

2022 SESSION

INTRODUCED

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HOUSE BILL NO. 393

Offered January 12, 2022

Prefiled January 11, 2022

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

Patron—Willett

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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 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. *The consideration of necessary economic or social development shall include an analysis of the impact of the change on residents who and communities that have historically been economically or socially disadvantaged and whether these residents or communities could be subject to disparate impacts because of these factors.* Present and anticipated use of such waters will be preserved and protected.

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