

Virginia Council on Environmental Justice (VCEJ)
2nd Annual Meeting
September 18, 2019 – 10:00am – 3:30pm
Patrick Henry Building, West Reading Room
1111 East Broad Street, Richmond, VA 23219

Executive Summary

The Virginia Council on Environmental Justice (VCEJ) held their second public meeting on Wednesday, September 18, 2019 at the Patrick Henry Building in Richmond. Chairwoman Beth Roach called the meeting to order, and Secretary of Natural Resources Matthew Strickler gave welcoming remarks. The Council began its work by introducing state agency staff present, including hearing a presentation from Director David Paylor of the Department of Environmental Quality (DEQ). Director Paylor spoke briefly about new environmental justice initiatives within his agency. Gena Berger from the Office of the Secretary of Health and Human Services and representatives from the Department of Health spoke about many social determinants of health and inequities in health outcomes. The discussion of public health also included emerging challenges such as climate change, increased transmission of foodborne illnesses, mental health impacts of severe weather events, the urban heat island effect, and how chronic trauma and stress can compromise immune systems. Dr. Janet Phoenix and Beth Roach facilitated a discussion about the structure of the Virginia Environmental Justice committee and its various subcommittees to better define roles and work areas. Tom Benevento presented on a proposed universal recycling law for the Commonwealth of Virginia. Ms. Trieste Lockwood informed members about the current status of Governor Northam's Executive Order 6 relating to DEQ as well as Executive Order 43 relating to clean energy and grid transformation. Members of the VCEJ discussed future meeting dates, and received news that the Secretary of Natural Resources has identified funds to facilitate meeting in alternative locations such as Hampton Roads and Southwest Virginia. Members of the Virginia Environmental Justice Council then heard brief remarks from Governor Northam and were introduced to the Director of Diversity, Equity, and Inclusion for the Commonwealth of Virginia. Finally, members of the VCEJ heard public comments. The Virginia Environmental Justice Council agreed to reconvene in December, with subcommittees meeting in the intervening time period.

Welcome & Greetings, *Beth Roach, Chair*

The council meeting was called to order by Chairwoman Beth Roach at approximately 10:05 am. Chairwoman Roach shared her background as a member of the Nottoway Tribe of Virginia. Chairwoman Roach emphasized her hope that the council would be of one mind.

Council members present included Nikki Bass, Tom Benevento, Jevonte Blount, Herbert Brown, Hope F. Cupit, Taysha DeV Vaughan, Jay Ford, Reverend Dr. Faith Harris, Nathaniel Marshall, Dr. Janet Phoenix, and Beth Roach. Reverend Dr. Lisa Johnson and EJ Scott participated via phone.

Also in attendance were Secretary of Natural Resources Matthew Strickler, Deputy Secretary Josh Saks, and Special Assistant Meryem Karad representing the Office of the Secretary of

Natural Resources; Secretary of Agriculture and Forestry Bettina Ring and Deputy Secretary Brad Copenhaver representing the Office of the Secretary of Agriculture and Forestry; Deputy Secretary Gena Berger representing the Office of the Secretary of Health and Human Resources. Director David Paylor, Trieste Lockwood, and Sharon Baxter with the Virginia Department of Environmental Quality; Director Clyde Cristman, Tom Smith, Isaac Sarver, Darryl Glover, and Angela Davis with the Virginia Department of Conservation and Recreation; Lara Johnson with the Department of Forestry; Carrie Durham and Michael Skiffington with the Department of Mines, Minerals, and Energy; Joe Hilbert and Parham Jaber with the Virginia Department of Health; as well as numerous members of the public.

Welcoming Remarks, *Secretary of Natural Resources Matthew J. Strickler*

Secretary Strickler introduced himself, and thanked members of the council for agreeing to serve on the Virginia Council on Environmental Justice and for their work thus far. Secretary Strickler acknowledged the presence of agency leaders from the natural resource and health fields, and expressed his wishes for continued collaborative discussion as well as his optimism that through the Council issues surrounding environmental justice can continue to see progress in Virginia.

