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1993 VIRGINIA LEGISLATIVE SUMMARY

The following are synopses of eighteen pieces of important legislation concerning Virginia's natural environment that the General Assembly enacted and the Governor signed into law in 1993, as of April 15, 1993.

AIR QUALITY

H.B. 1727

Signed by the Governor on March 25, 1993, this law relates to tax credits for clean-fuel vehicles and certain refueling property, and provides for any individual, corporation, or public service corporation a credit of ten percent of the amount allowed as a deduction by the Federal Government for clean-fuel vehicles and certain refueling property under the Internal Revenue Code.

H.B. 1788

This law provides a clean-fuel fleet program, pursuant to the federal Clean Air Act Amendments of 1990, for Northern Virginia, Greater Richmond, and Hampton Roads and was signed by the Governor on March, 16, 1993. The law provides that beginning with the 1998 model year a certain percentage of purchases of new fleet vehicles by owners of centrally fuelled fleet vehicles registered, based, or having a majority of their travel in the affected localities will be required to be clean-fuel vehicles.

H.B. 2139

This legislation extends the existing moratorium on the issuance of permits for the construction, reconstruction, or expansion of a commercial infectious waste incinerator. The Governor signed this bill on March 28, 1993.

S.B. 922

Signed by Governor Wilder on February 23, 1993, S.B. 922 increases the maximum criminal fine from \$1,000 to \$10,000 for knowingly violating the State's air pollution control laws, regulations or conditions of a permit; and provides that each day on which a violation

occurs constitutes a separate offense.

WATER LEGISLATION

H.B. 2055

Signed by the Governor April 7, 1993, this legislation authorizes the State Forester to issue special orders requiring an owner or operator of a silvicultural activity to stop activities which are polluting state waters from sediment runoff.

H.B. 1687

This law, signed by Governor Wilder on March 25, 1993, requires operators of underground coal mining operations to replace drinking, domestic, and residential water supplies from a well or spring which has been contaminated, diminished or interrupted as the result of underground coal mining operations conducted after October 24, 1992. It also applies to wells or springs in existence prior to the application for a surface coal mining and reclamation permit.

LOCAL GOVERNMENT/ LAND USE

H.B. 2283

This legislation, signed into law on March 19, 1993, requires localities to assess and tax land which is subject to a perpetual conservation easement under the Virginia Conservation Easement Act or the Open Space Land Act at the use value for open space. The regulation applies only to land which is devoted to open space use and is located in a county, city or town which has adopted an ordinance providing for the use value assessment and taxation of real estate.

S.B. 710

Signed by Governor Wilder on March 28, 1993, this law authorizes local governments subject to the Chesapeake Bay Preservation Act to establish duplicative planning commissions to hear only those matters arising from such Act, thereby relieving the pressure on presently overburdened planning commissions. The law provides that the new planning commissions will be governed by the same statutes pertaining to current local planning commissions, and can be abolished when their purpose has been served.

WASTE MANAGEMENT

H.B. 1205

Signed into law on March 23, 1993, this law allows certain portions of solid waste management facilities to continue to receive solid waste until they have reached their approved design capacity. It also allows qualifying landfills to operate beyond previously set deadlines without complying with the current requirements for liners and leachate collection systems.

H.B. 1494

This legislation provides for the partial reimbursement for the costs of incinerating or recycling used tires generated in Virginia, thereby expanding the purposes for which money can be expended from the Waste Tire Trust Fund. The law proposes to enhance markets for waste tires, chips, or similar materials by partially reimbursing end users of waste tires. It makes the Board of Waste Management (now Department of Environmental Quality) responsible for establishing reimbursement procedures and removes the sunset clause so that the tax on tires continues beyond December 31, 1994. Governor Wilder signed the bill on March 15, 1993.

S.B. 650

Enacted on March 23, 1993, this law establishes a pollution prevention program with the Department of Waste Management to reduce or eliminate the generation and release of environmental waste at its source, and requires the Department to establish an assistance program for local governments and small businesses. The law allows the Director to create an advisory panel to assist in program implementation, authorizes sponsorship of pilot projects, establishes an industrial waste exchange, makes grants to identify and study prevention, and requires an annual report.

OIL LEGISLATION

H.B. 1737

Signed into law on March 19, 1993, H.B. 1737 relates to financial responsibility for owners and operators of petroleum underground storage tanks. It provides more equitable access to the Storage Tank Fund, allows the State Water Control Board to conform its regulations to the federal

regulations with regard to the implementation of the financial responsibility requirements, and allows operators of above-ground facilities to establish insurance pools to demonstrate financial responsibility.

H.B.1741

Signed by Governor Wilder on March 16, 1993, this legislation relates to underground storage tanks and clarifies that underground storage tanks are specifically exempted from the laws governing oil spills regardless of when the release from an underground tank occurs. Releases from such tanks are subject to the regulations of the Underground Storage Tank Program.

H.B. 987

H.B. 987 requires that the State Water Control Board promulgate regulations for secondary containment of above-ground storage tanks at facilities with an aggregate capacity of one million gallons or greater. The bill was signed on March 19, 1993.

CHESAPEAKE BAY LEGISLATION

H.B. 1668

Signed into law by the Governor on March 29, 1993, this legislation designates the Department of Conservation and Natural Resources as the agency with primary responsibility for administering a nonpoint source pollution program. The Department will also be responsible for the distribution of related funds and the identification and the setting of priorities for addressing water quality problems resulting from nonpoint source pollution.

MISCELLANEOUS LEGISLATION

H.B. 1865

Governor Wilder signed H.B. 1865 on March 10, 1993. This legislation grants a tax credit for machinery and equipment used for recycling recovered materials into new products and extends the credit to research and development to enhance such machinery and equipment.

H.B. 2024

Signed by the Governor on March 29, 1993, this statute removes

local governments' exemption from having to demonstrate financial assurance for the closing of their landfills. Under the new federal Resource Conservation and Recovery Act (RCRA) regulations, operators of sanitary landfills, including local governments, will have to show that they are financially capable of assuming the costs of all activities associated with closure, post-closure monitoring, and taking corrective actions, if necessary.

H.B. 1574

This statute establishes a procedure by which the Soil and Water Conservation Board may revoke its approval of local erosion and sediment control programs which, after opportunities to correct deficiencies and obtain assistance, fail to meet minimum standards of effectiveness. The law further provides that if the Board revokes its approval of a program run by a locality, the soil and water conservation district for the area will be responsible for developing a new program. Governor Wilder signed H.B. 1574 on April 7, 1993.