



SIERRA CLUB

VIRGINIA CHAPTER

2019 ISSUE BRIEF

CLIMATE, ENERGY, AND THE ENVIRONMENT

EXECUTIVE SUMMARY

The actions supported by the Sierra Club Virginia Chapter in 2019 will lead the Commonwealth of Virginia to a more prosperous and healthier environment in the future. Many proposed actions expand prior efforts while some are truly transformative; all will enable the Commonwealth to meet the many challenges we see at the state level today and tomorrow.

This Executive Summary summarizes six distinct sections of the Issue Brief and presents a forceful case for how Virginia can act on the urgent climate change crisis.

The **Climate Change** section articulates a number of key actions, including (i) supporting a state climate plan and a target of reducing carbon pollution by 40% by 2030, and (ii) promoting legislation and funding to increase Virginia's resiliency programs to adapt to our changing climate. One vital step to address carbon pollution from the power sector is finalizing Virginia's participation in a regional carbon trading program and linking with the Regional Greenhouse Gas Initiative (RGGI). Pollution from the transportation sector exceed those of the power industry; recommendations include creating an electric vehicle charging infrastructure, promoting zero emission vehicles, and adopting the California Air Resource Board standards for fuel efficiency.

The **Energy Efficiency and Clean Renewable Energy** section highlights the financial and environmental benefits to the Commonwealth's citizens of energy efficiency measures and renewable energy technologies. Requiring mandatory Energy Efficiency Resource Standards for utilities and directing the State Corporation Commission (SCC) to (i) prioritize energy efficiency investments/ services over more costly generation and transmission, and (ii) include all non-energy benefits in cost-effectiveness test calculations, will spur much-needed and long-overdue efficiency progress. Crucial measures in the

renewables sector include setting mandatory utility procurement goals for solar and wind, removing restrictions on power purchase agreements, eliminating “standby” charges on rooftop solar, and supporting customer-owned community solar projects and fair net metering for all. Virginia must also adopt a mandatory renewable portfolio standard and develop off-shore and land-based wind resources.

The **Electric Utility Reform** section focuses on eliminating perverse incentives that serve utility interests over their customers’ and addressing utilities’ excessive influence on the legislature.

In the **Dirty Energy** section, subsections on Fracking, Fracked-Gas Pipelines, and Off-Shore Drilling detail key actions that are needed to mitigate the adverse consequences of these polluting projects, and help put dirty energy in the rear view mirror. Proposed steps will protect Virginia’s air, water, land and citizen health: (i) supporting a state-wide ban on fracking, (ii) opposing any legislation that weakens existing Department of Mines, Minerals and Energy (DMME) fracking regulations, (iii) opposing the construction of the Mountain Valley and Atlantic Coast fracked-gas pipelines, (iv) repealing the law allowing natural gas companies to exercise eminent domain, and (v) strengthening protection policies for Virginia coastal property.

The **Environmental Justice** section focuses on actions that strongly address inequity because all people and communities are entitled to clean water, clean air, and healthy places to live, work, and play. Supporting (i) policy recommendations to the Executive Branch from Virginia’s Advisory Council on Environmental Justice, and (ii) legislation to address any disproportionate environmental impact that changes in energy and climate policy have on communities.

The final section, **Other Issues**, examines two issues that are not often associated with clean energy, climate or environmental agendas. However, it is clear that redistricting and campaign finance laws have held back environmental gains in the Commonwealth for many years. “Partisan redistricting” has taken decision-making out of the hands of voters and resulted in the extreme partisanship and gridlock that has prevented real progress on issues including renewable energy, land use and climate change. Passing in 2020 the redistricting reform resolution produced by this year’s General Assembly will move the measure to an amendment on the 2020 ballot, promising long-term benefits to our environment and democracy. The largest corporate donor to both the Democratic and Republican party is Dominion Energy, which consequently has had an undue influence over energy policy in Virginia. Enacting legislation that prohibits campaign contributions from public service corporations or their affiliates (like Dominion Energy and Appalachian Power) is a critical goal.

