

Public Comments to the SAPCB
January 4, 2018

Dear Mr Langford, Ms Rovner, Mr Ferguson, Ms Moreno,

First, I ask that you allow Dr Fjord ample time for rebuttal to the DEQ and Dominion's late assertions, an attempt to deny EJ issues around site suitability. Second, we believe you have legally defensible arguments to deny this permit, and we ask you to do so now. We understand the tremendous pressures you are facing. Denying this permit, and without contingencies, will earn you a most honorable place in history. We understand that you will be sued either way you vote. You could place yourselves along side Katharine Graham who courageously, with conviction and moral fortitude, published the Pentagon Papers in the face of the Nixon regime's threats of annihilation. Or you could join the Oil and Gas companies that knew full well back in the 70's that fossil fuels have a deadly impact on our climate.

Please consider, that if this project had been scrutinized properly on a level playing field, from the beginning, that it never would have gotten this far, never would have passed the rigors of all the questions you must ask, and you have the right by virtue of state mandate, which is there to protect you, the state, the people – ALL of us, the commonwealth. We understand that the air board preceded the DEQ by almost 30 years, and that you are not a mere rubber stamp for them. They work for you, though it appears that the DEQ have "gotten ahead of themselves" to quote David Paylor at the October 29, 2018 meeting. But! Mr Paylor was referring to the air board due to member pushback at that fiery meeting where board members quizzed Mike Dowd about EJ issues, whioden@gmail.com ch, as you may recall, Mr Dowd confessed to know nothing about, which is very apparent to those of us who painfully, do understand.

Please take us ALL out of our misery. The hubris of Dominion blinds them to their foolish pipedream, [All our nightmares], that they cannot themselves find the courage to extract themselves, and admit that they have been wrong, just like our government denied the awful truth about the Vietnam war for 30 years. I went to Dominion's stockholder meeting last year and was aghast to hear Tom Farrell proudly extol the [meeger] 7% portion of their positions in renewables.

You are mandated to look at the larger picture, like FERC is, but did not. You have more than ample facts to back you up in denying this permit. The DEQ and Dominion will be extremely discomfited at first, as all healing crises are. But, as one commenter from NOVA at the November 8 hearings essentially said, and I ask of you, to be the long awaited "adult in the room, to firmly, but kindly say no to the tantrums of our highchair tyrants – Dominion and their servant DEQ". The world will thank you for your boldness.

First and foremost the need for this pipeline has never been securely established, and is now in deep trouble with the SCC, as surely you must know. We believe that you have the legal support that mandates you to consider the 'reasonableness of the activity',

including the social and economic values. You have Tom Hadwin's profound and ample testimony. Below is a short video featuring Tom.

True Costs of the Atlantic Coast Pipeline

ACP <https://www.youtube.com/watch?v=fds4cmFa3Vg&feature=youtu.be>

And:

https://www.richmond.com/news/virginia/government-politics/dominion-fails-in-attempt-to-bar-testimony-on-pipeline-s/article_fd1b3914-fd12-569e-9c58-77c82a0ab032.html

Site Suitability

The DEQ appears to be confusing its powers with that of the Air Board's. On 11/9/2018, it presented that the "DEQ has never interpreted 1307 as giving it authority to overrule decisions of local elected officials on economic, safety, or site suitability matter not related to clean air." We believe that is actually the board's privilege, and not the DEQ's, so DEQ is correct, but misguided.

Their next statement: "Although 1307 appears to contain boundaries, DEQ has always interpreted the section as limiting 1307's application to clean air matters." That may well be so for the DEQ, but again, DEQ is "getting ahead of itself". These mandates are written for the air board, not the DEQ. The air board has the power to interpret their own laws and doesn't need the DEQ to do that.

DEQ says that "Buckingham Board of Supervisors [BoS] required to certify BCS met all local zoning requirements before DEQ issued draft permit. Certification means county thoroughly examined BCS and determined it complied with all local ordinances and other requirements."

