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HOUSE BILL NO. 1135

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 62.1-44.15:3 of the Code of Virginia, relating to discharge permits for small treatment facilities.

Patron—Morgan

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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 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. 1. No application submitted to the Board for a new individual Virginia Pollutant Discharge Elimination permit or a permit that has been issued for a discharging facility that has not been constructed for the discharge of sewage, industrial wastes, or other wastes of 40,000 gallons or less per day into the waters of the Chesapeake Bay watershed shall be considered complete unless it is consistent with the notification procedures in subsection A, and includes an economic and environmental analysis of the following alternatives to discharging directly to surface waters:

a. Treatment and final effluent disposal by land application using spray irrigation, drip irrigation, drain field, or other means that would exclude direct discharge to any surface water body;

b. Transportation of raw or treated wastewater to a permitted municipal or industrial wastewater treatment plant having a Chesapeake Bay nutrient allocation; or

c. Connection of the municipal sewage collector system to an existing municipal or industrial wastewater treatment plant with a Chesapeake Bay nutrient allocation.

2. If the Board determines that the entire flow can be treated and discharged through the implementation of any one or combination of the alternative strategies in subdivision 1, no permit shall be issued.

3. If the Board finds that none of the alternative strategies in subdivision 1 may be implemented so that the discharge complies with water quality standards, the applicant for a permit shall submit a water conservation and management plan that includes (i) use of water-saving plumbing and processes including, where appropriate, use of water-saving fixtures in new and renovated plumbing as provided under the Uniform Statewide Building Code (§ 36-97 et seq.); (ii) a water-loss reduction program; and (iii) a water-use education program. After review of the application, the Board may issue a permit authorizing a daily discharge volume not to exceed 40,000 gallons. Any permit issued for a discharge of 40,000 gallons or less per day shall contain an enforceable limit on the maximum allowable discharge.

INTRODUCED

HB1135