



**Meeting Minutes**  
**Wednesday November 20, 2019**  
**Walnut Creek Wetland Center, Raleigh NC**

**Introduction by Greg Morris, Walnut Creek Wetland Center Staff:**

The park opened in 2009 as a result of an environmental justice movement spearheaded by the neighborhood surrounding the park when they formed the organization Partners for Environmental Justice. After flooding from Hurricanes Fran and Floyd, which was amplified by increasing development in Cary, residents pushed for the center to be developed. The area is a wetland, but wasn't well taken care of and was used as a dumping ground. Since the center was developed, many organizations have partnered to keep the center and park clean and operational.

The meeting called to order by Dr. James Johnson at 10:09 am. Full meeting recording can be found at <https://www.youtube.com/watch?v=t60DI2qtYmc&feature=youtu.be>

**Board Members Present:**

Jeff Anstead  
William Barber, III  
Veronica Carter  
Jamie Cole  
Ranee Haven-O'Donnell  
Dr. James Johnson  
Dr. Marian Johnson-Thompson  
Carolina Fonseca Jimenez  
Dr. Danelle Lobdell  
Marilynn Marsh-Robinson  
Rodney Sadler Jr.  
Dr. Yu Yang

**Board Members Absent:**

Dr. Susan Lakes  
Naeema Muhammad  
Joey Owle

**Old Business:**

A motion to approve the agenda was made by Marian Johnson-Thompson, seconded by Jamie Cole. Marian Johnson-Thompson moved to approve minutes from the previous meeting with the amendment that Marilyn Marsh-Robinson was absent, Veronica Carter seconded.

**New Business:**

**Opening Remarks, Michael Regan:**

Thanked the Board for their continued participation. Emphasized that the Board was meant to be a body that can give consensus recommendations to the Secretary and DEQ on issues that fall within DEQ's regulatory power. Believes that the internal operating procedures will bring structure and focus to the Board and hold both the Agency and the Board accountable. Although there is value to traveling around the state, centralizing meetings in Raleigh will help ensure more Board member participation.

**Internal Operating Procedures Overview, Chairman Jim Johnson:**

Chairman Johnson emphasized that the purpose of the discussion around the internal operating procedures is to make sure that all opinions are discussed and make the Board effective in giving recommendations. The Board is an advisory board to the Secretary and can offer four main types of official action—approval of past meeting minutes, amendments to the agenda, advice to the Secretary, and subcommittee structure and creating new subcommittees. Official action must be motioned on and approved by the majority of the Board. Agenda items suggested by Board members must be submitted to the Chair and Vice Chair, as well as DEQ staff, one month before the meeting. Breaking issues must be submitted 48 hours before the next meeting, and requests for breaking additions will be decided by Chair and Vice Chair. Official action items must be reviewed and voted upon during an official meeting where a quorum is present and approved by majority consensus. Dissenting opinions can be submitted as they differ from advice statements. (Full presentation can be viewed at ###)

The floor was opened for comments and concerns about internal operating procedures:

Veronica Carter emphasized that she felt stymied by Board structure, the limited powers of the Board, and questioned whether a legislatively constituted board that was appointed by the governor might be a better structure. Discussion around suitability of current subcommittees and loss of members was addressed. Acknowledgement that work was underway to appoint new members. Chairman Johnson asked about a potential change to the scheduling of meetings from every third Wednesday because of conflicts. It was agreed that a Doodle poll would be sent out to members in order to select a new recurring meeting day.

Chairman Johnson asked the Secretary to comment on the Board's decision to add religion to the charter. Secretary Regan emphasized that the charter was structured following EPA guidance, that religion was not included in the EPA guidance, and that religion presents a problem in terms of separation of church and state. He believes having religion is not advisable. Randee Haven-O'Donnell thanked the secretary for his explanation. Jeff Anstead followed by emphasizing how important traditional religious rights involving the environment are for his tribe, and said he believed these rights should be protected. The Secretary responded that he believes there are avenues to protect this without the strict interpretation of religion if it were included in the charter. A board member mentioned that there might be other items missing in the charter and that maybe tribe should be included. Another board member said they would second including tribes if that was a motion. It was pointed out by Chairman Johnson that tribes are already specifically mentioned in the charter. Marian

Johnson-Thompson said she thought more discussion would be advisable and recommending adding it to the agenda for the next meeting.

