

**REPORT OF THE VIRGINIA COUNCIL ON ENVIRONMENTAL
JUSTICE (VCEJ)**

2024 Annual Report of the Virginia Council on Environmental Justice

**TO THE OFFICE OF GOVERNOR GLENN YOUNGKIN AND THE
OFFICE OF THE SECRETARY OF NATURAL AND HISTORIC
RESOURCES**



Report Prepared by Members of the Virginia Council on Environmental Justice

**COMMONWEALTH OF VIRGINIA
RICHMOND
JANUARY 2025**

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2024 VIRGINIA COUNCIL ON ENVIRONMENTAL JUSTICE

Governor Youngkin appointed nine new members to the Virginia Council on Environmental Justice in 2024.

1. Tom Benevento, Harrisonburg, New Community Project
2. Theresa L. Burriss, PhD, Bristol, Emory & Henry
3. Karen T. Campblin, AICP, Fairfax, ktcPLAN, LLC
4. Kendyl Crawford, Richmond, Climate & Clean Energy Equity Fund
5. Aliya Farooq, Chester, Virginia Interfaith Center for Public Policy
6. Reverend Dr. Faith B. Harris, Henrico, Virginia Interfaith Power & Light
7. Ronald Howell, Jr., Spring Grove, Virginia State University
8. Dr. Janet Phoenix, Herndon, George Washington University
9. Harrison Wallace, Richmond, Climate and Clean Energy Equity Fund
10. Lydia Lawrence, Fairfax, Nature Forward
11. Meryem Karad, Richmond, Department of Energy
12. Hope Cupit, Bedford, SERCAP, Inc.
13. Honorable Eurika Tyree, Cumberland County Board of Supervisors, Hopewell City Schools
14. Lisa Kardell, Alexandria, Waste Management
15. Courtney Malveaux, Esq., Richmond, McGuireWoods LLP
16. Eddie Ramirez, Abingdon, Ramirez Contracting, LLC
17. Morgan Whayland, Norfolk, Virginia Natural Gas
18. Lieutenant Colonel (Retired) Ronald Olswyn White, Midlothian, Southside Electric Cooperative
19. Elizabeth Cherokee Williamson, Richmond, Balch & Bingham LLP
20. Kerry McAvoy, Midlothian, Environmental Mid Atlantic, LLC

NOTE: Organizational affiliations are for identification of members only. Members are individually appointed using a framework of regions of the state as well as academic, environmental and grassroots affiliations. In any organization, the integrity of decision-making is paramount. However, we recognize at times, members may face conflicts and/or potential biases. We further recognize opting not to vote, or abstain, is a reasonable choice, ensuring that decisions are made in the best interest of the Council and its purpose. This practice not only upholds the integrity of the voting process but also encourages a culture of accountability and trust.

Ex-Officio Members

- Travis Voyles, Secretary of Natural and Historic Resources
- Caren Merrick, Secretary of Commerce and Trade
- Matthew Lohr, Secretary of Agriculture and Forestry
- Janet Kelly, Secretary of Health and Human Resources
- Aimee Rogstad Guidera, Secretary of Education
- W. Sheppard Miller III, Secretary of Transportation

Virginia State Government Staffing Liaisons

Virginia Department of Environmental Quality

- Danielle Simms, Environmental Program Manager
- Gwendolin McCrea, PhD, Environmental Justice Coordinator, Northern Region
- May Fornari, Environmental Justice Coordinator, Piedmont Region
- Grace Holmes, Environmental Justice Coordinator, Tidewater Region
- Kate Miller, Environmental Justice Coordinator, Blue Ridge, Southwest, and Valley Region
- Melanie Davenport, Division Director of Cross-Media Programs

Office of the Attorney General

- Katherine Kulbok, Assistant Attorney General

LETTER FROM THE CHAIR

Dear Governor Youngkin,

The Virginia Council on Environmental Justice (VCEJ) is pleased to present its 2024 annual report and recommendations. The VCEJ operates under the belief that environmental justice is not merely an ideal but a fundamental necessity for the health and well-being of all Virginians. Unfortunately, many communities, particularly those with limited political representation, financial resources, or access to essential services—often find themselves sidelined in discussions that directly impact their health, socio-economic status, and overall quality of life. The Council serves as a vital platform for these individuals, ensuring their voices are heard and their concerns addressed.

One of the most powerful aspects of the VCEJ is its unwavering commitment to listening. The Council actively solicits comments and feedback from community members, ensuring that their insights and lived experiences shape our agenda and priorities. This grassroots approach is essential for understanding the unique challenges faced by different communities across the Commonwealth. By fostering open dialogue, we can better identify the specific needs of each community and work collaboratively toward meaningful solutions.

This report represents a comprehensive compilation of discussions, site visits, comments received, and collaborative work conducted over the past year, while also building on accomplishments from previous years. Our efforts have focused on ensuring that the needs and concerns of the Environmental Justice community are effectively addressed. Notably, the Council conducted a site visit to Suffolk, Virginia, where members had the opportunity to hear firsthand from residents about the environmental challenges faced by the community, including flooding, inadequate infrastructure, and insufficient community involvement. This experience enriched our understanding and informed our recommendations. Additionally, the Council receives updates from relevant agencies regarding efforts to address disparities in Virginia.

Throughout 2024, we held six meetings, during which we dedicated time for public comments. This segment allowed community members to voice their concerns and share their experiences. In addition to verbal feedback, we received numerous written comments that further highlighted the pressing issues within various communities.

Throughout the year, we engaged in thorough discussions regarding the content of the annual report, which is organized into six key areas of focus. Each area is overseen by a designated council member who serves as the lead, ensuring compliance with the Freedom of Information Act while maintaining the integrity and quality of the report. This process will continue into 2025. Three iterations of the report were presented during council meetings, allowing members multiple opportunities to provide feedback on all chapters. Members were also encouraged to have one-on-one discussions with the committee leads. The leads for our areas of focus in the report, which is anticipated to continue through 2025, are as follows:

- Framing Environmental Justice – Karen Campblin and Theresa Burriss
- Health of A Community - Community Action – Dr. Janet Phoenix and Rev. Dr. Faith Harris
- Addressing Cumulative Impacts – Harrison Wallace
- Land Use and Zoning – Kendyl Crawford

- Funding and Technical Sources – Lydia Lawrence
- Council Governance | Rules of Engagement – Aliya Farooq

The recommendations outlined in this report provide a strategic roadmap for delivering essential support and resources to all communities across the Commonwealth, particularly those that are vulnerable and facing significant challenges. As we look ahead, we remain steadfastly committed to engaging with our residents, agencies, partners, and related boards and commissions to gain insights and enhance our collective efforts. We understand that addressing these issues requires ongoing collaboration and a willingness to explore additional challenges that may arise.

We are eager to work alongside you in 2025 to foster meaningful change and support for the communities we serve. Together, we can ensure that the principles of environmental justice are not only recognized but also effectively implemented across the Commonwealth.

Sincerely,

Karen Campblin

Karen Campblin, Chair
Virginia Council on Environmental Justice

The following council members signed for this report:

1. Tom Benevento, Harrisonburg
2. Theresa L. Burriss, PhD, Bristol
3. Karen T. Campblin, Fairfax
4. Kendyl Crawford, Richmond
5. Aliya Farooq, Chester
6. Reverend Dr. Faith B. Harris, Henrico
7. Dr. Janet Phoenix, Herndon
8. Harrison Wallace, Richmond
9. Lydia Lawrence, Fairfax
10. Meryem Karad, Richmond
11. Hope Cupit, Bedford
12. Eureka Tyree
13. Eddie Ramirez, Abingdon

LIST OF RECOMMENDATIONS

Chapter 1 – Environmental Justice A Framework for Equity And Inclusion

1. Continue discussions on adopting the guiding principles or developing new guiding principles.
2. Re-establish the Virginia Interagency Working Group.

Chapter 2 – Community Action: Tidewater Region (Suffolk, Pughsville, and Chesapeake)

1. Conduct an assessment of federal investments to improve water infrastructure in the Tidewater region to determine if funds have been distributed equitably in upgrading systems for EJ communities.
2. Include consideration of impacts of flooding projects to environmental justice communities as a guiding principle in future planning efforts at the state, region, and local levels.
3. Encourage the Commonwealth and Local Governments to consider whether a project benefits an environmental justice community when making funding determinations.
4. Advocate for changes to the Army Corps of Engineers Benefit and Cost Analysis to ensure environmental justice communities can compete and win federal resources for flood assistance.
5. Recommend funding for state or local grants to assist with flood insurance premiums for low-income residents in flood prone communities.
6. Review permits awarded to sand pit companies near Oakland Chuckatuck to determine if air quality impacts on neighboring communities have adequately been taken into account.
7. Request reports from the Tidewater regional of the state on the impact of flooding on aging water infrastructure, especially in those areas designated as environmental justice communities.
8. Conduct air quality monitoring on roadways near sand pit companies in Oakland-Chuckatuck.
9. Examine transportation infrastructure and its impact on local drainage along the I-64 corridor in Pughsville/Chesapeake.
10. Suffolk County should review local building requirements to determine if aspects of newer construction (elevation, use of alternative sewer systems) are negatively impacting older, EJ communities.
11. Suffolk County should review local requirements for maintenance of drainage ditches to determine who is responsible for upkeep and maintenance.

Chapter 3 – Addressing Cumulative Impacts for Environmental Justice

1. Legislate and fund joint resolutions of the House and Senate or by including language in the Appropriation Act to commission a Cumulative Impacts Study (the Study), such as a JLARC study, to evaluate and make recommendations for state agencies, and localities, through a fair and transparent rulemaking process and in collaboration with the public, to develop policies and programs to implement cumulative impact assessments. Time is of the essence, and this long overdue initiative must be prioritized.
2. Alternatively, the Governor's office could fund the Study identified above.

3. The Study should:

- Review and evaluate approaches and options based on a nation-wide survey, laws, and case studies, and must discuss the advantages and disadvantages of each approach considered.
- Study, review, and summarize practices and policies, including but not limited to the following resources:
 - Current federal laws that recognize and implement cumulative impacts.
 - EPA studies and policies on cumulative impacts.
 - State laws that recognize and implement cumulative impacts.
 - The state of science of assessing health impacts from the impacts of multiple environmental media on human health, considering unbiased peer-reviewed studies and federal studies
- The above-referenced resources concerning cumulative impacts should be used to provide a framework as a part of the policy-making process:
- Recommendations should address potential adverse impacts associated with new or existing conditions, and include at a minimum:
 - Options to quantify Cumulative Impacts (environmental, health, etc.), or mitigation burdens.
 - Options to determine appropriate times, cumulative impact mitigation are necessary.
 - Review, identify, and summarize the option to address cumulative impacts by creating a Statewide Environmental Justice Screening Tool that would identify and prioritize areas most at risk, using EPA's EJ Screening tools as a guide.
 - Strengthen Public Participation: Provide options and summarize them regarding how public participation can be enhanced by using a variety of tools, outreach methods and adequate comment periods, to ensure informed and intentional community involvement and transparency in the development of new projects.
 - Options to integrate CIAs into zoning and land-Use Planning, particularly in areas with existing environmental burdens.
 - Fully staff the Council on Environmental Justice through the Office of Natural and Historic Resources.

4. Fully staff DEQ's Department of Environmental Justice

Chapter 4 – Land Use and Zoning

1. Strengthen community representation in zoning decisions by ensuring early, meaningful consultation with historically marginalized communities in land use and zoning processes, particularly before siting controversial projects like landfills and mining operations.
2. Authorize Community Impact Statement (CIS) processes to ensure localities possess the necessary power to adopt local laws or ordinances authorizing CIS process (legislature) and provide funding and resources for community-led environmental and health assessments to give residents a stronger voice in decision-making and to identify potential project impacts.

3. Provide additional funding for equitable stormwater management and infrastructure repair, especially water and sewer systems for vulnerable localities and neighborhoods.
4. Increase fines for exceeding pollution limits and require that those funds are reinvested in the affected communities, particularly to improve infrastructure, public health services, and environmental protection measures. Impose stricter safeguards on pollution.
5. Protect historic communities by offering legal and financial support for maintaining historic properties and dealing with tax burdens.
6. Improve industrial, mining, and landfill siting practices through equitable permitting incorporating cumulative impacts to prevent the disproportionate siting of hazardous facilities, especially in low-income and marginalized communities.
7. Implement stricter safeguards for the siting of storage and siting of facilities in flood-prone areas and those that could contaminate water sources. especially those involving hazardous materials.
8. Establish air quality monitoring systems in communities exposed to multiple industrial pollutants using EPA's EJSCREEN. Air quality monitoring systems in communities should be installed and compliant with Clean Air Act requirements and maintained by the Virginia DEQ.
9. Increase permit accountability and enforcement by requiring comprehensive environmental monitoring and regular public reporting.
10. Ensure that community concerns for permits are addressed transparently, with meaningful opportunities for public input before permits are granted.
11. Require regular third-party monitoring, public updates and independent reviews of environmental impacts, especially regarding controversial projects. Third-party monitoring would provide an impartial verification to industry-collected data thus building community trust.
12. Improve the ability of the public (especially environmental justice populations) to review and provide comment on proposed activities and/or expansion of existing activities, including extending comment periods.
13. Enhance community education and awareness programs to create easily accessible and multilingual programs focusing on land use, zoning, permitting, environmental justice, opportunities for community input, and available tools and resources. Provide training for participation in engagement processes to ease individual navigation of the public comment process, strengthening public participation in environmental decision-making.
14. Clarify that the VA EJ Act applies to each political subdivision in the Commonwealth, including localities.

Localities are an important stakeholder in this chapter and although this report is focused on the state government, we wanted to lift up some possibilities below for any interested localities.

1. Educate locality staff and decisionmakers on the VA EJ Act and incorporate into local decision making and planning.
2. Address flooding and stormwater management disparities by ensuring that facilities and the communities they are in have robust flood mitigation plans and review and adjust stormwater fees to ensure they reflect actual infrastructure investments in the communities paying them.

3. Enhance flood zone and land use mapping by regularly updating flood zone maps and land use data, ensuring these updates reflect new developments. Zoning laws should be adjusted to prevent increased flooding risks and the contamination of natural water sources.
4. Mandate buffer zones between industry operations and residential areas to reduce exposure to pollution.
5. Ensure that community concerns for land use decisions are addressed transparently, with meaningful opportunities for public input beforehand.

Chapter 5 – Funding and Technical Sources

1. Aggressively pursue federal environmental and Environmental Justice (EJ) funding and create a pass-through mechanism for Community Based Organizations (CBOs) to benefit from the funding in addition to state departments and local governments.
2. Re-enroll in the Regional Greenhouse Gas Initiative (RGGI). During its short time in RGGI, millions of dollars were raised to address EJ issues, such as affordable housing and flooding.
3. Institute a sales tax on data center equipment that can be allocated toward environmental justice programs, such as climate resilience programs, flood mitigation, heat island reduction and affordable housing.
4. The State should work with local governments and the EPA to provide more granular environmental justice data to improve the federal tool for future use.
5. Create a funding stream at the state and advocate for additional funding at the federal level that incentivizes local governments to partner with CBOS and communities to invest in historically underinvested communities is critical to target beneficial infrastructure investments to environmental justice communities.
6. Develop a funding program to provide non-federal match for federal grants to support large-scale and community-based projects.
7. Continue to provide annual support from the General Fund to support the Community Flood Preparedness Fund.

Chapter 6 – Council Governance / Rules of Engagement

1. Clear Roles and Responsibilities: Define and clarify roles and responsibilities within the VCEJ and supporting agencies such as DEQ and the Governor's office, to ensure the effectiveness of the council.
2. Community Representation: Ensure diverse community representation within the VCEJ, particularly voices from disproportionately affected areas.
3. Conflict and Bias Policy: Establish a conflict and bias policy to ensure impartial decision-making within the council.
4. Community Engagement Plan: Create a community engagement plan to ensure ongoing outreach and collaboration.
5. Annual Reporting Response: Require a response to the annual report for the Governor and General Assembly, detailing plans to act upon or consider VCEJ recommendations.

CHAPTER 1: ENVIRONMENTAL JUSTICE: A FRAMEWORK FOR EQUITY AND INCLUSION

Environmental justice is a framework designed to ensure the fair treatment and meaningful involvement of all individuals in the development, implementation, and enforcement of environmental laws, siting, regulations, and policies, regardless of race, color, national origin, income, faith, or disability. Its primary objective is to guarantee that all communities receive equal protection from environmental hazards and have equitable access to decision-making processes that affect their environments. Ultimately, environmental justice aims to create a healthy environment for everyone, allowing individuals to live, learn, and work without facing disproportionate risks from pollution or environmental degradation.

Virginia's commitment to environmental justice was highlighted by the establishment of the Virginia Council on Environmental Justice (VCEJ) in 2019. Article 12 of the Code of Virginia provides definitions and other information about the Commonwealth's commitment to environmental justice (<https://law.lis.virginia.gov/vacodefull/title2.2/chapter2/article12/>). The language in section 2.2-235 is of particular importance: "It is the policy of the Commonwealth to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice communities and fenceline communities." The VCEJ advises the Governor and provides recommendations to protect vulnerable communities from the disproportionate impacts of pollution and other harmful practices and developments. The Council focuses particularly on historically marginalized groups and integrates community voices into its recommendations to the Governor, ensuring that the concerns and lived experiences of residents inform actions aimed at eliminating environmental discrimination and exploitation.

The environmental justice movement is deeply rooted in the struggles of marginalized communities, particularly African American, Latino, Indigenous, low-income, and rural/Appalachian populations. Each of these groups has historically faced environmental injustices and has mobilized through unique yet interconnected efforts to advocate for their rights. This includes seeking relief from the siting of hazardous waste facilities in their neighborhoods, addressing harmful pollution from industrial operations, and protecting ancestral lands from exploitation and degradation—all in the name of securing clean air, land, and water. However, the pursuit of long-term solutions that address root causes remains ongoing.

