

## 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 December 1, 2017, 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 such assessment to the Chairmen of the House Committee on Agriculture,**  
31 **Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and**  
32 **Natural Resources and to the Departments of Environmental Quality and Conservation and**  
33 **Recreation.**34 **3. That notwithstanding the provisions of this act, the Director of the Department of**  
35 **Environmental Quality (the Director) shall suspend, delay, or defer the issuance of any permit to**  
36 **provide for the closure of any CCR unit until May 1, 2018, or the effective date of any legislation**  
37 **adopted during the 2018 Regular Session of the General Assembly that addresses the closure of a**  
38 **CCR unit in Virginia, whichever occurs later. In deciding whether to issue any such permit, the**  
39 **Director need not include or rely upon his review of any such assessment.**