



2018 ENVIRONMENTAL QUALITY POLICY STATEMENT

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

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

- 14
15 1. Promoting environmental quality
16 through a coordinated, comprehensive
17 approach that addresses air and water
18 quality, hazardous and solid waste
19 management, protection of special lands
20 and features including biological
21 diversity, prudent land use policies,
22 noise abatement and energy use.
23
- 24 2. Attaining an equitable distribution of
25 responsibilities among governments for
26 resource protection and environmental
27 services, and attaining sufficient
28 financial resources from the federal and
29 state governments to implement
30 mandates, without duplicating efforts.
31
- 32 3. Environmental resources cross
33 jurisdictional boundaries and positive
34 dispute resolution of issues should be
35 supported.
36
- 37 4. Pursuing the orderly and planned
38 development of communities and
39 encouraging the revitalization of older
40 communities.
41

- 42 5. Promoting cooperation and coordination
43 among governments, citizens,
44 institutions, and organizations to achieve
45 these goals while encouraging
46 innovative, cost-effective solutions to
47 environmental problems.
48
- 49 6. Advocating legislation and policy
50 initiatives that provide sufficient
51 resources to implement the least costly
52 and most efficient mandates.
53

54 **WATER RESOURCES, QUALITY &** 55 **CONSERVATION**

56 **Quality**

57 Point (direct) and nonpoint (indirect)
58 sources of pollution continue to create
59 significant challenges in protecting water
60 quality: wastewater treatment plant
61 upgrades, urban and agricultural storm water
62 runoff, sedimentation, stream
63 channelization, specific agricultural
64 activities, pet wastes and use of agricultural,
65 yard, lawn care and homecare chemicals.
66 Water resource protection is critical
67 throughout all watersheds of Virginia. Local
68 governments, the state government, the
69 federal government and private interests
70 must recognize these threats and implement
71 precautions and protections that reflect their
72 level of responsibility for preventing and
73 mitigating offensive activities, safeguarding
74 local public and environmental health, as
75 well as maintaining the technical and
76 economic competence to respond to and
77 correct problems.

78
79 Additionally, the federal and state
80 governments cannot ignore the financial
81 limitations that local governments face in
82 attempting to resolve these threats. Without

1 adequate funding sources and data to assist
2 local governments, water quality will not
3 improve. Local governments managing
4 combined sewer overflows (CSOs) and
5 sanitary sewer overflows (SSOs) require
6 federal and state financial assistance.
7
8 VML supports dedicated and adequate state
9 appropriations to the Water Quality
10 Improvement Fund to make full and timely
11 payments under point source upgrade
12 contracts with local governments.
13 Additionally, VML supports dedicated and
14 ample state financial assistance to the
15 Stormwater Local Assistance Fund to
16 address costs associated with the permit
17 requirements of Municipal Separate Storm
18 Sewer Systems (MS4).
19
20 Local governments are legally obligated to
21 ameliorate water pollution and reduce its
22 harmful effects and they are well-positioned
23 to develop innovative, and meaningful
24 community- based solutions. VML supports
25 the ability of localities to employ credible
26 and efficacious, low impact water pollution
27 prevention and control measures without the
28 additional burden of securing the prior
29 review and/or permitting of state and federal
30 agencies.
31
32 Municipalities have made extraordinary
33 investments and progress in reducing
34 nutrients from wastewater treatment plants.
35 Permitted waste load allocations to
36 municipal wastewater treatment plants are
37 central to localities' ability to comply with
38 current water quality laws and to
39 accommodate future growth and economic
40 development. The Commonwealth should
41 support regulatory stability as to existing
42 facilities and their allocations. The Virginia
43 Nutrient Credit Exchange Program should
44 continue as the primary vehicle for new
45 public or private sources to acquire
46 allocations and/or credits with facilities
47 owners' consent on agreed terms.

