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## **2022 DRAFT ENVIRONMENTAL QUALITY POLICY STATEMENT**

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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  
10 development in our cities, towns and  
11 counties.

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

- 15  
16 1. Promoting environmental quality  
17 through a coordinated, comprehensive  
18 approach that addresses air and water  
19 quality, hazardous and solid waste  
20 management, energy conservation and  
21 use, protection of special lands and  
22 features including biological diversity,  
23 prudent land use policies, and noise  
24 abatement.  
25
- 26 2. Attaining an equitable distribution of  
27 responsibilities among governments for  
28 resource protection and environmental  
29 services and attaining sufficient  
30 financial resources from the federal and  
31 state governments to implement  
32 mandates, without duplicating efforts.  
33
- 34 3. Environmental resources cross  
35 jurisdictional boundaries and positive  
36 dispute resolution of issues should be  
37 supported.  
38
- 39 4. Pursuing the orderly and planned  
40 development of communities and  
41 conserving natural and historic  
42 resources by encouraging the  
43 revitalization of older communities.  
44

- 45 5. Promoting cooperation and  
46 coordination among governments,  
47 citizens, institutions, and organizations  
48 to achieve these goals while  
49 encouraging innovative, cost-effective  
50 solutions to environmental problems.  
51
- 52 6. Advocating budget, legislation and  
53 policy initiatives that provide sufficient  
54 resources to implement the least costly  
55 and most efficient regulations.  
56

### **57 WATER RESOURCES, QUALITY & 58 CONSERVATION**

#### **59 Quality**

60 Investing in water quality infrastructure is a  
61 shared State-Local partnership. The  
62 Commonwealth owns our streams, rivers,  
63 and Bay; localities own most water quality  
64 improvement treatment systems and related  
65 infrastructure. Sharing resources and  
66 investment responsibilities leads to more  
67 cost-effective, positive outcomes in public  
68 and environmental health as well as to  
69 other natural resources, recreational, and  
70 tourism benefits.

71  
72 Point (direct) and nonpoint (indirect)  
73 sources of pollution continue to create  
74 significant challenges in protecting water  
75 quality: wastewater treatment plant  
76 upgrades, urban and agricultural storm  
77 water runoff, sedimentation, stream  
78 channelization, specific agricultural  
79 activities, pet wastes and use of  
80 agricultural, yard, lawn care and homecare  
81 chemicals.  
82

83 Water resource protection is critical  
84 throughout all watersheds of Virginia.  
85 Local governments, the state government,  
86 the federal government and private interests  
87 must recognize these threats and implement  
88 precautions and protections that reflect  
89 their level of responsibility for preventing

1 and mitigating offensive activities,  
2 safeguarding local public and  
3 environmental health, as well as  
4 maintaining the technical and economic  
5 competence to respond to and correct  
6 problems.  
7  
8 Recent years have seen significant  
9 improvements in water quality throughout  
10 the Commonwealth. However, without  
11 adequate funding sources and data to assist  
12 local governments and public service  
13 authorities, water quality will not continue  
14 to improve. Combined sewer overflows  
15 (CSOs) and sanitary sewer overflows  
16 (SSOs) are significantly expensive  
17 infrastructure undertakings, often costing  
18 hundreds of millions of dollars. Local CSO  
19 and SSO improvement projects are often  
20 mandated by federal and state law and  
21 regulation and require federal and state  
22 financial assistance. VML supports state  
23 financial assistance to local governments  
24 and public service authorities facing  
25 legislative mandates related to CSO or SSO  
26 management and remediation.  
27  
28 VML supports dedicated and adequate state  
29 appropriations to the Water Quality  
30 Improvement Fund to make full and timely  
31 payments under point source upgrade  
32 contracts with local governments.  
33 Additionally, VML supports dedicated and  
34 ample state financial assistance to the  
35 Stormwater Local Assistance Fund to  
36 address costs associated with the permit  
37 requirements of Municipal Separate Storm  
38 Sewer Systems (MS4).  
39  
40 Local governments are legally obligated to  
41 ameliorate water pollution and reduce its  
42 harmful effects and they are well-  
43 positioned to develop innovative, and  
44 meaningful community- based solutions.  
45 VML supports the ability of localities to  
46 employ credible and efficacious, low  
47 impact water pollution prevention and

