

September 14, 2020

For Immediate Release

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Improving Virginia's Water Future Groups Seek Regulatory Reforms by Water Board

Today, fifty-six (56) organizations from across Virginia sent the State Water Control Board the attached document – *A People's Platform for Change* – seeking new regulations and reforms in the way the Department of Environmental Quality enforces water quality standards.

The Platform is supported by conservation groups, businesses, social and environmental justice advocates, and others, who represent thousands of Virginians from every corner of the state. The groups are asking the Board to take four specific actions at its upcoming meeting on September 24th.

The issues addressed in the Platform include:

Narrative Criteria - Virginia's water quality standards include plain statements prohibiting discharges of pollution that harm aquatic life or interfere with beneficial human uses. However, the DEQ has refused to apply these requirements in some regulatory actions. This has allowed problems like those seen on the Mountain Valley Pipeline, where permits allow muddy water to pour into our streams from construction sites. In other areas, severe algae blooms have occurred for years and the DEQ has failed to act to solve the problems. No new regulatory action is necessary to correct this problem. The groups simply call on the Board to require that DEQ enforce these rules in every regulatory action from this time forward.

Numeric Criteria – New regulations to set goals for the amounts of certain substances that may be allowed in our streams, called numeric criteria, are needed to supplement the existing rules. The State Water Control Board ordered the DEQ to begin a process to adopt numeric turbidity criteria on April 15, 2019. To date, the DEQ has taken no substantive action to carry out that order. Similarly, numeric criteria for nitrogen and phosphorus are needed to prevent nuisance growths of algae in some of our waters but the DEQ has failed to act. The groups are asking that the Board order formal processes this year to move toward adoption of these new regulations.

Adequate Assessment of Impacts to Waters - Currently, the DEQ issues approvals for thousands of discharges and water impacts across the state from construction and other activities, under so-called “general permits” and “general certifications” without performing analyses to ensure that water quality standards will be met; simply assuming that pollution control methods will work, even where evidence refutes this assumption. Here again, no new regulations are needed. The Platform's signers simply ask that the Board order the DEQ to do the necessary reviews to make sure waters are protected.

The groups joining this call to the State Water Control Board believe this is an opportunity to make positive changes and prevent harms to our waters that have sometimes gone uncontrolled in the past. The Board has the power to fix these problems and we hope to work with them to accomplish this important goal.

[Platform included below]

**CAMPAIGN FOR VIRGINIA'S WATER FUTURE
A People's Platform for Change**

**We, the undersigned groups,
call on the Virginia State Water Control Board to take the actions enumerated below.** Experience has proven that these measures are necessary to protect state waters from serious and widespread degradation. The Board has a duty to act on these issues, in accordance with its statutory responsibilities. Virginians have a right to expect that the protections promised by law be provided.

- I. Enforce Virginia's Narrative Water Quality Criteria - Require the Department of Environmental Quality to fully enforce narrative water quality criteria defined in the Water Quality Standards regulations, including particularly the prohibitions against substances that produce turbidity and color, and which nourish undesirable or nuisance aquatic plant life. Require that DEQ report to the Board no later than January 1, 2021 how the narrative criteria are being implemented in ongoing regulatory processes and in preparation of the final Integrated Report for 2020.
- II. Adopt Numeric Turbidity or Solids Criteria - Require the Department of Environmental Quality to begin a formal process to adopt numeric criteria for turbidity and/or suspended solids for all state waters, by providing the Registrar of Regulations with a Notice of Intended Regulatory Action no later than November 1, 2020.
- III. Adopt Numeric Nutrient Criteria - Require the Department of Environmental Quality to begin the formal process to adopt numeric criteria for nitrogen and phosphorus for all state waters, by providing the Registrar of Regulations with a Notice of Intended Regulatory Action no later than November 1, 2020.
- IV. Ensure Permits and Certifications Enforce Water Quality Criteria - Require the Department of Environmental Quality to perform water quality impact analyses for every VPDES permit and every CWA section 401 water quality certification, including every general permit or certification, to determine whether water quality- based controls are necessary to protect waters, in addition to technology-based controls. Require the DEQ to report back to the Board on the status of its compliance with this order in relation to ongoing permitting or regulatory processes no later than January 1, 2021, and annually on the same date thereafter.

Sincerely,

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Conservation Director
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