

Virginia Council on Environmental Justice
Meeting Minutes

December 6, 2019 - 10am-3:30pm

Virginia State Capitol, Senate Room 3
1000 E Bank Street, Richmond, VA 23218

Executive Summary

Welcome— *Beth Roach, Chair*

Chairwoman Beth Roach convenes the meeting at 10:24am and begins the meeting with a Thanksgiving address.

Members present include Beth Roach, Dr. Janet Phoenix, Nikki Bass, Dr. Mike Ellerbrock, Nathan Burrell, Tom Benevento, Jevonte Blount, Jay Ford, EJ Scott, and Nathaniel Marshall. Also in attendance from the Governor's office were Meryem Karad, Ann Phillips, Joshua Saks, and Katie Sallee from the Secretary of Natural Resources Office, and Secretary of Agriculture and Forestry, Bettina Ring. Grey Dwyer from the Office of the Attorney General, Director of Virginia Department of Agriculture and Consumer Services, Jewel Bronaugh and Director of Department of Conservation and Recreation, Clyde Cristman were also in attendance.

Welcoming Remarks – *Meryem Karad, Office of the Secretary of Natural Resources*

Meryem Karad provided welcome remarks from Secretary of Natural Resources, Matthew J. Strickler. She noted that the Secretary's office is working to ensure recommendations that the previous council put together continue to be referenced and regarded in the Governor's decision and policy making, as well as new recommendations from the current iteration of the Council. She reminds the Council that Legislative session starts January 6, and mentioned that the election in November created some changes for the Democratic party, including some leadership changes in both House and Senate, which she noted.

Ms. Karad also recommended that the Council look into the December 5, 2019 report from the Commission on Repealing Racially Discriminatory Language in Virginia Law.

Chair Updates – *Beth Roach and Dr. Janet Phoenix*

Ms. Roach requested that members of the Council give a short answer to explain why they joined this council.

- As a member of the Nottoway tribe and a member of the tribal council, Ms. Roach's goal is to help native tribes navigate channels of state government, and to make the group equal players in governance of Virginia. She hopes to contribute recommendations to make the processes more accessible.

- With her background in children’s environmental health issues including lead poisoning, asthma, and her work on federal policy frameworks, Dr. Phoenix’s goal is to ensure people affected by issues can influence the policies that affect them.
- Ms. Bass is a member of a diverse family, and experienced relocation as a child due to landfill impacts. Her goal is to emphasize individual voice in new policies.
- With her background as a chemical scientist, Ms. Scott became involved to ensure African-American voices are heard in the decision making process.
- Dr. Ellerbrock’s background as an environmental economist and member of the catholic clergy has influenced his decision. He noted that economically, environmental injustice challenges many groups, not just in poverty, but racially.
- Ms. DeVaughan stated that standing rock influenced her to be involved. With her indigenous background, she wants to show the spiritual nature of being with the earth. She appreciates the opportunity to speak as an indigenous citizen.
- Mr. Marshall is currently learning about environmental justice, and ready to contribute his experience from time spent on other boards and commissions.
- Mr. Ford stated that undervaluing environmental resources is undervaluing people, and that there is no bigger challenge to environmental justice than climate change He asks the questions, “What are the solutions going to be? What resources can we make available?”
- Mr. Benevento began his work in environmental justice in Guatemala, working with residents with indigenous backgrounds. He hopes to see more state impact.
- Mr. Burrell works in urban parks, and promotes recreational access for minorities. He hopes to change the paradigm on how people of color access spaces and interact with community spaces. He wants to create initiatives that ensure engagement in the outdoors.
- Mr. Blount has worked with both the Department of Conservation and Recreation and the Secretary of Natural Resources office. He is studying Public Administration and has experience staffing the previous iteration of the Council.

Ms. Roach then directed an overview of previous council operation, and noted that the last iteration of the Council had sent two formal letters to the Governor. As previously, Ms. Roach and Dr. Phoenix requested that the Council use consensus building as the voting process for the council.

Ms. Roach discussed the process for the council to call for a vote for new leadership. She also notes that she and Dr. Phoenix are currently waiting to ascertain information regarding continuation of the Council past July 12. Ms. Karad recommended making continuation part of the written recommendations to the Governor.

Dr. Ellerbrock noted that there has not been a formal response from the Governor regarding the previous Council’s recommendations, and queries if the Council should request a formal dialogue with the Governor. Ms. Dwyer noted that the Buckingham compressor station is involved in ongoing and future litigation and the Governor will not be able to provide a response at this time. Ms. Scott recommended hosting an event to present the Council’s report, where they could request attendance of the Governor and legislators.

