



Subcommittee Meeting Minutes

Thursday June 18, 2020

Virtual Meeting

Meeting was called to order by Dr. Johnson at 2:02pm. He announced the meeting would be recorded and reminded all attendees of the ethics statement. Renee Kramer called roll.

Attendees:

Dr. James Johnson (Board Chair)

Dr. Marian Johnson-Thompson (Board Vice-Chair)

Rev. Rodney Sadler Jr. (co-chair of ACP subcommittee)

William Barber (co-chair of ACP subcommittee)

Jamie Cole

Jeff Anstead

Dr. Deepak Kumar

Mr. Barber asked all subcommittee members to review agenda. Dr. Kumar moved to accept the agenda and Dr. Johnson-Thompson seconded. Motion passed.

Mr. Barber reminded all subcommittee members that the reason for the creation of this subcommittee is to review documentation on the ACP and to draft an official recommendation to NCDEQ on the ACP. After drafting this recommendation, it will be brought to the full board with a deadline of June 30th, 2020. He then went through all the material that should be reviewed by the subcommittee and confirmed that this material will be published on the DEQ website. He followed up by asking if there were any additional resources that any subcommittee member wanted to submit for the subcommittee's deliberation. Hearing none, he asked Rev. Sadler to facilitate deliberation.

Dr. Johnson-Thompson asked for a brief overview of the positive features of the pipeline, beside economic reasoning. Rev. Sadler responded with several arguments he had heard in favor of the pipeline, including: bridging fuel usage in the short term, providing opportunities for economic development, and that the ultimate goal may be to continue the pipeline to the gulf coast where it could provide greater economic support to the US as a whole. Mr. Barber added that many say that the pipeline is necessary to reach the region's energy demands.

Dr. Kumar asked if there had been a document compiled of all the benefits. Ms. Kramer responded that documentation from Dominion would also be posted on the website for subcommittee review.

Ms. Cole stated that based on the presentation at the last meeting, the request for 401 certification to be reconsidered has been denied. She would like to the review/materials to understand DEQ's position in the refusal. Was it a matter of procedure? Timing? Merits?

Dr. Johnson-Thompson says that it was the process in place, where one could determine whether there were harmful effects (Air Quality). Whatever way we think about, the DEQ did what they were supposed to do based on guidelines. At this point, everything has been explored and things need to move forward so we can express how we (the board) feels about it.

Mr. Barber said that he wanted to see the Environmental Impact Statement as analyzed by FERC, and also wondered if there had ever been any justification of advocates supporting the project about the significant increase of cost associated with the project than what was estimated at the beginning. Rev. Sadler added that he questioned who would bear the cost of the additional expense (actual cost and environmental cost).

Ms. Cole mentioned that she had seen a lot of environmental justice arguments against the pipeline and believed that it would helpful to see how those arguments could play a role in revoking or not revoking a 401 certification, and believed the subcommittee should address those issues specifically.

Ms. Hicks from DEQ followed up and reiterated the request from Secretary Regan to look at the changes that have been made regarding the FERC process during the current administration (looking specifically at the MVP) and that those documents would be available on the website as well.

Dr. Johnson-Thompson emphasized that she believed that the Secretary had expressed that he had done everything that he could do, and that the ACP would continue regardless. Dr. Deepak responded that it was still the role of the board to provide a position and the Secretary would be able to convey that. Dr. Sadler believed there was a debate to have about whether DEQ could or could not take any further action at this point. He followed up by saying that under NC Administrative Code any state certification that has been granted can be revoked if there are changed circumstances or incorrect information. The question for the board is whether concerns raised about the ACP reach that level. Dr. Johnson-Thompson asked whether there was any data to support that the project was not analyzed correctly. Rev. Sadler responded that perhaps the ballooning cost could represent changed circumstances and questioned whether all the environmental information was correct. Dr. Kumar responded to make the distinction between incorrect and insufficiently described and asked if the documentation provided could be divided into a few areas.

Mr. Barber divided concerns into three main areas: the ballooning cost, the true necessity of the project in terms of gas demand, and whether there was sufficient engagement or consideration of

environmental impact on EJ areas along the pipeline. Dr. Kumar questioned whether insufficient engagement would be a reason for revoking certifications, or only a reason for delaying.

Mr. Barber responded that he thinks it's important to look at the EIS itself because FERC has their own guidelines for whether their analysis reaches sufficiency, and wondered if FERC's own threshold had truly been reached.

Rev. Sadler responded that he believed that the subcommittee generally agreed that they should focus on whether there was sufficient engagement or consideration of EJ issues. Dr. Kumar questioned how the pipeline would affect access to energy for the concerned population.

Mr. Anstead conveyed two major concerns to the board. He believed that the air and water quality permit should be reanalyzed and believed that a supplemental EIS from FERC should be requested and that this review would focus on detailing environmental justice with tribal consultation so that everyone could gain clarity on the added burden of this project. He also mentioned that Virginia is now required to review ACP concerns from an EJ perspective.

Dr. Kumar asked who was bearing the cost of the pipeline. Rev. Sadler responded that Duke and Dominion were, and Mr. Barber clarified that the increased cost would be passed on to rate payers.

Dr. Kumar asked whether there was a demographic map of ACP affected areas, and that the subcommittee's response needed to be data driven.

Dr. Johnson-Thompson asked whether the Board ideas for steps forward had already been addressed in existing documents, and whether there were any new concerns that the board could focus on. She emphasized that she was concerned about putting forward a recommendation that help no weight. Dr. Kumar responded that the environmental quality data is key to understanding whether there is an impact or not on EJ communities. Rev. Sadler confirmed that he believed any new information should be the subcommittee's focus.

Rev. Sadler asked if there were any further questions and hearing none, asked for the subcommittee to come up with next steps.

Mr. Anstead emphasized his believe that the board's role is to listen and be a voice for community members. The biggest question from the community is why is this project good for them? That question has never been answered.

Ms. Cole believes that the subcommittee has an opportunity to articulate the need for EJ considerations and that there is a common theme of cumulative impacts in the documentation. Dr. Johnson-Thompson responded that she believed the subcommittee needed to have a focus of changing policy because she does not believe recommendations will achieve what she wants them to.

Dr. Kumar asked whether there was any justification for the current route of the pipeline and Mr. Barber responded that he had not seen any justification.

Rev. Sadler and Mr. Barber confirmed that the full subcommittee should review the resource package and that meeting minutes would be sent out.

Rev. Sadler adjourned meeting at 2:59