48
49 In the interest of increasing and improving
50 the level of water quality data for impaired
51 watersheds and waterbodies in Virginia, the
52 State should leverage and actively employ
53 state university assets (laboratories,
54 equipment, etc.) and subject matter experts
55 (scientists, graduate students, etc.) to
56 collaborate with local governments to gather
57 and analyze rigorous water quality data.
58 Such high-quality data can then be used by
59 state agencies and local governments to
60 document the effectiveness of locally
61 specific water quality improvement plans,
62 which are required of localities with MS4
63 Permits, and aid the state in its duty to
64 monitor and track the health of state waters.
65

66 **Conservation**

67 Overuse and indiscriminate use of water,
68 coupled with recurring drought conditions,
69 require state and local leaders to promote
70 water conservation to help to avoid future
71 water supply problems. Local or regional
72 comprehensive water conservation plans
73 should urge conservation through
74 construction building material choices, grey
75 water re-use, rainwater harvesting, native
76 and drought tolerant landscaping, appliances
77 (such as dual flush toilets), rate structure,
78 education and water allocation.
79

80 **Conservation Easements**

81 Water authorities and similar local agencies
82 should have the power to receive
83 conservation easements under the authority
84 of the Conservation Easement Act.
85

86 The Virginia Outdoors Foundation's
87 operating costs should be fully funded.
88

89 State incentives (in-lieu of tax credits) need
90 to be created for local governments seeking
91 to place land designated for watershed
92 protection in conservation easements.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Primacy

The state should work to maintain the State Health Department's primacy role in implementing the federal Safe Drinking Water Act.

Water Supply

VML believes these principles governing the role of the Commonwealth must guide state water supply planning:

- 1. The availability of a safe, adequate and reliable water supply is essential to the public health and the economic vitality of the Commonwealth and its local governments. The state should participate in providing funding mechanisms for local and regional water supplies.
- 2. As a partner with local government in providing water supplies, the state should invest in regional projects to maximize the use of infrastructure and minimize environmental impacts.
- 3. Maintaining and analyzing a sound surface and ground water database is an essential state responsibility.
- 4. The state must take an advocacy role to support local water supply projects that conform to state regulations. This includes taking the lead in negotiating multi-state issues.
- 5. VML supports adequate state environmental staffing in the areas of research and development, including legal research into issues such as inter-basin transfers or groundwater recharge, which results in stronger technical assistance to municipal government.

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91

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

7. The Commonwealth should consider use of reclaimed water to meet non-potable needs as part of its water resources to reduce the demand on high quality potable water supplies where practicable and environmentally beneficial. State officials should assist local governments and communities in promoting wastewater reclamation and reuse.

8. Water is essential to a healthy ecosystem. Stream flows to support beneficial in-stream uses should be protected in the process of providing sufficient water to meet public drinking water requirements.

Local governments must continue to participate in the discussion of any water resource proposals, including the current statewide water supply planning process.

ENVIRONMENTAL EMERGENCIES

The state should assist with paying for flood protection where localities take precautions, through land use controls, to limit the cost of flood damage restoration.

Localities need increased funding for dam safety updates.

In the event of an environmental emergency, either man made or an act of God, local government officials need maximum discretion to determine measures to be taken beyond those dictated by the state and federal government, as well as ready access to information and assistance.

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

1
2 **SOLID WASTE MANAGEMENT**

3 VML supports the continuation of certifying
4 compliance with local ordinances for waste
5 management facility proposals.

6
7 VML endorses developing local waste-to-
8 energy and co-generation facilities as
9 practical alternatives to landfill facilities.
10 To achieve these goals, VML asks the
11 federal and state agencies, as well as the
12 Virginia General Assembly, to fund research
13 into new technologies and processes leading
14 to the development of alternative solid waste
15 management practices.

16
17 VML supports efforts to ensure that Waste
18 to Energy (WTE) is consistently defined as a
19 renewable energy source in any renewable
20 energy standards relating to the
21 Commonwealth. Currently the Code of
22 Virginia defines "renewable energy" as
23 including energy derived from waste.

24
25 VML supports state financial assistance in
26 developing programs that reduce waste
27 entering local landfills, thereby increasing
28 their longevity. Such programs should
29 emphasize processes that reduce waste,
30 reuse materials, and recycle refuse.

31
32 Plastics serve many appropriate purposes in
33 our society, yet their use in disposable
34 products has become ubiquitous and their
35 polluting effects have followed. These
36 products cost localities dearly in time and
37 expense needed to unclog storm and sanitary
38 drainage systems, damage to mowing
39 equipment, ensnarement in trees and other
40 vegetation, and more. Further, these
41 products accumulate in area waters and
42 wetlands where they harm wildlife, impair
43 outdoor recreation, and degrade into
44 compounds which are known toxins. VML
45 supports legislative approval of a local
46 government option to regulate the
47 distribution, sale or offer of disposable

48 plastic bags (see SB1103, 2015), and
49 extruded polystyrene food and beverage
50 containers. Exceptions shall be made for
51 such bags and containers used for garbage,
52 medical waste, and other refuse
53 containment, and for disposable plastic
54 wraps designed to ensure the safety and
55 integrity of medical supplies and other
56 sensitive products used in public health and
57 safety, whose purpose and distribution shall
58 be permissible.

