

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to require evaluation of closure of coal combustion residuals units.*

3 [S 1398]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. § 1.** *That every owner or operator of a coal combustion residuals (CCR) surface impoundment, as*
7 *that term is defined at 40 C.F.R. § 257.53, that is located within the Chesapeake Bay watershed shall*
8 *conduct an assessment of each such CCR surface impoundment (CCR unit) regarding the closure of any*
9 *such unit. At a minimum, an assessment shall, for each CCR unit:*10 *1. Identify and describe any groundwater or surface water pollution located at or stemming from the*
11 *CCR unit, including pollution identified through past monitoring, and evaluate corrective measures to*
12 *resolve such pollution. Any such evaluation shall address the issues set forth in 40 C.F.R. § 257.96(c)*
13 *and shall describe and demonstrate how the proposed corrective measures will restore groundwater or*
14 *surface water quality.*15 *2. Evaluate the clean closure of the CCR unit through excavation and responsible recycling or reuse*
16 *of coal ash residuals by incorporating them into concrete or other products in a manner that prevents*
17 *the release into the environment of the pollutants contained within the coal ash residuals. Such*
18 *evaluation shall consider the feasibility of the onsite processing of a CCR unit for cementitious purposes*
19 *as well as the feasibility of creating a processing facility or facilities to serve multiple CCR units,*
20 *including offsite CCR units.*21 *3. Evaluate the clean closure of the CCR unit through the excavation and removal of coal ash*
22 *residuals to dry, lined storage in an appropriately permitted and monitored landfill, including an*
23 *analysis of the impact that any responsible recycling or reuse options would have on such excavation*
24 *and removal.*25 *4. Demonstrate the long-term safety of the CCR unit, addressing any long-term risks posed by the*
26 *proposed closure plan and siting, including risks related to extreme weather events, flooding,*
27 *hurricanes, storm surges, and erosive forces.*28 **2. That no later than January 1, 2018, the owner or operator of any coal combustion residuals**
29 **surface impoundment (CCR unit) subject to the assessment requirement of the first enactment of**
30 **this act shall transmit a report on its progress to the Chairmen of the House Committee on**
31 **Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture,**
32 **Conservation and Natural Resources and to the Departments of Environmental Quality and**
33 **Conservation and Recreation.**34 **3. That notwithstanding the provisions of this act, the Director of the Department of**
35 **Environmental Quality (the Director) shall not suspend, delay, or defer the issuance of any permit**
36 **to provide for the closure of any CCR unit pending the completion by the owner or operator of**
37 **the assessment of such CCR unit required by the first enactment of this act. In deciding whether**
38 **to issue any such permit, the Director need not include or rely upon his review of any such**
39 **assessment.**

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