2018 Special Session I

Budget Bill - HB5002 (HB5002S1)

Bill Order » Office of Natural Resources » Item 366

Department of Environmental Quality

Item 366	First Year - FY2019	Second Year - FY2020
Water Protection (51200)	**$44,039,387**	**$44,039,387**
Water Protection Permitting (51225)	$10,208,957	$10,208,957
Water Protection Compliance and Enforcement (51226)	$7,866,879	$7,866,879
Water Protection Outreach (51227)	$2,147,757	$2,147,757
Water Protection Planning and Policy (51228)	$5,820,533	$5,820,533
Water Protection Monitoring and Assessment (51229)	$8,713,955	$8,713,955
Water Protection Stormwater Management (51230)	$9,281,306	$9,281,306
Fund Sources:		
General	$22,266,225	$22,266,225
Special	$1,607,265	$1,607,265
Trust and Agency	$25,500	$25,500
Dedicated Special Revenue	$12,202,336	$12,202,336
Federal Trust	$7,938,061	$7,938,061

Authority: Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2, 3.6, 5, 6, 20, 22, 24, and 25, Code of Virginia.

A. Out of this appropriation, $51,500 the first year and $51,500 the second year from the general fund is designated for annual membership dues for the Ohio River Valley Water Sanitation Commission.

B.1. The permit fee regulations adopted by the State Water Control Board pursuant to paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount representing not more than 50 percent of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution Abatement permits.

2. The regulations adopted by the State Water Control Board to initially implement the provisions of this Item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2010. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia.

C. Out of the appropriation for this item, $151,500 the first year and $151,500 the second year from the general fund is designated for the annual membership dues for the Interstate Commission on the Potomac River Basin.

D.1. Notwithstanding § 62.1-44.15:56, Code of Virginia, public institutions of higher education, including community colleges, colleges, and universities, shall be subject to project review and compliance for state erosion and sediment control requirements by the local program authority of the locality within which the land disturbing activity is located, unless such institution submits annual specifications to the Department of Environmental Quality, in accordance with § 62.1-44.15:56 A (i), Code of Virginia.

2. The State Water Control Board is authorized to amend the Erosion and Sediment Control Regulations (9 VAC 25-840 et seq.) to conform such regulations with this project review requirement and to clarify the process. These amendments shall be exempt from Article 2 (§2.2-4006 et seq.) of the Administrative Process Act.

E. Beginning October 1, 2015, there shall be a $3.75 fee imposed on each dry ton of exceptional quality biosolids cake sewage sludge that is land applied pursuant to § 62.1-44.19:3P, Code of Virginia, until such fee is altered, amended or rescinded by the State Water Control Board.

F. If the Board of the Appomattox River Water Authority does not approve an action to move forward with the raising of the Brasfield Dam prior to June 30, 2018, the authorization for $5,000,000 in Virginia Public Building Authority bonds for such project included in Chapter 806, 2013 Acts of Assembly shall expire.

G. The Department shall work in conjunction with the Virginia Economic Development Partnership to facilitate the development of long-term offsetting methods within the Virginia Nutrient Credit Exchange as set out in Item 122 of this act.

H. Included in the appropriation for this item is $250,000 the first year and $250,000 the second year from the general fund for the department to evaluate environmental concerns in the upper reaches of Buchannan Creek, a tributary of the Western Branch of the Lynnhaven River in Virginia Beach. The study should address: (i) adequacy of the channel; (ii) evaluation of shoreline deterioration; (iii) and potential contamination from Birchwood Gardens former private sewage treatment facility. The study may require but not be limited to: an evaluation of historical land use records; permits; water quality testing and monitoring; soil sampling and other environmental testing and evaluation as required. The report will include recommendations for any corrective action as determined to be necessary and shall be submitted to the Governor and the General Assembly no later than October 1, 2019.

I. Notwithstanding any other provision of law, the department is authorized to charge a voluntary fee of $30,000 for review of sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres for an expedited stormwater impact review. Any individual or firm electing to pay the voluntary fee shall be guaranteed the total government review time shall not exceed 45 days excluding any applicant's time in responding to questions. The portion of the fee above the normal $9,600 fee shall be used by DEQ to increase the staffing level of the reviewers of these applications.