

**FAIRFAX COUNTY ENVIRONMENTAL QUALITY ADVISORY COUNCIL  
MINUTES**

**DATE:** Wednesday, June 8, 2011  
**TIME:** 7:15 P.M.  
**PLACE:** Conference Room, Hidden Oaks Nature Center

**MEMBERS PRESENT**

Stella Koch (Chairman, At-Large)	Marie Flanigan (Providence)
George Lamb (Vice Chairman, At-Large)	Patricia Greenberg (Hunter Mill)
Frank Crandall (Dranesville)	Kevin Sun (Student Member)
Frank Divita (Braddock)	Rich Weisman (Sully)

**MEMBERS ABSENT**

Linda Burchfiel (At-Large)	Glen White (Mason)
Johna Gagnon (Lee)	Larry Zaragoza (Mount Vernon)
Robert McLaren (At-Large)	

**STAFF**

Kambiz Agazi	Noel Kaplan
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**OTHERS PRESENT**

Maya Dhavale (DPZ)	Martin Thompson (Health)
John Friedman (DPWES-LDS)	

The minutes were recorded by George Lamb.

Stella broke the mallet.

**Alternative On-Site Sewage Disposal Facilities**

Martin Thompson, a Supervisor with the Health Department's On-Site Sewage Disposal Section, provided an overview of on-site sewage systems, recently-enacted State Code provisions addressing alternate onsite sewage disposal systems and implications to Fairfax County.

Mr. Thompson noted that conventional systems use septic tanks for treatment and distribute effluent by gravity (allowing for the use of pumps for elevation changes), with at least three feet of well-drained soil required. In contrast, alternative onsite systems apply a treatment method other than a septic tank, use methods of distribution other than gravity (typically pressurized) and distribute effluent over a wider, shallower drain field—they can be located in areas where poor

soil characteristics would limit the application of conventional systems. These systems are not considered to be point sources of discharge and therefore are not regulated as such.

Mr. Thompson noted that legislation approved in 2008 will require local health departments to approve alternative systems as long as they comply with standard engineering practice, comply with performance requirements established by Virginia's Board of Health and comply with horizontal setback requirements. Operations and maintenance requirements have been established for all alternative systems, formal O&M agreements with licensed operators and the submission of O&M manuals to homeowners and the local health department.

Emergency Regulations became effective on April 7, 2010, effective for 12 months with a possible six month extension (set to expire on October 6, 2011). Proposed permanent Regulations have been issued and were to have been considered in June; Mr. Thompson described key differences from the Emergency Regulations.

Mr. Thompson noted that a key implication for local governments is the preemption clause in the legislation—localities cannot prohibit the use of alternative on-site sewage disposal systems and cannot impose maintenance standards that would exceed state requirements. He referenced an Attorney General opinion regarding the relationship between the preemption clause and adoption of the Emergency Regulations as well as a County Attorney's opinion that the preemption clause would not take effect until promulgation of the final regulations. At that time, any stricter requirements of the local code would be preempted. He cited two particular provisions in Fairfax County's Code that would be affected by this: a requirement that experimental and provisional systems have 100% reserve areas reserved as a backup, and a requirement that a minimum depth of six inches be provided.

Mr. Thompson stated that there are currently 647 alternative systems in Fairfax County, the majority of which are less than five years old. He noted that 35% of these systems have existing O&M agreements.

He noted that implications of the new requirements to Fairfax County include added costs to homeowners for annual maintenance and increased staff resources needed for monitoring and enforcement.

There was an extensive question and answer session after Mr. Thompson's presentation. Issues discussed included:

- Impacts of power outages (the alternative systems have some storage capacity to reduce the potential for overflows).
- Licensing of inspectors.
- A critical need for education of owners of these alternative systems.
- How flows are estimated (two people per bedroom and 75 gallons per day per person).
- The process for adoption of final regulations (anticipated to be effective in October 2011).
- Potential for development on unsewered properties with poor soil characteristics (uncertain, but it is likely that such development will occur once permanent regulations

go into effect--increases in development have been seen in the Tidewater area. Areas in the southern and western portions of the county are most likely to be affected.)

- The need for some sort of disclosure statement to owners of alternative systems that would be discharging directly into groundwater (i.e., a drinking water source).
- Ability of the Health Department to track and enforce the requirement for annual inspections (the Health Department does not feel this will be a problem, although it will increase burdens on staff).
- Costs associated with annual inspections (typically in the \$300-\$700 dollar range, but it can vary depending on the complexity of the system).
- The extent to which water quality testing can be required beyond the state regulations (There is a prescription by the state on what can be required, but there can be additional outreach efforts supporting testing).
- Relationship to the county's Municipal Separate Storm Sewer System (MS4) permit.

There were no motions made or follow-up actions.

#### **Briefing from the Department of Public Works and Environmental Services (DPWES), Land Development Services—Changes to certain grading plan requirements**

John Friedman, Chief of the Site Code Research and Development Branch of DPWES, provided an overview of proposed amendments to the Zoning Ordinance and Erosion and Sedimentation Control Ordinance to reduce grading plan requirements for certain development projects involving land disturbances between 2,500 and 5,000 square feet. The effect would be to reduce costs associated with the submission and review of plans for these projects (from roughly \$8,000-\$15,000 to \$1,000) without reducing environmental requirements (including erosion and sedimentation control requirements). A one-page handout describing the proposed amendments was provided and reviewed.

After some discussion, there was a general consensus that no EQAC positions or follow-up actions were needed.

#### **Briefing from the Department of Planning and Zoning (DPZ) regarding the review of the green building policy**

Maya Dhavale, a Senior Environmental Planner with DPZ, provided an overview of the green building policy review that is being pursued by the Planning Commission's Environment Committee. She noted that, when the Comprehensive Plan policy was adopted in December 2007, the Board of Supervisors requested that the Planning Commission review the policy two years after adoption. The review began in November 2009, and a stakeholder process is being pursued at this time in order to receive input on a "strawman" draft Plan amendment that has been crafted through the committee's review process. This is all being done in advance of any formal public hearing process.

Ms. Dhavale reviewed the existing policy and key changes that have been suggested in the strawman draft. The following issues were discussed during the question and answer session:

- Whether higher levels of LEED certification (e.g., Gold) should be sought.
- Whether green building expectations should continue to be focused on growth centers (with broad support for green buildings countywide) or whether the expectations should apply countywide.
- Whether or not the collection of building energy and water use data would be appropriate and the challenges associated with such data collection.
- Whether there would be an expectation for schools to attain a certain level of green building performance.
- Whether there should be a stronger focus on energy efficient/green design for school construction projects as opposed to an emphasis on green retrofits in existing buildings.

No motions were made and no votes were taken. However, there were two follow-up actions identified:

- There should be further discussion at a future EQAC meeting regarding the collection of energy and water use data from buildings.
- A representative from the Fairfax County Public Schools should be asked to attend a future EQAC meeting to speak to concerns about green building design in the school system's capital projects.

### **Report and recommendations from the Student Member Search Committee**

Ms. Flanigan, Mr. Sun and Mr. McLaren discussed the process for review of student member applications. The committee recommended the appointment of Katherine Pfleeger as the student member for the July 2011-June 2012 term, with Darwin Li as the alternate. Mr. Sun made a motion to that effect, which was seconded by Ms. Flanigan. The motion passed unanimously.

### **2011 Annual Report on the Environment**

Mr. Kaplan noted that information was starting to be submitted by contributing agencies. He noted that the time line called for general outlines at the July meeting and for chapter reviews to begin at the August meeting. He stressed that the reviews of chapters would need to be completed at the September meeting for EQAC to stay on track for a November 1 presentation.

Mr. Kaplan noted that nobody had volunteered to write the Visual Pollution section. He was asked to retain the 2010 Visual Pollution chapter in the event that nobody came forward to volunteer.

Mr. Kaplan noted that he had provided style guidelines to all EQAC members.

### **Preparation for the July 13 joint meeting with the Environmental Coordinating Committee.**

The following were identified as agenda items:

- Private vs. public maintenance of stormwater management facilities.

- An update from DPWES on stormwater regulatory issues (including a debriefing from the EPA audit of the MS4, the MS4 permit revision, and the Accotink Creek Total Maximum Daily Load.
- Implications of the proposal to establish three watershed segments in Fairfax County for the Chesapeake Bay Watershed Improvement Plan.
- A presentation from Dann Sklarew on the community-wide greenhouse gas emissions inventory.

It was agreed that the Annual Report on the Environment would be discussed during the business meeting that would be held after the joint meeting.

EQAC also discussed the scheduling of a discussion on district energy concepts. After some discussion, it was agreed that a panel discussion on the topic should be held in November. The following were identified as possible participants: the county staff who gave a presentation to the Chairman's Private Sector Energy Task Force; the Northern Virginia Regional Commission; George Mason University Facilities Management; and someone from Arlington County to speak to the efforts being taken there to overcome impediments to district energy. Chairman Koch stressed that the discussion should not be limited to district energy but should instead explore broader shared energy concepts.

Vice Chairman Lamb asked for guidance as to how the district energy issue ought to be addressed in the 2012 Annual Report. Chairman Koch suggested a recommendation for consideration of the idea and how to overcome impediments.

There were no motions made nor votes taken.

### **Approval of meeting minutes**

The March, April and May 2011 minutes were all approved unanimously. Motions were made as follows:

Approval of the March 9, 2011 minutes: Motion by Ms. Flanigan; second by Mr. Crandall.

Approval of the April 13, 2011 minutes: Motion by Mr. Crandall; second by Ms. Flanigan.

Approval of the May 11, 2011 minutes: Motion by Ms. Flanigan; second by Mr. Crandall.

### **Chairman's items**

Chairman Koch referenced a recent meeting of the Virginia Conservation Network in regard to a proposal to lift a ban on uranium mining in Virginia, noting that many of the approved uranium mining leases that would be opened up by the lifting of the ban are located upstream of drinking water intakes. Included are areas in the Cedar Run watershed (which is part of the Occoquan watershed). Mr. Kaplan was asked to provide an electronic copy of the map of leases.

### **Council Member Items**

Ms. Greenberg noted that she had attended a recent Tree Commission meeting and that she'd prepare notes for distribution to EQAC members. Issues discussed included a database of celebrated trees, promotion of a tree stewards program, a wildflower talk at Huntley Meadows Park and a regional tree canopy plan.

Mr. Sun noted that this would be his last meeting as an EQAC member. He thanked the Council for the experience.

Ms. Flanigan noted that she would be attending the next meeting of the Fairfax Joint Local Emergency Planning Committee.

Mr. Crandall raised concerns about feral cats and the county's policy to rescue, neuter and release them.

Mr. Crandall noted the concern about building tenants subverting green building benefits. He cited the example of the Central Intelligence Agency, where staff knocked the HVAC system out of balance.

Mr. Crandall noted that he had been appointed to serve on the county's Airports Advisory Committee.

Mr. Weisman noted that there had been a Code Orange air quality day that week.

Mr. Weisman noted that the request for proposals for the residential energy education and outreach program had been issued, and that a related Q&A would be posted on the RFP website.

### **Staff Items**

Mr. Kaplan noted that EQAC would need to submit any legislative proposals it may have for the 2012 session by the August meeting. He asked EQAC members to think about concepts they may want to pursue.

Mr. Kaplan noted that the Board of Supervisors had deferred decision on the Public Facilities Manual amendment addressing public street design in order to allow for a discussion by the Development Process Committee. He provided details regarding the next committee meeting.

Mr. Kaplan noted that the Board's Environmental Committee would be meeting on June 28 at 10:00 AM in conference rooms 9 and 10 in the Government Center.

Mr. Kaplan noted an upcoming "Conservation Corridors Summit" to be held by the Northern Virginia Regional Commission (NVRC) on June 15.

Dr. Agazi noted that NVRC held a meeting regarding a regional Northern Virginia energy strategy; most Northern Virginia localities were represented. He noted that a draft work program is being developed.

Dr. Agazi and Chairman Koch noted upcoming meetings of the Chairman's Private Sector Energy Task Force.

### **Adjournment**

Ms. Flanigan moved to adjourn the meeting; Mr. Divita seconded the motion, which passed unanimously. The meeting adjourned at 10:05 PM.