



# Grading the Governor: A Report Card on Carbon Pollution and Clean Power in Virginia

## Gov. McAuliffe is Close to Failing on Key Energy and Climate Issues

*Improvement Plan: The Governor Can Bring Up His Grade Significantly  
with a Strong “Clean Power Plan” that Reduces Total Pollution*



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# SUMMARY

This report card represents a wide-ranging assessment of Governor Terry McAuliffe's two-year record on climate change and clean energy issues in the Commonwealth of Virginia. By necessity, this scorecard combines a quantitative assessment of pollution data – where data is available – with a qualitative assessment of policies based on the complexities of Virginia's policy-making environment.

**Overall, the Governor's two-year record on these vital energy issues is poor – in several cases bordering on outright failure – especially in light of the growing urgency of the climate crisis.** While the Governor has supported some modest new clean-energy policies – for which he deserves credit – he has embraced several high-pollution policies that threaten great harm to the climate. These include support for offshore oil drilling in Virginia (now rejected by the White House) and support for massive new pipelines traversing the state that would carry fracked gas from West Virginia and surrounding states.

**Combining all of these policies in a weighted fashion, the Governor's overall grade is a D plus**

CATEGORY	OVERALL GRADE
Keeping Fossil Fuels in the Ground	D-
Cleaning Up A Toxic Legacy of Coal Ash	F
Moving Virginia to a New Clean Energy Economy	C+
Fighting Sea Level Rise and Flooding Impacts Here Now	B-
Developing a Strong State Clean Power Plan	?
Final Grade	D+

Looking forward, the Governor can significantly bring up his grade by developing a strong Clean Power Plan (CPP) in response to new federal regulations. A grade of "A" on this issue would transform the Governor's overall legacy on clean energy.

The Governor is legally empowered to make the final decision on a state CPP plan under the federal rule, as issued in August 2015. Despite the inevitable legal challenges (which many experts predict will likely fail), the Governor still has broad leeway to develop a draft plan now. Legislation recently passed by the General Assembly prevents Virginia's Department of Environmental Quality from using budget resources for CPP purposes, but the Governor can and should still move forward by writing a strong CPP plan using other available administration personnel and resources.

Meanwhile, any administration CPP plan must reduce total carbon pollution (a so-called "mass-based" system) from both existing and future power plants in the state. This is the single most significant climate decision that Governor McAuliffe can make during his term. He has the sole authority to make it, and his decision could shape the health and safety of Virginians for decades to come. The Governor should also strongly consider joining – by executive order – the so-called Regional Greenhouse Gas Initiative (RGGI), which would almost certainly meet the state's emission reduction requirements under the federal CPP rule. At a minimum, the Governor should join RGGI as an "observer" now, with the goal of eventual membership.

# BACKGROUND

The issue of climate change is of vital importance to Virginia. Pentagon officials say sea-level rise alone is a huge threat to naval, air force, and army bases in coastal Hampton Roads. Pope Francis himself – in a 2015 visit to the United States – warned that time is running out to make the switch away from carbon-based fuels fast enough to save humanity from disastrous storms, agricultural disruptions, and general economic harm for our children. Utility-scale wind and solar farms, meanwhile, continue to proliferate in many surrounding states – but largely not in Virginia.

In 2013, Governor Terry McAuliffe ran for office promising to take real action on climate change. He promised to support substantive policies to reduce greenhouse gas emissions while promoting clean energy. He criticized his gubernatorial opponent for being a climate denier. McAuliffe said science would be a strong guide to his policies.

But after more than two years in office, the Governor's record has fallen far short of his promises. It's true that the Governor is limited in his power to act by a General Assembly that is generally unreceptive to climate and clean energy issues. In this environment, the Governor has won credit – and some positive grades – for supporting various small steps on wind, solar and efficiency gains. He also played a lead role in maintaining a ban against uranium mining in the state.

But his support for fracked-gas pipelines threatens to be much more substantive in its impacts on clean air and a healthy climate. Scientists say that, worldwide, societies must keep 80 percent of the planet's known reserves of fossil fuels in the ground if we are to have


any chance of stabilizing the global climate. The fracked gas pipelines Governor McAuliffe supports – if built – would trigger so much fracking in neighboring states and so much gas use and gas leakage in Virginia that the net pollution result would be greater than all of the state's current coal- and gas-fired power plants combined. His administration's record on offshore oil drilling and on cleaning up the commonwealth's toxic coal ash is equally poor.



