

REPORT OF THE

**VIRGINIA COAL AND
ENERGY COMMISSION**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 44

**COMMONWEALTH OF VIRGINIA
RICHMOND
1998**

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TABLE OF CONTENTS

I. Clean Air Act.....	1
Ozone Transport.....	2
1. OTAG.....	2
2. SIP Call.....	3
3. Section 126 Petitions.....	3
Revised Air Quality Standards.....	4
II. Global Climate Change.....	5
III. Other Issues.....	6
IV. Appendices.....	8
A. Letter to the President dated June 6, 1997	
B. Letters from the President dated August 15, 1997, the Vice President dated June 25, 1997, and Tom Bliley, Member of Congress, dated June 25, 1997	
C. Resolution of the Virginia Coal and Energy Commission agreed to on November 17, 1997, and letter to the President dated November 25, 1997	
D. Letters from Robert C. "Bobby" Scott, Member of Congress, dated December 24, 1997; John Warner, United States Senator, dated December 10, 1997; Owen Pickett, Member of Congress, dated December 23, 1997; and Tom Bliley, Member of Congress, dated February 12, 1998	

- E. 105th Congress, 1st Session, Senate Resolution 98
- F. Senate Joint Resolution No. 58
- G. The Virginia Weatherization Assistance Program
- H. Low Income Home Energy Assistance Program
- I. House Bill No. 1103
- J. Chapter 693 of the 1998 Acts of Assembly
- K. Virginia Coal Production and Market Trends
- L. State Energy Efficiency Programs

**Report of the
Virginia Coal and Energy Commission
to
The Governor and the
General Assembly of Virginia
Richmond, Virginia
1998**

TO: The Honorable James S. Gilmore III, Governor,
and
The General Assembly of Virginia

The Virginia Coal and Energy Commission, established in 1979, is a permanent legislative commission consisting of five senators, eight delegates, and seven citizens appointed by the Governor from the Commonwealth at large. Citizen members include representatives of industry, government, and groups or organizations identified with production and conservation of coal, natural gas, and energy. The purpose of the Commission is to “study all aspects of coal as an energy resource and endeavor to stimulate, encourage, promote, and assist in the development of renewable and alternative energy resources other than petroleum” (Code § 9-145.1).

The Commission met four times during the interim: a May meeting in Abingdon, October and November meetings in Roanoke, and a meeting in Richmond just prior to the 1998 Session of the General Assembly. Much of the Commission’s work focused on air pollution issues and their potential effects on Virginia’s energy industries. These included regulatory activities occurring at the federal and regional levels under the Clean Air Act and international negotiations regarding global warming. Recommendations on these issues were expressed in the form of a Senate Joint Resolution and letters to President and Vice President of the United States and Virginia’s Congressional delegation. See Appendices A through D and F.

I. CLEAN AIR ACT

During 1997, the Commission monitored two different but related Clean Air Act issues that affect the electric power and fuel supply industries. The first issue is one that the Commission has been studying since 1995: ozone transport. The Commission continued in 1997 to study the regulatory ramifications of the theory that, because ozone and ozone precursors are mobile in the atmosphere, some regions of the country may not be able to attain the air quality standard for ozone

unless additional emissions reductions are imposed in other regions of the country. The second issue is the Environmental Protection Agency's revision of the national ambient air quality standards for two pollutants: ozone and particulate matter.

A. OZONE TRANSPORT

The Commission continued in 1997 to monitor the work of the Ozone Transport Assessment Group (OTAG), a group of 37 state environmental agency officials that was formed with the encouragement of the United States Environmental Protection Agency (EPA). Besides following OTAG's progress, the Commission also looked at two other unfolding events that will affect the regulation of ozone and ozone precursor emissions.

1. OTAG

OTAG's objective was "to identify and recommend a strategy to reduce transported ozone and its precursors which, in combination with other measures, will enable attainment and maintenance of the ozone standard in the OTAG region." The group had no regulatory authority. It utilized a model to attempt to determine how ozone transport is affecting ozone levels in various parts of the 37-state region, and how additional controls on emissions might increase air quality in the various regions. Of particular interest was the question of how emissions reductions in the South and Midwest would contribute improved air quality in the Northeast, most of which has not attained the air quality standard for ozone. Representatives of the coal and electric power industries told the Commission that the results of the modeling effort indicate that additional emissions controls in the entire region would provide little benefit (reductions of 2 to 6 parts per billion) in reducing peak ozone levels in the Northeast corridor. While such controls would provide some areas with reductions of 20 or more parts per billion, this would occur primarily in areas which have already attained the standard. The Commission was also told that the OTAG model showed that there was no significant transport of ozone or ozone precursors beyond 150 miles of a pollution source.

As of the Commission's May meeting, OTAG was examining the effects of imposing controls in smaller geographic zones. Under this analysis, Northern Virginia was placed in the same region as the rest of the Northeast corridor, while the rest of Virginia was placed in a "buffer zone" in which controls could be imposed that would not be imposed on states to the west and south of Virginia. A Virginia Power representative told the Commission that DEQ has performed modeling which indicates that applying these strict controls would provide minimal benefits (reductions of 2 to 3 parts per billion) in ozone levels in the Northeast, at a very high potential cost.

A number of other concerns about the OTAG process were expressed. The industries were concerned that the time constraints under which the group had

been operating were resulting in compromises in sound science and judgment. The model that the group had been using was made public late in the process, in November 1996, and there were questions about the accuracy of the model and the emissions inventories being relied upon. The industries believed that the OTAG's heavy focus on controlling emissions in the utility sector was unfounded, and that the costs that appeared likely to be imposed on the utility sector as well as other industries were unnecessarily large.

2. SIP Call

In January, EPA published a notice of intent to require states to submit amendments to their Clean Air Act state implementation plans (SIPs) "to ensure that emission reductions are achieved as needed to prevent significant transport of ozone pollution across State boundaries in the Eastern United States." This type of regulation is known as a "SIP call." Industry representatives questioned why the agency took this action prior to the completion of OTAG's work. In response to this concern and the other concerns raised at the Commission's May meeting, the Chairman wrote a letter on the Commission's behalf to the President, Vice President, Administrator of the EPA, and Virginia Congressional delegation expressing the Commission's hope that emissions reductions would be imposed only if scientific evidence demonstrated that they were necessary. See Appendix A. Responses to the letter appear as Appendix B.

OTAG issued its recommendations in July of 1997, and EPA published the proposed SIP call in November. The extent to which the proposed regulation reflects OTAG's recommendations is the subject of some dispute. The proposed regulation applies to 22 states, including Virginia, and the District of Columbia. EPA intends to issue the final regulation in September 1998. The states will then have until September 1999 to submit revised SIPs. According to industry representatives, the proposed SIP call requires Virginia to reduce nitrogen oxide emissions during the ozone season (May-September) by 23 percent from projected 2007 emissions levels. While the method of achieving this reduction will be determined by the state, EPA has "suggested" that 63 percent of the total reduction should come from utility sources. Virginia Power estimates that such a reduction would cost the company over \$700 million in capital costs.

3. Section 126 Petitions

The third event that is likely to affect the way emissions of ozone and ozone precursors are regulated is the filing of petitions under § 126(b) of the Clean Air Act by eight Northeastern states. The petitions, filed in August, request EPA to find that facilities in upwind states are significantly contributing to nonattainment of air quality standards for ozone in the petitioning states. According to Virginia Power, the petitions seek reductions of up to 85 percent from 1990 nitrogen oxide emission levels on utility and large industrial boilers in 19 states, including

Virginia. Section 126 provides that if EPA makes the requested finding with respect to a facility, the facility will have up to three years to install measures to control the emissions. The law requires EPA to make a decision within 60 days of receiving a section 126 petition, but in December EPA entered into a memorandum of agreement with the petitioning states. The memorandum gives the agency until April 1999 to make its findings. Depending on what EPA's findings are and when they are made, states like Virginia may have to achieve nitrogen oxide reductions sooner or that are larger in scope than required under the proposed SIP call.

B. REVISED AIR QUALITY STANDARDS

In December 1996, EPA proposed to toughen the national ambient air quality standards for ozone and particulate matter (soot) and change the way that ambient levels of the two pollutants are measured. The agency was under a court order to reevaluate the ozone standard, due to a lawsuit filed by the American Lung Association because EPA failed to examine the standard within the time frame required by the Clean Air Act. The coal and electric utility industries questioned whether the scientific information relied upon during the reevaluation of the two standards was accurate and actually indicated that the standards should be changed. A Virginia Power representative pointed out to the Commission that of the 32 health studies cited by EPA in the particulate matter proposal, 20 were done at one institution, the Harvard School of Public Health. Some of these studies had not been released to the public.

EPA estimated that the costs of the particulate matter proposal would be about \$6 billion per year. Other estimates indicated that the costs of the new ozone standard in the Chicago area alone would be between \$2.5 and \$7 billion per year. EPA also projected that the proposals would result in 229 areas in the United States newly becoming nonattainment areas for ozone and 167 areas becoming nonattainment areas for particulate matter. Virginia Power's position on the two standards was that the existing ozone standard is adequate to protect public health, and that the particulate matter standard should not be changed without more research on its health effects. The chairman of the Commission echoed these concerns in his June letter to the President, Vice President, Administrator of the EPA, and Virginia Congressional Delegation. See Appendix A. Responses to the letter appear as Appendix B.

EPA issued final standards for ozone and particulate matter on July 17, 1997. Both standards are more stringent than the old standards and similar to those that the agency had proposed in December. Both standards are being challenged in court by several states and industry groups. EPA plans to determine attainment and nonattainment areas for the new ozone standard by the year 2000. States will then have until 2003 to update their SIPs in a way that will show how compliance with the standard will be achieved by 2010. Nonattainment areas for

particulate matter will not be determined until 2002-2005, after which states will have three years to submit SIP amendments and 10 years to achieve compliance.

II. GLOBAL CLIMATE CHANGE

The Commission heard testimony on this issue at two of its meetings in 1997. Representatives of the coal, chemical, and electric power industries expressed a number of fears about any regulation of "greenhouse gas" (primarily carbon dioxide) emissions that may result from international negotiations on the issue. The industries were particularly concerned about the costs of instituting such controls and the possibility that controls would be required of industries in developed nations such as the United States, but not of industries in developing nations. The Commission also heard from two scientists, one the Virginia State Climatologist and the other a representative of the U.S. Global Climate Change Research Program, that had vastly different views on the subject. They disagreed as to the strength of the scientific evidence that suggests global warming is occurring, how harmful global warming is likely to be to environment, whether global warming is being caused by human activities, and whether governments should attempt to control greenhouse gas emissions.

Because it was anticipated that the United States would have a major role in an international conference on the issue in December of 1997, the Commission passed a resolution in November expressing concern about the potential impacts of a global warming treaty. The resolution was sent to the President, Vice President, and Virginia Congressional Delegation. It urged the administration to ensure that any agreement reached at the conference would (1) include requirements that developing countries control emissions of greenhouse gases, and (2) not result in serious harm to the economy of the United States. See Appendix C. Responses appear as Appendix D. The Commission's resolution was very similar to a resolution that passed the United States Senate in July of 1997. See Appendix E.

At the December conference held in Kyoto, Japan, an agreement was reached, but only after intense negotiations. Known as the Kyoto Protocol, the treaty will become effective after it has been ratified by 55 nations representing 55 percent of 1990 carbon dioxide emissions worldwide. It will be binding on an individual country only if that country ratifies the treaty. If ratified, it will require that, by 2012, the United States reduce emissions of greenhouse gases by seven percent, the European Union reduce emissions by eight percent, and Japan reduce emissions by six percent below 1990 levels.

The treaty does not contain binding limits for developing nations. Because the United States Senate is unlikely to approve a treaty that does not impose limits

on developing nations, the Clinton administration has signaled that it will not submit the treaty to the Senate until it can persuade developing nations like India and China to agree to limits. The next conference on the global warming will occur in November 1998 in Buenos Aires. If an agreement as to developing nation participation is reached at that conference, the treaty will probably be submitted to the Senate in 1999. The Commission recommended a Senate Joint Resolution expressing the sense of the General Assembly that Congress should prevent the ratification of the Kyoto Protocol unless developing nations commit to limiting greenhouse gas emissions. SJR 58 passed the General Assembly during the 1998 session. See Appendix F.

III. OTHER ISSUES

Other issues considered by the Commission included (1) electric utility industry restructuring, (2) the coordination between the state's weatherization assistance and low income home energy assistance programs, (3) the state of Virginia's coal industry, and (4) the Commonwealth's energy programs.

1. Electric utility industry restructuring was the subject of an intensive study by a joint subcommittee formed pursuant to SJR 118 (1996) and continued pursuant to SJR 259 (1997). Staff provided regular updates to the Commission on the activities of the joint subcommittee. The joint subcommittee's reports include Senate Document 28 (1997) and Senate Document 40 (1998).
2. The issue of coordination between the Weatherization Assistance Program (WAP) and Low Income Home Energy Assistance Program (LIHEAP) is one that the Energy Preparedness Subcommittee of the Commission has been tracking for several years. The Subcommittee received an overview of both programs during its January 1998 meeting (see Appendices G and H), and learned of a proposal by the Allen administration to move LIHEAP from the Department of Social Services to the Department of Housing and Community Development (DHCD), which is where WAP is located. The subcommittee recommended to the full Commission that the Commission (i) support the administration's efforts, and (ii) introduce legislation to effectuate the move if the administration did not do so. The Commission endorsed this recommendation. During the 1998 session of the General Assembly, Delegate Almand introduced legislation that would have moved LIHEAP to DHCD. See Appendix I. The bill was amended significantly during the session; the enacted version appears as Appendix J.

