

APPENDIX B

EQAC RESOLUTIONS AND POSITIONS DECEMBER 2011 THROUGH OCTOBER 2012

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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

DATE: January 23, 2012

TO: Board of Supervisors

FROM: Stella Koch, Chairman
Environmental Quality Advisory Council

SUBJECT: EQAC appreciation of the December 6, 2011 Board of Supervisors action relating to signs in highway rights-of-way

It is noted in the minutes of the December 6, 2011 Board of Supervisors meeting:

In a joint Board Matter with Supervisor Smyth, Supervisor Herrity said that the recently completed election cycle saw 99 candidates run for office in the County, and with them many thousands of campaign signs joined the bright yellow "Junk B Gone" and other advertising signs that litter County median strips and roadways. . . . Supervisor Herrity said that County residents deserve an end to the popsicle sign blight. He stated his belief that with a two or three year focused effort and minimal investment, the Board can rid County communities of illegal road signs for good.

Therefore, jointly with Supervisor Smyth, Supervisor Herrity moved and subsequently amended the motions that were passed that the Board move forward with action to correct this problem.

The Environmental Advisory Council has had a long standing position requesting and advising that Fairfax County move forward to address this issue.

We therefore would like to thank Supervisors Herrity and Smyth for their leadership on this issue and we thank the Board of Supervisors for your action on December 6. WE support your future actions on this issue.

SMK:nhk

Attachment: As Stated

cc:

Anthony H. Griffin, County Executive
David J. Molchany, Deputy County Executive
Robert A. Stalzer, Deputy County Executive

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ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Resolution Supporting Retention of Virginia's Uranium Mining Moratorium

January 17, 2012

WHEREAS, EQAC has received basic background information regarding the moratorium on uranium mining (imposed statewide in 1982) in anticipation of legislative or gubernatorial efforts to lift the moratorium; and

WHEREAS, EQAC has received presentations on this issue from Dan Holmes, Director of State Policy with the Piedmont Environmental Council, and Stephen Walz, the Director of Energy Programs at the Northern Virginia Regional Commission and formerly the Director of the Virginia Department of Mines, Minerals and Energy; and

WHEREAS, EQAC members have also had access to the National Academy of Sciences, Fairfax Water, Chmura Analytics, Virginia Beach and RTI Socioeconomic reports on uranium mining in Virginia; and

WHEREAS, the Chmura study indicates that the adverse economic impact under the worst case scenario is significantly greater than corresponding positive impact in the best case scenario; and

WHEREAS, any future substantive failure of a uranium mining site would require economic support from all the citizens of Virginia for remediation; and

WHEREAS, there is recognition by EQAC that the only uranium deposits that appear to be potentially economically viable for mining at this time are in Pittsylvania County, where mining would have no impact on Fairfax County; and

WHEREAS, the concern exists, though, that there are other uranium occurrences in Virginia, and that past uranium mining lease agreements were established in Fauquier County, within the Occoquan watershed; and

WHEREAS, the Occoquan Reservoir is one of the county's primary sources of drinking water; and

WHEREAS, the quality of this drinking water source can be adversely affected by activities occurring within its watershed; and

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WHEREAS, while EQAC does not have a fully comprehensive understanding of the issue at this time, based on the presentations and materials reviewed by EQAC, EQAC does have concerns about the lifting of the moratorium in light of numerous and substantial questions and concerns regarding the potential for adverse environmental impacts to Virginia and the Occoquan Reservoir if uranium was to be mined or milled within the Occoquan watershed; and

WHEREAS, it is EQAC's view that it would be premature to draft regulations pertaining to uranium mining without first addressing concerns identified by the National Academy of Sciences in its report.

THEREFORE, BE IT RESOLVED that EQAC recommends that the Board of Supervisors request that the Commonwealth not move forward with promulgating regulations pertaining to the mining of uranium; and

BE IT FURTHER RESOLVED that EQAC requests that the Board of Supervisors support retention of the moratorium on uranium mining in Virginia.



