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January 4, 2019

Chairman Richard D. Langford & Members of the Air Pollution Control Board
c/o Office of Regulatory Affairs
Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

Dear Chairman Langford and Members of the Air Pollution Control Board:

Thank you for this opportunity to submit comments to the Board concerning the site suitability of the proposed compressor station in Union Hill. As you are aware, Dominion Energy has sought to build this massive fracked gas/methane fueled compressor station in the historic community of Union Hill, a predominantly African American community founded by Freedmen in Buckingham County, Virginia after the Civil War, as part of its \$7 billion 600-mile Atlantic Coast Pipeline.

As detailed below, placement of a massive 54,000 horsepower compressor station powered by the burning of "natural gas" is improper for a variety of reasons, but most especially because a) this is an environmental justice community that is 83% persons of color, most of whom are African American and b) because of that fact, they are at higher risk of suffering ill health effects from this project.

By way of introduction, I have been a practicing attorney for more 35 years. I spent 21 of those years as a Senior Counsel with the United Mine Workers of America Health and Retirement Funds, where I worked full time on health and other issues faced by retired coal miners in Virginia, West Virginia, Kentucky and other coal producing areas. I am intimately aware of the health effect that extractive industries have on the workers who work in those jobs and the people who live near such facilities. This includes coal mines, coal processing plants, fracking fields and all manner of industrial facilities that burn fossil fuels. The proposed compressor station in Union Hill is one such facility.

I also am familiar with a history of more than 100 years of rural areas in Appalachia being treated as sacrifice zones, which is exactly what is being offered to the good people of Union Hill.

I attended the Board's meetings on November 8-9 and listened in amazement as DEQ's Michael Dowd presented what to most practicing attorneys was an absurd interpretation of this Board's power to consider site suitability with regard to the Union Hill compressor project. Mr. Dowd told this Board that it should not consider site suitability because the Buckingham County Board of Supervisors already has done so under a section of the Virginia Code dealing with zoning. The claim is absurd on its face.

Virginia Code 10.1-1307 clearly states that the Board "**shall consider**" a variety of factors including "the suitability of the activity to the area in which it is located." (emphasis added). Then Board member Samuel Bleicher, a Harvard educated attorney, directly challenged Mr. Dowd's claim and I believe that is one of several reasons he was abruptly dismissed by Governor Northam. Mr. Bleicher was correct. I infer from this Board's decision on December 19 to reopen the public comment period that the Board likewise now believes that one of its most important roles is to determine whether Union Hill is a suitable site for this project. That is all to the good.

Any fair consideration of this matter leads to the inescapable conclusion that Union Hill is an environmental justice community based on race. The record in this matter includes a door by door analysis of the people who live closest to the proposed compressor station site. The "Union Hill Community Household Study Site and Methods Report" was authored by Dr. Lakshmi Fjord, Ph.D. of the Department of Anthropology, University of Virginia. That study shows definitely that Union Hill is 83% persons of color and predominantly African American. The study surveyed 99 households, comprised of 199 residents, within 1.1 miles of the compressor site. It found that 83% of those were people of color. This included 62 % African American and an additional 14% mixed African American and Native American. 2% are Native American and 5% are mixed Native American and White. Only fewer than 17% are white.

On December 19, DEQ representatives conceded that if these numbers are correct, then Union Hill is in fact an environmental justice community based on race. Yet they have done nothing to question the results of that study. Instead, they point to a EPA tool know as the EJSCREEN which, according to the EPA, is not only not definitive, but actually considered unreliable when it comes to small populations. The EPA in fact has an entire webpage devoted to the limitations of that tool. Dr. Fjord's analysis is a textbook example of why a community based study of the actual people who live in a small rural community is more reliable than any census or algorithm based estimate.

Viewed more simply, if Dominion Energy thought Dr. Fjord's numbers were inaccurate, it surely would have spent the money to do its own study. Knocking on 99 doors is done by the average political volunteer in a day or two. This endeavor is a little more involved but not by much. Dominion has not done the work because it knows what the results would be. Anyone who knows Union Hill knows the truth.

