

**ENVIRONMENTAL MANAGEMENT**

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**Report of the  
VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

**To**

**THE GOVERNOR**

**And**

**THE GENERAL ASSEMBLY OF VIRGINIA**



**House Document No. 18**

COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
Richmond  
1974



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# REPORT OF THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia

January 16, 1974

To: HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

## INTRODUCTION

In January of 1973, the Virginia Advisory Legislative Council reported to the Governor and General Assembly on the question of reorganization of Virginia's environmental agencies. This report was a result of an intensive study, first initiated in 1971 by House Joint Resolution No. 35, which directed the Council "to conduct a study of the desirability of establishing a single agency which will be empowered to regulate and control all types of environmental pollution." This study was continued by House Joint Resolution No. 50 of the 1972 Session, which directed the Council "to continue its study of the consolidation of environmental agencies" and "to make a comprehensive environmental study concerning all aspects of governmental management of environment problems."

In its report, the Council noted "a wide range of deficiencies, both specific and general, which have impaired the effectiveness of environmental management in Virginia". Among these deficiencies enumerated were: (1) The duplication of environmental functions among several different administrative agencies. (2) The fragmentation of properly unified environmental functions among several different administrative agencies. (3) The increased involvement of boards and commissions in the day-to-day management of agencies, largely due to insufficient delineation of responsibilities. (4) The neglect of certain critical regulatory functions (such as on-site inspection of construction projects for new sewage treatment plants) because of an absence of coordinating supervision. (5) The increase in the number of steps and delays in administrative action on permit applications, due to bureaucratic red tape, the inefficiencies of committee procedure, and a lack of accountability for final decisions."

To implement the goals delineated in its report, the Council recommended a reorganization of the Commonwealth's environmental agencies. The Council's reorganization scheme was embodied in House Bill No. 1586, an amended version of which was passed by the 1973 Session of the General Assembly and signed by the Governor. The act ("the Environmental Coordination Act of 1973") establishes a Department of Conservation, Development and Natural Resources comprised of five citizen boards, five operating divisions, and a Commissioner. Under the provisions of the act, there are no substantive changes in existing law; all current programs, controls, and regulatory functions in the environmental and natural resources areas are retained.

The act provides for the continued recognition of five citizen boards — Water Resources, Air Pollution and Solid Wastes, Natural Resources, Game and Inland Fisheries and Marine Resources — comprised initially of present members who continue to be appointed by the Governor for staggered terms. In addition, the Commissioner of Health would be named to the Water

Resources and Air Pollution and Solid Wastes Boards as a member. The functions of the boards will be to focus primarily upon the development of policies, goals, and budgets, establishment of standards and regulations, and review of actions — or inactions — related to the administration and enforcement of those policies, standards, and regulations.

The act also provides for the conversion of existing agency staffs into five operating divisions (divided along the same lines as the boards), each of which would be headed by a director appointed by the respective boards. Each division, under the coordinating supervision of the Commissioner, would be charged with the duty of administering and enforcing the policies, standards, and regulations adopted by the respective boards.

The head of the Department, the Commissioner, will be appointed by the Governor and he is directed to provide advice and assistance to the citizen boards for purposes of coordination and to take the necessary administrative steps to reduce duplication of effort at the operating division level.

Before passage, the bill was amended to assure reconsideration of the measure at the 1974 Session of the General Assembly. "This act shall be in force on and after July one, nineteen hundred seventy-four, and shall expire at midnight on July one, nineteen hundred seventy-four, unless it shall be reenacted by the General Assembly prior to that date."

In conjunction with the passage of the Environmental Coordination Act of 1973, the General Assembly passed House Joint Resolution No. 265, directing the Virginia Advisory Legislative Council to continue its study of the consolidation of environmental agencies and other aspects of environmental problems.

The text of this resolution follows:

#### HOUSE JOINT RESOLUTION NO. 265

Directing the Virginia Advisory Legislative Council to continue its study of the consolidation of environmental agencies and other aspects of environmental problems.

The Virginia Advisory Legislative Council is directed to continue its study of environmental problems, such study to be concerned with all aspects of governmental management of environmental problems, and to make a report to the Governor and General Assembly by the first day of December, nineteen hundred seventy-three.

The Council may employ on a full or part time basis, and fix the compensation, of such consultants and administrative personnel as may be required to assist it in the performance of this study.

The Council shall have the fullest cooperation of every agency of the State dealing directly or indirectly with environmental problems, and shall have free access to the records and other documents of such agencies as well as those of other State study groups or task forces.

The Council has proposed a general reorganization of State agencies involved with the protection of all aspects of the environment in Virginia, and during the further course of its inquiries the Council shall undertake a study of the wide range of deficiencies, both specific and general, which continue to impair the effectiveness of governmental management of environmental problems in Virginia.

