

VA lawmakers short of cash, pass 'building blocks' for

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Assembly tackles sewage overflows, nutrient trading, coal ash, but struggles to fund farm, stormwater pollution reductions

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Virginia lawmakers added funds for farm pollution reduction practices to what Gov. Terry McAuliffe had proposed, but the total fell well short of last year's appropriation.

Despite a steep budget shortfall, Virginia lawmakers managed to pass several pieces of legislation advocates say will benefit the Chesapeake Bay in a session that wrapped up this past weekend.

The **General Assembly** faced a revenue gap of nearly \$800 million over the next two years when it convened early this year, and **Gov. Terry McAuliffe**'s budget proposal included a fraction of the funding some Bay-related programs have seen in the past.

Though the governor's budget set aside \$10 million to defray the cost of pollution-preventing best management practices on farms – down from the previous appropriation of more than \$60 million – the final budget squeezed out a bit more for the agricultural cost-share program at \$17 million. That won't cover the current backlog of on-farm projects that are awaiting funding, but it does come closer, advocates say.

The final budget does not, however, provide any funding for the **Stormwater Local Assistance Fund**, which helps cities and counties fund improvements to reduce polluted runoff entering local waterways.

“We were in a world of hurt in terms of revenues this year, so, of course, our priorities weren't met,” said Peggy Sanner, Virginia assistant director for the **Chesapeake Bay Foundation**, adding that she was glad to see legislators increase the funding to improve agricultural practices.

Maryland and Pennsylvania also faced **budget shortfalls** this legislative season, at a time when the Bay cleanup, on uncertain federal footing under a new administration, may be more dependent than ever on the investment of key watershed states.

Virginia legislators did manage to pass several bills that advocates say develop a better framework for pursuing Bay priorities into the future, even if funding is in short supply.

“The legislators focused on providing additional building blocks for Bay restoration,” said Ann Jennings, Virginia director of the **Chesapeake Bay Commission**. “These are pieces of legislation that will put Virginia in a strong position as it moves into developing the next phase” of its cleanup plan in 2018.

Among those was a bill debated late into the day on Friday that gives the state more oversight of cities working to address routine sewer overflows associated with outdated wastewater collection systems that funnel storm runoff into pipes carrying sewage to treatment plants. The final bill will require the city of Alexandria to begin construction on a fix for its **combined-sewer overflow problems** by mid-2023 and to come into compliance with water quality laws by mid-2025.

The city hadn't planned to begin fixing its largest source of overflows into the Potomac River until 2028, a decision environmental groups began vocally opposing late last year. The Virginia cities of Richmond and Lynchburg each have spent millions of dollars remedying their

overflows into local waters and have received state funding to defray the cost, which Alexandria officials have said they plan to request as well.

Two bills passed the legislature that aimed to tweak the state's existing nutrient pollution trading program to make room for new or expanding businesses while protecting local water quality. State officials found the current program didn't function as well as intended when they brought a Chinese-owned **Vastly paper and fertilizer plant** to the James River watershed last year, which would require a large, first-of-its-kind pollution trade.

One of the bills allows the **State Water Control Board** to review its allocation to businesses and municipalities of existing nutrient-discharge credits every 10 years and to consider reallocating them to better fit the state's dual environmental and economic interests. The other bill authorizes the **Department of Environmental Quality** to purchase credits to sell to new or expanding private facilities that would need to discharge into state waters.

Another bill aimed at addressing a hot-button issue for residents and environmentalists concerned the long-term disposal and storage of coal ash left over from a legacy of burning coal for power.

The bill that passed requires **Dominion Virginia Power** to further evaluate recycling and long-term storage options for the ash, beyond the company's current plans to cap the coal-burning residue and leave it in the bottom of drained lagoons. Dominion would have to make that information public by the end of the year.

However, a House committee stripped out a key provision that would have prohibited DEQ from issuing any permits until that report was published, and one such **permit is pending approval** this summer. Virginia Sen. Scott Surovell (D-Fairfax), the bill's cosponsor, said he hoped the governor would consider an amendment to return some key provisions to the measure before he signs it into law.

Better oyster management in the state was the subject of several bills in the General Assembly this year. One bill aimed to resolve friction between waterfront landowners and oyster leaseholders in the Lynnhaven River in Virginia Beach, which has seen a boom in aquaculture activity. As passed, the bill specifies that municipal dredging projects to maintain navigation channels for boats must be limited to those areas of leased oyster grounds that are "condemned, restricted or otherwise nonproductive." It also requires the locality to compensate the lessee for the use of the ground. Up until now, leaseholders could veto any dredging project through their grounds.

Other Bay-oriented initiatives could not be settled this session and will be studied over the coming year. The budget directs that a stakeholder group be formed to recommend methods

for stabilizing future investment in farm conservation practices. Jennings said the program has been successful and would benefit from a dedicated funding stream now that “we’re back on the roller coaster ride” of state financial commitments falling short this year.

Most measures still await final approval by the governor before they can become law. In Virginia, the governor must sign or veto legislation within a month of the last day of the session, or it becomes law without his signature.



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About Whitney Pipkin

Whitney Pipkin writes at the intersection of food, agriculture and the environment from her home base in Northern Virginia. Her work for the Bay Journal often focuses on the Potomac and Anacostia rivers, and she is a fellow of the Institute for Journalism & Natural Resources. [Send](#)

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Keith McDowell on March 08, 2017:

Working on a plan with some technology that has been ignored for years since 1996. This plan will reduce wastewater pollution discharge from septic tank homes, businesses, agriculture etc. Reduction of nutrient pollution should follow. How much of a reduction is uncertain but the fact that it turned septic tank discharge from dirty brown to crystal clear within 3 to 6 months without emptying the tanks shows alot. Also the discharge will improve the surrounding ground water. I'm planning an explaining video soon and the inexpensive, budget friendly device that will be a leader on the war on nutrient pollution.