SIERRA CLUB VIRGINIA CHAPTER 2019 ISSUE BRIEF

CLIMATE, ENERGY, AND THE ENVIRONMENT

This brief will provide Virginia's leaders with information on environmental issues prioritized by the Sierra Club Virginia Chapter. We encourage all leaders to take positions consistent with the policy recommendations outlined in this brief. The health of Virginians, our economy, and the welfare of future generations will be governed by the actions we take today.

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I. Climate Change

Dramatic changes in the global climate are resulting from greenhouse gas (GHG) pollution, which is primarily created by burning fossil fuels in power plants and vehicles. The Commonwealth is already feeling the tremendous effects of climate change along our coastline and in the increasing severity of weather events affecting our infrastructure, agriculture, public health and pocketbooks. In the face of this growing threat, Virginians have an urgent need for strong leadership and enforceable GHG reductions.

Residents of coastal neighborhoods are seeing their streets and homes flood more and more often. Hampton Roads already has the highest rate of sea-level rise on the East Coast, and within the U.S., this region is second only to New Orleans in terms of population at risk.¹ The rising of ocean waters due to climate change combined with the area's sinking land is expected to cause as much as 7.5 feet of sea level rise by century's end, according to the Virginia Institute of Marine Sciences. This consequence of climate change threatens commercial and residential areas as well as national security infrastructure, including the NAS Oceana Dam Neck Annex in Virginia Beach and Joint Base Langley-Eustis in Hampton/Newport News.² Flooding already disrupts military readiness at the Norfolk Naval Station, the world's largest naval station with the largest concentration of U.S. Navy forces.³ Along the coast and tidal rivers, sea-level rise and increasingly intense and frequent severe storms create budget challenges for local governments that maintain and repair the infrastructure used by residents, businesses and the military.

¹ "Hampton Roads' sea level rise adaptation advances on multiple fronts." National Oceanic and Atmospheric Administration Office for Coastal Management. 2016.

<https://coast.noaa.gov/states/stories/sea-level-riseadaptation-advances-on-multiple-fronts.html>

² "The US Military on the Front Lines of Rising Seas." Union of Concerned Scientists. 2016.

<https://www.ucsusa.org/global-warming/science-and-impacts/impacts/sea-level-rise-flooding-us-military-bases>

³ https://www.cnic.navy.mil/regions/cnrma/installations/ns_norfolk.html

Action Opportunities:

1. Support the adoption of a state climate action plan that achieves a net carbon pollution reduction of at least 40 percent by 2030. This goal is a first step toward avoiding the worst consequences of climate change.
2. Support legislation and funding to increase our resiliency programs needed to adapt to the changing climate, including sea level rise.
3. Enact legislation and policies to assess and minimize climate impacts on public infrastructure.

A. Carbon Pollution from Power Plants

The Trump Administration's rollback of federal climate protections, including the Clean Power Plan, make state actions to reduce greenhouse gas emissions even more urgent. The legislature's failure to take action on climate change has prompted Governor Ralph Northam to direct the Virginia Department of Environmental Quality (DEQ) to draft proposed rules to reduce carbon pollution from power plants. Under the resulting Carbon Budget Trading Program, the Commonwealth will implement a market-based approach to controlling pollution from large power plants. Virginia power plant owners can trade carbon "allowances" with power plants in other states that participate in the Regional Greenhouse Gas Initiative (RGGI), a collaborative of nine northeastern states working together to reduce carbon pollution. RGGI has a proven track record of cutting carbon pollution, while improving public health and economies in participating states.

***Side Note:** Dominion Energy claims to be achieving major reductions in "carbon intensity." This is a useful measure of power plant efficiency. However, addressing climate change requires reductions in total carbon emissions. In recent years, Dominion's total carbon emissions have remained steady or actually increased, exacerbating climate change.*

Action Opportunities:

4. Support the Carbon Budget Trading Program to reduce carbon pollution from electric power plants by linking to a regional carbon-reduction market.
5. Support legislation formally linking Virginia to the RGGI market.

B. Carbon Pollution from the Transportation Sector

Transportation fuels are Virginia's largest source of carbon pollution. Good policies for development, public transit, state vehicle fleet composition requirements and vehicle emission standards all reduce the impact of transportation on climate change.

