

Virginia Council on Environmental Justice (VCEJ) Notes

Virginia DEQ Piedmont Regional Office, 4949A Cox Rd, Glen Allen, VA 23060

Tuesday, January 24th, 2023, 10:00am – 1:00pm

Attendance:

- **Present In-Person Council Members:**
 - Taysha DeVaughan, Southern Appalachian Mountain Stewards
 - Kendyl Crawford, VA Interfaith Power & Light and Virginia Conservation Network
 - Aliya Farooq, VA Interfaith Power & Light (arrived late)
 - Harrison Wallace, Climate and Clean Energy Equity Fund
 - Meryem Karad, Evergreen Action
 - Rev. Dr. Faith Harris, VA Interfaith Power & Light
- **Staff In-Person:**
 - Danielle Simms, DEQ
 - Grace Holmes, DEQ
 - Gwendolin McCrea, DEQ
 - Jerome Brooks, DEQ
- **Excused Absences Council Members:**
 - Clarence Tong, Arrival - unable to attend due to work, attended virtually (point of contact Taysha DeVaughan)
 - Dr. Janet Phoenix, George Washington University - unable to attend due to work, attended virtually (point of contact Taysha DeVaughan)
 - Kathryn MacCormick, Dominion Energy - unable to attend due to work, attended virtually (point of contact Taysha DeVaughan)
 - Dr. Theresa L. Burriss, Radford University - unable to attend due to work, attended virtually (point of contact Taysha DeVaughan)
- **Unexcused Absences Council Members:**
 - Karen Campblin, ktcPLAN
 - Fernando Mercado Violand
 - Ronald Howell, Jr., Virginia State University
 - Lillian “Ebonie” Alexander, Black Family Land Trust
 - John Boyd, National Black Farmers Association
 - Rev. Dr. Mike Ellerbrock, Virginia Tech and Minister, Catholic Diocese of Richmond (point of contact Danielle Simms)
 - Lydia Lawrence, Fairfax NAACP (point of contact Danielle Simms)
 - Andres Alvarez, Acadia Services
 - Tom Benevento

DID NOT HAVE QUORUM OF 11

10:25am **Welcome, Chair Taysha DeVaughan**

- The council was welcomed by Jerome Brooks, Piedmont Region DEQ Director
 - Used to work in the office of EJ and became the regional director in Piedmont in June of last year
 - His introduction to environmental justice (EJ) came in 2000 when there were initial discussion internal in DEQ, he has been a student of EJ for 20 years
 - Shared impact of EJ on him personally
- Chair Taysha DeVaughan (5 mins.)
 - Roll call
 - Announced that the agenda would be changing and solicited feedback on change from councilmembers, changes were positively received
 - Do not have quorum unable to continue the approval minutes or handle official business

10:28am **Discussion of VCEJ Lack of Quorum and Virtual Participation**

- The Chair understands frustration of attending members
 - Confusion as to what it means to join virtually, council members are not allowed to participate virtually as council members
 - Law changed in September which means that the council must have adopted bylaws to allow virtual participation, but unfortunately the vote did not carry last May 2022
 - Would like to adopt the communications standard at the next meeting if quorum is achieved
- Taysha reaching out to members who have not been attending meetings to see if they would like to continue participating
- Council members reaching out to the Secretary of the Commonwealth to see how they could help with the process
 - Some members whose terms have expired have applied for reappointment
- Important to expedite because waiting to address soon because waiting until May would mean that almost half the year would be gone
 - Some additional members terms are up in July
- The council is not getting adequate service to be able to function
- Timeline/calendar for 2023 agreed upon at last meeting in the winter 2022
- Suggestion to move the next VCEJ meeting up to March and to have the list of who wants to stay on by the end of January
- Kendyl send list of who has been showing up and not and regional preferences/locations (northern vs southwest issue)
 - Teresa from SW, Taysha SW

