

BOARD OF SUPERVISORS ENVIRONMENTAL COMMITTEE

July 20, 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 (Participated Virtually)

Supervisor Walter L. Alcorn, Hunter Mill District

Supervisor John Foust, Dranesville District

Supervisor Pat Herrity, Springfield District

Supervisor Dalia A. Palchik, Providence District (Participated Virtually)

Supervisor Kathy L. Smith, Sully District

Supervisor James R. Walkinshaw, Braddock District

Others Present:

Bryan Hill, County Executive

Joe Mondoro, Chief Financial Officer

Elizabeth D. Teare, County Attorney

Kambiz Agazi, Director, Office of Environmental and Energy Coordination (OEEC)

July 20, 2021 Meeting Agenda:

[july20-environmental-agenda.pdf \(fairfaxcounty.gov\)](#)

July 20, 2021 Meeting Materials:

[Board of Supervisors Environmental Committee Meeting: July 20, 2021 | Board Of Supervisors \(fairfaxcounty.gov\)](#)

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

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

Item I Opening Remarks

Following the approval of a motion, introduced by Chairman McKay, the Environmental Committee adopted a policy for participation in meetings by electronic communication. Supervisor Storck, Committee Chair, then introduced the meeting minutes of the June 15, 2021 Environmental Committee, which were accepted into the record without changes.

Supervisor Storck recognized Nathalie Owen, Sustainability Program Manager, Department of Procurement and Material Management (DPMM), to provide the Board an update on the Zero Waste Plan. Ms. Owen noted that, with the assistance of a consultant, the county's cross departmental Zero Waste Team has completed much of its work for the Zero Waste Plan. Staff requested that a presentation on the Zero Waste Plan, which was originally scheduled for the July Environmental Committee meeting, be rescheduled to September to allow adequate time for stakeholders to review the plan. The September presentation will include the results of landscape analyses (which include results of waste and recycling audits), a discussion of priority zero waste strategies, and an implementation structure for the plan.

Supervisor Storck then recognized John Morrill, Division Manager, OEEC, to provide an update on the establishment of a Green Bank. Mr. Morrill noted that Green Banks are fast-emerging at the state and local levels as mission-driven financial institutions created by governments to stimulate the clean economy for all.

Earlier this year, the Board appropriated funds for a gap analysis to examine the feasibility and scope of a Green Bank in Fairfax County. Staff from OEEC, the Department of Finance, and the Department of Economic Initiatives (DEI) will guide a consultant's work. The product will identify the size of the market for clean energy services in Fairfax, assess barriers to investments with an emphasis on low- and moderate-income households, and survey stakeholders, including clean energy contractors, private lending institutions, builders, and developers. The results of the gap analysis as well as the consultant's recommendations are expected in the summer of 2022.

The gap analysis will outline a range of possible options for the legal and financial structure of a Green Bank and suggested investment levels. The immediate focus of the work will be Fairfax County. Neighboring jurisdictions have shown interest in their own Green Bank or a regional Green Bank; however, the statutory

language does not yet provide for a regional entity and, as of yet, no commitments have been made in other Virginia jurisdictions.

The OEEC will be providing a memorandum to the Board in July 2021 describing emerging best practices and the role a Green Bank could have with respect to the existing Commercial Property Assessed Clean Energy and Resiliency (C-PACE) program, and the implementation of the Community-wide Energy and Climate Action Plan (CECAP). Further updates will be provided to the Board as progress continues.

Board Discussion:

Chairman McKay stated that he has linked up the Northern Virginia Regional Commission (NVRC) with Fairfax County staff to determine whether it makes sense to look at Green Banks from a regional perspective or through a Fairfax County perspective. If a regional approach has merit, he suggests that the county propose legislation at the next General Assembly session to change the enabling authority. He then asked what will occur between the distribution of the Green Bank memorandum in July 2021 and the results of the consultant's gap analysis, expected in the summer of 2022.

Mr. Morrill responded that, throughout this time, staff will work with the consultant on the gap analysis and stay engaged with regional colleagues.