Agency Head Updates, *David Paylor, Director of the Department of Environmental Quality*

Director Paylor noted that the main purpose of his remarks today is to share that the Department of Environmental Quality recently completed the procurement process and entered into a contract with Skeo Solutions, a consulting firm that will be reviewing DEQ's environmental justice processes. Director Paylor added that, due to the importance of environmental justice issues to the agency, the agency was hired with funds from the existing budget.

Director Paylor noted that the consultant process would involve three to four phases, assessing what other states and local governments do in terms of addressing environmental justice issues, significant stakeholder outreach to minority communities, local governments, and environmental justice communities for feedback, and a legal review. The goal is for regulatory or statutory changes that will create certainty around the roles and responsibilities of applicants, the agency, and local government, and to identify reforms to the process by which DEQ communicates with the public and stakeholders. The end of the contract culminates in a strategic planning session at DEQ working with the Secretary of Natural Resources office.

Director Paylor clarified that the contract with Skeo specifically requests that the consultant solicit feedback from the Virginia Council on Environmental Justice as a part of the stakeholder outreach process.

Dr. Phoenix inquired whether recommendations from the consultant would overlap with the work of the VCEJ. Secretary Strickler clarified that the role of the council is to look at environmental justice issues with a broad scope, whereas the consultant will be focused purely on the environmental justice aspects of DEQ's existing processes and identifying ways in which DEQ can better serve the public.

Rev. Dr. Lisa Johnson and Taysha DeVaughan inquired as to the stakeholder process. DEQ Director Paylor noted that his aim would be to identify leaders across the state, including in

smaller communities, during the consultant's outreach process. The consultant and DEQ would then solicit feedback as well as leads on other individuals to talk to, and that stakeholder identification would be a collaborative effort between the consultant and DEQ. Director Paylor encouraged members to email Trieste Lockwood (trieste.lockwood@deq.virginia.gov) if they have additional questions.

Reverend Dr. Faith Harris asked if there would be any opportunities for public comment or public hearings after the consultant's report is issued. Director Paylor shared that toward the end of the process, before any reforms are set in stone, there would be opportunities to have a very robust comment period and public input process.

Secretary Strickler inquired about an update on the Cumberland County landfill. Director Paylor indicated that at this time DEQ still has not received permit application and therefore the agency is only able to discuss the permitting process at this point, and that agency staff from DEQ had met with stakeholders from Cumberland County to educate them about the process.

Public Health Speakers and Discussion, *Dr. Janet Phoenix, Deputy Secretary of Health and Human Resources Gena Berger, Chief Deputy Commissioner of the Department of Health Parham Jaber, and Deputy Commissioner for Governmental and Regulatory Affairs for the Department of Health Joseph Hilbert*

Dr. Janet Phoenix shared her professional background in public health and expressed her hope that the public health subcommittee would be meeting soon after the full committee. Dr. Phoenix shared that public health intersections with how we site facilities, the way in which we regulate certain types of businesses in our communities, and that some populations experience more harm than others through that process. Dr. Phoenix went on to note that the work of the committee is to focus more attention on those siting and planning processes, and to encourage more thoughtful and intentional planning both in the community as well as in the way that local and state agencies do their work.

Chairwoman Roach then welcomed Deputy Secretary Berger, Parham Jaber, and Joseph Hilbert from the Secretariat of Health and Human Services and Virginia Department of Health (VDH). Parham Jaber shared that he oversees drinking water and environmental health services, both of which are areas that deal with day-to-day health issues, many of which impact disparate communities. Joseph Hilbert noted that he serves as Legislative Liaison for the Virginia Department of Health as well as regulatory coordinator for the agency and staff for the State Board of Health.

Deputy Secretary Gena Berger shared that the public health community is increasingly concerned about the impact of climate change, in particularly the major changes in disease transition that are emerging as well as more frequent instances of heat-borne illness and respiratory illness. She shared that increasingly severe weather events are having an impact on mental health for those that suffer through the aftermath, and that VDH is leading an initiative to bring together health care providers, public health communities, and academic researchers to raise awareness about climate change and the need for a public health intervention. In addition,

VDH is working to improve collection of public health data to identify communities and populations most vulnerable to severe weather related events.

