

IGBG Green Building Report

Draft Outline with Committee and COG Staff Review

Jan. 8, 2007

- 1. Set the Stage – why we need green buildings**
 - a. Population growth and environmental impact
 - b. DC metropolitan building market one of hottest in the nation

- 2. Green Building Facts and Benefits**
 - a. What Is Green Building (include images)
 - b. Building Performance Benefits
 - c. Regional Benefits
 - d. Local Benefits
 - e. Global Benefits

- 3. The State of Green Building in the Region**
 - a. Green Building Programs in DC, Montgomery, Arlington, Gaithersburg, etc
 - b. Federal MOU
 - c. LEED buildings in the region
 - d. Moving toward Best Practices – local highlights

- 4. National Programs and Best Practices**
 - a. Seattle, Chicago, Portland, New York City (or others)
 - b. Mayor's Climate Action Initiative, 2030 Challenge, ICLEI

- 5. Green Building Ratings Systems and Codes**
 - a. Available standards (GSA report as guidance)
 - i. LEED
 - ii. Energy Star
 - iii. Green Globes
 - iv. Residential standards
 - b. Existing green building codes
 - c. Related LID, Ches. Bay standards
 - d. IGBG Recommendation for the region

- 6. Costs**
 - a. Costs of buildings
 - i. Kats, GSA, 9/29 conference info, others – include paybacks
 - ii. IGBG Recommendation: collect cost data over next 5 years and develop detailed case studies (perhaps one per jurisdiction, public or private bldg)
 - b. Government investment
 - i. Program costs and paybacks
 - ii. Budgeting “silos”
 - iii. Examples – Austin, Chicago, Seattle

7. Regional Environmental Issues and Green Building

- a. Stormwater and Chesapeake Bay Preservation
 - i. Tie into COG committee, local programs and federal goals
- b. Air Quality
 - i. Tie into COG committee (MWAQC), local programs, and federal goals
- c. Energy
 - i. Tie into Energy Strategic Plan

8. Regional Economic and Development Issues and Green Building

- a. Regional markets and challenges
- b. Infrastructure
 - i. Roads, sewage, water lines, etc.
- c. Transportation and connectivity of buildings – smart growth

9. Municipal Organizational Issues and Barriers in Region

- a. Structural challenges within government – implementation issues
- b. Statutory and regulatory barriers
- c. Need for education and training

10. Recommendations

- a. Overall regional
- b. Government programs and policies
 - i. Recommend commitment to smart growth, transportation planning,
 - ii. All local governments make some commitment to green (program, staff, incentive, public buildings, etc)
 - iii. Incentives and regulatory tools
 - iv. Implementation
- c. Green building rating system
 - i. Make recommendation (LEED vs. others, Energy Star)
- d. Green building support for critical environmental priorities:
 - i. Stormwater
 - ii. Air quality
 - iii. Heat islands
 - iv. Construction waste management
 - v. Climate change (2030 Challenge, ICLEI, Mayors Initiative)
 - vi. CBCA
 - vii. Other?
- e. Public new buildings recommendations
 - i. Overall goal (all public buildings green by XXXX year)
 - ii. Public buildings in general (all public facilities meet a green standard)
 - iii. Recommendation for schools
 - iv. Other (historic, affordable, etc)
- f. Private new buildings recommendations
 - i. Overall goal
 - ii. Office

- iii. Multifamily
- iv. Single family
- v. Other (sports facilities, malls, campuses, parks, institutions, retail, etc)
- g. Existing buildings and green renovations
 - i. Public
 - ii. Private
- h. Overcoming barriers
 - i. Education and training
 - ii. Focus on integrated design
 - iii. Organizational restructuring to accommodate integrated design, funding, operation and maintenance, etc.
- i. Measuring success
- j. Partnerships and markets
 - i. ULI, universities, AIA, USGBC, Board of Trade, Chamber of Commerce, BIAs, other COG committees
 - ii. Economic Development for Green
- k. COG role

A Revitalized Chesapeake May Be Decades Away

EPA Official Warns of Slow Progress Toward 2010 Goals

By David A. Fahrenthold
Washington Post Staff Writer
Friday, January 5, 2007; A01

The multibillion-dollar cleanup of the Chesapeake Bay, which government officials had pledged would succeed by 2010, will likely miss that deadline by a wide margin -- and, at the current pace, might drag on for decades more, an Environmental Protection Agency official acknowledged yesterday.

Rich Batiuk, an associate director of the EPA's Chesapeake Bay Program, made that projection at a meeting of the Chesapeake Bay Commission, an advisory group that includes state officials from Maryland, Virginia and Pennsylvania.

