

1997 SESSION

INTRODUCED

974842812

HOUSE BILL NO. 2790

Offered January 20, 1997

A *BILL* to amend the Code of Virginia by adding a section numbered 10.1-1186.1, relating to environmental mediation.

Patrons—Morgan, Abbitt, Albo, Bloxom, Cantor, Cox, Dillard, Drake, Dudley, Forbes, Guest, Hargrove, Ingram, Katzen, Kilgore, Landes, Marshall, McClure, Mims, Moore, Murphy, Reid, Rollison, Ruff, Sherwood, Wagner, Wardrup, Watkins, Way and Weatherholtz; Senators: Benedetti, Earley, Hanger, Martin, Newman, Norment, Reasor, Stolle and Waddell

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1186.1 as follows:

§ 10.1-1186.1. Additional powers of Boards and Department; mediation.

A. As used in this section, "mediation" means a process in which a neutral person facilitates communication between the parties and, without deciding the issues or imposing a solution on the parties, enables them to understand and resolve their dispute.

B. The State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board, or any official of the Department acting on behalf of one of these boards or under his own authority may, in its or his discretion, make use of mediation in appropriate cases during the course of any rulemaking or permitting process in an effort to reach consensus and compromise on contested issues without litigation.

C. Nothing in this section shall be interpreted or applied in a manner inconsistent with the Administrative Process Act (§ 9-6.14:1 et seq.), with applicable federal law or with any applicable requirement for the Commonwealth to obtain or maintain federal delegation or approval of any regulatory program.

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