

**CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE**  
777 North Capitol Street, N.E.  
Washington, D.C. 20002

**MINUTES OF JULY 30, 2010, MEETING**

**ATTENDANCE:**

**Members and alternates:**

Chair Cathy Drzyzgula, City of Gaithersburg  
Vice Chair Barbara Favola, Arlington County  
Bruce Williams, Takoma Park  
Penelope Gross, Fairfax County  
Mark Charles, City of Rockville  
Meo Curtis, Montgomery County  
Tim Goodfellow, Frederick County  
Glen Rubis, Loudoun County  
Beverly Warfield, Prince George's County  
Jim Sizemore, Alexandria Sanitation Authority  
J. L. Hearn, WSSC  
Matt Robinson, District of Columbia  
Mohsin Siddique, DC Water

**Staff:**

Ted Graham, DEP  
Steve Bieber, DEP  
Heidi Bonnaffon, DEP  
Karl Berger, DEP

**Visitors:**

James Edward, EPA Chesapeake Bay Program Office  
Gary Allen, EPA Chesapeake Bay Program Office  
Glynn Rountree, National Association of Home Builders

**1. Introductions and Announcements**

Chair Drzyzgula called the meeting to order at approximately 10:00 a.m.

**2. Approval of Meeting Summary for May 21, 2010**

The members approved the draft summary.

**3. Role of Federal Facilities in Bay Restoration**

Mr. Edward, Director of EPA's Chesapeake Bay Program Office, briefed the committee on the status of EPA's pending issuance of a series of Bay-wide TMDLs as well as other Bay-related initiatives, focusing in particular on how federal facilities will contribute to the restoration effort. He noted EPA is pursuing various stormwater initiatives, including the issuance of guidance for updating MS4 permits and the development of a specific set of rules for the Bay watershed under pending national stormwater regulations due to be issued in 2012. He also said that by 2014 EPA will issue update guidance for agricultural permits under its Concentrated Animal Feeding Operations (CAFO) program. Both sets of guidance are part of a settlement agreement EPA reached with the Chesapeake Bay Foundation earlier this year, he noted.

Mr. Edward also said that EPA has increased its funding for its Bay restoration efforts and increased the amount of Bay funding it provides to the states. He also noted that the agency has stepped up its permit oversight and enforcement activity.

Mr. Charles asked how confident EPA is that the deadlines being proposed under the TMDL for achieving the necessary level of implementation of BMPs and other measures can actually be met. In response, Mr. Edward noted that the actions being considered for the interim 60-percent implementation deadline of 2017 do not include the practices EPA may regulate as part of its new stormwater and agricultural permitting plans.

Ms. Drzyzgula asked whether EPA's agricultural regulations would apply only to livestock farms. Mr. Edward confirmed this, but, he said, EPA is planning to expand the definition of CAFOs to include more farms.

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Ms. Drzyzgula asked whether EPA's agricultural regulations would apply only to livestock farms. Mr. Edward confirmed this, but, he said, EPA is planning to expand the definition of CAFOs to include more farms.

In regard to federal facilities, Mr. Edward said that EPA plans to issue a set of milestones by January 2012 that will match the state implementation milestones that the Bay states are expected to issue at the same time. He also noted that under recently issued agency guidance for federal facilities in the watershed they must have a plan to meet their stormwater management responsibilities under the Energy Independence and Security Act by 2010 and being implementing the plan in 2011.

Ms. Drzyzgula asked if cost would be a factor in this implementation. Mr. Edward didn't answer directly, but he noted that the states and the District of Columbia would be involved in setting load reduction targets for federal facilities.

Ms. Favola noted that it appeared as if state governments will call the shots in this process, as opposed to local governments. In response, Mr. Edward said that's because watershed implementation plans are a state responsibility. Mr. Edward added that EPA's guidance defines two approaches: one in which the states will set an overall goal for the federal facilities in their states and one in which individual facilities or agencies will develop their own implementation plans. At this point, he said, the Department of Defense appears to be the only federal agency pursuing the latter option.