3. The Virginia Center for Coal and Energy Research has traditionally provided the Commission with a yearly overview of the state of the coal industry. The information presented by the Center at the Commission's October meeting appears as Appendix K.
4. The Director of the Division of Energy of the Virginia Department of Mines, Minerals and Energy presented an overview of the Commonwealth's energy programs to the Energy Preparedness Subcommittee at its January 1998 meeting. See Appendix L.

IV. APPENDICES



COMMONWEALTH of VIRGINIA

COAL AND ENERGY COMMISSION

General Assembly Building

910 CAPITOL STREET
SECOND FLOOR
RICHMOND, VIRGINIA 23219

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 786-3591

June 6, 1997

The President
The White House
Washington, D.C. 20500

RE: EPA Clean Air Act proposals

Dear Mr. President:

I am writing to you on behalf of the Virginia Coal and Energy Commission to express the Commission's concern about two related Environmental Protection Agency proposals under the Clean Air Act. The first is the proposed revision of the national ambient air quality standards for ozone and particulate matter. The second is the additional emissions reductions proposed to address the problem of ozone transport. We respectfully urge your administration to consider carefully whether the scientific information currently available supports imposing the strict emission controls that would be mandated under these two proposals.

We were made aware of the proposed ozone and particulate matter standards at a recent Commission meeting, when representatives of Virginia Power described the potentially enormous economic ramifications of the new standards and complained of scientific uncertainty regarding the health benefits that may be provided them. We are aware that you have received letters from many members of Congress urging you to delay revision of the standards. We share the view expressed in these letters that the new standards should be adopted only when adequate study has shown them to be necessary. The Washington Post also recently reported that the National Economic Council, the Office of Management and Budget, and the Council on Environmental Quality is currently evaluating the proposed standards. We hope you will make public any information that might be yielded by their analysis of the issue.

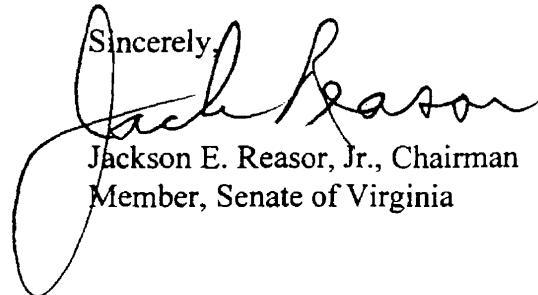
Closely related to the proposed revision of the ozone air quality standard is the work of the Ozone Transport Assessment Group (OTAG), an ostensibly voluntary group of 37 state environmental agency officials that was formed with EPA's encouragement. The group is addressing the possibility that, because ozone and ozone precursors may be mobile in the atmosphere, some regions of the country may not be able to attain the air quality standard for

Letter to Mr. President
June 6, 1997
Page 2

ozone unless additional emissions reductions are imposed in other regions of the country. We have been concerned since the initiation of OTAG's activities that the group may decide that states should impose emission controls which exceed those mandated by the Clean Air Act (please see the enclosed letter). We were recently advised that early this year, before OTAG had even completed its work, EPA proposed to require states to impose some of the emission controls being discussed by the group. The Virginia Power representatives told the Commission that OTAG's modeling results do not indicate the necessity of these controls, and that the controls will be extremely expensive to implement.

The possibility that emissions reductions will be imposed under the two proposals discussed in this letter without scientific evidence demonstrating that they are necessary is very alarming. We hope that your administration will rely on credible and convincing science in evaluating these proposals, and that the evidence on which the decisions are based will be clearly articulated to the public. Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jackson E. Reasor, Jr.". The signature is written in black ink and is positioned above the printed name and title.

Jackson E. Reasor, Jr., Chairman
Member, Senate of Virginia

encl.

Cc: Members of the Virginia Congressional Delegation

THE WHITE HOUSE

WASHINGTON

August 15, 1997

The Honorable Jackson E. Reesor, Jr.
Senator
Member of the House of
Delegates of Virginia
Second Floor
910 Capitol Street
Richmond, Virginia 23219

Dear Jackson:

Thank you for writing to me regarding the Environmental Protection Agency's new air quality standards for ozone and particulate matter. I appreciate your candor on these issues, which are of great importance to the public health, the environment, and the economy.

My decision to set new standards for ambient air quality was based on the need to protect the public health, as the Clean Air Act and good public policy require. However, my decision also included direction to the EPA to respect the agreements already made by the states, communities, and businesses to clean up the air; to avoid additional burdens with respect to the beneficial measures already underway in many areas; and to develop creative, flexible, and commonsense implementation plans that will achieve these important results in a cost-effective manner. I have also directed the EPA to reward state and local governments that take early action to provide clean air to their citizens and to address the fact that pollution travels hundreds of miles across state lines. I am confident that, by taking these measures, we can both protect the public health and sustain the prosperity our country has enjoyed in recent years.

Representatives of the EPA will be discussing these implementation plans with community leaders and local and state government officials in detail in the near future. With respect to particulate matter, these plans will ensure that no area of the country will be designated out of attainment with the new standard for at least five years. During that time, EPA will complete another review of any newly available relevant scientific information. With respect to ozone, the new standard will not require any area to implement any new controls to improve local air quality until at least 2004.

Thanks again for taking the time to write about this important issue.

Sincerely,

A handwritten signature in black ink that reads "Bill Clinton". The signature is written in a cursive style with a long horizontal line extending from the end of the name.



THE VICE PRESIDENT
WASHINGTON

June 25, 1997

The Honorable Jackson E. Reasor, Jr.
Senate of Virginia
910 Capitol Street
Second Floor
Richmond, Virginia 23219

Dear Senator Reasor:

Thank you for sharing your views regarding the Environmental Protection Agency's (EPA) reviews of the national ambient air quality standards (NAAQS) for ozone and particulate matter. I appreciate this opportunity to respond.

As you know, the EPA is required to review periodically NAAQS to ensure that they are protective of human health and the environment. Based on the results of this review, officials at EPA proposed new air quality standards for ozone and particulate matter. These proposed standards are based on peer-reviewed scientific evidence and the advice of an independent scientific review panel, the Clean Air Scientific Advisory Committee, which is made up of nationally recognized experts in a wide range of disciplines.

Please be assured that your concerns have been noted and will be taken into consideration. This proposal will not be finalized until all comments received have been considered fully.

Thank you for sharing your thoughts with me.

Sincerely,

Al Gore

AG/rmm

PRINTED ON RECYCLED PAPER

Congress of the United States
House of Representatives
Washington, DC 20515-4607

June 25, 1997

The Honorable Jackson E. Reasor, Jr.
Senate of Virginia
910 Capitol Street
Second Floor
Richmond, VA 23219

Dear Jack:

Thank you for forwarding me the letter which you sent President Clinton, Vice President Gore, and Environmental Protection Agency Administrator Browner regarding the proposed new ambient air quality standards for ozone and particulate matter (PM). I welcome the opportunity to comment.

As you know, the Clinton Administration has proposed to make the existing ozone and PM standards more stringent. For ozone, the new standard would reduce allowable concentrations from 0.12 parts per million (ppm) to 0.08 ppm and PM standards would be reduced from 10 microns to 2.5 microns. Under EPA's own estimates, the proposed change in the ozone standard would mean that the number of counties deemed "nonattainment" for ozone would triple from 106 to 335, affecting 122 million people-- nearly one-half of this country's population.


Without a doubt, the protection of public health is an important environmental priority for the 105th Congress. However, I am increasingly alarmed that the EPA's proposed standards would impose huge, costly burdens on consumers and employers--without providing a measurable improvement on public health. For example, EPA's own cost-benefit analysis shows that the costs of the proposed ozone standard exceed the value of the estimated benefits. Moreover, the EPA's own scientific advisory group found that the new ozone standard would not deliver a significant health benefit.

As Chairman of the House Commerce Committee with jurisdiction over this issue, I believe it is reasonable to expect EPA to provide a justification for the proposed changes to the standards. I recognize that these standards must be set at a level that will protect public health. However, I am concerned that EPA has not answered important questions concerning the scientific basis for these proposals, and has not presented the public with an accurate description of the costs and benefits of

Page 2
Chairman Reasor

these proposals. I thank you again for forwarding me your letters to the Clinton Administration officials, and am hopeful that these standards will be revised in an appropriate manner. With kindest regards, I am

Sincerely,


Tom Bliley
Member of Congress

TJB/msh

Resolution of the Virginia Coal and Energy Commission

*Expressing the Sense of the Commission on the proposed
International Treaty on Global Warming*

(agreed to November 17, 1997)

WHEREAS, the Virginia Coal and Energy Commission was established by the General Assembly as a permanent agency of the Commonwealth to generally study all aspects of coal as an energy resource and endeavor to stimulate, encourage, promote, and assist in the development of renewable and alternative energy resources other than petroleum; and

WHEREAS, the Commission has been studying the issue of global warming and its policy implications through testimony received from representatives of both the scientific community and industry; and

WHEREAS, the Commission has been confronted with significant disagreement among scientists over whether global warming is being caused by human activities, whether global warming is occurring in a way that is likely to be harmful, and whether the government should take action to halt global warming; and,

WHEREAS, the Commission has been made aware that the coal industry and other industries of importance in Virginia have serious concerns about the possible economic effects of any commitments the United States might make to decrease carbon emissions, especially if developing countries are not subject to similar emission controls; and

WHEREAS, the Commission agrees with and supports Senate Resolution 98, agreed to by the United States Senate on July 25, 1997; now, therefore, be it

RESOLVED, That it is the sense of the Virginia Coal and Energy Commission that the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for industrialized countries, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing countries within the same compliance period, or

(B) would result in serious harm to the economy of the United States.

November 25, 1997

The President
The White House
Washington, D.C. 20500

RE: Kyoto conference

Dear Mr. President:

I am writing on behalf of the Virginia Coal and Energy Commission. The Commission has devoted its last two meetings to the issue of global warming, hearing testimony from both scientists and industry. After what we have learned, we are very much concerned about the upcoming conference in Kyoto, Japan and the effect any agreement entered into by the United States might have on the coal industry and the national economy as a whole.

Enclosed is a resolution that was agreed to by the Commission at our meeting last week. We appreciate all the work that you and the Vice President have done to try and understand this complex issue and formulate a policy that is fair. To that end, we respectfully request that you direct the United States delegation to the Kyoto conference to adhere to the principles set out in Senate Resolution 98, which was agreed to by the United States Senate on July 25, 1997. If global warming is to be addressed by government action, it should be done in a way that does not cripple industries that are important to the economy and that includes every country that contributes to the problem.

Sincerely,

Jackson E. Reasor, Jr., Chairman
Member, Senate of Virginia

encl.

ROBERT C. (BOBBY) SCOTT
3D DISTRICT, VIRGINIA

2464 RAYBURN OFFICE BUILDING
WASHINGTON, DC 20515-4603
(202) 225-8351

COMMITTEES:

JUDICIARY
SUBCOMMITTEE

CONSTITUTION, RANKING MEMBER

EDUCATION AND THE WORKFORCE
SUBCOMMITTEE

EARLY CHILDHOOD, YOUTH, AND FAMILIES



APPENDIX D

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RICHMOND, VA 23219-1321
(804) 644-4845

PETERSBURG:
(804) 748-6442

Congress of the United States

House of Representatives

Washington, DC 20515-4603

December 24, 1997

Mr. Jackson E. Reasor Jr.
Chairman
Coal and Energy Commission
910 Capitol Street
Second Floor
Richmond, VA 23219

Dear Mr. Reasor:

Thank you for contacting me regarding your support and the support of the Commission for global warming policies that include every country to contribute to the problem. I appreciate you apprising me of your views on this issue.

Please be assured that I will keep your views in mind as this issue comes before me. Please feel free to contact me in the future on other issues which may be of concern to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bobby Scott".

Robert C. "Bobby" Scott
Member of Congress

RCS/df

JOHN WARNER
VIRGINIA

COMMITTEES:
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
RULES AND ADMINISTRATION
LABOR AND HUMAN RESOURCES
SMALL BUSINESS
AGING

United States Senate

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(540) 628-8158

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ROANOKE, VA 24011-17.
(540) 857-2876

December 10, 1997

The Honorable Jackson E. Reasor, Jr.
Chairman
Coal and Energy Commission
901 Capitol Street
Second Floor
Richmond, Virginia 23219

Dear Chairman Reasor:

Thank you for contacting my office regarding global warming and the climate treaty negotiations scheduled for later this month. I appreciate hearing from you.

As you know, the United Nations will hold a convention this December in Kyoto, Japan, to discuss climate change and the possibility of global warming. 165 nations have committed to attend this convention, with the hope of providing direction to global climate change policy. As a member of the Senate Committee on Environment and Public Works, I will be following the decision in Kyoto carefully.

I am cognizant that the Virginia Coal and Energy Commission is apprehensive about the proposed treaty, and I share some of these concerns. Earlier this year I cosponsored, with Senator Robert Byrd of West Virginia, a Sense of the Senate resolution regarding global warming.

The United States should not enter into any international agreement on global climate change that would bring about a substantial harm to the U.S. economy or require less stringent, ineffective controls on developing countries. Any agreement that cripples the American economy or fails to provide real reforms to environmental policies in developing nations will only serve to exacerbate environmental problems worldwide.

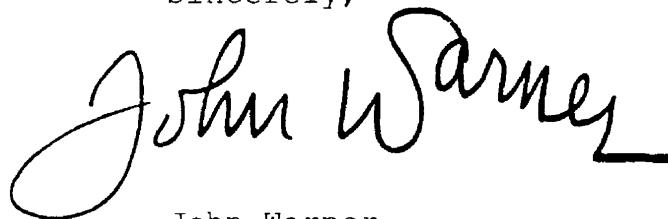
There are no treaties associated with this convention. However, it is possible that a treaty will be created and adopted by the convention. Senator John Chafee of Rhode Island, who serves as Chairman of the Senate Committee on Environment and Public Works, will represent the United States Senate at the meeting in Kyoto. I look forward to a full briefing on the specifics of any treaty adopted by the convention upon Senator Chafee's return.

