



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER SIX (2018)

EXECUTIVE ORDER SUPPORTING THE CRITICAL ROLE OF THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY IN PROTECTION OF VIRGINIA'S AIR, WATER, AND PUBLIC HEALTH

Importance of the Initiative

The Commonwealth of Virginia has made significant progress in controlling and reducing air and water pollution, though challenges remain. As Governor, it is my constitutional responsibility to ensure “clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters and other natural resources.” Virginia’s Constitution further sets forth the policy to “protect [our] atmosphere, lands, and waters from pollution, impairment or destruction for the benefit, enjoyment and general welfare of the people of the Commonwealth.”

Public health, recreational opportunities, safe drinking water, economic vitality, and our quality of life are linked directly to a healthy environment. It is critical that the Commonwealth’s natural resource agencies have the tools necessary to protect and improve our environmental quality.

Despite progress to reduce pollution, many Virginians, particularly those in urban and rural low income or minority communities, do not enjoy clean air and water for outdoor recreation and daily activities. Assessments of our waterways document improvements in the quality of some rivers and estuaries, but these assessments also show thousands of miles of streams that remain polluted. Additionally, many Virginians suffer from asthma attacks and other respiratory ailments that are directly attributable to poor air quality. Science also shows that carbon pollution and climate change are exacerbating these problems.

The Department of Environmental Quality (DEQ) is the Commonwealth's lead agency charged with ensuring clean air and clean water. Over the past 25 years, DEQ has done extraordinary work to protect and enhance Virginia's environment, and promote the health and well-being of the citizens of the Commonwealth.

Yet there is more work to do, and DEQ needs both the tools and the resources to safeguard our air and water for the improvement of our quality of life and that of future generations. Robust monitoring and verification coupled with strong, consistent, and uniform enforcement of our air, water, and waste statutes empower Virginia's good corporate stewards, providing regulatory certainty for businesses and healthy places for employees to live, work, and play. This also eliminates any perverse incentive to ignore environmental requirements for short-term economic gain.

Executive Action

Accordingly, by virtue of the authority vested in me as the Chief Executive by Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby order the Director of DEQ, in consultation with the Secretary of Natural Resources, to take the following actions:

- A. Review DEQ's permitting, monitoring, and enforcement activities across the air, water, and solid waste programs. This shall include:
 - a. Ensuring that DEQ's permitting programs are as protective of public health and the environment as authorized under state and/or federal law, and identifying within 90 days critical updates to regulations or guidance necessary to meet the objectives of this order;
 - b. Assessing the enforceability of permitting activity and determining if changes are needed in the methods DEQ uses in crafting such permits;
 - c. Reviewing the DEQ matrix that guides establishment of penalties to ensure that it effectively, consistently, and uniformly addresses violations that result in threats to public safety, public health, and the environment, as well as recurrent offenses;
 - d. Developing a protocol for engagement with the Attorney General's Office on enforcement efforts;
 - e. Identifying any gaps in monitoring, especially in areas where there is credible evidence to support an indication of impairment to public health or the environment;
 - f. Identifying the extent and causes of delays or backlogs in permitting programs;
 - g. Assessing any gaps in DEQ resources or authorities necessary to address challenges identified under this review; and
 - h. Reporting to the Secretary of Natural Resources within 180 days on the reviews required under this section.

- B. Evaluate every proposed federal regulatory or guidance modification released after January 20, 2017, regarding air, water, and solid waste to determine the impact on public health, drinking water supplies, and land and water protection. This ongoing review shall include:
 - a. Determining whether implementation of any proposed federal changes would lead to reduced effectiveness or efficiency in state programs to protect public health and the environment, which should be avoided;
 - b. Ensuring that any potential rollback in federal protections does not alter DEQ's existing authority to protect public health, drinking water supplies, and the environment;
 - c. Assessing any gaps in DEQ resources or authorities necessary to address challenges identified under this review; and
 - d. Reporting initially to the Secretary of Natural Resources within 180 days on the reviews required under this section and every 90 days thereafter.

- C. Work with stakeholders to improve communication with the public and the regulated community and provide more opportunities for proactive education, especially among underserved and lower income populations. This shall include:
 - a. Reviewing processes to identify ways to enhance public participation and community engagement, including ways to promote transparency and simplify regulatory hearings;
 - b. Engaging the regulated community, local governments, and other interested stakeholders in the development of new protocols;
 - c. Establishing an ombudsman dedicated to addressing public questions and concerns;
 - d. Assessing any gaps in DEQ resources or authorities necessary to address challenges identified under this review; and
 - e. Reporting to the Secretary of Natural Resources within 180 days on the reviews required under this section.

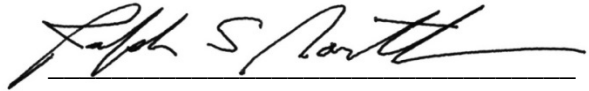
The Director of DEQ shall report monthly to the Secretary of Natural Resources on the progress of these reviews and shall complete his reviews as specified in this order. The Secretary of Natural Resources shall provide a report on recommended actions to the Governor by April 30, 2019. In addition, the Director of DEQ's review of proposed federal regulatory or guidance modifications shall be ongoing throughout my term as Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

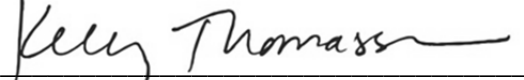
Given under my hand and under the Seal of the Commonwealth of Virginia this Tuesday, April 3, 2018.





Ralph S. Northam, Governor

Attest:



Kelly Thomasson, Secretary of the Commonwealth