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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE AIR POLLUTION CONTROL BOARD

IN RE: BOARD MEETING
HEARD BEFORE: RICHARD D. LANGFORD
CHAIR OF THE STATE AIR POLLUTION CONTROL BOARD

JANUARY 8, 2019

CONFERENCE CENTER
DOUBLETREE BY HILTON, RICHMOND
1021 KROGER CENTER BLVD
RICHMOND, VIRGINIA

10:43 A.M.

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1 APPEARANCES:

2 Richard D. Langford, Presiding
3 Chair, State Air Pollution Control Board

4 Matthew Gooch, Esq.
5 Office of the Attorney General
6 Board Counsel

7 STATE AIR POLLUTION CONTROL BOARD MEMBERS:

8 Nicole M. Rovner

9 William H. Ferguson

10 Ignacia S. Moreno

11
12 DEQ STAFF:

13 David Paylor, DEQ Director

14 Cindy Berndt

15 Michael Dowd

16 Debra Harris

A G E N D A

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1 (The State Air Pollution Control Board
2 meeting commenced at 10:43 a.m. A quorum was present
3 and the taking of testimony commenced as follows:)
4

5 MR. LANGFORD: Good morning. I'm
6 calling this meeting of the State Air
7 Pollution Control Board to order. Before we
8 begin, I'd like to ask everybody to silence
9 your phones -- I haven't done it, either.
10 Now I'd like the Board members sitting on
11 the stage to introduce themselves, beginning
12 on my right.

13
14 MS. ROVNER: I'm Nikki Rovner, and
15 I live in the City of Richmond.
16

17 MR. FERGUSON: Good morning. My
18 name is William H. Ferguson and I am from
19 Tidewater Virginia.
20

21 MS. MORENO: I skipped you, sorry.
22

23 MR. LANGFORD: That's all right.
24 I'm Richard Langford, the Chair of the
25 Board. And I'm from Blacksburg.

1 MS. MORENO: I'm Ignacia Moreno and
2 I'm from McLean, Virginia.

3
4 MR. LANGFORD: Thank you. We do
5 now have a quorum. There are three members
6 of the Board not joining us today.

7 Mr. Hoagland had -- who has a conflict of
8 interest in the action before the Board.

9 And two newly sworn in members
10 of the Board, Ms. Kapur and Ms. Bush. Also
11 on stage today is David Paylor, Director of
12 Environmental Quality and the Board's legal
13 counsel, Matthew Gooch, Assistant Attorney
14 General.

15 The only item on today's
16 agenda is the minor new source review permit
17 for Atlantic Coast Pipeline, LLC, Buckingham
18 Compressor Station, registration number
19 21599.

20 Before we begin, I'd like to
21 remind everyone that at the Board's meeting
22 on November 8 through 9, the Board received
23 detailed presentations from DEQ staff on the
24 development and technical aspects of a draft
25 permit. The public comments that were

1 received during the public comment period
2 that ran from August 8th to September 21,
3 the agency's response to those comments and
4 staff amendments to the draft minor new
5 source review permit.

6 In addition, the Board heard
7 comments directly from 80 members of the
8 public who had previously commented. And
9 they -- and also a brief presentation from
10 the applicant.

11 After the presentations and
12 public comment, the Board discussed the
13 draft permit and asked numerous questions of
14 staff but deferred any action on the draft
15 permit until a meeting on December 9th --
16 19th of 2018.

17 At the December meeting, the
18 Board received the presentations from staff,
19 including possible amendments to the permit.
20 And the Board approved certain amendments to
21 the permit -- to the draft permit.

22 The Board did not approve
23 issuance of the permit at that meeting. The
24 Board did direct that documents received by
25 the Board between the November and December

1 meetings be subject to a minimum public
2 comment period. That public comment period
3 has been concluded and the Board is meeting
4 today to continue deliberations on the draft
5 permit.

6 There is not opportunity for
7 public comment at today's meeting. The
8 process established in the Board's
9 regulations for receiving public input on
10 the draft permit was completed at the
11 November meeting.

12 And I'll say that again. We
13 -- we've had a lot of comment, both in the
14 public comment periods -- written comments
15 as well as the -- the oral comments that we
16 took in November, as well as the public
17 hearing we did in -- in the Buckingham area.

18 The statutory and regulatory
19 opportunity for public comment on the draft
20 permit in a Board meeting is to allow the
21 public -- in other words, the reason why you
22 have public comment at the Board meeting is
23 to allow the public the opportunity to
24 respond in summary of comments that provided
25 by the Department to the Board. Because in

1 most comment periods, all those comments go
2 to the Department. The Department prepares
3 a summary of them, tell us what the summary
4 was and what their response is.

5 And that -- the public
6 discussion after that is to -- to make sure
7 that the people who submitted comments got
8 their comments heard directly by the Board.
9 And that's already occurred.

10 In order to expedite the
11 process, public comments received during
12 this recent minimum public comment period
13 have been handled differently. They've been
14 sent directly to each of the members to
15 review.

16 So DEQ didn't do any summary.
17 Be assured that we got all the comments. I
18 -- I can address that later. But I got a
19 ton of comments.

20 Every comment that got into my
21 inbox during the -- during that comment
22 period, I actually personally looked at and
23 read. So -- so in this case, your comments
24 have been seen by members of the Board. So
25 there's been no summary of the comments

1 provided by the Department today. And since
2 there's no summary of the comments, there's
3 no -- no reason for the public to try to
4 comment on the comments because we've seen
5 them directly.

6 And that's why there's no
7 public opportunity for comment at this
8 meeting. Staff will make a brief
9 presentation today on the draft permit and
10 will be advising the Board of activities
11 that have occurred since our last meeting.

12 And before that, there's some
13 sort of housekeeping things. I mentioned
14 before the meeting started, I'll say it
15 again. We're here at a public venue.

16 There is a -- at the good host
17 of the people of Doubletree by Hilton to
18 allow us to be here. But there are other
19 meetings going on in this same -- in the
20 same venue.

21 So we have to -- there's some
22 more stringent -- it'll be more stringent
23 rules today for -- for the conduct of the
24 meeting. Because we -- we just can't
25 interrupt what's going on in this place of

1 business. So conduct that interferes with
2 an orderly and efficient Board meeting or
3 interferes with the staff presentation or
4 Board discussions is prohibited and will
5 result in your removal from the meeting.