## A further note on the scoring method used in this report

To provide an objective baseline, we calculate and weigh the net greenhouse gas impact of the Governor's policy decisions in the category of "Keeping Fossil Fuels in the Ground." Other categories do not have a readily calculable net carbon impact and are necessarily based on qualitative analysis. Within each graded category, we rate various key policy stances of the Governor based on the following criteria, weighing the rough average and relative impact of the policies to arrive at a final letter grade:

- **Failing** - Governor's policies would significantly worsen climate change or related pollution.
- **Poor** - Governor's policies would take us backwards on climate or related pollution.
- **Fair** - Governor's policies are moving us forward, but could go much further.
- **Good** - Governor's policies represent significant steps forward.
- **Very Good** - The Governor is championing major change, in line with what science shows is needed.

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# The Governor's grades: Issue by issue

# KEEPING FOSSIL FUELS IN THE GROUND

Overall Grade:



As the planet hurtles to higher and higher temperatures – with 2015 the warmest year on record<sup>1</sup> and 2016 on track to be even warmer – scientists say the only hope of preserving our climate is to keep most of the world's remaining oil, coal, and natural gas in the ground. Any extraction of proven reserves anywhere on the planet is a direct threat to a stable and secure future for Virginians and citizens worldwide. Responsible leaders across the globe, therefore, are committing to energy efficiency and to the serious development of carbon-free wind and solar energy while dis-incentivizing or openly opposing harmful efforts to tap new and extreme versions of fossil fuels. For instance, Governor Andrew Cuomo issued a statewide fracking ban in New York and, most recently, denied a state water permit for the proposed 124-mile Constitution Pipeline, which would have carried fracked gas from Pennsylvania through New York.<sup>2</sup>

Governor McAuliffe, in his first 28 months in office, has failed in this regard. He has regularly championed an “all of the above” approach to energy development that would commit Virginia to decades of reliance on fracked natural gas that disrupts the climate on par with coal. The biggest and most harmful energy decision the Governor has made to date is his unwavering support

for major new pipelines that would traverse western and central Virginia, bringing an unprecedented surge of gas from West Virginia, Ohio and Pennsylvania into Virginia and North Carolina. The Governor also joined the American Petroleum Institute and other fossil fuel advocates in pushing for the potential development of ocean-based drilling rigs as close as 50 miles from Virginia Beach.<sup>3</sup>

To his credit, the Governor did play a positive role in limiting any future fracking in the George Washington National Forest, a source of drinking water for the Shenandoah Valley and Northern Virginia. He has also vetoed legislation that would renew indirect incentives for more coal extraction in Virginia. However, while the Governor has expressed a reluctance to support widespread drilling for fracked gas within Virginia's boundaries, he does not have similar concerns about new and widespread fracking for gas that would be induced in nearby states as a result of massive new pipelines. His administration has also conducted a fast-tracked and inadequate review of Virginia's existing regulations for fracking – which rank among the weakest in the nation – despite the near-term threat of drilling. A Texas-based company has leased 84,000 acres of land for potential drilling in eastern Virginia's Taylorsville Basin.<sup>4</sup>



Credit: WabbyTwaxx via Creative Commons

*"[A]fter running for office as a candidate who would work to reduce the threat of global warming, the Governor is instead supporting the biggest plan in a generation to increase Virginia's role in expanding climate pollution."*



