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HOUSE BILL NO. 1379

Offered January 16, 2024

A *BILL to amend and reenact §§ 10.1-1186.1, 10.1-1307, 10.1-1307.04, 10.1-1322, 10.1-1322.5, 10.1-1330, 10.1-1402.1, 10.1-1413.1, 10.1-1425.17, 62.1-44.15:6, 62.1-44.17:3, 62.1-44.34:21, 62.1-44.40, 62.1-69.35:2, 62.1-69.44, 62.1-223.3, and 62.1-256.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1183.1, relating to Department of Environmental Quality reports; consolidation.*

Patron—Lovejoy

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1186.1, 10.1-1307, 10.1-1307.04, 10.1-1322, 10.1-1322.5, 10.1-1330, 10.1-1402.1, 10.1-1413.1, 10.1-1425.17, 62.1-44.15:6, 62.1-44.17:3, 62.1-44.34:21, 62.1-44.40, 62.1-69.35:2, 62.1-69.44, 62.1-223.3, and 62.1-256.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1183.1 as follows:

§ 10.1-1183.1. Department of Environmental Quality annual report.

A. The Department shall submit an annual report to the Governor and the General Assembly no later than November 1 of each year. Such report shall include the reports required pursuant to §§ 10.1-1186.1, 10.1-1307, 10.1-1322.5, 10.1-1330, 10.1-1413.1, 10.1-1425.17, 62.1-44.40, 62.1-69.35:2, 62.1-69.44, and 62.1-256.2.

B. In even-numbered years, the report required in subsection A shall also include the reports required pursuant to §§ 10.1-1322, 10.1-1402.1, and 62.1-44.15:6.

C. In odd-numbered years, the report required in subsection A shall also include the reports required pursuant to §§ 62.1-44.17:3 and 62.1-44.34:21.

D. Beginning in 2026 and every four years thereafter, the report required in subsection A shall also include the report required pursuant to § 10.1-1307.04.

E. Beginning in 2027 and every four years thereafter, the report required in subsection A shall also include the report required pursuant to § 62.1-223.3.

§ 10.1-1186.1. Department to publish toxics inventory.

The Department of Environmental Quality shall publish ~~in March~~ on or before November 1 of each year the information reported by industries pursuant to 42 U.S.C. § 11023 in its document known as the "Virginia Toxic Release Inventory." The report shall be (i) organized by chemical, facility and facility location, and standard industrial classification code; and (ii) distributed to newspapers of general circulation and television and radio stations. The report shall include the information collected for the most recent calendar year for which data is available prior to the ~~March~~ November publication date. The report shall be submitted to the Governor and the General Assembly as part of the report required pursuant to § 10.1-1183.1.

§ 10.1-1307. Further powers and duties of Board and Department.

A. The Board shall have the power to control and regulate its internal affairs. The Department shall have the power to initiate and supervise research programs to determine the causes, effects, and hazards of air pollution; initiate and supervise statewide programs of air pollution control education; cooperate with and receive money from the federal government or any county or municipal government, and receive money from any other source, whether public or private; develop a comprehensive program for the study, abatement, and control of all sources of air pollution in the Commonwealth; and advise, consult, and cooperate with agencies of the United States and all agencies of the Commonwealth, political subdivisions, private industries, and any other affected groups in furtherance of the purposes of this chapter.

B. The Board may adopt by regulation emissions standards controlling the release into the atmosphere of air pollutants from motor vehicles, only as provided in § 10.1-1307.05 and Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of Title 46.2.

C. After any regulation has been adopted by the Board pursuant to § 10.1-1308, the Department may grant local variances therefrom, if it finds after an investigation and hearing that local conditions warrant, except that no local variances shall be granted from regulations adopted by the Board pursuant to § 10.1-1308 related to the requirements of subsection E of § 10.1-1308 or Article 4 (§ 10.1-1329 et seq.). If local variances are permitted, the Department shall issue an order to this effect. Such order shall be subject to revocation or amendment at any time if the Department, after a hearing, determines that the amendment or revocation is warranted. Variances and amendments to variances shall be adopted

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only after a public hearing has been conducted pursuant to the public advertisement of the subject, date, time, and place of the hearing at least 30 days prior to the scheduled hearing. The hearing shall be conducted to give the public an opportunity to comment on the variance.

D. After the Board has adopted the regulations provided for in § 10.1-1308, the Department shall have the power to (i) initiate and receive complaints as to air pollution; (ii) hold or cause to be held hearings and enter orders diminishing or abating the causes of air pollution and orders to enforce the Board's regulations pursuant to § 10.1-1309; and (iii) institute legal proceedings, including suits for injunctions for the enforcement of orders, regulations, and the abatement and control of air pollution and for the enforcement of penalties.