6 As I -- as I mentioned,
7 another organization is having a meeting
8 next door. And conduct that interferes with
9 that will result in the removal from this
10 meeting, and perhaps even from the grounds.

11 We've had -- several times
12 we've had public meetings. And we have had,
13 I'll call them outbursts and demonstrations,
14 in the past. And at times, we've -- we've
15 also had -- had the security presence
16 available.

17 Today we're going to -- I've
18 been advised that we're going to have to --
19 need to be tighter on that. So they'll --
20 we have a --

21
22 MAN IN GALLERY: We'll not do the
23 cop shock for you.

24
25 MR. LANGFORD: We'll have -- we'll

1 have to do essentially a zero tolerance
2 policy on -- on any outbursts or comments.
3 And I will -- aside from that one I just
4 heard, if that occurs, we'll ask the --
5 we'll ask the -- the police to escort that
6 person out of the room.

7 Because we just -- we've got
8 to maintain order in here. Okay. So the
9 rules have been posted, copies of those are
10 around. And they were at the table out
11 front.

12 There -- you probably already
13 know, they're prohibiting the possession or
14 use of noise-making devices, clapping or
15 shouting and shouting out and -- and those
16 apply even when the meeting is in recess.

17 Sorry for having to do that,
18 but we are in a different venue than we
19 usually are. And we need to maintain the
20 dignity here. Now I will call on Mr. Dowd
21 for a presentation -- short presentation,
22 I've been assured, on what's going on.

23
24 MR. DOWD: Much shorter than the
25 last presentation I gave, Mr. Chairman. Is

1 that working? It is.

2
3 MR. LANGFORD: It is now.

4
5 MR. DOWD: Well good morning,
6 ladies and gentlemen of the Board. I am
7 Michael Dowd, Director of the Air and
8 Renewal Energy Division for DEQ.

9 I'm appearing before the Board
10 today to present the DEQ staff's
11 recommendation concerning the proposed
12 permit for the Buckingham County Compressor
13 Station.

14 To provide a brief background,
15 the Buckingham Compressor Station is one of
16 three compressor stations planned for the
17 Atlantic Coast Pipeline. It is the only
18 Atlantic Coast Pipeline compressor station
19 in Virginia and will be the most stringently
20 regulated of the three.

21 The proposed compressor
22 station is a minor stationary source under
23 Virginia's Air Permit regulations. But for
24 all intents and purposes, DEQ treated it as
25 a major source in the permit process to

1 better assure the protection of human
2 health. Protection of public health and the
3 environment are DEQ's most important goals.

4 All Virginia Air permits
5 require both state of the art pollution
6 controls and assurance the source will not
7 cause any violation of EPA's health-based
8 national ambient air quality standards, or
9 Virginia State air toxic standards.

10 The state of the art pollution
11 control all permitted sources must meet is
12 known as best available control technology.
13 DEQ conducted a thorough best available
14 control technology review for the Buckingham
15 Compressor Station.

16 Emission limits in the
17 proposed permit are the lowest for any
18 natural gas compressor turbines in the
19 country.

20 Selective catalytic reduction
21 will be -- will be used to control NOx
22 emissions from the turbines down to 3.75
23 parts per million (ppm) by dry volume at 15%
24 oxygen on a three-hour average. In
25 addition, the proposed permit has the

1 tightest limits on the venting of natural
2 gas found at any compressor station in the
3 United States. And an innovative vent-gas
4 recirculation system will be used to control
5 VOC and methane emissions.

6 The proposed permit will set a
7 very tough and rigorous national standard
8 that future compressor stations will have to
9 meet across the country. Next slide.

10 In addition to the application
11 of best available control technology, all
12 the air permits must assure the source will
13 not cause any violation of health-based air
14 quality standards.

15 In this case, computer
16 modeling was done using the worst case
17 scenario for each pollutant. The air
18 modeling shows that emissions from the
19 Buckingham Compressor Station will not cause
20 an exceedance [sp] of any national ambient
21 air quality standard and will not violate
22 any Virginia State air toxic standards for
23 formaldehyde and hexane. The bottom line is
24 here that the Buckingham Compressor Station
25 will be the most stringently regulated

1 compressor station in the country and that
2 the public's health will be protected. The
3 proposed compressor station permit underwent
4 a public comment period that ran from August
5 8th until September 21st.

6 Over 5300 written comments
7 were received. In addition, a public
8 hearing was held on the proposed permit in
9 Buckingham County, which 191 people attended
10 and at which 60 individuals provided oral
11 comments. Next slide.

12 At the Board's meeting on
13 November 8th, the Board received additional
14 oral comment from members of the public who
15 had previously provided written comments
16 during the public comment period.

17 At the meeting on November
18 9th, DEQ staff gave a presentation on the
19 proposed permit as well as a summary and
20 response for the comments that were received
21 during the public comment period.

22 Dominion gave a presentation
23 as well. However, the Board -- on November
24 9th -- deferred a decision on the proposed
25 compressor station permit pending receipt of

1 additional information the Board asked DEQ
2 to provide regarding site suitability and
3 demographics. DEQ provided the information
4 requested by the Board prior to the Board's
5 next meeting on December 19th.

6 In addition, before the
7 December 19th meeting, DEQ staff drafted
8 several amendments to the proposed permit at
9 the request of certain Board members that
10 were based on public comment, Dominion's
11 presentation at the November meeting,
12 discussions between DEQ and individual Board
13 members and discussions between DEQ and
14 Dominion.

15 All of those amendments served
16 to make the permit more stringent than that
17 proposed by staff. They included new
18 provisions to require the installation and
19 operation of continuous emission monitors on
20 the turbines to measure emissions of
21 nitrogen oxides.

22 They also include provisions
23 requiring monitoring of volatile organic
24 compounds and carbon monoxide to help assure
25 ongoing compliance with the permit's

1 emission limits. And finally, the new
2 provisions require ambient monitoring for
3 nitrogen dioxide, PM2.5 and volatile organic
4 compounds to help assure that the compressor
5 station's emissions do not violate national
6 ambient air quality standards.

