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SENATE BILL NO. 1745

Offered January 17, 2019

A BILL to amend the Code of Virginia by adding in Chapter 11.1 of Title 10.1 an article numbered 6, consisting of sections numbered 10.1-1197.12 through 10.1-1197.16, relating to DEQ permits; technical assistance grants.

Patron—Boysko

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 in Chapter 11.1 of Title 10.1 an article numbered 6, consisting of sections numbered 10.1-1197.12 through 10.1-1197.16, as follows:

Article 6.

Permitting Technical Assistance Grants.

§ 10.1-1197.12. Definitions.

As used in this article, unless the context requires a different meaning:

"Fund" means the Permitting Technical Assistance Fund established pursuant to § 10.1-1197.13.

"Grant" means a permitting technical assistance grant from the Fund.

"Grant recipient" means any qualified group that receives a grant.

"Permit" means any new or revised permit issued by the Department, State Air Pollution Control Board, State Water Control Board, or Virginia Waste Management Board.

"Permit action" means any action taken or decision made on a permit that requires a public comment period.

"Qualified group" means any group of individuals who may be proximately affected by a permit action.

§ 10.1-1197.13. Permitting Technical Assistance Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Permitting Technical Assistance Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, permit fees collected pursuant to § 10.1-1197.14, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of issuing grants to facilitate public participation in permit actions pursuant to § 10.1-1197.15. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

§ 10.1-1197.14. Permit fees; separate fee to cover administering and issuing grants.

Notwithstanding any other provision of law, the Department shall include with any permit fees a separate fee to cover the full cost of administering and issuing grants pursuant to this article.

§ 10.1-1197.15. Purposes of Fund; grant administration.

A. The Director may use moneys in the Fund to make grants available to any qualified group upon application submitted to the Department. Such grants shall be used to obtain technical assistance in (i) interpreting information with regard to the permit, permit action, or activities conducted at the permit site; (ii) identifying new or alternative permit provisions or conditions; or (iii) formulating, revising, or submitting written or oral comments during the public comment period.

B. The total amount granted to any qualified group for any single permit action shall not exceed \$15,000. Any grant recipient shall be required, as a condition of the grant, to contribute at least 20 percent of the total costs of the permitting technical assistance for which such grant is made. The Director may waive the 20 percent contribution requirement if the grant recipient demonstrates financial need and such waiver is necessary to facilitate public participation in the permit action. Grants shall not be made in advance of a grant recipient's incurring the cost of permitting technical assistance unless the grant recipient demonstrates financial need, in which case the Director may issue up to 10 percent of a grant in advance.

§ 10.1-1197.16. Department to develop regulations.

The Department shall develop regulations to carry out the provisions of this article.