



BETTER COMMUNITIES THROUGH SOUND GOVERNMENT

1 **2024 Infrastructure Policy Statement (incorporating Environmental Quality &**
2 **Transportation)**

3 *In 2022 the Transportation and Environmental Quality Committees were consolidated into the*
4 *Environment and Transportation Infrastructure Committee (ETI or Infrastructure Committee) to*
5 *acknowledge the synergy between and the necessity of addressing these issues holistically.*
6 *Therefore, the Infrastructure Policy Statement addresses the local role and local concerns in the*
7 *stewardship of Virginia’s environment and the important role localities have in managing,*
8 *developing, and maintaining transportation infrastructure to meet the needs of Virginians.*
9

10 It is important that the State works with localities to encourage infrastructure development that
11 protects the air, water, and lands of the Commonwealth. Localities and the Commonwealth have a
12 shared responsibility to make sufficient investments in critical infrastructure through effective,
13 economical, resilient, and equitable methodologies. Critical investments are needed to maintain
14 and improve Virginia’s transportation network.
15

16 The structural imbalance between critical needs and available resources persists. Even with past
17 actions taken by the General Assembly to enact transportation and public transit funding
18 legislation, the challenges abound for all forms of infrastructure.
19

20 Financial constraints continue in Transportation given the federal Highway Trust Fund, which
21 pays for roads and transit, is barely solvent, and Congress has proven unable to develop a long-
22 term solution.
23

24 While many Cities and Towns own and maintain their own roads they cannot do so without
25 critical support from the Commonwealth as noted in the 2021 Joint Legislative Audit and Review
26 Commission’s report on Transportation. Addressing the structural imbalance in transportation
27 funding requires a shared state and local commitment.
28

29 Financial constraints are common across environmental programs. Continued investment is
30 necessary to improve water quality and drinking water. and environmental services that encourage
31 economic growth and responsible human development in our cities, towns, and counties. Further
32 investments in environmental infrastructure are needed to reduce nutrients which cause harmful
33 algae blooms and fish kills downstream such as in the Chesapeake Bay. Reducing these nutrient
34 flows is essential to meeting Virginia’s commitments to cleaning up the Chesapeake Bay.
35

36 Responding to continued and varied environmental challenges involves extensive local
37 management ranging from reducing nutrient runoff, recurrent and riverine flooding hazards,
38 changes in global recycling markets, and changing energy demands requires a strong State-Local

1 partnership. This requires not only revenues but also necessary local authority to continue the
2 work of meeting new challenges.

3 4 **TRANSPORTATION**

5
6 VML is mindful of and acknowledges the contribution of the legislation enacted in the 2013
7 session (HB2313), and in the 2014 session SMART SCALE (HB 2) and the 2020 session
8 (HB 1140/SB890) as important steps in addressing the transportation needs of Virginia’s localities.
9 Future legislative and administrative initiatives should be based on these principles:

- 10
11 a. **Sustainable Funding.** A stable and predictable plan which is comprehensive, which
12 addresses investment across the state, and which does not rely upon general fund revenue.
13 b. **Fiscal responsibility.** Dedicated revenues, which are activity-based, will strengthen as
14 the economy does.
15 c. **Statewide focus.** Transportation is a statewide issue, not a regional, urban, or rural issue.
16 Every area of the state is economically hampered by insufficient infrastructure
17 management. However, if the General Assembly chooses a funding approach that
18 emphasizes regional efforts, then such opportunities should be made available across the
19 Commonwealth.
20 d. **Shared responsibility.** Transportation planning and authority are delegated to regional
21 bodies where they exist and to localities and independent authorities (like the Virginia
22 Passenger Rail Authority). These bodies prioritize and authorize individual projects
23 within their jurisdictions, an essential element of equity which does require coordination
24 among involved localities.
25 e. **Project prioritization.** VML supports the collaborative approach taken by the
26 Commonwealth Transportation Board to seek input from regional and local bodies to
27 develop a statewide prioritization process to leverage the highest value of scarce resources
28 by measuring targeted projects that expand capacity, address congestion mitigation,
29 economic development, accessibility, safety, and environmental quality. VML recognizes
30 the importance of having an objective, quantifiable, and consistent process that also takes
31 the different needs of regions into consideration and recognizes the significant progress
32 made on this issue through SMART SCALE implementation.
33 f. **Infrastructure modernization.** Our transportation efforts must include a comprehensive
34 statewide plan to provide transportation options for rail passenger and transit systems.
35 Such plans must ensure that all Virginians — rural, suburban, and urban – are able to
36 contribute to and benefit from statewide economic opportunities.
37 g. **Congestion mitigation.** Alleviation of commuter congestion is essential to economic
38 development to enhancing citizens’ quality of life and improving resilience to the impacts
39 of a changing climate. Corridor-wide solutions which promote alternative modes
40 including highways, rail, transit and non-traditional solutions still need to be developed.
41 h. **Resilience.** Decisions to construct or modify transportation facilities and other
42 infrastructure improvements must assess the benefits and costs to sea level rise, extreme
43 weather events and disturbances inland and urban flooding as well as green-house gas
44 emissions on air quality. Transportation funding and plans must anticipate the continued
45 impacts of pandemics which impact how Virginians use the transportation network as well
46 as transportation revenues.

- 1 i. **Locally Administered Projects.** Any performance metrics tied to locally administered
2 projects or attempt to compare local completion of locally administered projects should
3 not diminish the ability of localities to continue to administer projects.
4

5 **REVENUES**

6 Since the transportation needs of the state are so much greater than the current funding provisions,
7 it remains essential that the General Assembly expand transportation and infrastructure
8 investments that are financially balanced, well documented and serves local, regional and
9 statewide needs by:

- 10
- 11 • Raising revenue from those who use the transportation and transit systems;
 - 12 • Identifying new revenue streams for statewide, regional, and local transportation needs
13 while preserving existing funding sources;
 - 14 • Increasing dedicated funding for public transportation to meet transit operating and capital
15 expenses and make Virginia competitive for federal transportation funds;
 - 16 • Providing or extending as a local option transportation impact fee authority to all
17 localities;
 - 18 • Authorizing practical options for using long-term financing for major transportation
19 projects;
 - 20 • Consistent with K-12 tax allocation loss, restore the lost transportation revenue as a result
21 of elimination of the State's Share of the sales tax on food and hygiene products
 - 22 • Providing full and equitable road maintenance funding, between localities and VDOT
 - 23 • Providing full state funding for the revenue sharing program as provided for in § 33.2-357;
24 and
 - 25 • Seeking equity among various road users by ensuring that trucks pay their share of road
26 costs. VML also advocates for increased local influence when the state considers
27 mitigating negative impacts resulting from truck traffic.
28