7 DEQ worked with Dominion to
8 assure the accuracy of the language and has
9 obtained Dominion's concurrence that that
10 amended language was acceptable.

11 And while those amendments
12 prepared by DEQ staff on the ninth --
13 December 19th meeting are not officially a
14 part of the DEQ staff recommendation, DEQ
15 does not object to any of those changes.

16 At the December 19th meeting,
17 DEQ staff gave a presentation on site
18 suitability and environmental justice issues
19 which encompassed a discussion of the
20 material on site suitability and
21 demographics that was provided to the Board
22 by DEQ prior to that meeting. And -- and at
23 this point, I'd just like to reiterate a
24 point I made at the December 19th meeting.
25 DEQ focuses on risk. Regardless of the

1 demographics of the area surrounding the
2 compressor station, the compressor station
3 will not cause a disproportionate adverse
4 impact to the community for two reasons.

5 First, the residents of the
6 area surrounding the compressor station
7 already -- are already breathing air that is
8 cleaner than the air breathed by 90% of the
9 residents of Virginia.

10 Second, although our air
11 modeling does indicate that the compressor
12 station will cause a slight increase in air
13 pollution concentration, the increase is
14 slight.

15 And model concentration of air
16 pollution after the compressor station
17 starts operation will remain well below air
18 quality standards.

19 The residents of the area will
20 continue to breathe air much cleaner than
21 that breathed by the vast majority of
22 Virginia residents. Now getting back to
23 the December 19th meeting, DEQ also --

24
25 MR. LANGFORD: Excuse me. For

1 those people that have cough problems,
2 please go out into the hallway until you're
3 able to participate without coughing,
4 disrupting the process. Okay. Go ahead.

5
6 MR. DOWD: Again, at the December
7 19th meeting, staff also presented to the
8 Board the amendments to the proposed permit
9 that I referred to earlier.

10 On December 19th, the vote --
11 the Board voted to revise the proposed
12 permit to include the amendments presented
13 by DEQ staff.

14 But the Board, again, deferred
15 taking final action on the proposed permit
16 pending completion of another public comment
17 period.

18 The public comment period was
19 to be minimum in time and limited in scope
20 to documents concerning demographics and
21 site suitability that were provided to the
22 Board prior to the December 19th meeting.
23 The public comment period commenced on
24 December 21st and concluded on January 4th.
25 Okay. I will now move to staff

1 recommendations. The staff recommends that
2 based on, one, the Board book material that
3 contains a memorandum to the Board, a clean
4 copy of the draft permit, a track change
5 copy of the draft final permit, the permit
6 engineering analysis, the air quality
7 analysis review, a list of commenters and a
8 sampling of all written comments received
9 and a summary of the response to public
10 comments.

11 Two, the public comments made
12 available to the Board. Three, the agency
13 files on the draft permit including the
14 application for a permit. Four, public
15 comments made at the Board meeting.

16 Five, staff presentations.
17 Six, the additional documents and public
18 comments submitted to the Board on the
19 documents from December 21, 2018, through
20 January 4th, 2019.

21 And seven, Board discussions
22 and based on consideration of the
23 reasonableness of the activity involved and
24 the regulations proposed to control it
25 pursuant to Virginia Code Section

1 10.1-1307E. First, the Board find that; A,
2 the permit has been prepared in conformance
3 with all applicable statutes, regulations
4 and agency practices; B, the limits and
5 conditions in the permit have been
6 established to protect public health and the
7 environment; and C, all public comments
8 relevant to the permit have been considered.

9 Second, staff recommends the
10 Board approve the permit and conditions as
11 presented at the November 9th, 2018, meeting
12 with the additional amendments approved by
13 the Board at the December 19th, 2018,
14 meeting that comply with applicable laws and
15 regulations as they further respond to
16 public concerns and has been agreed to by
17 the applicant.

18 And I will add that, as I
19 mentioned earlier, technically while the
20 staff does not formally recommend the
21 amendments approved by the Board at the
22 December 19th meeting, staff has no
23 objection to their inclusion in the final
24 permit. Third, the staff recommends that
25 the Board authorize the Director to issue

1 the permit as approved by the Board. Staff
2 further recommends that the Board
3 incorporate the above referenced memorandum
4 permit -- and permit engineering analysis
5 and response to comments into which decision
6 to approve the permit. That concludes staff
7 recommendation.

8
9 MR. LANGFORD: Thank you, Mr. Dowd.
10 There may be questions --

11
12 MR. DOWD: Sure.

13
14 MR. LANGFORD: -- of staff. Before
15 -- before that, I'd like to kind of lay out
16 the way we -- the way things are going to
17 flow. The DEQ has made their -- made their
18 presentation.

19 The Board will have
20 deliberations. Under Robert's Rules of
21 Order, which is the way you run boards of
22 this type, in order to have robust
23 discussion, we need to have a motion on the
24 floor. So there will be a motion made on
25 the floor and seconded. And then we will

1 discuss our various thoughts and -- and so
2 forth about this before actually taking a
3 vote. So just because there's a motion made
4 doesn't mean it's going to get passed
5 necessarily.

6 So that's kind of -- kind of
7 letting the public know how things are going
8 to -- going to flow. First I'll say, are
9 there any questions of DEQ staff from
10 members of the Board? Yeah.

11
12 MS. MORENO: Mr. Dowd --

13
14 MR. DOWD: Yes.

15
16 MS. MORENO: -- you addressed
17 disproportionate adverse impacts on the
18 community. And I was hoping that you might
19 elaborate --

20
21 MR. DOWD: Sure.

22
23 MS. MORENO: -- on the analysis
24 that you performed to arrive at that
25 conclusion.

1 MR. DOWD: Well, the analysis took
2 a couple of different prongs. One of them
3 is the most important aspect of it was the
4 air quality modeling analysis that was done.

5 It was extensive modeling and
6 the modeling indicates that for -- for all
7 the pollutants, and in particular the PM2.5
8 pollutant that I know is of concern to
9 several of the Board members.

10 That even under worst case
11 scenarios, the model concentrations -- at
12 the highest emission limits, at the highest
13 emissions allowed under the permit for the
14 compressor station will result in highest
15 concentrations of PM2.5 well below the
16 national ambient air quality standards for
17 PM2.5.

