



*Virginia Recreation and Park Society*  
*Final Legislative Report*  
*2021 Virginia General Assembly*

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## TABLE OF CONTENTS

Eminent Domain	3
Youth Health & Safety	3
Land Conservation, Open Space, Park Lands	5
Pedestrian/Cyclist Safety	8
Environment and Water Resources	9
Other Issues	23

## **Eminent Domain**

### **SB 1270 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) the 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.

## **Youth Health and Safety**

### **HB 1846 License restrictions for minors; prohibition on use of handheld personal communications devices.**

Eliminates the provision prohibiting a holder of a provisional driver's license to operate a vehicle while using a wireless communication device. Such provision was specific only to the holder of a provisional license. Under a different current law, all drivers, including those with a provisional driver's license, are prohibited from holding a personal communications device while operating a vehicle.

### **HB 1894 Naloxone or other opioid antagonist; certain employees of DJJ authorized to administer.**

Authorizes employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice.

### **HB 1918 & SB 1169 Student driver safety; driver education program to include dangers of speeding.**

Requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property.

#### **HB 1991 Juveniles; release and review hearing for serious offender, plea agreement.**

Clarifies that the Department of Juvenile Justice (the Department) may petition the court that committed a juvenile for a hearing for an earlier release of a juvenile when good cause exists for an earlier release as permitted under current law and shall petition the committing court for a determination as to the continued commitment of each juvenile committed as a serious offender at least 60 days prior to the second anniversary of the juvenile's date of commitment and at least 60 days prior to each annual anniversary thereafter as required under current law, notwithstanding the terms of any plea agreement or commitment order. Similarly, at the conclusion of such hearing, the bill provides that notwithstanding the terms of any plea agreement, the court shall order any of the dispositions permitted under current law such as continued commitment to the Department or release of the juvenile under terms and conditions after considering the statutory factors.

#### **HB 2017 Juvenile offenders; youth justice diversion programs.**

Authorizes any jurisdiction to establish a youth justice diversion program, defined in the bill as a diversionary program that (i) is monitored by a local youth justice diversion program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction, of juveniles who are referred to the program by an intake officer; and (v) imposes various sentences emphasizing restitution, rehabilitation, accountability, competency building, and education, but not incarceration. Provides that a jurisdiction may establish a youth justice diversion program upon establishment of a local youth justice diversion program advisory committee and approval of the program by the chief judge of the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth justice diversion program advisory committee to establish criteria for the eligibility and participation of juveniles alleged to have committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, with the consent of the juvenile's parent or legal guardian, and to establish policies and procedures for the operation of such program. Provides that whenever an intake officer takes informal action on a complaint alleging that a child committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, the intake officer may refer the juvenile to a youth justice diversion program.

#### **HB 2326 Child-care services; regulation in localities.**

Expands to include all cities the authority related to the regulation of child-care services that is currently available to certain Northern Virginia localities. This will have the effect of granting all cities authority by ordinance to regulate child-care facilities that provide regular care to one or more children not related by blood or marriage.

**HJ 578 Criminal justice, behavioral health, & other records; DBHDS to study feasibility of secure database.**

Requests the Department of Behavioral Health and Developmental Services to establish a work group to study the feasibility of developing a secure, de-identified, renewable, and relational database of criminal justice, behavioral health, and other human services records to facilitate development of more effective interventions.

## **Land Conservation/Open Space/Parks**

**HB 1760 & SB 1199 Conservation easements; certain easements be liberally construed in favor of purpose which created.**

Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act shall be construed in favor of achieving the conservation purposes for which it was created.

**HB 1804 State parks; DCR to develop recommendations for funding, report.**

Directs the Department of Conservation and Recreation to develop recommendations for dedicated sources of funding for state parks that will be relatively stable from year to year. The Department shall submit its recommendations to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations by November 1, 2021.

**HB 1833 Conservation and Recreation, Department of; leasing of land.**

Changes the process by which the Department of Conservation and Recreation may lease certain lands from one that is subject to the consent and approval of the Governor and the General Assembly to one that is subject to the written recommendation of the Department of General Services to the Governor and the written approval of the Governor, and excludes the sale of such land from such process. Authorizes only certain activities for which the Department may lease land and requires that information about leasing activities be included in an annual report to the General Assembly.

**HB 1837 & SB 1161 Virginia Soil and Water Conservation Board; clarifies membership.**

Clarifies that each of the six nonlegislative 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 the Virginia Association of Soil and Water Conservation Districts (the Association) in consultation with other groups. Requires each of the six nonlegislative citizen members to be a resident of a different one of the six geographic areas represented in the Association. The bill contains technical amendments.

