

## Virginia Council on Environmental Justice (VCEJ) Notes

Brock Environmental Center – Conference Room, 3663 Marlin Bay Dr., Virginia Beach, VA 23455

July 20, 2022, 9:00am – 3:50pm

### Attendance:

- **Present In-Person Council Members:**
  - Lydia Lawrence, Fairfax NAACP
  - Andres Alvarez, Acadia Services
  - Aliya Farooq, VA Interfaith Power & Light
  - Karen Campblin, ktcPLAN
  - Taysha DeV Vaughan, Southern Appalachian Mountain Stewards
  - Rev. Dr. Faith Harris, VA Interfaith Power & Light
  - Kathryn MacCormick, Dominion Energy
  - Kendyl Crawford, VA Interfaith Power & Light
  - Harrison Wallace, Climate and Clean Energy Equity Fund
- **Staff In-Person:**
  - Renee Hoyos, DEQ
  - Danielle Simms, DEQ
  - Grace Holmes, DEQ
  - Gwendolin McCrea, DEQ
- **Excused Absences Council Members:**
  - Dr. Janet Phoenix, George Washington University – participating virtually due to work/teaching a class
  - Meryem Karad – unable to attend due to a family emergency, participated virtually for a portion of the meeting
  - Clarence Tong, Arrival – unable to attend due to a family emergency, participated virtually for a portion of the meeting
  - Rev. Dr. Mike Ellerbrock, Virginia Tech and Minister, Catholic Diocese of Richmond, unable to attend due to teaching Summer School, participated virtually for a portion of the meeting
- **Unexcused Absences Council Members:**
  - Fernando Mercado Violand
  - Tom Benevento, New Community Project
  - Dr. Theresa L. Burriss, Radford University
  - Ronald Howell, Jr., Virginia State University
  - Lillian “Ebonie” Alexander, Black Family Land Trust
  - John Boyd, National Black Farmers Association
- **Staff Virtually:**
  - Chad Martin, DEQ

**\*DID NOT HAVE QUORUM\***

## Council Notes:

- **Boat Tour, Chesapeake Bay Foundation Staff**
  - Oyster farming – Christy Everett
    - Oysters host many species, they are the apartments of the bay and filter water
    - CBF has a mobile oyster center- they collect oyster shells from restaurants, get oyster larvae and put them in tanks, deliver to oyster gardeners, these efforts will grow future oyster populations
  - Boat Tour Lynnhaven River to Chesapeake Bay – Captain Jimmy, Ken, and Jay Ford
    - Contact CBF for a boat tour for educators and decision makers in NOVA, Hampton Roads and RVA
    - CBF educates around 15,000 people a year (prior to COVID) in programs throughout watershed
    - They teach along with SOLs and test both biotic and abiotic qualities of the
    - During COVID, they started OWL (online web learning), had about 30,000 participants through the OWL program, have since discontinued but hope to bring it back
    - Chesapeake Bay Issues
      - Nutrients/run off – 19 million people live in watershed, nitrogen, phosphorous and sediment water quality are the three biggest polluters, causes dead zones kills organisms especially in summer
      - Beach dredging – associated with economic development, bring in boats and replenish the beach, better environmentally when dredged from deeper areas (less seagrasses and organisms to disrupt)
      - Climate change is causing changes, CBF is attaching costs on climate change impacts
      - Menhaden fishery is no longer managed by the General Assembly, recent success
    - Biotic sampling with otter trawl
      - Found white shrimp, seaweed, sponge, tongue fish (flat fish), flounder, hog choker (another flat fish), spot, look down, sea robin, crabs
    - Recommendations to the EJ Council
      - Appropriately fund programs
        - Agriculture is still the biggest sector for pollution (not many regulations) – trying to do nutrient management plans with farmers, need administration to hold the line, by 2025 instead of having incentives make it mandatory
        - Stormwater management funding
        - Hold the line with wastewater funding
        - Keep state in RGGI (Regional Greenhouse Gas Initiative) to achieve climate action, most of the nitrogen in bay comes from fossil fuel plants,
        - Staying the course on the VA Clean Economy Act because the money is going into flood preparedness, not nearly enough

funds but if we do not have it, VA will go back to having nothing for community flood preparedness

