

HOUSE BILL NO. 393

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on

on _____)

(Patron Prior to Substitute--Delegate Willett)

A BILL to amend and reenact § 62.1-44.4 of the Code of Virginia, relating to water quality; economic and social development.

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.4 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.4. Control by Commonwealth as to water quality.

~~(1)~~ A. No right to continue existing quality degradation in any state water shall exist nor shall such right be or be deemed to have been acquired by virtue of past or future discharge of sewage, industrial wastes or other wastes or other action by any owner. The right and control of the Commonwealth in and over all state waters is hereby expressly reserved and reaffirmed.

~~(2)~~ B. Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at high quality; provided that the Board has the power to authorize any project or development, ~~which that~~ would constitute a ~~new or an increased~~ discharge of effluent to high quality water; when it has been affirmatively demonstrated that a change is justifiable to provide necessary economic or social development; and provided, further, that the necessary degree of waste treatment to maintain high water quality will be required where physically and economically feasible. If the Board authorizes a project or development that would constitute a discharge of effluent to high quality water, it shall ensure that such discharge does not have a disproportionate adverse impact on historically economically or socially disadvantaged communities. Present and anticipated use of such waters will be preserved and protected.

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