Mr Dowd testified that because the Buckingham BoS approved the SUP for the BCS, then all must be ok. We recall the BoS wrote to the FERC asking for a delay of 1 year in the review process to better study this. FERC never responded, which we are told is common. We observed the BoS accepted their attorney's opinion that they were powerless, and in addition to promised revenue, submitted easily to these pressures and carrots. The BoS strayed from the county master plan to approve this SUP. This site is in an agricultural zone, not suitable for an industrial plant, and is being contested in a very slow moving court.

<https://www.farmvilleherald.com/2017/03/second-suit-seeks-judicial-review-of-station-decision/>

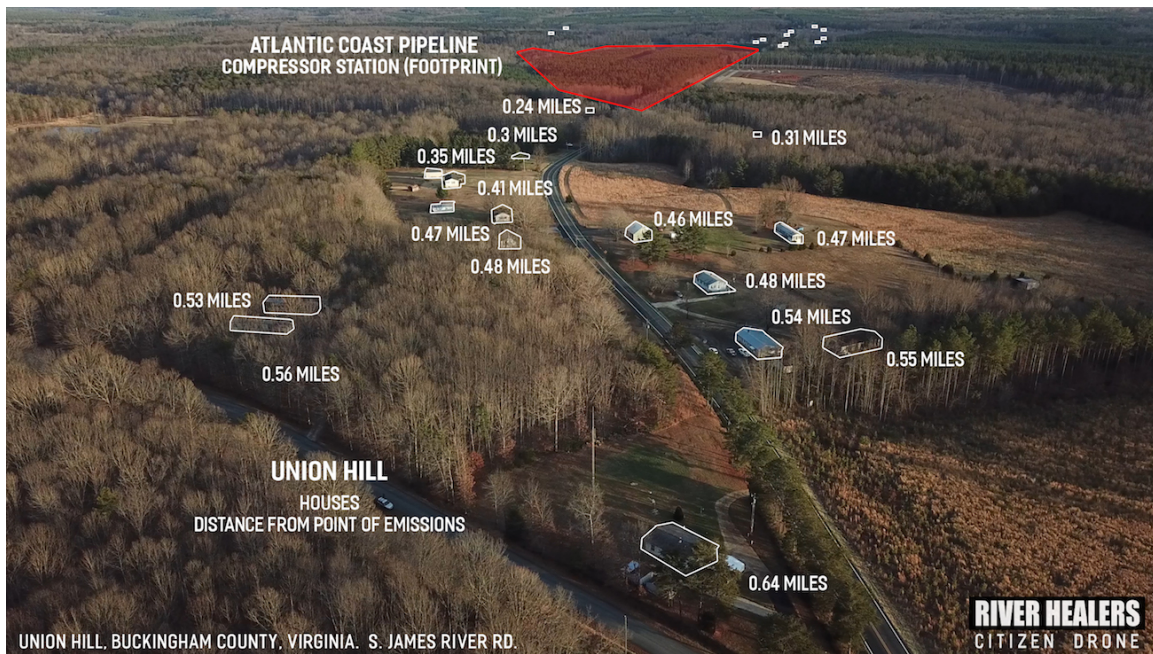
<https://www.farmvilleherald.com/2018/07/appeal-filed-against-acp-permit/>

