

**COUNTY OF FAIRFAX
ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)**

MEETING MINUTES

DATE: June 12, 2024

TIME: START 7:15 p.m. – END 9:23 p.m.

**LOCATION: 12000 Government Center Parkway
Fairfax, VA 22035
Conference Room 4/5**

EQAC Member Attendance

Name	Present/ Absent*	Name	Present/ Absent*
Larry Zaragoza (Chair, Mount Vernon)	P	Ken Lanfear (Vice-Chair, Hunter Mill)	A
Johna Gagnon (Franconia)	P	Stella Koch (At-Large)	A
Richard Healy (Mason)	A	Oaklen Kalinichenko (Student Member)	P
Ken Gubin (Dranesville)	P	George Lamb (At-Large)	A
Renee Grebe (At-Large)	P	Bryan Campbell (Braddock)	A
<i>Vacant</i> (Providence)	--	Eric Goplerud (At-Large)	A+^
Rich Weisman (Sully)	A	Clyde Wilber (Springfield)	P

* P indicates present; A indicates absent; V indicates attended virtually
+ see Visitor Attendance

Staff Attendance

Matthew Meyers, Office of Environmental and Energy Coordination (OEEC)
Neely Law (OEEC)
Sara Girello (OEEC)
Rosalia Coz (OEEC) (virtual)
Jerry Stonefield, Land Development Services

Visitor Attendance

Whitney Redding (virtual)
Donna Jacobson (virtual)
Ken Tang
Sinh Tang
Andrea Lewis, Staff Aide to Supervisor Walkinshaw
Eric Goplerud (virtual)*^ - EQAC member, unable to participate remotely due to lack of quorum

Call to Order

Chair Zaragoza called the meeting to order at 7:15 p.m. As we did not have a quorum, he stated that we could not vote on any motions to include remote participation.

Agenda Items, Discussion, Decisions and Votes

1. Public Comment Period.

No member of the public requested time to comment.

2. Update on the Chesapeake Bay Preservation Ordinance amendments.

Mr. Jerry Stonefield of Land Development Services stated that 2020 legislation which amended the Chesapeake Bay Preservation Act required that regulations be amended to encourage 1) the preservation of mature trees, and 2) adaptation to sea level rise. The State Water Control Board adopted new regulations in 2021, which Fairfax needs to incorporate. The draft ordinance dealing with this has not yet been submitted to the Board of Supervisors. He therefore gave only a preliminary briefing on the draft. Some of the highlights of his presentation were:

- a. The draft provides that trees should only be removed from a Resource Protection Area (RPA) when necessary for the project. If removed, trees are to be replaced, if practical.
- b. A sea level rise resilience study must be performed for RPA projects, and it should account for storm surges. The County is limited in granting approvals for exceptions if no such study is done. The resilience assessment must address the impact of climate change, and account for sea level rise projections, up to a 30-year life span of the project.
- c. The draft Chesapeake Bay Protection Ordinance (CBPO) adds definitions, discusses allowed uses, and adds adaptative measures. It establishes buffer areas. The draft designates 4 ‘fill’ measures which are nature-based. It has specific limitations on fill actions. All activity within an RPA must be consistent with other sections of the Code and tidal wetland guidelines. The resilience assessment will address climate change’s effect on vegetation and discuss the mitigation actions required. The county has been given the authority to impose other mitigation conditions.
- d. A question was raised as to plantings made by a contractor which would occur during sub-optimal times (e.g., during high heat months.) Mr. Stonefield said the county can allow a deferral of such planting until a later time.

- e. A question was raised as to the enforcement measures under the Ordinance for failure to live up to requirements, such as when planted trees die within a short period after planting. Mr. Stonefield said that during the development process, the County has authority to address this; as to afterwards, he will look into the extent of county authority.
 - f. A question was raised as to prohibiting the planting of invasive species. Apparently, that can be done for County projects, but for private projects, there are only incentives to discourage non-native planting, but no prohibition.
 - g. A brief discussion ensued as to whether a professional should be required to do the water quality impact assessments, as opposed to the applicant having its contractor do the assessment. In either case, it is reviewed by the county.
3. Draft Memos on the Data Center Ordinance and the Countywide Flood Risk Reduction Policy
- a. A vote and discussion on these two policy memos was deferred until next month as we lacked a quorum. However, there was a limited discussion.
 - b. It was noted that EQAC will have the ability to give testimony at the Board hearing on data centers as our next meeting is prior to the Board hearing. Chair Zaragoza welcomes feedback from members prior to the next EQAC meeting. Ms. Grebe noted that Whitney Redding said EQAC should point out specific localized impacts, not generalized ones, of the data centers. Ms. Grebe suggested that perhaps a Special Exception (SE) should be required when a data center impacts an RPA. In response to Ms. Grebe's comment, it was noted that the EQAC draft memo would require a data center be 500 feet from an RPA.
4. Virginia Department of Transportation Meeting Invitations
- a. There was broad agreement that seeking a meeting with Fairfax County Department of Transportation (FCDOT) prior to our desired meeting with VDOT would be useful. FCDOT can offer insight into the relationship between the agencies, and the decision-making process on how roads get built. There will be a joint meeting with both agencies and EQAC in September. It was left up to the Chair to arrange the meeting, including whether the invite is through a letter from EQAC, or more informally arranged through staff.
5. 2024 Legislative Proposals

