

COMMONWEALTH OF VIRGINIA

BEFORE THE STATE AIR POLLUTION CONTROL BOARD

IN RE: STATE AIR POLLUTION CONTROL BOARD
FINAL REGULATION 9 VAC §§ 5-140
REGULATION FOR EMISSIONS TRADING PROGRAMS
(ADDING 9VAC5-140-6445; REPEALING 9VAC5-140-6010
THROUGH 9VAC5-140-6440)

NOTICE OF APPEAL

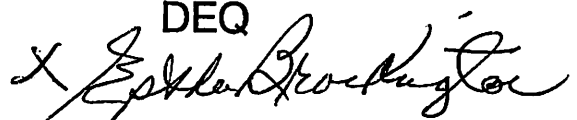
Pursuant to Rule 2A:2 of the Rules of the Supreme Court of Virginia, the Association of Energy Conservation Professionals, Virginia Interfaith Power & Light, Appalachian Voices, and Faith Alliance for Climate Solutions (collectively, "Conservation Organizations" or "Appellants") hereby file this Notice of Appeal with the State Air Pollution Control Board, the Virginia Department of Environmental Quality ("DEQ"), and Michael Rolband, the Director of DEQ and Agency Secretary of the State Air Pollution Control Board (collectively, "Appellees") for judicial review of Appellees' Final Regulation 9 VAC §§ 5-140 *et seq.*, Regulation for Emissions Trading Program (adding 9 VAC5-140-6445; repealing 9VAC5-140-6010 through 9VAC5-140-6440), which was published as a final regulation in the Virginia Register of Regulations on July 31, 2023 and is effective on August 30, 2023.

The appeal of this regulation will be taken to the Fairfax Circuit Court, 19th Judicial Circuit of Virginia, located at 4110 Chain Bridge Road, Suite 318, Fairfax, Virginia 22030. Under Rule 2A:3 of the Rules of the Supreme Court of Virginia, the agency record should be forwarded to the Clerk of the Fairfax Circuit Court as soon as possible.

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DEQ



As required by Rule 2A:2(b) of the Rules of the Supreme Court of Virginia, the Appellants provide the following information:

1. The Appellants are:

Association of Energy Conservation Professionals
P.O. Box 152
Floyd, VA 24091

Virginia Interfaith Power & Light
P.O. Box 26059
Richmond, VA 23260

Appalachian Voices
812 East High Street
Charlottesville, VA 22902

Faith Alliance for Climate Solutions
P.O. Box 2012
Reston, VA 20195

2. Counsel for Appellants are:

Nathaniel Benforado (VSB #89000)
E. Grayson Holmes (VSB #98516)
Carroll Courtenay (VSB #93449)
Southern Environmental Law Center
120 Garrett Street, Suite 400
Charlottesville, VA 22902-5613
Tel: (434) 977-4090

3. The identities and addresses of Appellees are:


Virginia State Air Pollution Control Board
Virginia Department of Environmental Quality
Michael Rolband, Director of Virginia Department of Environmental
Quality
c/o Michael Rolband, Agency Secretary and Director
1111 East Main Street, Suite 1400
Richmond, VA 23219

4. Counsel for Appellees is:

**Jason S. Miyares, Attorney General of Virginia
Ross Phillips, Senior Assistant Attorney General
Office of the Attorney General of Virginia
202 North Ninth Street
Richmond, VA 23219**

DATED: July 31, 2023

Respectfully submitted,

By: 
Nathaniel Benforado (VSB #89000)
E. Grayson Holmes (VSB #98516)
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Counsel for Appellants

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2023, a complete copy of the foregoing Notice of Appeal was hand-delivered to Appellees and their counsel identified above.


Nathaniel Benforado
Counsel for Appellants