

## Chesapeake Bay and Water Resources Policy Committee

**Date: Friday, May 19, 2006**

**Time: 9:45 a.m.– 12 noon \***

**Place: Room 1, Lobby Level**

**777 North Capitol Street, NE**

**Washington, DC 20002**

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

### Meeting Agenda

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

9:50 **2. Approval of Meeting Summary for March 17, 2006**.....Chair Lovell

**Recommended action:** Approve DRAFT Meeting summary (*Att. 2*).

9:55 **3. Recommendation on Anacostia Governance Proposal**.....Ted Graham, COG  
Water Resources Director

During the past year, members of the multi-agency Anacostia Watershed Restoration Committee and other stakeholders have had extensive discussions about creating a new governance framework for coordinating the restoration of the watershed. At the February 8 COG Board meeting, District of Columbia Mayor Anthony Williams asked the Board to refer the governance issue to the CBPC to develop a recommendation to bring back to the Board at its June 2006 meeting. Mr. Graham will present a proposal developed by COG staff in consultation with various stakeholders and committee members. As detailed in the background briefing document and draft resolution (*Att. 3*), this proposal would create a new Anacostia Watershed Leadership Council. The Council, to be housed at COG, would provide oversight of the adoption and implementation of a comprehensive watershed restoration plan.

**Recommended Action:** Review proposed resolution and approve its presentation to the Board

10:20 **4. Report on Urban Nutrient Management Issues** .....Hon. Martin Nohe  
Prince William County

Mr. Nohe, a member of a committee workgroup that provided input to staff, will introduce a

proposal (*Att. 4*) for COG to work with the lawn care industry to educate consumers and minimize the potential for nutrient loss.

**Presentation of Scotts Proposal** ..... Rich Martinez, Dir. of Environmental Affairs, Scotts Miracle-Gro Company

Christiane Schmenk, Director of Government Affairs

The Scotts Miracle-Gro Company has been in discussion with the Chesapeake Bay Program about a plan to reduce the phosphorus content in its widely-sold line of commercial lawn fertilizers. Mr. Martinez and Ms. Schmenk will review this plan. Scotts is interested in working with local governments that promote lawn care messages as part of their outreach and education efforts. The company also is interested in other ways of partnering with local governments.

**Recommended Action:** Review preliminary proposal and provide guidance to workgroup

11:00 **5. Presentation of Proposed FY 2007 Work Program and Budget for the Regional Water Fund** ..... Ted Graham

The committee is charged with approving the Regional Water Fund's annual budget. Mr. Graham will summarize the key aspects of the FY 07 work program as recommended by the Water Resources Technical Committee and review plans for conducting a vote of committee members.

**Recommended Action:** Approve transmission of budget documents and ballot to committee members

11:15 **6. Discussion of Federal Farm Bill Focus**..... Ann Swanson, Executive Director Chesapeake Bay Commission

In 2005, the Chesapeake Executive Council released a 17-page report documenting a number of proposals for how federal farm policy could be changed to help the Bay restoration effort. The report and the research that preceded it was prepared by the Chesapeake Bay Commission. Since that time, the Commission has been working with stakeholders in the region to determine how best to share the EC's message with the Congress to maximize returns for the region. Ms. Swanson will discuss the recommendations along with the collaborative efforts underway in the region.

**Recommended Action:** Seek input on the Commission's recommendations from farmers in the region.

11:45 **7. Committee Updates**

**Loudoun County Tour** ..... Hon. Sally Kurtz  
Loudoun County

**Legislative Activity** ..... Hon. Penelope Gross  
Fairfax County

Ms. Gross will review her recent testimony before the Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee.

**TMDL Litigation** ..... COG staff

11:55 **8. New Business** ..... Members

12:00 **9. Adjourn**

The next meeting is scheduled for Friday, July 21, 2006, 9:45 a.m. - 11:45 a.m.

