

Virginia Council on Environmental Justice

Thursday, May 12th, 2022 10:00am – 3:30pm EST

Location: Department of Wildlife Resources, 7870 Villa Park Dr. #400, Richmond, VA 23228

If you would like to join the meeting from your computer, tablet or smartphone, click here - <https://meet.goto.com/397096141>

You can also dial in using your phone. United States: +1 (669) 224-3412 Access Code: 397-096-141

Present: Taysha DeVaughan, Andres Alvarez, Tom Benevento, Karen T. Campblin, Aliya Farooq, Reverend Dr. Faith B. Harris Kathryn MacCormick, Dr. Janet Phoenix, Harrison Wallace, Kendyl Crawford, Meryem Karad

Agenda

10:00am Welcome, Co-chairs Rev. Dr. Faith Harris and Dr. Janet Phoenix (5 mins)

10:05am Department of Wildlife Resources (10 mins)

- 1) Ryan Brown, Director
- 2) George Braxton, Chief Diversity & Inclusion Director

10:15am Housekeeping (20 mins)

- 3) Approve August 2021 minutes and March 2022 minutes
 - a) Taysha DeVaughan MOTION TO APPROVE; Harrison Wallace SECOND; MOTION CARRIES
- 4) December 2021, Jan. 2022, March 2022 minutes
 - a) Request personal notes from previous meetings while waiting for access to other meeting minutes
- 5) Any items Council member would like added to today's agenda? Approve?
 - a) Final report from last year didn't make it to the previous administration, don't have a copy of the final report
 - b) Info for current council circulated for review/check. Terms are staggered
- 6) Approve calendar of upcoming meeting dates for 2022: July 20, Sept. 13, November 15

Taysha DeVaughan MOTION that those with 2 year terms be recommended; Tom Benevento SECOND. Kathryn MacCormick: AMEND "less than 4 year"; Taysha DeVaughan accepted – Rev. Dr. Faith B. Harris everyone hasn't served 4 years b/c just codified 2020; Karen T. Campblin clarify 2022, 2023 recommend reappointment, and also members need to apply. Meryem Karad those who have had good attendance, encourage that. Kathryn MacCormick – table to the next meeting, because not the best first piece of business. Rev. Dr. Faith B. Harris – just asking the governor to consider.

Andres Alvarez – move to table. Karen T. Campblin waiting until June, governor’s office may be looking at replacements already, need to make recommendation now. Rev. Dr. Faith B. Harris – mostly concerned about those leaving in 22, offer them opportunity to actually participate, Tom Benevento – not renewing myself.

Taysha DeVaughan RESTATE MOTION anyone interested not had 4 years, be recommended by council to governor’s office, if they reapply. OPPOSED: Andres Alvarez, Kathryn MacCormick. MOTION CARRIES. – Chris Bergin who will write the letter, need a motion for that? Table until later this afternoon.

Meryem Karad MOTION to approve meeting dates in agenda, Kendyl Crawford SECOND. MOTION CARRIES.

11:25 public comment period – suggesting 5 minute break and 11:30 public comment

Andres Alvarez MOTION DISCUSS LAST YEAR’S REPORT, Kathryn MacCormick SECOND, MOTION CARRIES

~~10:35am Themes for the Year (55 mins)~~

11:40am Public comment period and discussion (1 hr)

1) Public comment period (30 mins)

a) Reverend Jackie Nophlin, Bristol

- i. Pastor of Community Church in Bristol Virginia and President of the Bristol Ministerial Alliance.
- ii. Pertaining to the landfill and the issues the communities are having including the odors, the smell and the location of the landfill which is near black and brown communities, elderly community members and children, and a school in the vicinity. People are suffering and have been complaining for years to no avail. Now that the odors have reached the wealthy and privileged areas there has now been complaining and protest and an attempt to have community members stand up and make their voices heard. This is difficult because people feel that if their voices are not heard then they will just live with the issue. The community now has the ear of the Council and local government because of the interest from the wealthy community members.
- iii. Personal Story: Granddaughter lived near the landfill and she regularly went over for girl’s nights. They could smell strong odors when outside playing with her niece, even burning eyes. They began to have illnesses that were mistaken as COVID, they took at least 8 COVID tests and were going to the urgent care often. She also once had a nosebleed that she attributes to the landfill odors. People are literally living in these conditions

