



May 22, 2019

Meeting Minutes

Called to order at 10:30 AM at the University of North Carolina Charlotte's Harris Alumni Center, Charlotte, NC. Full meeting recording and supporting presentation information can be found at: <https://deq.nc.gov/outreach-education/environmental-justice/secretarys-environmental-justice-and-equity-board>

Board Members Present:

Dr. Marian Johnson-Thompson, Vice-Chair
Veronica Carter
Jamie Cole
Dr. James Johnson, Chair
Jeff Anstead
Dr. Susan Jakes
Dr. Danelle Lobdell
Reverend Dr. Rodney Sadler Jr
Carolina Fonseca Jimenez
Randee Haven-O'Donnell

Board Members Absent:

Naeema Muhammad
William Barber, III
Angela Esteva
Yu Yang
Marilynn Marsh-Robinson

City of Charlotte Presentation:

The City of Charlotte opened the meeting by giving a presentation on the work being done in Charlotte on their Strategic Energy Action Plan to reduce impacts on climate change (presentation available at <https://files.nc.gov/ncdeq/EJ/DEQ-Charlotte-presentation-May-2019.pdf>).

Coal Ash Discussion- Sheila Holman

Holman was asked to give an update on coal ash closures. Questions before the agency was what to do for 6 facilities where no closure option had been determined. She then went on to outline the high-risk, median-risk, and low-risk sites, and discussed the Allen Plant at the request of Reverend Sadler. There are 16.6 million tons stored in the two empowerments at the Allen Plant. In November, DEQ received closure

recommendations for each plant by Duke Energy. Starting in January DEQ conducted community meetings for all 6 closure sites. Sheila detailed three possible pathways: excavation and disposal (CAMA option A), Cap-in-place closure (CAMA option B), and coal combustion residual rule (CAMA option C). DEQ elected CAMA option A for all six facilities because it will remove the source of groundwater contamination. Duke Energy filed a petition about the closure decision. A hearing is scheduled for September 3. Veronica Carter asked Ms. Holman how many total acres of coal ash there are. Reverend Sadler asked what can be done with the land after excavation. Ms. Homan responded that Duke Energy owns the properties, so ultimately it is up to them. Mary Johnson Thompson asked for clarification on the number of coal plant sites. Mr. Owle asked if there are other non-Duke owned facilities. Ms. Holman responded that yes there are others. Mr. Owle then asked where the public hearing in Charlotte would be and Sheila said it will be in Charlotte. Ms. Haven-O'Donnell asked about smaller sites like the coal steam plant in Chapel Hill. Ms. Holman responded that they do have some oversight with making sure coal ash is not leaching into the environment. Mr. Anstead was concerned about the immense cost about closures and if it will pass along to customers. Ms. Holman responded that the cost being passed to customers is the purview of the N.C. Utilities Commission, which will make the final decision.

Executive Order 80 - Jennifer Mundt

Jennifer Mundt introduced herself to the Board. She discussed the rollout of EO 80 which is North Carolina's commitment to address climate change and transition to a clean energy economy. The main goals of EO 80 are to reduce statewide greenhouse gas emissions to 40% below 2005 levels, increase the number of registered zero-emissions vehicles to at least 80,000, and reduce energy consumption per square foot in state-owned buildings by at least 40% from 2002-2003 levels. Ms. Mundt talked about the general directives for all North Carolina agencies including evaluating impacts through agency programs and operations and transitioning the state fleet to electric vehicles. The state has a Climate Change Interagency Council made up of all secretaries in the state and chaired by DEQ Secretary Regan. DEQ's specific directives are to: develop the clean energy plan, comprehensive utility conservation program, risk assessment and Resiliency plan, and develop a greenhouse gas inventory (which is not available on DEQ's website). Ms. Marsh-Robinson asked about citizen science's role in this to which Ms. Mundt responded that stakeholder engagement would be involved. Ms. Carter asked about the funding and viability of EVs and charging stations. Ms. Mundt responded that she isn't aware of DOT's specific plans but expects that it is a public-private partnership but that that is something to follow up on. Ms. Cole asked about the role of animal agriculture as biogas in the EO 80 plan. Ms. Mundt said the greenhouse gas inventory shows agricultural impact to climate change and that biogas will be further discussed in the resource chapter of the clean energy plan.

