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## HOUSE BILL NO. 1228

Offered January 19, 2022

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

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Patron—Willetts

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Committee Referral Pending

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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) 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) 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 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. Present and anticipated use of such waters will be preserved and protected.

(3) To ensure compliance with subdivision (2), the Department shall document baseline conditions in waters that may be affected by any discharge that the Board has the power to authorize, including any discharge associated with activities to be covered by any individual or general permit and any individual or general water quality certification issued in accordance with § 401 of the federal Clean Water Act. Baseline conditions for all chemical and biological parameters that may be affected by the regulated activity shall be documented. The Board shall require all applications for individual permits, requests for water quality certifications, and registration statements for coverage under general permits to include information sufficient to complete baseline analyses.

INTRODUCED

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