**HB 1928 Historic resources; acquisition and lease of land.**

Authorizes the Department of Historic Resources and the Board of Historic Resources to undertake additional leasing and property acquisition activities related to battlefield properties, designated landmarks, and other properties of historic significance.

**HB 2042 & SB 1393 Trees; replacement and conservation during development, effective date.**

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. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course.

**SB 1274 Wildlife corridors; various agencies to consider and incorporate.**

Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.

**SB 1290 ConserveVirginia program; established.**

Establishes in the Department of Conservation and Recreation a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia. Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the

model by the public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. The bill requires the Virginia Land Conservation Foundation to report on the success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund.

## **Pedestrian Safety, Walkability & Bicycle Safety**

### **HB 1841 Crosswalk design; Dept. of Transportation to convene work group to determine model policies.**

Directs the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation and, if so, establish recommendations for such model policies. The bill directs the working group to monitor and provide input to the U.S. Department of Transportation and the Federal Highway Administration as updates to crosswalk designs in the Manual on Uniform Traffic Control Devices for Streets and Highways are considered. The working group shall submit to the Governor and the General Assembly a report on its findings and recommendations by November 1, 2021.

### **HB 2262 Bicycles; traffic regulations, report.**

Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs, and to report any recommendations to the chairmen of the House and Senate Committees on Transportation.

## **Environment and Water Resources**

### **HB 1763 & SB 1162 Tax credit; agricultural best management practices.**

Creates an enhanced individual and corporate income tax credit for taxable years 2021 through 2024 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 50 percent 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 percent 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 percent credit from \$70,000 to \$100,000. A taxpayer may not claim credit for the same practice in the same management area under both the 25 percent and enhanced 75 percent credits. The aggregate amount of credit claimed per taxpayer shall not exceed \$75,000 per year, and the aggregate amount of individual and corporate credits claimed among all taxpayers and credits shall not exceed \$2 million per year. The bill sunsets the existing agricultural best management practices tax credits after taxable year 2024.

**HB 1819 Rappahannock River; designating a 79-mile portion as a component of Va. Scenic Rivers System.**

Adds a 79-mile portion of the Rappahannock River located in Caroline, King George, Westmoreland, Essex, and Richmond Counties to the Rappahannock State Scenic River, a component of the Virginia Scenic Rivers System.

**HB 1834 & SB 1247 Electric generating facility closures; public disclosure, integrated resource plans.**

Requires each owner of a large carbon-emitting power plant to provide notice to relevant localities and state agencies about the decision to close the plant within 30 days of making such decision. The bill requires localities in which such facilities are located, and planning district commissions in such localities, to conduct public hearings regarding the impending closure within six months of receipt of such notice. The bill requires the Division of Energy to maintain a public website listing the facilities subject to the requirements of the bill and their anticipated closure dates. As part of an integrated resource plan, the bill requires each utility to submit a facility retirement study for its carbon-emitting facilities and disclose the study to relevant localities and state agencies.

**HB 1836 Natural Resources, Secretary of; name changed to the Secretary of Natural and Historic 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.

**HB 1902 Expanded polystyrene food service containers; prohibition, civil penalty.**

Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. Requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for



compliance by all food vendors as July 1, 2025. Provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. Penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Directs the DEQ to post to its website information on compliance and the filing of complaints.

**HB 1958 South River; designates segment in City of Waynesboro as part of Va. Scenic Rivers System.**

Designates a 6.5-mile segment of the South River in the City of Waynesboro as a component of the Virginia Scenic Rivers System.

**HB 1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.**

Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make a initial deposit into its account. Such credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. Authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

**HB 1979 Electric vehicle rebate program; creation and funding, report, sunset date.**

Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of a new or used electric vehicle would receive a \$2,500 rebate at the time of purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate for a new electric vehicle and \$500 for a used electric vehicle beginning in taxable year 2022. The bill also establishes an Electric Vehicle Rebate Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the Program. The program expires on January 1, 2027.

**HB 1982 Nutrient credits; use by facility with certain stormwater discharge permit.**

Authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (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. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

**HB 1983 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. The bill 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.

**HB 1994 Small agricultural generators; expands definition.**

Expands the definition of "small agricultural generator" to include any business operating a small agricultural generating facility that has been granted a manufacturer license as a distillery, limited distillery, brewery, limited brewery, winery, or farm winery. Under current law, small agricultural generators include only those businesses operating a small agricultural generating facility as part of an agricultural business. Requires the State Corporation Commission to initiate rulemaking, after August 1, 2021, but prior to January 1, 2022, to promulgate regulations to implement the bill.