18 Now when you couple that with
19 the -- with -- and we looked at it on the
20 EJSCREEN, when you look at the percentile of
21 2.5 risk that the EJSCREEN presents for the
22 area around the Buckingham Compressor
23 Station, it indicates that that area has a
24 present -- you know, without the compressor
25 station, the residents of the area around

1 the -- around the area breathe air that is
2 in the top 10% of clean air in the State for
3 PM2.5. Meaning, the residents are already
4 breathing air that is better than 90% of the
5 -- of the rest of the residents of Virginia.

6 And when you couple that with
7 the -- our air quality modeling, which
8 indicates that the increase in emission and
9 increase in ambient concentrations that will
10 be caused by the compressor station are so
11 marginal that the -- you know, the resulting
12 concentrations are still way, way, way below
13 the national ambient air quality standards
14 and way -- and the remaining air quality --
15 the air quality at that point, even with the
16 compressor station, will still be better
17 than that breathed by the vast majority of
18 Virginians.

19
20 MR. LANGFORD: Thank you. Yes,
21 Ms. Moreno, one more.

22
23 MR. DOWD: Sure.

24
25 MS. MORENO: This is for Director

1 Paylor. I was hoping that you could address
2 the health assessment you discussed of the
3 Department of Health.

4
5 MR. PAYLOR: Yeah, happy to. As I
6 mentioned at our last Board meeting, the
7 Health Department has agreed that they could
8 do a letter of health consultation, which
9 involves -- it will take two phases.

10 The first phase will be to
11 take the data that we have already used in
12 our projected analysis and run it through --
13 through their computer projections.

14 And so they would propose, and
15 we are working with them now, to -- to do an
16 analysis of before this -- this station is
17 built.

18 Should the station ever be
19 built, then they have agreed to -- and would
20 like very much -- to do a further analysis
21 based on empirical monitored data to confirm
22 that projections were what we expected them
23 to be. So that's the path that we're on at
24 this point.

25

1 MS. MORENO: Thank you.

2
3 MR. LANGFORD: Are there other
4 questions of staff? Seeing none, thank you,
5 Mr. Dowd. Is there a motion?

6
7 MR. FERGUSON: Yes, I have a
8 motion. William H. Ferguson. I move that,
9 one, based on the Board book material that
10 contains a memorandum to the Board, a clean
11 copy of the draft permit.

12 A track change copy of the
13 draft final permit, the permit engineering
14 analysis. The air quality analyses review,
15 a list of commenters, a sampling of all
16 written comments received and a summary of
17 and response to the public comments.

18 The public comments made
19 available to the Board. The agency files on
20 the draft permit including the application
21 for a permit.

22 Public comments made at the
23 Board meeting, the staff presentation, the
24 outline of possible amendments and amendment
25 -- amended permit, the additional documents

1 and public documents submitted to the Board
2 and the documents from December 21, 2018
3 through January 4, 2019, and Board
4 discussions.

5 And based on the consideration
6 of the reasonableness of the activity
7 involved and the regulations proposed to
8 control it pursuant to 10.1-1307E, A, find
9 that the permit has been prepared in
10 conformance with all applicable statutes,
11 regulations and agency practices.

12 Two, the limits and conditions
13 in the permit have been established to
14 protect public health and the environment.

15 Three, all public comments relevant to the
16 permit have been considered.

17 B, approve the permit and
18 conditions as presented at the November 9,
19 2018, meeting with additional amendments
20 approved by the Board at the December 19
21 meeting 2018 that comply with applicable
22 laws and regulations as they further respond
23 to public concerns and have been agreed to
24 by the applicant. And C, authorize the
25 Director to issue the permit as approved by

1 the Board. Two, incorporate the above-
2 referenced memorandum permit engineering
3 analysis response to comments and the
4 outline of possible amendments into its
5 decision to approve the permit.

6 And three, state that the
7 additional amendments to the permit
8 presented by staff, approved by the Board at
9 the December 19, 2018, meeting are in
10 compliance with applicable laws and
11 regulations as they further respond to
12 public concerns that have been agreed to by
13 the applicant.

14 Four, and finally, state that
15 the Board does not adopt any legal use
16 experienced by DEQ regarding the Board
17 authority under Code -- Virginia Code
18 Section 10.1-1307E. Thank you.

19
20 MR. LANGFORD: We have a motion.
21 Is there a second?

22
23 MS. MORENO: I second the motion.

24
25 MR. LANGFORD: Okay. We'll now --

1 we'll now -- we'll now have discussion on
2 the motion. Let me go first. I'll take the
3 chairman's prerogative here. I -- I've
4 served on this Board for more than 16 years,
5 actually. Probably longer than most anybody
6 else has.

7
8 MAN IN GALLERY: Why weren't you
9 fired?

10
11 MR. LANGFORD: That was an
12 outburst. Can someone escort that gentleman
13 out?

14
15 LADY IN GALLERY: What? What?

16
17 MR. LANGFORD: I told you at the
18 beginning what we were going to do. We're
19 just -- you've been warned. Thank you. So
20 officer, if they agree to be silent coming
21 back, they can come back in.

22 I spent a lot of time on this
23 Board and a lot of time on controversial
24 permits. I personally spent many hours
25 looking at this -- this permit applicant and

1 this -- this issue. I spent hours and hours
2 looking at the most recent comments that
3 many of you have submitted. I looked -- as
4 I said earlier, I looked at every one that
5 was in my inbox.

6 And -- and made a judgment
7 about what you said and what it meant. Some
8 commenters specifically asked that we not
9 consider the community engagement report
10 with the proffered money. I did not.

11 This is not -- this is not
12 part of the draft permit for the facility
13 and I did not consider it. Several
14 commenters cited Section 1307E of the State
15 Air Pollution law, and that those should
16 govern.

17 And that we had the authority
18 to do that. So I looked at those in some
19 detail. I -- I'll address them in reverse
20 order.

21 The -- number four is the
22 scientific and economic practicality of
23 reducing or eliminating the discharge
24 resulting from such activity, which means
25 the compressor station. As we heard today,

1 DEQ used a best available control technology
2 review. And they required control systems
3 and procedures much more stringent than the
4 other two compressor stations on the
5 pipeline that are located in other states.

