

# VTC

VIRGINIA  
TOWN & CITY

THE MAGAZINE OF THE VIRGINIA MUNICIPAL LEAGUE

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# Water Quality Considerations

## Inside:

Virginia's progress  
towards clean-up of  
the Chesapeake Bay

Water and  
environmental  
advocacy

What to know about  
Federal action on  
PFAS & PFAS litigation

Member Spotlight on  
the Town of Elkton







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## ABOUT THE COVER

In 1941 Bob Nolan and the Sons of the Pioneers melodically asked: “Can you see that big, green tree? Where the water’s runnin’ free. And it’s waitin’ there for me and you? Water, cool, clear water.” Things have changed a bit since then. But, rather than try to find rhymes for things like Polyfluorinated Substances, it would be a whole lot better to keep improving our water. Find out more about efforts to do just that inside.

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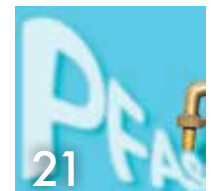
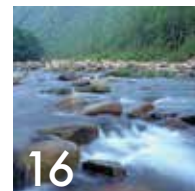
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# Winter's gloom yields to spring's light, but on a sad note this year

**A**S THIS ISSUE GOES TO PRESS, spring weather has arrived in Richmond and with it the sense of optimism and renewal that goes with the season. However, our spirits are dampened by the sad news just received that Town of Marion Mayor David Helms has passed. Mayor Helms was a dedicated supporter of the Virginia Municipal



David Helms

League and served in several capacities including President in 2014. He was a much loved and appreciated presence at our Annual Conferences over the years and I know I won't be the only one who will dearly miss seeing him when we gather in Virginia Beach in October. We will be putting together a remembrance of Mayor Helms for the next issue of the magazine so, until then, I just want to express the

gratitude of everyone at VML for everything he did for the league, the Town of Marion, and local governments across Virginia. Our condolences to his family and the Town of Marion. He will be missed.

President Reid and I just attended the National League of Cities (NLC) Congressional City Conference to celebrate NLC's 100th year anniversary. Along with 9 other leagues, VML received an award in recognition of being one of the founding members of NLC. To mark its centennial milestone, NLC is conducting an "NLC Centennial Roadshow" with the goal of the NLC bus visiting 100 cities – in-person and virtually – across the United States during the year. This roadshow will



spotlight the unique stories of municipalities and the invaluable relationships they've cultivated with NLC. During the conference, we learned that the NLC bus will be in Virginia sometime in mid-April. Please be on the lookout for the route which we will post to our website as soon as the stops are confirmed.

The General Assembly ended on time (!) but the Governor has started rolling out the first of what he says will be many vetoes. There are still a lot of moving parts in the legislation and the budget, so it doesn't seem prudent to speculate on the outcome just yet. As such VML will not host an update on the session until after the April 17 reconvened session concludes and the dust (hopefully) settles. April 17 promises to be a long and interesting day for the Commonwealth!

Looking further ahead, Virginia Tech in conjunction with VML is hosting a small-town conference in Abingdon June 10-11. This event will include strategies for economic development, ideas on how to address housing issues and local governance/leadership. Registration will be open soon so please keep an eye out for it!

And don't forget that Matt Lehrman who has presented a VML annual conferences will be in Charlottesville April 19th to talk about "a community of possibilities."

This issue of the magazine deals with water quality and some of the issues related to water these days. As you know, public utilities are often enterprise funds – meaning they are self-sustaining; not using general fund dollars. Every year the legislature proposes bills to reduce utility fees without truly understanding how these funds are set up. As spring progresses, people inevitably use more water – flowers, lawns, and vegetable gardens all need it – and then complain when their water bills go up. It is important to educate people on how these systems work. When neither the legislature nor the citizens understand the process, it can make things extremely difficult for local governments. It is our job to explain how these funds are managed and allocated.

Every year VML supports more money in the Water Quality Improvement fund so that we can all work diligently to keep our waterways clean. Soon it will be summer, and many of us will be enjoying those waterways; and in Virginia we are lucky to have so many waterways to enjoy – rivers, lakes, the ocean, and, of course, the Chesapeake Bay. I was in Irvington last week and loved seeing the Bay and all it entails. I should note that the food was very enjoyable too!

Thank you for all you do and let's continue to keep up the good fight to keep our water clean and healthy.



- April 19** **Va. Municipal Clerk’s Assoc. Conference feat. Matt Lehrman -**  
Registration and information at [www.vml.org](http://www.vml.org).
- May 16-17** **2024 Broadband Together Conference -** Hilton Short Pump, Richmond, VA.  
Registration and information at [www.broadbandtogether.com](http://www.broadbandtogether.com) or see page 23.
- June 10-11** **Small Town Conference -** Southwest Virginia Higher Education Center, Abingdon, VA.
- Oct. 13-15** **2024 VML Annual Conference -** Marriott Virginia Beach Oceanfront Resort

**PEOPLE**

**In memoriam: Former City of Fairfax Mayor John Mason**



- Mason -

Former Mayor **John Mason**, who died February 7 at the age of 89, served on Fairfax City Council from 1986 to 1990 and as mayor from 1990 to 2002.

“John Mason lived his values every day and was generous with his time and his commitment to the things he took on,” Fairfax City Mayor Catherine Read said in a press release. “I see evidence of this all over the City of Fairfax, and I hear it across the region as elected leaders past and present speak of what he contributed to the success of the Northern Virginia region. His investments in the community he loved will reverberate across the generations, and we are the fortunate beneficiaries.”

In the same press release, Fairfax City Manager Robert A. Stalzer remembered Mason fondly. “Mayor Mason is synonymous with the City of Fairfax, a truly genuine, selfless and dedicated public servant,” he said.

David Meyer, who served as Fairfax City Mayor from 2017-2022, said, “John Mason was a transformative leader for both the City of Fairfax and our region. As the longest-serving mayor in our history, he repositioned Fairfax City as a regional force, advancing important initiatives in transportation, parks and trails, and investment in new housing and commercial centers.”

In addition to his local leadership, Mason served on many regional boards and commissions over four decades. His impact was felt well beyond Fairfax City’s borders through his leadership of organizations such as the Northern Virginia Transportation Authority and the Workhouse Arts Center in Lorton.

Mason attended the University of Massachusetts at Amherst, where he studied political science and enrolled in its ROTC program. Mason earned his MA from New York University.

Upon graduation in 1956, he was commissioned in the United States Regular Army in its Airborne program, with stints at Fort Benning, Fort Bliss, and a three-year posting to Hawaii, followed by an assignment to Fort Hood in central Texas. In 1965, he served his initial Vietnam tour with the US Military Assistance Command as an advisor to a Vietnamese railway security battalion. Following that tour, he served at the United States Military Academy as the senior armor instructor in the Department of Tactics. His second Vietnam tour in 1970 included command of 1st Squadron, 10th Cavalry. He then served a follow-on command tour with the 5th Battalion, 68th Armor, 8th Infantry Division, and as G3, 1st Armored Division (Germany). His final assignment was as assistant director, operations and readiness, Office of Deputy Chief of Staff, HQDA. He retired as a colonel.

Following his retirement, he served as vice president at the Science Applications International Corporation (SAIC) and as director of the Transportation Policy and Analysis Center. Mason served as executive director of the Northern Virginia Transportation Authority and chief executive officer of the Workhouse Arts Center. He also served on the boards of the American Red Cross, National Capital Area Chapter; the Boy Scouts of America National Capital Area Council; the Fairfax Symphony; the Arts Council of Fairfax County; Fall for the Book Festival; and Mason Housing, Inc. (George Mason University). Finally, he served as chairman of the national board of the American Metropolitan Planning Organization (AMPO) in 2001.

**In memoriam: Town of Exmore Councilmember Tankard Bradley Doughty**

On February 5, Town of Exmore Councilmember **Tankard Bradley Doughty** passed away. Reared in Harborton, Doughty was a native of the Eastern Shore. He was retired and co-owner of Doughty Ford and a member of Moose Lodge 683. He had

served on council since 2010, helping to steer the town through some of its toughest challenges, including the new, upgraded water facilities and the new wastewater system.



- Doughty -

A commemorative resolution honoring the Doughty was presented to his son Kevin by Exmore Mayor Douglas Greer during the March 5 meeting of the Exmore Town Council. The resolution, unanimously passed by the council, recognized Doughty’s longtime, devoted service to the community. In presenting the framed resolution, Mayor Greer expressed his personal thanks for all that the late councilman contributed to Exmore.

**Virginia Housing names Neale as new CEO**



- Neale -

On April 1, **Tammy Neale** began as Virginia Housing’s new chief executive officer. Neale is a longtime executive at Virginia Housing with 39 years of service. For the past three years, she has served as chief of programs. Neale has led efforts including enterprise-wide planning; organizational development; and diversity and inclusion initiatives to support Virginia Housing’s mission of increasing Virginians’ access to affordable, quality housing opportunities.

Since beginning her career with the agency as a post-closing paralegal in 1985, Neale has played a key role in shaping Virginia Housing’s strategic direction and implementing its vision and priorities. She’s served as strategic planning leader, managing director of Human Resources, managing director and chief learning officer, and chief of staff.

“I am honored to be chosen to continue the exemplary work of Virginia Housing,”

said Neale in a press release on March 18 when her appointment was announced. “I believe that a home gives you a sense of purpose and place. Since I have a strong sense of servant leadership, working in affordable housing grants me the ability to make a difference and give back.”

“Tammy Neale brings a wealth of knowledge and experiences, which have influenced her views on the importance of equitable, sustainable housing, strategic planning, and inclusivity and diversity in the workplace,” said Board Chair Thomas A. Gibson. “After a nationwide search where she emerged as the most qualified and inspiring leader, we are confident in her abilities to continue to propel Virginia Housing and its mission forward.”

In addition to her work with Virginia Housing, Neale sits on several boards focused on increasing economic and housing opportunities: the Local Advisory Committee for Hampton Roads and the Virginia office of the Local Initiatives Support Corporation, as well as the Virginia Council on Economic Education.

Neale is a graduate of the University of Richmond.