The Honorable Jackson E. Reasor, Jr.
December 10, 1997
Page 2

Again, thank you for giving me the benefit of your views. Please be assured that I will keep the tenets of the resolution adopted by the Virginia Coal and Energy Commission in mind should a treaty be brought before the United States Senate for advise and consent. Should you have any additional concerns, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

A handwritten signature in black ink that reads "John Warner". The signature is written in a cursive, flowing style with a long horizontal stroke at the end of the name.

John Warner

JW/jfg

OWEN PICKETT

VIRGINIA,
2ND DISTRICT

COMMITTEE ON NATIONAL SECURITY

SUBCOMMITTEE ON RESEARCH & DEVELOPMENT
RANKING MEMBER

SUBCOMMITTEE ON MILITARY READINESS

SUBCOMMITTEE ON MILITARY PERSONNEL

PANEL ON MORALE, WELFARE AND RECREATION

COMMITTEE ON RESOURCES

SUBCOMMITTEE ON WATER AND POWER



**HOUSE OF REPRESENTATIVES
OF THE UNITED STATES**

WASHINGTON, D.C. 20515

December 23, 1997

2430 RAYBURN BUILDING
WASHINGTON, D.C. 20515
(202) 225-4215
E-MAIL: OWEN.PICKETT@MAIL.HOUSE.GOV

DISTRICT OFFICES:

3841 EAST LITTLE CREEK ROAD
SUITE 1
NORFOLK, VIRGINIA 23518
(757) 583-5892

2710 VIRGINIA BEACH BOULEVARD
VIRGINIA BEACH, VIRGINIA 23452
(757) 486-3710

The Honorable Jackson E. Reason, Jr.
Chairman
Coal and Energy Commission
910 Capitol Street
Richmond, Virginia 23219

Dear Honorable Reason:

Thank you for your letter concerning the negotiations in Kyoto, Japan on the United Nations Framework Convention on Climate Change of 1992, and also for the Commission's enclosed resolution.

Treaty negotiations were completed on December 11, 1997. Although only the Senate has the authority to ratify treaties, you can be sure that your views and comments on this matter will be remembered. I appreciate having the benefit of your views on this matter. If there are any other matters of interest to you before Congress, please be sure to let me know.

With best wishes for a happy holiday season and a prosperous New Year, I remain

Sincerely yours,

A handwritten signature in cursive script that reads "Owen Pickett".

Owen Pickett
Member of Congress

OP/lc

TOM BILEY
7TH DISTRICT, VIRGINIA

CHAIRMAN, COMMITTEE ON COMMERCE

WASHINGTON OFFICE:
2409 RAYBURN OFFICE BUILDING
(202) 225-2815

DISTRICT OFFICES:
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SUITE 207
763 MADISON ROAD
CULPEPER, VA 22701-3342
(540) 825-8960

Congress of the United States

House of Representatives

Washington, DC 20515-4607

February 12, 1998

The Hon. Jackson E. Reasor Jr
910 Capitol St
Richmond, VA 23219

Dear Honorable Reasor:

Thank you for contacting me regarding the Global Climate Change Protocol which was discussed in Kyoto, Japan in December 1997. I welcome the opportunity to comment and appreciate your interest and input into the subject matter.

The Kyoto Protocol sets timetables to reduce greenhouse gas emissions by developed countries. While conservation of our natural resources and protection of our environment is a value we all share, agreeing to a flawed, unrealistic multi-national treaty could have devastating results for American citizens.

As Chairman of the House Commerce Committee, it is my duty to look at all sides of this issue to ensure that the best data about this Protocol related to environmental and economic impacts are presented to lawmakers. The Administration has not yet provided Congress with sufficient information about the economic effects of this treaty.

In fact, by exempting countries like China, India, and Mexico from meaningful commitments under the Protocol, it is likely that the result will be an export of emissions and U.S. jobs rather than real environmental benefits. Is it fair for the people of the U.S. to make great sacrifices to comply with the treaty while these developing nations have no share in this responsibility?

Earlier this year the Senate unanimously adopted the Byrd-Hagel resolution which listed five criteria as requirements for a treaty. These criteria include no erosion of American sovereignty, no loss of American jobs, and no special advantages to polluters in developing countries. At this stage the Kyoto Protocol does not meet these five criteria and I will continue to urge the Administration to present the American people with an

Page 2

agreement that complies before the Senate is expected to vote in 1999. With kindest regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Tom", written over a horizontal line.

Tom Bliley
Member of Congress

TB/msh

APPENDIX E

THIS SEARCH	THIS DOCUMENT	GO TO
Next Hit	Forward	New Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Doc Contents	

Bill 2 of 3

There are 2 other versions of this bill.

GPO's PDF version of this bill	References to this bill in the Congressional Record	Link to the Bill Digest file.	Download this bill. (7,516 bytes).
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Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations... (Passed by the Senate)

SRES 98 ATS

105th CONGRESS

1st Session

S. RES. 98

[Report No. 105-54]

Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

IN THE SENATE OF THE UNITED STATES

July 25, 1997

Mr. BYRD (for himself, Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUE, Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, Mr. BURNS, Mr. CONRAD, Mr. GLENN, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, Mr. GORTON, Mr. HATCH, Mr. BREAU, Mr. CLELAND, Mr. DURBIN, Mr. HUTCHINSON, Mr. JOHNSON, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH of Oregon, Mr. BENNETT, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRASSLEY, Mr. ALLARD, Mr. MURKOWSKI, Mr. AKAKA, Mr. COATS, Mr. COCHRAN, Mr. DOMENICI, Mr. GRAMM, Mr. GRAMS, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. ROBB, Mr. ROCKEFELLER, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. LUGAR, Mr. REID, Mr. BRYAN, Mr. THOMPSON, and Mr. CAMPBELL) submitted the following resolution; which was referred to the Committee on Foreign Relations

July 21, 1997

Reported by Mr. HELMS, without amendment

July 25, 1997

Considered and agreed to

RESOLUTION

Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as the 'Convention'), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the countries of Eastern Europe and the Organization For Economic Co-operation and Development (OECD), including the United States, as 'Annex I Parties', and the remaining 129 countries, including China, Mexico, India, Brazil, and South Korea, as 'Developing Country Parties';

Whereas in April 1995, the Convention's 'Conference of the Parties' adopted the so-called 'Berlin Mandate';

Whereas the 'Berlin Mandate' calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and establishes a negotiation process called the 'Ad Hoc Group on the Berlin Mandate';

Whereas the 'Berlin Mandate' specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Undersecretary of State for Global Affairs called for the first time for 'legally binding' emission limitation targets and timetables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 8, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for the Parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;

Whereas the exemption for Developing Country Parties is inconsistent with the need for global action on climate change and is environmentally flawed;

Whereas the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof; and

Whereas it is desirable that a bipartisan group of Senators be appointed by the Majority and Minority Leaders of the Senate for the purpose of monitoring the status of negotiations on Global Climate Change and reporting periodically to the Senate on those negotiations: Now, therefore, be it

Resolved, That it is the sense of the Senate that--

(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would--

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
<u>Next Hit</u>	Forward	<u>New Search</u>
<u>Prev Hit</u>	Back	<u>HomePage</u>
<u>Hit List</u>	Best Sections	<u>Help</u>
	Doc Contents	

APPENDIX F

SUMMARY

SENATE JOINT RESOLUTION NO. 58

Memorializing Congress to prevent the ratification of the Kyoto Protocol unless developing nations commit to limiting greenhouse gas emissions.

Agreed to by the Senate, February 17, 1998

Agreed to by the House of Delegates, March 12, 1998

WHEREAS, an increase in the concentration of carbon dioxide and other "greenhouse gases" in the atmosphere may be causing solar heat to be trapped close to the surface of the earth and average temperatures to increase worldwide; and

WHEREAS, this increase in greenhouse gases may be attributable to mankind's use of fossil fuels; and

WHEREAS, a significant increase in global temperatures could have disastrous effects on the earth's environment, possibly including dramatic increases in sea levels and severe weather events, wildlife habitat destruction, and property destruction; and

WHEREAS, some disagreement exists within the scientific community over the extent to which global warming is occurring, the extent to which it is being caused by human activities, how harmful it may be to the environment, and whether governments should take action to control emissions of greenhouse gases; and

WHEREAS, the United States participated in an international conference on global warming in Kyoto, Japan, in December of 1997; and

WHEREAS, a treaty known as the Kyoto Protocol, which would require the United States to reduce emissions of greenhouse gases by seven percent, the European Union to reduce emissions by eight percent and Japan to reduce emissions by six percent below 1990 levels by 2012, was adopted at the Kyoto conference; and

WHEREAS, the imposition of such emissions reductions could impose significant costs on the coal industry, the electric utility industry, and other industries of importance to Virginia's economy, and on consumers; and

WHEREAS, the Kyoto Protocol does not include limits on greenhouse gas emissions in developing nations; and

WHEREAS, the issue of emissions limitations for developing countries will next be addressed at an international conference in Buenos Aires in November, 1998; and

WHEREAS, the imposition of the Kyoto Protocol emissions reductions could put the United States economy at a severe competitive disadvantage if similar reductions are not imposed in developing nations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Congress be urged to prevent the ratification of the Kyoto Protocol unless developing nations commit to limiting greenhouse gas emissions; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Congressional delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

The VIRGINIA

WEATHERIZATION

Assistance Program

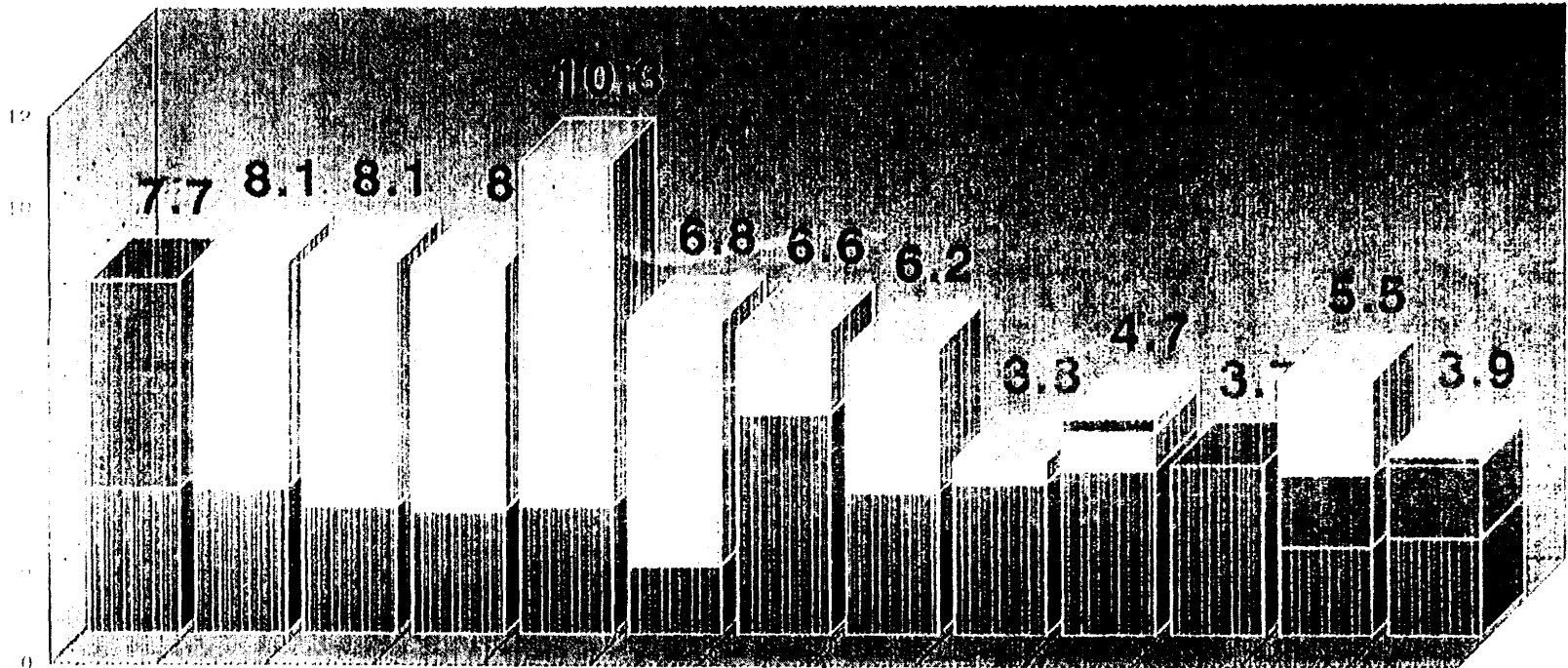
The VIRGINIA



APPROPRIATION PATTERNS

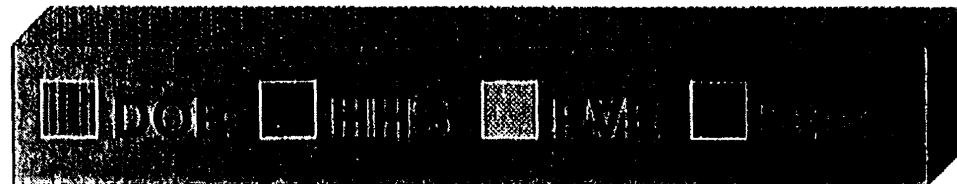
(Years 85-90 exclude any carryover from previous years)