6 The final -- the draft permit
7 has more stringent requirements than any
8 similar compressor station anywhere in the
9 United States. My conclusion is that this
10 criteria was met.

11 Number three, the suitability
12 of the activity, meaning the compressor
13 station, to the area in which is it located.
14 This has been a topic of some controversy.

15 And in fact, I guess there's
16 some court cases pending about -- about
17 parts of it. The Air Division has long had
18 a practice that site suitability be
19 determined by the local governing body
20 except as to questions involving air
21 quality.

22 The Buckingham County Board of
23 Supervisors certified to the DEQ that the
24 proposed site met the local requirements.
25 There is court challenge involving the Board

1 of Supervisors' action that has not yet been
2 resolved. But the certification by the
3 local governing body still remains intact.
4 Based on that, my conclusion is that this
5 criteria is met.

6 Number two, the social and
7 economic value of the activity involved.
8 Again, the activity is the compressor
9 station. There is economic value added to
10 the community in the form of tax revenue.

11 There is economic value
12 reduced in the community from reported
13 reduced home values and other considerations
14 mentioned by commenters.

15 Social value may be diminished
16 in the local area due to possible noise or
17 light issues. I am not qualified or have
18 the expertise to determine the net value of
19 those puts and takes.

20
21 (At this time, members in the gallery
22 disrupted the meeting and began talking all at once.)
23

24 MR. LANGFORD: Those issues were,
25 in my view, addressed in the consideration

1 of the Buckingham County certification. My
2 conclusion is that this criteria is met.

3
4 LADY IN GALLERY: No.

5
6 MR. LANGFORD: Number one, the
7 character and nature of injury to or
8 interference with safety and health in the
9 reasonable use of property which is caused
10 or threatened to be caused.

11 Commenters expressed concern
12 about the safety of living near the
13 compressor station. Response to the
14 previous comments section indicate that the
15 permittee is working with the local
16 authorities to address those safety
17 concerns.

18 I spent a lot of time
19 regarding health issues. One key part of
20 that depends on whether the area around the
21 facility is considered an environmental
22 justice community based on minority status,
23 income or other factors. This Board
24 requested additional information on the
25 demographics of the area, which is in part

1 what this -- the last comment period also
2 dealt with. And we received comments and
3 analysis of demographic methodology on both
4 sides of this issue.

5 For purpose of my review, I
6 have assumed that it may be an EJ community.
7 Or even if it's not, the community closest
8 to the compressor station has an EJ
9 characteristic for what sometimes EPA refers
10 to as a hot spot, or a smaller concentrated
11 of minority population that might be
12 effected.

13 So I am simplifying things,
14 but okay, so if it's an EJ issue, what does
15 that mean? There generally are two elements
16 to consider. First, inclusion of the EJ
17 community in the process.

18 And second, avoiding
19 disproportionate impact. The inclusion of
20 the EJ community, I admit, the authorities
21 -- various authorities -- were late in
22 identifying potential EJ issues. Note, the
23 record I think is pretty clear on that. But
24 certainly, during this Board's
25 consideration, issues and input from the EJ

1 community have been robust.

2
3 LADY IN GALLERY: You're not
4 listening.

5
6 MR. LANGFORD: What about
7 disproportionate adverse impact? So
8 commenters cited the Commonwealth Energy
9 Policy at Section 67.102-11.

10 Insure the development of new
11 or expansion of existing energy resources or
12 facilities does not have a disproportionate
13 adverse impact on economically disadvantaged
14 or minority communities.

15 That same policy at 67.105-5,
16 just a few paragraphs above, says insure the
17 availability of affordable natural gas
18 throughout the Commonwealth by expanding
19 Virginia's natural gas distribution --

20
21 (At this time, members of the gallery
22 disrupted the meeting and began talking and making
23 noises.)

24
25 MR. LANGFORD: What I'm -- what I'm

1 reading to you is my personal assessment and
2 view. It does not necessarily mean it's
3 anything from anyone else. But this is the
4 way I spent many, many hours looking at the
5 details of this.

6
7 LADY IN GALLERY: We spent four
8 years on this, dude. Honestly. We are
9 allowing y'all to do this today. We are
10 allowing y'all --

11
12 MR. LANGFORD: Officers, if you
13 would escort her out.

14
15 LADY IN GALLERY: -- to do this.
16 I'll leave, don't worry. But we're allowing
17 you -- you -- we're allowing you. If we --

18
19 MR. LANGFORD: Five-minute recess.

20
21 LADY IN GALLERY: -- wanted, we can
22 shut this whole meeting down.

23
24 (The State Air Pollution Control Board
25 meeting went off the record at 11:19 a.m., and

1 immediately resumed. The taking of testimony resumed
2 as follows:)

3

4 MR. LANGFORD: Folks, I know you
5 don't like some of what you're hearing. You
6 -- as you said, you've had -- you've had
7 lots of opportunity to put all your comments
8 in.

9 And you got to let this
10 process work out. Just -- it doesn't --
11 it's not helpful -- it's not helpful to slow
12 it down or interfere with it. And --

13

14 MAN IN GALLERY: We will stop it.

15

16 MR. LANGFORD: Officer, there's one
17 more that needs to leave.

18

19 MAN IN GALLERY: We will stop this
20 pipeline.

21

22 MR. LANGFORD: We can continue
23 removing people until the room's empty.
24 Okay. DEQ has conducted air dispersion
25 modeling on the pollutants of most

1 significance in their presentation. They
2 talked about that. The fence line maximum
3 concentrations were below the national
4 ambient air quality standard or the State
5 toxic standard as applicable.

6 The exposure to PM2.5 is
7 considered safe by the EPA max, that's the
8 national air quality standard, if
9 concentrations in the ambient air are below
10 those standards.

11 There -- those standards are
12 established in the Clean Air Act. But the
13 primary standard which we're talking about,
14 they're designed to protect human health
15 with an adequate margin of safety including
16 sensitive populations such as children, the
17 elderly and individuals suffering from
18 respiratory diseases.