Chairman McKay stressed that there should continue to be progress during this time. He emphasized that this was a high priority of the Board. He does not want there to be a large time delay between adoption and when we can show substantive progress being made setting up the Green Bank initiative.

Item II

Environmental and Energy Legislative Items to Support a Carbon Neutral Goal

The second topic on the agenda was a presentation on Environmental and Energy Legislative Items to Support a Carbon Neutral Goal by Susan Hafeli, Deputy Director, OEEC.

Supervisor Storck provided introductory remarks on Item II, noting that the presentation provides the Board an opportunity to discuss legislative priorities related to energy and the environment in advance of the 2022 Virginia General Assembly session and at greater length than what is usually afforded in the Board's Legislative Committee.

Ms. Hafeli began by mentioning that the legislative items identified in her presentation would help the county meet its carbon neutral goal, as identified in the Carbon Neutral Counties Declaration, issued by the Board at their July 13, 2021 meeting, and as incorporated in the update to the Operational Energy Strategy, also adopted on July 13. The legislative items identified also tie back to the two Fairfax Green Initiatives Board Matters, introduced in 2019 and 2020.

From Fairfax Green Initiatives, Ms. Hafeli's presentation highlighted seven items that may require legislative action. The first two items relate to government operations and the second two to the community. For the final three items, staff is recommending no further action in the 2022 legislative session.

With respect to government operations, Ms. Hafeli introduced item 2a from the second Fairfax Green Initiatives Board Matter, which calls for the expansion of the county's charging infrastructure to support additional electric vehicles (EVs). While Fairfax County is expressly authorized to offer fee-based EV charging service to its employees, residents and visitors, an authority that was granted in the 2017 General Assembly session, the Fairfax County Park Authority and other Authorities are unable to do the same. As such, staff is recommending support for a legislative proposal to permit Authorities to provide retail EV charging service to employees and members of the public.

The second item pertaining to government operations involves item 4c from the first Fairfax Green Initiatives Board Matter. This item calls for discussion of a target to offset county government energy usage with locally generated energy by a certain timeframe. While this target was established in the 2021 update to the Operational Energy Strategy, implementation of such a target would be greatly facilitated by action in the General Assembly. Specifically, staff is recommending greater flexibility with the state virtual net metering pilot program.

Virtual net metering provides the ability to apply solar electricity generation, beyond what is used on-site, to electric accounts serving other locations. Currently, state law requires that renewable energy be used at the site at which it's generated, but there are two exceptions that allow for virtual net metering. One exception

involves the state's pilot program for virtual net metering by municipalities, enacted in 2019. However, under existing regulations, county projects that rely on Power Purchase Agreements (PPAs) for on-site solar generation are not eligible to participate. As a result of these and other unfavorable program terms, no local government is currently participating in the pilot program. Staff recommends amending the state pilot program to allow for the use of PPAs by local governments to advance county efforts related to renewable energy generation and eliminate hurdles that impact implementation of the county's PPA program.

Next, Ms. Hafeli turned to proposals regarding the community, which are consistent with several of the recommendations made by the CECAP Working Group, including recommendations that Fairfax County provide incentives to support the purchase of both EVs and their associated charging infrastructure. The Working Group also recognized the need for charging stations at multifamily properties.

With respect to financial incentives, earlier this year the Virginia Code was amended to establish an EV rebate program. The program is not currently funded, but possible funding mechanisms have been identified and appear likely to be considered in the 2022 General Assembly session. Staff recommends that the county monitor developments related to the funding of this state rebate program and support legislative action to fund it.

The second type of incentive relates to increasing the availability of charging stations at multi-family properties. Such availability may depend on whether the property is an apartment building or complex occupied by tenants, or a building or complex occupied by property owners, as is the case with common interest communities like homeowner or condominium associations. Under existing regulations, landlords or apartment building owners are permitted to provide retail EV charging services at apartment locations. Availability in common interest communities is a little more complicated. Legislation passed in 2020 established a "right-to-charge" EVs for property owners on their own parking spaces. However, an association may prohibit or restrict the installation of EV charging stations on the common area within the development and may establish reasonable restrictions as to the number, size, place, and manner of placement or installation of EV charging stations on the common area. Consequently, for this issue, staff recommends that the county monitor developments related to EV charging in multi-tenant environments and support legislative action that encourages it.

