

2023~~4~~ Infrastructure Policy Statement (incorporating Environmental Quality & Transportation)

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

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

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

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

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

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

Responding to continued and varied environmental challenges involves extensive local management ranging from reducing nutrient runoff, recurrent and riverine flooding hazards, changes in global recycling markets, and changing energy demands requires a strong State-Local partnership. This requires not only revenues but also necessary local authority to continue the work of meeting new challenges.

TRANSPORTATION

VML is mindful of and acknowledges the contribution of the legislation enacted in the 2013 session (HB2313), and in the 2014 session SMART SCALE (HB 2) and the 2020 session (HB1140/SB890) as important steps in addressing the transportation needs of Virginia’s localities. Future legislative and administrative initiatives should be based on these principles:

- A. **Sustainable Funding.** A stable and predictable plan which is comprehensive, which addresses investment across the state, and which does not rely upon general fund revenue.
- B. **Fiscal responsibility.** Dedicated revenues, which are activity-based, will strengthen as the economy does.
- C. **Statewide focus.** Transportation is a statewide issue, not a regional, urban, or rural issue. Every area of the state is economically hampered by insufficient infrastructure management. However, if the General Assembly chooses a funding approach that emphasizes regional efforts, then such opportunities should be made available across the Commonwealth.
- D. **Shared responsibility.** Transportation planning and authority are delegated to regional bodies where they exist and to localities and independent authorities (like the Virginia Passenger Rail Authority). These bodies prioritize and authorize individual projects within their jurisdictions, an essential element of equity which does require coordination among involved localities.
- E. **Project prioritization.** VML supports the collaborative approach taken by the Commonwealth Transportation Board to seek input from regional and local bodies to develop a statewide prioritization process to leverage the highest value of scarce resources by measuring targeted projects that expand capacity, address congestion mitigation, economic development, accessibility, safety, and environmental quality. VML recognizes the importance of having an objective, quantifiable, and consistent process that also takes the different needs of regions into consideration and recognizes the significant progress made on this issue through SMART SCALE implementation.
- F. **Infrastructure modernization.** Our transportation efforts must include a comprehensive statewide plan to provide transportation options for rail passenger and transit systems. Such plans must ensure that all Virginians — rural, suburban, and urban – are able to contribute to and benefit from statewide economic opportunities.
- G. **Congestion mitigation.** Alleviation of commuter congestion is essential to economic development to enhancing citizens’ quality of life and improving resilience to the impacts of a changing climate. Corridor-wide solutions which promote alternative modes including highways, rail, transit and non-traditional solutions still need to be developed.
- H. **Resilience.** Decisions to construct or modify transportation facilities and other infrastructure improvements must assess the benefits and costs to sea level rise, extreme weather events and disturbances inland and urban flooding as well as green-house gas emissions on air quality. Transportation funding and plans must anticipate the continued impacts of pandemics which impact how Virginians use the transportation network as well as transportation revenues.
- I. **Locally Administered Projects.** Any performance metrics tied to locally administered projects or attempt to compare local completion of locally administered projects should not diminish the ability of localities to continue to administer projects.

1 **REVENUES**

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

- 6
- 7 • Raising revenue from those who use the transportation and transit systems;
 - 8 • Identifying new revenue streams for statewide, regional, and local transportation needs while
9 preserving existing funding sources;
 - 10 • Increasing dedicated funding for public transportation to meet transit operating and capital
11 expenses and make Virginia competitive for federal transportation funds;
 - 12 • Providing or extending as a local option transportation impact fee authority to all localities;
 - 13 • Authorizing practical options for using long-term financing for major transportation projects;
 - 14 • Consistent with K-12 tax allocation loss, restore the lost transportation revenue as a result of
15 elimination of the State’s Share of the sales tax on food and hygiene products
 - 16 • Providing full and equitable road maintenance funding, between localities and VDOT
 - 17 • Providing full state funding for the revenue sharing program as provided for in § 33.2-357;
18 and
 - 19 • Seeking equity among various road users by ensuring that trucks pay their share of road
20 costs. VML also advocates for increased local influence when the state considers mitigating
21 negative impacts resulting from truck traffic.
- 22

23 Any attempt at repurposing state funds distributed to localities should allow affected localities the
24 opportunity to provide input in the legislative process at the committee level when proposals
25 directly impact annual transportation funding. VML opposes the redirection of the local share of
26 state transportation funds distributed to localities across multiple regions for transportation
27 projects in a single region.

28
29 **Pass-through of Federal Funds**

30 Localities are often successful in receiving federal funds such as special appropriations and
31 enhancement funds. These funds are passed through the state to localities and the transfer of
32 these funds is often delayed. The federal government and the state need to streamline the transfer
33 of these funds and allow localities to move forward with these projects. Additionally, localities
34 with limited experience with federal projects should be provided training to reduce administrative
35 risks.

36
37 **MULTI-MODAL TRANSPORTATION**

38 Multi-modal transportation improves the efficiency of existing infrastructure, improving safety
39 while also decreasing green-house gas vehicle emissions. To encourage the continued
40 development of multi-modal trails, paths, and infrastructure VML supports state and federal
41 funding formulas that do not penalize multi-modal infrastructure that is not constructed adjacent
42 to existing roads. Furthermore, VML welcomes additional state planning and resources to assist
43 localities as Virginia and Localities seek to improve safety for all road users

44
45 **Safety.** Given the rise in pedestrian and road fatalities VML advocates for increased state-based
46 safety action through improving multi-modal including roads safety metrics through targeted

1 funding and facilitating innovative demonstration projects such as Smart City infrastructure
2 technologies.

