

Governor's Advisory Council on Environmental Justice (ACEJ)

Patrick Henry Building – Richmond

Rare Book Room

December 18, 2018

10:00am – 4:30 PM

Executive Summary

The Governor's Advisory Council on Environmental Justice (ACEJ) Subcommittee Meeting was held on Tuesday, December 18th at the Patrick Henry Building in Richmond. The Council began with a welcome by Dr. Phoenix and a traditional Native American blessing by Beth Roach. The full Governor's Advisory Council on Environmental Justice reviewed the second draft of their annual report, reviewing each section's current draft language, making edits to content as a group, and reaching consensus on a final range of policy and structural recommendations for the group's report. The Advisory Council on Environmental Justice also heard public comments from a number of representatives of environmental justice communities and organizations. The Council closed the meeting with a motion approving consensus content and recommendations, and granted Dr. Phoenix and Rev. Faith Harris the authority to make final copy edits. The report, with the blessing of the Environmental Justice Advisory Council, will be prepared for final submission to the Secretary of Natural Resources and Governor Northam.

Welcome & Introductions, *Dr. Janet Phoenix and Ms. Beth Roach*

The Council called their meeting to order by Dr. Janet Phoenix at approximately 10:10am. The meeting was then opened by Beth Roach, Vice Chair of the ACEJ with a blessing.

Council members present included Dr. Janet Phoenix (Chair), Beth Roach (Vice Chair), Tom Benevento, Dr. Michelle Covi, Mary Cromer, Dr. Mike Ellerbrock, Mary Finley-Brook, Angela Harris (by phone), Rev. Faith Harris, Dawone Robinson, and Dana Wiggins. Also in attendance were Trieste Lockwood and Chris Bast with the Virginia Department of Environmental Quality, Isaac Sarver with the Virginia Department of Conservation and Recreation, Jevonte Blount with the Office of the Secretary of Natural Resources, Don Anderson from the Office of the Attorney General and members of the public.

Beth Roach acknowledged the presence of two new support staff for the ACEJ, Chris Bast from DEQ and Javonte Blount from the Secretary of Natural Resources office. Mr. Bast introduced himself as Chief Deputy Director at DEQ and shared his professional background. Mr. Bast also shared that he will be temporarily filling in for Ms. Lockwood as staff support for the body in the early spring of next year. Ms. Lockwood introduced Jevonte Blount from the Office of the Secretary of Natural Resources office and indicated he would be providing technical support during the meeting.

Update from the Office of the Attorney General

Ms. Lockwood indicated that the Secretary and staff wanted to provide an opportunity for the full Council to hear from the Office of the Attorney General and ask questions, and then introduced Don Anderson. Mr. Anderson noted that he had rather brief comments, noting that while the Executive Order 73 had some issues under the statute that allows public bodies to function, from a practical

standpoint that legal concern has had no effect on the ability of the AJEC to complete its work and provide an annual report. Looking to the future, the issue of the Constitution and format of the body would have to be addressed by the Governor and recommended members address any questions in that vein to the Secretary of Natural Resources. Mr Anderson further noted that the Office of the Attorney General, as a separately elected Constitutional officer of the state, exists to serve as counsel to all public bodies.

Dr. DeFur, Dr. Finley-Brook, and Dr. Ellerbrock inquired about the Code of Virginia and expressed interest in learning more about where the group stands legally, whether legislation would be necessary to codify and fund the ACEJ moving forward, and whether the format of the body should be considered as a commission or council. Mr. Anderson noted that the question of funding would ultimately fall to the budget process through the legislature. Mr. Anderson further noted that the premise of the group is founded similar to that of other similarly named public bodies, such as commissions.

Dr. Phoenix expressed that, in her view, the group would continue to act in good faith. Dr. Phoenix further expressed her view that creating the annual report is what has been asked of the body, and that work by the group might become a foundation for any work of the council that is to follow.

Universal Recycling and Food Waste Presentation, *presented by Tom Benevento Sarah Koch, James Taylor, and Dr. Jared Stoltzfus*

Dr. Phoenix introduced Tom Benevento and several representatives from James Madison University for the purpose of a presentation. Mr. Benevento thanked Dr. Phoenix and Ms. Karad for arranging time for this presentation, and then presented a concept draft for a Virginia Universal Recycling Policy. Mr. Benevento noted that the team that drafted this concept consisted of JMU students Sarah Koch and James Taylor as well as Dr. Jared Stoltzfus.

