

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 256

An Act to amend and reenact § 62.1-44.15:3 of the Code of Virginia, relating to applications for discharge certificates.

[S 763]

Approved March 16, 1995

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 to discharge sewage considered complete.

A. No application for a certificate to discharge sewage, industrial wastes and other wastes into or adjacent to state waters shall be considered complete unless the applicant has provided the Executive Director with notification from the governing body of the county, city or town in which the discharge is to take place, or such other sufficient proof as the Board may require, that the location and operation of the discharging facility is consistent with all applicable ordinances adopted pursuant to Chapter 11 (§ 15.1-427 et seq.) of Title 15.1. If the governing body of any county, city or town fails to respond within forty-five days following receipt of a written request which identifies the location of the property and the proposed land use, by certified mail, return receipt requested, by an applicant for certification that the location and operation of the proposed discharging facility is consistent with all ordinances adopted pursuant to Chapter 11, the application shall be deemed complete for purposes of this section. The provisions of this section shall not apply to any applicant exempt from compliance under Chapter 11 of Title 15.1, to any facility approved pursuant to subsection B of § 56-46.1, or to any discharge for which a valid certificate had been issued prior to July 1, 1987. The provisions of this subsection shall not apply to any discharge in any county operating under the urban county executive form of government.

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.