29 Any attempt at repurposing state funds distributed to localities should allow affected localities the
30 opportunity to provide input in the legislative process at the committee level when proposals
31 directly impact annual transportation funding. VML opposes the redirection of the local share of
32 state transportation funds distributed to localities across multiple regions for transportation
33 projects in a single region.
34

35 **Pass-through of Federal Funds.** Localities are often successful in receiving federal funds such
36 as special appropriations and enhancement funds. These funds are passed through the state to
37 localities and the transfer of these funds is often delayed. The federal government and the state
38 need to streamline the transfer of these funds and allow localities to move forward with these
39 projects. Additionally, localities with limited experience with federal projects should be provided
40 training to reduce administrative risks.
41

42 **MULTI-MODAL TRANSPORTATION**

43 Multi-modal transportation improves the efficiency of existing infrastructure, improving safety
44 while also decreasing green-house gas vehicle emissions. To encourage the continued
45 development of multi-modal trails, paths, and infrastructure VML supports state and federal
46 funding formulas that do not penalize multi-modal infrastructure that is not constructed adjacent

1 to existing roads. Furthermore, VML welcomes additional state planning and resources to assist
2 localities as Virginia and Localities seek to improve safety for all road users
3

4 **Safety.** Given the rise in pedestrian and road fatalities VML advocates for increased state-based
5 safety action through improving multi-modal including roads safety metrics through targeted
6 funding and facilitating innovative demonstration projects such as Smart City infrastructure
7 technologies.
8

9 While the state and many localities have utilized the Vision Zero approaches to road safety
10 through aggressive casualty reduction goals, coordinated interdisciplinary actions, increased
11 priority and resources allocated towards road safety improvement, and an overarching policy
12 framework it is a good foundation. There remains a strong need to improve safety outcomes
13 further and for all modes. VML supports a strong state methodology approach to transportation
14 safety in state highway safety plans and encourages VDOT to collaborate and provide resources
15 where appropriate to reach these goals and those prioritized by models such as the Arrive Alive
16 goal Vision Zero.
17

18 **Trails.** VML supports the newly created state office of Trails and encourages the development of
19 more multi-modal transportation options, including but not limited to scooters, mopeds, and
20 electric bicycles, at both the local and regional levels. This support is conditioned on local input
21 and local rights, including regulation, on access to multi-modal facilities are recognized by the
22 state. State funding formulas should not prioritize on street pedestrian and bicycle facilities over
23 off road facilities like the Fall Line Trail.
24

25 **Pedestrians.** VML recommends that the Code of Virginia be amended to clarify the respective
26 rights and duties of pedestrians and vehicle drivers. VML appreciates efforts by the General
27 Assembly to require drivers to stop, not just yield, for pedestrians in all marked and unmarked
28 crosswalks. In addition, police need the ability to issue simpler citations than currently allowed
29 under Virginia law to enforce the laws more effectively against jay walking.
30

31 VML supports maintaining the authority of localities to design, upgrade, improve, and maintain
32 crosswalks on locally owned and maintained streets and rights of way.
33

34 **Bicycling.** VML recommends changes to the Code of Virginia updating the rights and
35 responsibilities of drivers and bicyclists in their use of public streets in order to ensure the safety
36 of all road users.
37

38 **Traffic Calming.** VML supports continued improvements to VDOT's traffic calming program to
39 improve safety for users of public streets. Additionally, VML has supported, and continues to
40 support, expanding the availability of photo-camera traffic enforcement for all localities in the
41 context of a defined transportation safety program that includes engineering, enforcement,
42 education, and emergency response elements while respecting civil rights. VML supports local
43 authority to deploy new and innovative technologies such as license plate reader technology on
44 locally owned rights of way. VML also supports the authority of localities to regulate towing that
45 takes place within jurisdictional boundaries.

1 **Accessibility and Public Spaces.** Streets do much more than move cars; they often define
2 community character and serve as important public spaces. Small towns and larger cities alike are
3 using complete streets policies to reclaim public space and solve traffic problems at the same
4 time. Many complete street solutions are low-cost—some are as simple as changing paint-striping
5 on pavement. VML supports securing mainstream transportation funds for non-motorized
6 improvements and policy changes that result in construction of complete streets and improved
7 bicycle and pedestrian infrastructure within the existing right of way.

8 9 **TRANSPORATION EMERGING TECHONOLOGIES**

10
11 **Transportation Network Companies.** VML supports state licensing of Internet-based
12 transportation network companies (TNCs) as contained in HB 1662 (2015 session) which
13 establishes safety and insurance standards for vehicles and drivers.

14
15 **Personal Delivery Devices.** Autonomous delivery devices often operating as “personal delivery
16 devices” have legal authority to operate on sidewalks owned and maintained by local
17 governments. VML supports local control of locally owned sidewalks and the authority of
18 localities to regulate, tax, license, and prohibit the use of devices on sidewalks.

19
20 **Advanced Air Mobility** Advanced Air Mobility (AAM) uses electric Vertical Takeoff and
21 Landing aircraft to provide short, quiet, carbon-free flights within cities and suburbs and between
22 rural areas and urban centers. They will also fly between city pairs and rural airports at shorter
23 distances currently not served by airlines. VML expects our citizens will demand access to AAM,
24 expects AAM to provide significant economic development opportunities, expects AAM will help
25 relieve traffic congestion on Virginia’s streets and roads and will reduce carbon emissions related
26 to transportation. VML supports Virginia being a leader in developing AAM, so long as the
27 development is carried out in a manner that helps this transportation technology exist
28 harmoniously with the mix of land uses found in Virginia’s localities.

29
30 **Technological Innovation.** VML supports research and implementation of new technologies that
31 increase the efficiency, effectiveness, and equity of the transportation system. Such technologies
32 should not create additional fiscal burdens or bypass local decision making.

