

**Virginia Department of Conservation and Recreation
Public Hearing on Proposed Amendments to Parts I, II, III, and XIII of the Virginia
Stormwater Management Program Permit Regulations
(4 VAC 50-60-10 et seq.)**

**July 14, 2009 – 7:00 p.m.
Senate Room B, General Assembly Building, Richmond, Virginia**

Meeting Officer: Christine Watlington
Policy and Budget Analyst
Department of Conservation and Recreation

Opening:

Ms. Watlington: Good evening, I would like to call this public hearing on the Virginia Soil and Water Conservation Board's proposed amendments to Parts I, II, III and XIII of the Virginia Stormwater Management Program Permit Regulations to order. I am Christine Watlington, Policy and Budget Analyst for the Department of Conservation and Recreation. I will be serving as the meeting officer this evening. I welcome you to this hearing.

Introduce DCR Staff assisting with the meeting.

With me this evening I have Eric Capps, DCR's Stormwater Permitting Manager; David Dowling, DCR's Policy, Planning and Budget Director, Ryan Brown, our Policy and Planning Assistant Director, who will serve as our technical presenter, and Michael Fletcher, DCR's Board and Constituent Services Liaison who will be recording this meeting.

I hope that all of you have registered on our attendance list. If not, please do so. Those wishing to speak should note that on the attendance list. Please also make sure that your contact information, including your name and address, is legible and complete, as we will be utilizing it to keep you informed on the status of the regulatory actions.

Purpose of the public hearing:

The purpose of this hearing is to receive input from interested citizens on the Board's two proposed regulatory actions during the 60-day public comment period, which closes on August 21st. The first regulatory action proposes amendments to Parts I, II, and III of the Virginia Stormwater Management Program Permit Regulations related to stormwater definitions, water quality and quantity technical criteria, and local program criteria. The second action proposes amendments to Part XIII of those regulations related to stormwater fees.

The Department used the participatory approach to develop the proposals. Following the publication of the Notices of Intended Regulatory Action regarding these regulations and the public comment period on the NOIRAs, the Department formed a Technical Advisory Committee to assist in the development of the proposed regulations. The TAC included

representatives from localities, consulting firms, environmental organizations, state agencies, colleges and universities, planning district commissions, soil and water conservation districts, and federal agencies. The TAC met 17 times over the course of a two and a half year period. Following the completion of the TAC's work, the Soil and Water Conservation Board proposed these regulations at its meeting held on September 25, 2008. Copies of the proposed regulations are located on the table near the attendance list.

Although we have already been considering regulatory solutions to issues with the proposed regulations that we are aware of, it is the Board's approved version that we were required to publish and seek comments on. However, during the regulatory overview, we will share with you a few areas that we already recognize will need further consideration. We do want to note that all public comments received will be carefully considered by the Department and the Board in developing final regulations. The Board's recent regulatory actions demonstrate a history of being responsive.

This concludes my introductory remarks. I would like to introduce Ryan Brown, DCR's Policy and Planning Assistant Director, who will provide information regarding what the proposed regulations do.

Mr. Brown: Thank you Ms. Watlington.

Although we know that many of you here this evening are very familiar with these regulatory actions and the proposed regulations, for those who are not, we thought it would be useful to take about 20 minutes to review how these regulatory processes have been conducted to date and what the key portions of the proposed regulations are. This presentation will present information in summary fashion; obviously, you should consult the hard copies of the regulations for specifics. I believe that a copy of this PowerPoint is available on the information table with the other materials associated with this hearing.

To give some history, 2004 and prior, stormwater management requirements in the Commonwealth varied depending on where a project was located in the state. Four different citizen boards (Soil and Water Conservation Board, Board of Conservation and Recreation, Chesapeake Bay Local Assistance Board, and State Water Control Board) and three different state agencies (DCR, Chesapeake Bay Local Assistance Department, and Department of Environmental Quality) all had various stormwater management requirements. This led to inconsistent requirements and uncertainty for the regulated community. During the 2004 General Assembly, this inconsistency and uncertainty was sought to be addressed by House Bill 1177, which created the Virginia Stormwater Management Program, or VSMP, and effectively consolidated stormwater management responsibilities for municipal separate storm sewer systems and construction activities into DCR and the Virginia Soil and Water Conservation Board. Also key to House Bill 1177 was the concept that responsibilities for permitting of construction stormwater would eventually be passed down to localities, similar to the way that Erosion and Sediment Control has been administered historically.

Following the enactment of House Bill 1177, the existing stormwater regulations utilized by the Department of Environmental Quality were transferred to the Virginia Soil and Water Conservation Board in order to allow for the administration of the federal Clean Water Act stormwater permitting program. These regulations are essentially, what is on the books today, and are what are utilized in Virginia's stormwater management program at the current time. In order to fully implement House Bill 1177's requirements and to meet Virginia's water quality goals, however, these regulations need to be amended.

The first area that needs to be addressed in the VSMP regulations concerns local administration of stormwater management programs. Allowing construction stormwater management to be implemented on a local level was a key assumption of House Bill 1177, which requires local programs to be adopted by localities located within the area impacted by the Chesapeake Bay Preservation Act, as well as MS4 localities. Other localities may adopt local programs on a voluntary basis or DCR will administer a program in their locality. These changes require amendments to Part III of the VSMP regulations. Complimentary to these amendments are changes to Part XIII of the regulations, which contain the fees that apply to the VSMP program. By law, these fees need to be established at a level that is sufficient to support a stormwater program.

The quality of Virginia's waters, as well, need to be protected from pollutant discharges from regulated construction activities. Enhancing these stormwater regulations is a key part of Virginia's overall approach to improving water quality statewide and restoring the Chesapeake Bay, which includes pollution reductions from sewage treatment plants and farmland runoff. Regulated construction activities generally include those one acre or greater statewide, as well as those 2500 square feet or larger in areas subject to the Chesapeake Bay Preservation Act. Addressing post-development runoff from these sites is a key component of Virginia's water quality goals for rivers, streams, lakes, and the Chesapeake Bay. In fact, EPA's Chesapeake Bay Program has estimated that 32% of phosphorus loads to the Bay can be attributed to urban and suburban runoff sources, of which stormwater runoff from developing lands is a part. While gains are being made in addressing other sources, including agricultural sources, sewage treatment plants, industrial sources, and atmospheric deposition, the loadings for developed lands continue to increase. Water quality criteria are contained in Part II of the VSMP regulations.

The graphic from the EPA's Chesapeake Bay Program illustrates the share of nitrogen, sediment, and phosphorus pollution coming from urban sources to the Chesapeake Bay.

The quantity of water leaving developed lands similarly continues to be of concern. The current standards contained in the VSMP regulations and the Virginia Erosion and Sediment Control Regulations still result in significant flooding and channel erosion, and residents continue to report flooding impacts created by upstream development. It is believed that the current criteria needs revisions to address these concerns, as well as to allow long term consistency of the VSMP regulations and the Erosion and Sediment Control Regulations for the regulated community (although amendments to the Erosion and Sediment Control Regulations will require a separate regulatory action in the future). As with water quality, the water quantity technical criteria are contained in Part II of the VSMP regulations.

Recognizing all of these needs, in late 2005, DCR and the Board embarked on a regulatory process to amend the VSMP regulations. This was commenced through the publication of Notices of Intended Regulatory Action related to Parts I, II, III, and XIII of the VSMP regulations. A Technical Advisory Committee, or TAC, was formed to assist with the preparation of proposed regulations. The TAC was composed of nearly 30 members representing localities, consulting firms, environmental organizations, state agencies, colleges and universities, planning district commissions, soil and water conservation districts, and federal agencies. Overall, the TAC met 17 times between May of 2006 and August of 2008. Subcommittees held an additional eight meetings. Numerous other meetings were held related to the regulations. In all, over 50 public meetings have been held to date, along with a series of design charrettes, which examine real-world site planning. These charrettes have been held statewide and attended by over 400 individuals. Following the completion of the TAC's work and these other meetings, the Board proposed the amended VSMP regulations on September 25, 2008. As is required by Virginia's administrative process, the regulations as they were proposed on this date are what is now before you for public comment, although we are aware of a number of areas that will additionally need consideration before preparing final revisions to the regulations.

With this background, what do the proposed regulations do? Four different parts of the VSMP regulations are amended by this action. These include the definitions contained in Part I, the technical criteria (including water quality and quantity) contained in Part II, the requirements for local stormwater management programs contained in Part III, and the stormwater permit fees contained in Part XIII.

Turning first to Part II, water quality and quantity, these are the technical criteria that will be employed by a locality when it operates a local stormwater management program and, for those localities that do not adopt their own program, the criteria that will be utilized by DCR in administering a local stormwater management program within a locality.

As it pertains to water quality, the amended Part II maintains the current approach of focusing on phosphorus as an indicator pollutant. By employing practices that remove phosphorus from discharges from a site, it has been demonstrated that other pollutants (such as nitrogen and sediment) will likewise be reduced. Through examination of Virginia's Tributary Strategy goals for the Chesapeake Bay, however, it has been determined that the current 0.45 pounds of phosphorus per acre per year standard for new development projects is continuing to allow degradation. The proposed amendments to Part II amend this standard to 0.28 pounds per acre per year, which is the level indicated by Virginia's Tributary Strategies but more lenient than a forested situation that is 0.11 pounds per acre per year. This is a design standard, meaning that the site will be designed in a manner that is deemed to achieve this standard. It is not a load limit that would require monitoring from the site. The water quality requirements also provide a more lenient standard for redevelopment, which would be required to achieve a load 20% below that present prior to the redevelopment of the site. This is more stringent than today's 10% requirement, but, with the goal of not creating an obstacle to redevelopment projects, has been established at a level much lower than the 44% that is indicated by the Tributary Strategy goals.

Compliance with water quality requirements would be achieved through utilization of the new Runoff Reduction Method and an expanded set of best management practices contained in the regulations. Implementing BMPs consistent with a plan developed based on the Runoff Reduction Method would achieve compliance with the standard; additionally, the proposed amendments allow for local adoption of other methods, off-site compliance, and participation in regional stormwater management plans and pro-rata fees. DCR is also currently working on guidance related to the new nutrient offsets program, which would allow for another “trading for compliance” option.

The proposed Part II also contains new provisions related to water quantity. A special water quantity workgroup was developed to work specifically on this issue, and Section 66 of the proposed regulations is the result of this group’s work. To alleviate stream channel erosion and downstream flooding, section 66 contains requirements related to channel protection and flood protection that vary based upon the condition of stormwater conveyance system that is being discharged into. Sheet flow is also addressed. It is DCR’s long term intention to use this criteria, when finalized, to amend MS19 of the Virginia Erosion and Sediment Control Regulations to bring consistency across the Stormwater and Erosion and Sediment Control programs.

Secondly, the proposed regulations do establish the framework for local stormwater management programs (both locality administered “qualifying local programs” and DCR-administered programs for those localities that do not adopt their own programs). Due to the timeframes established by law for the effective date of these regulations and the timing for local program adoption, local programs are not likely to begin being adopted until between October 2011 and April 2012, with all programs being in place by April of 2013.

Part III requires that all local stormwater management programs implement the new Part II technical criteria. Specific requirements for up-front plan review, permit issuance, inspections (during and post-construction), long-term BMP maintenance, and other program components are contained in Part III as well.

Finally, the proposed regulations do include amendments to the permit fee schedule contained in Part XIII. As noted earlier, the law requires that fees be established at a level sufficient to adequately fund the administration and oversight of stormwater management programs. The fees proposed are scaled based upon acreage of the project, and were established based upon the actual work that is projected to be necessitated by the site. Twenty-eight percent of the overall fee is attributed to technical assistance and local program oversight and will go to DCR. In the case of a locality-administered qualifying local program, the remaining 72% is believed to be sufficient to fund the locality’s responsibilities.

The previous slides summarize what is contained in the proposed regulations. As noted earlier, however, since the time of the Board’s proposal of these regulations in September of last year, DCR has become aware of a number of issues that need to be considered going forward. These include grandfathering of existing projects from the requirement to meet the new technical

criteria, the effect of the new technical criteria on commercial, redevelopment and infill sites, as well as sites located in urban development areas; nutrient offsets; and questions as to whether it is appropriate to have a single statewide standard or whether different standards for different regions of the state would be more appropriate. DCR is already considering these concerns. Public comment will undoubtedly produce other issues that need to be considered carefully.

Finally, although these regulatory actions have been ongoing for several years, there are still many important steps remaining. Following the close of the public comment period on August 21, all public comments will be carefully considered as final regulations are developed and forwarded to the Board for approval. By law, they cannot become effective prior to July 1, 2010. Similarly by law, the adoption of local stormwater management programs will follow the effective date of these regulations by 15 to 21 months, placing them at earliest between October 2011 and April 2012.

More information on these regulatory actions can be found on DCR's website or the Virginia Regulatory Townhall at the addresses appearing in this presentation. Public comment information is also included on the final slide of this presentation, as well as in the handout provided.

Ms. Watlington: Thank you Mr. Brown.

Before we begin receiving testimony on the proposed regulations, I would like to stress that this is an information-gathering meeting. Everyone wishing to speak will be heard. However, due to the number of individuals present we ask you to limit your comments to 4 minutes and to address information that others may not have already covered. For your information, the timer located at the front of the room will monitor your time. If necessary, we may ask speakers questions concerning their testimony or to request additional information concerning a subject believed to be important to the process in order to help the clarify and properly capture your comments. Staff will be available after this hearing to take any individual questions you may have.

We will now begin the public comment portion of the hearing. When I call your name, please come to the front and use the podium. Please state your name and who you represent. If you have an extra copy of your comments, please provide it to us so that it may be utilized in developing the minutes of this hearing. The first person I will call is Michael Newsome.

PUBLIC COMMENT PORTION

Michael Newsome

Good evening, thank you for the opportunity to speak tonight, my name is Michael Newsome. I am not here to speak to the technical aspects of the proposed regulations but I will direct my brief comments to the history of development and the environmental evolution.

When Jamestown was founded over forty years ago we were an agrarian society. Our first conservationist was Jefferson, who directed his keen mind to the concept of crop selection, rotation

contour and the use of fertilizer. The most notable trends of this period was the expansion of society out into the country side, the development of water and marine industries, boat building, shipping, and fishing. The river, bays and oceans were used for transportation, commerce, and a place to destroy the waste by-products of the expanding lifestyle.

There has been very little change for over 300 years. Homebuilding, as an industry, has only briefly emerged in the 40s and 50s. The primary concern of homebuilders was seeking out a good living by accommodating the growing demand for decent affordable housing. As recently as the 50s the foremost concern of city planning was moving the stormwater from the land and streets toward the the rivers, oceans and bays as quickly and efficiently as possible. Contained communities with wide streets, along with curb and gutters, were considered in light of land use design. Multi family high-density housing located within existing service areas were discouraged in favor of larger lots located further out that met buyer demand and that resulted in a higher tax base. Predictably, this creates greater demand for services, schools, fire, police and construction of more roads. The builder's main role in this evolution was to meet this growing demand and build where they were encouraged and directed. This was basic economics at work. Build where allowed on the cheapest land available, at the lowest cost possible, to meet consumer demand. I am certain this scenario fits everyone here tonight – builders, city planners, homeowner alike. Then came the 60s, 70s, 80s and particularly the 90s, where there was a period of rising awareness of our environmental stewardship and the recognition by city planners that we needed to incorporate stormwater management in our land planning and design. The result was a dramatic increase in land design regulations that has changed forever our new communities - preservation areas, resource management and protection setbacks, retention features, silt control devices, restoration of wetlands, monies earmarked for assisting localities in mitigating the older facilities and communities. In essence, homebuilders, developers and their engineers have been on the leading edge of the implementation of environmental quality for over 50 years. You might say that the sons are indeed paying for sins of their fathers and have been for a very long time.