Deputy Secretary Berger and Mr. Jaberri then brought up the concept of “weathering” in public health, defining it as the chronic stress associated with the combined effects of poverty, racial discrimination, and material deprivation. They then shared that research correlates weathering with a weakened immune system, enhancing susceptibility to the toxic effects of pollution exposures and in the case of mothers from vulnerable populations, causing their health to deteriorate more rapidly.

Mr. Jaberri and Mr. Hilbert spoke directly about the work of VDH. Mr. Jaberri shared the impacts of living in a community that is not as resilient as others due to lack of resources—as Virginia experiences more severe hurricanes, those areas that are hit hardest often lack the resources to fully recover, and that sea level rise presents new issues in terms of on-site water and sewer access. Mr. Jaberri also shared that there are new emerging issues like urban heat islands, where the high density of dark asphalt surfaces creates certain census tracts that are 5-10 degrees warmer. Mr. Jaberri indicated that even a minor increase in temperature raises the chances of heart attacks, heat stroke, and dehydration.

Mr. Hilbert noted that agency staff have convened a climate change committee internal to the agency to figure out how to properly address this issue, and that VDH will be preparing a climate change response plan to be published next year. Mr. Hilbert added that VDH would welcome the opportunity to work with the VCEJ’s Public Health subcommittee, and that as the agency undertakes a state health assessment in the next two years, there will be a major focus on equity in public health processes moving forward.

Members of VCEJ were encouraged to contact Brenden Rivenbark (Brenden.Rivenbark@vdh.virginia.gov) with questions about specific policy topics.

EJ Scott inquired about whether there has been any correlation between the rise in homelessness to increased experiences of childhood trauma. Mr. Marshall added that that as climate changes alters the environment, there has been discussion about diseases coming back and inquired as to VDH action. Mr. Jaberri responded in the affirmative to Ms. Scott’s questions, and noted that due to lower rates of vaccination, diseases like measles were having outbreaks again. Dr. Phoenix noted that disruptions from weather-related events, like lack of phone service, power, and transportation are also concerns with regard to public health, particularly for people who utilize durable medical equipment that requires battery or electric power. Tom Benevento inquired if there is plan within VDH to identify such issues, and have some agility as an agency as these emerging issues accelerate and spin off into other issues? Mr. Jaberri noted that the agency’s first step is to capture information, but that individuals in need can be guided to VDH resources by other agencies like VDEM during emergency situations, and that Virginia Department of Emergency Management and other partner agencies have the capacity to get identified information for vulnerable citizens, such as those that use durable medical equipment powered by electricity, and to do wellness checks on those citizens.

Ms. Carrie Brown introduced herself as the new head of the solar program at the Department of Mines, Minerals, and Energy (DMME). Ms. Brown shared that, in reference to the urban heat island effect mentioned earlier, DMME is currently working with the private sector and willing participants to place solar panels on large rooftops and in some parking areas to absorb some of the heat energy.

Ms. Lara Johnson, from the urban forestry program in the Virginia Department of Forestry (DOF), shared that staff from VDH and DOF would be meeting with local government representatives from Chesapeake to discuss strategic planting of trees. Ms. Johnson shared that DOF and VCU students recently had a successful tree planting in the Carver neighborhood of Richmond.

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

Chairwoman Roach noted that the full group will be meeting in December. Dr. Phoenix noted her excitement that the VCEJ will be able to follow up on some commitments made by the prior council, to travel around the state and visit some communities to hear their feedback directly.

Subcommittee Updates and Discussion of Charges – *Beth Roach and Dr. Janet Phoenix*

Chairwoman Roach yielded the floor to Jay Ford for a discussion about the work of the Policy, Permits, Programs, and Procedures (PPPP) Subcommittee. Mr. Ford summarized the idea behind the PPPP subcommittee, identifying it as a way to take a hard look at different aspects of the policy process and identify ways to make the process a little easier for citizens. Mr. Ford noted that the subcommittee had identified a goal of establishing a framework/blanket environmental justice policy that could be utilized by state agencies.