E. The Board in making regulations; the Department in approving variances, control programs, or permits; and the courts in granting injunctive relief under the provisions of this chapter, shall consider facts and circumstances relevant to the reasonableness of the activity involved and the regulations proposed to control it, including:

1. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property ~~which~~ *that* is caused or threatened to be caused;

2. The social and economic value of the activity involved;

3. The suitability of the activity to the area in which it is located, except that consideration of this factor shall be satisfied if the local governing body of a locality in which a facility or activity is proposed has resolved that the location and operation of the proposed facility or activity is suitable to the area in which it is located; and

4. The scientific and economic practicality of reducing or eliminating the discharge resulting from such activity.

F. The Department shall conduct the hearings provided for in this chapter.

G. The Board shall not:

1. Adopt any regulation limiting emissions from wood heaters; or

2. Enforce against a manufacturer, distributor, or consumer any federal regulation limiting emissions from wood heaters adopted after May 1, 2014.

H. The Department shall submit an annual report to the Governor and *the* General Assembly on or before ~~October~~ *November* 1 of each year *as part of the report required by § 10.1-1183.1* on matters relating to the Commonwealth's air pollution control policies and on the status of the Commonwealth's air quality.

I. In granting a permit pursuant to this section, the Department shall provide in writing a clear and concise statement of the legal basis, scientific rationale, and justification for the decision reached. When the decision of the Department is to deny a permit, pursuant to this section, the Department shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the denial, the scientific justification for the same, and how the Department's decision is in compliance with applicable laws and regulations. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

§ 10.1-1307.04. Greenhouse gas emissions inventory.

A. The Department shall conduct a comprehensive statewide baseline and projection inventory of all greenhouse gas (GHG) emissions and shall update such inventory every four years. The Board may adopt regulations necessary to collect from all source sectors data needed by the Department to conduct, update, and maintain such inventory.

B. The Department shall include the inventory in the report required pursuant to subsection H of § 10.1-1307, beginning with the report issued ~~prior to October 1, 2022~~ *on or before November 1, 2026*, and every four years thereafter *as part of the report required by § 10.1-1183.1*. The Department shall publish such inventory on its website, showing changes in GHG emissions relative to an estimated GHG emissions baseline case for calendar year 2010.

C. Any information, except emissions data, that is reported to or otherwise obtained by the Department pursuant to this section and that contains or might reveal proprietary information shall be confidential and shall be exempt from the mandatory disclosure requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Each owner shall notify the Director or his representative of the existence of proprietary information if he desires the protection provided pursuant to this subsection.

§ 10.1-1322. Permits.

A. Pursuant to regulations adopted by the Board, permits may be issued, amended, revoked, or terminated and reissued by the Department and may be enforced under the provisions of this chapter in the same manner as regulations and orders. Failure to comply with any condition of a permit shall be considered a violation of this chapter and investigations and enforcement actions may be pursued in the same manner as is done with regulations of the Board and orders of the Department under the provisions of this chapter. To the extent allowed by federal law, any person holding a permit who is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved

energy efficiency, will reduce the emissions of regulated air pollutants, and meets the requirements of Best Available Control Technology shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subsection to the Department no later than 30 days prior to commencing construction.

B. The Board by regulation may prescribe and provide for the payment and collection of annual permit program fees for air pollution sources. Annual permit program fees shall not be collected until (i) the federal U.S. Environmental Protection Agency approves the Board's operating permit program established pursuant to Title V of the federal Clean Air Act or (ii) the Governor determines that such fees are needed earlier to maintain primacy over the program. The annual fees shall be based on the actual emissions (as calculated or estimated) of each regulated pollutant, as defined in § 502 of the federal Clean Air Act, in tons per year, not to exceed 4,000 tons per year of each pollutant for each source. The annual permit program fees shall not exceed a base year amount of \$25 per ton using 1990 as the base year; and shall be adjusted annually by the Consumer Price Index as described in § 502 of the federal Clean Air Act. Permit program fees for air pollution sources ~~who~~ that receive state operating permits in lieu of Title V operating permits shall be paid in the first year and thereafter shall be paid biennially. The fees shall approximate the direct and indirect costs of administering and enforcing the permit program; and of administering the small business stationary source technical and environmental compliance assistance program as required by the federal Clean Air Act. The Board shall promulgate regulations establishing permit application fee amounts not to exceed \$30,000 from applicants for a permit for a new major stationary source. The permit application fee amount paid shall be credited ~~towards~~ toward the amount of annual fees owed pursuant to this section during the first two years of the source's operation. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

C. When adopting regulations for permit program fees for air pollution sources, the Board shall take into account the permit fees charged in neighboring states and the importance of not placing existing or prospective industry in the Commonwealth at a competitive disadvantage.

