

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

**MINUTES OF SEPTEMBER 16, 2011, MEETING**

**ATTENDANCE:**

**Members and alternates:**

Chair Barbara Favola, Arlington County  
Vice Chair Andy Fellows, College Park  
Penelope Gross, Fairfax County  
Cathy Drzyzgula, City of Gaithersburg  
Obie Patterson, Prince George's County  
Shelley Aloï, City of Frederick  
Johannah Barry, City of Falls Church  
Meo Curtis, Montgomery County  
Jerry Maldonado, Prince George's County  
J. L. Hearn, WSSC  
Diane Davis, District of Columbia  
Mohsin Siddique, DC Water

**Staff:**

Stuart Freudberg, DEP Director  
Tanya Spano, DEP  
Steve Bieber, DEP  
Heidi Bonnaffon, DEP  
Karl Berger, DEP

**Visitors:**

Steve Shofar, Montgomery County

**1. Introductions and Announcements**

Chair Favola called the meeting to order at approximately 10:05 a.m. She indicated that to accommodate Tanya Spano of COG staff, who had another commitment, she would move the discussion scheduled for item #6, forward in the agenda.

**2. Approval of Meeting Summary for May 20, 2011**

The members approved the draft summary.

**6. COG Staff Updates / FY 12 Regional Water Quality Management Annual Work Program and Budget / Algal Bloom and Drought Monitoring / Water Sector Workshop on Adaption to Climate Change in the Washington Region**

Ms. Spano said that the FY 12 work program and budget for the Regional Water Fund was approved by the committee and noted a few highlights of the work program.

Ms. Spano also indicated that COG staff had worked with outside experts and technical staff from COG's member governments to monitor an algal bloom in the Potomac River that occurred this summer. The group will continue to investigate the causes of the bloom and the extent to which nutrient runoff from the region contributed to it.

She also noted that COG staff was in touch with member government staff during the recent earthquake and flood events and no one is reporting any serious disruptions to water or wastewater service. However, she added, the events show that area planners account for the potential for climate change to cause more severe weather events.

Finally, she noted that several area wastewater service providers, including Fairfax County, were honored for their performance by the National Association of Clean Water Agencies.

Discussion: Ms. Gross noted that the performance of the county's Noman Cole wastewater plant reflects considerable investment of local resources in recent years, including several rate increases. Surprisingly, she noted, her constituents have had little to say about these rate increases.

Ms. Aloï, who said Frederick City is facing major rate increases to pay for wastewater plant upgrades, asked Ms. Gross how the county marshaled support for the rate increases. In response, Ms. Gross said the county has produced a number of educational pieces regarding the need for investment in water and sewer services, but she also noted that such support cannot be taken for granted. She said there are examples of elected officials who are subsequently voted out of office after supporting such increases.

Mr. Fellows asked how whether COG staff could look into increases in drinking water, wastewater and stormwater charges on a regional basis.

### **3. Progress Report on Bay TMDL Phase II WIPs**

Mr. Berger briefed members on the status of the development of Phase II watershed implementation plans under the Chesapeake Bay TMDL. These Phase II WIPs are supposed to detail plans by local governments and other parties to reach targets for the reduction of nutrients and sediment as established by the TMDL. He noted that because of delays in producing the model output that sets overall targets for the reductions in sediment and nutrient, EPA recently extended some interim deadlines for the development of the Phase II WIPs. However, the agency continues to insist that the Phase II WIPs be finalized by March 30, 2012.

Mr. Berger reviewed information developed by COG's Water Resources Technical Committee regarding the content and other technical aspects of the developing phase II WIPs as well as how they relate to so-called MS4 stormwater permits for local governments. He noted that WRTC members have expressed several concerns about the process, including a shrinking time frame for developing these plans, continued uncertainty about what the model says about local nutrient production and the cost and feasibility of meeting the TMDL deadlines. He asked the committee if they would like to communicate these points to the states and EPA by writing a letter.

Discussion: Chair Favola noted that when he met with the committee to discuss the Bay TMDL back in June, EPA's Jeff Corbin indicated his willingness to meet again later in the year. She recommended that COG try to schedule another meeting with Corbin, who serves as special adviser to the EPA Administrator for the Chesapeake Bay and Anacostia River restoration efforts, and use that meeting to express the concerns noted previously. Committee members agreed with this approach.

