

# **BOARD OF SUPERVISORS ENVIRONMENTAL COMMITTEE**

**September 28, 2021**

**11:00 A.M.**

**Government Center Board Room**

## **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 W. 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:**

Bryan J. Hill, County Executive  
Christina C. Jackson, Chief Financial Officer  
Elizabeth D. Teare, County Attorney

September 28, 2021 Meeting Agenda:

[sept28-environmental-agenda.pdf \(fairfaxcounty.gov\)](#)

September 28, 2021 Meeting Materials:

[Board of Supervisors Environmental Committee Meeting: Sept. 28, 2021 | Board Of Supervisors \(fairfaxcounty.gov\)](#)

The following is a summary of the discussion from the September 28, 2021, 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 its July 20, 2021 meeting.

Supervisor Storck announced that the Zero Waste Plan for County and Schools would be presented before Running Bamboo, a change from the original order of the posted agenda.

## **Item II Zero Waste Plan for County and Schools**

Nathalie Owen, Sustainability Program Manager, Department of Procurement and Material Management (DPMM), presented on the Zero Waste Plan for County and Schools.

Ms. Owen referenced the Joint Environmental Task Force (JET) recommendation that first proposed Fairfax County Government and Fairfax County Public Schools be Zero Waste by 2030. This recommendation was the impetus for the Zero Waste Plan and the development of a staff Planning Team. The Planning Team included representatives from DPMM, the Solid Waste Management Division of the Department of Public Works and Environmental Services (DPWES), Facilities Management, the Park Authority, the Fairfax County Public Schools (FCPS) Get2Green Program, and FCPS-Facilities Management. Other departments were consulted throughout the Zero Waste planning process.

The foundational elements of the plan are the Four R's: Reach Out, Reduce, Reuse, and Recycle. The key to this plan is waste prevention. The greatest benefits are achieved when we consume less, items are made sustainably, and used sustainably. The strategies in the plan address the life cycle of the materials we use, prioritizing reduction and reuse.

The first goal in this plan for 2030 is to divert 90 percent of waste from disposal. The second goal for 2030 is to reduce the overall waste generated by 25 percent from 2018 levels.

The Planning Team and consultant analyzed the county's current waste generation and the existing waste prevention and diversion programs in operations. The consultant conducted audits of trash and recycling dumpsters to understand what is contained in the waste streams. A survey was conducted with employees for feedback and ideas. The consultant and Planning Team also reviewed the Zero Waste Plans of six surrounding jurisdictions. Regarding other policies and regulations, Virginia Executive Order 77, issued as a direction to eliminate most single-use plastics in state agencies, colleges, and universities, could provide valuable information to the county. All of these factors inform the strategies of the plan.

Ms. Owen referred to a chart with how to achieve 90 percent waste diversion for the county and schools. Regarding diversion, the readily available data shows that 15 percent of county waste and 19 percent of schools waste is being diverted from the incinerator, which leaves 75 percent county and 71 percent school waste to improve upon. This does not include e-waste, used oil, and shredded paper, because they are not managed by our waste and recycling services. As the Zero Waste Plan is implemented, tracking mechanisms for these remaining materials will be developed. Purchasing practices and behavioral changes will also improve the diversion of waste. Finally, technical advances will be very important to meet the goals.

With respect to strategies, Ms. Owen referred to the dozens, if not hundreds, of solutions that could be implemented. She highlighted the 24 strategies to be prioritized based on the background research and analysis conducted. They were chosen for their potential impact and suitability. They have four themes: Culture: Education and Outreach, Program Establishment, Facilities Upgrades, and Policy Implementation/Board Directives. In the complete plan you can see very broad cost brackets and suggested timelines, at a very high-level estimate.

Working toward Zero Waste during a pandemic has had its challenges. It has affected what is seen in the waste stream. For the last 18 months, many staff and most students were at home using their home trash and recycling services. Also, the use and disposal of personal protective equipment (PPE) and single-use products increased. This year's waste audits were affected by this.

Ms. Owen noted that health and safety must remain a top priority while implementing the plan. There are plenty of ways to align Zero Waste and health and safety. For example, business processes' use of paper can be moved to an

electronic process. Also, hand sanitizer can be bought in bulk to refill smaller bottles. In general, many reusable products can be used to replace single-use products if sanitized and handled properly.

The plan outlines four focus areas. The first, levels of involvement, will need ongoing commitments from both boards - Fairfax County and FCPS. A central coordinating team will need to be established. Staff will need to identify their own Zero Waste champions to assist departments and school with implementation and funding needs. Involvement includes everyone, meaning employees, student, business partner, and anyone that uses county and school facilities.

