

Written Testimony from the Virginia Interfaith Power & Light

Chairman Raul M. Grijalva
House Committee on Natural Resources

Faith Harris & Kidest Gebre
Virginia Interfaith Power & Light
PO Box 26059
Richmond, VA 23260
(804) 220-0078

Introduction:

Greetings and thank you for the opportunity to submit the following written comments to the committee in support of HR2021, also known as the EJ4All Act. Virginia Interfaith Power & Light (VAIPL) represents over 16,000 supporters representing faith communities across the Commonwealth of Virginia. Our written testimony will focus on the importance of defining cumulative impacts and for providing meaningful community involvement opportunities to achieve environmental justice for all, especially for low wealth, Black, and Brown communities.

In Virginia, as well as in other states, we know that low-income communities and “communities of color are already at greater risk from pollution from fossil-fueled power plants than the general population. In 2015 as a supplement to the final Clean Power Plan, the EPA conducted an environmental justice proximity analysis. This analysis summarized all of the affected electricity generating units while collecting socio-demographic characteristics and other environmental data at a distance of 1 and 3 miles around each regulated source. The analysis showed that people who live within 3 miles of a power plant have an average income of \$18,400 compared to the national average of \$21,587. Thirty-nine percent of the people that live within 3 miles of a power plant are people of color compared to the national average of thirty-six percent.”¹ While there have been no subsequent reports, this type of analysis is a foundation to identify potential areas, communities, and regions to expand the analysis process accordingly.

Sec. 7. Consideration of cumulative impacts

“Many fossil fuel-fired power plants in the United States are located in the same areas where other industrial facilities are sited. Many of those facilities contribute to the nonattainment of other Clean Air Act standards. Residents in these communities are overburdened by numerous pollution sources as well as social and economic stressors.” The EPA should provide the standard for states to “address the cumulative impacts of multiple pollution sources on low-income communities and communities of color. Communities should advocate for their state to take a multi-pollutant approach to plan development. The EPA has suggested in the final rule. Application of a multi-pollutant approach increases the likelihood of limiting or eliminating localized emission increases that would otherwise affect overburdened communities.”²

¹ U.S. Environmental Protection Agency , EJ Screening Report for the Clean Power Plan, supra n.5.

²Final Clean Power Rule at 258 (2015).

“Cumulative impacts are defined as impacts that result from individually minor but collectively significant actions over time. Such impacts are known to increase racial and economic disparities in health outcomes resulting from harmful environmental activities such as energy generation, mining, waste disposal, and wastewater treatment. Disproportionate adverse environmental impacts have resulted from Virginia’s fossil fuel infrastructure, housing infrastructure, siting of industrial facilities, waste management, and transportation system. Numerous fossil-fuel based power plants have been placed in localities that have a higher percentage of people-of-color than the state average.”³ For example, the Mountain Valley Pipeline (MVP) would carry fracked gas across 303 miles from northern West Virginia to southern Virginia. The proposed pipeline would have a carbon impact equivalent to 26 typical coal plants and risk water contamination in local communities and homes. “The project would pump and pressurize fracked gas to travel from Chatham into North Carolina, posing several environmental and public health risks for the historically Black community.”⁴

MVP’s “Southgate Extension” plan includes the Lambert compressor station in Pittsylvania County. The Lambert compressor station would be the third compressor station located in the same community. “Compressor stations, which help maintain pressure and flow of the natural gas in pipelines, can be significant sources of pollution, emitting carbon monoxide, nitrogen oxides, fine particulate matter, sulfur dioxides, and volatile organic compounds, among other harmful substances. The station emits constant noise, but noise levels are most severe during a “blowdown” or release function.”⁵

The cumulative impacts of environmental issues are associated with adverse effects on public health that disproportionately impact communities of color. Considering cumulative impacts will allow federal “agencies to thoroughly evaluate their historical and anticipated environmental actions. This is particularly significant for environmental activities near low-income areas, communities of color, or historically underserved communities that are impacted by several environmental risks and harms simultaneously.”⁶ Mountain Valley Pipeline’s decision regarding the Lambert station at the MVP Southgate extension would perpetuate patterns of environmental racism that concentrate toxins in Black and Indigenous communities and is an excellent example of why we need to incorporate cumulative impact considerations.

³ Talking Points: Omnibus Environmental Justice Bill (2021) Virginia Environmental Justice Collaborative

⁴ Walters, Makaelah. “Residents near Proposed Lambert Compressor Station Push Back, Cite Environmental Racism.” *Appalachian Voices*

⁵ *ibid*

⁶ *ibid*

Sec. 20. Public Meetings

As a grassroots organization, Virginia Interfaith Power & Light consistently supports community members to overcome barriers to participation in the current system for environmental decision-making. Public participation related to environmental decisions should include rulemaking and permit decisions. The environmental justice for all act requires involving impacted communities in the decision-making process for environmental justice issues. Public meetings are essential to improving public engagement in permitting procedures and related regulations for environmental justice issues.

Public meetings are crucially important for community participation and involvement in “consideration of the development of certain new polluting facilities for community members such as most fossil fuel-fired power plants, landfills, and sewage treatment plants.”⁷ For example, here in Virginia, “current public participation requirements do not provide for the fair treatment and meaningful involvement of Virginians in agencies' environmental decisions and actions. This unfair treatment is demonstrated by the persistent environmental injustices related to siting of fossil fuel infrastructure, landfills, and other environmentally hazardous activities in environmental justice communities.”⁸

Similar to Pittsylvania County, many “environmental justice communities, especially rural Black communities as of recently, are known to be at risk of or directly face unequal burdens from the state’s environmental decision-making activities and the current cumbersome pathways for providing public feedback that have prioritized professional expertise and technical arguments over legitimate health concerns of residents of environmental justice and fenceline communities.”⁹ As people of conscience, we believe the voices of marginalized communities across the commonwealth need to be prioritized, valued, and empowered in all decision-making processes. Public hearings on permits should be held in the directly impacted communities earlier in the process with both in-person and hybrid options. Public hearings should be held when accessible to full-time workers. Communities also need more advance notice of when public hearings will be held.

The Environmental Justice for All Act will help our federal agencies to advance environmental justice and set the standards for state agencies to follow. During our current General Assembly 2022, we at Virginia Interfaith Power & light are working to oppose legislation introduced to curtail the authority of citizen boards to approve or deny permits for both air and water pollution. One bill also removed the opportunity for public hearings and public comments. Passing legislation at the federal level where the EPA is tasked to hold public hearings regionally will set forth language and practice useful to state and non-governmental

⁷ Talking Points: Omnibus Environmental Justice Bill (2021) Virginia Environmental Justice Collaborative

⁸ Ibid

⁹ Ibid

organizations like Virginia Interfaith Power & Light to hold state agencies and legislators accountable to engage impacted communities.