County of Fairfax, Virginia

MEMORANDUM

DATE: February 22, 2012

TO: Board of Supervisors

FROM: Stella Koch, Chairman
Environmental Quality Advisory Council

SUBJECT: EQAC support for the Northern Virginia Regional Water Supply Plan and related recommendations

On Wednesday February 8, EQAC received a presentation from Traci Goldberg (Manager, Planning, Fairfax Water) describing the draft Northern Virginia Regional Water Supply Plan. Present also was Normand Goulet, Senior Environmental Planner, Northern Virginia Regional Commission; NVRC has served as the project manager for this effort. After the presentation, EQAC adopted, by a unanimous vote of the members present, the positions outlined in this letter. I am forwarding this letter for your consideration as you consider the draft plan at your February 28 meeting.

The draft plan carefully documents the present and predicted water supply needs for the Northern Virginia region for the coming decades. We appreciate the effort and feel that the plan meets the specific needs associated with the legislative mandate that spurred this effort. However, given the predicted demands on future water supplies, EQAC feels that there are two broader issues that should be addressed, perhaps outside of the context of this particular document. Our recommendations on these issues are as follows:

- 1) **EQAC feels that there should be an increased emphasis on more robust programs to minimize water usage.** While there is a section on water conservation as part of the draft plan, EQAC feels that Fairfax Water and Fairfax County should increase their commitments and practices to conserving water supplies through additional education, more tiered water pricing programs and other incentive measures that are being tried and used throughout the country and have proven effective.
- 2) **EQAC feels that there should be a strengthened commitment to the management of the Potomac River to maintain the ecological health of the river.** The Potomac is the main source of drinking water for the Washington metropolitan region. It is highly probable that the present low flow regime managed by the Interstate Commission on the Potomac River Basin will need to be altered in the future to protect the ecology of the river. The ICPRB is coordinating research to identify indicator and impacted species

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during drought/low flow. In the event of a prolonged low flow period, variable flows may be necessary to protect the ecology of the river. Ultimately, a healthy river should result in a better drinking water supply.

While EQAC does not object to the adoption of the Northern Virginia Regional Water Supply Plan as proposed, we urge the Board to endorse the two recommendations outlined above and to communicate these recommendations to Fairfax Water, ICPRB, NVRC and county staff.

SMK:nhk

cc: Anthony H. Griffin, County Executive
David J. Molchany, Deputy County Executive
James W. Patteson, Director, DPWES
Traci Kammer Goldberg, Manager, Planning, Fairfax Water
Normand Goulet, Senior Environmental Planner, Northern Virginia Regional Commission
EQAC file, February 2012

FY 2013 Fairfax County budget
Testimony from the Environmental Quality Advisory Council—Stella Koch, Chairman

My name is Stella Koch and I am speaking on behalf of the Environmental Quality Advisory Council. I am speaking in support of two specific budget areas: (1) funding for Environmental Improvement Program projects; and (2) the proposed increase in the Stormwater Service District rate by a penny, from a rate of 1.5 cents per \$100 assessed real estate value to 2.5 cents per \$100.

The Environmental Improvement Program supports implementation of the Board's Environmental Agenda. This year's budget proposes \$350,000 of funding for several environmental initiatives, including energy efficient lighting upgrades at Fairfax County Park Authority facilities; natural landscaping efforts at county properties; continuation of the Park Authority-managed Invasive Plant Removal Program; and other strategic initiatives. EQAC supports the Board's continued commitment to its Environmental Agenda through the provision of funding for EIP projects and supports the proposed funding of these projects.

In 1998, \$500,000 was committed to fund the first county-wide stream assessment, with the results published in late 2000. This laid the groundwork for our understanding of Fairfax County's streams and the stewardship needed to protect and restore them.