33
34 **Electric Vehicles and EV Charging Stations.** Virginia expects to continue seeing growth in the
35 number of electric vehicles traveling on local roads and state highways. Growth in the number of
36 electric vehicles will help reduce nitrogen oxides and other air pollutants. However, the quickly
37 growing electronic vehicle market also increases the demand for electric vehicle charging
38 stations. Virginia should continue working with the private sector to provide funds to develop a
39 statewide EV charging network and with localities to provide funding support for electric public
40 transit vehicles and other municipally owned vehicles. VML believe localities should play a role
41 in the siting, construction, and provision of electric vehicle charging stations and the necessary
42 local authority to achieve this goal as the State and Federal Government seek to expand and
43 improve electric vehicle charging networks

44
45 **Preservation of Rights of Way.** Transportation projects take many years from the planning stage
46 to construction. Localities need additional authority to reserve miles of right-of-way years in

1 advance of any funding availability for these projects, or risk development in the path of these
2 transportation projects.

3
4 **Transportation and Local Land Use Planning.** VML supports the re-initiation of the state's
5 former environmental review procedure for state highway projects. VML recognizes the potential
6 benefits of such a procedure including the benefits to transportation planning and resource
7 management.

8
9 However, any such procedure or review is incomplete if it does not evaluate the proposed impacts
10 against the state-required local comprehensive plans. VML believes that the environmental review
11 process for public roads should incorporate the local comprehensive plan and involve and take
12 into account the views of local officials.

13
14 **Highway Beautification.** VML is discouraged that modification to the Federal Highway
15 Beautification Act has undermined local authority and continues to allow tree-cutting simply for
16 billboard visibility.

17
18 The General Assembly should enact legislation that restores local government authority to remove
19 billboards along federal highways through amortization; supports local governments' ability to
20 require non-conforming signs along federal highways to comply with size and height
21 requirements without cash payments; allows local governments to require the removal of
22 billboards in inappropriate locations, especially in rurally-designated scenic, historic, and
23 residential areas; and provides local governments with the authority by local ordinance to prohibit
24 the construction or to determine the placement of any new billboards.

25
26 VML encourages the local identification of roads with special natural, historical, scenic, or
27 cultural values and encourages local enhancement and protection of these scenic byways.

28
29 **Technical Assistance.** Smaller communities and regions require additional and enhanced
30 transportation planning and technical assistance from the state. This includes establishing
31 equitable equipment rental rates and administrative costs.

32
33 **Metropolitan Planning Organizations.** VML opposes broadening MPO voting membership to
34 include private sector representatives. VML believes that representation by public officials makes
35 MPOs accountable to citizens. VML supports inclusion of the representation of independent
36 authorities like the Virginia Passenger Rail Authority in the local MPO's in which they have
37 projects.

38 39 **PUBLIC TRANSIT**

40
41 Mass transit is critical to the state's economy and the quality of life for all Virginians. Public
42 transit includes all available multiple occupancy vehicle services and technologies designed to
43 transport passengers on local and regional routes.

44
45 VML supports:

- 46 1. increased federal and state funding for public transit;

2. policies that allow for the equitable distribution of such funding;
3. a dedicated source of funding to support public transit; and
4. state legislation to provide localities with additional taxing authority to adopt regionally-based or local taxes to address transit capital needs.

VML also appreciates congressional actions taken to restore and make permanent the \$260 per month parity between employer-sponsored benefits for parking and for mass transit riders. (The federal tax deduction taken by employers for providing these benefits ended under the Tax Cuts and Job Act enacted in December 2017.)

WMATA is an important piece to a healthy economy in Virginia and as a critical component of the transportation network. VML supports policies that ensure WMATA is safe, reliable, and financially sound.

Rail Transportation. VML recommends the responsible expansion of interstate and intra-state passenger and freight rail service corridors, with no requirement for local match to provide transportation alternatives, and to help to stimulate economic development and tourism.

Federal agencies, State government and railroad executives must work cooperatively with local officials to improve and enhance railroad maintenance, safety, traffic, emergency response and conflicts (for example blockages at at-grade crossings).

The Commonwealth needs to:

- Work with railroad executives to provide greater access for passenger service (for commuters and tourists).
- Strengthen funding for cost-effective, long range, energy efficient and environmentally sound intercity passenger service and high-speed rail operations to complement federal construction funding.
- Work with surrounding states to foster greater interstate passenger rail service and to promote the development of the Northeast high-speed rail corridor, the New York to Atlanta corridor and services to Western Virginia, where these systems provide meaningful reduction of travel times, higher than historic reliability and needed coverage to vital business districts which are in close proximity to population centers.

VML believes the state needs to work with federal agencies, independent authorities (like commuter rail) and rail executives and the commuter rail system to permit commuter system extension and expansion throughout the Commonwealth, as well as transportation innovations that improve the long range safety and speed of service and to develop a source of funds to accomplish this goal

Virginia Passenger Rail Authority. In recognition of the Virginia Passenger Rail Authority and their role in improving and upgrading intercity passenger rail service across the commonwealth it is critical that localities retain local land use control and that the authority provide opportunities for localities to provide input on rail projects and improvements. It is also important to consider using right of way for multi-modal transportation corridors along right of way that is acquired by the Authority.

1 **Air Transportation.** VML wants the state and federal governments to actively work to develop
2 and sustain comprehensive air service throughout the Commonwealth, connecting it to the mid-
3 Atlantic region as well as the entire country. Additionally, VML wants the state and federal
4 government to invest in and deploy new technologies intended to improve air service and safety.
5

6 The federal government is urged to appropriate federal funds for airport infrastructure
7 improvements at authorized levels and to develop a national airport access strategy intended to
8 stimulate local economic development opportunities. Additionally, the state is urged to
9 complement federal infrastructure investments as well as expand state support for capital
10 improvements.
11

12 **Ports and Water Transportation.** VML requests the protection and promotion of an effective
13 port and water transportation system by:

- 14 a) developing alternative water transportation mechanisms to alleviate congestion, such as
15 ferries, which will move people, goods and vehicles as an alternative to road travel;
- 16 b) enhancing rail service to move goods in and out of ports;
- 17 c) deepening major water ports and navigable rivers;
- 18 d) relieving congestion in the ports by enhancing rail and highway access out of ports; and
- 19 e) developing policies on the disposal/reuse of shipping containers.
20

21 Concerning the deepening of channels, VML requests the state to work closely with local
22 governments regarding spoils disposal from channel deepening.
23

24 The revenues derived from Virginia's public ports are dedicated exclusively to the state. Some
25 portion should be shared with localities to account for street and road maintenance and police and
26 fire protection services directly related to the impacts of tax-exempt port properties.
27

