

Environmental Justice

New LWV-VA position

2021 Recommended Program

Environmental Justice

The EPA defines “environmental justice” as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This study will review how Virginia can best implement environmental justice to promote fairness and halt and prevent future racial and economic inequities.

Study methods

1. Analysis of LWWUS and LWW-VA Natural Resource Positions.
2. Individual case studies of recent VA environmental *injustices*: gold mining, natural gas infrastructure, climate change flooding, landfills, urban heat islands, and access to urban green spaces.
3. Case study common threads ⇨ recommendations & questions for consensus.
4. Local League consensus responses ⇨ the new position.

For more detail, see <https://lww-va.org/lww-va-2021-studies-program-report/>

Consensus

13 local Leagues responded.

They all said **yes** to questions one through six.

One League had **no consensus** on question seven about the state providing expertise to localities.

One League said **no** to question eight about seeking funding for independent EJ analysis.

Comments were *very* helpful and we tried to address concerns and reflect suggestions as we wrote the position.

Position in Brief

Support for environmental justice as a guiding principle for all branches of state government. Support for an expansive view of environmental factors that impact quality of life now and in the future, for meaningful community engagement from the beginning and throughout environmental decision-making, and for use of modern tools and changed practices to ensure that past environmental injustices are not repeated, but are mitigated.

The League's Position

The League of Women Voters of Virginia recognizes that there is a legacy of environmental injustices in Virginia and that this is due both to deliberate decisions in the past and to failure to question and change practices. To avoid repeating and to mitigate these injustices, environmental justice must become a guiding principle for all branches of state government.

The League's Position

The League believes that in addition to air, water, and land pollution, environmental justice encompasses other environmental factors that degrade quality of life, including heat and climate change, odors, noise or vibration, light pollution, lack of urban green space and tree canopy, and loss of historic and cultural touchstones. For any project proposal, the cumulative and long range environmental impacts on a community must be considered, as well as impacts that flow downstream or blow downwind.

Government agencies must be transparent and accountable for developing policies and practices that further the goals of environmental justice and ensure meaningful involvement of *all* stakeholders throughout environmental decision-making processes.

The League's Position

To accomplish these goals, the League supports across state government:

- strengthened staff understanding of, and commitment to, environmental justice;
- clear and consistent implementation of environmental justice policies and practices;
- proactive outreach and relationship-building with environmental justice communities* including demonstrable consideration of their input;
- provision of timely, unbiased, and understandable information to impacted communities;
- sharing of information and expertise among all levels of Virginia government and with all government agencies that make environmental decisions;
- independent analysis of environmental justice impacts.

*[Code of Virginia § 2.2-234. Definitions.](#)

Environmental Justice Community defined

Environmental justice communities are those census block groups in which 30 percent or more of the population is composed of people having an **annual household income** equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level or any geographically distinct area where the **population of color**, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth (37.8% 2014-2018 ACS). In addition to these statutorily defined environmental justice communities, there may be communities or partial communities with a unique historical importance, population of color or other characteristics which are not identified by traditional screening or mapping tools. [Code of Virginia § 2.2-234. Definitions.](#)

Positions are for Advocacy

1. Ongoing threats: gold mining, natural gas infrastructure, sea level flooding, landfills, urban heat islands, lack of access to green spaces
2. RGGI revenue for home weatherization & lower energy burden
3. Unregulated above-ground storage tanks
4. DEQ's narrow approach to Environmental Justice and meaningful involvement
<https://www.deq.virginia.gov/home/showpublisheddocument/17431/638144773847470000>
5. Climate change impacts on environmental justice communities
6. What else?

How we will advocate:

- Inform the Advocacy Director about legislative priorities & legislators who are champions, bills to support, amend, or oppose, and regulations & permits that raise concerns.
- Respond to Action Alerts to contact your legislator or to comment on the Virginia Regulatory Town Hall.
- Draft and present testimony.
- Help to draft legislation!

Comments & Questions?

Program@LWV-VA.org

Virginia Environmental Justice Council Meeting

DEQ Presentation,

May 9, 2023

Who chooses

these community

contacts?

What information

do they get?

Environmental Justice Draft Guidance: Meaningful Involvement

OEJ Coordinators will reach out to their community contacts to gauge interest in proposed permits of concern in the following manner:

- a) If the community, community leaders, civic leaders, etc. living in or representing the community do not express an interest or concern for the proposed permit action, the OEJ Coordinator will document their findings from their environmental justice review and initial outreach efforts to include with the permit application documentation. This will conclude the environmental Justice review.

VA EJ Council - 5/9/23 DEQ presentation continued

Only air, water,
landfills, and
other permits
on a case by
case basis.

Environmental Justice Draft Guidance: Permits of Concern

PERMITS of CONCERN
AIR¹
Construction of a new major source or major modification to an existing major source
Construction of a new major source or major modification to an existing fossil fuel-fired generating facility with a capacity of 500 megawatts or more
Construction of a new major source or major modification to an existing fossil fuel-fired compressor station facility used to transport natural gas (this excludes fossil fueled backup compressor station power)
WATER
VPDES new or expanded major municipal (>25 MGD) and new or expanded major industrial discharges
VWP wetlands individual permits greater than 10ac wetlands or 25,000 lf stream proposed impacts
Groundwater new individual permits (> 1.0MGD) or expanded existing withdrawals
Surface Water Withdrawal new individual or expanded existing withdrawals
LAND
New or expanded solid waste landfills
New or modified hazardous waste permitted Treatment / Storage / Disposal Facilities
New or expanded materials recovery facility or transfer station covered by Permit by Rule
Other Permits on Case by Case Basis

¹ New stationary sources and projects at existing stationary sources that are exempt from permitting under 9VAC5 Chapter 80, operating permits and permit amendments are not considered permits of concern.