

## 2021 SESSION

### HOUSE SUBSTITUTE

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#### HOUSE BILL NO. 705

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources  
on February 5, 2020)

(Patron Prior to Substitute—Delegate Keam)

A *BILL to direct the Department of Environmental Quality to review the authority of environmental boards.*

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

1. § 1. *That the Virginia Department of Environmental Quality (the Department) shall, in consultation with the Office of the Attorney General, review the authority and processes utilized by the State Air Pollution Control Board, the Virginia Waste Management Board, and the State Water Control Board (the environmental boards) in issuing, reissuing, amending, or modifying permits and shall review (i) the timeframe and requirements regarding public comment in relation to the environmental boards; (ii) the efficiency of the Commonwealth's permitting processes; (iii) the demands the environmental boards place on the staff of the Department; (iv) the average time required for issuing, reissuing, amending, or modifying permits, from the time a permit is first noticed; (v) the predictability and consistency of the permitting process; (vi) the nature and relationship of the environmental boards with local governments in the permitting process; (vii) how other states, particularly those states that participate in the Regional Greenhouse Gas Initiative (RGGI), handle the permitting process and if those states utilize citizen boards for such purpose; (viii) the functions of citizen boards in states that participate in RGGI; (ix) the authority citizen boards have in states that participate in RGGI; (x) for a state, if any, that participates in RGGI but does not have a citizen board, who makes decisions for an individual permit; (xi) the process such states use for appeal of a permit decision and how such process is funded; and (xii) any other issues deemed relevant or appropriate by the Department in consultation with the Office of the Attorney General. The Department, in consultation with the Office of the Attorney General, shall report to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2020, with the results of the review and the Department's recommendations.*

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