

1995 SESSION

INTRODUCED

LD4529244

SENATE BILL NO. 783

Offered January 17, 1995

A BILL to amend and reenact § 10.1-1321 of the Code of Virginia, relating to local air pollution control ordinances.

Patrons—Barry, Benedetti, Calhoun and Quayle; Delegates: Giesen, Hall, Mayer and Plum

Referred to the Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1321 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1321. Local ordinances.

A. Existing local ordinances adopted prior to July 1, 1972, shall continue in force; however, in the event of a conflict between a Board regulation and a local ordinance adopted prior to July 1, 1972, the Board regulation shall govern, except when the conflicting local ordinance is more stringent.

B. The governing body of any locality proposing to adopt an ordinance, or an amendment to an existing ordinance, relating to air pollution after June 30, 1972, shall first obtain the approval of the Board as to the provisions of the ordinance or amendment. No ordinance or amendment, except an ordinance or amendment pertaining solely to open burning, shall be approved by the Board which regulates any emission source that is required to register with the Board or to obtain a permit pursuant to this chapter and the Board's regulations.

C. *To the extent provided for in a Virginia state implementation plan adopted and approved in accordance with the federal Clean Air Act Amendments of 1990 (Public Law No. 101-549), the governing body of any county, city, or town may by ordinance impose controls or limitations on action and activities causing or contributing to air pollution. Such controls may be episodic or otherwise and may apply to action and activities on private property, public property, or both. Any such ordinance shall be subject to Board approval as provided in subsection B of this section.*

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