

Opportunities to Address Carbon Pollution Under Existing State Law:

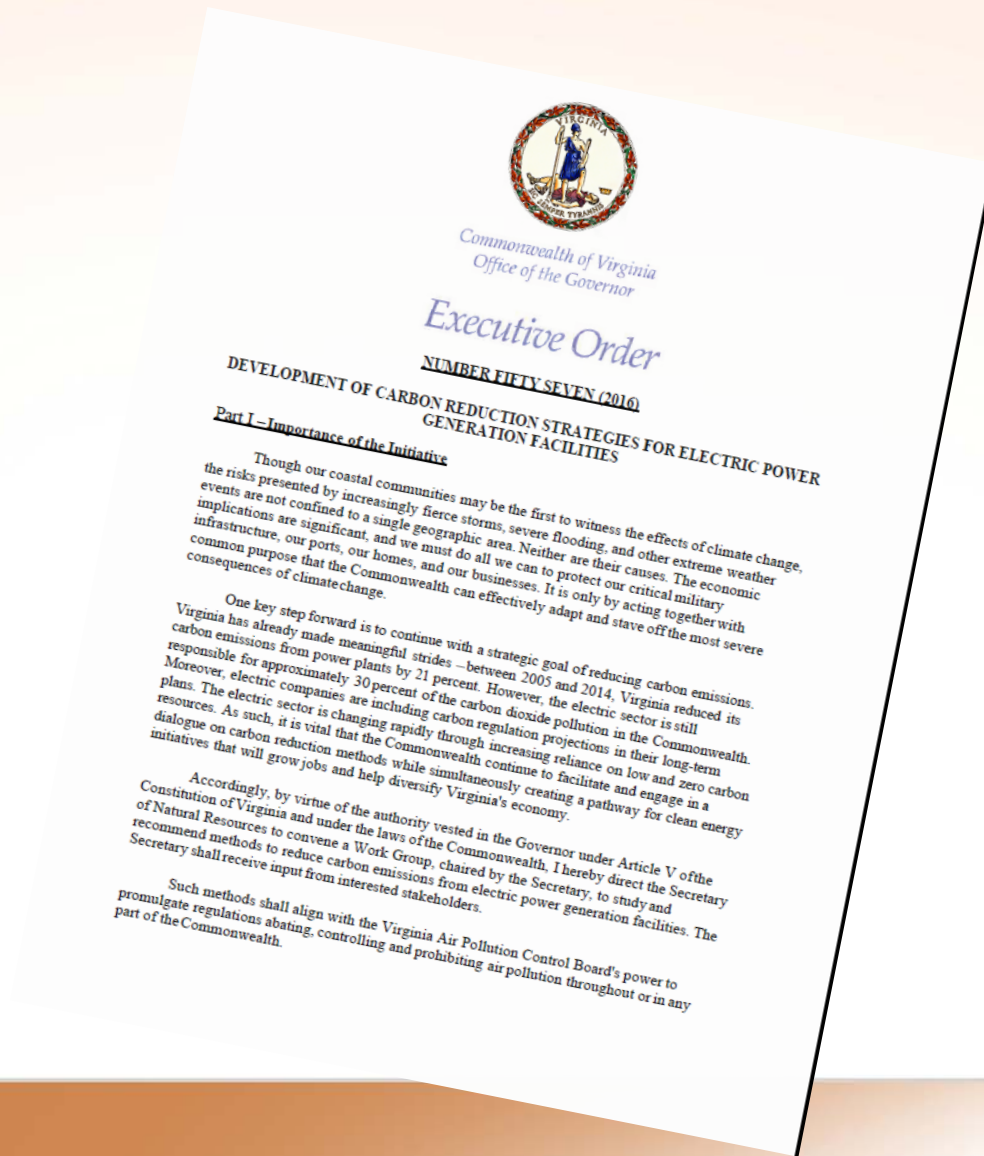
Presentation of the UVA
Environmental and Regulatory Law Clinic
to the Executive Order 57 Work Group

About the Clinic:



The Environmental and Regulatory Law Clinic at the University of Virginia School of Law is part of the Law School's Environmental and Land Use Law Program, which combines legal teaching with opportunities for interdisciplinary study, clinical experience and scholarly inquiry.