\$ Millions



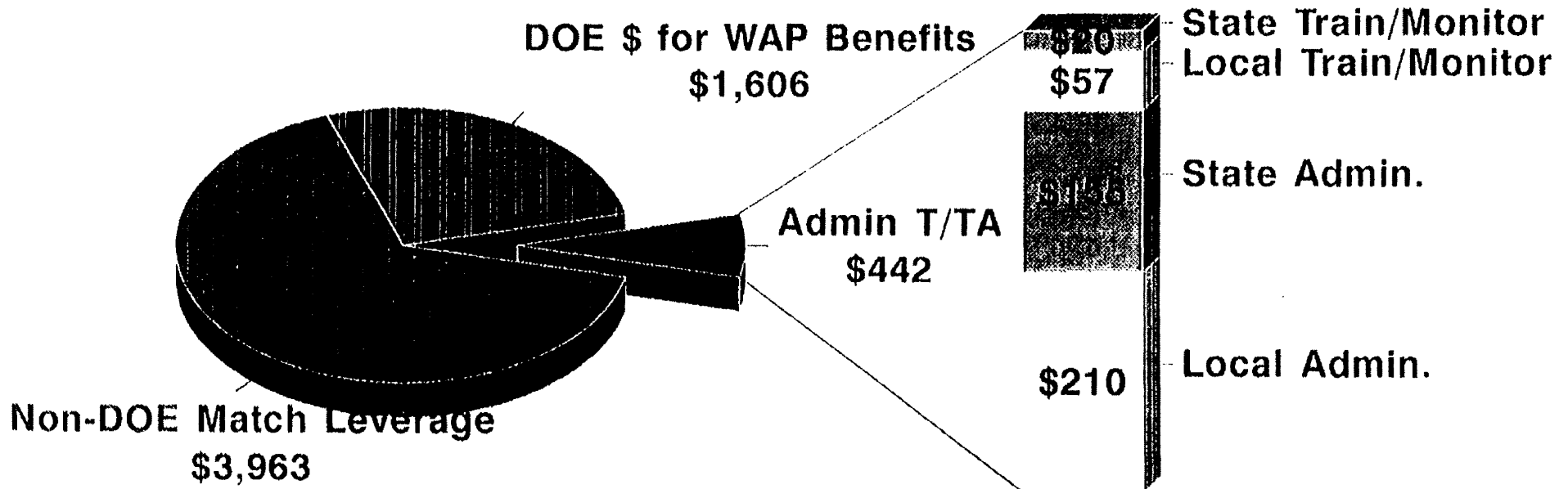
Units Completed	85-86	86-87	87-88	88-89	89-90	90-91	91-92	92-93	93-94	94-95	95-96	96-97	97-98	Units Completed
	4,322	4,423	4,458	4,329	5,159	2,909	3,962	3,004	1,973	1,846	1,940	2,568	N/A	

State FY (July - June)



Total VA WAP Expenditures

July 1996 - June 1997



Total \$6,011

Reported in \$ Thousands Cash Basis

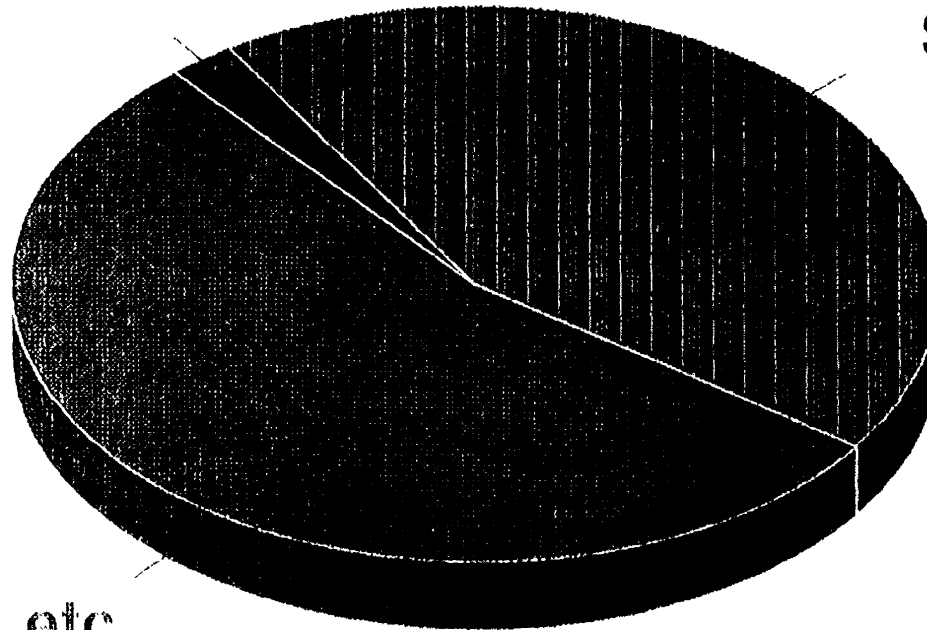


WAP Match/Leverage

July 1996 - June 1997

State Funded Programs
\$98,389

Other Federal Programs
\$1,847,583



Owner, PVE, etc.
\$2,289,002

Total \$4,234,974

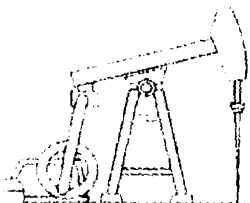


Metrics for the Virginia WAP

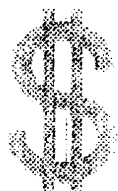
July 1996 - June 1997



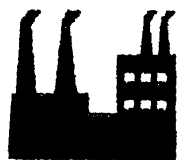
2,568 *Dwellings weatherized*



45,197 MBtu *Energy saved*



\$297,888 *Dollars saved*



1,746 tons C *Carbon reduction*

223 w/o utility impacts
127 w/utility impacts

Job-years generated



Demographics for Households Served by the VIRGINIA WEATHERIZATION ASSISTANCE PROGRAM



**46% contained elderly
occupants**



**40% contained handicapped
occupants**



36% contained children



Demographics for Households Served by the

VIRGINIA WEATHERIZATION ASSISTANCE PROGRAM



**70% annual household
income less than
\$10,000**



**53% female head of
household**

for July, 1996 - June, 1997



Demographics for Households Served by the

VIRGINIA WEATHERIZATION ASSISTANCE PROGRAM



**87% single family,
owner-occupied**



10% single family, renters



3% multi-family

for July, 1996 - June, 1997



LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

1996-97 Program Overview

Presented to

Energy Preparedness Subcommittee of the Coal and Energy Commission

January 13, 1998

Virginia Department of Social Services

1997 ENERGY ASSISTANCE PROGRAM OVERVIEW

PROGRAM TYPE: Block Grant

APPLICATION: Annual application which serves as a State Plan submitted in September

FUNDING: 100% federal, no state funding

REGULATIONS: 45 CFR PART 96 - Block Grant Regulations
Low Income Home Energy Assistance Act of 1981
22 VAC 40-680 - Virginia Energy Assistance Program

PURPOSE: The purpose of the Low Income Home Energy Assistance Program block grant is to assist low income households, particularly those with the lowest incomes, that pay a high portion of household income for home energy, primarily in meeting their immediate home energy needs.

COMPONENTS: The Energy Assistance Program consists of **three*** components:

Fuel Assistance: Primarily provides assistance for purchase of home heating fuel but benefit amount can also be used for furnace re-starts, late charges, delivery charges, installation charges, and connection/reconnection fees. The benefit is not intended to meet the household's total cost during the heating season.

Crisis Assistance: The following types of assistance are available when it will ensure heat for the household:

- Once-per-lifetime payment of primary heat utility security deposit.
- Purchasing portable space heaters for temporary use.
- Purchase of primary home heating fuel.
- Payment for emergency shelter when there is no heat in the house.
- Payment of primary heat utility bill.

Weatherization Assistance: Assistance for the following types of service is provided by the weatherization office serving the locality.

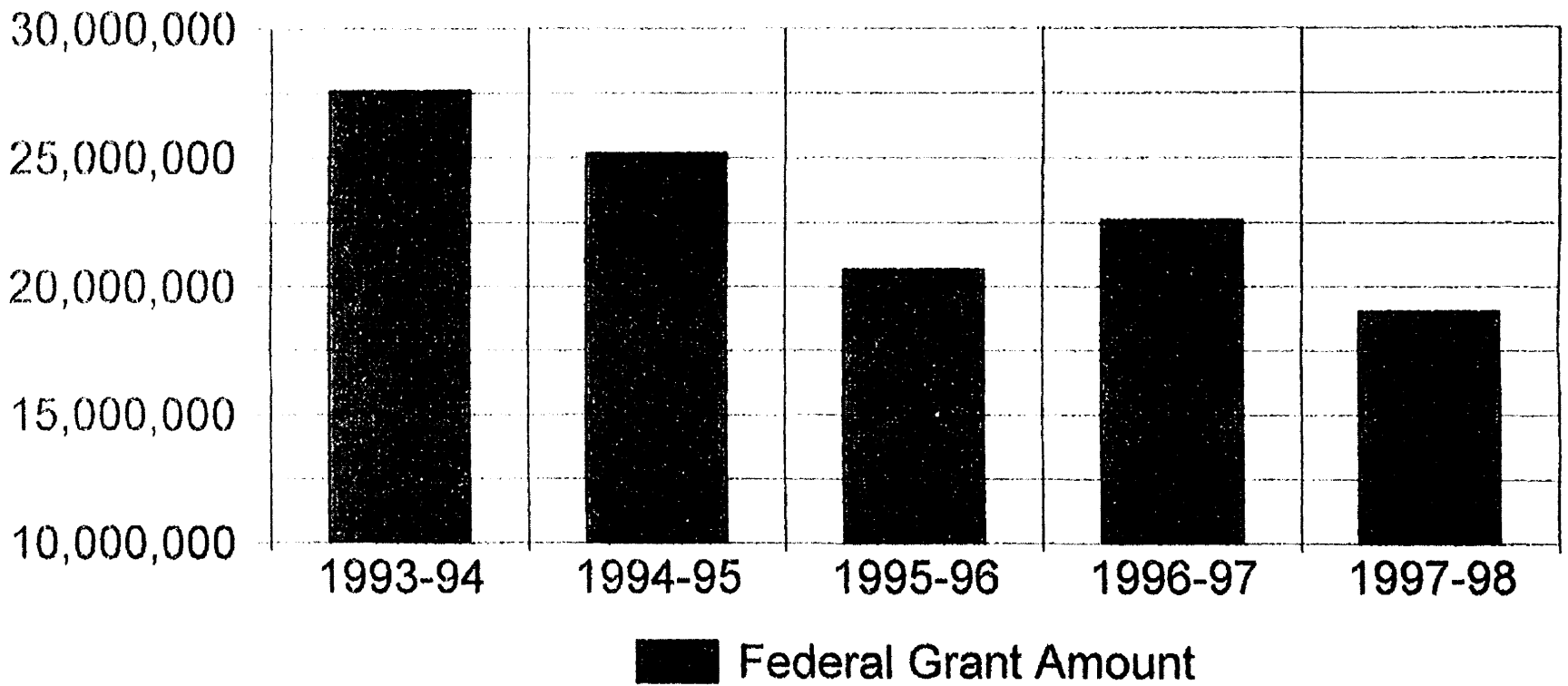
Repair of inoperable or unsafe heating equipment including necessary maintenance and the purchase of supplemental equipment.

Purchase of heating equipment.

Duct repair, air sealing, attic sealing and insulation with venting, dense pack sidewall insulation.

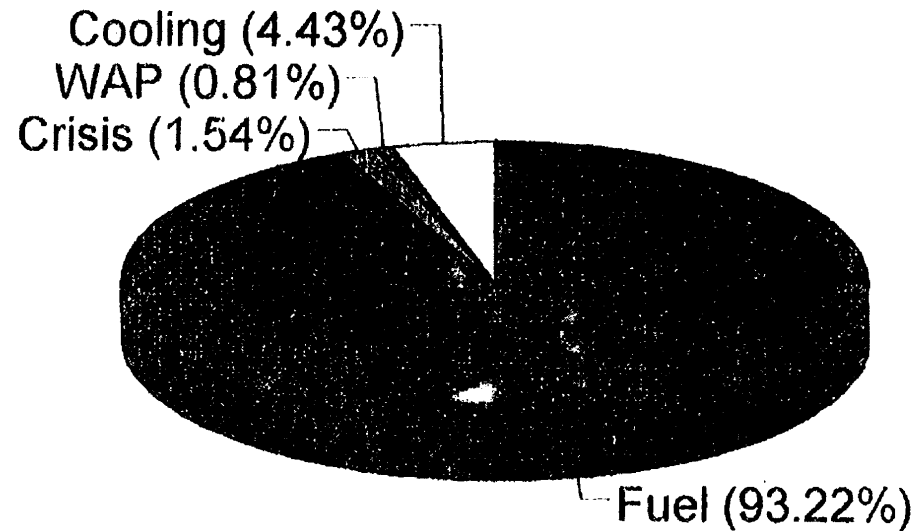
***Cooling Assistance:** Offered as result of release of contingency funds by the federal government. Funds were used for cooling equipment or payment for electricity to operate the cooling equipment.