Regarding resources, implementation will require significant staff time and financial resources for central coordination and strategies. Investments will need to be made for up-front costs and maintenance. Funding for one full-time position for a central coordinator will be considered by the Board in Carryover next month. There will be a total of five positions on the county side and additional positions for the schools, including another central coordinator and additional department-specific positions.

To ensure and measure progress, the plan proposes a similar structure to the annual One Fairfax Equity Impact Plan. This will require county departments and schools to conduct self-assessments, set goals, and report to the team on their progress toward Zero Waste. The plan requests system-wide waste audits every three years.

Immediate next steps will include the Board approval of the Zero Waste Plan on November 9, 2021 as well as the establishment of an implementation structure which will have an immediate impact. Finally, the implementation of some short-term strategies will be required. The Zero Waste Plan is a living document that should remain flexible as we consider new ideas and challenges.

#### Board Discussion:

Supervisor Gross began the discussion by commenting on the JET recommendations that became the Zero Waste Plan. The strategies discussed during the JET were integrated into the plan and she is appreciative of the efforts. She asked where tracking progress fits in the plan.

Ms. Owen responded that it fits under the program establishing theme.

Supervisor Gross stated that the county and schools need to lead by example. Reduce and Reuse are important parts of the cycle. The education portion of the plan will have a great impact on students. She suggested staff take a look at which markets may be available for these efforts, similar to the glass recycling program (Purple Can Club).

Chairman Storck added that this Board recognized during the JET that identifying county issues and taking a leadership role in the process is key to it being successful.

Supervisor Smith commented that this is an important goal to take us to the future. She stated that the clarity of messaging is important. The Zero Waste champions will be challenged by various changes. She offered her support to achieve the goal.

Supervisor Palchik referred to the JET process and is pleased with the progress. Building on the success of the glass recycling program, she asked if we are considering changes in single-stream recycling and if we are looking at suppliers and businesses that we can partner with. Education and clear messaging are very important, and she offered her support.

Supervisor Alcorn commented that it's a fantastic report. He appreciated the focus on source reduction and procurement. One of the next steps, data tracking and monitoring, is something he's looking forward to. He pointed out that this plan is aspirational, but the more we can see what's driving the success or what isn't successful will be important.

Supervisor Herrity appreciated the aspirational comment from Supervisor Alcorn. There are some exciting new technologies with single-stream recycling. He also referred to Supervisor Smith's comment about people only being able to do so much, the Purple Can Club being an example of success. He emphasized offering opportunities to people. He will be bringing forward examples of technologies.

Supervisor Walkinshaw asked how waste was measured in the analysis.

Ms. Owen responded that the diversion numbers are weight-based overall goals of 90 percent diversion and 25 percent reduction. The visual waste audits conducted in the spring were volume-based for visual representation.

Supervisor Walkinshaw agreed that is the best way to conduct the analysis. For example, plastic bags and packaging weigh very little, but make up a large amount of the waste stream that could be diverted, achieving more than we think. He noted that with aspirational goals, there are a number of things we can do to improve processes, but we need the state and federal government to do more in terms of legislation. The direction we will need to go is asking the producers of waste, manufacturers, to take responsibility for the amount of waste their product produces. We need to look at incorporating those policies.

Chairman Storck added that many states have looked at that and passed a law identifying the cost of packaging in the waste stream and making them responsible for the cost on the front-end.

Supervisor Lusk referred to page 7, Item 2.8, establish or expand edible food rescue. He thinks we can solve food insecurity while meeting this goal with donated food.

Chairman Storck commented that the School Board is an important part of the process, and he hopes they have a similar engagement and response to the plan.

### **Item III Running Bamboo**

The next item was a presentation on Running Bamboo by Jack Weyant, Director, Department of Code Compliance (DCC).

Mr. Weyant referred to the last time he came before the Board on running bamboo, at which time the Board determined that education and outreach would be a better alternative to a new ordinance. An informational sheet was provided on the county website for citizens and to the Board offices for distribution. Since that time, the Board offices have had many complaints about running bamboo in their areas, and an ordinance is being brought before the Board for discussion today.

Important definitions were addressed. Running bamboo means any bamboo that is characterized by aggressive spreading behavior. The bamboo owner means any owner who permits running bamboo to grow or remain on the owner's property. Containment means now allowing bamboo to spread from the owner's property or any public right-of-way or adjoining property not owned by the bamboo owner.

In regards to an ordinance on running bamboo, the County Attorney determined that the best approach would be to modify Chapter 119 – Grass or Lawn Area, rename it to Chapter 119 – Vegetation, and include a new section on running bamboo.

