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September 5, 2018

SUBMITTED VIA E-MAIL

Mr. David K. Paylor
Mr. Michael Dowd
Members of the State Air Pollution Control Board
c/o Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

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Dear Mr. Paylor, Mr. Dowd, Chairman Langford, and Members of the Board:

We are writing in support of the recent request made by Friends of Buckingham and others to extend the period for public comment for the proposed Buckingham compressor station for the Atlantic Coast Pipeline to at least 60 days from August 8, 2018, the date the draft permit was issued. Virginia law provides that minor NSR permit applications are subject to a public comment period of *at least* 30 days. Va. Code § 5-80-1170. In light of the technical complexity and importance to the affected community of the proposed Buckingham compressor station, DEQ should exercise its statutory discretion to afford the public additional time to comment. We therefore ask that the comment deadline and public hearing¹ be extended to **Monday, October 8, 2018**.²

The proposed compressor station is an issue of deep concern for many people living in Buckingham County, including residents of Union Hill, an historic African-American community that traces its roots to freedmen who settled in the community following emancipation. The prospect that a large, industrial facility like the Buckingham compressor station could be sited in their rural community is of serious concern to many, and residents have invested a great deal of time and energy attending meetings, providing

¹ 9 Va. Code § 5-80-1170 provides that “[a]t the end of the public comment period, a public hearing shall be held.” Hence, if DEQ approves a request for an extension of the comment period, it must also change the date of the public hearing accordingly.

² This proposed comment deadline would provide the public with 61 days, as the 60th day falls on a Sunday.

comments to various state and federal agencies, and learning about the potential safety and environmental issues the compressor station may cause, including those related to air quality.

Now that there is an opportunity to comment on the proposed permit itself, the community is motivated to provide meaningful comments. To do so, the public must engage the highly technical documents DEQ relied upon in drafting the proposed permit. Available on DEQ's website, in addition to the draft permit and supporting documents (e.g., the engineering analysis) are five additional sets of supplemental information, comprising a total of more than 300 pages of technical information. The public did not receive access to many of these documents until only weeks before the comment period, so it is not the case that the public could have begun its review sooner. Put simply, the public needs additional time to engage with the complex, technical information on which DEQ relied.

Additional time will allow the public to provide more meaningful comments for the following reasons: First, it has taken time to secure expert review of the draft air permit that is needed to inform constructive public comment. Relatedly, we continue to reach out to DEQ to obtain supplemental information relating to the draft permit. DEQ's responses to those questions will help to inform public comment, and as such it would be helpful to have additional time in which to review those responses and to comment accordingly.

Second, and perhaps most importantly, the members of the public who stand to lose the most if the permit is insufficient to protect air quality are members of an economically disadvantaged minority community. The Virginia Energy Plan lists as one of the objectives of the Commonwealth's Energy Policy to "develop[] energy resources and facilities in a manner that does not impose a disproportionate adverse impact on economically disadvantaged or minority communities." Va. Code § 67-101(12). A step in the right direction in fulfilling that directive is to ensure the public has ample time to consider a permit that may very well impose just such a disproportionate impact on the Union Hill community.

Thank you in advance for your consideration of this request.

Sincerely,



David Neal



Charmayne Staloff
Southern Environmental Law Center