59
60 **RECYCLING**

61 VML supports recycling and reuse wherever
62 possible to promote better and wiser use of
63 our resources.

64
65 **HAZARDOUS WASTE**

66 Advanced technology, waste minimization,
67 and waste exchange should be used, to the
68 extent possible, to eliminate or reduce
69 hazardous waste.

70
71 VML recognizes the need for hazardous
72 waste treatment and disposal facilities to
73 provide adequate capacity for wastes
74 generated within state borders. VML
75 encourages the Commonwealth to establish,
76 and if necessary, to operate, hazardous waste
77 facilities appropriate for improving the
78 treatment, storage, or disposal of hazardous
79 waste generated within Virginia.

80
81 Adequate state and federal funding should
82 be provided for cleaning up abandoned and
83 hazardous waste sites. Expedient clean-up
84 of sites is essential.

85
86 The Commonwealth should address the
87 collection of household hazardous waste by
88 collecting it or providing liability coverage
89 for local collection programs. Consumer
90 education and discouraging reliance on
91 household chemicals should be encouraged.

92
93 The state needs to address pharmaceuticals
94 and associated endocrine disruptors,

1 including collection/disposition, and to
2 encourage pharmacies to accept unused
3 pharmaceuticals. State research institutions
4 should examine and provide policy
5 recommendations on the impact of
6 pharmaceuticals and endocrine disruptors to
7 water quality, agricultural products, and
8 human health.

9
10 Electrical and electronic products contain
11 known toxic and hazardous components
12 which must be tightly control when such
13 products are disposed (e-waste). Most such
14 components can be safely harvested and
15 recycled or reused, reducing the
16 environmental impacts of mining and
17 producing new components from virgin
18 materials, such as rare earth elements, which
19 are increasingly scarce and costly to obtain.
20 VML supports legislative efforts to increase
21 the reuse and recycling of all electrical and
22 electronic products, devices and related
23 materials, as well as economic and business
24 development models to grow the necessary
25 skill, capability and infrastructure within
26 Virginia to improve the ability of localities,
27 small businesses and citizens to easily,
28 conveniently and ethically recycle their e-
29 wastes.

31 **PARKS, OPEN SPACE AND** 32 **CULTURAL RESOURCES**

33 VML supports the renewal of federal
34 funding for parks, historical structure
35 preservation and recreational opportunities.
36 The federal Land and Water Conservation
37 Fund (LWCF) program provides matching
38 grants to States and local governments for
39 the acquisition and development of public
40 outdoor recreation areas and facilities. VML
41 encourages state officials to work with local
42 officials in combining matching dollars for
43 LWCF grants for local and regional
44 facilities. VML also supports additional state
45 funding for local land preservation through
46 Virginia Land Conservation Foundation
47 (VLCF) grants and matching grants to

48 localities for qualifying purchase of
49 development rights (PDR) programs

50

51 **NOISE CONTROL**

52 State and federal governments must assume
53 the regulatory and financial responsibility of
54 attaining satisfactory noise levels adjacent to
55 major highways, railways and airports

56

57 **ENERGY CONSERVATION, GREEN** 58 **BUILDING & CLIMATE CHANGE**

59 The state should maintain an overall state
60 energy plan that includes provisions for
61 increasing resilience relative to energy
62 emergencies. Regulations and emergency
63 orders should include alternatives that
64 consider the economic impact on political
65 subdivisions that border neighboring states.

66

67 Conservation should be a major
68 consideration in formulating state and local
69 energy policies and plans as it usually is the
70 most efficient.

71

72 VML supports state assistance to help local
73 governments, businesses and residents
74 obtain energy audits. VML also supports
75 state tax incentives for (1) energy efficiency;
76 and (2) homeowners using renewable
77 energy, including solar, geothermal, wind
78 and others.

79

80 VML supports the construction of buildings
81 that are energy efficient, maximize natural
82 light, minimize stormwater runoff, use
83 recycled materials and use other
84 environmentally sustainable practices.
85 Local governments, state agencies, and
86 developers can obtain green building
87 practices guidance from organizations such
88 as the U.S. Green Building Council which
89 promulgates the LEED (Leadership in
90 Energy and Environmental Design) Green
91 Building Certification System.

