

Virginia Council on Environmental Justice Notes
Monday, August 5, 2024
10:00 AM - 4:00 PM

Location

Germanna Community College
Workforce Development and Technology Building
10000 Germanna Point Drive
Fredericksburg, VA 22408

Attendees

- **In-Person Councilmember Participants**

- Lisa Kardell, Alexandria
- Morgan Whayland, Norfolk
- Liz Cherokee Williamson, Richmond
- Karen Campblin, Fairfax
- Dr. Janet Phoenix, Herndon/Northern Neck
- Aliya Farooq, Richmond
- Harrison Wallace, Richmond
- Lydia Lawrence, Fairfax

Did not achieve a quorum of 11

- **Remote Councilmember Participants**

- Eddie Ramirez, Bristol
- Kendyl Crawford, Hampton/Richmond
- Lieutenant Colonel (Retired) Ronald Olswyn White, Spring Grove
- Tom Benevento, Harrisonburg
- Courtney Malveaux, Esq., Richmond

- **In-Person Staff**

- Gwendolin McCrea, DEQ Northern EJ Coordinator
- Danielle Simms, DEQ EJ Program Manager
- Jen Walle, Deputy Secretary of Natural and Historic Resources

- **Remote Staff**

- Kathryn Miller, DEQ Blue Ridge, Southwest, & Valley EJ Coordinator
- Lee Devor, DEQ Training Logistics Specialist

- **Councilmember Excused Absences**

- Rev. Dr. Faith Harris, Richmond (notified chair)
- Dr. Theresa Burriss, Bristol (notified vice chair)

- **Councilmember Unexcused Absences**

- John Wesley Boyd, Jr., Baskerville

- Meryem Karad, Richmond
- Ronald Howell, Jr., Spring Grove

Notes

10:07 AM Council Meeting Begins and Welcome by VCEJ Chair Karen Campblin

- Roll Call
- Overview of Meeting Agenda

10:13 AM Vote on past minutes

- Minutes Needing Approval:
 - May 2024 meeting in Tidewater
 - June 2024 virtual meeting
- Cannot approve minutes as did not achieve quorum

10:15 AM Presentation from Secretary of Natural and Historic Resources (SNHR) on statewide resilience efforts by Secretary Travis A. Voyles

- Note: Secretary Voyles will bring agencies' directors to the November council meeting
- 5 state agencies under SNHR
 - Marine Resources, Historic Resources, Conservation and Recreation, Environmental Quality, Wildlife Resources
- One assistant and one deputy secretary – Jennifer Walle (Deputy Secretary of Natural and Historic Resources) attended the meeting
 - Four support staff
- New Office of Commonwealth Resilience
 - Voyles is Chief Resilience Officer, an individual position that reports to the secretary with two support staff
- At each agency level, they have appointee positions
- Priorities for SNR
 - Customer service
 - Improving tools for conservation and preservation
 - Increasing Virginian experiences
- Chesapeake Bay Restoration
 - Stephanie Tallen is point on the Chesapeake Bay, across numerous efforts and agencies
 - Already have achieved the sediment target for 2025, nitrogen 84% achieved (will definitely meet by 2027 if not next year), phosphorous is 74% achieved (expects will increase to around 90%)
 - MD is in a similar place, PA is far behind on their goals and investments (very heavily ag-focused, but over the past year or two they have started having serious conversations)
- Agencies and Leadership
 - DEQ (environmental protection)
 - DCR (outdoor recreation, natural heritage, flood and home safety, resiliency),
 - DWR (public access and engagement),

