#### **Chesapeake Bay Policy Committee**

Date: Friday, November 19, 2004
Time: 10:00 a.m. – 12 noon\*
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.

#### **Meeting Agenda**

10:00	1.	Welcome, Introductions, Announcements	Hon. Vincent Orange Chair, District of Columbia
10:05	2.	Approval of Meeting Summary for Sept. 17, 2004	Chair Orange
		Recommended action: Approve DRAFT Meeting Summary (Att.	2).
10:10	3.	Report of Blue Ribbon Finance Panel	Rebecca Hanmer, Director EPA Chesapeake Bay Program Office
			Hon. Penelope Gross, CBPC Vice Chair, Fairfax County

The Chesapeake Bay Blue Ribbon Finance Panel issued a report Oct. 27, 2004, calling for the creation of a regional finance authority for Bay restoration. Under the panel's proposal, the federal government would pay 80 percent of the authority's \$15 billion budget over the next six years, with the balance provided by state matching funds. Ms. Hanmer will brief the committee on the proposed authority and other recommendations (Att. 3.a). She also will discuss how the region's local governments can participate in follow-up actions, such as a proposed committee to work out the details of creating the financing authority recommended by the panel (Att. 3.b). CBPC Vice Chair Penny Gross, who participated on the panel, also will share her thoughts on how COG's member jurisdictions should respond to the panel's recommendations.

#### Recommended actions:

- Request COG Board Chair to circulate report to COG's members and seek feedback to
  enable the Board to formally comment at its January 2005 meeting.
- Transmit letter to the Executive Council applauding the work of the Blue Ribbon Panel and indicating COG's intention to provide feedback in early 2005.
- Urge the Local Government Advisory Committee to widely circulate the report among local governments in the Bay watershed and seek comment.

#### 

Mr. Berger will brief members on the results of a recently released survey of public opinion about the importance of the Bay and the public's willingness to spend money on restoration measures (Att. 4). The study was conducted by the Chesapeake Bay Foundation.

Recommended action: Receive briefing.

#### 11:05 5. Enhancing Public and Media Awareness .......Vice Chair Gross

Ted Graham, COG staff, Director of Water Resources

At the Oct. 13 COG Board meeting, Vice Chair Gross discussed the recent controversy over how much progress has been made in restoring the Chesapeake Bay, noting the indisputable progress made by the region's wastewater treatment plants and local stormwater management programs. She will brief members on the Board's response, which was to ask the committee to increase its effort to raise public and media awareness regarding progress in the Washington region. Committee members are asked to consider how to respond to the Board's challenge. Mr. Graham will note other potential actions, including the involvement of COG's Public Information Officers in designing a media and public outreach effort, release of COG's Chesapeake Bay video, and preparation of a new report on the tidal Potomac River spelling out regional roles and responsibilities.

Recommended action: Provide guidance on enhancing public and media awareness of the Chesapeake Bay restoration success stories in the Washington region.

#### 

At its last meeting, the committee received a preliminary update an analysis by the Chesapeake Bay Commission regarding the most cost effective nutrient reduction practices and their potential to reduce nutrient loads in the Bay watershed. COG staff will provide an update on this analysis and how it might be used in the COG region to identify cost effective strategies for nutrient reduction.

Recommended action: Receive briefing and provide guidance to staff on next steps

## 11:40 **7. Bay Milestones, Committee Schedule for 2005 ......** Ted Graham, COG staff Karl Berger, COG staff

- Bay Program milestones and potential committee actions for 2005
- CBPC meeting schedule for 2005
- Status of tributary strategies

Mr. Graham and Mr. Berger will brief members on important issues anticipated for 2005 and review the proposed meeting schedule (Att. 7). They also will discuss several related scheduling issues.

Recommended action: Finalize 2005 meeting schedule.

#### 

#### 12:00 **9. Adjourn**

The next meeting is scheduled for Friday, January 28, 2004, 10:00 a.m. – 12:00 noon.