Historically, the environmental justice movement gained momentum in the United States during the early 1980s, catalyzed by events such as the designation of a hazardous waste landfill in Warren County, North Carolina, a predominantly African American community. This event underscored the systemic inequities faced by marginalized communities, which often bear the brunt of environmental burdens while having limited power to influence decisions affecting their lives. Several U.S. federal government agencies, including the Department of Energy and the Environmental Protection Agency (EPA), have recognized and addressed the need for environmental justice.

These movements produced guiding principles^[1] for environmental justice, which serve as "north stars" for future advocacy and policy development. The principles reflect a commitment to equity, inclusivity, and justice in environmental decision-making, advocating for the rights of marginalized communities and emphasizing the importance of their involvement in shaping policies that will directly impact their lives. While some aspects of these principles may extend beyond the specific scope of the VCEJ, their core sentiments align with the mission of promoting fairness and addressing systemic inequalities in environmental issues.

Per enabling legislation, Code of Virginia § 2.2-2699.9. Virginia Council on Environmental Justice, "The Virginia Council on Environmental Justice is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise the Governor and provide recommendations that maintain a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution."

Conversations in 2025 must include a review of existing principles to ultimately serve, in whole or in part, as the foundation of environmental justice principles to be used as a guide as the Council deliberates issues and identifies potential solutions. These principles are not intended to supersede any legally binding federal, state, or local policies. Any legislative changes will be determined by the Virginia General Assembly, local municipalities, or the US Congress.

Furthermore, the Council recommends the reestablishment of the interagency environmental justice work group to foster intentional collaborations across state agencies and to ensure consistent, equitable EJ practices across all agencies while following the rule of law, but also while seeking continual improvement of the laws and policies. This work is particularly important with agencies' permitting responsibilities as they have historically impacted EJ and frontline communities.

Principles that will be reviewed and discussed in 2025 include, but not limited to:

1. Principles of Environmental Justice (1991): Originating from the First People of Color Environmental Leadership Summit, these principles emphasize the need for equitable treatment of all individuals concerning environmental laws, regulations, and policies.
2. Jemez Principles for Democratic Organizing (1997): Developed to guide grassroots organizing efforts, these principles highlight the significance of inclusivity and equity in social movements.
3. Indigenous Principles for Just Transition: These principles advocate for a transition to sustainable and equitable systems that honor Indigenous rights and knowledge.

In summary, environmental justice encompasses not only the pursuit of equity in environmental protection but also the promotion of inclusive governance that benefits all communities. By applying an environmental justice lens, decision-makers can create more just and sustainable policies that protect

vulnerable populations and the environment alike. Furthermore, to enhance community resilience, strengthen social cohesion, and reduce disparities, solutions must include measures that increase representation, promote good governance and transparency, and prioritize fair resource allocation while addressing and repairing harm. The Virginia Council on Environmental Justice is dedicated to seeking continual improvement by analyzing current policies and laws, soliciting community feedback, particularly historically marginalized communities, and fostering a culture of transparency across all agencies in the Commonwealth of Virginia.

The guiding principles derived from the collective experiences of African American, Latino, Indigenous, and rural Appalachian communities serve as vital frameworks for achieving these goals, illuminating the path toward a more equitable and sustainable future.

Recommendations:

1. Continue discussions on adopting the guiding principles or developing new guiding principles
2. Re-establish the Virginia Interagency Working Group

[1] The principles of environmental justice, 1991, The First People of Color Environmental Leadership Summit - <https://www.ejnet.org/ej/principles.html>
Jemez Principles for Democratic Organizing, 1997, <https://www.ejnet.org/ej/jemez.pdf>
Indigenous Principles for Just Transition - <https://www.ienearth.org/wp-content/uploads/2017/10/IENJustTransitionPrinciples.pdf>

CHAPTER 2: COMMUNITY ACTION - TIDEWATER REGION (SUFFOLK, PUGHSVILLE & CHESAPEAKE)

INTRODUCTION

The Hampton Roads region (also referred to as Tidewater) is one of the areas most susceptible to sea level rise in the country. Significant work has occurred in recent years by the Commonwealth, the region, and individual localities to address one of the region's largest and most challenging threats.

The Commonwealth in 2021 released the Virginia Coastal Resilience Master Plan that was formed by the following guiding principles: acknowledge climate change and its consequences; identify and address socioeconomic inequities and work to enhance equity through adaptation and protection efforts; recognize the importance of protection and enhancing green infrastructure; utilize community and regional scale planning to the maximum extent possible; and understand fiscal realities and focus on the most cost-effective solution for protection and adaptation of our communities, businesses and critical infrastructure.¹

The report highlights, "...while flooding impacts all Virginians, it does not affect all Virginians equally. Many communities lack the resources to combat these increasingly prevalent threats."² The lack of resources of many localities in Hampton Roads is documented through the Virginia Department of Housing and Community Development fiscal stress index. The fiscal stress compares each locality in the Commonwealth and compares that locality's ability to generate local revenues from its current tax base relative to the rest of the Commonwealth.³ The Cities of Portsmouth, Norfolk, Newport News, Hampton are all ranked as some of the most fiscally stressed localities in the Commonwealth and the Cities of Chesapeake and Suffolk are ranked as above average.⁴ High fiscal stress localities often experience significant budget challenges with community needs significantly exceeding the available revenues and debt capacity to fund needed projects. The localities in Hampton Roads continuously advocate for both federal and state resources to address this ongoing challenge.

The historic African American communities in Suffolk and Chesapeake, Virginia, including Hobson Village, Pughsville, Oakland-Chuckatuck in Suffolk County and neighboring communities, possess a rich heritage. Despite their significance, these communities face environmental challenges such as flooding, inadequate infrastructure, and insufficient community involvement. This report offers practical steps to strengthen local cooperation, enhance organization, provide training, and support culturally relevant initiatives to address these challenges.

May 14th meeting of Virginia Council on Environmental Justice

¹ [201214_TAC_presentation-combined.pdf \(virginia.gov\)](#)

² [Virginia Coastal Resilience Master Plan Summary](#)

³ [FISCAL STRESS | DHCD \(virginia.gov\)](#)

⁴ [fiscal-stress-2022-data.xlsx \(live.com\)](#)

On May 14th a meeting was held in Pughsville, Virginia to give residents of the Tidewater region an opportunity to share their experiences and concerns. A number of issues were raised and are highlighted and illustrated below. In addition to the official Council meeting several community meetings were held before and after the Council meeting with tours made available to interested Council members so that they could see the conditions firsthand.

COMMUNITY LISTENING ACTIVITIES

To understand the environmental justice issues in Tidewater, we conducted and participated in various engagement activities with community members and examined relevant data provided by community members and other stakeholders.

- Data Collection: Gathering maps, community input, and other research data.
- One-on-One Conversations: Engaging with community members and stakeholders to hear their needs and challenges.
- Community Tours: Observing environmental issues firsthand.
- Community Presentations: Attended community meetings and the Virginia Environmental Justice Council meeting to hear presentations by various community leaders.

Acknowledging Community Input to this Report: Many thanks to the following individuals for making themselves available for conversations and/or tours of their communities.

Laurina Taylor, Oakland Chuckatuck
Mary Hill, Hobson Village
Carolyn White, Pughsville
Wayne White, Pughsville
Sheila Joseph, Portsmouth

COMMUNITY VOICED ENVIRONMENTAL JUSTICE CONCERNS

Urban Development & Transportation Infrastructure: Poor planning, lack of sewer services, sewage leaks, poor access to utilities, frequent flooding due to inadequate stormwater mitigation and outdated infrastructure, and sand transport by trucks contributing to infrastructure wear and creating debris.



Caption: Storm sewer overflowing during moderate rain events. (Photograph provided by Carolyn White)



Caption: John Street Outfall in Pughsville, Suffolk County. Part of this problem is maintenance and design. Pipes have to be countersunk. (Photograph provided by Carolyn White)

Climate Change Resiliency: Stronger storms, more frequent flooding, and lack of proper drainage systems exacerbate the impact of flooding.

The Commonwealth in 2021 released the Virginia Coastal Resilience Master Plan that was formed by the following guiding principles: acknowledge climate change and its consequences; identify and address socioeconomic inequities and work to enhance equity through adaptation and protection efforts;

recognize the importance of protection and enhancing green infrastructure; utilize community and regional scale planning to the maximum extent possible; and understand fiscal realities and focus on the most cost-effective solution for protection and adaptation of our communities, businesses and critical infrastructure.⁵ The report highlights, “...while flooding impacts all Virginians, it does not affect all Virginians equally. Many communities lack the resources to combat these increasingly prevalent threats.”⁶ The lack of resources of many localities in Hampton Roads is documented through the Virginia Department of Housing and Community Development fiscal stress index. The fiscal stress compares each locality in the Commonwealth and compares that locality’s ability to generate local revenues from its current tax base relative to the rest of the Commonwealth.⁷



Caption: Clogged drainage line in Pughsville. An underlying factor contributing to conditions such as the one depicted above is lack of clarity about whose responsibility it is to maintain these drainage ditches by clearing the channels of debris which interferes with proper drainage. Depending upon which

⁵ [201214_TAC_presentation-combined.pdf \(virginia.gov\)](#)

⁶ [Virginia Coastal Resilience Master Plan Summary](#)

⁷ [FISCAL STRESS | DHCD \(virginia.gov\)](#)

jurisdiction you live in, the responsibility may fall to the municipality or to the owner of the property.
(Photograph provided by Carolyn White)



Caption: Poorly maintained drainage ditches in Oakland-Chuckatuck. (Photograph provided by Leslie King)



**Join us Monday, May 13th
for a FREE Dinner!**

Historic Oakland Village
6533 Everets Road
Suffolk VA, 23434

At **3pm**, we will celebrate our
history and new efforts to preserve
our everliving story with friends,
family, and local advocacy groups
at our Little Bethel Baptist Church.

**We will provide food and beverages
until 6pm!**



Caption: Runoff from nearby new construction of a housing development has threatened this historic African American church property in the Oakland-Chuckatuck community. (Photograph provided by Lurna Taylor)

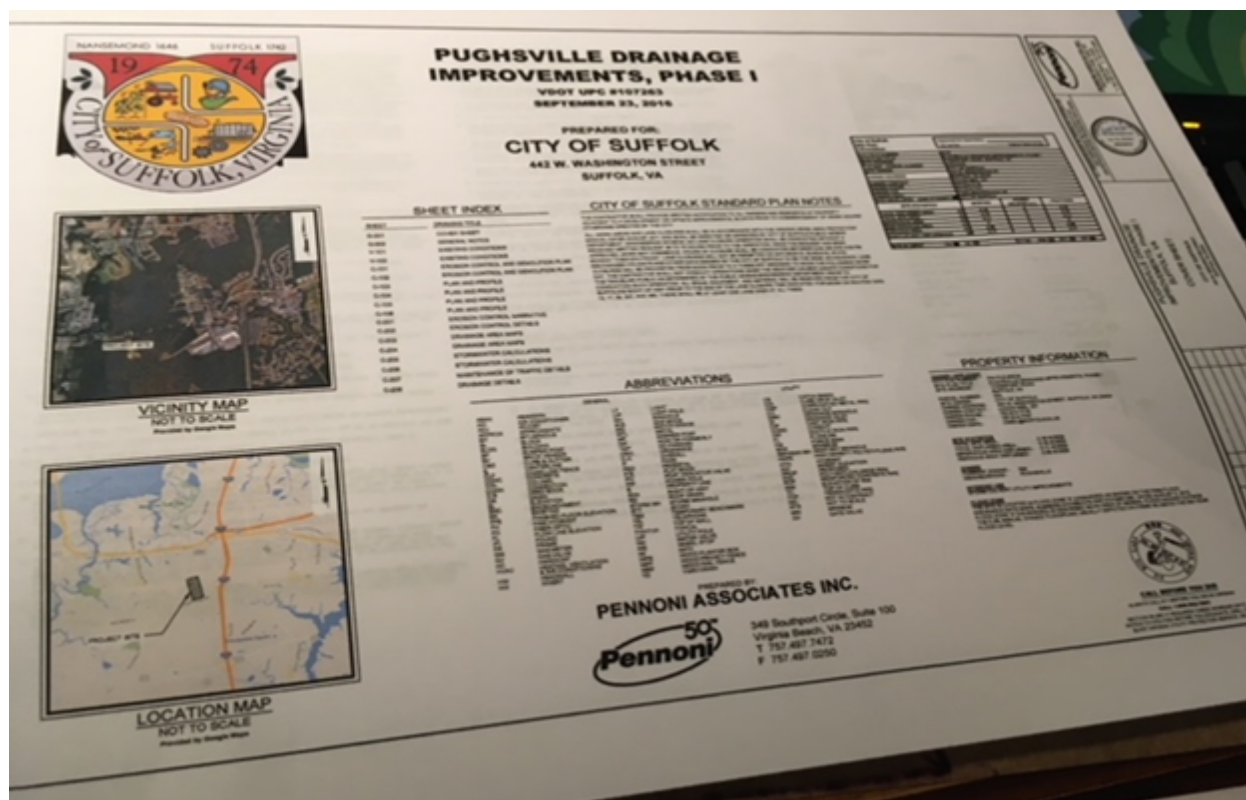


Caption: Moderate rainfall results in significant flooding blocking residents from easily accessing streets and driveways (This photograph was provided by Carolyn White).

Infrastructure and Public Services: Sewage leaks, poor sewer access, inadequate stormwater management, and old pipes and infrastructure leading to continued flooding.

Within the region, The Hampton Roads Planning District Commission (HRPDC) is a regional organization representing the area's 17 local governments. The purpose of planning district commission is to encourage and facilitate local government cooperation on a regional basis for problems of greater than

local significance. The HRPDC has a Coastal Resilience Program that addresses regional challenges related to flooding and sea level rise. HRPDC is the coordinating body for many partnerships and collaboration on master planning, research, and best practices for coastal adaptation, mitigation and resilience.⁸ The HRPDC championed a resolution that passed in October of 2018 to encourage the 17 local governments that comprise the HRPDC to adopt policies that incorporate sea level rise into planning and engineering decisions. The 2024 legislative agenda of the region prioritized various budget and policy items to address recurrent flooding with a focus on requesting assistance from the Commonwealth due to the size and scale of the need and the cost of the projects to reduce flood risk in the region. The HRPDC also coordinates local outreach initiatives to encourage area residents to purchase flood insurance. Most homeowner insurance policies do not cover flood loss. The cost of flood insurance for a home in the special flood hazard area also known as the 100-year floodplain can cost substantially more. This high cost may be a barrier for many residents to in environmental justice communities to tap into this insurance to help pay for damage to the structure and/or contents of their home if flood loss occurs.



Caption: Plans to improve drainage in Pughsville area of Suffolk County. This is an example of local planning (supported by federal funding flowing to the area) to address concerns of sewage leaks, poor sewer access, inadequate stormwater management, and old pipes and infrastructure that contribute to continued flooding. (This photograph was provided by Carolyn White).

⁸ [Partnerships & Collaboration | Hampton Roads, VA \(hrpdcva.gov\)](#)



Caption: Paper streets in Pughsville. Paper streets appear on maps but were never paved. Residents who live on these streets are restricted from adding to their property. Maintenance (tree trimming, moving etc.) occurs sporadically and unevenly depending upon the jurisdiction of the paper streets. If utility lines run along these streets, the power companies will sometimes assume responsibility for keeping them clear so their trucks can access the lines. (This photograph was provided by Carolyn White.)



Caption: Paper streets in Pughsville. Paper streets appear on maps but were never paved. Residents who live on these streets are restricted from adding to their property. Maintenance (tree trimming, moving etc.) occurs sporadically and unevenly depending upon the jurisdiction of the paper streets. If utility lines run along these streets, the power companies will sometimes assume responsibility for keeping them clear so their trucks can access the lines. (This photograph was provided by Carolyn White.)

Environmental Degradation: Eroding riverbanks, impact on historic cemeteries, damage to ecological areas, and creation and movement of sand dunes contribute to environmental degradation.



Caption: Soil Erosion near the John Street outfall in Pughsville. (Photograph provided by Carolyn White).



Caption: Excavated sand pits in Oakland Chuckatuck. Sand is transported for sale to vendors. The pits fill up with water. Trucks are used to transport the sand, and the truck traffic is an irritant to people living along the roads. There are concerns about the diesel fuel the trucks use. (Photograph provided by Leslie King).



Community Health and Safety: Commercial activities like sand pit mining can result in a number of community health and safety issues. Erosion can occur after rain events. Well water interruptions and impacts can occur due to development. (Photograph provided by Leslie King).



Sand and debris from trucks circulate in the air, worsening air quality. Dust and fumes from truck traffic linked to the transport of this mined material can affect the respiratory health of residents who live along roadways. Trucks carry this material along road that are generally one lane in each direction (Photograph provided by Mary Hill).



Caption: Standing water in one of the Oakland-Chuckatuck sand pits. Standing water from flooding leads to mosquito problems. (Photograph provided by Leslie King).





Caption: Two photographs above are of Pughsville Park which does not have adequate drainage. Standing water is a breeding ground for mosquitos potentially impacting the health of children and adults using park facilities.

Gentrification and Displacement: Impact on historic communities, development without considering original residents, and neglect of infrastructure needs leading to continued flooding and health risks.



Caption: Above ground sewers permitted for newer construction in historic African American community of Pughsville. (Photograph provided by Carolyn White).