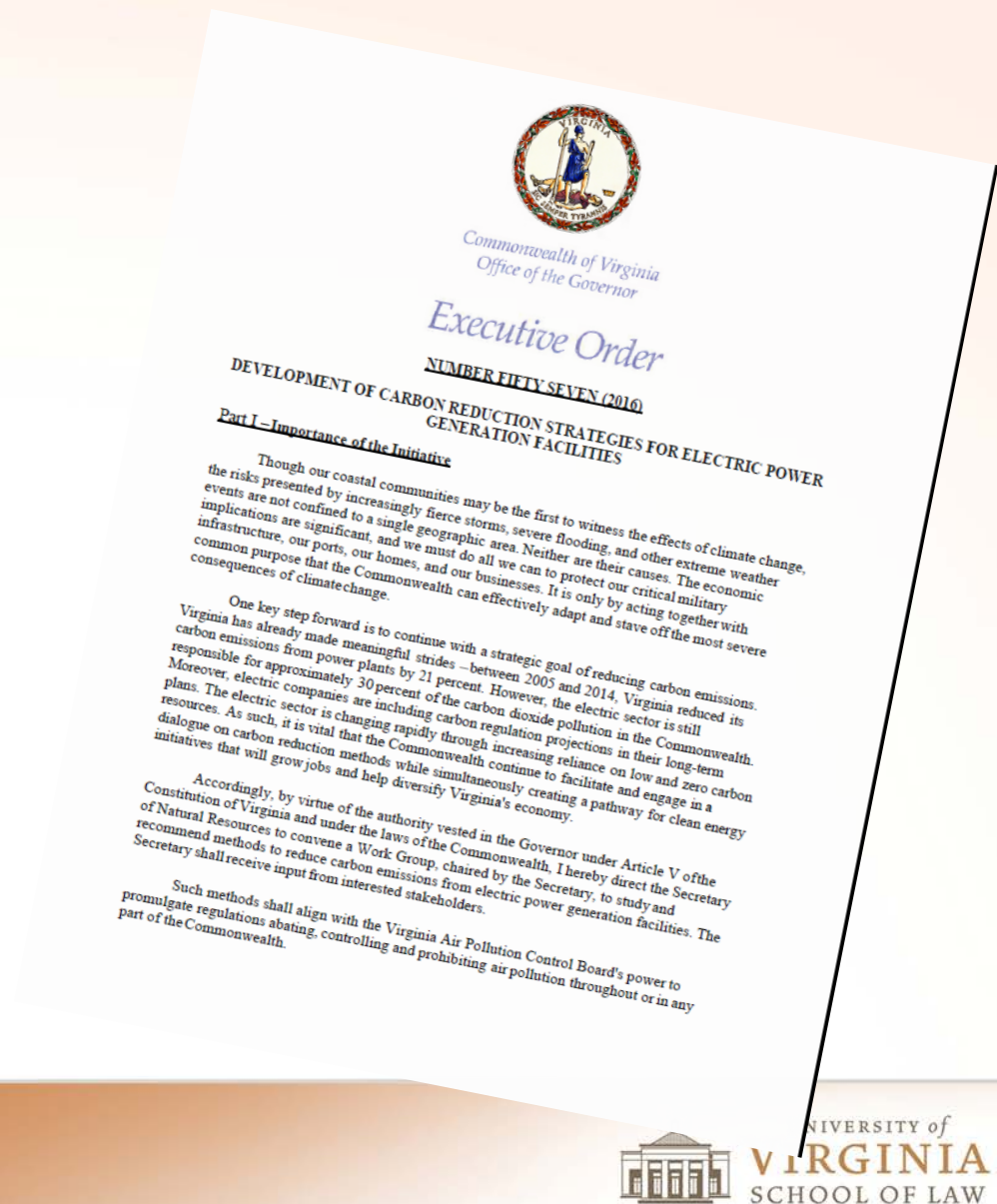
Our Starting Point:



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Item 369 to Virginia's 2016-2018 Budget:

limits re: preparation or submittal “to the Environmental Protection Agency (EPA) a state implementation plan, or other document with respect to the Environmental Protection Agency's ‘Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,’ 80 Fed. Reg. 64,662 (October 23, 2015).”



Three Opportunities:



Option 1: Va. Code § 10.1-1300 *et seq.*

E.O. 57: “...the establishment of regulations for the reduction of carbon pollution from existing electric power generation facilities pursuant to existing authority under Virginia Code § 10.1-1300 *et seq.*”



Option 1:

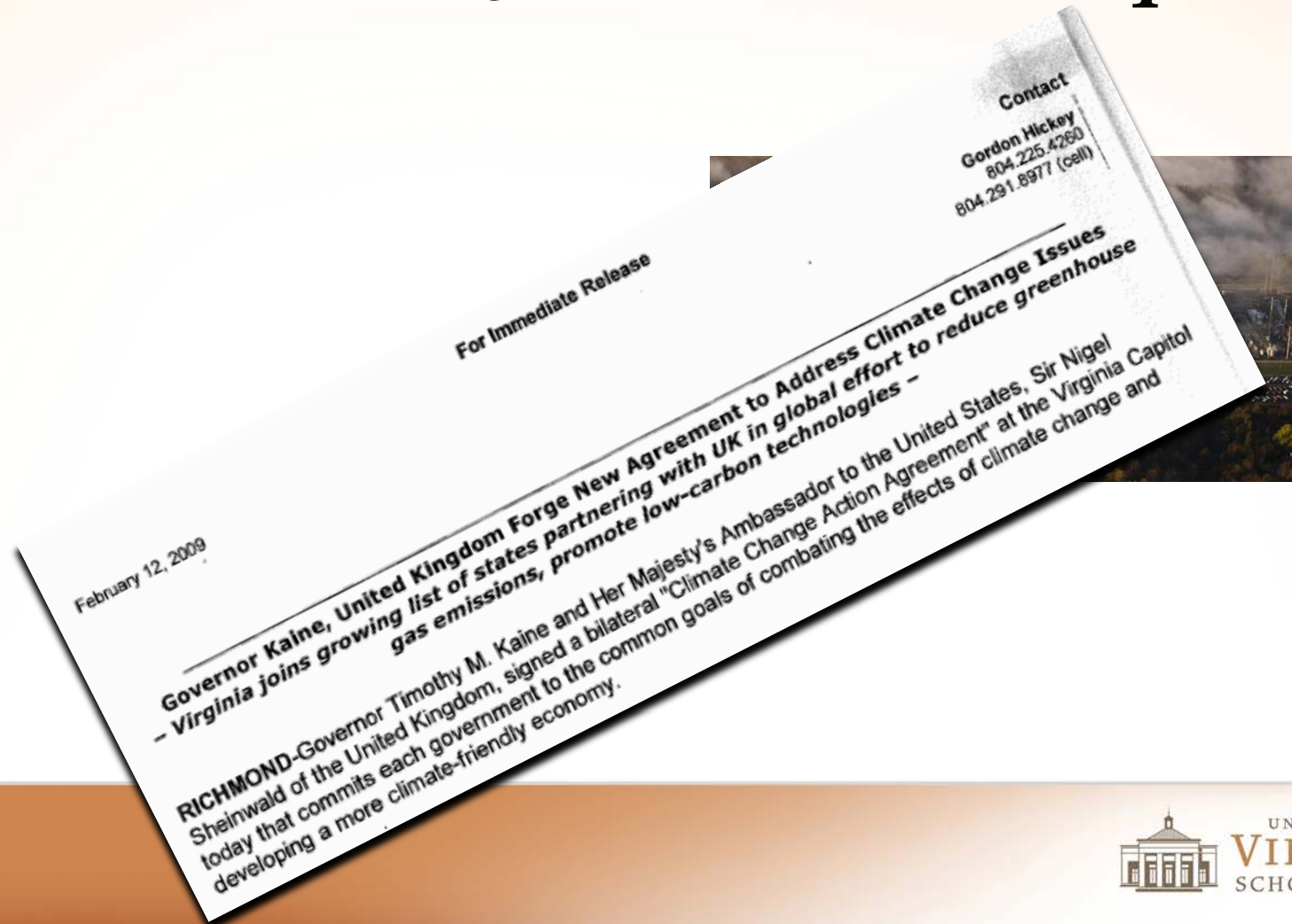
Va. Code § 10.1-1300 *et seq.*

9 VAC 5-85-50 C : “...Beginning January 2, 2011, the pollutant GHGs is subject to regulation if ...”



Va. Code § 10.1-1308: “...any proposed regulation which are more restrictive than applicable federal requirements ... shall be provided to the standing committee of each house of the General Assembly ...”

Option 1: Va. Code § 10.1-1300 *et seq.*



Option 2: **Volkswagen Settlement**



Option 2: Volkswagen Settlement

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1 JOHN C. CRUDEN
2 Assistant Attorney General
3 Environment and Natural Resources Division

4 JOSHUA H. VAN EATON (WA-39871)
5 BETHANY ENGEL (MA-660840)
6 Trial Attorneys
7 Environmental Enforcement Section

8 U.S. Department of Justice
9 P.O. Box 7611
10 Washington DC 20044-7611
11 Telephone: (202) 514-5474
12 Facsimile: (202) 514-0097
13 Email: Josh.Van.Eaton@usdoj.gov

14 *Attorneys for Plaintiff United States of America*

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 IN RE: VOLKSWAGEN "CLEAN
19 DIESEL" MARKETING, SALES
20 PRACTICES, AND PRODUCTS
21 LIABILITY LITIGATION