The Home Builders Association of Virginia have long recognized that they must be a willing participant in mitigating developmental impact, and have been doing it at a significant financial cost for many, many years. These costs have been relative and very effective in greatly reducing the negative affects on the rivers and Bay from home communities and commerical properties that contain these environmental enlightened land design features.

I want to turn our attention from the myth that land developers only want to pave over every last square inch of land and are the source of all environmental evil or the enviornmentalists are tree hugging activists who won't rest until all growth and land development ceases. The unfortunate distaster of polarization of the task has only served to distract us all from the real task as hand. What you are going to hear tonight from the HBVA representaives is a presentation of a member-developed approach for reaching the tributary strategy goal with an innovative look at the nutrient pollution problem as a whole.

Our goal is to create better water quality in the Bay, faster, more efficiently than what is proposed in the regulations. It is imperative that we examine and target all sources of our waterways degradation.

Thank you for the opportunity.

Barrett Hardiman

Good evening, I am Barrett Hardiman with HBVA.

I appreciate the opportunity to speak to you tonight. This is the third public hearing that I have attended on this regulation. I also served as a member of the Technical Advisory Committee (TAC).

I want to begin tonight by clearing up some misconceptions that I have heard over the course of these meetings with an outline of the HBAV alternative that has merit and deserves consideration by the Soil and Water Conservation Board.

First, on many occasions over the last several weeks, I have heard claims that the building community is trying to place blame on the agriculture community and escape regulation. Nothing can further from the truth. Our goal in the industry is to help the agricultural community avoid mandates similar to those levied on the development community by providing the resources that fully implement the agriculture BMP program. We want to be partners in this.

There is also a misconception that the regulation that is before you is the result of a consensus reached by the TAC. This is also not true.

If you review the minutes of all the TAC meetings and the September 2008 Soil and Water Conservation Board meeting, you will find that not only are many of the TAC members unsatisfied with the final product, but DCR staff acknowledged and agreed to qualify that this regulation was not the result of a consensus.

Second, there has been considerable discussion of the cost associated with this new regulation. At the time the Soil and Water Conservation Board voted to move this regulation to the proposed stage, neither of the economic analyses had been completed. What did we learn from those two documents? I will read to you from the Virginia Tech analysis first.

Page 40, 2nd paragraph of the Virginia Tech analysis states: "The cost of incremental reductions in nutrient loads from the applications of stormwater controls, however, is high relative to other nutrient removal options. Uncertainties exist over the long-term cost and effectiveness of many stormwater control practices."

Page 11 of the DPB analysis states: "Economic efficiency of the proposed regulation could be improved by applying differential water quality criteria in watersheds across the state based on the relative water quality benefits that can be achieved." "The costs for meeting the standard appears to be significant everywhere."

This regulation will cost Virginia. It will cost jobs, it will increase the tax burden. But most importantly, it will cost the environment. The incremental reductions in phosphorus from new development generated by the proposed regulations will not address the problems facing the Chesapeake Bay or the waterways. The one-size fits all approach to water quality criteria will provide a minimal benefit at a significant cost.

Finally, the benefits suggested in the DPB analysis and DCR analysis of the regulation are questionable. Do not be misled. Under the proposed regulations, the aggregate cost to control urban runoff will continue to increase as more land is developed. Even worse is that the cost of the regulation will drive development out to larger, cheaper parcels of land where compliance is more easily obtained, creating sprawl, placing an increased burden on your aging infrastructure and invalidating the policies of the Governor and the legislature to reduce sprawl and encourage development near urban cores.

The good news is that HBAV is not here to delay or destroy this regulatory process as some have claimed. That has never been our intention. Our intention has always been to participate and attempt to build consensus. We set out with a goal of developing a plan that utilizes financial resources that we have available to compliment the regulations existing in the *Code* today.

Is it a perfect plan? No. However, it is a solution to a problem rather than a continued tunnel vision approach to environmental mitigation. First, we needed to evaluate the problems.

1) One, there is a stormwater runoff problem in Virginia. It is contributing to the degradation of Virginia's waterways and it must be addressed immediately. However, the problem is not new development. The problem is older developments from 1985 going back. Back then, we celebrated how quickly we could rush the water down the river without disturbing a single blade of grass. Why did we celebrate that? Because that was the regulatory structure we were working under at the time. It was wrong and we must fix it now.

2) That agriculture has attempted to address nutrient requirements through voluntary application of BMPs. The strategy was based on the availability of funds from the agricultural BMP cost share program. Sadly, this program is severely underfunded and draws resources from the Water Quality Improvement Fund. According to DCR documents, no money was allocated by the General Assembly for the cost share program in 2011. We also must fix this.

3) New regulations on point source facilities, like municipal stormwater systems and waste water treatment plants, have just gone in to effect. However, without funding none of those upgrades can occur. As local governments have to tighten their belts, as the rest of us here, there are fewer and fewer sources of revenue available to make this upgrade. Without funding, the goals for the point source sector will never be met. We also have to fix this.

Our proposal is simple. Slightly relax the standard on new development to allow for correction of older development. Money saved by reductions of onsite mitigation can be used to fund mitigation, restoration and upgrades in other resources that cause nutrient pollution in the Bay. Each time land is developed or redeveloped, there would be an onsite BMP design to control phosphorus runoff at

.6 pounds per acre per year and the developer would write a check for an amount per pound of phosphorus based on the difference between a moderately lower standard for onsite mitigation and the current .45 pounds per acre per year standard. The money would be deposited into the Water Quality Improvement Fund and allocated to projects as money is requested. For each pound of phosphorus paid for in a development, as many as 15 pounds could be mitigated elsewhere. The result would be that we reach our goals faster and more efficiently.

I am not claiming that our suggestions are perfect, nor are they an eleventh-hour attempt to upset the regulatory process. It is a good faith effort by the development community to try to fix the problem at the source.

All HBAV is asking for is the opportunity to try and reach consensus. To that end, we ask that Part II of the regulations be deferred and recommitted to the Technical Advisory Committee. During the reconstitution of the Technical Advisory Committee, we believe that some form of the HBAV proposal should be considered.

Thank you.

David Anderson

Good evening, my name is Dave Anderson and I am a resident of Chesterfield County. I am a lifelong Virginian raised in Roanoke, educated at Virginia Tech and have spent my 21 adult years in the Richmond region as a registered professional engineer. I am a trout fisherman and an avid hiker. I come from a Virginia farm family. I care very much about our environment.

I care so much about it that I have focused the last decade of my career pursuing and enabling smart and sustainable growth as both a consultant and now as community developer. Based on my experiences in the industry, I have a clear view of how these regulations will impact our Commonwealth.

These regulations, in their current form, will not help the Chesapeake Bay or the economy of Virginia. In fact, these regulations will have the opposite effect. One of the significant impacts will be the acceleration of sprawl across our Commonwealth. Sprawl will result when developers faced with new regulatory costs that cannot be recovered from tenants or buyers will build at much lower density so they can get below thresholds that will require additional expenditures for stormwater. Every smart growth advocacy group correctly insists that in the future we must develop at higher density to reduce the per capita consumption of resources such as roads and growth in utilities.

We must make accommodations in these regulations that speak to the need of urbanized areas as well as areas that should remain in conservation and preservation. I cannot imagine that it is the intent of the Board to accelerate sprawl at a time when we know the economic problems that go with it. But trust me, that is exactly what will result. Those that think only developers will pay are mistaken. All of us will pay significantly. Localities will be charging citizens monthly rainwater

bills, much like they charge now for sewer and water. Each of us might be paying \$20 to \$30 per month to counties that have been forced to increase their programs because of the new regulations.

I believe that one element must be changed to avoid a complete economic nightmare for the state. Allocating the .28 phosphorus loading requirement equally across the state is mistake. This one-size fits all approach assumes that urbanized areas can reduce pollutants the same way rural communities can. This is simply wrong. The state's own economic impact assessment spoke clearly of the value in having differential reduction requirements for these regulations, yet that recommendation has been ignored thus far.

We can do a much better job in helping the Bay if we put the money where it will do the most good. These regulations currently will require a downtown redevelopment site to spend a million dollars to reduce 2 pounds of phosphorus. Think of that. How much better would we be if we put that million dollars where it did more good, like helping carry out a successful agriculture BMP program?

For the last five years, I have worked with my partners to zone a community called Roseland, founded on smart growth principles, reduced automobile dependency, better connectivity and attention to preservation and conservation of the environment. We adopted the most stringent water quality conditions ever seen in Chesterfield County. We are committed to certified green construction for buildings in all our communities.

We have received praise for our efforts to build in an environmentally sensitive way. In their current form, the new regulations will prevent us from building Roseland as we have envisioned. If smart growth communities like Roseland cannot be built, I would simply ask what kind of communities do you want for the future of our Commonwealth?.

Please make the changes necessary to make this regulation one that helps the Bay not just one that punishes our economy and our citizens.

David Crawford

Ladies and Gentlemen, thank you for an opportunity to speak this evening. My name is David Crawford. I am a resident of Roanoke County, Virginia. I am a member of the Home Builders Association, member of the Institute of Mechanical Engineers, and many other organizations. I am here tonight in support for the passage of these regulations on behalf of the Brand Center and RMS.

We would like to express our support for Governor Kaine and DCR for their efforts for the long-term protection of our waters and waterways. Today, insufficient stormwater management has very real costs: declining fisheries stocks, flooding, loss of income from tourism, signs that posted on fisheries that read, "Do not eat the fish", and massive amounts of public monies spent in an effort to clean up our water. The learning process has been costly. Why not learn from our past to save money and our natural resources in the future. Some have said that the new regulations are prohibitively expensive for developers at a time when the development

market is crippled by a struggling economy. Some have said no new schools will be built, not so. Have we not learned anything from Wall Street this year? We have to think about the long-term effects of our regulations, not just the immediate impact. Some have said that stormwater management under the new regulations will take up more space on the site, discouraging high-density development, not so. While simply increasing the size of detention ponds to meet the regulations could take up more space, low impact development provides a number of options, such as rainwater harvesting, that uses minimal space on the site.

While these new designs will require some changes in "business as usual" stormwater management, buildings and sites can be designed to be both cost-effective and meet these stormwater regulations. For example, Oscar Smith Middle school in Chesapeake was rebuilt on the old campus in a dense developed area. The rainwater is stored under the courtyard and reused for irrigation, toilets, and urinals in the school. No space on the site is lost to this stormwater management practice. The Western Virginia Regional Jail in Roanoke County is a 300,000 square foot facility developed on an old horse pasture near the river. The present runoff from the developed site is less than the pasture condition and the harvested rainwater provides 100 % of the water needed to the laundry. The EPA has studied the costs of low impact development practices and shown that LID practices can create savings as high as 80% less than traditional stormwater practices. In addition, many of these practices can make the operation of the building less expensive creating a long-term financial benefit.

Who will pay in the long term for short-term gains? The taxpayer. Why should the elderly and common taxpayer pay for the long term clean up of our water to allow short-term gains by development? Managing a problem upfront is always less expensive than cleaning it up later. If we do not impose stricter stormwater management laws, we will pay a far higher cost in the future.

Water is our most precious and finite resource. We must protect it.

Thank you.

Warren Wakeland

Good evening, I am Warren Wakeland, government affairs director for the Home Building Association of Richmond. Thank you for holding this public hearing.

HBAR will provide detailed written comments to the Board about Part II of the stormwater regulations being considered shortly. Tonight, we will only express our disapproval with the regulations as they stand and our disappointment in DCR's failure to take seriously the Homebuilders' option that will provide more pollution cleanup of the Bay in less time and at less cost. DCR fails to acknowledge the lesser role development actually plays regarding nutrient pollution in the Bay by creating a set of regulations that only touches new development. According to DCR, less than one-third of the nutrient pollution reaching the Bay is attributable to urban runoff. DCR also says the majority of pollution from development is not from new construction, but from residents overfertilizing their yards or washing grit and grime off their vehicles and driveways. Yet

there is no discussion in the regulations of teaching residents how to better manage these problems to help prevent more pollution.

The building industry, which has provided many of the necessities that have helped the Commonwealth become rated America's most business-friendly state three years running, is the only industry regulated in this proposal.

There are several things the Board should understand about these regulations before considering them:

- 1) The methodology used by DCR to craft these regulations shows an extraordinary lack of balance between impact on water quality and impact on development cost. Figures calculated by civil engineering experts using DCR methodology show only 124,000 pounds of phosphorus will be mitigated in the first 25 years, at a cost to development of \$2.1 billion. The experts use potential plans to show an urban redevelopment site of less than one acre that would see twice the current required phosphorus removal under the proposed regulations for 3.5 times the current development cost. They show a residential site currently under review that would see almost five times the phosphorus removal for almost 11 times the development cost. The average benefit increase to the Bay from these regulations would be 26 percent for an average development cost increase of 250 percent.
- 2) With the increased restrictions on impervious surfaces and requirements to control runoff from pervious surfaces, developers will have two choices – buy larger amount of urban and suburban acreage to help mitigate the runoff or move further out of urban areas and build using lower densities. The first option will cause enormous increases in land costs and drive economic development out of Virginia. The second option will cause more traffic and auto pollution and reduce urban county revenues, decreasing services to residents and increasing property taxes. Both options create more sprawl and make affordable housing non-existent, creating more economic development problems.
- 3) The General Assembly mandated in 2007 that local governments in high-growth areas must enact urban development areas, or UDAs, by July 2011. A UDA allows for higher density, New Urbanism-style development in high-growth areas in an effort to reduce traffic congestion and auto emissions and increase potential mass transit options. The stormwater controls these regulations require would prevent UDAs from being utilized. This will also push development further out, causing more sprawl.

The Commonwealth wants to clean up the Chesapeake Bay and the building industry supports this honorable goal. But a regulation that does not address all the Bay's pollution sources proportionally is a weak regulation that makes no sense. A regulation that includes counties from which absolutely no stormwater flows into the Bay makes no sense. A regulation that hurts economic development and causes urban sprawl makes no sense. A regulation that doesn't allow higher density development or affordable housing, reduce traffic congestion and air pollutants or improve quality of life for families makes no sense.

The Home Building Association of Richmond urges the Soil and Water Conservation Board to reject Part II of these regulations and requests that DCR reconvene the Technical Advisory

Committee, in order to give the Homebuilders' option honest consideration as a method to clean up the Bay more quickly and more efficiently than currently proposed. If we are serious about cleaning up the Bay, we must consider a new approach to funding the cleanup, such as what the HBAV proposal offers.

Thank you for hearing our concerns.

Debi Girvin

Good evening, my name is Debi Girvin and I am representing the Chesterfield Business Council of the Greater Richmond Chamber of Commerce. I am a resident of Chesterfield County. I live on 10 acres in the woods. I belong to the Sierra Club, and I hunt and fish.

The economic impact analysis sent by the Virginia Department of Planning and Budget regarding these regulations states that the general public and businesses throughout the Commonwealth benefit from additional stream channel and flood protection. Commercial and recreational fisheries benefit from improved water quality. Cleaner water also benefits tourism-based businesses. Who among us would doubt the truth in these words?

The Chesapeake Bay is a gem for all Virginia and its health is paramount to tourism and the businesses that depend upon it. The individuals who come here to say no to these regulations this evening are not against a cleaner Bay. They are arguing against a series of regulations which number one may not have a sound basis in science. Which is something the EPA Administrator for the Obama administration, Lisa Jackson, has said repeatedly her policies will follow.

