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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to require the Department of Environmental Quality to prioritize enforcement actions relating to certain industrial stormwater permittees under the Chesapeake Bay Watershed Nutrient Exchange Program; work group; report.

[H 952]

Approved

Be it enacted by the General Assembly of Virginia:

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