19 Many pollutants have a
20 threshold concentration, below which they
21 have no discernable impact on the
22 population. Particulate matter, however,
23 does not have such a threshold -- at least
24 by all the scientific data indicates it does
25 not. And any concentrations have some

1 impact. Compressor station will have a
2 potential to emit PM2.5. The air dispersion
3 modeling shows at the maximum operation, as
4 Mr. Dowd was saying earlier.

5 The concentrations of PM2.5 at
6 the fence line of the -- of the compressor
7 station will increase by -- I think the
8 information shows 20 to 40%.

9 But that -- they're still 30
10 to 40% below the standard that was set to
11 protect sensitive populations. I went
12 further than that. I -- I had some -- I had
13 some concerns about PM2.5.

14 So I -- I inquired of DEQ
15 staff about not just what were the
16 concentrations going to be near the
17 compressor station, but what are the
18 concentrations near the residents that are
19 most closely effected.

20 And they have that data. When
21 they -- when you do modeling -- sorry, I'm
22 an engineer so I give you more information
23 than you need. But when you do that
24 modeling, there's a whole grid of what they
25 call receptors that the computer calculates

1 for all around. And -- and several of those
2 are right near where some of the identified
3 homes are. So I went to look what those
4 were. The -- actually, the presentation --
5 I think it was in November or December, I
6 forget which.

7 DEQ had made a comment that
8 those numbers at the residences were 50 to
9 80% lower than at the fence line. Then what
10 I did was, I went further than that.

11 I -- I actually looked at the
12 concentrations and because as in the -- in
13 the environmental impact statement, FERC
14 was also talking about -- about potential
15 for -- for this.

16 I went and looked and did some
17 research on -- on papers, that is
18 publications from various sources. The
19 Cleveland Clinic Journal of Medicine
20 comments that while poor outdoor air quality
21 has not been clearly linked to incidents of
22 asthma, the ambient pollutants such as
23 particulate matter and diesel exhaust,
24 outdoor air quality is worse in urban
25 environments where greater proportions of

1 people of low socio and economic status
2 live. That's irreverent -- irrelevant. The
3 PM is -- has been an issue across the state.
4 We monitor for all over the state in
5 continuous monitors.

6 The -- it's worse in urban
7 areas. The -- the background particulate
8 matter in the -- basically in Buckingham
9 County and the area around is about 15
10 micrograms per cubic meters.

11 If -- if we do the modeling at
12 what the impact of what the compressor
13 station is and look out at the closest
14 homes, there is an -- an increase predicted
15 of about one microgram per cubic meter based
16 on one of the standards.

17 That's still way, way below
18 the -- the air quality standard, which is
19 set at 35. And it is still, as Mr. Dowd
20 said, it still relates -- equates to some of
21 the cleanest air -- continues to be some of
22 the cleanest air in -- in Virginia.

23
24 (At this time, persons in the gallery
25 disrupted the meeting and began speaking.)

1 MR. LANGFORD: Okay. You can have
2 a difference of opinion, but that's --
3 that's what's been stated and that's what
4 actually the data shows.

5
6 MAN IN GALLERY: You're missing the
7 point.

8
9 MR. LANGFORD: Numerous studies
10 have linked PM2.5 to many health problems,
11 increased asthma to hospital visits. A
12 study from the Journal of American Medical
13 Association found that for every 10
14 microgram per cubic meter increase and daily
15 PM2.5 exposure, over the course of a whole
16 summer, the mortality rate didn't change
17 much.

18 It was slightly more than a
19 one percent increase. Even -- even when the
20 levels were still within the 35 milligrams
21 per day limit.

22 That's an increase of 10 that
23 made around one percent increase in -- in
24 impacts on health. We're talking about one
25 microgram or a 10th of that. And -- and so

1 it's -- it's much lower than what the -- the
2 Harvard folks found in their study.

3
4 LADY IN GALLERY: So put it in your
5 back yard to --

6
7 MR. LANGFORD: And EPA's guidance
8 --

9
10 LADY IN GALLERY: Put it in your
11 back yard.

12
13 GALLERY MEMBER: Yeah, put it in
14 your back yard.

15
16 MR. LANGFORD: Officer, I need some
17 more help. In EPA's guidance on
18 disproportionate impact, they say that in
19 light of the various facts, it is the
20 decision-maker that has to make a judgment.

21 That's out of their -- out of
22 their technical guidance for assessing
23 environmental justice and regulatory
24 actions. So it's up to the decision-maker
25 to determine how important these facts are.

1 And I conclude that there is a low
2 probability of a disproportionate adverse
3 impact to the hot spot of the local
4 residents.

5
6 LADY IN GALLERY: Put it in your
7 back yard.

8
9 GALLERY MEMBER: Move there
10 yourself.

11
12 MAN IN GALLERY: Right.

13
14 MR. LANGFORD: Actually --
15 actually, my back yard has higher levels
16 already than that. So I live in Montgomery
17 County and there's a big highway next to it.

18 Okay. Our -- that's my
19 comment or discussion. Do any other Board
20 members have anything they want to say or
21 add or questions?

22
23 MR. FERGUSON: Thank you for
24 coming. Top-level military business or what
25 shipbuilding, seafood and elected officials

1 realize that coastal Virginia, which has a
2 population of over 2M and is Virginia's
3 industrial and maritime bread basket does
4 not have the natural gas infrastructure
5 required to accommodate the areas --

6
7 LADY IN GALLERY: If you keep
8 building pipelines, you're not going to have
9 land to live on. There's a global warming
10 issue. You all think -- you all are old.

11
12 MR. LANGFORD: Officer.

13
14 LADY IN GALLERY: You know, we are
15 going to be around a little bit longer and
16 this is not your decision to make. I am the
17 --

18
19 (At this time, members in the gallery
20 disrupted the meeting and began applauding.)

21
22 LADY IN GALLERY: This is bullshit.
23 This is not what people want. There's lots
24 of people who need help.

25

1 MR. FERGUSON: Hampton Roads is so
2 short of natural gas capacity --

3
4 LADY IN GALLERY: That's a lie.

5
6 MR. FERGUSON: -- that Virginia's
7 natural gas --

8
9 GALLERY MEMBER: And it's
10 sickening.

11
12 LADY IN GALLERY: Hampton Roads are
13 under water.

