

1 HOUSE BILL NO. 952  
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
3 (Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources  
4 on \_\_\_\_\_)  
5 (Patron Prior to Substitute—Delegate Lopez)

6 *A BILL to require the Department of Environmental Quality to prioritize enforcement actions relating to*  
7 *certain industrial stormwater permittees under the Chesapeake Bay Watershed Nutrient Exchange*  
8 *Program; work group; report.*

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. § 1.** *That for the purposes of industrial stormwater general permit nutrient reduction compliance for*  
11 *calendar years 2025 and 2026 pursuant to subsection D of § 62.1-44.19:21 of the Code of Virginia, the term*  
12 *"nutrient credit" shall include nutrient credits generated by point sources in accordance with the*  
13 *requirements of Article 4.02 (§ 62.1-44.19:12 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia;*  
14 *however, the permittee may use point source credits for compliance purposes only if such credits (i) are*  
15 *generated and applied for purposes of compliance for the same calendar year; (ii) are acquired no later*  
16 *than September 1, 2026, for calendar year 2025 or June 1, 2027, for calendar year 2026; (iii) are generated*  
17 *in the same locality or tributary, except that permittees in the Eastern Coastal Basin may also acquire*  
18 *credits from the Potomac and Rappahannock tributaries; (iv) are either point source nitrogen or point*  
19 *source phosphorus credits generated by point sources covered by the general permit issued pursuant to*  
20 *§ 62.1-44.19:14 of the Code of Virginia; and (v) the permittee reports evidence of having obtained the*  
21 *credits to the Department of Environmental Quality within 30 days of the deadlines specified in clause (ii).*  
22 *The Department of Environmental Quality shall (a) prioritize timely and appropriate enforcement actions in*  
23 *the case of any industrial stormwater permittee that fails to comply for calendar years 2025 and 2026 by*  
24 *achieving sufficient onsite nutrient reductions or acquiring sufficient point or nonpoint source nutrient*  
25 *credits and (b) convene a work group to evaluate and recommend conditions and requirements to most*  
26 *effectively address industrial stormwater general permit nutrient reduction compliance in future calendar*  
27 *years and submit a report summarizing such evaluation and recommendations to the Chairs of the House*  
28 *Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture,*  
29 *Conservation and Natural Resources no later than November 1, 2026.*