RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES

October 10, 2017

The Richmond County Planning Commission held its regularly scheduled meeting on Tuesday, October 10, 2017, in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:
Walter Ball
Vice-Chairperson Glenn Bowen
Chairperson Jesse Clark
Rick Cox
Cassandra Jackson
John W. Lewis
Harry Smith, Jr.
Darnell Clayton
Martha Hall
Clifton Jenkins

Also present:
D. Barry Sanders
Hope Mothershead
Approximately 5 others

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Chairperson Clark called the meeting to order at 7:00 p.m. Chairperson Clark gave the invocation. John W. Lewis led everyone in the Pledge of Allegiance.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES – SEPTEMBER 11, 2017 MEETING

Chairperson Clark asked if there were any additions or corrections to the minutes from the September 11, 2017 meeting. Cassandra Jackson made a motion to approve the minutes, as presented. Walter Ball seconded the motion and they were approved unanimously.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT

In accordance with Section 15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to Section 15.2-2285 of the Code of Virginia, 1950 as amended, the Richmond County Planning Commission hereby gives notice that a Public Hearing will be held starting at 7:00 p.m., Tuesday, October 10, 2017 in the Richmond County Circuit Court Room, 101 Court Circle, Warsaw, Virginia 22572.

The purpose of the Public Hearing is to receive public comment on proposed amendments to the Richmond County Zoning Ordinance in regards to hydraulic fracturing.

Mr. Sanders noted that his office had received a response from Rappahannock Wildlife Refuge Friends as follows:

RAPPAHANOCK WILDLIFE REFUGE FRIENDS

Policy on Hydraulic Fracturing in the Taylorsville Basin

The number of oil and gas leases in counties of the Northern Neck and Middle Peninsula is a subject of great concern to area residents. The Taylorsville Basin is a 110 mile area of shale deposits that runs east and south of Fredericksburg and directly across the Rappahannock River. Geologists have estimated that the Taylorsville Basin may hold up to one trillion cubic feet of natural gas. Among the counties in the Taylorsville Basin where over 84,000 acres of gas leases have already been signed are Caroline, King & Queen, Essex, King George, and Westmoreland. The far western edge of Richmond County is also in the Taylorsville Basin, but as of this date we are not aware of any gas leases being signed in that area.

For the past 24 months, the Friends Group of the Rappahannock Wildlife Refuge has collected articles and attended community information meetings on hydraulic fracturing, commonly referred to as "fracking", which is the drilling process used to extract oil and gas from shale and other rock formations of low permeability. To say the least, fracking is a hotly debated subject. The petroleum industry argues that it is a safe and economical source of clean energy, that it helps local economies by providing jobs, and that it makes our nation less dependent on foreign energy sources. Conservation and environmental organizations caution that the science of the process is still developing, that fracking can seriously deplete regional water supplies, contaminate drinking water, pollute our rivers and streams with toxic chemicals, and unleash dangerous amounts of methane into the air.

Politicians typically line up on both sides of the issue, with many siding with the industry advocates.

The Friends Group does not have the scientific expertise to evaluate the technical arguments regarding fracking. We are an independent group of citizens who are dedicated to supporting the Rappahannock River Valley National Wildlife Refuge System. Our members primarily come from the counties of the Northern Neck and the Middle Peninsula and we share a love and appreciation of the natural resources, wildlife habitat, and remarkable environment of the tidewater region in which we are privileged to live. We see our role as stewards of the environment with an obligation to do what we can to help protect the fragile ecosystem of the Rappahannock River Valley from industrial activities and

development that may pose an unacceptable risk to the wildlife and natural resources of our region. It is from this perspective that the Friends Group has drafted this policy statement on fracking as an educational aid to our members and the public.

The Fracking Process:

Fracking typically involves drilling a vertical well as much as a mile or more through the aquifer to a depth where gas exists and then drilling horizontally along the shale layer. The horizontal portion of the well can also extend for more than a mile. Millions of gallons of water under very high pressure are injected into the shale layers to create fractures from which the gas is released. A single well may require up to five million gallons of water which must be supplied from regional water sources or transported in by truck from other areas. Along with the water, a wide range of additives and chemicals are used to dissolve minerals and bacteria that impede the flow of the well, and sand is inserted to prop open the fractures. The identification and mix of the chemicals are usually not disclosed by the gas companies unless required to do so by state or local authorities, but scientists who have examined fracking fluids have found them to include various toxic compounds such as benzene, toluene, xylene, formaldehyde, ethylene glycol, and other chemicals and acids that can pose health risks.