- Taysha and Janet sent a letter last fall to the administration about appointments/process and timeline and have not received any answer, they also requested a meeting that didn't happen (never received a response)
 - Concerned about not making new appointments, not letting people know if their turn is over
- Suggestion to make emergency communication to SNHR and the Secretary of the Commonwealth and reach out to env groups like App Voices to weigh in on need for service (appointments, ability to hold meetings/subcommittee meetings, etc.)
 - Even though DEQ has been supporting the VCEJ and the VCEJ is appreciative of the time and support staff have put in, there has been a lack of attention paid to the needs of the board by the administration
 - Possible in-person drop-off of communication to the administration, would have to only be 2 people
 - A member hesitates to contact current admin and instead just move forward on our own as the current administration's goals do not align with our objectives
 - We know we cannot count on the admin, may have to set up meetings on our own
 - Admin will probably look at expired terms and want to switch ppl out, we have good people here now
 - Can the vice chair assist with chair's work?
 - Could be worth it to do the extra work
 - The VCEJ has been put in a vulnerable position
- Seems like the most pressing issue is our inability to make quorum, can we change the definition of our quorum?
 - Need to figure out the easiest path and whether it is removing members
- The VCEJ appreciates the DEQ staff work and assistance thus far!
 - The council work should not be detracting from the DEQ staff other work and responsibilities, to ensure that doesn't happen is another entity's responsibility
- March meeting needs to be before March 20 for Aliya to be able to attend
- It was suggested to the VCEJ to create policies for the group during May 2022 meeting, but virtual policy was never adopted and then law changed in September
- Where we are at now- unfortunately VCEJ is putting stress on DEQ capacity, unable to do our work, and the council has exhausted our work around options
 - People who are willing to participate terms are expired
 - Different interpretations of participation standards have varied over the years from the AGs office, etc.
- What's most important is that we can get to the point of writing the report
- Should be talking about justice instead of constraints on our functioning
- Individual members can write recommendations to sec of commonwealth, etc on who to recommend

- Need to have freedom to do our work and also accountability (from the governor's office and secretaries)
- We are where we are due to lack of quorum (member accountability)
- Kendyl be sure to include the lack of communication from administration's office in minutes
 - Council attempted to schedule a meeting with the administration's office last year

11:42am Lunch Break

12:00pm Public Comment Period and Discussion

Katie Whitehead, Pittsylvania County

- Last year VA GA HB 2213 called for study of impacts of gold mining, the study concluded that existing laws are inadequate protection, report found that no state agency is able to implement the EJ Act and no systematic process to incorporate EJ communities or address impacts
- Currently requirements for public participation are inadequate and compare badly with modern best practices (looking at other states and federal requirements)
 - Only property owners in 1000 ft need to be notified
 - Notifications include fewer details
 - Short deadline of 10 days for filing objections or requesting a hearing
 - No requirement for public notice for prospecting/exploration, renewal or expansion or release of a mine
- A national academic report states that those items are critical milestones and stakeholders need to be involved
- Current legislature is considering HB1722, bill does not address EJ directly but does protect people from significant mining risk
 - If any mining is going to be permitted, people need an opportunity to contribute to decision making
- Thank you
- Link to the report she mentioned is in her written comment

Dr. Janet Phoenix, Council Member

- She appreciates the ability to speak briefly as a member of the public
- Pleased to hear about the action plan in regards to the VCEJ's lack of quorum
- Hope that at the same time we address these issues, hopes subcommittee issues are addressed as well (capacity to be able to meet)
 - Important to clarify subcommittee process too
 - Last year had problem with scheduling a subcommittee meeting as she is part of the council

- This morning discussion fruitful and needed

Edward Strickler

- Will the council consider the environmental injustice of metro areas sending waste to rural areas?
- VCEJ Discussion
 - Issue that the council has included in past reports and will continue to work on
 - Definitely in purview of council and will address the issue in an upcoming meeting
 - In 2021, major portion of EJ council discussion was focused on landfill, waste and recycling, there are many layered concerns and issues, there needs to be some meaningful movement forward on how to better handle waste
 - This is something that the Emerging Issues Subcommittee wanted to move on and invite speakers to come and present on

Sheila Joseph, Fairville Neighborhood in Portsmouth, VA along with Douglas Park

- *Unable to hear her comments, audio unclear*
- *Encouraged her to type a question in chat or send in written form*
- She had questions about public works/utilities
 - Stormwater damage and drains, flooding concerns in her area
 - Lead pipes that need removal and replacement in her area
- *Encouraged her to email photos*
- Grace following up with her/in her region

Kelly Hengler, Suffolk, VA (lower James)