28 VML urges a significant study of the state's water transportation system, including the expanded
29 use of barge traffic for freight transportation.
30

31 **Regional Transportation Authorities**

32

33 **Facilities.** VML supports by-right authority for the creation of regional transportation authorities
34 to promote coordination of transportation and related facilities.
35

36 **Town voting membership.** VML supports town voting membership on regional transportation
37 authorities
38

39 **Protective floor gas tax.** VML thanks the General Assembly for amending Code of Virginia §
40 58.1-2295 to establish a protective floor price for the 2.1 percent regional gas tax, much as was
41 done for the statewide fuels tax in §58.1-2217. Such a floor concept is essential to provide a more
42 stable, dedicated revenue source needed for long-term financing of regional projects as well as
43 bus and commuter rail operations.
44

45 **Annual Adjustment for Inflation.** VML thanks the General Assembly for amending §58.1-2217
46 to ensure the motor fuels tax grows with the rate of inflation as measured by the U.S. Department

1 of Labor. This will ensure transportation revenues keeps up with the increasing cost of goods and
2 services.

3 4 **Environmental Quality**

5
6 Protecting natural resources and sustaining efficient environmental stewardship is an overarching
7 mission of government. Additionally, VML recognizes the importance and challenge of
8 maintaining natural resources and managing environmental services while simultaneously
9 encouraging economic growth and responsible human development in our cities, towns and
10 counties.

11
12 To achieve these ends, VML pursues these goals:

- 13
14 1. Promoting environmental quality through a coordinated, comprehensive approach that
15 addresses air and water quality, hazardous and solid waste management, energy
16 generation, conservation and use prudent land use policies natural resource conservation,
17 and environmental justice.
- 18
19 2. Attaining an equitable distribution of responsibilities among governments for resource
20 protection and environmental services and attaining sufficient financial resources from the
21 federal and state governments to implement mandates, without duplicating efforts.
- 22
23 3. Environmental resources cross jurisdictional boundaries and positive dispute resolution of
24 issues should be supported.
- 25
26 4. Pursuing the orderly and planned development of communities and conserving natural and
27 historic resources by encouraging the revitalization of environmentally impaired and older
28 communities.
- 29
30 5. Promoting cooperation and coordination among governments, citizens, institutions, and
31 organizations to achieve environmental policy goals while encouraging innovative, cost-
32 effective solutions.
- 33
34 6. Advocating budget, legislation and policy initiatives that provide sufficient resources to
35 implement the least costly and most efficient regulations.

36 37 **WATER RESOURCES, QUALITY & CONSERVATION**

38
39 **Water Quality.** Investing in water quality infrastructure is a shared State-Local partnership. The
40 Commonwealth owns our streams, rivers, and Bay; localities own most water quality
41 improvement treatment systems and related infrastructure. Sharing resources and investment
42 responsibilities leads to more cost-effective, positive outcomes in public and environmental health
43 as well as to other natural resources, economic, recreational, and tourism benefits.

44
45 The Commonwealth should recognize that the vast majority of publicly owned wastewater
46 treatment plants have been significantly upgraded, many with among the most technically

1 advanced treatment systems available. As such, the public wastewater sector has led the way in
2 reducing nutrients that pollute local ponds, streams, and rivers. The Commonwealth should
3 continue providing additional funds to the Water Quality Improvement Fund (WQIF) to ensure
4 that the Commonwealth can adequately meet its cost-share obligations for wastewater treatment
5 plant improvements. Additionally, the Commonwealth should continue funding and requiring
6 greater nutrient reductions from the agriculture sector.

7
8 Point (direct) and nonpoint (indirect) sources of pollution continue to create significant challenges
9 in protecting water quality, including wastewater treatment plant upgrades, urban and agricultural
10 stormwater runoff, and other agricultural activities.

11
12 Water resource protection is critical throughout all watersheds of Virginia. Local governments, the
13 state government, the federal government and private interests must recognize these threats and
14 implement precautions and protections that reflect their level of responsibility for preventing and
15 mitigating offensive activities, safeguarding local public and environmental health, as well as
16 maintaining the technical and economic competence to respond to and correct problems.

17
18 In particular, with federal and state governments increasingly focusing on per- and
19 polyfluoroalkyl substances (PFAS) in drinking water supplies, there will be additional regulations
20 and technology requirements, such as setting “maximum contaminant levels” (MCLs), for water
21 and wastewater treatment facilities, which will cost billions of dollars collectively to localities and
22 public service authorities in both capital investments and annual operations. Additional PFAS
23 regulations and requirements should be phased-in over many years. Local governments and public
24 service authorities will have to have significant federal and state financial assistance to comply
25 with additional PFAS requirements.

26
27 Municipalities have made extraordinary investments and progress in reducing nutrients from
28 wastewater treatment plants. Permitted waste load allocations to municipal wastewater treatment
29 plants are central to localities’ ability to comply with current water quality laws and to
30 accommodate future growth and economic development. The Commonwealth should support
31 regulatory stability as to existing facilities and their allocations. The Virginia Nutrient Credit
32 Exchange Program should continue as the primary vehicle for new public or private sources to
33 acquire allocations and/or credits with facilities owners’ consent on agreed terms.

34
35 The state should be cognizant of municipal utilities’ and public service authorities’ reduced
36 abilities due to lost revenue to undertake desired or required capital improvements to water
37 quality treatment systems. Municipal utilities should not be subjected to mandates regarding basic
38 operations of the utility’s business operations.

39
40 In the interest of increasing and improving the level of water quality data for impaired watersheds
41 and waterbodies in Virginia, the State should leverage and actively employ state university assets
42 (laboratories, equipment, etc.) and subject matter experts (scientists, graduate students, etc.) to
43 collaborate with local governments to gather and analyze rigorous water quality data. Such high-
44 quality data can then be used by state agencies and local governments to document the
45 effectiveness of locally specific water quality improvement plans, which are required of localities
46 with MS4 Permits, and aid the state in its duty to monitor and track the health of state waters.

1 Recent years have seen significant improvements in water quality throughout the Commonwealth.
2 However, without adequate funding sources and data to assist local governments and public
3 service authorities, water quality will not continue to improve. Combined sewer overflows
4 (CSOs) and sanitary sewer overflows (SSOs) are significantly expensive infrastructure
5 undertakings, often costing hundreds of millions of dollars. Local CSO and SSO improvement
6 projects are often mandated by federal and state law and regulation and require federal and state
7 financial assistance. VML supports state financial assistance to local governments and public
8 service authorities facing legislative mandates related to CSO or SSO management and
9 remediation.

