



Bulova Byline

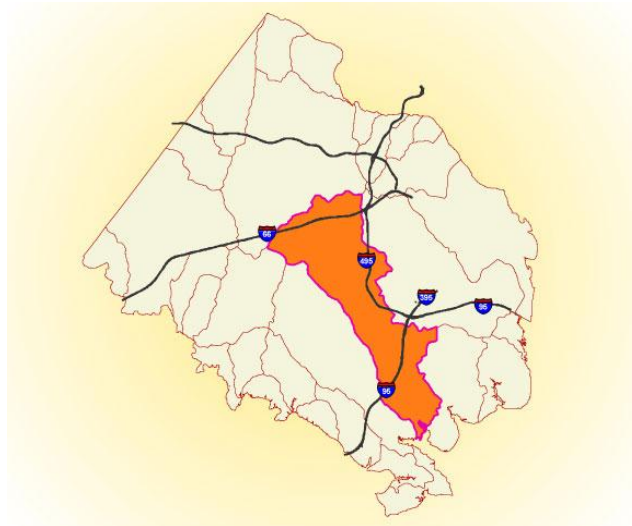
The Monthly Newsletter from Chairman Bulova

November 2012

Why is the County Challenging the EPA?

Over the past few months, my office has received a number of questions from constituents who are concerned about the proposed stormwater run-off regulations for the Accotink Creek watershed and the **lawsuit that Fairfax County filed jointly with the Virginia Department of Transportation against the Environmental Protection Agency (EPA)**. I wanted to take this opportunity to clarify the purpose of the lawsuit and provide Byline readers some background on the County's longstanding commitment to water quality and the environment.

First, the Board of Supervisors and the County are committed to maintaining and improving water quality in the Accotink Creek watershed and other tributaries throughout the County as well as downstream in the Potomac River and the Chesapeake Bay. Fairfax County has a strong and unwavering commitment to water quality and environmental stewardship, and we will continue these commitments in the future.



Lake Accotink, with a surface of about 70 acres, is located in the center of the Accotink Creek watershed shown above in orange

Q: What is a Total Maximum Daily Load (TMDL)?

A TMDL is a calculation of the maximum amount of a pollutant that a body of water can receive and still meet water quality standards. The conditions that require the establishment of a TMDL are set out in the Clean Water Act. Once a TMDL is established, it becomes the basis for pollution permitting and enforcement actions - including actions against private landowners as well as local and state governments. More information on TMDLs can be found on the [EPA's website](#).

Q: Why is the County Challenging the EPA on this?

The County disagrees with the methodology of EPA's proposed solution for Accotink Creek, not the need to improve the health of Accotink Creek. Litigation was our last resort and the County only filed suit after months of discussions starting in 2009 failed to address concerns with the proposed TMDL.

Q: What has the EPA proposed and why does the County object?

The proposed TMDL would regulate the flow of water in Accotink Creek. The County has several objections to the TMDL which we hope to resolve. This case is particularly important because it may set a precedent for other watersheds in the County which also feed into the Chesapeake.

From an engineering standpoint, the County believes the proposed TMDL limits on stormwater flow provide no reasonable assurance that the goals proposed by the EPA can be attained or that they will correct the underlying problem. A flow TMDL unnecessarily limits credit to projects that address water flow. We would not receive credit for strategies like stream bank stabilization and reconnecting streams to flood plains which we have implemented successfully already. It is unclear that reducing the flow without also incorporating other strategies will repair Accotink Creek, which is already eroded. **Instead, the County believes that a more comprehensive approach will provide the sustainable improvements needed to improve the habitat of our streams and lead to restoration of the Bay.**

Additionally, the County believes the EPA does not have the authority to regulate the *flow* of water - TMDLs regulate the discharge of pollutants and the *flow* of water is not a pollutant.

Q: What is the County doing about water quality?

The County has taken many steps to improve the health of our streams and rivers well before the EPA considered regulatory action and we plan to continue these programs while we seek a solution to the regulatory disagreement.



A Government Center stormwater restoration project. This kind of stream restoration project would not be eligible for any kind of credit under the proposed EDA TMDL.

In 2003, the County began a study to evaluate the health of all 30 of the county's watersheds. By surveying local bodies of water and working with the residents in the areas that drain into each stream

or river, the County developed a [Watershed Management Plan](#) with project to protects and improve each watershed in the county. The County has allocated more than \$41 million just this year to staff and projects to improve local water quality and the health of streams and rivers in the county. Additionally, the value of one and a half cents on the tax rate is dedicated annually to stormwater and environmental protection.

The bottom line: The County does not want to be forced to spend tax-payer dollars in a way that does not address our clean water goals.

[READ THE FRIENDS OF ACCOTINK CREEK COMMUNICATION REGARDING THE LAWSUIT](#)

