

LD1642813

## HOUSE BILL NO. 1361

Offered January 25, 1994

*A BILL to amend and reenact §§ 32.1-165, 62.1-44.18, and 62.1-44.19 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.19:3, relating to permitting sewerage systems and sewage treatment works.*

Patrons—Dudley, Ingram, Kidd, Kilgore, May, McDonnell, Purkey, Ruff and Wilkins; Senators: Chichester and Hawkins

Referred to Committee on Chesapeake and Its Tributaries

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

**1. That §§ 32.1-165, 62.1-44.18, and 62.1-44.19 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.19:3, as follows:**

§ 32.1-165. Prior approval required before issuance of building permit.

~~No~~ *In the case of any building designed for human occupancy which will be served by an on-site sewage system, no county, city, town or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent. The Commissioner or his agent shall authorize the issuance of such permit upon his finding that safe, adequate and proper on-site sewage treatment is or will be made available to such building, or upon finding that the issuance of said the permit has been approved by the Review Board.*

§ 62.1-44.18. Sewerage systems, etc., under joint supervision of Board and Department of Health.

A. All sewerage systems and sewage treatment works shall be under the general supervision of the State Department of Health and the Board jointly as prescribed in this article.

B. The State Department of Health shall, when requested, consult with and advise the authorities of cities, towns, sanitary districts, and any owner having or intending to have installed sewage treatment works as to the most appropriate type of treatment, but the Department shall not prepare plans, specifications, or detailed estimates of cost for any improvement of an existing or proposed sewage treatment works.

~~CB.~~ It shall be the duty of the owner of any such sewerage system or sewage treatment works from which sewage is being discharged into any state waters to furnish, when requested by the Board, to the State Department of Health from time to time Board information with regard to the quantities and character of the raw and treated sewage and the operation results obtained in the removal and disposal of organic matter and other pertinent information as is required. ~~The State Department of Health shall furnish the Board with such available information as the Board requires.~~

§ 62.1-44.19. Approval of sewerage systems and sewage treatment works.

A. Before any owner may erect, construct, open, expand or operate a sewerage system or sewage treatment works which will have a potential discharge or actual discharge to state waters, such owner shall file with the Board an application for a certificate in scope and detail satisfactory to the Board.

B. If the application involves a system or works from which there is or is to be a discharge to state waters, the application shall be given public notice by publication once a week for two successive weeks in a newspaper of general circulation in the county or city where the certificate is applied for or by such other means as the Board may prescribe. Before issuing the certificate, the Board shall consult with and give consideration to the written recommendations of the State Department of Health pertaining to the protection of public health. Upon completion of advertising, the Board shall determine if the application is complete, and if so, shall act upon it within twenty-one days of such determination. The Board shall approve such application if it determines that minimum treatment requirements will be met and that the discharge will not result in violations of water quality standards. If the Board disapproves the application, it shall state what modifications or changes, if any, will be required for approval.

C. After the certificate has been issued or amended by the Board, the owner ~~shall acquire from the State Department of Health (i) authorization to~~ may construct the systems or works for which the Board has issued a discharge certificate and ~~(ii), upon completion of construction of such systems or works and compliance with any regulations of the Board of Health promulgated pursuant to § 32.1-164, authorization to~~ may operate the sewerage system or sewage treatment works. These authorizations shall be obtained in accordance with regulations promulgated by the State Board of Health under § 32.1-164. ~~The State Department of Health owner shall promptly notify the Board when such authorizations are granted.~~ *construction is completed and the facility is ready for operation.*

D. Any owner operating under a valid certificate issued by the Board who fails to meet water quality

INTRODUCED

HB1361

standards established by the Board solely as a result of a change in water quality standards or in the law shall provide the necessary facilities approved by the State Department of Health, *as appropriate*, in accordance with the provisions of subsection C of this section, within a reasonable time to meet such new requirements. The Board may amend such certificate, or revoke it and issue a new one to reflect such facilities after proper hearing, with at least thirty days' notice to the owner of the time, place and purpose thereof. If such revocation or amendment of a certificate is mutually agreeable to the Board and the owner involved, the hearing and notice may be dispensed with.

E. The Board shall revoke the certificate in case of a failure to comply with all such requirements and may issue a special order under subdivisions (8a), (8b), and (8c) of § 62.1-44.15.

§ 62.1-44.19:3. *Land application; public use or sale of sewage sludge.*

*Any owner of a sewage treatment works operating under any valid certificate issued by the Board who proposes to land-apply sewage sludge, distribute or offer sewage sludge for public use, or offer sewage sludge for sale, or any agent of such owner who contracts with that owner to land-apply sewage sludge, distribute or offer sewage sludge for public use, or offer sewage sludge for sale shall acquire from the State Department of Health authorization to land-apply sewage sludge, distribute or offer sewage sludge for public use, or offer sewage sludge for sale. This authorization shall be obtained in accordance with the regulations promulgated by the State Board of Health under § 32.1-164.*