

Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** SB1743

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Chase

3. **Committee:** Agriculture, Conservation and Natural Resources

4. **Title:** Coal ash management.

5. **Summary:** Prohibits the construction of any landfill or impoundment for the storage of coal combustion residuals located in the Chesapeake Bay watershed, defined in the bill as a CCR unit, beginning July 1, 2020, and requires the closure of all existing coal combustion residuals (CCR) units by 2023. The bill requires the owner of a CCR unit to meet detailed requirements and timelines regarding (i) the submission of closure plans to the Department of Environmental Quality (DEQ); (ii) the review and approval of such plans by DEQ, and the further approval of such plans by the Virginia Waste Management Board; (iii) the monitoring, assessment, and restoration of groundwater, including the submission and approval by DEQ of plans for assessment and corrective action, the implementation of a restoration plan, and the monitoring of wells; (iv) the identification, assessment, and correction of unpermitted discharges, including the submission and approval by DEQ of plans for discharge assessment and corrective action; (v) and the submission of quarterly reports to DEQ, reports to General Assembly members who have CCR units in their districts, and other reports. The bill authorizes the Board to establish a regulatory fee to pay the expenses of the Board and the Department in providing CCR oversight.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Indeterminate. See #8.

8. **Fiscal Implications:** The fiscal impact of this bill is indeterminate. However, it is anticipated that the bill will have an expenditure and revenue impact, as the bill requires DEQ and the Virginia Waste Management Board (the Board) to provide oversight of CCR units and provides for the establishment of a fee to cover the Board's and DEQ's costs.

This bill establishes detailed requirements and timelines for the closure of a CCR unit. The bill requires a CCR unit owner to develop and submit various plans and assessments to DEQ and the Board for review and approval, including a closure plan, groundwater assessment plan, and topographic map that identifies discharges from a CCR unit. The bill also establishes factors DEQ and the Board must consider in disapproving or approving such plans, and requires DEQ to provide for public participation on a closure plan, including

posting a copy of the closure plan on the department's website and holding a public meeting in the locality in which the site is located.

This bill requires each public utility with a CCR unit to pay a regulatory fee, to be established by the Board, to pay DEQ's and the Board's expenses incurred in providing oversight of coal combustion residuals.

9. Specific Agency or Political Subdivisions Affected: Virginia Waste Management Board, Department of Environmental Quality.

10. Technical Amendment Necessary: No.

11. Other Comments: None.