3
4 While the state and many localities have utilized the Vision Zero approaches to road safety
5 through aggressive casualty reduction goals, coordinated interdisciplinary actions, increased
6 priority and resources allocated towards road safety improvement, and an overarching policy
7 framework it is a good foundation. There remains a strong need to improve safety outcomes
8 further and for all modes. VML supports a strong state methodology approach to transportation
9 safety in state highway safety plans and encourages VDOT to collaborate and provide resources
10 where appropriate to reach these goals and those prioritized by models such as the Arrive Alive
11 goal Vision Zero.

12
13 **Trails.** VML supports the newly created state office of Trails and encourages the development of
14 more multi-modal transportation options, including but not limited to scooters, mopeds, and
15 electric bicycles, at both the local and regional levels. This support is conditioned on local input
16 and local rights, including regulation, on access to multi-modal facilities are recognized by the
17 state. State funding formulas should not prioritize on street pedestrian and bicycle facilities over
18 off road facilities like the Fall Line Trail.

19
20 **Pedestrians.** VML recommends that the Code of Virginia be amended to clarify the respective
21 rights and duties of pedestrians and vehicle drivers. VML appreciates efforts by the General
22 Assembly to require drivers to stop, not just yield, for pedestrians in all marked and unmarked
23 crosswalks. In addition, police need the ability to issue simpler citations than currently allowed
24 under Virginia law to enforce the laws more effectively against jay walking.

25
26 VML supports maintaining the authority of localities to design, upgrade, improve, and maintain
27 crosswalks on locally owned and maintained streets and rights of way.

28
29 **Bicycling.** VML recommends changes to the Code of Virginia updating the rights and
30 responsibilities of drivers and bicyclists in their use of public streets in order to ensure the safety
31 of all road users.

32
33 **Traffic Calming.** VML supports continued improvements to VDOT’s traffic calming program to
34 improve safety for users of public streets. Additionally, VML has supported, and continues to
35 support, expanding the availability of photo-camera traffic enforcement for all localities in the
36 context of a defined transportation safety program that includes engineering, enforcement,
37 education, and emergency response elements while respecting civil rights. VML Supports local
38 authority to deploy new and innovative technologies such as license plate reader technology on
39 locally owned rights of way. VML also supports the authority of localities to regulate towing that
40 takes place within jurisdictional boundaries.

41

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.**

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

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

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

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

34

1 **Electric Vehicles and EV Charging Stations.** Virginia expects to continue seeing growth in the
2 number of electric vehicles traveling local roads and state highways. Growth in the number of
3 electric vehicles will help reduce nitrogen oxides and other air pollutants. However, the quickly
4 growing electronic vehicle market also increases the demand for electric vehicle charging
5 stations. Virginia should continue working with the private sector to provide funds to develop a
6 statewide EV charging network and with localities to provide funding support for electric public
7 transit vehicles and other municipally owned vehicles. VML believe localities should play a role
8 in the siting, construction, and provision of electric vehicle charging stations and the necessary
9 local authority to achieve this goal as the State and Federal Government seek to expand and
10 improve electric vehicle charging networks

11
12 **Preservation of Rights of Way.** Transportation projects take many years from the planning stage
13 to construction. Localities need additional authority to reserve miles of right-of-way years in
14 advance of any funding availability for these projects, or risk development in the path of these
15 transportation projects.

16
17 **Transportation and Local Land Use Planning.** VML supports the re-initiation of the state's
18 former environmental review procedure for state highway projects. VML recognizes the potential
19 benefits of such a procedure including the benefits to transportation planning and resource
20 management.

21
22 However, any such procedure or review is incomplete if it does not evaluate the proposed impacts
23 against the state-required local comprehensive plans. VML believes that the environmental review
24 process for public roads should incorporate the local comprehensive plan and involve and take
25 into the account the views of local officials.

26
27 **Highway Beautification.** VML is discouraged that modification to the Federal Highway
28 Beautification Act has undermined local authority and continues to allow tree-cutting simply for
29 billboard visibility.

30
31 The General Assembly should enact legislation that restores local government authority to
32 remove billboards along federal highways through amortization; supports local governments'
33 ability to require non-conforming signs along federal highways to comply with size and height
34 requirements without cash payments; allows local governments to require the removal of
35 billboards in inappropriate locations, especially in rurally-designated scenic, historic, and
36 residential areas; and provides local governments with the authority by local ordinance to prohibit
37 the construction or to determine the placement of any new billboards.

38
39 VML encourages the local identification of roads with special natural, historical, scenic, or
40 cultural values and encourages local enhancement and protection of these scenic byways.

41
42 **Technical Assistance.** Smaller communities and regions require additional and enhanced
43 transportation planning and technical assistance from the state. This includes establishing
44 equitable equipment rental rates and administrative costs.

