

2012 VA General Assembly

Legislation Concerning Water & Wastewater Issues

Several pieces of legislation dealing with water and wastewater concerns are presently being considered in the Virginia General Assembly. The following is a brief summary of the major issues of interest to water and wastewater professionals. This publication reflects the status of these bills as of February 17th.

HB 186 Sewage sludge; authorizes a locality to prohibit land application of.

Summary as introduced: Authorizes a locality, by ordinance, to prohibit the land application of sewage sludge within its boundaries; makes clarifying amendments.

Status: 02/01/12 House: Continued to 2013 in Committee on Agriculture, Chesapeake, & Natural Resources by voice vote

HB 199 Water and sewer charges; charges imposed by Town of Onancock shall be lien on real estate.

Summary as introduced: Adds the Town of Onancock to the list of localities permitted to provide by ordinance that charges for water and sewer shall be a lien on the real estate served by such waterline or sewer.

Status: 01/26/12 House: Passed. Senate: Referred to Committee on Local Government.

HB 567 Water and sewer services; required deposit, lien on property.

Summary as introduced: Authorizes (i) an owner of property who is the occupant or where a single meter serves multiple units or (ii) a lessee or tenant, provided he has written authorization from the owner, to establish water and sewer services in his own name. The bill provides for a locality or water authority to require a deposit of not more than five months of water and sewer charges. A lien may also be placed on the property under circumstances outlined when charges are delinquent. This bill is a recommendation of the Virginia Housing Commission.

Status: 02/14/12 House: Passed.

HB 757 Town of Urbanna; liens for water charges.

Summary as introduced: Adds the Town of Urbanna to the list of towns permitted to provide by ordinance that water and sewer charges and taxes incurred shall be a lien on the real estate served by the waterline or sewer.

Status: 02/02/12 House: Passed. Senate: Referred to Committee on Local Government

HB 760 Water and sewer system connections; adds Gloucester County to those counties that may require.

Summary as introduced: Adds Gloucester County to those counties that may require connection to their water and sewage systems by owners of property that may be served by such systems; however, those persons having a domestic supply or source of water and an adequate system for the disposal of sewage shall not be required to discontinue their use, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge.

Status: 02/03/12 House: Stricken from docket by Counties, Cities and Towns by voice vote

HB 942 Alternative onsite sewage system; locality cannot require owner to enter in performance agreement.

Summary as introduced: Provides that a locality shall not require the owner of an alternative onsite sewage system to enter into a performance agreement with the locality or otherwise require the owner of an alternative onsite sewage system to post with the locality a sum of cash, a letter of credit, or a bond.

Status: 02/14/12 House: Left in Committee on Counties, Cities and Towns

HB 1071 Alternative onsite sewage system; owner exempt from requirements for operation and maintenance.

Summary as introduced: Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2010, with flows of less than 1,000 gallons per day serving a church or an individual single-family dwelling occupied by such owner shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system contained in State Board of Health regulations. The provisions of this act shall expire on July 1, 2014.

Status: 02/14/12 House: Left in Committee on Counties, Cities and Towns

HB 1180 Wastewater treatment facilities; Virginia Public Building Authority to issue an additional bond.

Summary as introduced: Authorizes the Virginia Public Building Authority to issue an additional \$300 million in bonds to continue installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the Watershed Improvement Plan. These funds would complete projects at facilities under existing signed Water Quality Improvement Fund agreements and at additional eligible facilities that did not receive moneys from the original bonds issued in 2007.

Status: 02/08/12 House: Committee on Appropriations voted to continue on to 2013 by voice vote.

HB 1231 Onsite sewage systems; inspections.

Summary as introduced: Clarifies that if a licensed professional engineer or onsite soil evaluator does not inspect an onsite sewage system, which he certified, in a timely manner, or declines to certify that the installation was completed substantially in accordance with the evaluation and design, the owner may petition the Department of Health to inspect the installation and render a final case decision approving or disapproving the installation.

Status: 02/17/12 House: Passed. Senate: Reported from Committee on Education and Health

HB 1262 Waterworks & Wastewater Works Operators & Onsite Sewage System Professionals, Board for; licensure

Summary as introduced: Removes conventional sewage system installers from the requirement to be licensed by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. Alternative septic system installers and alternative and conventional onsite soil evaluators are still required to be licensed.

Status: 02/08/12 House: Passed. Senate: Referred to Committee on General Laws and Technology.

HB 1286 Capital projects, local; utility relocation.

Summary as introduced: Provides that certain utilities shall be relocated in a timely manner as requested by the locality so as to accommodate approved capital projects.

Status: 02/09/12 House: Passed. Senate: Referred to Committee on Local Government.

SB 102 Water and waste authorities; liens.

Summary as introduced: Requires that a property owner be informed in advance by written notice that liens may be placed on his property under certain circumstances for the unpaid charges to a lessee.

Status: 02/13/12 Senate: Passed with amendment. House: Referred to Committee on Counties, Cities and Towns.

SB 356 Alternative onsite sewage system; owner exempt from requirements for operation and maintenance.

Summary as introduced: Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2012, in any county with a population density of 50 persons per square mile or less, that serves an individual single-family dwelling shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system contained in certain Board of Health regulations.

Status: 02/07/12 Senate: Defeated.

SB 425 Interbasin transfer of water resources; State Water Control Board to establish policies, etc.

Summary as introduced: Charges the State Water Control Board with the responsibility to establish policies and requirements for obtaining a Virginia Water Protection Permit for the interbasin transfer of water resources. The bill requires the applicant for a permit to provide certain information, including an analysis of alternatives to the transfer and a comprehensive analysis of the impacts that would occur in the source and receiving basins.

Status: 02/16/12 Senate: Passed. House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

SB 442 Onsite sewage systems; design and inspection.

Summary as introduced: Establishes minimum required inspection frequencies for alternative onsite systems.

Status: 02/08/12 Senate: Passed with substitution. House: Referred to Committee on Health, Welfare and Institutions.

SB 494 Wastewater treatment facilities; Virginia Public Building Authority to issue an additional bond.

Summary as introduced: Authorizes the Virginia Public Building Authority to issue an additional \$300 million in bonds to continue installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the Watershed Improvement Plan. These funds would complete projects at facilities under existing signed Water Quality Improvement Fund agreements and at additional eligible facilities that did not receive moneys from the original bonds issued in 2007.

Status: 02/10/12 Senate: Passed

SB 560 Sanitary districts; authorizes board of supervisors to construct and maintain dams within district.

Summary as introduced: Authorizes the board of supervisors of a sanitary district to construct and maintain dams within the district. Current law does not address dams but permits such boards to construct and maintain water supply systems, drainage systems, lighting systems, and other facilities. The bill will become effective upon its passage.

Status: 02/13/12 Senate: Passed.

SB 588 Water and sewer charges; charges imposed by Town of Onancock shall be lien on real estate

Summary as introduced: Adds the Town of Onancock to the list of localities that may by ordinance provide that taxes or charges incurred for water or sewers or use thereof shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Status: 02/13/12 Senate: Passed

SB 662 Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

Summary as introduced: Removes conventional sewage system installers from the requirement to be licensed by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. Alternative septic system installers and alternative and conventional onsite soil evaluators are still required to be licensed.

Status: 02/16/12 Senate: Passed. House: Referred to Committee on General Laws.