Local governments can prioritize funding to projects that create local street connections, additional Metro entrances, new bus and rapid transit service, and improved bicycle/pedestrian connections to Metro and other transit services.

Virginia is a beneficiary in the Volkswagen Diesel Emission Mitigation Settlement, receiving \$98 million. The maximum portion (15% or \$14 million) of the settlement was awarded to EVgo to create a public charging network to complement existing charging infrastructure. An additional 15% was opened for grants through the Department of Rail and Public Transportation for electric transit buses. An Electrification Action Plan should be developed for the remaining \$70 million from the Settlement and revenue that will be raised from the Transportation and Climate Initiative should be invested in electrification.

Virginia currently abides by federally-established fuel economy, greenhouse gas and exhaust emissions limits. With the rollback of the Clean Power Plan and clean cars standards by the EPA, Virginia should adopt the emissions standards set by the California Air Resources Board to maintain goals set by the Land Use and Transportation Workgroup of the Governor's Climate Change and Resiliency Update Commission in August 2015.

Action Opportunities:

1. Implement a low-carbon transportation policy developed through the Transportation and Climate Initiative that caps and reduces carbon emissions from the combustion of fuels.
2. Develop a Transportation Electrification Action Plan include goals for charging infrastructure, fleet vehicles, school buses, ports, and public transit.
3. Invest state and local funds in projects that create local street connections, new bus and rapid transit service, and bicycle/ pedestrian connections to Metro and other services.
4. Articulate and adopt a strong, clear long-term program for passenger rail.
5. Support adoption of a program to promote Zero Emission Vehicles (ZEVs) for government and private vehicles in order to improve air quality and reduce greenhouse gas emissions.
6. Adopt the fuel efficiency standards of the California Air Resources Board and adopted by other 12 other states, including Maryland.

II. Energy Efficiency and Clean Renewable Energy

A. Energy Efficiency

Efficiency means using less energy to accomplish the same result—heating, cooling, or lighting a building, lighting highways and other outdoor areas, and operating appliances or machinery. Energy efficiency programs have tangible financial and environmental benefits. Investing in energy efficiency improvements will save money for consumers and taxpayers and reduce pollution of air, land and water. By reducing energy demand, efficiency programs can reduce both the retail and wholesale costs of electricity. Additionally, deploying sufficient efficiency programs can avoid or delay the need for costly new generating and transmission facilities and for buying and burning fuel to operate those facilities. The cheapest and cleanest electricity is the energy not consumed.

Virginia has a voluntary goal, set in 2007, of reducing electricity consumption by 10% by 2022, and our utilities are only a small fraction of the way there. For the past decade, Virginia has ranked in the bottom

five states for implementing energy efficiency programs. Despite the modesty of Virginia's goal, at our current pace we will not attain it.

Action Opportunities:

1. Support legislation requiring utilities to achieve mandatory efficiency goals.
2. Support legislation that directs the State Corporation Commission (SCC) to prioritize energy efficiency investments and services over more costly generation and transmission.
3. Support updating the SCC approval process for efficiency programs to focus on the total resource costs and benefits of potential programs, including both energy and non-energy benefits in the cost-effectiveness test calculations.
4. Follow the lead of several other states by creating an independent, not-for-profit energy efficiency authority funded out of utility rates and charged with maximizing energy efficiency improvements by consumers, including large consumers, like local governments. Implementation of efficiency programs by an independent efficiency authority is important to counteract utilities' incentives to over-build and over-produce.
5. Support funding and programs, such as an energy-efficiency revolving fund, to reduce energy usage in state and local government operations.
6. Support changes to Virginia's building codes to require greater energy efficiency in new and refurbished buildings and allow local governments to require greater efficiency within their jurisdictions.
7. Incentivize construction of "net-zero" residential and non-residential buildings.

B. Renewable Energy

1. Solar Energy

Nationwide growth in the clean energy sector is one of the largest contributors to new jobs in the economy. People are increasingly turning to affordable solar power to meet their energy needs. Every Virginian should have the option to access to this abundant resource. However, the ability of individuals to make private investments in solar electricity generation has been curbed by utilities whose business model is threatened by solar's emergence as a viable and competitive choice for their customers. The General Assembly should remove barriers that constrain the market for solar and limit the potential for solar projects. All Virginians and all classes of utility customers should have the freedom to produce or buy renewable energy without restriction.