The Council shall continue to study environmental problems now regulated by the State government and those which may be expected to be regulated in whole or in part at the State level. Such study shall concern itself

with the formulation of further specific management proposals and shall include proposals relating to land use controls, power plant siting and noise pollution. Forthcoming proposals related to land use control measures shall be examined from the standpoint of the merits of various structural alternatives available. Additionally, the Council shall study other areas of environmental interest, such as citizens' suits and environmental impact statements.

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The select Committee on Environmental Management of the Council was designated to continue its study. Stanley A. Owens, member of the House of Delegates, Manassas, served as Chairman of the Committee. Other members included: Russell M. Carneal, member of the House of Delegates, Williamsburg; Lewis A. McMurrin, Jr., member of the House of Delegates, Newport News; William V. Rawlings, member of the Senate, Capron; James M. Thomson, member of the House of Delegates, Alexandria; and Edward E. Willey, member of the Senate, Richmond.

Assisting the Committee in its deliberations were Gerald L. Baliles, Deputy Attorney General; Gerald P. McCarthy, Executive Director of the Council on the Environment; and Maurice B. Rowe, Secretary of Commerce and Resources. The Division of Legislative Services, represented by Robert B. Cousins, Jr. and Janet Miri, served as counsel and secretariat, respectively, to the Committee.

At its 1973 Session the General Assembly also passed Senate Joint Resolution No. 99, directing the Committee on Environmental Management to study certain matters relating to water pollution and House Joint Resolution No. 236, directing the Committee on Environmental Management to make a study of vehicular noise pollution.

The text of these resolutions follows:

#### SENATE JOINT RESOLUTION NO. 99

Directing the Committee on Environmental Management of the Virginia Advisory Legislative Council to study matters relating to water pollution.

Whereas, Virginia has made commendable progress in the reduction of water pollution, thereby providing benefits to health and our environment; and

Whereas, the program of federal grants to advance the construction of works to reduce or eliminate pollution has suffered a severe blow in the withholding of funds and the failure to appropriate funds by the federal authorities; and

Whereas, many areas of the State face critical problems as a result of the reduction in federal funds for pollution control; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Committee on Environmental Management of the Virginia Advisory Legislative Council is hereby directed to gather information and carefully consider what has previously been accomplished in the construction of facilities to control water pollution for the present and future, how the counties, cities and towns which require such additional facilities may provide the same, and other relevant matters. The Committee shall especially consider the effect of the grant-in-aid programs on the construction of such facilities and how a locality which has constructed a treatment plant when grants were not available might be reimbursed subsequently when grants for such construction

are available. The Committee shall give special attention to the developments of methods and procedures whereby localities that are in a critical situation concerning the need for pollution control facilities might be aided by the State when federal funds are not available for such purpose. In determining what areas constitute critical areas, the Committee shall consider those which have been faced with the need to withhold building permits, prohibit sewer connections, and halt or slow the development of subdivisions.

All agencies of the State shall assist the Committee in its work.

The Committee shall conclude its study and make its report to the Virginia Advisory Legislative Council, which shall make its report to the Governor and the General Assembly not later than December one, nineteen hundred seventy-three, and may make interim reports at such times as it determines conditions exist which require prompt action.

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#### HOUSE JOINT RESOLUTION NO. 236

Directing the Committee on Environmental Management of the Virginia Advisory Legislative Council to make a study and report on vehicular noise pollution.

Whereas, noise pollution is becoming an ever more serious problem, especially in urban areas, and motor vehicles are recognized as a major part of this problem; and

Whereas, the Congress of the United States has just enacted the Noise Control Act of 1972, P.L. 92-574, which leaves certain areas of regulation to the several states; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Committee on Environmental Management of the Virginia Advisory Legislative Council is hereby directed to make a study of vehicular noise pollution, with a view toward proposing legislation, consistent with the Federal Noise Control Act of 1972, to set and enforce limits on environmental noise through licensing, regulation, or restrictions on the sale or use of motor vehicles. The Committee shall study all aspects of the problem, including but not limited to means of setting noise limits for motor vehicles, providing for establishment of test procedures and instrumentation to be utilized, and all other matters of inspection, licensing and enforcement which it deems appropriate. All agencies of the State and its political subdivisions and agencies thereof shall assist the Committee upon request.

The Committee shall complete its study and make its report to the Council which shall in turn make its report to the Governor and the General Assembly not later than September one, nineteen hundred seventy-three.

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In the course of its study on water pollution and vehicular noise pollution, the Committee received valuable assistance from representatives of the State Water Control Board, the Hampton Roads Sanitation District Commission, the Department of State Police and the State Air Pollution Control Board.

As a result of its deliberations on the report of the select Committee on Environmental Management on the matters of environmental reorganization, water pollution and vehicular noise pollution, the Council offers the following recommendations for consideration by the Governor and General Assembly.