48 control measures without the additional  
49 burden of securing the prior review and/or  
50 permitting of state and federal agencies.  
51  
52 VML supports legislation providing  
53 localities with greater authority to preserve  
54 trees and planting which can reduce the  
55 heat island effect while increasing quality  
56 of life, carbon sequestration, and improve  
57 air quality and create opportunities for  
58 developers and local governments to have  
59 more tools for stormwater and flood  
60 mitigation.  
61  
62 VML supports an amendment to Code of  
63 Virginia § 15.2-961 that would allow local  
64 governments greater flexibility in the  
65 reforestation, preservation, and  
66 management of urban forests.  
67  
68 Municipalities have made extraordinary  
69 investments and progress in reducing  
70 nutrients from wastewater treatment plants.  
71 Permitted waste load allocations to  
72 municipal wastewater treatment plants are  
73 central to localities' ability to comply with  
74 current water quality laws and to  
75 accommodate future growth and economic  
76 development. The Commonwealth should  
77 support regulatory stability as to existing  
78 facilities and their allocations. The  
79 Virginia Nutrient Credit Exchange Program  
80 should continue as the primary vehicle for  
81 new public or private sources to acquire  
82 allocations and/or credits with facilities  
83 owners' consent on agreed terms.  
84  
85 Additionally, when in an era of  
86 extraordinary state or national emergencies  
87 or other circumstances that result in long-  
88 term high unemployment, employee  
89 furloughs, and reduced wages, thus  
90 resulting in many ratepayers' difficulty in  
91 paying monthly water and wastewater bills,  
92 the state should be cognizant of municipal  
93 utilities' and public service authorities'  
94 reduced abilities due to lost revenue to

1 undertake desired or required capital  
2 improvements to water quality treatment  
3 systems.  
4  
5 In the interest of increasing and improving  
6 the level of water quality data for impaired  
7 watersheds and waterbodies in Virginia, the  
8 State should leverage and actively employ  
9 state university assets (laboratories,  
10 equipment, etc.) and subject matter experts  
11 (scientists, graduate students, etc.) to  
12 collaborate with local governments to  
13 gather and analyze rigorous water quality  
14 data. Such high-quality data can then be  
15 used by state agencies and local  
16 governments to document the effectiveness  
17 of locally specific water quality  
18 improvement plans, which are required of  
19 localities with MS4 Permits, and aid the  
20 state in its duty to monitor and track the  
21 health of state waters.  
22  
23 To make implementation of the existing  
24 sales tax exemption more efficient and  
25 effective for localities and for the  
26 Department of Environmental Quality,  
27 VML supports an amendment to Code of  
28 Virginia §58.1-3660 enabling political  
29 subdivisions to self-certify equipment,  
30 facilities, devices, or other property  
31 intended for their own use in conjunction  
32 with the operation of their water,  
33 wastewater, stormwater, or solid waste  
34 management facilities or systems.  
35  
36 **Conservation**  
37 Overuse and indiscriminate use of water,  
38 coupled with recurring drought conditions,  
39 require state and local leaders to promote  
40 water conservation to help avoid future  
41 water supply problems. Local or regional  
42 comprehensive water conservation plans  
43 should urge conservation through  
44 construction building material choices, grey  
45 water re-use, groundwater and aquifer  
46 recharge, rainwater harvesting, native and  
47 drought tolerant landscaping, appliances

48 (such as dual flush toilets), rate structure,  
49 education, and water allocation.  
50  
51 **Conservation Easements**  
52 Water authorities and similar local agencies  
53 should have the power to receive  
54 conservation easements under the authority  
55 of the Conservation Easement Act.  
56  
57 The Virginia Outdoors Foundation’s  
58 operating costs should be fully funded.  
59  
60 State incentives (in-lieu of tax credits) need  
61 to be created for local governments seeking  
62 to place land designated for watershed  
63 protection in conservation easements.  
64  
65 **Primacy**  
66 The state should work to maintain the State  
67 Health Department's primacy role in  
68 implementing the federal Safe Drinking  
69 Water Act (SDWA). Additionally, the  
70 annual funds provided to VDH by  
71 municipal utilities and public service  
72 authorities to ensure VDH has sufficient  
73 staffing to maintain primacy over the  
74 SDWA should not be diverted for other  
75 uses.  
76  
77 **Water Supply**  
78 VML believes these principles governing  
79 the role of the Commonwealth must guide  
80 state water supply planning:  
81  
82 1. The availability of a safe, adequate, and  
83 reliable water supply is essential to the  
84 public health and the economic vitality of  
85 the Commonwealth and its local  
86 governments. The state should participate  
87 in providing funding mechanisms for local  
88 and regional water supplies.  
89  
90 2. As a partner with local government in  
91 providing water supplies, the state should  
92 invest in regional projects to maximize the  
93 use of infrastructure and minimize  
94 environmental impacts.3. Maintaining and