As an example, the Chesapeake Bay program indicates that the river basin in the Bay watershed with the highest percentage of agriculture yields the highest overall amount of sediment each year. Additionally, the State of the Bay Report for 2008 discussed the Blue Plain Sewage Treatment Plant, which is on the southside of the Potomac in Washington, DC. This report indicates that Blue Plain is the single largest point source of water pollution in the Chesapeake Bay Watershed. It is my understanding that actions are being taken by the EPA to make corrective measures in that facility but it is too early to tell yet whether there will be any measurable results.

In 2005, Virginia's Lynnhaven River was barely able to support healthy native oysters. In 2008, 31% of the river was able to produce safe shellfish. In a Virginia Pilot online article, Laurie Sorabella, a marine scientist and assistant director of Lynnhaven River Now, attributed the turn around to a no discharge zone for boaters, greater awareness of living green and the construction of nearly 60 artificial oyster reefs. She also stated that the remaining culprit was lawn fertilizer.

Maps which can be viewed on the Chesapeake Bay program website indicate that the point sources for both nitrogen and phosphorus are heavily concentrated in the DC, Maryland and Delaware areas. The signs seem to indicate that these extensive and expensive measures in the State of Virginia would have minimal impact on the state of the Bay. It will also have a direct affect on homeowners, private landowners, public and private land developers and businesses. Virginia residents will pay

for the higher cost associated with local stormwater requirements. Excluding those individuals like environmental consultants and environmental engineers who will be highly in demand, it could lead to further job losses in the State of Virginia.

The added cost of these stormwater regulations may become impractical for smaller businesses that wish to expand or those who want to open here. Larger businesses scouting the area for a place to build their business may find these new regulations are onerous and choose a location in a state with less stringent regulation than these. In tough economic times, these regulations seem to be dragging us down a path to slowing economic development, affecting jobs and strapping local and state governments with the cost of administering local stormwater programs. Of course, it is expected that these fees will be partially or fully covered by additional fees for stormwater and land disturbing permits.

For localities with stormwater utilities, higher fees could pay for the increase in the cost for stormwater control maintenance. Other localities would have to cover the higher cost through existing local and state revenue sources. The report indicates that the cost for meeting the standards appear to be significant everywhere and even suggest that economic efficiency could be improved by applying differential water quality criteria in watersheds across the state based on relative water quality benefits.

And here we get right down to why there are people here tonight to say no to these regulations. If we go ahead and implement these regulations, it will make an economic difference in Virginia, one that is decidedly negative. No one can say that the water quality benefits will be achieved.

Thank you.

James Bishop

Thank you for the opportunity to speak. I am not well educated, relative to speech, but I am going to approach it from a different angle. I am going to put the blame where it belongs.

For the past 20 years, I have probably been in more stormwater ponds and retention basins than anyone in this room has. I maintain them, build them and repair them. The biggest contributor to the pollution in the Chesapeake Bay is the State of Virginia and local governments, despite of what everyone believes, by failing to follow the regulations that the Department of Conservation and Recreation has put before them. In the book it states that the ponds are to be inspected annually and cut at least twice a year, this is not being done. Within 30 minutes of this meeting room, I can show you ponds that have trees, eight inches in diameter, in them. I can show you ponds that have not been cut in four years, on state property and land owned by local governments. There are over 600 ponds, on commercially owned farms, within 45 minutes of here that have not been maintained.

We need to pass legislation that puts some teeth in them so you can go after the people that are not maintaining them. The regulations you have are sufficient, they may need to be tweaked a little bit

but if you take care of what you have got and enforce the regulations that you have the stormwater quality in the State of Virginia and on the Chesapeake Bay will improve greatly.

I would dispute some of the figures on agriculture. The pollutants and the silt are quickly filling in the Bay and in about 58 years, we will be able to plant crops in it.

Thank you.

Gray Stettinius

I am a life long resident of Virginia, I am a builder-developer by profession and like many in this room, I am trying to do my part to become greener in all that I do. I am an Earth Craft certified builder and I am a certified green professional.

I have been a frequent user of the Upper James, the Lower James and the Rappahannock Rivers over the past 40 plus years and I very much want them to be as healthy and clean as possible. With that said, I would like to register my opposition to the proposed stormwater regulations in its current form.

These regulations as written provide only marginal incremental benefit to our waters at an economically crippling price. The real world cost of this proposal to our Commonwealth in terms of lost jobs and diminished quality of life is enormous. All residents of Virginia will feel the impacts and they will be felt for years to come.

Furthermore, the unintended consequence of this proposal, in terms of forced sprawl, would do much to negate whatever benefit is derived from any change to the existing regulations. We can do a much better job providing for the Chesapeake Bay and the rivers that feed it and at a much lower cost to the citizens of Virginia than what is being proposed currently.

I encourage the Board to defer the adoption of the Part II of this proposal until a more effective proposal can be crafted.

Thank you for your time this evening.

Stuart Grattan

Good evening, I am president of Grattan Associates; a civil and environmental engineering firm located in Richmond and have designed sites and subdivisions throughout the state for 24 years. I am an outdoor enthusiast; hunter, trout fisherman, and I too understand the need for clean water.

I am opposed to the proposed changes to the stormwater regulations for the following reasons: By discouraging higher development by increasing stormwater basin sizes, sprawl will be increased. The Homebuilder's recommendations are better than the proposed changes because they enable the

financial growth to fund BMPs in agriculture areas. The regulations will be improved with more offsite options to include the construction of offsite BMPs and cap and trade provisions.

Nutrient offsets and offsite options should not be limited to downstream. If any limitations are placed, it should require the offsite work to be compensated upstream so that the downstream waters are not affected. Redevelopment requirements should be eased and not increased. Historically, the most effective environmental programs have provided incentives to encourage economic protections. Air cap and trade programs and wetland banking are two good examples. If we include some form of allowance for timberland and agriculture lands to sell their impervious rights, then the free market will establish the proper values and we can achieve our water quality goals. If we force ourselves to work with the proposed regulations, we will not solve any of our stormwater issues because no one will build new buildings or new BMPs. In addition, we will put Virginia's economy at such a severe disadvantage to other states that we will miss the influx of investment that has made us so successful today.

Thank you for your time.

Sterling Rives

Good evening, my name is Sterling Rives, I am the Hanover County Attorney and I have to say at the outset that it is a very rare occasion when I find myself in complete agreement with so many of the comments that have been made by representatives of the HBAV.

Hanover County has some very serious concerns about how these regulations would affect local comprehensive plans and community development. I think all of you people know, for most, counties that are struggling to manage residential and commercial growth. Comprehensive plans are not just about what land gets zoned to what category, but is it a complex, critical interwoven set of plans that govern roads, utility expansions, the location of schools, fire stations, rescue squads and all of the provision of public services.

You will also recall that in 2007, the General Assembly adopted as part of a comprehensive transportation plan a state law mandating that growing counties incorporate into their comprehensive plans urban development areas. That is, areas with higher densities that are proximate to transportation facilities, proximate to water and sewer, and proximate to existing development. These areas are intended to be reasonably compact with at least four dwelling units per acre and commercial development at at least .4 floor area ratio. They are to incorporate the principals of new urbanism. That is all a good idea and in fact, Hanover County has been doing much the same thing for a number of years as a way of preserving rural historic areas, and providing for communities that can be efficiently and effectively served with public services. However, Hanover has a very real concern that these proposed regulations would make it financially infeasible, if not practically impossible, to develop in these areas as this plan calls for and as state law would mandate.

Consider the costs estimated for residential development. The Williamsburg Environmental Group estimated incremental additional costs of \$2 to \$6 thousand per dwelling unit. Yet one of the county engineers participated in a design charette conducted by DCR in which the estimate was \$20,000 per dwelling unit, at three dwelling units per acre. The Timmons Group recently completed a study that estimated \$30,000 in incremental costs for a particular proposed subdivision. Yet as the Williamsburg Environmental Group also found for estate lots, that is large lots of two, three and four acres, there would be no cost. We are concerned that the effect of these regulations would be to add to the cost of cash proffers, the cost of connection fees in urban areas and make it financially infeasible to develop in the areas where we all want the growth to go. Consequently, we would urge you to consider alternative measures. Instead of using pounds per acre as your measure for reducing nutrient runoff, consider pounds per dwelling unit. This would be a much more effective way of dealing with high-density development. Or consider a sliding scale so that perhaps for two dwelling units per acre it might be .28 pounds per acre but for four dwelling units, or six dwelling units per acre the limit would be higher. Finally, please consider having a different standard altogether for urban development areas. For those areas where we all want the growth to go a different standard would recognize the many additional environmental benefits that are proved from compact, contiguous, efficient growth as state law requires it to happen.

Thank you.

David Phemister

My name is David Phemister. I am Director of Government Relations for The Nature Conservancy in Virginia. I am here tonight to speak in support of the proposed revisions to Virginia's stormwater management regulations and to encourage the Board to approve them largely as proposed. In deference to your time and in recognition that my comments will likely be echoed by many others, I will strive to be brief.

In evaluating the proposed regulations, I think we need to ask five critical questions: (1) Is there a problem? This is another way of asking: Are the regulations needed? (2) Will the regulations properly address the problem? (3) Are the regulations technically and financially feasible? (4) Are there credible alternatives? (5) And have the regulated entities, affected stakeholders, and public be given adequate opportunity to participate in the process?

If we run through these questions — quickly — I hope you will agree that approving these regulations is the prudent, right, and sensible course of action.

1. Is there a problem? The indisputable answer is yes. Even opponents of these regulations will admit that the Chesapeake Bay is dirty and thousands of miles of Virginia streams are impaired. No one is proud of those facts and all recognize we can and must do better. It is equally clear that stormwater plays a large and increasing role in water pollution and stream degradation. While efforts to address stormwater pollution

will not clean up our waters all by themselves, it is abundantly clear that we will not reach our water quality goals without addressing stormwater in a comprehensive and substantive fashion.

2. Will the regulation properly address the problem? While no one can assert that the enactment of these regulations will result in the magical overnight restoration of our streams, rivers, and the Bay, there is considerable evidence assembled, through the technical advisory committees working on these regulations, outside assessments, EPA's Chesapeake Bay Program, and academia that show that statewide implementation of these regulations will have a demonstrably positive impact on water quality and quantity issues associated with development projects. More importantly, these regulations will significantly reduce further degradation of our rivers and streams, giving our restoration and point source upgrades opportunity to deliver real gains.

3. Are the regulations technically and financially feasible? Without question, the biggest concern you will hear about these regulations is that they are too difficult and too expensive to implement. I think the environmental community has been forthright in acknowledging that in some cases, these regulations will indeed add cost to certain development projects. Independent analysis of technical feasibility and costs of the proposed regulations demonstrate that for most sites, reductions could be achieved on site and costs were manageable and remained a small part of a project's overall expenses. The availability of stormwater nutrient offsets are an option created by legislation this past General Assembly session — provides additional compliance flexibility and should reduce costs considerably for certain types of projects. One last point on cost: it is critical that one consider the costs we are already accruing based on inadequate stormwater management — both in terms downstream flooding and property damage, expensive restoration efforts to try to clean up problem after the fact, and direct economic impacts on our fishery, tourism, and recreational industries.

4. Are there alternatives - cheaper better ways to achieve same or better result? The opponents of these regulations have not put forward a credible alternative to these regulations. There has been some discussion of shifting responsibility for stormwater pollution to farmers and wastewater treatment facilities, but that proposal was based on inaccurate calculations and unrealistic assumptions and is definitively not a viable alternative. For all the reasons mentioned above, the do nothing alternative is also certainly not viable. And lastly:

5. Have the regulated entities, affected stakeholders, and general public been given adequate opportunity both to help shape the regulation and comment on the proposal? More simply, has the process been fair? Again, the answer is an indisputable yes. The record is clear that this has been and continues to be one of the most open and transparent public environmental regulatory processes ever conducted in Virginia. While not everyone got everything they wanted – TNC included – no party can defensibly assert that its voice has been excluded from either the discussions or deliberations.

Again, The Nature Conservancy urges you to approve these proposed regulations.

Thank you for your time and attention.

Rick Parrish

Thank you and good evening. I too want to express strong support of the proposed stormwater criteria and express great appreciation for the hard efforts of DCR staff and the volunteer members of the Technical Advisory Committee working over the past three years to put this package together.

The Southern Environmental Law Center, who I represent here tonight, recognizes that this alone will not solve water quality problems in the Chesapeake Bay. Sewage treatment plants are going to have to continue doing their part. Agriculture is going to have to continue doing its part, even sources of atmospheric nutrients are going to have to do their part. However, stormwater reductions are absolutely necessary to restoration of the Bay. The alternative really is to write off the Bay. Therefore, I come here tonight, in agreement with DCR that we have to do our part. Now your job does not reach to sewage treatment plants, coal fired power plants, agriculture, but you do have the authority and the responsibility to see that there are reductions made from stormwater problems throughout the state and we support that.

We recognize that it will cost more, in many instances if not most. So will sewage treatment plant upgrades, so will agriculture revisions to craft buffers and other pollution reduction practices. We are all going to have to pay more if we want to restore the waters that the 400 years of our existence in this state have created.

Other contributions are going to have to be addressed as well, but not here, not tonight and by DCR. This is a stormwater rule and we do support your efforts to strengthen it. I would say that we do not think this is strong enough. In some instances there are going to be discharges even under these criteria that will continue to contribute to existing water quality impairments. This is a great step in the right direction and I predict that we will discover in some years in the future that it simply not enough. Nevertheless, let us get moving while we can.

We do have one concern in agreement with the homebuilders and developers that there are some possible implications for discouraging smart growth, especially urban redevelopment, and having a consequential increase in sprawl. Therefore, we do support a slight change to the proposal, in particular, on the water quantity runoff restriction for urban redevelopment along degraded urban streams or in areas where those discharges contribute to flooding problems. We have explained that in comments that are attached. That is a minor change to the rule. It is recognition that we really cannot have everything all at once but we really support what you are doing here. We think that the offsets on the water quality side will address the critical problems that otherwise might be presented by the rule.

We think it is a fundamentally sound package and a good result of three years of worth of effort and encourage you to move forward.

Thank you.

Bill Street

Good evening, my name is Bill Street; I am the Executive Director of the James River Association.

The way that Virginia manages stormwater will be the single greatest factor determining the future of health of Virginia's streams, creeks, rivers and bays and the condition in which we pass these shared natural assets to future generations. The James River Association strongly supports these proposed regulations as a critical step to fulfilling the Commonwealth's obligation under its constitution to provide clean water to all Virginians.

The current stormwater requirements are 20 years old and the science and practice of stormwater management has advanced tremendously since then. The proposed regulations provide a reasonable and workable approach using the latest and best science and techniques.

The greatest concern voiced about these regulations is cost. We must first acknowledge that we have long been paying the price for degraded stream conditions and poor water quality in the form of commercial fisheries, watermen communities, treatment costs for drinking water, human illness from waterborne bacteria and pathogens and a reduced quality of life.

Second, we must also recognize that it is more expensive to fix problems after the fact than it is to prevent problems in the first place, when it comes to the health of our streams and rivers. Many communities and local governments are currently spending millions and millions of dollars to fix the degraded streams due to inadequate stormwater management.

Third, in order to directly assess the attainability and cost of the proposed regulations, the James River Association commissioned a study by an engineering firm comparing current stormwater criteria to the proposed criteria across a range of projects. The results reaffirm that the proposed rules are technically sound and attainable across a wide variety of types of development. For each site examined, compliance with the proposed regulations would be achieved on site. The analysis showed that compliance costs of the proposed regulations range greatly from site to site based on a variety of factors, some unrelated to stormwater.

Clean water is no accident. Therefore, we know that it will generally take greater effort and investment to reduce stormwater pollution. However, the compliance costs are in the range of what some localities with strong stormwater programs are already requiring.