Since then, the county has revised its Chesapeake Bay Preservation Ordinance in order to comprehensively protect perennial stream buffers throughout the county; this followed a study, paid for by the county, that carefully delineated those perennial portions of streams. Staff continues to monitor a portion of our streams each year, and by February 2011, watershed plans were completed for all 30 of the county's watersheds. These watershed plans need funding to be implemented.

The county also owns and maintains 1,565 stormwater management facilities and BMPs and is responsible for both inspection and maintenance of those facilities. The county also maintains 1,500 miles of pipe and 45,000 inlets and manholes and over 100 miles of manmade channels. Much of the pipe and channel infrastructure is aging concrete. It is estimated that somewhat under a billion dollars will be needed in the coming years to replace this aging infrastructure.

These streams are not isolated geography in Fairfax County. They meander through our backyards, cross our roads and parallel many of our trails. All we have to do is remember the heavy rainfall and subsequent flooding of September 8, 2011 to understand how significant both the management of our stormwater and the stewardship of our streams are to the very fabric of our lives. This additional penny is a small step towards achieving those goals. EQAC urges you to support the proposed increase in the Stormwater Service District rate by a penny, from a rate of 1.5 cents per \$100 assessed real estate value to 2.5 cents per \$100.

POSITION STATEMENT FORM

(Completed form to be provided to the Legislative Committee)

GENERAL SUBJECT AREA -- TITLE OF PROPOSAL:

RETAINING THE MORATORIUM ON URANIUM MINING

PROPOSAL:

Support retaining the moratorium on uranium mining.

SOURCE:

Environmental Quality Advisory Council

BACKGROUND:

In January 2012, EQAC adopted a resolution supporting the retention of Virginia's uranium mining moratorium, which was imposed statewide in 1982. EQAC's resolution is available for review at http://www.fairfaxcounty.gov/dpz/eqac/resolutions/2012_january--uranium_mining.pdf. EQAC recognized that the impetus behind efforts to lift the moratorium was a substantial uranium deposit in Pittsylvania County that may be economically viable for mining, and EQAC noted in its resolution that mining of this deposit would have no impact on Fairfax County. However, the resolution also noted the presence of uranium elsewhere in Virginia, including locations within the watershed of the Occoquan Reservoir; the lifting of the moratorium could conceivably result in mining of these deposits at some time in the future.

At the time of adoption of its resolution, EQAC was concerned that there may be efforts during the 2012 legislative session to lift the moratorium; such efforts were deferred to allow further consideration of the issue, but EQAC is concerned that related legislation may be introduced during the 2013 legislative session. EQAC feels that the reasons for retaining the moratorium that were outlined in EQAC's resolution remain valid and therefore recommends that a position be adopted in the Board of Supervisors' Legislative Program supporting retention of the moratorium.

In EQAC's view, independent reviews are compelling in their observations that there are significant gaps in legal and regulatory coverage for activities dealing with uranium mining in Virginia. EQAC continues to feel that it would be premature to draft regulations pertaining to uranium mining without first addressing concerns identified by the National Academy of Sciences in its report. Also, the National Academy of Sciences and other sources, such as the General Accountability Office, have raised concerns about the lack of adequate financial assurance to address environmental cleanups that have been needed elsewhere following uranium and other mining

activities. In the event that uranium mining caused an environmental problem, the cost could be passed on to the state of Virginia; taxpayers from across the state could be burdened with a very expensive cleanup.

The approval of uranium mining operations are complicated by a number of factors including the high cost of cleanup in the event of environmental releases of contamination and the operation of mining operations by companies that are owned by companies outside of the United States. In addition, the experience with uranium mining within the United States has largely been limited to western states with low rainfall.

Please note that EQAC has proposed two additional position statements this year, both of which EQAC considers to be of lesser priority to this proposed position statement. EQAC's second priority recommendation addresses third-party power purchase agreements for renewable energy while its third priority recommendation addresses reduction in the use of disposable bags. The latter is a recommendation to carry forward a previously-established Board position.

