

June 23, 2021

Mr. David K. Paylor
Director, Department of Environmental Quality
1111 East Main Street, Suite 1400
Richmond, VA 23219

Re: July 7, 2021 Quarterly State Air Pollution Control Board Meeting and Mountain Valley Pipeline's "Lambert Compressor Station" Air permit, Registration No. 21652

Dear Director Paylor,

We write to express serious concerns about the public engagement process for the Lambert Compressor Station (LCS) air permit—specifically, public access to the July 7, 2021 meeting of the State Air Pollution Control Board, during which a case decision on the permit is expected.

At the previous quarterly meeting of the State Air Pollution Control Board, Chair Roy Hoagland and other Board members discussed holding a two-day hearing in order to accommodate the hundreds of individuals who submitted comments regarding the LCS permit. Board members expressed concerns about accessibility to the proceedings, and some members recommended scheduling at least part of the meeting for a time outside of standard business hours. This Board conversation highlighted the larger discussion around DEQ's ongoing assessment of public outreach and the efforts of the Air Board Public Engagement Committee to identify opportunities to provide meaningful engagement.

Hundreds of citizens, including directly impacted community members, submitted comments on the proposed LCS permit. These citizens should have the opportunity to listen to and respond to DEQ's summary of public comments at the meeting in which the Board will make a determination. Accordingly, it would be reasonable for DEQ to (1) hold the meeting over two days to accommodate the large number of commenters, (2) include both daytime and evening opportunities for public participation, recognizing that meetings during regular business hours can be restrictive, and (3) include remote or virtual participation options, given that the covid health crisis is not fully abated.

However, DEQ has scheduled the Board meeting for July 7, as an in-person, one-day-only meeting during regular business hours. Due to these choices, accessibility to the meeting has been diminished. Without a virtual meeting option, members of the community impacted by the proposed LCS will be required to travel several hours to the meeting location. Moreover, holding an in-person meeting when members of the public may not be fully vaccinated, is likely to hinder public participation further. Over the past 15 months, the agencies and legislative bodies of the Commonwealth have shown that they can facilitate and provide virtual or call-in options, including hybrid meetings where some participate in-person while others participate remotely. The Senate of Virginia successfully demonstrated how a governmental body can navigate in-person meetings that include a virtual public component.

Limiting public participation runs counter to the DEQ's mission outlined in the agency's [October 16, 2020 Environmental Justice Initiative](#) to "proactively and authentically engage communities on issues and

decision-making that could potentially affect their health and quality of life.” It also fails to provide meaningful involvement of affected community residents as defined in the [Virginia Environmental Justice Act](#), which requires that “community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health.”

We ask that you provide both in-person and remote public participation options for the July 7, 2021 meeting of the State Air Pollution Control Board. This could include, but not be limited to: a call-in option, with a live-streaming feed of the event; an online participation option; an opportunity for comments to be heard after 5:00 pm to accommodate those who work daytime jobs; and the option for written submissions from commenters unable to attend in person to be read by their on-site proxies. The meeting as currently designed fails to allow for meaningful public participation or engagement.

Thank you for your immediate attention to this matter.

Respectfully,

Appalachian Voices
Friends of Buckingham
Allegheny-Blue Ridge Alliance
Virginia Citizens Consumer Council
Preserve Montgomery County VA
Food & Water Watch
New River Valley Group, Virginia Chapter, Sierra Club
Virginia Pipeline Resisters
Union Hill Freedmen Family Research Group
Preserve Franklin County
Chesapeake Climate Action Network
Protect Our Water, Heritage, Rights
Richmond Interfaith Climate Justice
Preserve Bent Mountain
Virginia Clinicians for Climate Action
Preserve Salem
Preserve Giles County
Mothers Out Front - Roanoke
7 Directions of Service
350 Triangle
Mothers Out Front Virginia
Sierra Club Virginia Chapter
Mothers Out Front - RVA

CC:

Members of the State Air Pollution Control Board
M. Norman Oliver, MD, MA, State Health Commissioner

Renee Hoyos, DEQ Environmental Justice Director

Anita Walthall, Air Permit Writer, Department of Environmental Quality

Clark Mercer, Chief of Staff, The Honorable Ralph S. Northam, Governor of Virginia