1 analyzing a sound surface and ground water  
2 database is an essential state responsibility.  
3  
4 4. The state must take an advocacy role to  
5 support local water supply projects that  
6 conform to state regulations. This includes  
7 taking the lead in negotiating multi-state  
8 issues.  
9  
10 5. VML supports adequate state  
11 environmental staffing in the areas of  
12 permitting, enforcement, communications  
13 and outreach, and research and  
14 development. VML believes that research  
15 funding is especially important in such  
16 areas as inter-basin transfers and  
17 groundwater recharge, which results in  
18 stronger technical assistance to municipal  
19 government and public service authorities.  
20  
21 6. The State should encourage water  
22 conservation measures to promote wise use  
23 and prevent and minimize waste through  
24 incentives and educational programs.  
25  
26 7. The Commonwealth should consider use  
27 of reclaimed water to meet non-potable  
28 needs as part of its water resources to  
29 reduce the demand on high quality potable  
30 water supplies where practicable and  
31 environmentally beneficial. State officials  
32 should assist local governments and  
33 communities in promoting wastewater  
34 reclamation and reuse.  
35  
36 VML supports the deployment of proven,  
37 safe, innovative water reuse technologies to  
38 replenish aquifers statewide.  
39  
40 8. Water is essential to a healthy  
41 ecosystem. Stream flows to support  
42 beneficial in-stream uses should be  
43 protected in the process of providing  
44 sufficient water to meet public drinking  
45 water requirements.  
46

47 Local governments must continue to  
48 participate in the discussion of any water  
49 resource proposals, including the current  
50 statewide water supply planning process.  
51

52 9. The development of maximum  
53 contaminant levels for PFAS by the  
54 Virginia Department of Health in lieu of  
55 U.S. EPA should comply with the  
56 requirements applicable to the development  
57 of and be at least as protective as such  
58 levels by U.S. EPA in accordance with the  
59 Safe Drinking Water Act.

## 60 **ENVIRONMENTAL EMERGENCIES**

61  
62  
63 The state should assist through the Virginia  
64 Community Flood Preparedness Fund and  
65 other appropriations with paying for flood  
66 prevention and protection where localities  
67 take precautions, through shoreline  
68 resiliency and land use controls, to limit the  
69 cost of flood damage restoration.  
70

71 Localities need increased funding for state-  
72 mandated dam safety infrastructure  
73 improvements.  
74

75 In the event of an environmental  
76 emergency, either man made or an act of  
77 God, local government officials need  
78 maximum discretion to determine measures  
79 to be taken beyond those dictated by the  
80 state and federal government, as well as  
81 ready access to information and assistance.  
82

83 VML supports a state requirement that rail  
84 operators serve on federally mandated  
85 Local Emergency Planning Committees.  
86

## 87 **SOLID WASTE MANAGEMENT**

88 VML supports the continuation of  
89 certifying compliance with local ordinances  
90 for waste management facility proposals.  
91

1 VML endorses developing local waste-to-  
2 energy and co-generation facilities as  
3 practical alternatives to landfill facilities.  
4  
5 VML supports efforts to ensure that Waste  
6 to Energy (WTE) is consistently defined as  
7 a renewable energy source in the Virginia  
8 Energy Plan and in any renewable energy  
9 standards relating to the Commonwealth.  
10 Currently the Code of Virginia defines  
11 "renewable energy" as including energy  
12 derived from waste.  
13  
14 VML supports state financial assistance in  
15 developing programs that reduce waste  
16 entering local landfills, thereby increasing  
17 their longevity. Such programs should  
18 emphasize processes that reduce waste,  
19 reuse materials, and recycle refuse.  
20  
21 Plastics serve many appropriate purposes in  
22 our society, yet their use in disposable  
23 products – especially in single-use products  
24 – has become ubiquitous and their polluting  
25 effects have followed. These products cost  
26 localities dearly in time and expense  
27 needed to unclog storm and sanitary  
28 drainage systems, damage to mowing  
29 equipment, ensnarement in trees and other  
30 vegetation, and more. Further, these  
31 products accumulate in area waters and  
32 wetlands where they harm wildlife, impair  
33 outdoor recreation, and degrade into  
34 compounds which are known toxins. VML  
35 continues to support a local governments  
36 option to regulate the distribution, sale or  
37 offer of disposable and other such single-  
38 use products, such as straws and extruded  
39 polystyrene food and beverage containers.  
40 Exceptions shall continue to be made for  
41 bags and containers used for garbage,  
42 medical waste, and other refuse  
43 containment. As well as for disposable  
44 plastic wraps designed to ensure the safety  
45 and integrity of medical supplies and other  
46 sensitive products used in public health and

47 safety, whose purpose and distribution shall  
48 be permissible.

