

Chesapeake Bay Policy Committee

Date: Friday, March 18, 2005

Time: 9:45 a.m. – 11:45 a.m. *

**Place: Third Floor Board Room
777 North Capitol Street, NE
Washington, DC 20002**

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

DRAFT Meeting Agenda

9:45 **1. Introductions and Announcements**.....Hon. John R. Lovell
Chair, Frederick County

9:55 **2. Approval of Meeting Summary
for Jan. 21, 2005**Chair Lovell

Recommended action: Approve DRAFT Meeting Summary (Att. 2).

10:00 **3. “Chesapeake Club” Media Campaign**.....Chris Conner, Director
of Communications,
Ches. Bay Program

The Chesapeake Bay Program has launched a campaign in the Washington metropolitan region to foster greater awareness of the Bay restoration effort and to let people know how they can help the effort through individual actions. (See Att. 3 for a sample print ad or go to the Chesapeake Club web site at <http://www.chesapeakeclub.org/>.) Mr. Conner will brief members on the status of the Chesapeake Club campaign and discuss how local governments can participate in the effort.

Recommended Action: Discuss/agree on proposal for local government participation

10:20 **4. Report on PIOs Media Outreach Initiative**Ted Graham, COG
Dir. of Water Resources

A workgroup of COG's Public Information Officers Committee met Feb. 22, 2005, to discuss how COG and its member governments might better convey their accomplishments as part of the Bay restoration effort and how they might engage their citizens in the effort as well. Mr. Graham will discuss the PIO recommendations.

Recommended Action: Discuss recommendations and provide guidance to PIO workgroup.

10:30 **5. Blue Ribbon Panel Report Recommendation** Mr. Graham

Steve Bieber, COG staff

Through Resolution R2-05, the COG Board requested its member governments to review the final report of the Chesapeake Bay Watershed Blue Ribbon Finance Panel and provide comments on the report's recommendations. The Board also charged the Bay Policy Committee with reviewing those comments and formulating a recommendation to the COG Board for a regional response to the report. Mr. Graham will summarize the comments received from the members. (COG staff intends to provide committee members with a summary of the comments prior to the meeting.) Mr. Bieber will highlight recent developments regarding federal and state funding initiatives that relate to the main recommendation of the Panel, which is to establish a regional financing authority using federal and state funds.

Recommended action: Formulate recommendation for a regional response for presentation to the COG Board at its April 13, 2005, meeting.

11:15 **6. Update on Plans for Agricultural Forum** Karl Berger, COG staff

At its last meeting, the committee endorsed the idea of hosting a forum to hear from farmers about how they are working to help restore the Bay. Mr. Berger will brief the members about the status of these plans (Att. 6).

Recommended action: Receive briefing.

11:25 **7. Regional Water Fund Budget and Committee Membership** Mr. Graham

Mr. Graham will present a Water Resources Technical Committee recommendation for revising oversight of COG's Regional Water Fund Work Program and Budget. The recommendation would entail adding several new members to the Bay Policy Committee and revising its bylaws.

11:35 **8. Old Business** COG staff

- Updates on state tributary strategy implementation plans

11:40 **9. New Business** Members

11:45 **10. Adjourn**

The next meeting is scheduled for Friday, May 20, 2005, 9:45 a.m. – 11:45 a.m.

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

Enclosures:

- | | |
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| Item 2 | DRAFT Meeting Summary of Jan. 21, 2005 |
| Item 3 | Copy of Chesapeake Club print advertisement |
| Item 6 | Concept proposal for Agricultural Forum on Bay Restoration |

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

DRAFT MINUTES OF JANUARY 21, 2005, MEETING

ATTENDANCE:

Members and alternates:

John Lovell, Frederick County, Chair
Barbara Favola, Arlington County, Vice Chair
Hamid Karimi, District of Columbia, Vice Chair
Penelope Gross, Fairfax County
Martin Nohe, Prince William County
J Davis, Greenbelt
Andy Fellows, College Park
Beverly Warfield, Prince George's County
Uwe Kirste, Prince William County

Interested parties:

J.L. Hearn, WSSC
Shahram Mohsenin, Fairfax County

Guests:

Pat Stuntz, EPA Chesapeake Bay Commission

Staff:

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

1. Opening Remarks, Introductions

Chair John Lovell called the meeting to order at 9:50 a.m. In his opening remarks as new chair of the committee, Mr. Lovell said he intended to start the meetings on time and to end them on time. He noted that he is not necessarily conversant with all the details of the Bay restoration effort, but he will be guided by the philosophy that COG exists to serve its members need. In that regard, he noted that agriculture remains an important industry in Frederick County and he would like to see more emphasis by the committee of the impact of the clean-up effort on agriculture. He suggested the committee hold some sort of meeting to explain its views to farmers and to hear from farmers about their Bay-related issues. Several committee members, including Ms. Gross, Ms. Favola and Mr. Karimi, said that such a meeting would be valuable.