Mr. Benevento expressed that the concept draft is based on Vermont's Universal Recycling Law. Ms. Koch notes that the model program would call for reframing waste as mismanaged resources. Ms. Koch further noted that it would involve diversion of waste streams for recyclables, yard debris, and food residuals. Ms. Koch expressed that the concept draft, if implemented, would enhance recycling programs and composting systems across the state, and would call for a pay-as-you-throw system across the state to encourage reduced waste. Ms. Koch noted that environmental justice was a key consideration in this policy, due to the disproportionate impact waste has on vulnerable communities.

Ms. Koch further presented results of the Vermont Universal Recycling Law, specifically citing a 40% increase in food directed to food banks, and a 37% decrease in greenhouse gas emissions. Ms. Koch identified several environmental justice aspects of the proposal: food for vulnerable populations, climate change, healthy soils and waters, and the creation of turquoise jobs.

Mr. Benevento requested three items from the Council: 1.) that the ACEJ positively affirm the work of this proposal; 2.) that the ACEJ offer any recommended directional changes both now and in the future; and 3.) requested 2 or 3 council members to offer their support and editing expertise. Mr. Benevento then opened the floor to questions from the members of the ACEJ.

Dr. DeFur recommended Mr. Benevento and the students research previous Joint Legislative Audit and Review Commission reports regarding recycling in Virginia, noting a belief that those documents may have helpful recommendations regarding how to structure such a program.

Dr. Finley-Brook indicated her excitement about the proposal, and asked the students and Mr. Benevento to consider the social justice aspect of charging a waste fee to those who might be experiencing economic hardship. Dr. Ellerbrock expressed a similar concern, noting that it might be prudent to offer rebates or incentives to encourage recycling by individuals experiencing economic hardship.

Michelle Covi highlighted Norfolk's current composting efforts and inquired about whether the proposal was best implemented at the state level, or if it would be more appropriately implemented at the regional or local level. Ms. Covi noted the existence of a number of multi-jurisdictional authorities in Hampton Roads.

Dr. Stoltzfus noted that while he was familiar with a number of states that had enacted solid waste bans for their landfills, he was not aware of any current local or regional initiatives to that effect in Virginia.

Dr. Defur noted that under the Dillow Rule, if the state mandated the idea of a recycling law then localities could implement their own individual authorities or form multi-jurisdictional entities.

Ms. Cromer expressed concern about implementation of a blanket policy in smaller rural localities, citing limited recycling infrastructure in place. Ms. Cromer also expressed support for expanding on the food waste aspect of the proposal.

Ms. Wiggins echoed previous comments, and suggested a phased approach that focused first on the food waste issue. Dr. DeFur agreed with this recommendation, and noted that it would be important to flesh out implementation aspects.

Mr. Benevento sought a motion affirming the council's support for the continuance of this project and formation of a subcommittee to examine the concept further. Ms. Wiggins, Dr. Phoenix, Mr. Robinson, and Ms. Cromer volunteered to serve on a subcommittee with Mr. Benevento.

The motion to establish a subcommittee to examine the concept of a universal recycling law was moved, properly seconded, and approved on a voice vote.

Ms. Lockwood reminded members to please work through the Secretary of Natural Resources office to establish meeting time and space and to remember to abide by FOIA in conducting any discussions with other members of the body.

Final Report Discussion, *Environmental Justice Advisory Council Members*

Dr. Phoenix noted that the next item on the agenda was to review the draft annual report. Dr. Phoenix recommended that members take approximately 15 minutes to read through the latest draft, consider the material, and be prepared to offer "big picture" feedback of the report relating to the overall content, topics, and recommendations.

The Advisory Council on Environmental Justice recessed for a break for 15 minutes from 10:50am to 11:10am.

Dr. Phoenix called the group back to order at 11:10am. Dr. Phoenix asked group members for their initial thoughts.

Mr. Benevento noted that historical data regarding environmental justice in other states might be better suited for an appendix, as previously noted. Mr. Benevento complimented the addition of references to Native American concerns in both the analysis of other states as well as the “Framework for Future Work” sections of the report.

Dr. Ellerbrock recommended several copy edits over the first sixteen pages of the report.

