

Virginia Council on Environmental Justice
Tuesday, October 17th, 2023
10:00am – 3:00pm

Location:

Department of Environmental Quality (DEQ) Piedmont Regional Office, 4949-A Cox Rd, Glen Allen, VA 23060

Attendees

● **Present In-Person Council Members:**

- Kendyl Crawford, VA Interfaith Power & Light and Virginia Conservation Network
- Aliya Farooq, VA Interfaith Power & Light
- Lydia Lawrence, Conservation Director Nature Forward
- Dr. Janet Phoenix, George Washington University
- Taysha DeVaughan, Southern Appalachian Mountain Stewards
- Karen Campblin, ktcPLAN
- Rev. Dr. Faith Harris, VA Interfaith Power & Light (arrived late due to

Did not achieve quorum of 9

● **Staff In-Person:**

- Danielle Simms, DEQ
- Grace Holmes, DEQ
- May Fornairi, DEQ

● **Staff Virtually:**

- Gwendolin McCrea, DEQ
- Kate Miller, DEQ

● **Excused Absences Council Members:**

- Clarence Tong, Arrival - unable to attend due to work, attended virtually (work obligations, point of contact Taysha DeVaughan)
- Harrison Wallace, Climate and Clean Energy Equity Fund (work obligations, point of contact Janet Phoenix)
- Meryem Karad, Evergreen Action (work obligations, point of contact Taysha DeVaughan)
- Dr. Theresa L. Burriss, Emory and Henry, Assistant VP of Community Engagement (work obligations, point of contact Taysha DeVaughan)

● **Unexcused Absences Council Members:**

- Tom Benevento, New Community Project
- John Boyd, Jr., National Black Farmers Association
- Fernando Mercado Violand
- Ronald Howell, Jr., Virginia State University
- Lillian “Ebonie” Alexander, Black Family Land Trust

Notes

10:00 am Welcome, Chair Taysha DeVaughan

10:20 am Emerging Issues on the Suffolk/Chesapeake Communities, Janet Phoenix and Aliya Farooq

- Janet and Aliya visited Hampton Roads (Portsmouth, Suffolk and Chesapeake) yesterday
- They were hosted by Mary Hill, Sheila Joseph and several other members of the community
- The community raised issues about water (flooding, drainage issues)
- They did a brief walking tour, residents currently have to put down a platform to get over flooded alleys/trenches
- They saw a retention pond that abutted several homes (some of the homes looked like they were sinking into the pond)
 - There was also a lack of retention ponds
- They visited the Hobson community where many historic Black oysterman lived, also Black people during the Great Migration settled there
 - The community member they spent the most time with there, Ms. Mary Hill, was concerned about the residents losing access to the water due to kepone issue damaging waterbeds
 - A remediation took place
 - Newly built communities have blocked access to the water (a dam was created without proper permits and now no one wants to take responsibility for it and undo the dam)
 - Community members are also concerned about underground storage tanks
 - People left the community because they couldn't make a living
 - The community has been using a series of artesian wells, and been facing challenges with connecting to city water,
 - Residents also have been having problems with obtaining permits to expand and upgrade homes
 - Some of the older homes do not have access to indoor plumbing
 - The water level in the community varies at times during rain from ankle-level to knee-level
 - On trash collection days when flooding occurs, trash cans float and tip over and trash gets all over the place, the community is then faced with city fees
 - Tow trucks standby when flooding to tow seizing cars for a high fee
 - Council members visited a nearby newer community that doesn't have any of the drainage issues (Hobson ditches were hand dug by initial residents)
 - Some of the military residents in Hobson purchased and they were not aware of the drainage issues in the community

- One of the residents cannot drink the tap water because it has black sludge in it
 - She is unable to bathe her sick newborn
 - To the residents, it seems like there are separate sets of rules for new people coming into the community versus older members of the community
 - Question of if the homes should have been built on particular lots (some flood in the front yard when it rains)
- They have identified two places to host a council meeting in 2024 with Wi-Fi
- Janet will share the locations with DEQ to enable the March 2024 meeting to potentially be there
- Janet and Aliya talked to many of the local community leaders and received a lot of information yesterday from residents that they can share
- There is also a superfund site in Portsmouth – some of the residents yesterday had been involved with the settlement
- DEQ held an interagency meeting during summer of last year in Hobson
 - Grace will send information from the meeting last year
- Danielle will check with the Attorney General's office to run through legal implications for the upcoming site visit to the Hobson community

10:55 am Gold Mining Letter

- Janet sent around the letter about regulation and public comment concerns
 - Lydia, Teresa and Janet worked on the letter together
- Edit suggestions:
 - Add a reference to the EJ language in code
 - Add language highlighting Indigenous communities
- Unable to do a vote because of quorum, council members can indicate their individual willingness to have their names listed
 - Council members willing to individually listed:
 - Lydia, Kendyl, Taysha, Janet, Aliya and Karen
- Taysha will send out a deadline for council members to reply back for the gold mining letter (10/24), Janet will send out soon after in early November

