

## CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE WEBINAR SUMMARY-DRAFT

March 19, 2021

### LINK TO ALL MEETING PRESENTATIONS AND MATERIALS:

<https://www.mwcog.org/events/2021/3/19/chesapeake-bay-and-water-resources-policy-committee/>

#### 1. CALL TO ORDER & ANNOUNCEMENTS

Chair Sayles made the following opening remarks:

- She thanked those who joined the CBPC Orientation webinar in early March, saying we look forward to working with our new members from across the region.
- She announced COG would like to hold a CBPC meeting jointly with the CEEPC committee in July. She asked whether members be available on Wednesday, July 28? This would shift our meeting from Friday, July 16<sup>th</sup> to meet on CEEPC's regularly scheduled day, on Wednesday, July 28<sup>th</sup>. It was decided that Ms. Bonnaffon would send a poll of dates via email.
- She said she will be asking members for their Earth Day plans and Heidi will share COG's plans to develop a COG DEP video for a regional social media campaign.

#### 2. CBPC MEETING SUMMARY APPROVAL

The draft summary of the January 2021 CBPC meeting was approved.

#### 3. 2021 LEGISLATIVE RECAP

Councilmember Cindy Dyballa provided highlights of the Maryland and Virginia legislation that the CBPC Legislative Subcommittee tracked and a recap the CBPC's legislative actions this session. Her presentation lists the members of legislative subcommittee and the bills that were the focus this year.

##### Member Discussion:

- Vice Chair Jackson said that stormwater SLAF funding and flood resiliency in Virginia is a huge help to Alexandria, given sunny day flooding. Alexandria also received state funding for addressing the combined sewer overflow issue.
- Vice Chair Jackson asked how the other jurisdictions will be implementing the plastic bag tax as it pertains to low-income residents, so it does not present an equity issue.
  - Chair Sayles and Mr. Ortiz said that Montgomery County has not seen inequity or affordability issues for low-income residents; there was an effort to give out reusable shopping bags when the bill was rolled out. Small businesses benefit from the bag fee, since the plastic bags are costly for them.
- Lillian Power implements the bag fee in the District of Columbia and presented their program to Virginia waste managers and it addresses equity. Heidi shared her presentation via email.
- Mr. Leszcz mentioned that the plastic bag bill is being held up in the Maryland Senate. The City of Laurel is researching and piloting biodegradable bags that break down in the environment after one to two years.
- Takoma Park has a plastic bag ban versus a fee.

#### 4. CONTAMINANTS OF CONCERN: PAHS AND PFAS

##### A. PAHs

Lillian Power, Environmental Protection Specialist, DOEE shared background on why PAHs are a concern and legislative movements locally and nationally, as well as DOEE's plans to develop a

PAH testing protocol for pavement sealants.

- In 2008, the District of Columbia banned coal tar sealants to limit them as a source of polyaromatic hydrocarbons (PAHs).
- In 2017, DOEE sampled parking lots in the District of Columbia and found numerous had high levels of PAHs. The new sealants were not coal tar but ethylene cracker residue, so the District of Columbia updated its regulation to focus on PAH concentrations versus on the product type. The new legislation limits PAHs at .1%,
- Maryland has a bill in the house that proposes a .1% PAH limit for the state. There is some reticence in the House, and DOEE will testify in favor. Similar bills are being considered or enacted in Michigan and Wisconsin, so it is a growing national concern.
- DOEE received a grant from the Chesapeake Bay Program's Toxics Work Group to hire a contractor to create a standard protocol for testing pavement sealants and to test products and create low-PAH product list.
- DOEE:
  - Has assembled a steering committee for the protocol project,
  - will share the draft protocol with COG members when it is ready for feedback this summer, and
  - will make the protocol and product list publicly available

## B. PFAS

Lynn Thorp, National Campaigns Director, Clean Water Action provided an overview of PFAS history and PFAS sources, and environmental and public health concerns. Her presentation provided links to more resources.

- PFAS chemicals were developed in the 1930s due to their non-stick and firefighting properties. There were some health concerns with the initial legacy chemicals by DuPont, and other manufactures. There are suites of new chemicals widely used for dental floss, food packaging, medical arena, firefighting, etc. but cannot say they are any less risky.
- EPA has a PFAS Action Plan (the link was included in her presentation) that is establishing research and testing, looking at health effects, lab methods for regulatory controls (Safe Drinking Water Act, Toxics Act, etc.). EPA's unregulated contaminant monitoring showed PFAS around the country in 2015. Only 1% are regulated.
- Last year Maryland passed a bill to limit the use of firefighting foam containing PFAS during training exercises. This year's bill to limit PFAS in carpeting, firefighting foam, and disposal methods such as incineration is unlikely to pass in Maryland. There are PFAS bills in lots of states.
- Clean Water Action believes the solution should not be to regulate PFAS in tap water, but to identify and control PFAS at their sources before they enter waterways, via the Clean Water Act. "Mind the Store" is a public campaign for addressing toxics at the corporate level (example is McDonald's phase out in food packaging).

### Member discussion:

- Pam Kenel asked if there is more of a focus on PFAS now because we can detect them at finer detections and whether the health effects of the newer compounds are still unknown. Ms. Thorp concurred.
- Mr. Ortiz inquired whether research is showing that incineration is a safer form of disposal versus landfilling (leachate). Ms. Thorp said that the EPA stakeholders have nuanced positions; there is so much concern that there are recommendations that the chemicals should be stored until we know how to safely dispose of them.