Fourth, DCR has proposed a fair and sensible strategy that includes numerous provisions and flexibility to reduce the potential economical burden of these regulations. Specifically the new rules include increased choices in the types of practices that can be utilized to control stormwater pollution and a process to continue to approve new innovative and effective approaches.

Fifth, the flexibility for developers and localities to obtain pollution reductions offsite to ensure that pollution control is cost effective and are not a barrier to urban redevelopment. The potential cost savings of this program provided by the General Assembly, this past February, has not been factored into any of the cost estimates to date, but has the potential to substantially reduce costs, particularly for redevelopment projects and constrained sites.

Sixth, options exist for localities to adopt alternative means to meet stormwater requirements for targeted areas or for specific local needs.

Seventh, the improved design standards that make stormwater pollution controls practices more efficient.

Just as clean water is a basic necessity and 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. These regulations represent a fair and equitable step forward to achieve necessary pollution controls from new development and to meet the complimentary goals of environment and economic health for Virginia.

Thank you very much.

Tyler Craddock

Good evening, I am Tyler Craddock, representing the Virginia Chamber of Commerce. On behalf of our members and our staff, I would like to express our thanks for the opportunity to speak to this proposal. Prior to the closing of the comment period, we will be submitting detailed written comments that cover our concerns in greater detail. This evening, however, I want to focus on several key issues.

First, let me say that the Chamber wants to be a partner with the Commonwealth in restoring the health of the Chesapeake Bay, one of our most cherished natural resources. These proposed regulations, however, are not the way to accomplish that goal. To begin with, these regulations create rules that will needlessly encourage sprawl by favoring low instead of high-density development, thereby creating greater rather than less strain on the Bay watershed and increasing the burden on our already cash-strapped transportation system.

Second, these proposed regulations take a remedy developed to solve Chesapeake Bay issues and apply it statewide. This is a problem in the first instance because the remedy may actually make matters worse for the Bay. However, even if that is not so, there is no defensible regulatory justification for applying that remedy outside of the Bay watershed. Clean water issues external to the Bay watershed need to be addressed on their own terms. The problems that these water systems may have are different from those confronting the Bay. It is far from clear how these proposed regulations solve problems outside the Bay watershed. Indeed, problems outside of the Bay watershed have not even been identified during this regulatory process. Before we can fashion a solution, we must first identify a problem. This process has failed that most basic test.

Although these proposed regulations fail to achieve their environmental protection goals, they succeed all too well in killing jobs and threatening Virginia's status as one of the world's premier business locations.'

For Virginia to remain competitive, it is crucial that the business community be able to develop industrial and commercial sites and nearby affordable housing choices in a manner that does not impose unnecessary, burdensome regulation and taxation. In this way, we can continue to provide high paying jobs for Virginia families and make sure that those employees have homes to go to at night. It cannot be overstated that developing these sites in an efficient, cost-effective manner is a major factor in our ability to compete in the global marketplace. Unfortunately, the proposal before you could hinder these efforts by increasing the cost of developing needed commercial, industrial and residential sites across Virginia.

We recognize that this proposal contains several parts and acknowledge that our concerns are mainly with the technical standards. For that reason, we encourage the Board to resist the urge to adopt Part II, which contains the technical standards, but to work with the industry and other stakeholders to iron out logistical concerns and move forward with Parts I, III and XIII, which set up the local programs and fee structure. In this way, you can begin to get the local programs in place within the framework of existing standards.

To address the concerns that have been raised about Part II, we encourage the Board and DCR to re-convene the Technical Advisory Committee (TAC). While some may think and argue otherwise, the fact of the matter is that many in the business community do not believe that their concerns about the technical standards have been adequately addressed or even addressed at all up to this point in the process. Moreover, it would give DCR, the Board and all stakeholders an opportunity to consider the HBAV alternative, an approach that has merits on several levels and deserves more consideration than it has gotten to this point.

Virginia's consistent ranking as one of the best places to do business is in part the result of an aggressive, unapologetic pro-business approach to public policy. Adopting these proposed standards as they are currently before the Board would represent a drastic step away from the pro-business policies that have fueled our economic prosperity and a giant leap backwards for our Commonwealth. We urge the Board to stand firm against these proposed technical standards and in doing so stand strong for Virginia's continued economic prosperity.

Thank you.

Bob Hicks

Members of the Committee, my name is Bob Hicks and I am a lifelong Virginian, hunter, fisherman, canoeist, businessperson and former Director of the Department of Conservation and Recreation. I come before you tonight to commend you for the work that you have done so far,

some four years in the making, and to note that this while it is not perfect and if it were perfect, there would be no one behind me in this room tonight.

I am not going to go into technical details; you will hear plenty of that and already have. However, one thing that resonates well with this is the proviso for low impact development stormwater management systems. I want to read a quote. "Low impact development stormwater management systems can reduce development costs through the reduction or elimination of conventional stormwater conveyance and collection systems. LID systems can reduce the need for paving, curb and gutter, pipping, inlet structures and stormwater ponds by treating water at its source instead at the end of the pipe. However, developers are not the only parties to benefit from the use of LID stormwater management techniques. Municipalities also benefit in the long term through reduced maintenance costs." (Research Center for the National Association of Homebuilders)

Thank you for the opportunity to present.

Phil Abraham

Good evening, my name is Phil Abraham; I am a resident of Henrico County and here tonight representing the Virginia Association for Commercial Real Estate (VACRE). Our members are commercial and industrial developers in the Richmond, Hampton Roads and Northern Virginia areas.

We share the concerns of many of the speakers tonight with the proposed regulations. While we appreciate the needs to protect the Bay and improve water quality we are very concerned with the cost these proposed regulations will impose on commercial and residential development versus the minimal benefit they offer for environmental protection. These costs will be imposed on the development community at a time when there is tremendous economic uncertainty. A few experts are predicting a turnaround for the commercial sector any time soon. Many predict it will be as many as three years before the worse is behind us.

The members of VACRE are particularly concerned with the technical criteria contained in Part II of the proposed regulation which impose criteria such as the .28 pounds of phosphorus standard that have been proven economically unattainable in other segments of the economy. The cost that will be imposed by these proposed regulations will discourage infill development, make the urban development areas infeasible and push development toward rural areas where land is cheaper thus encouraging sprawl.

We urge you to defer action on Part II Technical Criteria and reconvene the TAC and take more time to come up with more reasonable requirements that can be imposed for less costs while achieving similar or greater environmental benefits at a most reasonable cost to homeowners and businesses.

Thank you very much.

Bill Hestand

Good evening, I am Bill Hestand, a longtime resident of Chesterfield County and engineer for over 36 years. I am asking you for Park II to vote no. The regulations we have now, yes they do need a little tweaking, are good. It looks like we are trying to put one big fix on everything; that applies to agriculture, but not for the development we are doing here downtown

Vote no, you have heard it 100 times.

John Easter

I am John Easter; I am Chairman of the Chesterfield Business Council that as a group is concerned about the economic impact of these regulations. The comments that I am going to make here tonight are my personal comments.

I recognize that having a clean Bay is a very important thing to this Commonwealth. As I think, everybody in this room agrees with. However, economic development and jobs are also are important. In addition, if we are going to think about those two things, it seems to me we have to do a very simple cost benefit analysis as we think about these proposed regulations. I honestly believe that the agency documents that you have put together have not shown the benefits of these proposed regulations to outweigh the cost.

Let me talk about the benefit aspect of this first. The rationale for these regulations is included in the September 5, 2008 discussion document, which talks about why we are worried about pollutants in the Chesapeake Bay. It refers to the fact that in 2000, Virginia and other states entered into an agreement on the amount of pollutants that each state would allow to go into the Bay. In turn Virginia, through the tributary strategy, divided its allocation among the various river watersheds.

I representing Chesterfield and all of us sitting here who are in Central Virginia are in the James River Watershed. I am especially concerned about the impact and the benefits as it relates to the James River Watershed. The problem is that the tributary strategy for the James, your own document, says there is only "very slight influence on the Chesapeake Bay from the James River." There is virtually no impact on the crucial northern section of the Bay, north of the Potomac River, the greatest area where the very low levels of dissolved oxygen are available that result from these pollutants.

Given that conclusion, I do not understand how there is a benefit to the Bay, which is your articulated rationale, from the James River Watershed. We have to understand the James River Watershed is 47% of the Bay's watershed. Therefore, what you are talking about is a regulation putting significant restrictions on 47% of the watershed that by your own document has very slight or virtually no affect on the health of the Bay. I think the importance of the benefit is very unclear.

Now with respect to the cost, others have talked about specifics on the cost. Sterling Rives referred to a number of specifics there. I am not going to get into those details. I just want to cite the

Virginia Department of Planning and Budget report that says there are uncertainties in the cost and effectiveness of stormwater control, particularly in highly urban settings. They are uncertain what the costs are but they are potentially high. They also say that the high cost of dealing with trying to reduce nutrients loading through stormwater management is high relative to other techniques for reducing the nutrient removal options.

So on the one hand, I really do not understand the benefit of these regulations as it applies to the 47% James River Watershed and I do not understand the cost. The Department of Planning and Budget itself said the benefits exceed the cost for one or more areas. My assessment would be a little more severe. I would say we do not know the cost but we think they may be very high and the benefit is very slight or virtually none. I think honestly the case has not been made for the proposed regulations and they should not be adopted.

Thank you very much.

Rob Bradham

Good evening, I am Rob Bradham representing the Greater Richmond Chamber of Commerce. I would just like to note that I moved to Richmond 18 months ago and before that, I grew up in Virginia Beach as an avid surfer so water quality means something to me personally.

I'm here tonight to talk about the potential for economic development opportunities lost. Virginia has been rated three years in a row as the best state in the country to do business. Locally, here in Richmond, we have been rated the last two years, one of the top 10 regions in the country to do business. We are very proud of that and the Governor is very proud of that.

Those things do not happen by accident. You are not rated by national magazines that are prominent, as the best place to do business for no good reason. We have three reasons why we are the best in the country: (1) our central location on the Eastern Seaboard. We are just south of DC so the markets north of us are easily accessible. Charlotte is easily accessible and we have a great airport. (2) We have a low tax burden in our state and we have a sensible regulatory environment. That is very meaningful to businesses that are looking to locate. (3) We have a great quality of life. We have decent affordable housing in the Richmond region. We have virtually no traffic and we have great natural and cultural amenities including the James River, 47% of the Bay's watershed. Simply stated, people like to live here which means employers like to locate here because their employees are happy.

Every state north of us has a higher tax environment and a harsher regulatory environment. This is a competitive advantage for us. It means we can market our region to companies that are located in states that are north of us and say come live down here, move your headquarters down here, your employees will be happy, you will have lower taxes, you will have a much easier regulatory environment and your location will allow you to market yourselves. We have a competitive advantage.

If these regulations are passed and go into effect, a big portion of our competitive advantage, which is the regulatory environment and a low tax burden, will simply go away. We will no longer have the competitive advantage to market our region to other areas of the country.

I want to cite two examples. Recently, Phillip Morris built a building, you can walk to it from here, in an urban setting that would be significant more expensive to develop, than it was two years ago, if these regulations go into effect. Would that have influenced their decision, they would have certainly thought a lot harder about it and they would have thought a lot harder about moving from New York.

Mead Westvaco is currently building a headquarters building by the Federal Reserve Bank. I can tell you their decision would have been impacted because they were from a state that had a low tax, low regulatory environment. They are not going to come here and build a headquarters building under in downtown Richmond under this environmental regulatory scheme.

What does that equate to? Those are jobs coming to the Richmond region for other areas of the county. We dearly need those jobs. The last six months we have had 10,000 people put out of work in the Richmond region, and losing the opportunity to bring companies like Mead Westvaco and Phillip Morris to our region means that those are lost job opportunities for those 10,000 employees.

I would just urge you to reject Part II of these regulations.

Thank you.

Carrie Coyner

Good evening, my name is Carrie Coyner. I am a lifelong resident of Chesterfield County. I grew up and still live on the James River. I want to raise my children on the James River. Where I grew up there is a nature trail where we built forts and they are still there in the same condition as when I was a child. It has been a treasure to have it there and I hope I get to continue to live there.

I am not going to speak on technical issues this evenings as there are many engineers in this room that are qualified to speak to those. I would like to say that I believe these regulations are going to lead to sprawl as well as businesses leaving our state.

One example I would like to give is something that is actually where I live. I live in a community that is known as Meadowville Landing. It is adjacent to Chesterfield Meadowville Technology Park. It is an area in Chesterfield that the County and citizens want to see developed with industry and businesses.

Urban Land Institute came and put together a presentation as to what that group felt would have to be done in the areas to make that project succeed. They put together a list of qualities that you would need to have. It included a town center with retail facilities, hotels, tourism attractions, high-

density housing and traditional housing and all sorts of elements that would be necessary in close proximity to support those industrial users that would be encouraged to come to Chesterfield.

I moved there in anticipation of this development happening, the ability to perhaps walk to work, restaurants and local businesses. I have seen through the examples that many engineers have put together the impact that these regulations will have on development projects such as the Meadowville Technology Park and the town center and home that are supposed to go there. The engineers in this room have taken existing projects, as they would be able to be built today, and they have shown using very conservative methods and the regulations proposed the impact that they would have. They were very conservative and it led to the decreased density of those projects and the inability to build them and in what we would consider the best design for new urbanism. Where do these businesses go if they cannot locate in Virginia or the proximity of one of these new development projects?

I think the best-case scenario under these new regulations is sprawl. You could perhaps keep businesses here but they would just spread out to cheaper land where you have areas that are already developed making it more expensive because that is where people want to be. When you have to use the proposed regulations, land is more expensive and you have to decrease somewhere so I believe it will cause businesses to move further out away from the already developed areas.

In a worst-case scenario, businesses and citizens leave the state completely, which will lead to a decrease in our economic development.

Our county is currently working on a new comprehensive plan. I am on the steering committee of that and our committee is very excited about our work. As a citizen of Chesterfield, I was excited about the comprehensive plan coming up. All the new development ideas and changes that our citizens would like to take place would be impossible with these regulations

I would ask that you look at different standards so that localities can have different standards for where they want development to occur and are ready to go.

Thank you.

Bryant Gammon

Good afternoon, my name is Bryant Gammon. I a professional engineer and the owner of a small professional engineering company called Highmark Engineering. I am a lifelong resident of Virginia. My family has been here since 1623. I love to fish, hunt, I love the land, I live on a large farm in Dinwiddie County, and today I am here to represent both the engineering community and development community and the farming community. We still farm.

I am here today to state that in my professional opinion that the new stormwater regulations being proposed are substantially detrimental to the economy of our state and they do not effectively do what they are intended to do.

I am not one who typically cries wolf. I typically roll with the punches of new regulations and I accept them even though they have imperfections sometimes as an effort to overall better our state. But when I read these regulations and I understand that they will affect the very basis of our economy, I cannot stand by.

I understand the efforts behind these regulations and I am very sympathetic. I want my streams, rivers and my Bay to be as clean as possible. I want them to be there for my children and my future grandchildren.

The issue at hand is the fact that these new regulations do not address the major cause of the pollutants that enter the Bay and rivers. As you have seen in the graphs that were presented tonight, 72% of the sediment comes from agriculture. As a farmer, I readily admit to that. These new regulations do not address that. It has been stated here tonight that it is not your job to regulate the agriculture industry.

In my opinion, these regulations are an effort to put all the constraints on the people the community feels has the deep pockets. To be frank with you, they think of the engineers in the development community as Mr. Deep Pockets. They believe they can absorb this and that they can figure out a way to make it all work. But I am here to tell you that assumption is not correct.

