

# 2020 SESSION

## HOUSE SUBSTITUTE

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### HOUSE BILL NO. 1205

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources  
on January 29, 2020)

(Patrons Prior to Substitute—Delegates Tran and Lopez [HB 1128])

A *BILL to amend and reenact § 62.1-44.19:6 of the Code of Virginia, relating to discharge of deleterious substance into state waters; notice.*

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

**1. That § 62.1-44.19:6 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-44.19:6. Citizen right-to-know provisions.**

A. The Board, based on the information in the 303(d) and 305(b) reports, shall:

1. Request the Department of Game and Inland Fisheries or the Virginia Marine Resources Commission to post notices at public access points to all toxic impaired waters. The notice shall be prepared by the Board and shall contain (i) the basis for the impaired designation and (ii) a statement of the potential health risks provided by the Virginia Department of Health. The Board shall annually notify local newspapers, and persons who request notice, of any posting and its contents. The Board shall coordinate with the Virginia Marine Resources Commission and the Department of Game and Inland Fisheries to assure that adequate notice of posted waters is provided to those purchasing hunting and fishing licenses.

2. Maintain a "citizen hot-line" for citizens to obtain, either telephonically or electronically, information about the condition of waterways, including information on toxics, toxic discharges, permit violations and other water quality related issues.

3. Make information regarding the presence of toxics in fish tissue and sediments available to the public on the Internet and through other reasonable means for at least five years after the information is received by the Department of Environmental Quality. The Department of Environmental Quality shall post on the Internet and in the Virginia Register on or about January 1 and July 1 of each year an announcement of any new data that has been received over the past six months and shall make a copy of the information available upon request.

B. The ~~Board~~ Department of Environmental Quality shall provide to ~~a~~ the Virginia Department of Health and local newspaper newspapers, television stations, and radio stations, and shall disseminate via official social media accounts and email notification lists, the discharge information reported to the Director of the Department of Environmental Quality pursuant to subsection B of § 62.1-44.5 within 12 hours of receipt of such information, ~~when unless the Virginia Department of Health determines that the discharge may be detrimental to the public health or the Board determines~~ Department of Environmental Quality makes an initial determination that the discharge ~~may impair~~ will have a de minimis impact on the beneficial uses of state waters. ~~If the Virginia Department of Health determines that the discharge may be detrimental to the public health, the Department of Environmental Quality shall provide information regarding such determination to local newspapers, television stations, and radio stations and disseminate such information via official social media accounts and email notification lists within 12 hours of receipt of such determination.~~

**2. That beginning July 1, 2020, the Department of Environmental Quality shall incorporate the provisions of this act into any applicable new or existing permit upon the granting of any such new permit or the renewal or amendment of any such existing permit.**

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