10
11 VML supports dedicated and adequate state appropriations to the WQIF to make full and timely
12 payments under point source upgrade contracts with local governments. VML recognizes the need
13 for WQIF balances to meet contractual obligations to publicly owned treatment works. VML
14 recognizes much of the reductions in nutrients in the Chesapeake watershed have stemmed from
15 significant effort by POTWs. However, no single sector can achieve the necessary pollutant
16 reductions to meet the 2025 Bay commitments. Further water quality improvements stand to
17 benefit from an increased investment in agricultural Best Management Practices (BMPs).
18 Accordingly, VML supports directing funding from the WQIF for-agricultural BMPs to make
19 further progress in meeting nutrient reduction goals.

20
21 Similarly, reducing stormwater impacts is critical to improving water quality and requires
22 adequate funding and resource support through programs like the Stormwater Local Assistance
23 Fund. VML supports dedicated and ample state financial assistance to SLAF to address costs
24 associated with the permit requirements of Municipal Separate Storm Sewer Systems (MS4).

25
26 Local governments are legally obligated to ameliorate water pollution and reduce its harmful
27 effects and they are well-positioned to develop innovative, and meaningful community-based
28 solutions. VML supports the ability of localities to employ credible and efficacious, low impact
29 water pollution prevention and control measures without the additional burden of securing the
30 prior review and/or permitting of state and federal agencies.

31
32 VML supports legislation providing localities with greater authority to preserve trees and planting
33 which can reduce the heat island effect while increasing quality of life, carbon sequestration, and
34 improve air quality and create opportunities for developers and local governments to have more
35 tools for stormwater and flood mitigation.

36
37 VML supports allowing local governments greater flexibility in the reforestation, preservation,
38 and management of urban forests (Statutory change occurred in 2022 with SB537).

39
40 **Conservation.** Overuse and indiscriminate use of water, coupled with recurring drought
41 conditions, require state and local leaders to promote water conservation to help avoid future
42 water supply problems. Local or regional comprehensive water conservation plans should urge
43 conservation through construction building material choices, grey water re-use, groundwater and
44 aquifer recharge, rainwater harvesting, native and drought tolerant landscaping, appliances (such
45 as dual flush toilets), rate structure, education, and water allocation.

1 **Conservation Easements.** Water authorities and similar local agencies should have the power to
2 receive conservation easements under the authority of the Conservation Easement Act.

3
4 State incentives (in-lieu of tax credits) need to be created for local governments seeking to place
5 land designated for watershed protection in conservation easements.

6
7 **Primacy.** The state should work to maintain the State Health Department's primacy role in
8 implementing the federal Safe Drinking Water Act (SDWA). Additionally, the annual funds
9 provided to VDH by municipal utilities and public service authorities to ensure VDH has
10 sufficient staffing to maintain primacy over the SDWA should not be diverted for other uses.

11
12 **Chesapeake Bay.** The Chesapeake Bay provides vital economic and recreational benefits to all
13 Virginians. The Commonwealth and federal government must assume responsibility for leading
14 the clean-up of the Bay and work with its local governments -- in addition to the neighboring
15 states -- to develop interstate as well as intrastate strategies designed to "Save the Bay."

16
17 The Chesapeake Bay is a national treasure, and the state must work with the federal government
18 to ensure adequate financial resources are available to implement the plan for complying with
19 federal Clean Water Act. At the federal level VML supports accountability and oversight which
20 seeks to achieve greater cost-effectiveness in meeting pollution reduction targets. This will help
21 localities address the expensive costs associated with the Chesapeake Bay cleanup.

22
23 Living resources such as oysters, crabs, mussels, and underwater grasses are critical to water
24 quality. Oysters and mussels in particular have the capacity to filter sediments and reduce
25 pollutants. While reductions from sewage treatment plants and urban runoff are important to
26 restoring the Bay, it will become increasingly expensive to reduce a smaller amount of pollutants
27 from these sources resulting in a diminishing return for investment. Increasing those living
28 resources that improve water quality should be considered as an alternative to or work in
29 combination with expensive retrofits of urban areas in an attempt to reduce costs and pollutants.

30
31 The Chesapeake Bay Phase III Watershed Implementation Plan (WIP III), with its 2025 deadline,
32 is designed to bring together federal and state actions to reduce pollution in local waters and to
33 improve the health of the Bay. While VML generally supports the goals of WIP III, it also must be
34 acknowledged that it calls for often very costly improvements to locally-owned stormwater and
35 wastewater treatment systems – thus underscoring even more the need for adequate federal and
36 state financial assistance. Adequate state and federal funding is necessary to meet the 2025
37 deadline.

38
39 The Commonwealth must continue to fully fund the Water Quality Improvement Fund and
40 provide financial assistance for local government water quality improvement projects in Virginia
41 at appropriate levels designed to clean up the Bay and its tributaries. The Commonwealth would
42 defeat the spirit of community partnership if it required local governments to undertake unfunded
43 mandates for water quality improvement projects.

44
45 VML encourages assisting in the progress towards a reduced consumer waste environment by
46 invoking extended producer responsibility. We ask that producers and first importers of plastic

1 products consider having a strategy for how they will recover or dispose, without cost to
2 taxpayers, their products when consumers are done with them, as a condition of sale in a
3 municipality. This strategy should include measurable results, outcomes, and timetables for
4 achievement.

5
6 **Water Supply.** VML believes these principles governing the role of the Commonwealth must
7 guide state water supply planning:

8
9 1. The availability of a safe, adequate, and reliable water supply is essential to the public health
10 and the economic vitality of the Commonwealth and its local governments. The state should
11 participate in providing funding mechanisms for local and regional water supplies.

12
13 2. As a partner with local government in providing water supplies, the state should invest in
14 regional projects to maximize the use of infrastructure and minimize environmental impacts.

15
16 3. Maintaining and analyzing a sound surface and ground water database is an essential state
17 responsibility.

18
19 4. The state must support local water supply projects that conform to state regulations. This
20 includes taking the lead in negotiating multi-state issues.

21
22 5. VML supports adequate state environmental staffing in the areas of permitting, enforcement,
23 communications and outreach, and research and development. Funding for research and
24 development is especially important in such areas as inter-basin transfers and groundwater
25 recharge, which results in stronger technical assistance to municipal government and public
26 service authorities.