on a daily basis and there is no certainty about what it may be doing to the community. Granddaughter moved across town away from the landfill and almost immediately her health improved – not everyone has the ability to pack up and move. The community desperately needs help from the community and they feel that local government has shut them down. They feel that the door is opening and they are being invited to come to the table and talk now that DEQ has stepped in to produce recommendations. The community has an alliance that was able to purchase 1,000 air purifiers to help the community.

2) Reverend Dr. Samuel Weddington, Bristol

- a) Thank you to DEQ for making recommendations and producing a road map. Unfortunately the road map is the equivalent of summiting Everest, but at least there is a path forward. Thank you specifically to Director Rolband, Renee Hoyos and Chad Martin for their efforts surrounding the Bristol Landfill. Additionally thank you to VA Interface Power and Light for organizing site visits and other community interventions. Also thank you to the Sierra Club for their efforts. They are working to have the city of Bristol begin to implement the report, specifically starting with communication with the public. They would like a timeline in relation to when things will begin getting done. They also would like the city to communicate about financial needs – the city will not be able to afford this so knowing what it will cost is important. Would like to recommend that the governor's office help look into funding to address the issue – this may be the largest environmental disaster happening in the state and needs addressing urgently. Working on pilot program with local churches to do a weatherization program especially targeting houses near the landfill, not only to meet energy requirements but also to help seal from gases that are coming from the landfill. Some things are outright miserable for community members, including the inability to sleep at night. They really need help at the state and federal level addressing these issues.

3) Discussion (30 mins)

- a) Question from Taysha DeVaughn: Is Hope for Bristol planning a rally upcoming?
 - i. A: Not sure, not involved with Hope for Bristol.
- b) Question from Dr. Janet Phoenix: Can you summarize the recommendations from the report from DEQ?
 - i. A: Yes, in fact I just produced a document to that effect. Odors are coming off of the landfill and is an early elevated temperature state, part of that is due to oxygen intrusions. This is due to a number of factors including the fact that the site is quarry, rock cracking and a lack of covering of the landfill. They

did finally determine that benzene is coming offsite from the landfill property and is also in the leachate water. Elevated temperature state is largely due to the fact that it's essentially silt. It retains water and there are serious drainage issues. The remediation efforts need to include drilling gas wells but they can't over drill because that could cause other issues. They considered whether continuing of landfill operation is advisable and they are recommending to the city that the landfill stop operating in order for remediation efforts to take place.

- c) Question from Meryem Karad: Are there any numbers on how many and who this affecting?
 - i. A: Part of the remediation plan from DEQ requires putting a reporting mechanism in place so that complaints could begin to be documented. Have had about 9,000 complaints in about a year. There is also Smell my City which has thousands of reports tied to it as well. There was a community health survey done and there were alarming results. The EPA is currently in the middle of a health consult and they are currently reviewing and have no received an update recently. They will be producing a report. The school that is near the landfill is the second oldest school in the Commonwealth and should have been shut down years ago. There is a detention center that is roughly 250 feet from the landfill. These dynamics make it hard to quantify and the best thing to do is to come see it yourself.
- d) Question from Andres Alvarez: Is there evidence of economic impact to the region:
 - i. A: There are economic impacts to the city itself due to the cost of remediation. It will cost millions of dollars to do this and the community and city will not be able to use that money for other projects. There will be a new school built soon. There has not to his knowledge been a good study on economic impacts to tourism or housing and property value impacts. It would be excellent if there are available resources at the state or federal level that could be used to look into these impacts. There is also a casino coming to the area soon.
- e) Question from Harrison Wallace: Southwest is receiving 10% of the RGGI funding – can that funding be reallocated based on need?
 - i. A from Dr. Faith Harris: It takes a local application process to receive this funding.
 - ii. A: VA Interface Power and Light has looked into and reached out to the city to see if they could secure these funds – they were informed by the City Manager that this was not possible. The city should reach out to People Inc. to inquire about a

partnership if the city is unable to apply directly but so far the city does not seem to want to engage with securing those funds.