92

93 VML applauds the efforts of the Virginia
94 Department of Conservation and Recreation,

1 the Virginia Department of Housing and
2 Community Development, the Department
3 of Environmental Quality and others to
4 implement green building design and
5 construction, and encourages greater use of
6 these environmentally sound and energy
7 efficient techniques. Ideally, all public
8 buildings should be LEED, or the
9 equivalent, certified.
10 VML encourages the Commonwealth to
11 institutionalize best practices by developing
12 building code standards that enhance
13 environmental sustainability and energy
14 efficiency and to enact policies that enable
15 local governments to promote environmental
16 sustainability and energy efficiency in
17 construction. The Board of Housing and
18 Community Development is to be
19 commended for adopting the latest model
20 codes for commercial buildings.
21 Accordingly, VML supports adopting all
22 provisions of the 2015 International Energy
23 Conservation Code for residential
24 construction.

25
26 VML recognizes that the impacts of global
27 climate change, as it relates to relative sea-
28 level rise, habitat destruction and alteration,
29 temperature increase, and variations in
30 seasonal rainfall patterns, has the potential
31 to negatively impact our communities. State
32 officials should provide tools to localities to
33 take inventory of greenhouse emissions
34 output and assist with greenhouse gas
35 emission reduction plans. Additionally, the
36 Commonwealth should participate in
37 regional collaborations to reduce greenhouse
38 gas emissions.

39 40 **SOLAR & CLEAN ENERGY USE**

41 Clean energy sources should be encouraged,
42 with both long and short-range energy usage
43 designed to maximize conservation of
44 energy resources.

45
46 Virginia should continue to allow and
47 expand on renewable energy generation and

48 the deployment of distributed energy
49 infrastructure for all residents, businesses,
50 and utilities operating in the state. These
51 measures will help to reduce energy costs to
52 consumers and increase the available supply
53 of energy without further degradation of the
54 environment. It is important that net
55 metering with retail compensation be
56 retained or improved with the ability for
57 production above specific site needs. Any
58 claims of harm to the grid as a result of
59 distributed solar should be accompanied by
60 holistic studies which also consider the
61 benefits of distributed solar.

62
63 VML supports efforts to protect current net
64 metering compensation and to allow for
65 system capacity purchased to reflect future
66 needs. The current limitations on non-utility
67 scale photo voltaic generation system size
68 should be examined for removal of
69 restrictions. Further, individual plans to add
70 electric vehicle recharging cannot be
71 accommodated within the current approach.
72 VML requests provisions for true
73 community solar to be allowed to gain a
74 broader set of customers for solar energy,
75 including third-party owned community
76 solar.

77
78 VML supports the creation of an
79 independent office of the consumer advocate
80 within the state government to actively
81 participate in the siting of gas, liquid and
82 electric transmission lines.

83 84 **CHESAPEAKE BAY**

85 The Chesapeake Bay provides vital
86 economic and recreational benefits to all
87 Virginians. The Commonwealth and federal
88 government must assume responsibility for
89 leading the clean-up of the Bay and work
90 with its local governments -- in addition to
91 the neighboring states -- to develop
92 interstate as well as intrastate strategies
93 designed to "Save the Bay." The
94 Chesapeake Bay is a national treasure, and

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

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

29
30 The Commonwealth must continue to share
31 in the funding of local government water
32 quality improvement projects in Virginia at
33 appropriate levels designed to clean up the
34 Bay. The Commonwealth would defeat the
35 spirit of community partnership if it required
36 local governments to undertake unfunded
37 mandates designed to remove the
38 Chesapeake Bay from the EPA's impaired
39 waters list.

40
41 **HIGHWAY BEAUTIFICATION**
42 VML is discouraged that modification to the
43 Federal Highway Beautification Act has
44 undermined local authority and continues to
45 allow tree-cutting simply for billboard
46 visibility. The General Assembly should
47 enact legislation that restores local

48 government authority to remove billboards
49 along federal highways through
50 amortization; supports local governments'
51 ability to require non-conforming signs
52 along federal highways to comply with size
53 and height requirements without cash
54 payments; allows local governments to
55 require the removal of billboards in
56 inappropriate locations, especially in rurally-
57 designated scenic, historic, and residential
58 areas; and provides local governments with
59 the authority by local ordinance to prohibit
60 the construction or to determine the
61 placement of any new billboards.
62 VML encourages the local identification of
63 roads with special natural, historical, scenic,
64 or cultural values and encourages local
65 enhancement and protection of these scenic
66 byways.