**HB 2030 Neonicotinoid pesticides; communication between beekeepers and applicators.**

Directs the Department of Agriculture and Consumer Services to study the Beekeeper Pollinator Protection Plan and voluntary best management practices for the purpose of proposing improvements to communication between beekeepers and applicators to reduce the risk to pollinators from neonicotinoid pesticides. Authorizes VDACS to establish a stakeholder group and to report findings no later than December 1, 2021.

**HB 2118 Virginia Electric Vehicle Grant Fund and Program; created, report.**

Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such

electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) projects by public, private, and non-profit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder group to develop recommendations for establishing and administering the Fund and Program and shall report the findings to the General Assembly.

**HB 2129 & SB 1354 Chesapeake Bay; wastewater treatment, Enhanced Nutrient Removal Certainty Program established.**

Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan 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. Provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. 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 beginning February 1, 2023, to address the requirements of the ENRC Program. 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 Water Quality Improvement Fund. Lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. 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. Finally, 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 Watershed Implementation Plan (WIP). It authorizes the Secretary of Natural Resources to develop an additional watershed implementation plan if he determines on or after July 1, 2026, that the Commonwealth has not achieved or will not be able to maintain the nitrogen pollution reduction commitments it made in the Phase III WIP.

**HB 2159 Balloons; release of nonbiodegradable balloons outdoors prohibited, civil penalty.**

Prohibits any individual 16 years of age or older or other person, including a corporation, from intentionally releasing, discarding, or causing to be released or discarded any nonbiodegradable balloon outdoors and provides that any person convicted of such violation is liable for a civil penalty of \$25 per balloon, to be paid into the Game Protection Fund. The bill provides that if a person under the age of 16 releases a balloon at the instruction of an adult, the adult shall be liable for the civil

penalty. Current law prohibits a person from knowingly releasing 50 or more such balloons within an hour and sets the civil penalty at \$5 per balloon, with the proceeds deposited into the Lifetime Hunting and Fishing Endowment Fund.

**HB 2187 Recurrent Flooding Resiliency, Commonwealth Center; study topics to manage water quality, etc.**

Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to evaluate the development of a Flood Resiliency Clearinghouse Program and to work with the Department of Conservation and Recreation to evaluate solutions that manage both water quality and flooding and emphasize nature-based solutions. The bill requires the Center to report its findings by November 1, 2021.

**HB 2213 Gold; Secretary of Natural Resources, et al., to study mining and processing.**

Directs the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Commerce and Trade to establish a work group to study the mining of gold in the Commonwealth. The bill requires that the study be conducted in consultation with the Virginia Council on Environmental Justice and appropriate stakeholders, including experts in mining, hydrology, toxicology, and other fields; environmental organizations; representatives of potentially affected communities in localities with significant deposits of gold; and residents of Native American communities in such localities. The bill provides that the work group shall evaluate the impacts of gold mining on public health, safety, and welfare; evaluate whether existing air and water quality regulations are sufficient to protect air and water quality from the mining and processing of gold; evaluate whether existing bonding, reclamation, closure, and long-term monitoring of sites for such mining or processing are sufficient; and report its findings to the General Assembly by December 1, 2022.

**HJ 527 Invasive plant species; DCR, et al., to study the sale and use of species.**

Requests the Department of Conservation and Recreation, jointly with the Department of Agriculture and Consumer Services, to establish a work group to study the sale and use of invasive plant species. Requests that the departments work with several state agencies, conservation nonprofits, plant industry and agriculture groups, local government associations, and other stakeholders to develop recommendations for statutory and regulatory changes intended to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote sale and use of native plants.

**SB 1143 Wetlands; extension of certain permits through 2021.**

Retroactively extends until January 1, 2022, certain wetlands permits set to expire between March 1, 2020, and July 1, 2021.

**SB 1164 Advanced recycling; not considered solid waste management, definition.**

Defines, for purposes of the Virginia Waste Management Act, "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling.

**SB 1210 Permit fee schedules; DEQ to revise current schedule for nonhazardous solid waste mgmt. facilities.**

Directs the Director of the Department of Environmental Quality to convene working groups for the purpose of developing annual fee schedules for nonhazardous solid waste management facilities and annual maintenance fees for certain water withdrawal permits to replace the current annual fee schedules.

