

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 62.1-44.19:3 of the Code of Virginia, relating to sewage sludge.*

3 [H 2827]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 62.1-44.19:3 of the Code of Virginia is amended and reenacted as follows:**7 § 62.1-44.19:3. Prohibition on land application, marketing and distribution of sewage sludge without
8 permit.9 A. No owner of a sewage treatment works shall land apply, market or distribute sewage sludge from
10 such treatment works except in compliance with a valid Virginia Pollutant Discharge Elimination System
11 Permit issued by the Board.12 B. No person shall contract or propose to contract, with the owner of a sewage treatment works, to
13 land apply, market or distribute sewage sludge in the Commonwealth, nor shall any person land apply,
14 market or distribute sewage sludge in the Commonwealth without a current Virginia Pollution
15 Abatement Permit from the Board or a current permit from the State Health Commissioner authorizing
16 land application, marketing or distribution of sewage sludge and specifying the location or locations, and
17 the terms and conditions of such land application, marketing or distribution.18 C. Any county, city or town may adopt an ordinance that provides for the testing and monitoring of
19 the land application of sewage sludge within its political boundaries to ensure compliance with
20 applicable laws and regulations.21 D. Not later than January 1, 2003, the Board of Health shall adopt regulations requiring the
22 payment of a fee for the land application of sewage sludge, pursuant to permits issued under subsection
23 B, in counties, cities or towns that have adopted ordinances in accordance with subsection C. The
24 person land applying sewage sludge shall (i) provide advance notice of the estimated fee to the
25 generator of the sewage sludge unless notification is waived, (ii) collect the fee from the generator, and
26 (iii) remit the fee to the Department of Health as provided for by regulation. The fee shall not exceed
27 the amount necessary to reimburse the direct costs for a reasonable amount of testing and for the
28 monitoring of the land application of sewage sludge by counties, cities and towns that have adopted
29 such ordinances. The fee shall be imposed on each dry ton of sewage sludge that is land applied in
30 such counties, cities and towns in accordance with the regulations adopted by the Board of Health. The
31 regulations shall include requirements and procedures for:

32 1. Collection of fees by the Department of Health;

33 2. Retention of proceeds in a special nonreverting fund to be administered by the Department of
34 Health; and35 3. Disbursement of proceeds by the Department of Health to reimburse counties, cities and towns
36 with duly adopted ordinances providing for the testing and monitoring of the land application of sewage
37 sludge, as provided for in this subsection.

REENROLLED

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