14
15 MR. FERGUSON: Virginia natural gas
16 can not offer guaranteed service to a new
17 large customer anywhere east of
18 Williamsburg, Virginia. Last year, due to
19 cold weather, our businesses had their
20 service curtailed and had to shut down.

21 Sending workers home as there
22 was not enough pipeline capacity to serve
23 demand. We're now paying over \$100M or more
24 for natural gas this winter than we would
25 have if the pipeline had been in service.

1 \$100M. Adjacent rural counties that have
2 been left out of the now booming economy
3 have not had the natural resources to
4 attract new businesses, seeing its
5 population either go on public assistance or
6 move away.

7 Rural residents are suggested
8 -- are subjected to burning truckloads of
9 firewood in their wood stoves. Farmers need
10 --

11
12 LADY IN GALLERY: It's doable.

13
14 MR. FERGUSON: Farmers need
15 affordable natural gas for silage, feed lots
16 to drive and store crops. Natural gas is a
17 direct replacement for diesel, coal-fired
18 facilities, wood-fired stoves and
19 undependable solar and wind-driven plants.

20
21 (At this time, persons in the gallery
22 disrupted the meeting and began talking.)

23
24 MAN IN GALLERY: It's not your job.
25

1 MR. LANGFORD: Officer.

2

3 MAN IN GALLERY: Congress is not
4 your job, pal.

5

6 (At this time, gallery disrupted meeting and
7 began applauding.)

8

9 MR. LANGFORD: Thank you.

10

11 MAN IN GALLERY: You don't live
12 next to it, pal.

13

14 MR. FERGUSON: In my hometown --

15

16 LADY IN GALLERY: How much did
17 Dominion pay you?

18

19 MR. FERGUSON: -- mountains of coal
20 -- in my hometown, mountains of coal create
21 a filthy environment and health problems for
22 low income neighborhoods. Natural gas
23 provides an alternative to coal.

24

25 (At this time, members of the gallery

1 disrupted the meeting and began speaking.)

2
3 MR. FERGUSON: While solar fields
4 are wonderful for chopping off the energy
5 spikes in the summer months, solar simply
6 can not work in a cloud cover and take
7 hundreds of thousands of acres of fertile
8 farmland and forests out of production.

9 Replacing just one modern
10 gas-generating plant with solar panels would
11 require the same acreage as the entire
12 Washington, DC, MSA.

13 A project of this type must
14 work its way through dozens of layers of
15 regulators -- local, state and federal -- to
16 garner support for the project.

17
18 LADY IN GALLERY: Or get paid by
19 Dominion.

20
21 MR. FERGUSON: Thank you. A local
22 engineering department reviews that
23 whereupon it must satisfy their specific
24 requirements. It then must go to a local
25 planning staff, completely engineered at a

1 cost of millions. The project then needs to
2 go to a planning commission made up of
3 volunteers from the community.

4 Then it goes to an elected --
5 democratically elected -- board of
6 supervisors who can send it back for
7 revisions for whatever reason, noise,
8 landscaping, land use, etcetera.

9 This pump station passed
10 unopposed by every local democratically
11 elected official, including Louise Lucas,
12 Buckingham County State Senator.

13 Ms. Lucas is an active member
14 of the Virginia Legislative Black Caucus,
15 elected vice-chair of outreach within the
16 Democratic Party of Virginia, Golden
17 Heritage member and past president of the
18 NAACP, and charter member of the Martin
19 Luther King Leadership steering committee.

20
21 MAN IN GALLERY: Stop putting
22 people in --

23
24 LADY IN GALLERY: She's wrong, too.

25

1 MR. FERGUSON: To suggest that
2 these local citizens are effective or so --
3 strictly by campaign funds is not realistic
4 or factual.

5
6 LADY IN GALLERY: Bull.

7
8 MR. FERGUSON: My point is this --
9 thank you. My point is this, there's a
10 proven need for a pipeline and it's a very
11 serious matter --

12
13 (At this time, members of the gallery
14 disrupted the meeting and began speaking.)

15
16 LADY IN GALLERY: You have the
17 responsibility to the earth and humanity --

18
19 MR. LANGFORD: Officer.

20
21 LADY IN GALLERY: -- and to your
22 residents and the people that pay taxes.

23
24 (At this time, people in the gallery began
25 applauding.)

1 LADY IN GALLERY: You have the
2 responsibility to protect all of us here.

3
4 MR. FERGUSON: Thank you.

5
6 LADY IN GALLERY: You have a
7 responsibility for all of us.

8
9 MAN IN GALLERY: No pipeline.

10
11 MR. FERGUSON: Thank you. There is
12 a proven need for the pipeline and --

13
14 LADY IN GALLERY: You have a
15 responsibility --

16
17 MR. FERGUSON: -- and this is a
18 various -- this is a very serious matter.

19
20 (At this time, members of the gallery
21 disrupted the meeting and began speaking all at
22 once.)

23
24 MR. FERGUSON: Thank you.

1 LADY IN GALLERY: Oh, my God. Quit
2 this and make the right decision.

3
4 MR. FERGUSON: This is a very
5 serious matter for the families in coastal
6 and southside Virginia. The applicant has
7 revised his plan to address the concerns of
8 the staff and elected officials at every
9 level, with a full directive -- with a full
10 directive from the governors who appointed
11 us.

12
13 LADY IN GALLERY: Full directive
14 from Dominion Power.

15
16 (At this time, members of the gallery
17 disrupted the meeting by applauding and speaking.)

18
19 MR. LANGFORD: Officer.

20
21 MR. FERGUSON: And the compressor
22 station developers have sufficient financial
23 backing, which offsets any liabilities that
24 could possibly occur.

25

1 MAN IN GALLERY: Oh. Yeah, right.

2
3 MR. FERGUSON: The facility will
4 provide an alternate source of energy when
5 older interstate pipelines need repair and
6 replacement.

7 The facility will create
8 millions of dollars in taxes and thousands
9 of jobs to these southside rural counties
10 that have traditionally been left behind.

11 Thank you. The facility will
12 also help insure that the military bases in
13 southeast Virginia meet stringent
14 regulations when future rounds of budget
15 cuts and base realignments and closings are
16 implemented.