27
28 6. The State should encourage water conservation measures to promote wise use and prevent and
29 minimize waste through incentives and educational programs.

30
31 7. The Commonwealth should consider use of reclaimed water to meet non-potable needs as part
32 of its water resources to reduce the demand on high quality potable water supplies where
33 practicable and environmentally beneficial. State officials should assist local governments and
34 communities in promoting wastewater reclamation and reuse. VML supports the deployment of
35 proven, safe, innovative water reuse technologies to replenish aquifers statewide.

36
37 8. Water is essential to a healthy ecosystem. Stream flows to support beneficial in-stream uses
38 should be protected in the process of providing sufficient water to meet public drinking water
39 requirements. Local governments must continue to participate in the discussion of any water
40 resource proposals, including statewide water supply planning.

41
42 9. The Virginia Department of Health should continue working with drinking water suppliers to
43 monitor and study PFAS/PFOA compounds and their effect on public drinking water supplies.
44 The U.S. EPA should be the chief regulatory agency to establish maximum contaminant levels for
45 PFAS/PFOA. Virginia regulatory agencies should adopt U.S. EPA-established maximum
46 contaminant levels.

1 **ENVIRONMENTAL EMERGENCIES**

2
3 **Flooding.** Virginia is experiencing more frequent and often more extreme storm events. These
4 more frequent and intense storm events often lead to major local flooding challenges to both
5 natural stream channels and stormwater infrastructure. Local, recurrent flooding has become a
6 major issue in low-lying coastal Virginia, though no region has been spared as severe precipitation
7 events in all parts of the Commonwealth have resulted in growing stormwater-control costs.

8
9 The General Assembly has focused more attention and dedicated more funds to address recurrent
10 flooding issues. Most recently, the General Assembly created the Virginia Community Flood
11 Preparedness Fund (VCFPF) to assist through loans or grants for flood prevention or protection
12 projects and studies localities affected by recurrent flooding, sea level rise, and flooding from
13 severe weather events. Money in the VCFPF comes from the auction of carbon allowances
14 through the Regional Greenhouse Gas Initiative (RGGI). This is a significant funding source, as
15 hundreds of millions of dollars have been allocated to communities to study, plan, and construct
16 infrastructure to alleviate recurrent flooding.

17
18 VML supports a role for local governments and regional planning efforts in identifying projects
19 eligible for administration of the VCFPF for local, regional and river basin flood mitigation
20 efforts as well as a coordinated flood mitigation, response and recovery efforts across agencies,
21 regions, and localities.

22
23 VML supports continued policy and funding to support localities contending with growing
24 stormwater and other flooding challenges. Such support includes additional flood-control studies,
25 coastal mapping, updated precipitation forecasts, and local and regional planning funds and
26 technical support.

27
28 The state should assist through the Virginia Community Flood Preparedness Fund and other
29 appropriations with paying for flood prevention and protection where localities take precautions,
30 through shoreline resiliency and land use controls, to limit the cost of flood damage restoration.
31 Localities need increased funding for state-mandated dam safety infrastructure improvements.
32 In the event of an environmental emergency, either man made or an act of God, local government
33 officials need maximum discretion to determine measures to be taken beyond those dictated by
34 the state and federal government, as well as ready access to information and assistance.

35
36 VML supports a state requirement that rail operators serve on federally mandated Local
37 Emergency Planning Committees.

38
39 **SOLID WASTE MANAGEMENT**

40
41 **Waste Diversion.** VML supports the continuation of certifying compliance with local ordinances
42 for waste management facility proposals. Solid waste management facilities should comply with
43 local ordinances.

44 VML endorses developing local waste-to-energy and co-generation facilities as practical
45 alternatives to landfill facilities.

1 VML supports efforts to ensure that waste-to-energy is consistently defined as a renewable energy
2 source in the Virginia Energy Plan and in any renewable energy standards relating to the
3 Commonwealth. Currently, the Code of Virginia defines "renewable energy" as including energy
4 derived from waste.

5
6 VML supports state financial assistance in developing programs that reduce waste entering local
7 landfills, thereby increasing their longevity. Such programs should emphasize processes that
8 reduce waste, reuse materials, and recycle refuse.

9
10 Plastics serve many appropriate purposes in our society, yet their use in disposable products –
11 especially in single-use products – has become ubiquitous and their polluting effects have
12 followed. These products cost localities dearly in time and expense needed to unclog storm and
13 sanitary drainage systems, damage to mowing equipment, ensnarement in trees and other
14 vegetation, and more. Further, these products accumulate in area waters and wetlands where they
15 harm wildlife, impair outdoor recreation, and degrade into compounds which are known toxins.

16
17 VML continues to support a local governments option to regulate the distribution, sale or offer of
18 disposable and other such single-use products, such as straws and extruded polystyrene food and
19 beverage containers. Exceptions shall continue to be made for bags and containers used for
20 garbage, medical waste, and other refuse containment. As well as for disposable plastic wraps
21 designed to ensure the safety and integrity of medical supplies and other sensitive products used
22 in public health and safety, whose purpose and distribution shall be permissible.

23
24 VML supports giving local governments authority to prohibit the use of expanded polystyrene
25 containers for food service and to regulate the use of expanded polystyrene in food service.

26
27 **Recycling.** VML supports recycling and reuse wherever possible to promote better and wiser use
28 of our resources.

29
30 VML supports the concept of a circular economy, which is an economic system aimed at
31 preventing waste and the continual use of resources. A circular economy encourages systems that
32 reuse, share, repair, refurbish, remanufacture, compost, and recycle to create a close-loop system,
33 minimizing the use of resource inputs and the creation of waste, pollution, and carbon emissions.
34 A circular economy can bring about the lasting benefits of a more innovative, resilient, and
35 productive economy.

36
37 VML recognizes the need for solutions to the problem of plastics in the waste stream to assist
38 local recycling and solid waste management programs and the need for state or federal action to
39 develop scalable solutions for plastic waste products.

40
41 **Hazardous Waste.** Advanced technology, waste minimization, and waste exchange should be
42 used, to the extent possible, to eliminate or reduce hazardous waste.

43
44 VML recognizes the need for hazardous waste treatment and disposal facilities to provide
45 adequate capacity for wastes generated within state borders. VML encourages the Commonwealth

1 to establish, and if necessary, to operate, hazardous waste facilities appropriate for improving the
2 treatment, storage, or disposal of hazardous waste generated within Virginia.