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

Enclosures:

- Item 2            DRAFT Meeting Summary of March 17, 2006
- Item 3            Briefing document and DRAFT COG Board resolution re Anacostia governance (to be sent separately)
- Item 4            Preliminary recommendations from urban nutrient management workgroup

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

**DRAFT MINUTES OF MARCH 17, 2006, MEETING**

**ATTENDANCE:**

**Members and alternates:**

Vice Chair Barbara Favola, Arlington County  
Vice Chair Hamid Karimi, District of Columbia  
Thomas Dernoga, Prince George's County  
J Davis, City of Greenbelt  
Penelope Gross, Fairfax County  
Sally Kurtz, Loudoun County  
Martin Nohe, Prince William County  
Andrew Fellows, College Park  
Moishin Siddique, District of Columbia Water and Sewer Authority  
Beverly Warfield (representing Chris Akinbobola), Prince George's County  
Bruce McGranahan, Loudoun County  
Uwe Kirste, Prince William County  
Craig Fricke (representing J.L. Hearn), WSSC  
Sheila Besse (representing Hamid Karimi), District of Columbia  
Paivi Spoon, Prince George's County

**Guests:**

George Harman, Maryland Department of the Environment  
Robert Boone, Anacostia Watershed Society  
Dan Smith, Anacostia Watershed Citizens Advisory Committee  
Tom Arrowsmith, Anacostia Watershed Citizens Advisory Committee  
Judy McGowan, Maryland Department of Agriculture

**Staff:**

Stuart Freudberg, DEP Director  
Ted Graham, DEP Water Resources Director  
Steve Bieber, COG staff  
Heidi Bonnaffon, COG staff  
Karl Berger, COG staff

**1. Introductions and Announcements**

In the absence of the Chair, Vice Chair Barbara Favola called the meeting to order at 9:50 a.m. She conducted a round of introductions.

**2. Approval of Meeting Summary for Jan. 20, 2006**

The committee unanimously approved the draft meeting summary.

### **3. Education and Outreach: Review of Proposed Resolution**

Ms. Favola spoke in favor of the resolution, which would authorize the COG Board Chair to send a letter to member jurisdictions encouraging them to consider participating in the regional radio advertising campaign that has been sponsored this year and the previous year by local governments in northern Virginia. The resolution meets the committee's direction from January, when it heard a presentation on the campaign from Katherine Mull of the Northern Virginia Regional Commission, which organized the campaign.

Mr. Karimi, noting that the District of Columbia had helped to sponsor the Bay Program's Chesapeake Club media campaign in previous years and that it relies on grant funding for its programs in this area, said it will not be possible for every jurisdiction to participate.

**Action Item:** The committee approved the draft resolution for presentation to the Board.

### **4. Review of Anacostia Governance Proposal**

Mr. Graham of COG staff provided background information on this item. He said that after much discussion of new governance arrangements, the existing Anacostia Watershed Restoration Committee (AWRC) had decided in January to go forward with a proposal for change. In February, District of Columbia Mayor Anthony Williams asked the COG Board to refer the matter to the Bay Policy Committee, which was then directed to report back to the Board by June. Mr. Graham then introduced Mr. Karimi and Mr. Harmon, who provided an update on the history of the Anacostia restoration effort and the highlights of the proposed new governance structure.

Mr. Karimi noted the challenge facing the Anacostia, which may appear to be relatively clean on the surface, but which has a number of serious water quality problems, including contaminated sediments, sewer overflows and polluted runoff from upstream sources. The water quality problems are exacerbated by the geography of the river, which acts more like a lake with long retention times, he said. These problems remain despite millions of dollars that have been spent on wetland restoration in the watershed and billions of dollars that the District of Columbia Water and Sewer Authority has promised to spend on preventing sewer overflows.

Mr. Karimi also covered the four agreements that have been signed between 1987 and 2001 by the District of Columbia, the counties of Montgomery and Prince George's and the state of Maryland to direct the restoration effort.

Mr. Harman noted that the current cooperative framework headed by the AWRC lacks the ability to involve government officials who make spending decisions. Thus, the proposed new framework would establish a new "leadership council," whose members, like those of the Chesapeake Executive Council, would be drawn from the chief executives or elected officials of the participating jurisdictions. Under the council, a management committee and various subcommittees would provide more regular oversight. The proposed framework also envisions the hiring of an executive director for the council as well as potentially another staff person at COG to assist the restoration effort.

If approved, Mr. Harman said, the new framework would require a substantial budget increase. The program's fiscal year 2006 budget at COG is \$287,000, he said. The budget for the new structure is estimated to be about \$550,000 a year. He acknowledged that it is not clear from where the additional funds would come.

Mr. Harman said next steps would include a final review of the proposal by members of the AWRC. If the proposal is passed on by the CBPC and approved by the Board, that would clear the way for the enactment of a

charter for the new council and eventual recruitment and hiring of an executive director.