Ms. Karad shared questions that the PPPP subcommittee had developed to provide some guardrails for agency presenters. Mr. Ford shared the subcommittee's plan to hear from the Virginia Department of Transportation and the Department of Mines, Minerals, and Energy. Mr. Ford also shared the subcommittee's interest in identifying VCEJ's structure. Mr. Ford also noted that the PPPP subcommittee included space for public comments. Ms. Karad asked for recommendations of stakeholders to invite to each subcommittee as well as to the full committee.

Chairwoman Roach noted that the VCEJ would be breaking for lunch for fifteen minutes, and then would resume discussion at approximately 12:10pm.

Lunch

The Virginia Environmental Justice Council reconvened at 12:22pm. Chairwoman Roach noted that a discussion of Executive Order 6 would be moved further up on the agenda after lunch.

New Business

- **Executive Order 6** –Trieste Lockwood noted that the Department of Environmental Quality submitted a report to the Secretary of Natural Resources office in compliance with Governor Northam's EO 6, and the Secretary submitted his final report to the Governor. The report

outlines the work that the Department of Environmental Quality is currently doing, using examples like the Volkswagen settlement funds for electric vehicle deployment, reworking solar regulations, etc. The report include recommendations on regulatory and communication enhancements, air and water monitoring, the need to assess climate change throughout programs, the Chesapeake Bay Act, enforcement authority, adjustments to penalties, and public outreach.

- **Executive Order 43** – Ms. Lockwood shared that the Governor issued Executive Order 43 on September 17th. The first goal of the EO is to produce 30 percent of Virginia’s electricity from renewable energy sources by 2030, and one hundred percent of Virginia’s electricity from carbon-free sources by 2050. The second goal to procure at least 30 percent of the electricity under the statewide electric contract from renewable energy sources by 2022. The third goal is to reduce electricity consumption across all state agencies and institutions through comprehensive Resource Conservation Management Plans. Notably, the Executive Order calls on the Commonwealth to develop an energy plan that addresses issues related to these goals, and equity and environmental justice, so that the clean energy and climate goals outlined are achieved in an equitable manner. The EO also calls for measures that provide low-to-moderate income communities access to clean energy and reduction in their energy burdens.

Subcommittee Updates and Discussion of Charges – Continued

- *Consensus Building*
 - Chairwoman Roach expressed the idea of discussing consensus building, noting that The University of Virginia’s Institute for Environmental Negotiations taught the consensus-building process to the previous iteration of the VCEJ. Mr. Ford noted his hope that the group could receive the language of that particular process, and that the group could reach a standard for consensus-building.
- *Overlap Between Committees*
 - Chairwoman Roach recommends that the council start with a discussion of the public health subcommittee. Dr. Phoenix, Rev. Dr. Johnson, and Dr. Phoenix noted that their preference would be to convene the public health subcommittee and to discuss what the committee’s role should be.
- *Subdivision of Work*
 - Jevonte Blount volunteered to help facilitate a social media account for the Virginia Council on Environmental Justice.
- *Framework*
 - Ms. Karad shared that if there are issues that VCEJ members feel are relevant and/or need to be on the agenda, individuals should feel comfortable inquiring to Ms. Karad, Ms. Lockwood, Chairwoman Roach, or Dr. Phoenix about putting speakers or issues on the agenda for the full committee, and work through Meryem, Trieste, and subcommittee chairs to develop subcommittee agendas.
- *Tasks*
 - Jay Ford recommended that the Transportation subcommittee and PPPP should meet jointly if possible to hear from the Virginia Department of Transportation.
 - Transportation Subcommittee received new members including, EJ Scott, Rev. Dr. Lisa Johnson, and Raul Garcia.

- All subcommittees that have not met yet, will be meeting soon to discuss their purpose and boundaries.
- *Boundaries*
 - Dr. Phoenix expressed that it may be beneficial as the VCEJ moves forward to subcommittee work, that some boundaries are established to allow each subcommittee to clearly understand their role and focus their efforts.
- *Additional Discussion*
 - Clean Energy Transition – Ms. DeVaughan inquired about the ability to hold a meeting in Southwest Virginia featuring more local perspectives. Ms. Karad shared that as long as the meeting was properly noticed, it could be held without a problem.
 - Chairwoman Roach expressed her hope that the concerns of indigenous Virginians might be heard, and noted that tribal interests would intersect with the work of numerous subcommittees. She indicated that she would be willing to help set up meetings with some of the principal individuals representing the tribes, and arranging for them to come to meetings of the council.
 - Dr. Phoenix and Ms. Karad noted that future administrations could do away with certain executive actions, however proposals that go through the legislature or which are engrained in agency policies and procedures have the ability to be more long-term.