## Here is a summary of Governor McAuliffe's record to date:

THE ISSUE	THE GOVERNOR'S RECORD	RATING
Opposing a major expansion of infrastructure for fracked gas	<p>Stood with Dominion CEO Thomas Farrell to endorse the Atlantic Coast Pipeline when the company announced the \$5.1 billion, roughly 600-mile project in September 2014<sup>5</sup>; has since endorsed and defended the \$3.2 billion, 301-mile Mountain Valley Pipeline project as well.<sup>6</sup> A report shows these projects together could trigger nearly double the “lifecycle” greenhouse gas pollution of all existing stationary sources in Virginia combined.<sup>7</sup></p> <p>Backed Dominion’s plans to construct a new \$1 billion, 1,600-megawatt gas-fired power plant in Greensville County, the largest yet in Virginia.<sup>8</sup></p> <p>Repeats gas industry talking points that gas is “cleaner” than coal, despite numerous scientific studies showing it is nearly as bad as or worse than coal for the climate when accounting for lifecycle emissions.</p> <p>Ignored requests that his administration call on federal regulators to conduct a single, comprehensive regional review of all proposed pipeline projects in Virginia via a “Programmatic Environmental Impact Statement.”</p>	<b>Failing</b>
Keeping offshore oil and gas in the ocean	<p>Advocated for opening Virginia’s coastal waters to oil and gas drilling, despite opposition from businesses, thousands of citizens, and the Pentagon. If all of the estimated oil and gas lying under Virginia’s waters were burned, the climate impact would equal that of adding more than 24 million passenger vehicles to America’s roads per year.<sup>9</sup></p> <p>After the federal government removed Virginia from its draft five-year plan, Gov. McAuliffe expressed his intention to address military concerns so as to enable future drilling.<sup>10</sup></p>	<b>Failing</b>
Keeping Virginia’s gas reserves in the ground	<p>Urged the U.S. Forest Service to keep fracking off limits in the George Washington Forest, a recommendation adopted for all but a small portion of land already subject to private mineral rights.<sup>11</sup></p> <p>Allowed the Department of Mines, Minerals and Energy to fast-track a limited and flawed review of Virginia’s fracking rules<sup>12</sup>, despite the state having the weakest regulations out of 31 states with actual or potential shale gas production.<sup>13</sup></p>	<b>Fair</b>
Keeping Virginia’s remaining coal reserves in the ground	Vetoed legislation that would extend coal-related tax credits two years in a row. <sup>14</sup>	<b>Good</b>

Overall, Governor McAuliffe’s strident support for a dramatic expansion of infrastructure and demand for fossil fuels across Virginia far outweighs smaller measures he has taken to curtail areas available for fracking within Virginia’s borders and to stop certain tax credits.

A recent report shows that just two of the proposed pipelines – the Atlantic Coast Pipeline and the Mountain Valley Pipeline – could trigger almost twice as much cli-

mate-changing pollution as *all* of Virginia’s existing power plants and other stationary sources of pollution. In an era of rapid climate change and after running for office as a candidate who would work to reduce the threat of global warming, the Governor is instead supporting the biggest plan in a generation to increase Virginia’s role in expanding climate pollution.

If Governor McAuliffe lets science guide his policies on

global warming, he would end his support of a massive gas infrastructure buildout in the state – and instead become the state’s leading supporter of efficiency gains and wind and solar development. He should also work to strengthen the state’s very modest regulations governing the health and environmental threats related to any use of fracking technology in the state.

Most importantly, the Governor should use his administration’s authority to deny key permits for the proposed pipelines, as the Cuomo administration did in New York. The state Department of Environmental Quality (DEQ), not the Federal Energy Regulatory Commission (FERC), has sole authority under the Clean Water Act to grant a 401 Water Quality Certificate for the Atlantic Coast and Mountain Valley Pipelines. As originally proposed, the Atlantic Coast Pipeline alone would cross more than 560 Virginia waterbodies, including 520 wetlands and six major rivers.<sup>15</sup> As the length of the pipeline has increased, so too will the impacts to water resources. De-

nying the 401 Certificate will confirm that the project does not comply with the Clean Water Act.

At a minimum, the Governor can bring up his grade in this category by joining widespread public calls for a federal Programmatic Environmental Impact Statement (PEIS) for proposed gas pipelines.<sup>16</sup> Currently, the federal government is weighing the environmental impacts of each pipeline on its own, without considering “upstream” impacts from induced fracking for gas or the way multiple pipelines create broader, cumulative, and interlinked impacts in terms of erosion, sediment runoff, forest fragmentation, and climate change. Governor McAuliffe should join Virginia federal and state elected officials on both sides of the aisle, county boards of supervisors, landowners, businesses, churches, conservationists, and others in calling for a federal PEIS before any construction permits are approved for these pipelines.