- MRC (not located in Richmond, located on Fort Monroe in Hampton, VA, manage shellfish and habitat, living shorelines, marine policy)
- DHR – Director Julie Langan
 - Historic programs (tax credit for historic rehabilitation/revitalization)
- Resiliency
 - Approach to Resiliency
 - Commitment to addressing challenges relating to flooding and resiliency, must address and implement comprehensive and cohesive plans
 - Programs and plans must be developed and implemented with transparency and input from the public
 - Understand public needs and actions being taken in a transparent way
 - This approach is making programs more effective and they are clear where projects and investments are going and that the government can learn from the approach (local and stateside)
 - Funding
 - Community Flood Preparedness Fund (CFPF)
 - Recently went through 4th round of disseminating funds (awarded on March 20, 2024)
 - Has gotten feedback from localities on the process
 - \$75 million in annual grant requests
 - \$53.9M million awarded
 - Some projects needed more work, others were outside the funding scope
 - 57% has gone to low-income geographic areas (code required ~30% to low-income areas), surpassing code goal
 - Public feedback has resulted in a better grant manual
 - Last budget cycle, \$100M adopted in FY25/26 budget
 - Grants, partial grants, and matches available
 - The funds exist in the code by themselves, but initially the General Assembly said a portion of the funds would be from RGGI
 - The chart displayed showed decreasing amounts of funds available for grants/loans without RGGI and without the General Assembly allocating initial funds
 - Resilient Virginia Revolving Loan Fund (RVRF)
 - Help localities understand how to plan long-term, current levels of funding may not always be there
 - Went through a first-round, which was a big learning experience, Round 1 closed on June 30, 2024
 - Middle Peninsula Planning District – has a local-level fund for industry, and homeowners (Flood Fund)
 - Living shoreline restoration, local flood impacts
 - Willing to go and talk to other localities
 - A lot of questions about how localities will implement local funds or if they want to pursue funds from the state
 - Going after federal dollars from FEMA

- Currently a large amount of money \$100M added in FY24 budget
 - Trying to create more cohesion between programs, wanting to add in elements of natural disaster from FEMA
 - If a community is unsure that they can pay back loans, they work with Virginia Resources authority to make sure the community knows the impact, can have low interest rates, can have flexibility
 - Most communities are very familiar with this loan system
 - If a grant goes bad, can hinder receiving other grants
- 1/3 of grant money going out the door is focused on capacity building, need to have long-term planning in place, projects indicate progress
- The two funds (grants and loans) are intended to exist together, some communities are not in a place to be able to apply for the loans
 - Programs aim to meet communities where they are
 - Projects can range from planning and expert assessments to actual project completion
- Pursuing federal dollars, working with other agencies (IRA)
- Are there tracking or guardrails to ensure equitable distribution for places that are not a locality (smaller-scale areas)?
 - Would need to have a comprehensive plan (which generally are for larger areas)
 - As part of their planning, they would identify their focus areas (income, etc.)
 - Trying to get communities to focus on areas most in need through their prioritization in broader comprehensive plans
- Dam Safety
 - There are many dams in the state, which represent a large level of risk
- Resilience Planning
 - VA Coastal Resiliency Master Plan – a trusted resource to assist the government and other stakeholders to increase place-based resilience to flooding
 - Phase I released in 2021, Phase II in December 2024
 - Used a lot of outside contractors to assist in completing the plan
 - Public input still occurring under DCR
 - VA Flood Protection Master Plan
 - Coming December 2025
 - The driving force behind both plans is the Community Outreach and Engagement Plan (COEP)
 - Incorporating community outreach, want it to provide a framework and resource for localities
- Office of Commonwealth Resilience
 - Convened a resilience working group that developed a set of recommendations (adopted 23 recommendations)
 - [Report available](#) on the DCR website
 - Wanted to make sure the state government was coordinated by asking what does coordination look like, what do local communities need from the state, and how can the state play the best role?