49  
50 VML acknowledges the actions of the  
51 General Assembly during the 2021 Regular  
52 Session (HB1902 Del. Carr) to prohibit the  
53 use of expanded polystyrene containers for  
54 food service and support the expanded  
55 authority of localities to regulate the use of  
56 expanded polystyrene in food service.

## 57 58 **RECYCLING**

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

62  
63 In recent years, the global recycling market  
64 has contracted, especially for plastics. As a  
65 result, municipal solid waste landfills are  
66 now receiving significant additional  
67 volume of plastics and other materials that  
68 for decades had been diverted to recycling  
69 markets. The additional volume not only  
70 wastes reusable materials but shortens the  
71 life of landfills. VML supports the General  
72 Assembly directing a study of the  
73 contracted global recycling market, the  
74 effects and costs this has had on municipal  
75 landfills, to consider policies, such as bottle  
76 deposits, and other possible solutions to  
77 minimize those effects with the goals of  
78 maximizing recycling to the extent possible  
79 and thus helping extend the life of landfills.

80  
81 VML supports the concept of a circular  
82 economy, which is an economic system  
83 aimed at preventing waste and the continual  
84 use of resources. A circular economy  
85 encourages systems that reuse, share,  
86 repair, refurbish, remanufacture, compost,  
87 and recycle to create a close-loop system,  
88 minimizing the use of resource inputs and  
89 the creation of waste, pollution and carbon  
90 emissions. A circular economy can bring  
91 about the lasting benefits of a more  
92 innovative, resilient, and productive  
93 economy.

1 **HAZARDOUS WASTE**  
2 Advanced technology, waste minimization,  
3 and waste exchange should be used, to the  
4 extent possible, to eliminate or reduce  
5 hazardous waste.  
6  
7 VML recognizes the need for hazardous  
8 waste treatment and disposal facilities to  
9 provide adequate capacity for wastes  
10 generated within state borders. VML  
11 encourages the Commonwealth to  
12 establish, and if necessary, to operate,  
13 hazardous waste facilities appropriate for  
14 improving the treatment, storage, or  
15 disposal of hazardous waste generated  
16 within Virginia.  
17  
18 Adequate State and federal funding should  
19 be provided for cleaning up abandoned and  
20 hazardous waste sites. Expedient clean-up  
21 of sites is essential.  
22  
23 The Commonwealth should address the  
24 collection of household hazardous waste by  
25 collecting it or providing liability coverage  
26 for local collection programs. Consumer  
27 education and discouraging reliance on  
28 household chemicals should be encouraged.  
29 The state needs to address pharmaceuticals  
30 and associated endocrine disruptors,  
31 including collection/disposition, and to  
32 encourage pharmacies to accept unused  
33 pharmaceuticals. State research institutions  
34 should examine and provide policy  
35 recommendations on the impact of  
36 pharmaceuticals and endocrine disruptors  
37 to water quality, agricultural products, and  
38 human health.  
39  
40 Electrical and electronic products contain  
41 known toxic and hazardous components  
42 which must be tightly control when such  
43 products are disposed (e-waste). Most such  
44 components can be safely harvested and  
45 recycled or reused, reducing the  
46 environmental impacts of mining and  
47 producing new components from virgin

48 materials, such as rare earth elements,  
49 which are increasingly scarce and costly to  
50 obtain. VML supports legislative efforts to  
51 increase the reuse and recycling of all  
52 electrical and electronic products, devices  
53 and related materials, as well as economic  
54 and business development models to grow  
55 the necessary skill, capability and  
56 infrastructure within Virginia to improve  
57 the ability of localities, small businesses  
58 and citizens to easily, conveniently and  
59 ethically recycle their e-wastes.  
60

## 61 **PARKS, OPEN SPACE AND** 62 **CULTURAL RESOURCES**

63 As Virginia's population grows and  
64 diversifies, and as residential and other  
65 development expand into previously  
66 undeveloped areas, there is an increasing  
67 need to conserve open-space lands for  
68 scenic beauty, wildlife habitat, agricultural  
69 and forestry production, and outdoor  
70 recreation.

