

VIRGINIA ACTS OF ASSEMBLY - 2025 RECONVENED SESSION

CHAPTER 723

An Act to amend and reenact § 62.1-44.15:39 of the Code of Virginia, relating to Virginia Erosion and Stormwater Management Program authority; right of entry.

[H 2008]

Approved May 2, 2025

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:39 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:39. Right of entry.

In addition to the Board's authority set forth in § 62.1-44.20, a locality serving as a VESMP authority *or as an operator of a regulated municipal separate storm sewer system* or any duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. For ~~localities that operate~~ *operators of regulated municipal separate storm sewer systems that are not a locality or any duly authorized agent thereof*, this authority shall apply only to those properties from which a discharge enters their municipal separate storm sewer systems.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a VESMP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by the VESMP authority on a land-disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.