**Executive Order 80 Status Update, Sushma Masemore:**

EO80 is an action-oriented response to planning and preparing for the future of climate change. It has many goals, including incorporating climate resiliency. The Board's comments were appreciated on the draft plan. There is a focus in the plan on renewables and how the declining cost of renewables can make them competitive with non-renewable energy sources. There has been a focus on the stakeholder process and vision building. When asking stakeholders what they value most about their energy system, there was a focus on environment and carbon reduction, affordability, and reliability.

A Board member asked if this was broken up by region because resiliency and energy needs differ across the state. Masemore responded that throughout the stakeholder process there has been a similar focus on resiliency across the state. Another Board member asked for clarification on the definition of environment when used in these value statements. Masemore responded that it meant protection of the environment and natural resources. The Board member responded that this should be clarified because in her work many people make a clear distinction between polluting sources and environmental protection.

The Clean Energy Plan focuses on reducing carbon pollution, fostering long-term energy affordability and sustainability, utility incentives, modernization and resiliency, development, equitable access and just transition. There are also short-term, mid-term, and long-term action goals. There is also an emphasis in integrating societal aspects into traditional cost-benefit analysis of energy sources.

A Board member questioned whether the plan focused on including communities into conversations about utility ownership. Masemore responded that DEQ is trying to encourage broader dialogue. The Board member asked whether the state was able to encourage, through legislation, incentives like minority hires or developing minority businesses in government procurement and development. Masemore responded that it is outside the scope of DEQ, but that DEQ wants to collaborate with other agencies on those issues.

A Board member questioned whether DEQ had included HBCUs in the planning process. Masemore responded that there are robust university partnerships throughout EO80 and that includes HBCUs.<sup>1</sup> The Board member followed up by saying that if the plan is emphasizing inclusion, these organizations should be included. Masemore responded that the Board can help with that.

A Board member questioned whether pipelines help with carbon reduction or perpetuate use of natural gas. Masemore responded that the agency is putting together an energy analysis with and without build-outs of natural gas and there will be invitations to participate in the stakeholder process.

Jamie Cole brought up Swine CAFOs and the concern of the inclusion of biogas in the final draft when it was not included in the draft the Board commented on. She believes that this inclusion will further

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<sup>1</sup> "To ensure equitable outcomes, specific focus should be made to include small businesses, Historically Underutilized Businesses, and Historically Black Colleges and Universities in this program." Page 122, NC Clean Energy Plan

institutionalize lagoons and create further demand. Masemore said the decision was made after weighing many options and that biogas comes from many sources. Cole responded that the agency should focus on the impact that it could have on vulnerable populations and that DEQ should reach out to the Board and environmental justice communities to get the social perspective.

Ms. Masemore continued that Section 9 of the EO80 requires the preparation of a risk assessment and resiliency plan that assesses vulnerability. In addition, that the plan should help local governments and communities develop their own resiliency strategies. Every cabinet agency must conduct a vulnerability assessment and look at assessing climate justice in multiple sectors in addition to holding resiliency workshops. Veronica Carter emphasized that EJ can't be an afterthought in the plan. Randee Haven-O'Donnell responded that there is a great deal of work being done at the national level on EJ that should be incorporated.

Chairman Johnson concluded by emphasizing that the Board will commit recommendations and advice to writing.