Mr. Saks and Ms. Dwyer updated the Council on the Buckingham Compressor Station. They state that it has been permitted at this time and has been escalated to a major project, as requested by Governor Northam, requiring more stringent oversight by the DEQ. Mr. Saks noted that mitigation was offered to community, and Ms. Dwyer notes that, following litigation, the courts will give a fuller understanding and a decision. After the break, Karen Campblin from the Virginia State Conference NAACP clarified that the NAACP initially supported mitigation offers via a letter, which notably, the NAACP chapter later rescinded the letter and their support.

Ms. Scott discussed requesting an update from agencies when the last Council's recommendations are incorporated in agency processes. Ms. DeVaughan recommends an action alert in Governor's updates at beginning of the meetings.

Mr. Ford moved to maintain current leadership of the Council. There being no opposition, the motion passed.

New Business – *Meryem Karad, Office of the Secretary of Natural Resources*

Ms. Karad gave an update on Skeo's report on DEQ. Ms. Karad notes that Skeo plans to include council members and advocacy groups in their interviews. She also notes that this is an independent study and is not working with the Governor's office. Skeo is working with DEQ to create work plan within a 9-month timeline and under certain budgetary restrictions. External interviews will start in January, and the Council will be included. The recommendations from this report will inform DEQ's future work. Ms. Karad will provide an update document to the Council electronically.

EJ Collaborative Update – *Queen Zakia Shabazz*

Ms. Shabazz read a statement and asks the Council to consider her requests as unfinished business. Ms. Shabazz requests a response to a letter from the EJ Collaborative to Governor Northam regarding Virginia's gas infrastructure, and a response to the previous Council's final report. She also requests a response to public comment.

The EJ Collaborative is supporting two bills and requests support from the Council to codify the current Council, with language requesting DEQ give technical support when needed. The second bill requires all state agencies to incorporate a definition of environmental justice in their mission.

Ms. Shabazz requested that the EJ Collaborative be contacted regarding the upcoming Skeo study at the Department of Environmental Quality. She also requests a list of subcommittee members, and information on how they were determined.

Resilience Plan Draft & EO 45 – *Joshua Saks, Deputy Secretary of Natural Resources and Admiral Ann Phillips, Special Assistant to the Governor*

Rear Admiral Ann Phillips gave a presentation on the beginnings of Virginia's Coastal Master Plan through the signing of Executive Order 24, which directs creation of a Coastal Resilience Master Plan for Virginia. Admiral Phillips outlined state priorities and the most vulnerable areas. Solutions are focused on natural and nature-based solutions, collaborative programs, and

environmental equity. Equity is critical and notes the need for the state to drive need for funding and technical support for underserved communities.

Admiral Phillips outlined a list of requests from the Planning District Commissions (PDC), and requests support from the Council for funding in the state budget, support with planning and community outreach, and education on environmental issues and climate impact statewide.

Ms. Scott recommended some groups that may provide support and have tools, and inquires about adaptation education. Admiral Phillips notes that there is some education already happening at the PDC level, but that it is not a full picture in the statewide public school system.

Dr. Phoenix inquired how the Council can analyze if PDCs have a full understanding of an equity lens. Admiral Phillips responded that there is a plan to create a living document, and equity requirements to receive state money.

Deputy Saks briefly presented on Executive Order 45, which sets new standards for all state buildings, making Virginia the only state with this sort of plan. He notes that the DCR overview of dam and safety system and recommendations for serving underserved communities helped create the Order. In the Order, minority and low-income communities are being mapped into flood zones, and targeted for initiatives to lower their flood insurance. He noted extra technical support will also go to low income communities.

Mr. Burrell inquired how EO 45 affects DGIF and DCR's riverine access facilities. Mr. Saks noted that development cannot occur in 100-year floodplain without a variance; however, it does not impact building new campsites, docks, etc.

The Council breaks at 12:10 and reconvenes for a working lunch at 12:45.

Working Lunch – Dr. Janet Phoenix, Vice-Chair

Dr. Phoenix presented a recap of the two-day trip that the previous Council took to Union Hill and iterates the importance of the Council's presence in affected communities. She presents a planning document approach for a meeting in Hampton roads. Mr. Blount recommends creating a planning committee, and the Council agrees to include Dr. Harris, Ms. Cupit, Ms. Bass, and Mr Blount. Dr. Ellerbrock that they plan in time to debrief following a site visit.

Regarding the report, Dr. Harris and Ms. Roach note that the goal is for subcommittees to write the bulk of the report and to collaborate bring it together.

Ms. Karad recommended a 3-hour planning session to discuss issues presented in the EPA report provided to the Council by Dr. Phoenix. Members request that everyone invite community voices. Dr. Ellerbrock requests to include Ann Phillips. Celeste Green from Virginia Beach agrees help with planning.