71  
72 VML supports state funding at no less than  
73 \$20 million annually, as required by state  
74 law, for the Virginia Land Conservation  
75 Fund for local land preservation . VML  
76 also supports sufficient funding for the  
77 Virginia Farmland Preservation Fund and  
78 other such programs for matching grants to  
79 localities for qualifying purchase of  
80 development rights (PDR) programs.  
81 VML supports the renewal of federal  
82 funding for parks, historical structure  
83 preservation and recreational opportunities.  
84 The federal Land and Water Conservation  
85 Fund (LWCF) program provides matching  
86 grants to States and local governments for  
87 the acquisition and development of public  
88 outdoor recreation areas and facilities.  
89 VML encourages state officials to work  
90 with local officials in combining matching  
91 dollars for LWCF grants for local and  
92 regional facilities.  
93

1 **NOISE CONTROL**

2 State and federal governments must assume  
3 the regulatory and financial responsibility  
4 of attaining satisfactory noise levels  
5 adjacent to major highways, railways, and  
6 airports.

7  
8 **ELECTRIC VEHICLES AND EV**  
9 **CHARGING STATIONS**

10 Virginia expects to continue seeing growth  
11 in the number of electric vehicles traveling  
12 local roads and state highways. Growth in  
13 the number of electric vehicles will help  
14 reduce nitrogen oxides and other air  
15 pollutants. However, the quickly growing  
16 electronic vehicle market also increases the  
17 demand for electric vehicle charging  
18 stations. Virginia should continue working  
19 with the private sector to provide funds to  
20 develop a statewide EV charging network  
21 and with localities to provide funding  
22 support for electric public transit vehicles  
23 and other municipally-owned vehicles.

24  
25 **ENERGY CONSERVATION, GREEN**  
26 **BUILDING & CLIMATE CHANGE**

27 The state should maintain an overall state  
28 energy plan that includes provisions for  
29 conventional and renewable energy;  
30 support for research and development into  
31 energy efficiency, conservation, and  
32 renewable energy technologies; alternative  
33 fuels and advanced vehicle technologies;  
34 energy infrastructure; and increasing  
35 resilience relative to energy emergencies.

36  
37 VML acknowledges passage of the Grid  
38 Transformation and Security Act of 2018  
39 and its emphases on grid modernization,  
40 solar and wind energy, energy efficiency  
41 and conservation, weatherization programs  
42 and consumer protections. VML further  
43 notes that the State Corporation  
44 Commission (SCC) and utilities will  
45 develop stakeholder groups regarding the  
46 Act's mandate that utilities invest  
47 approximately \$1 billion in energy

48 efficiency by 2028, and VML encourages  
49 the SCC and utilities to include local  
50 government representatives in those  
51 stakeholder groups.

52  
53 VML also acknowledges the Virginia  
54 Clean Economy Act of 2020 and its  
55 emphases on retiring carbon-emitting  
56 electric generation facilities and  
57 dramatically increasing renewable energy  
58 sources so that Virginia's electric grid is  
59 carbon-free by 2050. The Act also expands  
60 energy-efficiency programs, increases SCC  
61 oversight of ratemaking and ratepayer  
62 protections, and moves Virginia to join the  
63 Regional Greenhouse Gas Initiative  
64 (RGGI).

65  
66 Energy conservation and efficiency should  
67 be major considerations in formulating  
68 state and local energy policies and plans, as  
69 they are often the most cost effective.  
70 VML supports state assistance to help local  
71 governments, businesses and residents  
72 obtain energy audits. VML also supports  
73 state tax incentives for (1) energy  
74 efficiency; and (2) homeowners using  
75 renewable energy, including solar,  
76 geothermal, wind and others.

77  
78 VML supports the construction of buildings  
79 that are energy efficient, maximize natural  
80 light, minimize stormwater runoff, use  
81 recycled materials and use other  
82 environmentally sustainable practices.  
83 Local governments, state agencies, and  
84 developers can obtain green building  
85 practices guidance from organizations such  
86 as the U.S. Green Building Council which  
87 promulgates the LEED (Leadership in  
88 Energy and Environmental Design) Green  
89 Building Certification System.

