

## Chesapeake Bay Policy Committee

**Date: Wednesday, July 14, 2004**

**Time: 10:00 a.m. – 12 noon\***

**Place: Fifth Floor ICMA Conference Room**

**777 North Capitol Street, NE**

**Washington, DC 20002**

*\*Lunch will be available for committee members and alternates after the meeting.*

### Meeting Agenda

- 10:00 **1. Welcome, Introductions and Announcements**.....Hon. Penny Gross,  
Vice Chair, Fairfax  
County
- Resignation of Peter Shapiro from Prince George's County Council
  - Status of National Treasure Request
- 10:10 **2. Approval of Meeting Summary for May 21, 2004** ..... Vice Chair Gross
- Recommended action:** Approve DRAFT Meeting Summary (*Att. 2*).
- 10:15 **3. The CBF Perspective on Restoration Progress** .....Theresa Pierno  
Vice President, Env.  
Protection &  
Restoration, Chesapeake  
Bay Foundation

Ms. Pierno will discuss the Foundation's assessment of current progress toward achieving the goals of the Chesapeake 2000 Agreement. The Foundation has submitted a petition to EPA (see *Att. 3*) calling for actions related to sewage, agriculture and stormwater management. Ms. Pierno will discuss its recommendations for action.

**Recommended Action:** Receive briefing

10:50 **4. Report on Proposed Bay Program Media Campaign.....** Chris Conner, CBP Director of Communications

The Bay Program plans to launch a media campaign in the Washington region in February 2005 to encourage individual actions that will benefit the Bay, focusing initially on lawn care (see *Att. 4*). Bay Program Communications Director Chris Conner will discuss this effort.

**Recommended action:** Receive briefing.

11:10 **5. Report from Institute for Regional Excellence.....** Holly Franz, Fairfax County Community & Recreation Services

COG's Institute for Regional Excellence (IRE) was created in 2000 to provide a management training program for local government managers with a focus on regional issues. Each year, various teams of IRE class members explore significant topics and report on their work to the COG Board. At the June Board meeting, a report on Chesapeake Bay issues was presented, and the Board requested that the CBPC conduct a dialogue with the team. Ms. Franz, a member of the IRE's Environmental Project Team, will present a more in-depth version of their report to the Board, which focuses on ways in which public participation in the Bay effort can be increased, followed by a discussion on next steps with the CBPC.

**Recommended action:** Receive briefing and discuss next steps.

11:25 **6. Tributary Strategy Update.....** Ted Graham, COG Water Resources Program Director

Mr. Graham will update members on the status of the tributary strategy process in Maryland, Virginia and the District of Columbia.

**Report on Technical Analysis.....** Steve Bieber, COG staff

At the May 21 meeting, the committee directed COG staff to develop information on the cost effectiveness and applicability of the BMPs in the tributary strategies. Mr. Bieber will present some preliminary findings

**Recommended action:** Provide input on staff's proposed format for presenting information.

11:40 **7. New Business.....** Members

11:45 **8. Adjourn**

The next meeting is scheduled for Friday, September 17, 2004, 10:00 a.m. - 12:00 noon.

*(Remember: COG will reimburse members and alternates for Metro fares.)*

Enclosures:

- Item 2            DRAFT Meeting Summary of May 21, 2004
- Item 3            Chesapeake Bay Foundation news release

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

**DRAFT MINUTES OF MAY 21, 2004, MEETING**

**ATTENDANCE:**

**Members and alternates:**

Peter Shapiro, Prince George's County, CBPC Chair  
Penelope Gross, Fairfax County, CBPC Vice Chair  
Barbara Favola, Arlington County  
Andy Fellows, College Park  
Sharon Anderson, District of Columbia  
Hamid Karimi, District of Columbia  
Bruce Williams, City of Takoma Park  
J Davis, City of Greenbelt  
Carole Larsen, Frederick County  
Uwe Kirste, Prince William County  
Cameron Wiegand, Montgomery County  
Sherry Conway Appel, Prince George's County

Marc Battle for Vincent Orange, District of Columbia

**Interested parties:**

J. L. Hearn, WSSC  
Mohsin Siddique, DC-WASA  
David Bardin, DC-WASA  
Shahram Mohsenin, Fairfax County

**Staff:**

Stuart Freudberg, DEP  
Ted Graham, DEP  
Steve Bieber, DEP  
Tanya Spano, DEP  
Brian Rustia, DEP  
Karl Berger, DEP

**1. Welcome, Introductions and Announcements**

Chair Shapiro opened the meeting at 10:10 a.m. He noted that the next meeting of the committee will be held on Wednesday, July 14, 2004, just ahead of the COG Board meeting that day, rather than its traditional slot on third Fridays of the month.