D. On or before ~~January~~ November 1 of every even-numbered year, the Department shall make an evaluation of the implementation of the permit fee program and provide this evaluation in writing to the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Finance Governor and the General Assembly as part of the report required pursuant to § 10.1-1183.1. This evaluation shall include a report on the total fees collected, the amount of general funds allocated to the Department, the Department's use of the fees and the general funds, the number of permit applications received, the number of permits issued, the progress in eliminating permit backlogs, and the timeliness of permit processing.

E. To the extent allowed by federal law and regulations, priority for utilization of permit fees shall be given to cover the costs of processing permit applications in order to more efficiently issue permits.

F. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund appropriation to the Department.

G. The permit fees shall apply to permit programs in existence on July 1, 1992, any additional permit programs that may be required by the federal government and administered by the Department, or any new permit program required by the Code of Virginia.

H. The permit program fee regulations promulgated pursuant to this section shall not become effective until July 1, 1993.

I. ~~[Expired.]~~

§ 10.1-1322.5. Virginia Electric Vehicle Grant Fund and Program; report.

A. As used in this section:

"Department" means the Department of Environmental Quality.

"Electric school bus" means a school bus that is propelled to a significant extent by an electric motor that draws electricity from a battery and is capable of being recharged from an external source of electricity.

"Fund" means the Virginia Electric Vehicle Grant Fund established in subsection B.

"Fund and Program project" means all or any part of projects pursued for the Fund and Program that are necessary and desirable for (i) reducing air pollution in order to protect the health of Virginians; (ii) increasing the number and use of electric school buses in Virginia; (iii) replacing commercial vehicles or heavy equipment in Virginia that use fossil fuels with electric vehicles or equivalents that reduce air emissions; (iv) ensuring a broad geographic distribution of grant awards; and (v) creating employment opportunities for Virginians.

"Program" means the Virginia Electric Vehicle Grant Program established pursuant to subsection C.

"School bus" has the same meaning as the term "schoolbus" as defined in 49 U.S.C. § 30125, and its

182 successor amendments.

183 B. There is hereby created in the state treasury a special nonreverting fund to be known as the
184 Virginia Electric Vehicle Grant Fund. The Fund shall be established on the books of the Comptroller.
185 All funds appropriated for such purpose, and any gifts, donations, grants, bequests, and other funds
186 received on its behalf, shall be paid into the state treasury and credited to the Fund. Interest earned on
187 moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,
188 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall
189 remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) awarding grants on
190 a competitive basis through the Program ~~established pursuant to subsection C~~ or (ii) implementing and
191 administering the Program. Moneys used for implementing and administering the Fund and Program
192 shall be limited to amounts necessary to implement the Fund and Program. Expenditures and
193 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the
194 Comptroller upon written request signed by the Director of the Department.

195 C. The Virginia Electric Vehicle Grant Program is hereby established for the purpose of awarding
196 grants on a competitive basis to Fund and Program projects pursuant to subsection D from such funds as
197 may be available from the Fund. The Department shall oversee each grant awarded through the Program
198 and ensure thorough annual reporting on each such grant. The Program shall be administered by the
199 Department. In administering the Program, the Department shall consult with other departments and
200 stakeholders described in subsection E to publish guidelines and criteria for grant awards, including
201 guidelines and criteria governing agreements between the Department and grant recipients.

202 D. Grants shall be awarded for Fund and Program projects that meet these criteria; and, to the extent
203 practicable, shall follow this order of priority: (i) Fund and Program projects by public school divisions
204 (a) to cover the costs, in whole or in part, associated with replacing existing diesel school buses that
205 they operate with electric school buses that reduce air emissions; (b) to implement recharging
206 infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) to
207 train workers according to labor standards to be developed by the Department to support the
208 maintenance, charging, and operations of such electric school buses and (ii) Fund and Program projects
209 by public, private, or nonprofit entities in Virginia (a) to assist with replacing commercial motor
210 vehicles, heavy equipment, or other machinery owned and operated by the entities that are used in
211 Virginia that rely on diesel fuels with electric vehicles or equivalent equipment that reduce air emissions
212 and (b) to implement recharging infrastructure or other infrastructure needed to charge or maintain such
213 electric vehicles or equivalent equipment.