His talk was a blunt, and public, admission of something that the EPA had conceded in an agency report last year. A pledge to "save the bay," made six years ago in the so-called Chesapeake 2000 Agreement, is falling drastically short. "If we go at the current rate that we're doing, we're talking about restoring the Chesapeake decades from now, a generation or two," Batiuk said.

The news means a continued struggle for one of this area's most cherished bodies of water, one that Washingtonians turn to for seafood, sailing, recreational fishing and weekend scenery. It is also bad news for such Chesapeake tributaries as the Potomac River, where the pollution and runoff bring mud, algae blooms and dangerous chemicals on the way to the bay.

Batiuk's assessment was not news to many environmentalists, who have said for years that roads and suburbs in the watershed were growing too fast and that cleanup efforts at farms and sewage plants were moving too slowly for the deadline to be met.

Some of them said yesterday that they were heartened that the EPA was admitting the shortfall but wished the acknowledgment had come sooner.

"Duh," said Roy Hoagland, a vice president of the Chesapeake Bay Foundation, after hearing Batiuk's talk in Annapolis. "We've been arguing for at least four years that in order to reach those goals, they need to accelerate implementation [of cleanup efforts]. . . . That is not new information."

Bay cleanup has a history of broken deadlines. In 1987, local and federal officials pledged to clean up the estuary by 2000. The current agreement, written after the first one failed, was signed by the governors of Maryland, Virginia and Pennsylvania, the mayor of Washington and the administrator of the EPA.

The officials pledged to make enormous improvements in everything from low-oxygen "dead zones" to underwater grasses to oyster populations.

In the 6 1/2 years since, Batiuk said, there have been notable successes: The northern bay has seen a huge regrowth of the grasses, which provide oxygen and shelter for aquatic life. Changes at sewage plants around the watershed have reduced their output of nitrogen and phosphorus, two pollutants linked to dead zones downstream.

But the overall picture, Batiuk said, shows a cleanup effort that is far off the pace set out in 2000. Crab populations are still below historic levels. The amount of oxygen, which fish and crabs need to live, is just 29 percent of the goal set for 2010, he said. The bay's native oysters are at just 7 percent.

Even underwater grasses, which are doing slightly better than other indicators, stand at just 42 percent of the level they're supposed to reach by 2010.

"If you draw that line out there," Batiuk said, pointing to the slow upward trend in their population, "you're at about 2040 for the grasses to come back."

One major reason for the shortfall, Batiuk said, was rapid population growth in the bay's watershed, which stretches 64,000 square miles from southern Virginia to Cooperstown, N.Y. An additional 800,000 people moved in between 2000 and 2005, bringing more neighborhoods, more cars, more lawns -- all sources of bay pollutants -- and canceling out improvements, he said.

But environmentalists have also blamed local governments, and the bay program itself, for not being more aggressive.

They have said the past six years have been consumed by research efforts and voluntary pollution-reduction programs, when new laws or stringent enforcement might have accomplished more.

One advocate of a more confrontational approach was sworn in as Maryland's attorney general Tuesday: Douglas F. Gansler (D), who has pledged an "all-out assault" on bay polluters. The Chesapeake Bay Foundation has also pushed the Maryland legislature to do more in the new session, calling for a "green fund" of up to \$50 million a year for pollution-reduction projects.

Batiuk's talk yesterday reflects a serious shift in rhetoric for the EPA's bay program. For years, program officials had maintained that the 2010 goal was still within reach.

But last year, bay program Associate Director Mike Burke said, officials were asked to submit goals for an EPA-wide strategic plan. Employees would be evaluated on their progress toward the goals, Burke said.

If the 2010 deadline is not met, officials said, state governments could be made to compile a "pollution budget" for the bay, listing what is coming downstream now, where it comes from and by how much it needs to be reduced.

In the meantime, a new Chesapeake agreement, with another deadline, could also be worked out.

But the past two decades have soured some people on agreements. Bernie Fowler, a former Maryland state senator who has been an outspoken voice for the Patuxent River and the bay, said he was tired of people making promises that the bay would be fixed soon.

"A lot of those very people have left the planet and haven't seen it done," said Fowler, who is 82. "I don't want that to happen to me."

<http://www.baltimoresun.com/news/opinion/bal-ed.water24dec24,0,2480085.story?coll=bal-opinion-headlines>

From the Baltimore Sun

An era of limits

December 24, 2006

Twenty years after officials in Maryland and the rest of the [Chesapeake Bay](#) region launched a campaign to sharply limit pollution that is choking life out of the giant estuary, those curbs are starting to have an impact.

