

# **BOARD OF SUPERVISORS ENVIRONMENTAL COMMITTEE**

**December 8, 2020**

**11:00 A.M.  
Electronic Meeting**

## **Board of Supervisors Members Present:**

Board Chair Jeffrey C. McKay  
Committee Chair Daniel G. Storck, Mount Vernon District  
Supervisor Walter L. Alcorn, Hunter Mill District  
Supervisor John Foust, Dranesville District  
Supervisor Penelope A. Gross, Mason District  
Supervisor Pat Herrity, Springfield District  
Supervisor Rodney L. Lusk, Lee District  
Supervisor Dalia A. Palchik, Providence District  
Supervisor Kathy L. Smith, Sully District  
Supervisor James R. Walkinshaw, Braddock District

## **Others Present:**

Joe Mondoro, Chief Financial Officer  
Elizabeth D. Teare, County Attorney  
Kambiz Agazi, Director, Office of Environmental and Energy Coordination (OEEC)

December 8, 2020 Meeting Agenda:

[dec08-environmental-agenda.pdf \(fairfaxcounty.gov\)](#)

December 8, 2020 Meeting Materials:

[Board of Supervisors Environmental Committee Meeting: Dec. 8, 2020 | Board Of Supervisors \(fairfaxcounty.gov\)](#)

The following is a summary of the highlights of the discussion from the December 8, 2020 meeting.

Today's meeting was called to order at 11:00 A.M.

## **Item I Opening Remarks**

After a brief introduction from Supervisor Storck, Committee Chair, the Environmental Committee accepted the minutes of October 27, 2020. With no further changes, the meeting minutes were accepted into the record.

Chairman Storck recognized Kate Daley, Environmental Specialist, OEEC, to give an update on Fairfax Green Initiatives.

Ms. Daley discussed the latest version of the [Fairfax Green Initiatives Implementation Matrix](#), which tracks progress on action items in the first and second Fairfax Green Initiatives Board Matters. Since the last update, progress had been made on items such as the community compost pilot program, vehicle purchasing policy, provision of consumer incentives for electric vehicles, the plan to implement a Plastic Bag Tax, as well as the strengthening of electric vehicle charging readiness in private parking facilities. Ms. Daley pointed out that the Board Package included more information regarding the feasibility of establishing a Fairfax Green Bank, which would require enabling legislation in the General Assembly.

## **Item II Proposed Plastic Bag Tax Process**

The second topic on the agenda was an update on the Proposed Plastic Bag Tax Process by Susan Hafeli, Deputy Director, OEEC.

Ms. Hafeli began by referring to a November 30, 2020 [memorandum](#) that was distributed to the Board. Legislation passed in the General Assembly in 2020 allows localities to adopt an ordinance, instituting a \$0.05 tax on most disposable plastic bags provided by grocery stores, convenience stores, and drugstores. The state Tax Commissioner would be responsible for collection, administration, and enforcement of the tax. The localities would have the discretion on how the funds would be allocated among the four categories identified, which include environmental clean-up, mitigation of pollution and litter, education, and the provision of reusable bags to recipients of federal food support programs.

State guidelines are yet to be established. The State Department of Taxation intends to wait to issue guidelines until at least one locality adopts an ordinance. The Department has taken the position that each business would need to look at the definition and determine if it fits into one of the three categories of retail set forth in the statute, these categories being grocery stores, convenience stores, and drugstores.

The proposed tax could potentially generate between \$20.8-\$24.9 million statewide, although over time, as consumer behavior changes are made, revenue is expected to decline. Revenues could also decline if businesses change practices by shifting to paper bags or by categorizing themselves as something other than the three identified categories of retail defined in the statute.

Northern Virginia jurisdictions have shown an interest in supporting regional action, but what action and the speed of at which that action should be taken still remains to be determined.

Ms. Hafeli discussed next steps in the process, recognizing that the county may need to proceed cautiously due to pandemic restrictions, so as not to add burdens to businesses and their customers. OEEC anticipates a public engagement phase, followed by the development of a draft ordinance, which would require a joint effort on the part of county agencies. The draft ordinance would reflect input received during the public engagement phase.

#### Board Discussion:

Chairman McKay stated his concerns that the Department of Taxation is not issuing guidelines before one locality adopts an ordinance. He asked: Why not ask the Tax Commissioner of Virginia specific questions to inform our decision before the county moves to adopt the ordinance?

Ms. Hafeli referred to emails from localities requesting guidance from the Department of Taxation in October and November of 2020. This email exchange demonstrated that the state saw its role as limited to providing forms, deadlines, and procedures, not making policy decisions. This was a surprising response, leaving a locality in the position to defend its ordinance in the event of a challenge.