90  
91 VML supports the efforts of the Virginia  
92 Department of Conservation and  
93 Recreation, the Virginia Department of  
94 Housing and Community Development, the

1 Department of Environmental Quality and  
2 others to implement green building design  
3 and construction and encourages greater  
4 use of these environmentally sound and  
5 energy efficient techniques. Ideally, all  
6 public buildings should be LEED certified  
7 or its equivalent.  
8  
9 VML encourages the Commonwealth to  
10 institutionalize best practices by developing  
11 building code standards that enhance  
12 environmental sustainability and energy  
13 efficiency and to enact policies that enable  
14 local governments to promote  
15 environmental sustainability and energy  
16 efficiency in construction. The Board of  
17 Housing and Community Development is  
18 to be commended for adopting the latest  
19 model codes for commercial buildings.  
20 Accordingly, VML supports adopting all  
21 provisions of the 2018 International Energy  
22 Conservation Code for residential  
23 construction.  
24  
25 VML recognizes that the impacts of global  
26 climate change, as it relates to relative sea-  
27 level rise, habitat destruction and alteration,  
28 temperature increase, and variations in  
29 seasonal rainfall patterns, has the potential  
30 to negatively impact our communities.  
31 State officials should provide tools to  
32 localities to take inventory of greenhouse  
33 emissions output and assist with  
34 greenhouse gas emission reduction plans.  
35 Additionally, the Commonwealth should  
36 participate in regional collaborations to  
37 reduce greenhouse gas emissions.  
38  
39 **RENEWABLE ENERGY, SOLAR, &**  
40 **WIND ENERGY**  
41 Clean energy sources should be  
42 encouraged, with both long and short-range  
43 energy usage designed to maximize  
44 conservation of energy resources.  
45  
46 The Virginia Clean Economy Act of 2020  
47 sets the Commonwealth on a path to be

48 carbon-free by 2050. The act focuses on  
49 renewable energy generation, energy  
50 efficiency, distributed solar, offshore wind,  
51 and energy storage, among other things.  
52  
53 Virginia should continue to allow and  
54 expand on renewable energy generation  
55 and the deployment of distributed energy  
56 infrastructure for all residents, businesses,  
57 local governments and utilities operating in  
58 the state. These measures will help to  
59 reduce energy costs to consumers and  
60 increase the available supply of energy  
61 without further degradation of the  
62 environment. It is important that net  
63 metering with retail compensation be  
64 retained or improved with the ability for  
65 production above specific site needs. Any  
66 claims of harm to the grid as a result of  
67 distributed solar should be accompanied by  
68 holistic studies which also consider the  
69 benefits of distributed solar.  
70  
71 Virginia’s utility-scale solar and shared  
72 solar markets will dramatically expand in  
73 the years ahead to meet clean-energy  
74 mandates. Expansion of utility-scale solar  
75 will impact tens of thousands of acres.  
76 Shared solar will be smaller in scale, but  
77 also will impact thousands of acres. Solar  
78 developers should continue working  
79 cooperatively with local governments on  
80 project siting, zoning, revenue-sharing, and  
81 other matters as the renewable energy  
82 market expands.  
83  
84 Additionally, onshore wind projects are  
85 expected to appear in Virginia’s higher  
86 elevations. Such projects are necessarily  
87 large-scale and may visually impact scenic  
88 landscapes and avian wildlife. Onshore  
89 wind developers necessarily must work  
90 early in the project development process  
91 with local governments on siting, zoning,  
92 visual impact, revenue and taxation, and  
93 other issues.  
94



1 Virginia is poised to host the nation’s  
2 largest offshore wind power project. The  
3 General Assembly has declared 5,200 MW  
4 of offshore wind power to be in the public  
5 interest and that such amount of power  
6 generation be operational by December  
7 2034. This offshore construction project  
8 will be some 27 miles off Virginia Beach’s  
9 coast. As the project is constructed, the  
10 Commonwealth and the project’s utility  
11 owner should continue working closely  
12 with coastal communities who may be  
13 impacted by and benefit from it.

14  
15 Additionally, the General Assembly and the  
16 State Corporation Commission should  
17 continue monitoring potential impacts to  
18 ratepayers, especially to ensure that low-  
19 income Virginians are not  
20 disproportionately impacted by any rate  
21 increases.

22  
23 VML supports efforts to protect current net  
24 metering compensation and to allow for  
25 increased system capacity purchased to  
26 reflect future needs. The current limitations  
27 on non-utility scale photo voltaic  
28 generation system size should be examined  
29 for removal of restrictions. VML requests  
30 provisions for true community solar to be  
31 allowed to gain a broader set of customers  
32 for solar energy, including third-party  
33 owned and financed community solar.  
34 VML supports the creation of an  
35 independent office of the consumer  
36 advocate within the state government to  
37 actively participate in the siting of gas,  
38 liquid, and electric transmission lines.

