

September 25, 2024

By Electronic Mail: Jerome.Brooks@DEQ.Virginia.gov

Jerome A. Brooks
Department of Environmental Quality
Regional Director
Piedmont Regional Office
4949-A Cox Rd
Glen Allen, VA 23060

CC: Alison Sinclair, Air Permit Writer, Sr. II (Alison.Sinclair@DEQ.Virginia.gov) Chairman
Jim Holland, Chesterfield County Board of Supervisors (HollandJ@chesterfield.gov)

Dear Mr. Brooks:

The Southern Environmental Law Center (“SELC”), on behalf of the Chesterfield Branch of the NAACP, is writing you regarding Dominion Energy’s proposed Chesterfield Energy Reliability Center air pollution permit application (“Application”), which was submitted on August 1, 2023 and supplemented/revised on August 21, 2024 (“Application Supplement”). We request DEQ require Dominion to conduct preliminary monitoring of the ambient air quality at the proposed site as well as in communities within three miles of the proposed site, instead of relying on data collected from inadequate existing air monitors. Dominion should also be required to complete a robust study of community health in the area to be affected.

In Dominion’s August 2023 application, it proposed to use “existing air monitoring data”¹ to conduct its analysis of “existing ambient air quality in the area to be affected by the proposed project,”² despite the nearest fine particulate matter (PM_{2.5}) air monitor being more than seven miles away from the proposed site. Further, Dominion’s Environmental Justice Screening Phase 1 Report³ limits its evaluation radius to one mile, despite the Environmental Protection Agency’s (“EPA”) utilization of a radius of three-miles to appropriately represent communities neighboring power plants.⁴ Dominion did not alter these elements in its August 2024 supplement, and we believe this proposed approach will not appropriately capture the ambient air quality in communities neighboring the proposed site, wherein a number of environmental justice communities reside.

In DEQ’s September 4, 2024 letter to Dominion, following the Department’s review of Dominion’s supplemental information, DEQ indicated that “additional information will be needed

¹ Application at 4-7.

² *Id.*

³ *Id.*, App. H at 4 (Environmental Justice Screening Phase 1 Report).

⁴ See *Power Plants and Neighboring Communities*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, <https://www.epa.gov/power-sector/power-plants-and-neighboring-communities> (last visited Sept. 24, 2024) (wherein the EPA explains, “A three-mile radius is consistent with environmental justice literature and studies, including the [EJ Screening Report for the Clean Power Plan](#). These key demographics and information about nearby power plants may help identify a community's potential vulnerability to environmental concerns.”).

before the application may be considered complete,”⁵ and asked Dominion to update the application information sections related to environmental justice and site suitability (specifically, Section 10.0 and Appendix H). Notably, Section 10.0 in Dominion’s application states that “[a]dditional information will be provided upon completion of the ambient air impact analysis to demonstrate compliance with the site suitability and [environmental justice] requirements.”⁶ For the reasons discussed below, to the extent the additional information Dominion intends to provide is based on its proposed approach of using existing air monitor data, DEQ should not accept this information as sufficiently informative of whether environmental justice and fenceline communities in proximity of the proposed project site will be subject to disproportionate air pollution risk.

In February of this year, the Environmental Protection Agency (“EPA”) finalized stronger standards for the primary annual fine particulate matter level, revising its prior standard downward from 12 micrograms per cubic meter to 9 micrograms per cubic meter.⁷ Along with strengthening these standards, the EPA also modified the PM_{2.5} monitoring network design criteria “to include a factor that accounts for proximity of populations at increased risk of PM_{2.5}-related health effects to sources of air pollution.”⁸ The EPA implemented this air monitoring network modification to “enhance protection of air quality in communities subject to disproportionate air pollution risk.”⁹ These finalized revisions became effective May 6, 2024. Dominion’s application, which was recently supplemented, still projects that the CERC’s PM_{2.5} emissions will increase beyond what the former coal units emitted. These increased PM_{2.5} emissions, along with increases in three other pollutants, are driving Dominion’s need to pursue prevention of significant deterioration (“PSD”) review.

As Dr. Loren Hopkins, a National Environmental Justice Advisory Council member and Chief Environmental Science Officer and Bureau Chief of the Data Science Division in the Houston Health Department finds in a recent report, “[a]ccurately measuring the current ambient pollutant concentrations requires, at a minimum, a monitor located near both the community and the facility.” The full report containing her research and findings is included with this letter. Of particular note is Dr. Hopkins’ discussion of the PM_{2.5} monitors nearest Dominion’s proposed location (which are, according to the report, over seven miles away from the proposed site) and whether these will accurately reflect ambient air quality in nearby communities. Within both one and three miles of the proposed site, there are communities of color and low-income communities, as identified in the map included in the attached informational document, “Proposed gas plant would mean more pollution for Chesterfield communities.”

⁵ DEQ September 4, 2024 Response at 1. Dominion recently requested and received an extension to submit requested information to DEQ and now plans to submit the information by September 27, 2024 according to a September 19, 2024 Response from DEQ to Dominion.

⁶ Application at 10-1.

⁷ See *EPA finalizes stronger standards for harmful soot pollution, significantly increasing health and clean air protections for families, workers, and communities*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Feb. 7, 2024), <https://www.epa.gov/newsreleases/epa-finalizes-stronger-standards-harmful-soot-pollution-significantly-increasing> (last visited Sept. 4, 2024).

⁸ *Id.*

⁹ See *Final Rule to Strengthen the National Ambient Air Quality Standards for Particulate Matter*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Feb. 7, 2024), <https://www.epa.gov/system/files/documents/2024-02/2024-pm-naaqs-final-overview-presentation.pdf> (last visited Sept. 24, 2024).

Given these preliminary screening data, the distance of existing PM_{2.5} monitors, and Dominion's current proposed approach to air monitoring and environmental justice analysis, we strongly urge DEQ to require Dominion to conduct preliminary monitoring "specifically designed to collect data in the vicinity of the proposed source"¹⁰ and to ensure Dominion's radius for establishing the "area to be affected" / "vicinity" includes a three-mile radius. Further, Dominion should be required to conduct a baseline study of community health for the communities residing within three miles of the proposed site.

We welcome the opportunity to speak with you further and appreciate your time and consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel James". The signature is fluid and cursive, with the first name "Rachel" and last name "James" clearly distinguishable.

Rachel James
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¹⁰ Application at 4-7.