Subcommittee Reports

The Chairs of each subcommittee report out on their respective meetings:

Climate & Energy Transition: Ms. DeVaughan notes her desire to hold a meeting soon, and has lined up the solar working group to speak to the subcommittee. She requests a Council trip to southwest Virginia, which would include an onsite visit of coalfields and fly over of mountain top removal. Ms. Roach notes interest as well as some difficulties in planning a trip, and Dr. Ellerbrock recommends an educational video in place of a flyover for the entire Council.

Public Health & Climate Change and Resilience: The subcommittees held a joint meeting. Each subcommittee drafted a charge for their respective subcommittees. Dr. Phoenix discussed the charge, and recaps public comment from the subcommittee meeting. Dr. Phoenix recommends doing a deeper dive into the issues raised during public comment.

Policy Subcommittee: Mr. Ford presented that the subcommittee drafted a charge, and created a list of questions for future agency presentations from VDH, DEQ, SCC, and VDEP. He also recaps that the subcommittee had requested guidance from Peggy Sanner with CBF, and included public comment. Ms. Scott recommends sending the list of questions to agencies. The Council moves to add DHR, VDACS, and DCR to the list of agencies to interview with the listed questions. There being no opposition, the motion passes.

Outdoor Access: Mr. Burrell noted that the subcommittee drafted a charge and focused on determining the scope of the subcommittee's work. The subcommittee requested presentations on historical access points and current programs from DGIF, DCR, VOF, and VDH at the next meeting. The Council recommends including The Nature Conservancy and other land trusts.

Transportation: Mr. Benevento motioned to move the transportation subcommittee to be included under the Public Health and Climate Change & Energy joint subcommittee. As Ms. DeVaughan was not present in person, but joined by phone, the Council tables the motion.

Council members waive the rest of their meeting time and the subcommittee Chairs agree to discuss agendas prior to their next subcommittee meetings.

Dr. Phoenix inquired how subcommittees could share information and distributions. The Council requests to include a section in subcommittee minutes for any information to share with other subcommittees.

The Council took a break at 2:05 and returned at 2:15

Report Outline

The Council discussed a framework and layout for the report due on July 13, 2020. Mr. Burrell recommends that subcommittees create 3-5 recommendations based on their topic areas, and the Council can vote on final recommendations.

Ms. Roach inquired if tribal recommendations should be integrated into each issue, or stand alone as its own issue section. The Council inquires the same for Public Health and discusses a recommendation that Public Health and Climate Change & Resilience become one subcommittee.

Ms. Lockwood noted that subcommittee meetings can meet whenever possible and a full body meeting will occur in March following the end of legislative session.

Public Comment

Concerned Citizens of Charles City County

- *Benita Cotman – Charles City County Resident*
 - Proposed Charles City County landfill is an injustice to the community. Charles City County includes the last performance school of the state. Landfill owners have promised a lot but the County administrators are not well managed and DEQ often issues violations. Because of the landfill, Ms. Cotman is concerned about the two power plants coming to the County as well. Ms. Cotman believes that outreach by County officials is not adequate.
- *La’Veesha Rollins – Charles City County Resident*
 - Ms. Rollins is concerned about lack of information presented to citizens, and concern how it is going to affect them. Ms. Rollins is worried about clean air, property values, loss of development. Residents have been affected by cancer and heart disease; believe it is coming from the landfill. Citizens have requested a study of diseases that could be occurring due to the landfill, but DEQ has confirmed that air and water quality are acceptable.
- *Tara Johnson – Charles City County Resident*
 - Ms. Johnson requested the Council recommend DEQ host an informational session in Charles City County to explain the permitting process to residents prior to allowing construction to start, and detail the health risks to air and water, and benefits for county residents. Ms. Johnson does not believe there are any benefits for the proposed power plants, and does not believe the outreach has been adequate.

Celeste Green – University of Virginia

Ms. Green requested that the Council include laws, education, and benefits for migrant farm workers in the scope of the committee.

Kevin Halligan – Green Ridge Landfill (Cumberland County) and Pine Grove School

Mr. Halligan updated the Council on the status of the Green Ridge Landfill. He is waiting on a cultural and historical report from DHR. A hearing to have Pine Grove School listed on the Historic Register will be on December 12. Dr. Ellerbrock requests an update on any meetings with DEQ. Ms. Karad answers that the Governor’s office met with stakeholders from CCLA and answered questions about the permit. To date, DEQ has not yet received a permit application. Discussion during those meetings included planning to dedicate a website to updates on the Cumberland County landfill permit and disseminating information at the public library.

Meeting Adjourned

There being no other business, the Council adjourned at 3:29pm.