The second community item involves expanding solar purchase options in multi-tenant environments. Minimum system size restrictions in the Virginia Code prohibit residential and small business customers from using PPAs to finance on-site solar installations. Shared solar provides an alternative pathway for those who cannot afford to buy solar panels, those whose property is shaded or otherwise not practical for solar generation, and those who don't own the property they occupy. The General Assembly has authorized a Shared Solar program, including Multi-Family Shared Solar, for customers of Dominion Energy. However, two aspects of the shared solar program, including a program cap and high minimum bill, will impose significant obstacles and likely block participation. Consequently, staff recommends support for legislative proposals in the 2022 General Assembly session that increase or eliminate the program cap and limit the size of the minimum bill.

Finally, Ms. Hafeli addressed items from the Fairfax Green Initiatives Board Matters that staff is not currently recommending be the subject of legislative action in the 2022 General Assembly session. One such item directed the County Attorney to determine if the county could require energy use disclosures on residential home sales. The County Attorney's office determined that state legislation would be needed to impose an energy use disclosure requirement on sellers or authorize localities to do so. Staff recommends that seeking such legislative authority is premature as a range of issues need to first be addressed and resolved.

Board Discussion:

Chairman McKay asked about the incentives for supporting EV infrastructure and whether or not we have the authority or ability to waive permitting site plan processing fees for the installation of these charging stations at shopping centers and communities.

Ms. Hafeli responded that staff plan to research this and will work with Land Development Services (LDS), Department of Planning and Development (DPD) and other agencies to investigate that possibility.

Chairman McKay stated that he appreciates the complexity of the situation and would like to remove hurdles that could be in the way on the county level.

Supervisor Walkinshaw mentioned that the recommendations are worthy of being included in the Legislative Program, possibly as a combined package, similar to a “Solar Freedom 2.0.” He asked about the International Energy Conservation Code (IECC) and if we are advocating for the adoption of the 2021 version of the code, because it has a key significant change, in that it will require an EV-ready space for each unit in multi-family residential buildings.

Dr. Kambiz Agazi, Director, OEEC, responded that we are indeed advocating for the 2021 version of the IECC.

Supervisor Walkinshaw added that EV-readiness is key to getting consumers over the hurdle so that families will be able to come home and plug in their vehicle.

Item III Final CECAP Plan Update

The third item on the agenda was the Final CECAP Plan Update, given by Maya Dhavale, Senior Community Specialist, OEEC.

Ms. Dhavale began her presentation by providing an overview of the CECAP planning process. Currently, the Final CECAP Report is available in draft form. In terms of next steps, staff will be moving forward with education and outreach as part of the implementation phase, beginning in fall 2021. Staff is seeking direction from the Board on priorities for CECAP implementation, as part of a phased approach. Included in the Final Draft Report for the Board’s review are 12 strategies and 37 actions.

Ms. Dhavale reminded the Board that the Final Draft Report is a product of the Working Group. Staff and consultants provided technical advice, facilitated meetings, and worked with the community to produce these materials. The report includes background information addressing climate change issues specific to Fairfax County; details on the development of the CECAP process; the description of the methodology for the technical analysis, including the emissions inventory and modelling conducted by MWCOG; information on the Working Group-developed goals; information on current policies and programs; information on how the county conducted community engagement; and finally, next steps for implementation. It is important to note that Final Draft Report is not the final implementation plan.

In the CECAP Final Draft Report, the first half includes details on the planning process; the second half outlines activities needed for implementation. The major themes and takeaways include that building energy and transportation play the largest role in emissions reduction in Fairfax County, that there is significant community and working group interest in the leadership role of Fairfax County, and that there is an interest in incentives and programs to change behavior.

