

ENVIRONMENT AND ENERGY CONSERVATION COMMISSION

c/o Department of Environmental Services

2100 Clarendon Blvd., Suite 705

Arlington, VA 22201

August 3, 2015

The Honorable Mary Hynes, Chairman  
Arlington County Board  
2100 Clarendon Blvd., Suite 300  
Arlington, VA 22201

Re: Arlington's Legislative Priorities for 2016 (Energy and Environmental)

Dear Ms. Hynes:

The Environment and Energy Conservation Commission (E2C2) welcomes this opportunity to respond to the questions raised in your letter of May 1, 2015. Our responses are provided below:

**Question 1: If the Governor and the Legislature could take 1-3 actions that would affect the work of your group, what would most benefit Arlington?** The Environmental Protection Agency's Clean Power Plan (CPP) is the nation's first effort to deal with carbon pollution. The CPP gives new momentum to the transition underway in the electric sector away from coal and towards clean energy like efficiency, wind and solar. It is expected to be finalized sometime later in 2015 and the proposed due date for states to submit compliance plans to EPA is summer 2016. *The Governor and Legislature should work with Arlington County to include features in Virginia's compliance plan that will benefit Arlington's economy and the environment.* There will be opportunities to steer jobs in energy efficiency and renewables (particularly solar) to Arlington, clean and diversify energy supplies to Arlington, mitigate GHG emissions from Arlington, and maximize overlap between VA Compliance Plan and Arlington County's Community Energy Plan goals.

**Question 2: Given the state budget cuts over the last eight years, what are the most important to restore? Are there any areas of the budget that should be expanded? Are there any areas where funding could be cut?** For Arlington, storm water management constitutes a very expensive undertaking, with costs estimated in its Stormwater Master Plan to range from \$50 to \$150 million. Arlington should work with neighboring jurisdictions to ensure that state appropriations to the Water Quality Improvement Fund and the Stormwater Local Assistance Fund are increased to help localities comply with increasingly stringent federal and state water quality standards.

**Question 3: From your involvement in Arlington and the Commonwealth, what legislation do you anticipate in 2016 that might affect Arlington positively or negatively? In other words, is there anything we should anticipate and develop a strategy to address?** Legislation proposed in the last session (Virginia Coastal Protection Act) would have required the Governor to join the Regional Greenhouse Gas Initiative that established a regional carbon dioxide electric power sector cap and trade program. At the same time, it would have established the Commonwealth Resilience Fund, a revolving fund to serve as a consistent stream of revenue to assist counties, cities and towns in southwest Virginia address sea level rise and recurrent flooding. If enacted, the law would both cut greenhouse gas emissions and generate revenue to address the effects of climate change. Although legislation did not pass in 2015, it is expected to be reintroduced in the 2016 legislation session. E2C2 recommends that Arlington develop a strategy to support this legislation.

**Question 4: Among businesses, other local governments, or interest groups, who would be our natural allies, if any, in our community and around the Commonwealth on any of these issues?** On regional issues, our allies would likely be such groups as the Metropolitan Washington Council of Governments, members of which would likely support legislation protecting the Chesapeake Bay. On specific issues, groups such as the Washington Area Bicyclist Association (bicycle safety proposals), the Virginia Association of Soil and Water Conservation Districts (stormwater), the Sierra Club (endangered species and general environmental), and The Nature Conservancy (land conservation) would likely be natural allies.

**Question 5: Is there anything else that you would like to suggest to help us best develop our 2016 legislative priorities?** Yes, E2C2's areas of interest are numerous and we offer the detailed list below to help develop 2016 legislative priorities. E2C2 supports legislation that promotes a sustainable Arlington and addresses environmental issues most affecting urban jurisdictions such as ours: energy conservation; storm water management; land conservation; invasive species; multi-modal transportation; and recycling. We recognize that recommendations set forth below may prove unattainable because of resource limitations, political opposition, and/or technical matters.

- A. **Energy & Climate Legislation:** Arlington should continue its efforts to reduce the County's greenhouse gas emissions, reduce demand for energy, and increase use of energy from renewable sources. Global warming represents one of today's most significant environmental threats facing the Commonwealth today and E2C2 would support legislation that acknowledges the threat and takes action to mitigate it.
- a. Support state compliance with the EPA Clean Power Plan – Refer to our answer to Question 1 above for details.
  - b. Join the Regional Greenhouse Gas Initiative: Refer to our answer to Question 3 above for details.
  - c. Expand the use of power purchase agreements (PPAs). PPAs have been instrumental in other jurisdictions in allowing third-party investors to install and own renewable energy systems on commercial, institutional and government property. In Arlington, this applies most directly to solar power generation. We recommend that Arlington monitor legislative initiatives in this area and support those proposals that remove all barriers to third-party PPAs to promote competition across the Commonwealth.
  - d. Implement a Mandatory Virginia-Wide Renewable Energy Portfolio Standard (RPS): Although most states — including Virginia's neighboring states — have adopted mandatory RPSs, Virginia is among the few states with voluntary goals. The Commonwealth has set an RPS goal to generate 15% of the state's electricity from renewable sources by 2025, one of the least ambitious goals in the nation. E2C2 supports a mandatory RPS with more ambitious goals for renewable energy.
  - e. Promote Energy Efficiency: E2C2 encourages additional state legislation requiring more aggressive energy efficiency targets and enforcement of regulations such that energy reduction goals are mandatory rather than voluntary. Since the inception of ACEEE's State Energy Efficiency Scorecard in 2006, Virginia has ranked in the bottom 20 states every year, and this year scored 0 out of 20 possible points in the utility and public benefits programs and policies area. Expansion of energy efficiency and demand response programs, particularly through more diverse offerings for large commercial and industrial customers without opt-out provisions and exemptions, can unleash opportunities for job growth in the energy sector while reducing impact on the grid. We would also support an extension of sales tax holidays for purchases of energy- and water-efficiency appliances (EnergyStar and WaterWise products), which are set to expire in July 2017.