Action Item: The committee asked COG staff to develop plans for a meeting of committee members with farm interests in the region. Such a meeting will be separate from the normal schedule of committee meetings and will be

2. Announcements

Chair Lovell noted that the committee had approved a 2005 meeting schedule that called for a series of meetings from 9:45 to 11:45 a.m. on third Fridays in January, March, May, September and November. (July's meeting date is the same as the Board meeting.) After a brief discussion of members' preferences for different dates and times, it was agreed to stay with the already approved schedule.

Chair Lovell recognized longtime committee member Ms. Davis, who is serving as COG Board Chair in 2005. Ms. Davis thanked Mr. Lovell for his willingness to serve in his new leadership post. She noted that he could rely on support from several long-time committee members, such as Ms. Gross and Bruce Williams of Takoma Park. She added that she looked forward to helping the Board address Bay issues that the committee brings forward.

In other business, chair Lovell asked for nominations for committee vice chairs. Ms. Favola and Mr. Karimi were nominated and accepted, although Mr. Karimi noted that his service was contingent on approval from his superiors at the District of Columbia Department of Health.

3. Approval of Meeting Summary for Nov. 19, 2004

The draft summary was approved.

4. Report on Funding Initiatives

Ms. Gross, who represented COG and Fairfax County on the Chesapeake Bay Blue Ribbon Funding Panel, said it was important for COG to support the panel's main recommendation to establish a regional financing authority. The recommendation further calls for the authority to be capitalized at \$15 billion through a combination of \$12 billion in new federal funds and the remainder in state and local funds. She noted the panel stuck with the \$15 billion figure throughout its series of meetings in 2004 even as the Bay Program increased its estimate of the overall costs of meeting the goals of the 2000 Bay Agreement to \$29 billion. Such an amount, were it be spent in support of the nutrient and sediment reduction needed to meet water quality goals, would achieve almost all of the wastewater plant upgrades and other measures estimated to be necessary to meet this goal.

Mr. Graham of COG staff noted developments at the Jan. 10 meeting of the Chesapeake Executive Council. This included passage of a resolution in support of the regional financing authority and a commitment by the governors of Maryland and Virginia to jointly lobby for federal funds for this purpose. He also noted that the Executive Council called for the creation of a committee to propose how such an authority should be structured. He noted that COG had sent a letter to the Bay Program asking that such a committee include local government representation without, as yet, receiving a reply.

To emphasize the importance of the financing authority, Ms. Gross noted the likelihood that the region's local governments will face the burden of funding further upgrades to their wastewater plants in the absence of other funding vehicles. She noted that one such vehicle, a proposal for Virginia to enact the same sort of sewer tax that Maryland established last year to fund wastewater plant upgrades, will not be supported by Fairfax County.

Chair Lovell asked how the committee should respond to COG Board Resolution R2-05, which calls for member

governments to review and comment upon the Blue Ribbon Panel report and charges the Bay Policy Committee with considering those comments in formulating a recommended position to the COG Board at its March meeting. COG staff noted a timing issue, which is that the CBPC is not scheduled to meet in March until after the Board meeting, and suggested the committee may want to consider forming a subcommittee to formulate a recommended position.

Ms. Davis said that this issue deserved discussion by the full committee. She suggested that the committee do so at the March meeting and delay its response to the Board until April. Ms. Favola noted that the key item for member comment and a potential COG position was the Panel's primary recommendation for a regional financing authority. She suggested focusing on this first and soliciting comment on the other recommendations issued by the Panel only as there was time and interest by the member governments. After much discussion, the committee approved a motion moved by Ms. Favola to split the solicitation of comments into two parts, the first of which would focus on the proposed regional authority, and to provide a response at the April Board meeting, thereby allowing for consideration of the comments at the March CBPC meeting.

Action Item: COG staff should focus member comment on the Blue Ribbon Panel report on the proposal to create a regional financing authority and seek comment on the Panel's other recommendations as a secondary priority.

5. Bay-related Legislative Initiatives for 2005

Pat Stuntz, Maryland Director of the Chesapeake Bay Commission, briefed the members on the status of Bay-related legislation in the current session of the Maryland and Virginia general assemblies. She noted that lawmakers in Virginia have proposed an initiative to direct revenue from an existing sales tax to fund Bay clean-up measures. The measure would provide \$50 million a year in funds for up to 10 years. There is also a version of the sewer tax approach being used in Maryland, she noted. The first of these two approaches would not leverage the revenue collected by issuing bonds to maximize the amount of money that can be made available immediately, as the Maryland approach does, Ms. Stuntz noted.