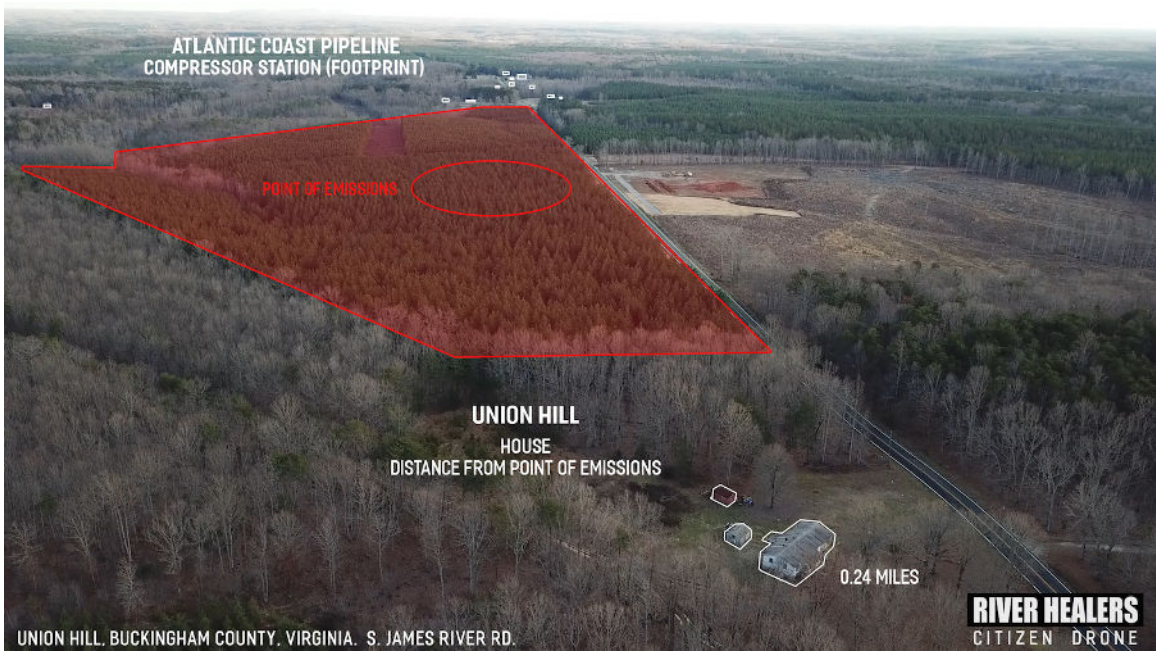
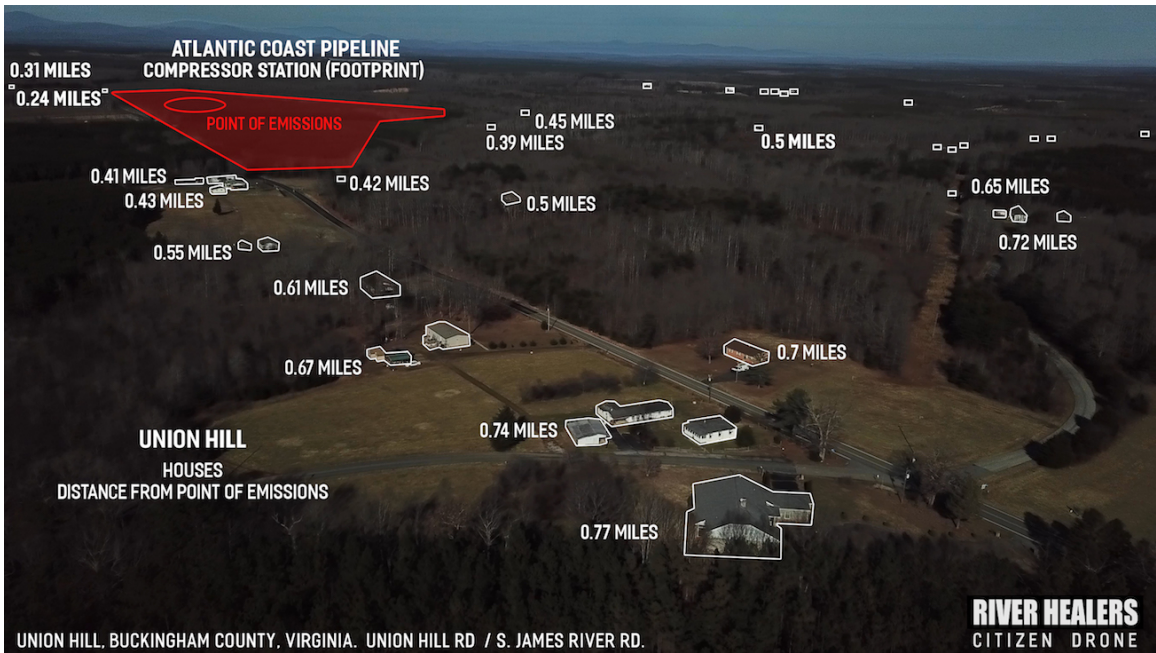
In 2008, in a publicly available email, Natural Resources Secretary Preston Bryant said to other Kaine Administration senior officials, including current Air Board member Nikki Rovner, that the Air Board was "out of control" because of suggested amendments to the suitability policy. Specifically, Board members Bruce Buckheit and Hullie Moore felt the