Credit: Alex Weimer via Flickr

## Fracked Gas Pipelines = Fuse to Climate Disaster

In January 2016, Dr. Richard Ball, a retired US Environmental Protection Agency and Department of Energy scientist, released a report calculating the full “life cycle” emissions of climate pollution that construction and operation of the Atlantic Coast Pipeline and the Mountain Valley Pipeline would trigger.<sup>17</sup> Ball served as a lead author for the first and second climate assessments by the Nobel-prize winning Intergovernmental Panel on Climate Change. Ball’s report, using publicly available data (much of it from energy companies themselves), calculates the total CO<sub>2</sub> equivalent emissions that would result from the construction and use of these pipelines, including the full life cycle emissions of methane from fracking in the gas fields of West Virginia, leakage during transmission and storage of the gas, and combustion of the delivered gas. The report, and many others like it across the country, demonstrates the inaccuracy of statements from Governor McAuliffe and energy companies such as Dominion Power who regularly claim that fracked gas is better than coal in the fight against global warming. Gas, while emitting 50% less CO<sub>2</sub> at the point of combustion, is actually nearly as bad as or worse than coal for the climate when full leakage is calculated prior to combustion, as shown in the Ball report and reports by Cornell University’s Robert W. Howarth<sup>18</sup> and the Institute of Environmental Physics’ Oliver Schneising, et al.<sup>19</sup>



# CLEANING UP A TOXIC LEGACY OF COAL ASH

Overall Grade: 

***"The McAuliffe administration's approach thus far – led by the Virginia Department of Environmental Quality and its head David Paylor – has been to back Dominion at every step as the company seeks a continuing license to pollute Virginia's rivers and drinking water supplies."***

Governor Terry McAuliffe's administration is currently charged with overseeing the biggest statewide fossil fuel clean-up challenge in recent Virginia history. In response to new federal regulations, Dominion Virginia Power is closing 11 coal ash ponds at four sites across the state: the Possum Point Power Station along Quantico Creek, a tributary of the Potomac River, the Bremond and Chesterfield Power Stations along the James River, and the Chesapeake Energy Center along the Elizabeth River. Appalachian Power (APCo) is closing additional ponds at plants along the Clinch River in Russell County and along the New River in Giles County.<sup>20</sup> Coal ash is a byproduct of burning coal that contains high levels of carcinogenic toxins, including lead, arsenic, mercury, and hexavalent chromium, that are known to harm human health.

For over a decade, Dominion and the Virginia Department of Environmental Quality (DEQ) have known that Dominion's coal ash ponds at Possum Point<sup>21</sup> and at Chesapeake<sup>22</sup> have been leaking contaminants into nearby waterways and groundwater, but did nothing to address the problem – prompting a lawsuit under the Clean Water Act.<sup>23</sup> The federal rules, finalized in late 2015, kick back to states broad discretion to determine

the levels of treatment and type of long-term disposal method to which utility companies must adhere.

The McAuliffe administration's approach thus far – led by DEQ and its head David Paylor – has been to back Dominion at every step as the company seeks a continuing license to pollute Virginia's rivers and drinking water supplies. Dominion and APCo are in the process of seeking initial state permits to discharge wastewater off the top of the ponds. The two permits that DEQ has signed off on so far allow Dominion to dump half a billion total gallons of wastewater into Quantico Creek, a tributary of the Potomac River, and the James River without using best available technology and with allowable levels of arsenic that far exceed those permitted in neighboring North Carolina.<sup>24</sup> The Hogan administration in Maryland and the Potomac Riverkeeper Network are both pursuing legal challenges to the Possum Point discharge permit under the Clean Water Act.<sup>25</sup>

DEQ appears poised to ultimately greenlight the utilities' long-term plan to "cap" the solid ash in place using dirt and plastic, instead of moving it away from waterways to modern, lined landfills as utilities in North and South Carolina are committing to do. Experts warn that this approach would lead to the continued pollution of rivers and drinking water supplies for years to come.

In the face of a widespread public outcry and legal challenges, Governor McAuliffe has remained largely on the sidelines, apart from affirming his support for DEQ's permits.

