

Note from the Section Chair

The Virginia State Bar's Environmental Law Section is pleased to present this edition of *Virginia Lawyer*. Environmental issues find their way into many different areas of law, including corporate transactions, the purchase and development of real estate, and worker safety and environmental exposure cases. These issues can be as complicated as addressing air permitting, or remediating and developing contaminated sites, or as simple as underground storage tank notifications to regulatory agencies. The articles in this issue of *Virginia Lawyer* describe some of the most recent developments and important issues in the field—on the federal and state levels.

“Brownfields” are redeveloped former industrial or commercial sites from which some or all of the contamination has been removed. In “When Life Gives You Lemons, Make Lemonade! Risks and Rewards of Brownfields Development in Virginia,” Marina L. Phillips and David B. Graham describe the commonwealth's Voluntary Remediation Program for contaminated sites. This program can be a boon to developers willing to pay the costs of remediation to develop important properties and obtain some liability protection.

In “Air In The Balance: Rewriting The Clean Air Act's New Source Review Program,” Caleb A. Jaffe describes the New Source Review (NSR) program under the Clean Air Act, the effect of recent important power company cases, and the effect of these cases and changes in the NSR program on Virginia's air regulations. The Clean Air Act can be daunting, but Jaffe provides a very readable analysis of the NSR issues and their possible effect on state law.

Virginia recently had a very severe drought. Water supply planning, which had languished for years, has therefore become an important issue in the commonwealth. James R. Allison and Andrea W. Wortzel analyze the current efforts in “Water Supply Planning: The Regulatory Cup Is Running Over,” and discuss these planning programs by local governments across the state.

The importance of the Chesapeake Bay in the lives of Virginians and the commonwealth's commitment to cleaner bay water led the General Assembly to adopt legislation in 2005 concerning watershed permitting and nutrient credit exchange (also known as nutrient trading). In their article, “Nutrient Credit Trading: The New Bay Cleanup Tool,” Christopher D. Pomeroy, David E. Evans and Stewart T. Leeth explain recently adopted trading legislation and rules proposed to implement that legislation. Other states will watch how Virginia develops its nutrient trading program.

If you would like to join our section or want to find out more about our activities, please check our Web site at www.vsb.org. We welcome new section members and look forward to an exciting, eventful year.

As a final note, I would like to thank the authors in this issue for the time and effort they took to research and prepare their articles. I would also like to extend my hearty thanks to Brooks M. Smith for “herding cats” to get the articles on time and in fine form.

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