In its 2017 Integrated Resource Plan (IRP), Dominion recognized utility-scale solar as the least-cost form of electric generation in Virginia today, and laid out plans to install 240 MW per year. Dominion's 2018 IRP doubled this number. Meanwhile, corporations like Amazon, Facebook and Microsoft have been significant drivers of solar development in Virginia, demonstrating that solar is low risk, high reward.

In 2018, the General Assembly passed legislation declaring it in the public interest for our utilities to build up to 5,000 MW of solar or wind generation by 2028, and up to 500 MW are earmarked as rooftop

and other distributed solar owned or controlled by the utility. This is helpful, though it does not actually require or incentivize any solar development. Moreover, it falls short of making a fundamental shift in Virginia's energy supply. Five-thousand MW of solar is equivalent in output to just one of Dominion's new combined-cycle gas generating plants.⁴

Virginia also lags behind other states in tapping the economic development potential of another sector of the industry: solar installed by commercial and residential customers (vs utilities). The General Assembly passed no legislation in 2018 to remove existing barriers to customer-owned or third-party owned solar, in spite of the introduction of over a dozen bills that would have facilitated this private investment. 2019 legislation produced compromise legislation that may ease the path for customers in the territories of electric cooperatives, but it left intact significant barriers that threaten the growth of solar in the territories of Dominion and Appalachian Power.

Action Opportunities:

1. Set mandatory goals for utility procurement of solar and wind energy, including distributed solar.
2. Eliminate restrictions on third-party Power Purchase Agreements, a financing mechanism for renewable energy and efficiency projects.
3. Pass legislation allowing local governments to install solar on government-owned property and use the electricity for nearby public buildings and schools, saving money for taxpayers. Support local government solar with budget allocations.
4. Oppose punitive "standby" charges on distributed solar installations.
5. Support fair compensation for solar produced by net-metered systems.
6. In addition to utility-administered solar programs, support customer-owned community net metering. Require programs to follow best practices such as on-bill net metering credits for customers, flexible payment options, siting projects near communities that benefit from them, and making project enrollment accessible to all.
7. Fund grants or rebates for solar on low-income housing and on brownfields.
8. Enable residential and commercial building owners to provide renewable energy to tenants without restrictions.

2. Offshore Wind Energy

Offshore wind can provide clean energy at the scale we need to curb the climate crisis. The offshore wind resource potential of our nation's coastal waters is four times greater than our entire electric power demand today.⁵ Developing this clean energy resource would allow Virginia and the U.S. to quickly meet carbon reduction goals while creating thousands of new jobs. Researchers estimate that

⁴ Assumes a solar capacity factor of 25% and 80% capacity factor for combined cycle fracked gas plant.

⁵ M. Schwartz, D. Heimiller, S. Haymes, W. Musial. Assessment of Offshore Wind Energy Resources for the United States. Golden, CO: National Renewable Energy Laboratory (NREL), 2010
https://www1.eere.energy.gov/wind/pdfs/national_offshore_wind_strategy.pdf

between 14,000 to 19,000 well-paying Virginia jobs would be created with full build out of an offshore wind industry in Virginia.⁶

Dominion Energy manages two offshore wind projects off Virginia's coast: 1) the Coastal Virginia Offshore Wind (CVOW) project involving two six-megawatt wind turbines, and 2) a large commercial lease area which is capable of producing over 2,000 megawatts of electricity, enough to power over 500,000 homes.

CVOW, the country's first turbines in federal waters, will be operational by the end of 2020. This is an important first step, but it must only be the start if Virginia is to realize the full economic and environmental benefits of offshore wind. CVOW, erected 25 miles off the coast of Virginia Beach, will provide critical technical, logistical, and construction lessons-learned that will lower costs for the larger project.

To make Virginia attractive to the wind industry and attract manufacturing firms to Hampton Roads, Virginia must create policy certainty, and must demonstrate confidence in its own offshore wind projects. As set out in the Governor's 2018 Energy Plan⁷, Virginia has adopted a goal of fully building out the Virginia Wind Energy Area by 2028. However, there is no state plan to achieve it, and Dominion has made no commitment to proceed. A clear path needs to be created to give the industry the certainty it needs in order to invest.

