



Local governments working together for a better metropolitan region

WRTC WORKING DRAFT

Hon. Gerald Connolly
Representative for Virginia’s 11th Congressional District
Address
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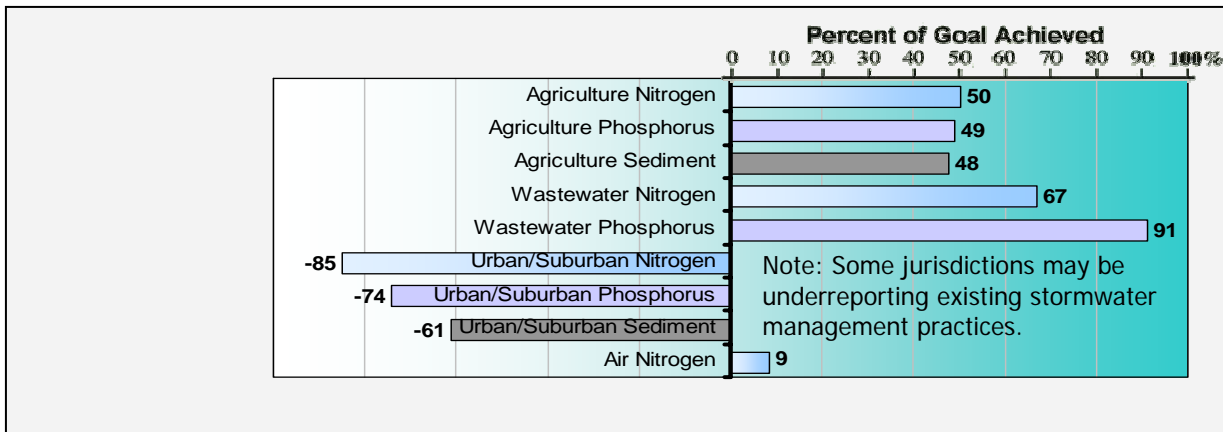
Dear Rep. Connolly: I am writing to provide you with a local government perspective on some of the urban stormwater issues addressed in your April 20, 2009, testimony before the Water and Wildlife Subcommittee of the Senate Committee on Environment and Public Works.

Thanks to your many years of service as a Fairfax County Supervisor and a board member and officer of the Metropolitan Washington Council of Governments, you need no introduction to COG or its member governments. As Chair of COG’s Chesapeake Bay and Water Resources Policy Committee, I can assure you that all of COG’s members share your concern about the potential water quality impact of urban stormwater runoff and the need to strengthen already ambitious control efforts.

(The letter would address the following issues;
final text to be prepared after WRTC review.)

**Adjunct member*

1. Stormwater has been depicted as the major source of increased pollution to the Bay in recent years. The Bay Program has published graphs indicating that, alone among the major sources of nutrients and sediments to the Bay, urban stormwater has failed to make progress in reducing these pollutants. Connolly's testimony states, "while runoff from farms is decreasing with improved agricultural practices, urban runoff is increasing as more forest and agricultural land is developed."



Points to Make in Response:

- The Chesapeake Bay Program chart can be misleading because it does not account for the decreasing acreage of agricultural lands in the watershed and the increasing acreage of urban lands and it does not account for the overall amounts of pollutants from each sector. Despite some progress, agriculture remains the largest source of nutrients and sediment to the Bay.
 - Depicting urban stormwater as the major problem has the potential to steer restoration efforts in the short-term future away from the most cost-effective control efforts, almost all of which apply to agriculture. The Chesapeake Bay Commission's January 2004 report, "Cost-Effective Strategies for the Bay," identified five of the six most cost-effective ways of controlling nutrients as agricultural practices (the other one was further wastewater treatment plant controls, which are now under construction). By contrast, the cost on a per-pound basis of controlling nutrients in urban stormwater, particularly nitrogen, is several orders of magnitude higher than it is for the most cost-effective agricultural practices.
2. Connolly's testimony suggests that Congress consider new federal legislation "to address impervious surface areas and stormwater management."

Points to Make in Response:

- Maryland has already issued and Virginia is in the process of issuing new state stormwater management regulations that will require local governments to do more to control pollutants in stormwater runoff. There is also a new round of MS 4 permits that will be issued to local governments in the region over the next few years that also will add to our responsibilities. We believe these regulatory actions by the Commonwealth of Virginia and State of Maryland and the District of Columbia are sufficiently protective of water quality and therefore do not believe further federal regulation on stormwater is necessary at this time.
 - However, we do seek regional consistency for the National Capital Region, with appropriate flexibility for unique local conditions.
 - As noted in Connolly's extensive testimony about Fairfax County's stormwater management experience, plans and projects were developed to protect and restore local streams and water bodies. Protection of local water quality should remain the primary focus of urban stormwater management programs and the regulations governing them, with a secondary focus on meeting Bay water quality goals.
3. Connolly's testimony cites the new comprehensive planning process for Tyson's Corner as an illustration that it is possible to restore hydrology to "pre-development forested conditions" during the redevelopment process.

Points to Make in Response:

- The Tyson's Corner redevelopment process envisions managing stormwater through a combination of green roofs, cisterns and other expensive methods. Costs have been estimated at \$120,000/acre on land valued at \$3.5 million/acre. However, it is not clear that the same model can be applied elsewhere in the region where the amount of impervious surface may be comparable to that found in Tyson's Corner, but land and building values are much lower.
 - Meeting a wood-in-good-conditions standard should remain an overall goal during redevelopment, but there is also a need to recognize funding and other constraints. Timetables for compliance with regulatory provision regarding redevelopment should be governed by the "maximum extent practicable" standard.
4. Connolly's testimony states that the regulations concerning urban stormwater management "should not come as an unfunded mandate."

Points to Make in Response:

- We agree. In October 2004, the Chesapeake Bay Blue Ribbon Panel, on which your former Fairfax County colleague Penelope Gross served, identified urban stormwater as the sector where the most money would have to be spent to meet the water quality goals of the Chesapeake 2000 Agreement. Five years later, urban stormwater remains the only major source of pollution without a major source of federal or state cost-share funds.
- Urban stormwater programs are funded largely by local governments and those businesses or individuals they can assess. There is a perception that the development process pays for urban "best management practices," but, while true in part, this ignores the legacy burden of older developed areas without stormwater controls and the considerable costs of staffing and maintaining stormwater management oversight programs.
- Without outside funding, projects to retrofit older neighborhoods and restore degraded urban streams will take decades to accomplish. A new dedicated federal source of funding for urban stormwater projects in the Bay is needed to accelerate progress.

Thank you for your interest in this issue. COG would like to work with you and your colleagues on the Congressional Bay Task Force and other stakeholders throughout the watershed on the issues you've raised. We hope to present a local government perspective at a future congressional hearing on reauthorization of Section 117 of the Clean Water Act.

Should you have any questions or require further information, please contact Stuart Freudberg, COG's Director of Environmental Programs, at (202) 962-3340.

Sincerely,

Cathy Drzyzgula, Chair
Chesapeake Bay and Water Resources Policy Committee