

For Immediate Release

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**Governor Kaine Announces Adoption of New Stormwater Regulations by Soil and Water Conservation Board
– Board also calls for new regulatory action to determine Bay phosphorous standard in conjunction with federal cleanup plans –**

RICHMOND – Governor Timothy M. Kaine today announced that the Virginia Board of Soil and Water Conservation has adopted new stormwater regulations to oversee construction across the Commonwealth. These new regulations maintain the current statewide water quality standard for phosphorous discharge, while providing enhanced stormwater design practices that will reduce pollution from newly developed sites.

The board also initiated a new regulatory action that allows for the development of a new phosphorus standard for the Chesapeake Bay watershed. The board will develop this new standard in conjunction with the Virginia Department of Conservation and Recreation and the U.S. Environmental Protection Agency. The EPA is developing a cleanup plan for these areas based on updated Total Maximum Daily Load (TMDL) levels, often called a "pollution budget" for the Bay and its tidal waters.

"Certainly the water quality and condition of the Chesapeake Bay and its tributaries warrant these actions to reduce the impact of runoff caused by continued development," said Governor Kaine. "The EPA is currently updating its computer modeling and draft outputs to determine appropriate discharge levels for the Bay's watershed. In light of this forthcoming guidance, the board has taken a sound and prudent approach for moving forward."

Today's action allowed a number of enhancements in the stormwater regulations to move forward. The adoption of enhanced regulations will update requirements established twenty years ago and allow practitioners and engineers to retain and reuse water on-site while incorporating stormwater management practices into the designs of many new developments. This process often reduces costs for developers.

The enhanced stormwater regulations call for not more than .45 pounds of phosphorus per acre, per year to run off of newly developed properties throughout the state. This builds on the Commonwealth's ongoing efforts to reduce pollution from agriculture and sewage treatment plants. Although new construction is not the only source of polluted runoff to the Bay, it is the fastest growing source.

The EPA is using a newly calibrated watershed model to develop new nitrogen, sediment and phosphorus loadings specifically for lands in the Bay's watershed, or the levels of those pollutants allowed to enter the state's Chesapeake Bay waterways on an annual basis. Once the EPA issues its new loadings, they will serve as a guide for development of state regulations.

"We want to continue to base these regulations on the best science available, and the latest EPA numbers suggest that the phosphorus standard should be revised," said DCR Director Joseph H. Maroon. "Because we don't yet know the level of the adjustment, the board opted to go with the current phosphorus standard along with the regulation's other enhancements, and work to develop a new standard for the Bay watershed once the latest science is available."

The new stormwater regulations now undergo an administrative review and ultimately go to Governor Kaine for approval. By law the regulations cannot take effect prior to July 1, 2010. The regulations can be viewed at: <http://www.dcr.virginia.gov/lr2d.shtml>.

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