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SENATE BILL NO. 1399

Offered January 11, 2017

Prefiled January 11, 2017

A *BILL to amend the Code of Virginia by adding in Article 2.1 of Chapter 14 of Title 10.1 a section numbered 10.1-1413.3, relating to coal combustion by-product impoundments; closure requirements.*

Patron—Surovell

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 14 of Title 10.1 a section numbered 10.1-1413.3 as follows:

§ 10.1-1413.3. Requirements for closure of certain coal combustion by-product impoundments.

A. For the purposes of this section, "coal combustion by-products" means residuals, including fly ash, bottom ash, boiler slag, and flue gas emission control waste, produced by burning coal.

B. The Department shall require the closure by July 1, 2021, of any surface impoundment that, prior to December 22, 2016, managed coal combustion by-products from the generation of electricity by an electric utility or independent power producer, including any surface impoundment that, prior to December 22, 2016, was closed by capping in place or received Department approval for closure by capping in place.

C. The completion of such required closure shall include the removal at the time of the closure of all coal combustion by-products from the impoundment, the disposal of all such by-products in a permitted, synthetically lined landfill that meets or exceeds the federal Criteria for Municipal Solid Waste Landfills pursuant to 40 C.F.R. Part 258, and the reclamation of the impoundment site in a manner consistent with the mine reclamation standards of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201.

D. Any investor-owned public electric utility that completes the closure of a surface impoundment in compliance with the provisions of this section shall be permitted to recover the costs of such closure as costs necessary for compliance with environmental laws or regulations pursuant to subdivision A 5 e of § 56-585.1, with such costs to be recovered over a 20-year period.

INTRODUCED

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