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SENATE BILL NO. 1075

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 26, 2020)

(Patron Prior to Substitute—Senator McClellan)

A BILL to amend and reenact § 10.1-1307.01 of the Code of Virginia, relating to Department of Environmental Quality; public comment.

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1307.01 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1307.01. Further duties of Board; localities particularly affected.

After June 30, 1994, before A. Before promulgating any regulation under consideration, granting any variance to an existing regulation, or issuing any permit for the construction of a new major source or for a major modification to an existing source, if the Board finds that there are localities is a locality particularly affected by the regulation, variance, or permit, the Board shall:

1. Publish, or require the applicant to publish, a notice in a local paper of general circulation in the localities locality affected at least thirty 30 days prior to the close of any public comment period. Such notice shall contain a statement of the estimated local impact of the proposed action, which at a minimum shall provide information regarding specific pollutants and the total quantity of each which that may be emitted and shall list the type and quantity of any fuels to be used.

2. Mail the notice to the chief elected official and chief administrative officer and the planning district commission for those localities such locality.

Written comments shall be accepted by the Board for at least fifteen 15 days after any hearing on the regulation, variance, or permit, unless the Board votes to shorten the period.

For the purposes of this section, the term "locality particularly affected" means any locality which that bears any identified disproportionate material air quality impact which that would not be experienced by other localities.

B. After June 30, 2020, before promulgating any regulation under consideration, granting any variance to an existing regulation, or issuing any permit for a fossil fuel-fired generating facility with a capacity of 500 megawatts or more or for a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, if the Board finds that there is a locality particularly affected by such regulation, variance, or permit, the Board shall:

1. Publish, or require the applicant to publish, a notice on a Department social media account, on at least one additional social media account, and in at least one local paper of general circulation in any locality particularly affected at least 60 days prior to the close of any public comment period. Such notice shall (i) contain a statement of the estimated local impact of the proposed action; (ii) provide information regarding specific pollutants and the total quantity of each that may be emitted; (iii) list the type, quantity, and source of any fuel to be used; (iv) advise the public how to request public hearings; and (v) advise the public where to obtain information regarding the proposed action.

2. Require the applicant to mail the notice to the chief elected official, chief administrative officer, and planning district commission for each locality particularly affected and to all public libraries located within five miles of the facility.

Written comments shall be accepted by the Board for at least 30 days after any hearing on such regulation, variance, or permit, unless the Board votes to shorten the period.