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Opinion

‘Environmental Justice Is Not Merely a Box to Be Checked’

When concerns about a pipeline were dismissed by regulators, a rural black enclave went to court — and won.

By Jeff Gleason

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Rev. Paul Wilson, of Union Hill and Union Grove Baptist Churches, at a 2018 rally concerning a compressor station for the Atlantic Coast Pipeline. Credit...Ned Oliver/Virginia Mercury

In the years following the Civil War, freedmen and freedwomen founded a community close to the Virginia plantations where they had been enslaved. The settlers of Union Hill in Buckingham County, Va., passed down this land over generations to today's descendants, who are now at the center of a fight to stop a proposed multibillion dollar energy project.

While Union Hill may represent the remarkable history of resilience from our country's unjust beginnings, it also reveals the country's continuing imbalance of power and the decisions about whose histories we choose to honor.

Five years ago, Dominion Energy, Virginia's biggest investor-owned electric utility, announced plans to build a natural gas-fired compressor station in Union Hill for the [Atlantic Coast Pipeline](#). The roughly \$7.5-billion, 600-mile pipeline is being built by a consortium of four energy companies, with Dominion responsible for its construction and operation, and would run through West Virginia, Virginia and North Carolina. These stations, which compress natural gas so it can flow through pipelines, release toxic emissions such as methane, nitrogen oxides and particulate matter into the air, increasing the health risks for residents who live nearby.

Many in Union Hill responded with fierce opposition but appeals to Dominion, state regulators and Virginia's governors went unheeded.

At a bare minimum, ensuring environmental justice in this case required Dominion and regulators to consider how economically disadvantaged or minority communities — like Union Hill — would be affected. Communities of color and people with fewer financial resources have often borne the brunt of pollution and other environmental burdens. Dominion and regulators should also have given serious consideration to an electric compressor that would nearly eliminate air pollution from the facility.

They did neither. Instead of honoring Union Hill's past and present, the state's most powerful forces essentially denied its existence. The courts did not.

In a win for our client Friends of Buckingham, the United States Court of Appeals for the Fourth Circuit this month [threw out](#) the permit for the compressor station, finding that the state failed to adequately consider the potential health effects on Union Hill's African-American community. [As the court noted](#), "Environmental justice is not merely a box to be checked."

This is the [eighth permit](#) for the pipeline project that has been vacated or suspended by federal courts or federal agencies, making the future of the project uncertain. Immediately following the appeals court ruling, Dominion said it would address the issues raised by the court and submit a revised permit application to state regulators.

There's a revealing counterpart to this story. In 2018, [Dominion proposed](#) siting a similar compressor station on land it owned across the Potomac River from George Washington's Mount Vernon, home to over 300 enslaved persons at the time of Washington's death. The Mount Vernon estate launched a "Save the View" campaign that gained national attention, and shortly thereafter Dominion agreed to drop its proposal and look for alternative sites.

Mount Vernon tells the history of America, but so does Union Hill. Environmental justice is a commitment to right the wrongs of our past that persist today.

It's no coincidence the environmental justice movement was born in the South, when in 1982 an African-American community in Warren County, N.C. failed to stop the siting of a landfill that would contain soil contaminated by PCBs, but [birthed a powerful new movement](#). Union Hill shares its story with Warren County and countless other communities faced with the unjust burden of pollution, from Cancer Alley in Louisiana to Flint, Mich. and its lead-contaminated drinking water. This pattern of injustice, which often afflicts people of color and the poor, will become a more urgent problem as climate change threatens some Americans more than others.

Union Hill would not be the only casualty of the Atlantic Coast Pipeline. The natural gas pipeline would cross steep mountain terrain through two national forests, a national scenic trail and parkway and an endangered species habitat. Homes and farms in its path have been seized through eminent domain. And it would lock Virginia into fossil fuels for decades at a critical moment for climate action, even though [the demand](#) for natural gas in the region is likely to fall as the costs of renewable energy and storage technologies continue to fall.

Union Hill would be a devastating casualty, its legacy of enslaved Virginians sacrificed to the modern hub of influence and power in the Commonwealth, reminding us again that we have not righted our past.

Union Hill is as important a marker of the history of Virginia and American as Jamestown, Mount Vernon, and the state's Civil War battlefields. While Union Hill may not have behind it the resources or political clout of some of Virginia's more prominent historical sites, it is entitled to the same reverence and respect.

That did not happen in this case. As the unanimous decision by the three-judge appeals court panel found, state regulators "failed" in their "statutory duty to determine the character and degree of injury to the health of the Union Hill residents, and the suitability" of a gas-powered compressor in the community.

How we treat the story and future of Union Hill, and other communities like it, will define our history.

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