**Manassas selects Aly as new electric utilities director**



The City of Manassas was pleased to welcome **Tarek Aly** as its new director of electric utilities on February 26. Aly previously served as the assistant director of electric utilities for the city from 2020 – 2022 and from 2012 to 2014. Earlier in his career he also worked for the city as a senior and chief electrical engineer. Most recently he worked as a senior electrical engineer for the Federal Energy Regulatory Commission, where he analyzed protection of the U.S. national grid and consulted with regional power companies on electric reliability.

“We conducted an extensive search to find the ideal candidate for the leadership role within Electric Utilities,” Interim City Manager Douglas Keen said in a press release. “Mr. Aly emerged as the standout choice due to his deep understanding of the system and the organization. With his familiarity, we anticipate a seamless transition without the need for a learning curve. I am eagerly anticipating his onboard and the contributions he will make to our team.”

Aly is a Certified Maintenance and Reli-

- Aly -

ability Professional through the Society for Maintenance and Reliability Professionals, a Licensed Professional Engineer, and earned a Fundamentals of Engineering Certificate. He is co-author of an *American Public Power Association (APPA) Reliable Public Power Provider Procedure* manual, and has extensive experience in designing and troubleshooting power distribution and substation generation in his work for power companies in Egypt, Saudi Arabia, and the U.S. He holds a Bachelor of Science degree in Electrical Engineering, Power and Machines from Ain- Shams University in Cairo, Egypt.

**Fairfax approves employment agreement for Palko to be next city manager**



**Laszlo Palko** has been selected by the City of Fairfax City Council as their new city manager. Palko will begin his employment with the city in late April.

In a press release, Fairfax City Mayor Catherine Read noted, “We were fortunate to have a great field of candidates from which to choose. Laszlo Palko is a good fit for our urbanizing community and we look forward to his leadership as we navigate unprecedented opportunities ahead here in our city.”

Palko comes to Fairfax after serving since June 2017 as the city manager of Manassas Park. In Manassas Park, he was responsible for overseeing the day-to-day and strategic executive management of city departments and developing and recommending policies, strategies, annual budget, and ordinances for the governing body’s approval, as well as managing the execution of the city budget and capital improvement program. Manassas Park was in fiscal distress watch when he arrived, and he helped lead its financial turnaround from a negative fund balance and no credit rating to a \$16M+ fund balance (25%+ of operating revenues) and an AA credit rating.

Prior to joining Manassas Park, Palko had more than 10 years of public and private sector management experience including previously serving as the town manager of Lovettsville, as a financial consultant for IBM, and as a management consultant for Booz Allen Hamilton. Palko began his career serving as an Army officer from 2005-2010. He earned the rank of captain and was awarded the Bronze Star serving two

- Palko -

tours of duty in Afghanistan as part of the 3rd Brigade Combat Team, 10th Mountain Division.

Palko earned a Master’s degree in Public Policy from Harvard University where he concentrated on local government administration.

**Mount Jackson appoints Hilton as manager and welcomes new staff**



Town of Mount Jackson Assistant Manager **Olivia Hilton** stepped into her new role as the town’s first female (and youngest) town manager on December 12, 2023 when she was appointed to the role by town council. Earlier that month, the town suffered the loss of Town Manager Neil Showalter who was set to retire in 2024 and had selected Hilton as his successor prior to his passing.

Hilton started as assistant town manager in August of 2023 after serving as strategic initiatives director in Strasburg. She holds a Bachelor’s in Criminal Justice/Law Enforcement Administration from Radford University and a Master’s in Public Administration from James Madison University.

Also at the December 12 council meeting, town council approved the appointment of **Greg Beam** as assistant town manager. In this role he will tag-team with Hilton on community initiative efforts such as park improvements, small business support, beautification, and planning/zoning. Beam holds a degree from Radford University.



- Beam -

Town Council also appointed **Jennifer Frye** as the town’s first human resources manager. In this role, Frye will spearhead creative employee engagement programs, improve personnel policies, support the Mount Jackson Hometown Partnership finances, and handle staff onboarding. Frye holds Senior SHRM certification (SHRM-SCP), serves on the board of the Winchester Area chapter of SHRM, and serves as an adjunct teacher for Laurel Ridge Community College Workforce Solutions.



- Frye -



**York County Board of Supervisors appoints Bellamy as county administrator**



At the Board of Supervisors' meeting on February 20, the board members appointed **Mark Bellamy** as county administrator to manage and oversee the day-to-day operations of the county.

**- Bellamy -**  
"Mark has worked for York County for

over 20 years – first as a division manager, then a department director, and most recently, as deputy county administrator," said Board Chairman Stephen Roane in a press release. "His knowledge of our community and organization will benefit our citizens by improving services and maintaining our strong and sound financial position. The board and I are delighted to have Mark at the helm."

"I appreciate the faith the Board of Supervisors has in me," stated Bellamy. "I look forward to continuing to work with the

board and our excellent staff in furthering the community and the board's goals."

Bellamy holds a Master's of Business Administration from Averett University and a Bachelor's degree in Business from Virginia Wesleyan University. In 2016, he graduated from the University of Virginia's Weldon Cooper Center for Public Service Senior Executive Institute and is a past-president of the Grafton Kiwanis Club.

**Jones is Loudoun's new deputy county administrator**



On March 14, **Vincent Jones** began as a Loudoun's newest deputy county administrator. Jones most recently served as county manager in Warren County, NC, a community of just under 20,000 people on

**- Jones -**  
Virginia's southern boundary.

"Vincent has extensive experience in all levels of government, in communities large and small, at the state and local levels, and has demonstrated great leadership throughout his public service career," County Administrator Tim Hemstreet stated in the announcement. "I'm confident Vincent's experiences and proficiency in local government will serve Loudoun well."

Prior to his appointment as Warren County's manager in 2018, Jones served as a deputy city manager in Portsmouth and deputy council chief of staff for the Richmond City Council. He also held senior positions with Seat Pleasant and Hyattsville, MD; Evanston, IL; the State of Maryland; and Orlando, FL.

In his new position in Loudoun, Jones' responsibilities will include overseeing the Departments of Parks, Recreation and Community Services; General Services; and Transportation and Capital Infrastructure. He also will serve as a liaison to the Loudoun County Public Library.

Jones holds a Bachelor's degree in Sociology from William & Mary and a Master's degree in Public Administration from Florida State University. He is a member of the International City/County Management Association and has earned the Credentialed Manager designation.

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**Movers and shakers**  
Do you know someone who's on the move? Send your announcements about new hires in local government, promotions, retirements, awards and honors to Rob Bullington at [rbullington@vml.org](mailto:rbullington@vml.org).

## PEOPLE

### Snyder named Leesburg's assistant town manager, chief financial officer



- Snyder -

**Owen Snyder** is the new assistant town manager for the Town of Leesburg. He will serve as the town's chief financial officer and finance director and provide management oversight of the Human Resources and Information Technology Departments.

Snyder has than 20 years of senior management experience, including 15 years in local government. He most recently served as the assistant borough manager for Carlisle, PA, where he also previously served as the finance director and treasurer. Snyder also has served as the business operations manager for the Carlisle Area School District. Snyder holds a Bachelor's degree in Accounting from Bridgewater College and an MBA from Penn State University. He is a certified public accountant and a credential manager with the International City/County Management Association.

### Purcellville Chief McAlister announces retirement



- McAlister -

After nearly 9 years with the Town of Purcellville, Chief **Cynthia McAlister** will retire on May 1 after over 42 years in law enforcement service to the Northern Virginia community. Chief McAlister has led the Purcellville Police Dept. since June 2015 and has expanded the department adding two sworn positions and one civilian position. She has overseen projects such as the implementation of a new Records Management System for electronic police records, e-citation summonses, and body worn cameras. Chief McAlister has expanded the town's community outreach opportunities through the formation of the Books and Badges library partnership program, adoption of the Coffee with a Cop initiative, creation of the Purcellville Bike Safety Rodeo, and the growth of the Homework Club by partnering with a local non-profit, BetterALife.

Under Chief McAlister's leadership, the Purcellville Police Dept. facility was renovat-

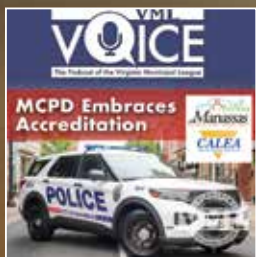
ed and expanded to add an additional 1,994 square footage and now includes a secure lobby, ADA compliant public restroom, safe and secure interview/interrogation room, a family and victim friendly interview/conference room, a more efficient property and evidence area, hardened armory, additional lockers, an officer wellness area, and an increase in storage for equipment needs for both officers and administrative staff.

In addition to her duties as chief of police, Chief McAlister has maintained involvement in the following law enforcement groups to include the International Association of Chiefs of Police, the FBI National Academy Alumni Association, the Virginia Association of Chiefs of Police, and the Police Executive Research Forum. She also plays an active role as a board member of the Executive Board of Directors for the Northern Virginia Criminal Justice Training Academy.

Chief McAlister holds a Bachelor of Science degree from George Mason University, a Master's Certificate from American University, and is a graduate of the FBI National Academy and the Police Executive Leadership School.



The VML Voice is the official podcast of the Virginia Municipal League. Each episode explores a different locality or issue but the focus is always on Virginia and the local governments that make the Commonwealth work for everyone.



Contact Rob Bullington, [rbullington@vml.org](mailto:rbullington@vml.org) to suggest topics, ask questions, or inquire about sponsorship opportunities.

**Listen to our newest episode at [www.vml.org](http://www.vml.org).**





## Emporia to build downtown sports tourism destination



THE CITY OF EMPORIA has partnered with Station 67 Partners, LLC to create a new sports and event complex in downtown Emporia. This is a significant step for the city to compete in the fast-growing sports tourism market, while also driving economic development and improving community development. The new facility will feature a variety of amenities, including basketball courts, a turf field, meeting space, food and beverage offerings, and an entertainment center.

According to City Manager William E. Johnson III, “Our agreement with Station 67 Partners allows us to enhance community amenities and stimulate economic growth. With our ability to host sports tournaments and events, we anticipate Emporia becoming a regional destination. This development provides our

seniors a place to fellowship and our young people a place to have development-enhancing experiences.”