## RECOMMENDATIONS

- A. Environmental Reorganization—directed by House Joint Resolution No. 265.
1. That the Environmental Coordination Act of 1973 be reenacted but that its effective date be delayed for an additional year, until July 1, 1975, subject to reenactment by the General Assembly prior to that date.
  2. As an interim reorganization measure, that the Council on the Environment's Executive Director be designated Administrator and be appointed by the Governor and confirmed by the General Assembly, that he be designated Chairman of the Council and that his responsibilities be expanded to ensure the development of uniform management and administrative systems, the consolidation and coordination of the permit application review process and the coordination of the preparation of a joint environmental agencies' budget. Additionally, that his authority be expanded to enable him to coordinate and direct certain activities of other environmental agencies and to evaluate, on a more comprehensive basis, environmental issues that transcend the authority of any one or all existing environmental agencies.
  3. That the membership of the Council on the Environment be expanded by the addition of the Commissioner of the State Health Department and the Chairmen of the Board of Conservation and Economic Development, the Game and Inland Fisheries Commission and the Marine Resources Commission.
  4. That the Council on the Environment be transferred from the Office of Administration to the Office of Commerce and Resources.
  5. That the Virginia Advisory Legislative Council be directed to continue its study of environmental reorganization and related matters for an additional year.
  6. That local Health Department personnel be directed to assist the State Water Control Board and the State Air Pollution Control Board in the collection of data and the monitoring for air and water quality.
- B. Water Pollution—directed by Senate Joint Resolution No. 99.
1. That a resolution be adopted memorializing Congress to reenact the former provision in federal law for prefinancing of pollution abatement facilities by owners with subsequent reimbursement when federal funds become available.
  2. That such a resolution further memorialize Congress to enact legislation providing a "grace period" for the construction of required secondary treatment plants, until sufficient federal funds are available to assist the localities in financing these projects.
- C. Vehicular Noise Pollution—directed by House Joint Resolution No. 236.
1. The Council believes that action on any vehicular noise pollution measure at this time would be premature, because federal standards and regulations in this area are not yet clearly defined and could well preempt the field. A proposed vehicular noise pollution control bill is appended to this report, and is submitted by the Council for study by the general public and the members of the General Assembly.

## EXPOSITION

### A. Environmental Reorganization.

In the course of its continued study, it has become apparent to the Council that environmental reorganization must be undertaken to ensure the coordination of existing environmental functions. The major question addressed by the Council is the form of such reorganization. During the past summer, a series of five public hearings were held by the select Committee on Environmental Management, in conjunction with the House Committee on Conservation and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources, on the merits of the Environmental Coordination Act of 1973. Additionally, the Governor appointed an agency task force to study this measure and report on possible alternatives.

The basic reorganizational alternatives which have been proposed are: (1) the Department of Conservation and Natural Resources, the House Bill No. 1586 approach; (2) a smaller Department of Environmental Protection, combining only those functions relating to air, water and land pollution; and (3) the Administrator approach, wherein the Administrator would be empowered to coordinate and oversee the work of existing operating agencies. This is the alternative favored by the agency task force which was appointed by the Governor to consider House Bill No. 1586.

It is the conclusion of the Council that major benefits have already resulted from the time spent in exploring solutions to the administrative problems identified by its report of 1973. Most of the agencies affected have reexamined their activities and taken steps to ensure greater coordination with other agencies of State and federal government. In addition, many of the good features of House Bill No. 1586 have been incorporated in the recommendations of the Governor's agency task force and are now supported by the agencies involved.

It should be noted that the reorganizational proposal recommended by the Council in this report is similar in substance to that recommended by the Governor's agency task force, and as such enjoys the support of the agencies involved, as well as many conservation groups in the Commonwealth. The difference in the two proposals is that the Council has recommended that the Administrator, in addition to his other duties, will serve as Chairman of the Council on the Environment and that the membership of that body will be increased.

Developments at both the State and federal levels underscore the necessity of undertaking some form of environmental reorganization to achieve those goals that the Council has previously identified. The matter of land use management poses a significant new responsibility for State government. Federal land use legislation is almost a reality and may become law before the current General Assembly Session adjourns. Many new requirements will be placed on the State that will surely demand an integrated approach to environmental and natural resource management. For example, the use of land and the degree of State control over it will involve comprehensive planning, synthesis and management of air quality programs, river basin plans, wetlands and the entire coastal zone, and environmental impact analyses of the total impact on the environment of proposed activities, public and private. All of these matters are presently being handled on a piecemeal basis, if at all.

The Council is aware of the study presently being undertaken by the Commission on State Governmental Management and that the Commission is charged with the duty of bringing about greater efficiency

in State government by reducing the number of existing State agencies and reorganizing the remaining agencies. The Council is also mindful that a new State administration will soon be in office.

Because of these impending federal and State developments, as well as the Council's anticipated recommendations in the area of land use, it is believed that environmental reorganization should be deferred for an additional year. Any major reorganization undertaken this year in all likelihood will have to be reexamined and possibly redone within a short period of time. The Council believes that this will cause undue confusion, delay and inefficiencies in the operations of the agencies involved. In the interim the Council would continue to study the feasibility of the various reorganizational alternatives and monitor developments on both the State and federal levels to determine their implications for any proposed reorganization.

