

Virginia Council on Environmental Justice (VCEJ) Meeting Minutes

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

Tuesday, November 15th, 2022, 10:00am – 4:00pm

Attendance:

- **Present In-Person Council Members:**
 - Taysha DeVaughan, Southern Appalachian Mountain Stewards (arrived late due to car problems)
 - Tom Benevento, New Community Project (left early)
 - Dr. Theresa L. Burriss, Radford University
 - Kendyl Crawford, VA Interfaith Power & Light and Virginia Conservation Network
 - Dr. Janet Phoenix, George Washington University
 - Aliya Farooq, VA Interfaith Power & Light (arrived late)
 - Meryem Karad, Evergreen Action
 - Harrison Wallace, Climate and Clean Energy Equity Fund
 - Andres Alvarez, Acadia Services
 - Kathryn MacCormick, Dominion Energy (left early)
- **Staff In-Person:**
 - Danielle Simms, DEQ
 - Melanie Davenport, DEQ
 - Jeff Steers, DEQ
 - Gwendolin McCrea, DEQ
 - Natalie Womack, DEQ
- **Staff Virtually:**
 - Grace Holmes, DEQ
 - Chad Martin, DEQ
 - Kevin Vaughan, DEQ
 - Lisa Hardy, DEQ
- **Excused Absences Council Members:**
 - Clarence Tong, Arrival - unable to attend due to work (point of contact Taysha DeVaughan)
 - Rev. Dr. Faith Harris, VA Interfaith Power & Light - unable to attend due to work (point of contact Taysha DeVaughan)
 - Lydia Lawrence, Fairfax NAACP (point of contact Danielle Simms)
 - Rev. Dr. Mike Ellerbrock, Virginia Tech and Minister, Catholic Diocese of Richmond (point of contact Danielle Simms)
- **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

DID NOT HAVE QUORUM OF 11

10:18am Welcome, Vice Chair Dr. Janet Phoenix

- Chair is delayed due to car problems
- Meeting will be departing from printed agenda
- May 2022, July 2022, September 2022 Meeting Minutes Approval and Today's Agenda Approval will be postponed until we achieve quorum
- Chair and Vice Chair have sent letter to Acting Secretary of Natural and Historic Resources

10:20am DEQ Staff Update, Melanie Davenport

- Took a new role at DEQ, her role now includes environmental justice (EJ)
- Much of her time in the past has been spent in enforcement, also has a lot of cross-agency experience
- New Director of the Regulatory Affairs and Outreach Department
- She has been working to fill the EJ department manager position
 - Hopefully a job offer will be made to the best candidate to fill the EJ Manager position by the end of the month
- The agency has a lot of EJ work happening, but it is very diffused across the organization (across departments and grants)
- Working on EO17 project on recycling and reduce food waste at the state level, also will help to get food to communities, working with VDH and VDACS to produce fact sheets
- There is a draft EJ guidance document for permitting, this administration has taken a slightly different approach, once administration says it is ready for public comment, they will release it, unable to put a time on the document's release

10:30am Reporting Subcommittee Update, Review/Discussion of End-of-Year Report, Subcommittee Chair Kendyl Crawford

- New draft version of the report was sent out during the meeting
 - Incorporated feedback from council members into this version – the public will have access to the version through Danielle's screen share (final version will be shared publicly)
 - Mention any typos or edits to Kendyl so she can fix them
- Intro Section/Table of Contents
 - Please let Kendyl know if titles/names need to be updated
 - DEQ staff will talk internally about which staff should be listed
 - Meryem suggested that we also include Renee as well
 - No letter to the governor this year, overall less sections this year
 - Members expressed support for including a letter to the Governor, we'll wait for Chair Taysha to decide on that
- Background Section

- Clarence and Dr. Phoenix added comments and clarifications here on meeting times and subcommittee sections
- Kendyl referenced all the written public comments in one of the appendices (they are summarized)
- Emerging Issues Section
 - Still waiting on sections: SW Coal community and Bristol
 - Kendyl pasted the written comments from community members in the appendices
 - Dr. Phoenix asked if we should include the other background info from the communities in the appendices
 - Mostly agreement among members, need to think about formatting
 - The body decided to include the background info at the end of each section where the community was discussed
 - Kendyl needs to know when those sections will be ready
 - Bike rack idea: Meryem wants us to lift up a few themes in the document that we can point to, so that we can clearly get our message across without losing folks in the weeds
 - Meryem: Include materials from SW coal community and Bristol as appendix; use section as explainer paragraph
 - Katie: Appendix A section on permitting should be added to the body of report
 - Katie emailed comments to Kendyl and Dr. Phoenix on the Maritime Heritage communities' section (pasted below)
 - I made some pretty significant suggested edits to the "environmental permitting" recommendations.
 - I don't think we should try and take on "reporting" on state agency actions. I think it's fine to collect info for our own notes, and mention in the report text where relevant, but I'm not keen on the idea of heading in each subsection specifically on that topic. I suggest removing this subsection.
 - Likewise, I do not think we should call out individuals' names in our report. I just don't see the value, and I see lots of risks. I suggest removing this subsection.
 - Finally, I do not recommend that this body publicly commit to any future deadlines. I suggest removing this subsection.
 - I think by describing the community and their concerns, we can arrive at recommendations that make sense without the sections suggested for removal.
 - Meryem pushed back on omitting the agency section all-together, there is a value add to calling out agencies
 - Katie is very adamant about omitting peoples' names directly in the report "what is the value-add?"
 - The language naming people in the report will stay
 - Kendyl – are the recommendations in this section from the Council or the communities?
- Andres asked what the process is for approving the report with the lack of a quorum
 - Dr. Phoenix: the goal was to vote on the report today and work on final edits to be re-circulated to the members