- **Welcome**
  - VCEJ Chair – Taysha DeVaughan
  - DEQ Regional Office: Tidewater Director– Craig Nicol
    - Thanked council for service
    - EJ in tidewater, DEQ tries to jump in headfirst
    - Grace onboard as regional EJ Coordinator
    - Been engaging Hobson Village in Suffolk
      - Recurrent flooding, oyster harvesting, stormwater overflow, sewer infrastructure, erosion sediment control in backyards
      - Found ways to get involved, help connect residents to correct agencies people
    - TAME (tidewater air monitoring) – Norfolk, Hampton, Newport news
      - Looking at residual coal dust during transport from trains or ships, finds it way as residual in community
      - When that project ends, will work with health organizations and long-term community engagement with Sentara
      - Will produce a report
    - Encouraged the public and council to reach out to Grace
    - Started work on a spreadsheet of trusted messengers, trying to keep it going and developed
    - DEQ regional office working with the EJ Office
  - DEQ Regional Office: Tidewater Deputy Director – Janet Weyland
    - Thrilled to be hosting council, think that the council is something that has been needed for a longtime
- **Coastal Resilience Update – Jay Ford, Chesapeake Bay Foundation (CBF) and Mary-Carson Stiff, Wetlands Watch**
  - Where We’ve Been...
    - Executive Order 24
      - Northam administration
      - Create a roadmap to increase resilience in Hampton roads (sea level rises and natural hazards)
      - VA’s first Coastal Resilience Master Plan
    - EO 45
      - Established VA Flood Risk Management Standard (VFRMS)
      - Create standards for state owned/financed buildings, want to be able to survive to 2070
    - Coastal Resilience Master Plan
      - Released last year
      - VA has first framework to increase coastal resilience
      - Report, web-based map viewer (has a social vulnerability and EJ layer) and data center

- To create the layer based off census tract and Susan Cutter (disaster researcher and geographer), basic now but consistent with national databases
    - Have yet to find a more precise way to drill down into specific areas at a microscale
  - Did not do well with outreach in the first iteration of the report, large shortcoming
- Community Flood Preparedness Fund (CFPF)
  - First time VA has money to approach resilience
  - Fund to enhance flood prevention or protection and coastal resilience, planning grants and project implementation
  - All VA communities are eligible
    - Even in SW- massive rainfall events
  - No less than 25% of the funds each year shall be used for projects in low-income areas
    - -first 2 rounds exceeded this requirement
    - Of the over 32 million awarded, more than 25 million went to communities that met the low-income classification
    - Still been hard to get money where it is most needed
    - Weldon Cooper Center for Public Service at UVA, Wetlands Watch, and First Earth helping to provide technical assistance for communities to apply for grants
      - Been a limited amount of outreach, such a large need – many local gov officials do not know that the fund exists
    - Fund supposed to focus on community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk
      - Evidence clear that best way to deal with resilience is to allow natural processes to migrate in, long-term nature is best investment
    - Grant round 3 soon- \$90 million application pool
    - All funds come from RGGI, but still a drop in the bucket – we are largely dependent on federal funds
      - Yet to be seen if federal infrastructure bill is going to help, very complex application process for localities, do localities have the capacity and resources to navigate the processes?
    - Average community bids are all over the place, vary widely
- Legislation from 2022 GA
  - HB515/SB551
    - Codifies the CRMP process and technical advisory committee
    - Directs DCR to develop a community outreach and engagement plan
    - Encourages us to support the CRMP process
  - HB1309/SB756 – Resilient VA Revolving Fund
    - GA moved \$25 million to this fund from the CFPF
    - Will provide loans and grants to localities for resilience projects

