

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 2.1 of Chapter 14 of Title 10.1 a section*
3 *numbered 10.1-1413.3, relating to coal ash ponds; testing private wells and public water supply*
4 *wells; resident notification.*

5 [H 1641]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 14 of Title 10.1 a**
9 **section numbered 10.1-1413.3 as follows:**10 ***§ 10.1-1413.3. Testing private wells and public water supply wells near coal ash ponds; resident***
11 ***notification.***12 *A. For the purposes of this section:*13 *"Coal ash pond" means any natural topographic depression, man-made excavation, or diked area*
14 *that (i) is designed to hold an accumulation of coal combustion residuals and liquids; (ii) treats, stores,*
15 *or disposes of coal combustion residuals; and (iii) is located in the Chesapeake Bay watershed at the*
16 *Bremo Power Station in Fluvanna County, Chesapeake Energy Center in the City of Chesapeake,*
17 *Chesterfield Power Station in Chesterfield County, or Possum Point Power Station in Prince William*
18 *County.*19 *"Utility" means the owner or operator of a coal ash pond.*20 *B. No later than October 1, 2020, each utility shall submit to the Department a complete survey*
21 *identifying all private wells and public water supply wells within 1.5 miles of any coal ash pond*
22 *boundary. The utility shall use reasonable efforts to determine the locations of all such wells within 1.5*
23 *miles of the coal ash pond boundary and shall not rely solely on records maintained by the Virginia*
24 *Department of Health or other public records. Such reasonable efforts shall include the distribution of*
25 *notices that explain the purpose of the survey to each landowner. The utility shall distribute such notices*
26 *through the United States mail to the owner of each parcel of land any part of which is located within*
27 *1.5 miles of a coal ash pond boundary and shall post a notice in at least one newspaper of general*
28 *circulation in the locality.*

ENROLLED

HB1641ER