- Davenport: usually staff would be more help in another process

11:40am **Gather Lunch and Briefing on PFAS, DEQ Director of Regional Operations Jeff Steers**

- Intro to Per-and Polyfluoroalkyl Substances (PFAS)
 - Used in a variety of consumer products especially food packaging
 - Key ingredient also in firefighting foams
 - Present in manufacturing (textiles and leather, paper, etc.)
- When exposed to the environment, there can be a risk
- Some states and the EPA have been trying to determine what safe levels of compounds are in the environment (parts per trillion (ppt))
- Very difficult to detect and to remove from the environment
- PFAS are called “forever chemicals” because they do not easily break down, they accumulate, can bioaccumulate in fish
- We need to think about how society can minimize the movement from and to different media (land to water, etc.)
- Generally unregulated at the national level
- DEQ response to PFAS:
 - Identifying possible sources (wastewater/stormwater, landfill leachate, biosolids, air sources, contaminated sites including old unlined landfills, firefighting training facilities, military, waste to energy facilities)
 - Working with local partners like VDH, EPA and other states (Michigan for example has done a lot to come up with standards)
 - Developing risk communication plans with partners
 - Identifying potential responsible parties (PRPs)
- EPA has changed their lifetime health advisories concerning PFAS during DEQ sampling period
- Sampling has been done by VDH
 - Newport News Waterworks has also been doing a lot of sampling
 - Sampling data from Middle Chickahominy watershed found PFAS in pretty high levels in White Oak Swamp area near airport
 - DEQ formed a unified command with Henrico and VDH, together they sampled private and public water wells, looked at fish tissue, sampled local water bodies
 - They also informed homeowners and developed a communications plan and a public-facing dashboard website that will go live very soon
- DEQ had money under Northam’s budget to do some PFAS monitoring
 - Partnered with USGS
 - Statewide monitoring to inform of occurrence and distribution of PFAS (some monitoring in urban areas, some in wilderness areas)
 - Found significant concentrations in Roanoke River (SW drinking water system is now treating for it)

- DEQ is first looking to see where the most risk is and then will investigate decreasing amounts there, trying to minimize impacts of ongoing releases
- EPA is doing a lot of research trying to understand PFAS impacts
- Health impacts of PFAS
 - Birth defects and certain types of cancers, fertility issues (some depends on type of compound, many different types)
- DEQ partnered with VA Tech to create literature review to assist with sampling
- DEQ resource at www.deq.virginia.gov/get-involved/the-environment-you/per-and-polyfluoroalkyl-substances-pfas

12:25pm **Public Comment Period and Discussion**

- Emma Kelly, Appalachian Voices, Rosehill, VA
 - Advocated for southwest Virginia to move away from coal mining and to move towards procedural justice
 - Current administration has announced 10 million dollars for energy hub for carbon capture and nuclear reactor without public input
 - The area has been exploited and excluded from economic justice discussions
 - A new Inter-Agency Task Force under the Sec. of Commerce and Trade only is meeting twice in the community, want the task force to meet more than twice to involve the public
 - Council should recommend how the governor's administration should have more participatory processes and VCEJ should recommend mechanisms on how investments can benefit the community (see written comments)
 - Council Discussion
 - Council will look over and discuss
- Pamela Brandy, Pughsville Community, Chesapeake and Suffolk
 - Concerns about new housing for military as well as VDOT
 - Concerns about lack of drainage and flooding in community, residents dealing with on a regular basis, unable to leave their neighborhood
 - Additional concern is lack of sidewalks and potential toxins in water
 - Council Discussion
 - Council is tasked to make recommendations in report to the administration
- Carolyn White, Pughsville Community, Suffolk
 - Suffolk has access to grant money to address flooding, but community needs enforcement
 - In favor of Kelly Hengler getting additional information from council
 - Willing to provide documents, photos and any narrative to help to resolve issues
 - Suffolk had developer put in retention pond, but Suffolk has not put in new pipes to run the water out of the neighborhood
 - Council Discussion
 - The council can add in its recommendations to have strong public participation prior to development
 - Council will discuss