Voluntary goals to reduce chemical nutrients washing into the bay from a variety of sources are now federal mandates to reach those limits and maintain them. As a result, fast-growing Cecil County fears a resulting cap on its sewage treatment capacity will mean the county can't accommodate as much new development as it expects in designated growth areas and can't stop sprawl from heading into the rural countryside.

But to view Cecil's dilemma, recently reported by The Sun's Timothy B. Wheeler, as a choice between Smart Growth and environmental protection misses the larger point. The county's arrival in this new era of limits makes an eloquent argument for imposing the sort of regional, comprehensive approach to land use essential to improving water quality.

With a regional framework that overlays city, county and even state boundaries to manage the total flow of nutrients, communities can trade pollution allotments to develop in the smartest, most environmentally sensitive way while preserving open space and protecting underground aquifers.

What's more, taking a broader view should hasten a long-overdue change in state policy, which currently requires no consideration of bay nutrients in the approval of septic tank discharge permits - making rural areas a too easy target for developers.

Much of the technical research necessary to manage water pollution controls on a regional basis has been done, state officials say. What's needed is the political will to implement it.

We don't underestimate the difficulty of bringing about such a major shift in approach. Local governments have always guarded land-use decisions jealously. Cecil and other counties don't even cooperate with municipalities within their borders.

Yet with the arrival in [Annapolis](#) next month of Gov.-elect Martin O'Malley and newly elected state lawmakers committed to environmental protection, the moment is ripe. Plus, the clock is ticking on reducing bay pollution in accord with federal Clean Water Act requirements.

Bay scientists talk about the E Scenario, an unofficial formula for reaching those goals: nutrient flows will have to be reduced by everyone, from everything, everywhere.

But with a broad approach and some political moxie, it can be done.

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MARYLAND LEGISLATIVE AGENDA

2007 Session

Creation of a “Green Fund”

Support legislation that will create a dedicated funding source for implementation of practices and programs that reduce nitrogen pollution, as identified in the Tributary Strategies. The Fund will place a priority on implementation of agricultural conservation practices that reduce runoff. Other funded actions may include local storm water management practices and restoration of the native oyster.

Funding sources may potentially include: an increase in Vehicle Emissions and Inspection Program fees (which have not been increased since 1997), uncollected deposits from a bottle bill (legislation to be introduced by Delegate Peter Hammen), and a tax credit for contributions to the Green Fund by businesses and individuals. The Fund would then be administered the Chesapeake Bay Trust.

Creation of Regional Planning Authorities

Support legislation to create regional planning authorities in seven regions across the State. The Blackwater Resorts Development debate highlighted the current problems of review and approval of large developments at the local level only, despite their significant regional impacts on natural resources, transportation, health care, education, and other infrastructures.

- Citizens as well as State agency and local government representatives will comprise the regional planning authorities which will approve, approve with conditions, or deny proposals for mega-developments that meet a suite of criteria.

Restoring the Native Oyster Species

Support legislation, funding, and agency program changes that constitute a comprehensive approach to native oyster population restoration. This concerted approach is the only way to achieve a significant upswing in oyster restoration.

- In addition to supporting long-term funding of larvae production and reef restoration on a large scale, Speaker Busch is very interested in sponsoring legislative policy initiatives to encourage bottom leasing and a greater focus on enforcement measures.



VIRGINIA LEGISLATIVE AGENDA

2007 "Short" Session

Bonding for the Bay

Support legislation which authorizes the Virginia Public Building Authority to utilize up to \$250 million in bonds to assist local governments in upgrading wastewater treatment facilities with nutrient removal technology. (HB 1710, sponsored by Delegate Vincent Callahan, and comparable Senate bill, to be sponsored by Senator John Chichester.)

These funds, together with money allocated by the Virginia General Assembly over the past two years, will allow the Commonwealth, together with local governments across the watershed, to reach its point-source nitrogen pollution reduction goals under C2K.

Oyster Aquaculture

Support legislation to promote and facilitate oyster aquaculture. (Sponsored by Delegate Robert Wittman on behalf of the Virginia Seafood Council.)

The legislation authorizes holders of oyster leases to employ temporary protective enclosures, such as cages, for growing shellfish on their leased grounds.

The legislation would prohibit placement of enclosures in any marked channel or anywhere they might cause a hazard or impede customary access to navigable water from riparian property, marinas and commercial landings or in or upon submerged aquatic vegetation. The legislation would also require that enclosures be marked for identification and safety, be visible to boaters and readily retrievable.

