

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**METHANE LEAKAGE FROM NATURAL GAS INFRASTRUCTURE
REVISION A19**

AD HOC WORK GROUP, FIRST MEETING MINUTES

**THIRD FLOOR CONFERENCE ROOM
1111 EAST MAIN STREET, RICHMOND, VIRGINIA
MARCH 25, 2019**

Members Present:

Joshua Ball, CNX
Braven Beaty, The Nature Conservancy
Lisa S. Beal, Dominion
James Bradbury, Georgetown Climate
Andres Clarens, UVA

Will Cleveland, SELC
Kevin Elkins, Coranado Global
Richard Lutz, Transco
Shepelle Watkins-White
Andrew Williams, EDF

Staff:

Department of Environmental Quality

David K. Paylor, Director
Ann M. Regn, Public Information
Karen Sabasteanski, Regulatory Affairs
Dept. of Mines, Minerals and Energy
Al Christopher

Michael G. Dowd, Air Division
Tamera Thompson, Air Division
Tom Ballou, Air Division
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Michael Skeffington

The meeting began at approximately 10:05 a.m.

Meeting Purpose: This ad hoc work group has been established to advise and assist DEQ in the development of a framework for limiting methane leakage from natural gas infrastructure. This group will support DEQ in its collection and evaluation of data to inform the regulation development process. The agenda (Attachment A) and a copy of the staff presentation (Attachment B) follow.

Welcome and Introductions: Mr. Paylor made a number of introductory remarks, noting that this is important work and a priority for the Governor. Mr. Dowd welcomed the group. Members introduced themselves individually.

FOIA Requirements: Ms. Sabasteanski discussed Virginia Freedom of Information Act (FOIA) requirements as they pertain to this group's meetings (see Attachment C).

Issues Overview: Mr. Dowd provided a broad overview of issues to be considered by the group. In broad terms, the department is looking for information and approaches for dealing with all elements associated with natural gas production, transmission, storage

and distribution, including compressor stations, appurtenances and associated equipment, and pipelines, including wellfield, inter- and intra-state pipelines. Ms. Thompson summarized department's concerns, including how to best address new and existing facilities: what are the emissions, and how to identify and address problems. Mr. Ballou provided a summary of methane emissions in Virginia by industrial sector (see Attachment D).

Work Plan/Group Discussion: The group discussed opportunities and challenges associated with their organizations' natural gas transmission experiences. The group's concerns were summarized under two broad topics: the emissions inventory, addressed as actual emissions and existing programs for addressing emissions, and regulatory options, including achievable emission reduction targets, mitigation options, and alternative compliance options. Some needs for additional information to be provided by DEQ and group members were identified.

Wrap-up/Next Steps: Ms. Regn concluded the meeting. Future meetings will be scheduled at a later date.

The meeting adjourned at approximately 3:00 p.m.

Attachments
REG\DEVA\A19-AH04-1-minutes

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**METHANE LEAKAGE FROM NATURAL GAS INFRASTRUCTURE
AD HOC WORK GROUP**

DRAFT AGENDA FIRST MEETING

Monday, March 25, 2019

| | |
|---------------|----------------------------|
| 10:00 – 10:30 | WELCOME/INTRODUCTIONS |
| 10:30 – 10:40 | FOIA REQUIREMENTS |
| 10:40 – 11:00 | ISSUES OVERVIEW |
| 11:00 – 12:00 | WORK PLAN/GROUP DISCUSSION |
| 12:00 – 1:00 | LUNCH BREAK (on your own) |
| 1:00 – 2:45 | WORK PLAN/GROUP DISCUSSION |
| 2:45 | WRAP UP/NEXT STEPS |

Northam Administration Takes New Steps to Fight Climate Change, Ocean Acidification

RICHMOND—Governor Ralph Northam this week announced a series of actions to help Virginia better address the impacts of carbon pollution from fossil fuels. Governor Northam has directed the Virginia Department of Environmental Quality to identify ways to improve environmental protection in the Commonwealth.

*Develop a framework for limiting methane leakage from **natural gas infrastructure** & landfills*

Natural gas has significant potential as a bridge fuel to help us reduce carbon pollution that drives climate change while we transition to solar, wind, and other clean energy sources. The relative climate benefits of natural gas compared to other fossil fuels are well documented, but we only realize those benefits if we *prevent natural gas from leaking into the atmosphere before it is burned*. For that reason, and due to inaction at the federal level, Virginia must take action to limit methane pollution within its borders. **DEQ will lead this effort, and will establish a workgroup to support DEQ in its *collection and evaluation of data* to inform the regulation development process.**

METHANE LEAKAGE FROM NATURAL GAS INFRASTRUCTURE AD HOC WORK GROUP

Monday, March 25, 2019

| | |
|----------------------|----------------------------|
| 10:00 – 10:30 | Welcome/Introductions |
| 10:30 – 10:40 | FOIA Requirements |
| 10:40 – 11:00 | Issues Overview |
| 11:00 – 12:00 | Work Plan/Group Discussion |
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| 2:45 | Wrap Up/Next Steps |

Stakeholder Discussion

- Turn off all electronic devices
- Be courteous; speak one at a time
- There is no public comment/open forum during this meeting
- Minutes and notes are being taken today
- To avoid confusion — after the meeting please speak for yourself not for the ad hoc group

FREEDOM OF INFORMATION ACT (FOIA)

The Virginia Freedom of Information Act (FOIA) ensures ready access to public records and free entry to meetings where the business of the people is being conducted. It is to be liberally construed to promote an increased awareness of governmental activities and afford every opportunity to citizens to witness the operations of government. It is largely a procedural act setting forth the procedures that a public body must follow in conducting an open meeting and convening in a closed meeting and guiding a user as to how to make or respond to a FOIA request for public records.