The sports and event complex will not only serve as an economic catalyst but will also provide residents with an essential asset to promote a culture of health and wellness. Emporia is uniquely positioned to take advantage of this opportunity, with U.S. Route 58 crossing east-west, Interstate 95, and U.S. Route 301 north-south.

Mayor Dr. Carolyn Carey and the city council have been instrumental in the project’s success, paving the way for Emporia to become a regional destination. The development is expected to have a lasting impact on the community, creating memories and moments for generations to come.

## Loudoun County recognizes best workplaces for commuters

THE LOUDOUN COUNTY BOARD of Supervisors has honored local employers that have earned national recognition as 2024 Best Workplaces for Commuters for offering employees exceptional commuter benefits. The Board approved a resolution at its March 5, 2024, meeting recognizing these employers, worksites and universities located in Loudoun County.

- **Employers:** Asurion, Collins Aerospace, ELK Analytics, Environmental Enhancements, Equinix, Inova Loudoun Hospital, National Recreation and Park Association, REI Systems, Inc., StoneSprings Hospital Center and Telos Corporation.
- **Multi-Employer Worksites:** The Brambleton Group, Loudoun Station and Quantum Park.
- **University:** Divine Mercy University.

The resolution recognizes Loudoun County employers for “providing options for commuting, such as transit, carpools, vanpools, telework, and access to biking and walking amenities which are economically and environmentally beneficial, yielding value to workers, employers, and our communities.”

To achieve the designation as a Best Workplace for Commuters, employers must meet criteria established by the Best Workplaces for Commuters (BWC) organization. BWC recognizes employers that offer environmentally friendly commuting programs and choices, such as compressed work weeks, transit benefits and teleworking.

As a partnering organization, Loudoun County Transit and Commuter Services assists employers with applying for Best Workplaces for Commuters status. Through its employer services program, Loudoun County also helps local businesses and nonprofit entities identify commuting solutions for employees working in Loudoun County.

For more information about Loudoun County’s employer services program and commuting options in Loudoun, visit [loudoun.gov/commute](https://loudoun.gov/commute).



## Winchester installing 45 crosswalks as part of safety initiative



THE CITY OF WINCHESTER is installing 45 raised crosswalks throughout the city to slow traffic and improve pedestrian safety. An important component of the city’s Roadway Safety Initiative, the raised crosswalks are primarily located in school walk zones and areas where community members have raised significant concerns about speeding and pedestrian safety.

The city is painting all raised crosswalks with white arrows and installing indication signs to ensure drivers can easily recognize them. The crosswalk installation process is expected to be finished by early April.

The city’s Roadway Safety Initiative includes several measures to improve driver, pedestrian, and bicyclist safety, such as Police Department operations to discourage distracted driving and speeding and installing school zone cameras and raised crosswalks. The city council approved these measures in fall 2023.

## Creative partnership helps Newport News connect the community with music and art

A MUSICAL MOVEMENT is taking place in Newport News thanks to a unique partnership between the city, Christopher Newport University's (CNU) Ferguson Center for the Arts, the Mary M. Torggler Fine Arts Center, and global nonprofit Sing for Hope. As part of this innovative initiative, pianos were painted by local artists and will be placed at sites across Newport News, creating spontaneous moments of live music and joy throughout the community. This is the first time this program has come to the region.

"The City of Newport News is proud to partner with Sing for Hope and Christopher Newport University to bring this program to life," said Joanne Palmeira, superintendent of cultural arts in a city press release. "We are always looking for unique opportunities to connect residents and guests with the arts. As these pianos are placed in Newport News parks, attractions, and other high-traffic areas, we know they will create discussion among diverse groups and harness the creative power of our community."

The 10 artistic and playable Sing for Hope pianos went on display on March 28 in the Ferguson Center's Diamonstein Concert Hall lobby. The all-day public launch was free, open to all, and culminated with a free evening performance by acclaimed American pianist Drew Petersen. The celebration coincided with World Piano Day, which is the 88th day of the year as a nod to the 88 keys on a piano.

After the launch event, the Sing for Hope pianos were moved to iconic locations across Newport News for all to play, listen to, and interact with through April 18. Locations include

Victory Landing Park, City Hall Plaza, Newport News Park, Midtown Community Center, The Mariners' Museum and Park, Riverview Farm Park, City Center Gazebo, CNU Fountain Plaza, Patrick Henry Mall, and the Denbigh Community Center. At the conclusion of their public residency, the Sing for Hope pianos will be moved to permanent homes in seven Newport News public schools and three community centers, including Denbigh Community Center, Brittingham-Midtown Community Center, and Courthouse Way Community Center, where they may inspire lives for years to come.

"Expanding The Sing for Hope pianos to reach more communities has been an incredibly rewarding experience, and I am encouraged by the passion and talent of the artists who did such incredible work in Virginia," said Monica Yunus, co-founder of Sing for Hope.

### About Sing for Hope

The global leader in public piano art programs, Sing for Hope has provided more pianos for under-resourced public schools than any other organization in the world. The program began in New York City in 2010 and has since grown to become one of the largest annually recurring public arts initiatives. With more than 600 original creations to date, Sing for Hope brings hope, healing, and a shared musical experience to communities across the globe. For more information, visit [www.SingforHope.org](http://www.SingforHope.org).





## McAfee Knob shuttle service expands to Salem

ON MARCH 1, ROANOKE COUNTY and the City of Salem held a ribbon cutting ceremony to announce the expansion of the McAfee Knob Trailhead Shuttle service into the City of Salem. Speakers included Phil North and Martha Hooker, Roanoke County Board of Supervisors; Mayor Renee Turk, City of Salem; Dr. Ray Smoot, Virginia Commonwealth Transportation Board; Ed Clark, Appalachian National Scenic Trail; and Lisa Sink, Ride Source.

The McAfee Knob overlook is one of the most photographed locations on the Appalachian Trail. Because of its popularity, this iconic rock outcropping now attracts about 50,000 hikers each year. The National Park Service has for several years tracked visitation rates, the impacts on the Appalachian Trail, as well as the constraints on parking capacity.

To help accommodate this demand, Roanoke County applied for and was awarded funding through a grant request to the Virginia Department of Rail and Public Transportation (DRPT), and in September 2022, the McAfee Knob Trailhead Shuttle made its inaugural run. In 2023, Roanoke County again sought and received funding from the DRPT to add additional stops in the City of Salem to provide even more parking options.

The expansion is timely, coinciding with VDOT's construction of a pedestrian bridge that will carry trail users from the McAfee Knob trailhead parking lot over Route 311, away from vehicular traffic. The trailhead parking lot is closed to all vehicles during this period but access to the trail is still available during construction which is estimated to be completed in late fall of 2024.

The McAfee Knob Trailhead Shuttle resumed service March 1, 2024 and will run through December 1, 2024. Service provides safe and convenient transportation to the McAfee Knob Trailhead on Fridays, Saturdays, and Sundays, with occasional Mondays for holidays (Memorial Day and Labor Day).

Shuttle stops include Longwood Park and 101 South Broad Street in Salem, the I-81 Exit 140 Park and Ride, and the Orange Market Park and Ride near Hanging Rock. Shuttle service safely delivers passengers to the designated shuttle pull-off near the McAfee Knob Trailhead parking lot.

Tickets are \$5 one way, plus booking fees. For more information about this service, visit [www.roanokecountyva.gov/McAfeeKnobShuttle](http://www.roanokecountyva.gov/McAfeeKnobShuttle).



Salem officials with the shuttle bus.

## City of Fairfax honors 2024 Women of Influence

THE CITY OF FAIRFAX COMMISSION for Women has selected city residents Lorraine Koury and Kelly O'Brien to receive the 2024 Women of Influence award.

**Lorraine Koury**, a 16-year city resident, has worked to ensure Fairfax City has transparent, free, and fair elections. She served on the City of Fairfax Electoral Board from April 2018 through December 2020 — the first woman in 19 years to serve on the board. She also had volunteered as a poll watcher in previous elections. As an attorney, Koury specialized in divorce law and provided pro bono services in the case *United States v. Commonwealth of Virginia*, which deals with discrimination against people with intellectual disabilities.

**Kelly O'Brien**, who has lived in the city for 13 years, is an active volunteer for her neighborhood and the wider city community. She serves on the city's Parks and Recreation

Advisory Board and the Old Town Fairfax Business Association board of directors. She volunteers at many levels for numerous city and community events and activities and administers a community Facebook page on Fairfax City news and information. Previously an employee with the City of Fairfax, she currently works as the Town of Vienna's deputy director of planning and zoning.

The 2024 Women of Influence award ceremony was held on April 2 in the Fairfax City Hall Council Chambers.

### About the Women of Influence award

The Commission for Women inaugurated the Women of Influence Award: Celebrating Women Making a Difference in the City in 2020 to recognize and celebrate outstanding women who live in the city and have made a significant impact on the lives of Fairfax City residents.

Previous recipients can be viewed at [www.fairfaxva.gov/government/human-services/commission-for-women/women-of-influence-award-recipients](http://www.fairfaxva.gov/government/human-services/commission-for-women/women-of-influence-award-recipients).



# Checking-in on the Chesapeake: Virginia's progress towards clean-up of the Bay

**C**LEAN WATERWAYS AND a healthy watershed attract businesses, create jobs, and provide safe drinking water and resources, which sustain robust, prosperous communities. These are core, quality of life issues that local government officials and staff hear about from residents time and time again.

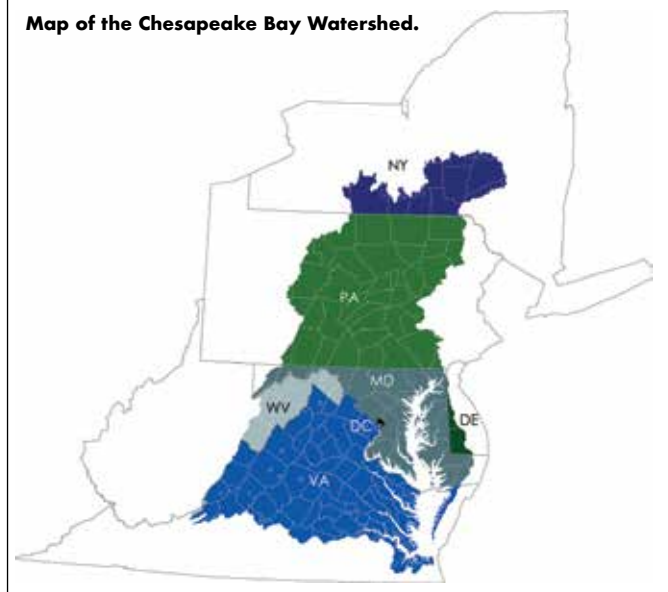
As we approach the deadline for many clean water goals next year, Virginia and its watershed partners are taking stock of the progress that has been made and starting to envision what comes next. For localities, it's a pivotal moment to influence how the future of the Bay restoration work could advance local priorities.