Further, the Council believes that there are many advantages to the concepts embodied in House Bill No. 1586, and that despite opposition to this measure, it would be a mistake, at this time, to abandon it as an organizational alternative. For this reason, the Council recommends the reenactment of House Bill No. 1586 with the effective date deferred until July 1, 1975 and subject to reenactment by the General Assembly prior to that date. In the meantime, many of the positive features of House Bill No. 1586 can be implemented by transferring the Council on the Environment to the Office of Commerce and Resources and strengthening its basic legislation.

Currently, the Council on the Environment has the authority, duty and responsibility to:

1. Coordinate all State communications with federal agencies involving environmental problems (including federally-funded or licensed projects) and to call meetings of State agencies, as needed;
2. Coordinate the review and comment on environmental impact reports for State construction activities;
3. Initiate and supervise research programs;
4. Issue a report on the Commonwealth's environment;
5. Advise the Governor and the General Assembly on matters relating to environmental quality and the effectiveness of actions and programs designed to enhance that quality, and to recommend actions to that effect;
6. Conduct public hearings;
7. Initiate and supervise programs designed to educate citizens about environmental quality; and
8. To sue and be sued; enter into contracts; accept donations; engage professional consultants; and prepare and submit its budget.

The foregoing authority is generally advisory in nature, and while it provides certain coordination responsibility, it stops far short of any authority to direct the timely production of results or to decide issues surrounding major projects.

Programs for air, water, land, marine, and natural resources are all interdependent and need overall direction and coordination. The Council believes that the Executive Director of the Council on the Environment should be designated Administrator and should have the necessary authority to cause the proper actions to occur to reflect that conclusion.

We recommend that the newly designated Administrator should be appointed by the Governor, subject to confirmation by the General Assembly. We further recommend the following specific additions to the Administrator's authority:

1. The Administrator should have the authority to develop and coordinate the implementation of an overall plan for the management and use of Virginia's natural resources; all the environmental management and protection agencies that now report to the Office of Commerce and Resources will be responsible to the Administrator of the Council.
2. The Administrator should be given the authority to receive the applications for, coordinate and supervise the evaluation of separate permits for major projects issued by the individual environmental regulatory agencies. This approach has the advantage of assuring administrative sensibility, while also requiring compliance with all applicable environmental laws and standards.
3. The Administrator should be directed to study the present use of personnel resources and to identify and make recommendations to the Governor and General Assembly maximizing the efficient use of human resources to carry out necessary functions.
4. The Administrator, among his other duties, should be charged with the following responsibilities:
  - a. Developing uniform management and administrative systems which will assure coherent environmental policies and which will facilitate provision of environmental services to the public.
  - b. Taking necessary steps to promote and facilitate the efficiency of management and administrative practices within and among the boards and agencies under his supervision, including the effective use of personnel resources among the agencies.
  - c. Consolidating, coordinating and expediting the permit review process; eliminating redundant or overlapping procedures and ensuring that any formal hearings required are consolidated into one hearing for major projects; and coordinating the processing of permits where both federal and State requirements are involved.
  - d. Coordinating the preparation of a joint environmental agencies' budget, containing sub-budgets, each of which shall be approved by the appropriate board or agency and thereafter submitted to the Administrator and through him to the Secretary and Governor for approval.
  - e. Preparing and submitting annually, with the cooperation of the boards and agencies, an environmental and management report to the Governor and the General Assembly in which he shall assess in detail:
    - i. The Council on the Environment's success in achieving the purposes of the enabling legislation.
    - ii. The reasons for any failure to achieve those purposes.
    - iii. Any changes in legislation that the Council on the Environment believes necessary to better achieve those purposes.
    - iv. Management actions taken in support of the enabling legislation.

- v. New environmental programs to be considered for legislative action.
- vi. New environmentally-related programs which should be considered by the General Assembly for transfer to another board or agency or to the jurisdiction of the Administrator.

To assure that the Council on the Environment will be responsive to and reflect the concerns of the various environmental agencies, it is recommended that its membership should be expanded. The Council is presently composed of three citizens and the Chairmen of the Air Pollution Control Board and the State Water Control Board. The addition of the Chairmen of the Board of Conservation and Economic Development, the Game and Inland Fisheries Commission, the Marine Resources Commission, and the Commissioner of Health, for a total membership of ten, is recommended. It is felt that the Commissioner of Health is a necessary member as public health is one of the most important aspects of environmental management. The Administrator of the Council on the Environment would serve as Chairman of the Council.

Finally, it is recommended that the local Health Department personnel be directed to assist both the State Water Control Board and the State Air Pollution Control Board in the collection of data and the monitoring for air and water quality. This will eliminate unnecessary and costly duplication of effort.

The Council believes that if the foregoing actions are taken, they will do much to alleviate the two most basic problems in Virginia's existing structures for environmental management: (1) the lack of coordination of administrative procedures; and (2) the absence of accountability for delays in those procedures. The task of environmental reorganization is an enormous one. Before further recommendations are made, the Council hopes to ensure that any contemplated changes will be fully explored, will be justified in terms of the unique needs of both the agencies involved and the citizens of the Commonwealth and will assure a coordinated and comprehensive approach to Virginia's environmental concerns and problems.

