

Mr. Rhines:

Per past correspondence and discussion, I want to clarify my past communications with EPA. I respectfully request your office open an investigation into the actions of the Virginia Department of Environmental Quality (VA DEQ), other associated state agencies as appropriate, and Hanover County on activities that may potentially violate Title VI of the Civil Rights Act. It appears state and local government agencies may have actively ignored their own laws and regulations, guidance documents, and regulatory programs in order to attract and promote the proposed Wegmans Distribution Center development project in Hanover County, VA.

As noted in other correspondence with EPA, the location of the proposed distribution center is in the heart of the Brown Grove community. Brown Grove was established by freed people after the Civil War and has suffered from over 60+ years of government sponsored discrimination since the construction of Interstate 95 split the community in half. With 2 interchanges to the interstate, much of the industrial development in Hanover County has been focused on this community. One can visually see these industrial impacts in the maps showing the recently created Brown Grove Residential Community Historic District (available at <https://www.dhr.virginia.gov/pifs/brown-grove-residential-community-historic-district-hanover-co-dhr-no-042-5802/>). While the proposed distribution center is of concern to many, the Brown Grove community will bear the greatest impacts from the proposed development.

VA DEQ has failed to proactively address newly revealed emergency power generators as requested by the Hanover NAACP and others during the July 7th Virginia Air Pollution Control Board meeting (public statement attached). DEQ has failed to adequately address environmental justice matters throughout the wetlands permitting process, as required under the 2020 Virginia Environmental Justice Act. The VA DEQ permit and its development is fraught with administrative and technical flaws identified by the public which provide fewer protections than would otherwise occurred. DEQ also accepted an EJSscreen analysis completed by Wegmans' consultants, which was used in lieu of the US Army Corps of Engineers request to incorporate environmental justice considerations into the Least Environmentally Damaging Practicable Alternative (LEDPA) analysis. DEQ uses the same LEDPA analysis in the state wetlands permitting program and ignored the community's request for an more extensive environmental justice analysis. These actions solely benefited the applicant and their choice to develop the proposed property. DEQ's actions appears to have restricted due process, fair treatment and the meaningful involvement of Brown Grove community members in environmental permitting under the agency's purview.

The complaint regarding Hanover County can be broad. The past re-zoning action occurred during the Covid-19 pandemic and forced members of the Brown Grove community to choose between either participating in a physical Board of Supervisors hearing at-risk of becoming infected or to comply with the Virginia Governor's "Stay at Home" executive order. No one from the Brown Grove community participated in the May 2020 Board meeting when the project property was rezoned.

However, Hanover County recently approved the Wegmans facility site plan with 5 recently revealed diesel powered emergency power generators. These generators are not shown on the local zoning concept plan. The site plan is not in "substantial conformity" with the Board approved concept plan as a result, contrary to the Hanover County Code. By approving the site plan, Hanover County government

eliminated the Brown Grove community's ability to express concerns regarding air and water pollution, which was openly raised during the state and federal wetlands permitting process.

It would also be desirable that the US Army Corps of Engineers be included in such an investigation, but I understand EPA does not investigate other federal agencies regarding such matters. In the event I am incorrect regarding this, please use this as a request to also look into the actions of the Corps. In the meantime, I would appreciate if agency staff at Region III would make themselves available to discuss my prior request to enact the agency's Section 4040(c) authority to revoke the inappropriately issued federal wetlands permit. I trust you and your staff will direct this request to the appropriate EPA team members.

I appreciate the opportunity to present this request and would be pleased to make myself available should you have any questions or concerns.

Regards,

(b) (6) Privacy, (b) (7)(C) Personal Privacy

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