Ms. Johnson-Thompson asked about how impacts that will not come from public hearings will be found i.e. communities whose voice may not be heard. Ms. Mundt will discuss more about DEQ's outreach strategy. Mr. Anstead voiced concern about the state tribes lack of involvement in this EO. Mr. Anstead spoke about how the impacts of climate change heavily affect tribal areas of North Carolina. Ms. Mundt said that partnerships are voluntary and DEQ would welcome partnership. Mr. Owle echoed that Cherokee government was not contacted about the development of these plans. Other members stressed the importance of tribal and governmental relations. Ms. Marsh Robinson talked about the value of grassroots community engagement and that it must be intentional, or they won't come to us. Ms. Mundt pointed to the Secretary's specific asks to the Board about these kinds of concerns for feedback. Ms. Mundt went on to talk about DEQ specific goals. The goals include developing and updating the N.C. Climate Assessment, assess vulnerability to climate change, develop N.C. Climate Risk Assessment and

Resiliency Plan, and assist interested local communities. Ms. Carter asked if there could be a dedicated scientific panel for EO 80. Sharon Martin said that there is a climate science group out of Asheville helping, but Veronica stated she would like a council established.

Ms. Mundt went on to talk about the Clean Energy Plan. There has been a technological analysis to understand available and projected future technologies and then modelling results. There has been a stakeholder process on the Clean Energy Plan that has included government, industrial, environmental justice, consumer advocates, faith-based, affordable housing, youth and student organizations among many others. Reverend Sadler asked what the relationship between municipalities and state is on climate goals. Ms. Mundt said that DEQ works with EDF cities initiative to help with collaboration. Stakeholders have identified six principles and values of the energy plan and 8 focus areas that support those values. A Consumer Protection group has been formed with environmental justice and advocacy input from several groups. The stakeholder groups are presenting memos with recommendations. The Board was troubled that they were listed as stakeholders but were not included in the process. Ms. Haven-O'Donnell asked about proactive measures like tree conservation. Ms. Mundt responded that the N.C. Department of Agriculture and Consumer Services presides over forestry. Ms. Holman asked that the Board members to submit comments for input on the Clean Energy Plan. Dr. Johnson asked about the role of funding.

Community Mapping Tool - Jennifer Mundt and Renee Kramer

Ms. Mundt started by giving background of the mapping tool that stemmed from the Title VI settlement agreement. After months of research by DEQ staff on other states that use EJ mapping tools and continued stakeholder engagement, DEQ has developed a beta version of the Community Mapping Tool (CMS). DEQ received 33 community survey responses on mapping system suggestions. The survey will remain open into the future. Ms. Mundt discussed survey results using graphs. Survey respondents commented on how the mapping tool should be used and what layers should be included. Respondents were concerned about health issues like asthma and cancer, and facilities like Animal Feeding Operations and Coal Ash sites. Ms. Mundt stressed that the mapping system will be updated and iterative. She discussed the areas that DEQ covers in the mapping tool that EJSCREEN does not. DEQ's goal is to increase transparency and accessibility to the immense amounts of data. They want elected officials to be able to use the tool for planning purposes and help empower communities. Renee Kramer then demonstrated the NCCMS to the Board. Upon feedback, Ms. Carter voiced concerned about death certificates being the indicator for health factors. All health information is hosted by DHHS. Ms. Haven-O'Donnell asked if this system will be shared with municipalities. Dr. Johnson asked if ages of schools are included which may indicate lead or other concerns. Dr. Johnson suggested that the Board should work on layer suggestions. Mr. Owle asked for federal tribal data to be incorporated as well. Reverend Sadler asked how the Department will use the tool. Ms. Kramer said that the agency will continue to develop use beyond community outreach. Ms. Carter expressed that she would like to eventually see the tool used in permitting decision-making.

Animal Feeding Operations and General Permit - Sheila Holman

Ms. Holman updated the Board on the AFO general permit renewal. Any new or expanded swine operations are not eligible under general permits and are under individual permits. Ms. Holman spoke about the timeline for the permitting process. There were two public hearings in Kenansville and Statesville, and on April 12 the permits were finalized. Ms. Holman spoke about the new additions to the permits which include: amendments to be submitted to DWR, a more in depth phosphorus analysis if P-index is triggered, requirement to reduce drift potential via equipment of new best management

practices, rainbreakers requirement, haybale removal after 24 months, waste level markers surveyed every 5 years, groundwater monitoring for lagoons in 100-flood plain, 5-year records retention, and a new annual report. On May 10 the N.C. Farm Bureau issued three petitions against the permits. Mr. Owle asked if the recommendation letter about the permits had been received by the Secretary. Ms. Carter asked about how Hurricane Florence has impacted decision-making for permits. Ms. Holman discussed how DWR is carefully looking at floodplains and buyouts pending funding will be considered.

