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HOUSE BILL NO. 1261

House Amendments in [] — February 14, 2022

A BILL to amend and reenact §§ 10.1-1301, 10.1-1401, and 62.1-448 of the Code of Virginia, relating to state environmental boards.

Patron Prior to Engrossment—Delegate Bloxom

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1301, 10.1-1401, and 62.1-448 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1301. State Air Pollution Control Board; membership; terms; vacancies.

The State Air Pollution Control Board shall be composed of seven members appointed as follows: two members appointed by the Governor for four-year terms; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and three members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. Members shall be appointed for terms of four years. Vacancies other than by expiration of term shall be filled by the Governor appointing authority by appointment for the unexpired term.

§ 10.1-1401. Virginia Waste Management Board continued.

A. The Virginia Waste Management Board shall consist of seven Virginia residents appointed as follows: two members appointed by the Governor for terms of four years; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and three members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. Members shall be appointed for terms of four years. The members of the Board shall be citizens of the Commonwealth and shall be selected from the Commonwealth at large on the basis of merit without regard to political affiliation. Members shall, by their education, training, or experience, be knowledgeable of waste management and shall be fairly representative of agriculture, conservation, industry, and public health. Vacancies occurring other than by expiration of a term shall be filled by the Governor appointing authority for the unexpired portion of the term.

B. The Board shall adopt rules and procedures for the conduct of its business.

C. The Board shall elect a chairman from among its members.

D. A quorum shall consist of four members. The decision of a majority of those present and voting shall constitute a decision of the Board; however, a vote of the majority of the Board membership is required to constitute a final decision on certification of site approval. Meetings may be held at any time or place determined by the Board or upon call of the chairman or upon written request of any two members. All members shall be notified of the time and place of any meeting at least five days in advance of the meeting.

§ 62.1-44.8. Number, appointment and terms of members.

The Board shall consist of seven members appointed as follows: two members appointed by the Governor subject to confirmation by the General Assembly; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and three members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. Members shall be appointed for the terms of four years each. Vacancies other than by expiration of a term shall be filled by the Governor appointing authority by appointment for the unexpired term.

2. That [the authority of the State Air Pollution Control Board, the Virginia Waste Management Board, and the State Water Control Board shall not include the authority to issue any environmental permit, or abridge or deny any environmental permit issued by the Department of Environmental Quality. , notwithstanding any other provision of law, the authority of the State Air Pollution Control Board and the State Water Control Board shall be limited to the promulgation of regulations, including general permit regulations, and shall not include the authority to issue, reissue, amend, or deny any environmental permit. The authority to issue, reissue, amend, or deny any environmental permit shall rest solely with the Director of the Department of Environmental Quality, subject to regulations adopted by the boards. For the purposes of this act, "environmental permit" includes any permit, certificate, or approval pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 of the Code of Virginia and Chapters 3.1

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60 (§ 62.1-44.2 et seq.), 24 (§ 62.1-242 et seq.), and 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of
61 Virginia and any recodifications thereof.
62 3. That any permits or orders issued by the Air Pollution Control Board or the State Water
63 Control Board prior to the effective date of this act shall continue in full force and are enforceable
64 by the Department of Environmental Quality.]