

# 2021 SPECIAL SESSION I

## SENATE SUBSTITUTE

21103681D

### SENATE BILL NO. 1210

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources  
on January 26, 2021)

(Patron Prior to Substitute—Senator Petersen)

A *BILL* to direct the Department of Environmental Quality to convene working groups to revise permit fee schedules.

#### **Be it enacted by the General Assembly of Virginia:**

§ 1. That the Director of the Department of Environmental Quality (the Director), or his designee, shall convene a working group for the purpose of developing an annual fee schedule for nonhazardous solid waste management facilities to replace the current annual fee schedule set forth in § 10.1-1402.1:1 of the Code of Virginia. The working group shall include representatives of (i) private sector companies that own or operate nonhazardous waste solid waste management facilities, (ii) local governments that own or operate nonhazardous solid waste management facilities, (iii) public service authorities and waste management authorities, (iv) an environmental organization, and (v) any other parties that the Director determines would assist the group in its deliberations. The Director, or his designee, shall preside over the group and shall make Department of Environment Quality (the Department) staff available as necessary to assist and support the group in its deliberations. The working group shall convene no later than August 1, 2021, and shall meet as necessary thereafter. The Department shall submit to the Governor and the General Assembly by December 1, 2021, a summary of the working group's discussions and recommendations for a schedule of annual fees to replace the schedule in § 10.1-1402.1:1 of the Code of Virginia that shall, at a minimum, be sufficient to reflect the direct costs of permitting, compliance, inspection, monitoring, training, and enforcement as set forth in the Department's budget for the nonhazardous solid waste management program when aggregated and combined with the permit fees assessed and collected pursuant to § 10.1-1402.1 of the Code of Virginia.

§ 2. The Director of the Department of Environmental Quality (the Director), or his designee, shall convene a working group for the purpose of developing a schedule of annual maintenance fees for water withdrawal permits including (i) Virginia Water Protection Individual-minimum instream flow permits, (ii) Virginia Water Protection Individual-reservoir permits, (iii) Ground Water Withdrawal permits, and (iv) Surface Water Withdrawal permits. The working group shall include representatives of (a) ground water withdrawal permittees, including at least one representative each from the municipal, commercial, and industrial sectors; (b) Virginia Water Protection surface water withdrawal permittees, including at least one representative each from the municipal, commercial, and power generation sectors; (c) environmental organizations; (d) agricultural organizations; and (e) any others whom the Director determines would assist the group in its deliberations. The working group shall convene no later than August 1, 2021, and shall meet as necessary thereafter. The Department of Environmental Quality shall submit to the Governor and the General Assembly by December 1, 2021, a summary of the working group's discussions and recommendations for a schedule of annual maintenance fees that shall, at a minimum, be sufficient to reflect no less than 40 percent of the direct costs required for the development, administration, compliance, and enforcement of such permits.

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