

William & Mary Environmental Law and Policy Review

Volume 5 (1979-1980)
Issue 2 *Environmental Practice News*

Article 1

March 1980

Environment Legislation Before the 1980 General Assembly

Albert P. Barker

Follow this and additional works at: <https://scholarship.law.wm.edu/wmelpr>



Part of the [Environmental Law Commons](#)

Repository Citation

Albert P. Barker, *Environment Legislation Before the 1980 General Assembly*, 5 Wm. & Mary Envtl L. & Pol'y Rev. 1 (1980), <https://scholarship.law.wm.edu/wmelpr/vol5/iss2/1>

Copyright c 1980 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.

<https://scholarship.law.wm.edu/wmelpr>



ENVIRONMENTAL PRACTICE NEWS

ENVIRONMENTAL LAW SOCIETY
MARSHALL-WYTHE SCHOOL OF LAW
COLLEGE OF WILLIAM AND MARY
WILLIAMSBURG, VIRGINIA 23185

Vol. 5, No. 2

March 1980

Alternate Fuels, Hazardous Wastes and Coastal Resources

ENVIRONMENT LEGISLATION BEFORE THE 1980 GENERAL ASSEMBLY

I. Alternate Fuels

HJR No. 5

- Requests state institutions of higher learning to experiment with gasohol.
- Commends the Department of Agriculture and Consumer Services for its promotion of alcohol production.
- Sent to Committee on Agriculture.

HJR No. 34

- Would amend the state constitution, Sec. 6, Art. X.
- Would allow the General Assembly to exempt, in whole or part, from tax any generating equipment installed after 12/31/74 switched from oil or gas to coal, wood or any other alternate energy source used in manufacturing and any co-generating equipment installed since then.
- Sent to Committee on Finance.

HJR No. 67

- Established a Joint Committee to study tax incentives for use of alternate energy sources.
- Sent to Committee on Corporation, Insurance and Banking.

II. Hazardous Waste

HJR No. 44

- Supports efforts to establish a site in Virginia for disposal of low-level radioactive waste.
- Sent to Committee on Health, Welfare and Institutions.

HB No. 107

- Would add Code § 32.1-181.1.
- Requires any person who has disposed of hazardous waste prior to filing a Sec. 32.1-180 report to report the place, time, amount and nature of such waste disposed.
- Sent to Committee on Health, Welfare and Institutions.

III. Coastal Resources

SB No. 33

- Would add Code §§ 10-215 through 10-222.
- Creates a Commission on Conservation and Development of Public Beaches with 9 members (5 at-large, 4 from state agencies).
- Permits establishment of a fund to make grants to localities for up to half the cost of erosion control on public beaches. The other half of the cost must come from local funds, not federal. Only 30 percent of the fund could go to any one locality in a single year.
- Requires localities to establish local Erosion Advisory Commissions before they are eligible for any state funds.
- Sent to Committee on Agriculture, Conservation and Natural Resources.

SB No. 34

- Would amend Code § 15.1-31.
- Allows state to build dams, and seawalls or to dredge to prevent erosion.
- Provides that erosion due to a state activity may be a "taking" of private land requiring compensation.

SB No. 35

- Would amend Code §§ 21-11.18 and 21-11.19, and add § 21-11.20.
- Establishes a Shoreline Erosion Advisory Service Office within the Soil and Water Conservation Commission.
- Directs the Commission to cooperate with Virginia Institute of Marine Science (VIMS).
- Deletes the Commission's authority over public beaches.
- Sent to the Committee on Agriculture, Conservation and Natural Resources.

SB No. 36

- Would amend Code § 28.1-195.
- Directs VIMS to cooperate with the Soil and Water Conservation Commission on tidal shoreline erosion problems.
- Sent to the Committee on Agriculture, Conservation and Natural Resources.

HB No. 206

- Would amend Code § 62.1-13.2 et seq. and add § 62.1-13.5:2.
- Includes nonvegetated wetlands in the Wetlands Act coverage.

- Defines nonvegetated wetlands as the land lying between mean low water and mean high water, including all areas subject to flooding by normal tides.
- Sets out specific guidelines for when disruption of wetlands is and is not justified.
- Allows the Marine Resource Commission to establish expedited procedures and directs them to send applications to local boards within seven days of their receipt.
- Sent to Committee on Conservation and Natural Resources.

HB No. 203

- Would amend Code § 62.1-13.20.
- Requires all persons entitled to an exemption from development restrictions in wetlands by virtue of having begun construction before July 1, 1972 in vegetated wetlands and before July 1, 1980 in nonvegetated wetlands to file a request to be certified as exempt by July 1, 1982.
- Sent to Committee on Conservation and Natural Resources.

HB No. 205

- Would amend Code § 62.1-13.6 and 62.1-13.7.
- Allows localities to expand the size of local wetlands boards from five to seven members.

HB No. 204 and SB No. 241

- Would add Code §§ 62.1-13.20:1 through 62.1-13.20:8.

COASTAL PRIMARY SAND DUNE PROTECTION ACT

- Empowers certain localities (Accomack, Lancaster, Mathews, Northhampton and Northumberland counties and cities of Hampton, Norfolk and Virginia Beach) to adopt the Coastal Primary Sand Dune Ordinance that is set out in the statute.
- Requires disturbance of primary sand dunes (those contiguous to mean high water) to be approved by existing wetlands boards, after public hearings and in accordance with guidelines promulgated by the Virginia Marine Resources Commission (VMRC), under an application and permit system.
- Specifies activities that would still be permitted (e.g., planting beach grasses and building sand fences).
- Gives the VMRC the responsibility for permits until the localities adopt this ordinance.
- Goes into effect July 1, 1980.
- Sent to Committees on Conservation and Natural Resources and Agriculture, Conservation and Natural Resources.

A.P.B.