## Here is a summary of Governor McAuliffe's record to date:

THE ISSUE	THE GOVERNOR'S RECORD	RATING
Minimizing toxins released into Virginia rivers from coal ash wastewater	Affirmed his support for DEQ wastewater permits, which allow Dominion to release toxins at levels far greater than those set by North Carolina. <sup>21</sup>  Has not backed calls for an EPA criminal investigation of Dominion's May 2015 dumping of untreated wastewater.	<b>Failing</b>
Ensuring safe disposal of coal ash waste into modern, lined landfills	Took no position on legislation introduced in the 2016 General Assembly that would have required utility companies to dispose of the waste away from waterways and in safer lined landfills. <sup>27</sup>  In defending DEQ, has misunderstood the facts regarding the state's authority to mandate stronger, more health-protective standards.	<b>Failing (with permits pending)</b>
Holding DEQ accountable to a thorough and transparent process	Permitted Director Paylor to testify before the U.S. Congress in March 2015 in support of industry-backed legislation that would have further weakened federal coal ash rules. Gov. McAuliffe clarified after the fact that Paylor was not representing "Virginia's views," as Paylor stated, but a separate special interest group. The Governor took no position for or against the bill, leaving Paylor's voice on record. <sup>28</sup>  Remained silent while numerous state and local officials and citizens requested a longer, better publicized public comment process and more thorough review of Dominion's wastewater discharge plans. <sup>29</sup>  Voiced no concern over Paylor's 2013 golf trip paid for by Dominion since it was revealed this spring. The trip was taken just months before Gov. McAuliffe re-appointed Paylor to lead DEQ. While legal at the time, the gift would violate new ethics rules the Governor signed into law in 2015. <sup>30</sup>	<b>Failing</b>

As Virginia's top public official, Governor McAuliffe is ultimately responsible for holding state agencies accountable. The buck stops with him. Governor McAuliffe receives a failing grade in this category because he has failed to show any real leadership in ensuring the strongest possible safeguards to protect Virginians' drinking water and rivers, despite multiple opportunities to intervene and despite the devastating potential consequences for the health of people and state waterways for decades to come.

The Governor has demanded nothing in the way of more stringent action or transparency from DEQ. This is despite mounting concerns that DEQ and Paylor are acting as partners to Dominion rather than as protectors of the public.<sup>31</sup> His administration's actions have bordered on obstruction and dishonesty when it comes to the handling of Dominion's secretive 2015

dumping into Quantico Creek – which involved more coal ash wastewater than was spilled into the Dan River during the Duke breach in 2014<sup>32</sup> – and to its representation of DEQ's authority.

Paylor appeared to turn a blind eye when local riverkeepers uncovered Dominion's release of untreated coal ash wastewater into Quantico Creek in May of 2015. Paylor initially misinformed the public, saying no water had been discharged.<sup>33</sup> Eight months later, when news reports revealed the release of 33.7 million gallons of untreated wastewater (later revised to 27.5 million), the administration backtracked under pressure and said it was all legal.<sup>34</sup> The Potomac Riverkeeper Network and the town of Dumfries have called on the U.S. Environmental Protection Agency to launch a criminal investigation.<sup>35</sup> Most recently, media reports have documented that Dominion gave significant gifts

to Paylor, including a free trip to the 2013 Master's Golf Tournament in Georgia.<sup>36</sup>

During one brief interview in February 2016, Governor McAuliffe incorrectly asserted that, "Unless [the EPA] change[s] it, we don't have much option."<sup>37</sup> In reality, the EPA guidelines set basic minimum standards that DEQ has full authority to exceed.<sup>38</sup> It's clear that Dominion could have done far better if required by DEQ. In fact, Dominion voluntarily agreed to go beyond DEQ's minimum permit requirements for the treatment and monitoring of wastewater discharges in the wake of numerous legal challenges and the day after 35 students protested in DEQ's lobby demanding answers from Director Paylor.

Governor McAuliffe's administration needs to conduct an immediate review of Paylor and DEQ's oversight of coal ash pollution – and commit publicly to transparent oversight, improved accountability of regulators, and to requiring the use of "best available technology" to protect Virginia's vital water resources and drinking water. If the McAuliffe administration were looking out for the best interests of Virginians, it would require Dominion and APCo to transfer the solid ash waste to modern, lined landfills. If DEQ, under the leadership of Director Paylor is unwilling to enforce strong pollution limits, then McAuliffe has the authority to change the agency's leadership.