Chairman McKay also commented that it would be a challenge to provide a local ordinance that could potentially be in conflict with the state guidelines, causing

confusion amongst businesses and consumers. He feels that the state should give clear guidance before an ordinance is implemented. He suggested a regional approach and proposed a letter to the Governor to receive additional guidance from the state.

Supervisor Herrity stated his concern about the timeline; he does not want to rush to implement the ordinance during a pandemic. He expressed his concerns about how it will impact and disproportionately affect lower income residents. He would like to take the time to study the science and data regarding plastics breakdown and contamination. Plastic bag bans in other parts of the country have had unintended consequences. Consumers buy thicker plastic bags to replace their grocery bags or switch to paper bags, which have their own environmental impact. He pointed out that plastic bags increase the cost of recycling as they clog the recycling machinery. He would like to see a plastic bag recycling program, similar to the glass recycling program that was just implemented. He suggested staff research and report to the Board on the scientific evidence of plastic bags in our waterways. He also suggested staff research a recycling or education program to take plastic bags out of single stream recycling.

Supervisor Smith added that she shares the concerns around equity and the pandemic. She noted that the ordinance would affect business that are already impacted financially by the pandemic. She does not recommend moving forward on this tax right now. She also agreed with Supervisor Herrity that plastic bag recycling is a good idea.

Vice Chairman Gross commented that a lot more work needs to be done. She said the response from the Tax Commissioner is curious and could be inconsistent. As far as the Chesapeake Bay is concerned, since DC and Maryland have implemented the plastic bag tax, it has resulted in improvement in the Anacostia River. She also uses the plastic bag recycling programs. She asked Ms. Hafeli if there is a provision for the retailer to be able to retain a portion of the revenue, as an incentive.

Ms. Hafeli responded that yes, the law does provide a preliminary “discount” to retain \$0.02 of the \$0.05 collected but it would be reduced to \$0.01 on January 1, 2023.

Supervisor Alcorn agreed with Supervisor Gross that the tax is not ready to go forward. He agreed that there are positive outcomes, such as Supervisor Gross’

example with the Anacostia River. He asked if this was something that the General Assembly could “clean up” and provide more clarification on.

Supervisor Walkinshaw referred back to Chairman McKay’s comments that as a first step there needs to be more clarification from the Governor’s Office and the Executive Branch. If they are unable or refuse to do so, a legislative fix may be necessary. We would like to be consistent with our neighbors in Northern Virginia. He also reiterated the negative impacts of plastic bags on the environment and wildlife. Climate impacts should also be considered. There is no scientific question that there a negative impact of plastic bag use on the environment, as was suggested earlier.

Chairman McKay stated that he is happy to work with NVRC and regional colleagues to get specificity from the Governor’s Office. He concluded that we need to know what a plastic bag ordinance looks like before soliciting public comment. The environmental merits are not in question. The two phased process should not be rushed and should only go forward after the county receives answers from the state level. He will work with NVRC, regional colleagues, and staff for more answers to these questions.

Supervisor Palchik agreed with Chairman McKay’s comments. She also echoed Supervisor Gross’ comments that the discount offered to the retailers will make the tax more successful than a ban. She wanted it to be clear that a ban is not being proposed and a tax has been shown to be very effective. She reiterated that more information needs to be gathered before moving forward. She also agreed with the equity issues that were raised. She stated that it might be a difficult time to go forward with this tax now, but it is good to have a plan for the future.

Chairman Storck also agreed that we need more information from the state. Key issues and elements need to be researched and answered before moving forward. He mentioned that if you visit a clean-up along Richmond Highway, the impact of plastic bags on the environment is clear. Opportunities for regional coordination are things that staff should focus on. He directed staff to come back to the Board at a future Environmental Committee meeting with direction, after a few months of allowing staff to conduct their research. The Board sees a need for this in general but needs to know how best to go about it.

### **Item III CECAP Update**

The third item on the agenda was an update on the Community-wide Energy and Climate Action Plan (CECAP), given by Aline Althen, Public Information Officer, OEEC.

The membership of the CECAP Working Group was finalized since the last update to the Board on October 27, 2020. The Working Group has 76 members, comprised of two subgroups. The subgroups met on December 2, 2020 for the first time, to begin to consider and decide on appropriate strategies to help the community achieve emission reduction goals. Objectives of the meeting were accomplished. “Mural,” an online platform, similar to an electronic whiteboard, was used to allow the Working Group members to ideate around specific greenhouse gas reduction strategies. Feedback overall was good. Some negative feedback concerned the length of the meeting, which staff is looking to address.

The Working Group subgroups will meet two more times, in January and March 2021, before the Working Group will meet as a whole in April and June 2021. The CECAP will be presented to the Board shortly thereafter.

