

No. 19-1152

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

FRIENDS OF BUCKINGHAM; CHESAPEAKE BAY FOUNDATION, INC.,
Petitioners,

v.

STATE AIR POLLUTION CONTROL BOARD; RICHARD D. LANGFORD,
Chair of the State Air Pollution Control Board; VIRGINIA DEPARTMENT OF
ENVIRONMENTAL QUALITY; DAVID K. PAYLOR, Director, Virginia
Department of Environmental Quality,
Respondents,

and

ATLANTIC COAST PIPELINE, LLC,
Intervenor.

On Petition for Review of Approval and Issuance of Stationary Source Permit
No. 21599 by the State Air Pollution Control Board and the Virginia Department
of Environmental Quality

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS*
CURIAE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
IN SUPPORT OF PETITIONERS**

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Pursuant to Rule 29 of the Federal Rules of Appellate Procedure, the Lawyers' Committee for Civil Rights Under Law respectfully requests leave to file the attached brief as *amicus curiae* in support of Petitioners. Counsel for Petitioners, Respondents, and Intervenor consent to its filing. The proposed amicus brief is timely pursuant to Fed. R. App. P. 29. In support of its motion, Amicus shows the following:

This case involves the Respondents issuing a permit for the operation of a large facility without properly considering community health and safety factors. The facility, located in Buckingham County, Virginia, will substantially increase air pollution in the area that will predominantly affect an African-American community known as Union Hill.

Amicus is a nonprofit, nonpartisan, civil rights organization whose principal mission is to combat racial discrimination. Amicus directly supports communities of color who have experienced various forms of civil rights abuses stemming from racial discrimination including environmental harms. Amicus has advocated for environmental justice on behalf of communities of color throughout the country including Virginia and Texas.

Amicus therefore has an interest in protecting vulnerable communities from industrial pollutants that are harmful to the health of community residents. Amicus

therefore submits this brief to highlight to concept of environmental justice which aims to rectify how low-income and communities of color predominantly suffer from pollution caused by industrial activity. Amicus demonstrates these disproportionate harms through statistics applicable to the United States and Virginia, and case studies. Amicus also discusses how both federal policy and Virginia law incorporate environmental justice. Under Virginia law, the Respondents must consider environmental justice concerns during a permitting process which they failed to do in this case.

As it follows, the Amicus has a direct interest in ensuring that Respondents properly implement environmental justice as required under state law to protect the vulnerable Union Hill community.

Dated: June 7, 2019

Respectfully submitted,

By: /s/ Jon M. Greenbaum

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) and 29(a)(5) because it contains 304 words, excluding the parts of the motion exempted by Fed. R. App. P. 27(d)(2) and Fed. R. App. P. 27(a)(2)(B).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface with serifs using Microsoft Word in 14-point Times New Roman font.

Dated: June 7, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing motion on behalf of *Amicus Curiae* with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the CM/ECF system on June 7, 2019. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: June 7, 2019

Respectfully submitted,

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