ENERGY ASSISTANCE PROGRAM



1996-97 Energy Assistance Program

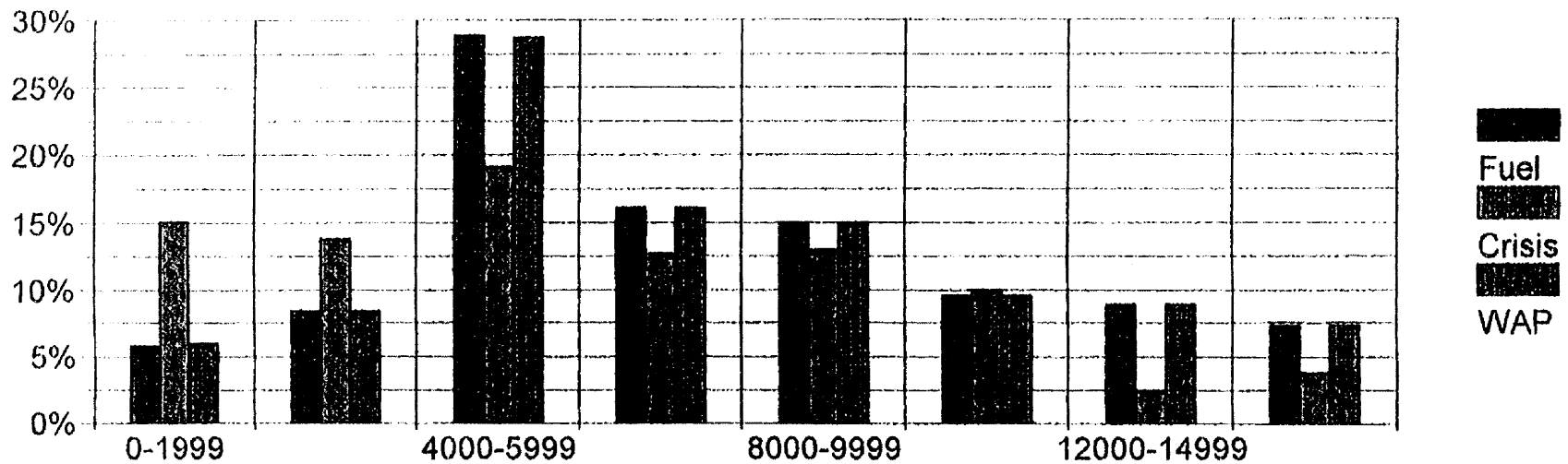
Households Served



Fuel	106,970
Crisis	1,769
WAP	934
Cooling	5,081

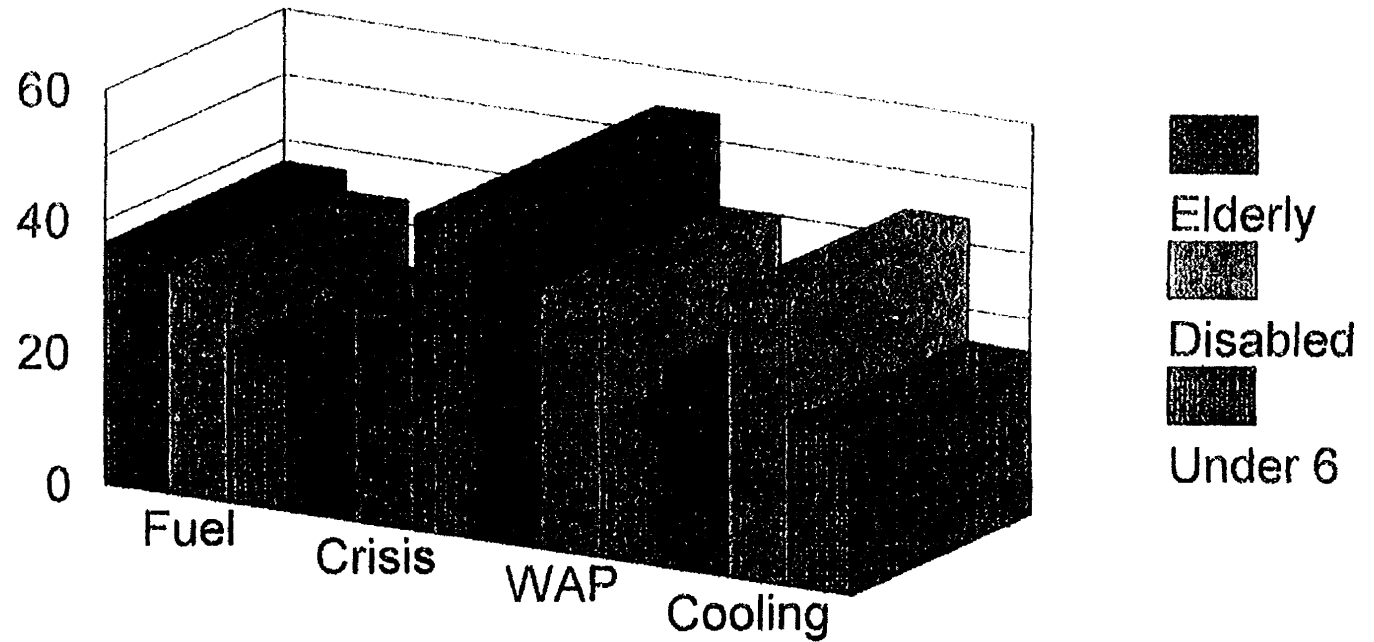
1996-97 Energy Assistance Program

Household Income Level



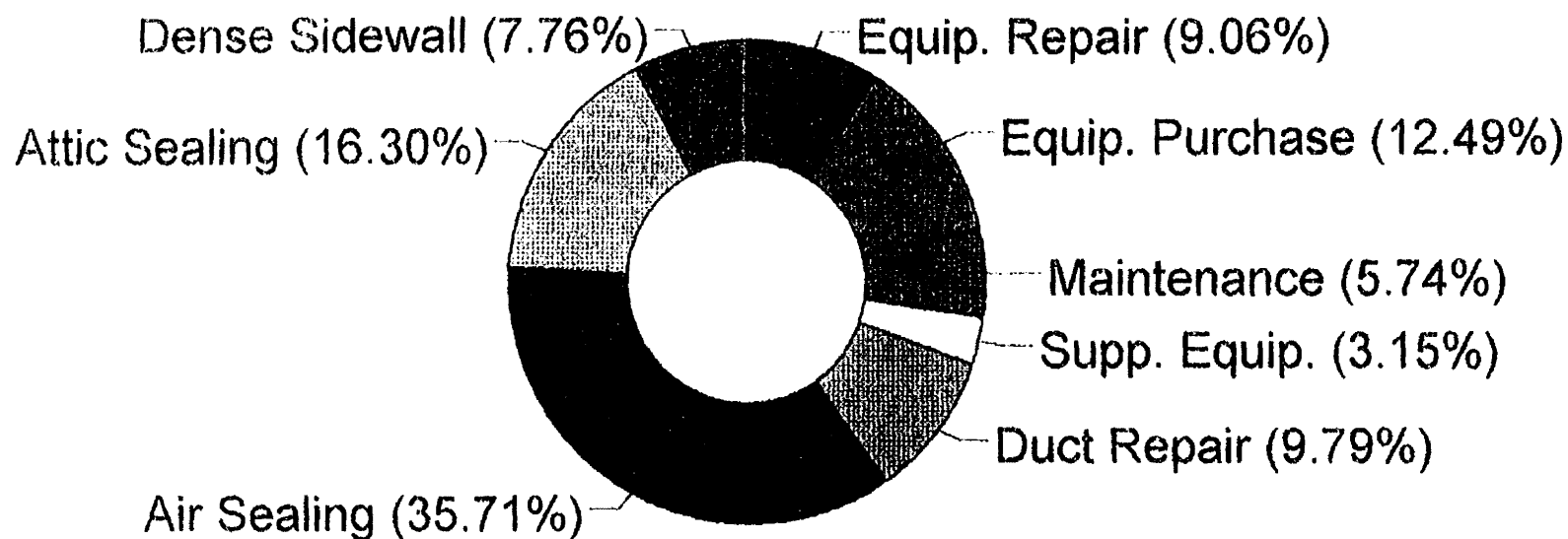
1996-97 Energy Assistance Program

Vulnerability Factors



1996-97 Weatherization Component

Type of Assistance Received



WEATHERIZATION PROGRAMS COMPARISON

FEDERAL AGENCY: HHS

ADMINISTRATOR: DSS

FUNDING: *Federal* - Low Income Home
Energy Assistance Program

PROGRAM ONSET: 1996

MEASURES PERFORMED:

- heating equipment repairs
- purchase of heating equipment
- cost effective home repairs; duct repair, air sealing, attic sealing and insulation, & dense pack sidewall insulation.

BENEFIT MAXIMUM: \$1,959 average

SPECIAL CONDITIONS:

- provide one or all services above
- use Virginia WAP Installation Standards appropriate to the work being performed
- provide assistance to renters with leases regardless of landlord participation

- do not reweatherize with LIHEAP funds unless DOE would allow reweatherization with DOE funds

FY 1997 HOUSEHOLDS: 934

FEDERAL AGENCY: DOE

ADMINISTRATOR: DHCD

FUNDING: *Federal* - Weatherization
Assistance Program
State - Stripper Well Funds

PROGRAM ONSET: 1975

MEASURES PERFORMED:

- inspect heating/cooling equipment repair as necessary
- seal major air leaks and bypasses
- insulate sidewalls, insulate and vent attics, insulate ducts/heating pipes, insulate domestic water heater & insulate floors.

BENEFIT MAXIMUM: \$1,959 average

SPECIAL CONDITIONS:

- all measures must be performed
- use Virginia WAP Installation Standards

- renters placed at bottom of priority list if landlord refuses monetary participation

- do not reweatherize with DOE funds; some exceptions apply

FY 1997 HOUSEHOLDS: 1,642

APPENDIX Isummary

980482112

HOUSE BILL NO. 1103

Offered January 26, 1998

A BILL to amend and reenact § 36-139 of the Code of Virginia, relating to the Low Income Home Energy Assistance Program; administration.-----
Patrons-- Almand, Councill, Grayson, Stump and Thomas-----
Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §36-139 of the Code of Virginia is amended and reenacted as follows:§36-139. Powers and duties of Director.


The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.
2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.
3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.
4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with §15.1-1412.
5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.
6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.
7. Developing a Comprehensive Housing Affordability Strategy to guide the development and implementation of housing programs in the Commonwealth for the purpose of meeting the housing needs of the Commonwealth and, in particular, those of low-income and moderate-income persons and families.
8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Comprehensive Housing Affordability Strategy, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.
9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.
10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are

available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§36-70 et seq.).
 12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).
 13. Administering the provisions of the Statewide Fire Prevention Code (§ 27-94 et seq.).
 14. Establishing and operating a Building Code Academy for the training of personnel in building regulations promulgated by the Board of Housing and Community Development.
 15. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.
 16. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.
 17. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.
 18. Advising the Board on matters relating to policies and programs of the Virginia Housing Partnership Revolving Fund.
 19. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Partnership Revolving Fund and to carry out the policies and procedures established by the Board.
 20. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Partnership Revolving Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such fund; directing the Virginia Housing Development Authority as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Virginia Housing Development Authority as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.
 21. Advising the Board on matters relating to policies for the low-income housing credit and administering the approval of low-income housing credits as provided in §36-55.63.
 22. Establishing and administering program guidelines for a statewide homeless intervention program.
 23. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.
 24. *Administering the Low Income Home Energy Assistance Program (LIHEAP), or any successor program thereto, furnishing federally funded, short-term heating or cooling assistance, home weatherization and associated services to low-income households within the Commonwealth.*
2. That all administrative and operational functions of the LIHEAP program shall be transferred from the Department of Social Services to the Department of Housing and Community Development on or before the effective date of this act.
 3. That all records necessary for administration of this act shall be transferred by the Department of Social Services to the Department of House and Community Development on or before the effective date of this act.

4. That regulations promulgated by the State Board of Social Services prior to the effective date of this act regarding the LIHEAP program shall continue in effect and shall be deemed to be the regulations of the Board of Housing and Community Development.

 [Go to \(General Assembly Home\)](#)

APPENDIX J

summary

CHAPTER 693

An Act to amend and reenact § 36-139 of the Code of Virginia and § 1 of Chapter 495 of the 1996 Acts of Assembly, relating to the Low Income Home Energy Assistance Program; administration; study.

[H 1103]

Approved April 16, 1998

Be it enacted by the General Assembly of Virginia:

1. That §36-139 of the Code of Virginia is amended and reenacted as follows:

§36-139. Powers and duties of Director.

The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.
2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.
3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.
4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with ~~§ 15.1-1412~~ 15.2-4216.
5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.
6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.
7. Developing a Comprehensive Housing Affordability Strategy to guide the development and implementation of housing programs in the Commonwealth for the purpose of meeting the housing needs of the Commonwealth and, in particular, those of low-income and moderate-income persons and families.
8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Comprehensive Housing Affordability Strategy, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.
9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.
10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§36-70 et seq.).
12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).
13. Administering the provisions of the Statewide Fire Prevention Code (§ 27-94 et seq.).
14. Establishing and operating a Building Code Academy for the training of personnel in building regulations promulgated by the Board of Housing and Community Development.
15. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.
16. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.
17. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.
18. Advising the Board on matters relating to policies and programs of the Virginia Housing Partnership Revolving Fund.
19. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Partnership Revolving Fund and to carry out the policies and procedures established by the Board.
20. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Partnership Revolving Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such fund; directing the Virginia Housing Development Authority as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Virginia Housing Development Authority as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.
21. Advising the Board on matters relating to policies for the low-income housing credit and administering the approval of low-income housing credits as provided in §36-55.63.
22. Establishing and administering program guidelines for a statewide homeless intervention program.
23. *Administering fifteen percent of the Low Income Home Energy Assistance Program (LIHEAP) Block Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and associated services to low-income households within the Commonwealth in accordance with applicable federal law and regulations.*
- ~~23~~ 24. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.

