VIRGINIA ACTS OF ASSEMBLY -- 2017 RECONVENED SESSION

CHAPTER 827

An Act to direct compliance with regulations of certain combined sewer overflow outfalls; Chesapeake Bay Watershed.

[S 898]

Approved April 26, 2017

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Environmental Quality (DEQ) shall identify the owner or operator of any combined sewer overflow (CSO) outfall that discharges into the Chesapeake Bay Watershed.*

§ 2. For any owner or operator not under a state order or decree related to the CSO as of January 1, 2017, DEQ shall, by July 1, 2018, determine what actions by the owner or operator are necessary to bring the CSO outfall into compliance with Virginia law, the federal Clean Water Act (33 U.S.C. § 1251 et seq.), and the Presumption Approach described in the CSO Control Policy adopted by the U.S. Environmental Protection Agency (EPA) at 59 F.R. 18688, unless a higher level of control is necessary to comply with a Total Maximum Daily Load (TMDL), and shall inform the owner or operator of the actions necessary.

§ 3. Any owner of a CSO outfall that discharges into the Chesapeake Bay Watershed not under a state order or decree related to the CSO as of January 1, 2017, shall, by July 1, 2023, initiate construction activities necessary to bring the CSO outfall into compliance and shall, by July 1, 2025, bring the CSO outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the EPA CSO Control Policy, unless a higher level of control is necessary to comply with a TMDL.

§ 4. Any owner of a CSO outfall that discharges into the Chesapeake Bay Watershed not under a state order or decree related to the CSO as of January 1, 2017, shall report annually to DEQ on its progress pursuant to § 3. No later than January 1 of each year, DEQ shall transmit, with any additional information the Director of DEQ determines to be appropriate, the CSO outfall progress reports to the Chairmen of the Senate Committee on Finance, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, and the House Committee on Agriculture, Chesapeake and Natural Resources; the Virginia delegation to the Chesapeake Bay Commission; the Secretary of Natural Resources; and the Governor.