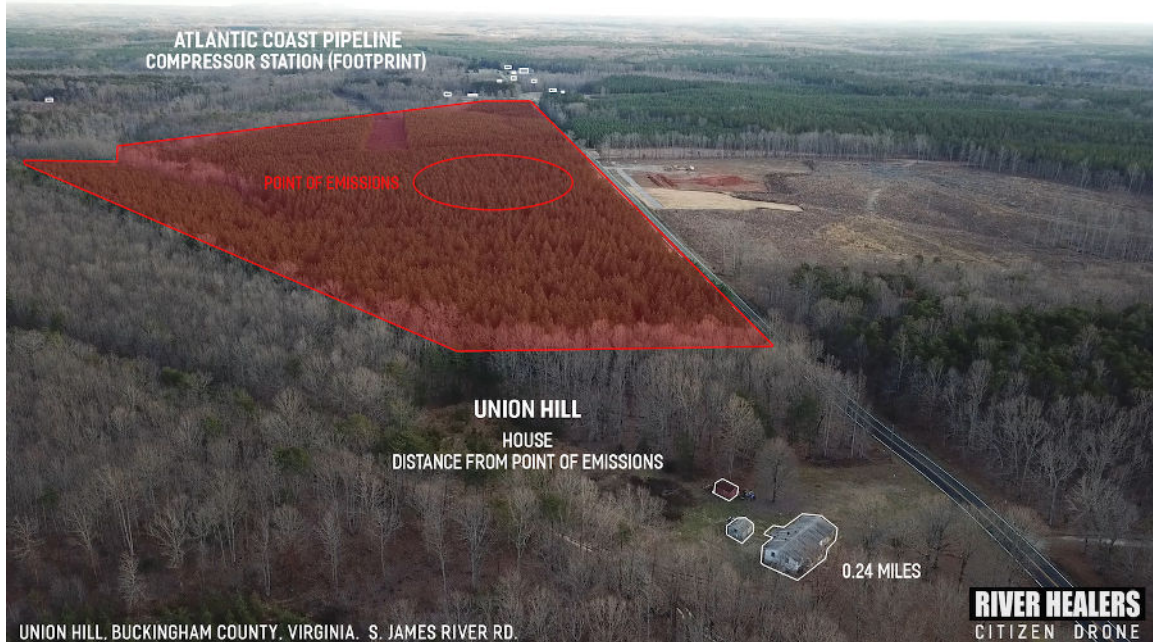
1987 policy illegally delegated the Board's authority to local zoning officials to make suitability determinations that fell under the Air Board's jurisdiction.

Furthermore, we are a Dillon Rule state, and delegations of state authority to localities must be specific and come from the General Assembly. There appears to be a power struggle, for which we find ourselves in the crossfire.

'Merely' the Environmental Justice issues alone give you strong evidence of foul play on the part of Dominion and now the DEQ, of attempted erasure of real live human beings, our neighbors. Others are addressing that in-depth. Again, I invite you to see the Union Hill neighborhood for yourselves. Why are site visitations not required protocol for your impactful decision making? This ought to be mandated. Please review this request! The truth is there for the casual observer, without even the exhaustive work that we did knocking on doors, visiting with our neighbors, hearing their stories. In case you don't get to make the trip, we bring the people to you. Please see video testimony of the folks who live in the incineration zone of the proposed BCS. And attached photos, thanks to Tom Burkett.







