

A Few Water-related Bills of Interest in the 2024 Virginia General Assembly

As of March 11, 2024

Following is information on a some potentially significant water-related bills that were considered in the 2024 Virginia General Assembly. The left-hand column gives the bill numbers, hyperlinked to their respective entry at the Virginia Legislative Information System (LIS; the starting page for LIS bill information is <https://lis.virginia.gov/cgi-bin/legp604.exe?241+men+BIL>). The middle column gives the bill titles (in bold type) and short summary (in regular type). The right-hand column gives the legislative status (passed, failed, or carried over to 2025). The headings are according to categories used by LIS. All information on the bills was taken from LIS on March 11, 2024 (after the conclusion of the regular General Assembly session, but prior to any action by Virginia’s governor on passed bills).

Abbreviations used in the list:

House ACNR = House of Delegates Agriculture, Chesapeake, and Natural Resources Committee.

Senate ANCR = Senate Agriculture, Conservation, and Natural Resources Committee.

DEQ = Virginia Department of Environmental Quality.

PFAS = As defined in HB 1085 (one of the bills included in the list below), “PFAS means per- and polyfluoroalkyl substances.... PFAS includes HFPO-DA, PFBS, PFHxS, PFNA, PFOA, and PFOS.”

PFOA = perfluorooctanoic acid.

PFOS = perfluorooctane sulfonate.

VDH = Virginia Department of Health.

CONSERVATION

SB 446	Board of Environmental Resources; created and consolidating Air Pollution Control Board, State Water Control Board, and Waste Management Board. Would consolidate the State Air Pollution Control Board, State Water Control Board, and Virginia Waste Management Board and transfer the duties of such boards into a new Board of Environmental Resources.	Continued to 2025 in Senate ACNR.
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STUDY COMMISSIONS, COMMITTEES, AND REPORTS

HJ 55	Recurrent flooding; joint subcommittee to continue study for two more years. Would have continued the Joint Subcommittee on Recurrent Flooding for two additional years, through the 2025 interim.	Failed in House Rules Committee.
SB 729	Virginia Clean Energy Innovation Bank to be created; annual report. Creates the Virginia Clean Energy Innovation Bank to finance clean energy projects, greenhouse gas emissions reduction projects, and other qualified projects through the strategic deployment of public funds in the form of grants, loans, credit enhancements, and other financing mechanisms.	Passed Senate and House.
SJ 25	Groundwater supply in the Commonwealth; DEQ to study. Requests that the Department of Environmental Quality complete a one-year study of the groundwater supply in the Commonwealth east of Interstate 95. [The bill as introduced had called for a <i>statewide</i> study of groundwater.]	Passed Senate and House.

WATER AND SEWER SYSTEMS

<p>HB 1295</p>	<p>Drinking water maximum contaminant levels; Rural Water Supply Program and Fund established. Would direct the State Board of Health to adopt regulations to utilize point-of-use or point-of-entry drinking water treatment or filtration systems that are certified by a third-party certification body as compliant with National Sanitation Foundation and American National Standards Institute standards to remove or significantly reduce concentrations of PFOA, PFOS, and other established and emerging contaminants of concern that meet or exceed the maximum contaminant limit (MCL) or health advisory for the same contaminant adopted by the U.S. Environmental Protection Agency, or in the absence of a U.S. Environmental Protection Agency advisory, a contaminant level determined by the Department of Health. The bill would also establish the Rural Water Supply Program and Fund to allow the Department of Health's Office of Drinking Water to test and treat contaminated drinking water for individuals on private wells and small rural public water systems.</p>	<p>Continued to 2025 in House Health and Human Services Committee.</p>
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WATERS OF THE STATE, PORTS AND HARBORS

<p>HB 357</p>	<p>Tidal and nontidal wetlands; DEQ to establish work group to develop strategies to protect, report. Would direct the Department of Environmental Quality to establish a work group to develop strategies for protecting the existing tidal and nontidal wetlands of the Commonwealth and plans for wetland restoration and creation to address losses and adverse impacts from human activities and climate change.</p>	<p>Continued to 2025 in House Rules Committee.</p>
<p>HB 870</p>	<p>Sewage sludge regulations; relief from administrative requirements during adverse and unusual weather. Requires the State Water Control Board, with the assistance of the Department of Conservation and Recreation and the Department of Health, to adopt regulations that include procedures for addressing various requirements (administrative, staging, signage, and additional on-site and alternative storage site requirements) when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage sludge into state waters, and to account for increased intensity, frequency, and duration of storm events.</p>	<p>Passed House and Senate.</p>
<p>HB 1085</p>	<p>PFAS contaminants; identification, monitoring, and Expert Advisory Committee establishment. [Companion bill is SB 243, which also passed.] Requires, for every public water system, the Department of Health (VDH) to transfer quarterly to the Department of Environmental Quality (DEQ) all validated monitoring results available to VDH that indicate exceedances of PFAS maximum containment levels (as defined in the bill). In such circumstances, the bill provides that the DEQ is required to develop and implement a plan to prioritize and conduct PFAS</p>	<p>Passed House and Senate.</p>

	assessments for identifying significant sources of PFAS in such public water system's raw water source or sources. The bill requires any facility, if deemed by the DEQ to be a potentially significant source of PFAS in the public water system's raw water source, (i) to perform and promptly report the results of quarterly discharge monitoring for one year and (ii) to report to the DEQ, within 90 days after being directed by the DEQ, its manufacture or use of PFAS. The bill establishes a PFAS Expert Advisory Committee.	
HB 1472	Water certificates or permits; requiring any permitted activities to be in compliance with water quality standards. Would have required the State Water Control Board to ensure that all activities allowed under any water certificate or permit are in compliance with the water quality standards promulgated by the Board.	Failed in House ACNR.

BILLS FROM MISCELLANEOUS CATEGORIES

HB 338	Siting of data centers; allows localities, before approving data center siting, to perform site assessments on water usage and carbon emissions. [Closely related bill is SB 285, below.] Would <i>allow</i> any locality, prior to any approval for the siting of a data center, to perform a site assessment to examine the effect of the data center on water usage and carbon emissions within the locality.	Passed House; continued to 2025 in Senate General Laws and Technology Committee.
SB 285	Siting of data centers; requires localities, before approving data center siting, to perform site assessments on water usage, electricity usage, carbon emissions, and impacts on agricultural, historic, and cultural resources. [Closely related bill is HB 338, above.] Would <i>require</i> any locality, prior to any approval for the siting of a data center, to require disclosure of water and power usage at full build-out, and to perform a site assessment to examine the effect of the data center on water usage, the regional electric grid, and carbon emissions as well as any impacts on agricultural, historic, and cultural resources within the locality.	Continued to 2025 in Senate General Laws and Technology Committee.