

*State of West Virginia*  
*Joe Manchin III*  
*Governor*

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May 7, 2009

**VIA HAND DELIVERY**

The Honorable Earl Ray Tomblin  
President, Senate of West Virginia  
State Capitol  
Charleston, West Virginia 25305

Dear President Tomblin:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 715.

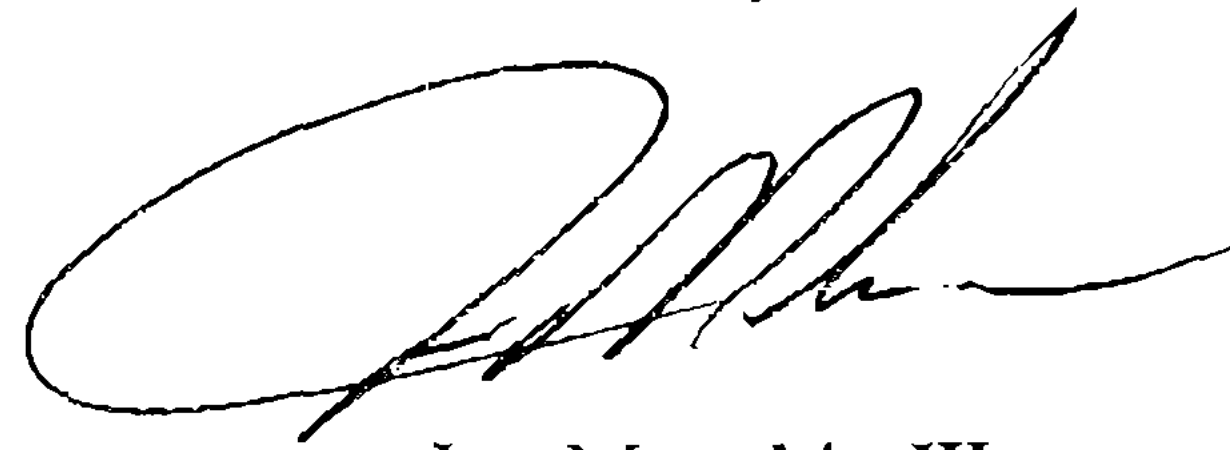
Enrolled Committee Substitute for Senate Bill No. 715 would allow for the modification of existing West Virginia/National Pollutant Discharge Elimination System ("NPDES") permits containing limitations for the discharge of phosphorous and nitrogen into the Chesapeake Bay watershed and would direct the Secretary of the Department of Environmental Protection ("DEP") to establish a program of nutrient trading and off-sets.

While I support the Legislature's efforts to reduce the amount of nutrients discharged into the Chesapeake Bay watershed, I must object to this Bill because of potential conflicts with federal environmental laws. The Bill would require the Secretary of DEP to modify existing permits to grant permit holders a reasonable period of time to attain affordable compliance with any requirement related to the discharge of nitrogen and phosphorous into the Chesapeake Bay watershed. However, the federal Clean Water Act requires that compliance schedules for meeting new discharge requirements be established on an "as soon as possible" basis. Therefore, West Virginia/NPDES permits may not be conditioned on affordability or the availability of funding, and such permits would not be approved by the Environmental Protection Agency.

**OFFICE OF THE GOVERNOR**

For this reason, I must veto Enrolled Committee Substitute for Senate Bill No. 715. If the Legislature decides to consider this measure again in the future, the provisions of the Bill should be amended to limit risk to the State's NPDES program delegation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe Manchin III", written in a cursive style.

Joe Manchin III  
Governor

cc: The Honorable Richard Thompson  
Speaker, House of Delegates  
The Honorable Natalie E. Tennant  
Secretary of State