

18104455D

SENATE BILL NO. 698

Offered January 10, 2018

Prefiled January 10, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 62.1-44.15:58.1, relating to erosion and sediment control; inspections; natural gas pipelines; stop work instructions; emergency.*

Patrons—Deeds, Mason, McClellan and Wexton

Referred to Committee on Agriculture, Conservation 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 62.1-44.15:58.1 as follows:
§ 62.1-44.15:58.1. Inspections; land-disturbing activities of natural gas pipelines; stop work instructions.

A. *The Board is authorized to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications pursuant to § 62.1-44.15:55 to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. When the Board determines that there has been an adverse impact to water quality or that an adverse impact to water quality is likely to occur as a result of such land-disturbing activities, the Board may issue a stop work instruction, without advance notice or hearing, requiring that all or part of the land-disturbing activities on the site be stopped until corrective measures specified in the stop work instruction have been completed and approved by the Board.*

Such stop work instructions shall become effective upon service on the company by email or other technology agreed to in writing by the Board and the company; by mailing with confirmation of delivery to the address specified in the annual standards and specifications, if available; or by delivery at the site to a person previously identified to the Board by the company.

B. *After issuance of a stop work instruction, the Board shall promptly provide to such company an opportunity for an informal fact-finding proceeding, after reasonable notice as to the time and place thereof, to affirm, modify, amend, or cancel such stop work instruction. Upon completion and approval by the Board in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted.*

C. *The company may appeal such stop work instruction to the circuit court of the jurisdiction wherein the land-disturbing activities subject to the stop work instruction occurred in accordance with the requirements of the Administrative Process Act (§ 2.2-4000 et seq.). Any person violating or failing, neglecting, or refusing to obey a stop work instruction issued by the Board may be compelled in a proceeding instituted in the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy. Nothing in this section shall prevent the Board from taking any other action authorized by this chapter.*

2. That an emergency exists and this act is in force from its passage.