## How your watershed works

A watershed is the area of land that drains to a body of water. For the Chesapeake Bay, that area is more than 64,000 square miles and stretches from Cooperstown, New York to Lynchburg, Virginia. A drop of water falling anywhere in the watershed will eventually make its way to the Chesapeake Bay. The amount of precipitation that falls in the watershed and how that water is managed has major implications for the health of the whole system.

In Virginia, there are four main rivers that drain into the Chesapeake Bay: the Potomac (which includes the Shenandoah), the Rappahannock, the York, and the James. Each of these rivers begins near the Shenandoah Valley or the Blue Ridge Mountains and flows down through the Piedmont and the Coastal Plains to empty directly into

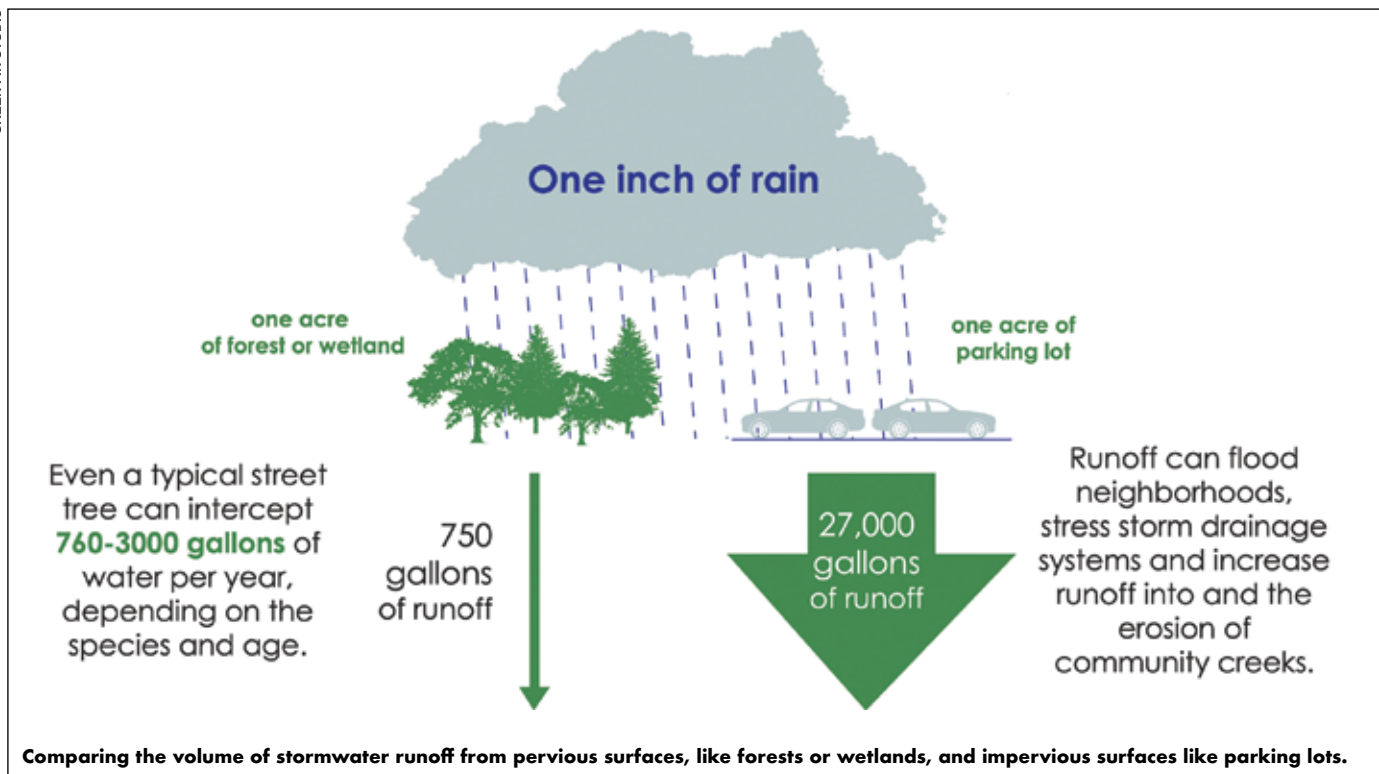
Map of the Chesapeake Bay Watershed.



the Chesapeake Bay. More than 21,000 square miles of Virginia sit within the Chesapeake Bay watershed.

As water flows across the Commonwealth, it picks up pollution from busy roadways, fertile farm fields, manicured lawns, and other developed areas. When rainwater runs off impervious surfaces like roads, roofs, and parking lots, it becomes classified as stormwater. More

GREEN FIN STUDIO







impervious surfaces in a locality means that less rainwater is absorbed, creating more runoff and increasing stormwater management costs. Often called “nonpoint sources,” agricultural runoff and stormwater are the two biggest sources of pollution in the Chesapeake Bay.

## Foundations of clean water

The 1960s were a turning point for clean water. Tragedies like the Cuyahoga River fire in Ohio spurred conversations around the need to protect the environment for the health and safety of our communities. In the 1970s, a bipartisan group of federal legislators created the Environmental Protection Agency (EPA) and passed the Clean Water Act, which prevents pollution, assists publicly-owned wastewater treatment facilities, maintains wetland integrity, and secures “fishable, swimmable, drinkable” water for all.

These protections lay the foundations for healthy local waterways across the region, which in turn support local economies, protect public health, and inform infrastructure planning in our communities.

Wastewater and stormwater regulations are two of the primary ways that local governments see the impacts of the Clean Water Act. The National Pollutant Discharge Elimination System (NPDES) permit program regulates discharges from wastewater treatment plants and stormwater is regulated by Municipal Separate Storm Sewer

System (MS4) permits, which require comprehensive stormwater management plans. These regulations improve local streams in localities across the Commonwealth, but also have cumulative impacts for the greater watershed.

Signed in 1983, the first Chesapeake Bay Watershed Agreement was a simple, one-page pledge by Maryland, Pennsylvania, Virginia, the District of Columbia, the EPA, and the Chesapeake Bay Commission. Updated in 2014, the latest version of the voluntary agreement includes 10 goals and 31 outcomes, advanced by the Chesapeake Bay Program, which is a partnership among all the watershed states and federal agencies working together.

In 2010, the EPA used its authority under the Clean Water Act to establish a Chesapeake Bay Total Maximum Daily Load (TMDL). TMDLs are federal “pollution diets” that set limits on the amount of particular pollutants that can enter a body of water. The Chesapeake Bay has a TMDL for nitrogen, phosphorus, and sediment throughout the watershed, which includes parts of Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, and all of the District of Columbia.

To achieve the desired pollution reductions set by the EPA by 2025, each of the states and the District have a Watershed Implementation Plan (WIP) that provides detailed, specific steps for each jurisdiction to lower pollution levels.

The Commonwealth of Virginia has long been a champion of Bay restoration. Originally signed in 1988, the Chesapeake Bay Preservation Act “protect[s] and improve[s] water quality...by requiring the implementation of effective land use management practices” within the Tidewater region. Under the Act, local governments still have primary responsibility for land use decisions but are required to follow a set of management regulations that were most recently updated in 2022.

For many localities, understanding and navigating the myriad of regulations and policies around clean water can be daunting. A recent survey found that across the watershed up to 50% of local officials are uncertain about whether one or more of these regulations apply to their community. Thankfully, the Virginia Municipal League, your local Planning District Commission, and the Department of Environmental Quality (DEQ) are available to help answer questions about these regulations.



WILL PARSON, CHESAPEAKE BAY PROGRAM

Waterman harvesting blue catfish on the Potomac River.



## Town of Bridgewater

AS EXTREME weather events become more frequent, many local governments grapple with flash flooding and storm-water management. To manage flood-prone areas, the Town of Bridgewater has prioritized flood buyouts for public recreation spaces. The National Flood Insurance Program's Community Rating System (CRS) provides flood insurance premium reductions for localities with property located in high-risk flood zones. To reduce residential development in flood-prone areas along local waterways, Bridgewater has acquired repetitively flooded land parcels and integrated them into its park system. Town staff strategically buy properties adjacent to existing parks, allowing the creative expansion of recreation space, or to create smaller pocket parks when parcels fall outside of existing park boundaries. This method changes residential land vulnerable to flooding into spacious and attractive park land that is relatively easy and inexpensive to repair after flood events. For details on how your locality can



One of Bridgewater's Parks.

replicate this program, check out *Wetlands Watch's Flood Protection Pay-Offs: A Local Government Guide to the Community Rating System* by scanning the QR code.



JOHN WARE, TOWN OF BRIDGEWATER

## Chesapeake Bay Watershed Agreement: Goals and outcomes

The 10 goals and 31 outcomes in the Chesapeake Bay Watershed Agreement go well beyond the clean water regulations established in the Bay TMDL.

Fishery management, wildlife habitat, community engagement, education, and a variety of other environmental objectives all show up in the Agreement. Core to this restoration plan is the idea that all the Bay's challenges are linked. Reducing pollution alone will not bring back oysters. Effective forestation cannot occur without land mapping. A long-term Bay restoration strategy is not feasible without an engaged and educated public.

Many of the Agreement's outcomes have a deadline of 2025, and as it stands now, many of the outcomes are not on course to be met. The partnership's Submerged Aquatic Vegetation (SAV) Outcome, for example, calls for 135,000 acres of SAV Bay-wide by 2025. However, in 2022, only 76,462 acres were mapped. The Forest Buffer Outcome seeks to restore 900 miles of riparian forest buffers per year, but the jurisdictions have only been close to meeting that annual goal once in 2016. When last assessed, nine other outcomes were also considered off course.

