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SENATE BILL NO. 354

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 2 and 4 of Chapter 634 of the Acts of Assembly of 2020, relating to James River watershed; timeline for compliance with regulations of certain combined sewer overflow outfalls.*

Patrons—Stuart and Morrissey

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 2 and 4 of Chapter 634 of the Acts of Assembly are amended and reenacted as follows:

§ 2. Any such owner or operator of a CSO system shall:

A. By July 1, 2022, initiate construction and related activities pursuant to the interim plan required in subsection A of § 1;

B. By July 1, ~~2025~~ 2024, initiate construction and related activities pursuant to the final plan required in subsection B of § 1;

C. By July 1, ~~2027~~ 2026, complete construction and related activities pursuant to the interim plan required in subsection A of § 1;

D. By July 1, ~~2030~~ 2028, identify any additional action that is applicable to the owner or operator of a CSO system and is necessary to meet, by ~~2036~~ 2030, the requirements of the total maximum daily load (TMDL) for bacterial impairments of the James River and its tributaries in the Richmond area, as described in the implementation plan for such TMDL issued by the Department in 2011; and

E. By July 1, ~~2035~~ 2030, complete construction and related activities pursuant to the final plan required in subsection B of § 1.

§ 4 The Governor shall take into account the reports required in § 3 during the preparation of the biennial budget bill and subsequent amendments thereto. The General Assembly may take such reports into account in enacting the general appropriation act and may evaluate the feasibility of the deadlines in § 2 on a biennial basis beginning in 2022 and modify such deadlines as necessary, taking into account any potential adverse effects on (i) the owner's or operator's bond rating; (ii) the utility rates, fees, or charges assessed by the owner or operator; (iii) any environmental justice community, or owner's or operator's customers living below the federal poverty level; or (iv) any other relevant aspect of the owner's or operator's operations. No sooner than July 1, ~~2025~~ 2024, and no more frequently than every two years thereafter, the owner or operator may petition the Board for, and the Board may grant, an extension to one or more of the deadlines in § 2 if the Board determines that (a) the General Assembly has not extended such deadline and (b) funding sufficient to meet such deadline has not been secured and the owner or operator has exhausted all reasonable options for securing such funding.

INTRODUCED

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