These regulations effectively increase the stormwater quality, and most importantly, the quantity release where it makes it almost impossible to any growth, particularly smart growth, in the urban areas. These regulations promote residential sprawl and they force companies to look in other states for commercial and industrial land.

You know when I was looking and I was trying to understand the new regulations I read the economic impact analysis. In some of the statements that are in there. But the statement "the total incremental cost to the state implementing additional stormwater control practices to meet the proposed regulatory changes could not be estimated at this time." No cost has ever been directly stated for what effect this will have on our economy.

I am all for saving the bay. I am all for making sure that all the streams and wetlands are preserved. But at the same time, I have to say that I need to make sure that there will be jobs in Virginia for my children and my grandchildren and that this state remains an economically viable place for businesses.

Thank you.

Gregory Koontz

Members of the Board, I appreciate the opportunity to speak here tonight. I also am a lifelong Virginian, a professional engineer that worked in the state for 28 years. I am a business owner, owning my own engineering business and I am an employer.

I think these proposed regulations that I am hearing opposition to will definitely affect the economy. I just do not think that the cost benefit has been clearly identified. Other people have spoken to it. I have been a site development engineer for 28 years and I think these regulations on the new development are reaching points of diminishing returns. If you go through and continue to work through these things, the amount you can remove gets less and less and the cost up exponentially as you try to remove these smaller amounts of pollutants.

I do think these new regulations are going tremendously encourage sprawl, which does not benefit anybody. We end up developing land at a faster rate, current local governments are struggling with current infrastructure issues, which are just going to get worse as things age. I do not really feel like the technical concerns of this have been adequately addressed and ask that the TAC be able to reconsider some of the information that has been presented tonight.

I appreciate your time. Thank you.

Mike Hutt

I would like to thank the Board for allowing me to speak tonight. I am lifetime resident of Virginia. Born and raised in the Northern Neck of Virginia off the Potomac River, Chesapeake Bay and Rappahannock River.

As a kid, growing up I was able to enjoy the treasures from the Chesapeake Bay. What you probably do not know is the Chesapeake Bay and its tributaries in Virginia, in seafood rankings, is ranked number one on the east coast in seafood landings and we rank third in the nation. That is a big industry to this Commonwealth. It is slipping and it is going down because of the problems with the Chesapeake Bay and its pollutions.

How do you put a price on the social and economic impact that wastewater is having on the Bay? Most of the people you have heard tonight that oppose this have pointed to the cost and the impact. The cost and the impact of this is going to devastate and kill the rest of the Chesapeake Bay if something is not done with existing wastewater drainages that are causing problems with the Bay and with new development of wastewater that runs into the Bay. We are short lived. I have enjoyed it and my family has enjoyed it. If something is not done, we are going to lose what we have left and I hate to see that happen.

I do not think there is anyone here that does not eat or enjoy Virginia seafood. If you want to keep enjoying it for generations to come this group needs to come up with the right solutions. I do not know what they are but I know what we have and what is in place now is not working.

Thank you for your time.

Ken Smith

Thank you, my name is Ken Smith. I am president of Virginia State Waterman's Association. I have heard many people tonight comment on the commercial fishery and what it means to the Bay and how they are in favor of it. I would like to speak to the commercial fisherman.

My workplace is dirty. Twenty-five years ago, there were 8,000 watermen in Virginia. Today there are 3,000. Over those 25 years, we used to catch more product, with 8,000 watermen in the Bay, than we catch today. We have been regulated in the past 15 years with 30 some regulations. We had a 100-year-old fishery shut down. We have taken the brunt of everything, we have been regulated and regulated and yet we are not the cause of the problem. The cause of the problem is pollution and the degradation of the Chesapeake Bay.

So standing up here for those 3000 waterman, we are in support of these regulations. We hope when tweaked they will be tweaked harder. We hope they will be enforced and people will fined if they do not obey.

I tell you Article 11 of our State Constitution says that we are not supposed to have polluted waters. We have a constitutional right to clean water. I have a constitutional right to clean water. Those 3000 people that I have represented have it and everybody in this room has it. It is time that we demand it and we are demanding it now.

If you do not want to have a clean Bay and you are not willing to go along with regulations to get it clean, then amend the Constitution. But the Constitution says we are supposed have clean unpolluted waters. It is time we start doing something about it.

I love the way as soon as regulations come out you find all these green people. I do not think there is anything in the regulations that are stopping anyone that came up here tonight from implementing cost further cost efficient pollution reduction plans that they would like to do.

I appreciate your time and I ask you to support these regulations.

Ann Jennings

Good evening, I am Anne Jennings, the Virginia Executive Director of the Chesapeake Bay Foundation and I thank you for the opportunity to comment on the draft stormwater regulations and for sitting through all of these hearings. This is the third one that I have been to and I really to appreciate your attention.

The Chesapeake Bay Foundation has been involved in this process for about four years now, participating in the Technical Advisory Committee and I am here to express our very strong support of the proposed regulations for three primary reasons.

The regulations address a growing source of nitrogen, phosphorus and sediment pollution to the Bay as identified by both the Environmental Protection Agency and the U.S. Geological Survey in separate reports that were released in 2007.

By reducing the concentration of phosphorus and runoff, by reducing associated pollutants such as bacteria and sediment, and by slowing the volume and velocity of runoff, this proposal will result in the protection and restoration of not only the Chesapeake Bay but local streams across the Commonwealth.

The regulations address this growing source of pollution loading with an approach both based on science and significant technical expertise. In particular, I would like to note that you involved very much the work of the Center for Watershed Protection, who is well known throughout this region for their experience and knowledge in this arena.

Also, the proposal is based on literally thousands of hours of input from both state and regional public and private experts. This regulatory process is, in my opinion, in my experience after 15 years of working in this field, the most extensive and thorough and open regulatory process that I have ever engaged in.

Finally, the regulatory proposal offers an appropriate level of flexibility and efficiencies that should address any legitimate concerns regarding the cost and ease of compliance. Modification in compliance requirements for new versus redevelopment, the establishment of a clearinghouse for inclusion of new BMPs, the suite of BMPs that are already authorized for use, and the addition of an offsite offset option combine to offer a program that is both protective of water quality and reasonable.

If there remains additional improvement in the stormwater proposal that would address, again, legitimate concerns regarding sprawl, the Chesapeake Bay Foundation and the environmental community stand ready to work with the development community to find common ground. However, we do not believe that there is a need to make wholesale changes and require further delays, but rather look to build upon the current draft proposal.

The Chesapeake Bay urges the swift approval and adoption of this regulatory proposal. We do so recognizing that the development community is being asked to take new and additional precautions and join many others that are also being asked to share in the responsibility of restoring the Bay's water quality and living resources.

From local government upgrading treatment plants to farmers that are being asked to control fertilizer runoff as well as, you just heard, watermen who are asked to reduce their catch.

We ask that the development community commit to sharing in responsibility for restoring the Chesapeake Bay. This commitment will take much more than simply expressing a love for the Chesapeake Bay.

We urge the adoption of these regulations and we appreciate this opportunity to comment.

Thank you.

John Lampmann

Maggie and I have been privileged for twenty years to look from our house out over the Rappahannock River. It is beautiful as ever.

Still, over the years we notice change. No more shad. No egrets. No occasional crab pot in the water. And more downstream wash and sediment build up; the trace evidence of other things, the hidden bacteria damage scientists tell us now impairs our river from Fredericksburg down to Port Royal. A third of those bacteria have been identified as coming from urban runoff. Bacteria growth unchecked will kill a river.

In the Chesapeake Bay watershed we know in part how we got where we are today: From 1990 -- when Maggie and I moved into our home -- to 2000, the Bay watershed population increased 8% and total roof top and pavement surface areas exploded 41%. As the cartoon character, Pogo is still quoted: "We have met the enemy and he is us."

Where are we headed?

Estimates are that all the development we see now — every house, every building, every shopping center parking lot -- will double in the next 40 years. Those in turn will more than double the amount of roofs and hard surfaces throwing off polluted stormwater. Today 25% of Bay pollution is from developed land, rapidly offsetting gains that have been made in controlling agricultural and wastewater runoff. If we do nothing, what does the future hold?

Concerned citizens have a serious choice before them.

They will ask; what happens if we just say no, if we choose to do nothing? What are the costs to our fellow citizens, our children, and us?

If citizens ask those questions and reflect on their answers, I believe most will conclude that doing nothing is not an option. Through time, waterways will be destroyed; some will be dead rivers. Future quality of life-costs to citizens will become a daily presence. Monetary costs to correct resultant problems will compound, growing to staggering amounts. We cannot afford not to act now.

If that is the situation, citizens then may ask is the plan proposed our best available option? I believe it is.

The three-year consideration and development of this proposal is a matter of record. The process has been open to every interested party. No competing proposal, existing or possibly even yet to be proposed at the midnight hour, can command the kind of endorsement that

citizens most often prize, the endorsement that rightfully should attach to a public policy proposal that has emerged from a deliberate, open and informed process. Experience demonstrates that more often than not good process is the precursor of good policy.

On this count, citizens should be most reassured.

Finally, -- if not first -- citizens will ask who pays?

Intuitively, there will be quick consensus on this point: not me, not thee, tax that man behind the tree. But life is rarely as we all would like and the sobering question persists.

Is this the kind of problem folks can risk being a little penny-wise and pound-foolish" about? The answer is no.

This is a critical public investment decision. It is about important agreed-upon public policy goals. While costs have been a central factor in shaping the definition of these policy goals, the threat to the quality of our waters has been and remains the driving factor.

A primary focus of the three-year review process has been on the questions usually of most concern to citizens, that is, how costs are to be managed. There has been broad and deep consideration of these questions. As a result, local communities will not be saddled with the administrative costs. Flexibility has been built into the process where projects might generate unique costs. And we are reassured by the precedent of communities in our area that already have voluntarily and successfully implemented stronger standards than those being proposed. Finally, citizens have the proposed cost management system to reflect upon against the backdrop of the future costs of doing nothing.

There are studies done nationwide to inform these considerations. They demonstrate that preventing stormwater pollution saves money in the long-term by capturing the lifetime costs of development up front.

Further commending the proposal is this: it is more fair. It assigns costs at the point of origination, the proposed development site, rather than having developers -- and in turn all those that will enjoy the benefits of the new home, building or parking lot - shift their costs downstream. The latter approach washes away in the process the economies downstream that rely on clean water. And it destroys the quality of water that ultimately we all are dependent upon.

The proposal contains the kind of market-driven policy mechanism that makes sense. A hallmark of good policy is that it holds citizens accountable for their behavior. Part of the current policy problem is that it tends not to do that. While it may be at times wrongly defended as being free market, current policy allows some citizens to reap benefits within one market and then shifts the lifetime costs of those benefits to other citizens in distant markets linked only by a watershed. That is arbitrary. It is not fair.

The proposal has the usual weaknesses; it is not perfect. What it is is Virginia's best option for managing the costs of what we must do, - preserve the quality of our waterways and, in turn, the quality of citizens' lives.

Thank you.

George Moore

Good evening, my name is George Moore. I am a resident of Henrico County and do not support these regulations as they are currently written.

Protecting our waters is an important goal and something that we should all continue to improve but it appears to me that the cost to implement these stormwater requirements far outweighs the benefits of improving the water quality in our streams, rivers and Bay.

Based on my understanding, the implementation and maintenance costs of these stormwater control facilities will be significant and will eventually be passed along to the homebuyer, which will make affordable housing even more difficult for those looking to purchase a home.

This is further substantiated by an economic impact analysis completed by the Virginia Department of Planning and Budget, where they state that the proposed regulations will directly impact private land developers, public land developers, business and homeowners. Virginia residents will also likely pay for the higher costs associated with the local stormwater program requirements.

This timing could not be worse, as we are in the most severe economic recession we have had in many years. This will just place further burden on both Virginia small businesses and homeowners and will further delay any economic recovery that is needed in the Virginia real estate market.

As a result, I would request that approval of Part II of these regulations be deferred until they can be modified to address these concerns.

Will Shumate

My name is Will Shumate. I am a resident of Chesterfield County. Although I am an attorney, I am here in purely a personal capacity. I have also had the privilege of serving Chesterfield County in a variety of contexts in the past including the futures committee and planning commission.

One of the things that were near and dear to my heart was trying to build and sustain sustainable communities that have a sense of community and will resist decay. I have been very active as an attorney in land use and new urbanism to try to build those kinds of communities.

My concern is that, as I learned by the Planning Commission, that you have competing interests. When you talk about a cost benefit analysis, it is not just money. There are also social goals. One

of those social goals is to work on the transportation grid and have compact sustainable communities.

I agree that I am greatly concerned about the impact on sprawl that it leads to lower density development. I think it would be very difficult to achieve some of the new urbanism projects I have worked on if we just have a global one-size fits all approach.

I think when we look at it, for example, I am struck that there are different goals whether you are inside the watershed or outside the watershed. My first question is why do we have a uniform number if that is the case? I think we need to clarify what we are trying to do in that regard. I think we also have to look within the watershed, as Mr. Easter pointed out, because there are real costs to that. I would urge some consideration of having a differential process in terms of where the area is and whether its infill. I have worked on infill and they are difficult for a number of reasons. I think we need to give incentives for those kinds of projects. I think that needs to be considered.

I would also suggest that as I heard the gentlemen from the James River Association, different sites have different costs and they can vary greatly. I think we need to have a very effective system in which we can have differential assessments and a fee that is paid in to offset the diminished return so that we get the bang for our bucks. That is absolutely true. There are many sites in which you might be able to achieve this. There are somewhere the costs would be astronomical if you tried to do this, especially if you are trying to build a new urbanism project. I think this needs to be very carefully thought out. That is my greatest concern. This seems to be a global approach that isn't site specific or area specific and I think we need to make sure we have plenty of flexibility in that regard. I would urge you as you are tweaking the regulations that you look at that very, very carefully.

I would also note that I think it very important that all the stakeholders come together. I am a little concerned to hear you say that you do not have any purview over the agriculture community. One of the perceptions is, politically, you are not addressing whole areas. And I think if we are going to have a global approach and we are going to save the Bay, which we absolutely need to do, we need to make sure we have all the stakeholders together. I think they are a vital component. I think you could take fees from the development community to help improve the agricultural practices programs to capture the runoff that causes so much problems. I also do not think you can rely on a voluntary program.

In closing, thank you for the efforts that you have given on this behalf but I think you need to look very carefully at the way we are trying to approach this. I think there are severe costs to this. We are kidding ourselves if we do not think there are substantial costs to this program. So we need to be very careful on how we execute this.

I appreciate your time and I would ask that you consider studying exactly how we can best achieve what we are trying to do.

Thank you.

Jennifer Scott

Good evening, I am Jennifer Scott with the Hanover Association of Businesses and Chamber of Commerce. I am here this evening to ask the Board to reconsider what they are looking at with these regulations.

As a businessperson, I come from a common sense approach to problems. I come from a cost benefit analysis approach. When I look at the regulations, when I talk with people who know a lot more than I do about the technicalities of it, and when I talk to the folks from our accounting department and they are concerned about what this is going to do not only to our County, to our development, to the future of what's going to happen with our economy, then I get worried.

When the regulations start impacting all of those things and when everyone wants to take care of the Bay and wants to make it better, the common sense approach I am afraid is something that is missing.

As a businessperson, if I look at the charts you have on the board of where phosphorus and phosphates, and that what we are trying to get out of the Bay, are coming from, these regulations do not address all those issues. They do not address people and fertilizer. We are addressing sort of the back end problem of managing it, not the front end problem of dealing with people and their behaviors and what needs to happen and what needs to change. A public education campaign around that would help that fisherman and help clean it up. Some of those things would do a lot more for reducing phosphorus than what we are trying to do right now.