However, there are several influential outcomes the partnership is expected to meet. Through the Oyster Outcome the partnership has restored 1,924 acres of oyster habitat across 11 Chesapeake Bay tributaries, greater than 50% of this effort occurring in Virginia alone. Restoration is complete in eight tributaries (four in Virginia) and all 11 are expected to be finished by 2025. The partnership has also reached nearly 1.64 million acres of protected land in the watershed as a part of its Protected Lands Outcome. The goal of this outcome is to protect 2 million acres by 2025. To provide people access to the Chesapeake Bay to fish, swim and boat, the partnership has opened

up 248 public access sites, putting them on track to achieve the Public Access Site Development Outcome.

Other outcomes in the Agreement task the partnership with developing sound science with which to guide the restoration work. The Climate Monitoring and Assessment, which is on course, has resulted in extensive data related to changes in average temperature and precipitation across the region. Through the Water Quality Outcome, the partnership uses monitoring data to determine the effects of the management actions being taken to implement the Bay TMDL and improve water quality. The Toxic Contaminants Research Outcome – also on course – is successfully increasing our understanding of the impacts and mitigation options for toxic contaminants.

Nearly all the goals and outcomes within the Watershed Agreement come together on a local level. Tree plantings in municipalities count toward the watershed-wide Tree Canopy Outcome, local



Oyster castles placed near the mouth of Knitting Mill Creek on the Lafayette River help protect a natural shoreline from erosion in Norfolk, VA.

WILL PARSON, CHESAPEAKE BAY PROGRAM



land easements make up a significant portion of the overall protected lands, and community stormwater improvements count toward the state WIPs.

In short, it takes each state and jurisdiction working together to meet the larger watershed goals. Virginia, with nearly 60% of its land sitting within that watershed, is a key contributor to this effort.

## Updates in Virginia

Virginia has implemented enough best management practices (BMPs) on-the-ground to reduce pollutants going into local waterways, but not enough to fully meet its Chesapeake TMDL goals. As of 2021, the Commonwealth has met 84% of its pollutant reduction goal for nitrogen, 70% of its reduction goal for phosphorus, and 100% of its reduction goal for sediment by 2025, as outlined in the Watershed Implementation Plan (WIP).

Despite this progress, Virginia and the collective Bay jurisdictions face a substantive challenge closing the gap to meet remaining pollutant reduction goals. In 2023, the Chesapeake Bay Program produced a report that evaluated existing monitoring data and models to better understand why, after over a decade of on-the-ground implementation to address nonpoint sources of pollution, progress meeting water quality standards has been slower than anticipated.

This report, A Comprehensive Evaluation of System Response (CESR) released by the program’s Scientific and Technical Advisory Committee, suggests existing programs and strategies meant to curtail runoff from our urban areas and farmlands are unlikely to be enough to reach these goals.

Climate change compounds these barriers to progress. In Virginia, total annual precipitation increased by as much as 12.9% in 2021 when compared to a 100-year baseline (1901-2000). Average air temperature also increased when compared to the 100-year temperature baseline in all but one of Virginia’s climate divisions. Higher precipitation places more stress on existing infrastructure for manag-

ing stormwater, increases runoff of nutrients from the land into the Bay and our local waterways, and increases the likelihood of costly flooding to homes and businesses.

Virginia is upping its investment in local communities to help address pollution issues and flooding driven by climate change. Both the state’s Community Flood Preparedness Fund (CFPF) and Resilient Virginia Revolving Fund (RVRF) offer localities funding to improve flood resilience through nature-based solutions, such as living shorelines or green infrastructure. According to Virginia’s report to the EPA on 2022-2023 Programmatic and Numeric Milestones, \$155 million in grant assistance has been made available through the CFPF since 2022; and \$18.5 million worth of loans through the RVRF in 2023.

Sustained investment in some of the longer-term financial assistance programs continues to be a key component to the state’s strategy for aiding localities in addressing urban runoff issues. The Virginia Conservation Assistance Program (VCAP) facilitated by the state’s Association of Soil and Water Conservation Districts provides homeowners and small properties financial and technical assistance to implement voluntary urban stormwater retrofits. There is a push to prioritize these funds to support Virginia’s most vulnerable



Children play in a street flooded by heavy rainfall from the Elizabeth River in front of the Chrysler Museum of Art in Norfolk, VA.

SKYLER BALLARD, CHESAPEAKE BAY PROGRAM

## City of Charlottesville

TREES CREATE HEALTHY, vibrant communities – cleaning the air, reducing stormwater pollution, providing shade and energy savings, and enhancing the local economy and quality of life. The City of Charlottesville recognizes tree canopy as a community asset and has taken measures to protect and maintain the quality of its urban forests. To maximize tree canopy in its neighborhoods, Charlottesville established a robust urban forestry program guided by an Urban Forest Management Plan and

citizen champions on the City’s Tree Commission. Charlottesville’s forestry program is funded through the City’s general operating budget and its Capital Improvement Plan (CIP). A CIP is a short to medium-term plan that identifies capital projects and financial resources to fund those projects. Following the advice of forestry staff and citizen stewards, the city has embedded tree maintenance and management into its local CIP to consistently fund urban forestry needs and prioritize community projects and funding resources. Earmarking these funds allows Charlottesville to provide proactive tree canopy care like pruning, emerald ash borer treatments, Dutch elm disease treatments, last-resort tree removal, and tree planting. “By doing preventative tree work (pruning or removal) we can avoid costly damage in storm events. Many trees that would inconvenience our community by blocking roads, sidewalks,

or damage people or property in storm situations, can be mitigated before they happen” (Mike Ronayne, City of Charlottesville).



Volunteers planting trees in Charlottesville.

MIKE RONAYNE, CITY OF CHARLOTTESVILLE



## CHESAPEAKE

communities. The 2023-2024 state budget requires, “no less than 25% of the funding to be used for projects in low-income geographic areas.” The state’s Stormwater Local Assistance Fund (SLAF) also provides matching grants to local governments for planning, design and implementation of stormwater best practices. Over its lifespan, SLAF has authorized \$178 million in grants for 331 projects across Virginia, and demand for this program will continue to grow.

Another outcome that is seeing increased investment by the state at the local level is in tree canopy. Urban trees improve water and air quality, provide wildlife habitat, counter the negative public health impacts of urban heat islands, and mitigate inland flooding caused by climate change. The Bay Agreement set a goal to expand urban tree canopy by 2,400 acres by 2025. Despite commitments to expand tree canopy in its WIP, Virginia lost 9,548 acres of tree canopy between 2014-2018.

As often a very local issue, the burden of maintaining and increasing tree canopy is largely carried by municipalities. To help ease this burden, the state lays out both systemic changes and finance resources in its 2024-2025 Draft Programmatic and Numeric Milestones. Virginia Stormwater BMP Clearinghouse will include tree planting beginning in July 2024. This is a major step in allowing municipalities to count trees towards their stormwater obligations. The Virginia Department of Forestry (DOF) recently received \$6.6 million in Inflation Reduction Act funding to support the Urban & Community Forestry Grant Program. Over a four-year period, these funds will be distributed in underserved communities. Finally, after completing a pilot phase, the My Trees Count app is being rolled out to local jurisdictions across the state and Chesapeake Bay Watershed for tracking of small or medium sized planting outside of the scope of DOF. The intent is for this tool to improve accounting of tree canopy expansion efforts.

In addition to these state-level resources, many municipalities across Virginia continue to find their own approach and forge partnerships to improve the health of their local waterways and communities, while also helping to move the needle within the larger Chesapeake Bay cleanup effort.

## Looking Ahead

Localities throughout the Commonwealth are seeing the value that clean water and a healthy watershed bring to their communities. Funding for these types of watershed restoration projects can easily be leveraged to advance economic development, protect public health and safety, and invest in infrastructure. Accessing this funding can be challenging, but your local Planning District Commission and staff at organizations like the Alliance for the Chesapeake Bay are ready and willing to assist every locality in the Commonwealth.

## Learn More

For more information about the Chesapeake Bay and how clean water can benefit your community, visit [protectlocalwaterways.org](https://protectlocalwaterways.org).



**About the Alliance for the Chesapeake Bay:** *Since 1971, the Alliance has brought together communities, companies, and conservationists to improve our lands and waters. Through core program areas of forestry, agriculture, green infrastructure and stewardship and engagement, the Alliance connects people to their waterways and local restoration efforts.*

**About the authors:** *Kayli Ottomanelli is the local government projects associate at the Alliance. Prior to joining the Alliance, Kayli worked at the National Wildlife Federation on the Conservation Policy team.*

*Jenny McGarvey serves a dual role at the Alliance as both capacity building initiative director and Virginia state director.*



## City of Richmond

GREEN INFRASTRUCTURE CAN be a powerful tool to reduce flooding, slow the erosion of community streams, and lower stress on storm drainage systems. To increase tree cover, expand green space, and reduce polluted runoff entering the James River, the City of Richmond has partnered with the Alliance for the Chesapeake Bay (Alliance) and RVAH2O to institutionalize

the use of green infrastructure practices on city-owned lands in three priority watersheds. These practices can include rain gardens, bioswales, trees and other natural features that filter and absorb stormwater. In collaboration with partners, Richmond’s Department of Public Utilities developed a Green Infrastructure Master Plan and a Green Infrastructure Ranking Tool to help

city departments identify sites best suited for green infrastructure projects. Using this tool, Blackwell Park on Richmond’s Southside was selected as a pilot public space to incorporate new green infrastructure strategies. By 2025, Blackwell Park will be outfitted with urban stormwater best management practices and the underused grass-lawn park will be transformed into a thoughtfully planned community asset with recreational amenities like improved sports fields, pollinator gardens, and permeable

walking trails. As the first park of its kind in the Richmond area, Blackwell Park will showcase how athletic amenities can benefit from and be enhanced by green infrastructure practices.

ALLIANCE FOR THE CHESAPEAKE BAY AND THE TIMMONS GROUP



Rendering of Blackwell Park renovated with green infrastructure best management practices.







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# Clean water and environmental advocacy in Virginia

Excerpted from the book *Blueprint for Going Green: How a Small Foundation Changed the Model for Environmental Conservation* by Gerald P. McCarthy.

