



Meeting Minutes

Monday May 18, 2020
Virtual Meeting

The meeting was called to order by Dr. Johnson at 3:00pm. He informed all in attendance that the WebEx was being videoed and recorded, and Board members were reminded of the ethics statement.

Board Members Present:

Jeff Anstead¹
William Barber, III
Veronica Carter
Jamie Cole
Ranee Haven-O'Donnell
Susan Jakes
Dr. James Johnson
Dr. Marian Johnson-Thompson
Carolina Fonseca Jimenez
Dr. Deepak Kumar
Dr. Danielle Lobdell
Marilynn Marsh-Robinson
Naeema Muhammad
Rodney Sadler Jr.
Carlos Velazquez
Elke Weil

Board Members Absent:

N/A

¹ Attended by phone and was unable to reply during roll call due to technical difficulties.

Old Business

A motion was made to accept the agenda by Susan Jakes, seconded by Veronica Carter. A motion was made to accept the meeting minutes from the February 24, 2020 meeting by Jamie Cole, seconded by Randee.

Chairman Johnson indicated that there were several old business items that had not been fully addressed by the Board, including the statement of concern on the Atlantic Coast Pipeline and a letter that the Board received from various organizations on the subject of the ACP. He called for a special meeting to address this issue, with a Doodle poll to be sent out after this meeting to suggest times.

New Business

Agency Updates from Secretary Michael Regan:

Secretary Regan thanked the Board for the leadership it is providing the agency, and mentioned that as with the rest of the state, DEQ staff is continuing to adjust to the COVID-19 crisis. He stated that one of the reasons why he issued a memo on public participation during COVID was because of the reality that COVID-19 is having disparate impacts.

He recalled that it has been about two years since DEQ announced this Board and it was one of his proudest moments as Secretary. He reflected on several accomplishments, including: starting 2020 with the biggest coal ash cleanup in history, which was a primary issue of the Board, continuing the rulemaking process for Methyl Bromide, launching DEQ's anonymous complaint tool, formal Title VI complaint process, public participation tool, and the Clean Energy Plan. He said that all of these accomplishments led him to the conclusion that the Board has assisted the Department in making meaningful change.

Introduction of Board Member, Deepak Kumar:

Dr. Kumar is a health disparities researcher with many interests. He is the Director of the Julius L. Chambers Biomedical Biotechnology Research Institute at NC Central University, which conducts research focused on health issues that disproportionately affect minority and underserved populations. He said he had explored the NCDEQ Community Mapping System and believes it is a great tool and has opportunities to be used in tandem with other health assessment tools.

How DEQ is adapting to COVID-19, and Board Discussion, Joy Hicks:

Ms. Hicks spoke on Department strategies for adapting to COVID-19. She stated that site visits were continuing for emergency response and assessing complaints and compliance, and that DEQ staff is wearing PPE and observing social distancing. The Department has shifted a lot of processes from paper to electronic submission so that staff can telework. Staff and citizens who have made an appointment are wearing face coverings in the office and limiting meetings to less than 10 people. Ms. Hicks recognized that DEQ is exercising as much flexibility as possible, but that the Department faces regulatory deadlines on things that DEQ has no control over. DEQ is working to balance laws and regulations with community requests.

Ms. Hicks stated that DEQ understands that COVID-19 is disproportionately impacting low-income communities and is taking steps to ensure that these communities can appropriately participate in Department business. She also referenced the public participation memo and said that DEQ is targeting new and modified permits, especially those proposed in low-income and minority areas, and permitting actions of significant public interest. DEQ is considering factors like whether these communities can contribute meaningfully to online public hearings.

She drew attention to the recent Methyl Bromide virtual hearing during which 71 people attended either online or by phone, which was more attendance than the two in-person hearings held on the same topic in 2019. In Phase One of COVID-19 reopening, DEQ plans to continue to look at the feasibility of conducting online meetings. In Phase Two, DEQ plans to consider virtual meetings or in-person meetings following social distancing guidelines.

Regarding the proposed Active Energy facility, DEQ determined that a focus on public participation was important. The March 16, 2020 public meeting had been canceled (due to COVID), however information about the facility was provided online, and two extensions to the comment period were provided. After the second extension, the Department reached out to community members to address concerns and determined that the community still wanted a public hearing held. A virtual public hearing has been scheduled for June 16. Ms. Hicks emphasized that the Department would like to receive recommendations from the Board on maintaining public participation during COVID-19.

