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HOUSE BILL NO. 2246

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Conservation and Natural Resources
on January 31, 1997)

(Patron Prior to Substitute—Delegate Connally)

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1186.1 and adding in Chapter 3.1 of Title 62.1 an article numbered 3.1, consisting of sections numbered 62.1-44.17:2 and 62.1-44.17:3, relating to the reduction and reporting of toxics.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1186.1 and adding in Chapter 3.1 of Title 62.1 an article numbered 3.1, consisting of sections numbered 62.1-44.17:2 and 62.1-44.17:3, as follows:

§ 10.1-1186.1. Department to publish toxics inventory.

The Department of Environmental Quality shall publish in March of each year the information reported by industries pursuant to 42 U.S.C. § 11023 in its document known as the "Virginia Toxic Release Inventory." The report shall be (i) organized by chemical, facility and facility location, and standard industrial classification code, and (ii) distributed to newspapers of general circulation and television and radio stations. The report shall include only information collected for the calendar year two years prior to the March publication date.

Article 3.1.

Toxics Discharge Reduction.

§ 62.1-44.17:2. Definitions.

As used in this article, unless the context requires a different meaning:

"Toxicity" means the inherent potential or capacity of a material to cause adverse effects on a living organism, including acute or chronic effects on aquatic life, detrimental effects on human health or other adverse environmental effects.

"Toxics" means any agent or material including, but not limited to, those listed under 33 U.S.C. § 1317(a) of the Federal Water Pollution Control Act which after discharge will, on the basis of available information, cause toxicity.

§ 62.1-44.17:3. Toxics reduction in state waters; report required.

A. The Board shall (i) conduct ongoing assessments of the amounts of toxics in Virginia's waters and (ii) develop and implement a plan for the reduction of toxics in Virginia's waters.

B. The status of the Board's efforts to reduce the level of toxic substances in state waters shall be reported annually, no later than January 1, to the House Committees on Conservation and Natural Resources and Chesapeake and Its Tributaries, and the Senate Committee on Agriculture, Conservation and Natural Resources. The initial report shall be submitted no later than January 1, 1998, and shall include data from the previous five years on the trends of the reduction and monitoring of toxics in state waters. The initial report and each subsequent annual report shall include, but not be limited to, the following information:

1. Compliance data on permits that have toxics limits;

2. The number of new permits or reissued permits that have toxic limits and the location of each permitted facility;

3. The location and number of monitoring stations and the period of time that monitoring has occurred at each location;

4. A summary of pollution prevention and pollution control activities for the reduction of toxics in state waters;

5. The sampling results from the monitoring stations for the previous year; and

6. The Board's plan for continued reduction of the discharge of toxics which shall include, but not be limited to, additional monitoring activities, a work plan for the pollution prevention program, and any pilot projects established for the use of innovative technologies to reduce the discharge of toxics.