

Virginia Council on Environmental Justice
Meeting Minutes
June 24, 2021 - 10:00 - 3pm
Virtual Public Meeting

Welcome - *Ms. Meryem Karad, Policy and Communications Advisor to the Secretary of Natural Resources*

The event began at 10:00 am. Ms. Karad welcomed the Council. She read the Governor's ordinance regarding meeting due to COVID-19, explaining why the meeting occurred virtually. Ms. Karad turned the meeting over to Dr. Faith Harris and Dr. Janet Phoenix to provide their welcome. Dr. Phoenix read the agenda to the Council prior to beginning discussions.

Ms. Karad provided an administrative update. There are currently seven people signed up to provide public comment, and she invites other individuals to sign up to provide comment.

The General Assembly will be reconvening in August, with a focus on the CARES Act.

Director David Paylor of the Department of Environmental Quality is in attendance to provide an update on environmental justice. They have appointed an Environmental Justice Director and are working on their strategic plan & next steps. The DEQ hopes to add community outreach staff to their agency as well. They applied to EPA for an Environmental Justice grant. Although they did not receive the grant in the first round, there was an influx of funding so they received \$200,000. They will use it to fund a "training academy," to train their staff and other individuals, as well as Geographic Information Systems work.

Ms. Karad took over to provide an overview of EJ Council work over the past three years.

Dr. Harris asked whether there is a plan for an interagency meeting in the near future.

Ms. Karad stated that there are plans for an interagency meeting in July. The meeting will be public and notice will be provided 10 days in advance for agency members.

Council Meeting & Chair Welcome

Ms. Karad turned the meeting back over to the co-chairs, who suggested a roll call.

Ms. Karad introduced herself, and all attendees followed suit. In attendance are Kendyl Crawford, Harrison Wallace, Dr. Faith Harris, Lisa Johnson, Clarence Tong, Karen Campblin, Theresa Burriss, Dr. Janet Phoenix, Phil Hernandez, Ronald Howell, Tom Benevento, Katie McCormick, Otis Jones, Taysha DeVaughan, Chris Bergin, and Mike Ellerbrock.

Subcommittee Discussion

Ms. Karad turned the meeting back over to the co-chairs, who reviewed the draft topics for the advisory council subcommittees. Dr. Phoenix recommended synthesizing the subcommittees so that instead of nine, there will be fewer (possibly three or four). She asks that the Council consider leadership for the subcommittees, and the time commitment, since subcommittees will be meeting between larger Council meetings.

Dr. Phoenix will be leaving the meeting between 11:00am and 11:30am, and will remain for the rest of the meeting.

Dr. Phoenix suggested that the Council go around the room and share their thoughts on the proposed subcommittees. Ms. Karad read the draft topics for the Council and

Mr. Ellerbrock suggested that three of the committees (infrastructure, housing, and transportation) be consolidated into one committee.

Ms. Johnson shared her concern that ideas may become lost within the consolidation.

Mr. Benevento shared his preference of fewer committees, with more structured purposes.

Ms. MacCormick suggested that the Council figure out which committees will be created and consolidated before anyone volunteers to serve on a committee.

Mr. Tong suggested that some committees may be folded together, but that the end goal of the committees are not defined by the top-line suggestions of the committees.

Ms. Karad shared that a motion must be made to adopt the committees once discussion has ended.

Ms. Campblin suggested changing the wording of the committees to focus on relevant issues

Ms. Crawford suggested keeping the “emerging issues” committee regardless of how the other committees change. Mr. Benevento agreed.

Ms. Karad shared that fewer committees would be easier to manage, but if there are shared ideas between committees or important topics focused on in meetings, it can be shared in a committee report.

Ms. DeVaughan shared broad topics that she believes would be suitable committee topics (emerging issues, just transitions, equity & inclusion, “building the new”, outreach, immediate responses).

Mr. Howell shared that certain topics (food justice & access) need to be discussed in committees, and Dr. Harris suggested that this could be discussed as a part of public and/or community health.

Ms. Johnson asked if the council would define committee topics before volunteering for them.

Ms. Karad suggested the Council wrap up committee discussion and narrow down four committees, with at least three people interested in each.

Mr. Wallace motioned to adopt the four committees (Public & Community Health, Infrastructure, Just Transition, Emerging Issues). Dr. Harris opened the floor for voting. Seeing one no from Katie MacCormick and otherwise a majority of yeses, the motion passed.

The Council volunteered for committees.

The Council motioned to consolidate the Infrastructure & Just Transition committees. Dr. Phoenix opened the floor for voting. The motion passed with a majority yes vote (Dr. Harris and Phil Hernandez voted no.)