The amount that you are going to reduce the phosphorus for, the cost, and it keeps going up, and no one can tell us what the economic impact is, I think that is not the Virginia that I love. The Virginia that does things with a common sense approach, the Virginia that looks at what's going to happen with the cost versus the benefits versus what might be the best way to get to what we need and the result that we want to have happen.

I think that everyone of us wants the Bay to be in wonderful health. We want the fisherman to be able to fish, visitors to come, we want it to be the best place but we also want to do it with some common sense. I do not think any of your report or any of the studies do. I have talked with folks who tell me their numbers are not even counted in some of the reports so the numbers are not even there. And those kinds of things worry me because that is not the Virginia I love.

I am not a native Virginian, I have only been here 16 years, but I am close. I will tell you this is not what I expect from the State – I expect more and I hope that you will reconsider and that you will look at the impact from both sides of the table and make some new evaluations of what can happen. Common sense is all that I am asking for.

Thank you.

James Shelton

Thank you, my name is James Shelton. I am from Chesterfield County, Virginia and the Shelton's came to Virginia when Virginia was a colony. I represent Hands Across the Lake, a local community group that addresses stormwater pollution of the Swift Creek Reservoir in Chesterfield.

My first point is that stormwater pollutes reservoirs. If the phosphorus pollution from runoff increases too high, it will cause county officials to close Swift Creek Reservoir, which supplies drinking water to Chesterfield. The other big creek in Chesterfield is Falling Creek, and Falling Creek Reservoir has already been closed due sediment from runoff.

There are good things that are happening too. The county has Brandermill, a community that has been measured by the county to have a phosphorus load of 0.12 pounds of phosphorous per acre out of the stream in Brandermill. Brandermill is a community that has saved a high percentage of trees. There are trees in the yards, trees along the streams and walking paths. It is a very successful community. Developers can meet the 0.28 pounds of phosphorus per acre if Brandermill can meet 0.12 pounds per acre. There are two homes per acre in Brandermill. In contrast, cleared land in Chesterfield with no tree buffers has been photographed turning waters cloudy with sediments during the construction phases.

The proposed legislation will help counties prevent stormwater pollution. Requiring counties to have a local program to address stormwater quality would ensure that counties like Chesterfield budget time and money to mitigate stormwater runoff to meet the needs for clean water for the county.

Providing Chesterfield County with 70% of the stormwater fees would help Chesterfield have funding for the program. Chesterfield will have to hire sediment control experts and more inspectors to fully implement this program.

A state mandate is needed to lower the phosphorous limit to 0.28 pounds per acre per year. Our group found it difficult to get the county to lower the limit because of pressure from local developers. We kept the level at the current state mandate even though a VCU scientist said we should use the lower standard to protect the reservoir and a very successful community in Chesterfield had a 0.12 pounds per acre measured level.

We could save our county money and effort if we could just use one manual written for the State of Virginia on this low impact development stormwater design. Chesterfield will spend a lot of money and effort to develop our own low impact development manual to contain stormwater.

As a final note, these new stormwater guides will save county budgets because a home built without containing the stormwater onsite "cost that locality \$1,600 more than is returned in taxes and other revenues" said a Prince William County, Virginia report in 1998.

Thank you very much.

Andrew Orr

I am here to express my support for the regulations as proposed. I grew up in Stafford County and have seen business and development expand and flourish. This is a place where low impact development has been a rule for the past eight years.

We can have development but we have to do it right. These regulations are the right way to keep our waters and communities clean and healthy.

I am not here as an expert but the people who designed these regulations are experts. They have used input from stakeholders for the past three years and they have used the best science available. And for me that is the firmest basis for any decision.

Our water needs protecting, it needs preservation, it needs and we need these regulations to ensure clean and health watersheds.

Thank you.

Vince Staley

Good evening, my name is Vince Staley. I am a resident of Spotsylvania County. I am not a born Virginia but after 28 years, I feel like one.

I want to bring your attention about water issues in the world situation today. Water resources are now a global crisis. Water issues can be found in any media source on a daily basis. Water rights are now causing strained relations between nations, as all concerned know water is life.

Virginia has plenty of water but the quality of that water has been severely degraded through our misuse. As I sat here tonight I listened to all the discourse on these new regulations, and I do not like these regulations because I do not think they are strong enough. I would like to see them tougher.

Every spring I wait for the arrival of shad and striped bass in Fredericksburg and every spring the up river counties send their top soil to Fredericksburg via the Rapidan and Rappahannock Rivers.

The stormwater runoff is the major reason why our rivers run dirty, so fast and rise to dangerous levels so quickly. This is all due to uncontrolled stormwater runoff. With development at the pace it is going, in spite of the recession, it is going to get worse.

As the water runs faster it gathers more and more sediment, it cuts through the banks and added to this muck is a witch's brew of oil, antifreeze, tire rubber, plastic and trash of all shapes and descriptions. In Fredericksburg, we do not need these poisons and neither does the Chesapeake Bay.

The new stormwater regulations have to be initiated now. Virginians have waited too long for positive results in the Bay watershed. In this recession, Virginia has lost one of its best revenue streams, the Chesapeake Bay.

Sport fishing and boating is a trickle down industry that brings in money from outside the state. The present foul water in the Bay has hard hit the watermen, the seafood providers, the mom and pop stores, the boating industry, the marinas, motels and hotels and all the little folks who used to profit from the healthy and vibrant Chesapeake Bay. Kill the Bay and the tourists will go elsewhere.

If all the regulations that are now in place, for so long, are so good, then how come the Bay is still dying and almost dead?

Thank you.

John Tippet

My name is John Tippet; I am Executive Director of the Friends of the Rappahannock, a nonprofit river conservation organization with over 1800 members in the Rappahannock River Watershed. I served as a member of the TAC that developed these regulations. My comments tonight are on behalf of our organization.

Hazel Run, Claiborne Run, Massaponax Creek, England Run, Little Falls Run, these are just a few of the hundreds of streams in my watershed that intersect the fertile crescent of growth between Baltimore and Newport News. For the past 14 years, I have studied these streams as Spotsylvania and Stafford Counties have undergone some of the most rapid commercial and residential growth in the country. And I have watched these streams die. Our summer thunderstorms cause these streams to spew enormous brown plumes into the river. There is little agriculture left in these watersheds, the plumes are from stream banks that are rapidly eroding because the all the pavement and rooftop in the watershed has short-circuited the natural infiltration of water. Conventional stormwater management does not address this problem. The runoff-reduction approach of the proposed regulations does.

Around the state, localities are stepping forward in implementing their own Low Impact Development ordinances because the state's regulations fail to protect our streams and the economic resources downstream that depend on clean water.

When I hear sweeping statements about "killing jobs" and "giant leaps backwards" from the development community, I am reminded of the Phosphate Ban, when industry said we would never be able to have clean clothes again. And I am reminded of the passage of the Chesapeake Bay Act, when developers said it would kill development and the economy. Today, after 20 years of the Bay Act, Virginia ranks #1 in the nation on Forbes list of best states to do business.

I want to address a key issue that has been overlooked tonight. The Homebuilder's proposal for a means to gain greater bang for the buck is already addressed by the Commonwealth's new Nutrient Offset program. This specifically addresses the issues of diminishing returns on urban controls that have been so often mentioned this evening. The fact that this tool already exists fundamentally changes every cost analysis that has been presented tonight.

I also want to directly address this concern about these regulations promoting sprawl. I want you to consider fire codes for a moment. Compliance with fire codes costs significantly more in urban environments. Yet do any of us purport that fire codes cause sprawl? Would any of us compromise fire codes in cities because it costs more to comply there? This notion is a red herring! The truth is that many types of infrastructure cost more in the urban environment. If we try to use stormwater management regulations to control sprawl they will do neither job well. It is not the job of stormwater codes to manage sprawl, it the job of growth management regulations.

The 3 years that went into the development of these regulations make this the most extensive and thorough regulatory process in the history of DCR. We encourage you to stand strong; do not defer these regulations. Pass them now so that we have a chance of restoring our rivers and bay to their historic environmental and economic vitality.

Kandy Hilliard

My name Kandy Hilliard, I am from Stafford County. I am a former supervisor in Stafford County.

While I was on the board, we did pass comprehensive LID. The development did not stop, it did not even slow down. Houses did not stop being built; there was no commercial slow down. The economy has had an impact but stormwater regulations did not. If we can make it work in a place like Stafford County then certainly it can be done in other communities.

The City of Fredericksburg just passed an ordinance requiring new development to capture and infiltrate into the soil 75% of annual rainfall that falls on impervious covers. Local governments are already moving well beyond the current regulations because they are inadequate.

The development community was very much a partner in the regulations that were put together in Fredericksburg, as the Home Builders Association could have been a partner in the development of these regulations. If they were not, shame on them.

Pollution loads from urban and suburban runoff are increasing. While at times it might be a bit more expensive, the cost on the other end of doing nothing is shown to be so much more tremendously expensive than anything that is being proposed now.

I live in a community that has the Potomac on one side and the Rappahannock on the other side. On the Potomac River there was a 23,000-gallon sewage spill, which temporarily raised the fecal bacteria levels. They could not even inform the community that there was a major spill or that there

should be any concern about bacteria levels because those streams are already impacted. That is a community that does not have any kind of stormwater regulations or mitigation in place.

To behave as though we can just ignore, put off, or delay implementation of these regulations just does not make any sense. When we have things in our newspaper that talk about the flesh eating disease on the rise, and the main people being impacted by this are fishermen. This tells us that the things going into the Bay are truly causing problems. The increasing dead zone, how can we ignore that?

The importance of these regulations cannot be overstated. I strongly encourage you to implement them as soon as possible.

Peter Fields

Thank you for the opportunity to speak. Like Ms. Hillard, I served two terms (8 years) on the Stafford County Board of Supervisors. I currently serve as chair of the Stafford County Planning Commission. While I was on the Board of Supervisors, it was my privilege to serve several years on the Rappahannock River Basin Commission and on the Virginia Municipal League Legislative Committee and several years as chair of the Coalition of High Growth Communities concerned with the impact and affects of growth.

I can tell you that as some one attempting to deal with the consequences of sprawl, manage growth and justly govern a county like Stafford County, I wish there were any ordinance and regulation that could have the dramatically sweeping affects that are being claimed by those opposed to this. It just is not true. All regulations and ordinances, no matter how grandiose they proponents or their opponents want to make them, are small pieces in a very large puzzle. This piece is very much that.

Along with Ms. Hillard, it was my privilege to adopt low impact development as the primary means of stormwater management in Stafford County, long before that was true in any other community in the Commonwealth. We have had it in place for eight years. Interestingly enough we have also led the Commonwealth in job growth for two or three of the last years. I think it would point to the fact that low impact development has had no negative impact, neither on residential growth nor on commercial growth. Businesses come to Stafford County for a variety of reasons. Once those reasons are fulfilled whatever cost, which often to my sense has never been demonstration there is an additional cost, has never been a factor. Our economic director in Stafford County has never come to me on my time on the board or planning commission and made any suggestions that he felt that it was in any way impairing his ability to attract high quality growth and employment to Stafford County.

What is demonstrable is the destruction of many jobs in the fishing, tourism, and recreation industry. So to those who have questions about low impact development and its impact on how it affect residential and commercial development I would urge you to call Stafford County and talk to the people who have been working with it.

LID as it is implemented is not a hard or oppressive type of regulation. It is an ongoing and complex dialogue between those who wish to develop the property and the county that is attempting through that development to preserve and improve the quality of waters in their county. The process itself is more engaging, I think, more consensus building and more full of dialog and interaction than previous types of regulations which were more cut and dry and more prescriptive.

So I think that if you look at the facts., if you look at Stafford County which has been using LID along with many other innovative techniques to control sediment and nutrient loading in to the waters of Stafford County, and we have experienced tremendous growth and prosperity while doing so. You look at the reality of the degradation of the Bay, which has cost thousands of jobs and livelihoods, the evidence is clear. If you are looking for hard evidence, compare the two factors. You will see that sensible, rational, scientifically based regulation always in the long run is to everyones benefit and never is it a negative.

Thank you.

Linda Muller

My name is Linda Muller; I reside in Stafford County, Virginia.

I am here today to speak in support of the proposed stormwater regulations. My husband and I moved to Virginia 20 years ago and one of the first calls of concern was "Save the Bay". At that time I knew very little about the Bay other than it had an incredible reputation for sports fishing and blue crabs. Thus the education process began. As each year passed, another report about concerns of the Bays health, and another symposium/agreement was reached as to what should be done about "Saving the Bay". Well thought out plans with deadlines and targets have been rolled over into the next year, then the next...until what we see manifested today, where harbingers of the warnings 20 years ago- and what was seen as a threat to wildlife of the Bay, is now impacting human health. Specifically, bacteria infections, as was recently reported in the Washington Post, July 9, 2009. The Rappahannock from Fredericksburg to Port Royal is now designated as impaired by bacteria. The Commonwealth's study showed that fully one-third of the bacteria are coming from urban runoff. In my region, Stafford County and the City of Fredericksburg have moved ahead of the curve with respect to addressing storm water run-off.

Stafford County voluntarily implemented a Low Impact Development ordinance 8 years ago. The City of Fredericksburg recently passed an ordinance requiring new development to capture and infiltrate into the soil 75% of the annual rainfall that falls onto impervious cover.

We have the data, we know what the problem is and we need action and the will to implement the proposed stormwater regulations in Virginia. Addressing the problem at the source (prevention) rather than at the back-end (cleaning up) is far more cost effective. And as an avid fisher-woman, there is nothing more enjoyable that taking my Pflueger reel and "Ugly

Stick" and hitting a few trout spots. Implementing the proposed stormwater regulations will help to ensure that my nieces, nephews and their children can enjoy the same.

Thank you for your time.

Emma Mitchell

Hello, my name is Emma Mitchell. I am a citizen of Spotsylvania, Virginia.

Having lived in the Rappahannock Watershed since 1992 I have watched the area grow, like much of the Chesapeake Bay Watershed. With that growth I have also watched the Rappahannock and the Bay deteriorate from nutrients, sediment and bacteria pollution. According to the Chesapeake Bay program, from 1990 to 2000, population growth in the Bay Watershed increased only by 8% while impervious surfaces increased by an incredible 41%.

I refuse to believe that we cannot do better. That we cannot grow smarter. Measures must be taken to reduce the amount of polluted stormwater entering our waterways or the sixteen and half million people who live in the Chesapeake Bay Watershed will be facing a dire situation.

The proposed regulations give Virginia the opportunity to lead the way in protecting the Bay. We cannot tout growth without considering the quality of life we are leaving behind.

Please take the necessary action to pass the proposed stormwater regulations in their entirety.

Thank you.

Helen Sanders

Hello, I am a volunteer water quality monitor from Fredericksburg and I thank you for this opportunity to make comments.

I support the proposed regulations. Next month will start my fifth year of water quality monitoring of Hazel Run, a small urban stream that flows from Fredericksburg emptying into the Rappahannock. But it is a stream in name only. It is a stream that a former Soil and Water board member told me started to die with the establishment of the Spotsylvania Mall. The runoff from the mall was more than a small stream could handle. With more development, both residential and commercial, the destruction of the stream has continued. For example, the Kensington project was allowed to have 80% of the stormwater runoff go into the stream. The effect is increased sediment and decreased aquatic life. In fact this year I rarely see a fish or even the aquatic insects. Continued erosion of the stream banks yielded the large rocks that were placed to stop erosion are now in the streambed itself.