Ms. Favola invited several guests from the Anacostia Watershed Citizens Advisory Committee to comment. Mr. Arrowsmith expressed support for the proposal and said members of the advisory committee are prepared to work with the CBPC in moving it forward. Mr. Boone said action is needed because the current structure is broken and the restoration effort is not making progress.

Ms. Davis said the new structure appears to ignore the potential contributions of municipal governments that are located within the watershed. She mentioned that the City of Bladensburg is very interested in becoming involved with the restoration effort.

Several members questioned whether individuals at the mayor and governor level would be willing to make the commitment to serve on such a council. In response, Mr. Harman said that it is envisioned that the council will meet no more than once a year, whereas the management committee would probably meet four times a year, as the AWRC does now, and subcommittees could meet even more often.

Ms. Gross expressed general support for the initiative, noting that it appears to be an attempt to put the restoration program on a more solid, professional footing so that 20 years from now observers will not still be commenting on a lack of progress. Ms. Gross also noted that the Anacostia watershed was identified as a focus of concern at the recently concluded Potomac Trash Summit.

Ms. Kurtz asked how COG's Virginia members fit into the restoration effort. In response, Ms. Gross said that they can support the need for COG to address this as a regional issue, in the same way that governments in northern Virginia would expect the Maryland COG members to support regional efforts to address pollution in Four Mile or Sugarland runs.

Ms. Favola asked that COG staff put together a subcommittee of committee members and others to review the proposal and finalize it for the CBPC meeting in May. The following committee members volunteered: Mr. Fellows, Ms. Davis and Mr. Karimi. Mr. Graham asked for a member from Virginia to volunteer. Mr. Fellows said that the city of Alexandria is the Virginia jurisdiction that is most directly affected by Anacostia water quality. Ms. Gross said that she would serve if no one from Alexandria agrees to serve.

**Action Item:** The committee directed this subcommittee to produce a recommended action and draft resolution for Board action by the next committee meeting in May.

## **5. Update on Trash-Free Potomac Summit**

Ms. Gross, who serves on the advisory council to the Potomac "trash treaty" being coordinated by the Alice Ferguson Foundation, provided an update on the Trash-Free Potomac Summit held March 16 at COG. Noting that 250 people attended the event, she said it was a great opportunity for elected officials, government staff, business leaders and environmentalists to share ideas. She cited a number of the interesting ideas for action discussed at the meeting. Both Ms. Davis and Mr. Fellows, who also attended, noted interesting ideas as well. The summit included the signing of an action agreement in which the participants agreed to work on some of the recommendations emerging from the summit.

Mr. Freudberg said that one of the more interesting sessions was on the development of trash "TMDLs" or total maximum daily loads, akin to those the Clean Water Act authorizes for restoring water bodies. Government participants at the meeting expressed some interest in actually implementing such regulations. He recommended

that the committee schedule a future presentation on this issue so as to advise the COG Board.

## **6. Introduction to Urban Nutrient Management Issues**

Ms. McGowan, who staffs an urban nutrient management workgroup for the Maryland Department of Agriculture, discussed the group's activities and provided some basic information on how much lawn fertilizer use is thought to contribute to the nutrient loads to the Bay. She noted that the state workgroup includes members from state agencies, the University of Maryland and local government agencies. The group is currently focused on reaching home owners who use fertilizer because the practices of lawn care service companies are regulated under the state's nutrient management legislation. The group has produced a set of brochures and other information to educate the public about following lawn care practices that minimize the potential for nutrient pollution, she said.

Ms. Favola asked whether there were incentives for lawn care companies and the lawn care industry in general to follow these practices. In response, Ms. Gross noted that through the farm bill the federal government provides plenty of incentives for agriculture, but none of which she was aware for urban fertilizer use. She also noted that a bill had been introduced in the Virginia General Assembly by local representative David Bulova that would involve the state's conservation districts in this issue.

Noting that the data Ms. McGowan cited on fertilizer use in the Bay watershed dated from 1996, Ms. Gross asked if more recent information on use was available. Ms. McGowan said she was not aware of any, although she did add that there are several surveys underway at the county level in Maryland to better track home fertilizer use. She also noted that the University of Maryland has closed its soil testing laboratory, which has made it more difficult for residents and citizens to follow best management practices that require obtaining a soil test.

