

§ 10.1-1183. Creation of Department of Environmental Quality; statement of policy.

11. To ensure that there is consistency in the enforcement of the laws, regulations, and policies as they apply to holders of permits or certificates issued by the Department, whether the owners or operators of such regulated facilities are public sector or private sector entities, including the development of electronic recordkeeping and document transmittal systems that encourage the use of electronic methods in performing the Department's business as a means of furthering both resource conservation and transaction efficiency. To serve that end, wherever used in this chapter or in other statutory or regulatory provisions that the Department administers, (i) "certified mail" means electronically certified or postal certified mail, except that this provision shall apply only to the mailing of plan approvals, permits, or certificates issued under the provisions of this chapter and those of the Air Pollution Control Law (§ [10.1-1300](#) et seq.), the Virginia Waste Management Act (§ [10.1-1400](#) et seq.), and the State Water Control Law (§ [62.1-44.2](#) et seq.), and only where the recipient has notified the Department of his consent to receive plan approvals, permits, or certificates by electronic mail, and (ii) "mail" means electronic or postal delivery. Any statutory provisions requiring use of "certified mail" to transmit special orders or administrative orders pursuant to enforcement proceedings shall mean postal certified mail.

## Mark Courtney - Relevant Sections

As I stated, we believe it would be advantageous to allow us (DPOR) the discretion to use commercial delivery services for administrative notices in lieu of certified/registered mail or regular mail. In order to facilitate such an option, we would need to have Subtitles I and II of Title 54.1 (the term "mail", "certified mail", or "registered mail" is used in §§ 54.1-101.1, 54.1-104, 54.1-201, 54.1-603, 54.1-1119, 54.1-1120, 54.1-2019, 54.1-2023, 54.1-2111, 54.1-2113, and 54.1-2114) and Chapter 40 of Title 2.2 (the term "mail" is used in §§ 2.2-4009 and 2.2-4023 ) amended.

In addition, there is some relevant language in §§ 54.1-101.1, 2.2-601.1, and 1-206 that would need to be factored in any such amendment.

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 4.1 of Title 16.1 a section  
2 numbered 16.1-69.5:1, by adding in Chapter 1 of Title 17.1 a section numbered 17.1-133, and by  
3 adding sections numbered 18.2-6.1 and 19.2-5.1, relating to notice provisions; commercial  
4 delivery services.

5 Be it enacted by the General Assembly of Virginia:

6 1. That the Code of Virginia is amended by adding in Article 1 of Chapter 4.1 of Title 16.1 a  
7 section numbered 16.1-69.5:1, by adding in Chapter 1 of Title 17.1 a section numbered 17.1-133,  
8 and by adding sections numbered 18.2-6.1 and 19.2-5.1 as follows:

9 **§ 16.1-69.5:1. Delivery of notice by mail, ordinary mail, registered mail, or certified mail.**

10 Where service, delivery, or transmission of any notice or paper in any proceeding is authorized  
11 by any provision of this title to be accomplished by "mail," "ordinary mail," "registered mail," or  
12 "certified mail," service, delivery, or transmission by commercial delivery service is deemed to be  
13 authorized by such provision. Any applicable requirements in this Code or the Rules of Supreme Court  
14 of Virginia for proof of such service, delivery, or transmission shall remain in effect when a commercial  
15 delivery service is used.

16 **§ 17.1-133. Delivery of notice by mail, ordinary mail, registered mail, or certified mail.**

17 Where service, delivery, or transmission of any notice or paper in any proceeding is authorized  
18 by any provision of this title to be accomplished by "mail," "ordinary mail," "registered mail," or  
19 "certified mail," service, delivery, or transmission by commercial delivery service is deemed to be  
20 authorized by such provision. Any applicable requirements in this Code or the Rules of Supreme Court  
21 of Virginia for proof of such service, delivery, or transmission shall remain in effect when a commercial  
22 delivery service is used.

23 **§ 18.2-6.1. Delivery of notice by mail, ordinary mail, registered mail, or certified mail.**

24 Where service, delivery, or transmission of any notice or paper in any proceeding is authorized  
25 by any provision of this title to be accomplished by "mail," "ordinary mail," "registered mail," or

26 "certified mail," service, delivery, or transmission by commercial delivery service is deemed to be  
27 authorized by such provision. Any applicable requirements in this Code or the Rules of Supreme Court  
28 of Virginia for proof of such service, delivery, or transmission shall remain in effect when a commercial  
29 delivery service is used.

30 **§ 19.2-5.1. Delivery of notice by mail, ordinary mail, registered mail, or certified mail.**

31 Where service, delivery, or transmission of any notice or paper in any proceeding is authorized  
32 by any provision of this title to be accomplished by "mail," "ordinary mail," "registered mail," or  
33 "certified mail," service, delivery, or transmission by commercial delivery service is deemed to be  
34 authorized by such provision. Any applicable requirements in this Code or the Rules of Supreme Court  
35 of Virginia for proof of such service, delivery, or transmission shall remain in effect when a commercial  
36 delivery service is used.

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