Ms. Covi expressed that to provide clarity to the report structure, it might make sense to move the recommendations section closer to the front, and further expressed a desire to differentiate between statewide recommendations, procedural recommendations, and more narrowly tailored policy recommendations. Ms. Wiggins expressed agreement with the points raised by Ms. Covi.

Mr. Robinson thanked members for their efforts so far, and expressed that some of the structural issues were a product of having multiple writers develop sections. Mr. Robinson inquired if it would be possible to reframe the “Work in Year One” section in a way that reflected whether the work identified was still in progress, complete, or moving on to a new phase.

Dr. Finley-Brook agreed with the comments from Ms. Covi, Ms. Riggins, and Mr. Robinson about the need to restructure recommendations. Dr. Finley-Brook also noted that the historical data covered in pages 3-11 of the report regarding other states could be better suited to an appendix.

Ms. Cromer expressed agreements with the points raised by fellow members, and noted that in her review of the draft she saw three over-arching goals for the group: 1.) recommendations for structure and policy; 2.) summarizing the work in the first year of the ACEJ; and 3.) sharing plans for the future.

Rev. Faith Harris noted her agreement with Mr. Benevento and Dr. Finley-Brook regarding placement of the historical context from other states.

Dr. DeFur noted that for clarity, that each recommendation offered in the report should explicitly state “We recommend” at the front of each suggestion, to make it clear with active language that these are the recommendations of the ACEJ. Dr. DeFur noted some concern with moving historical context to the appendix, and noted that the research might be more widely read if it were made into a distinct section just prior to the detailed recommendations at the end of the report, to “provide a frame” for the ACEJ’s final detailed recommendations.

Ms. Roach expressed agreement with Dr. DeFur’s suggestion.

Dr. Finley-Brook noted that she had no preference as to where the history section was located within the report, but wanted to have the language reflected at some point in the report and that the research would go out there.

Dr. Ellerbrock noted that if we’re going to reach a consensus on the history portion, that it might be best to put a section toward the end and label it “Lessons Learned from Other States”, and following Dr. DeFur’s recommendation creating a distinct new section just prior to the recommendations at the end of the report, to “provide a frame” for the ACEJ’s final detailed recommendations.

Dr. Phoenix noted that the first public comment period would begin shortly. Dr. Phoenix asked members of the committee to take a three-fold approach to detailed revisions for each section: delete, revise, and keep. Dr. Phoenix recommended that language suggestions fall into one of those three categories in the afternoon, and asked members to be prepared to produce substitute language for any revisions. Dr. Phoenix noted that the language would be projected on the screen after lunch, and that the ACEJ would be able to make edits in real time.

Ms. Lockwood expressed her gratitude for everyone's patience.

Dr. Phoenix noted that the time was now 11:30am, and opened the floor for public comment.

Public Comment

Kevin Halligan, Cumberland County Landfill Awareness

- Mr. Halligan expressed gratitude to the members of the subcommittee for bringing attention to issues of environmental justice.
- Mr. Halligan offered an update on the work of the Cumberland County Landfill Awareness group, noting that the Board of Supervisors recently approved the landfill.
- Mr. Halligan noted that a Mr. Sprouse had recently filed a zoning appeal related to the location of the landfill, and obtained legal counsel. Mr. Sprouse's hearing on the matter has delayed the landfill's application for a permit to DEQ until April, at the earliest.
- Mr. Halligan noted that Gustavo Angeles from the Sierra Club recently came out to the Pine Grove community in Cumberland County to meet with residents. Twenty-five community members came out for that meeting.

Craig Stevens, Resident of Reston, Virginia

- Mr. Stevens shared that he had recently become a citizen of the Commonwealth of Virginia, and noted that in his prior community of Pennsylvania he had been exposed to the impacts of natural gas infrastructure and hydraulic fracturing.
- Mr. Stevens provided a number of photographs of his meetings with elected officials, fires caused by pipeline leaks, his former community in Pennsylvania, and a Department of Homeland Security guidance document related to natural gas infrastructure.
- Mr. Stevens asked the ACEJ to protect the citizens of the Commonwealth of Virginia, and requested that the Governor protect the council via Executive Order and retain the members for their advice and expertise.