# MOVING VIRGINIA TO A NEW CLEAN ENERGY ECONOMY

Overall Grade: 

*"If fully realized, those policies will help Virginia achieve a level of installed solar capacity by 2020 that would moderately exceed where Maryland is today."*

It's no secret that Virginia is playing catch up when it comes to building a new clean energy economy. Virginia does not have a single utility-scale wind farm. In the past year, Dominion's long-term energy plans have only begun to include a shift toward solar, with the first utility-scale solar farm slated to come online in the fall of 2016.<sup>39</sup> The 21 megawatts (MW) of solar power currently installed in Virginia ranks the state 32nd nationally<sup>40</sup> and pales in comparison to 349 MW in Maryland<sup>41</sup> and 2,087 MW in North Carolina.<sup>42</sup> Meanwhile, Virginians pay the 10th-highest average monthly residential

electric bills in the nation<sup>43</sup> due in large part because the state ranks in the bottom-third nationally for policies to encourage energy efficiency.<sup>44</sup>

Why? For over a decade, state policies have concentrated control over Virginia's energy future into the hands of a few utility companies. Virginia has no mandatory renewable energy or energy efficiency standards that require utilities to invest in clean technologies. Additionally, at the behest of Dominion and Appalachian Power, state laws and regulations include a series of measures that actively suppress the growth of decentralized, customer-owned solar power.

In running for office, Governor McAuliffe promised change. He said Virginia should "join our neighboring states in enacting a renewable energy standard to incentivize businesses to invest in new forms of energy."<sup>45</sup> His campaign platform called for Virginia to "catch up and then take the lead" in creating clean energy jobs.



Credit: Oregon Department of Transportation via Wikimedia Commons

## Here is a summary of Governor McAuliffe's record to date:

THE ISSUE	THE GOVERNOR'S RECORD	RATING
Catching up on utility-scale solar	<p>Signed 2015 legislation that paves the way for regulatory approval of up to 500 MW of utility-scale solar projects through 2020.<sup>46</sup></p> <p>Signed 2015 legislation that creates a Solar Energy Development Authority to guide development of 400 MW of utility-scale solar by 2020.<sup>47</sup></p> <p>Set a goal of generating 8% of the electricity used by state buildings from solar power by 2019, or approximately 110 MW. Dominion will supply 75% of the energy, with third-party developers supplying the rest.<sup>48</sup></p>	<b>Good</b>
Removing barriers to customer-owned solar	<p>Introduced and signed legislation that raised the cap – from 500 kW to 1 MW – on the size of solar projects that non-residential customers can install and hook up to the electric grid.<sup>49</sup></p> <p>Proposed lifting barriers to third-party power purchase agreements in his Governor's Energy Plan, but has not followed up with action.</p>	<b>Fair</b>
Improving energy efficiency	<p>Included a pilot program in 2015 utility rate legislation that requires utility companies to develop new energy assistance and weatherization programs for low-income, elderly, and disabled individuals.<sup>50</sup></p> <p>Set an accelerated state goal of reducing retail electricity consumption in the commonwealth by 10 percent by 2020, two years faster than the existing voluntary goal.<sup>51</sup></p> <p>Introduced legislation to create a performance-based incentive for utilities that implement successful, cost-effective energy efficiency programs.</p>	<b>Fair</b>
Pushing Dominion to develop offshore wind	<p>Participated in a stakeholder group designed to facilitate development of Virginia's offshore wind lease area.</p> <p>Signed legislation that declares offshore wind in the public interest should Dominion apply to develop it.</p> <p>Has said Virginia should be the "first state to install offshore wind turbines in federal waters,"<sup>52</sup> but has not publicly pushed Dominion to meet that goal as the company has dragged its feet for over a year.</p>	<b>Fair</b>

Overall, the Governor gets credit for pushing modest steps forward both in the General Assembly and through his executive powers. Most significantly, Governor McAuliffe has helped lay the groundwork for Virginia's first crop of utility-scale solar projects over the next three to four years. If fully realized, those policies will help Virginia achieve a level of installed solar capacity by 2020 that would moderately exceed where Maryland is today.

However, Governor McAuliffe has not championed any

large-scale policy shift to put Virginia on pace with its neighbors. The governor's aforementioned strong support for new fossil fuels – in the form of major new gas plants and infrastructure – could also create countervailing economic forces that could suppress the take-off of truly clean energy solutions: solar, efficiency, and wind. He has also side-stepped, and in some cases reinforced, the root problem: the tight grip of monopoly utility companies over Virginia's energy supply and political system.



