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HOUSE BILL NO. 1429

Offered January 23, 2004

A BILL to amend and reenact § 10.1-564 of the Code of Virginia, relating to the Erosion and Sediment Control Law.

Patrons—Ingram, Bland, Cox, Nixon and Ware, R.L.; Senator: Marsh

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-564 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-564. State agency projects.

A. A state agency shall not undertake a project involving a land-disturbing activity unless (i) the state agency has submitted annual specifications for its conduct of land-disturbing activities ~~which that~~ have been reviewed and approved by the Department as being consistent with the state program or (ii) the state agency has submitted a conservation plan for the project ~~which that~~ has been reviewed and approved by the Department. *Notwithstanding clause (i) of this subsection, the Department of Transportation shall not undertake a project involving a land-disturbing activity unless the Department of Transportation has submitted a conservation plan for the project pursuant to clause (ii).*

B. The Department shall not approve a conservation plan submitted by a federal or state agency for a project involving a land-disturbing activity (i) in any locality ~~which that~~ has not adopted a local program with more stringent regulations than those of the state program or (ii) in multiple jurisdictions with separate local programs, unless the conservation plan is consistent with the requirements of the state program.

C. The Department shall not approve a conservation plan submitted by a federal or state agency for a project involving a land-disturbing activity in one locality with a local program with more stringent regulations than those of the state program unless the conservation plan is consistent with the requirements of the local program. If a locality has not submitted a copy of its local program regulations to the Department, the provisions of subsection B ~~of this section~~ shall apply.

D. The Department shall have ~~sixty~~ 60 days in which to comment on any specifications or conservation plan submitted to it for review, and its comments shall be binding on the state agency and any private business hired by the state agency.

E. As on-site changes occur, the state agency shall submit changes in a conservation plan to the Department.

F. The state agency responsible for the land-disturbing activity shall ensure compliance with the approved plan or specifications.

INTRODUCED

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