

It is recommended that Michael Regan, Secretary of NC Department of Environmental Quality (DEQ), not be considered for the positions of Director of the Environmental Protection Agency or as Director of Region 4 of the EPA for the following reasons:

1. Secretary Regan supported the construction of the controversial Atlantic Coast Pipeline (ACP) in 2018. In spite of major opposition and supportive data, the Water Quality permit was issued and announced on the same day that Governor Cooper announced the agreement with the ACP to receive \$58 million.
2. In 2018, a petition was filed to revoke the permit and the NC DEQ took no action to inform petitioners of any decision until questions were raised by the DEQ Environmental Justice and Equity Advisory Board. The Advisory Board completed a major review of the ACP controversy and recommended that Sec. Regan file a formal comment to FERC recommending that the ACP's request for a construction extension. Regan took no action on the recommendation.
3. In 2019, Duke Energy and Piedmont Natural Gas filed a permit application to construct a major Liquid Natural Gas facility in the heart of Lumbee territory, the largest indigenous tribe east of the Mississippi. The permit was withdrawn by PNG/Duke Energy and the facility redesigned so its emissions were below the state's minimal standard required for an air quality permit. NC DEQ denied the request to hold a public meeting or hearing in Robeson County, NC regarding the facility. Consequently, the Lumbee Tribal Government passed a resolution against, https://3aa0349e-a4c3-4857-8f0a-2e7e416fac87.filesusr.com/ugd/6ca8af_444552d0a0d14b75bbf43f3f29477098.pdf, the LNG facility and an ordinance, https://3aa0349e-a4c3-4857-8f0a-2e7e416fac87.filesusr.com/ugd/6ca8af_d3cdc22f37544948859cc206f2368e67.pdf, to require government-to-government consultation with the tribe on major industrial development projects. The LNG is presently under construction and will have no major permitting agreement with the State and with no public discourse on this environmental justice crisis.
4. Under the leadership of Sec. Regan, NC DEQ has approved every permit application from the wood pellet industry in NC in spite of the massive deforestation that it is causing, the siting of facilities in Environmental Justice communities, the export of NC's natural resources, and the burning of pellets that is worse than burning coal, contributing to the climate crisis. NC now leads the nation in export-based, wood pellet production.

5. Under Sec. Regan's leadership, NC DEQ has failed to resolve critical environmental issues related to hog waste disposal in spite of former commitments of industry to halt the use of hog lagoons and spray fields. Instead, the biogas industry has proposed to maintain the lagoons and sprayfields indefinitely and use the waste to create biogas, ensuring that the most effective methods of protecting environmental and public health from hog waste are never realized.
6. Under Secretary Regan, air and water quality permits have been issued without consideration of NEPA guidelines and Title VI guidelines of the Civil Rights Act that protect environmental justice communities from disproportionate and cumulative impact. Consequently, NC DEQ has failed to do everything within its legal authority to address the impacts of the industrial pollution and contamination on the health and well-being of our state's most vulnerable communities.
7. Under Secretary Regan, air and water quality permit applications have been assessed and issued solely on narrow grounds of whether or not the project operates within the legal guidelines of each individual permit. Permits have been issued when alternative methods of production exist that will not cause the extensive level of risk and harm to environmental health, public health, and the climate as those applying for permits to operate in NC.
8. Under NC regulations, the DEQ's Division of Air Quality (DAQ) is authorized to request information from an applicant or conduct any inquiry or investigation that is necessary to ensure that a facility is complying with the relevant air quality standards. DAQ is further authorized to deny or revoke a permit if the information contained in the application or used to support it is incorrect. During the recent permitting for three of the wood pellet facilities in the state, Enviva has claimed that its emissions estimates used to support its application were based on "stack testing at comparable Enviva facilities." Although DAQ did require Enviva to identify which facilities it was relying on, DAQ did not request the results of those tests and the underlying test report in order to verify the accuracy of Enviva's estimates. During a permitting action in Virginia for an expansion at Enviva's Southampton facility, Enviva's Vice President of Environmental Affairs stated that at least two of the tests that Enviva had relied on to estimate HAP emissions during the Enviva Hamlet permitting (Enviva Northampton – Oct. and Sept. 2013; Enviva Southampton – Dec. 2013 and 2015) were actually "engineering studies" that "do not produce any reliable and definitive data" and "are not used for that purpose by regulators or by [Enviva]." This statement directly contradicts how

Enviva has represented these “tests” to DAQ in the past and begs the question of how many other “tests” were similarly unreliable.

9. Under Secretary Regan, NC DEQ has failed to address the massive amounts of incentives, subsidies, and grants from the NC Commerce Department that are being provided to industries known to cause harm to environmental and public health and the climate and are being sited in predominately Tier 1, environmental justice communities, further endangering the health and quality of life in low-income and communities of color. Applications for permits are not filed until after the industries and local governments have been provided massive financial resources to site such industries in environmental justice communities.
10. There are other applicants being considered for both the EPA Director and the Region IV Director positions that are more qualified than Secretary Regan and have a history of promoting and protecting environmental and public health in environmental justice communities. These include but are not limited to Attorney Brenda Mallory and Former Representative Harold Mitchell, Jr for the Region 4 Director position.