Ms. Haven-O'Donnell questioned whether it is within the role of the Advisory Board to make a recommendation to the Secretary and the Legislature to push for widespread accessible broadband across the state.

Ms. Hicks responded that there have been several broadband bills introduced to in the Legislature this year, but as to the role of the EJ Advisory Board, broadband is outside the purview of DEQ, but a letter of support could be offered as long as this is recognized.

Dr. Kumar commented that it was good that so many people could join the Methyl Bromide hearing but wondered if information was collected on from where these people were joining and whether DEQ was able to document groups that were not able to be reached.

Ms. Hicks responded that DEQ reached out to communities and members of the Board to try to get the most participation possible. She responded that DEQ does not currently have documentation of everyone who participated, but it is possible this information could be made available.

Ms. Carter commented that she participated in the Methyl Bromide hearing and wanted to credit the staff of DAQ for all the work that they did. She mentioned that DAQ staff had reached out to her specifically as a community activist and wanted to know how they could make the hearing more accessible. She said that many people could not join by computer but instead could join by phone and could even leave a voicemail to leave a comment. She ended by saying there was still work to be done in the realm of public participation.

Chairman Johnson questioned whether there was any scenario planning at the state level for the intersection of adverse weather and COVID-19, especially considering the beginning of hurricane season.

Ms. Hicks responded that DEQ has already had its first hurricane preparedness meeting, but that much of emergency planning is outside of the purview of DEQ. The Department continues to work with NCORR and various emergency management teams.

Chairman Johnson followed up by asking to what extent environmental justice is considered in these planning efforts.

Ms. Hicks responded that she would need to follow up to see how EJ is woven in. The Secretary added that there is a group of individuals at the Secretary's level that are looking at a more formal way for the administration to address the disparate impact of COVID-19.

Chairman Johnson read a message from the chat box from Elizabeth Haddix saying that she did not want Active Energy to proceed without an in-person hearing.

Ms. Hicks responded that she would follow up with her.

Ms. Muhammad asked why she was chosen to be contacted regarding the Active Energy virtual hearing and not other community members in the affected area. She also mentioned she had received a letter from Donna Chavis that the community did not want a virtual hearing and requested it to be postponed until after the COVID crisis.

Secretary Regan responded that there was likely a prioritized list of community members and that is why she was contacted in addition to other community members, but that someone would circle back with DAQ. He also mentioned that there are differences between hearings that are statutorily bound and those that are not, and that influences times constraints that various permits may be operating under.

Ms. Muhammad followed up by asking if AERP was under time constraints.

Chairman Johnson explained that to maintain schedule the other questions in the chat would be reviewed after the meeting.

Climate and Environmental Justice, William Barber III:

Mr. Barber gave a presentation grounding the relationship between climate justice and environmental justice. He shared maps that displayed projected impacts of climate change and how those impacts overlay with minority and low-income communities. The American South and Midwest are expected to suffer the largest economic loss from climate change, and the biggest effects are going to be in the poorest and frontline communities. He emphasized that not only is the climate crisis an environmental issue, it is a health issue as well. Health issues expected from climate change will exacerbate preexisting health inequality.

Ms. Muhammad noted that Mr. Barber did not focus on environmental justice communities in this presentation and the role they play in climate justice.

Mr. Barber responded that environmental justice communities are on the frontline for climate disasters and are less likely to recover from climatic events.

DEQ Clean Energy Plan: Engaging and Discussion with the Board on Implementation of Equity and Just Transition Recommendations, Sushma Masemore:

Ms. Masemore presented opportunities for Board engagement in equity pieces of the Clean Energy Plan. She gave a general overview of equity recommendations in the Clean Energy Plan and touched on six specific projects that present opportunities for Board engagement:

- Upgrade and save program for new manufactured homes
 - o EJE Board could provide outreach to eligible buyers, assist in replicating in other parts of the state
- Community solar for low- and moderate-income households
 - o EJE Board could provide outreach to eligible homeowners, assist in replicating to other utilities and co-ops, and identifying additional funding opportunities
- Expand weatherization services to low-income households
 - o EJE Board could advocate to maintain and increase program funds, program outreach and marketing, identify additional funding opportunities, increase funding levels beyond current allocations, and integrate WAP with disaster rebuild efforts
- Pay as you save program
 - o EJE Board could join a task force to evaluate options and develop suitable programs, recruit key COOPs interested in pays expansion
- Beneficial electrification to lower energy bills
 - o EJE Board could work with utility providers to design and implement a program, HPWH programs could be instituted immediately in rural electric cooperatives territories that already have deployed smart meters
- Energy efficiency retrofit interagency coordination
 - o EJE Board could assess viability for expansion and identify barriers to wider implementation, expand pilot program into other areas of the state, establish a task force to streamline interagency cooperation, and find additional funding

Mr. Sadler asked if the goal of the community solar program was to start with 40 and then expand.

Ms. Masemore responded that it is up to the utilities whether to continue the program and increase customer thresholds and this is contingent on getting more funds. There were attempts to get Department of Energy to fund projects, but it is currently coming out of state funds.

Dr. Kumar asked if Board members would have access to the presentation after the meeting.

Ms. Kramer responded that the presentations would be posted on the website, as well as sent out to the Board.

Elizabeth Haddix commented that biogas should not be included unless they include performance standards.

Ms. Masemore responded that there are no active projects related to biogas, but that many are being brought up by the stakeholders.

Secretary Regan commented that Ms. Masemore's presentation and her asks of the Board relate directly to Mr. Barber's presentation. He emphasized that structural changes need to be made to meet energy benchmarks and there is a seat in these discussions directly designated to EJ and equity and he would love to have board member representation.

Ms. Carter questioned how communities were selected to be involved in the community solar program and how the co-ops were reached out to.

Ms. Masemore responded that they approached Duke Energy and NCEMC. Duke Energy was interested but could not participate outright. NCEMC came out with a model for community solar and a small amount of money that could be used to pilot a program that could be replicated and scaled up.

Dr. Johnson-Thompson asked whether there has been discussion about engaging HBCU environmental science majors in research projects that would engage with this EJ initiative.

Ms. Masemore responded that one of the internal DEQ initiatives is to create energy education for K-12 and beyond to the university level.

Chairman Johnson addressed all members of the Board and asked that they tell him which project they would like to work on, and they would be assigned accordingly.

CMS v.1 and Public Participation Plan, Renee Kramer:

Ms. Kramer gave an overview of the major changes to the Community Mapping System (CMS) and Public Participation Plan (PPP). The main changes to the CMS included adding environmental layers, improving the report tool function to include demographic data, moving EJ Tool data from the census tract to the census block groups, adding a comparison to the state in the EJ tool, and adding sensitive receptors. The main revision to the PPP was the addition of a section describing the methodology for identifying potentially-underserved communities.

Ms. Carter asked how people can follow up on the CMS.

Ms. Kramer responded that the survey that had been open for stakeholder input will remain open for comments on Version 1.0 and indefinitely.

Ms. Carter suggested that it should be noted somewhere that the survey is still live.

Chairman Johnson asked whether Ms. Kramer had been contacted about how to use the CMS in terms of understanding the impact of COVID-19.

Ms. Kramer responded that she hadn't been contacted on that particular issue.

Chairman Johnson responded that the Board could play a role in communicating this dataset and all its potential uses, including during COVID-19.

Secretary Regan responded that he wanted to follow up with Chairman Johnson on this, as well as contact DHHS to understand how there can be partnerships made to look at disparate impact from a health standpoint.

Ms. Carter commented that access to the CMS goes back to Ms. Haven-O'Donnell's comments on broadband access.

Secretary Regan responded that there are a number of legislative items currently working on broadband.

Ms. Carter asked whether internal DEQ staff had been sent the training video, and whether other organizations knew about the CMS.

Secretary Regan responded that there have been presentations to manufacturing organizations and that there is a demonstration scheduled with the North Carolina Chamber soon. He said that the CMS is a great tool for county commissions and councils because local governments should not be greenlighting projects without understanding history and what already exists in the area. The CMS helps allow for conversation well before a project reaches the permitting stage.

Ms. Carter suggested that the CMS could be presented to the Association of County Commissioners.

Chairman Johnson adjourned the meeting at 5:09 pm.

[See Public Comment document for comments received]