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**O**N FEBRUARY 1, 1977, a federal judge did something that no court had ever done before. He turned a fine for pollution into a creative way to benefit the people and the environment of Virginia. Instead of following routine and sending the fine, which was the largest federal fine ever imposed for a water pollution violation, to the United States Treasury, Judge Robert R. Merhige Jr. caused the creation of the Virginia Environmental Endowment, a private nonprofit grant-making organization, to improve the quality of Virginia's environment. The Endowment's work since 1977 has resulted in land conservation, tangible improvements in water quality, and a network of environmental organizations to advocate for improving and enforcing environmental protection.

In that ruling, which was about polluting the James River with the insecticide Kepone, the worst environmental disaster in Virginia's history, Judge Merhige held Allied Chemical Corporation accountable with a \$13.24 million fine (\$62 million today) "because that's the maximum the law allows me." Judge Merhige's decision struck like a bolt of lightning, because



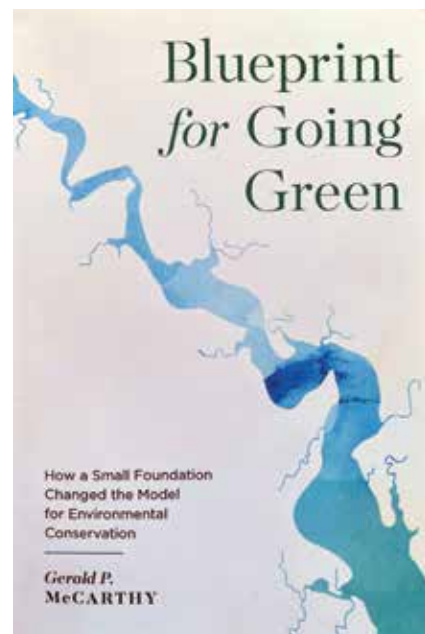
GRANT BURCHILL

Gerald P. McCarthy

up until that case, polluters had been lightly regulated, rarely called to account, and free to discharge all manner of waste without disclosing its contents. It was front-page news from Washington, D.C., to Richmond to Norfolk.

What is more, instead of requiring the fine to be paid in the usual manner, to the federal government, he encouraged Allied to develop a way for it to be used to benefit Virginians. Allied agreed to make a voluntary payment of \$8 million to start an environmental fund for Virginia. Judge Merhige then reduced Allied's federal fine by the same amount. Allied still paid out a total of \$13.24 million, but \$8 million (\$38.95 million in today's currency) was used to establish the Virginia Environmental Endowment (VEE).

Today we are fortunate to have hundreds of environmental groups throughout Virginia and the Chesapeake Bay region, many of which VEE helped to start by providing funding to hire professional staff and support volunteer efforts. We also provided funds to many local river protection groups and local land trusts. Virginia's current network of environmental advocates is extensive, experienced, and effective. The results these groups have achieved in recent decades are numerous and lasting. That may be the Endowment's most important legacy.





## The seeds of environmental advocacy in Virginia

It is hard to imagine now, but when VEE started in 1977 there were hardly any environmental advocacy groups in Virginia. The few that existed were made up of volunteers who were earnest but who had little success in persuading governors or legislators to their point of view. There was no Chesapeake Bay Foundation Virginia office, no Southern Environmental Law Center, no University of Virginia School of Law Environmental and Regulatory Clinic, no one working in Virginia from the Environmental Defense Fund or the Natural Resources Defense Council. There was no environmental group that had the capacity to participate in proceedings before a regulatory agency.

During the fall of 1977, I had a conversation with Louise Burke, a lovely woman who was the spokesperson for the Conservation Council of Virginia, a loose coalition of dozens of environmental and conservation organizations in Virginia composed of volunteers like Mrs. Burke. If you can imagine your favorite older aunt, that was Louise – as kind and sincere and genuine as anyone I have ever known. I had known her for years and admired her dedication, optimism, and persistence. She believed strongly in the rightness of protecting and improving the environment.

We were in my tiny office in downtown Richmond, and she sat across from me and leaned in, her coke-bottle eyeglasses reflecting the glare of the fluorescent lights in the ceiling, a tentative smile emerging, resting her hands on the old-fashioned purse resting on her lap, and said, “Jerry, we need your help. VEE can help us make a difference at the General Assembly.”

“What do you have in mind?” I asked.

“The Conservation Council wants to hire an executive director. This is too much work for a volunteer to do well, and we think we’d all be better off with a paid staff to do the lobbying, put out regular updates, let the legislators know we want a clean environment, and rally the troops.”

Communicating what was happening during the General Assembly session was more difficult back then. There was no internet and no email, and there were no cell phones. I could appreciate her problem, because I had spent the previous seven legislative sessions lobbying on behalf of my previous boss, the governor of Virginia. Legislative monitoring was 24/7 and required a lot of legwork to keep track of conversations and shifting plans, and to read every bill for hidden agendas, sudden turns of fortune, and changing alliances.

Taking up the Conservation Council’s request at our next meeting, the discussion turned briefly to the Endowment’s own role in lobbying the legislature. The board chose early on not to get involved in directly lobbying the General Assembly, or the Congress for that matter. This decision rested on a couple of principles that have long guided the Endowment’s activities. The first was articulated by Judge Merhige during the proceeding when he caused the creation of VEE. He made it clear that the Endowment’s board members were to be independent, both from one another and from other organizations: “I know individually they are all independent . . . collectively they are going to be independent.” In many of our subsequent conversations with the judge, he made it clear that board members and I should avoid situations that might impede our impartiality and independence, such as serving on the board of a group we might fund.

The second was best stated by Judge Henry MacKenzie Jr., one of the first board members named by Judge Merhige. The board decided that it would rather try to promote mediation than fund lawsuits, because, in Judge MacKenzie’s words, “It’s not our job to choose sides.”

A few years later, when it became clear that good intentions weren’t enough, the board came to view funding advocacy as a use-

ful complement to scientific and policy research. The board thought that the fledgling environmental movement could, if it organized its members well, advocate for environmental laws and policies more effectively than VEE ever could. We decided deliberately that the Endowment would refrain from lobbying or endorsing lobbying efforts and focus instead on supporting groups we helped to start, such as the James River Association, Chesapeake Bay Foundation’s Virginia office, the Virginia Conservation Network, and VIRGINIAforever. Time has since demonstrated the wisdom of this approach.

This approach, of funding advocacy as well as education and research, has worked well. Indeed, the help we provided to so many new environmental advocates over the decades, and the successes they have achieved, constitute for me one of the Endowment’s greatest legacies: the development of a permanent and powerful environmental movement in Virginia.

## From a trickle to a torrent: Improving water quality in the Commonwealth

By the late 1980s, a serious movement to protect local water quality was building across Virginia from its northwest to its southeast and from the eastern seaboard to the southwest mountains. Each of these groups was started by volunteers, concerned citizens who were upset about water quality conditions in their neighborhood river. Few of them were knowledgeable about the technical aspects of clean – or dirty – water when they started investigating local conditions and asking questions of state water regulators.

State and federal agencies have the prime responsibility for monitoring water quality conditions – and enforcing them. The Clean Water Act requires that states monitor and document the condition of rivers and develop lists of various categories of water, from clean to “impaired.” In Virginia at that time, the State Water Control Board staff only inspected any given segment of river once every three years, and only performed limited sampling when doing so. Things have improved a bit; now the sampling is done every two years.

Comprehensive, easily digestible information was rare until Bill Tanger, a businessman in Roanoke and an avid river enthusiast, decided to do something about it. He visited me in 1996 and, showing me maps of river basins in Virginia, demonstrated that it was nearly impossible for the public to know the water quality condition of these rivers. He planned to develop a report that would be accessible and understandable to the public, containing both narrative and pictorial information about the state of river monitoring in Virginia. His hope was that by doing so he would raise awareness and encourage more citizens to become active in protecting and restoring rivers throughout the Commonwealth. We decided to help him. A clearer picture of the quality of Virginia rivers emerged in January 2001 with the publication of the first (and so far, only) State of Our Rivers report, published by Bill Tanger and the Friends of the Rivers of Virginia (FORVA). FORVA is a statewide coalition of twenty-eight river conservation groups. The report received major funding from the Commonwealth of Virginia’s Chesapeake Bay Restoration Fund, the Virginia Department of Environmental Quality, Philip Morris Companies, and the Virginia Environmental Endowment.

Virginia newspapers summed up the report with headlines such as “Report: Pollution Up in Virginia’s Rivers,” “Reports: Meant to Be Murky?,” and “Report: Virginia’s Water Isn’t Getting Cleaner.” According to a follow-up article in the *Richmond Times-Dispatch* a week later, the Virginia Department of Environmental Quality’s own report considered 3,770 miles of rivers to be impaired.

## GOING GREEN

The FORVA report was a comprehensive answer to several questions: What is the condition of Virginia's rivers? Is the water safe for drinking? Swimming? Boating? If it is not safe, what can we do to help fix it? Who can we contact? How do we make a difference? Considering that Virginia has over 49,000 miles of rivers and streams in twelve major river basins, one can appreciate why sampling one site in some rivers every couple of years is insufficient for maintaining water quality.

The report also makes clear that while information about rivers can be found in federal and state sources, it is not presented in a "user friendly" form. As required pursuant to the Clean Water Act, every two years, the Virginia Department of Environmental Quality (DEQ) issues the 305(b)/303(d) Water Quality Assessment Integrated Report, known as the "Dirty Water List," which enumerates those waters that are impaired or threatened with impairment. It describes water quality conditions, both good and bad, for the entire state. The 303(d) report details the Total Maximum Daily Load (TMDL), the amount of pollution a body of water can accept while still meeting Virginia's water quality standards, addressing both point and non-point sources. The six designated uses in Virginia against which water bodies are assessed are: Aquatic Life Use, Recreation Use, Fish Consumption Use, Shellfishing Use, Public Water Supply Use, and Wildlife Use. The 2020 303(d) list of waters needing TMDL study is eighty-three pages long!