Mr. Weyant went over the enforcement protocol for the ordinance. Once a complaint is filed, a site investigation and inspection are conducted. If bamboo has spread from one property to an adjacent property, a Notice of Violation will be issued, giving 30 days to contain or eradicate the bamboo. Civil penalties of 50 dollars per business day will result for non-compliance. Failure to comply with a second set of operative facts will result in a fine of 200 dollars per business day within 12 months of violation, with total penalties not to exceed 3,000 dollars in a 12-month period.

Virginia Code §15.2-901.1, is the enabling authority that permits the county to create an ordinance. The enabling authority creates both opportunities and constraints for the county. Opportunities include allowing the county to limit the spread of running bamboo. It addresses the residents' complaints and supports the initiative to remove invasives from the community. The constraints include complicated and costly enforcement, impacts to both complainant and homeowner, a penalty structure that may not be significant enough to support the process of enforcement, methods of control that can lead to unintended damage to trees, and finally, containment versus eradication.

Board Discussion:

Chairman Storck noted that invasive species are being addressed at the state level and asked for more information.

Mr. Weyant explained that invasives that are being discussed at the state level are kudzu, English ivy, and pachysandra. There is a committee working on the legislative changes to allow other invasive species to be included.

Supervisor Gross referred to the slide suggesting that Chapter 119 be renamed. As grass actions can only be enforced on properties of less than a half-acre, she asked if this applied to running bamboo as well.

Mr. Weyant responded that the grass enforcement is seasonal, where bamboo enforcement would be year-round. He said it would be on property of any size, being that it would be a separate section in the ordinance, referring specifically to running bamboo.

Supervisor Smith asked about the complaint process and if someone who has bamboo running on their property, but is not the originator of the bamboo, will also be fined.

Mr. Weyant responded that through the inspection process, the owner of the bamboo will need to be determined to avoid both parties being fined.

Supervisor Alcorn thanked staff for bringing this recommendation forward. He thinks it will help with a number of areas, homeowners, and neighborhoods. He looks forward to the discussion at the state level, addressing invasive species. He hopes that it will lead to reduction of the sale of invasive species. It will be a combination of that and enforcement to lead to reduction.

Supervisor Herrity asked about the cost and process of removal of running bamboo.

Mr. Weyant responded that the removal process is significant and could cost thousands of dollars, depending on the depth of the root system; it could require heavy machinery if an underground barrier is needed.

Supervisor Herrity asked about county property that has running bamboo.

Mr. Weyant responded that he works with the Park Authority about neighboring properties and will ask them to address each instance.

Supervisor Walkinshaw asked about the how the administrative costs may not support the enforcement of the ordinance.

Mr. Weyant responded that enforcement with citizens will be complicated, and they are not a money-generating agency, in general.

Supervisor Walkinshaw asked if the Park Authority would file a complaint against a homeowner who planted bamboo on property adjoining Park Authority property.

Mr. Weyant responded yes, that could be the case.

Supervisor Walkinshaw stated that he supports the ordinance. He was concerned about the residents that have bamboo on their property, through no fault of their own, and nothing currently can be done about it. He asked how we deal with property owners that cannot afford eradication and if there is a grace period. He supports the ordinance overall.

Supervisor Palchik echoed the concerns of Supervisor Walkinshaw. She asked if we know of other jurisdictions that are using this new authority.

Mr. Weyant responded that Fauquier County was an example they referred to, per the suggestion of Chairman Storck.

Supervisor Palchik directed staff to look into other jurisdictions for reference.

Chairman Storck's final thought was that education was not sufficient to change the problem or behavior. He would like to tread lightly but forward and increase awareness.

#### **Item IV Fairfax Green Initiatives Update**

The fourth item on the agenda was an update on the status of Fairfax Green Initiatives, given by Kate Daley, Environmental Specialist, Office of Environmental and Energy Coordination (OEEC).

Ms. Daley began her presentation with the history of the two Fairfax Green Initiatives (FGI) Board Matters from February 2019 and July 2020. These include over 30 environmental and energy-related action items. This quarter, staff has provided updates on 11 of these action items. An implementation matrix that was included in the Board package and in a memorandum from September 2021 provides more detail on the status of all of the action items.

This quarter, agencies provided updates on six action items from the first FGI Board Matter. In support of green buildings objectives, Land Development Services launched its Green Building Recognition Program earlier this month, recognizing designers and contractors who voluntarily build green in the county,

for both residential and commercial development. Staff also continues to seek adoption of the latest versions of the International Energy Conservation Code at the state level.

The update to the Operational Energy Strategy, adopted in July 2021, satisfies action item, 4a. It includes accelerated goals and targets related to energy use and efficiency, fleet electrification, renewables and waste management, and a new greenhouse gas emissions focus area to incorporate the new carbon neutral goal for government operations.