Action Opportunities:

1. Ensure Dominion Energy produces a timeline for developing its commercial wind energy area by 2028 and adheres to that timeline.
2. Advance legislative measures that prompt Dominion to expedite the development of the larger commercial lease area.
3. Allocate funds to provide for an Offshore Wind Office within DMME to manage and ensure creation and implementation of robust economic and workforce development plans.

3. Land-Based Wind Energy

Virginia has the potential to develop wind energy facilities onshore as well as offshore. In 2017, the Rocky Forge Wind Farm in Botetourt County became the first wind farm permitted under Virginia's Permit by Rule regulations, but it has not been built due to a lack of interest from utilities. Wind energy is an excellent complement to solar energy, producing the greatest amount of power at night and in the winter. Wind energy can also be an important job creator in southwest Virginia.

⁶ Virginia jobs report by American Jobs Project in partnership with Virginia Tech, March 2016
<http://americanjobsproject.us/wp-content/uploads/2016/04/VA-Full-Report-WEB-4.18.pdf>

⁷ <https://www.dmme.virginia.gov/DE/VirginiaEnergyPlan.shtml>

Action Opportunities:

1. Set mandatory targets for utility procurement of renewable energy, including wind.

4. Renewable Portfolio Standard

In 2007, the General Assembly enacted Renewable Portfolio Standard (RPS) legislation to entice utilities to invest in renewable energy in Virginia. However, the RPS has not worked as intended, as the definition of renewable energy is deficient and the goals are voluntary.

Action Opportunities:

1. Support legislation to establish a mandatory RPS statute.
2. Support limiting the list of qualifying resources to carbon-free renewables such as wind, solar, wave, tidal and geothermal, and excluding highly polluting sources such as woody biomass, municipal waste incineration, and landfill gas.
3. Require that a percentage of the energy used to meet the RPS come from rooftop and other distributed generation in Virginia.

III. Electric Utility Reform

It is time for Virginia to take major steps to modernize its utility regulatory system for the benefit of consumers and the economy. Under the current system, utilities are incentivized to build costly facilities on which to earn larger profits; to buy costly pipeline and other services from affiliates in order to raise profits; to increase customer loads rather than encourage energy efficiency; to keep out potential competitors who are interested in offering better or cheaper supplies and services; and to constantly pressure the legislature to protect the utilities' interests. Furthermore, under the current regulatory system, utilities are guaranteed cost recovery and profits even while pursuing investments that drive up customers' bills and pollute our environment.

Action Opportunities:

1. Prohibit utilities and their employees and agents from making campaign donations or other financial contributions to elected officials and public service sector employees.
2. Implement rules restricting "the revolving door" that enable individuals to shift between utility and governmental jobs.

IV. Dirty Energy**A. Fracking**

We are facing a new era of industrial gas development, and Virginians are deeply concerned about the risks hydraulic fracturing (or fracking), for gas and oil pose to local citizens and communities, as well as our natural resources. High volume fracking and horizontal drilling in the coalbeds of Southwest Virginia is a

technique that has only recently come to Virginia, but the Department of Mines, Minerals & Energy (DMME) reports that thousands of wells have been fracked over the years using older techniques in Southwest. Drilling companies have also purchased leases in the Northern Neck, which overlies the Taylorsville shale formation and the Potomac Aquifer, the only source of drinking water for millions of Virginians, and fracking could occur in this region as well.