Menhaden Management

Support legislation that will codify an annual cap on the harvest of menhaden in Virginia's portion of the Chesapeake Bay waters. (HB 162, sponsored by Delegate/Commission member John Cosgrove.)

The legislation will institute a precautionary cap of the average of the last five years landings while scientific studies are carried out to determine the health of the menhaden population in Chesapeake Bay. The cap was passed by the Atlantic States Marine Fisheries Commission; the legislation will ensure that Virginia remains in compliance with ASMFC requirements, avoiding a possible shut-down of the fishery.



PENNSYLVANIA LEGISLATIVE AGENDA

2007 – 2008 Regular Session

Resource Enhancement and Protection Act (REAP)

Support legislation which authorizes the creation of a \$450 million transferable state tax credit program for farmers or businesses which implement conservation practices on farms. (Sponsored in the 2005- 2006 Regular Session by Representatives Jerry Stern, Art Hershey, Peter Daley and Senators Noah Wenger, Mike Waugh, Michael O'Pake.)

- This program will accelerate implementation of on-the-ground farm conservation practices; these practices and this tax credit incentive are key to assisting farmers in their efforts to protect water quality while remaining profitable.
- Implementation will accomplish significant pollution reductions--including a projected reduction of 15 million pounds of nitrogen pollution in the Bay watershed, alone. This reduction is 50% of Pennsylvania's nitrogen reduction goal for agriculture under C2K.



CHESAPEAKE BAY COMMISSION
Policy for the Bay • www.chesbay.state.va.us

January 2, 2007

The Honorable Rob Portman, Director
Office of Management and Budget
Executive Office Building
Washington, DC 20503

Dear Director Portman:

We greatly appreciate your continued support for the Federal and state partnership that is working to restore the Chesapeake Bay. On behalf of our colleagues on the Chesapeake Bay Commission, we are writing to draw your attention to *critical* action that is needed to address a major regional impediment to our progress in Bay restoration.

The Blue Plains Wastewater Treatment Facility is by far the largest wastewater treatment facility discharging to the Chesapeake Bay and its tributaries. It treats all sewage from the National Capital Area, including over 570,000 governmental, commercial and residential customers in the District of Columbia (DC), and over 1.6 million customers in Maryland's Prince George's and Montgomery Counties and Virginia's Loudoun and Fairfax Counties. To add to the operating challenges, during severe rain storms, flow to the Blue Plains facility swells to almost three times the normal sewage flow because of stormwater entering the District's Combined Sewer System and mixing with the raw sewage in the pipes.

If Maryland, Virginia and the District of Columbia are going to be able to achieve their nutrient reduction commitments and meet water quality standards for the Potomac River and Chesapeake Bay, the Blue Plains facility must be upgraded to reduce nitrogen to at least 4.2 milligrams per liter, including during heavy rains. The U.S. Environmental Protection Agency has advised the DC Water and Sewer Authority (DCWASA) that this upgrade must be completed as soon as possible to achieve a nitrogen loading limit of 4.766 million pounds per year to be included in the facility's renewed permit. DCWASA has developed preliminary cost estimates of just over \$1 billion to complete the necessary upgrades to remove nitrogen to these prescribed levels.

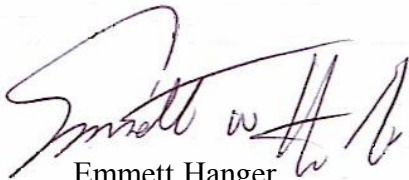
The District of Columbia is also required under a judicial consent decree to implement a Long Term Control Plan for Combined Sewer Overflow (CSO) control. About one-third of DC is still served by a combined sewer system that was developed before 1900. This antiquated combined sewer system conveys both sewage and stormwater in one piping system, which during heavy rain events overflows directly to Rock Creek and the Anacostia and Potomac Rivers at CSO outfalls. CSO control is critical to meeting water quality standards for bacterial contamination and protecting the public health of citizens living in the vicinity of our rivers. DCWASA estimates that upgrading the combined sewer systems to prevent further direct discharges of sewage mixed with stormwater will require nearly \$2 billion in expenditures over twenty years.