Ms. Favola asked how the money might be distributed under these proposed programs. Ms. Stuntz said she did not know. Mr. Nohe noted that the distribution or collection of funds should take account of the status of service authorities, such as the one that operates the main wastewater plant in Prince William County.

Ms. Stuntz also focused on proposed legislation to reduce emissions of several pollutants at Maryland power plants, including mercury, nitrogen oxides and sulfur dioxide, as well as carbon dioxide. Mr. Graham asked how the estimated nitrogen oxide reductions from this measure would translate into reductions of nitrogen to the Bay. Ms. Stuntz said she has not been able to get the Bay Program to provide numbers for this.

6. Update on Tributary Strategy Developments

Mr. Graham provided a brief summary of the status of the state tributary strategies, which are supposed to be the states' blueprints for achieving the nutrient and sediment reductions required to meet water quality standards by 2010. As the initial strategies as issued in early 2004 did not specify how the various control measures would be implemented, the Bay Program asked the states to also provide implementation plans by the end of 2004, Mr. Graham said. However, no state met that deadline, he noted. At this point, he added, the only clear aspect of the tributary strategies is that wastewater plants will be asked or required to achieve nutrient reductions near the level of technology. The prospect of reductions from agriculture, urban stormwater management efforts and septic systems remains unclear, Mr. Graham noted. Mr. Lovell asked how these aspects of the tributary strategies will be made clear.

In response, Mr. Rustia of COG staff noted that Maryland has declined to identify tributary strategy responsibilities at the local jurisdictional level.

7. Update on Maryland Bay Restoration Fund Advisory Committee

Mr. Hearn, who serves on this committee, provided an update to the CBPC. He said the committee has met for the past year to provide recommendations to the state on the administration of the sewer tax and the funding of projects as a result of it. He said the committee has focused much of its effort on how to collect funds from septic system owners, as required by the law that established the fund, and advising local governments on how to do so. He also noted that the state has come up with a priority list of wastewater plants at which to fund upgrades using money from the fund; Maryland's portion of Blue Plains ranks 14th on this list.

Mr. Gross wanted to know how reduction at Blue Plains might be handled if Maryland seeks a nitrogen discharge called for in its current tributary strategy. Mr. Graham said this remains unresolved, but suggested that the plant may end up with a discharge standard that is a blend of the discharge levels being sought. Mr. Karimi then noted the basis for the District's 7.5 mg/l goal.

8. Update on Regulatory Developments

Ms. Spano of COG staff noted the status of the Bay states efforts to revise their water quality standards to include the Bay-related measures and how that will affect permits for local wastewater plants. She noted that EPA recently issued a policy for how to accommodate the new water quality standards in wastewater permits. This policy is largely technical and is dealt with at COG through the Water Resources Technical Committee, she said. However, it does present a potential policy issue for consideration by the CBPC: namely, whether the region should urge EPA to show more initiative in creating a nutrient trading component as part of the permitting policy. Nutrient trading among plants across jurisdictional lines is something that could benefit wastewater reduction efforts in the COG region, she said.

Action Item: The committee directed the WRTC to consider whether COG should officially comment on this issue and report back to the CBPC at its March meeting.

9. Old Business

Mr. Graham noted that COG has scheduled a meeting of its PIOs committee to address the issue of public outreach by local governments. He will report on this meeting at the next Bay Policy Committee meeting.