Virginia started making TMDL plans in 1990 that were intended to reduce pollution runoff from nonpoint sources. A decade after the NRDC report, *Poison Runoff*, environmental groups sued the EPA, saying Virginia's cleanup plans were lagging. The court agreed and by a consent order set firm deadlines, stating that 648 TMDL plans had to be developed by 2011. These river segment TMDLs are largely required on tributaries of the Chesapeake Bay, part of the "tributaries strategy" adopted by the EPA and Virginia to control poison runoff. Currently, a TMDL for the entire Chesapeake Bay is under development. The idea behind the TMDL approach presumes there is a certain level of pollution a stream can "accept" and still meet water quality standards. But without frequent monitoring of water quality

conditions – sampling one-third of state waters every two years seems statistically unreliable – how does the state know whether the TMDLs are effective?

This all took place against the background of citizens taking up the responsibility for monitoring water quality because the state was certainly not doing a good job of it. Citizens took a variety of ways to accomplish this, ranging from the Isaak Walton League's "Save Our Streams" biological monitoring to river groups taking water quality samples and bringing them to a lab for chemical analysis of the water contents.

The Virginia Environmental Endowment began to fund these river groups in 1983 when it provided funds to the Lower James River Association. Soon after, grants were made to "friends of the river" groups in the Shenandoah, the Rappahannock, and the Elizabeth. In every case the groups were organized and energized by their volunteer board members and others who shared their interests and concerns.

The role that river groups might play in restoring the Chesapeake Bay is critical, because controlling pollution in the tributary rivers helps keep pollution from infecting the Bay. This strategy has been evolving into a regional approach since the 1987 Bay Agreement first identified the major goals of the cleanup effort. Yes, the problems are global, but there are many solutions that are local – and if you don't get people who live in their own environment to take responsibility for it, you can only make very limited progress. When people grasp that they have the power to protect their neighborhood, their place, they organize and get going.

**About the author:** *Gerald P. McCarthy is the founding and former executive director of the Virginia Environmental Endowment*

*Virginia Town & City* thanks the University of Virginia Press and Gerald McCarthy for permission to excerpt portions of *Blueprint for Going Green: How a Small Foundation Changed the Model for Environmental Conservation*. University of Virginia Press, March 2024.



To learn more about the book, scan the QR code.





# What local leaders need to know about Federal action on PFAS

**I**F YOU LOOK for them, you will find them.

Per- and polyfluoroalkyl substances (PFAS), a class of nearly 15,000 man-made chemicals that were manufactured and used in a variety of industries around the globe, have made their way into communities around the country. PFAS chemicals are known as “forever” chemicals because they are hard to break down (by design!) and so they persist in the environment and in the human body. Contamination from these chemicals is particularly common in communities near military installations, such as Fort Lee Army Base in Prince George’s County, or industrial sites and can be found in soil, air and water. This presents a challenge that must be addressed holistically across all levels of government.

Local governments provide essential public services that neither manufacture nor use PFAS; instead, they are passive receivers of media containing PFAS that are ubiquitous in the water supply, wastewater treatment process, stormwater, biosolids management and solid waste streams. Each of these public services is interdependent: landfills rely on wastewater treatment facilities for their leachate discharge while water and wastewater treatment facilities depend on landfills, agricultural land application, and compost facilities for biosolids management and disposal of spent water filtration systems – management of which will become even more important as the federal and state governments continue to prioritize standards for PFAS in drinking water and effluent discharges. Together, these sectors provide the infrastructure on which communities across the nation rely to reduce exposure to PFAS in the environment.

At the state level, many have adopted PFAS policies pertaining to prohibiting use, monitoring, notification and reporting, cleanup, health studies, testing, liability provisions and contamination limits. In Virginia, both the Department of Health and the Department of Environmental Quality have been engaged in studying the effects and implementing monitoring, testing and mitigation efforts. Virginia

has also begun the process of establishing enforceable standards for certain PFAS.

Since the National League of Cities (NLC) first adopted a resolution on PFAS in 2019 calling on Congress and the Administration to take comprehensive action to address the problem, there has been significant federal action across all branches of government. The Bipartisan Infrastructure Law provides \$10 billion over five years to address PFAS contamination and other emerging contaminants in communities.

Local leaders must continue to make their voices heard to protect their communities and residents as federal policy is developed. Here is a look at federal action that is underway on PFAS across the Administration, Congress and the courts.

## Administration: PFAS rulemakings under way

The U.S. Environmental Protection Agency (EPA) is taking several actions pertaining to PFAS, including regulation of some PFAS chemicals under a variety of statutes. Three rulemakings, in particular, are of interest to local governments.

The first is a proposed rule to establish a National Primary Drinking Water Regulation for PFAS and set a Maximum Contaminant Level at 4 parts per trillion for PFOA and PFOS, the two most common and well-studied PFAS chemicals, under the Safe Drinking Water Act. EPA is expected to finalize this rulemaking in Spring 2024. NLC urged EPA to provide local governments with maximum flexibility, longer compliance timeframes and additional direct funding for local governments.

While treatment technology for removing PFAS from water is not well-developed, the more effective methods use technologies that are not conventionally available in existing water treatment plants, so removing these PFAS chemicals from water could require costly investments by local governments and other local water suppliers, which would be passed onto ratepayers. The funding from the Bipartisan Infrastructure Law is a fraction of the total cost to communities to comply with this forthcoming regulation.

Second, EPA is undergoing two separate rulemakings to designate some PFAS chemicals as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund. The agency is expected to release a final rule focused on PFOA and PFOS in Spring 2024. Additionally, EPA took comments on an Advance Notice of Proposed Rulemaking on whether to designate additional PFAS, including HFPO-DA (aka GenX), as hazardous substances under CERCLA and is weighing next steps.



In both of these rulemakings, NLC raised concerns about the far-reaching impacts the rulemaking will have on many municipal operations. Designating PFAS chemicals as hazardous waste would trigger a number of new responsibilities on local governments to manage the substance in different media, as well as subjecting local governments to legal and financial liability. These broad impacts, including the financial impact on low-income and disadvantaged communities, have not been examined by EPA.

Although EPA has stated plans to develop a CERCLA PFAS enforcement discretion and settlement policy and not pursue action against local governments that do not cause or contribute to PFAS contamination, the agency previously asserted it lacks sufficient authority to shield passive receivers from lawsuits brought by manufacturers of PFAS and other parties responsible for site contamination. As such, Congressional legislation to provide this liability protection is essential.

## Congress: Bipartisan PFAS legislation drafted in Senate

In June 2023, Senators Tom Carper (D-DE) and Shelley Moore Capito (R-WV), chair and ranking member of the Senate Environment and Public Works Committee, released draft legislation to provide additional resources around PFAS at the federal, state and local levels.

While the draft legislation includes provisions to help prevent further pollution and contamination from PFAS and to remove PFAS chemicals from the environment, it does not include a key local government priority of municipal liability protection.

Local governments, including water utilities, municipal landfills, and solid waste facilities, serve as passive receivers of PFAS chemicals that did not cause or contribute to contamination. Additionally, local governments, including municipal airports and fire departments, were required by federal law to use firefighting foam containing PFAS chemicals. As such, local governments should not be held liable for PFAS contamination or cleanup costs. Rather, polluters should pay for cleanup – not communities and taxpayers.

NLC is advocating that the PFAS legislation include a specific provision ensuring local governments are explicitly recognized as passive receivers of PFAS and are therefore provided a narrow exemption from liability CERCLA. This exemption language is necessary because of regulatory actions underway at EPA that would expose local governments to legal and financial liability.

Separately, Senator Cynthia Lummis (R-WY) introduced legislation to provide liability protections for municipal water utilities, landfills, airports, and fire suppression entities. This legislation or similar language could potentially be included in a revised draft that the Senate Environment and Public Works Committee considers.

## Action by local leaders is needed

Virginia Senators, as well as Senate Committee and party leaders, must hear from local leaders that PFAS municipal liability protection language must be included in legislation in order to protect local governments from undue liability and to ensure they can continue to provide essential public services without burdening residents.

## Courts: Settlement activity with PFAS manufacturers and local governments

There has recently been increased court action around PFAS including several significant settlements between large corporations and cities, towns, and villages across the nation. The legal cases today largely focus on public water providers, but forthcoming litigation is expected related to wastewater and soil remediation.

In February 2024, a federal judge approved a \$1.185 billion class action settlement against DuPont, Chemours and Corteva with approximately 300 local water systems for expenses attributed to the cleaning of wells and aquifers. The majority of the money will be distributed to water systems with positive PFAS test results and for testing purposes. This approval signals that an additional pending class action settlement of \$10.3 billion against 3M with approximately 300 different water providers, including local governments in their capacity as water utility operators, in the claims that the company contaminated drinking water with PFAS in their communities, will also be granted.

However, a coalition of numerous states have filed an opposition and motion to intervene to the 3M settlement, arguing that the corporation is let off the hook too easily and opposes a settlement provision which shifts liability for contamination from 3M to water suppliers/utilities.

There have been an even larger number of claims brought forth by local governments and local utility and water systems against manufacturers who are alleged to be responsible for putting these chemicals into the environment. While these settlements are significant, they are nowhere near the cost that communities will face in remediating PFAS contamination or meeting forthcoming EPA requirements.

Most of the plaintiffs involved in each of these settlements are part of multidistrict litigation (MDL). MDL is a type of civil litigation that is used in the U.S. federal court system when claims (lawsuits) that allege similar damages, share common questions of fact and are directed against the same defendant are consolidated for trial into a single lawsuit brought before a single judge or court. While nearly 600 cases on PFAS responsibility and damages have been settled, there have been approximately 15,000 total claims in the MDL heard in the U.S. District Court for South Carolina, with hundreds of other cases scattered across the nation.

Local leaders interested in the PFAS settlements and court activity should consult with their legal counsel on whether and how to engage in any legal action.

**Be heard!** Local leaders can continue to make their voice heard as Congress moves forward with developing PFAS legislation. Use the QR code below to access NLC's customizable letter template to tell your Senators that any PFAS legislation must include liability protection for local governments that neither caused nor contributed to PFAS contamination in their communities.



**About the Author:** *Carolyn Berndt is the legislative director for sustainability for the National League of Cities.*





# Municipal participation in PFAS litigation

**P**FAS CHEMICALS ARE A HOT public health topic due to a flurry of nationwide activity, from press accounts, thousands of lawsuits, and a Hollywood movie, to Federal and State legislation and regulations. Attorney solicitations for PFAS cost-recovery litigation are flooding the inboxes of municipal officials. Various municipal interests are implicated, but what is the right move for the municipality? This article summarizes common considerations for municipalities evaluating a course of action on PFAS.