2. That § 1 of Chapter 495 of the 1996 Acts of Assembly is amended and reenacted as follows:

§ 1. That the Department of Social Services, or any other agency succeeding in pertinent authority, is directed to allocate at least ~~7.5~~ *fifteen* percent of all federal low-income fuel assistance program funding made available to the Commonwealth to low-income weatherization assistance programs, to the extent such allocation is permitted by federal law.


3. That the Department of Social Services shall submit the application for the Low Income Home Energy Assistance Program (LIHEAP) Block Grant and serve as the lead agency for such block grant. The Department of Social Services shall prepare its portion of the application. The Department of

Housing and Community Development shall prepare its portion of the application for submission which is limited to the weatherization program and associated services. The Department of Social Services shall incorporate the Department of Housing and Community Development's portion of the application in total for the Commonwealth's application for LIHEAP Block Grant.

4. That an interagency agreement between the Departments of Social Services and Housing and Community Development be developed detailing the administrative responsibilities of each agency.

5. That the regulations promulgated by the State Board of Social Services before July 1, 1998, relating to the weatherization component of the Virginia Energy Assistance Program shall continue in effect until final regulations are adopted by the Board for Housing and Community Development, at which time the regulations of the State Board of Social Services shall be superseded. The Board of Housing and Community Development shall adopt regulations relating to the weatherization component of the Virginia Energy Assistance Program in accordance with the emergency regulation provisions of the Administrative Process Act (§9-6.14:1 et seq.).

6. That the Department of Housing and Community Development shall coordinate efforts with the Virginia League of Social Services Executives, Inc., the Virginia Council Against Poverty, and the Association of Energy Conversation Professionals to study the structure for the effective delivery of Low Income Home Energy Assistance Program (LIHEAP) services. This study shall include consideration of (i) the coordination between local weatherization providers, local community action agencies, and local departments of social services and (ii) possible future programs, using LIHEAP funds, which encourage self-sufficiency by addressing the underlying contributing causes of energy-induced hardships. The Department of Social Services is requested to assist with this endeavor. The Department of Housing and Community Development shall report its findings and recommendations to the Governor and the 1999 Session of the General Assembly.

 [Go to \(General Assembly Home\)](#)

Virginia Coal Production and Market Trends

Presentation to Virginia Coal and Energy Commission
by Virginia Center for Coal and Energy Research
October 7, 1997. Roanoke.

This presentation reviews Virginia coal production and market trends since 1989. Most figures are provided through 1995, the most recent year for which most US Department of Energy (DOE) data are available (a DOE publication containing 1996 data is scheduled for release later in October). More recent data are provided when available.

Production and Markets Summary:

Virginia coal production decline steadily from its 1990 peak through 1995. This trend was reversed in 1996, when 36.8 million tons were produced, up slightly from the 35.9 million tons produced in 1995. DOE figures for Virginia production through late September of 1997 show an increase of about 1.6 million tons, compared to 1996. This reversal of a long-run declining trend provides evidence of favorable impact by Virginia's production tax credit program, initiated in 1996 through the Virginia Coalfield Employment Enhancement Act.

Both Dickenson and Buchanan counties have seen significant production declines over the past several years. Production in Buchanan County - Virginia's leading coal producer - declined from 20.8 million tons in 1990 to 14.1 million tons in 1996. Dickenson County's production decline has been even more dramatic. Dickenson's production was consistently in the 6-to-7 million ton range in the late 1980s and early 1990s; in 1995 and 1996, it fell to below 3 million tons. Wise County's production reached 13.5 million tons in 1996, its highest level since 1985's record 14.1 million tons.

Production figures for the major counties reflect trends in shipments to major markets, and production by mining method. Surface production increased slightly throughout the period, while underground production fell to 27 million tons in 1996, almost 10 million tons below 1990 (the majority of Virginia's surface operations are in Wise County, while Buchanan production is dominantly underground). Shipments to steam markets have held up better than shipments to metallurgical markets (Wise County mines production is primarily steam, while Buchanan County mines are primarily metallurgical producers); metallurgical shipments in 1996 were at their lowest level since detailed market data first became available from DOE in 1989.

Exports and Hampton Roads Loadings

Virginia exports are primarily metallurgical. Total export shipments dropped steadily, from 1990 through 1995. Although DOE export figures are not yet available for 1996, Norfolk Southern (NS) loadings at Virginia mines for export through Hampton Roads indicate an increasing trend through 1996 and 1997. Full-year NS loadings in 1996 exceeded 1995's level by almost 2 million tons, while 1997 loadings through August are up by 850,000 tons over the comparable 1996 period. Western Europe remains the dominant market for Virginia coal exports,

in part due to ease of access from the Port of Hampton Roads. Total coal shipments from the Port increased to 52.9 million tons in 1996, about 20 percent above the 43.3 million tons recorded in 1994 but still well below the 65 million tons of coal handled in 1991. As of August of 1997, total coal dumpings at Hampton Roads were running about even with last year's levels.

Domestic Markets

Shipments to all major domestic market-segments have declined throughout the decade. Metallurgical shipments to domestic coke plants in 1995 totaled 6.5 million tons, above 1994's 5.7 million ton total but below levels achieved during most years in the early 1990s. Industrial shipments declined steadily throughout the period, falling to 2.9 million tons in 1995.

Shipments to electric utilities from Virginia mines have also declined steadily, although 1996 shipments to utilities (14.5 million tons) rose very slightly from 1994 levels. Data on regional shipments by Virginia producers to electric utilities demonstrate the importance of Virginia's utility tax credit to Virginia steam-coal producers. In contrast to the two major regional markets served by Virginia mines (the southeast, and the northeast), shipments to Virginia utilities have increased steadily throughout the decade. American Electric Power continues to burn virtually 100 percent Virginia coal at its two Virginia generating stations (Clinch River and Glen Lyn). Virginia Power increased its Virginia coal burn considerably in 1996, as the Clover plant came on line. Virginia Power received 1.7 million tons of Virginia coal at Clover, 96 percent of that facility's coal shipments.

Local Economic Factors

Virginia mine employment continued a steady two-decade decline to 6093 in 1996, its lowest level since 1906. The average mine price estimated by DOE for 1995 was \$26.47 per ton, 1.4 percent below the 1994 average. This continues a steady declining trend in mine price that has persisted since the early 1980s; the declining price trend is quite pronounced when considering the effects of inflation. Declining mine employment reflects declining trends in both mine price and production. As a percentage of total industry revenues (calculated as a function of production times average price), production wages have increased in recent years despite the dramatic drop in mine employment. Production wages are only one component of industry personnel costs, as they do not include the cost of fringe benefits.

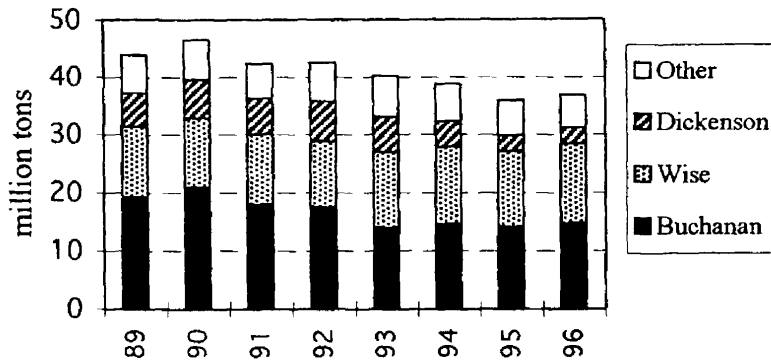
Data Sources:

Production, mine employment, and production wages from Virginia DMME. Figures on coal loadings were provided by Norfolk Southern and Hampton Roads Maritime Association. All other data from US DOE. Virginia coal shipments sometimes exceed production, as some coal mined in Kentucky and West Virginia is processed and shipped from Virginia facilities.

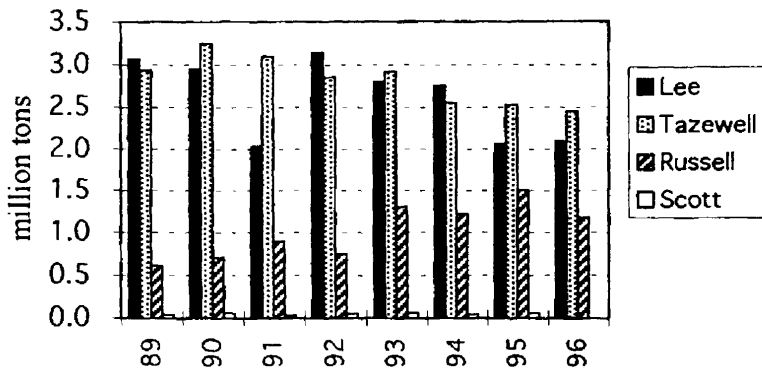
Prepared by:
Carl E. Zipper, Associate Director

Virginia Coal Production and Markets Summary

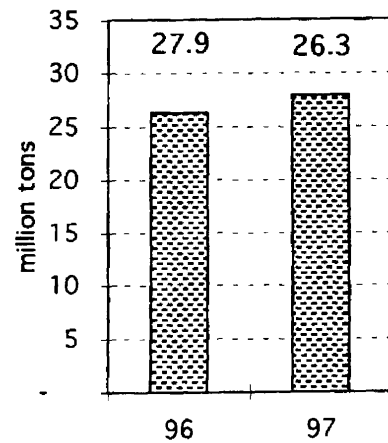
Annual Coal Production - Major Counties



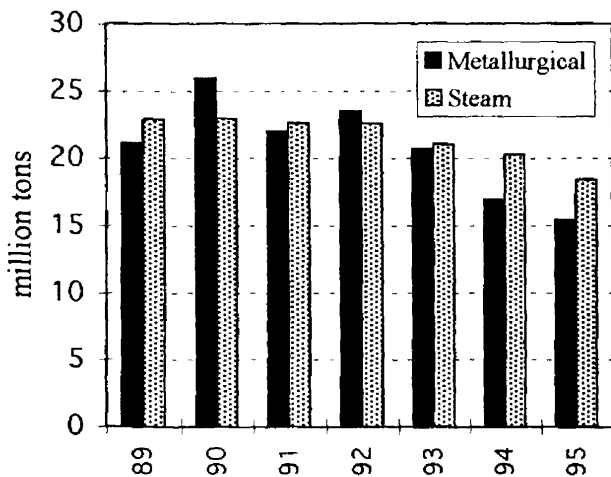
Annual Coal Production - Other Counties



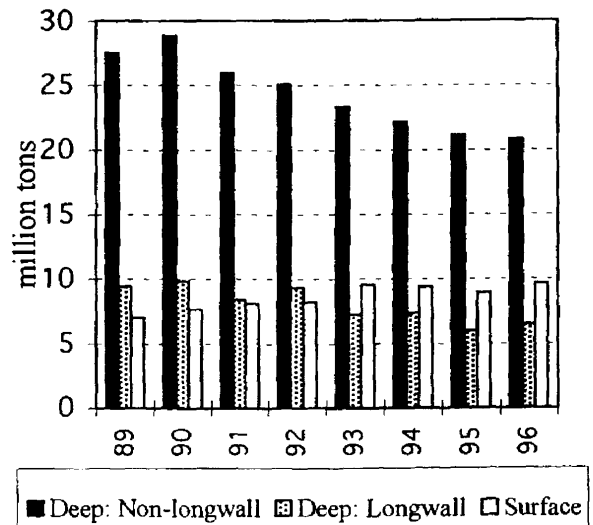
Virginia Production Through 9/27/96 and 9/27/97



Annual Shipments to Major Markets (Domestic and Export)

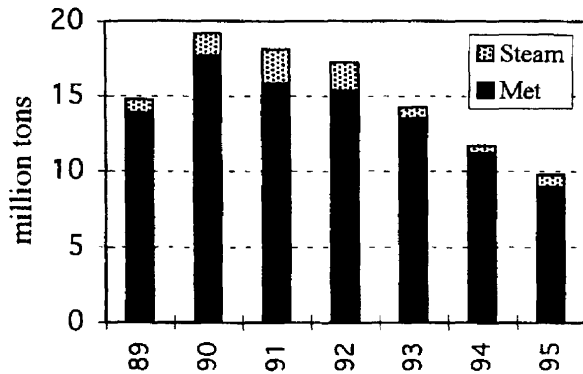


Annual Production by Major Mining Method

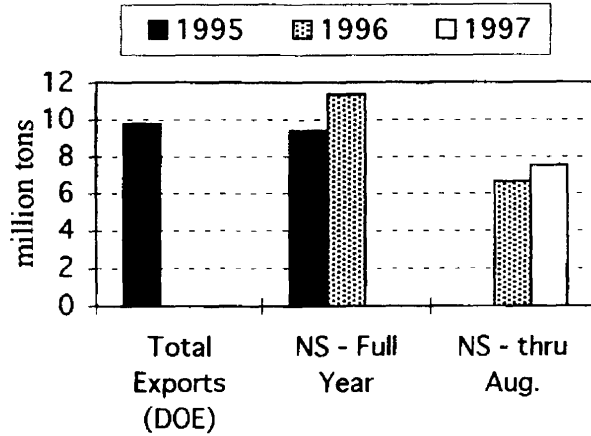


Virginia Exports and Hampton Roads Coal Shipments

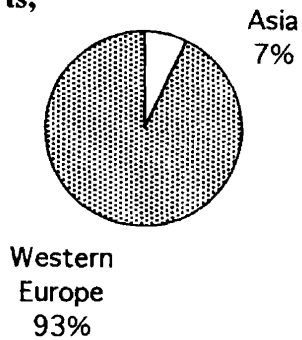
Exports from Virginia Mines (Overseas and Canada)



