

# 1999 SESSION

INTRODUCED

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## HOUSE BILL NO. 2574

Offered January 21, 1999

A *BILL to amend and reenact § 62.1-245 of the Code of Virginia, relating to Surface Water Management Act voluntary agreements.*

Patrons—Baskerville, Cantor, Hall, Jones, D.C., McEachin and Rhodes; Senators: Lambert, Marsh and Watkins

Referred to Committee on Conservation and Natural Resources

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

#### 1. That § 62.1-245 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-245. Agreements among persons withdrawing surface water.

In the administration of this chapter, the Board shall encourage, promote and recognize voluntary agreements among persons withdrawing surface water in the same surface water management area. When the Board finds that any such agreement, executed in writing and filed with the Board, is consistent with the intent, purposes and requirements of this chapter, the Board shall approve the agreement. The agreement, until terminated, shall control in lieu of a formal order, rule, ~~or~~ regulation ~~of~~ *or permit issued by* the Board under the provisions of this chapter. Any agreement shall specify the amount of water affected thereby.

Any agreement approved by the Board may include conditions which can result in its amendment or termination by the Board, following a public hearing pursuant to ~~§ 9-6.14:7.1~~, held after at least thirty days' notice, if the Board finds that it or its effect is inconsistent with the intent, purposes and requirements of this chapter. Such conditions may include (i) a determination by the Board that the agreement originally approved by the Board will not further the purposes of this chapter, ~~or~~ (ii) a determination by the Board that circumstances have changed such that the agreement originally approved by the Board will no longer further the purposes by this chapter, or (iii) one or more parties to the agreement is not fulfilling its commitments under the agreement.

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