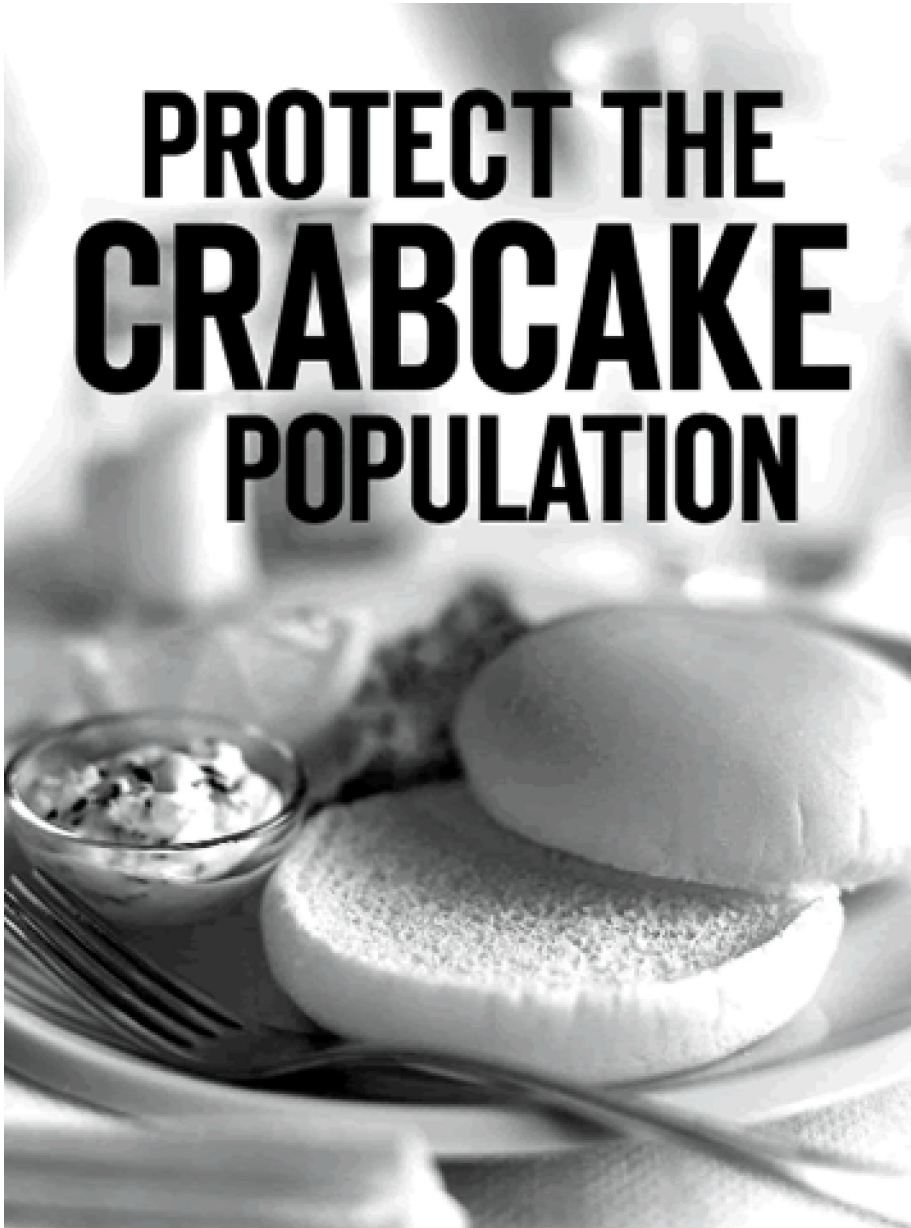
10. New Business

Ms. Gross asked that COG staff provide an update on the status of the Bay-related state legislation at a future meeting.

11. Adjourn

The meeting was adjourned at 11:40 a.m.

PROTECT THE CRABCAKE POPULATION



Excess lawn fertilizer

from the D.C. area washes into our sewers and rivers. It travels downstream to the Chesapeake Bay, where Blue Crabs have been rapidly disappearing.

It will be a sad day when someone eats the last genuine Maryland Crabcake. So how about holding off on the lawn fertilizer until the fall?

And while you've got a little bit of extra free time on your hands, log onto ChesapeakeClub.org. We're committed to enjoying the Bay, then coming back next year and enjoying it again. You'll find great day trips, incredible recipes and more information on what you can do to help keep the Blue Crabs coming.



www.ChesapeakeClub.org

Concept proposal for COG's Agricultural Forum on Bay Restoration

Prepared by COG staff
Revised March 11, 2005

- What** Urban-Rural Dialogue on Implementing Chesapeake Bay Clean-Up Measures
- When** Friday, June 10, 9:30 a.m. to 3:30 p.m.
- Where** Morning program and lunch – Dutch's Daughter restaurant in Frederick, Md.;
Afternoon farm tour – farms in southern and western Frederick County
- Who** - Urban representatives from COG's Chesapeake Bay Policy Committee (elected officials and staff from local governments in the Washington metropolitan area)
- Farmers from Frederick County and neighboring counties, including representatives from local Farm Bureaus and soil conservation districts. Farm agency staff from the region who work with farmers on implementing water quality BMPs.
- Other members from Maryland's Upper and Middle Potomac tributary teams interested in agriculture.
- Attendance to the meeting will be on an invitation basis with a goal of having 20 – 30 participants. The goal is to have as many participants as will allow for a group-wide dialogue session at the end of the morning program.
- Organizers** COG's Chesapeake Bay Policy Committee
Maryland DNR's state tributary strategy teams for the Middle and Upper Potomac basins
- Program** The morning program will include presentations by farmers and agency staff that will focus on the challenges of implementing the water quality BMPs that are most widely used by agriculture in the region. Another presentation will focus on the Bay restoration measures being taken in urban regions, particularly wastewater treatment plant upgrades. The afternoon tour will highlight use of the agricultural practices.