

2018 SESSION

INTRODUCED

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SENATE BILL NO. 766

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact § 62.1-44.19:11 of the Code of Virginia, relating to citizen water quality monitoring; use as evidence in enforcement actions.

Patrons—Surovell and Chase; Delegate: Carroll Foy

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:11 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:11. Citizen water quality monitoring program.

A. The Department of Environmental Quality shall establish a citizen water quality monitoring program to provide technical assistance and may provide grants to support citizen water quality monitoring groups if (i) the monitoring is done pursuant to a memorandum of agreement with the Department, (ii) the project or activity is consistent with the Department of Environmental Quality's Department's water quality monitoring program, (iii) the monitoring is conducted in a manner consistent with the Virginia Citizens Monitoring Methods Manual, and (iv) the location of the water quality monitoring activity is part of the water quality control plan required under § 62.1-44.19:5. The results of such citizen monitoring ~~shall not~~, *where credible or corroborated by other evidence*, may be used as evidence in ~~any~~ *an* enforcement action at the discretion of the Department.

B. *When conducting a regulatory action that relates to water quality, the Department shall consider water monitoring data collected by a citizen group, regardless of whether such data conforms to the requirements of this section.*

C. It shall be the goal of the Department to encourage citizen water quality monitoring so that 3,000 stream miles are monitored by volunteer citizens by 2010.

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