45

1 **Metropolitan Planning Organizations.** VML opposes broadening MPO voting membership to
2 include private sector representatives. VML believes that representation by public officials makes
3 MPOs accountable to citizens. VML supports inclusion of the representation of independent
4 authorities like the Virginia Passenger Rail Authority in the local MPO's in which they have
5 projects.
6

7 **PUBLIC TRANSIT**

8

9 Mass transit is critical to the state's economy and the quality of life for all Virginians. Public
10 transit includes all available multiple occupancy vehicle services and technologies designed to
11 transport passengers on local and regional routes.
12

13 VML supports:

- 14 1) increased federal and state funding for public transit;
- 15 2) policies that allow for the equitable distribution of such funding;
- 16 3) a dedicated source of funding to support public transit; and
- 17 4) state legislation to provide localities with additional taxing authority to adopt regionally-
18 based or local taxes to address transit capital needs.
19

20 VML also appreciates congressional actions taken to restore and make permanent the \$260 per
21 month parity between employer-sponsored benefits for parking and for mass transit riders. (The
22 federal tax deduction taken by employers for providing these benefits ended under the Tax Cuts
23 and Job Act enacted in December 2017.)
24

25 **Rail Transportation.** VML recommends the responsible expansion of interstate and intra-state
26 passenger and freight rail service corridors, with no requirement for local match to provide
27 transportation alternatives, and to help to stimulate economic development and tourism.
28

29 Federal agencies, State government and railroad executives must work cooperatively with local
30 officials to improve and enhance railroad maintenance, safety, traffic, emergency response and
31 conflicts (for example blockages at at-grade crossings).
32

33 The Commonwealth needs to:

- 34 • Work with railroad executives to provide greater access for passenger service (for
35 commuters and tourists).
- 36 • Strengthen funding for cost-effective, long range, energy efficient and environmentally
37 sound intercity passenger service and high-speed rail operations to complement federal
38 construction funding.
- 39 • Work with surrounding states to foster greater interstate passenger rail service and to
40 promote the development of the Northeast high-speed rail corridor, the New York to
41 Atlanta corridor and services to Western Virginia, where these systems provide
42 meaningful reduction of travel times, higher than historic reliability and needed
43 coverage to vital business districts which are in close proximity to population centers.
44

1 VML believes the state needs to work with federal agencies, independent authorities (like
2 commuter rail) and rail executives and the commuter rail system to permit commuter system
3 extension and expansion throughout the Commonwealth, as well as transportation innovations
4 that improve the long range safety and speed of service and to develop a source of funds to
5 accomplish this goal
6

7 **Virginia Passenger Rail Authority.** In recognition of the Virginia Passenger Rail Authority and
8 their role in improving and upgrading intercity passenger rail service across the commonwealth it
9 is critical that localities retain local land use control and that the authority provide opportunities
10 for localities to provide input on rail projects and improvements. It is also important to consider
11 using right of way for multi-modal transportation corridors along right of way that is acquired by
12 the Authority.
13

14 **Air Transportation.** VML wants the state and federal governments to actively work to develop
15 and sustain comprehensive air service throughout the Commonwealth, connecting it to the mid-
16 Atlantic region as well as the entire country. Additionally, VML wants the state and federal
17 government to invest in and deploy new technologies intended to improve air service and safety.
18

19 The federal government is urged to appropriate federal funds for airport infrastructure
20 improvements at authorized levels and to develop a national airport access strategy intended to
21 stimulate local economic development opportunities. Additionally, the state is urged to
22 complement federal infrastructure investments as well as expand state support for capital
23 improvements.
24

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

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

33 Concerning the deepening of channels, VML requests the state to work closely with local
34 governments regarding spoils disposal from channel deepening.
35

36 The revenues derived from Virginia's public ports are dedicated exclusively to the state. Some
37 portion should be shared with localities to account for street and road maintenance and police and
38 fire protection services directly related to the impacts of tax-exempt port properties.
39

40 VML urges a significant study of the state's water transportation system, including the expanded
41 use of barge traffic for freight transportation.
42

43 **Regional Transportation Authorities**

44

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

1
2 **Town voting membership.** VML supports town voting membership on regional transportation
3 authorities
4

5 **Protective floor gas tax.** VML thanks the General Assembly for amending Code of Virginia §
6 58.1-2295 to establish a protective floor price for the 2.1 percent regional gas tax, much as was
7 done for the statewide fuels tax in §58.1-2217. Such a floor concept is essential to provide a more
8 stable, dedicated revenue source needed for long-term financing of regional projects as well as
9 bus and commuter rail operations.
10

11 **Annual Adjustment for Inflation.** VML thanks the General Assembly for amending §58.1-2217
12 to ensure the motor fuels tax grows with the rate of inflation as measured by the U.S. Department
13 of Labor. This will ensure transportation revenues keeps up with the increasing cost of goods and
14 services.
15

16 **Environmental Quality** 17

18 Protecting natural resources and sustaining efficient environmental stewardship is an overarching
19 mission of government. Additionally, VML recognizes the importance and challenge of
20 maintaining natural resources and managing environmental services while simultaneously
21 encouraging economic growth and responsible human development in our cities, towns and
22 counties.
23

24 To achieve these ends, VML pursues these goals:
25

- 26 1. Promoting environmental quality through a coordinated, comprehensive approach that
27 addresses air and water quality, hazardous and solid waste management, energy
28 generation, conservation and use prudent land use policies natural resource conservation,
29 and environmental justice.
30
- 31 2. Attaining an equitable distribution of responsibilities among governments for resource
32 protection and environmental services and attaining sufficient financial resources from the
33 federal and state governments to implement mandates, without duplicating efforts.
34
- 35 3. Environmental resources cross jurisdictional boundaries and positive dispute resolution of
36 issues should be supported.
37
- 38 4. Pursuing the orderly and planned development of communities and conserving natural and
39 historic resources by encouraging the revitalization of environmentally impaired and older
40 communities.
41
- 42 5. Promoting cooperation and coordination among governments, citizens, institutions, and
43 organizations to achieve environmental policy goals while encouraging innovative, cost-
44 effective solutions.
45

- 1 6. Advocating budget, legislation and policy initiatives that provide sufficient resources to
2 implement the least costly and most efficient regulations.
3