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 retaining the moratorium on uranium mining.

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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POSITION STATEMENT FORM

(Completed form to be provided to the Legislative Committee)

GENERAL SUBJECT AREA -- TITLE OF PROPOSAL:

THIRD-PARTY POWER PURCHASE AGREEMENTS FOR RENEWABLE ENERGY

PROPOSAL:

Support legislation clarifying that third-party power purchase agreements (PPA) for renewable energy are legal within the established limits for net metering customers of investor-owned utilities, such as Dominion Virginia Power.

SOURCE:

Environmental Quality Advisory Council

BACKGROUND:

In 2011, Dominion Virginia Power blocked a third-party power purchase agreement (PPA) between Washington and Lee University and a solar installer, Secure Futures, for the installation of solar panels, asserting the PPA violated its monopoly on the sale of power within its territory. In 2012, a bill was introduced (HB129) that would have clarified that third-party PPAs for renewable energy are legal under the language of the Virginia code establishing an exception available to net metering customers. The bill passed the House unanimously but was carried over in Senate Commerce and Labor.

Solar energy offers great promise for job growth and economic opportunity in Fairfax County, and can help the County reach its Cool County goals. PPAs are an important financing tool that has proven highly effective in other states in driving the growth of renewable energy. Under a PPA, an installer retains ownership of the renewable energy installation and sells the electricity produced to the customer. The installer, as a for-profit entity, is able to take advantage of the 30% federal tax credit, and is able to pass the benefit along to non-profits. This arrangement allows non-profits like universities, municipalities and churches to take advantage of federal tax credits for renewable energy that are not otherwise available to tax-exempt institutions. PPAs also allow customers to install renewable energy projects without up-front capital expenditures, overcoming a major financing barrier.

The bill considered in the 2012 legislative session would have changed sections 56-265.1, 56-576 and 56-577 of the Code of Virginia. In particular, it would have explicitly allowed agreements under which a net-metering customer may purchase 100% renewable energy from a seller other than the incumbent utility, even if the purchase is of less than 100% of the customer's total consumption. Dominion Virginia Power has

taken the position that such purchases are not permissible under the current language.

Please note that this is EQAC's second priority recommendation of the three position statements it is proposing this year: EQAC's top priority proposal recommends retention of a moratorium on uranium mining; its third priority proposal is a recommendation to carry forward a previously-established Board position regarding a reduction in the use of disposable bags.

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)

HB129 was carried by Delegate Terry Kilgore at the request of the Virginia Alternative and Renewable Energy Association. This legislation is a high priority for members of the Virginia solar industry. Other local governments are interested in this legislation, as is the Metropolitan Washington Council of Governments, although we are not aware of any formal positions of support yet. A number of Virginia universities, colleges and churches have expressed interest in being able to enter PPAs for solar. This legislation is also a high priority for environmental groups including Sierra Club, Virginia Conservation Network, and Chesapeake Climate Action Network, and may also attract support from faith groups.

Opposition can be expected from Dominion Virginia Power and other investor-owned utilities that consider it a threat to their monopoly control of the electricity market.

STAFF CONTACT PERSON(S):

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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 reusable bags should be encouraged.

SOURCE:

Environmental Quality Advisory Council, July, 2012

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. 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. The proposal is broad so that there may be support for legislation for statewide actions, as well as legislation authorizing localities to take certain actions to meet this goal.

In past legislative sessions, legislation aimed at reducing the use of plastic and/or paper bags has been introduced; however, these bills have either been tabled or left in the committees to which they were referred.

The Fairfax County Board of Supervisors' 2012 Legislative Program included the following position statement, which updated and reaffirmed a previous position: "Support legislation or other efforts which would encourage the use of reusable

shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2012. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration." EQAC supports retention of this position statement in the 2013 Legislative Program.