Kendall Crawford, Virginia Interfaith Power and Light

- Ms. Crawford thanked the group as a body for uplifting environmental justice concerns and specifically cited involvement of the group with Executive Directive 11. Mr. Stevens provided a number of photographs of his meetings with elected officials, fires caused by pipeline leaks, his former community in Pennsylvania, and a Department of Homeland Security guidance document related to natural gas infrastructure.
- Ms. Crawford thanked the group for their work on their annual report recommendations, and noted that VIPL looked forward to seeing the recommendations and hoped to advocate for many of them.

- Ms. Crawford expressed her hope that Governor Northam would issue an Executive Order to continue to demonstrate his commitment to Environmental Justice, and to allow the ACEJ to continue to operate in a transparent and inclusive manner.

There being no further public comment, the public comment period for the morning concluded.

Final Report (Review by Section)

Dr. Phoenix announced that now would be the time for a section-by-section review of the report content. Dr. Phoenix reiterated her earlier recommendation for a general “strike-revise” format, noting that include codification of every change needed would allow the group to have an official document ready by the end of the month to the Governor.

Ms. Cromer expressed gratitude to Dr. Phoenix and others, and inquired to see if it would be possible to split structural recommendations from the letter as a way of moving the report forward given the approaching deadline.

Dr. Phoenix expressed concern that if the submission of structural recommendations for the ACEJ are delayed or postponed by the body, that the lack of a report to consider and evaluate might inadvertently delay any decision-making processes regarding the Advisory Council on Environmental Justice. Dr. Phoenix noted her belief in the importance of having structural recommendations approved to present to the Secretary of Natural Resources and Governor.

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Dr. DeFur asked if it the group could reach consensus on inclusion of the historical context as a stand-alone section. Discussion among members ensued regarding the appropriate placement of lessons learned from other states in the report: as either leaving it in its current location, considering it as a stand-alone section placed later in the content, or as an appendix. A consensus was reached to update the lessons learned from other states, as a broader preface to the recommendations at the end of the report and to adjust Dr. Finley-Brook’s Virginia language from that section and include it in the more specific recommendations at the report’s conclusion.

Dr. Finley-Brook asked about formatting the council members on the front page of the Draft Annual Report. After some discussion, a consensus was reached to identify members by their preferred titles, with academic degrees listed after the name, and the DEQ region that each member of the ACEJ is assigned to represent listed next to their name.

Angela Harris noted the importance of making sure that academic partners, particularly CNU and the College of William and Mary, were given credit for their contributions.

Dr. Phoenix summarized the consensus: that the council members would be updated alphabetically by last name, with professional degree letters at the back of the name, and that the historical context from Dr. Finley-Brook and her student Carter Ayers would be included before the full recommendation section. Consensus was reached to give credit to Carter Ayers in a footnote for the independent study effort that produced historical context in the report.

There being no further business to discuss, the group adjourned from 12:17PM to 12:45PM for lunch.

Remarks from Secretary Strickler

The group reconvened at 12:48pm. Secretary of Natural Resources Matthew Strickler introduced himself, thanked the committee for their continued work and noted his office's excitement to receive the Advisory Council on Environmental Justice annual report. Secretary Strickler noted that his office intended to await the annual report, review the recommendations contained within, and act upon them appropriately. Secretary Strickler acknowledged receiving the interim report and having a chance to review it, but indicated that he is awaiting the final report to take further action.

Dr. Ellerbrock inquired about the group's original focus on issues of coastal resilience and adaptation, sea level rise, climate change, and inquired if there were areas that the Secretary's office wished the AJEC to pursue. Dr. Ellerbrock further inquired about the Union Hill Compressor Station.

Secretary Strickler noted his hope that this group would look into those issues, particularly sea level rise, due to environmental justice concerns for those who live in coastal communities. Secretary Strickler noted that access to public recreation facilities like parks and trails access was also an environmental justice concern. Secretary Strickler noted that the administration continued to work within the expertise of state agencies and the regulatory process to hold projects to the highest standards.

Dr. Phoenix inquired as to whether the AJEC would be able to meet with the Governor after the report is complete. Dr. Phoenix also inquired as to whether the AJEC falls strictly under the environmental and natural resource umbrella of agencies, or if other issues like transportation, infrastructure, and health should be engaged.

Secretary Strickler encouraged Dr. Phoenix to include such a request in the annual report's list of recommendations, and expressed his hope that the state government and the ACEJ would work across policy silos on cross-cutting issues. Secretary Strickler made mention of his office's work through Governor Northam's Conservation Cabinet to resolve some of those cross-cutting issues, and noted that it does help to have the natural resource agencies take some of the lead given their expertise on environmental and natural resource issues.