With the new Working Group model in motion, there will be very regular communication with members in the form of weekly emails and distribution of materials well in advance of scheduled meetings. Staff will also be relying heavily on the CECAP website to communicate relevant information. The public communication strategy remains the same as before, with regular outreach on the website, newsletter, and OEEC Facebook and Twitter channels. Visitors to the OEEC website can find CECAP materials and information in the left sidebar menu and in the body of the homepage. Links for meeting materials, FAQs, operating guidelines, rules of order and more may be found within the dedicated CECAP Working Group webpage.

Board Discussion:

Supervisor Foust asked if staff could provide a list of the membership of the revised Working Group.

Ms. Althen replied that she would provide the list to the Board and staff.

Chairman Storck asked if the Working Group now includes additional members requested by the Board - business organizations, for example.

Ms. Althen confirmed that yes, the Working Group does include two members of the business community. They have been active members so far.

Supervisor Palchik thanked staff for the presentation and added that there seems to be an improvement since the Board raised concerns around communication and organization of the CECAP process. She asked staff to clarify if the meetings are open to members of the community.

Ms. Althen confirmed that the meetings are open to members of the public and community. They are advertised in the public meetings calendar, via social media, on the OEEC website, and shared by members of the Working Group. The goal is for meetings to be open and accessible to the public for observation.

Supervisor Palchik responded that it would be helpful to share meeting information with the Board offices who can in turn share with the “unheard voices” and under-represented members of the community.

Ms. Althen agreed to share the information with the Board offices.

#### **Item IV**

#### **Electric Vehicle Infrastructure Initiative Update**

The fourth item on the agenda was an update on the Electric Vehicle Infrastructure Initiative, given by Joe Mondoro, Chief Financial Officer.

Mr. Mondoro provided additional detail as a follow up to the November 24, 2020 [Fairfax Green Initiatives memorandum](#) distributed to the Board. The county is on track to meet the directive in Fairfax Green Initiatives that 100 percent of eligible county vehicles scheduled for replacement will be replaced with electric vehicles in FY 2020. The county is also moving forward with the infrastructure for those vehicles, including electric vehicle charging stations in garages at the Government Center, Herrity Building, Pennino Building, Public Safety Headquarters and Merrifield Center.

Going forward, there will be a larger number of vehicles to be replaced in future years, therefore, additional sites will be identified for charging infrastructure to support more electric vehicles. The county is taking a look at what its inventory of eligible sedans needs to be going forward, recognizing, in part, the way business is done has changed because of the pandemic. As the county transitions to an electric fleet, staff needs to ensure that its fleet size is appropriate. As part of that review, the county is transitioning its motor pool to a kiosk-based motor pool to increase efficiency and agency access to vehicles. Staff is also reviewing with agencies their allocation of vehicles based on long-term use and use over the pandemic. This will inform fleet size needs going forward, and the number of electric vehicles to be included in the fleet.

#### Board Discussion:

Supervisor Foust asked when the county will be purchasing 100 percent of electric vehicles as part of its replacement of fleet vehicles.

Mr. Mondoro responded that the county is replacing 100 percent of its eligible vehicles this fiscal year with electric vehicles, resulting in the purchase of 14 electric vehicles. Moving forward, the fleet needs to be right-sized as additional replacements are needed and the infrastructure for the charging stations needs to be put in place.

Supervisor Foust directed staff to come back to the Board with a plan on how to achieve electric fleet and charging infrastructure goals.

Mr. Mondoro responded that he will be providing a long-term plan to the Board.

Supervisor Alcorn agreed with Supervisor Foust. He also asked how much of the electric vehicle charging infrastructure will be powered by renewable energy.

Mr. Mondoro responded that those details will be provided in the update to the Board.

Chairman Storck added that upcoming presentations on the Joint Environmental Task Force (JET) recommendations from staff will provide more information in regards to the use of renewable energy.

Supervisor Palchik commented that she looks forward to seeing how the county will coordinate with the schools, especially as it comes to maintenance and power, in this long-term plan.

Chairman Storck responded that more information will be provided to the Board at the March 2021 Environmental Committee meeting and possibly also at April 2021 meeting. Budget guidance will also include more direction on the long-term plan.

### **Item V**

#### **Quarterly Review of Environment and Energy Not in Board Packages (NIPs)**

The fifth item on the agenda was a Quarterly Review of Environment and Energy Not in Board Packages (NIPs).

Chairman Storck referred to the recent memorandums to the Board regarding the CECAP Update, Fairfax Green Initiatives Update, Feasibility of Green Banks, and the Development of a Plastic Bag Tax Ordinance and asked if Board members wished to discuss these.

Board Discussion:

None.

The meeting adjourned at 11:54 A.M.