214 E. The Department shall consult with the Department of Energy, the Department of Transportation,
215 the Department of Education, and other agencies of the Commonwealth, as well as organizations with
216 expertise in the climate and public health, and other interested stakeholders, to adopt necessary policies
217 and procedures for administering the Fund and Program and for determining eligibility, qualifications,
218 terms, conditions, and other requirements for Fund and Program projects. The criteria for prioritizing
219 Fund and Program projects by public school divisions shall take into consideration geographic areas with
220 high asthma rates, lowest measured air quality, and level of air emission from existing school buses.

221 F. Notwithstanding any provision to the contrary, in no event shall any allocation of funds be made
222 to the Fund or the Program unless federal funds or nonstate funds are available to cover the entire cost
223 of such allocation.

224 G. The Department shall submit an annual report to *the Governor and* the General Assembly
225 regarding administration of the Fund and Program for the preceding fiscal year. The report shall include
226 the number of grants awarded, the number of vehicles or equipment replaced, the number of jobs
227 supported, and, to the extent available, the general environmental or health impact of the Fund and
228 Program. The report shall be furnished to the ~~Chairmen of the House Committee on Appropriations and~~
229 ~~the Senate Committee on Finance and Appropriations~~ *Governor and the General Assembly* no later than
230 November 1 of each year *as part of the report required pursuant to § 10.1-1183.1*. However, no annual
231 report shall be required if the Fund and Program do not receive funding.

232 **§ 10.1-1330. Clean Energy and Community Flood Preparedness.**

233 A. The provisions of this article shall be incorporated by the Department, without further action by
234 the Board, into the final regulation adopted by the Board on April 19, 2019, and published in the
235 Virginia Register on May 27, 2019. Such incorporation by the Department shall be exempt from the
236 provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

237 B. The Director is hereby authorized to establish, implement, and manage an auction program to sell
238 allowances into a market-based trading program consistent with the RGGI program and this article. The
239 Director shall seek to sell 100 percent of all allowances issued each year through the allowance auction,
240 unless the Department finds that doing so will have a negative impact on the value of allowances and
241 result in a net loss of consumer benefit or is otherwise inconsistent with the RGGI program.

242 C. To the extent permitted by Article X, Section 7 of the Constitution of Virginia, the state treasury
243 shall (i) hold the proceeds recovered from the allowance auction in an interest-bearing account with all

interest directed to the account to carry out the purposes of this article and (ii) use the proceeds without further appropriation for the following purposes:

1. Forty-five percent of the revenue shall be credited to the account established pursuant to the Fund for the purpose of assisting localities and their residents affected by recurrent flooding, sea level rise, and flooding from severe weather events.

2. Fifty percent of the revenue shall be credited to an account administered by DHCD to support low-income energy efficiency programs, including programs for eligible housing developments. DHCD shall review and approve funding proposals for such energy efficiency programs, and DOE shall provide technical assistance upon request. Any sums remaining within the account administered by DHCD, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in such account to support low-income energy efficiency programs.

3. Three percent of the revenue shall be used to (i) cover reasonable administrative expenses of the Department in the administration of the revenue allocation, carbon dioxide emissions cap and trade program, and auction and (ii) carry out statewide climate change planning and mitigation activities.

4. Two percent of the revenue shall be used by DHCD, in partnership with DOE, to administer and implement low-income energy efficiency programs pursuant to subdivision 2.

D. The Department, the Department of Conservation and Recreation, DHCD, and DOE shall prepare a joint annual written report describing the Commonwealth's participation in RGGI, the annual reduction in greenhouse gas emissions, the revenues collected and deposited in the interest-bearing account maintained by the Department pursuant to this article, and a description of each way in which money was expended during the fiscal year. The report shall be submitted to the Governor and the General Assembly by ~~January 1, 2022, and annually thereafter~~ *November 1 of each year as part of the report required pursuant to § 10.1-1183.1.*

§ 10.1-1402.1. Permit fee regulations.

Regulations promulgated by the Board ~~which~~ *that* establish a permit fee assessment and collection system pursuant to subdivisions 15a, 15b and 16 of § 10.1-1402 shall be governed by the following:

1. Permit fees charged an applicant shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions. No fees shall be charged for minor modifications or minor amendments to such permits. For purposes of this subdivision, "minor permit modifications" or "minor amendments" means specific types of changes, defined by the Board, that are made to keep the permit current with routine changes to the facility or its operation and that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

2. When promulgating regulations establishing permit fees, the Board shall take into account the permit fees charged in neighboring states and the importance of not placing existing or prospective industries in the Commonwealth at a competitive disadvantage.