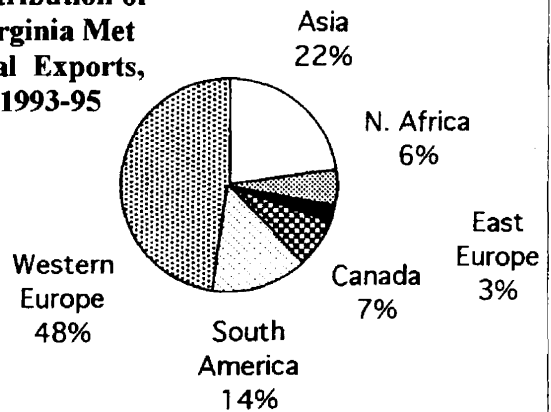
NS Virginia Loadings for Export from Lambert's Point



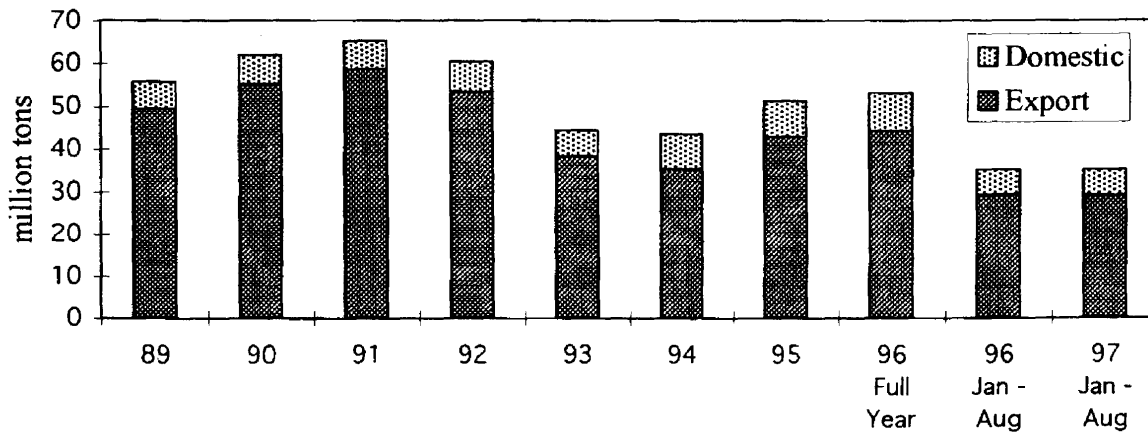
Distribution of Virginia Steam Coal Exports, 1993-95



Distribution of Virginia Met Coal Exports, 1993-95

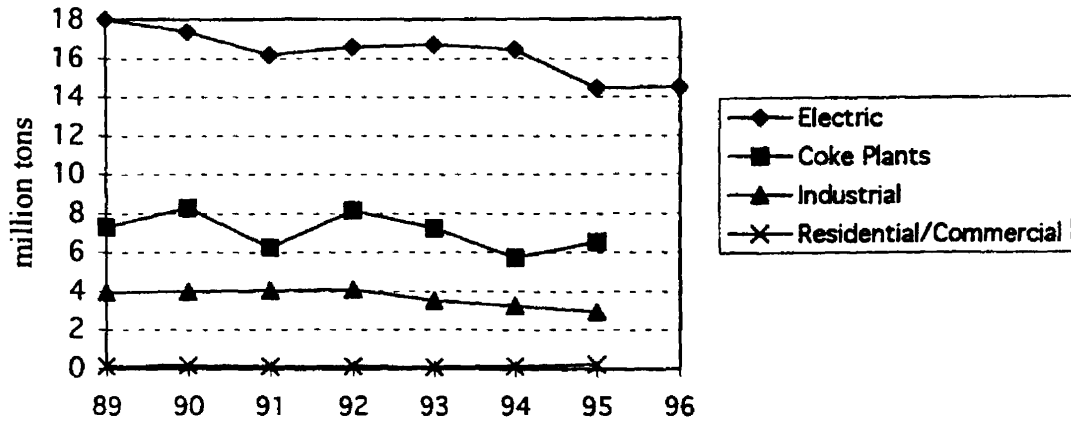


Hampton Roads Coal Loadings

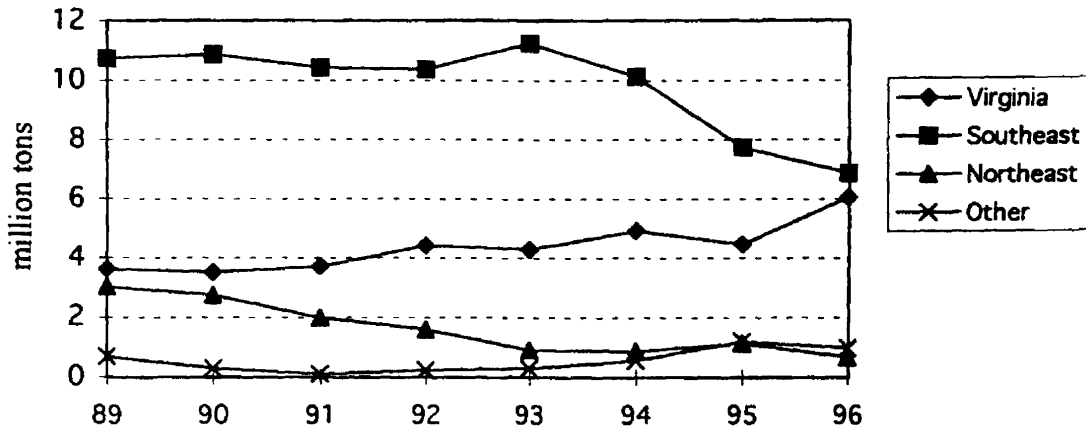


Domestic Markets

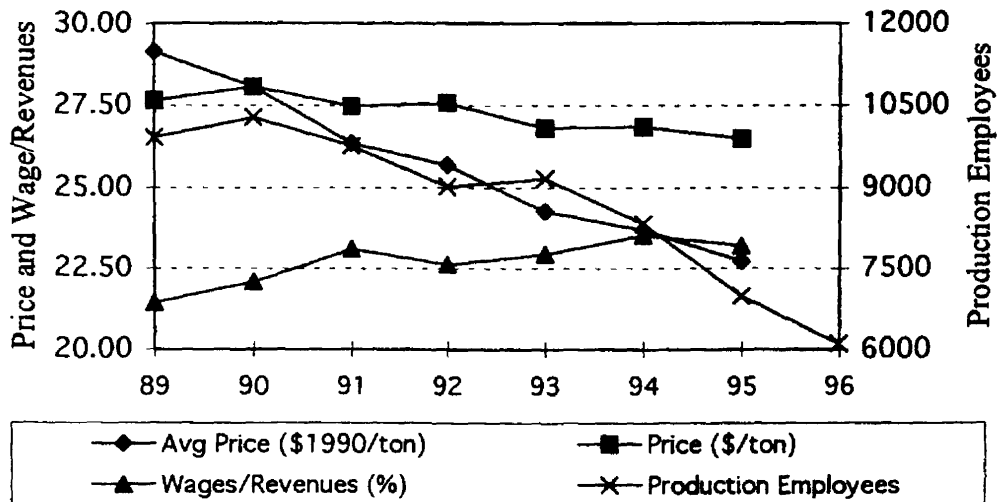
Virginia Coal Shipments to Major U.S. Markets



Virginia Coal Shipments to Electric Utilities by Region



Local Economic Factors



Results of Tradeable SO₂ Emissions Program - 1995 vs. 1990
 (from forthcoming publication . CAAA90 = Clean Air Act Acid Rain Program)

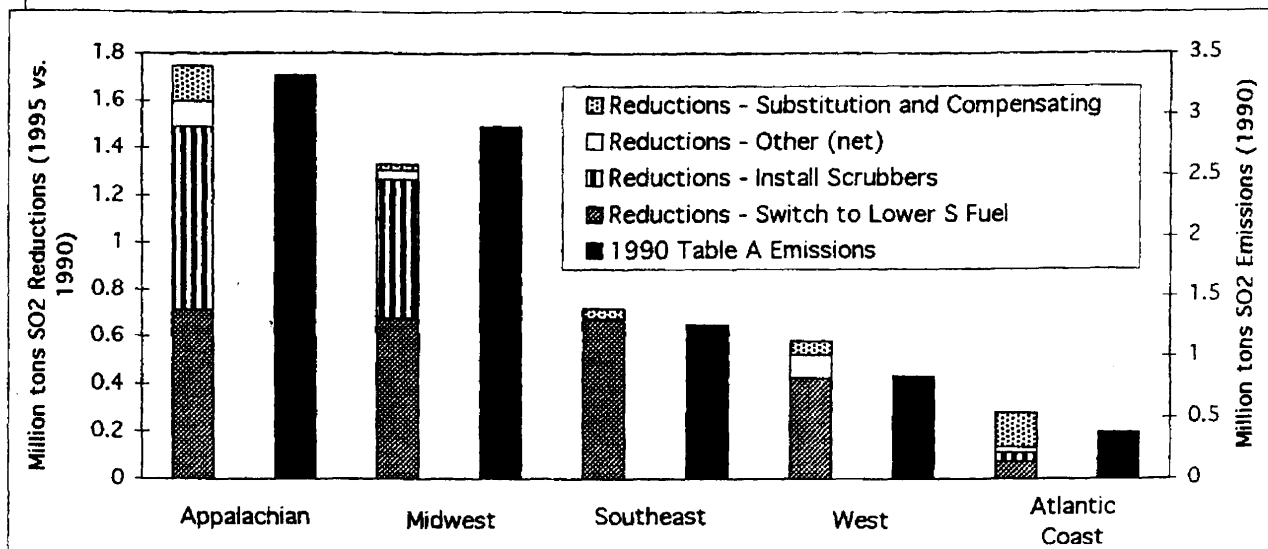


Figure A. Regional distribution 1990 SO₂ emissions, and 1990-95 SO₂ emissions reductions, by compliance strategy - electric generators targeted by Phase I of federal CAAA90 legislation.

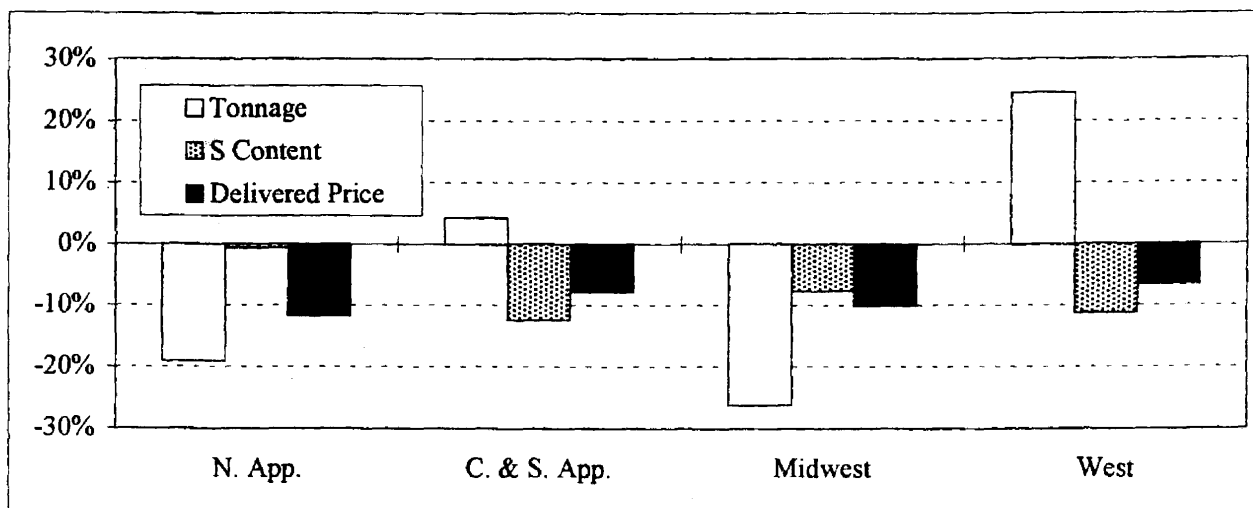


Figure B. Changes in regional coal shipments to electric utilities, 1990 - 1995: Tonnes shipped, average sulfur content (% by weight), and delivered price (\$/ton).