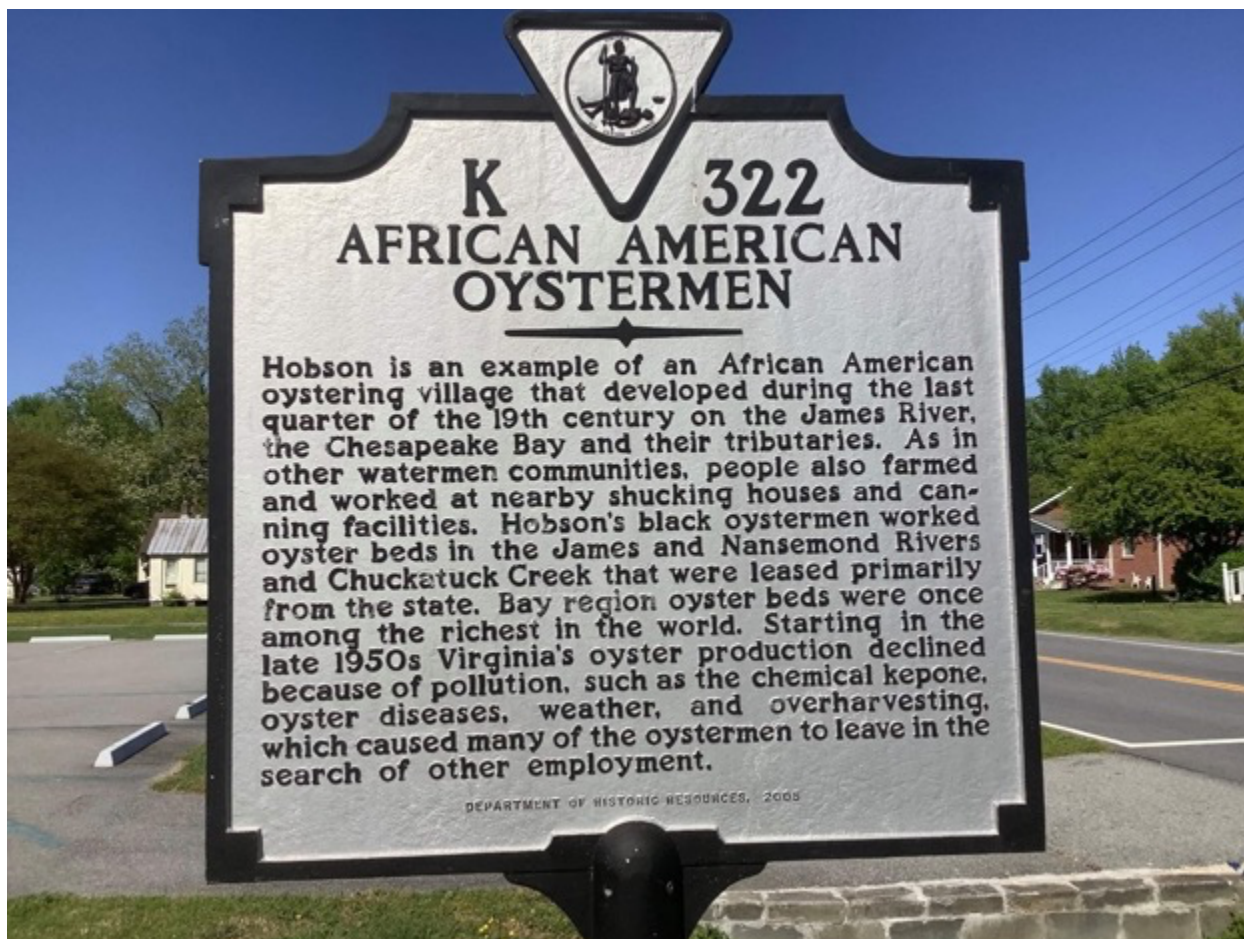
Caption: Newly constructed home in Chesapeake community, adjacent to historic Pughsville. Newer homes are often constructed at a slightly higher elevation, resulting in runoff and flooding for their neighbors whose properties are older (Photograph provided by Carolyn White).



Erosion of a Riparian Buffer in Upper Hobson Village. (Photograph provided by Mary Hill).



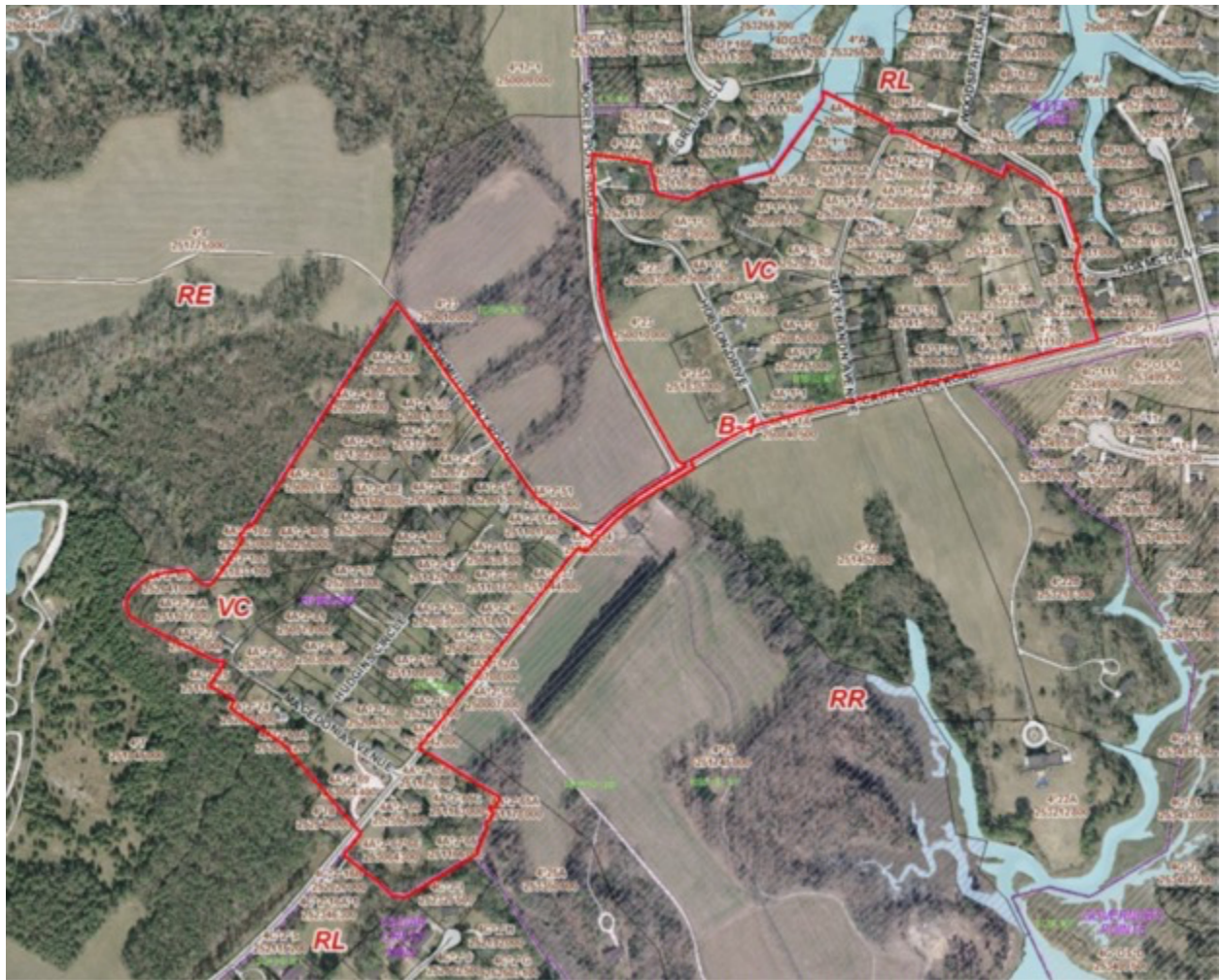
Alternative sewer systems which have been approved for newer construction contribute to flooding because of the elevated mounds which cover these above ground installations. Water channels off these mounds and can flood out lower lying adjacent properties. (Photograph provided by Mary Hill).



The traditional African American communities in Hobson and Oakland-Chuckatuck are plagued by drainage issues resulting from newly constructed homes and communities adjacent to them. (Photograph provided by Mary Hill.



Older home in Hobson Village on the left, flanked by newer construction on the right. (Photograph provided by Mary Hill).



Areas circled in red are the historic African American communities that make of Hobson Village. New developments have sprung up surrounding these communities, making it difficult to distinguish the historic communities in census data and when political boundaries are drawn. (Photograph provided by Mary Hill).

Engagement and Representation: Residents who addressed the Virginia Council on Environmental Justice from the traditional African American communities described in this report feeling left out of decision-making. They describe a lack of communication from developers and officials. They expressed a desire for their historic sites to be properly documented and preserved, and to have their concerns addressed related to drainage, erosion and environmental concerns related to water, sewage and transportation infrastructure and air quality impacts.



A dam was constructed without permits having been obtained when a newer community near Sleepy Lake was constructed adjacent to the Historic Hobson village. This dam blocked access to Carters Cove Creek. This eliminated a navigable waterway to oyster beds that the African American community had used dating back to the founding of their community. The new community has upgraded drainage systems and properties on raised lots. (Photograph provided by Mary Hill).



Caption: Land in historic Pughsville claimed under eminent domain by Suffolk County for use to construct a retention pond. (Photograph provided by Carolyn White).

There are numerous ongoing flooding mitigation projects occurring throughout the Hampton Roads region to address sea level rise and stormwater improvements. While improvements are underway, many communities and neighborhoods continue to regularly experience flooding and stormwater challenges on a routine basis. Examples of the challenges are demonstrated by routine flooding in Suffolk, Portsmouth, and Chesapeake that is further outlined below. Due to the size and scale of the flooding issues local governments apply for federal grants for assistance. To be able to receive federal resources, the completion of an Army Corps Study is often an important pre-requisite for localities to

gain access to federal funding for flood mitigation projects. The cost of these studies is around \$3 million, and the cost is split between a locality and the federal government.⁹ While the potential awards for these projects may exceed tens to hundreds of millions of dollars if authorized by Congress, the grant program requires a significant non-federal match which is a challenge for most localities in the Commonwealth and even more so for a high fiscal stress locality. The current cost benefit analysis of the program that determines what locality receives funding also has an equity problem and any change to that analysis requires an act of Congress. The current cost-benefit analysis heavily prioritizes the dollar value of real estate. This prioritization results in higher income and higher real estate areas qualifying for flood protection through the existing program. In comparison, lower income areas and environmental justice communities often do not meet the cost-benefit analysis to qualify for this federal support or may qualify for only non-structural support such as purchasing repetitive loss properties. The Hampton Roads region and specifically the City of Norfolk have advocated for changes to this calculation. In 2023, the Norfolk City Council adopted a resolution stating their dissatisfaction with the federal policy requiring non-structural flood mitigation measures that inadequately protect the Southside community and create a disparate impact on the residents of the community.¹⁰ As documented by WHRO, “The equity problem stems from the way the Army Corps evaluates a project’s worth.... That leaves lower-income areas like Norfolk’s Southside at a disadvantage, especially because of historic discrimination in urban planning that purposefully depressed property values in those areas.”¹¹ Without a change to the Army Corps methodology historically underinvested communities will also face this challenge when competing for federal funding through the Army Corps of Engineers program.

RECOMMENDATIONS

1. Conduct an assessment of federal investments to improve water infrastructure in the Tidewater region to determine if funds have been distributed equitably in upgrading systems for EJ communities.
2. Include consideration of impacts of flooding projects to environmental justice communities as a guiding principle in future planning efforts at the state, region, and local levels.
3. Encourage the Commonwealth and Local Governments to consider whether a project benefits an environmental justice community when making funding determinations.
4. Advocate for changes to the Army Corps of Engineers Benefit and Cost Analysis to ensure environmental justice communities can compete and win federal resources for flood assistance.
5. Recommend funding for state or local grants to assist with flood insurance premiums for low-income residents in flood prone communities.
6. Review permits awarded to sand pit companies near Oakland Chuckatuck to determine if air quality impacts on neighboring communities have adequately been taken into account.
7. Request reports from the Tidewater regional of the state on the impact of flooding on aging water infrastructure, especially in those areas designated as environmental justice communities.

⁹ ER 1165-2-209 Studies of Water Resources Development Projects by Non-Federal Interest (army.mil)

¹⁰ <https://www.norfolk.gov/DocumentCenter/View/77088/R-01-Resolution-Expressing-Commitment-to-the-Residents-of-Berkley-Campostella-and-Campostella-Heights>

¹¹ Norfolk’s Army Corps can’t yet study extending floodwall to Southside communities (whro.org)

8. Conduct air quality monitoring on roadways near sand pit companies in Oakland-Chuckatuck
9. Examine transportation infrastructure and its impact on local drainage along the I-64 corridor in Pughsville/Chesapeake.
10. Suffolk County should review local building requirements to determine if aspects of newer construction (elevation, use of alternative sewer systems) are negatively impacting older, EJ communities.
11. Suffolk County should review local requirements for maintenance of drainage ditches to determine who is responsible for upkeep and maintenance.

CHAPTER 3: ADDRESSING CUMULATIVE IMPACTS FOR ENVIRONMENTAL JUSTICE

OVERVIEW

As Virginia works to ensure that environmental justice is realized in our most marginalized communities, recognizing and addressing cumulative impacts is vital. These impacts, which accumulate over time from multiple sources and stressors, disproportionately affect marginalized communities, compounding issues of pollution, health, and socio-economic disparities. This chapter explores the significant role that cumulative impact assessments play in identifying and mitigating these overlapping challenges. It also offers actionable recommendations for the administration, state legislature, and local governments to combat the cumulative impacts associated with all forms of pollution in the Commonwealth. Through a robust understanding and strategic action, Virginia can lead in creating equitable environmental solutions that serve all its residents.

Cumulative impacts are defined as the totality of exposures to combinations of chemical and nonchemical stressors and their effects on health, well-being, and quality of life outcomes (EPA,2022). These impacts are pivotal in understanding the full scope of environmental justice as they reveal how disparate elements—such as pollution, socio-economic status, and health disparities—converge to create a more significant overall effect. This comprehensive perspective is crucial for developing informed, effective strategies that address the root causes of environmental inequities and promote sustainable community well-being.

CONSIDERATION OF CUMULATIVE IMPACTS IN THE COMMONWEALTH

This chapter is included in the VCEJ Report in response to the testimony of residents from regions in the Commonwealth that may be impacted by cumulative impacts. In Virginia, the Virginia EJ Screen Tool¹² has been developed to increase access to and enhance awareness of Environmental Justice-related data and information throughout the Commonwealth. This screening tool may be a starting point to consider which communities are particularly vulnerable to cumulative environmental impacts due to a combination of historical pollution sources, socio-economic challenges, and current industrial activities. Residents from many of these regions have testified at Council meetings over the course of several years, where they have illustrated how cumulative impacts have directly affected their livelihoods. Comments received from frontline communities discussing these negative impacts can be found in [previous annual reports](#), as well as at the end of this report. Documentation can be found in previous Annual Reports submitted by the VCEJ¹³. Areas such as Hampton Roads, parts of Richmond, and regions in Southwest Virginia are notable for their high levels of cumulative environmental burdens. These regions often experience overlapping stressors, including poor air quality, contaminated water sources, and limited access to green spaces, all of which contribute to a lower quality of life and heightened health risks for

¹² Virginia Environmental Justice Screen Tool - <https://geohub-vadeq.hub.arcgis.com/pages/v-a-e-j-screen>

¹³ VCEJ Website - <https://www.naturalresources.virginia.gov/initiatives/environmental-justice/>

their residents.¹⁴ Throughout the years, there have been many well documented reports and studies that identified air pollution, lack of green spaces, poor water quality and other stressors are leading contributors to poor health and decline in mental acuity. Noted studies include: [American Lung Association](#), [US EPA Integrated Science Assessment for Particulate Matter](#), the [Mayo Clinic](#), [NRDC](#), etc.

Some analyses show that the populations most affected by these cumulative impacts are typically low-income communities, communities of color, and rural populations. These groups face specific health and environmental challenges, including higher rates of asthma, cardiovascular disease, and other pollution-related health conditions. In urban areas like Richmond and Hampton Roads, historical factors such as redlining and industrial zoning have concentrated pollution sources near minority communities which may lead to health disparities. In rural areas, such as those in Southwest Virginia, the legacy of coal and other mineral mining, the prevalence of landfills, and inadequate infrastructure contribute to ongoing environmental and health challenges, including water contamination and limited access to healthcare services.

These communities may suffer from direct exposure to multiple pollutants but also from a lack of resources to mitigate or escape these impacts. The intersection of environmental impacts with socio-economic vulnerabilities amplifies the negative outcomes, making it essential for state policies to specifically target these areas with tailored interventions that address the unique challenges they face.

STATE AND FEDERAL PROGRESS ON CUMULATIVE IMPACTS

Virginia, along with several federal initiatives, has established guidelines and regulations that address cumulative impacts within environmental and/or public health frameworks. At the state level, Virginia's Department of Environmental Quality (DEQ) incorporates some aspects of cumulative impact assessments into its state facility reviews and state projects. These assessments contribute crucial data for understanding how multiple sources of pollution may collectively affect a community's environment and/or health.^{15, 16}

Federally, the Environmental Protection Agency (EPA) has been instrumental in promoting the integration of cumulative impact assessments into environmental and public health policy. This includes guidelines under the National Environmental Policy Act (NEPA), which mandate federal agencies to evaluate the environmental effects of their proposed actions, including cumulative impacts before making decisions. The aim is to ensure that federal, as well as state policies adequately reflect the complex realities of pollution exposure and health outcomes.