Action Opportunities:

1. Support a state-wide ban on fracking.
2. Oppose legislation that weakens or undermines any aspect of DMME fracking regulations.
3. Support Attorney General Mark Herring's opinion letter ruling that local governments may restrict fracking using their existing land-use and zoning authority.
4. Revise Virginia's fracking regulations to ensure they adequately protect the public health, water supplies/ aquifers, wildlife and land resources before any permits are issued for fracking in the Taylorsville basin or other shale formations.
5. Initiate studies to analyze the risks to nuclear power plants and other critical infrastructure from seismic activity caused by fracking.
6. Support legislation addressing the risks posed by modern fracking, including:
 - a. Requiring safe management and disposal of contaminated wastewater and solid waste from fracking sites by eliminating the use of waste pits;
 - b. Ensuring adequate statewide siting restrictions that protect water bodies and other public resources;
 - c. Enforcing erosion and sediment control standards;
 - d. Requiring consultation with multiple state agencies (DEQ, VDH) before issuing oil and gas permits;
 - e. Adequately funding the Virginia DEQ to hire qualified staff to monitor fracking activities, including the monitoring of closed wells;
 - f. Requiring the industry to pay for road damage caused by heavy truck traffic;
 - g. Requiring long-term monitoring and remediation to prevent methane and other pollution from abandoned wells;
 - h. Requiring adequate long-term bonds to cover the costs associated with remediation so that taxpayers do not get stuck with the bills;
 - i. Prohibiting the issuance of any new fracking permits before VDH evaluates science-based, peer-reviewed studies on the health impacts to residents living near well sites.

B. Fracked-Gas Pipelines

The Atlantic Coast and Mountain Valley fracked-gas pipelines are among the most controversial projects impacting Virginia's environment and climate due to their massive scale and the vast impacts they will have on Virginia's landscape. These pipelines, if built, would encroach on public and protected lands, creating a highly visible scar across National Forests, the Appalachian Trail, the Blue Ridge Parkway and private lands and farms protected by conservation easements. Both proposed pipelines carry an immense risk to waterways, as their routes will traverse steep, highly erodible terrain, harming natural streams,

polluting groundwater resources and drinking water wells of residents, and degrading the quality of public water supplies downstream.

Companies like Dominion Energy and EQT Corporation are using eminent domain to seize private property from landowners. Traditionally, eminent domain is used to take land only for a public purpose that will benefit the community, such as a road or an airport. These unneeded fracked-gas pipelines will not benefit the communities that will be most impacted, but instead attempt to produce profit for their corporate owners. Eminent domain should not be used to seize private property and family farms to pad the bottom line of private corporations.

The massive build out of fracked-gas infrastructure undermines our state initiatives to reduce GHG pollution including carbon and methane. Fracked-gas is a hydrocarbon gas mixture consisting primarily of methane, a greenhouse gas that traps 86 times more heat in our atmosphere than carbon dioxide over a twenty-year period.⁸

Action Opportunities:

1. Go on record opposing the construction of the Mountain Valley and Atlantic Coast fracked-gas pipelines.
2. Repeal or revise Virginia Code § 56-49.01, which allows natural gas companies the right of entry upon private property.
3. Prohibit affiliate deals between electric utilities and gas pipelines.
4. Urge DEQ and Attorney General Herring to issue a Stop Work Order for the Mountain Valley Pipeline.

C. Offshore Drilling

The Trump administration has proposed opening large areas of U.S. waters to offshore oil and gas drilling and seismic airgun blasting - including off Virginia's coast. At the same time the federal administration has rolled back several safety regulations put in place after the Deepwater Horizon disaster.

Drilling off Virginia's coast is incompatible with vibrant, clean beaches, healthy coastal habitats, and communities and economies that depend on them. A single oil spill could devastate Virginia's coastal waters and communities. Routine spills and accidents also pose ongoing environmental and health-related risks, as do onshore infrastructure and activities that accompany the offshore oil and gas industry, such as oil refineries and pipelines that industrialize our coast and forever alter the character of our coastal communities.

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http://www.eeb.cornell.edu/howarth/publications/f_EECT-61539-perspectives-on-air-emissions-of-methane-and-climatic-warmin_100815_27470.pdf

Tourism, fishing, and recreation are booming industries in Virginia. In 2017, tourism revenue reached \$25 billion and supported 232,000 jobs⁹. In Virginia's coastal region in 2016, tourism generated \$4.7 billion in revenue and \$386 million in state and local taxes. Additionally, over 44,000 jobs and nearly \$1 billion in salaries rely on tourism along Virginia's coast. These industries are completely dependent on clean beaches and healthy coastal waters. For this reason, twenty-one local communities - including Virginia Beach, the state's largest city - have resolved against offshore drilling and seismic blasting. Leading tourism associations, including the statewide Virginia Restaurant, Lodging & Travel Association, have joined hundreds of local businesses along the Atlantic to oppose offshore drilling. Numerous elected officials including a majority of Virginia's congressional delegation have publicly voiced opposition.