**2. Approval of Meeting Summary for March 10, 2004**

The meeting summary was approved.

### 3. Update on Funding Issues

Ms. Gross noted some highlights of her participation in the second meeting of the Chesapeake Bay Blue Ribbon Funding Panel, which was held at COG on May 5, and other related developments. Among the related developments was a formal request from the Chesapeake Bay Commission to the White House for an executive order that would designate the Bay as a “national treasure.” (See discussion under *Item 4.*) Discussion at the Blue Ribbon Panel meeting, Ms. Gross said, emphasized the need for detailed restoration strategies, with specific schedules and budgets, to succeed in raising money at the federal level. The tributary strategy documents recently released by the states do not meet these standards, according to panel members.

The bulk of the May 5 Blue Ribbon Panel meeting, according to Ms. Gross, was devoted to a discussion of strategies for funding point sources such as municipal wastewater treatment plants. The panel has formed subcommittees which are due to report recommendations at the next meeting on June 30. Ms. Gross noted that she is a member of the panel on local government funding, where she will continue to emphasize the message that the financial burden for further upgrades cannot be left solely to local governments.

Noting the lack of progress at the state level in directing funding for innovative approaches to treating urban stormwater and the resources being devoted to such practices in jurisdictions such as Prince George’s County, Ms. Conway Appel suggested that the region prepare a wish list of innovative practices for which they would like to have federal cost share funds. Ms. Davis, noting the participation of a state legislator from the region, Del. James Hubbard, on the panel, said she could check with him on his knowledge of local stormwater management efforts and the need for more resources. Mr. Wiegand said Montgomery County officials would be interested in joining Prince George’s County officials in a joint briefing for the legislator.

### 4. Request to Endorse ‘National Treasure’ Request

Mr. Bieber provided more details on the Chesapeake Bay Commission’s National Treasure request. This builds on earlier Commission efforts to argue that as much as \$12.8 billion in new funding must be realized to meet the new water quality goals for the Bay and that an increase in the current federal contribution of about \$1 billion a year would leverage greater contributions from state and local governments. Although designation as a National Treasure would not, in and of itself, provide more federal funds to the Bay restoration effort, it could prove to be an important stepping stone, Mr. Bieber noted. He added that the Commission is seeking endorsement of this request from COG and other government entities throughout the watershed.

Several members expressed concern about the accuracy of the Commission’s numbers; Mr. Wiegand, for example, noted that what he has seen of numbers from Maryland appear to have significantly underestimated the cost of urban stormwater programs. Ms. Favola wondered if the Commission and others active in fundraising issues should simply make an explicit budget request rather than the more circumspect National Treasure designation. The commission has made an argument for an additional \$1 billion a year in federal funds and this amount should be specifically referenced in any request, Ms. Gross said. Ms. Davis asked what precedents have been set by previous National Treasure designations. Mr. Bieber indicated his belief that there are no particular precedents for such a designation, but staff will double check this point.

**Action Item:** The committee agreed to recommend to the COG Board that it endorse this request, pending clarification from staff on historical precedents, if any, and specific funding amounts to be requested from the federal level.

In a follow-up discussion of other funding initiatives, COG staff noted that the opportunity exists for local government representatives, through either the Maryland Association of Counties or the Maryland Municipal League, to participate on an advisory group on the new water quality fee program in Maryland. Ms. Davis agreed to informally explore whether someone from the COG region could represent MML on this group.

## 5. Response to Release of Tributary Strategies

Mr. Graham briefly summarized the state tributary strategies as they were documented to meet a Bay Program deadline of April 2004, noting a number of inconsistencies and gaps. None of the strategies currently contains a plan for implementing the actions it calls for and therefore local governments lack a clear idea of what they might be asked to do, he said. Should the strategies not prove effective, he added, then local governments can expect that at least their wastewater plant permits and perhaps permits for municipal stormwater discharges as well will be subject to new requirements based on meeting Bay goals. The committee members and staff discussed some of the implications of a permit-driven approach.

Mr. Graham noted that more than half of Maryland's projected costs for its strategy would arise from efforts to minimize the amount of nitrogen coming from septic systems, which is thought to be a minor contributor to overall nitrogen loads to the bay. That prompted a question from Mr. Shapiro about whether the strategies are based on cost effectiveness considerations; the answer was no. Members expressed the need for such information to help them better advocate for public dollars for the clean-up effort. Mr. Graham said COG staff would work to provide this information in consultation with members of the Water Resources Technical Committee.

