



# Virginia Association of Counties

Virginia Association of Counties

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November 25, 2009

Mr. David C. Dowling  
Policy Planning and Budget Director  
Virginia Department of Conservation and Recreation  
203 Governor Street, Suite 302  
Richmond, VA 23219

Re: Comments on the proposed parts I, II, III and XIII of the Stormwater Regulations (4 VAC 50-60)

Dear Mr. Dowling:

The Virginia Association of Counties (VACo) sincerely appreciates the efforts the Department of Conservation and Recreation has made in recent months to address many concerns expressed by local governments about the proposed Virginia Stormwater Program permit regulations.

However, several questions still persist relating to the proposed criteria that, as amended, would apply a .28 pound/acre/year standard for phosphorus within the Chesapeake Bay watershed and a standard of .45 pound/acre/year standard for southern rivers and other areas outside of the Bay watershed. These remaining questions relate to:

- The manner in which these standards could differ from standards anticipated under the Chesapeake Bay TMDL (Total Maximum Daily Loadings) scheduled for completion by December, 2010. A state standard that differs from a federal standard will impose major administrative complications on local governments. Furthermore, these differing standards are likely to have major financial impacts at a time when local governments are experiencing major revenue shortfalls.
- Through the process of developing a Bay-wide TMDL, there needs to be coordination with state and local agencies that would ensure that any new technical criteria, load caps or other requirements on local governments, whether related to new development, redevelopment or existing development, have sound scientific justifications and are cost-effective, manageable and affordable at the local level.
- In developing these requirements, a Technical Advisory Committee consisting of affected stakeholders, including local government representatives, needs to be formed that will take into account the above factors as the Bay-wide TMDL is developed.



Because of the factors identified above, VACo's full membership voted to approve the following position statement on the proposed VSMP permit regulations:

**VACo supports further evaluation and analysis by the Commonwealth, with participation of local governments, of the Part II Amendments (technical criteria) to the Virginia Stormwater Management Program (VSMP) permit regulations and completion of an appropriate regulation by December, 2010. In addition, stormwater requirements on local governments related to new development, redevelopment and existing development must be cost-effective, affordable and manageable at the local level. The Commonwealth must assume any and all expenses imposed by these new regulations. The new VSMP regulations must have achievable objectives tested in "real world" situations, streamlined to minimize administrative reviews by state agencies, and provide localities with flexibility to make appropriate decisions about drainage and land use. Localities enforcing state regulations require full cost recovery through the fee schedule provided by the VSMP regulations.**

Thank you very much for your consideration of the concerns expressed in this letter. Please do not hesitate to contact Larry Land at (804) 343-2504 or e-mail: [Lland@vaco.org](mailto:Lland@vaco.org) should you have any questions regarding VACo's perspectives on the proposed VSMP permit regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Campbell". The signature is fluid and cursive, with a large initial "J" and "C".

James D. Campbell, CAE  
Executive Director

