

Thoughts on Federal Court Ruling Against EPA Accotink Creek TMDL



Agreed that the whole point is the damage to the streams and it would seem the good news is this ruling doesn't dispute that. The Attorney General himself noted: "Why would they [EPA] do this? Well, they properly note that there is a problem with sediment" and, "it's really a TMDL for sediment (an actual pollutant)" Even if the Accotink TMDL goes away, what Fairfax County still has are streams that are not only impaired but basically imploding.

So having dodged a bullet of federally mandated action, the supervisors should jump at the opportunity to address the problem before being burdened with other "overreaching" mandates. Let's consider this an invitation to the county to step up to the plate. Move forward with action on reducing stormwater pollution that their own petition states is real and a problem.

Friends of Accotink Creek and other groups can capitalize on this ruling by pointing out that the county was gearing up to deal with a potentially huge cost associated with the Accotink TMDL - which since may now not be required - can afford to develop its own plan of action and show how a local jurisdiction can devise a targeted, cost-effective program that costs much less than their projections for the Accotink TMDL and successfully restores streams. In the Attorney General's press release he pointed out that the TMDL "would have diverted hundreds of millions of dollars Fairfax County was already targeting for more effective methods of sediment control." A full-fledged program of stormwater reduction and capture, directed at all property owners, and stream remediation and restoration. After all, hundreds of millions have already been targeted. And why not make Accotink the pilot project since the EPA has already started the ball rolling by focusing on it. The county would receive many accolades if it successfully addresses these serious issues and provides a model for others to follow, including the EPA.

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