1:10pm Tribal Update Planning (5 mins)

Kathryn MacCormick – It would be ideal to hold a meeting at a tribal land but the technology tends not to be available. It would be great to have the community come to interact directly to tribal communities. The Council cannot force people to come, they can only invite and engage.

Meryem Karad - Should there be a subcommittee?

Kathryn MacCormick – That would be a good idea, but she wants to clarify that reaching out to administrators and tribal governments is not enough outreach and the tribal community needs to be involved.

Meryem Karad – So should we make a subcommittee?

Dr. Janet Phoenix – Yes, it could go in the emerging issues subcommittee.

Back to Public Comment Period and Discussion

1) Public comment period

- a. Carrie Hearne, Associate Director, Renewable Energy & Energy Efficiency, comments on disproportionate burdens
 - i. Previously DMME, rebranding name change, VA Dept of Energy, VA Energy. State's energy office, incl. renewables and energy efficiency, implement commonwealth clean energy policy, VA energy plan every 4 years. Extensive stakeholder engagement and outreach
 - ii. Historically economically disadvantaged communities, lead agency, report to see if Clean Economy Act has disproportionate impacts, report due Jan 2023
 - iii. Presentation

2) Discussion

- i. Andres Alvarez - VCEA, what do you need from the council for this report, and timeframes?
Response: Stakeholder involvement during summer, draft report writing in the fall. Inputs, any particular communities for outreach? Mechanisms for best engagement? Have an online platform but what other ways are best to communicate? Types of questions, any specific angles of questions that we should understand about how to define burdens. Physical impacts? Economic impacts?

1:01pm Closed session/lunch

- 1) Agenda proposed – switch closed session with agency update so Kathryn MacCormick can be with us. Make that change. So now about to go into closed session. Chris Bergin: have to identify why going into closed session – understanding that there are legal questions, what is the authority, what are the implications, and asking for legal advice. Meryem Karad - There are two agenda items, can we say both. Chris Bergin – best to split it out. Taysha DeVaughan MOTION for closed meeting, Andres Alvarez SECOND; roll call vote, ayes from all, MOTION CARRIES
- 2) Andres Alvarez MOTION to include DEQ staff in closed session, Harrison Wallace SECOND, MOTION CARRIES

Return from closed session 1:59 pm

2:00 Guidance

Next on agenda, pending guidance, but we can pull out the portion that discusses chairs, co-chairs vs chair, vice-chair. All in agreement. Discussion of co-chair or vice chair: Kendyl Crawford, understand shared labor, can be addressed with chair/vicechair, and c/v least amount of trouble. Taysha DeVaughan can see why we would want co-chair structure, but code is c/v. Tom Benevento can we have clear roles, of shared leadership, expectation of each. Meryem Karad agreed, can have guidance document. Aliya Farooq agree, whoever is in the c/v positions can discuss. Rev. Dr. Faith B. Harris no real reason why c/v can't work, although co-c has worked. Dr. Janet Phoenix: responsibilities should be shared, chairing meetings, agendas, etc. Aliya Farooq also final report should be shared.

Andres Alvarez MOTION that proposed guidance co-chair replaced with chair/vicechair, WITHDRAWN.

Taysha DeVaughan MOTION to change governance structure to chair/vice-chair, Meryem Karad SECOND, MOTION CARRIES.

Virtual participation policy –

Chris Bergin (AG's office) drafted language, read to the council.

