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## VIRGINIA'S WATER QUALITY MANAGEMENT EVALUATED AT ENVIRONMENTAL CONFERENCE

"More than 50 percent of the pollution entering water comes from nonpoint sources," yet only one section of the Clean Water Act (CWA) deals with the problem, observed Robert Blanco. Blanco represented the Environmental Protection Agency (EPA) at the Conference on Water Resource Management and Planning held last January at the new Marshall-Wythe School of Law in Williamsburg.

The Conference was funded by the Virginia Environmental Endowment. The Conference brought together state, federal and local decisionmakers concerned about the effectiveness of water quality management programs in Virginia. The programs were developed under grants funded under Section 208 of the CWA.

Blanco stated that 208 planning in Virginia has been successful; however, the program has not achieved all that was expected. Both Blanco and N. Bartlett Theberge, faculty member of VIMS and the Marshall-Wythe School of Law, agreed that unrealistic goals set for the program initially contributed to some disappointment with the accomplishments of the program to date.

Another reason the program has not achieved its full potential is that implementation of the sewage treatment plant construction under Section 201 of the CWA was initiated before 208 planning was funded by EPA, observed Dale Jones, State Water Control Board. "The 208 program was intended as the principal planning element of the CWA, but it was never allowed to play its full role," he stated. Blanco observed that Virginia has received \$500 million for sewage treatment plant construction since 1974, compared with \$10 million for 208 planning since 1975.

In summarizing the goals of 208 planning, Jones favored continuing voluntary compliance and local implementation of best management practices (BMP). If local governments and citizens continue to resist land use controls related to maintaining water quality, the voluntary program may have to be replaced by a regulatory scheme, he added.

Blanco agreed with Jones that the major focus of the 208 program should be on nonpoint sources. Blanco further advocated more flexible clean water goals to replace the rigid Office of Management and Budget (OMB) priorities of urban, then rural and finally groundwater management planning. He also proposed integrating 208 planning with water quality safeguards in the Resource Conservation and Recovery Act (RCRA) and the Safe Drinking Water Act. Blanco cautioned Conference participants that OMB has no funding allocated for 208 planning in the proposed 1982 budget.

Timothy Hayes, Environmental Defense Fund, and Frederick Fisher, Assistant Attorney General, discussed local implementation mechanisms. They agreed that county governments have little control over agricultural sources of nonpoint pollution, but that the local Soil and Water Conservation Districts have the power to regulate land use for the limited purpose of water quality management. Hayes suggested that municipal governments can use zoning and special ordinances to protect community water supplies by controlling nonpoint sources. Incorporating BMPs into municipal projects, educating citizens about the need for pollution control and implementing sediment and erosion control laws are other options local governments can use, Fisher pointed out.

Waldon Kerns, Associate Prof. VPI and SU, presented alternative ways to safeguard water quality. He recommended using the market economy approach for water quality management except for toxic substances. Under this approach incremental costs would be weighed against incremental benefits to decide whether to issue a water quality standard or regulation. For controlling toxic substances, Kerns suggested using a risk-benefit analysis.

Kerns also presented alternatives to regulation. He discussed the feasibility of collective bargaining, threatening litigation and pricing mechanisms as ways to encourage polluters to develop technology to reduce their waste products. He contrasted these methods with tax relief for process-related technology to reduce pollution, tax penalties imposed in proportion to the amount and type of pollution produced, allowing industries to buy and sell units of a regulated pollutant to maintain allowable limits within a community and imposing a residuals charge on polluters to encourage them to develop control technology.

Henry Longest, Environmental Protection Agency, stated that the 208 program is at a crossroads period in its development. The incremental costs of nonpoint pollution control will begin to play an ever increasing role in determining where federal money will be allocated, he added. Longest predicted that the benefits from additional funding will be more closely scrutinized in the future.

William Walker, Director of the Virginia Water Resources Center, offered several summary comments. He stated that the success of the BMP programs would depend largely upon the benefits derived by the persons putting the practices into use. He doubted the effectiveness of the present voluntary BMP program stressing that the present system offers little incentive for the use of BMPs. Walter stated that mandatory BMPs or monetary encouragement would be necessary for the success of the BMP program.

Alexander Hamilton, representing the Virginia Farm Bureau, spoke on behalf of Virginia farmers and provided additional summary comments. Hamilton stated that the farmer has always been active in protecting his farmland and water supplies, realizing the importance of each to his livelihood. He said that farmers have participated in the BMP program but that many do not have the money now to spend on the program. His solution would be to provide money or assistance to the farmers to enable them to develop BMP programs for their farms.

S.C.W. and W.H.L.