**SB 1258 Solar projects; erosion and sediment control.**

Requires any locality that does not operate a regulated MS4 and for which the Department did not administer a VSMP as of July 1, 2020, to notify the Department of Environmental Quality (the Department) if it decides to have the Department provide the locality with (i) review of a required erosion and sediment control plan and (ii) a recommendation on the plan's compliance with the requirements of the Erosion and Sediment Control Law and the State Water Control Board's regulations, for any solar project and its associated infrastructure with a rated electrical generation capacity exceeding five megawatts. The bill provides certain procedural steps for the Department and VESCP authority for a locality to take in reviewing the plan and making recommendations and decisions.

**SB 1280 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. Such civil charges shall be suspended upon compliance with the settlement agreement.

**SB 1282 Greenhouse gas emissions inventory; regulations.**

Directs the Department of Environmental Quality 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 necessary to collect data needed to conduct, update, and maintain the inventory. Exempts proprietary information collected by the Department from the mandatory disclosure requirements of the Virginia Freedom of Information Act.

**SB 1284 Commonwealth Clean Energy Policy; established.**

Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. Sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

**SB 1291 Va. Water Protection Permit; withdrawal of surface water or ground water, plans for water auditing.**

Requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and leak detection and repair plan that comply with regulations adopted by the Water Control Board pursuant to the bill. The provisions of the bill shall not become effective until 30 days after the adoption of such regulations.

**SB 1309 Local stormwater assistance; flood mitigation and protection.**

Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. 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.

**SB 1311 Water quality standards; modification of permits and certifications.**

Requires an applicant for a natural gas transmission pipeline greater than 36 inches inside diameter to submit in the application a detailed erosion and sediment control plan and stormwater management plan subject to Department of Environmental Quality (Department) review and approval. After receipt of such application, the Department to

issue a request for information about how the erosion and sediment control plan and stormwater management plan will address activities in or related to upland areas, and requires the applicant to respond. Directs the Department to consider such information in developing a draft certification or denial, and to take certain additional public notice steps. Prohibits the Department and the State Water Control Board from expressly waiving certification of a natural gas transmission pipeline of greater than 36 inches inside diameter under § 401 of the federal Clean Water Act, and to act on any certification request within a reasonable period of time pursuant to federal law.

**SB 1319 Waste Diversion & Recycling Task Force; Department of Environmental Quality to continue Task Force.**

Requests the Department of Environmental Quality to continue and expand the scope of the Waste Diversion and Recycling Task Force.

**SB 1343 Virginia Freedom of Information Act; proprietary records and trade secrets.**

Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a carbon sequestration agreement. Requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons protection is necessary.

**SB 1374 Carbon Sequestration Task Force; established.**

Directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a task force for the purpose of studying carbon sequestration in the Commonwealth and submit a report of its findings before the first day of the 2022 General Assembly Session. Directs the task force to (i) consider methods of increasing carbon sequestration within the natural environment through state land and marine resources policies; agricultural and silvicultural practices; and other practices to achieve restoration of natural resources and long-term conservation; (ii) recommend short-term and long-term benchmarks for increasing carbon sequestration; (iii) develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time; (iv) identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and (v) identify other potential funding mechanisms to encourage carbon sequestration.

**SB 1396 Onsite Sewage Indemnification Fund; use of Fund for grants to certain property owners.**

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. The bill provides that the Working Group shall expire in 2030. The bill also directs the Department of Environmental Quality, in partnership with the Virginia Department of Health and in consultation with stakeholders, to estimate and report every four years the amount of wastewater infrastructure funding that is necessary to meet policy goals but is not eligible to be covered by grant funding pursuant to the Virginia Water Quality Improvement Act of 1997.

**SB 1404 Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.**

Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (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.

## **Other**

**HB 1801 Disposing of litter; penalty.**

Increases the minimum fine for dumping or disposing of litter, trash, or other unsightly matter on public or private property from \$250 to \$500.

**HB 2217 Public access authorities; granted certain liability protections.**

Grants public access authorities, including the land holdings and facilities of such authorities, certain liability protections that are currently given to localities in relation to parks, recreational facilities, and playgrounds.



**SB 1316 Child care providers; background checks, portability.**

Exempts prospective employees and volunteers of certain child care providers from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child care providers, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. The bill also directs the Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. The bill provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. The bill requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the pilot program certain information set forth in the bill. The bill also requires the Department, in collaboration with the School Readiness Committee, to (a) identify and analyze financing strategies that can be used to support the systemic costs of high-quality child care services, ensure equitable compensation for child care staff, and better prepare children for kindergarten and (b) analyze the effectiveness of using a cost-of-quality modeling system for the child care subsidy program. The bill requires the Department to report its findings to the Governor and the General Assembly no later than December 1, 2021.