### **2020 Census Presentation, Michael Cline:**

The North Carolina Census Office provides municipal and county estimates on a yearly basis, as well as 20-year estimates. These are important for state funding and state planning (wastewater plans, etc.). The state also completes the full census every ten years. NC has the 4<sup>th</sup> largest population gain in the country. Population of 65 and over is projected to grow more than 2½ times faster than total population, and people of color are projected to account for 63% of the people added through 2038. The Census is constitutionally mandated, used for apportionment, used in redistricting, affects federal and state funding, and used for decision making. In North Carolina, 70% of tracts will receive a card that asks them to respond online, the remaining 30% will receive a paper survey but will be asked to respond online if possible. There are 12 languages for internet self-response and questionnaire assistance, 59 non-English language guides, and 41 census tracts are targeted for bilingual surveys.

Everyone working for the census is sworn to confidentiality, and there is a focus on building trust with communities by employing community members. The Census Office has a framework for hard-to-count populations, many of which may be considered environmental justice communities, including those people who are hard to interview, hard to locate, hard to contact, or hard to persuade. There is a participation risk based on factors such as race, literacy issues, preschool age children, poverty, recent migration, and language. To address this, complete count committees are formed at the local level to provide strategies for counting hard-to-count populations.

A Board member questioned whether there was a plan to count displaced people, especially coastal communities with the recent hurricanes, especially in terms of losing funding in these communities. Cline responded that residency rules (where you live most of the time) dictate how people respond on the census. If someone is displaced, but they know they will be returning, they would put their original address. If they don't know if they will be returning, the protocol is less clear. In addition, there are guidelines for if a natural disaster were to happen while the census was being collected.

A Board member questioned whether there could be a policy in place to clarify this situation. Cline responded that that would be in federal jurisdiction, but that the state continues to ask for guidance.

Another Board member brought up the issue of the working poor who may be experiencing sheltered homelessness. Cline responded that many of these people are still counted in the area in which they live.

**Subcommittee Report outs to Board:**

**William Barber, Clean and Equitable Transition:** Subcommittee submitted comments on the draft Clean Energy Plan and visited Robeson County. Now focusing on finding opportunities for the committee to continue working with Sushma Masemore, and maximizing community input into the plan in this transitional period. A Board member asked if their comments had been incorporated, Barber responded that they had been received.

**Jamie Cole, Cumulative Impacts:** Thanked Robeson County Advocates for the invitation to Robeson County. The visit was informative in seeing how cumulative impacts exist in Robeson County—poultry facilities, other CAFOs, natural gas projects, etc. Board members experienced impacts while driving past spray fields—including burning eyes and coughing. Ms Cole shared several recommendations for moving forward: NCDEQ staff should invite Robeson County advocates to NCDEQ, DEQ should work with cumulative impacts subcommittee to conduct a workshop about the challenges and opportunities around cumulative impacts analysis, cumulative impacts subcommittee and the Board should accept invitations to visit and tour other communities. Next visit should be Northampton County, NC.

**Randee Haven-O'Donnell, Extreme Weather and Resilience:** Some members attended a climate reality training project in Atlanta. Believes a tool could be useful for increasing community involvement, and a tool has already been created by the Town of Carrboro. The tool would contain specific modules on different areas of climate needs, climate education, sustainability needs. The hope is that if the Board vets the tool it can be shared with the Office of Risk and Resiliency.

**Veronica Carter, Safe Air and Water:** Received an email from a concerned citizen about a school in Moore County that was being built on cheap land that is sitting between two Superfund sites and within a mile of other polluting sources. The citizen didn't feel school district or board of education had been listening to the community concerns. Wrote a draft letter that recommends that the citizen contact EPA about the superfund sites, contact NCDHHS to request a health risk assessment, and contact NCDEQ Environmental Justice office as next steps since NCDEQ has concluded that the site doesn't pose risk to human health. Letter also invites citizen to the next EJ Board meeting. Carter submitted the letter for the Board to vote on, and signed by the chairman. Marian Johnson-Thompson motioned to accept recommendations of Jamie Cole, circulate Veronica's letter and vote by email. DEQ staff mentioned the vote needed to occur during an open meeting with a quorum present. Updated motion was made to approve tone and tenor and content of letter and recommendations from Jamie Cole and vote immediately. Seconded and passed.