Both the Blue Plains nutrient removal upgrade and the DC CSO control implementation are critical to meeting water quality standards and achieving our region's goals for the Anacostia and Potomac Rivers and Chesapeake Bay. Maryland and Virginia already have funding mechanisms in place to provide their share of the cost of the nitrogen removal upgrade. DC does not. Because a large part of the cost of the necessary wastewater treatment is the result of runoff and sewage generated in our Nation's Capital, and the federal government and federal lands are the source of much of this contaminated runoff and sewage, it is the obligation of the federal government to play a major role in funding the necessary upgrades to the Blue Plains facility and correcting the CSO problems that are a serious threat to the health of the citizens who work and live in our Nation's Capital Region. The states of Maryland and Virginia stand ready to partner with you and accept their fair share of the costs to correct this unacceptable pollution of our rivers and the Bay

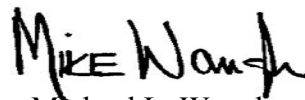
The Congressional Chesapeake Bay Task Force has requested \$66 million be included in the President's FY08 Budget Request to finance initial upgrades at Blue Plains. We respectfully request that you fulfill this proposal. This initial investment, while admittedly only a fraction of total costs, will leverage significant state funds and help launch efforts for further nutrient removal, resulting in significant benefits for the Bay.

The Chesapeake Bay Commission, a legislative coalition of three states, is committed to and has made great strides in upgrading our point sources to reduce nutrient pollution to the Bay. We offer our assistance to bring parties together and partner with Congress to develop a cooperative regional funding strategy to address this critical national issue. The largest wastewater treatment plant in the world, located in the United States capital, should be held to the highest standards and serve as a model for protection of public health and natural resources. We strongly encourage your support in the FY08 budget. Thank you for your time and consideration.

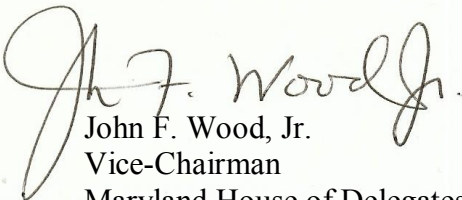
Sincerely,



Emmett Hanger
Chairman
Senate of Virginia



Michael L. Waugh
Vice-Chairman
Senate of Pennsylvania



John F. Wood, Jr.
Vice-Chairman
Maryland House of Delegates

January 2, 2007

Page three

cc: The Honorable Benjamin L. Cardin
The Honorable Bob Casey
The Honorable Barbara A. Mikulski

The Honorable Arlen Specter
The Honorable John W. Warner
The Honorable Jim Webb
The Honorable Roscoe G. Bartlett
The Honorable Rick Boucher
The Honorable Eric Canter
The Honorable Christopher Carney
The Honorable Elijah E. Cummings
The Honorable Jo Ann Davis
The Honorable Tom Davis
The Honorable Thelma Drake
The Honorable J. Randy Forbes
The Honorable Jim Gerlach
The Honorable Wayne T. Gilchrest
The Honorable Virgil H. Goode, Jr.
The Honorable Bob Goodlatte
The Honorable Tim Holden
The Honorable Steny H. Hoyer
The Honorable Paul E. Kanjorski
The Honorable James P. Moran
The Honorable John P. Murtha
The Honorable Eleanor Holmes Norton
The Honorable John E. Peterson
The Honorable Joseph R. Pitts
The Honorable Todd R. Platts
The Honorable C.A. Dutch Ruppersberger
The Honorable John Sarbanes
The Honorable Robert Scott
The Honorable Bill Shuster
The Honorable Chris Van Hollen
The Honorable Frank R. Wolf
The Honorable Albert Russell Wynn



December 18, 2006

THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

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PRESIDENT

David K. Paylor
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Environmental Quality
VICE PRESIDENT

Stephen A. Owens
Director, Arizona Department of
Environmental Quality
SECRETARY-TREASURER

Stephanie Hallock
Director, Oregon Department
of Environmental Quality
PAST PRESIDENT

R. Steven Brown
Executive Director

Mr. Benjamin Grumbles
Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Grumbles:

We are writing on behalf of the Environmental Council of the States (ECOS) to oppose the release of the U.S. Environmental Protection Agency's (USEPA) proposed rulemaking related to Clean Water Act Section 106 grant funding for National Pollutant Discharge Elimination System (NPDES) permitting programs. ECOS is the national, non-partisan, non-profit association of state and territorial environmental commissioners. Our mission is to improve the environment of the United States by championing the role of States in environmental management, providing for the exchange of ideas, views and experiences among States, and fostering cooperation and coordination in environmental management.