#### B. Water Pollution.

In the course of its deliberations on the question of the construction of pollution abatement facilities, it has become apparent to the Council that many localities in the Commonwealth are encountering critical problems, both financial and from a health standpoint, because of the reduction of federal funds available to aid in the construction of these needed facilities. Virginia has made considerable progress in the reduction of water pollution. Now, due to a lack of financial resources, many communities are faced with the need to withhold building permits, prohibit sewer connections and halt or slow the development of subdivisions. Such building moratoriums will have severe consequences for the economy of the State.

The critical consequences of the reduction of federal funds were underscored by testimony presented to the Committee on Environmental Management by the Hampton Roads Sanitation District Commission. While attempting to prosecute an ambitious program of system expansion, the Commission was advised by the State Water Control Board, in March of 1972, that five of its existing facilities failed to meet the Board's licensing requirements. The Commission was ordered to provide whatever facilities were necessary, using its own funds and without State or federal construction grant assistance, in order to avoid a building moratorium for

the Tidewater area. As ordered, the Commission is currently expending almost twenty million dollars for interim improvements at these five plants.

The Commission has been virtually denied all grants in aid for construction of facilities over the past two years. The result is that over the past year almost thirty-seven million dollars in construction has been undertaken without any grant aid. An additional thirteen million dollars is committed to construction on a prefinanced basis with only some hope of future reimbursement. It is obvious that the financial resources of the Commission are being pushed to the limit at a time when it is faced with the remainder of a capital improvement program amounting to some two hundred million dollars which should be accomplished in the next seven or eight years in order to meet prescribed standards and to provide for the growing needs of the rapidly expanding Tidewater communities.

The Commission has estimated that if construction grant assistance continues at the same low rate encountered over the past two years, it will be necessary to more than double rates charged to users, despite the fact that those rates have already doubled over the last year.

The Council believes that it is both unjust and unrealistic to expect the localities, and thereby the local users, to support the cost of water pollution abatement facilities without financial assistance. The financial resources of the State are already severely taxed by the necessity to provide facilities and services in many areas to assure that the ever increasing needs of all the citizens of the Commonwealth are met. It is therefore mandatory that the federal government assume the financial burden of assisting the states and localities.

Under former federal law, there was provision for prefinancing of pollution abatement facilities by owners with subsequent reimbursement when federal funds became available. The current federal act (P. L. 92-500) contains no such provision. Additionally, under the federal Water Pollution Control Act Amendments of 1972, secondary treatment plants must be provided by July 1, 1977.

To alleviate the consequences of these federal actions, the Council recommends that the General Assembly of Virginia adopt a resolution memorializing the Congress of the United States to reenact the former provision in federal law for prefinancing of pollution abatement facilities by owners with subsequent reimbursement when federal funds become available. A proposal to provide for this reimbursement (HR 9835) has been introduced in the United States House of Representatives. The Commonwealth's support for this measure should be made clear to the members of Congress. The Council also recommends that the resolution further memorialize Congress to enact legislation granting a "grace period" for the construction of required secondary treatment plants, until sufficient federal funds are available to assist the localities in financing these projects.

The financial burden of providing these facilities should not be borne by the states and localities alone. To ensure that the progress achieved by the Commonwealth in the past in the abatement of water pollution is not impeded, the federal government must act on these matters. The benefits to be derived from a healthful and clean environment by the citizens of the Commonwealth, and the nation as a whole, must be assured by an adequate financial commitment on the part of the federal government.

In its study of the question of vehicular noise pollution, the Committee on Environmental Management heard testimony from representatives of both the State Air Pollution Control Board and the Department of State Police. Representatives of these agencies had attended the Vehicle Noise Enforcement School at the California Highway Patrol Academy during early June, 1973. This training session was sponsored by the Office of Noise Abatement, United States Department of Transportation.

The agency representatives discussed the enforcement techniques and procedures now being utilized by the California Highway Patrol. As a result of this meeting, the Department of State Police prepared a draft of a proposed vehicular noise pollution control measure, which has been approved by the State Air Pollution Control Board.

The Council believes that enactment of this measure would be premature at this time. Federal standards and regulations under the Federal Noise Control Act of 1972 have not yet been clearly delineated and could well preempt the field. These developments at the federal level should be closely monitored, but in the interim, the Council submits the measure, as presented by the agencies, for discussion and evaluation by the general public and members of the General Assembly.

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Respectfully submitted,

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Lewis A. McMurrin, Jr., *Chairman*

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Willard J. Moody, *Vice Chairman*

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Russell M. Carneal

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Joseph V. Gartlan, Jr.

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Jerry H. Geisler

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Stanley A. Owens

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William V. Rawlings

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D. French Slaughter, Jr.

