

HOUSE BILL NO. 122

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Labor and Commerce

on _____)

(Patron Prior to Substitute--Delegate Sullivan)

A BILL to amend and reenact § 10.1-1197.7 of the Code of Virginia, relating to Department of Environmental Quality; review and authorization of projects; hearing and appeal.

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1197.7 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1197.7. Review and authorization of projects.

A. Upon submission of a complete application, the Department, after consultation with other agencies in the Secretariat of Natural and Historic Resources before authorizing the project, shall conduct an assessment of whether the application meets the requirements of the applicable permit by rule regulations. If the Department determines that the application is deficient, it promptly shall notify the applicant in writing and specify the deficiencies.

B. Any interested party, including an applicant for a permit, who has participated in a proceeding for a permit to construct or operate a small renewable energy project under procedures adopted by the Department pursuant to this section, and who is aggrieved by the final decision of the Department, shall only have the remedies provided by ~~the Administrative Process Act (§ 2.2-4000 et seq.)~~ subsection C.

C. Any interested party seeking judicial review for the final decision of the Department pursuant to this chapter shall file such action in the Circuit Court of the City of Richmond within 30 days of such decision in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act. The court shall hear and decide such action as soon as practicable after the date of filing. Any conflicting provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall be superseded by the requirements of this subsection.