- Each agency will be prompted to think through a resiliency lens in everything they do including, external engagement with communities
- Helping to convene agency conversations, translate information into actions to help communities
- Being a constant advocate at the federal level for the state, learning from best practices from other states
- VA Code definition of resilience is broader than flooding
 - Ex) energy grid, housing
 - Comparing the process to other states, it is a slow process through which agencies can gain buy-in and understanding
 - Colorado – drought and fire focus
 - South Carolina – all hazards resiliency planning
- In the process of hiring for three positions focused on resilience (haven't put out the job position yet, getting final clearance from HR, they will go out soon)

11:27 AM Presentation from Virginia Department of Transportation (VDOT) on the National Environmental Policy Act (NEPA) by Scott Smizik, Assistant Environmental Division Director

- Overview of VDOT
 - Building maintaining and operating bridges, roads, and tunnels
 - VDOT project development process (scoping and preliminary design → detailed design → final design and ROW acquisition → advertisement)
 - They want to ensure EJ communities are defined and concerns are addressed
- National Environmental Policy Act (NEPA)
 - Established in 1969, NEPA is procedural law
 - Applicable to any project that involves federal action (permits, funds, authorizations)
 - Umbrella statute – many different laws are covered under NEPA
 - Look at air and water analysis as go through NEPA process
 - Three different classes of action (Categorical Exclusion - CE, Environmental Assessment - EA, Environmental Impact Statement - EIS)
 - Majority of projects are CE
 - VDOT acts on behalf of the Federal Highway Administration (FHWA) in developing NEPA documents
- EJ at the Federal Level – goal is to address impacts on low-income and minority populations
 - Pertinent Federal Executive Orders
 - EO 12898 (1994)
 - EO 14008 - Justice40 Initiative
 - EO 14091-further advancing racial equity
 - EO 14096 - national commitment to EJ for all
 - Disproportionate and adverse human health and environmental effects
 - Council on Environmental Quality (CEQ) - the federal body responsible for the implementation of NEPA

- FHWA “Guidance on EJ and NEPA” – 2011
 - Identifying existing minority and low-income populations, explaining coordination, access to information and participation, identifying disproportionately high and adverse effects, and proceeding with caution and additional processes when there are determined to be disproportionately high and adverse impacts
- Environmental Justice (EJ) in NEPA at VDOT
 - Ask themselves at the beginning: Does a project have the potential to result in disproportionate and adverse effects? Are they adverse impacts? Do they have disproportionate impacts?
 - Majority of the projects are CE’s and the majority of those are PCE’s which are determined to not have disproportionate effects on EJ populations
 - 2-5% of VDOT projects do not fall into PCE category and require additional analysis (determined to have EJ impacts)
 - Potential impact examples – major traffic disruptions, noise, air quality, tolling impacts, displacements, changes in access, right-of-way access, etc.
 - Outreach to EJ communities – VDOT communicates directly with potential impacted property owners and tenants and identifies other interested parties
 - For more impactful projects, VDOT holds additional community meetings, public hearings or citizen information meetings
 - There is project-specific public outreach that informs NEPA documents, but once a project is underway, a decision has already been made to move forward (just looking at impacts at that point, not necessarily other proposals or project ideas)
 - VDOT has a 6-year plan and gives communities a voice to weigh in (at district level)
 - MPOs have long-range transportation plans that shape the specific VDOT projects (goes through significant public comment and review as well)
 - Have their own guidance on how they do public outreach
 - There’s open dialogue during planning, but people do not know about it, there’s a need for education and outreach around the process
 - Normally have city officials, local elected officials, etc. involved
 - Can request a meeting for district staff to know what upcoming plans are
 - Works at the census block level when identifying EJ communities
 - VDOT does the groundwork, but all info is presented to FHWA and they make the determination of whether there are disproportionate impacts (VDOT wants to make sure FHWA is satisfied)
- Council members want to invite VDOT back as they ran out of time during the meeting to have discussion and ask questions
 - Karen/Janet compile questions and send to VDOT prior to meeting so they can make their presentations more tailored
 - Karen/Janet follow up to see which agencies will be present at November meeting and give council members time to ask questions ahead of time
 - Danielle and Karen work together to invite VDOT to next meeting

12:11 PM Working Lunch and Public Comment Period and Discussion of Public Comment

