

2019 SESSION

LEGISLATION NOT PREPARED BY DLS  
INTRODUCED

19105272D

HOUSE BILL NO. 2786

Offered January 18, 2019

A BILL to allow closure of certain coal combustion residuals impoundments.

Patrons—Ingram, Kilgore, Marshall, Wilt, Austin, Bell, Robert B., Bloxom, Brewer, Campbell, J.L., Carr, Carroll Foy, Cole, Cox, Fowler, Guzman, Head, Helsel, Hodges, Hugo, Knight, Landes, Leftwich, Miyares, Orrock, Pogge, Ransone, Robinson, Stolle, Thomas, Torian, Ware, Webert, Wright and Yancey

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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

1. § 1. In issuing a permit for the closure of a coal combustion residuals (CCR) surface impoundment located in the Chesapeake Bay watershed, the Department of Environmental Quality (the Department) shall consider (i) the requirements imposed by state and federal laws and regulations regarding CCR surface impoundments, including time frames for closure and requirements that public health and safety be protected; (ii) anticipated truck traffic and the effects of such traffic on nearby residential areas; (iii) the long-term cost effectiveness of a proposed closure, including the costs of groundwater monitoring and of the remediation of the site; and (iv) the ability of any closure to withstand hurricanes or other extreme weather events or natural disasters.

§ 2. Costs associated with any permit issued by the Department for the closure of a CCR surface impoundment located within the Chesapeake Bay watershed, as well as any permit issued by the Department for the purpose of capping in place, removing, or beneficially reusing any CCR from the site of any current electric generation unit as of January 1, 2018, or any former electric generation unit permanently retired or placed into cold reserve prior to January 1, 2018, shall be deemed in the public interest and recoverable in accordance with the provisions of subdivision A 5 of § 56-585.1 of the Code of Virginia. Any such costs shall be fully allocated to all customers as a non-bypassable distribution charge, irrespective of the generation supplier of any such customer.

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