



Tyler Craddock
Director of Government Affairs
Direct Dial – 804.237.1455
Cell – 804.357.7197
t.craddock@vachamber.com

March 19, 2009

Comments to the Virginia Soil and Water Conservation Board

Madame Chair and members of the Board, I am Tyler Craddock, representing the Virginia Chamber of Commerce. Thank you for the opportunity to offer final comments on this proposal.

Our previous written comments focused on two major issues: the mandated inclusion of endangered species information in the Stormwater Pollution Prevention Plan (SWPPP) and the mandated public availability of SWPPPs.

Regarding the endangered species information mandate, we note our strong support of its being removing it from the proposal. That was the right thing to do, and we fully agree with the recommendation that it not be included.

We cannot support the part of the proposal that continues to mandate the public availability of SWPPPs. To be certain, we recognize that changes have been proposed to this provision, and we appreciate the spirit in which those proposed changes are offered. In our view, however, this is not an issue where there can be compromise.

At the end of the day, the choice is clear. Based on how you vote, Virginia businesses are either going to be mandated to disclose to the general public internal control documents or they are not. This is a simple question of right or wrong policy – there is no gray area; if you mandate disclosure of private, internal control documents, you are making what is in our view the wrong policy choice and setting a dangerous precedent.

As we have stated on more than one occasion, a business should only be required to provide SWPPP access to the appropriate governmental agency – in this case, DCR – expressly charged with enforcement of the permit. The SWPPP is not a public document, and its mandated disclosure is inconsistent with other stormwater permits. Accordingly, we would ask you strike entirely the provisions placing mandates on the business community to provide for public availability of SWPPPs.

###