

OPPOSE SB81

Air Pollution Control Board; consideration of certain facts and circumstances
Bill Patron: Senator Bill Stanley

Reasons to oppose SB81:

- Senate Bill 81 removes “site suitability” considerations from the Air Pollution Control Board’s regulations and permitting authority, meaning the Board may no longer consider important factors in siting air emissions sources, including:
 - the potential for interference with safety, health, or the reasonable use of property
 - the social and economic value of the activity
 - the suitability of the activity to the area
 - the practicality of reducing pollution from the activity
- Site suitability considerations are fundamental to protecting communities from air emissions sources that are not well-suited to an area
- The Department of Environmental Quality (DEQ) is in the middle of a regulatory proceeding on site suitability; allow that process to conclude
- These considerations have only been used two times in 55 years to deny an air permit

Overview:

- Since 1966, the Air Pollution Control Board has been empowered to ensure the protection of public health and welfare when considering whether a proposed air emissions source is suitable for the site upon which it is being proposed
- During that time, the Board has exercised its authority to find a proposed emissions source unsuitable for its proposed site on only two occasions – once in 1979 and once last year in response to Mountain Valley Pipeline’s proposed Lambert Compressor Station
- This rarely used authority provides an important safeguard to ensure the Board can evaluate the reasonableness of a proposed emissions source in terms of safety, health, social and economic impact and whether the site is suitable for the location in which it is proposed.
- This bill is a direct response to the Board’s thorough deliberation and ultimate decision to deny the MVP Lambert Compressor Station permit to limit the authority of the Board to consider site suitability as well as the ability of a court to consider site suitability in determining injunctive relief
- Efforts are currently underway by DEQ to provide bring enhanced clarity to the Board’s consideration of site suitability to ensure the Board appropriately considers these factors in the permitting process
 - This regulatory process, initiated in May 2021, will promulgate regulations to guide the Board’s consideration of these factors; it has included significant input for months from stakeholders including the Virginia Economic Development Partnership, manufacturers and electric utilities, local governments, and environmental and social justice organizations; allow the process to conclude
 - The forthcoming regulations will provide certainty and consistency to permit applicants and DEQ in terms of the steps an applicant must take to address site suitability and will address the concerns giving rise to the bill while retaining an important safeguard to the Board



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This position was taken by Virginia Conservation Network (VCN)’s Legislative Committee and Board of Directors and is supported by Virginia’s conservation community. For a complete list of VCN positions, visit www.vcnva.org/bill-tracker. VCN is committed to building a powerful, diverse, and highly-coordinated conservation movement focused on protecting our Commonwealth’s natural resources today and for tomorrow.