

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
SITE SUITABILITY (REV. G20)**

REGULATORY ADVISORY PANEL MEETING MINUTES

**PIEDMONT REGIONAL OFFICE TRAINING ROOM
4949-A COX ROAD, GLEN ALLEN, VIRGINIA
OCTOBER 14, 2021**

Members Present:

Gustavo Angeles, Sierra Club	Stephen Moret, VEDP
Lisa Kardell, Waste Mgmt	Mark Sabath, SELC
Cathy Binder, King George County	Patrick Fanning, CBF
Yesika Kain for D. Branche, Newport News Shipbuilding	Krupal Shah, VCCA
Steve Fischbach, VPLC	Kyle Shreve, VA Agribusiness Council
Michelle Gowdy, Virginia Municipal League	Mitchell Smiley, VA Municipal League
Jim Guy, Mecklenberg Electric Cooperative	Andrea W. Wortzel, Troutman-Pepper

Members Absent:

Eric Gates, Celanese	S.Z. Ritter, City of Chesapeake
Leigh Mitchell, Upper Mattaponi Tribe	Randy Wingfield, Town of Christiansburg

Department of Environmental Quality:

Michael G. Dowd, Air Division	Tamera M. Thompson, Air Division
Renee Hoyos, Environmental Justice	Karen Sabasteanski, Air Division

Facilitators:

James Burke, VCU

The meeting began at approximately 9:35 a.m..

Meeting Purpose: This regulatory advisory panel (RAP) has been established to advise and assist the department in the development of proposed amendments to provisions of board's regulations to provide greater detail as to how the site suitability requirements of Code of Virginia § 10.1-1307 E are to be met. The purpose of this meeting is for DEQ to coordinate and facilitate discussions of this group in an effort to find common ground and elements that could be included in the regulation amendments.

Welcome and Introductions: Ms. Sabasteanski welcomed the group and introduced Dr. Burke of VCU's Performance Management Group, who is assisting with the process. Ms. Sabasteanski then posted the agenda, and reminded the group to follow Freedom of Information Act (FOIA) requirements. (See Attachment A.) A member who had not attended the previous meeting was introduced.

Process and Goals: Dr. Burke started the conversation by asking each member what they wanted to accomplish at the meeting. Most members agreed on the following:

- need to understand where and how the process is going;
- need to start coming to general agreement, if not consensus, on key principles and possibly some particulars;
- need to recognize that this is an important project with a great deal of detail to absorb and understand;
- need to determine what would be considered an unsuitable site.

There was general agreement that the group was making good progress and ought to meet at least 1-2 additional times. Some members of the group believe that broad agreement may be achieved on some general principles; however, there may be difficulty in agreeing to specifics.

The group then devoted some time talking over how to best address its broad concerns in the remaining time. Based on this discussion, the group agreed to break into three small groups each addressing one of the following questions:

1. What is included in the application/what applicant needs to provide?
2. What is the role of community engagement?
3. Should there be different processes based on size/greenfield-brownfield status/modification, etc.?

Group Discussion: Key concepts are identified in the working notes found in Attachment B. To summarize the groups' responses:

For question 1: General agreement of the need to characterize the local population (involving local community and how they identify themselves, not just screens, applicant info, etc.), and identify any EJ communities; agree in concept but not specifics that there should be an assessment to determine disproportionate or adverse impacts and a comparison of impacts experienced by EJ communities compared to appropriate reference groups; general agreement on the need to look at socioeconomic benefits of a project (as tied into 3).

For question 2: No agreement, but recognition that community engagement is needed to address 1.

For question 3: General agreement that standards apply to *all* applicants; would have to happen at the state level.

Next Steps/Future Meetings: Dr. Burke wrapped up the meeting. The meeting adjourned at approximately 12:15 p.m.

Future Meetings: No further meetings for this group have been scheduled at this time; however, the group may be asked to re-convene if necessary.

Attachments

REG\DEV\G20-RP04-MINUTES



VCU

Performance Management Group

L. Douglas Wilder School of Government and Public Affairs

ATTACHMENT A

Site Suitability for Air Quality

Regulation Revision G20

Regulatory Advisory Panel (RAP)

Fourth Meeting, October 14, 2021

Site Suitability for Air Quality Permitting RAP Meeting Agenda

Thursday, October 14, 2021

9:30 – 9:35	Welcome and Introductions
9:35 – 9:45	Process and Goals
9:45 – 10:30	Group Discussion
10:30 – 11:55	Development of Recommendations
11:55	Next Steps
12:00	Adjourn

Principles - Process

1. What is included in the application/what applicant needs to provide?

- Agree: characterization of the local population (involving local community and how they identify themselves, not just screens, applicant info, etc.); ID any EJ communities. Disagree: do you specify a radius or is that site-specific, other natural features/air related-impacts, or a broader look. Need: additional guidance, demographic and health data, sensitive land uses, vulnerable populations. Did not go beyond available or upcoming tools.

- Summary of applicable emissions compared to those being emitted and what control measures are being used.

- Agree in concept but not specifics: do a health risk assessment and use to determine disproportionate/adverse impacts. But...how do you determine the area of comparison (what group are you comparing against)

- Agree look at socio[*economic*] benefits of project (jobs, revenue generated for community, *mitigation measures that may go beyond AQ controls [tie into Item 3], local recruitment*)

- Consider compliance with local ordinances including zoning; extent of local involvement during zoning process (whether community engagement or none); let locals provide info about revenue impacts, etc.

2. Role of community engagement?

- Not much consensus or agreement; no easy answers to these issues/ability to define too much or too little. *It is a concern that must be addressed [tie to Item 1]*. What community engagement is the applicant responsible for; what other concerns may arise from other parties and need to be addressed.

- Making the involvement meaningful to the community/informing the application process.

- How is community to be involved, what changes are needed. Needs to be process everyone understands, community engagement plus mapping. Who is affected community, give them a role

- The radius: the potential to emit, what emissions will be.

- Earlier transparency is better, but where does that come in the process among the 3 areas.

- How much engagement is enough? US mail, social media, door-to-door, public interest group. Is 30 days enough time? Or can additional outreach be too much?

- Fundamental tension between developers and public.

3. Should there be different processes based on size/greenfield-brownfield status/modification, etc.?

- *[Tie into item 1]*: who is responsible for collecting/organizing/providing data to characterize the population? Some already available, some would have to be developed. How granular do you go--keep it simple initially, then broaden to uncover data you don't have. *Agree pollution standards apply to ALL applicants*; would have to happen at the state level (*DOH collaborate w/DEQ*). Available for localities to use in making zoning and planning decisions.

- health risk vs health impact assessment; better cover rural areas
- [*Tie to zoning*] social impacts: applicant to provide infrastructure (proffer law, must be offered) contributions, services, etc., and quantify specific benefits. Would need to come from applicant.
- Public health: what would a different process look like--community engagement/nature of the project. [these criteria could help...greenfield status, emissions crossing fencelines, accidental release, air impacts not subject to the permit, traffic, overall community health, cumulative impacts]