2019 ENVIRONMENTAL QUALITY POLICY STATEMENT

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

To achieve these ends, VML pursues these goals:

1. Promoting environmental quality through a coordinated, comprehensive approach that addresses air and water quality, hazardous and solid waste management, energy conservation and use, protection of special lands and features including biological diversity**,** prudent land use policies, and noise abatement.

2. Attaining an equitable distribution of responsibilities among governments for resource protection and environmental services and attaining sufficient financial resources from the federal and state governments to implement mandates, without duplicating efforts.

3. Environmental resources cross jurisdictional boundaries and positive dispute resolution of issues should be supported.

4. Pursuing the orderly and planned development of communities and encouraging the revitalization of older communities.

5. Promoting cooperation and coordination among governments, citizens, institutions, and organizations to achieve these goals while encouraging innovative, cost-effective solutions to environmental problems.

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

WATER RESOURCES, QUALITY & CONSERVATION

Quality

Point (direct) and nonpoint (indirect) sources of pollution continue to create significant challenges in protecting water quality: wastewater treatment plant upgrades, urban and agricultural storm water runoff, sedimentation, stream channelization, specific agricultural activities, pet wastes and use of agricultural, yard, lawn care and homecare chemicals.

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

Recent years have seen significant improvements in water quality throughout the Commonwealth. However, without adequate funding sources and data to assist local governments and public service authorities, water quality will not continue to improve. Combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs) are significantly expensive infrastructure undertakings, often costing

hundreds of millions of dollars. Local CSO and SSO improvement projects require federal and state financial assistance. VML supports state financial assistance to local governments and public service authorities facing legislative mandates related to CSO or SSO management and remediation.

VML supports dedicated and adequate state appropriations to the Water Quality Improvement Fund to make full and timely payments under point source upgrade contracts with local governments. Additionally, VML supports dedicated and ample state financial assistance to the Stormwater Local Assistance Fund to address costs associated with the permit requirements of Municipal Separate Storm Sewer Systems (MS4).

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

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

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

Conservation

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

Conservation Easements

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

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

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

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.

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.

Beyond conservation measures, VML supports the deployment of proven, safe, innovative water reuse technologies to replenish aquifers statewide.

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 state-mandated dam safety infrastructure improvements.

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.

SOLID WASTE MANAGEMENT

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

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

VML supports efforts to ensure that Waste to Energy (WTE) is consistently defined as a renewable energy source in the Virginia Energy Plan and in any renewable energy standards relating to the Commonwealth. Currently the Code of Virginia defines "renewable energy" as including energy derived from waste.

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

Plastics serve many appropriate purposes in our society, yet their use in disposable products – especially in single-use products – has become ubiquitous and their polluting effects have followed. These products cost localities dearly in time and expense needed to unclog storm and sanitary drainage systems, damage to mowing equipment, ensnarement in trees and other vegetation, and more. Further, these products accumulate in area waters and wetlands where they harm wildlife, impair outdoor recreation, and degrade into compounds which are known toxins. VML supports legislative approval of a local government option to regulate the distribution, sale or offer of disposable plastic bags and other such single-use products, such as straws and extruded polystyrene food and beverage containers. Exceptions shall be made for such bags and containers used for garbage, medical waste, and other refuse containment, and for disposable plastic wraps designed to ensure the safety and integrity of medical supplies and other sensitive products used in public health and safety, whose purpose and distribution shall be permissible.

RECYCLING

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

HAZARDOUS WASTE

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

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

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

The Commonwealth should address the collection of household hazardous waste by collecting it or providing liability coverage for local collection programs. Consumer education and discouraging reliance on household chemicals should be encouraged. The state needs to address pharmaceuticals and associated endocrine disruptors, including collection/disposition, and to encourage pharmacies to accept unused pharmaceuticals. State research institutions should examine and provide policy recommendations on the impact of pharmaceuticals and endocrine disruptors to

water quality, agricultural products, and human health.

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

PARKS, OPEN SPACE AND CULTURAL RESOURCES

VML supports the renewal of federal funding for parks, historical structure preservation and recreational opportunities. The federal Land and Water Conservation Fund (LWCF) program provides matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities. VML encourages state officials to work with local officials in combining matching dollars for LWCF grants for local and regional facilities. VML also supports additional state funding for local land preservation through Virginia Land Conservation Foundation (VLCF) grants and matching grants to localities for qualifying purchase of development rights (PDR) programs

NOISE CONTROL

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

ENERGY CONSERVATION, GREEN BUILDING & CLIMATE CHANGE

The state should maintain an overall state energy plan that includes provisions for conventional and renewable energy; support for research and development into energy efficiency, conservation and renewable energy technologies; alternative fuels and advanced vehicle technologies; energy infrastructure; and increasing resilience relative to energy emergencies.

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

Regulations and emergency orders should include alternatives that consider the economic impact on political subdivisions that border neighboring states.

Energy conservation and efficiency should be major considerations in formulating state and local energy policies and plans, as they are often the most cost effective.
VML supports state assistance to help local governments, businesses and residents obtain energy audits. VML also supports state tax incentives for (1) energy efficiency; and (2) homeowners using renewable energy, including solar, geothermal, wind and others.

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

VML supports the efforts of the Virginia Department of Conservation and Recreation, the Virginia Department of Housing and Community Development, the Department of Environmental Quality and others to implement green building design and construction and encourages greater use of these environmentally sound and energy efficient techniques. Ideally, all public buildings should be LEED, or the equivalent, certified.