These characteristics are continuing in the site that I monitor. Hazel Run is a dead stream and I

cannot see how we are going to benefit by delaying the implementation of these regulations. My hope is that with the proposed regulations other streams will be spared the fate of Hazel Run. The proposed regulations will decrease runoff and make real progress in meeting the Chesapeake clean up goals. How do you put a price on the viability of a stream?

Thank you.

Bill Micks

Thank you for the opportunity and your patience and all your hard work. I am a small family business owner in the Fredericksburg area on the Rappahannock River. I have a staff of about 10 and for the last 37 years we have been providing recreational, educational and interpretative opportunities on the Rappahannock for the Fredericksburg area schools, churches, scouts, YMCA, parks and recreation or anybody that has kids.

Every day seven days a week, week after week, I am either in or on or standing on the riverbanks of the Rappahannock. She like all the other rivers in the State of Virginia needs your help. We are not doing enough to keep our rivers clean and healthy.

Years of hard work have gone into preparing these regulations and I support them in their current form. If you listen you can hear all our small streams and rivers all across our State that feed into the Bay screaming for help. So I hope that you will approve these regulations.

Thank you very much.

Matthew Bushman

My name is Matthew Bushman; I am a small business owner and resident of Virginia since 1969. I live in Spotsylvania County and have been visiting Accotink Creek for 40 years and it has changed dramatically since I was first there in the fourth grade. At first you would go there and there would just be a carpet of trash. I now understand that is not from the stormwater runoff. That has disappeared and that is a testimony to people not littering any more. I can remember watching people pouring oil in the sewers. That has completely stopped. I see your move today as a huge public education component when every homeowner here starts to pay water costs to take care of this.

As I grew up I got to take a canoe out on Accotink Lake. At one time Accotink Lake was about six inches deep from the sediment that ran off from all the construction. That was dredged so now it is a little bit deeper. But as a taxpayer I paid for that. All these costs that people are talking about someone somewhere is paying for. We heard the seafood industry speak and I am sitting here tonight just trying to express I am paying for that also.

I think the biggest mistake would be to delay the implementation of these regulations or water them down. As a taxpayer, I have seen that repeatedly when the law is finely passed it has been watered down so much it is not meaningful. I hope that one of the components that you would have of this bill is enforcement. As a business owner I am competing against people who are not paying taxes. I am getting taxed 30% more than those folks. I hope that the fines, the monitoring of these regulations are effective and that there is a funding component that would make sure that this happens. One of the first speakers that we had here tonight talked about the regulations that are on the books that are not being enforced and how much that would contribute to our water quality improvement.

Thank you very much for giving me the chance to talk tonight.

Chris Fulger

My name is Chris Fulger and I reside in Spotsylvania County. As a citizen activist in the County I have had the privilege of working with our valued development community, other citizens and elected and appointed officials

A key focus of my efforts has been the updates to our comprehensive plan and passage of the supporting ordinances to make the plan a reality. In that effort and through other experiences as an information technology executive I am continually amazed at how talented business executives seem to underestimate their ability to change and to continue to be successful. And to what lengths some will go to avoid change.

Significant progress has been made in reducing the pollution from agriculture and wastewater treatment, at a huge cost to the taxpayer. Unfortunately, pollution loads for development continue to increase, undercutting those benefits. We must overcome resistance to change and act now.

I believe in the ingenuity of American business. Just as the detergent manufacturers figured out how to produce and market effective and profitable phosphate free products, our innovative Virginia development community will figure out how to change their development and redevelopment practices in ways that will reduce pollution, meet the new standards, control costs and still be successful.

These proposed regulations were developed by a team of interdisciplinary experts and represent new tools that are vital to achieving Virginia's water quality goal. I urge you to complete them as soon as possible essentially in their current form and deliver them to Governor Kaine for signature before the end of the year.

I too want to thank you for your hard work and for listening to us tonight. Thank you for the opportunity to speak.

Paul Sanford

I want to thank you for the opportunity to speak both as a citizen of Virginia and as a representative of an organization that is located in Virginia and as someone who has spent 10 years in a staff position very much like yours. I feel like I have a sense of what you face in having to take this task on.

My name is Paul Sanford; I am the Stewardship and Policy Director for the American Canoe Association. The ACA is a membership organization based in Fredericksburg. We recently had an opportunity to relocate out of the state but chose not to, but instead moved from Springfield to Fredericksburg. We are membership organization of canoers, kayakers and rafters. We are one of the oldest and largest recreational organizations in the country with 50,000 members nationwide.

Our interest in this regulation is as recreationalists who have direct contact with the waters of the rivers and streams in Virginia and the Chesapeake Bay. We are a big part of the tourism industry and we can see first hand that changes in the current situation are needed.

We are in support of the regulations and we urge you to adopt them. I have listened to a lot of comments about cost. It is worth noting that it is always less expense for some to do less, or to do nothing to have no regulation, but it costs more for someone else and usually that is some future generation.

The ACA works nationwide on policy issues on the federal level and on the state level in various states throughout the country in a wide range of subject matter areas. We do some conservation work; we work on regulatory issues for recreational boating. We hear the business impact argument frequently. Of course it is better for business to have little or no regulation. The cheapest law is always no law at all. We have been worshipping the alter of business for 400 years and that is a big reason why the rivers and streams are so sick.

The country and the state, through its legislative enactments, have decided that we want the water to be cleaner. We want to improve water quality because it is better for everyone's quality of life, the citizens, communities and our recreationalists. That is why these laws have been enacted and why you have been asked to come up with a meaningful way to implement them.

We urge you to move forward with regulations that will make a difference, that will reduce stormwater contamination and we support the proposed regulations and urge that you adopt them.

Thank you.

John Wade

My name is John Wade. First I would like to thank the Board for this opportunity to comment on the proposed stormwater regulations which I fully support.

I have lived in the Chesapeake Bay Watershed for my entire life. I spent last weekend canoeing about 20 miles of the James and the weekend before that on the Eastern Shore. Clearly my summer is going great so far. Virginia's waterways are very important to me.

We have heard a lot today from developers who claim to be concerned that these new regulations do not tackle the true sources of Bay pollution, could encourage urban sprawl or somehow destroy Virginia's economy. To the citizens that recognize the need for more sustainable development these arguments are pathetic attempts to distract.

I believe that your efforts and these regulations represent a change that will improve both my life and those of all Virginians.

Thanks very much.

Galen Canham

Hello, my name is Galen Canham; I am a resident of Richmond, Virginia. I am also a senior in the urban studies program at VCU. I am not a native Virginian but I have lived here for the past eight years both in Northern Virginia and in Richmond and I spend a good deal of my recreational time here at the James

One of the things that I have been having drilled into my head for the past four years in urban studies is that one of the basic tenants of good planning is to recognize the impact of planning on the environment and to mitigate these impacts upfront.

I fully support these regulations as a step toward lowering the effect of the developed world on the natural. Implementing low impact development practices can help lessen stormwater effects without having all the negative impact, as we have seen Stafford has had success with this.

A lot of people have been talking about job loss and taxpayer costs. But if we let the Bay get even more polluted than it currently is, then as mentioned before, we will lose jobs for watermen in addition the upfront cost of preventing pollution from stormwater is going to be far less than trying to mitigate the effects in the future. Not only is it going to be much more expensive it will be much more difficult and impractical.

So as a Virginia taxpayer, I hope to see these regulations in place.

Thank you.

Dick Folger

My name is Dick Folger; I am a resident of Spotsylvania County. I am here to support the regulations.

Listening to the Builders Association's testimony I have a fear that nothing will be done and in fact I am surprised that no one has mentioned 9/11. Stakeholders are squabbling and pointing fingers, I fear that some are hoping to force delays until the new administration is elected. Meanwhile the Bay is dying. We need new decision makers to provide adult supervision or nothing will be done.

I am a proud resident of the Old Dominion. I want the Commonwealth to solve its own problems. I do not want to pass the political buck to the federal EPA. The EPA mandated actions will be more onerous than any we now propose.

We need to get this done now. Thank you.

Bob Schrum

My name is Bob Schrum and I wash cars for a living. I also happen to be chair of the Government Relations Committee of the Chesterfield Chamber of Commerce. I am President of Southeastern Car Wash Association and we represent about eleven states on the east coast and about 4,000 car washes.

I am a lifelong resident of the Richmond area and have been in Chesterfield and Colonial Heights area my entire life. I have been a business man for the last 35 years and I own six car care facilities in the Richmond Metro areas and we wash close to a half million cars a year.

I guess the thing that I don't really understand here is that there are lots of things that could be done to protect our environment, which our industry, for the past 30 years, has always been very careful about our environment. Our natural resources, we are fortunate in the Richmond area that we do not have water shortage problems, but in other parts of the country there are severe water shortage problems. Almost every major car wash operator does reclaim its water. We have been using phosphate free chemicals for decades now, long before we had to worry about it.

All the water we use is treated, recycled, and utilized up to 90% in some cases and then is properly treated in sanitary sewers before it is delivered back into the river. Our industry has been very concerned for a long time.

I am concerned, as our industry is, as to why we continue to allow car washes in driveways and every parking lot charity to be washed into storm sewer. They use twice the amount of chemicals that they need to use and they continue to pollute our streams and our creeks.

I am certainly not one to take away from any church group or Boy Scout or Girl Scout group that is trying to raise money. The thing that concerns me is that we have lots of options that we could do that we are not doing to help our environment, to help the Bay. I am a water nut. I live on the river and I am in it as often as I possibly can.

We currently invest from \$2.5 to \$3 million dollars in our car care facilities. My current conventional site is one acre. My engineers have told me that under the proposed regulations that would end up going to 3-4 acres in order to build and achieve the requirements proposed.

I believe these new requirements would make most businesses unaffordable to be able to achieve what's trying to be done and I think there are lot of other avenues that could be explored to achieve the requirements we are trying to do to protect our Bay.

Rebecca Kurylo

My name is Rebecca Kurylo and I live by the Rappahannock River. Every weekend I see thousands of people kayaking, swimming, fishing. It is a huge part of our quality of life in Virginia. I am heartened to see a majority of the citizens here approve and support these regulations. There is a tiny minority and we have heard them, mostly tonight, which is really brilliant on their part to have a good showing. But online and at all the public hearings you have heard a majority of your fellow citizens' stand up and support these regulations.

Some of the opposition that we have heard a lot about is the cost. But we have heard from several people and Stafford County is absolutely a great example of whose had low impact development for years and still today is one of the fastest growing localities in the Commonwealth.

The other thing that we have heard is that it is not going to make a difference anyway. We have to focus on agriculture; we have to focus on the air. But we need to address all these sources if we are going to make a difference for our streams. This regulation will make a difference and I heartedly support it and I encourage you to act now and not delay on this. We need this stormwater regulation right now.

Thank you

Jennifer Gron

Good evening, my name is Jennifer Gron and I am from Fredericksburg. I was drawn to Virginia, in part, by the natural resources such as the rivers, lakes and the Chesapeake Bay.

I support the regulations that you have proposed and urge you to pass them. We have heard things tonight about Virginia being a business friendly state. I would like to suggest to you that it is also an environmental state. I do not think they are mutually exclusive categories.

We need to put forth regulations that will protect, preserve and hopefully restore the Bay and all its tributaries.

Thank you very much.

Rebecca Hanmer

Good evening, my name is Rebecca Hanmer. I am a citizen of Fredericksburg and a 15th generation Virginian. I appreciate the opportunity to speak tonight in favor of your new stormwater regulations. In 2007 I retired from the U.S. Environmental Protection Agency where I operated EPA's Chesapeake Bay office for five years. I know first hand the polluted conditions of the Bay and its tidal tributaries in Virginia and the drastic loss of aquatic resources and livelihood of Virginia's watermen.

Our base science has shown us the causes and has shown us what we must do to restore the Bay and its tributaries. I worked with Virginia as it revised its water quality standards to reflect the best science and I am proud of the steps that Virginia has already taken to meet the standards by programs for reducing nutrient loads from wastewater treatment and from agriculture.

But we can never meet the standards if we continue to add pollution. As the data show loads of polluting nutrient and sediment from urban stormwater are not being reduced, and land development, with today's inadequate controls, adds to loads constantly. In addition to pollution and habitat destruction caused by runoff, converting forest and open lands to developments destroys the ability the land to absorb and use nutrients unless very effective measures are built into projects to protect the land's infiltration capacity. That is the heart of low impact development. That is what new federal law requires of federal projects and what Virginia must implement for all development to have any hope of protecting its streams.

Virginia's new stormwater regulations have incorporated the best science and encourage use of the most effective stormwater management techniques, especially LID. They encourage better finance to manage local programs and one stop shopping. Thus, they offer Virginian's hope that we will not lose the green and well-watered countries that we inherited and love.

People will say that urban stormwater pollution is too expensive to control. It is true that rebuilding the destroyed stream habitat is expensive. Digging up city streets to install new stormwater controls retroactively is very expensive. That is why the blue ribbon finance panel commissioned for the Chesapeake Executive Council in 2004 and led by former Virginia Governor Gerald Baliles emphasized that the least costly way for states and localities to tackle urban stormwater pollution is to stop growing the problem. Requirements for new development must prevent new pollution and protect infiltration capacity when forest and farmlands are converted. Where developed sites are redeveloped, the opportunity must be taken to improve pollution control and infiltration. Techniques are available to do this and in many cases these improved techniques are comparable in cost to the current inadequate stormwater technology. These new techniques, LID, also beautify landscapes and they are being adopted and used in highly urban environments such as Washington, DC.

Enacting and carrying out the new Virginia stormwater regulations it is essential for the Commonwealth to have any hope of meeting its new water quality standards and preserving its exceptional environmental heritage. Land development will continue but with these regulations we

can do much better to protect the beauty of the healthy waters that has made Virginia such a desirable place to live and work.

Please move forward with these regulations. It is not too strong to say that our environmental future is at stake. I think we will find that our developers will be more, not less; economically desirable over time because we have improved the way we grow.

Thank you.

Jeff Geiger

Good evening, my name is Jeff Geiger. I am resident of New Kent County. I would like to take a moment to say thank you to the staff for their hard work and efforts to improve the health of the Chesapeake Bay.

I believe that we all can agree that cleaning up the Bay is an important priority. However, I came here this evening to make the point, which many of the speakers have come to make this evening, that the cost benefit analysis behind these regulations do not support the enactment of these regulations. Mr. Easter pointed out it is not clear that the benefits that will be achieved by the regulations will justify the cost of implementing them. I also came to share my concerns about the impact these regulations will have by encouraging sprawl and the impact they will have on urban redevelopment and the adoption of more mixed used, higher density development throughout the greater Richmond region.

Instead I would like to take a moment and make three comments in response to other comments that have been made this evening.

Some speakers have come before you this evening and praised the success of the low impact development in Stafford County. In many cases it can be cheaper and more efficient than conventional stormwater management to use these low impact development techniques. However, low impact development is not the issue here tonight. The problem with this regulation is the use of the .28 standard. The LID standard in Stafford County was designated to .5, not .28. It is the incremental cost of reaching this .28 standard that will affect commerce here in Virginia.

Also there has been talk of the success these regulations have seen through the development and TAC process. However, I would like to point out that even the TAC members did not give their ringing endorsement to Part II of these regulations. Six out of the nine members who spoke at the September Soil and Water Conservation Board meeting asked that Part II of these regulations be postponed.

Also, I would like to take a moment to point out important limitations in the nutrient offset legislation that was recently adopted this year. Nutrient offsets were made a tool of a last resort, not a first resort. A property owner who cannot avoid the enormous costs that these regulations will impose cannot go and seek remedy through this offset program without first proving that it is

physically impossible, no matter what the cost is, to meet this standard, the .28 standard or the 20% reduction in the urban areas.