The Senate's FY2007 Appropriations bill, which has not been enacted into law, includes language that reads, "By December 31, 2006, EPA shall finalize a rule for the Federal Water Pollution Control Act, as amended, section 106(Water Pollution Control) grants that incorporates financial incentives for States that implement adequate National Pollutant Discharge Elimination System (NPDES) fee programs." As you are aware from previous discussions with ECOS about the proposed rulemaking, we are deeply concerned with this rule because it appears that its intent is to set aside a portion of State 106 funding in order to provide financial incentives to States with "adequate" permit fees. A set aside will result in 106 funding cuts to those States without "adequate" permit fees in place. ECOS does not support any funding cuts to 106 State grants that support clean water programs, particularly as USEPA is asking the States to assume an even larger share of the shared workload (e.g., USEPA has issued 255 new rules designated as having a "state impact" during the years 2000-2004, and has 140 more "state impact" rules currently pending).

The Clean Water Act gives the States discretion regarding how to best manage their programs to meet clean water requirements. This proposed rulemaking essentially revokes this discretion by requiring States to charge NPDES permit fees. The

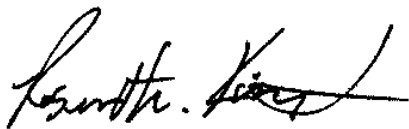
proposed rulemaking fails to recognize that States contribute non-permit fee generated funds to support their clean water programs; most notably, some States contribute substantial amounts of State general fund monies to support these important programs. It is also worthy to note that some States already fully or close-to-fully support their programs through NPDES fees and this rule would require unfounded and unwarranted increases in fees in these States.

In addition to funding issues, this proposed rulemaking interferes with how state legislatures conduct their business. Instituting permit fee programs and/or raising the amounts of permits fees are functions of state legislatures and it is up to individual States to decide if they want to raise NPDES permit fees, not the Federal government. That aside, increasing NPDES permit fees is a time-consuming and politically contentious process that can take years in state legislatures. Also, for those States that have recently raised NPDES permit fees; obtaining permission for yet another fee increase will be out of the realm of possibility.

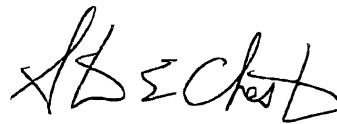
State environmental agencies are also concerned that this proposed rulemaking will shift the focus for measuring the success of State NPDES programs from improvements in water quality to the amount of permit fees generated. It is critical that we keep our eye on progress by continuing to focus on environmental outcomes. Moving money from core 106 funding areas will likely have negative consequences on environmental protection and this goes against our mission as protectors of public health and the environment.

If you have any questions or would like to discuss this further, feel free to contact us.

Sincerely,



Robert W. King
Deputy Commissioner, South Carolina DHEC
ECOS President



Steven E. Chester
Director, Michigan DEQ
Chair, ECOS Water Committee

cc: Pamela Luttner, USEPA Office of Congressional and Intergovernmental Relations

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

December 20, 2006

ANDREW WHEELER, MAJORITY STAFF DIRECTOR
KEN CONNOLLY, MINORITY STAFF DIRECTOR

The Honorable Rob Portman
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Portman:

As you may be aware, the Environmental Protection Agency (EPA) may soon propose a rule to create an incentive fund from Clean Water Act section 106 funds for which states would be eligible if they raise fees on their National Pollutant Discharge Elimination System (NPDES) permittees sufficient enough to pay for up to 75 percent of their administrative costs. While we certainly agree with the goal of establishing a self-sustaining funding source for a portion of the 106 needs, we have very serious concerns regarding EPA's proposal.

First, the Clean Water Act is currently silent on how to fund to the ND PES program and at this time the Act does not envision a mandatory funding source for the administration of the program by the states beyond the federal appropriation of funds into the Section 106 account. The decision to create a mandatory funding source is one to be made by Congress, not the EPA.

We have also heard from numerous stakeholder groups who do not believe sufficient consultation has occurred with those who will be most affected by the proposed rule. Executive Order 13132 requires an agency to consult with State and local governments early in the process of developing a proposed regulation with federalism implications. The Agency must report such consultation to OMB. We are interested in hearing from you the level of discussions that have taken place and if they meet the requirements of E.O.13132.


Finally, we understand that many in the EPA are under the mistaken belief that they are legally obligated to publish a proposed rule by December 31, 2006. As you know, the Senate appropriations bill for the EPA includes a rider requiring a rule by this date. However, the Senate language is obsolete since the bill was not signed into law nor was it even considered by the full Senate.

Thank you for your time and attention.