11:06 am Elections of New Officers

- Unfortunately, the council does not have quorum so unable to officially vote
- Taysha put Karen's name forward as the candidate for Co-Chair
- Karen can join the meetings with staff
- Janet would like to stay and help but also okay to step back
- Taysha forms Governance Subcommittee at the discretion of the chair, but will need to work with staff to figure out with the AG's office
 - Governance Subcommittee Members: Karen, Janet and Taysha
- Council must vote on committee once it has quorum
- Secretary role back up (to help take notes if Kendyl cannot make it)

- Lydia

11:15 am Schedule for Next Year

- Setting four full council body meetings in 2024
 - January 8, Richmond (4949-A Cox Rd., Glen Allen), 10 am -1 pm meeting with 12-1 public comment
 - Preliminary January Agenda:
 - Urgent List of Agenda Items to Do with Quorum:
 - Governance Committee Approval
 - Remote Participation Policy and All Virtual Policy Approval
 - Officer Elections
 - 2023 Report2023
 - Approving All 2023 Minutes and 2022 Minutes (Since May)
 - Finalize April Hampton Roads Site Visit Agenda
 - April, Hampton Roads Site Visit
 - Request for the meeting to be after April 11 to accommodate Aliya
- Addressing Chronically Absent Members
 - Secretary of Commonwealth only has the authority to remove people even if they are chronically absent
 - Members:
 - Fernando Violand
 - John Boyd
 - Lillian “Ebonie” Alexander
 - Ronald Howell, Jr – cannot do Tuesdays
 - If two additional members dropped off, quorum would be 8
 - Taysha will do another cycle to reach out to board members on resigning or participating
 - Council should move meetings to more accommodate members that cannot make it do to standing Tuesday commitments
- Urgent Administrative Issues to Resolve Moving Forward
 - Governance Committee will get in touch with Secretary of the Commonwealth on new applications to the VCEJ and removing chronically absent members
 - Governance Committee will ask the Attorney General –
 - Does the chair have authority to remove council members?
 - Clarification on site visits
 - Do two council members talking together violate council policy (two council members attending DEQ meetings every other week)?

12:00 pm Public Comment Period and Discussion (60 mins.) 1) Public comment period (45 mins.) - Please see Guidelines on next page 2) Discussion (15 mins.)

- Sheila Joseph, Portsmouth

- Visited with council members yesterday
- Spoke about the smoke tests in the community, city has to use the nearest address to where they did the testing
- If people want to have a more clear understanding, she has information and is willing to share from the community (regarding sewage, drainage problems, gas)
- Mentioned the problem throughout the city, businesses and casino (old infrastructure and neglecting old places is impacting new construction)
- City needs to replace old infrastructure and to make investments, they seem to be trying to find out what is cheaper to do
 - Sump pumps cannot do what is needed because they are ineffective in their situation
- Residents are asking for an updated system
- Sewage going into drain system and people's homes
- Has a video of flooding while doing the smoke test, has been documenting
- Concerned about dumping, sewage and climate change creating additional problems
- Carolyn White, Pughsville (Suffolk)
 - Thanked Grace, Aliya and Janet for boots on the ground yesterday
 - Tiffany was the name of the woman with the baby and the sludge coming out of her indoor faucets
 - The baby was in the hospital 300 days, still dealing with the issues with her child's health
 - Has sent a photo with water around their house to Grace
 - They live in Chesapeake
 - Pughsville a historic community, need women to take a stand
 - City does not know where the boundary line is therefore there is additional confusion about what locality is responsible (Chesapeake or Suffolk)
- Will Payne, [Coalfield Strategies](#), Bristol, VA
 - Leads Invest SW VA – wants to develop renewable energy on old mining land with planning commission, Dominion, and Appalachian Power Company
 - Wants to help citizens achieve clean energy on brownfield properties located throughout SW VA, want to leverage for clean energy (tax revenues, jobs and attractive careers)
 - Helping some of the most impacted communities in VA do the work to diversify the economy
 - Their portfolio expands a number of technologies and emerging technologies (nuclear, hydrogen, solar, etc)
 - Worked closely with DOE on millions of dollars of projects
 - Environmental justice is centerpiece of work, important to help them win grants
 - Working to transform SW VA
 - Advanced nuclear will play a key role in the transformation
- Kelly Hengler, Hobson Civic League, Hampton Roads

