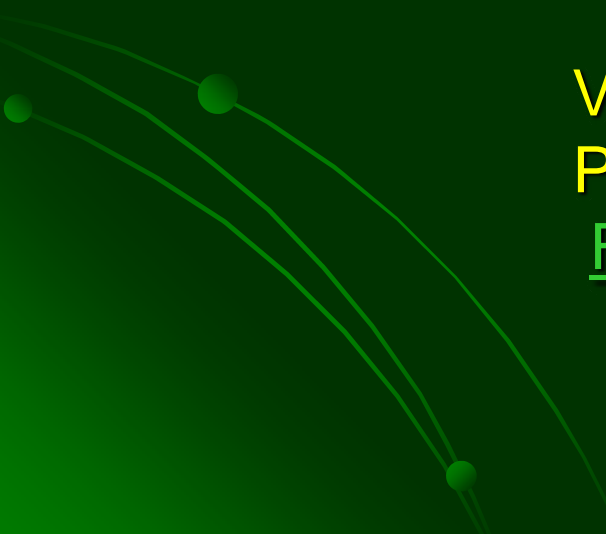


With One (Loud) Voice: Coming together to advocate for strong stormwater rules

Patrick Felling
Virginia Policy Director
Potomac Conservancy
Felling@potomac.org
www.potomac.org
September 12, 2009



Virginia DCR's Post-Construction Stormwater Rules

- Amendments to 4 VAC 50-60 (VSMP)
- 3+ years in development with TAC
- Proposed amendments released in June
- Public attention increased exponentially
- Public comment period June-August

VIRGINIA SOIL AND WATER CONSERVATION BOARD
4VAC50-60, Stormwater Management Regulations (Proposed)

1 Amend Parts I, II, and III of the Virginia Stormwater Management Program Permit
2 Regulations

3
4 Part I
5 Definitions, Purpose, and Applicability

6 4VAC50-60-10. Definitions.

7 The following words and terms used in this chapter have the following meanings
8 unless the context clearly indicates otherwise.

9 "Act" means the Virginia Stormwater Management Act, Article 1.1 (§10.1-603.1 et
10 seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

11 "Adequate channel" means a ~~channel~~ watercourse or wetland that will convey the
12 designated frequency storm event without overtopping ~~the channel bank nor its banks or~~
13 causing erosive damage to the ~~channel bed, or banks, or overbank sections of the~~
14 same.

15 "Administrator" means the Administrator of the United States Environmental
16 Protection Agency or an authorized representative.

17 "Applicable standards and limitations" means all state, interstate, and federal
18 standards and limitations to which a discharge or a related activity is subject under the
19 Clean Water Act (CWA) (33 USC §1251 et seq.) and the Act, including effluent
20 limitations, water quality standards, standards of performance, toxic effluent standards or
21 prohibitions, best management practices, and standards for sewage sludge use or
22 disposal under §§301, 302, 303, 304, 306, 307, 308, 403 and 405 of CWA.

23 "Approval authority" means the Virginia Soil and Water Conservation Board or their
24 designee.

Public Comment Phase

- Five public hearings statewide
- Testimony at public hearings 2:1 in favor
- Comments received through Aug. 21st
- 3000 comments received by DCR
- Approx. 4:1 in favor (CBF campaign)

Opposition Not Quiet, Either

- HBAV pushed counter-proposal
- Some claimed rules unworkable; others say its doable, but tougher
- Local government concerned with funding
- Smart Growth issues raised, and solved

Collaborative Strategy

- Outreach (e-mail networks, newsletters, fact sheets, web sites)
- In the news (Op-Eds, interviews)
- Letter-writing campaign
- Engineering case studies
- Policy review teams (Smart Growth)
- Sign-on letters
- Meetings with principals
- Pack public hearings

How Many Voices Raised?

- Too many to list
- Valley groups alone include:
 - VCC
 - SVN
 - Shenandoah Riverkeeper
 - FNFSR
 - Shenandoah Forum
 - Preserve Frederick
 - Potomac Conservancy
 - ...
- Citizen Committees within local government

Lessons for Collaborative Advocacy

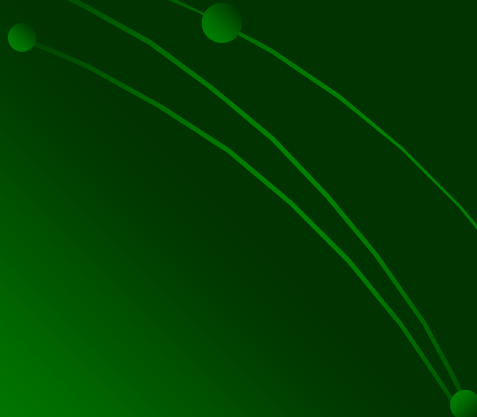
- Great deal of effort
- Many groups and individuals
- Motivated leaders
- Egos checked at the door
- Involvement started early
- Advocacy spiked at key junctures
- Flexibility within environmental community

Latest Status Update


- DCR released revisions yesterday
- JCAR review Sept. 16th, 10AM, Senate Room B
- **VA SWCB meeting Sept. 17th 9:30AM**
(<http://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=13414>)
- SWCB decision-making on Oct. 6th

What's next?

- Push to maintain rule integrity before SWCB
- Provide support to Administration
- Defend final rules before General Assembly in 2010



What can you do?

- Attend SWCB meeting on Sept. 17th
 - Submit comments to SWCB re: revisions
 - Ask local jurisdictions to write SWCB and/or Governor in support
- 

DCR's "Potential Key Changes"

WATER QUALITY CHANGES

- **Bay vs. Non-Bay**
 - New P standard only applies in Bay watershed
- **Exceptions for smaller development sites**
 - Bay Act Area sites <1ac. held to lower standard
- **Exceptions for development in UDA**
 - Up to 0.45 P standard for small development in UDA

DCR's "Potential Key Changes" cont.

WATER QUANTITY CHANGES

- **Unstable channel and localized flooding changed from 'forest' to 'good pasture' peak flow rate**
- **Exceptions from channel and flood protection requirements:**
 - **<5ac. sites on prior developed lands**
 - **<1ac. sites for new development**
 - **For exceptions, must reduce discharge from pre-development**