Action Item: The committee directed staff to develop recommendations for potential local government action on urban nutrient management issues. The staff asked for committee members who would provide staff with input during the development of such recommendations. The following members volunteered: Barbara Favola, Martin Nohe, Beverly Warfield and Paivi Spoon.

## **7. Update on Committee Tour Plans**

Ms. Kurtz provided a tentative agenda and schedule for the committee tour, which Loudoun County officials have agreed to host. The agenda would provide for stops at a wastewater plant that produces biosolids pellets, a stream restoration site, a development that uses alternative septic technology and an agricultural business that grows vegetables hydroponically.

Members discussed potential dates for the tour and discussed the importance of having a good turnout.

Action Item: COG staff was directed to canvas members for their availability to attend the tour on either June 8 or June 15.

## **8. Update on State Legislation**

This item was deferred to a future meeting

## **9. New Business**

Ms. Gross noted that she will be testifying on behalf of local governments at a May 4 Congressional hearing on

Bay Program reauthorization legislation proposed by Rep. Wayne Gilchrest

**10. Adjourn**

The meeting was adjourned at 11:45 a.m.



**Chesapeake Bay and Water Resources Policy Committee  
Urban Nutrient Management Workgroup Recommendations**

Att. 4

Preliminary Recommendations for Action

May 10, 2006

**Background**

- The Scotts Miracle-Gro Company has been in discussion with the Chesapeake Bay Program about a plan to reduce the phosphorus content in its widely-sold line of commercial lawn fertilizers. The company’s plan would reduce the amount of phosphorus in its products 50 percent by 2009, which potentially equates to a reduction in phosphorus applied to lawns in the Chesapeake Bay watershed of about one million pounds a year.<sup>1</sup>
- As part of such an effort, Scotts is interested in working with the Bay Program and others, such as local governments, that promote lawn care messages as part of their outreach and education efforts. The company also is interested in other ways of partnering with local governments.
- Various existing entities in which Scotts participates, such as the “Lawns and the Environment” initiative dedicated to educating the public on environmentally-friendly landscape practices, provide potential vehicles for official relationships.
- Representatives of Scotts will brief the Bay Policy Committee at its May 19 meeting and present their own ideas for working with local governments.

<b>Potential local governments actions</b>	<b>Potential benefits to COG members</b>
<ul style="list-style-type: none"> <li>• Include the lawn fertilizer messages that Scotts and the rest of the lawn care industry has developed in ongoing outreach and education campaigns.</li> <li>• (This could potentially be done in concert with the radio ad campaign in northern Virginia or individually by local governments. It also could coordinate with the Bay Program’s Chesapeake Club campaign.)</li> </ul>	<ul style="list-style-type: none"> <li>• Help meet local governments’ NPDES permit requirements.</li> <li>• Move focus of campaign from the negative to the positive (e.g. “Here’s what you can do to have a nice lawn and minimize potential pollution”).</li> <li>• Provide private funding to support government messages.</li> <li>• Provide private resources to collect data on pre/post ad campaign evaluations.</li> </ul>
<ul style="list-style-type: none"> <li>• Demonstrate the use of reduced P fertilizers on county- or city-owned properties and possibly on other lawns with high-visibility.</li> <li>• Verify that local governments are applying fertilizer in accordance with best management practices on their public lands.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide high-visibility examples of local governments “practicing what they preach.”</li> </ul>
<ul style="list-style-type: none"> <li>• As part of these demonstration projects, conduct research into the water quality impacts of following innovative lawn care practices.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide data that can demonstrate reductions in nonpoint source loads to the Bay or local streams.</li> </ul>
<ul style="list-style-type: none"> <li>• Arrange industry training courses for county and city employees (or their contractors) on how to correctly apply fertilizers.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide potential funding for such training sessions that would save time and money for local government staff</li> </ul>
<ul style="list-style-type: none"> <li>• Sign an agreement between industry and COG member governments pledging to work together to minimize potential for pollution.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide publicity boost for joint efforts.</li> <li>• Tie into potential Chesapeake Executive Council action.</li> </ul>

<sup>1</sup> (Note: Nationally, Scotts accounts for roughly half of the lawn care fertilizer market and its participation in such a plan is likely to induce other manufacturers to participate as well.)