**Public Comments:**

1) Nick Jimenez (SELC)

Thanked the Just Transitions subcommittee for their comments on the Clean Energy Plan. Came out against forest derived biomass energy and was disappointed to see that the Clean Energy Plan includes bio-gas. Pushed DEQ to have stakeholder input in the bio-gas classifications in the plan.

2) Kay Reibold (APPPL)

Resident of Raleigh. Urged the Board and DEQ to scrutinize EO80, especially considering that the ACP and MVP are not mentioned in the CEP.

3) Tom Clark (APPPL)

Resident of Robeson County concerned about ACP. Questioned the assertion that land won't be taken by force for the pipeline because he believes residents are being coerced or threatened in the land acquisition process.

4) Will Hendrick (Water Keeper Alliance)

Urged the Board to take steps to make their actions more transparent. There is only one official advisory statement more things need to be posted online to make the Board's presence known. Remains concerned about CAFO issues.

5) John Wagner

Questioned the effectiveness of the Board and urged the Board to speak out more, accused the Board of being silent on issues. Since the Board was formed, EO80 has come out without talking about many energy issues, 3 coal ash incinerators have been approved by DEQ, hog waste continues to be sprayed, Enviva, LNG, etc. Encouraged the Board to allow more public comment time for affected communities.

6) Donna Chavis (Friends of The Earth, Robeson County resident)

Thanked the Board for visiting Robeson County. Encouraged the Board to go the on record opposing ACOE and ACP. Believes ACOE is attempting to restrict state authority.

7) Chris Dang (APPPL)

Second-generation immigrant from India. Believes his father's poor health is due to poor environmental conditions and doesn't want the same thing to happen here. Emphasized that it is important to end eminent domain land seizures and that we need to stand with Robeson County in opposing pipelines.

8) Belinda Joyner (Concerned Citizens Northampton)

Northampton County has cumulative impacts—Smithfield, Enviva, ACP, Coal Ash—but nobody has visited Northampton. Northampton County was chosen for ACP because of its demographic characteristics. Has no trust in DEQ—has repeatedly asked for a visit, for water testing, etc., but has never heard back.

9) Lib Hutchby (deferred time to a Judge Alan from Northampton County)

Met with Sheila Holman about coal ash issues and was told DEQ was going to convene a working group, but has never heard back.

10) Steven Morris (offered to defer time, but no volunteers)

Resident from Asheville against Duke Energy. Duke Energy is too large and has too much of a monopoly. The Board needs to step up and oppose Duke Energy

11) Caroline Hansley (Sierra Club)

Wanted to advise the Secretary to ask that AG Josh Stein file an amicus brief in the United States Forest Service vs. Cowpasture River Preservation Association because of the dire consequences if the decision were to be overturned.

12) Emily Sutton (Haw Riverkeeper)

Advise the Secretary to regulate PFAS as a class. In addition, emphasized that MVP is still in its permitting stages and many underserved communities haven't been appropriately engaged. In addition, expressed concerns about the 14 churches in the blast zone for MVP who haven't been properly engaged with.

13) Mac Ledgerton (NC Climate Coalition)

Expressed concern about the LNG facility in Robeson County since it didn't need an air quality permit. Stressed that there was no need for this facility and that all fossil fuel projects should be required to have a certificate of need before the project begins.

14) Hua Huang (Sierra Club, APPPL)

Concerned about pipelines, Dominion + ACP, and the LNG facility in Robeson County

15) Debra David (Concerned Citizens of Richmond County)

Concerned about impact in Richmond County of multiple facilities—Purdue, Trinity, coal ash—and that Enviva came in on top of all of that. Lives in a small community of 298 people (Dobbins Heights) and every other person has respiratory issues. Haven't heard or been engaged with by DEQ and wants DEQ to stop being so close with industry. Stands with Northampton county

16) Donna Chavis

Added that she wants everyone to join hands with Northampton people and look at policies within DEQ.

Rodney Sadler Jr. Made a motion to have an official statement of concern about ACP. Seconded by Jamie Cole. Motion passed.

Meeting adjourned at 2:22PM