

SENATE OF VIRGINIA

LYNWOOD W. LEWIS, JR.
6TH SENATORIAL DISTRICT
ALL OF ACCOMACK, NORTHAMPTON, AND
MATHEWS COUNTIES; AND PART OF THE CITIES
OF NORFOLK AND VIRGINIA BEACH

P. O. Box 760
ACCOMAC, VIRGINIA 23301



COMMITTEE ASSIGNMENTS:
LOCAL GOVERNMENT, CHAIR
AGRICULTURE, CONSERVATION AND
NATURAL RESOURCES
COMMERCE AND LABOR
EDUCATION AND HEALTH
RULES

September 8, 2022

Members of the Virginia Air Pollution Control Board
c/o Office of Regulatory Affairs
Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

Sent via email: CitizenBoards@DEQ.Virginia.gov

Dear Members of the Air Pollution Control Board:

As current members of the Virginia General Assembly who voted for the Clean Energy and Community Flood Preparedness Act in 2020 or voted against changes to that same law in 2022, we write to express our continued support for Virginia's participation in the Regional Greenhouse Gas Initiative (RGGI). Further, we write to articulate the reality that Virginia's participation in RGGI is mandated by *law*. Therefore, ultimately only a change in the *law* that passes both chambers of the General Assembly and is signed by the Governor can remove Virginia's participation. No proposed regulation, emergency regulation, regulatory act, or any subsequent administrative process can do so.

In addition to the Commonwealth's participation being mandated, RGGI is already delivering benefits to the residents of Virginia. As legislators, we believe it is important that you consider and understand the following benefits to Virginians from our participation in RGGI:

- RGGI has generated \$378 million to support low-income energy efficiency programs and flood resilience infrastructure in Virginia.¹
 - Energy efficiency upgrades are the best way to lower electricity bills, and Virginia's funds are directed to helping those households most in need.²
 - Flood resilience infrastructure protects Virginians against increased flooding and extreme weather events.
- RGGI has demonstrated Energy Cost Savings.
 - Electricity prices in RGGI states dropped by almost 6% while they went up by almost 9% throughout the rest of the country.³ RGGI is a proven tool to reduce utilities'

¹ https://www.rggi.org/sites/default/files/Uploads/Auction-Materials/Cumulative-State-Charts/VA_Proceeds_by_Auction.xlsx

² <https://vaeec.org/rggi/>

³ https://acadiacenter.org/wp-content/uploads/2019/09/Acadia-Center_RGGI_10-Years-in-Review_2019-09-17.pdf

reliance on fossil fuels—a move that will benefit customers by helping avoid high electricity bills caused by volatile fossil fuel costs.

- RGGI is the ultimate path to Pollution Reduction.
 - RGGI states reduce climate-warming emissions 90% faster than the rest of the country - while growing 31% faster economically.⁴
 - DEQ's own report to Governor Youngkin shows Virginia's emissions remained constant from 2010 to 2020,⁵ while RGGI states saw their emissions drop by 30%.⁶

Based on those facts alone, Virginia should remain in RGGI. RGGI is good for Virginians. However, the Governor and the Department of Environmental Quality have initiated a process for the Air Pollution Control Board to repeal RGGI regulations.

At present, the only increases on customers' electricity bills in Virginia are solely attributable to drastic rising fossil fuel costs being billed by utilities and are not at all related to RGGI. RGGI plays a critical role in stopping those massive cost fluctuations by pursuing an end to Virginia's reliance on fossil fuel electricity generation, in accordance with the goals defined in the Commonwealth's Clean Energy Policy. Renewable energy, and its immunity from market fluctuations in fossil fuel sectors is the answer to stable energy prices.