New Business Continued, Meryem Karad and Trieste Lockwood

Union Hill Trip

Chairwoman Roach called on members of the VCEJ to discuss the recent trip to Union Hill. Ms. EJ Scott, Ms. Hope Cupit, and Rev. Faith Harris shared their empathy with individuals from Union Hill, and that the experience reiterated the importance of inclusivity. Reverend Dr. Faith. Harris noted her hope that the work of the VCEJ this will lead to protection of land and water.

Recycling – Tom Benevento

Tom Benevento introduced an initial draft of a Virginia Universal Recycling Law. Tom shared that the entire state of Vermont is almost a zero-waste entity, that 2020 is the final year of the transition. Carbon emissions have dropped 30%, food in public pantries has increased by 40%. Mr. Benevento noted the goal would be to reduce solid waste output from the Commonwealth of Virginia and asked if the VCEJ wanted to revisit this proposal.

Council Travel, Reimbursement, and Future Meeting Logistics – Meryem Karad

Ms. Karad shared a W-9 form and a travel reimbursement voucher. Members are encouraged to fill out the forms with mileage to the meeting site and back, lodging expenses, and any parking fees. Ms. Karad shared that Katie Sallee would be sending out Doodle polls to members of the VCEJ, along with details for upcoming meetings. Members are encouraged to respond to those emails.

Governor’s Office Update – Meryem Karad & Josh Saks

Ms. Karad introduced Deputy Secretary Josh Saks, who shared that Fluvanna and Louisa County are currently looking to build a pumping station near Rassawek, one of the most sacred sites of the Monacan nation. The land is owned by the localities and the permits for water withdrawal have already been approved. The Commonwealth and the Department of Historic Resources (DHR) have looked into this issue and indicated that Fluvanna County and Louisa County need to more closely study the archeological significance of the site before issuance of a final permit. Deputy Secretary Saks stated that an update to the Virginia Cultural Resource Information System utilized by DHR could make the difference in protecting sites of historic or cultural significance.

Deputy Secretary Josh Saks shared news that, after three public comments and a detailed review process, the Commonwealth recently removed a dedication to Jefferson Davis located on an archway at Fort Monroe. Deputy Secretary Saks then introduced the 73rd Governor of the Commonwealth of Virginia Ralph S. Northam.

Governor Northam thanked members of the VCEJ for being present, and for their important work. Governor Northam noted that there are still inequities and disparities that exist in Virginia today in areas such as access to education, affordable healthcare, and access to the voting booth. Governor Northam shared that he has tasked members of his cabinet with the responsibility to look into existing inequities, and identify areas we can make progress. Governor Northam expressed his hope that the discussion of the council would result in policies that are fair to all Virginians, and noted that responsibility was shared by all to move Virginia in a positive direction. Governor Northam then introduced Dr. Janice Underwood, his newly appointed Director of Diversity, Equity, and Inclusion.

Dr. Underwood introduced herself, noting her professional background at Old Dominion University, and shared that she was first introduced to the idea of inequity when she was a teacher at Hampton High School with regard to issues of educational opportunity and environmental justice, specifically citing the disparate quality of school buildings and the impact that environment had on educational outcomes. Dr. Underwood shared her commitment to be involved in conversations about environmental justice, diversity, equity, and inclusion moving forward.

Public Comment Guidelines Discussion – *Beth Roach and Dr. Janet Phoenix*

Chairwoman Roach noted one change from the previous meeting, sharing that at the current meeting and moving forward there will be space in the public comments set aside for the Virginia Environmental Justice Collaborative to offer an update on their work.

Environmental Justice Collaborative Update – *Dr. Gustavo Angeles from the Sierra Club, presenting on behalf of Queen Shabazz.*

- Chickahominy Gas Power Plant: Raise awareness about the lack of information regarding blast zones and pressure. Regularly out of compliance on water quality standards near the local landfill, and expressed that the community has a fire department that may not be large enough to effectively deal with hazardous structures associated with the plant.

