



Virginia Environmental Law

EPA Sediment Limits and Virginia's "Pollution Diet" Planning

By: Ann Neil Cosby. *This was posted Wednesday, August 18th, 2010*

On August 13, 2010, EPA announced [draft sediment limits for the jurisdictions and major river basins in the Chesapeake Bay Watershed](#), including those affecting Virginia, its rivers and the Eastern Shore. Virginia, along with other watershed states and the District of Columbia, are expected to use the limits, along with those issued for nitrogen and phosphorus last July 1, to develop [Watershed Implementation Plan\(s\)](#) ("WIPs"). WIPs, in turn, will detail how each state intends to meet the "strict pollution diet" that was set in motion by an [Executive Order](#), issued by President Obama in May 2009. Virginia has until September 1, 2010, to provide a first draft of its WIP to EPA.

While EPA has provided this final piece of the "pollution diet", the real challenge will be in determining how the diet will be implemented in Virginia. Nobody likes to diet. And since the nutrient allocations were disclosed in July, some state officials and lawmakers have voiced concern that the limitations go too far. David K. Paylor, director of the [Virginia Department of Environmental Quality](#), was quoted by the Richmond Times-Dispatch as stating that [the state wanted to make sure the pollution reductions were "justified."](#) The Governor's Secretary of Natural Resources, Doug Domenech, [has been more pointed](#) saying "[s]ome in the environmental community appear to not care if people lose their jobs, or they don't care if taxes have to be raised on everybody to pay for this clean up."

Currently, representatives of stakeholder groups from across Virginia are working together with state officials to develop the required WIP. Represented sectors include wastewater, agriculture, urban storm water and onsite-septic. Materials from the work group meets are available [here](#). But while the stakeholders clearly have their own interests to protect, for us as [Virginia environmental lawyers](#) it was gratifying to hear expressed, during the Stakeholder Advisory Group meeting on June 16, 2010, an overriding interest by participants that the WIP process not deteriorate into an exercise of self-preservation, with members looking to others to "pollute less." We will see what is produced on September 1, 2010 when Virginia's WIP is unveiled. Until then, we can continue to hope that the stakeholders, state officials, and legislators alike will keep the process moving forward and from becoming, [as cautioned by Wilmer Stoneman of the Virginia Farm Bureau](#) "economic-sector civil war."

<http://vaenvironmentallaw.com>

[Richmond](#) • [Christiansburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson PC

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.