

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

The Honorable Timothy Kaine

August 17, 2009

Page Two

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  
Float Fishermen of Virginia  
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  
Sassafras Riverkeeper  
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