3. On ~~January 1, 1993, and January 1 or before November 1~~ of every even-numbered year ~~thereafter~~, the Board shall evaluate the implementation of the permit fee program and provide this evaluation in writing to the ~~Senate Committees on Agriculture, Conservation and Natural Resources, and Finance; and the House Committees on Appropriations, Agriculture, Chesapeake and Natural Resources, and Finance~~ *Governor and the General Assembly as part of the report required pursuant to § 10.1-1183.1.* This evaluation shall include a report on the total fees collected, the amount of general funds allocated to the Department, the Department's use of the fees and the general funds, the number of permit applications received, the number of permits issued, the progress in eliminating permit backlogs, and the timeliness of permit processing.

4. Fees collected pursuant to subdivisions 15a, 15b or 16 of § 10.1-1402 shall not supplant or reduce in any way the general fund appropriation to the Board.

5. These permit fees shall be collected in order to recover a portion of the agency's costs associated with (i) the processing of an application to issue, reissue, amend, or modify permits, which the Board has authority to issue for the purpose of more efficiently and expeditiously processing and maintaining permits and (ii) the inspections necessary to assure the compliance of large quantity generators of hazardous waste. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

§ 10.1-1413.1. Waste information and assessment program.

A. The Department shall report by ~~June 30~~ *November 1* of each year ~~to the Governor and the General Assembly as part of the report required pursuant to § 10.1-1183.1~~ the amount of solid waste, by weight or volume, disposed of in the Commonwealth during the preceding calendar year. The report shall identify solid waste by the following categories: (i) municipal solid waste; (ii) construction and demolition debris; (iii) incinerator ash; (iv) sludge other than sludge that is land applied in accordance with § 62.1-44.19.3; and (v) tires. For each such category the report shall include an estimate of the

amount that was generated outside of the Commonwealth and the jurisdictions where such waste originated, if known. The report shall also estimate the amount of solid waste managed or disposed of by each of the following methods: (i) recycling; (ii) composting; (iii) landfilling; and (iv) incineration.

B. All permitted facilities that treat, store, or dispose of solid waste shall provide the Department not more than annually, upon request, with such information in their possession as is reasonably necessary to prepare the report required by this section. At the option of the facility owner, the data collected may include an accounting of the facility's economic benefits to the locality where the facility is located including the value of disposal and recycling facilities provided to the locality at no cost or reduced cost, direct employment associated with the facility, and other economic benefits resulting from the facility during the preceding calendar year. No facility shall be required pursuant to this section to provide information that is a trade secret as defined in § 59.1-336.

C. This section shall not apply to captive waste management facilities.

§ 10.1-1425.17. Evaluation report.

The Department shall submit an annual report to the Governor and the appropriate committees of the General Assembly. The report shall include an evaluation of its pollution prevention activities. The report shall be submitted by ~~December~~ November 1 of each year, ~~beginning in 1994 as part of the report required pursuant to § 10.1-1183.1.~~ The report shall include, to the extent available, information regarding progress in expanding pollution prevention activities in the Commonwealth.

§ 62.1-44.15:6. Permit fee regulations.

A. The Board shall promulgate regulations establishing a fee assessment and collection system to recover a portion of the State Water Control Board's, the Department of Wildlife Resources' and the Department of Conservation and Recreation's direct and indirect costs associated with the processing of an application to issue, reissue, amend, or modify any permit or certificate, which the Board has authority to issue under this chapter and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of this title, from the applicant for such permit or certificate for the purpose of more efficiently and expeditiously processing permits. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. The Board shall have no authority to charge such fees where the authority to issue such permits has been delegated to another agency that imposes permit fees.