I would ask that the Board and the staff reconsider moving Park II of these regulations forward and postpone them so that the issues that have been raised here this evening can be addressed.

Bryan Mitchell

Good evening my name is Bryan Mitchell; I am head of design at Townes Site Engineering. I am also registered in the State of Virginia and a LEED accredited professional.

I am not going to be redundant. One thing that I did want to point out that I felt was important is that a lot of discussion has been primarily toward the quality issue. The new regulations also have a significant impact in relations to the quantity issue. My opinion is that the quantity issue is as damaging, if not more, as the quality issue to development to Virginia

What the proposed quantity regulation does is it substantially decreases the allowable discharge from stormwater control facilities with an erroneous equation. In order accommodate the requirement stormwater facilities are going to have to grow substantially in size. To offset that quantity requirement engineers will be forced to decrease the density and spread out to obtain more land to build the larger facilities to meet the regulatory requirements. This mandated sprawl is counterproductive to the intent of the regulation and I encourage the Board to defer Part II of the regulations until a more productive version could be developed and specifically in relation to the quantity issue and its impact on sprawl.

Thank you.

Hylah Boyd

I am Hylah Boyd, and I live in Richmond, Virginia. I support the proposed regulations. I am the founder and past chair of Scenic Virginia and I am also a member of the Garden Club of Virginia and that is an organization that has supported programs for clean water from the 1920s. I grew up on a farm near the Bay and my family has been here since the 1600s.

The farm has fenced streams to keep cattle out and it has buffers. As I recall prior to the Chesapeake Bay Preservation Act, those acts alone were said to bankrupt farms and the Commonwealth as well, yet that has not happened. My husband and I have a place on the Corrotoman River and it is hard to drive by the ruins of old oyster houses and remember back to when oysters were plentiful. It is also sad to see fewer and fewer early morning boats on the river with watermen hauling up almost empty crab pots. Efforts to clean up the Bay and restore a healthy ecosystem belong to all of us. It belongs to the farmers, the homeowners, homebuilders and the development community.

Thank you.

Mitchell Bode

My name is Mitchell Bode; I am vice president of production for Wilton Development Corporation in Richmond, Virginia.

I oppose these regulations but I think a compromise could be reached. I think we started from a bad place at the starting point with the Technical Advisory Committee. I do not feel there were equal stakeholders involved in that committee. There were twelve members from county administrators or officials, three officials from environmental foundations, two members from DCR, two members from DEQ, one member from EPA, one member from the civil engineering community, one member from environmental consultant community, one member from VDOT and one member from the Home Builders Association. That is 92% of the members that represent agencies that would benefit from increased fees or business according to the final economic impact report. Two members, VDOT and Home Builders Association, represent stakeholders that would entirely be negatively impacted by the proposed regulation.

I also argue that this will increase sprawl. Due to constraints on land for stormwater management facilities, development will be pushed to outlying areas with increased lot size. We will not be able to provide affordable housing in any respect. According to the final economic impact report little systematic research has been conducted on the relationship between stormwater costs and high-density development. Most stormwater control practices require space. In highly dense development land costs tend to be high and the space available for storage treatment and infiltration diminishes. This increases the area needed for development, so dense communities will not happen.

My strongest point is I feel like these regulations are not needed because the regulations in place for erosion and sediment control are not enforced properly. We do developments all across the Richmond regional area and I feel that the only county that is really making an effort to enforce these regulations is Hanover. They are the only one I see inspecting sites. Environmental inspectors are not visiting sites and I can guarantee that some land developers do not even have the permits or stormwater pollution plans in place.

For that reason oppose these regulations.

Betty Clapp

Good evening, I am Betty Clapp from Chesterfield County. I am a member Emeritus of Hands Across the Lake. You have heard a gentlemen speak about our actions to protect the reservoir.

I want to mention that Chesterfield County decided to do to the .22, which was less than the Bay Act required. So you have an interesting possibility of some research there on what that has done in the development around that reservoir. It was pretty pristine. It is filling up with a lot of silt but

they are treating it to control algae and it is still good viable drinking water but it has degraded and the siltation is enormous. We took photographs of silt going into the bottom of the lake. Most of that was from runoff from road construction.

Your regulations, I suppose, could be needed, but as this young man just said, suffer from a lack of enforcement. I think Chesterfield County tries, but not enough.

I would like to comment on the objection that some people raised because I should think go ahead and pass the proposed regulations. When the gentlemen with the Chamber of Commerce was speaking about how wonderful the business climate is in Virginia he listed the low tax and more liberal regulatory rules and the natural amenities, I was thinking “yeah, how about that”. These regulations that you are proposing are designed to help with the natural amenities. And the regulations are needed. I wonder if they could be creative enough to get an attitude. And I hope you continue the attitude that the cost of not doing what you are proposing is greater than if you do it.

The Spotsylvania people seem to say LID really can work, and to the credit of many in Chesterfield I think they too are willing and want to try that out. There are other creative things to do so that the very thing that makes us attractive to businesses is what you all are trying to help with. I wonder if they think everyone is going to move away. Where are they going to move to? The water is problem in every state, in every nation. And so I urge you as leaders and I hope your government officials will support you to recognize the centrality of your influence.

We have spoken about the need for education and absolutely that is true. I just think people have been in denial. I've been working since 1990 on this and I have seen the growth and change and increase in knowledge and I am the first to say that I don't think you know it all, I don't know it all, business doesn't know it all. However, I do think that the recognition of the water problems in this country is growing and one of the things that we have lacked is a leadership from the top. We most desperately need it. At last, we are finally getting it. I thank you for your hard work. I know that there may be flaws. I think it is a battle that will be ongoing but this one is one-step in the direction that is most needed.

I wish you luck as you proceed.

John Zeugner

Good evening, thank you for your attention and perseverance, my name is John Zeugner. I am a certified city planner and the last 20 years I have concentrated on environmental and water quality issues. I was born here. I live in Richmond. My wife and I also own property in Urbanna.

I am speaking today on behalf of the Richmond Region Sierra Club, and the Falls of the James group, comprised of 1800 members here and also speaking on behalf of thousands of other environmentalists in the Bay Watershed about the importance of these regulations.

We have near unanimous and emphatic support for DCR's proposed stormwater regulations and other state and local programs, including LID, to improve water quality, manage water quantity and increase groundwater retention.

It is essential; this is just one component of a whole portfolio to protect our state's natural resources and pass them on unimpaired to the next generations.

If you would bear with me I would like to zoom out a little bit. I think that clean water is going to be the most important issue of the 21st century. It is going to be equivalent to gold or farmland or oil, but probably the most essential ingredient to our civilization in this next century. These stormwater regulations are fundamentally important.

I would also like to talk about some of the trends that are clear to most people, that global warming is going to heat up the waters of the Bay and only exasperate the problems that it is dealing with now. The climate change and weather peaks are also going to affect the quality of the Bay and the life that it sustains good life and bad.

There were some concerns about this exasperating sprawl in the region and I would like to suggest that [inaudible] is going to compensate for that. There are so many great things to be accomplished by these stormwater regulations and we are in strong support. The health of the Commonwealth really does depend on the health of the Chesapeake Bay and all the rivers, streams, creeks up to everyone's backyard. Do not be swayed in these arguments that it is too onerous or they need further study and more delay.

These regulations are urgently needed. They are great regulations. The process has been great and we strongly encourage you to support them and pass them as soon as possible.

Tyla Matteson

Good evening, my name is Tyla Matteson. I am speaking as chair of the York River Group of the Sierra Club and I urge adoption of the proposed stormwater regulations.

As your process continues, I recommend that the regulations be strengthened wherever possible. Our Virginia waterways and the Chesapeake Bay are in decline despite many good efforts to improve their health. We do not need to send the process back to the drawing board. We need specific actions that will quickly turn the tide on the decline of the Bay and restore the dead zone.

The greatest concern whether homes or buildings can be constructed to abide by the regulations but the greatest concern is when the Bay will be able to regain its former health. How many depleted fisheries will come back, how many livelihoods depending on the life of the Bay will be lost forever?

Inaction and more study will not address the survival of all life that exists in your Virginia rivers, the Bay and along its shores. I am surprised by the duplicitous comments by many tonight and it is my opinion it is impossible to be for the Bay and against in the same breath.

Thank you very much.

Karen Forgét

Good evening, thank you for your time, my name is Karen Forgét. I am the executive director of Lynnhaven River Now in Virginia Beach. I am here representing our board, which includes a number of builders and developers and our 3,000 members. I had a conflicting commitment last week and was unable to attend the hearing in Hampton, closer to my home. I drove to Richmond today because this is a very important issue for our members. If you have ever used one of the tunnels in Hampton Roads at 5:00, you know how important this is.

Our watershed is more than 95% developed. Sixty-four square miles is home of 230,000 people. Eighty-three% of our stormwater goes directly back into the surface water. Only 17% has any pretreatment and that is after almost 20 years of the Chesapeake Bay Act.

Stormwater is by far the primary way that pollutants, nutrients, sediment, bacteria, and toxins enter the Lynnhaven River. Lynnhaven River Now is has a very action public education program addressing fertilizer and bacteria inputs. Nevertheless, our only opportunity to significantly reduce pollutants, restore water quality in our river and protect the quality of life through and the health of our citizens is through higher stormwater standards.

Our scenario is repeated in urban and suburban waters throughout Virginia and in the Chesapeake Bay. Lynnhaven River Now fully supports the proposed changes. While we realize that some of these provisions will not be easy, we do have the expertise to meet both quality and quantity standards through low impact development. This is necessary to protect our waterways.

In the words of one of our board members, we must support this because we know this is the right thing to do. In Virginia Beach, we know from experience that restoration is much more difficult and more expensive that preventing pollution and degradation.

We are paying today for mistakes made in the past. We cannot continue to make those same mistakes. As one of our previous speakers said, when the Chesapeake Bay Act was passed the development community told us it would strangle economic growth and development. Clearly, it did not.

Today as many of our speakers have quoted, Virginia is ranked number one by Forbes as the best state to do businesses.

We commend DCR for the thoughtful and thorough work that went into the development of these proposals. If we are committed to restoring and protecting our valuable rivers and the Chesapeake Bay we must take this important step forward.

Thank you very much.

Leslie Middleton

My name is Leslie Middleton; I come from Charlottesville, where I make my home in the Rivanna Watershed. I come before you today as a citizen to commend DCR for developing these stormwater regulations and urge their swift and complete adoption.

Among the ways that I understand first hand the effects of stormwater is that I am a water quality monitor in our community. I have two sites that I test once a quarter. One is the in the Rivanna headwater close to Shenandoah National Park where the waters run cool and clear in the midst of a recovered tree canopy. The other site is on the Rivanna mainstream downstream close to where it enters the James. As I canoe down to this site to monitor it, I see the results of inadequate land and stormwater management, constantly and continually scoured banks, muddy waters and algae growth in almost every season.

I understand that there are concerns about the impacts of these regulations on economic growth. Concerns about the resulting costs of building new houses and implementing redevelopment and the concerns that these regulations will result in sprawl. Here is what I am concerned about:

I am concerned about the health of the streams in our relatively unspoiled watersheds as well as the Chesapeake Bay. I am concerned about the cost of both now and in the future to our localities, our families and the generations to come in the Commonwealth. I am concerned about the biological integrity and ecologic resiliency of our Virginia waters and the protection of source water for drinking, recreation and the aesthetic and indeed commercial value that comes from rivers running clean and clear.

Here is a new vision for the economic interests, Chamber of Commerce, homebuilders, related business interests, and indeed all of us. These regulations provide an opportunity for the business community to do what it does best – innovate, problem solve and apply its ingenuity to craft solutions that both allow for building new houses and to provide the new technologies that will help us address environmental protection while creating attractive and livable communities.

These regulations provide an opportunity for Virginia to demonstrate the commitment to clean water and the ecological health of its landscapes and watershed. These regulations are one necessary and important step towards the challenge that we have before us. With a growing number of impaired streams in every corner of the Commonwealth and the challenge we have before us with the Chesapeake Bay that is dying before our eyes.

Thank you.

Cheryl Deutsch

My name is Cheryl Deutsch and I am a resident of Chesterfield County. I have been an avid user of many of Virginia's rivers and I sail on the Chesapeake Bay. I want to show my support for these regulations. I think they could actually be stronger but I think they are a step in the right direction.

In response to some of the arguments that made against the regulations, I think that to argue that these regulations are going to increase sprawl is just a specious argument. To argue in the same sentence that they are going to increase sprawl and at the same time that they are going to prevent the development of a town center and commercial development in Chesterfield is contradictory. That kind of argument does not say anything about the merit of these regulations. It says something about the lack of education among the business community and the builder community.

They have been talking about the evils of sprawl. The last time I checked the building community was the ones making billions of dollars in profits off the increase in sprawl. Sprawl is a reality today. To argue that these regulations are going to increase what it already happening at a breakneck speed is a ridiculous argument. They also claim that this is going to decrease the building of affordable housing. What affordable housing? Is there any affordable housing being built today? Have any of these builders talked about a single project, affordable housing projects, that they are currently building or that they ever built that are going to be affected by these regulations. They have not given any examples.

I do not think that these arguments have any grounding in reality and I encourage you to support these and enforce these regulations.

Thank you.

Diana Parker

Good evening, I am Diana Parker. I am an environmental activist in Chesterfield County and the young lady who just spoke totally backs up what I am about to say. I will be giving you my statements in a formal format to back up my comments.

I just want to speak, I really did not intend to. Mr. Zeugner spoke for me on representing the Sierra Club Falls of the James where I have been an activist for the last 12 years and I been past chair of the group and I have been with Friends of Pocahontas State Park and I have been a volunteer water quality monitor for Chesterfield County. I have served on a wetland environmental committee where everything we tried to do was unfortunately weakened.

I want to counter some of the comments made by the development community in Chesterfield County. Chesterfield's motto is we are open for business. They mean it. Chesterfield is concerned with their environmental builders who are against sprawl, whereas Southern Environmental Law Center says Chesterfield County has higher vehicle miles traveled than any locality in the area.

They are higher in population, with growth, than the surrounding localities. Chesterfield, I have often said, is schizophrenic. They write good regulations but they just do not follow or enforce them. Now what I am finding is that Chesterfield is not following CBLAB regulations and is in violation of those regulations. Chesterfield has been told to conform but they have refused to this point, saying that they have a higher level of quality than CBLAB recommends. This is not true. I just worked on a case where they failed to recognize one of the major streams. We had to prove it to them by having CBLAB come and visit twice. CBLAB has documented that Chesterfield is not currently identifying all of the wetlands. We are losing wetlands badly.

Please do not let the developers sway your decision to delay this needed regulation. Chesterfield utilities say that they can make water out of mud and they try to prove it with Swift Creek Reservoir.

We hope that this kind of thing coupled with other regulations will help protect it.

Thank you.

Ms. Watlington: That completes the list of those individuals who signed up to speak. Are there other individuals who would wish to comment or leave written remarks?

Closing:

Ms. Watlington: A handout is provided on the table outlining the public comment submittal procedures I am about to cover and the dates and locations of the remaining public meetings.

Persons desiring to submit written comments pertaining to this notice and this meeting may do by mail, by the internet, or by facsimile. Comments should be sent to the Regulatory Coordinator at: Virginia Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219. Comments also may be submitted electronically to the Regulatory TownHall. Or comments may be faxed to the Regulatory Coordinator at: (804) 786-6141. All written comments must include the name and address or email address of the commenter. In order to be considered, comments must be received by 5:00 PM on August 21, 2009.

With that announcement, I would like to thank each of you for attending this meeting and providing us with your views and comments. This meeting is now officially closed. Staff will be available afterwards to take any individual questions you may have.

I hope that everyone has a safe trip home.