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

DRAFT Meeting Summary of Sept 17, 2004
"Summary of Recommendations, Blue Ribbon Finance Panel" (CBP web page)
DRAFT EC Directive 04-1, "Funding the Restoration of the Chesapeake Bay Watershed"
"Voters Value the Chesapeake Bay and Local Waterways - See Pollution as a Serious Problem,"
CBF press release of 10-11-04
Proposed CBPC meeting schedule for 2005

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

#### DRAFT MINUTES OF SEPTEMBER 17, 2004, MEETING

#### ATTENDANCE:

#### Members and alternates:

Vincent Orange, District of Columbia, Chair Penelope Gross, Fairfax County, Vice Chair Thomas Dernoga, Prince George's County Bruce Tulloch, Loudoun County John Lovell, Frederick County Bruce Williams, City of Takoma Park Andy Fellows, College Park Sharon Anderson, District of Columbia Hamid Karimi, District of Columbia Uwe Kirste, Prince William County William Skrabak, City of Alexandria

#### **Interested parties:**

J. L. Hearn, WSSC Glenn Harvey, Alexandria Sanitation Authority Norm Goulet, Northern Virginia Regional Commission

#### **Guests:**

Rebecca Hanmer, EPA Chesapeake Bay Program Jamie Baxter, Maryland Department of Natural Resources Barbara Deutsch, Casey Trees Foundation

#### Staff:

Stuart Freudberg, DEP Ted Graham, DEP Steve Bieber, DEP Karl Berger, DEP

#### 1. Welcome, Introductions and Announcements

New Chair Vincent Orange opened the meeting at 10:05 a.m. by introducing himself to the committee and conducting a round of introductions. In brief remarks, Mr. Orange said that he had been appointed by COG Board Chair Phil Mendelson to serve the remaining term of previous CBPC Chair Peter Shapiro. He noted that he has represented Ward 5 on the District of Columbia City Council since 1998. At the close of his remarks, Mr. Orange introduced Rebecca Hanmer, Director of EPA's Chesapeake Bay Program Office.

#### 2. Approval of Meeting Summary for July 14, 2004

CBPC minutes of July 14, 2004 Page 2 of 4 The draft summary was approved.

#### 3. Bay Program Perspective on Tributary Strategies

Ms. Hanmer said her presentation was partly in response to an earlier letter from COG asking the Bay Program and the Bay partner jurisdictions to work cooperatively with COG in crafting realistic implementation plans for the various tributary strategies. Her opening remarks focused on what she called the Bay Program's "job number one:" improving water quality in the Bay sufficiently to meet new water quality standards by 2010, the deadline specified in the Chesapeake 2000 Agreement. The standards, which are in the process of being officially adopted by the various states with tidal waters, were developed through a multi-year consensus-based Bay Program effort. Ms. Hanmer added that the biggest obstacle to meeting the 2010 goal is financial and said she has high hopes that the soon-to-be released report of the Chesapeake Bay Blue Ribbon Finance Panel will provide answers. She added that EPA's Bay Program staff will focus more on financial issues than it has in the past.

Ms. Hanmer also cited the impact that continued population growth in the Bay watershed is having on the amount of impervious surface area as another major challenge for the restoration effort. She cited Bay Program estimates of population growing at 8 percent a year and the amount of impervious surface area increasing at an even faster rate unless the way in which development occurs is changed. She asked the COG region to join the Bay Program to work cooperatively on this issue, saying that the tools already exist to ensure that new development does not disturb the cumulative hydrology of a particular site.

In response to Ms. Hanmer's remarks, Vice Chair Penelope Gross previewed the recommendations of the Blue Ribbon Panel, on which she has served. The major recommendation calls for the creation of a regional authority to be supported by federal and state contributions. The authority would then fund the bulk of the remediation measures, known as BMPs, including further upgrades to the nutrient removal efforts at wastewater plants.

Ms. Gross noted that the panel considered a number of ideas that did not make it into the final report. These included the idea of taxing sales of fertilizer to home owners and requiring deposits for beverage containers. In regard to the former, Mr. Lovell said the panel should reconsider because a fertilizer tax would be one of the few measures that addresses the pollution generated by those who tend to advocate for the need for Bay restoration efforts.

During a question and answer session with Ms. Hanmer, Mr. Fellows asked how the Bay Program intends to integrate so-called TMDLs (an abbreviation for "total maximum daily loads"), which are clean-up requirements based on regulations, with the voluntary tributary strategy approach. Ms. Hanmer said that the Bay Program considers the tributary strategies as a flexible implementation plan for a "virtual TMDL." She also praised the idea of nutrient trading, saying that it makes particular sense as a means of addressing differential costs among the different wastewater treatment plants in the Potomac basin.

Mr. Skrabak asked whether EPA and the Blue Ribbon Panel propose to increase gas taxes as a further deterrent on air emissions and a means of raising funds for mitigation efforts. Mr. Dernoga asked that the focus not rest exclusively on how much clean-up measures will cost but also address how much it will cost society if the clean-up efforts are not successful.