What the Governor and the Department of Environmental Quality are asking you to do, according to the contents of Executive Order 9, in your capacity as a member of the Air Pollution Control Board *is just not lawful*. The Clean Energy and Community Flood Preparedness Act was passed, signed into law and enacted. No proposed regulation, emergency regulation, regulatory act, or any subsequent administrative process can remove Virginia from RGGI because our membership in RGGI is mandated by that law. The authority to execute the action that the Governor and the Department of Environmental Quality describe and assert that you take rests solely with the General Assembly. As recently as the 2022 Session of the General Assembly, we rejected the changes to the law that the Governor seeks.

In summary, the Regional Greenhouse Gas Initiative is a program that is delivering benefits to Virginia's residents, is not cost prohibitive, and the Department of Environmental Quality is mandated by the Code of Virginia to maintain Virginia's participation in this program. The Air Pollution Control Board is a creation of statute; you have only the powers that the General Assembly grants you. As such, the Air Pollution Control Board cannot simply repeal a regulation that the General Assembly specifically required you to issue. As legislators, we urge you to vote against the action proposed by the Governor and the Department – such an act is outside the scope of your duties as a member of the Air Pollution Control Board. Through the General Assembly's passage of the Clean Energy and Community Flood Preparedness Act in 2020 it is our clear intent for Virginia to participate in RGGI.

Thank you for your volunteer service on the Air Pollution Control Board and for your willingness to be of service to your fellow Virginians.

Sincerely,

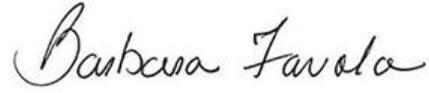
⁴ <https://acadiacenter.org/resource/the-regional-greenhouse-gas-initiative-ten-years-in-review/>

⁵ <https://www.deq.virginia.gov/home/showpublisheddocument/13813/637829669069026180> Page 14 ("Virginia's emissions of CO2 from the Virginia power sector have remained fairly constant over the last 10 years..."); see also Figure 3 (Virginia actual CO2 emissions)

⁶ *ibid* Figure 8 (RGGI Region CO2 emissions) for 2010 to 2020 time period



Senator Lynwood W. Lewis, Jr.
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39th District



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10th District



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13th District



Senator Janet Howell
32nd District



Senator Jennifer Boysko
33rd District



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President Pro Tempore
18th District



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25th District



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37th District



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30th District



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9th District

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68th District

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29th District

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45th District

Senator Chap Petersen
34th District

Delegate Jeff Bourne
71st District

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5th District

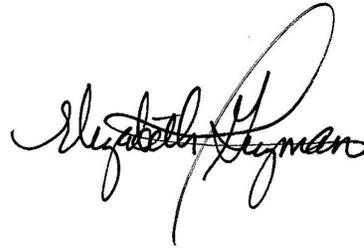
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Delegate Nadarius Clark
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Delegate Elizabeth Guzman
31st District



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77th District



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Delegate Eileen Filler-Corn
41st District



Delegate Patrick Hope
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89th District



Delegate Sally Hudson
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Delegate Delores McQuinn
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Delegate Mike Mullin
93rd District



Delegate Kathleen Murphy
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Delegate Kenneth R. Plum
36th District



Delegate Sam Rasoul
11th District



Delegate Danica Roem
13th District



Delegate Don Scott
Minority Leader
80th District



Delegate Briana Sewell
51st District



Delegate Irene Shin
86th District



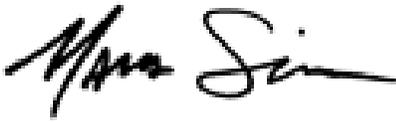
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Delegate Mark Sickles
43rd District



Delegate Schuyler VanValkenburg
72nd District



Delegate Marcus Simon
53rd District



Delegate Jeion A. Ward
92nd District



Delegate Shelly Simonds
94th District



Delegate Vivian Watts
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Delegate Suhas Subramanyam
87th District



Delegate Rodney T. Willett
73rd District



Delegate Richard C. "Rip" Sullivan
48th District



Delegate Angelia Williams Graves
90th District