4 **WATER RESOURCES, QUALITY & CONSERVATION**

5
6 **Water Quality.** Investing in water quality infrastructure is a shared State-Local partnership. The
7 Commonwealth owns our streams, rivers, and Bay; localities own most water quality
8 improvement treatment systems and related infrastructure. Sharing resources and investment
9 responsibilities leads to more cost-effective, positive outcomes in public and environmental health
10 as well as to other natural resources, economic, recreational, and tourism benefits.
11

12 The Commonwealth should recognize that the vast majority of publicly owned wastewater
13 treatment plants have been significantly upgraded, many with among the most technically
14 advanced treatment systems available. As such, the public wastewater sector has led the way in
15 reducing nutrients that pollute local ponds, streams, and rivers. The Commonwealth should
16 continue providing additional funds to the Water Quality Improvement Fund (WQIF) to ensure
17 that the Commonwealth can adequately meet its cost-share obligations for wastewater treatment
18 plant improvements. Additionally, the Commonwealth should continue funding and requiring
19 greater nutrient reductions from the agriculture sector.
20

21 Point (direct) and nonpoint (indirect) sources of pollution continue to create significant challenges
22 in protecting water quality, including wastewater treatment plant upgrades, urban and agricultural
23 stormwater runoff, and other agricultural activities.
24

25 Water resource protection is critical throughout all watersheds of Virginia. Local governments,
26 the state government, the federal government and private interests must recognize these threats
27 and implement precautions and protections that reflect their level of responsibility for preventing
28 and mitigating offensive activities, safeguarding local public and environmental health, as well as
29 maintaining the technical and economic competence to respond to and correct problems.
30

31 In particular, with federal and state governments increasingly focusing on per- and
32 polyfluoroalkyl substances (PFAS) in drinking water supplies, there will be additional regulations
33 and technology requirements, such as setting “maximum contaminant levels” (MCLs), for water
34 and wastewater treatment facilities, which will cost billions of dollars collectively to localities and
35 public service authorities in both capital investments and annual operations. Additional PFAS
36 regulations and requirements should be phased over many years. Local governments and public
37 service authorities will have to have significant federal and state financial assistance to comply
38 with additional PFAS requirements.
39

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

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

5
6 In the interest of increasing and improving the level of water quality data for impaired watersheds
7 and waterbodies in Virginia, the State should leverage and actively employ state university assets
8 (laboratories, equipment, etc.) and subject matter experts (scientists, graduate students, etc.) to
9 collaborate with local governments to gather and analyze rigorous water quality data. Such high-
10 quality data can then be used by state agencies and local governments to document the
11 effectiveness of locally specific water quality improvement plans, which are required of localities
12 with MS4 Permits, and aid the state in its duty to monitor and track the health of state waters.

13
14 Recent years have seen significant improvements in water quality throughout the Commonwealth.
15 However, without adequate funding sources and data to assist local governments and public
16 service authorities, water quality will not continue to improve. Combined sewer overflows
17 (CSOs) and sanitary sewer overflows (SSOs) are significantly expensive infrastructure
18 undertakings, often costing hundreds of millions of dollars. Local CSO and SSO improvement
19 projects are often mandated by federal and state law and regulation and require federal and state
20 financial assistance. VML supports state financial assistance to local governments and public
21 service authorities facing legislative mandates related to CSO or SSO management and
22 remediation.

23
24 VML supports dedicated and adequate state appropriations to the WQIF to make full and timely
25 payments under point source upgrade contracts with local governments. VML recognizes the need
26 for WQIF balances to meet contractual obligations to publicly owned treatment works. VML
27 recognizes much of the reductions in nutrients in the Chesapeake watershed have stemmed from
28 significant effort by POTWs. However, no single sector can achieve the necessary pollutant
29 reductions to meet the 2025 Bay commitments. Further water quality improvements stand to
30 benefit from an increased investment in Agricultural Best management Practices (BMPs).
31 Accordingly, VML supports directing funding from the WQIF for Agricultural BMPs to make
32 further progress in meeting nutrient reduction goals.

33
34 Similarly, reducing stormwater impacts is critical to improving water quality and requires
35 adequate funding and resource support through programs like the Stormwater Local Assistance
36 Fund. VML supports dedicated and ample state financial assistance to SLAF to address costs
37 associated with the permit requirements of Municipal Separate Storm Sewer Systems (MS4).

38
39 Local governments are legally obligated to ameliorate water pollution and reduce its harmful
40 effects and they are well-positioned to develop innovative, and meaningful community-based
41 solutions. VML supports the ability of localities to employ credible and efficacious, low impact
42 water pollution prevention and control measures without the additional burden of securing the
43 prior review and/or permitting of state and federal agencies.

44
45 VML supports legislation providing localities with greater authority to preserve trees and planting
46 which can reduce the heat island effect while increasing quality of life, carbon sequestration, and

1 improve air quality and create opportunities for developers and local governments to have more
2 tools for stormwater and flood mitigation.

3
4 VML supports ~~an amendment to Code of Virginia § 15.2-961 that would allow~~ allowing local
5 governments greater flexibility in the reforestation, preservation, and management of urban
6 forests.