3
4 Adequate State and federal funding should be provided for cleaning up abandoned and hazardous
5 waste sites. Expedient clean-up of sites is essential.

6
7 The Commonwealth should address the collection of household hazardous waste by collecting it
8 or providing liability coverage for local collection programs. Consumer education and
9 discouraging reliance on household chemicals should be encouraged.

10
11 The state needs to address pharmaceuticals and associated endocrine disruptors, including
12 collection/disposition, and to encourage pharmacies to accept unused pharmaceuticals. State
13 research institutions should examine and provide policy recommendations on the impact of
14 pharmaceuticals and endocrine disruptors to water quality, agricultural products, and human
15 health.

16
17 Electrical and electronic products contain known toxic and hazardous components which must be
18 tightly control when such products are disposed (e-waste). Most such components can be safely
19 harvested and recycled or reused, reducing the environmental impacts of mining and producing
20 new components from virgin materials, such as rare earth elements, which are increasingly scarce
21 and costly to obtain.

22
23 VML supports legislative efforts to increase the reuse and recycling of all electrical and electronic
24 products, devices, and related materials, as well as economic and business development models to
25 grow the necessary skill, capability, and infrastructure within Virginia to improve the ability of
26 localities, small businesses, and citizens to recycle their e-wastes easily, conveniently, and
27 ethically.

28 29 **PARKS, OPEN SPACE, AND CULTURAL RESOURCES**

30
31 **Expanding Recreational and Historic Sites.** As Virginia’s population grows and diversifies, and
32 as residential and other development expand into previously undeveloped areas, there is an
33 increasing need to conserve open-space lands for scenic beauty, wildlife habitat, agricultural,
34 reduce urban heat, increase urban green space, forestry production, and outdoor recreation.

35
36 VML supports state funding at no less than \$20 million annually, as required by state law, for the
37 Virginia Land Conservation Fund for local land preservation. VML also supports sufficient
38 funding for the Virginia Farmland Preservation Fund and other such programs for matching grants
39 to localities for qualifying purchase of development rights (PDR) programs.

40
41 VML supports the renewal of federal funding for parks, historical structure preservation and
42 recreational opportunities. The federal Land and Water Conservation Fund (LWCF) program
43 provides matching grants to States and local governments for the acquisition and development of
44 public outdoor recreation areas and facilities. VML encourages state officials to work with local
45 officials in combining matching dollars for LWCF grants for local and regional facilities.

1 **Noise Control.** State and federal governments must assume the regulatory and financial
2 responsibility of attaining satisfactory noise levels adjacent to major highways, railways, and
3 airports.

4 5 **ENERGY**

6
7 **Energy Conservation, Green Building, & Climate Change.** The state should maintain an
8 overall state energy plan that includes provisions for conventional and renewable energy; support
9 for research and development into energy efficiency, conservation, and renewable energy
10 technologies; alternative fuels and advanced vehicle technologies; energy infrastructure; and
11 increasing resilience relative to energy emergencies.

12
13 VML acknowledges passage of the Grid Transformation and Security Act of 2018 and its
14 emphases on grid modernization, solar and wind energy, energy efficiency and conservation,
15 weatherization programs and consumer protections.

16
17 VML also acknowledges the Virginia Clean Economy Act of 2020 and its emphases on retiring
18 carbon-emitting electric generation facilities and dramatically increasing renewable energy
19 sources so that Virginia's electric grid is carbon-free by 2050. The Act also expands energy-
20 efficiency programs, increases SCC oversight of ratemaking and ratepayer protections, and moves
21 Virginia to join the Regional Greenhouse Gas Initiative (RGGI).

22
23 RGGI has provided hundreds of millions of dollars since the VCEA's passage for energy
24 efficiency projects, especially to low-income residents, and flood-control projects. RGGI funds
25 for flood-control projects have been appropriated via the Community Flood Preparedness Fund
26 (CFPF). VML continues to support a viable RGGI program. Should Virginia cease participating in
27 RGGI, then the General Assembly should replace the lost RGGI funds for energy efficiency and
28 CFPF-funded flood-control projects from other sources.

29
30 Energy conservation and efficiency should be major considerations in formulating state and local
31 energy policies and plans, as they are often the most cost effective.

32 VML supports state assistance to help local governments, businesses and residents obtain energy
33 audits. VML also supports state tax incentives for (1) energy efficiency; and (2) homeowners
34 using renewable energy, including solar, geothermal, wind and others.

35
36 VML supports the construction of buildings that are energy efficient, maximize natural light,
37 minimize stormwater runoff, use recycled materials, and use other environmentally sustainable
38 practices. Local governments, state agencies, and developers can obtain green building practices
39 guidance from organizations such as the U.S. Green Building Council which promulgates the
40 LEED (Leadership in Energy and Environmental Design) Green Building Certification System.

41
42 VML supports green building design and construction and encourages greater use of these
43 environmentally sound and energy efficient techniques. Ideally, all public buildings should be
44 LEED certified or its equivalent.

1 VML encourages the Commonwealth to institutionalize best practices by developing building
2 code standards that enhance environmental sustainability and energy efficiency and to enact
3 policies that enable local governments to promote environmental sustainability and energy
4 efficiency in construction. The Board of Housing and Community Development is to be
5 commended for adopting the latest model codes for commercial buildings. Accordingly, VML
6 supports adopting all provisions of the 2021 International Energy Conservation Code for
7 residential construction.

8
9 VML recognizes that the impacts of global climate change, as it relates to sea-level rise, habitat
10 destruction and alteration, temperature increase, and variations in seasonal rainfall patterns, will
11 negatively impact our communities. State officials should provide tools to localities to take
12 inventory of greenhouse emissions and assist with greenhouse gas emission reduction plans.

13
14 **Renewable Energy, Solar, & Wind Energy.** Clean energy sources should be encouraged, with
15 both long and short-range energy usage designed to maximize conservation of energy resources.

16
17 The Virginia Clean Economy Act of 2020 sets the Commonwealth on a path to be carbon-free by
18 2050. The act focuses on renewable energy generation, energy efficiency, distributed solar,
19 offshore wind, and energy storage, among other things.