Sincerely,



Hillary Clinton, Ranking Member
Subcommittee on Fisheries, Wildlife
And Water



James M. Inhofe, Chairman
Committee on Environment
and Public Works

Local

Project announced to decrease Chesapeake Bay's nitrogen levels



(Greg

Whitesell/Examiner)

A seagull guards the shoreline at Horseshoe Point in Shady Side, Md. Today, the Chesapeake Bay Foundation published findings indicating that the Bay's condition is not improving as it should and that additional funding is need to save a "dying" Bay.

Dena Levitz, The Examiner

Nov 29, 2006 3:00 AM (42 days ago)

Current rank: *Not ranked*

Prince William County - Prince William County's Service Authority will use \$150 million of customers' fees over the next several years for a massive project geared toward lowering nitrogen levels in the Chesapeake Bay.

The deal the authority announced Tuesday will be Virginia's largest wastewater treatment design-build contract. Communications Director Keenan Howell said the 27-year-old H.L. Mooney Reclamation Facility in Woodbridge will get a complete makeover scheduled to be finished by 2012. With design-build, physical work begins before the design is 100 percent complete as a means of saving time and money.

"Half of the amount is going toward expansion so that the facility can have a greater capacity for wastewater," he said. "And the other half will be for upgrades so that water discharged back to the tributary will meet environmental standards."

Currently, the plant can treat 18 million gallons of wastewater per day, but when the upgrades are made, that amount will rise to 24 million.

As for nitrogen, the facility now releases about 8 parts per million daily.

Starting in January 2011, though, the required level will drop to 3 parts per million courtesy of a new Virginia Department of Environmental Quality regulation. Howell said this project will lower the nitrogen level to this standard, probably sooner than required.

When large amounts of nitrogen spread into the Chesapeake Bay, officials said there are a number of documented side effects.

"At a certain level, it can cause algae blooms, meaning the algae essentially creates a canopy on the surface of the water," Howell noted.

"Aquatic vegetation and life underneath are deprived of oxygen, so they could die, and when the algae sinks it creates a decomposing matter on the floor of the Bay as well."

The expansion of the facility — to treat larger amounts of polluted water — will be paid for by tap fees. These are the amounts developers pay when they are building housing complexes and must tap them into the water system.

Howell said Prince William had 4,162 new taps last year, with most of these customers paying about \$12,000 apiece.

The cost of upgrading the plant to release less nitrogen into the Chesapeake will come directly from current customers' pockets.

According to Howell, the fees will begin to go up next fall, with exact amounts forthcoming.

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Can the Grease!

Keep sewage from backing up into *YOUR* basement

Another **GREEN** Initiative From WSSC

FOR IMMEDIATE RELEASE

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There are a lot of things that can go wrong in a house, but few troubles are more disgusting than sewage backing up into your basement. Fortunately, most sewer clogs are preventable, if homeowners only knew more about the care and feeding of their sewer system.

The Washington Suburban Sanitary Commission (WSSC) aims to provide homeowners -- and businesses and restaurants -- with the information they need to protect their pipes, their homes and their wallets...as well as the environment. In a major effort beginning with the New Year, WSSC employees will hit the speaking circuit, presenting tips to homeowner associations, civic groups, business associations and schools.

“The easiest action that a person can take is to simply ‘Can the Grease’ instead of pouring it down kitchen drains,” says Andrew Brunhart, WSSC general manager. “People don’t realize that one easy action can potentially save them from messy and unhealthy sewer backups, so we are undertaking a major outreach program to spread the word.”

Expensive sewer backups are a hassle for homeowners and businesses, but grease can clog anywhere in the 5,200 miles of WSSC sewer pipe that run through Prince George's and Montgomery counties. When the grease builds up in primary sewer mains, environmental harm can result as untreated sewer water overflows manholes and ends up in the many creeks and streams that eventually lead to the Chesapeake Bay.

Brunhart is especially concerned about stopping the environmentally harmful overflows.

Sewer system overflows are a national problem, with up to 75,000 major events reported annually to the U.S. Environmental Protection Agency. In the WSSC service area, the percentage of overflows due to grease can reach as high as 60 percent.

“We can prevent thousands of gallons of wastewater from reaching the Bay, if we can convince people to save their grease in a soup cans and toss it in the trash, and if restaurants make the extra effort to keep fats, oils and grease out of their drains,” Brunhart emphasized.

People can contact WSSC for more information or to invite a speaker to their school or association meeting. Just go to the WSSC website at www.wsscwater.com, and click on “Can the Grease” or email communications@wsscwater.com, or call 301-206-8100. Groups that schedule a WSSC “Can the Grease” presentation will receive special lid tops with directions on how they can help prevent sewage backups and overflows.