- 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
- Discussion of Public Comment
 - Need a better definition of “community”, very critical because some communities don’t have political boundaries (they are smaller than census blocks, there was no way to define the community to make them eligible for government funds)
 - Larger localities have auditing procedures and financial controls, those reasons are pieces to keep in mind as to why they are defined at the larger geographic region and can receive agency funds
 - Criteria from VDOT may be missing/overlooking multiple EJ communities (determined that at most 5% of projects have impacts on EJ communities)
 - In past iterations of the council, it requested to receive the topics and presentations beforehand to enable additional time to prepare and define questions
 - Important to think creatively how to get folks working together to take care of administrative pieces and still have the communities most in need get their needs met
 - Data is not perfect, census blocks are a starting point not a finishing point (leaving out small communities)
 - How do we truly identify EJ communities in the data that we have? How are people in unincorporated areas being included? How do we make sure the way

that criteria is being used is not overlooking people? How do these items intersect with federal, state, and local funding resources?

12:39 PM Council Exercise by Dr. Janet Phoenix

- Janet distributed biographical statements on the council members
- Council members shared interests, strengths, and motivations for serving on the council
- Members looking forward to continued collaboration and getting to know more about fellow council members

1:12 PM Update from Department of Environmental Quality - Office of Environmental Justice (DEQ-OEJ) by Danielle Simms, OEJ Program Manager

- Virginia EJScreen+
 - VA-specific mapping tool, launched two years ago
 - Low-income and population of color layers, there are also DEQ layers available such as water permits, etc.
 - There's also community outreach resources
 - Incorporates EPA EJScreen and can create an EPA EJScreen report
- Internal Projects
 - Coastal zone management program (abandoned boats, presence of HAZMAT, waste disposal)
 - Virginia Sea Grant education on abandoned vessels
 - Pollution prevention
 - Workshops and grant application
 - Water planning
 - Citizen water quality monitoring grant
 - Total Maximum Daily Load (TMDL) outreach
 - Chesapeake Bay Public feedback comment period
 - Civil Rights Act Title VI
 - Working on access (language, disability), website is now translated into the top ten languages in VA
 - Public participation projects
 - Wood pellet manufacturer, cooper's cove petroleum release, PFAS, etc
 - TAME (Tidewater Air Monitoring Evaluation)
 - Lambert's Point and the Southeast Community in Hampton Roads
 - Measures and analyze toxic metals and particulates in the air PM2.5 and will use the data for health assessments
 - 18-month study period
- Carbon Pollution Reduction Grants (CPRG)
 - VA receiving 2 grants from the federal government
 - \$197M for GHG reduction (\$150M to DEQ)
 - \$99M for DEQ and VA Energy to reduce methane
 - Methane emissions in former coal facilities in SW, Virginia Energy will be working on that (existing mine opportunities)
 - DEQ will partner to address landfills
 - \$421M for a four-state coalition (NC, SC, VA, MD)

- \$50M to VA DEQ for carbon sequestration on natural and working lands (dept of wildlife resources, coastal wetland restoration – looking at high-value projects and major forested areas in middle Virginia and moving into the mountains)
 - Every state has a similar approach, more opportunities for local projects and to look at different projects through there
 - \$200M disseminated through The Nature Conservancy (TNC) on projects they have identified, TNC is very excited
 - VA submitted 4 applications and was lucky to get these two, other states did not get anything
 - Chesapeake Bay Beyond 2025 Public Feedback
 - Future of the Chesapeake Bay program
 - Current opportunity to provide feedback that runs through August 30
 - Can send comments to comments@chesapeakebay.net
 - December 2023 – governors came together and asked for input to get to 2025 and beyond (most current bay targets end around 2025)
 - All states should “keep on sprinting”
 - Work has been done on draft recommendations (reaffirming, recommitting to bay agreement and setting up a system to go through the governance of the bay program and discuss what has worked well and what hasn’t)
 - A lot of work to be done
 - Virginia Ocean Plan
 - Defining uses from the shore out to the 200 nautical mile limit of the Exclusive Economic Zone (EEZ)
 - Looking at what Virginia should include in this plan, what activities should be prioritized
 - Comments can go to virginiaoceanplan@gmail.com
 - Voicemail/text message: 804-420-8457
 - August 15 open forum in Virginia Beach at the aquarium
 - Education Series
 - Webinars, videos and tabling
 - www.deq.virginia.gov/eduseries
 - Air quality presentation on July 2, about 30 attendees (all videos are on YouTube)
 - Want to increase participants, but those who joined were engaged and asking questions
 - DEQ also followed up with people afterwards on their questions
 - DEQ 101 upcoming
 - Videos are an ongoing project

