

*Approved by EQAC, February 8, 2012*

**COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX  
ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)  
MINUTES**

**DATE: January 17, 2012**

**TIME: 6:00-10:15 PM**

**LOCATION: Board of Supervisors Conference Room (6:00-7:15 PM);  
Board of Supervisors Auditorium, Fairfax County Government Center, with a  
remote testimony site established in Room 221A (Woodlawn),  
South County Center**

**MEMBERS PRESENT**

Stella Koch (Chairman, At-Large)  
Linda Burchfiel (At-Large)  
Frank Divita (Braddock)  
Johna Gagnon (Lee)  
Angela Greenberg (Springfield)

Patricia Greenberg (Hunter Mill)  
George Lamb (At-Large)  
Kat Pfleeger (Student Member)  
Rich Weisman (Sully)  
Glen White (Mason)

**MEMBERS ABSENT**

Frank Crandall (Dranesville)  
Marie Flanigan (Providence)

Robert McLaren (At-Large)  
Larry Zaragoza (Vice Chairman, Mount Vernon)

**STAFF**

Kambiz Agazi  
Scott Brown (South County)

Noel Kaplan

**OTHERS PRESENT AT THE 6:00-7:15 PORTION OF THE MEETING**

Rick Dotson  
Ellen Eggerton (Department of Public Works and Environmental Services)  
Dan Holmes (Piedmont Environmental Council)  
Stephen Walz (Northern Virginia Regional Commission)

**PUBLIC HEARING SPEAKERS**

Alan Ford (Government Center)  
Glenda Booth (South County)  
Rob Hartwell (Government Center)  
Kay Fowler and Donna Murphy  
(Government Center)

Rick Dotson (Government Center)  
Flint Webb (Government Center)  
Pete Rigby (Government Center)  
Paul Haskell (Government Center)

**OTHERS PRESENT AT THE PUBLIC HEARING (all at the Government Center)**

Fred Abbey (Tree Steward)	Tom Kennedy (City of Fairfax)
Paul Bilourus	Sandee Lees-Haskell [I-66 noise W. Falls Ch.]
Diane Blaise	John Levtov [citizen, engineer]
Judi Booker (Fairfax Master Naturalists)	Stephenie Perez (Dewberry)
Ellen Eggerton (Fairfax Co. DPWES)	Jerry Peters (Fairfax Master Naturalists)
Judy Fraser (City of Fairfax)	Sheree Via [Fairfax citizen]

In addition, a number of staff members from the Department of Cable and Consumer Services were present at both the Government Center and South County sites.

The public hearing was convened at 7:30 P.M. in the Board of Supervisors Auditorium in the Fairfax County Government Center. A remote public hearing testimony site was established in room 221A (Woodlawn) of the South County Center, with communications between sites established through a two-way audio and visual communication hookup via Fairfax County Cable Channel 16.

Prior to the public hearing (from 6:00 P.M. until 7:15 P.M.), EQAC met in the Board of Supervisors Conference Room. All EQAC members who attended the public hearing were present at this earlier portion of the meeting, as were Stephen Walz, Dan Holmes, Noel Kaplan, Ellen Eggerton and Rick Dotson.

**Election of officers for 2012**

Matters discussed:

- Presentation by George Lamb of the recommendations of the nominating committee.

Motions made:

- George Lamb moved the election of Stella Koch as Chairman and Larry Zaragoza as Vice Chairman for 2012. Rich Weisman seconded the motion

Record of the vote:

- Approval by unanimous vote.

**Discussion of possible legislation pertaining to uranium mining in Virginia and implications to Fairfax County**

Matters discussed:

- Introduction from Noel Kaplan, who noted that he was asked to invite people who could speak to (1) the National Academy of Sciences report on uranium mining in Virginia; and (2) Existing state regulations/legislation regarding uranium mining in Virginia and their potential implications to Fairfax County. He noted that he

had contacted the National Academy of Sciences but that NAS was unable to send anyone to the meeting who could speak to its report; he noted that the NAS point of contact sent his apology for this. Mr. Kaplan thanked Stephen Walz (Director of Regional Energy Planning, Northern Virginia Regional Commission, and the former director of the Virginia Department of Mines, Minerals and Energy) and Dan Holmes (Director of State Policy, Piedmont Environmental Council) for their participation in the discussion. He also referenced written materials and Web links that he had been provided by others he had contacted in advance of the meeting and noted that he had forwarded this information to all EQAC members.