# FIGHTING SEA LEVEL RISE AND FLOODING IMPACTS HERE NOW

Overall Grade: **B<sup>-</sup>**

In the U.S., coastal Virginia is second only to New Orleans in vulnerability to rising sea levels, which are being driven by heat-trapping pollution. Already, high tides and “routine” rainfall regularly flood streets and put residents in danger. The Virginia Institute of Marine Sciences estimates that sea levels could rise by as much as seven feet within this century, which would submerge low-lying neighborhoods and vital infrastructure and, potentially, cripple the world’s largest naval base. The region needs a massive, coordinated investment in new and resilient infrastructure, living shorelines, emergen-

cy planning, and strategic retreat from vulnerable areas to keep people safe and dry. The biggest obstacle is the money to pay for it – likely upwards of \$1 billion for Norfolk alone.

In his 2013 campaign platform, Governor McAuliffe pledged to “act decisively to protect our coastal communities”<sup>53</sup> and he often evokes flooding in Hampton Roads to explain why Virginia must address climate change.



Credit: U.S. Navy

*"While in office, Governor McAuliffe has re-focused the attention of state government on the need to address sea-level rise, overseen stronger coordination among and between levels of government, and helped to mobilize federal resources for some coastal adaptation projects."*

## Here is a summary of Governor McAuliffe's record to date:

THE ISSUE	THE GOVERNOR'S RECORD	RATING
Re-focusing government attention on climate and sea-level rise solutions	<p>Reinstituted Virginia's Climate Change and Resiliency Commission in July 2014; it had been disbanded by his predecessor.<sup>54</sup></p> <p>Appointed Virginia's first Chief Resilience Officer, Secretary of Public Safety Brian Moran, in December 2014 to coordinate sea-level rise efforts between state government and with local, regional, federal, and private sector partners.<sup>55</sup></p> <p>Released the final report of the climate commission in December 2015, recommending a series of steps to reduce greenhouse gas pollution and adapt to the climate impacts here now.<sup>56</sup></p>	Good
Securing federal funding for sea-level rise and flooding adaptation	<p>Shepherded successful grant proposal to secure \$120.5 million from the federal National Disaster Resilience Competition to fund several adaptation projects in the Hampton Roads region.<sup>57</sup></p>	Good
Mobilizing state-level resources for sea-level rise and flooding adaptation	<p>Did not support the single biggest proposed solution, adding Virginia to the Regional Greenhouse Gas Initiative.<sup>58</sup> Estimates show this step could generate more than \$250 million per year in new state revenue to support statewide resiliency efforts.<sup>59</sup></p> <p>Proposed creation of a "New Virginia Bank for Energy and Resiliency," which would provide low-cost financing for clean energy or resiliency projects by leveraging public funds and new private investment.<sup>60</sup> This was a top recommendation of the climate commission report.</p>	Fair
Upgrading evacuation plans to protect 1.7 million coastal residents in the event of a major storm	<p>Ordered a review of hurricane preparedness and evacuation planning, identifying key shortcomings.<sup>61</sup></p> <p>Has not secured resources to address major problems and recommendations identified in the review, including increasing shelter capacity and ensuring shelters meet proper building codes.</p>	Fair

While in office, Governor McAuliffe has re-focused the attention of state government on the need to address sea-level rise, overseen stronger coordination among and between levels of government, and helped to mobilize federal resources for some coastal adaptation projects. However, given the urgency and scale of the problem, the governor could and should still show stronger leadership in this area. In particular, Governor McAuliffe has thus far been absent from efforts to cre-

ate Virginia's first dedicated state-level funding stream to help localities combat flooding. By backing legislation and executive action to move Virginia into the Regional Greenhouse Gas Initiative, Governor McAuliffe could help leverage more than \$250 million in new revenue *per year* to help fund climate resilience efforts. At a minimum, the Governor should join RGGI as an "observer" now (as Pennsylvania has done) and then explore permanent membership.

# DEVELOPING A STRONG STATE CLEAN POWER PLAN

Overall Grade: 

Developing a strong state plan for implementing the federal Clean Power Plan (CPP) is the single biggest energy decision that Governor McAuliffe – and he alone – will make during his term in office. Nationally, this federal rule aims to reduce carbon pollution from power plants by 32 percent below 2005 levels by 2030. As noted previously, Virginia currently has no mandatory state policies that require utility companies to reduce pollution or switch to cleaner energy. Thus, with a state plan that is developed to its fullest potential, the Clean Power Plan represents a historic opportunity for

Virginia to drive development of clean energy and energy-saving technologies, save money for families, and reduce premature deaths, asthma attacks, and other illnesses linked to air pollution.<sup>62</sup> Experts agree that Virginia can easily achieve – and surpass – its federally assigned pollution reduction target.<sup>63</sup>

Since the Obama administration released the draft Clean Power Plan in June 2014, Governor McAuliffe has spoken out in support of the overall goals, but he has also lobbied to lower the federal plan's impact in Virginia.

