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SENATE BILL NO. 344

Offered January 10, 2018

Prefiled January 8, 2018

A BILL to amend and reenact § 62.1-44.15:1 of the Code of Virginia, relating to sewerage systems; state adoption of federal criteria.

Patrons—Peake and Reeves

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:1 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:1. Limitation on power to require construction of sewerage systems or sewage or other waste treatment works.

A. Nothing contained in this chapter shall be construed to empower the Board to require the Commonwealth, or any political subdivision thereof, or any authority created under the provisions of § 15.2-5102 or §§ 15.2-5152 through 15.2-5158, to construct any sewerage system, sewage treatment works, or water treatment plant waste treatment works or system necessary to (1) (i) upgrade the present level of treatment in existing systems or works to abate existing pollution of state waters; or (2) (ii) expand a system or works to accommodate additional growth, unless the Board shall have previously committed itself to provide financial assistance from federal and state funds equal to the maximum amount provided for under § 8 or other applicable sections of the Federal Water Pollution Control Act (P.L. 84-660, as amended), or unless the Commonwealth or political subdivision or authority voluntarily agrees, or is directed by the Board with the concurrence of the Governor, to proceed with such construction, subject to reimbursement under § 8, or other applicable sections of such federal act.

The foregoing restriction shall not apply to those cases where existing sewerage systems or sewage or other waste treatment works cease to perform in accordance with their approved certificate requirements.

B. Nothing contained in this chapter shall be construed to empower the Board to require the Commonwealth, or any political subdivision thereof, to upgrade the level of treatment in any works to a level more stringent than that required by applicable provisions of the Federal Water Pollution Control Act, as amended.

C. Nothing contained in this chapter shall be construed to empower the Board to adopt the 2013 proposed Aquatic Life Ambient Water Quality Criteria for Ammonia of the U.S. Environmental Protection Agency (EPA) earlier than the latest effective date of the adoption of such criteria in any other state, including the District of Columbia, in EPA Region III, or any state in EPA Region IV, unless the EPA Administrator informs the Commonwealth in writing that such coordination of the timing of state implementation of EPA guidance in order to achieve uniformity and consistency with nearby states is unlawful under the federal Clean Water Act (33 U.S.C. § 1251 et seq.).

2. That the Department of Environmental Quality shall (i) identify any other states that have adopted the U.S. Environmental Protection Agency (EPA) 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia (the Criteria) as of July 1, 2018; (ii) identify the specific procedures and practices for the implementation of the Criteria by the General Assembly or the State Water Control Board that will both minimize the impact of the Criteria on Virginia sewerage systems or other treatment works and be permissible under the federal Clean Water Act (33 U.S.C. § 1251 et seq.); and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee no later than November 1, 2018.

INTRODUCED

SB344