- Thanked the council
- Deeply concerning items from Hampton Roads
 - Local request was not supported by VA League of Cities to move notices to a more accessible format for public participation
- Trying to improve consistency in broadband in the area
 - Very concerning issue
- For important updates and notices groups on the ground try to share them between each other
 - There's a megaregion between Hampton Roads and Richmond - so many EJ specific impacts in that area
- Wants to pose to notes the need to grow support systems for Suffolk, want to be able to see council's work
- Appreciates DEQ regional work
- Wants to include the issue (of public participation and broadband access?) for all of VA not just in Hampton Roads

Carolyn White,

- *Will send email*

VCEJ Discussion

- Meryem has been attending gold mining meetings, has been working with Clarence with VA Energy on related data
 - Meryem offered to present recap at the next meeting (gold mining)
 - The state agency has finished its work and report was submitted in December, available online
- Subcommittee meetings will be enveloped into the full VCEJ body meeting agenda as of now because of DEQ capacity issues
- Want to encourage public commenters (to the council) to submit written comments but not necessary, don't want to put people in a position where they are not communicating with us for equity issues
 - Not required to send written comments, but if you can please send them as it helps with record keeping
 - Anyone who can give comment, can give comment during the meeting don't need to sign up beforehand
- This is the third or 4th time we have heard from Portsmouth residents, the council should add to full body meeting agenda this year

12:47pm Opportunities for Advancing EJ & Clean Energy through Federal Investments/Inflation Reduction Act, Councilmember Meryem Karad

- The Federal EJ councils have met
 - Meryem will send more detailed email to council, wants to make recommendations to the governor and GA on how VA can take advantage of the opportunity
- Availability of funds
 - Some of the money is match dollars
 - Lots of buckets of money available for different topics, electrification, etc
 - Some of the money is reserved for EJ communities with Justice40 initiative
 - Specifically, for EJ communities are EJ Block grants
 - Lots of opportunities to build a new economy, away from inequities
 - \$34 billion
- Hopes to make some concrete recommendations from the council
- Opportunity for bipartisan investments in community
- Curious as to who is going to apply, also wants to get people involved
- Would be a great section of the 2023 VCEJ report

- The council should talk about capacity of smaller counties and cities to apply for grants and think about how we can help communities, put it on the radar of municipal leaders, let them know about partnership opps
- This body of work could fit with the Just Transition Subcommittee, could help to think about how to put pressure on government and provide resources/compile them
- Wants to make sure there is time on next meeting to discuss it
- White House has a really good website on Inflation Reduction Act, has a guidebook, we could point people to
- Would be nice to hear from local organizations working on money to present to council, have them on agenda
 - May include as a standing item, invite one expert person/knowledgeable
 - The VCEJ could hear from regional EPA director at a meeting
- VCEJ should aim to be a resource for community folks, organizations, and localities

12:57pm Update from DEQ, Danielle Simms

- Danielle Simms promoted to be Program Manager of the DEQ Office of EJ
- EJ Office is hiring two positions, that is why there is a capacity concern for the March meeting
- The office has been briefed on two grant opportunities with EPA (States partner with community-based nonprofits, tribes, localities and the grant opportunities focus on health impact assessments, address climate change, build partnerships, strengthen EJ, etc.)
 - DEQ EJ Office is brainstorming on how to apply
 - EPA holding webinars to educate on grant opportunities, one is at 1/26 at 2pm
 - EJ Collaborative Problem-Solving (CPS) Cooperative Agreement Program
 - For more info, email Jacob Burney at burney.jacob@epa.gov
 - EJ Government-to-Government (EJ2G2G) Program
 - For more info, contact Omari Burrell at burrell.omari@epa.gov

1:05pm Reporting Subcommittee Update, Recommendations for 2023 End-of-Year Report, Subcommittee Chair Kendyl Crawford

- 2021 and 2022 reports submitted to portal on January 11, 2023 copied to Acting SNHR and sent to Sen. Hashmi as well
- Published at the moment on GA website
- Capacity issues (lack of quorum, inability to hold subcommittee meetings, etc) did impact the report, but hopefully with the conversation these items will be addressed moving forward which will increase the quality of the 2023 report

1:15pm Close/Adjourn, Chair Taysha DeVaughan