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James M. Thomson

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Lawrence Douglas Wilder

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Edward E. Willey

A BILL to amend and reenact §§ 2.1-51.9, 10-181, 10-183 and 10-185 of the Code of Virginia, relating to agencies for which Governor's secretaries are responsible and the Council on the Environment; and to further amend the Code of Virginia by adding a section numbered 10-184.1, providing for an administrator of the Council on the Environment; and to repeal § 10-184 of the Code of Virginia, relating to staff of the Council on the Environment.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-51.9, 10-181, 10-183 and 10-185 of the Code of Virginia are amended and reenacted and that the Code of Virginia is further amended by adding a section numbered 10-184.1 as follows:

§ 2.1-51.9. Agencies for which responsible.—Each secretary shall be responsible to the Governor for the following agencies:

(a) Administration — Division of the Budget, Division of Personnel, Division of Engineering and Buildings, Division of Automated Data Processing, Division of Justice and Crime Prevention, Division of State Planning and Community Affairs and Art Commission. Any reference in this Code to the Commissioner of Administration shall hereafter be deemed a reference to the Secretary of Administration.

(b) Finance — Department of Taxation, Department of the Treasury, Department of Accounts, Compensation Board, Department of Property Records and Insurance, Virginia Supplemental Retirement System, Department of Purchases and Supply and Virginia Alcoholic Beverage Control Board.

(c) Education — State Department of Education, State Council of Higher Education, Education Assistance Authority, Virginia Commission on Higher Education Facilities, Advisory Council on Educational Television, Department of Community Colleges, State-supported institutions of higher education, Virginia State Library and Virginia College Building Authority.

(d) Human Affairs — Department of Mental Hygiene and Hospitals, Department of Health, Department of Welfare and Institutions, Probation and Parole Board, Department of Vocational Rehabilitation, Commission for the Visually Handicapped, Commission for Children and Youth, and schools for the deaf and blind.

(e) Commerce and Resources — Department of Conservation and Economic Development, Department of Labor and Industry, Department of Professional and Occupational Registration, Milk Commission, Virginia Truck and Ornamentals Research Station, Department of Agriculture and Commerce, Commission on the Industry of Agriculture, Virginia Soil and Water Conservation Commission, Marine Resources Commission, Virginia Institute of Marine Science, Water Control Board, Air Pollution Control Board, Commission of Game and Inland Fisheries, Virginia Historic Landmarks Commission, Virginia Museum of Fine Arts, Gunston Hall, Jamestown Foundation, Commission on Outdoor Recreation, Commission on Arts and Humanities, Virginia Independence Bicentennial Commission, Virginia World War II Memorial Commission, and Virginia Employment Commission *and the Council on the Environment*.

(f) Transportation and Public Safety — Department of Highways, Virginia Port Authority, Virginia Airports Authority, Division of Motor Vehicles, Department of State Police, Highway Safety Division, Office of Civil Defense, and Department of Military Affairs.

The Governor may, by executive order, assign any State executive agency



not enumerated in this section, or reassign any such agency whether or not enumerated in this section, to a particular secretary for the purposes of this chapter.

§ 10-181. Membership; chairman.—The Council on the Environment shall be composed of ~~five~~ *nine* members *and an Administrator* who shall *all* be citizens of the State. Three shall be appointed by the Governor on the basis of merit without regard to political affiliation, subject to confirmation by the General Assembly, but they shall be permitted to serve in the interim between appointment and confirmation or rejection. They shall hold office at the pleasure of the Governor until their successors take office. ~~The Governor shall designate one member Administrator of the Council on the Environment shall serve as chairman.~~ *The chairman* ~~chairmen~~ of the State Water Control Board, *the Board of Conservation and Economic Development, the Game and Inland Fisheries Commission, the Marine Resources Commission and the chairman* of the State Air Pollution Control Board *and the Commissioner of Health* shall also be members of the Council.

§ 10-183. Meetings.—The Council shall meet at least once every three months, and other meetings may be held at any time or place determined by the Council or upon call of the ~~Chairman~~ *Administrator*. All members shall be notified of the time and place of any meeting at least five days in advance. ~~Three~~ *Five* members shall constitute a quorum for the transaction of business. The Council shall keep a complete and accurate record of the proceedings at all its meetings, a copy of which shall be kept on file in the office of the Council and open to public inspection.

§ 10-184.1. *The Administrator of the Council on the Environment shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident to that of the appointing Governor. Any vacancies occurring in the office of Administrator shall be filled by the Governor subject to confirmation by the General Assembly. The Administrator of the Council on the Environment shall devote full time to the duties and responsibilities of his office, which shall include the following:*

(1) *Developing uniform management and administrative systems which will assure coherent environmental policies and which will facilitate provision of environmental services to the public;*

(2) *Taking necessary steps to promote and facilitate the efficiency of management and administrative practices within and among the boards and agencies under his supervision, including the effective use of personnel resources among the agencies;*

(3) *Consolidating, coordinating and expediting the permit review process, eliminating redundant or overlapping procedures and ensuring that any formal hearings required are consolidated into one hearing for major projects, and coordinating the processing of permits where both federal and State requirements are involved;*