- Kelly Hengler, Executive President, Hobson Civic League, Pughsville Community
 - I-664 corridor concerns, there are so many corridors and proposed corridors that the community would like a hotspot analysis from EPA (required to be done, but has not yet been done for the area)
 - Concerns about stopping emergency vehicles and idling truck impact on air quality
 - Community thinks they can work together to operationalize policies
 - Not anti-development but the community is now overburdened, would like to mitigate in advance not after the cumulative impact is worsened
 - Would like transit options and other mitigation options before additional development
 - Chuckatuck Creek survey is being done, shellfish quality has worsened (currently under a watershed improvement plan with DEQ)
 - Appreciates the council
 - Sent comments to Danielle
- Jonathan Bier, Pound, VA
 - Regarding the proposed nuclear reactor for southwest VA, she is disappointed that there was no public input
 - There is no place for nuclear waste generated by the facility, already have enough pollution
 - Encouraged the council to use its power
 - Council Discussion
 - We will continue to ensure public participation is included in our comments
- Council Discussion
 - Commenters' suggestions should be added to recommendations
 - Comments today can inform site visits for 2023 potentially in Suffolk or SW
 - Dependent on funding available for council for 2023
 - The site visits would have to be the quarterly full council meetings
 - We should check in with each other and rearrange VCEJ council meeting times if necessary
 - Recent lack of quorums has been frustrating
 - Combination of new appointments needed as well as multiple old members who have never shown up
 - Outside of Richmond trips could impact ability to meet quorum
 - Site visits can be done with a couple of members, but also advantageous for the whole council to meet face to face in different locations
 - Melanie Davenport: ease of virtual meetings has gone away because the emergency declaration ended, GA has been changing FOIA to create "remote participation" which allows individual members to participate virtually and "virtual meetings"
 - You must have a council policy to utilize either option (must be approved with quorum)

- Every public body is limited to two meetings a year or no more than 25% and the remote meetings cannot be back-to-back
- If two or more members are in a physical location, there has to be a live contact and notice
- We should discuss why members are not participating
 - Could be due to lack of virtual participation options, post-COVID, or feeling of lack of effectiveness
- Members stay on council until they are replaced by the governor
- Should add to agenda a standing line item to improve electronic/virtual policy
- Staff looking into who has the authority to remove members not showing up
- Council members can reach out to the secretary's office to ask about appointments

1:17pm Planning and Scheduling for 2023, Chair Taysha DeV Vaughan

- \$5,000 budgeted for next year for the council
- Proposed 2023 meeting dates and locations
 - January 24 - Richmond
 - May 9 – Chesapeake/Suffolk (Janet will follow up with community members to establish meeting location) (Possible Theme: maritime communities)
 - August 8 – Charlottesville (July 7 text sent in, first draft report sent out July 25, report recommendations due, first draft reviewed on Aug 8) (Andres will reach out to VA Dep of Forestry) (Possible Themes: Forestry, Energy and Modeling)
 - October 17 – Richmond (Report Focused) (oct 3 send out second draft)
 - December 5 – Richmond Tentative
- Council is interested in hearing from: VDOT, VGIN (now part of Emergency Management)
- Kendyl/all send list of agencies we want to hear from to Taysha
- No more than two site visits next year
- Potentially could meet in a state park, also under the same secretariat of natural and historic resources

2:11pm Continued Reporting Subcommittee Update, Review/Discussion of End-of-Year Report, Subcommittee Chair Kendyl Crawford

- Emerging Issues:
 - ALL sections: concerns were raised regarding policy recs vs. advocating for the community requests without information or data gathered; rephrasing to clarify that the recommendations of the community; following up with agencies/secretary on actions
- Conclusion & Recommendation Summary:
 - #2- Add in consideration for other reviews
 - #4- add empower EJ communities

- #5- indicate support already received by DEQ; add budget? Items may include site visit, support for travel and meeting logistics- at least 6; support legislation to allow for hybrid meetings in accordance with FOIA
 - #6- Vague rec
 - Aliya- doesn't agree with "continue" as VA needs to "begin"
 - Move RGGI/VCEA to top
- 2022 Recommendations List
 - Reorganize by top list recommendations
 - Under #2: Fourth bullet- indicate where the recommendation came from
 - Under #3: Second to last bullet- too broad- Identify other avenues for public notice, engagement like social media, different languages (MK)
 - #4: first bullet- add DCR is responsible; move grant writing to beginning
 - Add in lead replacement, maximize fed \$\$ to support VDH programs
 - #5: first bullet- add in secretariat responsible for labor and workforce
 - Last bullet: edit DMME and add in that this is a budget request
 - #6: first bullet- add in vulnerable communities
 - Second bullet- add in GA or Gov's office
 - #7- STRIKE, add coal to #5 bullet
 - #8- STRIKE- move to next year
 - #9- ADD in "mapping" to title; include Virginia Energy mapping
 - #10- ADD in "economically" disadvantaged
 - Third bullet- add in specificity about ej in curriculum
 - #11- "Indigenous populations"
 - first bullet: add in SOC
 - Second to last bullet: table for next year
- Major Decision: The 2022 recommendations report will be submitted after approval via council email assent

3:45pm **Close/adjourn, Chair Taysha DeV Vaughan**

Meeting ended at 3:47pm