The next steps for CECAP are wrapping up the planning phase and transitioning to implementation. The implementation phase kick-off will include public education and outreach, building on existing programs, and development of legislative priorities. The next step for staff will be creating the implementation plan, which includes a funding strategy, work plan, and prioritization of activities for implementation. Staff anticipates providing the Final Report to the Board in September 2021. Staff plans to report on the progress of CECAP annually.

Board Discussion:

Supervisor Storck asked why recommended activities for the Board were included, but not for the community.

Ms. Dhavale responded that there are four levels of actors identified in the Final Draft Report: individuals and organizations, the county, and state and federal actors. The Working Group felt it was important to highlight the actions for the Board in the Executive Summary. The strategies section of the report highlights actions for all actors.

Supervisor Storck thanked her for the clarification. He went on to ask about the actions and if there will be a menu of actions or a package for consideration.

Ms. Dhavale responded that yes, there will be a package provided to the Board, based on their feedback.

Chairman McKay thanked the Working Group and staff for their work on CECAP. He echoed that he also wanted to see a menu of options for action. With respect to changing people's behavior and improving the environment, he stated that community education and outreach is important to community involvement. He applauded staff's efforts in responding to the pandemic, as related to the planning process.

Supervisor Storck also commended staff, consultants, and OEEC for their roles in the CECAP process over the last 16 months.

Item IV Local Stormwater Management Grant Program

The fourth item on the agenda was the Local Stormwater Management Grant Program, provided by Craig Carinci, Director, Stormwater Planning Division, Department of Public Works and Environmental Services (DPWES) and Laura Grape, Director, Northern Virginia Soil and Water Conservation District (NVSWCD).

Mr. Carinci began the presentation by recommending to the Board establishment of a local stormwater management (SWM) grant program to support additional projects selected through the NVSWCD-administered Conservation Assistance Program (CAP) and Virginia Conservation Assistance Program (VCAP).

Ms. Grape provided more information on the CAP and VCAP programs. These are examples of initiatives that provide cost-share and technical and financial assistance for the voluntary installation of stormwater best management practices (BMPs) by individual property owners, homeowners associations, and places of worship. Examples of projects include rain gardens, green rooftops, cisterns, infiltration trenches, and conservation landscaping to address drainage and erosion issues. The CAP and VCAP programs have been a success story to achieve these initiatives and demonstrate a shift in how property owners view their land and the support of natural resources.

All land managers have equal opportunity for participation; however, the target of these programs are particular locations that would most benefit from a water quality improvement project, as well as those that would benefit from a financial incentive. The project review and selection process does take approximately a year, due to the demand and interest in the programs. The program provides support to property owners over a 10-year period to maintain the facility and the success of the project. The site selection process includes criteria such as water quality, watersheds, location in the watershed, and vulnerability. The Vulnerability Index that was established through One Fairfax is being used for this purpose. The

project approval process includes notifying the applicant, BMP installation, project inspection, fund reimbursement, and the 10-year maintenance agreement.

The program was established in 2015 through an Environmental Improvement Program Grant. There are 54 completed CAP projects, 46 of which are watershed-related; eight are related to energy conservation. There have been 116 completed VCAP projects since 2016. In FY 2020, NVSWCD received 100 requests for 50 available site visit slots. For FY 2021, there are already 25 approved applications.

Mr. Carinci was reintroduced and continued to discuss program benefits. He highlighted that this program supports two of the county's Strategic Plan areas, Effective and Efficient Government, and Health and Improvement. It also supports the Resilient Fairfax program, currently being developed.

In conclusion, staff recommends that an initial \$150,000 of stormwater funding be used to expand the CAP/VCAP program. The funding would be administered and managed by NVSWCD and only be used for stormwater BMPs in the County.

In subsequent phases, staff will explore the feasibility of programs to assist residents with flood mitigation, local stream erosion and stabilization, and the maintenance of private stormwater facilities.

Board Discussion:

Supervisor Storck asked about the source of funding in FY 2020 for the projects that were completed.

Ms. Grape responded that the funding came from an Environmental Improvement Program Grant to support the implementation of projects at places of worship and community/homeowner associations. Projects at private residences were funded by state funds, an allocation that has been provided by the General Assembly.