A common starting point is to determine the presence and degree of PFAS contamination at the municipality's facilities. Common facilities of interest include water supplies (streams, reservoirs, and wells), landfills, fire-fighting training facilities, airports, and wastewater treatment facilities.

If excessive PFAS is present, the next obvious question is the source. Strategies for dealing with PFAS contamination may vary depending on whether there is a known, discrete source (e.g., such as an industrial waste discharge reaching the water supply) or not, among other factors.

Sometimes municipalities impacted by a known source achieve good results reducing contamination and recovering costs by collaboration without protracted litigation. For example, it has been widely reported that the Western Virginia Water Authority (Roanoke) recently reached a settlement with The Chemours Company to fund the instal-



lation of advanced treatment technology at the authority's water plant to keep PFAS chemicals safely under the EPA-established levels.

At the opposite end of the spectrum, broad lawsuits have been filed by municipalities and other plaintiffs against PFAS chemical manufacturers and other product manufacturers who made PFAS-containing aqueous film-forming foams (AFFF), a type of fire suppressant used to extinguish flammable liquid fires such as fuel fires. Thousands of federal AFFF-related cases have been consolidated for efficient management in a multi-district litigation (MDL) in federal court in South Carolina.



## PFAS LITIGATION

In June 2023, two major class action settlements were announced in the South Carolina AFFF MDL. Valued at approximately \$13 billion in total, these settlements are intended to resolve claims by public water system owners against 3M and DuPont. Significantly, the settlements sweep broader than AFFF to cover all PFAS impacts to source waters. The approval process for the settlements is ongoing as of this writing. Meanwhile, similar claims against other defendants remain pending, as do claims for other harms to the same plaintiffs and many others (e.g., for other types of facilities such as fire-training facilities and for personal injuries). There is a long way to go.

The recent 3M and DuPont water system settlement experience and continuing barrage of attorney solicitations have led to a number of common questions from municipalities. While the answers to all of these are the classic “it depends,” the following paragraphs outline a nonexclusive list of general considerations that are typically useful in developing a strategy.

**Should my municipality retain specialized counsel?** Let’s start here given the flood of solicitations that led to this article. Individual circumstances may or may not warrant hiring more lawyers. Generally speaking, all localities should at least assess their PFAS situation with relevant staff and the city or town attorney and track developments through resources like VML and related municipal resources. The quality of the local government bar in Virginia is second to none. But if and when the city or town attorney wants to consult or retain specialized counsel, there are various options to fit various potential needs, including standard hourly fee or contingency fee arrangements. The best approach for the municipality can vary significantly depending on its strategy.

**What is the best PFAS strategy for my municipality?** Although this too can vary widely, for many municipalities the best course will depend on whether the municipality has contaminated facilities without a discrete local source. These facilities have likely been impacted by various PFAS related products in commerce and face challenging questions of proof and legal defenses, and the South Carolina products liability litigation might hold the best potential for a partial recovery.

**Should my municipality file its own lawsuit into the South Carolina MDL?** Maybe. But many municipalities might find that simply monitoring the litigation is preferable. If the municipality is within a future related class action settlement, the municipality might receive compensation with minimal effort and at a lower expense by avoiding a 25 percent-plus contingency fee under an individual litigation retainer.

However, there is no guarantee that third parties will reach a class action settlement benefitting the municipality, meaning there is a chance the municipality would get nothing. Plus, municipalities that file cases leading to a class action settlement might receive a higher “litigation bump” settlement payment that offsets their own legal fees in whole or in part, depending on terms negotiated in future settlements.

**Should my municipality pay a contingency fee for the 3M and DuPont public water system settlements?** While there are uncertainties including a recent appeal, these class settlements seem to be on track. If finalized as is, the administrative claims process to receive the agreed settlement amount typically does not require substantial legal services. With litigation risks essentially removed as to 3M and DuPont for public water system claimants, municipalities retaining litigation counsel on a contingency fee basis should carefully tailor the retainer agreement to fairly address the 3M and DuPont settlement amounts for the municipality.

**When might municipalities wisely choose to opt-out of a class action settlement?** The recent 3M and DuPont settlements brought a lot of attention to this question, which will likely arise with any future class action settlements. The court in the South Carolina AFFF MDL sternly warned parties opting out with the intention of litigating their claims individually that they may have to wait years for a trial date given the number of cases. There can be other risks and costs to waiting. But municipalities might reasonably opt out in some circumstances, such as when their individual settlement payout would be too low to be “worth it” (either in absolute dollars or when the settlement amount falls far, far short of large costs for a municipality’s necessary PFAS corrective action), when the municipality has an viable legal strategy for pursuing the responsible party outside of the MDL, or when the broad scope of the release of claims under the settlement is problematic in individual circumstances.

While this general overview is not intended to provide legal advice and should not be relied upon as such, hopefully these general observations are helpful to VML members working to get their arms around this complex issue.

# AQUALAW

**About the authors:** *Christopher D. Pomeroy, Esq.* is president, and *Clay F. Kulesza, Esq.* is an associate attorney, at AquaLaw PLC.





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TOWN OF ELKTON

By Joshua Gooden

# Elkton Town Council holds historic groundbreaking nearly 30 years in the making

ON JANUARY 11 members of the Elkton Town Council and nearly 60 community members gathered on land that many residents refer to as “Lawn Party Hill” because it used to be the center of Elkton’s social activity. The attendees were there to mark the start of construction of the Elkton Downtown Marketplace which will include a large 36x100’ open air pavilion, a performance stage, restrooms, paved parking, and green space with needed storm water infrastructure. It will also be handicapped accessible and walkable by many of the town’s residents.

This project is not a new idea. Nearly 30 years ago the Downtown Elkton Streetscape plan proposed an open-air pavilion on this exact spot. But it wasn’t until 2021 that the former owners were willing to sell and that the town, at the urging of residents, purchased the property. In March 2022, the Town of Elkton closed on the 1.925-acre parcel of land.

During 2022 and 2023 the town worked with Mather Architects and Colman Engineering to develop the site plan and architectural drawings for what would become the town’s newest park. The Elkton Town Council approved construction of the project and awarded the contract to Lantz Construction Company, an outstanding firm with a

successful history of working with the town to build the Elkton Area Community Center and restore the Elkton Town Hall.

Speakers at the January 11 event included Mayor Joshua Gooden, Vice Mayor Rick Workman, John Daly from Mather Architects, Chris Weaver of Lantz Construction Company, and Revered Debbie Powell from Elkton United Methodist Church. The groundbreaking was attended by Council Members Rachel Michael, Aaron Napotnik, Louis Heidel, Jan Hensley, and Virginia Fulginiti; Emily Carneal and Tyler Adams from Congressman Ben Cline’s office; Kellie Weaver from Virginia Tourism Corporation; Joel Hensley of the Rockingham County Board of Supervisors; and Billie Jo Dofflemeyer, President of the Elkton Progressive Improvement Committee.

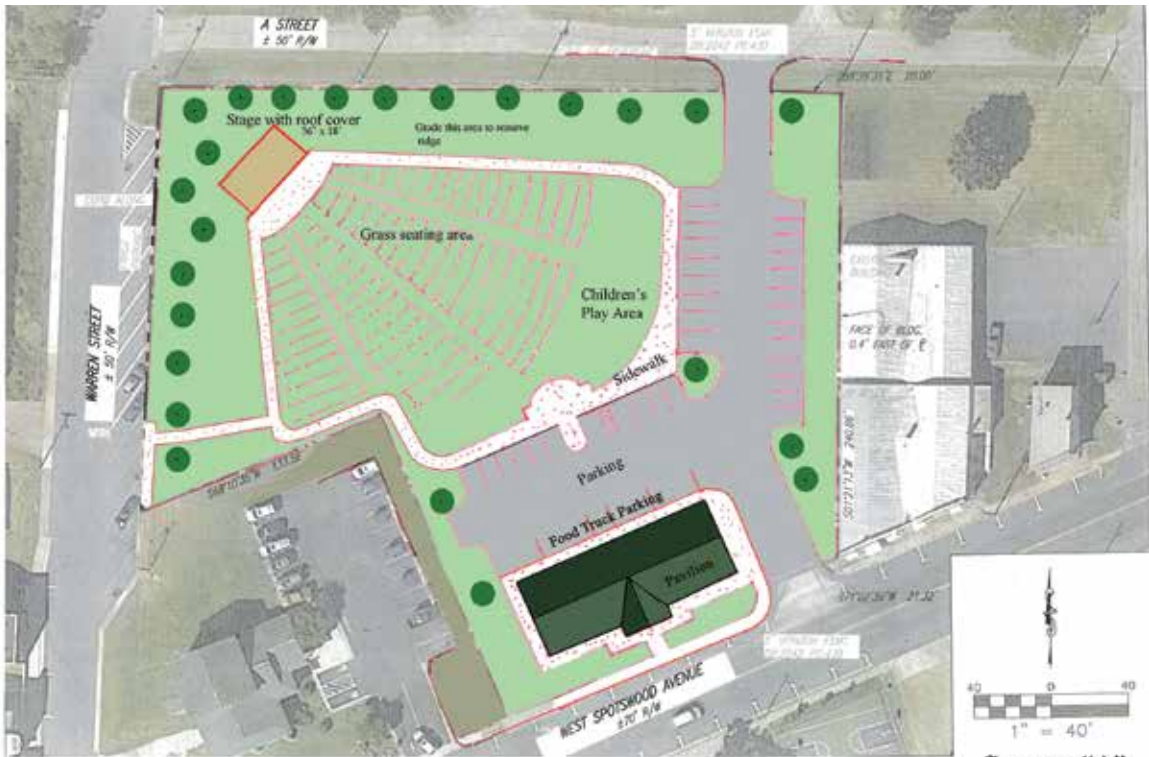
The event concluded with a ceremonial groundbreaking with gold shovels, hard hats, and applause from all in attendance. Construction of the Elkton Downtown Marketplace formally began the week of January 23.

When completed, the Elkton Downtown Marketplace will revive the spirit of “Lawn Party Hill” by once again making the site the central hub of town events.

**About the author:** *Joshua Gooden is the mayor of the Town of Elkton.*







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