2:03 PM Council planning for 2024 Annual Report work (timeline) and Work Session for Annual Report

- Proposal
- Timeline
 - Started the 2024 report planning process in June after the 2023 report was approved (behind schedule)

- Goal is to write report by November (want to submit report two weeks before Nov. 18 so that folks can review it prior to the Nov meeting)
- November 18, 10-3PM, meeting the council will hear from agency folk and will talk about the report
 - Anticipate information from agencies that will enable us to be able to fine-tune report
- In December, the report will be finalized (1-hr)
 - 2nd week of December at a virtual meeting, want to be able to incorporate feedback learned from agencies
 - Dec. 9 at 10AM
- Discussion
 - Need intermediate deadlines
- Principles/Chapter 1 (Karen)
 - Incorporating the EJ principles, Jemez principles and the IEJ Indigenous Principles of Just Transition principles in the report wouldn't necessarily dictate recommendations but would help with the framework
 - Kendyl suggested that the council formally adopt the EJ principles, Jemez principles and the IEJ Indigenous Principles of Just Transition principles and encouraged other council members to familiarize themselves and to think about it, could bring it up at a future meeting
 - Many of the items expand past the VA definition of EJ
 - What does that mean for shipbuilding, for infrastructure?
 - Will have additional conversations in November
 - The council wants to find a balance
 - Many of the documents are historic and helped to frame the EJ movement, could frame in that way of being historical documents
 - IEJ principles are more prescriptive in terms of having recommendations for zero waste, etc.
 - Would be good for everyone to reread the EJ principles, Jemez principles and the IEJ Indigenous Principles of Just Transition principles
- Chapter 2 (Janet)
 - Took public comments from community engagement in Portsmouth, Hobson, Hampton Roads (site visit last year)
 - Gathered photographs and materials
 - Council visited again this spring, held a meeting and heard about resilience and flooding, water infrastructure (similar problems across many tidewater communities), aging infrastructure
 - Encourage consideration for future funding opportunities (prioritization for low-income communities)
 - Want applicants to say how EJ communities will benefit, highlight directly how to connect dollars to EJ communities
 - Chapter leads: Janet, Aliya (has also contributed)
- Chapter 3 (Faith)
 - SMRs, coal mining, landfills (Bristol)
 - Faith absent, did not give report out
 - A lot of materials on SW VA were shared in last year's report