Please note that EQAC has proposed two additional position statements this year, both of which it considers to be higher priority items than this proposal: EQAC's priority proposal supports the retention of the moratorium on uranium mining in Virginia; its second priority proposal addresses third-party power purchase agreements for renewable energy.

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. Organizations such as The Alice Ferguson Foundation, Choose Clean Water Coalition, Clean Water Action, Institute for Local Self Reliance, Surfrider Foundation-DC Chapter and other cities and towns have also supported such legislation. 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)

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Environmental Quality Advisory Council

Resolution of Concern Regarding

Dulles Toll Road/Tysons Vehicle Access Feasibility Options

October 10, 2012

WHEREAS, The Tysons Corner Urban Center is undergoing a significant transformation with the addition of new Metrorail stations and a visionary Transit Oriented Development Plan; and

WHEREAS, The Tysons Land Use Task Force met for five years to craft a future vision for Tysons Corner with participation from a cross section of residents and businesses including environmental advocates, civic associations, bike advocates, developers and others; and

WHEREAS, The Planning Commission created a similarly inclusive team to draft the Comprehensive Plan language that was adopted for Tysons Corner; and

WHEREAS, All parties involved in the Tysons Corner planning efforts as well as a majority of the residents of Fairfax County and our Board of Supervisors recognize the importance of vibrant parks, stream valleys and green amenities throughout the urban center; and

WHEREAS, Tysons Corner will be undergoing significant changes and redevelopment to higher density development and additional residents; and

WHEREAS, The County Department of Transportation is examining alternatives to provide access into Tysons Corner from the Dulles Toll Road and has identified three “preferred options” for these ramps; and

WHEREAS, Option 3 for the Boone Boulevard connection includes an alternative that would extend a ramp through the Old Courthouse Spring Branch stream valley, thereby creating substantial adverse impacts on the natural resources of this stream valley and the water quality and habitat value of the stream;

WHEREAS, The process through which these three preferred alternatives were developed does not appear to have adequately represented the broad cross section of interested parties that worked together so diligently to make sure all community concerns were considered by the Tysons Task Force and the Planning Commission; and

WHEREAS, it is EQAC’s view that the alternative development process has not adequately reflected the true value of parkland, tree canopy and Resource Protection Areas when assessing feasible options--in particular, the option to include the RPA as part of the ramp options as feasible; and

WHEREAS, it is EQAC’s view that the process for developing options did not take into account the Board of Supervisors’ environmental vision for Fairfax County, nor was the Policy Plan (which calls for protection of Fairfax County’s stream valleys) taken into account; and

WHEREAS, it is EQAC's view that the alternative development process has not considered the economic impact that new roads and parkland and RPA disturbance would have on existing properties, in particular the homes in the Ashgrove community and communities that border the Tysons Corner area, if their green infrastructure was to be removed and replaced by access ramps; and

WHEREAS, it is EQAC's view that the alternative development process has not adequately considered potential development that would be possible if lands were to be consolidated and access roads were to be integrated into the development, rather than patched around the existing built environment that will inevitably be redeveloped as part of the Tysons vision.

THEREFORE BE IT RESOLVED that EQAC recommends that the Board of Supervisors not carry forward for further consideration the component of Option 3 for the Boone Boulevard connection that would extend a ramp through the RPA of Old Courthouse Spring Branch; and

THEREFORE BE IT FURTHER RESOLVED that EQAC recommends that the Board of Supervisors request, for future transportation studies, that the Department of Transportation revisit its process for identifying preferred options by establishing workgroups with expanded representation, to include environmental representatives and civic groups in addition to developers and transportation planners who can: (1) add insight into the values of parkland and RPA protection as all feasible options are considered; and (2) reflect the inclusive planning approaches that have been so successful in Fairfax County (e.g., in the case of Tysons Corner, the process that brought the Tysons Corner Vision and Comprehensive Plan changes forward).