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HOUSE BILL NO. 1205

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 18, 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*, when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the ~~Board Department~~ determines that the discharge may impair beneficial uses of state waters.

2. That by December 1, 2020, the Department of Environmental Quality shall report to the General Assembly (i) a protocol that could be used to determine whether a discharge would have a de minimis impact on the beneficial uses of state waters and (ii) a proposed implementation procedure if subsection B of § 62.1-44.19:6 of the Code of Virginia were to be amended to require dissemination to media outlets, social media accounts, and email distribution lists of all discharges reported pursuant to subsection B of § 62.1-44.5 of the Code of Virginia except for those determined to have a de minimis impact on the beneficial uses of state waters. The Department of Environmental Quality shall consult with the Virginia Department of Health in preparing such report.