The folks I videoed were not included by Dominion's so called Community Engagement Report. Some were visited by Dominion, but they were excluded from this project. All of our meetings are open. Dominion's community engagement excluded many, and we of Friends of Buckingham were not informed of the meetings, nor told why we were not informed.

Very short videos that repopulate Union Hill, worth watching:

Extended Harper Family of Union Hill:

Luther, Lia, Doreen

<https://www.youtube.com/watch?v=nqeSQgfuDkY&feature=youtu.be>

Richard Walker, Dorothy Oliver

<https://youtu.be/muogXMWVqKo>

Edith, Shelly, Jazel Harper

<https://www.youtube.com/watch?v=NAIvv815w1g&feature=youtu.be>

Richard, Virginia, Davion, Dante of Union Hill #WeAreAllUnionHill

<https://youtu.be/kEAG0CXkX3A>

Richard Walker & Dr Lakshmi Fjord

<https://youtu.be/9no-W-p4YEW>

Also, an alternative site on Midland Rd, twice the size of the current site, which ACP bought, in a sparsely populated, but predominantly white neighborhood, could have been chosen, but FERC, DEQ and local Buckingham officials relied heavily on Dominion-generated information, ignoring public comment. I recall that at your meeting on October 29, Mr Hoagland said that the air board needs to stop kicking the EJ issue down the road. When asked, Mr Dowd himself acknowledged that he's a scientist and thus he knows nothing about EJ. I think a good scientist would inform himself. Mr Dowd is also an attorney and therefore hopefully would know the NEPA laws...

And then there is the \$5.1 M 'incentive' that Dominion sprang at the 11th hour, conveniently titled Community Engagement. A classic case of EJ, of attempting to buy out the neighborhood, in face of rising opposition. You have seen the report. Do you know that only 14 of 48 signers live in Union Hill?

If Dominion/DEQ are so confident that this is not an EJ eligible proposed action, then every single reason to 'engage' the community is out the window. There is no reason for Dominion to 'engage'. They don't have to. Why are they arguing that the study area is not EJ eligible on one hand, and then making this big push to conduct 'enhanced engagement'?

Baseline Testing

You may recall that I am the Baseline Testing Project Manager for Friends of Buckingham. I was on the ground, going door to door with Dr Fjord's household study. We got to know each other. Then I took on the arduous task of baseline testing, after being denied public health assessments by the local health department, who sent me on to the regional health department, who sent me on to the DEQ, who sent me back to the VDH. The ole circular bureaucratic shuffle, a repeated theme in this whole process.

Doing the baseline testing was a bigger task, of asking the community to do lengthy health assessments. Nonetheless, when I first began, folks were eager and willing to participate. But I encountered folks backing out of participation, and realized that Dominion's Community Engagement project was dividing the loyalties of the community. My educated guess is that some folks felt that if they participated in FoB's baselines that they would be betraying their newfound allegiance to Basil Gooden, Dominion's hired agent.

In speaking with them, they told me they believed in the good will of the respected and well loved Basil Gooden, who grew up in Union Hill, went to school and church here with neighbors and family. A local man, who 'done good', ascended to the position of Agriculture Secretary under Governor McAuliffe. After McAuliffe left office, he found a job as a consultant for Dominion, and accepted the questionable, unenviable task of offering the community the best deal he could get them out of a rotten situation – "just in case this CS gets approved." This "Community Engagement" project has served to compromise the community's welfare, as the baseline testing is crucial to defending their legal rights to recourse.

There is no way ACP can win on a level playing field. That's why we keep speaking truth to corrupted power. Please take up your rightful and empowered place in history and just say no. We will fight for your defense! Thank you!

Heidi Dhivya Berthoud
Secretary Friends of Buckingham
Baseline Testing Project Manager
info@friendsofbuckinghamva.org
<http://www.friendsofbuckinghamva.org/>
<https://www.facebook.com/ProtectBuckingham>
Cell 434 979 9732

Peace with Justice