¹⁴ <https://www.rva.gov/sites/default/files/2023-01/RVAClimateVulnerabilityRiskAssessmentSummary.pdf> and <https://www.rva.gov/sites/default/files/2023-01/RVAClimateVulnerabilityRiskAssessmentSummary.pdf>

¹⁵ Wetland Condition Assessment Tool, DEQ, <https://www.deq.virginia.gov/our-programs/water/wetlands-streams/wetcat>

¹⁶ DEQ Environmental Impact Review of Major State Facilities, <https://www.deq.virginia.gov/home/showpublisheddocument/9297/637586620558470000>

It is also important to recognize that cumulative impacts are not well-defined. In other words, to address a “cumulative impact” it must be clear what that is and how to recognize it. The US EPA defines Cumulative Impacts as “the totality of exposures to combinations of chemical and nonchemical stressors and their effects on health, well-being, and quality of life outcomes... In addition, cumulative impacts can be considered in the context of individuals, geographically defined communities, or definable population groups”.¹⁷

In November 2024, EPA release [The Interim Framework for Advancing Consideration of Cumulative Impacts](#), which provides EPA with a foundation to incorporate analysis and consideration of cumulative impacts into programmatic work to mitigate adverse disproportionate impacts. In addition, it highlighted locations that are currently implementing tools and policies in which qualitative and quantitative data was used in the decision-making process for a variety of projects including lead exposure, potential cancer risks from air toxic exposures, and importance of intentional public engagement.

This recently released report is intended to serve as an addendum to the draft Science Advisory Report which grappled with these issues. Science Advisory Board, Review of EPA’s draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (draft EJTG, 2023)¹⁸, 431 (SAB Review) at 11. The Science Advisory Board also raises important considerations in how statistics can be used to define relevant population groups of concern (or combination thereof) for a specific regulatory action. *Id.* at 12. It is important to use antidotal evidence from the eyes of the residents. *Id.* at 6. To better understand and address the environmental challenges faced by vulnerable populations, a collaborative approach between agencies and the community produces more timely, accurate, and relevant data for policymakers. By understanding the cumulative impacts of environmental pollutants through the lens of those most affected, targeted solutions that address root causes can be made.

Risks of different chemical populations are examined individually rather than cumulatively. *Id.* at 24. Another difficult and unresolved area is how to factor in other non-chemical stressors and how to establish a baseline. Without a baseline of measure, it is not possible to determine the increment that the cumulative impact has on the health of an individual. *Id.* at 6. Based on these considerations and others, EPA has also concluded that further research needs to be performed in the area of risk assessment of cumulative impacts on vulnerable individuals and communities

There is still more research that needs to occur; however, great gains have been made within the last few years that have provided grassroots, agencies, and lawmakers with a more defined approach, methodologies and tools to address cumulative impacts. For instance, EPA’s Office of Research and Development’s report, *Cumulative Impacts Research: Recommendations for EPA’s Office of Research and*

¹⁷ <https://www.epa.gov/cumulative-impacts/cumulative-impacts-explained>

¹⁸ EPA, Science Advisory Board, DRAFT, Technical Guidance for Assessing Environmental Justice, https://www.epa.gov/system/files/documents/2023-11/ejtg_revision_110823_508compliant_0.pdfhttps://www.epa.gov/sites/default/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf

*Development*¹⁹, defined cumulative impacts, and shows research areas that can use the evolving concept. Recommendations from the report are already information actions within ORD.

These policies are designed to protect those most at risk by acknowledging that the burden of pollution is often greater where social, economic, and environmental disadvantages converge. They provide a framework for considering a broader range of impacts during the decision-making process. The ultimate result will target reductions of the disproportionate environmental burden on disadvantaged communities.

GAPS IN CURRENT POLICY

Current legislation in Virginia acknowledges the importance of environmental impact assessments, yet it reveals significant gaps in addressing cumulative impacts. Most existing policies programs focus primarily on single-source pollution, failing to account for the compounded effects of multiple environmental stressors concentrated in a particular geographic area, community or neighborhood. This oversight fails to properly unmask disproportionate effects vulnerable communities face. The current approach does not adequately consider the interplay between various environmental media, making it essential to better understand the relationship between exposure to these stressors and their adverse health effects. This includes both chemical and non-chemical stressors that can exacerbate existing health disparities in already burdened communities.

To craft more effective and equitable environmental protections, it is crucial to adopt a holistic perspective that recognizes the complexity of environmental interactions. By integrating a cumulative impact assessment framework lawmakers can better safeguard public health, particularly in communities already facing multiple sources of pollution.

To effectively address cumulative impacts, it is essential to research and adopt comprehensive methodologies that integrate diverse data sources, advanced analytical techniques, and socio-economic considerations. By aggregating data from environmental monitoring, public health records, and community inputs, and utilizing tools like GIS mapping and risk assessment models, cumulative impact assessments can provide a holistic view of how multiple stressors affect vulnerable populations. Moreover, incorporating socio-economic factors, such as income levels and access to healthcare, ensures that these assessments capture the full scope of environmental justice issues, allowing for more targeted and equitable interventions.

¹⁹ *Cumulative Impacts Research: Recommendations for EPA's Office of Research and Development* - https://www.epa.gov/system/files/documents/2022-09/Cumulative%20Impacts%20Research%20Final%20Report_FINAL-EPA%20600-R-22-014a.pdf

CASE STUDIES FROM OTHER STATES

As stated above, the EPA highlighted locations currently implementing cumulative impact assessment efforts. A review of lessons learned/case studies from other states would help to evaluate approaches to defining cumulative impacts. New Jersey's Environmental Justice Law, for instance, requires that cumulative impacts be considered in the permitting process for facilities in overburdened communities, preventing further environmental degradation. These examples provide valuable lessons for Virginia to consider in how to approach cumulative impacts and environmental justice. Virginia should evaluate the methodologies employed by other states and options presented by EPA in a study that analyzes the benefits and drawbacks of these approaches.

ENHANCING COMMUNITY INVOLVEMENT AND EDUCATION

Engaging communities that may be affected by or perceive they are affected by cumulative impacts is critical for ensuring that the voices of those most affected by environmental issues are heard and considered. Supporting advisory boards like the Council on Environmental Justice to do more site visits and amplify local concerns can provide direct feedback to state agencies on proposed projects and policies, ensuring that the cumulative impacts on their communities are fully understood and addressed. Additionally, regular public forums and workshops close to affected communities and at accessible venues and times can be organized to develop a dialogue with residents about the assessment process, empowering them with the knowledge needed to participate meaningfully. Providing accessible, transparent data and ensuring that communication is tailored to the community's needs—such as offering materials in multiple languages—are also essential strategies. Importantly, a component of outreach is education. Information can be provided to residents regarding the environmental protections that are already offered by the multi-media permitting process and environmental laws. This education process will help communities target local concerns that are not already addressed to elevate the appropriate impacts to advisory boards and officials.

EXAMPLES OF COMMUNITY ENGAGEMENT

Community engagement has been a cornerstone in several environmental justice initiatives, demonstrating how active involvement can lead to more equitable outcomes. One notable example is the work done by community organizations in New Jersey during the development of the state's Environmental Justice Law. These groups played a pivotal role in advocating for the inclusion of cumulative impact assessments, ensuring that the law addressed the specific concerns of overburdened communities. Their involvement not only shaped the legislation but also helped build trust between the state and its residents, leading to more effective implementation.

Similarly, in California, the development of the CalEnviroScreen tool involved extensive community consultation. Community members contributed local knowledge that was crucial in identifying pollution hotspots and vulnerable populations, which in turn informed the state's environmental policies and resource allocation. This collaborative approach has led to better-targeted interventions and a greater

sense of ownership among community members, who now feel more empowered to advocate for their environmental rights.

These examples illustrate that when communities are actively involved in the assessment and decision-making processes, the resulting policies are more likely to address their specific needs and challenges, leading to improved outcomes in environmental justice efforts.

STRENGTHENING CUMULATIVE IMPACT ASSESSMENTS: POLICY RECOMMENDATIONS

(Please note, these are recommendations, it is expected that the proper process would be used prior to the passage of the bill(s). This would include submitting to the Division of Legislative review, committee review, vote in both houses, and signed by the Governor).

To ensure a more equitable approach to environmental governance, state policymakers should integrate comprehensive cumulative impact assessments into their regulatory frameworks once a cumulative impacts approach is identified after further study and scientific analysis. Assessments should evaluate not just the immediate environmental impacts but also consider the combined effects of existing pollution sources, socio-economic vulnerabilities, and public health data. Additionally, policymakers should establish clear thresholds for cumulative impacts that trigger stricter regulatory measures or mitigation requirements, ensuring that communities are not further burdened by new developments. Furthermore, as a part of the rule-making process, EJ Communities must be made a part of the process of determining what are appropriate thresholds, calculations, methodology, engagement plans, etc.

CUMULATIVE IMPACT ASSESSMENTS AND IN ZONING, AND LAND-USE PLANNING

To improve the integration of cumulative impact assessments into the state's permitting, zoning, and land-use planning processes, policymakers may consider updating zoning codes to reflect cumulative environmental burdens. This can be achieved by incorporating cumulative impact maps and data into zoning decisions, ensuring that areas already suffering from significant environmental stressors are protected from further industrial or high-polluting developments.

Additionally, local governments should be required to include cumulative impact assessments as part of their comprehensive land-use plans, particularly when planning for new infrastructure or economic development projects. This would allow communities to anticipate and mitigate long-term environmental and health impacts before they escalate. States can also provide technical assistance and resources to local jurisdictions to build capacity for conducting these assessments effectively. By integrating cumulative impact considerations at multiple stages of the zoning and planning and permitting processes, Virginia can work toward more equitable and sustainable land use that protects both its environment and its most vulnerable communities.

IMPLEMENTING CUMULATIVE IMPACT POLICIES: STEPS AND CONSIDERATIONS

To effectively implement the recommended policies for addressing cumulative impacts in Virginia, a clear roadmap is essential. The first step involves establishing a detailed timeline that sets out short-term, mid-term, and long-term goals.

Identifying responsible parties is crucial to the success of this implementation. State agencies such as the Department of Environmental Quality (DEQ), local government planning offices, and public health departments should lead these efforts, with support from community organizations and academic institutions. These parties will need to work in conjunction with community members and build an agreeable rollout timeline with industry and other affected parties that allows everyone to adjust to the changing landscape without hindering progress for a prolonged period of time.

There will be barriers to progress that will require careful review of the law. While some environmental statutes allow for the assessment of cumulative effects, these provisions are not consistent across all regulatory programs. This inconsistency creates challenges in implementing a standardized approach to cumulative impact assessments. The EPA recently provided guidance that points out, in many cases, the legal frameworks were established before the concept of cumulative impacts gained prominence, leading to gaps in the regulatory structure that do not fully accommodate this approach. While the dangers associated with cumulative impacts date back centuries, state and federal policy are still catching up and will need unique approaches to stay within the bounds of law.

Without a standard to guide policymakers, public confidence in government decision-making will erode. In addition, rushing to rely on overbroad risk determinations and questionable science would lead to unfounded restrictions that will not improve the health and wellbeing of environmental justice communities. Rather, decisions should be risk-based, based on the best available science with a balanced peer review.

LEVERAGING TECHNOLOGY AND COMMUNITY-BASED RESEARCH

To enhance the effectiveness of cumulative impact assessments, it is vital to leverage technology and community-based research. Geographic Information Systems (GIS) and other mapping tools can be used to visualize cumulative impacts across different regions, helping policymakers identify areas most at risk. These tools can also be integrated with public health data and socio-economic indicators to provide a more holistic view of the challenges faced by vulnerable communities.

Community-based participatory research (CBPR) is another powerful approach. By involving local residents in data collection and analysis, policymakers can ensure that the assessments reflect the lived experiences and specific concerns of those most affected. This approach not only enriches the data but also fosters trust and collaboration between communities and government agencies. Furthermore, the use of mobile apps and online platforms can facilitate real-time data collection and reporting, making it easier for communities to contribute to and stay informed about ongoing environmental monitoring

efforts. Through these strategies, Virginia can develop a more responsive and inclusive approach to managing cumulative impacts, ensuring that all voices are heard, and all impacts are considered.

RECOMMENDATIONS:

The Council wishes to emphasize the importance of evaluating cumulative impacts on vulnerable communities. We recognize the gaps in Virginia law, regulations and policy to address those impacts. There are many alternatives to assessing cumulative impacts as well as supporting appropriate activities to mitigate potential adverse impacts. To forward cumulative impacts assessments efforts in Virginia, the Council recommends that further study should be performed. Specifically, the Council recommends:

1. Legislate and fund joint resolutions of the House and Senate or by including language in the Appropriation Act to commission a Cumulative Impacts Study (the Study), such as a JLARC study, to evaluate and make recommendations for state agencies, and localities, through a fair and transparent rulemaking process and in collaboration with the public, to develop policies and programs to implement cumulative impact assessments. Time is of the essence, and this long overdue initiative must be prioritized.
2. Alternatively, the Governor's office could fund the Study identified above.
3. The Study should:
 - Review and evaluate approaches and options based on a nation-wide survey, laws, and case studies, and must discuss the advantages and disadvantages of each approach considered.
 - Study, review, and summarize practices and policies, including but not limited to the following resources:
 - Current federal laws that recognize and implement cumulative impacts.
 - EPA studies and policies on cumulative impacts.
 - State laws that recognize and implement cumulative impacts.
 - The state of science of assessing health impacts from the impacts of multiple environmental media on human health, considering unbiased peer-reviewed studies and federal studies
 - The above-referenced resources concerning cumulative impacts should be used to provide a framework as a part of the policy-making process:
 - Recommendations should address potential adverse impacts associated with new or existing conditions, and include at a minimum:
 - Options to quantify Cumulative Impacts (environmental, health, etc.), or mitigation burdens.
 - Options to determine appropriate times, cumulative impact mitigation are necessary.
 - Review, identify, and summarize the option to address cumulative impacts by creating a Statewide Environmental Justice Screening Tool that would identify and prioritize areas most at risk, using EPA's EJ Screening tools as a guide.

- Strengthen Public Participation: Provide options and summarize them regarding how public participation can be enhanced by using a variety of tools, outreach methods and adequate comment periods, to ensure informed and intentional community involvement and transparency in the development of new projects.
- Options to integrate CIAs into zoning and land-Use Planning, particularly in areas with existing environmental burdens.
- Fully staff the Council on Environmental Justice through the Office of Natural and Historic Resources.

4. Fully staff DEQ's Department of Environmental Justice

CONCLUSION

Addressing cumulative impacts is fundamental to advancing environmental justice, as it ensures that the compounded effects of multiple environmental and social stressors on vulnerable communities are fully recognized and mitigated. By incorporating cumulative impact assessments into regulatory frameworks and decision-making processes, we can more accurately identify and address the disproportionate burdens faced by marginalized populations. This is not just a matter of environmental policy but a moral imperative that demands action from all stakeholders. But this effort must be balanced. The science necessary to identify cumulative risks is developing. It is important to recognize that cumulative impacts are real, Virginia must rely on a compilation of historical data, personal narratives and input from the community lesson learned/case studies of existing practices in the United States and worldwide if applicable, and qualitative and quantitative data, to develop its own standards. Careful consideration must be made to geographical locations, frontline, rural/Appalachian and tribal communities.

Government agencies, community organizations, and residents must collaborate to create a more equitable environmental future, where every community has the opportunity to thrive in a healthy, sustainable environment. Together, we can build a framework that protects both people and the planet, ensuring that no community is left behind.

CHAPTER 4: LAND USE AND ZONING

INTRODUCTION

Land use and zoning critically determine where homes, businesses, and industries can be located, shaping the environmental, economic, and social landscapes of our cities, counties, and towns. Effective and equitable policies are essential for ensuring the health and well-being of all residents, promoting sustainable development, and protecting the Commonwealth's natural resources.

Environmental justice is the principle that all people, regardless of race, color, faith, national origin, or income, should enjoy equal protection from environmental and health burdens. It also involves ensuring equal access to the decision-making processes that affect our shared environment. In land use and zoning, this means that no community should bear an unfair share of environmental burdens, such as pollution or industrial facilities, nor should they be excluded from opportunities for economic development, growth, and should experience environmental benefits.

The initial vision of zoning was to improve localities' aesthetics, ensure municipal infrastructure for growth, create density controls, separate different land uses, and improve the degraded environments in which people lived and worked (Haar & Kayden, 1989). Unfortunately, zoning has been a key tool throughout history to uphold racism, disproportionate burdens as well as environmental injustice (Thomas & Ritzdorf, 1997). "There is also significant evidence showing that not only are people-of-color or low-income residents likely to live close to polluting industries with the resulting unequal distribution of environmental exposures, but also that local zoning has sometimes created these disparities, and that local decision-makers were often fully aware of the likely outcomes" (National Academy of Public Administration, 2003, p. 25). Even after race-based zoning was banned in the Supreme Court case *Buchanan v. Warley* in 1917, indirect discrimination continued. For example, through city zoning commissions, changing a neighborhood's zoning from residential to industrial if too many Black residents moved into the area (Rouse et al., 2021).

Another important contributor to the land use, zoning and environmental discussion is the [National Environmental Policy Act \(NEPA\)](#). It ensures that land use and zoning decisions account for environmental justice concerns by requiring an assessment of how projects impact marginalized communities. Through NEPA, local and federal agencies must consider the disproportionate environmental and health effects on vulnerable populations before approving developments such as industrial sites or landfills. This process creates more opportunities for historically underserved communities to voice concerns and push for equitable zoning practices that prevent pollution and hazardous land use.

The current hot topic issues of utility-scale solar siting and data centers represent the importance of land use decisions. Utility-scale solar development in Virginia presents a critical opportunity for clean energy transition, yet it also raises significant challenges tied to land use, zoning, and environmental

justice. Many solar projects are concentrated in rural areas, where residents often value farmland as a cultural and environmental asset. These siting debates highlight an urban-rural divide, with rural communities facing many potential solar installations while urban centers consume the energy produced, especially major corporations' data centers. There have been burgeoning attempts to bring together the two sides, for example through agrivoltaics. Ensuring that communities are meaningfully involved in decision-making is vital to achieving equitable outcomes. Moreover, the clean energy transition must avoid replicating past injustices, where energy infrastructure disproportionately harmed low-income and BIPOC communities. Addressing these tensions requires balancing the urgent need for renewable energy with the protection of natural resources and prioritizing community benefits to advance the broader goals of climate and environmental justice.