7
8 ~~Municipalities have made extraordinary investments and progress in reducing nutrients from
9 wastewater treatment plants. Permitted waste load allocations to municipal wastewater treatment
10 plants are central to localities' ability to comply with current water quality laws and to
11 accommodate future growth and economic development. The Commonwealth should support
12 regulatory stability as to existing facilities and their allocations. The Virginia Nutrient Credit
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14 acquire allocations and/or credits with facilities owners' consent on agreed terms.
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16 abilities due to lost revenue to undertake desired or required capital improvements to water
17 quality treatment systems. Municipal utilities should not be subjected to mandates regarding basic
18 operations of the utility's business operations.~~

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22 (laboratories, equipment, etc.) and subject matter experts (scientists, graduate students, etc.) to
23 collaborate with local governments to gather and analyze rigorous water quality data. Such high-
24 quality data can then be used by state agencies and local governments to document the
25 effectiveness of locally specific water quality improvement plans, which are required of localities
26 with MS4 Permits, and aid the state in its duty to monitor and track the health of state waters.~~

27
28 **Conservation.** Overuse and indiscriminate use of water, coupled with recurring drought
29 conditions, require state and local leaders to promote water conservation to help avoid future
30 water supply problems. Local or regional comprehensive water conservation plans should urge
31 conservation through construction building material choices, grey water re-use, groundwater and
32 aquifer recharge, rainwater harvesting, native and drought tolerant landscaping, appliances (such
33 as dual flush toilets), rate structure, education, and water allocation.

34
35 **Conservation Easements.** Water authorities and similar local agencies should have the power to
36 receive conservation easements under the authority of the Conservation Easement Act.

37
38 State incentives (in-lieu of tax credits) need to be created for local governments seeking to place
39 land designated for watershed protection in conservation easements.

40
41 **Primacy.** The state should work to maintain the State Health Department's primacy role in
42 implementing the federal Safe Drinking Water Act (SDWA). Additionally, the annual funds
43 provided to VDH by municipal utilities and public service authorities to ensure VDH has
44 sufficient staffing to maintain primacy over the SDWA should not be diverted for other uses.

45

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

5
6 The Chesapeake Bay is a national treasure, and the state must work with the federal government
7 to ensure adequate financial resources are available to implement the plan for complying with
8 federal Clean Water Act. At the federal level VML supports accountability and oversight which
9 seeks to achieve greater cost-effectiveness in meeting pollution reduction targets. This will help
10 localities address the expensive costs associated with the Chesapeake Bay cleanup.

11
12 Living resources such as oysters, crabs, mussels, and underwater grasses are critical to water
13 quality. Oysters and mussels in particular have the capacity to filter sediments and reduce
14 pollutants. While reductions from sewage treatment plants and urban runoff are important to
15 restoring the Bay, it will become increasingly expensive to reduce a smaller amount of pollutants
16 from these sources resulting in a diminishing return for investment. Increasing those living
17 resources that improve water quality should be considered as an alternative to or work in
18 combination with expensive retrofits of urban areas in an attempt to reduce costs and pollutants.

19
20 The Chesapeake Bay Phase III Watershed Implementation Plan (WIP III), with its 2025 deadline,
21 is designed to bring together federal and state actions to reduce pollution in local waters and to
22 improve the health of the Bay. While VML generally supports the goals of WIP III, it also must
23 be acknowledged that it calls for often very costly improvements to locally-owned stormwater
24 and wastewater treatment systems – thus underscoring even more the need for adequate federal
25 and state financial assistance. Adequate state and federal funding is necessary to meet the 2025
26 deadline.

27
28 The Commonwealth must continue to fully fund the Water Quality Improvement Fund and
29 provide financial assistance for local government water quality improvement projects in Virginia
30 at appropriate levels designed to clean up the Bay and its tributaries. The Commonwealth would
31 defeat the spirit of community partnership if it required local governments to undertake unfunded
32 mandates for water quality improvement projects.

33
34 VML encourages assisting in the progress towards a reduced consumer waste environment by
35 invoking extended producer responsibility. We ask that producers and first importers of plastic
36 products consider having a strategy for how they will recover or dispose, without cost to
37 taxpayers, their products when consumers are done with them, as a condition of sale in a
38 municipality. This strategy should include measurable results, outcomes, and timetables for
39 achievement.

40
41 **Water Supply.** VML believes these principles governing the role of the Commonwealth must
42 guide state water supply planning:

43
44 1. The availability of a safe, adequate, and reliable water supply is essential to the public health
45 and the economic vitality of the Commonwealth and its local governments. The state should
46 participate in providing funding mechanisms for local and regional water supplies.

1
2 2. As a partner with local government in providing water supplies, the state should invest in
3 regional projects to maximize the use of infrastructure and minimize environmental impacts.

4
5 3. Maintaining and analyzing a sound surface and ground water database is an essential state
6 responsibility.

7
8 4. The state must support local water supply projects that conform to state regulations. This
9 includes taking the lead in negotiating multi-state issues.

10
11 5. VML supports adequate state environmental staffing in the areas of permitting, enforcement,
12 communications and outreach, and research and development. Funding for research and
13 development is especially important in such areas as inter-basin transfers and groundwater
14 recharge, which results in stronger technical assistance to municipal government and public
15 service authorities.

16
17 6. The State should encourage water conservation measures to promote wise use and prevent and
18 minimize waste through incentives and educational programs.

19
20 7. The Commonwealth should consider use of reclaimed water to meet non-potable needs as part
21 of its water resources to reduce the demand on high quality potable water supplies where
22 practicable and environmentally beneficial. State officials should assist local governments and
23 communities in promoting wastewater reclamation and reuse. VML supports the deployment of
24 proven, safe, innovative water reuse technologies to replenish aquifers statewide.

