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SENATE BILL NO. 106

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources)

(Patron Prior to Substitute— Senator Blevins)

Senate Amendments in [] — February 8, 2006

A *BILL to amend and reenact § 62.1-44.15:3 of the Code of Virginia, relating to local consent to waste discharge permits.*

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:3 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:3. When application for permit considered complete.

A. No application submitted to the Board for a new individual Virginia Pollutant Discharge Elimination [*System*] permit authorizing a new discharge of sewage, industrial wastes, or other wastes shall be considered complete unless it contains notification from the county, city, or town in which the discharge is to take place that the location and operation of the discharging facility are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2. The county, city, or town shall inform in writing the applicant and the Board of the discharging facility's compliance or noncompliance not more than thirty days from receipt by the chief administrative officer, or his agent, of a request from the applicant. Should the county, city, or town fail to provide such written notification within thirty days, the requirement for such notification is waived. The provisions of this subsection shall not apply to any discharge for which a valid certificate had been issued prior to March 10, 2000.

B. No application for a certificate to discharge sewage into or adjacent to state waters from a privately owned wastewater treatment system serving fifty or more residences shall be considered complete unless the applicant has provided the Executive Director with notification from the State Corporation Commission that the applicant is incorporated in the Commonwealth and is in compliance with all regulations and relevant orders of the State Corporation Commission.

C. ~~[In addition to the foregoing provisions, and notwithstanding anything to the contrary in this article, no]~~ application for a new or modified Virginia Pollutant Discharge Elimination [*System*] permit authorizing discharge of stormwater runoff from a municipal waste landfill or related facility into a local watershed protection district established by ordinance prior to January 1, 2006, shall be considered complete unless it contains notification and consent from the local governing body [,] of the locality in which the discharge is to take place [,] that the discharge is consistent with the local watershed protection ordinance. This subsection shall apply to new and modified individual Virginia Pollutant Discharge Elimination [*System*] permits and new and modified coverage under general Virginia Pollutant Discharge Elimination [*System*] permits.

ENGROSSED

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