

# 1994 SESSION

INTRODUCED

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## HOUSE BILL NO. 1255

Offered January 25, 1994

*A BILL to amend and reenact § 62.1-44.23 of the Code of Virginia, relating to payment costs in certain actions under the State Water Control Law.*

Patrons—Wilkins, Hargrove, Ingram, Katzen and Martin; Senator: Benedetti

Referred to Committee on Chesapeake and Its Tributaries

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-44.23 of the Code of Virginia is amended and reenacted as follows:**

§ 62.1-44.23. Enforcement by injunction, etc.

Any person violating or failing, neglecting or refusing to obey any rule, regulation, order, water quality standard, pretreatment standard, or requirement of or any provision of any certificate issued by the Board, or by the owner of a publicly owned treatment works issued to an industrial user, or any provisions of this chapter may be compelled in a proceeding instituted in any appropriate court by the Board to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. The Board shall be entitled to an award of reasonable attorneys' fees and costs in any action brought by the Board under this section in which it substantially prevails on the merits of the case, unless special circumstances would make an award unjust. The court, in issuing any final order in any action brought pursuant to this section may, unless special circumstance would make an award unjust, award to any party substantially prevailing on the merits of the case attorneys' fees and costs of the action.

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