“CAN THE GREASE!” TIPS FROM WSSC:

Fats, oils and grease can clog sewer pipes and damage your home and the environment. Follow these easy steps to prevent sewage back-ups and overflows :

- Ü Never pour kitchen greases or oils down the drain, even if you think you are “washing it down” with hot water.
- Ü Pour cooled grease into a can (a soup can works great) and throw in the trash.
- Ü Scrape grease and food scraps into the trash.
- Ü Put baskets/strainers in sinks to catch food scraps. Toss scraps on a compost heap, or into the trash.

With more than 5,300 of fresh water pipeline and over 5,200 miles of sewer pipeline throughout its service area, WSSC appreciates notification from members of the public if they suspect a sanitary sewer overflow or a sewer back-up. Call 301-206-4002 or toll free 1-800-828-6439 at any time to report water or sewer emergencies in Prince George’s or Montgomery counties.

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WSSC is among the 10 largest water and wastewater utilities in the nation, serving more than 1.7 million customers in Prince George’s and Montgomery counties. We operate and maintain seven water and wastewater plants, over 5,300 miles of fresh water pipeline and over 5,200 miles of sewer pipeline. In our 88-year history we have never had a drinking water quality violation.

CBPC Focus for 2007

Recommendations developed by COG staff
January 10, 2007

Longstanding Issues

- **Funding -- Continue to encourage the development of new or greater sources of state and federal funding for the Bay restoration effort**
 - Federal – Work with Chesapeake Bay Task Force on FY 08 budget requests
 - Federal – Send letter in support of federal Farm Bill provisions for conservation funding
 - State – Support appropriate state legislative initiatives in Maryland and Virginia

- **Compounds of emerging concern**
 - COG staff is currently preparing a report that will be presented to the COG Board in February. The committee is likely to be tasked (with the technical support of the WRTC) with overseeing implementation of any recommendations – which may include seeking additional information/advice, continuing to monitor and report on the issues, working with other stakeholder groups, advocating for additional research, and potentially seeking funding and support to implement regional education and/or pilot projects.

- **Nutrient use in urban regions**
 - The committee and COG staff have been working with representatives of the Scotts Miracle-Gro Company on the possibility of jointly sponsoring public outreach messages on environmentally friendly lawn care practices. Staff expects to continue this work in 2007.

- **Trash-Free Potomac Watershed Initiative**
 - The COG Board has directed the CBPC to oversee regional aspects of member participation in this initiative, which is coordinated by the Alice Ferguson Foundation.
 - COG staff also has a grant to coordinate the participation of high school students in designing an anti-litter ad campaign.

Potential New Issues

- **Decline in forest coverage**
 - In 2006, the Conservation Fund released a report, “The State of Chesapeake Forests,” which details a disturbing decline of forest cover in the Bay and its impact on Bay water quality. There will be several opportunities for committee involvement on this issue, including potential recommendations from the new administration of Maryland Gov. Martin O’Malley.

- **Farmland preservation and land trust activity**
 - COG staff is currently involved in several activities in this area. It is coordinating a “working lands” initiatives with several components aimed at maintaining productive farm and forest land in the region. It also is working with private land trust organizations.

- § **Global climate change and airborne pollutants**
 - Efforts to reduce air emissions of various pollutants, such as those overseen by the Metropolitan Washington Air Quality, also help to reduce nitrogen pollution to Bay waters. With various local jurisdictions now increasing their focus to include efforts to reduce carbon dioxide emissions, there will be further opportunities to simultaneously benefit the Bay restoration effort.

§ **Deer overpopulation**

- The Chesapeake Forest report noted under a previous bullet details the damage inflicted on existing forests by increasing deer populations. To date, regional efforts in this area have focused on public safety concerns. An opportunity exists to broaden the issue to include environmental concerns.

§ **Growth and Water Quality Goals – Potential Implications for Local Governments**

- There is increasing concern that projected growth beyond 2010 will more than offset the target nutrient load reductions identified in the states' Tributary Strategies. This has the potential of directly impacting local land use planning and development by requiring as yet undetermined "offsets." It would be prudent for localities to anticipate this issue and engage the appropriate federal and state agencies as offset programs and policies are developed.

Actions to Support Focus on Issues

- **Committee meetings** (6 per year)
- **Committee tour** (details to be determined)
- **Federal legislation** (provide opportunity to meet with local congressional delegation)
- **Individual presentations/appearances by members**