B1. Permit fees charged an applicant for a Virginia Pollutant Discharge Elimination System permit or a Virginia Pollution Abatement permit shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions. However, notwithstanding any other provision of law, in no instance shall the Board charge a fee for a permit pertaining to a farming operation engaged in production for market or for a permit pertaining to maintenance dredging for federal navigation channels or other Corps of Engineers- ~~Engineers-sponsored~~ or Department of the Navy-sponsored dredging projects or for the regularly scheduled renewal of an individual permit for an existing facility. Fees shall be charged for a major modification or reissuance of a permit initiated by the permittee that occurs between permit issuance and the stated expiration date. No fees shall be charged for a modification or amendment made at the Board's initiative. In no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$24,000
Major Municipal	\$21,300
Minor Industrial with nonstandard limits	\$10,300
Minor Industrial with standard limits	\$6,600
Minor Municipal greater than 100,000 gallons per day	\$7,500
Minor Municipal 10,001-100,000 gallons per day	\$6,000
Minor Municipal 1,000-10,000 gallons per day	\$5,400
Minor Municipal less than 1,000 gallons per day	\$2,000
General-industrial stormwater management	\$500
General-stormwater management-phase I land clearing	\$500
General-stormwater management-phase II land clearing	\$300
General-other	\$600
2. Virginia Pollution Abatement	
Industrial/Wastewater 10 or more inches per year	\$15,000
Industrial/Wastewater less than 10 inches per year	\$10,500
Industrial/Sludge	\$7,500
Municipal/Wastewater	\$13,500
Municipal/Sludge	\$7,500
General Permit	\$600
Other	\$750

The fee for the major modification of a permit or certificate that occurs between the permit issuance and expiration dates shall be 50 percent of the maximum amount established by this subsection. No fees shall be charged for minor modifications or minor amendments to such permits. For the purpose of this

subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by the Board that are made to keep the permit current with routine changes to the facility or its operation that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

B2. Each permitted facility shall pay a permit maintenance fee to the Board by October 1 of each year, not to exceed the following amounts:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$4,800
Major Municipal greater than 10 million gallons per day	\$4,750
Major Municipal 2-10 million gallons per day	\$4,350
Major Municipal less than 2 million gallons per day	\$3,850
Minor Industrial with nonstandard limits	\$2,040
Minor Industrial with standard limits	\$1,320
Minor Industrial water treatment system	\$1,200
Minor Municipal greater than 100,000 gallons per day	\$1,500
Minor Municipal 10,001-100,000 gallons per day	\$1,200
Minor Municipal 1,000-10,000 gallons per day	\$1,080
Minor Municipal less than 1,000 gallons per day	\$400
2. Virginia Pollution Abatement	
Industrial/Wastewater 10 or more inches per year	\$3,000
Industrial/Wastewater less than 10 inches per year	\$2,100
Industrial/Sludge	\$3,000
Municipal/Wastewater	\$2,700
Municipal/Sludge	\$1,500

An additional permit maintenance fee of \$1,000 shall be collected from facilities in a toxics management program and an additional permit maintenance fee shall be collected from facilities that have more than five process wastewater discharge outfalls. Permit maintenance fees shall be collected annually and shall be remitted by October 1 of each year. For a local government or public service authority with permits for multiple facilities in a single jurisdiction, the permit maintenance fees for permits held as of April 1, 2004, shall not exceed \$20,000 per year. No permit maintenance fee shall be assessed for facilities operating under a general permit or for permits pertaining to a farming operation engaged in production for market.

B3. Permit application fees charged for Virginia Water Protection Permits, ground water withdrawal permits, and surface water withdrawal permits shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions and the size of the proposed impact. Only one permit fee shall be assessed for a water protection permit involving elements of more than one category of permit fees under this section. The fee shall be assessed based upon the primary purpose of the proposed activity. In no instance shall the Board charge a fee for a permit pertaining to maintenance dredging for federal navigation channels or other U.S. Army Corps of Engineers- or Department of the Navy-sponsored dredging projects, and in no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

Type of Permit	Maximum Amount
1. Virginia Water Protection	
Individual-wetland impacts	\$2,400 plus \$220 per 1/10 acre of impact over two acres, not to exceed \$60,000
Individual-minimum instream flow	\$25,000
Individual-reservoir	\$35,000
Individual-nonmetallic mineral mining	\$7,500
General-less than 1/10 acre impact	\$0
General-1/10 to 1/2 acre impact	\$600
General-greater than 1/2 to one acre impact	\$1,200
General-greater than one acre to two acres of impact	\$120 per 1/10 acre of impact
2. Ground Water Withdrawal	\$9,000
3. Surface Water Withdrawal	\$12,000

No fees shall be charged for minor modifications or minor amendments to such permits. For the purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by the Board that are made to keep the permit current with routine changes to the facility or its operation that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

C. When promulgating regulations establishing permit fees, the Board shall take into account the permit fees charged in neighboring states and the importance of not placing existing or prospective

433 industries in the Commonwealth at a competitive disadvantage.

