

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 1039

An Act to require legislative approval of any proposed interstate agreement related to the transport of ozone and to require certain studies of the economic, employment, and competitive impacts of such a proposed agreement.

[H 1512]

Approved April 17, 1996

Whereas, the Clean Air Act Amendments of 1990 contain a comprehensive regulatory scheme for the control of emissions from mobile and stationary sources which will improve ambient air quality and health and welfare in all parts of the nation; and

Whereas, the number of areas failing to meet national ambient air quality standards for ozone has been declining steadily and will continue to decline with implementation of the Clean Air Act Amendments of 1990; and

Whereas, scientific research on the transport of ozone across state boundaries is proceeding under the auspices of the United States Environmental Protection Agency (EPA), state agencies and private entities, and this research will lead to improved scientific understanding of the causes and nature of ozone transport and emission control strategies potentially applicable thereto; and

Whereas, the Ozone Transport Commission established by the Clean Air Act Amendments of 1990 has proposed emission control requirements for stationary and mobile sources in certain northeastern states and the District of Columbia exceeding those mandated by federal law; and

Whereas, the Commonwealth of Virginia and other parties have challenged the constitutionality of The Ozone Transport Commission and its regulatory proposals under the Guarantee, Compact, and Joinder Clauses of the United States Constitution; and

Whereas, the United States EPA, acting under color of federal law, is encouraging states east of and bordering the Mississippi River and Texas to develop and to enter into an interstate agreement on ozone transport requiring reductions in emissions of nitrogen oxides exceeding the requirements of the Clean Air Act Amendments of 1990; and

Whereas, before such an interstate agreement is entered into, the environmental benefits of such additional emission control requirements should be thoroughly weighed against any adverse effects such controls might have on state economic development, competitiveness, employment, or income; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *Neither the Department of Environmental Quality nor any other agency of the Commonwealth shall, without the prior review and approval by resolution or other act of the General Assembly, enter into any interstate agreement related to the transport of ozone, if such agreement contains emission control requirements exceeding those required by applicable law.*

§ 2. *To assist the review and approval required by § 1, the Virginia Economic Development Partnership and the Department of Environmental Quality shall conduct a study of the impacts of any such proposed interstate ozone transport agreement on the Commonwealth's economy, including, but not limited to, impacts on economic development, employment, income, and industrial competitiveness and shall assess the alternative methods of achieving air quality standards. The State Corporation Commission and other agencies shall assist in the preparation of the study upon request. The study shall be submitted to the Chairmen of the House Committee on Conservation and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources not less than ten days prior to any scheduled hearing or other consideration of a proposed interstate agreement related to the transport of ozone.*