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SENATE BILL NO. 952

Offered January 16, 1997

A *BILL* to amend the Code of Virginia by adding a section numbered 10.1-1186.1, relating to supplemental environmental projects.

Patrons—Bolling, Benedetti, Earley, Hanger, Martin, Newman, Norment and Stolle; Delegates: Albo, Cantor, Cox, Drake, Dudley, Forbes, Griffith, Guest, Ingram, Katzen, Kilgore, McClure, Morgan, Reid, Rollison, Ruff, Wagner, Wardrup, Watkins and Weatherholtz

Referred to the Committee on Agriculture, Conservation and Natural Resources

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 as follows:****§ 10.1-1186.1. Supplemental environmental projects.**

A. As used in this section, "supplemental environmental project" means a project: (i) not otherwise required to be performed by law; (ii) having a reasonable nexus to the subject of the order to which it relates; and (iii) which the applicable board, official or court has determined will confer a benefit upon the citizens of the Commonwealth.

B. The State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board, or any official of the Department acting on behalf of one of these boards or under his own authority, in issuing any administrative order, as well as a circuit court in issuing any enforcement order on behalf of such board or official, may in its or his discretion provide that a person undertake one or more supplemental environmental projects. Such projects must be agreed to by the person subject to such order and may be included either in lieu of or in addition to any other available sanction or penalty. Performance of such projects shall be enforceable in the same manner as any other provision of the order.

C. Any decision whether or not to agree to a supplemental environmental project is within the sole discretion of the applicable board, official or court and shall not be subject to appeal.

D. Nothing in this section shall be interpreted or applied in a manner inconsistent with applicable federal law or with any applicable requirement for the Commonwealth to obtain or maintain federal delegation or approval of any regulatory program.

INTRODUCED

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