17
18 LADY IN GALLERY: Why aren't they
19 here then?

20
21 MR. FERGUSON: It will assist in
22 the development of thousands of high-paying
23 tech jobs and new infrastructure needed for
24 the new --

25

1 MAN IN GALLERY: That's out of
2 state. The jobs go to people from out of
3 state.

4
5 LADY IN GALLERY: We the people --
6 not we the people.

7
8 MR. LANGFORD: Officer.

9
10 MR. FERGUSON: Thank you. It will
11 assist in the development of thousands of
12 high-paying jobs --

13
14 LADY IN GALLERY: Be the sheep.
15 Don't eat the sheep. Don't eat the earth.
16 It is sacred, the people are sacred.

17
18 MR. FERGUSON: Thank you.
19 Thousands of pay -- high-paying tech jobs
20 and new infrastructure needed for the new
21 undersea fiber optic network coming to
22 Virginia Beach from Africa, Europe and South
23 America. This will insure that our port,
24 which is being expanded to match the ports
25 in South Carolina and Georgia, will have the

1 capacity to expand with new industrial
2 warehousing and assembly plants. Therefore
3 -- therefore -- wrapping this baby up. It
4 is our directive and obligation to approve
5 the pump station if it -- if it's lawful and
6 exceeds all safety measures.

7
8 MAN IN GALLERY: It's not lawful.

9
10 MR. FERGUSON: Thank you. The
11 region needs the energy. The state needs
12 the energy.

13
14 LADY IN GALLERY: No, we don't.

15
16 MR. FERGUSON: For these reasons
17 and many more, I support this project
18 without reservation.

19
20 MAN IN GALLERY: Shame.

21
22 (At this time, members of the gallery
23 disrupted the meeting and began speaking.)

24
25 MAN IN GALLERY: Renewable energy.

1 This is not the answer. Shame.

2
3 (At this time, the gallery disrupted the
4 meeting and began chanting shame.)

5
6 MR. LANGFORD: Thank you. Let's
7 not do that again or we're going to recess
8 and leave and you can yell at yourselves.
9 We have -- we have to maintain order. And
10 you're done. Is there anyone else who would
11 like to comment? Ms. Moreno.

12
13 MS. MORENO: I would like to thank
14 members of the public for your engagement,
15 vigor and the trust that you have placed in
16 this Board.

17
18 LADY IN GALLERY: You don't impress
19 me.

20
21 GALLERY MEMBER: You betrayed it.

22
23 MS. MORENO: I have seen it. I have
24 seen you, I have heard you. I have taken a
25 careful look and have worked with DEQ to

1 insure that the permit requirements are
2 stringent, protective of human health and
3 the environment, enforceable and that DEQ's
4 oversight is real.

5 I have considered the data on
6 both sides and have assumed that the
7 community at issue is an environmental
8 justice community.

9 I have requested and
10 considered an analysis on whether there may
11 be any disproportionate adverse impacts on
12 the affected community.

13 In addition, I have requested
14 a health assessment and Mr. Paylor has
15 worked with the Department of Health to
16 insure that a health assessment is conducted
17 and that it starts right away.

18 I also visited the site to see
19 it for myself and to put into context what
20 you told me in your comments. And I have
21 considered all of your comments on all
22 issues, including site suitability. I do
23 not agree with DEQ's views on the scope of
24 the Board's authority under Virginia Code
25 Section one -- under Virginia Code Section

1 10.1-1307E. In my view, the Board has broad
2 authority and discretion under the statutory
3 provisions enacted by the General Assembly.
4 Having said that, the Board's authority is
5 not without limitations.

6 For example, the merits of the
7 Atlantic Coast Pipeline are not before the
8 Board. This is not to understate the
9 significance of the matter before the Board.
10 But simply to provide a context for the
11 decision that we are tasked with making
12 today.

13 The matter before us is
14 whether to approve a minor stationary source
15 air permit for the proposed Buckingham
16 Compressor Station.

17
18 LADY IN GALLERY: Our lives are on
19 the line.

20
21 MS. MORENO: I will limit my
22 comments to that in the interest of time.
23 But I would like to conclude my remarks by
24 acknowledging the significant contributions
25 made by Sam Bleacher [sp] and Rebecca Reuben

1 to the work of the State Air Pollution
2 Control Board. And once again, I thank you

3 --

4
5 (At this time, members of the gallery
6 disrupted the meeting by applauding and speaking.)

7
8 MAN IN GALLERY: Did you read her
9 op-ed?

10
11 MR. LANGFORD: Seeing no other
12 comments, we'll call the question.
13 Ms. Berndt, would you please call the roll,
14 please?

15
16 MS. BERNDT: You want a roll call?

17
18 MR. LANGFORD: I think we probably
19 need one. Yes.

20
21 MS. BERNDT: Okey-dokey.
22 Ms. Moreno.

23
24 MS. MORENO: Yes.
25

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25

MS. BERNDT: Mr. Ferguson.

MR. FERGUSON: Yes.

MAN IN GALLERY: Don't do it.

MS. BERNDT: Ms. Rovner.

MS. ROVNER: Yes.

MAN IN GALLERY: Don't do it.

MS. BERNDT: Mr. Langford.

MR. LANGFORD: Yes.

MS. BERNDT: So it's four to --

LADY IN GALLERY: Protect our
children.

(At this time, members in the gallery
disrupted the meeting by chanting.)

MR. LANGFORD: The motion is

1 passed.

2
3 (At this time, the gallery disrupted the
4 meeting by chanting and shouting.)

5
6 MR. LANGFORD: This meeting is
7 adjourned.

8
9 (At this time, the gallery began shouting.)

10
11 (The State Air Pollution Control Board
12 meeting concluded at 11:43 a.m.)

CERTIFICATE OF THE COURT REPORTER

I, Debroah Carter, hereby certify that I was the Court Reporter at the STATE AIR POLLUTION CONTROL BOARD MEETING regarding ATLANTIC COAST PIPELINE, heard in Richmond, Virginia, on January 8th, 2019, at the time of the Board meeting herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the Board meeting herein.

Given under my hand this 19th of January, 2019.



Debroah Carter, CMRS, CCR
Virginia Certified
Court Reporter

My certification expires June 30, 2019.