Supervisor Storck asked if there is a target over the next five years for the funding of this program.

Ms. Grape responded that they do not have a targeted amount of money that they would like to spend, necessarily. They are trying to reach out to as many homeowners as possible that have an interest in the program. On average, they

fund 25-30 projects, which is about \$150,000 worth of cost-share that has been allocated to those specific projects. The amount that is provided this year would keep pace with current funding. NVSWCD would like to talk more with county staff and the Board to understand what the need is in Fairfax County and how to work toward that.

Supervisor Storck asked whether environmental and socio-economic considerations will be used in the implementation of the projects.

Ms. Grape confirmed that they will be using criteria such as water quality and the Vulnerability Index, which often go hand-in-hand.

Supervisor Palchik highlighted the importance of outreach and engagement of homeowners and HOAs. She asked if Neighborhood and Community Services (NCS) is being consulted as the sites are being evaluated.

Ms. Grape responded that yes, they are looking at opportunities to partner with NCS and other agencies for more property owners to gain access to the program.

Supervisor Foust commented that he liked this concept, but he needed clarification on whether or not we are spending public funds to do work on private property that were not previously allowed to manage stormwater.

Mr. Carinci responded that yes, legislation passed in 2019 does allow for local jurisdictions to create a grant to do certain types of work on private property.

Supervisor Foust asked if the projects address management of water quantity or just water quality.

Ms. Grape responded that water quality is currently the focus of the program. They recognize that quantity control is also an issue to be pursued for flood mitigation.

Supervisor Foust commented that the quantity of water that flows across residents' property is of more concern in the county. He asked if there is a grant program that addresses this.

Mr. Carinci responded that yes, there is another program that addresses flood mitigation legislation from the Board that was approved earlier this year. It will be reported on in the Environmental Committee in the future.

Supervisor Foust also asked about the amount of money requested and whether or not the money is going to be used to take on new projects for the coming year or if it satisfies a match requirement.

Ms. Grape responded that funds would be used to support the community with the implementation of new stormwater BMPs, and it would be a cost-share. This is something that can be discussed further with the Board. In establishing local grants, there is more flexibility in the use of the funds.

Supervisor Foust asked if NVSWCD needed to hire additional staff for this program.

Ms. Grape responded that the majority of the funding will support the projects and its expansion, with a modest amount going to administration and oversight of the program.

Chairman McKay referred to the July 8, 2021 memorandum from the County Executive. He asked if facilities that function as both quality and quantity components are considered for the program.

Ms. Grape responded that projects that address both quality and quantity are considered. With any concern, NVSWCD will provide technical assistance and consideration. There are larger projects that VCAP cannot address in terms of quantity of water issues. Those are the kind of projects NVSWCD would bring back to the county for consideration.

Chairman McKay also asked if an existing facility that is not functioning properly is disqualified from the program.

Ms. Grape responded that the program does not support maintenance but does support enhancement of the facility. NVSWCD will work with DPWES to ensure the project is in compliance. If a community has a project that would intercept the water before it reaches that facility, that could also be a solution.

Chairman McKay asked about education of the project owner's long-term maintenance and enhancement of a project.

Ms. Grape stated that NVSWCD begins with that end in mind. At the time of the application, the applicant is required to submit a maintenance plan for the project.

NVSWCD conducts inspections and provides assistance to ensure that the investment is maintained over 10 years.

Supervisor Alcorn requested that Stormwater staff produce a list of areas that would potentially require flood mitigation. This list should include retrofitting for the quantity and/or quality of water facilities.

Mr. Carinci acknowledged that Stormwater Planning is working on identifying flood mitigation areas in the County.

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), introduced by Supervisor Storck. He highlighted the four NIPs that were issued since the last Environmental Committee meeting. The first provided an update on the solar PPA program, which explained the termination of the contract of the primary provider for rooftop solar projects; the county has moved on to the secondary provider. The remaining memoranda provided updates on CECAP, the Stormwater Management Grant Program, and the development of a Zero Waste Plan.

The meeting adjourned at 12:17 P.M.