67
68 VML encourages assisting in the progress
69 towards a reduced consumer waste
70 environment by invoking extended producer
71 responsibility. We ask that producers and
72 first importers of plastic products consider
73 having a strategy for how they will recover
74 or dispose, without cost to taxpayers, their
75 products when consumers are done with
76 them, as a condition of sale in a
77 municipality. This strategy should include
78 measurable results, outcomes and timetables
79 for achievement.

80
81 **TRANSPORTATION AND LOCAL**
82 **LAND USE PLANNING**
83 VML supports the re-initiation of the state's
84 former environmental review procedure for
85 state highway projects. VML recognizes the
86 potential benefits of such a procedure
87 including the benefits to transportation
88 planning and resource management.

89
90 However, any such procedure and/or review
91 is incomplete if it does not evaluate the
92 proposed impacts against the state-required
93 local comprehensive plans. VML believes
94 that the environmental review process for

1 public roads should incorporate the local
2 comprehensive plan and involve and take
3 into the account the views of local officials.

4
5 In all permitting, the DEQ should defer to
6 local zoning decisions prior to the issuance
7 of any permits. Moreover, in exercising its
8 permitting authority, DEQ should recognize
9 the possible cumulative impacts of its
10 permitting activities.

11 12 **HAZARDOUS LIQUID AND GAS** 13 **PIPELINES**

14 The Commonwealth and local governments
15 should adopt appropriate restrictions on
16 development near liquid and gas pipelines
17 and require liquid and gas pipeline operators
18 to take safeguards to reduce the risk of oil
19 and other pipeline product spills and leaks,
20 particularly in environmentally sensitive
21 areas.

22 23 **BIOSOLIDS**

24 VML supports and encourages the beneficial
25 recycle/reuse of biosolids on farms and as a
26 crop nutrient and soil amendment in
27 accordance with federal and state handling
28 and disposal regulations, and supports local
29 authority to monitor and reasonably regulate
30 biosolids. VML supports full compliance
31 with all applicable federal, state and local
32 requirements regarding production at the
33 wastewater treatment facility, and
34 management, transportation, storage and use
35 of biosolids away from the facility. This
36 includes good housekeeping practices for
37 biosolids production, processing, transport
38 and storage, and during final use or disposal
39 operations.

40 41 **URANIUM MINING**

42 Uranium mining, milling and waste disposal
43 of generated wastes poses health and
44 environmental problems for Virginians.
45 VML supports studies that evaluate the
46 impacts of radiation and other pollutants
47 from mill tailings on (1) downstream water

48 supplies; and (2) the health and safety of
49 uranium miners.

50
51 VML supports the current moratorium on
52 the mining and milling of uranium in the
53 Commonwealth of Virginia until studies
54 demonstrate that it is safe for the
55 environment and health of citizens. Any
56 studies or efforts to develop a regulatory
57 framework should address the concerns,
58 warnings, and conclusions contained in the
59 National Academies of Sciences report to
60 the Commonwealth entitled “Uranium
61 Mining in Virginia” and dated December
62 2011. Furthermore, the state should take no
63 action to preempt, eliminate, or preclude
64 local government jurisdiction with respect to
65 whether uranium mining would be allowed
66 in the respective jurisdiction.

67 68 **HYDRAULIC FRACTURING**

69 The process of hydraulic fracturing raises
70 concerns about the potential pollution of
71 groundwater, the depletion of water supplies
72 and an increase in seismic activity in
73 previously benign or inactive zones. The
74 consequences potentially are costly,
75 irreversible and devastating to local
76 communities. VML supports a state
77 regulatory program that addresses these
78 concerns while protecting the authority of
79 local governments to regulate this type of
80 mining activity along with ancillary
81 activities through its land use ordinances.

82 83 **COAL ASH/NUCLEAR WASTE**

84 In order to ensure against accidental
85 contamination of ground and surface waters,
86 coal and other energy production by-
87 products should be required to be removed
88 to a permitted disposal facility meeting
89 Federal criteria for this class of
90 waste. Reclamation of such by-product
91 impoundment sites must be consistent with
92 Federal mine reclamation standards. These
93 requirements also apply to impoundment
94 sites that have been closed by capping in

1 place or have received approval for closure
2 by capping in place. VML applauds the
3 Dominion Energy initiative to study all of its
4 coal ash ponds in order to identify the ones
5 with the highest risk. VML requests that
6 Dominion provide a detailed plan to address
7 the highest risk sites.