

*Approved by EQAC, April 13, 2016*

**FAIRFAX COUNTY ENVIRONMENTAL QUALITY ADVISORY COUNCIL  
MINUTES**

**DATE:** Wednesday, July 8, 2015  
**TIME:** 7:15 P.M.  
**PLACE:** Hidden Oaks Nature Center, Annandale, VA

**MEMBERS PRESENT**

Stella Koch (Chairman, At-Large)	George Lamb (At-Large)
Larry Zaragoza (Vice Chair, Mt.Vernon)	Ken Lanfear (Hunter Mill)
Linda Burchfiel (At-Large)	Paul Pitera (Braddock)
Frank Crandall (Dranesville)	Rich Weisman (Sully)
Johna Gagnon (Lee)	Clyde Wilber (Springfield)

**MEMBERS ABSENT**

Rick Healy (Mason)	Alex Robbins (Providence)
Robert McLaren (At-Large)	Katrina White (Student Member)

**STAFF**

Kambiz Agazi	Noel Kaplan
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**GUESTS**

County Attorney's Office: Cynthia Bailey  
County Executive's Office: Chase Suddith  
Department of Code Compliance: Elizabeth Perry  
Department of Public Works and Environmental Services, Solid Waste: Robert Scott  
Department of Public Works and Environmental Services, Stormwater: Craig Carinci  
Fire and Rescue Department: Trice Burgess; Barry Hall  
Health Department: John Yetman  
Sheriff's Office: Lt. Victoria Nehlig

Chesapeake Climate Action Network: Kendall King; Charlie Spatz

Others: Scott Cameron; Jenny Campbell; Derrin Gerdes; Geoffrey Gerdes; James Moskowitz;  
Satchi Moskowitz

The meeting convened at 7:15 PM.

**Cleanup of Dump Sites: Discussion with County Staff**

Noel Kaplan introduced the discussion by noting a concern expressed by a resident in the South County area about a particular dump site along Giles Run. He characterized the issue as a complex one, with an array of county offices that can potentially get involved with it. Representatives of each county agency were then provided an opportunity to discuss their respective roles.

Cynthia Bailey (County Attorney's Office) and Chase Suddith (County Executive's Office) introduced themselves and noted that they were at the meeting mainly to listen.

John Yetman (Department of Health) noted that his department receives numerous calls on environmentally-related topics—callers are referred to other agencies as appropriate, including the Virginia Department of Environmental Quality (DEQ). He noted that the Health Department would become involved in a dump site issue if there was an imminent public health threat.

Trice Burgess (Fire and Rescue Department) reviewed a handout to EQAC that provides an overview of Fire and Rescue Department activities. He noted a list of agencies that the agency works with (within the county and at the state and federal levels), as well as its participation in a D.C. environmental crimes task force.

Robert Scott (Department of Public Works and Environmental Services--Solid Waste) spoke about how DPWES works with other agencies and perform work as ordered, such as by a court order.

Elizabeth Perry (Department of Code Compliance) spoke about how the zoning ordinance regulates land use but not activity. DCC addresses concerns relative to permitted uses and can send Notices of Violation to property owners when uses on properties have not been established legally.

Craig Carinci (DPWES-Stormwater) noted that his agency's focus is on activities impacting streams or aquatic life—it's contributions to response actions relate, therefore, to incidents involving dumping into streams or components of the county's MS4 (municipal separate storm sewer system). He noted his agency's contributions to the cleanups of dump sites on county properties and noted a need to coordinate closely with the County Attorney's Office on responses on private properties, in light of legal restrictions on the county's ability to provide "gifts" to private land owners.

Later in the meeting, Lt. Victoria Nehlig (Sheriff's Office) noted her agency's role in helping with removals of dumped materials on public properties, through the Community Labor Force program. She noted that her agency can only work on private properties with court orders and owners' agreements.

Stella Koch requested that the staff team discuss the Giles Run dump site as an example of how the response process works, noting that EQAC's role is to advise the Board of Supervisors on broad policy and programmatic issues as opposed to individual incidents.

Barry Hall (Fire and Rescue) provided an overview of the site and the efforts completed to date to investigate and clean it up. He noted that the Virginia Department of Environmental Quality got the initial call, and that DEQ subsequently contacted Fire and Rescue. He stated that, during his initial visit to the property, he identified about 4,000 tires that had been dumped within 30 feet of the stream, plus many more on the site further away from the stream. He noted evidence on the site suggesting that the dumping of tires began at least 30 years ago, and he stressed his agency's efforts to work cooperatively with the landowner to effectuate the removal of the dumped tires. He stated that there was a Notice of Violation issued in December 2014 and that, in response, the landowner had built a road into the site and had removed 90-95% of the tires that had been dumped. He indicated that there were still tires embedded in the ground, along with other debris, but he indicated that, to remove this remaining material, heavy equipment would be needed, and a hillside would need to be denuded—concern was raised that it may be more damaging to the environment to complete the cleanup than to leave the remaining materials there. He expressed his view that the landowner went above and beyond what was required and that, while some debris still remains on the site, the landowner's compliance actions were exemplary.

Trice Burgess described the difference between misdemeanors and felonies in relation to the extent of dumping, and he noted that, with the response actions that have occurred, this issue is probably beyond the purview of the Fire and Rescue Department at this time and would fall within the purview of DEQ and/or Zoning.

Stella Koch asked about how local residents would know about the efforts at such a site. Trice Burgess and Barry Hall replied that, if somebody were to ask them, they would provide relevant information. Ken Lanfear asked about a remediation plan for the site, and Trice Burgess responded that this would be within DEQ's purview.

There was further discussion about the roles and responsibilities of the various county and state agencies. Stella Koch asked if there was a standard interagency communication process that this sort of incident would trigger in order to ensure that all agencies with enforcement authority would have an ability to look at it. Trice Burgess noted that the response agencies coordinate closely with each other, but he and John Yetman both noted that, for smaller incidents, the lead agency can typically take care of the issue without a broader range of agency involvement. Trice Burgess noted that, in this particular case, Fire and Rescue took the lead.

Johna Gagnon asked about the definition of outdoor storage." Rob Stalzer replied that the issue of outdoor storage falls within the purview of the Department of Code Compliance.

There was discussion regarding communications about response actions. Stella Koch asked if information about the progress on responses could be posted in order to inform concerned members of the public. Barry Hall indicated that, in this particular case, progress was communicated to the complainant, but negative responses from that individual continued. Ken Lanfear suggested that there may have been a failure to communicate the progress that had been made, in light of the inflammatory nature of e-mails about the Fire and Rescue Department's response. There was additional discussion about the idea of posting on-line information about

larger response activities to inform the public, and the limitations of the ability of the county to do this for private properties. Ken Lanfear suggested that a remediation plan could serve this role; Trice Burgess noted that such a plan would fall under DEQ's response authorities. Larry Zaragoza expressed concern that the county had dedicated considerable efforts to this case but that people aren't generally aware of the effort.

There was additional discussion about interagency communications and coordination on responses and the need to ensure that, when there may be implications to specific agencies, those agencies will be notified.

Cynthia Bailey (County Attorney's Office) noted the importance of managing citizen expectations about how quickly the county can get something done. She indicated that she was impressed with what the Fire and Rescue Department was able to accomplish in a few months. She stressed that private property rights need to be considered carefully, and that this need can cause response issues to take years to complete.

Clyde Wilber asked about how big the problem of dump sites is in Fairfax County. Barry Hall suggested that there may be about 10 sites in the county, but that there may be more that staff is not aware of. Craig Carinci noted that, in the development of watershed management plans, DPWES-Stormwater identified close to 100 areas where people were dumping materials in streams. Most, though, were very localized and minor in nature (e.g., brush; Christmas trees). John Yetman noted that there are no longer as many large, vacant properties in the county as there had been and that the type of illegal dumping that is common at this time is dumping of materials from pickup trucks (rather than large dump sites in hidden portions of large, vacant parcels).

Barry Hall again stressed that his agency tries to work cooperatively with landowners to achieve compliance.

Stella Koch expressed her appreciation for everyone's work, perspectives and time.

#### **EQAC preparation for a September 2015 discussion with Deputy County Executive David Molchany on the FY 2017 budget**

EQAC discussed the scheduling of this item for September. After some discussion, it was agreed that a September briefing would be preferable to the traditional November briefing. Kambiz noted that Susan Datta would not be available for the September meeting; EQAC asked Noel Kaplan to invite Joe Mondoro to provide the briefing.

#### **EQAC discussion of the staff response to Climate Change and Energy recommendation #4, addressing impacts of climate change to Fairfax County**

Noel had circulated the county staff response to EQAC's Climate Change and Energy recommendation #4 regarding adaptation considerations. Kambiz noted that he wanted to phase the response, with future input to talk about responsible agencies (e.g., county or state) for each topic.

Larry noted how other coastal communities are taking steps to minimize building in flood-prone areas. He also noted that the list provided in the response could be seen as overwhelming with inaction likely. Kambiz asked EQAC to provide input on which items on the list stand out as priorities (e.g., top 10) and thoughts about how the county should address them.

### **Discussion of Development of EQAC Legislative Proposals for the 2016 General Assembly**

Linda discussed a draft position statement titled “A proposal for Virginia to join the Regional Greenhouse Gas Initiative (RGGI)”, and introduced Charlie Spatz (Chesapeake Climate Action Network) who provided additional information about RGGI and the Clean Power Plan (CPP), noting that RGGI addresses mitigation aspects of climate policy. He said that a bill that would have Virginia join RGGI was introduced in the last session but did not get out of committee. He noted that Virginia’s entry into RGGI would produce considerable revenue for projects in Virginia; the funding would be administered by the Virginia Department of Mines, Minerals and Energy.

Stella asked about how this would benefit Fairfax County and whether there would be any guarantees that any of the funds raised through the RGGI effort would benefit the county. Charlie Spatz noted that 25 percent of the revenue would be dedicated to energy efficiency projects but added that there would be no guarantees that any of this money would be spent in Fairfax County. Stella questioned a statement in the draft position statement that suggested that there would necessarily be a benefit to the county; she stressed the need for the position statement to have a clear list of defensible statements. Stella asked if there had been a state position on the idea, either from the Governor’s office or the Department of Environmental Quality. Charlie Spatz replied that there were no statements on RGGI yet from the Governor’s office, and that the focus at this time is on the Clean Power Plan. Kambiz noted that there had been negative testimony from the State Corporation Commission and that Fairfax County had provided comments on the Clean Power Plan; Noel agreed to provide a copy of the county’s comments to EQAC members. Kambiz cautioned EQAC about the need to consider the different environment in Virginia related to current RGGI states and noted that Dominion would have no problem meeting CPP requirements without having to join RGGI.

There was further discussion, after which EQAC decided to defer action on consideration of the draft position statement.

Larry moved for the reiteration of EQAC’s previous position statement titled “Reducing Environmental Contamination from Plastic and Paper Bags” and Rich seconded it. Kambiz noted a concern about the county incurring administrative costs and Noel noted the existing position statement on this topic from the BOS. Johna asked about clarifications regarding the position and Larry offered to re-write the position statement. Larry then withdrew the motion; Rich agreed with this action.

### **2015 Annual Report on the Environment:**

EQAC discussed/reviewed several draft chapters/sections of the 2015 ARE.

Linda noted that she would defer consideration of the Noise section to the August meeting.

Rich introduced his write ups on Air Quality, Fairfax County Public Schools Spotlight, and Visual Pollution. Rich reviewed his Air Quality draft, and there was discussion regarding air quality monitoring and the regional nature of the air quality issue. Rich noted that county staff has not yet provided input relevant to 2 of the 3 comments in Air Quality and EQAC agreed to wait until that input was provided. Regarding the FCPS spotlight, Rich received input from Elaine Tholen about Get 2 Green, but is waiting for input about the Collaborative for High Performance Schools (CHPS) and the stormwater efforts. For Visual Pollution, there was a request to obtain additional quantitative data on sign collections in highway rights-of-way and to be explicit that EQAC has no recommendations. Rich moved to accept the Visual Pollution section, Larry seconded it, and it passed unanimously.

Noel discussed the scheduling of EQAC reviews of remaining chapter/section drafts. Noel was asked to speak with Katrina White about authorship of the Stewardship section.

### **Report and recommendations from the Environmental Excellence Awards Committee**

Linda provided a report out from the committee and noted that nominations were received only in the categories of county residents and organizations. EQAC discussed the nominations and agreed on the following as deserving of an award:

Residents – Stephen Robinson; Duane DeBruyne  
Organizations – Friends of Accotink Creek; McLean Trees Foundation

Rich moved approval of the committee recommendations, and Linda seconded the motion, which was approved unanimously.

### **Review of Scheduling of EQAC Agenda Items and Site Visits**

EQAC agreed to postpone its tour of the recycling facility until a future date when more members would be available to participate. Noel reviewed future meeting agendas.

### **Approval of Meeting Minutes**

The only minutes that were discussed were from December 10, 2014. Larry had a comment on the summary. He moved to accept the minutes as revised, Ken seconded it, and it passed unanimously. Stella, George and Johna abstained from the vote.

### **Chairman's Items**

- None.

**Council Member Items**

Matters discussed:

- Rich noted a recent story in the Fairfax Times about the American Lung Association rating Fairfax County poorly for air quality.

**Staff Items**

Matters discussed:

- Noel provided an update on upcoming meetings of the Planning Commission Environment Committee.
- Kambiz noted that he is in the process of updating the Fairfax County Sustainability Initiative document, and that the Environmental Improvement Program project selection process is underway.

**Adjournment** – the meeting was adjourned at approximately 10:45 PM.