Craig Stevens, who had spoken previously during public comment encouraged the Governor to continue to listen to residents who have experienced infrastructure projects firsthand, and offered to bring experts from industry in to help provide testimony. Mr. Stevens thanked Secretary Strickler for coming to the ACEJ meeting, and for allowing the Advisory Council on Environmental Justice to continue its work.

Secretary Strickler acknowledged having spoken with Mr. Stevens in the past, thanked him for his input, and expressed his gratitude for continued dialogue. Secretary Strickler also noted that over the past year the administration continues to hear from and solicit feedback from citizens being impacted.

Barbara Adams, a member of the Richmond Interfaith Justice League present representing the public, inquired about the future of the Advisory Council on Environmental Justice.

Secretary Strickler reiterated that his office looks forward to seeing recommendations contained in the annual report from the ACEJ, as those recommendations will help guide discussion about the

future work of the body, and reiterated his appreciation to the members of the group for the work they have done over the past year.

Secretary Strickler expressed his gratitude to the group for their time, and then departed.

FINAL Report Review by Section (Continued)

Dr. Phoenix shared that during the lunch period the first cover page of the report identifying members of council had been updated to reflect professional degrees. Dr. Faith Harris, Mr. Benevento, Dr. Ellerbrock, and Ms. Cromer offered edits to their identified descriptors.

Section I: Introduction

Dr. Ellerbrock recommended trimming the name down to “Introduction” and including the paragraph in the first section as a way to provide a narrative frame for the rest of the report. The group reached consensus to make this change.

Mr. Robinson recommended striking a duplicative reference to the council’s name in the paragraph for Section I. The group reached consensus to make this change.

Dr. Phoenix noted the need to insert a placeholder for a summary of the council’s recommendations, until those recommendations are include. The group reached consensus to make this change.

Dr. Finley-Brook inquired as to whether the group preferred to use footnote or endnote citation. Consensus was reached to cite sources via footnotes in this section.

Ms. Cromer noted that Executive Order #57 should be referred to parenthetically as Executive Order (EO) #57 given that it is a first reference, and then as EO throughout the remainder of the document. Consensus was reached to make this change.

Ms. Cromer noted that “Environmental Justice” should not be lower-cased throughout the document except in the title of the ACEJ. Consensus was reached to make this change.

Dr. DeFur recommended minimal use of acronyms. After some discussion, consensus was reached to spell out ACEJ as Advisory Council on Environmental Justice throughout the document.

Rev. Faith Harris noted that Virginia Interfaith Power & Light makes use of an ampersand in their name, and asked that the ampersand be reflected when the group is referenced.

Section II: Events Leading to the Formation of Virginia Advisory Council on Environmental Justice

Dr. Phoenix inquired to see if there were any recommended changes to the timeline in Section II.

Ms. Wiggins offered the recommendation to delete timeline references to the creation of Appalachian Voices, New Virginia Majority, and Southeast Care Coalition in favor of making reference to those three organizations in the section’s line regarding formation of the Virginia Environmental Justice Collaborative. Consensus was reached to make those edits to the timeline.

Mr. Robinson recommended striking the timeline altogether. After some discussion, the group reached consensus to keep the items from 1993, 1994, 2015, and all of the 2017 items on the timeline but to only make one reference to 2017 with all events that occurred that year inserted below it with a hanging indent.

Dr. Phoenix raised discussion about the timeline of the Virginia Advisory Council events in the next table within Section II.

Dr. DeFur expressed support for modifying the heading “Four Committee meetings in “2017-2018” to reflect five committee meetings and the inclusion of the December 2017 meeting date in this section. Consensus was reached to make that change.

Ms. Cromer recommended moving the Timeline of Virginia Advisory Council Events from Section II to the Section for “Events In Year One”. Consensus was reached to move it to that section.

Dr. Ellerbrock noted in the final paragraph of the 3rd page of the draft report, that the phrase “council people” should be amended to “The Council”. Consensus was reached to make that change.

Dr. Phoenix noted that the next heading, titled “Environmental Justice Advisory Council Models from Other States” developed by Dr. Finley-Brook and her student Carter Ayers would be moved to preface the recommendation section later in the report.