Public Comment

Ms. Karad opened the meeting for public comment.

Barbara Adams: Richmond Interface Climate Justice League. She thanked the Co-chairs and Council for the opportunity to speak. Asked the Council to petition Secretary Strickler, Director Paylor, to allow remote public access to the July 7th Air Board meeting & to observe meetings that are pertinent to Environmental Justice.

Freeda Cathcart: Roanoke City elected official. Shared complaints about the Mountain Valley pipeline, removal of sedimentation, and Roanoke water quality. Her community is concerned with the pipeline work that will continue until at least summer 2022.

Jolene M.: Virginia organizer for Food & Water Watch. Urged DEQ to allow more public participation in meetings. The Charles City Combined-Cycle Gas Turbine (C4GT) gas plant has failed to comply with air permits. Submitted FOIA request to see communication between C4GT and DEQ, and found that DEQ was aware.

Chesapeake Climate Action Network: Thanked Council for their time. Change from 2-day hybrid meeting into 1-day in-person meeting is concerning. Suggested changing back to hybrid meetings, the meetings occurring in the area affected, after work hours, and with options for

public comments. Suggested that the public submit comments prior to the meeting so that their voices can be heard even if they can not attend the meeting. Suggested an incinerator instead of open-burn of hazardous waste.

Chad: Friends of Buckingham. Possibility of gold mine. Impact local community, historic church, etc. Gold mining has not occurred in the commonwealth in the last 75 years. Many communities would be impacted, as the gold belt runs from Fairfax to Halifax.

Kendu H: Friends of Buckingham. Asked the Council to look into the effects of gold mining on the Commonwealth.

Richard Walker: Fossil fuel mining is affecting communities of color & rural communities. Suggested moratorium on mining, fossil fuels, and anything else that will adversely affect these underserved communities.

Jessica Sims: Shared concerns about the Air Board meeting in-person on July 7th during business hours. Her concerns were that it limits public participation and contradicts the promise to allow communities to have input on issues that affect them. She suggested that the Council petition Director Paylor and the DEQ to allow public participation and hybrid options. Also suggested to extend the public comment period from 21 days to 60.

Lauren Landiss: Chesapeake Climate Action Network. Shared a public accessibility concern - in-person meeting in a private hotel, and concerns of intimidation and over-policing.

The Council broke for lunch at 12:30 pm and reconvened at 1 pm.

The Council began discussion of public comment at 1 pm.

Mr. Wallace noted the multiple comments on the compression station meeting, and asked about the absence of a call-in feature for the meeting. Ms. Karad answered, stating that DEQ does not currently have the technology to accommodate hybrid meeting features.

Ms. Karad introduced Renee Hoyos from the Department of Environmental Quality's Environmental Justice initiative. Ms. Hoyos states that FOIA requirements must be met now that the government is back "open." Hybrid meetings are difficult since those joining meetings remotely would necessitate an investment in technology to meet legal liability rules.

Ms. MacCormick suggested that the Council prepare a letter to submit to boards regarding the fair and equal way to hold board meetings.

Ms. Farooq and Ms. DeVaughan agreed with Ms. MacCormick.

Ms. Farooq asked why the board meeting is being held so far away from the affected communities, and during work hours.

Multiple members of the Council inquired about the Governor's Executive Order which allowed remote public participation in meetings. Mr. Wallace asked if the remote accommodations could be made permanent for community members who can not make it to meetings in person.

Ms. Crawford seconded the public comment to extend the period to submit comments from 21 to 60 days. Several members of the Council agreed.

Dr. Phoenix suggested that a motion to postpone the July 7th meeting would be helpful, in order to add time to find a FOIA-compliant remote meeting platform.

Mr. Benevento encouraged the Council to agree to postpone the meeting, as well as find a more accessible location for the meeting. He then motioned to postpone the meeting and potentially find a new location.

Mr. Wallace and Ms. MacCormick volunteered to work on a letter to the board regarding public comment & location for the board meeting.

Ms. Karad shared that there needs to be a board meeting by July 9th, but that the Council should still write a letter and convey their needs for future reference.

Mr. Benevento motioned to delay the Airboard meeting. “We move to delay the July 7th Airboard meeting, to attempt to locate the meeting on or near the community most impacted, and to change the format to make it easier for the committee to participate by including hybrid accommodations for people not able to travel in person to the meeting.” Seeing a majority of yeses, and one no from Ms. MacCormick, the motion passed.

Ms. MacCormick suggested that the Council request information from DEQ on the Radford Arsenal and Buckingham permits.