434 D. ~~Beginning January 1, 1998, and January 1~~ *On or before November 1* of every even-numbered
435 year ~~thereafter~~, the ~~Board~~ *Department* shall make a report on the implementation of the water permit
436 program to the ~~Senate Committee on Agriculture, Conservation and Natural Resources, the Senate~~
437 ~~Committee on Finance and Appropriations, the House Committee on Appropriations, the House~~
438 ~~Committee on Agriculture, Chesapeake and Natural Resources and the House Committee on Finance~~
439 *Governor and the General Assembly as part of the report required pursuant to § 10.1-1183.1.* The
440 report shall include the following: (i) the total costs, both direct and indirect, including the costs of
441 overhead, water quality planning, water quality assessment, operations coordination, and surface water
442 and ground water investigations, (ii) the total fees collected by permit category, (iii) the amount of
443 general funds allocated to the Board, (iv) the amount of federal funds received, (v) the Board's use of
444 the fees, the general funds, and the federal funds, (vi) the number of permit applications received by
445 category, (vii) the number of permits issued by category, (viii) the progress in eliminating permit
446 backlogs, (ix) the timeliness of permit processing, and (x) the direct and indirect costs to neighboring
447 states of administering their water permit programs, including what activities each state categorizes as
448 direct and indirect costs, and the fees charged to the permit holders and applicants.

449 E. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund
450 appropriation to the Board.

451 F. Permit fee schedules shall apply to permit programs in existence on July 1, 1992, any additional
452 permits that may be required by the federal government and administered by the Board, or any new
453 permit required pursuant to any law of the Commonwealth.

454 G. The Board is authorized to promulgate regulations establishing a schedule of reduced permit fees
455 for facilities that have established a record of compliance with the terms and requirements of their
456 permits and shall establish criteria by regulation to provide for reductions in the annual fee amount
457 assessed for facilities accepted into the Department's programs to recognize excellent environmental
458 performance.

459 **§ 62.1-44.17:3. Toxic substances reduction in state waters; report required.**

460 A. The ~~Board~~ *Department* shall (i) conduct ongoing assessments of the amounts of toxics in
461 Virginia's waters and (ii) develop and implement a plan for the reduction of toxics in Virginia's waters.

462 B. The status of the ~~Board's~~ *Department's* efforts to reduce the level of toxic substances in state
463 waters shall be reported biennially, no later than ~~January 1~~ *November 1* in each odd-numbered year, to
464 the ~~House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on~~
465 ~~Agriculture, Conservation and Natural Resources~~ *Governor and the General Assembly as part of the*
466 *report required pursuant to § 10.1-1183.1.* The report shall include the following information:

467 1. Compliance data on permits that have limits for toxics;

468 2. The number of new permits or reissued permits that have toxic limits and the location of each
469 permitted facility;

470 3. The location and number of monitoring stations and the period of time that monitoring has
471 occurred at each location;

472 4. A summary of pollution prevention and pollution control activities for the reduction of toxics in
473 state waters;

474 5. The sampling results from the monitoring stations for the previous two years;

475 6. The ~~Board's~~ *Department's* plan for continued reduction of the discharge of toxics, which shall
476 include, but not be limited to, additional monitoring activities, a work plan for the pollution prevention
477 program, and any pilot projects established for the use of innovative technologies to reduce the
478 discharge of toxics;

479 7. The identification of any segments for which ~~the Board or the Director~~ of the Department of
480 Environmental Quality has made a decision to conduct additional evaluation or monitoring. Information
481 regarding these segments shall include, at a minimum, the geographic location of the stream segment
482 within a named county or city; and

483 8. The identification of any segments that are designated as toxic impaired waters as defined in
484 § 62.1-44.19:4 and any plans to address the impairment.

485 **§ 62.1-44.34:21. Administrative fees.**

486 A. The Board is authorized to collect from any applicant for approval of an oil discharge
487 contingency plan and from any operator seeking acceptance of evidence of financial responsibility fees
488 sufficient to meet, but not exceed, the costs of the Board related to implementation of § 62.1-44.34:15 as
489 to an applicant for approval of an oil discharge contingency plan and of § 62.1-44.34:16 as to an
490 operator seeking acceptance of evidence of financial responsibility. The Board shall establish by
491 regulation a schedule of fees that takes into account the nature and type of facility and the effect of any
492 prior professional certification or federal review or approval on the level of review required by the
493 Board. All such fees received by the Board shall be used exclusively to implement the provisions of this
494 article.

B. Fees charged an applicant should reflect the average time and complexity of processing approvals in each of the various categories.