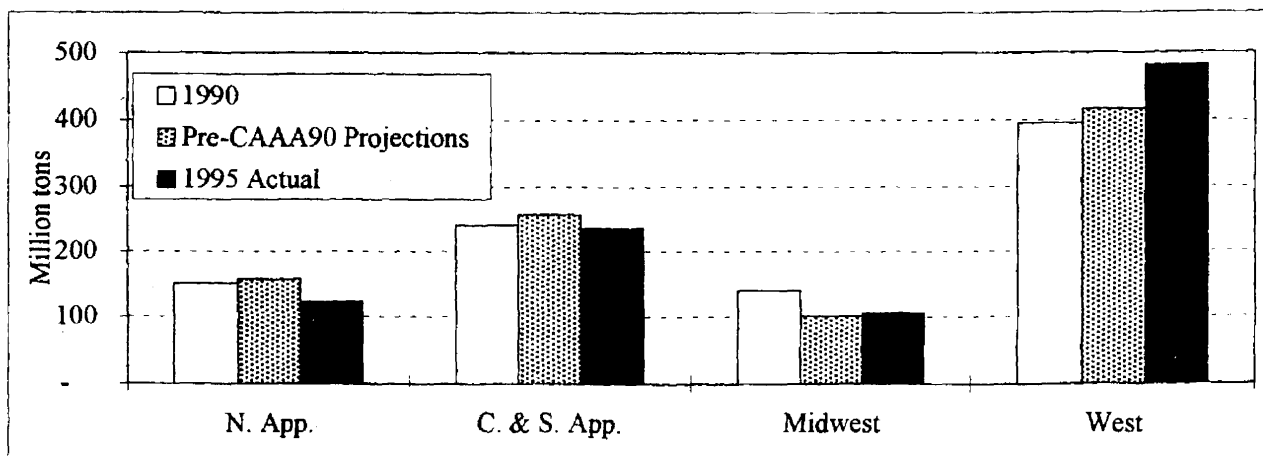


Figure C. Regional coal production for domestic markets: 1990, 1995, and pre-CAAA90 projections (EPA study presented to Congress) of 1995 level

State Energy Efficiency Programs

Presentation to the Energy Preparedness Subcommittee
of the Virginia Coal and Energy Commission

Department of Mines, Minerals and Energy
January 13, 1998



January 13, 1998

The Virginia Energy Plan – 1997

Goal 1: Operate State Government as a Model of Energy Efficiency

- Objectives:
- 25% Energy Cost and Consumption Reduction
 - Ensure Ongoing Efficient Use of Energy
 - State Government Transportation Efficiency

Goal 2: Ensure Sustainable Use of Energy in Virginia

- Objectives:
- Encourage economic development
 - Emerging Energy Technologies
 - Indigenous Energy Resources
 - Improve Building Energy Efficiency
 - Increase Energy Efficiency & Diversity of Transportation
 - Energy Education and Outreach



January 13, 1998

DMME's Mission:

We enhance the development and conservation of energy and mineral resources
in a safe and environmentally sound manner
to support a more productive economy

State Energy Efficiency Projects

Capital Projects

- Oil Overcharge Funds
- General Funds

DMME Grants

- Green Lights
- Facility Improvements

Alternative Financing

- Treasury Board
- Energy Service Companies



January 13, 1998

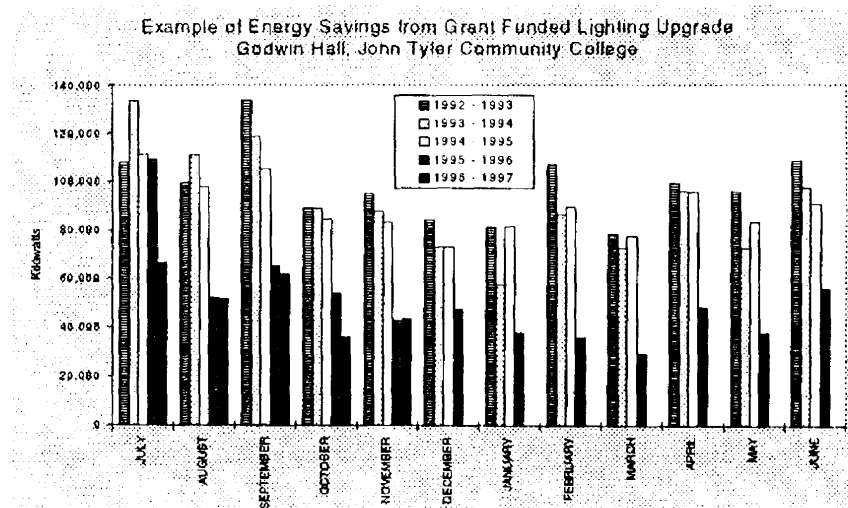
Other State Energy Efficiency Activities

Direct Purchase of Natural Gas

Purchasing Energy Efficient Products

Energy Accounting

Example, John Tyler Community College



Economic Development Activities

Using Reclaimed Coal Mines for Economic Development
Remining Coal Lands
Solar Photovoltaic Manufacturing and Use
Energy Technology Strategic Plan

Building Efficiency Activities

Building Code Updates
DMME Institutional Conservation Program



January 13, 1998

Industrial Efficiency Activities

Industrial Assessment Centers
Energy Management Institute
Motor Challenge

Public Information

Virginia Energy Savers Handbook
Virginia Energy Data
U.S. DOE Hotline



January 13, 1998

TABLE OF CONTENTS:

The 1997
Virginia
Energy
Plan

*Agency
Energy
Management
Resource
Guide*

Virginia Energy Management Plan	1
Virginia Energy Plan & Agency Energy Management Plan	2
What's New	3
Technical Assistance for State Agencies	4
Emerging Energy Projects in State Agencies	5
Energy Efficient Lighting for State Facilities	6
Renewable and Alternative Energy Applications for State Agencies	7
Energy Efficient Lighting for State Facilities	8
	9
Agency Energy Management Bulletin	10

THE VIRGINIA ENERGY PLAN

1997

GOAL 1.0.0

OPERATE VIRGINIA STATE GOVERNMENT AS A MODEL OF ENERGY EFFICIENCY.

OBJECTIVE 1.1.0

To reduce energy costs and consumption in state-owned facilities by 25% through June 30, 1998 (as compared to FY89-90 baseline consumption).

STRATEGY

- 1.1.1 Each agency that operates facilities will implement ongoing operations and maintenance (O&M) procedures to maximize energy efficiency.
- 1.1.2 The Department of Treasury, with assistance from the Department of Mines, Minerals, and Energy, will administer a financing program to fund energy conservation and efficiency projects in state facilities.
- 1.1.3 Each agency that operates facilities, with assistance from the Department of Mines, Minerals, and Energy, will survey and upgrade lighting as a part of the Commonwealth's participation in the Environmental Protection Agency's Green Lights Program.
- 1.1.4 Each agency that operates facilities will use cost-effective conservation and load management programs offered by utility companies.
- 1.1.5 An Inter-agency Procurement Cooperative will negotiate least-cost electric and natural gas contracts for state agencies.
- 1.1.6 The Department of Mines, Minerals, and Energy will provide guidance to agencies interested in reducing energy costs and consumption through the use of alternative and renewable energy technologies.
- 1.1.7 Each agency that operates facilities will use the Fast Accounting System for Energy Reporting (FASER) to monitor energy costs and consumption, identify energy intensive facilities for efficiency improvements, and report quarterly cost and consumption data to the Department of Mines, Minerals, and Energy.
- 1.1.8 The Department of Mines, Minerals, and Energy will use energy data supplied by agencies to provide feedback on energy costs and consumption trends to state agencies and officials.

OBJECTIVE 1.2.0

To implement programs and procedures that ensure the efficient use of energy in state government operations through June 30, 1998.

STRATEGY

- 1.2.1 **Each agency will implement an updated agency energy management plan and designate an energy manager as the agency's central point of contact for energy management information. (Core Strategy)**
- 1.2.2 Agencies, with assistance from the Department of General Services, Bureau of Capital Outlay Management, will ensure that all new construction and major renovation projects meet or exceed the ASHRAE 90.1 Code in accordance with the Capital Outlay Manual.
- 1.2.3 Agencies, with assistance from the Department of General Services, Bureau of Capital Outlay Management, will ensure that a life cycle cost analysis of alternative energy systems is performed during the design of new construction and major renovation projects.
- 1.2.4 The Department of General Services, Division of Purchases and Supply, will expand the number of energy efficient products such as lighting technologies, photovoltaic systems, and Energy Star office equipment available on state contract and develop a mechanism to market these products to state agencies.
- 1.2.5 **Each agency will purchase cost effective energy efficient products to minimize life cycle costs. (Core Strategy)**
- 1.2.6 The Department of Mines, Minerals, and Energy will work with agencies to implement annual updates to the *Virginia Energy Plan* to enhance the Plan's goals and objectives.
- 1.2.7 The Department of Mines, Minerals, and Energy will provide training and support on energy project financing options, FASER energy cost and consumption tracking, alternative and renewable energy technologies, lighting efficiency, and energy management planning to ensure the successful implementation of *Virginia Energy Plan* and agency energy management plan strategies.
- 1.2.8 The Department of Emergency Services will coordinate the state's response to energy emergencies.

OBJECTIVE 1.3.0

To increase energy efficiency and diversity in state government transportation through June 30, 1998.

STRATEGY

- 1.3.1 Each agency will appoint an Employee Transportation Coordinator, in cooperation with the Department of Rail and Public Transportation, to encourage transportation demand management activities, including vanpooling, carpooling, public transportation, and telecommuting. (Core Strategy)**
- 1.3.2 Each agency will consider participation in the Transit and Ridesharing Incentive Program to increase employees use of public transportation and vanpooling. (Core Strategy)**
- 1.3.3 The Department of Transportation will incorporate energy efficiency as a factor in the purchase and deployment of state vehicles.
- 1.3.4 Each agency will use teleconferencing and other alternatives to centralized meeting locations. (Core Strategy)**
- 1.3.5 The Department of Transportation, in coordination with the Department of Rail and Public Transportation, will develop a program to encourage state agencies to undertake employee telecommute options in accordance with state agency telecommute guidelines.
- 1.3.6 Each agency will adopt flex-time or staggered work schedules to reduce traffic congestion and to support public transportation and carpooling, when consistent with the agency's mission. (Core Strategy)**
- 1.3.7 The Department of Transportation will develop procedures for the state fleet to meet the vehicle purchase requirements of the Clean Air Act Amendments of 1990 and the national Energy Policy Act of 1992.
- 1.3.8 The Department of General Services, in coordination with the Department of Rail and Public Transportation, shall develop a program to provide preferential parking at state-owned or leased facilities for employees who carpool and vanpool.

GOAL 2.0.0

ENSURE THE SUSTAINABLE USE OF ENERGY IN VIRGINIA.

OBJECTIVE 2.1.0

To encourage economic development by advancing the development of emerging energy technologies and use of Virginia's indigenous energy resources consistent with the priorities in Opportunity Virginia: A Strategic Plan for Jobs and Prosperity through June 30, 1998.

STRATEGY

- 2.1.1 The Economic Development Partnership will encourage emerging energy industries with high growth potential, such as the clean fuel vehicle and solar energy industries, to locate in Virginia by promoting incentive programs.
- 2.1.2 The Department of Mines, Minerals, and Energy will administer the Solar Photovoltaic Manufacturing Incentive Grant Program (SMIG) and assist the Economic Development Partnership to encourage growth of the photovoltaic industry in Virginia.
- 2.1.3 The Department of Mines, Minerals, and Energy, working with the coal industry, private organizations, the Powell River Project, and the Office of Surface Mining, will promote new opportunities for re-mining previously mined lands in Southwestern Virginia.
- 2.1.4 The Department of Mines, Minerals, and Energy, working with the Coalfield Economic Development Authority (CEDA) and local planning commissions, will facilitate use of coal mined lands for economic development in Southwestern Virginia.
- 2.1.5 The Department of Mines, Minerals, and Energy will assist Virginia's coal and natural gas production industries to maintain viable operations while meeting safety and environmental protection requirements.
- 2.1.6 The Department of Forestry will assess options for productively using wasted wood resources in Virginia.
- 2.1.7 The Department of Mines, Minerals, and Energy will investigate the potential for use of Southwestern Virginia's coalbed methane and conventional natural gas supplies to support regional economic development efforts of the Economic Development Partnership and the Coalfield Economic Development Authority.
- 2.1.8 The Economic Development Partnership will promote Virginia exports of coal mining and construction equipment, environmental products and services, and power generation equipment.

- 2.1.9 The Department of Taxation will administer the Clean Fuel Vehicle Job Creation Tax Credit Program to encourage the growth of the clean fuel vehicle industry in Virginia.
- 2.1.10 The Department of Agriculture and Consumer Services will encourage the development of new and expanded uses of crop and livestock enterprises in emerging energy applications.
- 2.1.11 The Department of Forestry shall promote the use of vegetable oil as a substitute for petroleum-based lubricants and hydraulic fluids in Virginia.

OBJECTIVE 2.2.0

To improve the energy efficiency of commercial, institutional, and residential buildings in Virginia through June 30, 1998.

STRATEGY

- 2.2.1 The Department of Housing and Community Development and the Department of Social Services will coordinate the weatherization and fuel assistance programs to maximize the use of energy assistance funds and to improve the efficiency of the state's housing stock.
- 2.2.2 The Department of Mines, Minerals, and Energy will use available State Energy Program federal funds to enable non-state government clients to implement energy efficiency and conservation projects.
- 2.2.3 The Department of Mines, Minerals, and Energy will assist clients with identifying and implementing renewable energy projects by providing information and referrals for technical assistance.

OBJECTIVE 2.3.0

To increase energy efficiency and diversity of transportation in Virginia through June 30, 1998.

STRATEGY

- 2.3.1 Transportation related agencies will promote intermodal uses of Virginia's transportation system to improve transportation energy efficiency, consistent with *Virginia Connections: Strategic Plan for Transportation*.
- 2.3.2 The Department of Rail and Public Transportation will encourage expansion of public transportation and rail services in areas where feasible.

- 2.3.3 The Departments of Transportation, Conservation and Recreation, and Rail and Public Transportation will work to increase the use of energy efficient transportation alternatives through the development of urban bikepaths and walkways.

OBJECTIVE 2.4.0

To provide energy education and outreach to Virginians to increase their ability to make informed energy choices through June 30, 1998.

STRATEGY

- 2.4.1 Virginia Polytechnic Institute and State University's Extension Division will provide public energy conservation outreach through the distribution of The Virginia Energy Savers Handbook and other materials.
- 2.4.2 Virginia institutions of higher learning will incorporate information on energy resources management and emerging energy technologies into their curricula, and promote energy and environmental awareness to their student body and the surrounding community.
- 2.4.3 The Department of Education will ensure that energy awareness is a component of K-12 Standards of Learning.
- 2.4.4 The Department of Mines, Minerals, and Energy will work with the Virginia Center for Coal and Energy Research and the Economic Development Partnership to assess customer service needs for Virginia energy production and consumption data and implement the most cost-effective methods to meet these needs.
- 2.4.5 The Department of Environmental Quality will ensure that energy conservation is a component of their client outreach to the extent that energy production and consumption affect environmental quality.