Chair Zaragoza asked that EQAC members use the staff-provided template for legislative proposals and said that EQAC will discuss and agree upon proposals in July, to be submitted in August.

- a. Mr. Gubin suggested that EQAC recommend that the BOS advocate for a legislative fix to the solar interconnection issue with Dominion Energy. Specifically, Dominion's requirement for expensive equipment to connect private solar to the electric grid is making some county projects uneconomic. Dominion requires the solar installer to bear 100% of the improvements at the substation. Proposed legislation in the last session, that did not pass, would have allocated the cost between the parties.
- b. Mr. Wilber wanted to acknowledge Dominion's safety issues, and was concerned about advocating for installations that are suggested to be uneconomic. Mr. Gubin said that utilities in other states do not require this equipment – and that the State Corporation Commission will be holding hearings to evaluate Dominion's justifications for them. Promoting private solar is important as it would assist Dominion in meeting its Clean Economy Act renewable energy goals -- which Dominion has stated are in doubt.
- c. While Rep. Rip Sullivan's bill last session (HB 117) addressed these interconnection issue, it was suggested that our recommendation to the Board be general, and not necessarily reference that legislation. This issue will be fleshed out and presented to EQAC at the July meeting.
- d. Chair Zaragoza suggested 3 possible legislative items:
- e. Noting that Virginia has a disproportionate number of energy-intensive data centers, he recommended that renewable energy from out of state be counted toward the State's own renewable goals. The VCEA, as now written, would not count such imported renewable energy.
- f. Chair Zaragoza said that promoting solar on building rooftops is something that we should advocate in our legislative agenda.
- g. Finally, he noted that data centers should be required to report on their water and power consumption.
- h. Ms. Grebe suggested that we should address the issue of small module nuclear power plants, as renewable energy from other sources may not be sufficient. She noted that legislation in the last session allowed rate payers to finance investigation of an SMNR without the guarantee of power generation. Without necessarily advocating for nuclear, she urged us to focus on the issue.

Mr. Wilber left the meeting at this point.

- i. Ms. Grebe suggested supporting legislation to allow homeowners in HOAs have the option of installing conservation landscaping, notwithstanding HOA objections. She said it is a potentially valuable action for our waterways.

6. EQAC Student Member Selection

- a. Ms. Kalinichenko, along with Dr. Weisman, reviewed the student applications received. They were very impressed with the credentials and the application of Joseph Tso, a rising senior at TC Woodson HS. He appears to know a lot about climate warming, and Fairfax County. Similarly, Ashley Chon, of Thomas Jefferson HS for Science and Technology, had a very impressive resume, with many outside volunteer activities. Mr. Tso was proposed as the EQAC student member, with Ms. Chon as the Alternate. This decision did not require a vote and staff will follow up on the offer to Mr. Tso.

7. Approval of Minutes:

- a. Lacking a quorum, approval of the March 13, 2024, April 17, 2024, and May 8, 2024 Regular Meeting Minutes and May 8, 2024 Joint Meeting with the Park Authority Board Minutes, was deferred until next month.

8. Chair's Items

- a. Chair Zaragoza stressed the importance of scheduling approval times for all Annual Report on the Environment (ARE) chapters within the next 2 months.
- b. He also praised Ms. Kalinichenko for her time on the Council and her active engagement with our work. She expressed her pleasure at serving on EQAC and seeing "the real world." She will go to UVA to major in aerospace engineering with a possible minor in Sustainability. She left with the thanks and best wishes of all members.

9. Council Member Items

- a. No items.

11. Staff Items

- a. Dr. Law stated that 16 nominations for the Environmental Excellence awards were received by 3 employees, 7 individuals, and 6 organizations. Mr. Goplerud and Mr. Healy will review.

- b. She stated that EQAC members have been invited to tour the Norman Cole water treatment plant. There was some interest among the members in so doing. She will inform Norman Cole that as a group visit would constitute a formal EQAC meeting, public notice is required.
- c. Dr. Law attended the Faith Alliance Sustainability awards ceremony.
- d. She mentioned that it is important that we have a quorum next month to re-adopt the remote participation and virtual meeting policies to allow such meetings for the coming year.

12. Adjournment

- a. . The meeting ended at 9:23 p.m.