#### 39 40 **ENVIRONMENTAL JUSTICE**

41 VML supports the fair treatment and full  
42 participation of all people, regardless of  
43 race, color, national origin, faith, disability,  
44 or income in the transparent development,  
45 implementation, and enforcement of  
46 environmental laws, regulations, and  
47 policies.

48 It is recognized that communities of color  
49 and low-income communities have often  
50 been disproportionately negatively  
51 impacted by development of environmental  
52 policies and programs and in the siting of  
53 major public and private infrastructure  
54 projects and other developments. These  
55 communities are generally referred to as  
56 environmental justice communities and are  
57 often found to have seen a lack of  
58 investment resulting in less tree  
59 canopy, and inconsistent access to locally  
60 produced and sourced food in particular  
61 which has had a significant impact on  
62 community health, welfare, and  
63 sustainability. Environmental justice  
64 communities often have unique  
65 environmental and historic challenges as a  
66 result of disinvestment.

67  
68 Local governments have principal authority  
69 over local land use. Local governments also  
70 have specific and important insights on  
71 proposed environmental policies and  
72 programs and on development’s  
73 environmental, social, cultural, and  
74 economic impact.

75  
76 VML believes localities can and should  
77 play a more collaborative role in the  
78 development of state environmental  
79 policies and programs and in determining  
80 infrastructure site suitability. Local  
81 governments have a clear interest in  
82 protecting their local vulnerable  
83 communities from disproportionate  
84 environmental and health impacts.  
85 Environmental justice considerations are  
86 especially important when it comes to state  
87 regulatory processes for permitting major  
88 proposed public infrastructure or private  
89 infrastructure that is to have public benefit.  
90 Examples of such infrastructure include  
91 transportation facilities, electric generation  
92 and transmission facilities, solid waste  
93 facilities, and pipelines. As the state  
94 through its environmental regulatory boards

1 and agencies increases its focus on  
2 environmental justice matters – especially  
3 on infrastructure siting and permitting  
4 matters – it is imperative that the state  
5 collaborate with local governments,  
6 especially in a project’s pre-planning and  
7 planning stages. In such early  
8 collaboration, it is important that the state  
9 ensure the locality has all relevant  
10 information and other subject resources so  
11 that the locality may meaningfully  
12 contribute to state’s planning and other  
13 regulatory processes and promote fair  
14 treatment.

15

### 16 **FLOODING**

17 Virginia is experiencing more frequent and  
18 often more extreme storm events. These  
19 more frequent and intense storm events  
20 often lead to major local flooding  
21 challenges to both natural stream channels  
22 and stormwater infrastructure. Local,  
23 recurrent flooding has become a major  
24 issue in low-lying coastal Virginia, though  
25 no region has been spared as severe  
26 precipitation events in all parts of the  
27 Commonwealth have resulted in growing  
28 stormwater-control costs.

29

30 The General Assembly has focused more  
31 attention and dedicated more funds to  
32 address recurrent flooding issues. Most  
33 recently, the General Assembly created the  
34 Virginia Community Preparedness Fund to  
35 assist through loans or grants for flood  
36 prevention or protection projects and  
37 studies localities affected by recurrent  
38 flooding, sea level rise, and flooding from  
39 severe weather events. VML supports a  
40 role for local governments and regional  
41 planning efforts in identifying projects  
42 eligible for administration of Virginia  
43 Community Preparedness Funds for local,  
44 regional and river basin flood mitigation  
45 efforts as well as a coordinated flood  
46 mitigation, response and recovery efforts  
47 across agencies, regions, and localities.

48 VML supports continued policy and  
49 funding to support localities contending  
50 with growing stormwater and other  
51 flooding challenges. Such support includes  
52 additional flood-control studies, coastal  
53 mapping, updated precipitation forecasts,  
54 and local and regional planning funds and  
55 technical support.

56

### 57 **CHESAPEAKE BAY**

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

79

80 Living resources such as oysters, crabs,  
81 mussels, and underwater grasses are critical  
82 to water quality. Oysters and mussels in  
83 particular have the capacity to filter  
84 sediments and reduce pollutants. While  
85 reductions from sewage treatment plants  
86 and urban runoff are important to restoring  
87 the Bay, it will become increasingly  
88 expensive to reduce a smaller amount of  
89 pollutants from these sources resulting in a  
90 diminishing return for investment.  
91 Increasing those living resources that  
92 improve water quality should be considered  
93 as an alternative to or work in combination

1 with expensive retrofits of urban areas in an  
2 attempt to reduce costs and pollutants.