- Includes language to receive federal flood mitigation and preparedness
- Climate Resilience & EJ Challenge: Geography
  - Generational and structural racism puts many EJ and or historical BIPOC communities at a higher risk to climate impacts (location, design, both)
    - Resilience falls disproportionately on EJ communities
  - Rural – lands were provided to formerly enslaved people, but the lands did not perk because of low elevations (bad for farming, bad for septic, bad for flooding)
  - Urban – redlining in high flood risk areas and de-greening of communities in favor of gray landscapes similarly exposed these areas to increased flood risk
    - Looking at old redlining map of Norfolk the black communities overlay with the flood zones,
    - in Norfolk have flood days instead of snow days
  - Skyrocketing septic costs – important for health (safe waste disposal)
    - Rising groundwater stops the proper draining for septic system
    - Replace conventional system costs tens of thousands of dollars, \$10k to \$45k (higher end for the land that don't perk)
      - People facing septic system failures may also be facing saltwater intrusion into well as well
  - Engagement opportunities – septic
    - Septic regulations are currently being rewritten for first time to include cc
    - Onsite Sewage Indemnification Fund – new financial support program that will help property owners deal with failing septic systems
      - Grants and loans to property owners with income at or below 200% of the federal poverty guidelines to repair or replace septic systems
      - Need INPUT on what actually helps (money to replace, money to relocate, relocate from generational land?...), not hearing enough from those folks
  - Engagement opportunities – planning
    - Need community engaged and community informed decision making
    - Outreach beginning with the Coastal Resilience Master Plan & statewide flood plan (12 watershed plans across the state)
      - An opportunity for civic orgs to be part of the dialogue
    - Flood resilience and adaptation plans underway at the neighborhood level, only way work is going to be done that is reflective of people and unique conditions and risk, very arduous
      - Encouraging groups to hire from within community, pay people in the community, establish champions, and think about social concerns as well as flood concerns
    - Pursue green infrastructure/tree planting for flooding & heat reduction
      - EJ Council can:
        - Support requirements for tree canopy in ordinances and leg

- Pursue grant funding for trees (VDOF Trees for Clean Water grants); EPA EJ screen tool
      - Develop green infrastructure plans for historically marginalized communities to address physical social risks
    - Ex in Norfolk – Chesterfield Heights, started by Sea Grant, HU and ODU students project along with Wetlands Watch- almost finished
  - Grant Money favors the High Income
    - Almost all resilience \$\$\$ is grant based
      - Most communities lack capacity to navigate the grant process and the money need to make match requirements
        - Most communities don't have a grant writer
      - Communities with resources have the ability to raise their concerns to the front of the pack
      - Grant applications rely on Benefit-Cost Analysis (BCAs), which favor higher income communities → protective value of projects increase with higher property values
        - Richer communities have higher value communities (that benefits them and raises their analysis value)
        - Less expensive properties are more likely to be targeted for buy out instead of adaptation resulting in disproportionate cultural/community impacts
        - Need to change calculus if you want better outcomes
      - CFPF's low-income geographic area set aside requires match & the capacity to apply
      - Large scale flood protection projects like seawalls have impact on neighboring communities- can exacerbate impacts on those communities left out
        - Happening in NOVA and Norfolk – can exacerbate pre-existing flooding issues
        - Without a seawall, flood maps change considerably (insurance programs)
      - Buyouts are most effective flood mitigation, but removal of people=historical trauma
  - Policy Turns Toward More Equitable Climate Outcomes
    - Number of programs have built in provisions to increase participation of vulnerable communities
      - Biden's Justice 40 initiative requires all deferral grant programs spend 40% of resources in disadvantaged communities, underserved, overburdened by pollution
      - VA Conservation Assistance Program (VCAP) will now mirror the CFPF requirement that no less than 25% of funds go to low-income communities