Here is a summary of Governor McAuliffe's record to date:

THE ISSUE	THE GOVERNOR'S RECORD	RATING
Supporting a strong pollution reduction target for Virginia	<p>Affirmed his general support for the goals of the plan after the draft rule was released in 2014.<sup>64</sup></p> <p>But sided with utility companies Dominion and Appalachian Power in lobbying the EPA and the White House to lower Virginia's requirements under the plan.<sup>65</sup></p> <p>Openly took credit for lowering Virginia's emission reduction target when the final plan was released in August 2015.<sup>66</sup></p> <p>As a result of the lowered target, up to 1,500 more pollution-related asthma cases could now happen in Virginia by 2030.<sup>67</sup></p>	Poor
Defending federal and state authority to enforce carbon pollution limits	<p>Vetoed legislation that would have required General Assembly sign off on Virginia's implementation plan.<sup>68</sup></p> <p>Supported Attorney General Mark Herring in joining a coalition of 25 states and municipalities intervening to defend the Clean Power Plan in federal court.<sup>69</sup></p> <p>Declared state's intention to "stay on course" in developing an implementation plan after the Supreme Court decision to stay enforcement of the rule.<sup>70</sup></p> <p>Made a good but unsuccessful effort to block a General Assembly budget change that prevents the Virginia DEQ from working on a CPP plan.<sup>71</sup></p>	Good
Developing a Virginia plan that reduces total carbon emissions above and beyond the state's weakened target		?



***"To claim any credible legacy of reducing carbon pollution, Governor McAuliffe must break his lockstep with Dominion and design a state plan that reduces pollution from all sources using real solutions: solar, wind, and greater efficiency."***

Governor McAuliffe's biggest test lies ahead, which is why he gets an incomplete in this category – and gets a chance to bring up his poor average. The Governor could decide on Virginia's State Implementation Plan as soon as the summer of 2016. The question is now: Will Governor McAuliffe again side with the state's top polluter, Dominion, or will he do the clear-cut right thing for Virginians and the climate?

Dominion has urged Governor McAuliffe to embrace an

approach that, if implemented, could allow the company to increase – not decrease – total carbon emissions from its power plants. Dominion wants the rules to apply only to existing fossil fuel plants, and to use a "rate-based" workaround that would not guarantee a reduction in total emissions.<sup>72</sup> Under this approach, Dominion could continue its massive expansion of gas-fired generation – leading to significant new emissions of heat-trapping methane and carbon – at the expense of investments in renewable energy and energy efficiency.

The strongest state plan would cover existing and future power plants and adopt a so-called "mass-based" approach that caps *total* emissions. As Virginia leaders representing 50 civic, health, faith, business, and environmental groups wrote to Governor McAuliffe in January 2016, only this approach will deliver to the people of Virginia a Clean Power Plan that lowers total carbon pollution and ensures the health and safety of Virginians for generations to come.<sup>73</sup> To claim any credible legacy of reducing carbon pollution, Governor McAuliffe must break his lockstep with Dominion and design a state plan that reduces pollution from all sources using real solutions: solar, wind, and greater efficiency.



## CONCLUSION

As this scorecard shows in detail, Governor McAuliffe has been a very significant disappointment so far on climate change and clean energy policies. He ran for office as a candidate who would make reducing global warming pollution a priority. Instead, he is advocating for the largest increase in greenhouse gas pollution in a generation. Thankfully, there is enough time left in his administration to bring up his grade and rescue his legacy. By exercising his full legal authority under the

federal Clean Power Plan, the Governor can implement a plan for Virginia that reduces greenhouse gases for existing and future power plants. This opportunity, fully within the Governor's grasp right now, would do more to clean our air and protect our climate than any policy in Virginia history. It would transform the Governor's four-year scorecard into a powerful and positive legacy that all future generations will remember.

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