Overlapping in many ways with the cumulative impacts chapter, this section of the annual report from the Virginia Council on Environmental Justice aims to provide the governor and legislature with actionable recommendations to enhance equity in land use and zoning practices. Our goals are:

1. To ensure that the permitting process is accessible and fair, especially for marginalized and vulnerable communities,
2. To make information readily available and engage the public effectively in land use and zoning decisions by improving transparency, and
3. To promote equitable siting by ensuring that facilities' locations do not disproportionately impact vulnerable and marginalized communities.

SITING DECISIONS AND IMPACTS

The Virginia Council on Environmental Justice emphasizes the importance of industrial facility siting, particularly historically as these decisions have had disproportionate impacts on vulnerable communities. Siting choices often result in environmental hazards being concentrated in marginalized areas, leading to long-term health and environmental consequences tied to cumulative impacts. It is critical that these decisions carefully consider not only the environmental but also the public health impacts to prevent exacerbating existing inequalities. That local officials stand up for both sustainability and their communities in zoning and making land use decisions is vital.

To promote equity, the Council recommends an intentional effort to avoid overburdening vulnerable communities through cumulative impacts by first assessing the rationale and need for each new facility and only then by distributing facilities more equitably. This would help to ensure that no single community, particularly those with a history of environmental injustice, bears an unfair share of environmental hazards. Furthermore, community involvement should be a priority in the siting process, especially for the most polluting facilities like munitions manufacturing, power plants, landfills, and paper/packaging manufacturing. Early and meaningful consultation with affected residents, along with support for [Community-Based Environmental Assessments \(CBEA\)](#) (Biswal et al., 2023), can ensure that the voices of those most impacted are at the forefront of decision-making. This approach helps build trust, fosters collaboration, and results in more just and sustainable outcomes.

TRANSPARENCY IN PERMITTING

The major key to equitable land use and zoning is equitable permitting. The Virginia Council on Environmental Justice recommends several key actions to improve transparency in permitting processes, starting with the accessibility of information. This includes creating user-friendly platforms and databases that ensure all relevant environmental data is available to the public. These platforms should be regularly updated, with clear communication strategies in place to amplify the information and make it easy to understand for all residents, including those with limited access to technology or legal resources.

In addition to improving information access, public participation should be actively encouraged through user-friendly digital platforms and regular in-person community meetings that are easily accessible by transit in impacted areas. In-person forums to broaden the reach of participation create opportunities for more direct dialogue between residents and decision-makers. The state should also provide additional resources and support for vulnerable communities to ensure their voices are heard in these processes and taken into account during decision making. Lastly, accountability measures need to be strengthened by instituting regular reporting on the progress and outcomes of permitting activities, paired with independent audits and reviews to build public trust. The accessibility and transparency of long-term monitoring is just as important as during initial permitting processes. Not to be forgotten after permits are issued and in the process of permitting renewal are the critical opportunities for learning, reflection, mitigation and follow up (Biswal et al., 2023).

COMMUNITY CONCERNS FROM ACROSS VIRGINIA

INFRASTRUCTURE AND FLOODING CONCERNS IN HAMPTON ROADS

There are a number of concerns resulting from land use and zoning issues across the state. One example is in Hampton Roads. Hobson Village and communities in Pughsville, Oakland Village, Suffolk, and Portsmouth, face numerous environmental justice issues rooted in land use and zoning practices that disproportionately impact marginalized communities. One of the key concerns is the historical annexation and political boundary changes, which have contributed to the erasure of community recognition and made it more difficult to address critical issues like water infrastructure. These communities also suffer from inadequate data representation, making it hard to capture the full scope of the environmental injustices they face. The residents feel that superfund sites, such as Saunders Supply Co. and Abex Corp., pose significant health and environmental risks, while issues like paper streets and outdated water and sewage systems further compound the challenges, especially as flood zones continue to expand. Residents are also exposed to harmful substances, including lead paint in Suffolk and airborne dust and chemicals from nearby industries.

Community members from Oakland Village highlight the severe impact of industrial development on health, with numerous family members succumbing to cancer potentially linked to nearby lumber and cement companies. Air quality issues are rampant, exacerbated by constant truck traffic from nearby

sandpits, and children are exposed to harmful particulates while playing. Many of these communities are historic and now new housing developments have increased flooding risks, with water running from newer homes built at higher elevations into older low-lying homes, making it difficult for residents to continue to maintain their properties. Additionally, disparities in infrastructure maintenance persist, with older communities receiving little attention compared to new developments, which have better and well-maintained flood protection and stormwater infrastructure.

In Pughsville, residents have faced persistent flooding issues due to inadequate stormwater management, outdated drainage systems, and lack of sidewalks. Despite paying stormwater fees for decades, many have seen little improvement in their neighborhoods, with state and local governments failing to address drainage and sewer problems. The influx of new developments has only worsened these conditions. Throughout the region, community members are fighting to preserve their history and protect their neighborhoods from the cumulative environmental burdens they continue to endure, while calling for equitable solutions and meaningful participation in land use and zoning decisions.

Some of their key community concerns include:

1. Political boundary changes and annexation erasing community recognition.
2. Industrial pollution, resulting air quality issues, including dust and chemicals from nearby industries and environmental health concerns (asthma, cancer, etc.).
3. Expanding flood zones, worsened by new development and climate change.
4. Disparities in infrastructure maintenance and flood protection (paper streets and outdated water/sewage infrastructure).
5. Environmental health concerns (asthma, cancer) linked to industrial exposure.

PROPOSED GOLD MINING IN THE PIEDMONT REGION

In recent years the council has heard public comments lifting up multiple land use and zoning issues from other regions as well. One recent land use issue brought before the council is proposed gold mining. Communities have raised significant concerns about gold mining practices, particularly in areas like Buckingham County, where companies have been drawn because of rising gold prices. Local residents and officials expressed alarm over the lack of notification and transparency around exploration activities. A [state-mandated report](#) from the National Academies of Sciences (NAS) suggests that Virginia's current regulations are not robust enough to protect the environment or public health from the impacts of gold mining (Secretariats of Commerce and Trade, Natural and Historic Resources, and Health and Human Resources, 2022). There are widespread fears that gold mining could release legacy mercury into waterways, threaten well water supplies, and disproportionately impact economically vulnerable communities. Residents are particularly concerned about the potential for catastrophic events, such as dam failures, which could devastate local ecosystems and properties. A presentation from William Hopkins, Chairperson of the National Academy of Sciences, Engineering, and Medicine and public comments from several Virginia citizens reiterated these fears about potential adverse effects of gold mining.

The National Academies Potential Impacts of Gold Mining in Virginia report highlighted several concerns about the regulatory and public engagement framework for gold mining in Virginia that included:

1. Notification requirements limited to those living within 1,000 feet of the permit boundary.
2. Absence of specific notification requirements for tribes and indigenous people.
3. Limited public review of permitting application packages.
4. Exemption of off-site gold processing activities from regulatory authority.
5. Absence of public notification or public input for exploratory drilling, expansion of a project, release of a bond, or renewal of a mining permit.
6. Absence of a NEPA-like process for review of environmental impacts for mining activities taking place on privately owned land.
7. Insufficiency of bonds to cover long-term costs and/or reclamation costs.

Unfortunately, there is neither a “systematic process for agencies to incorporate meaningful involvement of EJ communities in decision making processes” nor “clear guidance for evaluating whether pollution authorized under a permit will cause disproportionate impacts” (Secretariats of Commerce and Trade, Natural and Historic Resources, and Health and Human Resources, 2022, p.7).

ARMY MUNITIONS PLANT IN RADFORD

The Radford Army Ammunition Plant (RAAP) and its surrounding communities are grappling with significant environmental justice challenges tied to long-standing land use and industrial practices (Fuhrmann & Minovi, 2022). For decades, RAAP has relied on open burn and open detonation (OB/OD) techniques to destroy military munitions, releasing toxic substances into the air, soil, and groundwater. These pollutants, including heavy metals and harmful chemicals, have placed nearby residents at heightened risk of asthma, cancer, and other health complications. The proximity of the plant to schools and residential areas exacerbates concerns about the exposure of children and families. Additionally, the lack of transparency from both RAAP and the Virginia Department of Environmental Quality (DEQ) has left community members uninformed about the true extent of the risks they face.

Compounding these issues are RAAP’s outdated incinerators, which have been in operation since the 1970s. Despite the renewal of permits allowing the arsenal to continue its hazardous waste burning practices, there has been no comprehensive assessment of the cumulative impact these operations have on surrounding communities. This piecemeal approach to risk assessments ignores how local residents experience the combined effects of RAAP’s activities. Many community members feel abandoned by regulatory agencies and are demanding more equitable environmental protection. They are calling for the closure of RAAP’s old incinerators, an end to open burning, and increased community involvement in decision-making processes.

The report highlighted several concerns about the regulatory and public engagement framework for the Radford Army Ammunition Plant that included (Fuhrmann & Minovi, 2022):

1. Lack of transparency in operations, leaving community members unaware of the risks they are exposed to.
2. Elevated health risks, including asthma and cancer, due to toxic pollutants like lead and arsenic released through open burning and detonation.
3. Proximity of hazardous waste burning to schools, residential areas, and colleges.
4. Continued reliance on open burning and old incinerators, despite the availability of safer alternative technologies.
5. Inadequate assessment of cumulative environmental impacts, with piecemealed risk evaluations for individual processes.
6. Insufficient community engagement during the permit renewal process, limiting public participation and understanding of the issues.
7. Lack of accountability from both RAAP and the Virginia Department of Environmental Quality in addressing long-standing environmental and health concerns.

These points emphasize the need for stronger regulatory oversight and more inclusive public participation to safeguard community health and the environment.

BRISTOL LANDFILL

The Bristol landfill in Virginia has also become a focal point for environmental justice concerns. Communities near the landfill, particularly in marginalized areas, have long been subjected to environmental hazards due to poor land use decisions and inadequate regulatory oversight. Nearby residents are experiencing severe issues, including unbearable odors, harmful emissions, potential contamination of water supplies, and health risks such as respiratory issues. The landfill's location near residential neighborhoods amplifies these concerns, as does the inadequate enforcement of environmental protection by local and state authorities.

For community members like those in Bristol, the landfill represents more than just a nuisance; it is a symbol of environmental injustice that has persisted due to a heavy-handed land use decision made by the General Assembly that prioritized industrial interests over the health and well-being of local residents. Despite numerous complaints, local governments have struggled to mitigate the adverse effects and the financial costs it will take to remedy them. This ongoing situation highlights the need for greater transparency, stronger regulatory measures, and meaningful community engagement to take seriously the full scope of environmental and health impacts around siting decisions.

Some key community concerns include:

1. Persistent and unbearable odors, leading to concerns about air quality and its impact on health such as elevated rates of respiratory issues, particularly among children and the elderly, and any long-term risks.
2. Potential groundwater contamination, such as toxic runoff from the landfills, risks seeping into local water supplies.

3. Lack of transparency from local authorities regarding the full environmental impact of the landfill.
4. Inadequate regulatory enforcement, with insufficient penalties or corrective actions taken against the landfill operators.
8. Limited community involvement in decision-making processes related to the landfill's placement and operations.

These issues underscore the urgency of implementing equitable land use policies and strengthening environmental safeguards for vulnerable communities.

CONCLUSION AND KEY RECOMMENDATIONS

By implementing the following recommendations, Virginia can promote more equitable and sustainable land use policies that address the specific environmental justice concerns raised by communities like Hobson Village, Pughsville, and those impacted by the Bristol landfill, Radford munitions plant, and potential gold mining operations. The following recommendations are pertinent to state agencies and the administration as well as policymakers in the General Assembly.

1. Strengthen community representation in zoning decisions by ensuring early, meaningful consultation with historically marginalized communities in land use and zoning processes, particularly before siting controversial projects like landfills and mining operations.
2. Authorize Community Impact Statement (CIS) processes to ensure localities possess the necessary power to adopt local laws or ordinances authorizing CIS process (legislature) and provide funding and resources for community-led environmental and health assessments to give residents a stronger voice in decision-making and to identify potential project impacts.
3. Provide additional funding for equitable stormwater management and infrastructure repair, especially water and sewer systems for vulnerable localities and neighborhoods.
4. Increase fines for exceeding pollution limits and require that those funds are reinvested in the affected communities, particularly to improve infrastructure, public health services, and environmental protection measures. Impose stricter safeguards on pollution.
5. Protect historic communities by offering legal and financial support for maintaining historic properties and dealing with tax burdens.
6. Improve industrial, mining, and landfill siting practices through equitable permitting incorporating cumulative impacts to prevent the disproportionate siting of hazardous facilities, especially in low-income and marginalized communities.
7. Implement stricter safeguards for the siting of storage and siting of facilities in flood-prone areas and those that could contaminate water sources. especially those involving hazardous materials.
8. Establish air quality monitoring systems in communities exposed to multiple industrial pollutants using EPA's EJSCREEN. Air quality monitoring systems in communities should be installed and compliant with Clean Air Act requirements and maintained by the Virginia DEQ.
9. Increase permit accountability and enforcement by requiring comprehensive environmental monitoring and regular public reporting.

10. Ensure that community concerns for permits are addressed transparently, with meaningful opportunities for public input before permits are granted.
11. Require regular third-party monitoring, public updates and independent reviews of environmental impacts, especially regarding controversial projects. Third-party monitoring would provide an impartial verification to industry-collected data thus building community trust.
12. Improve the ability of the public (especially environmental justice populations) to review and provide comment on proposed activities and/or expansion of existing activities, including extending comment periods.
13. Enhance community education and awareness programs to create easily accessible and multilingual programs focusing on land use, zoning, permitting, environmental justice, opportunities for community input, and available tools and resources. Provide training for participation in engagement processes to ease individual navigation of the public comment process, strengthening public participation in environmental decision-making.
14. Clarify that the VA EJ Act applies to each political subdivision in the Commonwealth, including localities.

Localities are an important stakeholder in this chapter and although this report is focused on the state government, we wanted to lift up some possibilities below for any interested localities.

1. Educate locality staff and decisionmakers on the VA EJ Act and incorporate into local decision making and planning.
2. Address flooding and stormwater management disparities by ensuring that facilities and the communities they are in have robust flood mitigation plans and review and adjust stormwater fees to ensure they reflect actual infrastructure investments in the communities paying them.
3. Enhance flood zone and land use mapping by regularly updating flood zone maps and land use data, ensuring these updates reflect new developments. Zoning laws should be adjusted to prevent increased flooding risks and the contamination of natural water sources.
4. Mandate buffer zones between industry operations and residential areas to reduce exposure to pollution.
5. Ensure that community concerns for land use decisions are addressed transparently, with meaningful opportunities for public input beforehand.

CHAPTER 5 – FUNDING AND TECHNICAL SOURCES

For years, many communities in Virginia have had their land plundered and exploited to benefit industries and communities in other areas. The effects of this exploitation are numerous, affecting human health, agriculture and food. Additionally, the legacy of this exploitation is exacerbated today by the changing climate, such as increased flooding, droughts, increased urbanization and severe weather events. In a study conducted this year by Fairfax County Department of Public Works & Environmental Services (*County of Fairfax, Virginia, 2024*), the department estimated that the county would need at least \$600 million in funding to supplement the currently allocated \$95 million to adequately address the County's flooding needs. This number alone dwarfs the funds currently allocated by the state to meet resiliency needs for the entire Commonwealth and does not take into account other resilience issues such as heat or air pollution. To correct the inequities of yesterday and today, it is imperative that the governor create and pursue diverse funding sources and connect that funding to state entities, local governments, community non-profits and other various community organizations. The Virginia Council on Environmental Justice (VCEJ) encourages the governor to pursue additional environmental justice funding for historically exploited and overlooked communities in the following areas:

1. Aggressively pursue federal environmental and Environmental Justice (EJ) funding and create a pass-through mechanism for Community Based Organizations (CBOs) to benefit from the funding in addition to state departments and local governments. Currently, some VA state departments pass through state and federal funding to local governments. This leaves out many identified EJ communities that are unincorporated or rely on local organizations for support. Other states have demonstrated the vast benefits of providing funds to more nonprofit grant-making organizations to manage funds and grants for local communities. For example, the state of Maryland and several of its counties and incorporated entities utilize the Chesapeake Bay Trust ([Home - Chesapeake Bay Trust \(cbtrust.org\)](https://cbtrust.org)) to organize funding for various CBOs to do work throughout the state; it has been so successful that the District of Columbia's Department of Energy and Environment has utilized the Trust to manage some of its grants as well. Virginia's EJ communities would benefit from investing in and growing a similar mechanism. Currently, Virginia could utilize established foundations such as the Virginia Environmental Endowment or the Virginia Outdoors Foundation.
2. Some members strongly support reenrolling in the Regional Greenhouse Gas Initiative (RGGI). During its short time in RGGI, millions of dollars were raised to address EJ issues, such as affordable housing and flooding. During an Environmental Justice Council meeting in August 2024, the Council received a presentation from Secretary Travis Voyles on the Community Flood Preparedness Fund on State funding that was allocated to support Virginia communities on flood resilience. When the fund was created, the General Assembly said a portion of this fund would come from RGGI. During the presentation, a chart displaying the Community Flood Preparedness Fund showed a significant decrease available in funding without RGGI.

In June of 2023, on the day when millions of Virginians were choked with Canada's wildfire smoke, VA's Air Pollution Control Board voted to leave RGGI due to the burden that this program placed on Dominion Energy's customers' monthly bill—about \$4.44 per month. Unfortunately, the argument for withdrawing from RGGI due to customer costs falls flat when considering the increased costs passed onto customers to support the quickly increasing grid infrastructure to accommodate data centers' energy demands. While Dominion Energy's residential customers' energy needs are shrinking due to advances in energy efficiency, energy demand is growing exponentially due to the quickly growing energy needs in data centers. For example, according to an [article](#) in January 2024 (EDGE, 2024), Dominion approved to build a \$63.1mil transmission upgrade by dividing the cost of the upgrade into its overall customer base rate. While the State Corporation Commission (SCC) has recently called for comments on protecting customer costs driven by data center development in December 2024, this comment period does not necessarily address the already committed 50GW that Dominion must fulfill for its data center customers without any current protection.