(4) *Coordinating the preparation of a joint environmental agencies' budget, containing sub-budgets, each of which shall be approved by the appropriate board or agency and thereafter submitted to the Administrator and through him to the Secretary and Governor for approval;*

(5) *Preparing and submitting annually, with the cooperation of the boards and agencies, an environmental and management report to the Governor and the General Assembly in which he shall assess in detail:*

(a) *The Council's success in achieving the purposes of the enabling legislation.*

(b) *The reasons for any failure to achieve those purposes.*

(c) *Any changes in legislation that the Council believes necessary to better*

(d) *Management actions taken in support of the enabling legislation.*

(e) *New environmental programs to be considered for legislative action.*

(f) *New environmentally related programs which should be considered by the General Assembly for transfer to another board or agency or to the jurisdiction of the Administrator.*

*Such reports may be prepared in conjunction with the reports of the Council on the Environment as directed by § 10-186.*

*The Administrator shall employ such personnel and procure the necessary professional services to perform the duties of the office.*

§ 10-185. Responsibility and authority.—It shall be the *further* responsibility of the *Administrator of the Council*, in accordance with provisions and limitations as may be elsewhere set forth in law, to carry out the policy of this chapter. In so doing, the ~~Council~~ *Administrator* is authorized to:

(1) Coordinate all State communications with federal agencies involving State concern having relation to environmental problems, and to call meetings as needed of heads of State agencies and other personnel to review policies and programs of mutual concern relating to environmental problems;

(2) Make rules and regulations for ~~its~~ *his* own staff organization;

(3) Sue and be sued in ~~its~~ *the Council's* official name;

(4) Enter into and perform contracts; and acquire in any lawful manner personal or real property or any interest therein deemed necessary in the performance of ~~its~~ *the Council's* functions, and to maintain and improve such property or dispose of it when necessary;

(5) Accept and administer services, gifts and other funds donated to the Council to carry out the policy of this chapter;

(6) Engage and pay for the services of professional consultants;

(7) Initiate and supervise research programs; ~~and~~

(8) ~~Prepare and submit its budget~~

(9) *Develop and coordinate the implementation of a comprehensive plan for the management and use of Virginia's natural resources. All environmental management and protection agencies now within the Office of Commerce and Resources shall be responsible to the Administrator in implementing such comprehensive plans; and*

(10) *Receive applications for, coordinate and supervise the evaluation of, multiple permits for major projects issued by individual environmental regulatory agencies.*

2. That § 10-184 of the Code of Virginia is repealed.

#

A BILL to amend and reenact §§ 10-17.17 and 62.1-44.13 as amended, of the Code of Virginia, relating to inspections and investigations by the Air Pollution Control Board and the State Water Control Board.

Be it enacted by the General Assembly of Virginia:

1. That §§ 10-17.17 and 62.1-44.13 as amended, of the Code of Virginia are amended and reenacted as follows:

§ 10-17.17. Inspections, investigations, etc.—The Board shall make, or cause to be made, such inspections, conduct such investigations and do such other things as are reasonably necessary to carry out the provisions of this chapter, within the limits of the appropriations, study grants, funds, or personnel which are, or become, available from any source for the purposes of this chapter. *All local health department personnel shall assist the Board in the collection of data and the monitoring of air quality in the locality.*

§ 62.1-44.13. Inspections and investigations, etc.—The Board shall make such inspections, conduct such investigations and do such other things as are necessary to carry out the provisions of this chapter, within the limits of appropriation, funds, or personnel which are, or become, available from any source for this purpose. *All local health department personnel shall assist the Board in the collection of data and the monitoring of water quality within the locality.*

#

A BILL to amend and reenact the fifth enactment of Chapter 471 of the 1973 Acts of Assembly, relating to the effective date of the Environmental Coordination Act of 1973.

Be it enacted by the General Assembly of Virginia:

1. That the fifth enactment of Chapter 471 of the 1973 Acts of Assembly is amended and reenacted as follows:

5. This act shall be in force on and after July one, nineteen hundred seventy four, and shall expire at midnight on July one, nineteen hundred seventy four, unless it shall be reenacted by the General Assembly prior to that date five; *provided, that it be reenacted by the General Assembly prior to that date.*

#

HOUSE JOINT RESOLUTION NO. . . .

Directing the Virginia Advisory Legislative Council to continue its study of the consolidation of environmental agencies.

Whereas, the Virginia Advisory Legislative Council has been engaged in an intensive study of the feasibility and means of reorganizing the Commonwealth's environmental agencies, such study having been first initiated in nineteen hundred seventy-one by House Joint Resolution No. 35; and

Whereas, in the course of its deliberations, it has become apparent to the Council that some form of reorganization must be undertaken to ensure the coordination of existing environmental functions; and

Whereas, a number of reorganizational alternatives have been proposed which will require careful consideration to assure that any reorganization will be justified in terms of the unique needs of both the agencies involved and the citizens of the Commonwealth; and

Whereas, a number of developments at both the State and federal levels could have important implications for any such reorganization, particularly those developments in the area of land use planning; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is hereby directed to continue its study of the consolidation of environmental agencies. Such study shall include environmental problems now regulated by the State government and those which may be expected to be regulated in whole or in part at the State level, particularly in the area of land use planning.

