

2021 SESSION

INTRODUCED

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SENATE BILL NO. 1280

Offered January 13, 2021

Prefiled January 11, 2021

A *BILL to amend the Code of Virginia by adding in Article 2 of Chapter 6 of Title 10.1 a section numbered 10.1-613.6, relating to dams; negotiated settlement agreements.*

Patron—Bell

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 Article 2 of Chapter 6 of Title 10.1 a section numbered 10.1-613.6 as follows:

§ 10.1-613.6. Negotiated settlement agreements.

With the consent of any owner of an impounding structure who has allegedly violated or failed, neglected, or refused to obey any regulation or order of the Board, any condition of a permit, or any provision of this chapter, the Board may enter into a negotiated settlement agreement with such owner, so long as the impounding structure or dam is not subject to the provisions of § 10.1-609, to correct deficiencies at the structure according to the schedule of implementation appended to the negotiated settlement agreement and for the payment of civil charges for past alleged violations in specific sums not to exceed the limit specified in § 10.1-613.2. Such civil charges shall be suspended upon compliance with the terms and conditions of the negotiated settlement agreement as determined by the Director. Such civil charges shall be instead of any appropriate civil penalty that could be imposed under § 10.1-613.2 and shall be paid into the Dam Safety, Flood Prevention and Protection Assistance Fund established by Article 1.2 (§ 10.1-603.16 et seq.).

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