In pursuit of grant funding for climate and energy initiatives, several county agencies were provided grants through the state's Clean Air Communities program to purchase an electric transport truck, an electric refuse truck, and electric transit buses, as well as charging infrastructure for these. Additionally, through separate state grant funding, the county will be provided four electric transit buses, for a total of eight, to go into service in mid-2022. Building off prior updates on the Relay pilot project, the autonomous electric vehicle project in Merrifield, the Department of Economic Initiatives (DEI) was granted an extension of the pilot that will allow them to collect additional ridership and transit data. Staff will continue to identify additional federal funding opportunities for environmental and energy initiatives.

Under item 4c., regarding setting a goal for locally generated energy to offset county government energy usage, this item was also satisfied by the update to the Operational Energy Strategy. This goal includes new targets for renewable energy.

DEI will work with OEEC under item 6c. to develop partnerships. Next year they intend to host a Pitch and Pilot event, focused on carbon neutral technology. DEI is also working with Fairfax County Department of Transportation (FCDOT), Smart City Works, The Center for Innovative Technology, and the private sector winner of the April 2021 Fairfax Innovation Challenge to develop a bike and pedestrian pilot project.

From the second FGI Board Matter, staff provided updates on five action items, including the Department of Public Works and Environmental Services' (DPWES) Composting Pilot Program. The pilot, launched late last year, addresses item 1a. DPWES has expanded the program to four area farmer's markets.

The previously mentioned state grant funding for electric transit buses also satisfies item 2b. under the second FGI Board Matter. This builds off the county's efforts to transition to electric vehicles.

Updates under item 2c. highlighted that wall-mounted electric vehicle charging stations are being installed in garages at several facilities in the Government Center Complex.

On September 14, 2021, the Disposable Plastic Bag Tax ordinance was adopted and will go into effect on January 1, 2022. Arlington County and the City of Alexandria have also passed ordinances on the bag tax and staff is working with these neighboring jurisdictions on communication and outreach for retailers and consumers. OEEC will also be handing out reusable bags as part of its upcoming HomeWise program events.

Finally, under item 7a. DEI is working on a number of related activities to partner with local organizations on green jobs. It has been working closely with the Economic Development Authority to collect and analyze data for green jobs. More recently, it has been in talks with Dominion Energy on the creation of green job pathways for county students and partnering on job fairs and workforce development opportunities.

Board Discussion:

Chairman Storck asked about the status of the solar panel vendors to address the commitments the Board has made for renewable energy.

Dr. Kambiz Agazi, Director, OEEC, responded that the primary vendor was removed from the program and the secondary vendor became the primary. There was also a third vendor that then became the secondary vendor. The county is currently in negotiations with the new primary vendor and new secondary vendor for pricing for rooftop, ground mount, and solar canopy installations. Staff will provide an update in December 2021 to the Environmental Committee.

Chairman Storck asked a follow-up question about what impact this has had on the timeline of the initiative.

Dr. Agazi responded that the initial negotiation process took approximately six months from when the RFP was issued in December 2019. It may result in an approximately nine-month delay.

Chairman Storck commented that it has set the process back. He asked if there would need to be new approvals from the Board to go forward with the new primary vendor.

Dr. Agazi responded yes, there will be additional approvals needed with the primary and possibly the secondary vendor, based on the projects they accept. When the vendor agrees to the project, there will need to be a public hearing held to approve the lease of the rooftops to the vendor.

Supervisor Lusk asked about the Pitch and Pilot event. He wanted to know more about the scope, the technology partners, and the university partner involved in the initiative.

Ms. Daley responded that she does not have those details today but will make sure that information is shared with him.

Supervisor Lusk also asked if the FCDOT/DEI project was the Street Simplified project.

Ms. Daley responded that she believes it is.

Supervisor Lusk went on to say that partnering with emerging technology is important to the advancement of these initiatives. Innovation starts with the smaller emerging technology companies.

Chairman Storck asked about grant funding and if there is justification for a grant writer for these initiatives.

Dr. Agazi responded that he would have to follow up on this question.

Chairman Storck also asked about two neighboring jurisdictions and the status of the disposable plastic bag tax.

Ms. Daley responded that they will not be moving forward with a tax by January 1, 2022, as details of their ordinance are still being discussed.

**Item V**  
**Review of Environment and Energy Not in Board Packages (NIPs)**

The fifth item on the agenda was the Review of Environment and Energy Not in Board Packages (NIPs), presented by Chairman Storck.

The NIPs that were distributed since the June Environmental Committee meeting were: Fairfax Green Bank Update, The Zero Waste Plan, Fairfax Green Initiatives Update, and the Establishment of a Voluntary Green Building Program.

With no further questions from the Board, the meeting adjourned at 12:14 P.M.