**Action Item:** In response to a suggestion from Mr. Karimi that the committee request that a Bay Program office representative meet with the committee on at least an annual basis, staff will prepare a letter for the Chair's signature.

#### 4. Response to Proposed Urban Stormwater Targets

Mr. Graham of COG staff relayed comments from Cameron Wiegand of the urban stormwater branch of the Montgomery County Department of Environmental Protection, who could not attend. Mr. Graham said that local governments in Maryland are concerned that the state's tributary strategy has unrealistic goals for implementing certain measures. For instance, a recent summary of Maryland's tributary strategy assumes that Montgomery County will retrofit 22,000 existing septic systems with technology to reduce the discharge of nitrogen to groundwater. The strategy estimates the cost of this one measure in the county at \$160 million, which is about 29 times the annual amount the county spends on its entire urban stormwater program, according to Mr. Wiegand. The state strategy assumes Prince George's County will retrofit 27,000 septic systems and Frederick County, 31,000, Mr. Graham noted.

The state strategy also assumes that Montgomery County will retrofit 37,000 acres of its older urban land with more modern stormwater technology to capture more nutrients. The state has not estimated what this would cost, but local experience indicates that the cost is very much higher than current program expenditures. Mr. Graham noted that local jurisdictions in Virginia may face the same issue, although that state has not produced a jurisdictional breakdown of its anticipated implementation of its BMPs. Along similar lines, Mr. Karimi said, was the plan for the District of Columbia to address its CSO (an abbreviation for "combined sewer lverflows") discharges, which is estimated to cost \$1.2 billion. Ms. Gross said there needs to be a greater awareness of the cost of these urban stormwater measures among state and federal officials. Stormwater retrofits may cost as much as \$1 billion in Fairfax County, she said.

**Action Item:** COG staff will explore opportunities for coordinating the Bay Program campaign with existing stormwater outreach programs among local governments in the region.

#### 5. Review of the Chesapeake Bay Commission's BMP Cost Effectiveness Report

Mr. Bieber of COG staff noted that Pat Stuntz of the Chesapeake Bay Commission had been scheduled to discuss preliminary findings from the commission's report on the cost effectiveness of various clean-up measures, or BMPs. However, the commission did not agree to finalize staff's findings at a recent meeting and Ms. Stuntz was unable to come. However, Mr. Bieber did show several slides to the committee based on the commission staff's findings, although he asked that the information not be further disseminated until the commission finalizes its report.

In general terms, Mr. Bieber said, the commission found that six BMPs aimed at reducing nutrients from agricultural practices and one – enhanced nutrient removal – aimed at reducing nutrients from wastewater plants were the most cost effective measures for improving the Bay. The seven most effective measures did not include any that address urban stormwater contributions. Mr. Bieber said his report on the effectiveness of BMPs in the COG region would include some of the findings from the CBC study.

**Action Item:** Both Mr. Lovell and Mr. Tulloch requested copies of Mr. Bieber's slides. Mr. Bieber said he would check with commission staff to see if he had permission to distribute them.

#### 6. WRTC Report: Permitting and Point Source Policy Developments; A Local Perspective on the

CBPC minutes of July 14, 2004 Page 4 of 4

#### **Controversy over Bay Progam Progress**

Water Resources Technical Committee Chair Uwe Kirste reviewed that committee's recent review of several technical developments regarding the advancement of regulatory mechanism for addressing water quality in the Bay. He noted that COG staff and the WRTC were commenting on Maryland's draft revisions to its water quality standards.

Mr. Lovell asked whether the state of Maryland would count the additional flow of nutrients from an existing subdivision that a local government might convert from septic to wastewater service as a means of lowering nutrient pollution against the overall nutrient cap for that wastewater plant. COG staff did not have an immediate answer.

Mr. Bieber reviewed a draft fact sheet created by COG staff to address an issue that often is lost amidst the recent controversy concerning whether the Bay Program's models are over estimating the progress that has been made to date in improving the Bay's water quality. The fact sheet shows the level of nutrient reduction achieved by wastewater treatment plants in the COG region over a longer period of time that that usually considered by the Bay Program. The fact sheet relates major reductions in both nitrogen and phosphorus discharges to documented improvements in various water quality parameters in the tidal section of the Potomac River.

**Action Item:** The committee asked COG staff to finalize the fact sheet and make arrangements to disseminate it in various ways.

#### 7. Changes in Regional Water Fund Budget Process

Mr. Graham noted that various issues are prompting a review of the oversight function for COG's regional water fund work program and budget. He said he expects to come back to this committee with a recommendation after consulting with both the Water Resources Technical Committee and the Environment and Public Works Directors Committee, which currently has this function.