The Council shall have the fullest cooperation of every agency of the State dealing directly or indirectly with environmental problems and shall have free access to the records and other documents of such agencies as well as those of other State study groups or task forces.

The Council may employ on a full or part time basis, and fix the compensation of, such consultants and administrative personnel as may be required to assist it in the performance of its study.

The Council shall conclude its study and make its report to the Governor and General Assembly no later than November one, nineteen hundred seventy-five.

#

HOUSE JOINT RESOLUTION NO.....

Memorializing the Congress of the United States to take certain actions to assist the states and localities in the construction of water pollution abatement facilities.

Whereas, the Commonwealth of Virginia has made considerable progress in the reduction of water pollution, thereby demonstrating its commitment to a clean and healthful environment; and

Whereas, the program of federal grants to advance the construction of facilities to reduce or eliminate water pollution has suffered a severe blow in the withholding of funds and the failure to appropriate funds by the federal government; and

Whereas, many localities in the Commonwealth have invested substantial funds to provide primary sewage treatment facilities in their jurisdictions prior to the promulgation of new State and federal standards; and

Whereas, many localities throughout the Commonwealth face critical financial difficulties because they have been required to undertake construction of new facilities to meet the new standards promulgated by State and federal authorities and to meet the growing needs of their communities but have been virtually denied the necessary grant-in-aid funds to assist with such construction; and

Whereas, many communities are faced with a curtailment of growth because of overloaded sewage treatment facilities or a substantial increase in rates charged to users who are already bearing the major portion of the burden for construction of needed facilities; and

Whereas, the State's financial capabilities are now severely taxed by the necessity to furnish its citizens with facilities and services in many areas; now, therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring, That the Congress of the United States is hereby respectfully memorialized to reenact the provision in the former federal law for prefinancing of pollution abatement facilities by owners with subsequent reimbursement when federal funds become available. Specifically, the Congress is memorialized to enact HR 9835, currently pending in the House of Representatives, which would provide for the reestablishment of these funds; and

Resolved further, That the Congress of the United States is also respectfully memorialized to enact legislation providing a grace period for the construction of secondary treatment plants required by the Federal Water Pollution Control Act Amendments of nineteen hundred seventy-two, until sufficient federal funds are available to assist the localities in financing these projects; and

Resolved finally, That the Clerk of the House of Delegates of Virginia is directed to send suitably prepared copies of this resolution to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the members of the Virginia delegation to the United States Congress.

#

A BILL to amend the Code of Virginia by adding a section numbered 46.1-301.2, so as to provide noise limits for certain motor vehicles.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.1-301.2 as follows:

§ 46.1-301.2. (a) No person shall operate a motor vehicle or combination of vehicles on a highway of this State at any time or under any condition of grade, load, acceleration or deceleration, in such a manner as to exceed the following noise limit for the category of motor vehicle within the speed limits specified below:

	<i>Speed limit of 35 M.P.H. or less</i>	<i>Speed limit of more than 35 M.P.H.</i>
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 lbs. or more and any combination of vehicles towed by such motor vehicle.	86 dbA	90 dbA
(2) Any motorcycle.	82 dbA	86 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle.	76 dbA	82 dbA

(b) The noise limits established by paragraph (a) of this section shall be based on a distance of fifty feet from the center of the lane of travel within the speed limit specified in paragraph (a).

(c) The provisions of paragraph (a) apply to the total noise from a vehicle or combination of vehicles.

(d) No person shall operate a motor vehicle other than a motorcycle, on a highway of this State which exceeds the following noise limit determined by a stationary test for the category of motor vehicle specified below:

(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 lbs. or more.	88 dbA (at 50 feet under stationary run up test).
(2) Any other motor vehicle.	84 dbA (at 50 feet under stationary run up test).

(e) As used in this section "dbA" shall mean sound levels in decibels measured on the "A" scale of a Standard Sound Level Meter meeting the requirements in the American National Standards Institute, Inc., specification for sound level meters SL 4-1971.

(f) As used in this section "decibel" shall mean a measuring unit used to express the magnitude of a change in sound level.

(g) The Superintendent of the Department of State Police shall adopt regulations establishing the test procedures and instrumentation to be utilized in the enforcement of the provisions of this section.

(h) The Superintendent in his regulations may provide procedures for measuring at distances closer than fifty feet from the center of the lane of travel or closer than fifty feet from the rear of the vehicle in a stationary test. In such a case, the measuring devices shall be so calibrated as to provide for measurements equivalent to the noise limit established by this section at fifty feet.

(i) For the purpose of this section, a truck, road tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of six thousand pounds or more if the unladen weight is more than five thousand pounds.

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