Ms. Curtis asked if this federal facilities planning is accounting for the relocations of federal personnel and offices that are occurring under the military's base realignment process, known as BRAC. Mr. Edward said he did not know the answer for sure, but he would guess that it does not.

Ms. Gross expressed disappointment in EPA's overall approach to the TMDL. Based on what has been proposed to date, at least in Virginia, she said, neither EPA nor the states will provide local governments with either sufficient time to achieve the level of implementation to be required under the TMDL nor any assistance with funding. She expressed special concerns with EPA's proposed flow-based TMDL for Accotink Creek in Fairfax County, which could impose a set of unobtainable requirements on the county. She noted one example, which is a proposal to limit construction activity to no more than five percent of the land area of the watershed at any one time. Given current work on new traffic lanes for the Beltway and BRAC construction at Fort Belvoir that will occur simultaneously, she said, this proposed TMDL requirement is totally unworkable.

Ms. Gross also expressed disappointment that EPA will not credit stream restoration work under the proposed Accotink Creek TMDL. Other members noted that such work is being pursued at the local level, among other reasons, because it improves local water quality conditions. Mr. Edward said EPA is developing a format for providing credit to such work under the agency's Bay TMDL accounting system.

#### **4. Update on TMDL Schedule, WIP Development**

Ms. Spano briefed the committee on the current status of the TMDLs and the accompanying state watershed implementation plans, as well as concerns that members of COG's Water Resources Technical Committee (WRTC) have expressed about the process. These include the many delays in the development of EPA tools used to set nutrient and sediment reduction targets, such as the watershed model, and the shortened time frame for review and comment on EPA's draft TMDL. The agency has announced that it will issue a draft TMDL document in late September for a 45-day public comment period. It still plans to issue a final TMDL by Dec. 31, 2010, she said.

Ms. Spano also briefed the committee on a draft letter expressing these concerns. She noted that the WRTC had endorsed the transmission of the letter to EPA Region 3.

Committee members discussed whether or not to send the letter. Ms. Favola said that it is important that EPA proceed with the TMDL process as quickly as possible, but acknowledged the concerns about process raised by COG staff and the WRTC. Mr. Hearn noted his disagreement with a technical point raised by the letter. Ms. Gross said it is important that COG go on record to express these concerns even if EPA ignores them for now.

Action: The committee approved the transmission of the letter as is, with Mr. Robinson noting the abstention of the District of Columbia.

#### **5. Update on Federal Legislation**

Discussion of this item was deferred due to time constraints. Ms. Drzyzgula referred members to the handouts provided by COG staff.

#### **6. Discussion of Localized Permit, TMDL Developments**

Ms. Curtis discussed how Montgomery County is coping with its newly issued MS4 permit for stormwater management in the county, focusing in particular on a provision that will require the county to implement stormwater management practices on a total of 20 percent of the county's older urban area that was built before stormwater management controls were required (a practice known as retrofitting). She said the county has determined that it has sufficient projects in its current CIP for stormwater to address this permit requirement. She also noted that the cost for these projects have been estimated at \$86 million.

Ms. Curtis said the county is also making progress on another new permit requirement, which calls for the county to assess each of its watershed for what needs to be done to meet water quality goals, in particular to meet the wasteload allocations for any TMDLs that already exist or that might be established during the life of the permit.

Mr. Robinson briefly discussed some of the provisions that EPA has proposed in its draft MS4 permit for the District of Columbia. He said the District's Department of the Environment is currently in discussion with EPA over these details, but he expects a new permit to be issued before the end of the year.

**7. General Updates**

In regard to "Community Engagement Campaign," Ms. Spano referred members to a flyer noting a series of web "blogs" that COG is promoting to disseminate information about wise water use and water quality infrastructure.

In regard to the "HUD Sustainable Communities Grant," Ms. Spano noted that COG staff is preparing a grant application to the federal Housing and Urban Development's "Sustainable Communities" program and DEP staff is providing input on the water quality aspects of sustainability in the region.

**8. New Business**

None was noted.

**9. Adjourn**

The meeting was adjourned at approximately 12:05 p.m.