The funds from RGGI were an important part of helping EJ communities to rehabilitate their land and protect themselves from the effects of climate change. In November 2024, a federal judge ruled that the method by which Virginia withdrew from RGGI was not legal. Upon this ruling, the gubernatorial administration indicated its intention to appeal the ruling.

3. Institute a sales tax on data center equipment that can be allocated toward environmental justice programs, such as climate resilience programs, flood mitigation, heat island reduction and affordable housing. Currently, VA has allowed data centers that meet certain requirements on jobs to be exempted from a sales and use tax on qualifying computer equipment or enabling software that is purchased or leased for use in a data center (*Data Center Retail Sales & Use Tax Exemption* | Virginia Economic Development Partnership, 2023). While this exemption was an important part of attracting industry leaders to do business in VA, the data center industry is now well-entrenched throughout VA. Virginia's large number of supports for the data center industry has made tax exemptions such as this unnecessary to keep attracting data center income. This council recommends that the state end tax exemptions for any new data centers or for current data centers to renew their MOUs. This new income should be dedicated to funding such EJ initiatives as are listed above.
4. EJ Screen is a widely accepted tool for identifying Justice 40 communities across the nation (US EPA, 2018). Many sources of funding rely on this screening tool to identify communities with high equity needs. While the tool provides a reliable method of displaying environmental justice challenges, it still has its limitations in its data analysis. EJ Screen displays data by census tract. In testimony to the Virginia Council on Environmental Justice, community members in the Suffolk region shared that they could not qualify as a Justice 40 community despite the numerous environmental injustices their community has faced for decades. They share that because their own community is surrounded by wealthier communities, their designated census tract does not qualify as a Justice 40 community. This has profound implications on their community's ability to

receive federal funding through the significant federal grant programs created by the Inflation Reduction Act. The state should work with local governments and the EPA to provide more granular environmental justice data to improve the federal tool for future use.

5. As outlined in the Tidewater/Hampton Roads Chapter that highlights regional flooding challenges many federal resources base their methodology for funding on a cost-benefit analysis that heavily relies on the value of real estate and the economic output of an area. These calculations that are determined through congressional acts often result in higher income and high economic output areas receiving funding ahead of environmental justice communities. Creating a funding stream at the state and advocating additional funding at the federal level that incentivizes local governments to partner with CBOS and communities to invest in historically underinvested communities is critical to target beneficial infrastructure investments to environmental justice communities. A partnership is critical to ensure funding for infrastructure in the public right of way (often owned by the locality or state) is done in partnership with the local community at each step of the process from planning, design to implementation. The improvements should be supported by the local community throughout the funding process.
6. Develop a funding program to provide non-federal match for federal grants to support large-scale and community-based projects. Most federal funding is associated with a non-federal match that can act as barrier to fiscally stressed localities for applying to federal funds. Recommend the Governor proposes, and the General Assembly approves funding to assist localities with the non-federal match bringing more resources to Virginia's communities. This funding may be prioritized to support beneficial projects in environmental justice communities.
7. Continue to provide annual support from the General Fund to support the Community Flood Preparedness Fund. The Hampton Roads region annually advocates for a minimum of \$200 million annually for financial assistance in localities to reduce the impacts of flooding in the Commonwealth. During the Council on Environmental Justice's August 5 meeting, Secretary of Natural and Historic Resources Travis Voyles presented to the Council on the Community Flood Preparedness Fund. Councilmember Harrison Wallace noted a steep drop in funding for the Fund aligning with the loss of funding provided by the Regional Greenhouse Gas Initiative. While the Community Flood Preparedness Fund is a start to assisting local communities in building flood resilience, its annual resources are a fraction of what is predicted to be necessary in even just one community as demonstrated by reports created by Hampton Roads and Fairfax County alone (*Hampton Roads Hazard Mitigation Plan City of Norfolk Annual Report*, n.d.).

Recommendations

1. Aggressively pursue federal environmental and Environmental Justice (EJ) funding and create a pass-through mechanism for Community Based Organizations (CBOs) to benefit from the funding in addition to state departments and local governments.
2. Re-enroll in the Regional Greenhouse Gas Initiative (RGGI). During its short time in RGGI, millions of dollars were raised to address EJ issues, such as affordable housing and flooding.

3. Institute a sales tax on data center equipment that can be allocated toward environmental justice programs, such as climate resilience programs, flood mitigation, heat island reduction and affordable housing.
4. The State should work with local governments and the EPA to provide more granular environmental justice data to improve the federal tool for future use.
5. Create a funding stream at the state and advocate for additional funding at the federal level that incentivizes local governments to partner with CBOS and communities to invest in historically underinvested communities is critical to target beneficial infrastructure investments to environmental justice communities.
6. Develop a funding program to provide non-federal match for federal grants to support large-scale and community-based projects.
7. Continue to provide annual support from the General Fund to support the Community Flood Preparedness Fund.

CHAPTER 6: COUNCIL GOVERNANCE | RULES OF ENGAGEMENT

Council Governance / Rules of Engagement

The Virginia Council on Environmental Justice (VCEJ) holds quarterly in-person meetings, with 22 members currently serving on the council. A quorum is achieved with 50%+1 members present. Virtual meetings may be held between in-person meetings, but not consecutively. The council also conducts at least one annual site visit to communities that have expressed concerns during public comment periods. These site visits are coordinated with DEQ staff, community members, and council members. During the May 2024 meeting, Assistant Attorney General Katherine Kulbok presented FOIA Training and Explanation of Remote and Virtual Participation Policies. Following this meeting, guidelines for virtual meeting requirements were outlined. All VCEJ meetings, whether virtual or in-person, are open to the public and comply with FOIA regulations.

INTERAGENCY COORDINATION

The Virginia Council on Environmental Justice (VCEJ) aspires to coordinate with various state agencies to promote environmental justice and ensure fair treatment for all communities. Such coordination may require additional financial resources to support auxiliary staffing. Some of the key agencies to support the desired coordination include:

1. Department of Environmental Quality (DEQ): Collaborates on environmental permitting, enforcement, and policy development.
2. Department of Health (VDH): Partners on health impact assessments and environmental health issues.
3. Department of Housing and Community Development (DHCD): Works together on community development and environmental justice initiatives.
4. Department of Transportation (VDOT): Coordinates on transportation projects and their environmental impacts.
5. Department of Agriculture and Consumer Services (VDACS): Collaborates on agricultural issues and environmental justice concerns.
6. State Council of Higher Education for Virginia (SCHEV): Partners on environmental education and research initiatives.
7. Virginia Department of Emergency Management (VDEM): Coordinates on emergency response and environmental justice concerns.

The benefit of agencies working together:

1. Identify environmental justice concerns and priorities.
2. Develop policies and programs to address environmental justice issues.
3. Provide education and outreach to affected communities.
4. Ensure fair and meaningful public participation in decision-making processes.
5. Share resources and expertise to advance environmental justice goals.

By coordinating with these agencies, the VCEJ can effectively address environmental justice concerns and promote a more equitable and sustainable future for all Virginians.

COMMUNITY VOICE / PLATFORM

The Virginia Council on Environmental Justice (VCEJ) provides a platform for community voices to be heard and valued. This includes:

1. Public Comment Periods: Regular opportunities for the public to provide input to VCEJ.
2. Community Engagement Sessions: Dedicated sessions for community members to share their concerns, ideas, and perspectives.
3. Environmental Justice Storytelling: A platform for community members to share their personal stories and experiences related to environmental justice.
4. Community-Led Initiatives: Support for community-led projects and initiatives addressing environmental justice concerns.
5. Partnerships with Community Organizations:
6. Collaborations with organizations serving underrepresented communities to amplify their voices.

The VCEJ aims to:

1. Amplify marginalized voices
2. Ensure inclusive decision-making
3. Support community-led initiatives
4. Foster trust and relationships
5. Address environmental justice concerns

By providing a platform for community voices, the VCEJ works to prioritize the needs and concerns of those most impacted by environmental injustice.

FUTURE INITIATIVES TO SUPPORT EJ COMMUNITIES:

- Community Outreach Coordinators: staff dedicated to engaging with communities and ensuring their voices are heard.
- Youth Voices: Opportunities for youth to share their perspectives and ideas on environmental justice issues.
- Language Accessible Materials: Providing materials and resources in multiple languages to ensure inclusiveness.
- Community Outreach Coordinators: Staff dedicated to engaging with communities and ensuring their voices are heard.
- VCEJ Community Grant Program: Funding for community-led projects addressing environmental justice concerns.

FOLLOW UP

The Virginia Council on Environmental Justice (VCEJ) works towards follow-up and follow-through on:

1. Community Concerns: Tracking and addressing community concerns and issues raised during public meetings and engagement sessions.
2. Recommendations: Implementing and monitoring recommendations from the VCEJ's annual reports and community-led initiatives.
3. Policy Initiatives: Tracking progress and implementation of policy initiatives and legislation related to environmental justice.
4. Community Engagement: Continuously engaging with communities to ensure their voices are heard and concerns addressed.
5. Interagency Coordination: Ensuring collaboration and coordination with state agencies to address environmental justice concerns.
6. Annual Reporting: Submitting annual reports to the Governor and General Assembly, detailing progress and recommendations.
7. Community Updates: Providing updates to communities on VCEJ activities, initiatives, and outcomes.

FUTURE RECOMMENDATIONS TO IMPROVE FOLLOW UP

*Evaluation and Assessment: Regularly evaluating and assessing the effectiveness of VCEJ initiatives and community engagement strategies.

*Improvement and Adaptation: Making improvements and adaptations to VCEJ strategies and initiatives based on community feedback and evaluation outcomes.

By following up and following through on these areas, the VCEJ demonstrates its commitment to environmental justice, community engagement, and meaningful action.

SITE VISITS

The Virginia Council on Environmental Justice (VCEJ) conducts site visits to:

1. Assess Environmental Justice Concerns: Evaluate community concerns and potential environmental justice issues firsthand.
2. Gather Information: Collect data and information from communities, local organizations, and stakeholders.
3. Meet with Community Members: Engage with community members, leaders, and organizations to understand their concerns and perspectives.
4. Tour Facilities and Sites: Visit facilities, sites, and areas of concern to assess environmental conditions and potential impacts.
5. Identify Solutions: Collaborate with communities and stakeholders to identify potential solutions and recommendations.
6. Build Relationships: Foster relationships with community members, organizations, and local governments to ensure ongoing communication and collaboration.

6. Inform Policy and Decision-Making: Use site visit findings to inform VCEJ policy recommendations and decision-making.

Site visits may include:

1. Community tours
2. Facility viewings
3. Meetings with local officials
4. Public forums and hearings_
5. Environmental monitoring and sampling (if necessary)

By conducting site visits, the VCEJ can gain a deeper understanding of community concerns and environmental justice issues, ultimately informing more effective solutions and policy recommendations.

FOIA REGULATIONS

In the May 2024 VCEJ meeting, Assistant Attorney General Katherine Kulbok presented FOIA Training and Explanation of Remote and Virtual Participation Policies and established the rules for virtual meetings.

Summary of meeting:

The Virginia Council on Environmental Justice is a public body.

FOIA generally favors the public instead of public bodies, thus the public has a right to know what is going on within a public body.

FOIA requests can be for written or recorded public records. If a council member receives a request for information, they must pass along the request to DEQ staff in an urgent manner. If FOIA is violated, lawsuits can be brought against the public body and individuals with fines ranging from \$500-\$2,000.

It is recommended to create an email address specifically for VCEJ. Additionally, refrain from putting anything in an email which you would not want the public to see.

All meetings of public bodies should be open to the public. A meeting can be virtual or in-person, triggered by the presence of three members (with or without minutes taken or votes).

As of July 1, 2024, language was added to the Virginia Code to be helpful to public bodies (if the purpose is to discuss public business, it doesn't matter if council members took part). Any discussion of an EJ issue among councilmembers can be considered public business for members of the VCEJ.

Public bodies cannot hold virtual meetings except when following FOIA. Votes can only be taken at meetings, and those meetings must be FOIA compliant.

You can still communicate with other members, without triggering the “meeting” definition. Even emails can become meetings, as lawsuits have been brought claiming emails were “meetings”. If you have a question, email DEQ staff instead of a council member.

Subcommittees of two would require FOIA conditions to be met. Quorum would be met by having the two council members attend/on a phone call, which would be the quorum for a subcommittee of two (minimum number of people at a meeting that can meet to do business). Make sure subcommittees are four people or more. Normally two people can meet to work on full council business without FOIA conditions being met, but email or notes created from that meeting would be subject to FOIA. If you see fellow council members when in public, you can talk to them if you are not discussing public business, but it could still be a FOIA violation. If you are in your professional capacity at a conference with other council members, be careful if three or more get together and talk. DEQ must provide public notice through the Virginia Town Hall website.

Email exchanges, instant messages and shared google docs can be construed as “meetings” as the definition of “assemblage” is met. If enough people are involved and the back and forth is fast enough.

Electronic Meetings: A member may remotely participate if there is a quorum physically assembled. Quorum is now 12, as the number of council members is now 22. Reasons for virtual participation: Personal medical condition, family member medical condition, principal residence is more than 60 miles from meeting location, personal matter and identifies nature of personal matter (limit of 2 per year). The council cannot hold back-to-back virtual meetings.

Voting by email is not allowed. There is a prohibition on discussing public business other than by voting at meetings. If you are not in a meeting, then no voting and no decisions should be made.

Recommendations

1. Clear Roles and Responsibilities: Define and clarify roles and responsibilities within the VCEJ and supporting agencies such as DEQ and the Governor's office, to ensure the effectiveness of the council.
2. Community Representation: Ensure diverse community representation within the VCEJ, particularly voices from disproportionately affected areas.
3. Conflict and Bias Policy: Establish a conflict and bias policy to ensure impartial decision-making within the council.
4. Community Engagement Plan: Create a community engagement plan to ensure ongoing outreach and collaboration.
5. Annual Reporting Response: Require a response to the annual reporting for the Governor and General Assembly, detailing plans to act upon or consider VCEJ recommendations.

These governance recommendations aim to enhance the VCEJ's effectiveness, transparency, and accountability in addressing environmental justice concerns.

APPENDIX

2024 MEETING MINUTES AND PUBLIC COMMENTS RECEIVED

The Virginia Council on Environmental Justice convened for six meetings in 2024, comprising two special virtual meetings and four in-person gatherings. Detailed information and links to meeting documents are available on the Virginia Council on Environmental Justice webpage, as outlined below. Each council meeting included a public comment period, allowing members of the environmental justice community to voice their concerns and issues directly to the Council. A summary of the public comments received is included in the Appendix at the end of this report. These comments played a crucial role in shaping the direction and scope of this report. The Council aims not only to raise awareness of existing environmental and health disparities in Virginia but also to leverage its collective resources and expertise to identify recommendations and suggest mitigative tools that support restorative efforts and potential policy changes.

It is important to note that the Council did not conduct any sub-committee meetings this year. Additional support is needed to assist in staffing these sub-committee meetings.

2024 Council Meetings

2. January 8, 2024 – DEQ Piedmont Regional Office, Glen Allen (In-Person)
3. May 14, 2024 – Suffolk VA (In-Person – Community Site Visit)
4. June 13, 2024 – Special Meeting (Virtual Only)
5. August 5, 2024 – Germanna Community College, Fredericksburg (In-Person)
6. November 18, 2024 – Patrick Henry Building, Richmond (In-Person)
7. December 9, 2024 – Special Meeting (Virtual Only)

The following pages will provide details on public comments received verbally, via chat, or written comments.