- Chapter 4 (Harrison)
 - Sent around a number of potential options for items to include, but we don't have to include all of them
 - Main focus was around co-pollutants and that looking at only one pollutant can leave out the full story
 - Can also look into potential challenges
 - Interested in knowing how much folks want to go into history, air and water quality, etc
 - Cumulative impacts can get very complicated very quickly, different levels, different situations, different permits
 - There is not a lot in code because it is so complicated, very nuanced, but can highlight different laws
 - Examples from NY, NJ and CA, policy examples
 - Grandfathering in is a part of why we are where we are now
 - Hard issue because you don't want to weaponize a project but you do want to be able to recognize where there are impacts
 - You don't know the consequences until you engage with communities
 - Soil is overlooked, can still hold chemicals from legacy industry
- Chapter 5 (Kendyl)
 - Siting and land use where there is no public outreach
 - Chapter leads: Kendyl, Lydia, Lisa, Karen
 - Zoning is one of the few responsibilities of localities, still may be useful to go beyond
 - When you have areas that are not zoned well, can contribute to cumulative impacts
 - Should be zoned properly to begin with
 - Local issue – don't want people to live across the street from industry
 - An issue in older communities, heavy duty vehicles going through neighborhood
 - Consider rezoning and associated public comment requirements
 - Grandfathered in – how that impacts zoning
 - Also, there is “by right” development
 - As of July 1, for public process that is required for any meeting (new law)
 - Don't want communities to be bypassed
 - Add a note that even though touches on local zoning authorities, it has been added to the report
 - Sees an opportunity to have crossover to cumulative impacts section
- Chapter 6 (Lydia)
 - Need to be creative about how to do financing for (pass-through mechanisms for Community-Based Organizations)
 - Aggressively pursue federal environmental and EJ funding
 - Re-enroll in Regional Greenhouse Gas Initiative (RGGI)
 - Consistent funding sources to support communities
 - Want to make sure it is applied consistently in the future

- Seeing data centers and companies, localities and Dominion Energy are paying for providing for expanding energy demand (customers are paying, data companies are benefiting, but not paying their fair share)
 - Institute sales tax on data center equipment that can be allocated toward ej programs (in MOUs)
 - Data center industry is well-established and is increasingly expanding, our infrastructure will keep them here
 - Data centers have a large impact on water, and energy use
 - Put the sales tax money towards an EJ initiative
- Many members in support of RGGI and supportive of the benefits that it brings to Virginians, one member is against it
- There is a lot to unpack with jobs and data centers (what kind of jobs, for how long will folks have them, are folks from the community even employed, ongoing jobs?)
- Want to ensure that VA keeps proactively funding flooding, huge shift that has happened in recent years
- Would like some sort of policy to encourage localities to apply for federal grants
- Ways to get money to civic associations, churches, etc. – could benefit from green infrastructure project (stormwater, etc.)
- Chapter 7 (Aliya)
 - Meeting times, procedures and council governance
 - How agencies and the council and communities can work together (site visits)
 - How the council follows up with community members and on issues
 - Future recommendations
 - FOIA review
 - General recommendations

4:02 PM Closing Remarks by VCEJ Chair by Karen Campblin

- Please reach out to Karen if you want to talk
- Karen will circle back with folks online to ensure everyone has everything they need/schedule etc.
- Karen will reach out to Kate and will send her guidance out
- Danielle send out council information
- Will send out copies of the presentations
- Report/End of the Year Schedule:
 - Aug 30 – deadline to provide comments on outlines circulated
 - Sep 15 – have first report draft and circulate it to council members (2 weeks for draft feedback- Oct 1 feedback deadline)
 - Oct 7 – for 2-3 weeks – incorporate feedback into draft two and highlight places need conversation
 - Nov 1 – DEQ sends draft two out to read before the November meeting
 - Nov. 18, 10-3PM meeting
 - Dec. 9, 10-11AM finalize report at last virtual meeting of the year

4:10 PM Adjourn Meeting

Next Steps

- Karen/Janet compile questions and send to VDOT prior to meeting so they can make their answers more tailored
- Karen/Janet follow up to see which agencies will be present at November meeting and give council members time to ask questions ahead of time so they can make their presentations more tailored
- Danielle and Karen work together to invite VDOT back to next meeting for discussion
- All pencil in Dec 9 at 10AM for last meeting of the year
- All reread the principles (EJ Principles, Jemez Principles, Indigenous Just Transition)
- All writers use the style guide
- All reach out to Karen if you want to talk
- Karen will circle back with folks online to ensure everyone has everything they need/schedule etc
- Karen will reach out to Kate and will send her guidance out
- Danielle/DEQ send out information to council