## 5. STAFF UPDATES

- A. Steve Bieber provided highlights of the draft FY 2022 Regional Water Quality Management Work Program and Budget and asked for comments. He said that the COG Board reduced

the assessment rate by .5 cents which reduced the member dues increase to 2.38%. Members did not have any questions or concerns. Staff will be requesting approval of the finalized Work Program and Budget during the May meeting.

- B. Michael Knapp, Regional Tree Canopy Subcommittee Chair, and Brian LeCouteur, COG's Urban Forester, provided an overview of COG's draft *Tree Canopy Conservation Cookbook* and recommendation of tree canopy goals at different scales. The COG Tree Canopy Subcommittee was formed in 2019 and will continue if there is work to do, with the goal to maximize tree canopy benefits and minimize risks.

**Member discussion:**

- Councilmember Davis said there is a divide between vocal groups about preserving forests as they are versus managing them. Mr. Knapp and Mr. LeCouteur recommended monitoring and managing forested lands in urban landscapes due to pressures such as invasive species.
  - Mr. Ortiz asked the most important actions for tree conservation. Mr. Knapp recommended mapping the resources that you have (using lidar), engage the community-at-large on how to manage the forested areas based on their values, and how to manage them based on long-term plans.
  - Councilmember Sayles asked about impact of tree replanting waivers for developers. Mr. LeCouteur said he and Mr. Knapp can provide some follow up information to her about this.
- C. Heidi Bonnaffon provided highlights from the General Updates document pertaining to Earth Day and mentioned preliminary plans for Chesapeake Bay Awareness Week (June 5-13) that will have a recreation theme this year.

## 6. MEMBER UPDATES

*Jason Papacosma, WRTC Chair, and CBPC members*

A. WRTC Stream Restoration Work Group Briefing

Jason Papacosma, WRTC chair, presented background on the stream restoration work group and WRTC plans for producing a voluntary "best practices blueprint" for planning, siting, public engagement, and post-construction for a presentation to the CBPC in November.

- He said the term restoration is misleading. Stream projects are not taking the streams back to a former condition, but rather local governments are doing projects to enhance stream resiliency for the future.
- It is important to document current stream conditions and reasons for deciding where stream projects are sited.

**Member discussion:**

- Chair Sayles said that resiliency is a good term versus restoration, since the look after projects does not always match what the public expects given that resiliency takes time to foster.
- Councilmember Garvey said public education is important and it would be helpful to including talking points for elected officials to respond to public pressure since streams cannot be restored to "pristine" conditions.
- Councilmember Dyballa said this is a helpful conversation since she would like best practices for daylighting streams—the funding, the involvement of multiple entities, etc.
- Matt Reis seconded the interest in the daylighting of piped streams.

- B. Members briefly shared information about their plans for Earth Day, and other news and upcoming activities.
- Ms. Kenel said Loudoun Water has been designing a virtual Earth Day activity called “Student environmental action showcase.”
  - Ms. Kenel said ICPRB’s Potomac Drinking Water Source Protection Partnership (DWSPP) is looking at Farm Bill funding for source water protection in Maryland and Virginia. There is funding for Frederick County, Maryland, and now DWSSP is looking for agricultural projects that could obtain federal funding in Virginia.
  - Councilmember Davis said Greenbelt has always been active for Earth Day, including tree planting, tree caging. She also announced that she is most concerned that the forest preserve will be negatively impacted by the MAGLEV transportation project and asked members to read about it.
  - Chair Sayles said Gaithersburg is leveraging the virtual platform and she will share the link for Gaithersburg Green Month.

## 7. ADJOURNMENT

Chair Sayles adjourned the webinar at 12:05 P.M.

## ATTENDANCE

### Members and Alternates:

Amy Jackson, Vice Chair, Alexandria  
Cindy Dyballa, Takoma Park  
Craig Rice, Montgomery County  
Debbie Hiscott, City of Falls Church  
Ella Hanson, DC Council  
J. Davis, City of Greenbelt  
Jon Stehle, City of Fairfax  
Kate Kennedy, City of College Park  
Kenny Boddye, Prince William County  
Laurie-Anne Sayles, Chair, City of Gaithersburg  
Libby Garvey, Arlington County  
Maria Mackie, College Park  
M.C. Keegan-Ayer, Frederick County  
Mike Leszcz, City of Laurel  
Thomas Ross, City of Fairfax  
Adam Ortiz, Montgomery County DEP  
Heather Gewandter, Rockville DEP  
Jeff Seltzer, DOEE  
Joel Caudill, WSSC Water  
Jonathan Champion, DOEE  
Karen Pallansch, Alexandria Renew  
Enterprises  
Mark Peterson, Loudoun Water

Matt Reis, DC Water  
Pam Kenel, Loudoun Water  
Shannon Moore, Frederick County DEP  
Steve Shofar, Montgomery County DEP  
Tiffany Wright, City of Bowie

### Guests:

Beth Forbes, Gaithersburg  
Demetra McBride  
Elaine K Wilson  
Jason Papacosma, Arlington County  
Lillian Power, DOEE  
Lynn Thorp, Clean Water Action  
Michael Knapp, Montgomery County

### COG Staff:

Ata Adeel  
Brian LeCouteur  
Chuck Bean  
Christine Howard  
Heidi Bonnaffon  
Lisa Reynolds  
Steve Bieber  
Tom Gates  
Wyetha Lipford