- VA Department of Emergency Management (VDEM) is targeting communities with equity needs
  - First important steps but w/o grant writing support and elimination of match programs are still out of reach!
  - Need state leadership to set out an equitable process, unless there is strong state leadership, resilience is going to happen by market forces in a very unjust and destructive way
- **Working Lunch**
- **Public Comment and Discussion**
  - Gustavo Angeles- working with the Bristol Ministerial Alliance (Emailed Comments)
    - Video at:
      - [https://www.youtube.com/watch?time\\_continue=3&v=UYFDLMGWRqQ&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=3&v=UYFDLMGWRqQ&feature=emb_logo)
    - Please see the Update PDF document named “BVA Landfill Update and Requests” by Rev. Dr. Sam Weddington also was sent a “Where We Stand” pdf as well
      - Landfill will close September 12, 2022
      - Engineers have developed 60-page plan released to public but doesn’t address all the recommendations outlined by the expert panel
        - Leachate pre-treatment
        - Fugitive gas emissions – no mention of ambient air monitoring
      - Remaining lack of public engagement and outreach
      - Asking the council to:
        - Need for community relief – vouchers for hotels and air purifiers, weatherize older housing stocks
        - More robust communication efforts from VADEQ and the city of Bristol – want the Governor to use his office to require DEQ and Bristol to undergo a rigorous public awareness and engagement campaign
  - Kelly Hengler – Suffolk (Emailed comments) CE & H Suffolk Civic League
    - US Port 460 project in Suffolk, VA
      - Was shot down years ago because of environmental concerns, people on wells nearby, don’t want water quality or air quality to be impacted
    - Major rezoning request to rezone from agricultural to heavy industrial
    - The public was under the impression that there was to be no impact on the community, public not contacted for the VA Reliability Project pipeline
    - Grace Holmes has been engaging with the community
    - Working with DEQ wastewater and possible sanitation projects
    - Continually have projects presented that the public knows nothing about
    - Port trying to expand more into heavy industrial in Suffolk, public has difficulty attending due to location
    - Any effort by the council is appreciated
    - Historical resources concerns – Suffolk does not have capacity to notate historic places so unfortunately, they are noted as “nothing”

- Circular and devastating impacts, civic leagues are joining together
  - Ms. Mary Hill – Suffolk (Spoken Comments)
    - 7<sup>th</sup> generation in Hobson Village, watermen community
    - Environmental impacts compounding between developers building homes
    - Conventional septic systems are backing up, would see sewage in kitchen sink or bathtub
    - Eroding riparian buffer
    - Impacting historical African American cemetery
    - Hundreds of people came out to the planning commission meeting yesterday, not contacting major stakeholders, no one is communicating to residents before developers come in and gentrify
    - Upcoming Aug 17 meeting in Suffolk
  - Dr. Amy Brody – Suffolk
    - Waste treatment center, concerned about the expansion
      - Recently attended meeting and some concerns were allayed
    - Adding cells to landfill
      - Big concerns are the fluid that would be going into the ground and runoff that would be created
    - Cell phone connectivity bad, couldn't hear her well, but she said that she would send in comments
- **Subcommittee Structure, Updates and Charges**
  - No appointments from the governor's office yet on EJ Council members
  - Committee meetings over next few months, September 13 meeting will vote, and work on writing report on November 15 (and also plan for 2023)
  - **Just Transition Subcommittee**
    - Clarence needs our feedback (from council members and communities) by the end of the week (presentations from VA Energy and VDOT), sent in an email to all council members
    - VA Energy - Needs comments from slide 9 and slide 10
      - Back on May 20, our Infrastructure & Just Transition Subcommittee received briefings from Virginia Energy & Virginia DOT relating to projects where they are seeking input and engagement from EJ communities. Further, they have requested our written input.
      - Please see the attached slide presentations from Virginia Energy & Virginia DOT which provide a quick summary of their work and topics for comment (Slide 9 Virginia Energy / HEDC report; Slide 10 for VDOT NEPA Engagement). My goal is to draft input from VCEJ to submit on these questions by the end of June.
    - VDOT has been very interested in getting the Council's input on a set of questions outlined on Slide 17 of their recent presentation relating to their NEPA engagement strategy. We have been asked to respond in writing as soon as possible.
      - Questions for Discussion and Consideration (Slide 17):
        - Who are the best regional contacts VDOT can rely on for outreach?
        - Are there any potential risks associated with enhanced efforts?
        - Are there options we are missing that would be more successful?