22 Case No: MDL No. 2672 CRB (JSC)

PARTIAL CONSENT DECREE

Hon. Charles R. Breyer



Option 2: Volkswagen Settlement

APPENDIX D-1 - INITIAL ALLOCATION

INITIAL SUBACCOUNTS	INITIAL ALLOCATIONS (\$)	INITIAL ALLOCATIONS (%)
Virginia	\$ 87,589,313.32	3.24%



Option 2: Volkswagen Settlement

APPENDIX D-1 - INITIAL ALLOCATION

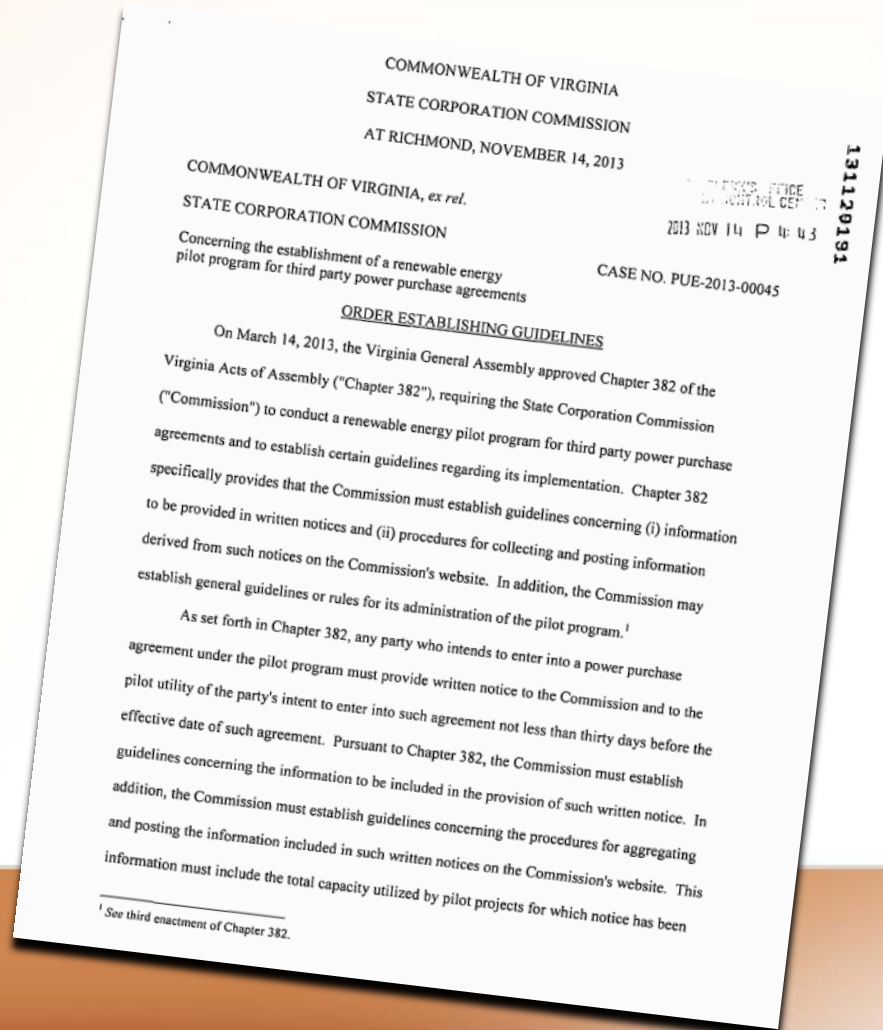
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Option 3: Renewable Energy Pilot Program



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B. Applicability.

These guidelines are applicable to any owner or operator of a solar-powered or wind-powered electric generation facility (referred to herein as "owner-operator") located on premises owned or leased by an eligible customer-generator, as defined in § 56-594 of the Code of Virginia, within the certificated service territory of an investor-owned electric utility ("Pilot Utility").¹ Such a facility shall have a generation capacity of 50 kW to 1 MW, except that if the eligible customer-generator served by the owner-operator is an entity with tax-exempt status in accordance with § 501(c)3 of the Internal Revenue Code of 1954, as amended, then such facility is not limited by the 50 kW minimum, and can qualify with a generation capacity range of 1 kW to 1 MW. An eligible facility shall provide electricity to only one customer.



Option 3: Renewable Energy Pilot Program



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Virginia Solar Energy
Development Authority

Va. Code § 67-1503:

“...provide a central hub for appropriate entities, both public and private, to enter into partnerships that result in solar energy generation projects being developed in the Commonwealth.”



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Our Recommendation:





Cale Jaffe
Assistant Professor of Law
Director of the Environmental and Regulatory Law Clinic
University of Virginia School of Law