During the fracking process, some of the fluids remain in the subsurface while most are returned to the surface with the gas that is extracted. This is called "flowback." At the surface, the hydrocarbons are separated from the flowback, and the waste water which contain chemicals and a high concentration of saltwater are pumped into lined holding pits which can be as large as an acre or more, or into sealed containers, for later disposal. Each well location can be several acres in size and is tantamount to an industrial site. The well site contains not only the drilling equipment, the pipes and cement, and the generators, compressors and pumps necessary for drilling and extraction, but also the waste water pits or container facilities, the storage and blending equipment, and large numbers of trucks. Tanker trucks bring water and chemicals to the site, transport the gas produced from the well to collection locations or pipeline destinations, and ultimately haul the contaminated waste water to waste treatment facilities or to off-site storage locations. As of this time, we know of no waste treatment facilities in Virginia that have been certified to be capable of treating fracking waste water.

Environmental Concerns:

Because the drills and pipes may go through both shallow and deep water aquifers, there are concerns that the chemicals used may migrate through the well bore or fractures to contaminate aquifers. These concerns address both new wells and wells that will be abandoned after they are no longer considered commercially viable. The responsibility to monitor for contamination and to report spills or leaks, the accountability for faulty design or negligent operation, and the technical ability to perform remedial action are among the environmental concerns. Leaks and spills of contaminated fluids have been reported at drilling sites, at locations where chemicals are mixed, at storage facilities and holding pits, and in the collection and transportation of the waste water from the well site. An alarming amount of methane gas emissions at various stages of the fracking process have also been reported in a recent study by the Environmental Defense Fund and has led the Environmental Protection Agency to propose new standards on methane emissions.

Leaks and spills of chemicals and waste fluids from oil and gas wells have the potential to contaminate area wells used for drinking water and waters used for crop irrigation and recreational activities. A recent report by the Associated Press in September, 2015, reported over 21,500 waste water spills from "ruptured pipes, overflowing storage tanks and other mishaps" from 2009 to 2014 with "over 180 million gallons" of contaminated waste water spilled and absorbed into the soil. *The report noted that these fluids contain "heavy metals, such as arsenic and mercury, plus radioactivity" and "extreme salinity" which can "foul the land, kill wildlife and threaten fresh water supplies."*

When the millions of gallons of waters used for fracking are drawn from the aquifer or from regional water supplies, competing needs for the water may arise between the drilling companies and local residents. This may be particularly true in agricultural communities where irrigation is used to support crop production. Another impact is the noise disturbance due to drilling and the continuous operation of the generation equipment and compression stations. The high volume of truck traffic also impacts the quality of life of area residents, and increases road maintenance costs and traffic congestion. In addition, private property may be taken through eminent domain proceedings for the placement of pipelines.

At the present time, we do not believe that there are any gas wells in active production in the Taylorsville Basin. The reports we have reviewed on spills, leaks, water contamination, compliance issues, fines, environmental damage, and community claims pertain to fracking operations in other states, including Pennsylvania, West Virginia, Ohio, Colorado, New Mexico, Texas and other western states. In assessing the environmental risk to our region that fracking poses, we think it is important to point out that the geography of our region is very different from many of the states where fracking operations are ongoing. Unlike the geography in those states, the Taylorsville Basin lies under a tidewater region containing vast numbers of creeks, streams, marshes, wetlands, and tidal waters where the aquifer systems are relatively close to the surface and much of the land is less than 10 feet above sea level. The elevation of Tappahannock in Essex County is listed at just 22 feet. The waters that drain from our tidewater region filter into the Chesapeake Bay and its tributaries which support critical wildlife habitat for countless numbers of animal life, migratory birds, spawning areas for blue crabs and anadromous fish, and oyster grounds.