It is my belief that DEQ is attempting to mislead this Board by trying to distract from the empirical proof presented by the door to door study. It is similar to Mr. Dowd's attempt to present a false interpretation of this Board's own duties, as discussed above. The Board should reject that approach and recognize, as it must, that this historic African American community founded by freed slaves is exactly what it appears to be, namely a vulnerable environmental justice community.

Likewise, it is beyond question that the permitting process in this matter should not go forward until the Virginia Department of Health or other qualified professionals conduct a comprehensive health assessment of the 199 or so persons who live in closest proximity to the proposed site.

In this regard, I am deeply troubled by what appears to have been a deliberate effort by DEQ Director David Paylor to mislead this Board concerning his dealings with the Virginia Department of Health.

For more than four years, opponents of this project have noted the indisputable fact that the compressor station would spew a variety of toxins into the air and water, and that these would disproportionately affect African Americans, who experience a higher level of respiratory conditions such as asthma, than the population at large.

Opponents have demanded that the Commonwealth of Virginia be required to perform a health assessment of the several hundred residents of Union Hill to get a baseline of their health status. They point to the door to door study done by Dr. Fyord, which revealed that 59% of Union Hill residents have a pre-existing medical condition, including asthma, allergies, multiple sclerosis, lupus, COPD, chronic bronchitis and pneumonia, congestive heart disease, heart disease and diabetes.

This is precisely why the Governor's own Advisory Council on Environmental Justice and the Virginia State Conference of the NAACP have called for a qualitative risk assessment and a Health Impact Assessment before Virginia even considers this proposed project. To date, their pleas have landed on deaf ears.

At the Board's December 19 meeting Mr. Paylor was asked whether Virginia could do a health assessment of the potential impact of the compressor station on the residents of Union Hill. He responded by saying that such a study could be done – but that it could not happen until after the compressor station was in operation for several years.

That struck the people who were present as odd in the extreme. It's like telling a smoker to smoke for two years before we can determine if it will affect your health.

But in a just released email that was sent to Mr. Paylor on December 6, Dr. Caroline Holsinger, Director of the Virginia Department of Health's Division of Environmental Epidemiology, said that she had conferred with the State Toxicologist and that he "did indicate that we could do a health assessment on projected data."

The email said nothing about being unable to do the study until after the compressor station was built. And it said nothing about having to wait two years.

Instead, Dr. Holsinger said that the Department of Health “can conduct a health assessment” and that in order “to initiate a health assessment, we would need some data” either from DEQ or from Dominion. The department could then follow up later and compare the projected data with data gathered after operations began. She noted that the kind of data they would need would include “any special populations to consider (children, elderly, those with compromised health),” as well as “peak exposure” that was “expected to occur,” together with the name and concentrations of each chemical emitted and other data.

Dr. Holsinger also said “we would be happy to reach out to the best points of contacts to further discuss potential data” and she copied the state’s Deputy Commissioner for Population Health and State Epidemiologist and the Deputy Commissioner for Governmental and Regulatory Affairs “for their awareness.”

Almost one month later, it appears that Mr. Paylor did nothing to let Dr. Holsinger know who the “best points of contacts” might be so that the health department could initiate its study.

David Paylor disclosed none of this to the Air Board on December 19. He did not reveal that the health department could commence a health assessment now, based on demographic information and projected emissions data. He did not stress that the top officials of the health department had been advised of this situation and that the department was “happy to reach out to the best points of contacts” now – not at some undefined time in the future, to start collecting data. And he did not tell the Air Board on December 19 that thirteen days earlier, on December 6, the health department had offered to commence a health assessment now. And that he had done nothing to help them get started.

Instead, Mr. Paylor made it sound like it was impossible to get any useful health information until after the compressor station is in operation, until after the air permit is approved.

The failure to insist on a health impact study for this environmental justice community is not only wrong but will come back to haunt each and every person who is involved in this process. Union Hill and its residents, not to mention their ancestors, have survived all manner of atrocities over the years. With all due respect, this Board should not compound that sad history. At a very minimum, any vote on this project should be delayed until a proper health study has been done of this community.

For the reasons set forth above, I urge this Board to vote no on the proposed air permit for a compressor station in Union Hill.

Sincerely,

Jonathan Sokolow, Esq.