Action item: The committee supported the proposal that COG staff invite EPA and state officials to another Bay TMDL forum and authorized COG staff to write a letter detailing local government concerns with the current WIP process.

### **4. Chesapeake Bay Restoration Coalition**

Chair Favola briefed members on the status of a proposal by the lobbying firm Alcade & Fay to organize a coalition of local governments to lobby for more federal funding for the Bay TMDL effort. She noted that representatives of Alcade & Fay presented this proposal to the committee at its May meeting, at which the

committee agreed to appoint a committee workgroup to further study the proposal. She said that after discussions with COG staff and other parties, Alcade & Fay revised its original proposal and now proposes to launch a "Pilot Program" at considerably lower cost than originally proposed. Under this approach, the coalition would simultaneously try to begin the work of lobbying for funding in Washington and determining the organization and fee structure of a more long-term coalition effort. Chair Favola said the committee workgroup has recommended that COG provide a contribution of \$20,000 in existing COG funds to participate in the pilot project to launch this coalition of local governments.

Discussion: Ms. Gross noted that the proposal has changed significantly since Alcade & Fay originally presented it to the committee. Although she still has some concerns with it, she said, the current proposal has a better focus on deliverables. The biggest unknown, she added, is whether anything can be accomplished in the current Congress.

Action: Ms. Gross moved for adoption of the staff recommendation that COG contribute \$20,000 to become a member of the Coalition pilot program.

Mr. Shofar said Montgomery County is strongly opposed to COG joining the coalition. He said the county is concerned that participation in the coalition would not be consistent with the county's position on Bay policy. Asked to elaborate, Mr. Shofar said that the county has accepted its MS4 urban stormwater permit and is working to increase its stormwater funds and to do the things required by the permit (which include meeting nutrient and sediment reduction targets for the Bay TMDL). "We feel that other municipalities should do the same thing," he said.

Ms. Aloï challenged the idea that the coalition would oppose implementation of the Bay TMDL or try to stall efforts to meet its reduction targets. She said she sees the main purpose of the coalition will be to raise funds to help local governments meet their TMDL obligations. Chair Favola added that her understanding of the coalition is that it accepts the basic premise of the Bay TMDL.

Ms. Drzyzgula asked what would happen once the initial fees for the pilot program are exhausted. Presumably, she added, the coalition would seek more money from its members. Gaithersburg has no interest in providing further funding, she said.

Vice Chair Fellows said that he is inclined to support the provision of COG funds to the coalition, but he shares some of the concerns that others have expressed. College Park would not want to be part of a coalition that works against the TMDL.

Mr. Hearn noted that WSSC has its own federal lobbyist and would see COG's participation in the coalition as a duplication of effort. The agency also shares the concerns expressed by Montgomery County.

Action: Ms. Aloï seconded the motion made earlier by Ms. Gross.

Further discussion: Mr. Maldonado said that Prince George's County has the same position as Montgomery County.

Ms. Davis, representing District Vice Chair Hamid Karimi, said it is unclear how this effort might evolve and the District, as a partner to the states and EPA in the Bay restoration effort, is sensitive to lobbying efforts regarding the TMDL.

Mr. Fellows then announced that, after listening to the discussion, he was now inclined to oppose the staff recommendation.

Action: After some further discussion, Ms. Favola conducted a vote on Ms. Gross' motion, with Arlington County, Fairfax County and Falls Church voting in favor of joining the coalition and Montgomery County, Prince George's County, Gaithersburg, College Park and WSSC voting against the motion. The Chair declared the motion had failed.

Chair Favola then noted that staff has proposed that COG could make better use of its member lobbying capabilities and work with these legislative liaisons and potentially with local governments elsewhere in the watershed to accomplish some of the same aims as the proposed coalition.

Action: The committee directed COG staff to explore how COG's legislative liaisons group could be used to advocate for more Bay funding to assist local governments and how COG might work with other local governments in the bay watershed.

#### **5. Plans for COG Board Stormwater Webinar**

Ms. Bonnaffon noted that COG Board Chair Andrea Harrison of Prince George's County had requested that COG staff conduct an educational session for Board members on the impact of new stormwater requirements on local governments in the region. She briefed members on plans for this session, which is to be conducted in the form of a webinar on Oct. 14, 2011.

#### **7. New Business**

None was offered.

#### **8. Adjournment**

The meeting was adjourned at approximately 11:55 a.m.