Ms. Favola said she would like to know what the most cost effective nutrient reduction measures are and how these measures compare among the different state strategies. Ms. Conway Appel said such analysis should also note how much of the problem arises from each of the sectors being targeted by various actions. Noting his experience on the Metropolitan Washington Air Quality Committee when it considered its plan for reducing ozone generation in the region, Mr. Shapiro asked that COG staff's analysis supply cost effectiveness on all control measures. Although cost effectiveness is not the only criterion that should be used in judging whether to pursue a certain measure, he said, it is important to have a standard rational on which all measures can be compared.

**Action Item:** The committee asked staff to prepare an analysis of the cost effectiveness of the different measures identified in the tributary strategies. Staff should seek to follow the model presented by the air quality – transportation conformity process at COG.

In a follow-up discussion, Mr. Graham floated the idea of sending a letter regarding the tributary strategies to Maryland, Virginia and the District of Columbia. The letter could express some of the concerns that members and COG staff have expressed about the current strategy documents.

**Action Item:** The committee agreed that staff should draft a letter on the tributary strategies in consultation with Chair Shapiro.

## 6. Tour of COG's Bay-related Web Pages

Mr. Bieber and Mr. Berger of COG staff demonstrated the new Chesapeake Bay Policy Committee page on COG's web site. The page will contain both committee business items and items of general information about the Bay restoration effort.

**7. New Business**

None was offered.

**8. Adjourn**

The meeting was adjourned at 12:00 noon.

## **CBF Takes Legal Action to Compel EPA to Enforce the Clean Water Act**

*Tuesday November 25, 2003*

*By: John Surrick*

### **Existing requirements to eliminate nitrogen pollution are being ignored**

**Embargoed until 12:01 am, Dec. 2, 2003**

**Contact: John Surrick, 443.482.2045**

(ANNAPOLIS, MD) Charging that the federal Environmental Protection Agency (EPA) and the Bay watershed states (Maryland, Virginia, Pennsylvania, New York, Delaware, West Virginia, and the District of Columbia) have failed to enforce the Clean Water Act, the Chesapeake Bay Foundation (CBF) today took legal action and formally petitioned the EPA, demanding that water discharge permits for sewage treatment plants and industrial facilities include adequate, enforceable effluent limits on nitrogen pollution.

Nitrogen pollution is the most significant problem facing the Chesapeake Bay, which has been formally placed on the nation's list of dirtiest waters. Currently, both EPA and Bay watershed states routinely fail to include restrictions on nitrogen pollution in Clean Water Act permits.

"The Chesapeake Bay is critically ill, and the Clean Water Act clearly requires the EPA and the states to reduce nitrogen pollution to restore it. Tragically, the politics of postponement have forced us to take this legal action," said CBF President William C. Baker. "The Bay must not continue to be a dumping ground for nitrogen pollution, which contributes to enormous "dead zones," harmful algal blooms and fish kills. We urge the EPA and the states to promptly respond to our action by requiring nitrogen polluters to clean up their act."

The Clean Water Act, which was enacted in 1972, requires the EPA and the states to issue permits for all sewage treatment plants and industrial outfalls that are sufficiently stringent to protect water quality in the Chesapeake Bay and its tributaries. The Bay and the tidal portions of its tributaries have been formally designated as impaired by nutrient pollution, but EPA and the states have yet to take the series of actions that are required by law to reduce nitrogen pollution.

Sewage treatment plants are the second largest source of nitrogen pollution to the Bay. Under the Clean Water Act, EPA has the prime responsibility for assuring that the states in the Bay watershed implement their water programs consistent with the Act's requirements.

The petition requests a series of specific actions from EPA that include:

Beginning to require that states in the watershed include adequate, enforceable effluent limits for total nitrogen in existing discharge permits to protect water quality in the Bay watershed from excess nutrients.

Establishing new technology standards for sewage plants and industrial facilities that require nitrogen reduction to a level consistent with today's affordable technology. EPA has not updated these standards in almost 20 years.

Restricting new sewage and industrial discharges of nitrogen into the Bay watershed until Total Maximum Daily Loads (TMDL) for nitrogen are completed, and controls are placed on existing dischargers of nitrogen in the watershed.

Requiring that at least 25% of EPA state grant funds are directed toward nutrient reduction measures.

"In 2000, the EPA and states committed to reduce nitrogen pollution and improve water quality to a level which would allow the Bay's living resources to thrive by 2010. Today, three and a half years later, not one state in the watershed is on track to reduce nitrogen pollution from sewage treatment plants to the levels that are technologically possible, and that the law requires," stated Theresa Pierno, CBF's Vice President of Environmental Protection and Restoration. "Millions of people in the region depend on the Chesapeake for their livelihood and enjoyment. We have an obligation to ensure that government fulfills its legal obligations to protect the Bay and its tributaries."