Verbal Public Comments

1/8/24

- Mary Hill, Hobson Village in Suffolk
 - Wanted to thank and is grateful to council members Janet Phoenix and Aliya Farooq as well as Danielle Simms (DEQ) and Grace Holmes (DEQ)
 - She is the 7th generation in Hobson Village
 - Her community is struggling with gentrification and the destruction of history associated with racial and economic injustice.
 - I appreciate the council's dedication and am looking forward to the meeting in Hobson Village (hopes the meeting takes place in Hobson Village)
 - Been impacted by environmental justice issues for over 30 years.
 - Continuing on the legacy of her mother who passed last year.
 - Wants to make sure the community benefits from actions taken.
 - Wants to invite the Secretary of Natural and Historic Resources and Secretary of Agriculture and Forestry to the meeting.
 - Hobson has been nominated as an endangered site by the state Department of Natural and Historic Resources
 - Looking forward to meeting with the full council
 - Flooding and erosion issues are being exacerbated due to construction.
 - Not adhering to proper setbacks, regulation for the special district
 - Made FOIA requests about existing well and septic system but did not see them in the records.
- Sheila Joseph, Portsmouth
 - Thanked the council for its work.
 - I requested a meeting with Janet Phoenix and Aliya Farooq to talk about community concerns about flooding.
 - She has accomplished a lot since that meeting and surveying companies are collecting data.
 - Sent notice to the council about an upcoming EPA meeting in Region 3, put a notice in the meeting chat, staff can send it to council members
 - Council members if you email Ms. Joseph, please also send a photo.
 - Many different areas of the city are being impacted.
 - She has a website that has different information including her rules and guidelines, also includes her story of how she is being impacted.
 - I have met with a number of people all over the world
 - Is wary of people trying to push their own agenda that get in the way of addressing environmental issues
- Kelly Hengler, Suffolk
 - Is a chair on Suffolk Citizen Coalition (includes historical villages) and is president of the civic league

- Thanked Quan with Hampton Planning District Commission (PDC) for being on the line
- Looking at community action plans
- Right now, doing everything they can to extend messaging, to get in position for federal funding coming for Oakland and Chuckatuck
- Still addressing transportation decisions that had a detrimental impact on wastewater.
- Neighborhoods have superfund sites right in them.
- Suffolk is a unique area as a fishing freeman community.
- Facing a lot of flooding
 - Inundated with sand mining (need air quality equipment for the trucks transporting), being swamped out by land use decisions.
- The issue is that they don't have their allies from Chuckatuck to participate as they don't have connectivity access.
 - Need to address for the homes.
- Homes sinking because of flooding and sinkage, overbuilding.
 - A lot of the issue is sinkage on top of not dealing with stormwater.
 - PDC Hampton Roads is at quarter staff capacity – how are they supposed to deal with rural critical issues?
- Going to legislators with a proposal, coming with a community action plan
- Groundwater is under purview of DEQ, need to see action from the
- Environmental justice is not being incorporated for local planning.
- Lorna Taylor, Oakland Village in Suffolk
 - Kelly has discussed most of the issues she is concerned with.
 - Also concerned about sewage
 - The city put in sewage system, but told the neighborhood that they would be unable to connect to it
 - In the 1930s, the neighborhood got together to install their own sewage system, community still uses the pipes from the 1930s.
 - Flooding is really bad, community members have sold properties
 - Developers buying properties and causing damage.
 - Church flooding
 - Her neighbor's yard is flooded to the point where he can put a boat in it.
 - The city took over the maintenance of the roads but has not maintained them.
 - If there's anything the council can do to help, she would appreciate it.
 - So many sand mining trucks and dust,
 - Community can't open windows in spring or summer because homes would be filled with dust and the noise is really loud, cannot hold conversations.
 - Oakland Village has also been determined as an endangered historical site.
- Carolyn White

- Sent initial information in October to the council and to council members who came.
- Has been taking minutes for a long time, encourages us to circulate the meeting minutes before the meeting
- Wants the meeting to be easy to get to because of the traffic.
- Has questions for VA Department of Health about the septic system and the high-water table (had to by two lots to build on one when developers do not have to abide by that regulation)
- Going to keep on fighting and have been talking to agencies, has been to Suffolk, Chesapeake council meetings.
 - Been very ineffective talking to councils, they do not know what is going on.
- Has been doing a lot of outreach – podcasts, etc.
- Plenty of money available to fix the problem, just need to put it into action.
- Grace sends to Meryem information from the last meeting from Carolyn White

5/14/24

- Gary Harris, Managing Director, Center for Sustainable Communities
 - Also works with Eco-district Hampton Roads
 - Founder of National EJ Institute
 - Grew up in the Hampton Roads area and during his childhood experienced air pollution from a nearby plant.
 - Attributed his asthma to the pollution.
 - Environmental justice harms still exist in his community
 - Residents have not been empowered to address issues so that they linger.
 - Raised air and water pollution issues as well as housing affordability (energy burden, flooding in Hampton Roads)
 - Stormwater management issues, lack of drainage, flooding prevention and preparedness
 - Communities need to be prepared but climate justice is not seen as a priority.
 - Thanked the council and mentioned that there is a lot of work to be done in Portsmouth
 - His organization focuses on science done in a just way and has helped to develop and distribute the Energy Equity Tool and the [Climate Vulnerability Index](#)
 - Lots of talks at regional level around opportunities from the federal Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA), but more community conversations are needed to allow folks on the ground to shape and determine the flow of funds for investments.

- Concerned that money is flowing to areas outside of Portsmouth, he wants the community to be a part of different projects such as the Thriving Communities Technical Assistance Centers (TCTACs)
- Communities are unaware of and don't have the capacity to engage, important that the communities that need it the most are part of those coalitions.
 - The status quo is not working.
- Response to comments: Quan McLauren, [Hampton Roads Planning District Commission](#) (HRPDC)
 - Have a department devoted to water and flooding – the Water Resources Department, which handles coastal resilience, stormwater, env education, etc.
 - Directors of the Utilities subcommittee meets regularly
 - Also have a regional environment committee
 - Mentioned a great suggestion to create a list of federal opportunities for communities to engage in, where funding is flowing and project progress
 - Feel free to reach out to [Quan](#) with any questions about the region
- Council response to comments:
 - Just Norfolk's scale of need is in the billions of dollars, lots of work underway, some city specific, some regional
 - Lots of partnerships with the port and the military
- Markiella Moore (Chesapeake)
 - Concerned about flooding problem in Fernwood Farms and Mains Creek in Chesapeake
 - Moore will send attachments, written comments.
 - Chesapeake has many flood-prone properties – more than other localities in the state.
 - The city has acquired 43 homes (FEMA-awarded funds), bought and torn them down with the property being transferred to the city.
 - 35 of the homes were located in the Fernwood Farms and Mains Creek areas.
 - 30 repetitive flood loss areas in the city
 - In the attachments, there is an application to FEMA requesting the funds.
 - The city answered “no” to the acquisitions impacting low-income residents in the area, but there are low-income people there affected.

- Moore has joined the city council and joined committees focused on flooding, still she has not been able to secure traction with the city council on equitable addressing flooding issues.
- FEMA has funding for programs other than acquisition, for drainage improvement as an example, but the city only does acquisitions.
 - Reached out to the Army Corps of Engineers, but they are unable to work with residents until a letter from the city is sent to them.
- Representatives of the city have said that they don't "waste money" on studies, but a study is needed for the flooding program.
- Thanked HRPDC for their connections and help.
- Interested in any guidance for her community from the council.
- Mary-Carson Stiff, Wetlands Watch Executive Director (Norfolk)
 - Stiff was born in Suffolk.
 - The area has the highest relative rate of sea level rise on the East Coast, the amount of rain and intensity have increased
 - More tidal and rainwater are impacting communities differently.
 - Suffolk sits a bit higher than other localities, was previously a coastline in geological history
 - Land falling away into creeks, land loss continues, septic systems cannot survive higher water tables.
 - How can average property owners afford \$40k replacement systems?
 - Even advanced systems have limited capacity to deal with a rising water table.
 - Hobson Village is a historically marginalized community.
 - Eclipse, Pughsville, Fernwood Farms are additional communities also impacted.
 - Spoke in support of the Nansemond Indian Nation seeking a return of their land from Suffolk.
 - It would be a nice role for the Hampton Roads planning commission to play to track the federal dollars coming down to communities.
 - Capacity at local government to report and track is very limited, hard for cities to do this.
 - It would be great to have the engagement of additional community members
 - Some communities are adopting Community Resilience Action Plans – [VA Community Flood Preparedness Fund](#)
- Christopher Carvalho, NSBA (SBA), Virginia Beach
 - Should be a representative of the SBA working in everyone's congressional district

- There is money available for communities from the federal government, there's not one conduit in charge though but money can be funneled through to communities
 - I am willing to work with everyone
- Kelly Hengler, Suffolk Civic League Coalition
 - Thanked the council for coming to Tidewater.
 - Community voices are coming forward because they have been trying to advocate for themselves.
 - Received national disaster training from Desert Storm
 - Community is on James River and Chuckatuck Creek
 - Sister civic league – Oakland and Chuckatuck Civic League
 - Initial settlements in the area
 - In 1974 the city of Suffolk was last of cities to annex the area (absorbed the community and then was not responsible for the absorbed area)
 - Rural areas outside of state's management
 - Didn't have the opportunity to have urban area water management.
 - No access to Southeast Rural Community Assistance Program (SERCAP) because it was a previously rural area, now considered incorporated into cities.
 - Still addressing Kepone issues in the James River
 - Shut down commerce for 13 years.
 - Impacted Pughsville and then the highway went through.
 - The area should qualify for VA Env Endowment funds, but it does not currently.
 - Nansemond River Preservation Alliance is a partner and comes out with a report.
 - Invited council members to roundtable meetings coming up.
 - Nansemond River Watershed does not have a watershed improvement plan, Chuckatuck does have one.
 - Applying for grant funding for \$300,000 to address community needs
- Amy Branson, Bristol
 - Part of an activist group that opposes a landfill in Cleveland, VA
 - An injustice for people of Appalachia
 - Carbo Landfill – currently also an active mine
 - Landowners have received millions of dollars.
 - The plan for the landfill was kept from the community
 - Appalachia is remote and does not have resources, it has been hard to maintain public infrastructure and medical services
 - The area struggles with education, labor workforce participation, poverty is higher than the national average amongst

every age group, high rates of death, mortality due to drug overdoses high, and lower rates of healthcare professionals.

- The coal industry has undergone a significant downturn, COVID also decreased coal production, and the environmental hazards of coal remain
 - 1.8 million tons of gob coal (coal refuse)
- Russell County and Cleveland, VA
 - Russell County – 26,000 population, median \$44k
 - Cleveland- median income \$26k
- A power plant is also located within a 6-minute drive of the proposed landfill, another power plant is located within a 13-minute drive.
 - Concerned that the landfill could pollute the Clinch River
- The community has been reaching out to many partners asking to stall and stop the project.
 - They want to know when they will be able to protect their citizens in the face of public and private greed and are worried about compounding EJ issues.
- A remediation of the nearby Bristol landfill is being funded, located less than an hour away from
- More information is available on the We Say No to Moss 3 Landfill Facebook page.
- Kelsey Brooks, Program Manager, Environmental Climate Center at UMD
 - Thanked the council.
 - Brooks works in EPA Region 3 and wants to connect localities to federal funding.
 - The UMD project lasts for five years and now is in year two of the project.
 - Brought into contact with the Chuckatuck community through the Southern Environmental Law Center (SELC)
 - Did a site visit in December and answered questions from city residents.
 - The community is dealing with ongoing ditch maintenance issues, ordinance issues among others and has been moving forward with SERCAP.
 - I appreciated the conversation during the meeting about what is happening in the region
 - I would love to collaborate with other partners and want to ensure that efforts are not duplicated
 - The Environmental Climate Center offers work with jurisdictions (municipal applicants), they can support planning and community engagement efforts and other funding opportunities, and also can provide grant assistance through water management and TCTACs.
 - Their goal is to get infrastructure improvement projects on the ground.

- Can reach her by email, DEQ staff can make the connection.
- Will Glasco (COO of Preservation VA)
 - Submitted written request for the following to be shared.
 - [Hobson and Oakland Village](#) are two out of the nine places nominated by Preservation VA as endangered historical places in VA for 2024
- Manor Chowse (VA Wesleyan University)
 - Identified areas of extreme heat in Portsmouth
 - Going to do heat mapping and community forums to figure out where they should plant additional trees.
 - For the project they also have the funding to plant the trees
 - A Justice40 initiative

6/13/24

- Sheila Joseph – Portsmouth
 - I was interested in council members' views of the meeting on the 14th
 - Also wanted to share the work that she is doing as a resident of Portsmouth and in conjunction with her work with the civic league.
 - Has been working hard with her family, community members and new neighborhood partners.
- Mary Hill – Portsmouth
 - Thanked the council for taking an interest in Hobson Village and recognizing its historic significance and the impacts that need to be addressed (sea level rise, ditches-water management, erosion, shoreline) with Chuckatuck Creek, James, and Nansemond Rivers
 - The meeting in Hampton Roads went well and she hopes to keep moving forward resolutions and action plans to improve the lives of community members in the area.
 - Working with the Sierra Club and advocacy groups to keep momentum
 - On June 19 to honor Juneteenth, they will have stakeholders at noon for a meet and greet with an opportunity to talk about local preservation, will also have fried oysters and live music performances.
 - Invited council members to join the fellowship.
- Amy Branson
 - Was registered, but was not available to give public comment.
 - Grace will follow up with Ms. Branson

8/5/24

- Ms. Kacey Cheung – Unable to make comment.
- Ms. Donia Maria Twyman – Unable to make comment.
- Ms. Carolyn White, Pughsville (Suffolk/Chesapeake)
 - Emailed some comments this morning, but need her to resend them as staff were unable to open the attachment.

- Asked the following question to the council.
- What is the timeline for answers? What is the process for local engagement after the meeting?
 - Commenters should follow back up with their local community elected officials with information learned. They can check out the website for past reports to the governor and relevant information from state agencies.
 - Typically, what the council does is take comments and then make recommendations in regard to them in the annual report. The reason why we move around is to give people in different parts of the state to give them an opportunity to share their input.
- Ms. Mary Hill, Hobson Village (Portsmouth)
 - Wants to echo ongoing needs and action plan for Hobson Village
 - Looking forward to continuing to build bridges and work with the EJ Council
 - Recently identified a West Nile Virus issue in the community, City of Suffolk has been spraying (as a result of standing water and plugged stormwater ditches)
 - Need to open the outfall ditches so water can run into the creek.
 - Hoping it will be a short-term problem.
- Ms. Sarah Hendrickson
 - Any discussion of displacement of unhoused individuals because of new development?
 - Great question, more to come from the council.

11/18/24

- Grey Montrose, Henrico,
 - First counsel to the council in 2021 (Attorney General's office)
 - Her understanding of the 2020 EJ Act is that EJ applies everywhere in the commonwealth, everyone is included because VA is a Dillon Rule state.
 - There are localities like Henrico that say EJ does not apply to us (only applies to state agencies) and this creates problems.
 - Friends of Buckingham – court decision said you need to consider EJ in permitting.
 - Site suitability statute for air permits, the Department of Environmental Quality (DEQ) is required to look at site suitability.
 - If locality approves it, it makes it difficult for DEQ to say no (feedback loop)
 - When a locality is saying EJ is not their job and then prevents DEQ from doing EJ (because it is approved) then there is a problem
 - Henrico recently approved a data center in Sandston.
 - Many residents are concerned about diesel
 - Communities were told if DEQ wants to stop it they will stop, city said EJ is not our job.
 - DEQ can't stop a project after locality gives approval.

- Cumulative impacts in Henrico (majority minority area- permits keep getting approved bc of)
- Recommended: consider interpretation of this law to include localities or recommend that the General Assembly make clear that the EJ Act applies to each political subdivision in the commonwealth
- The Director of Planning in Henrico said that the VA EJ Act does not apply to localities.
- Caroline White, Pughsville
 - Has been trying to write grants, the city has not been listening since 2006 since VDOT turned over ditches to the city for maintenance.
 - Developer came in 2018/2019, outfall water from interstate comes down into Pughsville (worsened by Hurricane Matthew)
 - Developers built a dozen homes and developers took care of drainage there
 - Were told they had \$14 million for Pughsville drainage by the city, then were told \$9 million.
 - The city is not taking care of drainage, developers only built infrastructure into the community as far as to the Black neighborhood and then they stopped.
 - Chesapeake put on drainage on their side, but Suffolk did nothing (no drainage, no sidewalks)
 - Putting a trail to VA Beach but cannot put drainage in for the local residents.
- Lorna Taylor, Oakland Village
 - Agree with everything Ms. White said.
 - They have been talking with the city for some time.
 - Doing nothing with the drainage, have not put in the pond.
 - The city is not doing anything to help, but constantly developing new homes
 - I would appreciate any help from the council.
- Brandon Riley, Petersburg
 - Concerned about fluoride in the water.
 - Said that there have been several stories about the toxicity of fluoride in Black people.
 - Supposedly impacts bone structure.
 - Lead pipes may have fluoride accumulated in them.
 - Is there anything from a citizen perspective or DEQ perspective to review the current policies?
 - Several studies from National Institute of Health

12/9/24

- Mary Hill
 - Represents Hobson Village, Pughsville, Chuckatuck
 - The concern is that the environmental adverse impacts are included in the report
 - She wants an action plan to give the community a lifeline.

- Her community is becoming pockets of poverty (ongoing encroachment and development), redefining them as not an “EJ community” because of the recent census.
 - Afraid that they will be overlooked with new development and expensive homes coming into the community.
- EPA identified Hobson Village as disadvantaged in 2025, and nothing has changed, but development around them.
- Wants an action plan and implementation in place to save their villages.
- Laurena Taylor
 - Her community is having the same environmental injustice impacts such as flooding, lack of proper grading of the stormwater ditches and air quality impacts

Written Comments/Invitations

Chat Box During Meetings

Sarah Henrikson	hen115@henrico.gov	<p>I don't see a way to ask a question in the webinar - so I'm asking via email. Will there be, or has there been, any discussion regarding new development displacing unhoused people? Wooded areas often shelter unhoused individuals. Those people are then required to leave when new development begins. Is there a state approach to this or is this a city/county issue? [received via email]</p> <p>Second question, which may or may not be pertinent to this meeting, what kind of recourse do community members have when there are air quality/nuisance concerns due to a local landfill? [received via email]</p> <p>Is there any discussion forthcoming regarding the displacement of unhoused individuals when new development impacts an undeveloped/wooded area? [received via Questions in GoToWebinar]</p>
Chung Kacey	kacey@vcnva.org	<p>How can we as an EJ community/discourse better support and uplift recent young professionals entering this emerging field? [received via webinar registration]</p>
Mary Hill	hlovethyneighbor@aol.com	<p>Historic Hobson Village action plan for resolution? [received via webinar registration]</p> <p>For the sake of clarity, so that the record can reflect Dr Phoenix, I would like to thank you. However, it appears doesn't seem that you presented the information that you requested from me on August 3, 2024, that was emailed to you on August 4, 2024, of which you responded was a great report. I provided detailed environmental justice issues, with photos that you later asked for me to send to you in jpeg. I sent a 25-page document/report on Hobson Village. I understood from what. Your response</p>

		<p>was a great report. There were also environmental issues with photos on Hobson sent timely for May 14, 2024, meeting that was held in Portsmouth. If you need further clarification to your request and the EJ Council, I will be happy to respond. I want to make sure Hobson is presented in its fairest light. What else do you need? [received via Questions in GoToWebinar]</p>
Donya Maria Twyman	dmtnatedc@gmail.com	<p>What is law that protects in a Spotsylvania County, non-profit Camping community [received via webinar registration]</p>
Carolyn White	carolynwhite@charter.net	<p>Questions: 1) When questions are submitted what is the timeline for answers? [received via Questions in GoToWebinar]</p> <p>Following the meetings are we allowed to submit information to our community and some of our representatives to keep them abreast of our progress or do u submit info.</p> <p>Past questions have been submitted last year and not answered.</p> <p>3) Is it permissible to use the reports to further grants, Tv, Radio and social media to inform the public of our plight?</p> <p>I know you suppose to submit to the governor, but I wish to submit info to our Representatives also. Thanks</p> <p>I've also been involved with the VDOT Public Hearings, and also The Bowershill implementations. We do need the informational reports to go further.</p> <p>Thanks, you are so right on it. Our leaders call it piggyback and should be considered "copycat" of</p>

		other cities info and not obtaining the actual information and data on the disadvantaged communities. The EPA map is a prime example of incorrect data
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Invitation – Hobson Tour, Suffolk, VA

Monday May 13th:

Tour Meeting Location:

Portsmouth Public Library Churchland Branch, 4934 High Street, Portsmouth VA 23704

Council Members were invited to attend. Tour/Site visit program schedule is as follows:

Tour Starts (Approximately 1:00 pm)

1. Start Tour in Chesapeake
2. Chesapeake Community - designated as an EJ community.
3. John Street Outfall- Overgrown conditions at the outfall; proximity of homes to outfall, drainage ditches channeling water to outfall
4. Wise Street – Alternative Sewer Systems. These are above ground septic systems that have been approved for newer construction. Older homes not permitted to install these new systems.
5. New Development – Pughsville Road
6. Pughsville Park
7. Historic Pughsville Community; not designated formally as an EJ community; lack of clear boundaries distinguishing Pughsville from Suffolk and Chesapeake
8. Paper Street Example: lack of city maintenance for paper streets; people owning lots fronting on paper streets.
9. Trail - Pughsville Road
10. Paper Street Example: lack of city maintenance for paper streets; prohibition on new construction fronting on paper streets.
11. Selected Homes; located with no paved streets.
12. Contrast between paving in Suffolk and Chesapeake

Go to Oakland-Chuckatuck

Go to Hobson

Hobson Village identified as an EJ community by EPA since 2005

The origin of Hobson as the recognized Virginia African American Watermen community by the Virginia Department of Historic Resources (SHPO), and the National Historic Registry.