VML encourages the Commonwealth to institutionalize best practices by developing building code standards that enhance environmental sustainability and energy efficiency and to enact policies that enable local governments to promote environmental sustainability and energy efficiency in construction. The Board of Housing and Community Development is to be commended for adopting the latest model codes for commercial buildings. Accordingly, VML supports adopting all provisions of the 2018 International Energy Conservation Code for residential construction.

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

SOLAR & CLEAN ENERGY USE

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

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

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

VML supports the creation of an independent office of the consumer advocate within the state government to actively

participate in the siting of gas, liquid and electric transmission lines.

CHESAPEAKE BAY

The Chesapeake Bay provides vital economic and recreational benefits to all Virginians. The Commonwealth and federal government must assume responsibility for leading the clean-up of the Bay and work with its local governments -- in addition to the neighboring states -- to develop interstate as well as intrastate strategies designed to "Save the Bay." The Chesapeake Bay is a national treasure, and the state must work with the federal government to ensure adequate financial resources are available to implement the plan for complying with federal Clean Water Act. At the federal level VML supports accountability and oversight which seeks to achieve greater cost-effectiveness in meeting pollution reduction targets. This will help localities address the expensive costs associated with the Chesapeake Bay cleanup.

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

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

HIGHWAY BEAUTIFICATION

VML is discouraged that modification to the Federal Highway Beautification Act has undermined local authority and continues to allow tree-cutting simply for billboard visibility. The General Assembly should enact legislation that restores local government authority to remove billboards along federal highways through amortization; supports local governments' ability to require non-conforming signs along federal highways to comply with size and height requirements without cash payments; allows local governments to require the removal of billboards in inappropriate locations, especially in rurally-designated scenic, historic, and residential areas; and provides local governments with the authority by local ordinance to prohibit the construction or to determine the placement of any new billboards.

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

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

measurable results, outcomes and timetables for achievement.

TRANSPORTATION AND LOCAL LAND USE PLANNING

VML supports the re-initiation of the state's former environmental review procedure for state highway projects. VML recognizes the potential benefits of such a procedure including the benefits to transportation planning and resource management.

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

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

HAZARDOUS LIQUID AND GAS PIPELINES

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

BIOSOLIDS

VML supports and encourages the beneficial recycle/reuse of biosolids on farms and as a crop nutrient and soil amendment in accordance with federal and state handling and disposal regulation and supports local authority to monitor and reasonably regulate biosolids. VML supports full compliance with all applicable federal, state and local requirements regarding production at the wastewater treatment facility, and management, transportation, storage and use of biosolids away from the facility. This includes good housekeeping practices for biosolids production, processing, transport and storage, and during final use or disposal operations.

URANIUM MINING

Uranium mining, milling and waste disposal of generated wastes poses health and environmental problems for Virginians. VML supports studies that evaluate the impacts of radiation and other pollutants from mill tailings on (1) downstream water supplies; and (2) the health and safety of uranium miners.

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

HYDRAULIC FRACTURING

The process of hydraulic fracturing raises concerns about the potential pollution of groundwater, the depletion of water supplies and an increase in seismic activity in previously benign or inactive zones. The consequences potentially are costly, irreversible and devastating to local communities. VML supports a state regulatory program that addresses these

concerns while protecting the authority of local governments to regulate this type of mining activity along with ancillary activities through its land use ordinances.

COAL ASH/NUCLEAR WASTE

In order to ensure against accidental contamination of ground and surface waters, coal and other energy production by-products should be required to be removed to a permitted disposal facility meeting Federal criteria for this class of waste. Reclamation of such by-product impoundment sites must be consistent with Federal mine reclamation standards. These requirements also apply to impoundment sites that have been closed by capping in place or have received approval for closure by capping in place. VML recognizes the Dominion Energy initiative to study all of its coal ash ponds in order to identify the ones with the highest risk. VML requests that Dominion provide a detailed plan to address the highest risk sites.

Environmental Quality Appendix A

REMOVING BARRIERS TO DISTRIBUTED SOLAR – TARGETED ISSUES FOR CONSIDERATION

The Grid Transformation and Security Act approved by the 2018 General Assembly authorizes and encourages many clean power production activities, but Virginia law still restricts the ability of local governments, businesses, and others from installing solar facilities for their own use. VML supports efforts to remove barriers and allow for stronger markets for distributed solar to create savings for taxpayers, meet local sustainability goals, and support economic development.

Policy and legislative initiatives to provide additional opportunities to install solar could increase the security and resilience of the electricity grid by supporting distributed renewable energy projects with the potential to supply electric energy to critical facilities during a widespread power outage.

Specific issues for consideration include:

- Lifting the one percent cap on the total amount of solar that can be net metered in a utility territory to five percent;
- Allowing local government entities to install solar facilities of up to five MW on government-owned property and to use the electricity for schools or other government-owned buildings located nearby, if not contiguous to the solar facility;
- Clarifying that third-party financing using power purchase agreements (PPAs) is legal statewide for all customer classes and remove the 50 MW cap;
- Allowing all customers to attribute output from a single solar array to multiple meters on the same or adjacent property of the same customer;
- Allowing the owner of a multi-family residential rental building to install a solar facility on the building or surrounding property and sell the electricity to tenants;
- Removing the restriction on customers installing a net-metered solar facility larger than required to meet their previous 12 months' demand and allow 150 percent production;
- Raising the size cap for net metered non-residential solar facilities from one MW to two MW; and
- Remove or adjust standby and other grid access charges on residential facilities sized between 10-20 kW.