- Union Hill Compressor Station: Request greater technical information regarding the concentration and location of ammonia tanks
- The Environmental Justice Collaborative would ask the VCEJ to consider holding a meeting in Charles City County.
- The Environmental Justice Collaborative also wanted to note that the EPA and federal government have a definition of environmental justice, and that Virginia and its agencies should adopt a definition of environmental justice.

Jay Ford inquired about the PSI/blast zone ratings. Ms. Lockwood indicated that DEQ may be able to help assist the EJ Collaborative in getting the information.

Public Comment

Meryem Karad called on members of the public in the order in which they had signed up to speak. Mr. Kevin Halligan, Mr. Keith Oulie, and Mr. Patrick McSweeney rose to express concerns about the Cumberland County landfill. Mr. Nate Benforado from the Southern Environmental Law Center spoke regarding the clean energy transition. A summary of their public comments is below:

Cumberland County Landfill

- Mr. Halligan noted that County Waste is offering a Property Value Assurance Program, wherein County Waste presents Cumberland County residents with a legal document that offers compensation for expected loss in property value in exchange for certain terms and conditions. In exchange for accepting compensation, residents who sign the contract accept a condition that they will not oppose the permitting or developing process. Many former members of the group are no longer able to advocate because they signed the agreement and are now obligated to remain quiet.
- Mr. Halligan again requested an Environmental Impact Statement.
- Mr. Halligan asked the council to consider a subcommittee or task force to reduce or manage the waste stream in Virginia by encouraging recycling, composting, etc.
- Mr. McSweeney notes that if the US Army Corps of Engineers finds that there will be significant negative environmental impact, then such a finding is a prelude to an environmental impact statement and that the USACE cannot find a significant negative impact based on environmental justice considerations alone.
- Mr. McSweeney noted that EPA has found independently that every landfill ultimately fails, which inevitably means that the groundwater adjacent to this landfill will be contaminated, and that local residents have no practical alternative for drinking water.
- Mr. Oulie reiterated the concerns raised by Mr. McSweeney regarding contamination of groundwater and damage to surface roads.
- Mr. Oulie quoted Governor Northam's Executive Order 29, stating "No population should suffer disproportionate environmental impacts" and asked the Governor and VCEJ to support a moratorium on landfill projects of the size proposed in Cumberland County.

Clean Energy Transition

- Mr. Benforado expressed that the Virginia Carbon Regulation program has been approved administratively but, due to a budget restriction passed by the General Assembly, cannot be implemented to begin reducing carbon emissions in the state.
- Mr. Benforado shares that despite some recent political mailers alleging that power bills will go up, the experience in Regional Greenhouse Gas Initiative (RGGI) states has been the opposite. Mr. Benforado added that RGGI is a powerful program, it has been successful for more than a decade.
- Mr. Benforado concluded that the first step is making sure that the state can use these revenues targeted to low income groups, and encouraged the VCEJ to get involved to make sure this budget language restriction is removed.

Mr. Ford inquired about actions taken since the last meeting, related to the Cumberland County landfill. Ms. Karad shared that information about the permitting process would be provided via hard copy in the Cumberland County library, and noted that DEQ staff had met with concerned citizens from Cumberland County.

Chairwoman Roach and Dr. Phoenix asked that if members of the public could provide comments in advance of the meeting. They noted that this could allow for agencies to resolve some inquiries in advance of meetings.

Rev. Dr. Faith Harris inquired about where Mr. Benevento's proposed recycling policy would fit in best with the work of the subcommittees and discussion ensued.

Rev. Dr. Faith Harris commented that members of the public are always welcome to be a part of subcommittee discussions and participate in a smaller setting.

Meeting Adjournment

Ms. Karad indicated that phones would continue to be an available option for all committee and subcommittee meetings. Ms. Scott extended an invitation to the dedication of the Virginia Women's Monument on October 14th at 11:00am on the grounds of the Capitol. Dr. Phoenix expressed her gratitude to members for a productive meeting.

There being no further comments, Chairwoman Roach adjourned the Virginia Council on Environmental Justice at 3:23pm.