August 17, 2009

The Honorable Timothy Kaine  
Office of the Governor  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Dear Governor Kaine:

This summer your Administration released for public notice two new regulatory programs designed to reduce polluted runoff from rooftops, lawns, streets, pastures, and croplands that contributes significant amounts of nitrogen, phosphorus, and sediment pollution to our waters. This pollution is the greatest threat to the health of Virginia’s waterways - smothering aquatic life, damaging navigation channels and drinking water supplies, and devastating vital fishery and tourist economies. Polluted runoff is a primary reason more than 9,000 river miles across the state and the entire Chesapeake Bay remain on the official “dirty waters list” of the federal Clean Water Act. The undersigned organizations strongly support the Commonwealth’s proactive and balanced approach, through these proposed regulations, to accelerate pollution reductions from urban runoff and agricultural runoff.

In Virginia, urban runoff, or stormwater, contributes 25% of the nitrogen, 32% of the phosphorus, and 28% of the sediment pollution to the Chesapeake Bay and its tributaries. A recent Environmental Protection Agency report concluded that efforts to restore the Chesapeake Bay are losing ground specifically because too little is being done to manage stormwater pollution from developing lands. Stormwater pollution is also a critical concern for our “Southern Rivers” that support a world-renowned assemblage of sensitive fish and freshwater mussels. The Department of Conservation and Recreation’s (DCR) proposal to amend Virginia Stormwater Management Program Permit Regulations to include new water quality and water quantity limits will ensure that new development does not further impair Virginia’s waterways, stream ecosystems, streamside property, and municipal infrastructure. We urge your approval of these regulations as an innovative and attainable way for the Commonwealth to accommodate future development while ensuring healthy waters.

In a parallel tract, the Virginia Department of Environmental Quality (DEQ) has proposed amendments to the Virginia Pollution Abatement General Permit to address runoff pollution from the storage and land application of poultry litter. Current state regulations require litter used on poultry farms to be land applied according to a nutrient management plan (NMP), yet 80% of litter produced on farms is transferred to “end users” where a NMP is not required. The relative low cost of litter, the current lack of NMP requirements, and the imbalanced nutrient content of poultry litter create the risk of runoff of nitrogen and phosphorus pollution to waterways already impaired by too many nutrients. The proposed regulations place important storage, setback, and land application requirements on the “end users” of poultry litter as fertilizer. We urge you to approve these regulations as a reasonable and appropriate approach for ensuring that poultry litter continues to be used as an effective fertilizer in a manner that safeguards our local waterways.

These proposed regulations represent new tools that are absolutely vital to achieving Virginia’s water quality goals. In particular, final adoption of both proposals is critical if Virginia is to meet the “Chesapeake Bay 2011 Milestones for Reducing Nitrogen and Phosphorus” presented at the Chesapeake Bay Executive Council meeting in May. Further, these regulations are integral to the successful implementation of Total Maximum Daily Load (TMDL) clean up plans—including the landmark TMDL under development for the Chesapeake Bay and the over 600 impairments in the “Southern Rivers.”

Just as clean water is a basic necessity and a right under the state constitution for every Virginian, every citizen, business, and agency in the Commonwealth has a responsibility to do their part in achieving
Virginia’s water quality goals. The programs created by these regulations represent a fair and equitable step forward to achieving necessary pollution reductions from urban, suburban, and agricultural sources and will be important elements in Virginia’s overall water quality efforts. We applaud DCR’s and DEQ’s dedication and commitment to regulations that utilize the best and latest science and innovation and allow Virginia to advance both its economic and environmental needs. We believe these proposed regulations meet that high standard and urge your approval to provide clean water for the enjoyment and prosperity of all Virginians.

Sincerely,

Assateague Coastkeeper
Audubon Naturalist Society
Blackwater Nottoway Riverkeeper Program
Blue Ridge Environmental Defense League
Blue Ridge River Runners
Chesapeake Bay Foundation
Civil & Environmental Services, LLC
Clean Valley Council
Clean Water Action
Coastal Conservation Association Virginia
Dan River Basin Association
Downriver Canoe Company
Eastern Blue Ridge Fly Fishers
Environment Virginia
Falmouth Flats Fly Fishers
Friends of Accotink Creek
Friends of Bryan Park
Friends of Dyke Marsh
Friends of James River Park
Friends of Stafford Creek
Friends of the New River
Friends of the North Fork of the Shenandoah River
Friends of the Rappahannock
Friends of the Rivers of Virginia
Friends of the Roanoke River
Hands Across the Lake
James River Association
James River Fishing School
Ken Pendrod's Life Outdoors Unlimited
Lands and Water
Lower Susquehanna Riverkeeper
Lynnhaven River NOW
Mark Kovach Fishing Services
Massanutten Chapter of Trout Unlimited
Mid Atlantic Paddlers Association
Mossy Creek Flyfishing Shop & Outfitting Service
National Committee for the New River
Northern VA Trout Unlimited
Occoquan Watershed Coalition
Patuxent Riverkeeper
Poquoson Citizens for the Environment
Potomac Conservancy
Potomac Riverkeeper
Preserve Frederick
Rainwater Management Solutions
Rapidan Chapter of Trout Unlimited
Rivanna Conservation Society
Scandia USA LivinGreen
Shenandoah Riverkeeper
Shenandoah Valley Network
The Nature Conservancy
Twin River Outfitters
Virginia Association of Biological Farming
Virginia Chapter – Sierra Club
Virginia Conservation Network
Virginia Council of Trout Unlimited
Virginia Eastern Shorekeeper
Virginia League of Conservation Voters
Winchester Trout Unlimited
York County Waterways Alliance

cc: The Honorable L. Preston Bryant, Jr., Secretary of Natural Resources
    Nikki Rovner, Deputy Secretary of Natural Resources
    Jeff Corbin, Assistant Secretary of Natural Resources
    Joseph H. Maroon, Director of the Department of Conservation and Recreation
    David K. Paylor, Director of the Department of Environmental Quality
    Brian Shepard, Director of Policy, Office of the Governor
    Gena Boyle, Policy Analyst, Office of the Governor
    Members of the State Water Control Board
    Members of the Soil and Water Conservation Board