

2019 SESSION

SB 1355 Coal combustion residuals impoundment; closure of certain CCR units.

Introduced by: [Frank W. Wagner](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED SENATE: (all summaries)

Coal combustion residuals impoundment; closure. Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Bremono Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator shall offer to provide water testing for any such residence.

The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work (i) identify option for utilizing local workers, (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (iii) give priority to the hiring of local workers.

The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022 and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option; (ii) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law.

FULL TEXT

[01/08/19 Senate: Prefiled and ordered printed; offered 01/09/19 19103057D](#) pdf

[01/28/19 Senate: Committee substitute printed 19105979D-S1](#) pdf

[01/30/19 Senate: Committee substitute printed 19106258D-S2](#) pdf

[02/01/19 Senate: Floor substitute printed 19106346D-S3 \(Stuart\)](#) pdf

[02/04/19 Senate: Printed as engrossed 19106258D-ES2](#) pdf | [impact statement](#)

AMENDMENTS

Senate amendments**HISTORY**

01/08/19 Senate: Prefiled and ordered printed; offered 01/09/19 19103057D

01/08/19 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/17/19 Senate: Rereferred from Agriculture, Conservation and Natural Resources (11-Y 1-N)

01/17/19 Senate: Rereferred to Commerce and Labor

01/23/19 Senate: Assigned C&L sub: Coal Ash Subcommittee

01/28/19 Senate: Reported from Commerce and Labor with substitute (12-Y 0-N 1-A)

01/28/19 Senate: Committee substitute printed 19105979D-S1

01/28/19 Senate: Incorporates SB1009 (Chase)

01/28/19 Senate: Incorporates SB1534 (Surovell)

01/28/19 Senate: Rereferred to Finance

01/30/19 Senate: Reported from Finance with substitute (14-Y 0-N 2-A)

01/30/19 Senate: Committee substitute printed 19106258D-S2

01/30/19 Senate: Incorporates SB1533 (Surovell)

01/31/19 Senate: Constitutional reading dispensed (40-Y 0-N)

02/01/19 Senate: Floor substitute printed 19106346D-S3 (Stuart)

02/01/19 Senate: Read second time

02/01/19 Senate: Committee substitute rejected 19105979D-S1

02/01/19 Senate: Reading of substitute waived

02/01/19 Senate: Pending question ordered (24-Y 16-N)

02/01/19 Senate: Committee substitute agreed to 19106258D-S2 (28-Y 12-N)

02/01/19 Senate: Substitute by Senator Stuart ruled out of order 19106346D-S3

02/01/19 Senate: Reading of amendments waived

02/01/19 Senate: Amendments by Senator Wagner agreed to

02/01/19 Senate: Passed by for the day

02/04/19 Senate: Reading of amendment waived

02/04/19 Senate: Amendment by Senator Chase agreed to

02/04/19 Senate: Title replaced 19106258D-S2

02/04/19 Senate: Engrossed by Senate - committee substitute with amendments SB1355ES2

02/04/19 Senate: Printed as engrossed 19106258D-ES2

02/04/19 Senate: Constitutional reading dispensed (40-Y 0-N)

02/04/19 Senate: Passed by for the day

02/05/19 Senate: Read third time and passed Senate (38-Y 2-N)

02/05/19 Senate: Reconsideration of passage agreed to by Senate (40-Y 0-N)

02/05/19 Senate: Passed Senate (37-Y 2-N 1-A)

02/08/19 House: Placed on Calendar

02/08/19 House: Read first time

02/08/19 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

02/13/19 House: Reported from Agriculture, Chesapeake and Natural Resources (22-Y 0-N)

02/14/19 House: Read second time

02/15/19 House: Read third time