Breakout into Subcommittee Groups 3:30 PM

Regroup 4:25 PM

Recap of Subcommittee Discussions

Ms. Haven-O'Donnell lead the Climate Change Extreme Weather Resilience meeting recap. She addressed the question of how DEQ can build better community awareness and participation around the impacts of climate change and extreme weather in North Carolina. The group recommended foster the use of the local network of community activists and stakeholders to deeply understand true need and concerns. They specifically would like to see emergency response resources unified and localized. The group has three recommendations: identify strategies to engage stakeholders, tap into resource of DEQ EJE Climate Reality Corps Training attendees, and DEQ consider sponsoring sharing lessons learned.

Next, Jamie Cole presented on behalf of the Cumulative Impacts committee. They are working on a definition for cumulative impacts and are drafting a presentation on the history and current work on cumulative impact issues within the next month. She also stressed interagency communication on the human health component of cumulative impact. Ms. Cole talked about how useful the new mapping system will be for understanding cumulative impact issues.

Ms. Carter spoke on behalf of the Clean Air and Clean Water committee. She discussed redefining the role of the committee and its structure within the Board. She suggested figuring out what would go under the umbrella of each committee because water quality and air quality may fall under multiple committees. For EO 80, she spoke about the need for all stakeholders to be involved. She commended the effort to move Board meetings around the state so that local community members can continue to give input.

Ms. Marshall Robinson spoke on behalf of the Clean Energy subcommittee. She discussed focusing on energy efficiency efforts at all universities and taking inventory on building efficiency on campus. She asked if public schools are included in EO 80 and if there is a way to identify where the "sick" buildings are in the state. The group would like to consider the supply chain of jobs within the EO to help sustain local communities. They worked on their efforts on defining clean energy.

Next, Ms. Kramer and Ms. Mundt walked through a draft of proposed operational procedures to be considered by the board. They drafted this with the input of Dr. Johnson and Ms. Johnson Thompson. It was decided these would be voted on to edit or adopt by the board at the next meeting.

Adjourned 5:17 PM

Public Comment Period

Martin Zimmerman

From Charlotte area. Stressed climate crisis. Concerned about the Duke Energy MOU with Charlotte. Charlotte depends on 90% Duke Energy. SEAP addresses natural gas concern and

Marvin Winstead Jr.

A landowner along the ACP. A few weeks ago several advocacy groups asked their state legislators to write a letter to FERC to suspend the ACP. Reiterated challenge from Secretary Regan to EJE Board to uphold EJ in NC and asked that the Board use their connection with the DEQ.

Brandy Haynes

REACH and NCEJN

Statement from both on concerns about DEQ's commitment to EJ in AFO general permit process.

Richard Graham

Appalachian Voices

Also concerned about LNG permit in Robeson and how PNG rescinded their air permit application. Request that EJE Board vote to request secretary to tell PNG they should submit own site analysis.

Caroline Hansley

Sierra Club

Concerned about LNG. Seconds request for modelling and permit. Seconds letter for FERC.

Jerome Wagner

350 Charlotte- from concord, on board for NC Alliance to protect people and the places we live.

Speaking as private citizen

Impressed with board's knowledge. Also talked about LNG plant. Recounts EJ Snapshot from DEQ. Calls for rejection of project and more meaningful stakeholder engagement.

Megan Kimball - SELC Attorney

Wanted to thank the Board for their recommendation to the Secretary on Coal Ash. The decision was super important. Duke Energy has challenged all 6 decisions. SELC has intervened in Duke challenges. Wants to encourage the Board to think of ways to support DEQ including submitting an amicus brief.

Donna Chavis

Thanked Board for opportunity to speak. Spoke about the role of elder in communities. The Board sits in seats of elder decision-making. Robeson County is poster child for cumulative impact. Asthma rate in children has escalated. LNG is just one more nail in the coffin. Requests that committee encourages full EJ Report

Mac Legerton

Lifetime Robeson Resident

DEQ is struggling to figure out how to deal with LNG. EJ report should be completed before any permit is approved. Look at every avenue for regulatory power. Concern about the ACP's relationship with the LNG plant. Clean energy plan cannot include natural gas.

Steven Norris -Beyond Extreme Energy

Celebrating EO 80 and commitment to fighting climate change. If the ACP is built, EO 80 is insignificant. Cites report by NC WARN and others about tons of GHG from ACP. There is no way EO 80 goals can be reached if pipeline goes through. Asks to go to FERC and consider revoking DEQ permits

June Blotrick -Exec Director of Clean Air Carolina

Produced short film about Robeson County on Florence impacts and fossil fuels in county. Robeson is 100/100 in health outcomes, still suffering from hurricanes, and LNG will add another threat. Cited Huntersville plant. Encouraged modelling and looking at air permit. What can be done as a response to a major leak.

Tom Clark

Concerned about pipeline.

Adjourned 6:52