#### 8. New Business

None was offered.

#### 9. Adjourn

The meeting was adjourned at 12:00 noon.



Home > Chesapeake Bay Program > Blue Ribbon Finance Panel > Summary of Recommendations

#### Summary of Recommendations

#### Saving a National Treasure: Financing the Cleanup of the Chesapeake Bay

The Blue Ribbon Finance Panel's report concludes that a major financial investment in the Bay's restoration is needed, along with improved coordination of the watershedwide restoration effort. It also finds that a permanent source of funding for the Bay's restoration must be secured for the long-term restoration to be successful.

The panel met throughout 2003 and 2004 and published its recommendations in a report, <u>Saving a National Treasure: Financing the Cleanup of the Chesapeake Bay</u>. The panel based its detailed recommendations on several principles:

- **Immediacy.** Programs must be set in place now to meet the 2010 deadline to remove the Bay from the federal list of impaired waters.
- Simplicity and efficiency. Approaches must be simple, easy to implement, and strive for new levels of efficiency.
- Innovation and flexibility. Financing mechanisms should be innovative, and make use of trading, watershed permitting and other promising concepts.
- Cooperation and inclusiveness. Cooperation must be reached among the stakeholders, including federal and state agencies.
- **Prevention, regulation and enforcement.** Pollution prevention is cheaper than pollution cleanup, and laws and regulations should be vigorously enforced.
- **Education and outreach.** Educating a wide range of stakeholders will prove essential to the successful cleanup of the Chesapeake Bay.

The Panel's primary recommendation is the creation of a new regional <u>Chesapeake Bay Financing Authority</u>.

- Bay Program partners should establish a new regional Financing Authority, no later than January 1, 2007, capitalized with \$12 billion from the federal government and \$3 billions from the Bay states. The Authority will prioritize and distribute restoration funds throughout the Bay's 64,000-square-mile watershed.
- The proposed ratio of **federal to matching funds would be 80/20**, the ratio legislated by current State Revolving Loan Funds across the country.
- The federal government and six states and the District of Columbia should develop a list of shared funding priorities. Using existing authorities and structures, such as State Revolving Loan Funds (SRFs) they should create a voluntary funding coalition, which could immediately

receive funds from federal, state and other sources and begin to distribute loans and grants.

Learn more about the Financing Authority

The panel also recommended:

- Improving coordination and cooperation. Federal agencies and Chesapeake Bay watershed groups and programs should work together and expand participation of the headwater states in the Bay Program.
- **Establishing state surcharge programs**, watershed-wide.
- Apportioning funds for education, outreach and technical assistance to important stakeholders.
- Increasing Farm Bill funding.
- Requiring nutrient management plans.
- **Inviting** the Secretary of Agriculture to join the Chesapeake Executive Council.
- Creating a nutrient trading program for municipal and industrial wastewater plants.
- **Establishing tax-exempt financing** for industrial wastewater treatment facilities.
- **Developing a Hardship and Innovation Fund** to supplement Clean Water State Revolving Loan Fund programs (CWSRFs).

The Blue Ribbon Finance Panel emphasizes that while it will be a difficult to integrate funding and implementation approaches, and while the ultimate cost of restoring the Bay's water quality is hard to determine, the time to confront these challenges has arrived. It would be impossible to ignore the consequences of failing to make this investment in the Bay *now* 

To bookmark this page, please use this URL: <a href="http://www.chesapeakebay.net/blueribbonrecommendations.htm">http://www.chesapeakebay.net/blueribbonrecommendations.htm</a>

For more information, contact the Chesapeake Bay Program Office: 410 Severn Avenue, Suite 109, Annapolis, MD 21403 / Tel: (800) YOUR-BAY / Fax: (410) 267-5777.

Terms of Use | Privacy Policy | Contact Us Directions to the Bay Program Office

Last modified: 10/26/2004





#### Directive No. 04-1

#### Funding the Restoration of the Chesapeake Bay Watershed

In December 2003, the Executive Council directed the Chesapeake Bay Program to "establish and convene a Chesapeake Bay Watershed Blue Ribbon Panel to consider funding sources to implement the tributary strategies basin-wide and to make recommendations regarding other actions at the federal, state and local level to the Executive Council." The panel was formed and given the charge to:

- evaluate possible funding sources and financing mechanisms for reducing nutrient and sediment pollution throughout the Bay watershed;
- assess and explore financing opportunities from federal, state, local and private sources; and
- emphasize financing efficient pollution reductions from storm water, air emissions, agriculture and sewage treatment plants.

