



VIRGINIA LEAGUE OF CONSERVATION VOTERS

SUPPORT: SB765 (Surovell) Coal ash ponds; mandatory testing of drinking water wells.

What SB765 does:

- Requires the owner or operator of any coal ash pond in the Chesapeake Bay watershed that is closed by capping in place to complete a survey of all drinking water wells within one mile of the pond.
- The bill requires the utility to commission an independent well water test on behalf of the owner of each such well by 2019 and requires such a test once per year during each of the five years following the approval of the closure of the coal ash pond, and once every five years thereafter.
- The bill provides that if any test exceeds groundwater quality standards for constituents associated with coal ash, the Board shall instruct the utility to provide alternate water supplies to the owner of the well.
- It also requires the DEQ permitting, monitoring, or enforcement proceedings.

Reasons to support SB 765:

- There are unlined ponds with millions of cubic yards of coal ash waste that could remain near waterways. It should be a priority to protect drinking water and testing will help do that.
 - Past findings have shown elevated levels of toxins in nearby groundwater; in some cases, over 30 times the health standard.
- This bill protects drinking water and monitors groundwater quality standards.

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SUPPORT: SB766 (Surovell) Citizen water quality monitoring; use as evidence in enforcement actions.

What SB766 does:

- Authorizes the DEQ to use certain results of citizen water quality testing as evidence in enforcement actions. Such evidence is currently prohibited.
- The bill also directs the DEQ to consider in some cases data collected by a citizen groups.

Reasons to support SB 766:

- Waterkeepers have found evidence of contamination at several sites and it would be helpful for the DEQ to have the authority to consider it when permitting.

SUPPORT: SB767 (Surovell) Coal ash ponds; flaws in closure plans; delay of permit.

What SB767 does:

- Authorizes the DEQ to delay the issuance of a permit for the closure of a coal ash pond if the DEQ determines that the closure plan shows any insufficiency or flaw, including a failure to account for the possibility of leakage.
- The bill authorizes the Director to mandate corrective actions, clean closure, or recycling and decline to issue the permit until such actions are complied with.

Reasons to support SB767:

- In 2014, the Dan River Plant's inactive pond spilled nearly 40,000 tons of coal ash into the surrounding waterways
 - The spill's effects traveled up to 75 miles from the pond and caused severe economic and environmental damage.
- This bill gives the DEQ the authority to slow the permitting process and require more stringent closure standards if needed.

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VIRGINIA LEAGUE OF CONSERVATION VOTERS

SUPPORT: SB768 (Surovell) Electric utilities; recovery of costs associated with closure in place of coal ash facilities.

What SB768 does:

- Directs that in a biennial review of an investor-owned electric utility by the State Corporation Commission, any costs incurred by an investor-owned electric utility that are associated with closure in place of a coal combustion residuals landfill or surface impoundment are unreasonable and not prudent.
- Therefore, it prohibits utilities from recovering costs of cap-in-place.

Reasons to support SB768:

- Ratepayers should not experience rate increases due to the closure of ponds which have proven to be harmful to human health and the environment.
- The safest closure options are in the public's best interest and will save costs down the road. Incentivizing the highest closure standards will protect public health and drinking water.

SUPPORT: SB807 (Surovell) Electric utilities; rate adjustment clause costs of coal ash beneficiation facility.

What SB807 does:

- Allows for utilities to recover costs for constructing a coal ash recycling facility.
- The recoverable costs must be the reasonable and prudently incurred costs of constructing coal ash beneficiation facilities capable of processing coal ash to specifications appropriate for cementitious products.
- The measure provides that a utility that constructs such a facility shall have the right to recover the costs of no more than three such facilities.
- This bill covers construction costs up to \$60 million.
- The construction of any such facility is declared to be in the public interest and the Commission is directed to liberally construe its provisions.

Reasons to support SB807:

- Incentivizing responsible coal ash recycling and reuse would help remove the coal ash waste from sites near waterways.
- Coal ash waste shouldn't sit in outdated ponds near waterways when there are economically feasible options to use it and create economic growth.

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