- f. Direct State Agencies to apply climate data to long-term planning. E2C2 would support legislation directing state agencies involved in long-term infrastructure development and approvals to include climate data in planning and assessing infrastructure need.
  - g. Require Commonwealth and local planning and zoning commissions to consider climate data in coastal zone and floodplain zoning. E2C2 would support legislation requiring Commonwealth and local planning and zoning commissions to consider climate data in all coastal zone and floodplain management and in infrastructure and land-based, maritime, and air transportation developments and assessment.
- B. Stormwater:** One of the most difficult (and costly) environmental challenges facing Arlington over the short-term is storm water management. Arlington’s Stormwater Master Plan (2014) sets forth an ambitious program of monitoring, stream restoration, stormwater retro-fits, and a host of other projects designed to achieve compliance with increasingly stringent federal and state water quality laws. Arlington’s recent Total Daily Maximum Load Action Plan demonstrates that Arlington has made significant progress toward achieving compliance with targets for nutrient and sediment reductions. Nevertheless, the Stormwater Master Plan also acknowledged that “an even greater challenge emerging for local governments are state and federal requirements to address water quality impairments in local streams — caused primarily by the volume and rate of stormwater runoff generated in our watersheds.” The Plan noted further that “in Virginia there is currently no legal authority granted by the General Assembly for local governments to regulate runoff volume directly,” although other neighboring jurisdictions had established necessary regulations. The absence of such authority is particularly troubling for redevelopment projects. Stormwater runoff volume is a key cause of stream erosion and redevelopment projects typically result in increases to impervious cover and runoff volume — severely testing storm water management facilities. For these reasons, we recommend that Arlington support legislation that seeks an express exemption from Dillon Rule limitations for localities’ authority to regulate storm water volumes released from lands.
- C. Land Conservation:** Arlington is a small jurisdiction with very limited natural green space. We would recommend, therefore, the enactment of laws that promote land conservation efforts, including increased funding of the Virginia Land Preservation Tax Credit to encourage preservation of private land for public use. The preservation of such land in Arlington, although likely of limited acreage, can help to enhance storm water management and reduce nutrient and sediment pollution in the Chesapeake Bay.
- D. Invasive Species:** One of the most pressing environmental problems facing local governments today is the need to protect parks and green space from invasive species. In Arlington, where green space is particularly scarce and prized, this problem gains even greater importance. As the Department of Environmental Services has recently warned, invasive species are proliferating along the W&OD Trail and in other parks and green spaces and “often displace rare and endangered species that provide habitat for wildlife.” For that reason, E2C2 continues to support state legislation aimed at establishing regulations for the sale and spread of invasive species. Under current law, widespread invasive plants endangering our parklands (porcelain berry, kudzu) cannot legally be declared noxious weeds, which would prevent their sale and distribution. E2C2 supports legislation that amends the state definition of “noxious weeds” to include widely distributed invasive species.
- E. Multi-Modal Transportation:** Arlington has been a leader in promoting multi-modal transportation and E2C2 supports legislation that furthers that goal.
- a. In particular, certain state laws could be amended to grant greater respect and protections to bicyclists. Legislation proposed in past sessions, for example, would have amended

the definition of “vehicle” to clarify that motor vehicles are prohibited from tailgating bicyclists. Similarly, state law could be amended to clarify the duties of vehicles to stop to allow bicyclists (as well as pedestrians) to cross highways at marked crosswalks. Arlington should support these, as well as other proposed legislative changes that promote bicycle safety.

- b. Arlington should support legislation directed at modifying highway maintenance payments to localities. Currently, when many roads are changed from four lanes to two lanes, with 2 bike lanes, towns and cities forfeit highway maintenance funding because such funding is based on the number of travel lanes. Legislation proposed in the recent past would treat bike lanes as “moving lane miles” for purpose of calculating maintenance payments. During 2015, Virginia law was amended to provide that, no later than December 1, 2015, the Secretary of Transportation must report to the legislature on an appropriate formula for allocation of payments for the maintenance of bicycle-only lanes and how such conversion may reduce congestion, increase commuting options, and improve safety, mobility and accessibility. While the law applies by its terms to cities and towns (and not counties), Arlington has an interest in the bicycle investments of its neighboring localities (the cities of Falls Church and Fairfax, for example) and in establishing regional connecting bicycle lanes. Arlington also has an interest generally in promoting urban cycling. Accordingly, the County should provide guidance to the Secretary in his deliberations and also ensure that, under Virginia law, all localities (including counties) receive appropriate incentives for putting urban roads on “road diets.
- F. **Recycling:** E2C2 recommends supporting legislation that would encourage the use of reusable shopping bags. Legislation proposing a tax on disposable bags, with funds to be deposited into the Virginia Water Quality Improvement Fund, has been proposed in recent sessions, but has not been enacted. Consistent with the County’s efforts to promote water quality and increase recycling, the County should continue to support such measures. Moreover, the County might also advocate bans on the use of single-use Styrofoam containers, consistent with laws recently enacted in the District of Columbia and Montgomery County, and under consideration in Prince George’s County. These laws generally require food service providers to use compostable or recyclable food service products. Reducing the use of polystyrene products, which cannot be composted or recycled, will help clean up the Chesapeake Bay and other waterways of polystyrene trash.

Conclusion: We appreciate this opportunity to help the County prioritize its legislative initiatives for 2016 and express our willingness to work with the staff and County Board to further Arlington’s energy and environmental goals.

Sincerely,



Scott Dicke  
E2C2 Chairman