- The built environment and impervious surfaces are an issue that is now flooding out the
 - Being caused by built space vs open space, need to calculate displacement of water in the community
- Need to stop flooding out the community
- Will be speaking before their city council today to lift up their issues
- The surrounding community is not included in the initial phases of a newly designed road project
- Needs VDOT in the 7 cities, and for them to look at roads as regional assets as well as the communities along the roads also viewed as assets
 - Need to do impervious surface calculations
- Need to rollback impacts and take into consideration impacts on community of road expansions
- Mary Hill, Suffolk, VA
 - Wants to thank council members who came to visit yesterday, they were very patient and saw the impact that the residents are dealing with
 - Trying to find relief with what is happening and with the city
 - Trying to create new infrastructure on top of old infrastructure
 - Old infrastructure is not being maintained
 - Even with new homeowners they are impacted by the flooding and the way the builders have built
 - Site visit yesterday demonstrated some of the problems
 - Currently problems are building on top of one another, need to address, maintain and preserve old infrastructure
 - Looks forward to working with the council
 - EPA Region 3 reached out to her yesterday, a way to build bridges to find answer to problems
- Pamela Brandy, Chesapeake, VA
 - Thanked the council members who visited yesterday
 - Lives in Pughsville on the side of the lady that had sludge coming out of her water
 - Flood water comes from the interstate, Pushsville, James and Clifton Streets
 - When it rains heavily, people cannot get out because the bridge overflows and the residents are trapped
 - On John St. in Suffolk, the city wants to tear up the street and do piping along there
 - Residents have sludge-like smell in the homes, city says that something is wrong with their homes and it is not the city's problem
 - Residents need help because the ones between Pughsville Rd and Clifton – water is coming in from all four sides
 - City says they will do work there (Suffolk and Chesapeake), but it has not helped them (flood with rain on a regular day)
 - Rain floods them out
 - They have not done anything to address residents concerns and issues

- Will Clear, Southwest VA
 - Spent life working in energy
 - Native of SW, VA
 - Helped to write the VA Energy Plan
 - Left the department (VA Energy) in September
 - Evaluates advanced nuclear- VA expecting unprecedented growth in energy demand
 - Commonwealth must meet growing demand
 - Winter peaks are high and consistent
 - Supply chains are not robust enough
 - Would need to do new mining for minerals for batteries (instead now it is coming from foreign countries)
 - Military has deployed small nuclear reactors in ships for several decades successfully
 - Believes industry will figure out small modular reactors (SMRs) technology
 - SMR will be spread out over many communities to meet energy demand
- Duane Miller, [Lenowisco](#)
 - He is the Executive Director of Lenowisco Planning Commission (Lee, Wise, Scott and 15 incorporated towns)
 - In October of last year (2022) the governor announced the SMRs
 - Little Wisco has taken the steps to locate SMR, done a feasibility study and a supply chain study
 - Results were positive
 - Used STAND tool (siting tool for advanced nuclear development) – ranked as high as other suitable areas across the country
 - The planning meets the criteria from the Biden Harris plan – puts strong emphasis on abandoned mine land
 - Next step will be to partner with gov agency and community groups as well as educational outreach program for extensive public comment
 - Open to all types of clean energy in the community, but nuclear is the only way to go to handle the increased demand
 - Unique situation with Biden and Youngkin supporting SMR development
- Michael Hatfield, Wise County County Administrator
 - Wise County wants to remain an energy leader
 - Has several utility scale solar projects, evaluating many options such as wind and energy storage, blue hydrogen and green hydrogen
 - Very early in the process
 - Nuclear projects normally take about 10 years – no sites yet selected
 - They have been looking at the possibility of SMR in Wise
 - The administrator wants to make a good recommendation to his board
 - Not feasible for wind and solar to provide all of future needs
 - Need to evaluate all options to move forward

- Discussion
 - Council planning to come to visit Hampton Roads during second quarter meeting in 2024

12:50 pm Lunch Break

1:30 pm Reports (90 mins.)

- Janet is looking for 2019 report recommendations and sent around a list of previous recommendations
- Increase Footprint and Reach
 - Could use social media to expand platform of the council
 - Should use organizations of council members to amplify the recommendations
- Reporting
 - Council members dividing each recommendation out by:
 - Completed
 - In Progress
 - Not Completed
- Progress on Items:
 - DEQ EJ Office
 - VA EJ Act
 - Codifying the Council
 - Stopping the MVP
 - Interagency EJ Working Group and its Report (2021)
- Council members divided out and evaluated past recommendations
- Agreed that Taysha will compile a summary of recommendations
- Editors will forward new recommendations and annotated recommendations to Taysha
- Timeline
 - Taysha will send 2023 recommendations draft to the Council by December 1st
 - Council members must sign on to recommendations draft by December 20

3:00 pm Close/adjourn, Chair Taysha DeV Vaughan

Next Steps

- Grace will send additional information pertaining to the comment period
- Grace will send information from the interagency Hobson meeting last year
- Danielle will check with the Attorney General's office to run through legal implications for the upcoming site visit to the Hobson community
- Taysha will send out a deadline for council members to reply back for the gold mining letter (10/24), Janet will send out the gold mining letter soon after in early November

- Governance subcommittee members Taysha, Karen and Janet will work with Danielle to figure out meeting schedule (looping in AG's office)
- Taysha will do another cycle to reach out to board members on resigning or participating
- Council should move meetings to more accommodate members that cannot make it do to standing Tuesday commitments
- Governance Committee will get in touch with Secretary of the Commonwealth on new applications to the VCEJ and removing chronically absent members
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