Mr. Robinson and Dr. Finley Brook noted that they would offer a short two sentence header related to address the subcommittee handling ED-11 and the committee handling the pipeline respectively.

Mr. Robinson shared revised language for the first paragraph of the heading titled “ACEJ Comments on Proposed Carbon Trading Rule” which stated that “A subcommittee was formed to research environmental justice issues associated with ED #11, Virginia’s regulatory rule-making capping carbon pollution from power plants and linking to the Regional Greenhouse Gas Initiative.” Consensus was reached to include this language in that sub-heading.

Dr. Finley-Brook shared revised language for the end of the “ACEJ Comments on Proposed Carbon Trading Rule” section which would add the line “There is an opportunity for ACEJ to continue involvement in Virginia’s ED #11, which continues to be an important topic with a public comment period beginning early in 2019. Thus, the ACEJ will be likely to hear from a broad group of stakeholders, including impacted communities.” Consensus was reached to include this language.

Council members then turned to discussion of the the sub-section headed “ACEJ Comments on Compressor Station in Buckingham County”. Ms. Cromer noted that she had written some of this content, and recommended revision language to demonstrate actions the ACEJ had taken over the course of the year.

Mr. Robinson suggested adding two sentences to the end of the ACEJ Comments on Compressor Station in Buckingham County to reflect the procedure that went into it, and reflect the ACEJ decision to hold a public meeting in Buckingham County and send a letter.

Michelle Covi suggested consolidating the heading “Atlantic Coast and Mountain Valley Pipelines” with the heading “ACJEC Comments on Compressor Station in Buckingham County” Ms. Harris (present in room) recommended making the merged heading “ACEJ Comments on the Atlantic Coast Pipeline, Mountain Valley Pipeline, and Buckingham County Compressor Station.” Consensus was reached to change the heading to reflect that.

Ms. Cromer offered new language for the compressor section after the first two sentences stating that “The Council decided to research further and formed a subcommittee specifically to work with the community report on issues related to the Buckingham Compressor Station, and related issues with the ACP and MVP.” Consensus was reached to include this recommendation in the draft language.

Section III: Upcoming Issues and Regions

Ms. Cromer recommended adding one or two sentences to the larger heading, noting that it might be prudent to “set up” the section and identify what we’re talking about in this section, noting that some discussion had occurred during that first meeting. Ms. Cromer agreed to work on a few sentences in an introductory capacity. This language would precede the Hampton Roads sub-section.

Mr. Benevento inquired if it would be appropriate to have language recommended by his work group that addresses universal recycling as a topic for future consideration. After some discussion, the group reached a consensus to include that topic.

Ms. Cromer recommended the following framing language for the first paragraph of the section: “At the Council’s inaugural meeting on December 17, 2017, the group identified a number of pressing environmental justice concerns in the Commonwealth. Some occur all over Virginia, others are region-specific. As part of the first meeting’s discussion, the Council voted to prioritize environmental justice concerns in the regions of Southwest Virginia and Hampton Roads. ACEJ created two subcommittees to do research and outreach in those areas. We present here the Council’s initial research regarding issues to be addressed at Council meetings in Southwest Virginia and Hampton Roads in 2019.” After brief discussion, a consensus was reached to include that language.

A. Hampton Roads

Members of the council then moved to discussion of upcoming issues in Hampton Roads.

Dr. Finley-Brook recommends some new language for transportation in the Hampton Roads section, and submits language for approval by the group. The new language as proposed states “Transportation is an important environmental justice issue in the Hampton Roads region due to diesel emissions and particulate matter from highway infrastructure. Transportation by rail and by ship, occurring throughout the Port of Virginia, appears to have disproportionate impact on environmental justice communities and will be considered by the ACEJ.” After brief discussion, consensus to include that language was approved.

Dr. Finley-Brook also recommended new language to the Hampton Roads subsection regarding the Atlantic Coast Pipeline and Southside Connector Pipeline. The language as proposed states “The project, which was slated to be completed by January 2019, passes through heavily populated residential areas of Norfolk and Chesapeake with proximity to a number of public schools, medical facilities, churches, and senior centers.” After brief discussion, consensus was reached to include this proposed language.

Ms. Harris inquired about the paragraph reflecting the “Atlantic Coast Pipeline and the Southside Connector pipeline” and asked if that had been factually confirmed. After some discussion, consensus was reached to remove the phrase “for distribution to individual customers”.

