit program to fulfill water quantity requirements; (iii) the payment of fees to support regional stormwater best management practices; and (iv) the allowance of the use of the stormwater in the networks of ditches that line the highways within such localities to generate volume credits.*

§ 2. *That the work group created by this act shall be facilitated by the Virginia Coastal Policy Center at William and Mary Law School and shall include representatives of the Virginia Institute of Marine Science, Old Dominion University, the Virginia Department of Transportation, the Virginia Department of Environmental Quality, the Chesapeake Bay Commission, local governments, environmental interests, private mitigation providers, the agriculture industry, the engineering and development communities, and other stakeholders as determined necessary.*

§ 3. *That in order to support the efforts of the work group created by this act, the Commonwealth Center for Recurrent Flooding Resiliency shall provide comprehensive analysis of the appropriate regulatory sections, and alternatives developed by the work group, with the goal of determining the difference in water quality benefits provided.*

§ 4. *That the Commonwealth Center for Recurrent Flooding Resiliency shall report the results of the examination conducted by the work group created by this act, including recommendations for any legislative or regulatory measures needed to improve the administration of stormwater management by rural localities, to the Governor, the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources, and the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources no later than January 1, 2018.*

2. That the tenth enactments of Chapters 68 and 758 of the Acts of Assembly of 2016 are amended and reenacted as follows:

10. That the provisions of this act shall become effective July 1, 2017 2018, or 30 days after the adoption by the State Water Control Board of the regulations required by the ninth enactment of this act, whichever occurs later.

3. That the provisions of the first enactment of this act shall expire on January 1, 2018.