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HOUSE BILL NO. 392

House Amendments in [] - February 1, 2008

A *BILL to amend the Code of Virginia by adding a section numbered 10.1-603.14:1, relating to enforcement authority for MS4 localities; penalties.*

Patron Prior to Engrossment—Delegate Bulova

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-603.14:1 as follows:

§ 10.1-603.14:1. Enforcement authority of MS4 localities.

A. Any locality may adopt a stormwater ordinance pursuant to the conditions of a MS4 permit and may utilize the civil penalty provisions in subsection A of 10.1-603.14, the injunctive authority as provided for in subdivision D 1 of § 10.1-603.14, and the civil charges as authorized in subdivision D 2 of § 10.1-603.14, to enforce the ordinance. At the request of another MS4, the locality may apply the penalties provided for in this section to direct or indirect discharges to any MS4 located within its jurisdiction.

B. Any person who [willfully and knowingly] violates any provision of such an ordinance is guilty of a Class 1 misdemeanor.

C. The local ordinance authorized by this section shall remain in full force and effect until the locality has been delegated the authority to administer a local stormwater management program, whereupon the locality shall adopt an ordinance that is consistent with Article 1.1 (§ 10.1-603.1 et seq.) of Chapter 6 of this title.

ENGROSSED

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