



September 1, 2009

The Honorable Tim Kaine
Governor of Virginia
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219

Re: Request for Statewide Guidelines for use of Harvested Rainwater

Dear Governor Kaine,

There are two critical water-related issues facing Virginia at this time: (1) planning for water supply to meet increasing demands and (2) the increased need for effective stormwater management practices to reduce the impacts of rapidly changing land uses. Widespread use of “rainwater harvesting” has the potential to address both of these issues.

We request that you assure that guidelines for the use of harvested rainwater are expeditiously developed so that the citizens of the Commonwealth may take advantage of technologies for rainwater harvesting. Elaborate engineering solutions are often used to convey rainwater from rooftops to structures designed to slowly release it to streams. This same water is often collected far downstream and, through reservoirs and pipelines, returned back to provide water to the building from which it originated. Harvesting rainwater at the source offers a simple, sustainable alternative water supply for indoor and/or outdoor use. At the same time, it protects our waterways from the often damaging impacts of large volumes of stormwater runoff from buildings and large impervious areas.

The following section in the Code of Virginia directed the Virginia Department of Health to develop guidelines for the use of rainwater: § 32.1-248.2.

Use of rainwater and reuse of gray water.

A. The Department shall develop by January 1, 1999, guidelines regarding the use of gray water and rainwater. The guidelines shall describe the conditions under which gray water and rainwater may appropriately be used and for what purposes. The guidelines shall include categories of used water, such as types of used household water and used water from businesses, which are appropriate for reuse. The guidelines shall include a definition of gray water that does not include used toilet water.

B. The Department, in conjunction with the Department of Environmental Quality, shall promote the use of rainwater and reuse of gray water as means to reduce fresh water consumption, ease demands on public treatment works and water supply systems, and promote conservation. (1998, c. 155.)

As well, in 2008, SB 378 was passed that added paragraph 9 to 10.1-603.4 of the Virginia Stormwater Management Act, which authorized the Virginia Soil and Water Conservation Board in the development of the stormwater regulations to:

"9. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters; and"

It is our understanding that, while guidelines have been developed for the *reuse of gray water*, VDH has not yet developed and promulgated guidelines for the direct use of rainwater. As a result, there is considerable confusion at the local level about what is allowed and what design criteria should be used in rainwater harvesting systems.

Many countries in the world utilize rainwater harvesting as their primary source of water. And while the Commonwealth of Virginia is often called a "water-rich" state, recent droughts have underscored the importance of managing our human demand for surface and groundwater. Rainwater harvesting is one of the "best management practices" being promoted by DCR in the proposed stormwater regulations. At the same time, it also provides a sustainable, decentralized source of water that encourages conservation, while helping to protect the integrity of streams.

The York River and Small Coastal Basin Roundtable is made up of diverse stakeholders including local and regional planners, soil and water conservation districts, watershed stewardship groups, citizen water quality monitors, state and federal natural resource agencies, university researchers and others concerned about the health of the York River system and the Chesapeake Bay. We urge the VDH to conform to this Code section by developing statewide guidelines that detail acceptable collection and treatment techniques for both the indoor and outdoor use of rainwater. This will then provide a framework for localities to actively promote such systems. We welcome the opportunity to contribute to the

development of these guidelines and their eventual promotion across the York River basin.

Sincerely,

Diane Beyer
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& District Manager, Tri County City Soil and Water Conservation District,
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Copy to:

Mr. Preston Bryant, Secretary of Natural Resources
Commissioner Karen Remley, M.D., Virginia Department of Health
Mr. Bill Shelton, Director, Department of Housing and Community Development
Mr. David Paylor, Director, Department of Environmental Quality
Mr. Joe Maroon, Director, Department of Conservation & Recreation
Mr. Jack Frye, Director, Division Soil & Water Conservation - DCR