The Blue Ribbon Panel submitted its report to the Executive Council in October 2004 that outlined several conclusions and presented a set of recommendations. As noted by the Chairman of the Blue Ribbon Panel:

- The Chesapeake is a national treasure and a resource of worldwide significance.
- The Chesapeake is a powerful economic engine for the entire mid-Atlantic region.
- The Chesapeake is a rich depository of our culture and history.

The central conclusion of the Panel's deliberations was that current funding does not meet the needs for restoring Chesapeake Bay water quality by 2010 because the Chesapeake Bay Program does not have a permanent funding base sufficiently large enough to fund the necessary management measures. Restoring the Chesapeake Bay will cost many billions of dollars and requires an unyielding commitment from federal, state and local governments, private individuals and industry to obtain these funds.

"The Panel believes that restoring the Chesapeake Bay and its watershed depends on a strong regional financing mechanism aimed at coordinating funding and implementation of concrete clean-up plans, built on the state's Tributary Strategies and based on coordinated timing and performance. ... Business as usual will not accomplish the task before us."

The Blue Ribbon Finance Panel proposed the following major action:

By January 1, 2007 the six Bay watershed states and the District of Columbia create a Chesapeake Bay Financing Authority, capitalized by the federal and state governments, with the capacity to make loans and grants.

The Blue Ribbon Finance Panel outlines the conceptual framework for this Authority. Thus, it is necessary to explore the regionally-specific details of developing such an Authority before taking action. This review must identify sustainable funding streams at both the state and federal level and the mechanisms needed to create and manage a permanent, multi-state cooperative fund.

**Therefore, the Chesapeake Bay Executive Council**, in furtherance of its commitment to attain the nutrient and sediment load reductiongoals of *Chesapeake 2000* and the need to securesubstantial and sustainable funding for water quality improvements, calls for a Committee to be convened of federal, state or regional finance and legal experts to work out the details of establishing the *Chesapeake Bay Financing Authority*.

In conducting this assessment The Committee should seek to establish a framework that can provide strong leadership while remaining simple, yet flexible. Specifically, the Committee should address the following:

- Regulatory and/or legislative changes necessary (state and federal);
- Specific examples of funding mechanisms that could be used by the jurisdictions to generate necessary revenue streams;
- Alternative governance structures for organization;
- Decision making criteria relative to the allocation of loan and grant funds; and,
- Framework of a program to garner the necessary federal support.

The Committee should have a chair (approved by the Principal Staff Committee) that has experience in the formation of similar kinds of organizations and no more than six professional members, along with an administrative staff.

In support of this committee, we pledge to provide senior-levelstate liaisons that will facilitate access by the Committee to each state's head of Budget and Management (or similar state agency), their Gubernatorial, Congressional and state legislative leadership, and other staff, as necessary. We will also work in parallel with the Committee to assist with the identification of necessary state regulatory and/or legislative changes necessary to implement such an Authority.

This effort will be a substantial undertaking, yet time is of the essence. The Committee should be formed by January 15, 2005 and provide a report to the Executive Council by July 1, 2005. The Committee shall provide the Executive Council with sufficient information from their efforts to enable the Executive Council to make an informed decision on how to proceed with the Panel's recommendation for the creation of a Chesapeake Bay Financing Authority.

Signed:						

# Voters Value the Chesapeake Bay and Local Waterways--See Pollution as a Serious Problem

Monday October 11, 2004 By: John Surrick

#### **Concerns About Pollution Seen Across Party Lines**

For Immediate Release – reprinted from CBF web site: <a href="http://www.cbf.org/site/News">http://www.cbf.org/site/News</a> Contact: John Surrick, 410-268-8816

(ANNAPOLIS, MD) -- A new public opinion survey, released today by the Chesapeake Bay Foundation (CBF), finds that voters in the Chesapeake Bay watershed overwhelmingly place a high value on the Chesapeake Bay and local rivers. They are very concerned about pollution, and nearly unanimously say that governments should be required to meet the commitments made to reduce that pollution.

The survey, conducted by a bi-partisan research team, found three out of five voters said that the Chesapeake Bay and their local rivers were "extremely important" to their quality of life. Voters identified pollution as one of their top two concerns (a lack of affordable health insurance ranked first), with 61 percent of those sampled citing pollution in both the Chesapeake Bay and their local river as a "very serious" problem. