

APPENDIX B

EQAC RESOLUTIONS AND POSITIONS NOVEMBER 2008 THROUGH OCTOBER 2009

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Due to formatting, the resolutions and positions may not appear precisely as they were originally transmitted.



County of Fairfax, Virginia

MEMORANDUM

March 30, 2009

Chairman Bulova and Board Members:

My name is Stella Koch. I am the Chair of the Environmental Quality Advisory Council and am testifying on the Council's behalf.

EQAC supports the establishment of a stormwater service district and the implementation of an assessment of a penny and a half on property tax. In 1998 with the initiation of the first stream assessment (results were published in 2001), it became evident the County's streams were degraded. Since that point in time the County has made systematic and consistent efforts to improve the health of our streams. We believe that a healthy environment and healthy waters are as essential to a good quality of life as a good school system and safe streets.

A brief history of Fairfax County's stream protection efforts:

The EQC Policy

In 1975, Fairfax County adopted within the Comprehensive Plan an Environmental Quality Corridor (EQC) policy, which recommends protection of stream valley buffers and other environmentally sensitive areas. In 1981, Fairfax County incorporated more detailed delineation criteria into the policy, and the policy was refined again in the 1990 Policy Plan; the 1990 guidance remains applicable. **The EQC Policy has resulted in over five thousands of acres of stream valley land protected and remaining in a natural vegetated buffer state, which provides the backbone of our trail system in the county.**

The Occoquan Policy

1982, Fairfax County downzoned 64 square miles of the Occoquan watershed from one acre to five acre per lot zoning to protect streams and drinking water supplies.

County Stream Assessment

The first Countywide stream assessment was initiated in 1998, with results published in January 2001. Over half of the County's streams are in Poor or Very Poor condition.

Stream Protection under the Chesapeake Bay Preservation Ordinance

In 1993, Fairfax County adopted the Chesapeake Preservation Ordinance in which lands adjacent to the **perennial portion** (as delineated by USGS maps) **of streams were designated as Resource Protection Areas**; and that RPA designation resulted in 520 linear miles of **stream valley buffers being protected under this ordinance**. In 2003 the Chesapeake Bay

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Preservation Ordinance was amended and strengthened. Additionally, in 2002 and 2003 Fairfax County DPWES staff surveyed all Fairfax County streams to ascertain perennality and created a map showing such perennial segments. In 2004, the Fairfax County Board of Supervisors adopted this map as guidance for RPA delineation, which resulted in an additional 340 miles of perennial stream buffers being protected. **Fairfax County now has approximately 860 miles of perennial stream segments protected under the Chesapeake Bay Preservation Ordinance.**

Headwater Protection

In winter of 2008 the Board adopted language for inclusion in the Comprehensive Plan to support protection of the upstream intermittent and ephemeral portions of Fairfax County streams.

All of you as Supervisors have constituents whose houses have been flooded or whose backyards are washing away because of large volumes of unchecked stormwater runoff. There are problems: eroding streams banks threaten roads and bridge abutments, dams in your districts need to be safely maintained, pipes and other stormwater infrastructure need to be replaced, and culverts need to be protected. Implementation of the watershed plans is important as a proactive means to protect streams and begin to address the effects of decades of degradation because of inadequate stormwater management. And the degradation of our streams has consequences not just here at home; we export our stormwater, its sediments and pollutants to the Potomac River and ultimately the Chesapeake Bay. The Bay will not recover until all the counties in its 64,000 square mile watershed deal with their stormwater runoff. And Federal requirements to that effect will only tighten. But ultimately this is a backyard issue. The residents of Fairfax County deserve healthy clean streams.

We recognize the difficulties you face in balancing a budget in very challenging financial times; however EQAC advocates the initiation of the Stormwater Service District and the penny and a half. To not do so maybe be penny wise but it will ultimately prove pound-foolish.

SMK:nhk

cc:

Jimmie D. Jenkins, Director, DPWES
Randy W. Bartlett, Deputy Director, DPWES—Stormwater and Wastewater Programs
Environmental Quality Advisory Council
EQAC file, March 2009



County of Fairfax, Virginia

MEMORANDUM

April 2 , 2009

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Chairman Bulova and Board Members:

My name is Stella Koch. I am the Chair of the Environmental Quality Advisory Council and am testifying on the Council's behalf.

EQAC appreciates and accepts the significant budget trimming that has to occur this year to allow the county to achieve a balanced budget. However there are four proposed program reductions affecting the environmental that we would like to bring to your attention.

AIR QUALITY

On the proposed closing of the Fairfax County air quality monitoring program

Fairfax County is part of Washington DC regional nonattainment area for both the 8-hour ozone standard and for particulate matter. One of the proposed budget cuts would eliminate the staff that services the four Fairfax County air quality monitors but not the monitors themselves. Because these four monitors have Health Department data that shows exceedances for ozone, Fairfax will not be in a position to close its four air quality monitors because that would place them in violation of relevant air quality regulations (CFR 40 Part 58, Subpart B §58.14). EQAC is somewhat at loss as to how the monitors will operate without appropriate staff and data collection.

We have these concerns:

- All the Fairfax monitors will show exceedances of the new federal ozone standard: the Mount Vernon monitor even exceeded the old ozone standard;
- Newer revised federal standards will be even harder to meet. We therefore believe staffing these four monitors is essential
- This information is critical for informing the residents of the Metropolitan Washington DC area, including Fairfax County, about the quality of the air that we breathe;
- The loss of this data would likely make it difficult to demonstrate attainment of the standard as ozone levels decrease.

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We urge you to fund the staff of air quality monitoring program.

On the proposed elimination or reduction of service on certain bus routes

Pages 74-75 of the Lines of Business Reduction Impact Statements show that over 1,000,000 bus trips would be eliminated by the proposed budget cuts. We have concerns that this may exacerbate the VOC and NOX pollution by creating more single occupancy vehicle traffic. EQAC notes the potential differences between air pollution from buses and the amount of air pollution if that same number of people were in single occupancy cars could be significant.

We also have concerns about the social impacts these reductions may have as they may disproportionately affect the at-risk populations who do not have access to personal transportation.

We urge the Board to be aware of both the air quality implications and social implications as they consider these budget cuts.

Loss of the deer and geese management programs.

Retention of the deer/geese management program is critical since even a one-year hiatus would cost the county much of the progress that has been made over the past decade. Since much of the deer management program has been conducted in our parks, there are now areas of regrowth in the understory vegetation, which is critical to the biodiversity of parkland vegetation and the sustainability of habitat for many smaller animal species.

Goose management has become ever more critical since increasing numbers of the geese in our area have become resident rather than migratory. Scientific studies have shown that fully one-third of the fecal coliform pollution of our lakes, ponds, and watercourses is due to the excrement of geese and ducks. Some of these lakes and watercourses are an irreplaceable part of our drinking water supply, and the shores of these waterbodies are made unusable for recreational purposes due to the fouling by goose excrement. Because there is a dearth of natural predators, the goose egg addling programs are crucial to keeping the goose population in check.

For both of these programs, any break in attempting to control these populations merely gives the deer and the geese an even more competitive advantage for population increases.

We urge the board to consider a way to continue these programs.

Disproportionate Cuts to the Natural Resource Management Program in the Park Authority Budget

While members of EQAC may understand why this happened, we have significant concerns that the over 40% cut in the Natural Resource Management Program represents a disproportionate cut on for one section of the Park management system. We ask that you seek some balance in these cuts.

We hope you will factor these concerns into your budget considerations. Thank you for this opportunity to speak.

SMK

cc:

Environmental Quality Advisory Council
EQAC file, March 2009



County of Fairfax, Virginia

MEMORANDUM

April 16, 2009

Chairman Bulova and Board Members:

There was a robust discussion at the last EQAC meeting on April 7 concerning the funding for stormwater management in the upcoming budget. The focus of the discussion was largely on implementation of the watershed plans and the potential lack of funds for that specific goal of implementation of those plans if the penny and a half is not fully funded. Many of the members of EQAC had been contacted by citizens who were members of stream associations and/or had served on the watershed planning committees voicing their concerns and continued support for the implementation of these plans. EQAC fully supports implementation of the watershed plans. We offer this additional information to the testimony already presented by EQAC earlier this month on environmental concerns for the budget.

EQAC thanks the Board for its continued support and focus on environmental issues.

SMK:nhk

cc:

Jimmie D. Jenkins, Director, DPWES
Randy W. Bartlett, Deputy Director, DPWES—Stormwater and Wastewater Programs
Environmental Quality Advisory Council
EQAC file, April 2009

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County of Fairfax, Virginia

MEMORANDUM

DATE: May 22, 2009

TO: PLANNING COMMISSION

FROM: Noel H. Kaplan, Senior Environmental Planner
Environment and Development Review Branch, DPZ

SUBJECT: Transmittal of EQAC statements relating to protection of headwaters areas of streams through regulation

At its May 13, 2009 meeting, the Environmental Quality Advisory Council (EQAC) received a briefing from the Department of Public Works and Environmental Services on the status of discussions that may lead to the development of regulatory protection for headwaters areas of streams (areas above Resource Protection Areas (RPAs) designated pursuant to the Chesapeake Bay Preservation Ordinance). EQAC has been participating in discussions regarding this matter with the Planning Commission's Environment Committee and staff. Subsequent to this briefing, EQAC adopted, by a unanimous vote of members present, the following statements relating to this issue:

- *EQAC considers headwaters areas/streams that are found above existing designated Resource Protection Areas to be of exceptional importance.*
- *EQAC recognizes that there are challenges at this time to a regulatory approach for protecting these areas but does not want the county to abandon the idea altogether in the long term--EQAC supports protection and restoration of these areas to the maximum extent possible.*
- *EQAC supports efforts to protect headwater streams through watershed management plans, buffer restoration projects and education/voluntary efforts at this time.*

I am transmitting EQAC's statements separately to the Planning Commission in light of the Environment Committee's anticipated discussion of this matter on May 28. The Board of Supervisors is being copied on this memorandum.

Thank you for your attention.

NHK

cc:

Board of Supervisors
Jimmie D. Jenkins, Director, DPWES
James W. Patteson, Director, Land Development Services, DPWES
Environmental Quality Advisory Council
EQAC file, May 2009

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ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Resolution Supporting Legislation Discouraging the Use of Plastic Bags

July 8, 2009

WHEREAS, plastic bags are widely used by stores for packaging purchased goods; and

WHEREAS, many of these bags are released to the environment where they are a threat to wildlife and aquatic organisms; and

WHEREAS, plastic bags ultimately are broken up into small fragments that are often confused with food by fish; and

WHEREAS, paper bags (particularly where composed of materials with high recycled content) provide an alternative to plastic bags, are biodegradable and do not pose the similar risks to the environment; and

WHEREAS, the use of paper bags, while preferable to plastic, still poses risks of releasing greenhouse gases if incinerated or even greater risks if buried in a landfill; and

WHEREAS, the use of more permanent bags that can be reused should be encouraged because they reduce the problems associated with plastic and paper bags; and

WHEREAS, multiple bills were introduced in the Virginia legislature in 2009 that proposed banning plastic bags, imposing fees for bags needing disposal and encouraging the use of bags that can be reused, and similar bills are expected for the next legislative session.

THEREFORE BE IT RESOLVED that the Environmental Quality Advisory Council recommends that the Board of Supervisors support legislation that discourages the use of plastic bags and encourages the use of reusable bags; and

BE IT FURTHER RESOLVED that EQAC recommends that the Fairfax County Board of Supervisors support legislation that would establish fees for disposable bags in order to encourage the use of bags that will be reused.

POSITION STATEMENT FORM

(Completed form to be provided to the Legislative Committee)

GENERAL SUBJECT AREA -- TITLE OF PROPOSAL:

REDUCING ENVIRONMENTAL CONTAMINATION FROM PLASTIC AND PAPER BAGS

PROPOSAL:

Support legislation to reduce the use of plastic disposable bags. If disposable bags are provided they should be paper with a high recycled content and with a nominal fee/deposit of a nominal amount, such as 5-10 cents. The use of reuseable bags should be encouraged.

SOURCE:

Environmental Quality Advisory Council, July, 2009

BACKGROUND:

Plastic bags do not completely degrade in the environment. They present a real threat to wildlife and aquatic organisms. In the open ocean, plastic bags break up into small pieces that resemble food that fish ingest. While plastic bags may be recycled or disposed of so that they are not released to the environment, many plastic bags end up in fields, streams, lakes, rivers and the oceans. Paper bags are disposable and are expected to pose fewer environmental risks. Paper bags in Fairfax County can be recycled or disposed of as trash, where they would be incinerated. Incinerated bags will release some carbon dioxide, which is less harmful to the atmosphere than methane, a far more potent greenhouse gas. Discarding paper bags after one use is also resource intensive in terms of trees and all of the efforts to harvest trees and manufacture the paper.

The goal should be to encourage the use of reusable bags. In order to discourage the use of single use throw away bags, a nominal deposit/fee should be required for each bag.

In the 2009 legislative session, the following three bills were introduced that addressed paper and/or plastic bags:

- House Bill 2010 would have established a \$0.05 per bag fee for each disposable paper or plastic bag provided to consumers in grocery stores, convenience stores and grocery stores. Durable plastic bags that have handles, are at least 2.25 mm thick, and are designed for multiple reuse would be exempted from the fee, as would be bags used to package ice cream, meat, fish or poultry
- Senate Bill 873 would have banned the use of plastic carryout bags by retailers at the point of sale, with the exception of durable plastic bags

with handles that are at least 2.25 mm thick and that are designed for multiple reuse.

- House Bill 1814 was identical to Senate Bill 873.

Each of the three bills was left in the committee to which it was referred.

The Fairfax County Board of Supervisors' 2009 General Assembly Final Legislative Report does not indicate that the Board of Supervisors took a position on any of these bills.

RECOMMENDATION:

(Do not fill out-- This will be indicated by the Legislative Director and County Executive)

POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:

(List any organizations or groups, if any, which might be in favor of or against the proposed position)

Support from environmental and civic organizations is expected for bills that encourage the reuse of bags, ban plastic bags or require deposits for disposable bags. We expect at least some retail establishments and consumer groups may oppose such legislation.

STAFF CONTACT PERSON(S):

(Provide name and phone number of County staff person(s) best able to provide any additional research or necessary information)

Noel Kaplan (EQAC staff liaison)
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County of Fairfax, Virginia

MEMORANDUM

DATE: July 30, 2009

TO: Board of Supervisors
FROM: Stella Koch, Chairman *Stella M. Koch*
Environmental Quality Advisory Council
SUBJECT: EQAC position regarding proposed state stormwater management regulations

It is the understanding of the Environmental Quality Advisory Council that county staff will be forwarding, for the Board's consideration at the August 3, 2009 Board meeting, comments regarding proposed state stormwater management regulations. EQAC has spent considerable effort in tracking the proposed regulations. We recognize that there are concerns over the implementation and maintenance of Low Impact Development (LIDs) practices, but we also recognize that much progress in stream protection can be accomplished by implementation of such practices. We urge the Board to support the goals and efforts of the state in these proposed regulations in terms of the proposed technical standards. However, we also recognize a need for localities to be able to establish fees and fiscal programs that would be sufficient to provide for the administration of such a program and EQAC supports Fairfax County's request for the state to build that into any new stormwater program.

SMK:nhk

cc: Anthony H. Griffin, County Executive
Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services
Randy W. Bartlett, Deputy Director, Stormwater and Wastewater Programs, DPWES
James W. Patteson, Director, Land Development Services, DPWES
Michelle Brickner, Assistant Director, Land Development Services, DPWES
EQAC file, July 2009

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