C. When adopting regulations for fees, the Board shall take into account the fees charged in neighboring states, and the importance of not placing existing or prospective industries in the Commonwealth at a competitive disadvantage. Within six months of receipt of any federal moneys that would offset the costs of implementing this article, the Board shall review the amount of fees set by regulation to determine the amount of fees which should be refunded. Such refunds shall only be required if the fees plus the federal moneys received for the implementation of the program under this article as it applies to facilities exceed the actual cost to the Board of administering the program.

D. On ~~October 1, 1995~~ *or before November 1, 2025*, and every two years thereafter, the ~~Board~~ *Department* shall make an evaluation of the implementation of the fee programs and provide this evaluation in writing to the ~~Senate Committees on Agriculture, Conservation and Natural Resources, and on Finance and Appropriations; and the House Committees on Appropriations, Chesapeake and Its Tributaries, and Finance Governor and the General Assembly as part of the report required pursuant to § 10.1-1183.1.~~

§ 62.1-44.40. Governor and General Assembly to be advised; annual report.

The ~~Board~~ *Department* shall submit an annual report to the Governor and the General Assembly on or before ~~October~~ *November 1* of each year *as part of the report required pursuant to § 10.1-1183.1* on matters relating to the state's water resources policy and the status of the state's water resources, including ground water.

§ 62.1-69.35:2. Chairman's executive summary of activity and work of the advisory committee.

The chairman of the advisory committee shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the advisory committee no later than the first day of each regular session of the General Assembly. ~~The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website November 1 of each year as part of the Department of Environmental Quality's report required pursuant to § 10.1-1183.1.~~

§ 62.1-69.44. Annual report required.

The Commission shall submit an annual report, including any recommendations, to the Governor and the General Assembly of Virginia and the Governor and General Assembly of North Carolina *on or before November 1 of each year as part of the Department of Environmental Quality's report required pursuant to § 10.1-1183.1.*

§ 62.1-223.3. Wastewater infrastructure needs assessment.

The Department of Environmental Quality (the Department), in partnership with the Virginia Department of Health and in consultation with stakeholders, including representatives of the Department of Housing and Community Development, the Virginia Resources Authority, the U.S. Department of Agriculture Rural Development, the Virginia Onsite Wastewater Recycling Association, the Center for Coastal Resources Management at the Virginia Institute of Marine Science, the Virginia Association of Municipal Wastewater Agencies, the Virginia Rural Water Association, SERCAP, Inc., local governments, and conservation organizations, shall determine every four years an estimate of the amount of wastewater infrastructure funding that is (i) necessary to implement the policy of the Commonwealth articulated in § 62.1-223.1 and (ii) not eligible to be covered by grant funding pursuant to the Virginia Water Quality Improvement Act of 1997 (§ 10.1-2117 et seq.). The Department shall report such estimate to the Governor and the General Assembly no later than ~~July 1, 2023~~ *November 1, 2027*, and no later than ~~July~~ *November 1* every four years thereafter *as part of the report required pursuant to § 10.1-1183.1.*

§ 62.1-256.2. (Expires July 1, 2025) Eastern Virginia Groundwater Management Advisory Committee established; sunset.

A. The Department of Environmental Quality (the Department) shall establish the Eastern Virginia Groundwater Management Advisory Committee (the Committee) as an advisory committee to assist the State Water Commission and the Department in the management of groundwater in the Eastern Virginia Groundwater Management Area. Members of the Committee shall be appointed by the Director of the Department and shall be composed of nonlegislative citizen members consisting of representatives of industrial and municipal water users; representatives of public and private water providers; developers and representatives from the economic development community; representatives of agricultural, conservation, and environmental organizations; state and federal agency officials; and university faculty and citizens with expertise in water resources-related issues. The Department shall convene the Committee at least four times each fiscal year. Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.

556 B. During each meeting of the Committee, the Department shall (i) update the Committee on
557 activities pertaining to groundwater management in the Eastern Virginia Groundwater Management Area
558 and (ii) solicit members to present topics and analysis for examination at future meetings. The
559 Committee may develop specific statutory, budgetary, and regulatory recommendations, as necessary, to
560 enhance the effectiveness of groundwater management in the Eastern Virginia Groundwater Management
561 Area.

562 C. The Department shall annually report the results of the Committee's examinations and related
563 recommendations, and any responses from the Department, to ~~the State Water Commission~~, the
564 Governor, and the General Assembly no later than November 1 of each year *as part of the report*
565 *required pursuant to § 10.1-1183.1*.

566 D. The provisions of this section shall expire on July 1, 2025.

567 **2. That the provisions of this act shall become effective on January 1, 2025.**