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SENATE BILL NO. 1075

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 4, 2020)

(Patron Prior to Substitute—Senator McClellan)

A BILL to amend and reenact §§ 10.1-1307.01 and 62.1-44.15:01 of the Code of Virginia, relating to Department of Environmental Quality; public comment.

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1307.01 and 62.1-44.15:01 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1307.01. Further duties of Board; localities particularly affected.

After June 30, 1994, before promulgating any regulation under consideration, granting any variance to an existing regulation, or issuing any permit for the construction of a new major source or for a major modification to an existing source, ~~if the Board finds that there are for any~~ localities particularly affected by the regulation, variance or permit, the Board shall:

1. Publish, or require the applicant to publish, a notice in a local paper of general circulation in the localities affected at least ~~thirty~~ 60 days prior to the close of any public comment period. Such notice shall (i) contain a statement of the estimated local impact of the proposed action, ~~which at a minimum shall~~; (ii) provide information regarding specific pollutants and the total quantity of each which may be emitted ~~and shall~~; (iii) list the type ~~and~~, quantity, and source of any fuels to be used; (iv) ~~advise the public how to request public hearings; and (v) advise the public where to obtain information regarding the proposed action.~~

2. Mail the notice containing the information required by subdivision 1 at least 60 days prior to the close of any public comment period to (i) the chief elected official and chief administrative officer and the planning district commission for those localities and (ii) any institution serving the public in the localities, including any educational, religious, cultural, and recreational institution.

3. Post a copy of the notice containing the information required by subdivision 1 at least 60 days prior to the close of any public comment period on the website of the Department.

Written comments shall be accepted by the Board for at least ~~fifteen~~ 30 days after any hearing on the regulation, variance, or permit, unless the Board votes to shorten the period.

For the purposes of this section, the term "locality particularly affected" means any locality which bears any identified disproportionate material air quality impact which would not be experienced by other localities.

§ 62.1-44.15:01. Further duties of Board; localities particularly affected.

A. After June 30, 1994, before promulgating any regulation under consideration or granting any variance to an existing regulation, or issuing any permit, ~~if the Board finds that there are for any~~ localities particularly affected by the regulation, variance or permit, the Board shall:

1. Publish, or require the applicant to publish, a notice in a local paper of general circulation in the localities affected at least ~~30~~ 60 days prior to the close of any public comment period. Such notice shall (i) contain a statement of the estimated local impact of the proposed action, ~~which at a minimum shall~~; (ii) include information on the specific pollutants involved and the total quantity of each that may be discharged; (iii) ~~advise the public how to request public hearings; and (iv) advise the public where to obtain information regarding the proposed action.~~

2. Mail the notice containing the information required by subdivision 1 at least 60 days prior to the close of any public comment period to (i) the chief elected official and chief administrative officer and planning district commission for those localities, and (ii) any institution serving the public in the localities, including any educational, religious, cultural, and recreational institution.

3. Post a copy of the notice containing the information required by subdivision 1 at least 60 days prior to the close of any public comment period on the website of the Department.

Written comments shall be accepted by the Board for at least ~~15~~ 30 days after any hearing on the regulation, variance or permit, unless the Board votes to shorten the period.

For the purposes of this section, the term "locality particularly affected" means any locality that bears any identified disproportionate material water quality impact that would not be experienced by other localities.

B. On or after January 1, 2007, the Board shall ensure that all wetland inventory maps that identify the location of wetlands in the Commonwealth and that are maintained by the Board be made readily available to the public. The Board shall notify the circuit court clerk's office and other appropriate officials in each locality of the availability of the wetland inventory maps and request that the locality provide information in the location where the land records of the locality are maintained on the

60 availability of the wetland inventory maps as well as the potential Virginia Water Protection Permit
61 requirements.