25
26 8. Water is essential to a healthy ecosystem. Stream flows to support beneficial in-stream uses
27 should be protected in the process of providing sufficient water to meet public drinking water
28 requirements. Local governments must continue to participate in the discussion of any water
29 resource proposals, including statewide water supply planning.

30
31 9. The Virginia Department of Health should continue working with drinking water suppliers to
32 monitor and study PFAS/PFOA compounds and their effect on public drinking water supplies.
33 The U.S. EPA should be the chief regulatory agency to establish maximum contaminant levels for
34 PFAS/PFOA. Virginia regulatory agencies should adopt U.S. EPA-established maximum
35 contaminant levels.

36
37 **ENVIRONMENTAL EMERGENCIES**

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

44
45 The General Assembly has focused more attention and dedicated more funds to address recurrent
46 flooding issues. Most recently, the General Assembly created the Virginia Community Flood

1 Preparedness Fund (VCFPF) to assist through loans or grants for flood prevention or protection
2 projects and studies localities affected by recurrent flooding, sea level rise, and flooding from
3 severe weather events. Money in the VCFPF comes from the auction of carbon allowances
4 through the Regional Greenhouse Gas Initiative (RGGI). This is a significant funding source, as
5 hundreds of millions of dollars have been allocated to communities to study, plan, and construct
6 infrastructure to alleviate recurrent flooding.

7
8 VML supports a role for local governments and regional planning efforts in identifying projects
9 eligible for administration of the VCFPF for local, regional and river basin flood mitigation
10 efforts as well as a coordinated flood mitigation, response and recovery efforts across agencies,
11 regions, and localities.

12
13 VML supports continued policy and funding to support localities contending with growing
14 stormwater and other flooding challenges. Such support includes additional flood-control studies,
15 coastal mapping, updated precipitation forecasts, and local and regional planning funds and
16 technical support.

17
18 The state should assist through the Virginia Community Flood Preparedness Fund and other
19 appropriations with paying for flood prevention and protection where localities take precautions,
20 through shoreline resiliency and land use controls, to limit the cost of flood damage restoration.
21 Localities need increased funding for state-mandated dam safety infrastructure improvements.
22 In the event of an environmental emergency, either man made or an act of God, local government
23 officials need maximum discretion to determine measures to be taken beyond those dictated by
24 the state and federal government, as well as ready access to information and assistance.

25
26 VML supports a state requirement that rail operators serve on federally mandated Local
27 Emergency Planning Committees.

28
29 **SOLID WASTE MANAGEMENT ~~Solid Waste Management.~~**

30 **Waste Diversion.** VML supports the continuation of certifying compliance with local ordinances
31 for waste management facility proposals. Solid waste management facilities should comply with
32 local ordinances.

33
34 VML endorses developing local waste-to-energy and co-generation facilities as practical
35 alternatives to landfill facilities.

36
37 VML supports efforts to ensure that waste-to-energy is consistently defined as a renewable energy
38 source in the Virginia Energy Plan and in any renewable energy standards relating to the
39 Commonwealth. Currently, the Code of Virginia defines "renewable energy" as including energy
40 derived from waste.

41
42 VML supports state financial assistance in developing programs that reduce waste entering local
43 landfills, thereby increasing their longevity. Such programs should emphasize processes that
44 reduce waste, reuse materials, and recycle refuse.

45

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

7
8 VML continues to support a local governments option to regulate the distribution, sale or offer of
9 disposable and other such single-use products, such as straws and extruded polystyrene food and
10 beverage containers. Exceptions shall continue to be made for bags and containers used for
11 garbage, medical waste, and other refuse containment. As well as for disposable plastic wraps
12 designed to ensure the safety and integrity of medical supplies and other sensitive products used
13 in public health and safety, whose purpose and distribution shall be permissible.

14
15 VML supports giving local governments authority to prohibit the use of expanded polystyrene
16 containers for food service and to regulate the use of expanded polystyrene in food service.

17
18 **Recycling.** VML supports recycling and reuse wherever possible to promote better and wiser use
19 of our resources.

20
21 VML supports the concept of a circular economy, which is an economic system aimed at
22 preventing waste and the continual use of resources. A circular economy encourages systems that
23 reuse, share, repair, refurbish, remanufacture, compost, and recycle to create a close-loop system,
24 minimizing the use of resource inputs and the creation of waste, pollution and carbon emissions.
25 A circular economy can bring about the lasting benefits of a more innovative, resilient, and
26 productive economy.

27
28 VML R~~recognizes~~ ing the need for solutions to the problem of plastics in the waste stream to
29 assist local recycling and solid waste management programs and the need for state or federal
30 action to develop scalable solutions for plastic waste products.

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

38
39 **Hazardous Waste.** Advanced technology, waste minimization, and waste exchange should be
40 used, to the extent possible, to eliminate or reduce hazardous waste.

41
42 VML recognizes the need for hazardous waste treatment and disposal facilities to provide
43 adequate capacity for wastes generated within state borders. VML encourages the Commonwealth
44 to establish, and if necessary, to operate, hazardous waste facilities appropriate for improving the
45 treatment, storage, or disposal of hazardous waste generated within Virginia.

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

3
4 The Commonwealth should address the collection of household hazardous waste by collecting it
5 or providing liability coverage for local collection programs. Consumer education and
6 discouraging reliance on household chemicals should be encouraged.

7
8 The state needs to address pharmaceuticals and associated endocrine disruptors, including
9 collection/disposition, and to encourage pharmacies to accept unused pharmaceuticals. State
10 research institutions should examine and provide policy recommendations on the impact of
11 pharmaceuticals and endocrine disruptors to water quality, agricultural products, and human
12 health.