THINGS TO REMEMBER

The good news is that DEQ as the coordinator for the group will be the custodian of the records of the group and ensure that compliance with meeting notice requirements of FOIA.

When responding to an email, never hit reply to all.

One on one email, discussion and meetings are not a meeting under FOIA. More than 2 members of the body gathering to discuss the business of the group is a meeting under FOIA and must be noticed.

Any material you would like the group to receive should be sent to DEQ for distribution.

Questions on meetings contact Cindy M. Berndt; cindy.berndt@deq.virginia.gov; 804-698-4378
Questions on records contact DEQ FOIA Officer, Diana Adams, deqfoias@deq.virginia.gov, 540-574-7886, and/or review the DEQ FOIA Policy available on the web at
<http://www.deq.virginia.gov/ConnectWithDEQ/FreedomofInformationAct.aspx>

WHAT IS A MEETING UNDER FOIA? A "meeting" is defined as "meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body" where the business of the public body is being discussed or transacted.

MAY A PUBLIC BODY CONDUCT A MEETING BY CONFERENCE CALL OR OTHER ELECTRONIC METHOD? State public bodies may conduct such meetings under specified circumstances. Special conditions and requirements apply before electronic methods may be utilized.

IF IT IS A MEETING, WHAT DOES FOIA REQUIRE?

1. Notice of the meeting must be given at least three working days prior to the meeting; must contain the date, time, and location of the meeting; and if a state public body includes at least one member appointed by the Governor, the notice must also indicate whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.
2. The meeting must be open to the public; and
3. Minutes of the meeting must be taken and preserved.

WHERE TO POST THE NOTICE? FOIA requires that all public bodies post notice of the meeting on their own websites and on the Commonwealth Calendar website.

MAY THE PUBLIC OR MEDIA RECORD THE MEETING? Yes. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but may not interfere with the proceedings.

WHEN MUST AGENDA MATERIALS BE AVAILABLE TO THE PUBLIC/MEDIA? At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting must be made available for public inspection at the same time the packets or materials are furnished to the members of the public body.

MUST ALL VOTES OF A PUBLIC BODY TAKE PLACE IN AN OPEN MEETING? Yes. Any and all votes taken to authorize the transaction of any public business must be taken and recorded in an open meeting. A public body may not vote by secret or written ballot.

IS IT A FOIA VIOLATION TO POLL MEMBERS OF A PUBLIC BODY? No, nothing in FOIA prohibits separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business. Such contact may be done in person, by telephone, or by electronic communication, provided the contact is done on a one-on-one basis.

EMAIL & MEETINGS: The use of email can blur the line between correspondence and a meeting under FOIA. Email is similar to traditional paper correspondence in many ways and is a written form of communication that is by definition a record under FOIA. However, from a practical perspective, email is often used as a substitute for a phone call and can be used to communicate quickly with multiple people at once, making it more akin to a meeting.

The use of email by public officials is clearly allowed by FOIA. One member of a public body may individually email other members, even if the email relates to public business. Questions arise based on the manner in which a recipient responds to an email addressed to three or more members of a public body. If a recipient chooses "reply to all," then three or more members of a public body will see not only the initial email, but also another member's response. Other members could then, in turn, respond to the email or the ensuing responses. In the end, three or more members of a public body could have used the chain of email to discuss, and possibly reach a conclusion about, a matter relating to the transaction of public business.

Based on the possibility of email being more akin to a meeting and on recent court decisions, keep in mind the following tips:

1. Remember the underlying principle of the open meeting provisions of FOIA: the public has the right to witness the operations of government. If you question whether your email communication might lead to the deliberation of public business by three or more members of a public body in real time (i.e., has an element of simultaneity), then you may be better served by saving that communication for a public meeting.
2. If you receive an email sent to three or more recipients who are members of the same public body, and you wish to respond, choose "respond to sender" instead of "respond to all." One-on-one communications are clearly allowed under FOIA, and this will avoid an email discussion among three or more members.

WHAT IS A PUBLIC RECORD UNDER FOIA? A "public record" is any writing or recording, in any format, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. For example, public records may be in the form of handwritten notes, typewritten documents, electronic files, audio or video recordings, photographs, or any other written or recorded media.

WHO MAY REQUEST RECORDS UNDER FOIA? Citizens of the Commonwealth; Representatives of newspapers and magazines with circulation in the Commonwealth; and Representatives of radio and television stations broadcasting in or into the Commonwealth.

HOW LONG DOES A PUBLIC BODY HAVE TO RESPOND TO A REQUEST? A public body must respond to a request within five working days of receipt of the request, with some exceptions.

VA Methane Emissions 2017 (CO2E)