20
21 Virginia should continue to allow and expand on renewable energy generation and the deployment
22 of distributed energy infrastructure for all residents, businesses, local governments and utilities
23 operating in the state. These measures will help to reduce energy costs to consumers and increase
24 the available supply of energy without further degradation of the environment. It is important that
25 net metering with retail compensation be retained or improved with the ability for production
26 above specific site needs. Any claims of harm to the grid as a result of distributed solar should be
27 accompanied by holistic studies which also consider the benefits of distributed solar.

28
29 Virginia's utility-scale solar and shared solar markets will dramatically expand in the years ahead
30 to meet clean-energy mandates. Expansion of utility-scale solar will impact tens of thousands of
31 acres. Shared solar will be smaller in scale, but also will impact thousands of acres. Solar
32 developers should continue working cooperatively with local governments on project siting,
33 zoning, revenue-sharing, stormwater impacts on local water quality, and other matters as the
34 renewable energy market expands. Finally, localities must continue to retain authority to make
35 land use decisions about the suitability of solar developments.

36
37 Additionally, onshore wind projects are expected to appear in Virginia's higher elevations. Such
38 projects are necessarily large-scale and may visually impact scenic landscapes and avian wildlife.
39 Onshore wind developers must work early in the project development process with local
40 governments on siting, zoning, visual impact, revenue and taxation, and other issues.

41
42 Virginia is poised to host the nation's largest offshore wind power project. The General Assembly
43 has declared 2.6 gigawatts of offshore wind power to be in the public interest and that such
44 amount of power generation be operational by December 2034. This offshore construction project
45 will be some 27 miles off Virginia Beach's coast. As the project is planned and constructed, the

1 Commonwealth and the project’s utility owner should continue working closely with coastal
2 communities who may be impacted by and benefit from it.

3
4 Additionally, the General Assembly and the State Corporation Commission should continue
5 monitoring potential impacts to ratepayers, especially to ensure that low-income Virginians are
6 not disproportionately impacted by rate increases.

7
8 VML supports efforts to protect current net metering compensation and to allow for increased
9 system capacity purchased to reflect future needs. The current limitations on non-utility scale
10 photo voltaic generation system size should be examined for removal of restrictions. VML
11 requests provisions for true community solar to be allowed to gain a broader set of customers for
12 solar energy, including third-party owned and financed community solar.

13
14 VML supports the creation of an independent office of the consumer advocate within the state
15 government to actively participate in the siting of gas, liquid, and electric transmission lines.

16 **ENVIRONMENTAL JUSTICE**

17 VML supports the fair treatment and full participation of all people, regardless of race, color,
18 national origin, faith, disability, or income in the transparent development, implementation, and
19 enforcement of environmental laws, regulations, and policies.

20
21
22 Communities of color and low-income communities, generally referred to as environmental
23 justice communities, have often been disproportionately negatively impacted by development of
24 environmental policies and programs and in the siting of major public and private infrastructure
25 projects and other developments. Environmental justice communities often have unique
26 environmental and historic challenges as a result of major infrastructure projects.

27
28 Local governments have principal authority over local land use. Local governments also have
29 specific and important insights on proposed environmental policies and programs and on
30 development’s environmental, social, cultural, and economic impact.

31
32 VML believes localities can and should play a more collaborative role in the development of state
33 environmental policies and programs and in determining infrastructure site suitability. Local
34 governments have a clear interest in protecting their local vulnerable communities from
35 disproportionate environmental and health impacts.

36
37 Environmental justice considerations are especially important when it comes to state regulatory
38 processes for permitting major proposed public and private infrastructure that is to have public
39 benefit. Examples of such infrastructure include transportation facilities, electric generation and
40 transmission facilities, solid waste facilities, and pipelines. As the state through its environmental
41 regulatory boards and agencies increases its focus on environmental justice matters – especially
42 on infrastructure siting and permitting – it is imperative that the state collaborate with local
43 governments, especially in a project’s pre-planning and planning stages. In such early
44 collaboration, it is important that the state ensure the locality has all relevant information and
45 other subject resources so that the locality may meaningfully contribute to state’s planning and
46 other regulatory processes and promote fair treatment.

1 **Role of Local Land Use Decisions.** In all permitting, the DEQ should defer to local zoning
2 decisions prior to the issuance of any permits. Moreover, in exercising its permitting authority,
3 DEQ should recognize the possible cumulative impacts of its permitting activities.
4

5 **HAZARDOUS LIQUID AND GAS PIPELINES**

6 The Commonwealth and local governments should adopt appropriate restrictions on development
7 near liquid and gas pipelines and require liquid and gas pipeline operators to take safeguards to
8 reduce the risk of oil, gas and other pipeline product spills and leaks, particularly in
9 environmentally sensitive areas.
10

11 **BIOSOLIDS**

12 VML supports and encourages the beneficial recycle/reuse of biosolids on farms and as a crop
13 nutrient and soil amendment in accordance with federal and state handling and disposal regulation
14 and supports local authority to monitor and reasonably regulate biosolids. VML supports the
15 beneficial reuse of biosolids, to the extent that the environmental and public health scientific
16 community deems such practices safe and subject to reasonable regulation. Biosolids are an
17 important business activity for many municipal treatment facilities and VML supports their safe
18 usage and reasonable regulation of biosolids.
19

20 **URANIUM MINING**

21 Uranium mining, milling and waste disposal of generated wastes poses a threat to public health
22 and the environment.
23

24 VML supports the current moratorium on the mining and milling of uranium in the
25 Commonwealth of Virginia until studies demonstrate that it is not a threat to public health and the
26 environment. Any studies or efforts to develop a regulatory framework should address the
27 concerns, warnings, and conclusions contained in the National Academies of Sciences report to
28 the Commonwealth entitled “Uranium Mining in Virginia” and dated December
29 2011. Furthermore, the state should take no action to preempt, eliminate, or preclude local
30 government jurisdiction with respect to whether uranium mining would be allowed in the
31 respective jurisdiction.
32

33 **COAL ASH/NUCLEAR WASTE**

34 In order to ensure against accidental contamination of ground and surface waters, coal and other
35 energy production by-products, utilities with coal ash ponds, the Commonwealth should continue
36 requiring utilities to relocate coal ash deposits to a permitted disposal facility meeting Federal
37 criteria for this class of waste. Reclamation of such by-product impoundment sites must be
38 consistent with Federal mine reclamation standards. These requirements also apply to
39 impoundment sites that have been closed by capping in place or have received approval for
40 closure by capping in place. Such coal ash also, where possible, should be reclaimed for permitted
41 beneficial reuse.