B. Southwest Virginia

Ms. Harris inquired about expanding the introduction in the Southwest Virginia section of the report, noting that an introductory paragraph similar to that used in the Hampton Roads subsection may be appropriate.

Ms. Cromer recommended language that would provide an introductory context which said “Virginia DEQ’s rural Southwest region is a large, mostly rural area comprising 14 counties. Several environmental justice issues have come to the fore in ACEJ’s discussions of that region. The westernmost counties in the region have been dominated by coal extraction for the last century. As the region transitions away from coal, there are significant environmental justice concerns about what is left behind. A second issue in the Southwest Region is the pollution from the Radford Army Ammunition Plant. ACEJ intends to hold a meeting in the southwest in 2019 to hear concerns directly from community members.” Consensus was reached to add that language to the Southwest Virginia section.

Dr. Ellerbrock proposed language expanding on issues surrounding the Radford Army Ammunition Plant (RAAP) in a Radford subsection. The language stated that “According to DEQ data, the Radford Army Ammunition Plant (RAAP) is the single largest polluter in the Commonwealth. For years, lower income and minority residents in adjacent and surrounding neighborhoods have expressed concerns about perceived and potential public health impacts, including asthma, cancer rates, miscarriages and birth defects.” After some discussion, consensus was reached to include this language in the draft report.

C. Statewide Issues

Dr. Finley-Brook inquired about the best placement for language breaking down language of statewide importance on EO 6, RGGI, and the Grid Transformation and Security Act. After some discussion, members of the council agreed to make a third section addressing “Statewide Issues” after the Hampton Roads and Southwest Virginia subsections.

Mr. Benevento indicated that he also had recommended language regarding a Universal Recycling Program would also have a statewide impact, and the council members agreed it would also be appropriate for inclusion in the “Statewide Issues” subsection. (find all references to that and quote them for inclusion in the minutes).

The group recessed for a 5 minute break at 2:43pm, while members worked on the two language proposals above for consideration in this section. Recommendations for the language in the “Statewide Issues” subsection were sent to Ms. Lockwood for inclusion in the draft report, and consensus was reached to include reference to universal recycling, EO 6, RGGI, and the Grid Transformation and Security Act in the “statewide issues” section. The group resumed meeting at 2:48pm.

Section IV: Framework for Future Work

The group’s discussion then moved to Section IV, titled “Framework for Future Work”.

Ms. Harris noted a correction to the ACEJ acronym under the sub-heading “Utilize Public Comments to Identify Issues for Future Work”. Consensus was reached to make that copy edit.

There being no further discussion, the ACEJ moved on to the next section.

Section V: Goals and Constraints

Dr. Phoenix recommended that, in the interest of time and given that Section V had been addressed thoroughly in the November subcommittee meeting, the group should move onward to develop a consensus set of recommendations.

Consensus was reached to move discussion to Section VI, and to focus on developing consensus recommendations.

Section VI: Recommendations

A.) Structural

Ms. Roach proposed language stating that “We recommend that the Governor create another executive order to continue the work of the Advisory Council on Environmental Justice. The existing council members are recommended to be reappointed, and the vacant seat to be filled.” as the first recommendation of the ACEJ.

Dr. Finley-Brook proposed language stating that “We have found this process valuable to the Commonwealth of Virginia” be added to the end of Ms. Roach’s language. Consensus was achieved to insert the language from Ms. Roach and Dr. Finley-Brook.

Ms. Roach recommended the insertion of language stating “We recommend every state agency have an officer or office initiative that will help to integrate environmental justice concerns.” Dr. DeFur further recommended that the language be expanded to say “We recommend that the Governor request a designated point of contact and regular participation in Council regular meetings from each of the Secretariats. The Council’s original structure included Ex Officio membership from the seven Secretariats mentioned in the Order.” After some discussion, consensus was

reached to include both proposals from Ms. Roach and Dr. DeFur in the list of recommendations.

Rev. Faith Harris noted that existing report recommendations should all be reworded to state “We recommend” at the start and provide explanatory verbiage after the initial recommendation language. Consensus was reached to adopt this approach.

Ms. Cromer offered support for language stating “We recommend a sustainable resource base to enable participation by members, fund travel to regions of the state and to provide support for staff to assist with identifying issues and providing background materials regarding those issues.” Ms. Roach expanded upon this recommendation by expressing support for attachment of a reference budget. A consensus was reached to include Ms. Cromer and Ms. Roach’s two language edits in the proposed list of structural recommendations.

