

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 62.1-44.19:7 of the Code of Virginia, relating to plans to address*
3 *impaired waters.*

4 [S 1441]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 62.1-44.19:7 of the Code of Virginia is amended and reenacted as follows:**

8 § 62.1-44.19:7. Plans to address impaired waters.

9 A. The Board shall develop and implement a plan to achieve fully supporting status for impaired
10 waters, except when the impairment is established as naturally occurring. The plan shall include the date
11 of expected achievement of water quality objectives, measurable goals, the corrective actions necessary,
12 and the associated costs, benefits, and environmental impact of addressing impairment and the
13 expeditious development and implementation of total maximum daily loads when appropriate and as
14 required pursuant to subsection C.

15 B. The plan required by subsection A shall include, but not be limited to, the promulgation of water
16 quality standards for those substances: (i) listed on the Chesapeake Bay Program's "toxics of concern"
17 list as of January 1, 1997; (ii) listed by the USEPA Administrator pursuant to § 307 (a) of the Clean
18 Water Act; or (iii) identified by the Board as having a particularly adverse effect on state water quality
19 or living resources. The standards shall be promulgated pursuant to a schedule established by the Board
20 following public notice and comment. Standards shall be adopted according to applicable federal criteria
21 or standards unless the Board determines that an additional or more stringent standard is necessary to
22 protect public health, aquatic life or drinking water supplies.

23 C. The plan required by subsection A shall, upon identification by the Board of impaired waters,
24 establish a priority ranking for such waters, taking into account the severity of the pollution and the uses
25 to be made of such waters. The Board shall develop and implement pursuant to a schedule total
26 maximum daily loads of pollutants that may enter the water for each impaired water body as required by
27 the Clean Water Act.

28 D. The plan required by subsection A shall, upon identification by the Board of toxic-impaired
29 waters, include provisions as required by § 62.1-44.19:8.

30 E. If an aggrieved party presents to the Board reasonable grounds indicating that the attainment of
31 the designated use for a water is not feasible, then the Board, after public notice and at least 30 days
32 provided for public comment, may allow the aggrieved party to conduct a use attainability analysis
33 according to criteria established pursuant to the Clean Water Act and a schedule established by the
34 Board. If applicable, the schedule shall also address whether TMDL development or implementation for
35 the water should be delayed.

36 F. *The plan required by subsection A shall be controlling unless and until amended or withdrawn by*
37 *the Board.*

ENROLLED

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