13
14 Electrical and electronic products contain known toxic and hazardous components which must be
15 tightly control when such products are disposed (e-waste). Most such components can be safely
16 harvested and recycled or reused, reducing the environmental impacts of mining and producing
17 new components from virgin materials, such as rare earth elements, which are increasingly scarce
18 and costly to obtain.

19
20 VML supports legislative efforts to increase the reuse and recycling of all electrical and electronic
21 products, devices, and related materials, as well as economic and business development models to
22 grow the necessary skill, capability, and infrastructure within Virginia to improve the ability of
23 localities, small businesses, and citizens to recycle their e-wastes easily, conveniently, and
24 ethically.

25
26 **PARKS, OPEN SPACE, AND CULTURAL RESOURCES** ~~Parks, Open Space, and~~
27 ~~Cultural Resources.~~ **Expanding Recreational and Historic Sites.** As Virginia's population
28 grows and diversifies, and as residential and other development expand into previously
29 undeveloped areas, there is an increasing need to conserve open-space lands for scenic beauty,
30 wildlife habitat, agricultural, reduce urban heat, increase urban green space, forestry production,
31 and outdoor recreation.

32
33 VML supports state funding at no less than \$20 million annually, as required by state law, for the
34 Virginia Land Conservation Fund for local land preservation. VML also supports sufficient
35 funding for the Virginia Farmland Preservation Fund and other such programs for matching
36 grants to localities for qualifying purchase of development rights (PDR) programs.

37
38 VML supports the renewal of federal funding for parks, historical structure preservation and
39 recreational opportunities. The federal Land and Water Conservation Fund (LWCF) program
40 provides matching grants to States and local governments for the acquisition and development of
41 public outdoor recreation areas and facilities. VML encourages state officials to work with local
42 officials in combining matching dollars for LWCF grants for local and regional facilities.

43
44 **Noise Control.** State and federal governments must assume the regulatory and financial
45 responsibility of attaining satisfactory noise levels adjacent to major highways, railways, and
46 airports.

1
2 **ENERGY**

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

8
9 VML acknowledges passage of the Grid Transformation and Security Act of 2018 and its
10 emphases on grid modernization, solar and wind energy, energy efficiency and conservation,
11 weatherization programs and consumer protections. ~~VML further notes that the State Corporation~~
12 ~~Commission (SCC) and utilities will develop stakeholder groups regarding the Act's mandate that~~
13 ~~utilities invest approximately \$1 billion in energy efficiency by 2028, and VML encourages the~~
14 ~~SCC and utilities to include local government representatives in those stakeholder groups.~~

15
16 VML also acknowledges the Virginia Clean Economy Act of 2020 and its emphases on retiring
17 carbon-emitting electric generation facilities and dramatically increasing renewable energy
18 sources so that Virginia's electric grid is carbon-free by 2050. The Act also expands energy-
19 efficiency programs, increases SCC oversight of ratemaking and ratepayer protections, and moves
20 Virginia to join the Regional Greenhouse Gas Initiative (RGGI).

21
22 RGGI has provided hundreds of millions of dollars since the VCEA's passage for energy
23 efficiency projects, especially to low-income residents, and flood-control projects. RGGI funds
24 for flood-control projects have been appropriated via the Community Flood Preparedness Fund
25 (CFPF). VML continues to support a viable RGGI program. Should Virginia cease participating
26 in RGGI, then the General Assembly should replace the lost RGGI funds for energy efficiency
27 and CFPF-funded flood-control projects from other sources.

28
29 Energy conservation and efficiency should be major considerations in formulating state and local
30 energy policies and plans, as they are often the most cost effective.

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

34
35 VML supports the construction of buildings that are energy efficient, maximize natural light,
36 minimize stormwater runoff, use recycled materials, and use other environmentally sustainable
37 practices. Local governments, state agencies, and developers can obtain green building practices
38 guidance from organizations such as the U.S. Green Building Council which promulgates the
39 LEED (Leadership in Energy and Environmental Design) Green Building Certification System.

40
41 VML supports green building design and construction and encourages greater use of these
42 environmentally sound and energy efficient techniques. Ideally, all public buildings should be
43 LEED certified or its equivalent.

44
45 VML encourages the Commonwealth to institutionalize best practices by developing building
46 code standards that enhance environmental sustainability and energy efficiency and to enact

1 policies that enable local governments to promote environmental sustainability and energy
2 efficiency in construction. The Board of Housing and Community Development is to be
3 commended for adopting the latest model codes for commercial buildings. Accordingly, VML
4 supports adopting all provisions of the 2018-2021 International Energy Conservation Code for
5 residential construction.

6
7 VML recognizes that the impacts of global climate change, as it relates to ~~relative~~ sea-level rise,
8 habitat destruction and alteration, temperature increase, and variations in seasonal rainfall
9 patterns, will negatively impact our communities. State officials should provide tools to localities
10 to take inventory of greenhouse emissions and assist with greenhouse gas emission reduction
11 plans.

12
13 **Renewable Energy, Solar, & Wind Energy.** Clean energy sources should be encouraged, with
14 both long and short-range energy usage designed to maximize conservation of energy resources.

15
16 The Virginia Clean Economy Act of 2020 sets the Commonwealth on a path to be carbon-free by
17 2050. The act focuses on renewable energy generation, energy efficiency, distributed solar,
18 offshore wind, and energy storage, among other things.

