

LD3161376

## HOUSE BILL NO. 1743

Offered January 18, 1995

A BILL to amend and reenact § 10.1-564 of the Code of Virginia, relating to land-disturbing activities by state agencies.

---

Patron—Murphy

---

Referred to Committee on Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 10.1-564 of the Code of Virginia is amended and reenacted as follows:**

§ 10.1-564. State agency projects.

A. A state agency shall not undertake a project involving a land-disturbing activity in any locality with a local program with requirements that are less stringent than those of the state program unless (i) the state agency has submitted annual specifications for its conduct of land-disturbing activities which have been reviewed and approved by the Department as being consistent with the state program or (ii) the state agency has submitted a conservation plan for the project which has been reviewed and approved by the Department. A state agency shall not undertake a project involving a land-disturbing activity in any locality with a local program with requirements that are as stringent or more stringent than those of the state program unless the state agency has submitted to the district or locality an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved by the plan-approving authority as provided in § 10.1-563. The Department shall determine, and shall notify all appropriate state agencies, which local programs have requirements that are more stringent, as stringent, or less stringent than those of the state program.

B. The Department shall not approve a conservation plan submitted pursuant to clause (ii) of subsection A by a federal or state agency for a project involving a land-disturbing activity (i) in any locality which has not adopted a local program with more stringent regulations than those of the state program or (ii) in multiple jurisdictions with separate local programs, unless the conservation plan is consistent with the requirements of the state program.

C. The Department shall not approve a conservation plan submitted by a federal or state agency for a project involving a land-disturbing activity in one locality with a local program with more stringent regulations than those of the state program unless the conservation plan is consistent with the requirements of the local program. If a locality has not submitted a copy of its local program regulations to the Department, the provisions of subsection B of this section shall apply.

D. C. The Department shall have sixty days in which to comment on any specifications or conservation plan submitted to it for review, and its comments shall be binding on the state agency and any private business hired by the state agency.

E. D. As on-site changes occur, the state agency shall submit changes in a conservation plan to the Department or the plan-approving authority of the district or locality that approved the original conservation plan for the site.

F. E. The state agency responsible for the land-disturbing activity shall ensure compliance with the approved plan or specifications.

INTRODUCED

HB1743