3  
4 The Chesapeake Bay Phase III Watershed  
5 Implementation Plan (WIP III), with its  
6 2025 deadline, is designed to bring together  
7 federal and state actions to reduce pollution  
8 in local waters and to improve the health of  
9 the Bay. While VML generally supports the  
10 goals of WIP III, it also must be  
11 acknowledged that it calls for often very  
12 costly improvements to locally-owned  
13 stormwater and wastewater treatment  
14 systems – thus underscoring even more the  
15 need for adequate federal and state  
16 financial assistance.

17  
18 The Commonwealth must continue to fully  
19 fund the Water Quality Improvement Fund  
20 and provide financial assistance for local  
21 government water quality improvement  
22 projects in Virginia at appropriate levels  
23 designed to clean up the Bay and its  
24 tributaries. The Commonwealth would  
25 defeat the spirit of community partnership  
26 if it required local governments to  
27 undertake unfunded mandates for water  
28 quality improvement projects.

### 29 **HIGHWAY BEAUTIFICATION**

30 VML is discouraged that modification to  
31 the Federal Highway Beautification Act has  
32 undermined local authority and continues  
33 to allow tree-cutting simply for billboard  
34 visibility. The General Assembly should  
35 enact legislation that restores local  
36 government authority to remove billboards  
37 along federal highways through  
38 amortization; supports local governments'  
39 ability to require non-conforming signs  
40 along federal highways to comply with size  
41 and height requirements without cash  
42 payments; allows local governments to  
43 require the removal of billboards in  
44 inappropriate locations, especially in  
45 rurally-designated scenic, historic, and  
46 residential areas; and provides local

47 governments with the authority by local  
48 ordinance to prohibit the construction or to  
49 determine the placement of any new  
50 billboards.

51  
52  
53 VML encourages the local identification of  
54 roads with special natural, historical,  
55 scenic, or cultural values and encourages  
56 local enhancement and protection of these  
57 scenic byways.

58  
59 VML encourages assisting in the progress  
60 towards a reduced consumer waste  
61 environment by invoking extended  
62 producer responsibility. We ask that  
63 producers and first importers of plastic  
64 products consider having a strategy for how  
65 they will recover or dispose, without cost to  
66 taxpayers, their products when consumers  
67 are done with them, as a condition of sale  
68 in a municipality. This strategy should  
69 include measurable results, outcomes, and  
70 timetables for achievement.

### 71 **TRANSPORTATION AND LOCAL 72 LAND USE PLANNING**

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

79  
80  
81 However, any such procedure or review is  
82 incomplete if it does not evaluate the  
83 proposed impacts against the state-required  
84 local comprehensive plans. VML believes  
85 that the environmental review process for  
86 public roads should incorporate the local  
87 comprehensive plan and involve and take  
88 into the account the views of local officials.

89  
90 In all permitting, the DEQ should defer to  
91 local zoning decisions prior to the issuance  
92 of any permits. Moreover, in exercising its  
93 permitting authority, DEQ should

1 recognize the possible cumulative impacts  
2 of its permitting activities.

3  
4 **HAZARDOUS LIQUID AND GAS**  
5 **PIPELINES**

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

14  
15 **BIOSOLIDS**

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

33  
34 **URANIUM MINING**

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

43  
44 VML supports the current moratorium on  
45 the mining and milling of uranium in the  
46 Commonwealth of Virginia until studies  
47 demonstrate that it is safe for the

48 environment and health of citizens. Any  
49 studies or efforts to develop a regulatory  
50 framework should address the concerns,  
51 warnings, and conclusions contained in the  
52 National Academies of Sciences report to  
53 the Commonwealth entitled “Uranium  
54 Mining in Virginia” and dated December  
55 2011. Furthermore, the state should take  
56 no action to preempt, eliminate, or preclude  
57 local government jurisdiction with respect  
58 to whether uranium mining would be  
59 allowed in the respective jurisdiction.

60  
61 **HYDRAULIC FRACTURING**

62 The process of hydraulic fracturing raises  
63 concerns about the potential pollution of  
64 groundwater, the depletion of water  
65 supplies and an increase in seismic activity  
66 in previously benign or inactive zones. The  
67 consequences potentially are costly,  
68 irreversible, and devastating to local  
69 communities. VML supports the state’s  
70 prohibition on hydraulic fracturing in  
71 groundwater management areas.

72  
73 **COAL ASH/NUCLEAR WASTE**

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