

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 62.1-44.15:49.1, relating to MS4
3 industrial and high-risk programs.

4
5 Approved

[H 925]

6 Be it enacted by the General Assembly of Virginia:

7 1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:49.1 as follows:
8 § 62.1-44.15:49.1. MS4 industrial and high-risk programs.

9 A. Any locality that owns or operates a municipal separate storm sewer system that is subject to a
10 discharge permit issued pursuant to this chapter shall have the authority to adopt and administer an
11 industrial and high-risk runoff program for industrial and commercial facilities as part of its municipal
12 separate storm sewer system management program.

13 B. The Board shall not delegate to the locality the Board's authority or responsibilities under the
14 federal Clean Water Act (33 U.S.C. § 1251 et seq.) as to such industrial and commercial facilities.

15 C. Unless it is required to do so by the adoption on or after January 1, 2018, of a federal regulation
16 or an amendment to the federal Clean Water Act (33 U.S.C. § 1251 et seq.), the Board shall not impose
17 upon the locality, by permit issuance or reissuance, any municipal separate storm sewer system permit
18 condition requiring that (i) an industrial or commercial facility also subject to a permit issued by the
19 Board under this chapter be included in the locality's industrial and high-risk runoff program, (ii) any
20 state discharge monitoring reports or other required reports submitted by such a facility to the
21 Department also be reviewed or enforced by the locality, or (iii) the locality impose additional
22 monitoring requirements on a facility that exceed or conflict with the requirements of any permit issued
23 by the Board under this chapter. The limitation contained in this subsection shall not be cause for the
24 Board or the locality to initiate a major or minor modification of any municipal separate storm sewer
25 system permit that is in effect as of January 1, 2018, during the term of that permit.

26 D. Notwithstanding the provisions of this section, the Board may, through a municipal separate
27 storm sewer system permit that is issued to the locality, require a locality to refer any industrial or
28 commercial facility to the Board or the Department if the locality becomes aware of a violation of any
29 industrial stormwater management requirement contained in an individual or general Virginia Pollutant
30 Discharge Elimination System permit issued to the facility pursuant to this chapter.

ENROLLED

HB925ER