Controlling storm water runoff and pollution of our waters is not only important to protect wildlife, it is also essential to sustain the economy of our region which relies upon tourism, farming, forestry, shell fish harvesting, and a variety of businesses that depend on the health of our tidal waters.

Conclusion and Recommendation:

We have concluded that fracking would introduce an industrial activity into our tidewater region that presents unacceptable risks to our environment, danger to wildlife, and damage to the traditional revenue sources of area residents. It is critical that we preserve the scenic and rural nature of our region and that we protect our environmentally sensitive lands and waters that for generations have characterized the Northern Neck and the Middle Peninsula. For this reason, we urge our representatives at both the state and local levels to either ban fracking in our tidewater region, or at a minimum to narrowly define and restrict the locations where it is allowed, to ensure that the delicate environment of the counties of the Northern Neck and Middle Peninsula is not compromised, and the quality of life of our residents is not disrupted.

Mr. Sanders reviewed the proposed changes (as follows) with the Commissioners and noted that additions are in green and deletions are in red.

AGRICULTURAL GENERAL, DISTRICT A-1

2-2 DISTRICT REGULATIONS, AGRICULTURAL GENERAL, DISTRICT A-1

2-2-2A SPECIAL EXCEPTION USES

1. Bed and Breakfast establishments.

2. Retirement home or home nursing facility.

3. Commercial animal kennels and veterinary facility *(including animal cemeteries and animal crematoriums). (Amended January 13, 2005)*

4. Sand and gravel mining activities. ~~Mining activities including removal of sand and gravel.~~

INDUSTRIAL GENERAL, DISTRICT M-1

2-7 DISTRICT REGULATIONS - INDUSTRIAL DISTRICT, M-1

2-7-2 PERMITTED USES

All freestanding industrially utilized lots of record at the time of adoption of this Ordinance shall be included in the Industrial District as conditionally zoned for the use occurring at that time. New areas may be zoned Industrial, conditionally for the use intended, as the need may arise. A change in use for any industrial site may be accomplished by means of conditional rezoning for the individual property. Extraction of oil or gas, including by means of hydraulic fracturing, is not permitted in the M-1 zoning district.

4-8 EROSION AND SEDIMENT CONTROL

4-8-3 GENERAL REQUIREMENTS

B. Exemptions

The following land disturbing activities are exempt from the provisions of this section.

(1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.

(2) Individual service connections.

(3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

(4) Permitted surface or deep mining ~~activities.~~ operations and projects.

(5) Permitted oil or gas operations and projects conducted pursuant to Title 45.1 of the Virginia Code. ~~Exploration or drilling for oil and/or gas, including the well site, roads, feeder lines and off-site disposal areas.~~

5-3 DEFINITIONS

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work;

2) Individual service connections;

3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;

4) Permitted surface or deep mining operations and projects;

5) Permitted oil or gas operations and projects conducted pursuant to Title 45.1 of the Virginia Code; ~~Exploration or drilling for oil and/or gas including the well site, roads, feeder lines and off-site disposal areas;~~

Chairperson Clark discussed with the Commissioners the definition of fracking and reviewed the steps taken by the Planning Commission to come to a decision about the ordinance changes. Chairperson Clark's position is that the County is being proactive, rather than reactive to the fracking options.

Chairperson Clark opened the floor to the public.

With no comments heard, Chairperson Clark closed the floor to the public.

John W. Lewis made a motion to approve the proposed changes to the zoning ordinance listed above and present to the Board of Supervisors for review. Martha Hall seconded the amended motion. The motion carried with a vote of 10-0 *(John W. Lewis – yay; Harry Smith – yay; Glenn Bowen – yay; Rick Cox – yay; Cassandra Jackson – yay; Walter Ball – yay; Jesse Clark – yay; Martha Hall – yay; Clifton Jenkins – yay; Darnell Clayton – yay).*

OTHER BUSINESS

Mr. Sanders advised the Commissioners that the Comprehensive Plan would soon be due for a review. The current Plan was adopted in July of 2013 and pursuant to Virginia Code, a review must be done every 5 years. Mr. Sanders will address this issue further in the upcoming meetings.

ADJOURNMENT

There being no further business, Chairperson Clark adjourned the meeting.

Respectfully submitted,

Hope Mothershead
Commission Secretary