Family, extended family, and other like multigenerational African American family live within the Freedman community that grew from existing farm homesteads to include an influx of Carter's Grove Freedmen, pre/post-Civil War. The "settled area" of Hobson created its own, intact, community well system, dug by the community, prior to the existence of U.S., State, and Local Public Works.

We maintain the historic well system to multiple occupied households. As a heritage stakeholder, I have met with VDH Environmental for well system possible grants for community capacity building and community revitalization.

It is remarkable that the conversion of rural farms to master developments include Governor's Point, yet Hobson has not been offered capital improvements of sanitation services.

As to impacts, Community Development for Hobson does not exist. There is no municipal Community Development Plan provided. Residents have long been advised that rebuilding in heritage black owned land "did not perc" for sanitation, precluding reuse and revitalization of parcels by even small single-family homes by landowners.

The new construction vastly outsizes the original homes and routinely threatens the community well lines.

Disturbance, and threat of disturbance, to active community well service is a now constant issue.

The heritage owners of the parcels that compose the core of Hobson Village, await(ed) opportunity to restore and rebuild with community well lines remaining intact across and, yes, through each Village parcel. Please allow me to add that the "streets" in Hobson were also created by the Elders of the community, predating the adoption of Virginia's "secondary roads" and creation of VDOT. The Village, community well lines, and "streets" predate state regulatory & technical, even "urban standards. State Construction design standards have not been.

The new construction vastly outsizes the original homes and routinely threatens the community well lines.

Spokeo for example is fraudulently identifying Hobson Village 91% Caucasian and 9% African American. Census Data identifies Hobson Village 90% Caucasian and less than 18% African American.

Existing homes septic systems and drain fields are flooding/backing up due to the half a million-dollar homes being built above ground level of the existing historical homes.

Builders interrupting a historical potable water system Est 1947 by cutting active underground waterlines without authorization, causing contamination, leaving residents without water for hours and building over top of active waterlines.

Home built operating a business as a model home in Hobson Village non permitting usage in non-residential areas already highly impacted area. Creating a transit community where the duress on the existing homes area will never see relief.

Stormwater Problems in Hobson - the front yard trenches, flooding, erosion

1. Mt. Lebanon Avenue – Creek dammed named after the Freedmen of Hobson Village that obstructed navigable waterway to Hobson Village livelihood without a permit from Army Corp Engineers to Sleepy Lake Development.
2. Carters Cove Road – Sleepy Lake West where dam is located.
3. Hobson Drive- New Construction homes flooding in back yards where alternative systems take up the entire back yard on small lots.
4. Sawmill Point Road – flooding and erosion.
5. Hudgins Circle – flooding and erosion
6. Macedonia Avenue- Flooding and erosion

7. 8369 Crittendon Road – Underground fuel tanks not mediated located at the old service station new construction home.
8. Crittenden Sandpit – Fugitive dust and tracking materials, diesel fuel emission and vibration from dump trucks. Study area with air quality monitor.
9. New construction homes with alternative systems failing causing flooding onto adjacent properties, grading of new homes is built up higher causing flooding and erosion.
10. Ditches identified as stormwater need to be maintain and regraded back to their original integrity, drainpipe under driveways open and outfall ditches open leading to the watershed.

(begins at 4:00 or after the tour ends)

Free Oyster Roast in Hobson
8313 Crittenden Road

Tuesday May 14th EJ Council meeting 10:45 AM

Collingswood Agape Baptist Church

1030 City Park Avenue

Portsmouth, VA 23701

<https://www.spokeo.com/Sawmill+Point+Rd+Suffolk+VA+addresses>

<https://www.theguardian.com/us-news/2021/sep/01/sewage-spills-crisis-virginia-oysters-black-communities>

https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/133-5257_Hobson_MPD_2009_NRHP_final.pdf

Remarks from Wetlands Watch

My name is Mary-Carson Stiff, and I am the Executive Director of Wetlands Watch, a Norfolk based nonprofit working statewide on protecting natural resources from the impacts of climate change. (2601 Granby Street, Norfolk, VA 23517)

I am a Suffolk native and a Norfolk resident. We were thrilled to learn that the Virginia Council on Environmental Justice was meeting in Suffolk and slightly disappointed in the location change. My remarks will reflect the previous Suffolk location.

Our region has the highest rate of relative sea level rise on the east coast and, like all of Virginia, is experiencing an average 18% increase in the amount of rain and the intensity of rain events since 2006. More tidal and rainwater is impacting each south Hampton Roads community differently.

Suffolk sits at a higher elevation thanks to the Suffolk Scarp, our geomorphic reminder of the old sand dune line from 2 million years ago. This higher elevation means most Suffolk shorelines have steeper slopes. As sea levels rise, these slopes are being eroded and the land behind is slumping or simply falling away into creeks and rivers.

Land loss in south Hampton Roads is an ever-increasing reality and, as the seas rise, so does the water table. Septic systems cannot survive high water tables and are failing. Mound systems that may work in these conditions are \$40,000. How can the average property owner possibly afford to replace a failing system or install one that hopefully works under current conditions? Even mound systems have limited functionality under future sea level rise.

These impacts are seen starkly in Hobson Village, a community of black watermen that is literally and figuratively disappearing due to eroding shorelines, rising water tables, and injustices like Keyphone, gentrification, and oversized and predatory development.

Work to understand how climate change is impacting historically marginalized communities of color, and their cultures are regrettably in its infancy. Work to actually protect these communities from the impacts is even newer.

Work to understand how climate change is impacting historically marginalized communities, and their cultures are regrettably in its infancy, but work to actually protect these communities from the impacts of climate change is even newer. Similar problems are experienced in Eclipse, Pughsville, and countless other neighborhoods represented today.

We are grateful to each member of the Council on Environmental Justice for your service and hope you will hear the voices of members of these communities and support work to bring justice to their communities.

I would also be remiss to pass by an opportunity to speak in support of the Nansemond Indian Nation, who seek ownership of their cultural land at Mattanock Town from the City of Suffolk. A decision is before the City Council tomorrow evening, and we hope Council members will vote in favor of returning the land to the Nansemond Tribe.

Thank you for your time.

Markiella A. Moore
Fernwood Farms Rd.
Chesapeake, VA 23320

May 14, 2024

markiella@verizon.net

I am addressing a flooding problem in two Chesapeake communities - Fernwood Farms and Mains Creek.

Attachment 1 is an article from the Bay Journal which states the city of Chesapeake has acquired more flood prone properties via the FEMA acquisition program than any other municipality in the state.

To date, 43 homes have been torn down and the property transferred to the city. Of these 43 homes, 35 homes, 80% are located in the Fernwood Farms and Mains Creek communities.

There are about 30 repetitive flood loss areas in Chesapeake.

Attachment 2 is a page from Chesapeake's grant application to FEMA requesting funds to acquire properties in Fernwood Farms and Mains Creek. The city answers "NO" to the question "Are there low income or minority populations in the project's area . . ." This is not the correct answer. City staff said they misunderstood the question.

In addition to the acquisition program, FEMA offers other flood mitigation programs - flood proofing, elevation and drainage improvement projects. The City only offers the acquisition program to us.

The Community Flood Preparedness Fund offers funding to address flooding. Nothing has been requested for us.

The Army Corps of Engineers performs Flood Risk Management studies. Their work is well known in neighboring cities. A letter from the city is needed to request their services.

All of this information has been shared with City Council. Requests for assistance appear to have fallen on deaf ears.

We do not understand how a decision to only implement an acquisition program can be made without having a study done. When asked, the city said they do not waste money on studies.

If 80% of the property being acquired is in Fernwood Farms and Mains Creek, then we should be at the top of the list to study the flooding problem.

I hope you can provide some guidance on what our next step should be.

Comments from residents of Southwest Virginia

Report to the Virginia Center for Environmental Justice
Submitted 10/23/24 – written comment.

Environmental Injustice continues in Southwest Virginia

Residents of the Southwest Virginia (SWVA) “coalfields” attended the August 2023 meeting of VCEJ to advocate for environmental justice for their vulnerable communities, as politicians and special interests plan to put nuclear reactors on abandoned mine land in the form of smaller, modular nuclear reactors (SMRs).

Six of the SWVA advocates spoke to the VCEJ Board and presented a slide presentation of their concerns for the health and safety of the people and the lack of transparency by nuclear energy promoters, especially as it relates to the creation and storage of radioactive waste on site.

At the VCEJ October meeting, four nuclear promoters (two Southwest government officials and two former Department of Energy employees turned consultants) gave public comments speaking only of supposed economic benefits without addressing any of the people’s concerns.

You can read in the VCEJ 2023 annual report about the positions of both the opponents and proponents of nuclear energy in SWVA.

A large grassroots movement has emerged since the fall of 2023 to oppose the efforts of the nuclear energy promoters. Five community-based, social justice non-profits and emerging community leaders continue to inform the public, challenge nuclear promoters, and build relationships with social justice and environmental organizations across Virginia, the Central Appalachian region, and the nation.

Throughout 2024, coalescing under the banner of SWVA Nuclear Watch, SWVA residents joined others across Virginia to lobby against the legislation, and now the law that allows Dominion Energy and Appalachian Power to begin design and development of SMRs and pass on the cost to the ratepayers. This fight is now before the State Corporation Commission (SCC), which makes the final decision on how much of increasing energy costs will be put on ratepayers, hitting especially hard low-income ratepayers.

Much time and effort is being invested by SWVA citizens in (1) researching new areas of risky developments such as a Blue Hydrogen Hub, a Carbon Capture & Storage facility, and Data Centers, (2) following the flow of millions of state and federal dollars to these developments, and (3) identifying the small number of individuals entangled in the web of policy, program and funding agencies and organizations who are taking on the appearance of modern Appalachian colonialists.

With much riding on SCC rulings, the JLARC report on data centers, and bills that will emerge in the 2025 General Assembly, the SWVA Nuclear Watch offers the following recommendations for legislation:

- Create a new rate class for large energy users (encompassing data centers and crypto-currency mining operations) that will establish cost protection for customers/ratepayers in the face of data center-driven demand spikes.
- Create better processes, oversight, transparency, and guardrails for the contracting process between the utility and a large energy user like a data center.
- Institute reforms that will allow full stakeholder participation in the scope of utility plans for meeting future customer demand (the IRP – Integrated Resource Plan).
- Require in utility IRP filings a Virginia Clean Economy Act (VCEA) plan which does not assume to exercise an immediate exemption due to reliability concerns and does not include a “least-cost” plan that is not feasible or compliant.
- Invest in community-based renewable energy development in Virginia, bringing on more solar projects that meet local demands and giving customers a greater ability to secure their own electricity supply.

Comments from Gray Montrose

Respectfully, I would like to ask this body for clarification as to its opinion of the applicability of the 2020 Virginia Environmental Justice Act ("the Act"), specifically whether the Act applies, as it is written, "throughout the Commonwealth".

I raise this question for two reasons. First, the locality where I live, Henrico County, has taken the position that the Act does not apply to localities. The County's position, stated in writing and at multiple public meetings by County Planning Director Joseph Emerson, is that the Act is only applicable to state agencies.

This matters because Henrico County has used this position to justify a refusal to incorporate or consider environmental justice in individual planning decisions or the comprehensive plan. My community of Montrose in Eastern Henrico has six landfills, dozens of factories, and zero parks. We are about to be home to a newly approved trucking and distribution center with thirty-eight loading docks, mere yards from an elementary school that has no crosswalks, no safety lights, and no sidewalks. Nearly every environmental pollution scandal in Henrico County in the last generation has been in the Montrose area but Henrico keeps approving new industrial development in the same places, accompanied by cavalier comments such as "people have front and back yards, that's green space" and (paraphrased) "environmental justice is DEQ's job, if they want to stop it, they'll stop it."

Our neighbors in Meadowood recently had to fight a proposed data center development including dozens of diesel generators, despite already suffering serious air quality impacts from a NASCAR racetrack and a colossal Amazon distribution center. Though successful in defeating the data center, they were unable to stop a second Amazon distribution center in the same neighborhood.

Henrico County has an ugly history of creating so-called "industrial corridors" in what I consider to be textbook environmental justice communities. Somehow, every county-funded economic development project west of I-95 is high-end residential and retail, but every project east of I-95 is industrial and heavily polluting.

This demonstrates the second issue, that because of locality approvals, state agencies are rendered near-powerless to apply the Act.

Activists were heartened by the court's decision in the case of *Friends of Buckingham v. State Air Pollution Control Board*, 947 F.3d 68 (4th Cir. 2020), which held in part that the Air Pollution Control Board and the Virginia Department of Environmental Quality ("DEQ") in considering the approval of air quality "variances, control programs, or permits" were required to apply environmental justice principles as part of "site suitability" analysis pursuant to Virginia Code Section 10.1-1307(E).

However, crucially, "consideration of [site suitability] shall be satisfied if the local governing body of a locality in which a facility or activity is proposed has resolved that the location and operation of the proposed facility or activity is suitable to the area in which it is located..." (id.)

Pursuant to the above statute, if a locality approves, for example, a rezoning for a facility that will require an air quality permit, DEQ's application of environmental justice as part of site suitability analyses is mooted. The site is suitable if the locality says so.

Thus is the cruelty of Henrico's position revealed. They shift the responsibility for considering environmental justice to the state, but by so doing, tie the state's hands.

With gratitude and respect, I ask this Council to consider the meaning of the Act and take steps to address this concerning application of it in any manner found proper.

Yours,

Gray Montrose
Henrico, VA 23231

ADDITIONAL RESOURCES

Chapter 3 – Addressing Cumulative Impacts for Environmental Justice

1. EPA Cumulative Impacts Research:
 - Source: U.S. Environmental Protection Agency (EPA)
 - Link: [Cumulative Impacts Research at EPA](#)
 - Overview: Provides comprehensive information on how the EPA defines and addresses cumulative impacts, including research areas and policy recommendations.
2. New Jersey Environmental Justice Law:
 - Source: New Jersey Department of Environmental Protection (NJDEP)
 - Link: [New Jersey Environmental Justice Law](#)
 - Overview: Describes the state's landmark law requiring cumulative impact assessments in the permitting process to protect overburdened communities.
3. California CalEnviroScreen:
 - Source: California Office of Environmental Health Hazard Assessment (OEHHA)
 - Link: [CalEnviroScreen](#)
 - Overview: A mapping tool that identifies communities in California most burdened by pollution and vulnerable to its effects.
4. Union of Concerned Scientists - Understanding Science to Better Protect the Public from Cumulative Impacts
 - Source: Union of Concerned Scientists
 - Link: [Environmental Justice and Cumulative Impacts](#)
 - Overview: Discusses the importance of incorporating cumulative impact assessments into environmental policy to advance environmental justice.
5. Minnesota Cumulative Levels and Effects Analysis:
 - Source: Minnesota Pollution Control Agency
 - Link: [Cumulative Levels and Effects Analysis](#)
 - Overview: Details of the methodology and application of cumulative impact assessments in urban areas within Minnesota, focusing on public health protection.
6. Virginia Department of Environmental Quality (DEQ) Environmental Impact Assessment Guidelines:
 - Source: Virginia Department of Environmental Quality
 - Link: [Virginia DEQ Environmental Review Process](#)
 - Overview: Details the DEQ's approach to incorporating cumulative impact assessments into environmental reviews and permitting processes within the state.
7. EPA Cumulative Impacts Addendum (2022):
 - Source: U.S. Environmental Protection Agency (EPA)
 - Link: [Cumulative Impacts Addendum Final 2022-11-28](#)
 - Overview: This document elaborates on the EPA's approach to addressing cumulative impacts, discussing the legal boundaries, challenges in application, and the agency's ongoing efforts to integrate these assessments into environmental decision-making processes.

Chapter 4 – Land Use and Zoning

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