

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 649

An Act to amend and reenact the third enactment of Chapters 1032 and 1054 of the Acts of Assembly of 2000, relating to nontidal wetlands.

[H 1002]

Approved April 6, 2002

Be it enacted by the General Assembly of Virginia:

1. That the third enactment of Chapter 1032 of the Acts of Assembly of 2000 is amended and reenacted as follows:

3. That the State Water Control Board shall promptly, but no later than July 1, 2002, seek from the U.S. Army Corps of Engineers the issuance to Virginia of a § 404 Clean Water Act State Programmatic General Permit. *Coverage under a Nationwide or Regional Permit promulgated by the U.S. Army Corps of Engineers and certified by the Board in accordance with state law and §§ 401 and 404 of the Clean Water Act shall be deemed coverage under a Virginia Water Protection General Permit upon submission to the Board of proof of coverage under the Nationwide or Regional Permit and any other information required by the Board through the certification process for as long as the Nationwide or Regional Permit remains certified and effective or until such time as the U.S. Army Corps of Engineers issues a State Programmatic General Permit for the covered activity or impact. Nothing herein shall be construed to limit or alter the Board's existing authority to deny, grant or condition certification of Nationwide or Regional Permits.* The Board shall report to the Governor, the House Committee on Agriculture, Chesapeake and Its Tributaries Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources at least every six months on its progress in obtaining the State Programmatic General Permit.

2. That the third enactment of Chapter 1054 of the Acts of Assembly of 2000 is amended and reenacted as follows:

3. That the State Water Control Board shall promptly, but no later than July 1, 2002, seek from the U.S. Army Corps of Engineers the issuance to Virginia of a § 404 Clean Water Act State Programmatic General Permit. *Coverage under a Nationwide or Regional Permit promulgated by the U.S. Army Corps of Engineers and certified by the Board in accordance with state law and §§ 401 and 404 of the Clean Water Act shall be deemed coverage under a Virginia Water Protection General Permit upon submission to the Board of proof of coverage under the Nationwide or Regional Permit and any other information required by the Board through the certification process for as long as the Nationwide or Regional Permit remains certified and effective or until such time as the U.S. Army Corps of Engineers issues a State Programmatic General Permit for the covered activity or impact. Nothing herein shall be construed to limit or alter the Board's existing authority to deny, grant or condition certification of Nationwide or Regional Permits.* The Board shall report to the Governor, the House Committee on Agriculture, Chesapeake and Its Tributaries Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources at least every six months on its progress in obtaining the State Programmatic General Permit.