

## FACC Response to TMDL Lawsuit



The Friends of Accotink Creek call on all parties in this lawsuit to work together in good faith to find a resolution that significantly protects, preserves, and restores the Accotink Creek watershed.

Irrespective of the outcome of this lawsuit, the problems of the Accotink Creek watershed remain. The current approach to governing stormwater does not adequately protect the watershed from degradation. The EPA can't resolve this on their own, nor can Virginia, VDOT, or Fairfax County. We can't afford additional delay occasioned by the outcome of this lawsuit before deciding on the best way to address negative human impacts to the watershed.

The Friends of Accotink Creek call for a paradigm-shifting "Accotink Project", aspiring to the inspirational effect of the Apollo Moon Project, where the Accotink and Chesapeake watershed communities collaborate, contributing their resources and dedication to resolve this complex challenge and:

- Work to achieve effective stormwater management through strong public education and outreach to address the challenge to implement community-level stormwater retention projects.
- Support green infrastructure in stormwater management to retain stormwater onsite, by creating sponge and rain gardens, installing rain barrels, and replacing lawns with native landscapes, in conjunction with traditional downstream solutions to encourage emerging paradigms that not only address stormwater, but also provide other social, economic, and environmental benefits.
- Support for local communities to undertake stormwater monitoring and research to document the performance of stormwater controls to guide and promote community-scale strategies.
- Incorporate flexibility into regulatory framework by allowing off-sets or payment-in-lieu where stormwater treatment cannot be obtained. Integrate adaptive management approaches into the permitting process.

One recent "benefit" provided by Accotink Creek has been its use as a stormwater channel, to dispose of excess water from roads, buildings and parking lots. The resultant negative impacts to the watershed (habitat loss, erosion, channelization, pollution...) have been treated as externalities – we are not taking adequate responsibility for the damage that we are causing.

Given that the parties to this lawsuit consider the EPA TMDL goal to be unacceptable, will the parties state an explicit alternate measurable goal (volume, peak flow, sediment, benthic diversity, stream health index) whose achievement can be documented?

The current rules and regulations governing stormwater do not adequately protect the watershed. While the EPA's TMDL approach is not a perfect solution, it does show the scale and cost of addressing this issue from a watershed perspective - an "Accotink Project" which requires a committed effort by citizens, companies, non-profit and government entities (among others). Join us in this important work!

**Addressees:** Board of Supervisors, VDOT, Commissioner of Highways, Secretary of Transportation, and Virginia House of Delegates and Senate members whose districts include portions of our watershed

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