The Department of Defense continues to express concerns that drilling off our coast would interfere with military preparedness. NASA has also expressed concerns that drilling will have significant detrimental effect on operations at the aerospace Wallops Flight Facility.

Action Opportunities:

1. Repeal Virginia Code section 67-300 A and B, which expresses support by the Commonwealth for drilling off Virginia's coast.
2. Oppose seismic exploration, offshore drilling and drilling infrastructure in Virginia coastal waters.
3. Strengthen policies that protect Virginia's coastal zone from the risks associated with offshore drilling.

V. Environmental Justice

Environmental justice is defined by the federal Environmental Protection Agency (EPA) as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. It is important to address environmental justice issues because all people and communities should have clean water, clean air, and healthy places to live, work, and play.

Low income and, to a greater extent, communities of color disproportionately feel the impacts of environmental issues. In Southwest Virginia, communities deal with a range of environmental and public health issues resulting from coal extraction. In Hampton Roads, communities already dealing with toxic air from coal dust are will be the hardest hit by the impacts of climate change, including sea level rise. In the central Virginia community of Union Hill, the only compressor station for the Atlantic Coast pipeline threatens to pollute the air of a historic freedman community. Throughout Virginia, polluting facilities are sited in locations that disproportionately impact people of color and low income communities. Of twenty-six power plants in Virginia, 57.7% are located in areas with above average minority populations and 76.9% are located in areas with above average low-income populations. Fifty percent of Virginia's power plants are located in both minority and low income areas.

⁹ <http://www.virginiaseafood.org/dive-in/about/index.htm>

While economic status can be a strong indicator for likelihood of experiencing environmental harm, race is the central determining factor for toxic exposure.¹⁰ Virginians have an urgent need for leaders who have a real understanding of and commitment to addressing environmental justice issues.

Action Opportunities:

1. Support policy recommendations to the Executive Branch from Virginia’s Advisory Council on Environmental Justice.
2. Support the codification of the Advisory Council on Environmental Justice with more enforceable authority.
3. Support funding the Advisory Council on Environmental Justice in the biennial budget.
4. Support policies that will address the problem of coal dust being released from moving trains and storage operations.
5. Support legislation specifically intended to reduce pollution to improve public health in environmental justice communities.
6. Support legislation to address any disproportionate environmental impact that changes in energy and climate policy have on disadvantaged communities.

VI. Other Issues

A. Redistricting

The current system for drawing legislative district lines promotes “partisan redistricting,” which gives the party controlling the General Assembly the power to decide how district lines are drawn. This system has taken decision-making out of the hands of voters and resulted in the extreme partisanship and gridlock that has prevented real progress on issues including renewable energy, land use and climate change. Shifting responsibility for redistricting to a bipartisan commission will increase electoral competition, increase responsiveness to conservation issues and spur the energy policy innovation that is so desperately needed in Virginia.

In the 2019 session, the General Assembly passed a redistricting reform resolution that would amend the Virginia constitution to significantly improve our redistricting process. Passage of the same resolution in 2020 is necessary in order to move this reform along as a Virginia Constitutional amendment subject to a referendum on the November 2020 ballot.

Action Opportunities:

1. Support in the 2020 legislative session the redistricting reform resolution that passed in 2019.

B. Campaign Finance Reform

¹⁰ Heiman, 1996

As the largest corporate donor to both the Republican and Democratic parties' candidates, Dominion Energy has undue influence over energy policy in Virginia.

Action Opportunities:

1. Pass legislation that would prohibit campaign contributions from public service corporations or their affiliates like Dominion Energy and Appalachian Power.

Conclusion

Thank you for taking the time to review this brief on clean energy and climate policies in Virginia. For further information on these issues and others, we refer you to the 2019 Environmental Briefing Book compiled by the Virginia Conservation Network. Find this resource and more at <http://www.vcnva.org/learn/>. Please don't hesitate to reach out to our legislative experts listed on page 1 with any questions.