Hybrid/Electronic Participation Policy:

A. Notification:

Consistent with the Code of Virginia at § 2.2-3708.2, participation from a remote location via telephone, video, or other electronic communication means requires that the member requesting such participation notify the Chair and the staff of the Council **on or before the meeting date, preferably as soon as is feasible, that he or she is unable to attend the meeting in person.**

He or she must identify with specificity the nature of the emergency or personal matter. Such participation by a member is limited each calendar year

to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. Requirements:

Consistent with the Code of Virginia at § 2.2-3708.2, participation from a remote location via telephone, video, or other electronic communication means requires that arrangements are made so that the voice of the member participating remotely can be heard by all persons at the Council's meeting location.

When arrangements have been made for a member to participate in a Council meeting from a remote location via telephone, video, or other electronic communication means that fact shall be noted by the Chair. The Chair will then determine whether the participation will be approved pursuant to this Policy. If a member's participation from a remote location is approved by the Chair, the minutes of the meeting shall record the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved by the Chair as inconsistent with a provision of this Policy, such disapproval shall be recorded in the minutes with specificity.

Kendyl Crawford MOTION to adopt, Andres Alvarez SECOND. OPPOSED: Rev. Dr. Faith B. Harris, Kathryn MacCormick. MOTION CARRIES.

Subcommittee reports

Emerging Issues: Site visit to SW VA, Clint Coalition, logging violation in West County – DOF, propose holding meeting in Bristol in the next 30 days. Who would be available? Propose a date: 6/2.

Public Health subcommittee: limited participation, Kathryn resigning as chair

- 3) Annual report - Kathryn MacCormick MOTION for an ad hoc committee to do technical edit ready for next meeting, Kendyl Crawford SECOND. Dr. Janet Phoenix share draft prior to the meeting. Chris Bergin can't work synchronously as a subcommittee. MOTION CARRIES. Ad Hoc Report Committee staffing: Kendyl Crawford, Harrison Wallace, Meryem Karad. Andres Alvarez request share document two weeks before next meeting.
- 4) Kathryn MacCormick there could be so many subcommittees, Emerging Issues and Just Transition are good issues, plus report, MOTION to strike all existing subcommittees and create new: Emerging Issues, Just Transition, Annual Report. Andres Alvarez SECOND. MOTION CARRIES. Andres Alvarez on annual report. Taysha DeV Vaughan chairs for EI and JT, Kendyl Crawford chair for AR.

2:28 public comment opens:

- a) Emily Piontek – Appalachian Voices, Blacksburg, wondering if VCEJ could provide clarity about process to fill the vacant seats coming soon.
Responses: Chris Bergin – members appointed by the governor. Dr. Janet

Phoenix there is a process for applying for consideration, application on the website. Andres Alvarez – clarify website of the secretary, commonwealth application form. Meryem Karad – organizations are also able to write letters of support for candidates, as anyone is considering it.

Agency Updates (40 mins)

- 1) DEQ Office of Environmental Justice (10 minutes, 10 minutes Q&A)
 - a. Policy statement, SKEO report, monthly meeting with VA EJ Collaborative, strategic plan, DEI, permits, VAEJScreen+, PEEP
 - b. Presentation

3:15pm Elections (15 mins)

Dr. Janet Phoenix for office, Taysha DeVaughan for chair, Kendyl Crawford for leadership, Karen T. Campblin for leadership. Meryem Karad who is comfortable being chair? Andres Alvarez who is running for chair? Taysha DeVaughan accepts nomination. Kendyl Crawford, wouldn't mind serving as secretary. Karen T. Campblin, declines nomination for chair. Dr. Janet Phoenix declines nomination for chair, accepts for vice chair. Taysha DeVaughan nominated for chair, Dr. Janet Phoenix nominated for vice-chair. Andres Alvarez MOTION to accept slate of officers, Karen T. Campblin SECOND. Roll call vote: all ayes. MOTION CARRIES. Aliya Farooq, and secretary? Karen T. Campblin MOTION motion Kendyl Crawford for secretary, Meryem Karad SECOND, MOTION CARRIES.

3:30pm Close/adjourn, Co-chairs Dr. Faith Harris and Dr. Janet Phoenix (5 mins)

Meryem Karad MOTION to adjourn, Harrison Wallace SECOND, MOTION CARRIES. 3:55 pm