- Presentation from Stephen Walz:
  - Background on the discovery and exploration of uranium deposits in Virginia.
  - Focus on the exploration of a uranium deposit on the Coles Hill site in Pittsylvania County.
  - Recognition of uranium mining leases that had been established elsewhere in Virginia, including Fauquier County, within the Occoquan watershed.
  - Recognition of the establishment of a moratorium on uranium mining in Virginia in 1982 and the possibility that legislation would be introduced to lift this moratorium.
  - Identification of the following key question of concern to Fairfax County: Are there deposits that can be mined in any watersheds that serve this area?
  - Recognition of three key considerations in addressing the question: (1) quality of the deposit(s); (2) economics of extraction; and (3) regulatory requirements.
  - Little known about uranium deposits aside from Coles Hill, but the lower concentrations of uranium elsewhere suggest that they are not economically minable at this time. Whether this will be the case in the future is not known, as it will depend on the value of uranium and future extraction technologies.
  - NAS conclusion that Coles Hill is the only economically minable Uranium deposit in Virginia at this time.
  - Discussion on the geology of uranium deposits in Virginia and how the geology is not conducive to in-situ mining techniques; open pit or deep mining would instead be needed.
  - Discussion of economics associated with uranium mining.
  - Discussion of avenues of potential environmental contamination associated with uranium mining, identifying three components: mining; milling; and exposure of tailings.
  - Recognition of permitting requirement by the Nuclear Regulatory Commission and the associated requirement for Environmental Impact statements.
  - Discussion of a lack of a Virginia regulatory program.

- Discussion of considerations associated with tailings disposal—need for isolation, in geologic time frames, from water and air.
- Recognition of the very high risks associated with this issue—if uranium gets into drinking water, it takes a long time to flush it out (based on Virginia Beach and Fairfax Water studies).
- Presentation from Dan Holmes:
  - Provision of a handout highlighting key findings from several studies: National Academy of Sciences; Chmura Analytics; Virginia Beach; Fairfax Water; and RTI Socioeconomic.
  - Identification of key concerns, including: (1) climatic differences between Virginia and other areas where uranium is mined (e.g., threats associated with heavy rainfall events that can occur in Virginia); (2) the high flush-out time associated with contamination of water supplies; and (3) implications of having contaminated sediment in drinking water reservoirs and the potential to stir up this sediment and re-contaminate water.
  - Identification of possible approaches that may be pursued in the General Assembly to lift the moratorium: (1) an outright lifting of the moratorium; and (2) direction for development of regulations in advance of a lifting of the moratorium.
  - Opposition by several Southside Virginia legislators to any legislative action this year.
  - Request from the Coal and Energy Commission for several months to digest the NAS study prior to consideration of legislation, and incorporation into the NAS contract a recognition of a five month review period; potential reason for a delay in consideration of legislation until next year.
- Questions and comments from EQAC members, including:
  - Financial benefit to Virginia of uranium mining in comparison to the risks.
  - Financial assurance needs associated with mining operations and whether this would be ensured in state regulations.
  - Financial impacts of a temporary, but lengthy, loss of a drinking water supply should it be contaminated by uranium.
  - Concerns about transport of yellowcake for processing and transport of fuel rods.

Motions made:

- None [*Later in the meeting, EQAC adopted a resolution supporting the retention of Virginia's uranium mining moratorium.*]

Follow up actions:

- None

### **Annual Public Hearing**

#### Matters discussed:

- Chairman Koch welcomed all those in attendance, provided introductory remarks, and asked EQAC and staff members to introduce themselves.
- Noel Kaplan reviewed logistical considerations associated with the remote site at the South County Center. He thanked staff from the Department of Cable Communications and Consumer Protection, the Department of Information Technology and the Office of Public Affairs for making this a reality, and cited the following staff in particular:
  - Steve Adams
  - David Arnold
  - Patrick Battle
  - Val Bey
  - Rick Brosnan
  - Tommy Gamble
  - John Graham
  - Ron Kirkpatrick
  - Michael Liberman
  - Ellen O'Brien
  - George Teplansky
  - Jennifer Tuttle
  - Barbara Zungali
- Mr. Kaplan also thanked Scott Brown, Department of Planning and Zoning, for providing staff support at the South County site.
- Mr. Kaplan noted the availability of the 2011 Annual Report on the Environment in several formats.
- There were eight speakers, one of whom provided testimony from the South County Center. Four of the speakers provided written materials at or subsequent to the hearing. In addition, Mary Jane Cobb Reyes and Steven Bruckner submitted written testimony prior to the public hearing, and Nancy Feeney and Kevin Feeney submitted testimony after the public hearing. A summary of the public hearing, including the written materials, is attached and included in these minutes by reference.

#### Motions made:

- None

#### Follow-up actions:

- Mr. Kaplan agreed to prepare a draft public hearing summary and draft meeting minutes.

### **Development of an EQAC resolution regarding uranium mining in Virginia**

#### Matters discussed:

- Considerations that should be included in an EQAC resolution regarding uranium mining in Virginia.
- Consensus was developed around a resolution that would include the following:
  - EQAC has had an opportunity to read several studies regarding uranium mining in Virginia;
  - EQAC has heard from Dan Holmes and Steve Walz on this issue;
  - EQAC doesn't have a full understanding of this issue, but EQAC does have concerns about the viability of moving forward with uranium mining;
  - EQAC has concerns about the viability of moving forward in light of the concerns that have been identified and in light of the potential adverse economic impact in comparison to the economic benefit of uranium mining;
  - EQAC feels that it would be premature to draft regulations at this time;
  - Therefore EQAC recommends that the Board of Supervisors ask the legislature to retain the uranium mining moratorium.

#### Motions made:

- Angela Greenberg moved approval of a resolution consistent with the items identified in the discussion. Johna Gagnon seconded the motion.

#### Record of the vote:

- Approval by unanimous vote.

#### Follow-up actions:

- Stella Koch will draft the resolution consistent with the guidance from the discussion. Noel Kaplan will circulate the draft to all members who were present for the vote and will ask each member to let him know if he/she feels that the resolution is consistent with the vote. If there is agreement regarding consistency with the vote, Noel will transmit the resolution to the Board of Supervisors. If there is not such agreement, he will coordinate further with Stella.

### **Discussion of outreach efforts for the 2012 Environmental Excellence Awards**

#### Matters discussed:

- Proposed publicity efforts as outlined on a handout provided by Noel Kaplan.
- Last year's award description and nomination form.
- Changes that should be considered for this year include:
  - Information should be added to the website regarding past winners, and a reference to this information should be provided on the award description page.
  - Establish in the outreach materials that extensive nomination efforts are not needed—a simple nomination is sufficient.
  - Need to better communicate “what's in it for me.”

- Consider providing testimony/stories from past winners.
- Assurance that the outreach notices are being sent to all homeowner associations on the Office of Public Affairs list.
- Timing of the outreach: Consider sending two notices—the first would go out in March, while the second would go out 4-6 weeks in advance of the deadline (mid to late April).

Motions made:

- None

Follow-up actions:

- Staff will revise the award description and website.
- Staff will pursue the two-stage outreach effort.

**Discussion of future EQAC agenda items**

Matters discussed:

- EQAC's meeting calendar and future agendas
- The following topics were identified for future EQAC meeting agendas:
  - Land conservation
  - Hazardous materials (June 2012)

Motions made:

- None

Follow-up actions:

- The calendar will be updated.
- The calendar will be discussed again in February.

**Approval of meeting minutes**

Motions made:

- Angela Greenberg moved approval of the December 14, 2011 minutes as submitted (with revisions to the draft that was originally circulated). Glen White seconded the motion.

Record of the vote:

- Approval by unanimous vote.

Follow-up actions:

- Per standard practice, Noel Kaplan will post the approved minutes on EQAC's website and notify Supervisors offices of the approval.
- The November 9, 2011 minutes will be considered at the February 8, 2012 meeting.

### **EQAC reference in the draft Pre-Disaster Recovery Plan**

#### Matters Discussed:

- Noel Kaplan provided background on the development of a Pre-Disaster Recovery Plan for the county and noted the proposed establishment of a Natural Resources Recovery Group within a broader administrative structure.
- Mr. Kaplan described the proposed functions of the Natural Resources Recovery Group and noted that, in the draft plan, EQAC had been identified as a support agency, with “oversight of environmental considerations.”
- Mr. Kaplan noted that, in his comments on the draft plan, he had suggested that an oversight function for EQAC would be inappropriate but that EQAC’s involvement as a support agency would be beneficial. He noted that he had suggested an advisory role for EQAC and also suggested EQAC involvement in a broader Recovery Policy Advisory Board Natural Resources subcommittee, should such a subcommittee be established.
- Stella Koch noted that a table-top exercise was planned for February 10 and suggested Mr. Kaplan’s involvement. Mr. Kaplan noted that he had been invited to participate.

#### Motions made:

- None.

#### Follow-up actions:

- Noel Kaplan will attend the February 10 table-top exercise and will report back to EQAC.

### **Chairman's Items**

#### Matters Discussed:

- Stella Koch noted that she had received an e-mail in regard to the process for the hiring of a new County Executive, and that all chairs of boards, authorities and commissions were invited to a meeting with a representative of the firm that has been hired to conduct the search. She noted that each attendee was asked about the characteristics that he/she would like to see in the new County Executive and that accessibility and fairness were common responses. She also noted that Tony Griffin was commended for having these characteristics and for always doing what he said he would do.

#### Motions made:

- None

#### Follow up actions:

- None.

### **Council Member Items**

#### Matters Discussed:

- George Lamb noted that the Northern Virginia Soil and Water Conservation District's seedling sale was coming up.
- Johna Gagnon asked who EQAC's representative was on the Fairfax Joint Local Emergency Planning Committee. Noel Kaplan noted that Marie Flanigan fills this position. Ms. Gagnon noted that there was another leak at the Pickett Road tank farm in Fairfax City (about 200-300 gallons of petroleum released) and that cleanup was ongoing.
- Johna Gagnon noted that there would be a meeting on January 18 regarding Kingstowne Dam.
- Angela Greenberg noted that she met with representatives of the Virginia Department of Environmental Quality for an update on the status of groundwater contamination near the I-95 landfill. She noted contamination identified at two sentinel wells, that new wells were being drilled and that there was a need for a determination regarding the extent of the contaminant plume.
- Angela Greenberg noted that an expansion of the ash landfill was planned for the I-95 complex and that she was requesting documents for review.

#### Motions made:

- None

#### Follow up actions:

- None

### **Staff Items**

#### Matters Discussed:

- Kambiz Agazi asked for guidance on who should be invited to the February 8 discussion regarding the Regional Water Supply Plan. After some discussion, it was agreed that Fairfax Water would be asked to provide an overview of the technical aspects of the plan, with staff to provide guidance regarding the approval process. There was discussion regarding the need to protect the ecological viability of the Potomac River in the Potomac Gorge area, but it was agreed that a discussion of Potomac River flows with the Interstate Commission on the Potomac River Basin would be scheduled for another meeting.
- Noel Kaplan noted that there were changes to the county's Solid Waste Management Program, in that Jeff Smithberger retired in December. He noted that, with Jeff's retirement, DPWES was looking at the organization as a whole and aligning its structure with other business areas in the agency. He noted that an Acting Deputy Department Director position for Solid Waste was established and that Steve Aitcheson is serving in this capacity. He noted that DPWES is beginning a process of organizational review and that, while it may be too early for a briefing, DPWES staff is available to attend an EQAC meeting at any time

- for discussion. He added that it is DPWES's hope and intent that there will not be any noticeable changes in service or responsiveness.
- Noel Kaplan noted that, at the presentation of the Annual Report to the Board of Supervisors, Stella Koch had requested that the Environmental Crimes matrix be sent to the Board of Supervisors as a stand-alone document. He noted that the Office of Public Affairs had raised some concerns with him about this document and that he would be seeking guidance from OPA regarding these concerns. He added that it was his hope that he would be able to review a revised draft of this matrix with EQAC at its February 8 meeting.
  - Noel Kaplan noted that the next meeting of the Board of Supervisors Environmental Committee would be held on January 31 at 10:00 A.M. in conference rooms 9 and 10 of the Government Center.
  - Noel Kaplan noted that the next meeting of the Planning Commission Environment Committee would be held on February 23 at 7:00 P.M. in the Board Conference Room. The main topic of discussion will be the green building policy review.

Motions made:

- None

Follow up actions:

- A discussion with the Interstate Commission on the Potomac River Basin regarding Potomac River flows will be added to the list of unscheduled agenda items.

**Adjournment**

The meeting was adjourned at 10:15 p.m.