Rev. Faith Harris and Dr. DeFur endorsed a recommendation stating “We recommend the diversity of the Council be maintained in the future. The Council has benefitted from having representation from grassroots and academic institutions. There has also been representation from many differing regions of the state. We recommend the Governor increase the representation of grassroots and/or community-based organizations on the Council.” A consensus was reached to include this language in the overall list of recommendations.

Ms. Cromer recommended that the board include a request that the Environmental Justice Advisory Council meet with the Governor upon conclusion of their report. A consensus was reached to include this language in the overall list of recommendations.

Rev. Faith Harris and Dr. Finley-Brook raised concerns about timely notice of meetings as a possible recommendation, and inquired about whether it would be appropriate to recommend expanding meetings beyond a quarterly basis. After some discussion by the group, a weak consensus was reached that these ideas were more suited as best practices for the Advisory Council on Environmental Justice, rather than as formal structural recommendations.

B.) Policy Issues

Dr. Covi recommended two language items for inclusion in the policy recommendation section. The first proposed language would state “We recommend that environmental justice and social equity are incorporated into the development of the “Coastal Resilience Master Plan” as directed by EO #24 and that a robust public participation effort focusing on equitable representation of affected communities and an environmental justice review of the planned adaptation actions be conducted.” The second proposed language would state “We recommend a social vulnerability review of the Know Your Zone statewide phased evacuation plan with recommendations for local emergency management best practices to assure equitable evacuation and sheltering.” After brief discussion, consensus was reached to include both recommendations in the policy section.

The group also reached consensus to include language encouraging that “DEQ conduct a full and robust analysis of existing hot spots and environmental justice communities” and “statewide data may fail to capture local exposures that contribute to adverse health” in the report and have the language of both be consolidated into one recommendation.

Ms. Cromer made specific mention of the recommendation that the “state should move away from fossil fuels and examine the economy, capacity, infrastructure, and resilience of coal dependent communities and examine input from local communities”. The group reached consensus on that recommendation.

Public Comment

Peter Anderson, Appalachian Voices

- Mr. Anderson introduced himself, and noted that Appalachian Voices was a group founded and working towards a transition away from fossil fuels.
- Mr. Anderson expressed gratitude for the AJEC’s work to mitigate severe environmental justice impacts.
- Mr. Anderson further noted that Appalachian Voices would encourage the ACEJ to continue emphasizing environmental justice issues from other states, and would ask that ongoing research from other states continue to be included in the future work of the ACEJ.
- Mr. Anderson expressed Appalachian Voice’s support for codification of the Advisory Council for Environmental Justice in Virginia law, and expressed further support for an operational budget to support the group’s work.

Swami Dayananda, Light of Truth Universal Shrine and Friends of Buckingham

- Swami Dayananda introduced herself, and thanked the council for meeting in Buckingham and writing a letter to Governor Northam in August, noting her belief that the council’s work elevated environmental justice issues in a way that ordinary citizens had felt unable to.
- Swami Dayananda further expressed hope that the group’s work would continue with support from Secretary Strickler and Governor Northam.
- Swami Dayananda noted a hope for transparent, equitable, and authentic engagement to promote collaborative problem-solving, and asked that the ACEJ support research and surveys into community environmental justice issues, and further asked that consistency in application of environmental justice concerns across state agencies be encouraged.

There being no more public comments, the public comment period ended at 3:46pm.

Next Steps: Council Votes

Ms. Wiggins moved, Dr. DeFur seconded that the draft as amended today, including the content that Dr. Finley-Brook provided as hard copy, be edited by two members of the council and that the council grant it’s approval for the copy-edited version of the report to be submitted to the Governor. The motion passed unanimously on a voice vote.

Dr. Phoenix concluded by announcing that the ACEJ would be making plans for the next two meeting dates in Southwest Virginia and Hampton Roads. Dr. Phoenix shared that Ms. Karad and the office of the Secretary of Natural Resources would follow up with details shortly. Dr. Covi, Rev. Faith Harris, and Dr. Phoenix expressed an interest in holding a Hampton Roads subcommittee meeting prior to the first meeting of 2019.

Adjournment

There being no further business, the meeting adjourned at 4:35pm.