19
20 Virginia should continue to allow and expand on renewable energy generation and the
21 deployment of distributed energy infrastructure for all residents, businesses, local governments
22 and utilities operating in the state. These measures will help ~~to~~ reduce energy costs to consumers
23 and increase the available supply of energy without further degradation of the environment. It is
24 important that net metering with retail compensation be retained or improved with the ability for
25 production above specific site needs. Any claims of harm to the grid as a result of distributed
26 solar should be accompanied by holistic studies which also consider the benefits of distributed
27 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 ~~5,200 MW~~ 2.6 gigawatts of offshore wind power to be in the public interest and that
44 such amount of power generation be operational by December 2034. This offshore construction
45 project will be some 27 miles off Virginia Beach's coast. As the project is planned and

1 constructed, the Commonwealth and the project’s utility owner should continue working closely
2 with coastal 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
17 **Environmental Justice ENVIRONMENTAL JUSTICE.** VML supports the fair treatment and
18 full participation of all people, regardless of race, color, national origin, faith, disability, or
19 income in the transparent development, implementation, and enforcement of environmental laws,
20 regulations, and policies.

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
2 ~~**Flooding.** Virginia is experiencing more frequent and often more extreme storm events. These~~
3 ~~more frequent and intense storm events often lead to major local flooding challenges to both~~
4 ~~natural stream channels and stormwater infrastructure. Local, recurrent flooding has become a~~
5 ~~major issue in low-lying coastal Virginia, though no region has been spared as severe~~
6 ~~precipitation events in all parts of the Commonwealth have resulted in growing stormwater-~~
7 ~~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 ~~**Chesapeake Bay.** The Chesapeake Bay provides vital economic and recreational benefits to all~~
29 ~~Virginians. The Commonwealth and federal government must assume responsibility for leading~~
30 ~~the clean-up of the Bay and work with its local governments — in addition to the neighboring~~
31 ~~states — to develop interstate as well as intrastate strategies designed to "Save the Bay."~~

32
33 ~~The Chesapeake Bay is a national treasure, and the state must work with the federal government~~
34 ~~to ensure adequate financial resources are available to implement the plan for complying with~~
35 ~~federal Clean Water Act. At the federal level VML supports accountability and oversight which~~
36 ~~seeks to achieve greater cost-effectiveness in meeting pollution reduction targets. This will help~~
37 ~~localities address the expensive costs associated with the Chesapeake Bay cleanup.~~

38
39 ~~Living resources such as oysters, crabs, mussels, and underwater grasses are critical to water~~
40 ~~quality. Oysters and mussels in particular have the capacity to filter sediments and reduce~~
41 ~~pollutants. While reductions from sewage treatment plants and urban runoff are important to~~
42 ~~restoring the Bay, it will become increasingly expensive to reduce a smaller amount of pollutants~~
43 ~~from these sources resulting in a diminishing return for investment. Increasing those living~~
44 ~~resources that improve water quality should be considered as an alternative to or work in~~
45 ~~combination with expensive retrofits of urban areas in an attempt to reduce costs and pollutants.~~

46

1 ~~The Chesapeake Bay Phase III Watershed Implementation Plan (WIP III), with its 2025 deadline,~~
2 ~~is designed to bring together federal and state actions to reduce pollution in local waters and to~~
3 ~~improve the health of the Bay. While VML generally supports the goals of WIP III, it also must~~
4 ~~be acknowledged that it calls for often very costly improvements to locally owned stormwater~~
5 ~~and wastewater treatment systems — thus underscoring even more the need for adequate federal~~
6 ~~and state financial assistance. Adequate state and federal funding is necessary to meet the 2025~~
7 ~~deadline.~~

8
9 ~~The Commonwealth must continue to fully fund the Water Quality Improvement Fund and~~
10 ~~provide financial assistance for local government water quality improvement projects in Virginia~~
11 ~~at appropriate levels designed to clean up the Bay and its tributaries. The Commonwealth would~~
12 ~~defeat the spirit of community partnership if it required local governments to undertake unfunded~~
13 ~~mandates for water quality improvement projects.~~

14
15 ~~VML encourages assisting in the progress towards a reduced consumer waste environment by~~
16 ~~invoking extended producer responsibility. We ask that producers and first importers of plastic~~
17 ~~products consider having a strategy for how they will recover or dispose, without cost to~~
18 ~~taxpayers, their products when consumers are done with them, as a condition of sale in a~~
19 ~~municipality. This strategy should include measurable results, outcomes, and timetables for~~
20 ~~achievement.~~

21
22 **Role of Local Land Use Decisions.** In all permitting, the DEQ should defer to local zoning
23 decisions prior to the issuance of any permits. Moreover, in exercising its permitting authority,
24 DEQ should recognize the possible cumulative impacts of its permitting activities.

25 26 **HAZARDOUS LIQUID AND GAS PIPELINES**

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

31 32 **BIOSOLIDS**

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

40 41 **URANIUM MINING**

42 Uranium mining, milling and waste disposal of generated wastes poses a threat to public health
43 and the environment.

44
45 VML supports the current moratorium on the mining and milling of uranium in the
46 Commonwealth of Virginia until studies demonstrate that it is not a threat to public health and the

1 environment. Any studies or efforts to develop a regulatory framework should address the
2 concerns, warnings, and conclusions contained in the National Academies of Sciences report to
3 the Commonwealth entitled “Uranium Mining in Virginia” and dated December
4 2011. Furthermore, the state should take no action to preempt, eliminate, or preclude local
5 government jurisdiction with respect to whether uranium mining would be allowed in the
6 respective jurisdiction.

7
8 **COAL ASH/NUCLEAR WASTE**

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

17