- What level of community identification seems appropriate in public facing NEPA documents and other planning documents?
    - How may regional points of contact partner with VDOT to enhance outreach?
    - What level of interest is there in a project at the NEPA stage?
    - How can the community be assured that their comments/issues have been resolved?
  - Structure:
    - Clarence is the chair, Karen is co-chair/vice chair
    - Doing outreach with different agencies
    - Andre wants to go to just transition committee
    - Members: Andres, Aliya, Karen, Clarence, Meryem
- **Emerging Issues Subcommittee**
  - Structure:
    - Janet will remain chair of emerging issues subcommittee, co-chair Katie
    - Members: Aliya, Faith, Janet
- **Report Subcommittee**
  - Structure:
    - Members: Harrison, Meryem, Kendyl and Katie
  - 2021 Report Edits
    - Aim for August 29 deadline to send around new version
    - For next year's report have separate sections for 2021 and 2022
    - Email from Janet: Kendyl, I thought the meetings and actions summary looked good. I did have a question about the Recommendations, however. There were many more recommendations made than the ones that appear on Page 4. Many people will not look further and will not see what else was recommended because they won't read the Committee reports. I think it might be better to list all the recommendations in one place. If you don't want to do it at the beginning you could place them at the end in a Recommendations Appendix as we have done in previous years.
    - Email from Andres: line number feature (if folks need it)
    - Email from Katie: Summary of Changes:
      - Global comment
        - Should we make the links in the footnotes live URLs in the final version?
        - Subheading formatting might need some attention for consistency
      - Made grammatical edits to Section 1 (tons of removing unnecessary capitalized letters), but also found a couple bigger items. You may need to run some of this by the author (Clarence? Tom?) to confirm my suggestions, but I think these edits are worth addressing.
        - Line 261 - section heading - suggested logical edit
        - Line 330 - has inaccurate information about offshore wind blade manufacturing, see the articles I linked.
        - Line 361 - section heading - suggested logical edit

- Line 396 - found an open quotation mark, needs an end to the quote identified by author
- Line 437 - same edit to heading, applied here to name of office being recommended
- Lines 484 thru 495 - appear to be repeated language, maybe leftover from a prior draft, suggest deleting transportation section - I made several body text edits to improve the readability, and logic, of some of these sentences.
- Reviewed my subcommittee's section:
  - My personal information in the list of Council member names is now correct.
  - Updated the name of the subcommittee I chaired throughout the document (Planning & Community Health)
  - EJ Mapping tools - entire section left out of Jan 10 version. I added it back in...did we vote to take this out and I forgot? I was confused by that...
  - Data, Definitions and VEJA - same thing here, don't remember voting to take this out, but maybe I'm forgetting...but I put it back in for now.
  - Public Participation - found small parts that had been removed from my final version. Added them back in...
  - Tribal - I added my final, edited, and referenced, version.
- I think you and I might need to talk about my sections that were removed, so we can get into alignment on next steps. Do you have time for a phone call today or this week? Try me if you're free 513-885-5289, or let's schedule something later on. Otherwise, I feel good about my sections in this version I'm sending you, ready to move forward.
- **Public Comment Discussion**
  - Taysha sends out next steps to subcommittees (Emerging Issues and Just Transition)
  - Need both general and specific responses/recommendations
  - We should ask DEQ what their plans are in response to the construction mentioned in the 5-page letter
  - As the VCEJ we should think about what is our charter? Should communities expect us to come up with solutions or just serve as a clearinghouse?
  - If there is engagement needed (for Suffolk and Bristol), make commitments to investigate, talk about and see what we can and cannot do
  - All comments today had the theme of public engagement whether city, county, industry, state, etc. – we should think about what meaningful public engagement should mean, make recommendation on what should be, what we think would be helpful
  - Old housing stock- lots of weatherization and modernization needs, possibly could be taken up by Just Transition committee
  - For RGGI energy efficiency work across the state, there are not enough energy efficiency providers to apply for weatherization funds

- New EPA Climate and Economic Justice Mapping Tool and look at EJ Screen together good way to zero in on communities in need
- Would be great to have a section on housing, climate gentrification becoming a huge issue
- For next areas that we go, would be great for them to be impactful like the SW meeting was
- Would be good to have 2023 site visit planning in November (Emerging Issues Subcommittee)
- **Next Steps**
  - Next meeting September 13 in Richmond
  - Taysha sends out next steps to subcommittees from public comment discussion
  - All subcommittees meet in next month
  - Just Transition committee members sent feedback to Clarence ASAP (VA Energy and VDOT)
  - Report committee sends out revised 2021 report on August 29, all members submit feedback
  - Subcommittee chairs send recommendations for 2022 report to secretary at [Kendyl.crawleycrawford@gmail.com](mailto:Kendyl.crawleycrawford@gmail.com)
  - Emergent Issues subcommittee will continue working on 2023 site visit locations
  - DEQ will share video of community meeting from Suffolk (Hobson Village)