Southwest Virginia Visit Proposal

Ms. DeVaughan proposed for the Council to visit Southwest VA on August 5 to see their environmental issues, the largest of which is mountaintop removal. Rural communities are disadvantaged by this practice. SW VA faces public and personal health issues, water issues (infrastructure) and land access issues. The proposed trip will take place in Wise County, VA, and will last a day and a half. They would like for the meeting to be accessible to whomever would like to attend. 11 members need to attend in order to create a quorum. The invitations will go to stakeholders (community members, organizations, and agencies). Council members are welcome to send planning recommendations.

Ms. Burriss suggested the Clinch River Valley and Appalachian organization as invitees.

The Council discussed planning for the proposed SW trip.

The Council discussed the subcommittee meeting date, considering July 9th. The members discussed meeting quorum requirements for the meeting. Ms. Karad read out the names of the committee volunteers, including: Ms. Farooq, Mr. Ellerbrock, Ms. Champblin, Mr. Wallace, and Dr. Phoenix. In the interest of time, the Council decided to take the meeting planning offline.

Interagency Environmental Justice Working Group Proposal

Ms. Crawford & Ms. DeVaughan presented the Interagency Environmental Justice Working Group Proposal. They will first meet with the Council Chairs in July, then meet with committees/committee chairs to find issues that need to be raised with the Interagency EJ Working Group. They will then compile Council recommendations to the Working Group then get them approved by the Council.

Guest Presentation

Virginia Department of Mines, Minerals, and Energy

Michael Skiffington: Director of Policy & Planning, VA Dept. of Mines, Minerals, and Energy

Carrie Hearne: Associate Director of Energy Equity Programs, VA Dept. of Mines, Minerals, and Energy

Update on Agency Realignment

Effective October 1, DMME hanges to Department of Energy

Div. of Energy becomes Div. of Renewable Energy & Energy Efficiency

Div. of Mined Land Reclamation becomes Div. of Mined Land Repurposing

New renewable energy positions based in SW VA.

Newly created Associated Director for Energy Equity Programs (Carrie Hearne)

Reenergize Southwest VA

HB1899/SB1252 - eliminates two coal tax credits

Developing recommendations for how the Commonwealth can provide economic transition support to the coalfield region

Focus on workforce, economic diversification, brownfields, community revitalization, infrastructure improvements and clean energy development

Stakeholders: Environmental Justice Council, Virginia Coalfield Economic Development Authority, Virginia Employment Commission, SWVEDB

Three listening sessions (June 8th, July 6th, July 8th). Will be live streamed, comments can be submitted in person, by email, Town Hall or US Mail

Gold Mining Study

HB2213 - establish a work group to study mining & processing in the Commonwealth

Evaluate impacts of mining, whether existing regulations will protect air & water quality

Final report due Dec. 1, 2022

National Academy of Sciences will convene a group of subject matter experts

State agency component (DMME, DEQ, VDH)

Ms. MacCormick asked if the Council will be able to review the DMME's plans for public participation in the gold mining study.

Ms. Karad shared that nominations and recommendations will be made on behalf of the EJ Council as soon as DMME asks for EJ Council representation.

Virginia Clean Economy Act

The VCEA directs the Secretaries of NR and C&T, in consultation with the SCC and EJ Council, to report to the General Assembly by Jan. 1, 2022, any recommendations on how to achieve 100% carbon-free electric energy generation by 2045 at least cost for ratepayers. Report should also include recommendations as to whether the GA should ban the construction of new fossil fuel-based electric generation facilities.

Ms. Hearne asked for an hour on the agenda for the August meeting to report on DMME work.

Beginning Sept. 1, 2022, and every three years after, DMME will consult with the EJ Council and other stakeholders to determine whether the VCEA imposes a disproportionate burden on historically economically disadvantaged communities (communities of color, poor communities)

Final report to the GA due by Jan. 1, 2023 & every 3 years after.

The Council posed questions to Ms. Hearne and Mr. Skiffington regarding DMME/EJ Business.

Ms. Hearne shared that the most immediate response to DMME business is to submit comments and encourage participation in the Reenergize Southwest initiative.

Ms. Burriss asked if DMME had interest in working with the SW VA Workforce Development Board and other organizations in SW VA.

Closing

Ms. Karad provided closing remarks, then turned the meeting back over to the co-chairs for their closing statements.

Dr. Phoenix asked for meeting agendas and for prior knowledge if there will be guest speakers on meeting days. She then opened the floor for closing remarks.

Ms. Burriss stated "we have a lot of work to do."

Ms. Crawford shared her appreciation for the Council and its leadership.

Dr. Phoenix shared final details: August 4th/5th for Southwest Virginia visit and meeting.

Meeting Adjourned

Seeing no further business, the meeting adjourned at 2:58 pm.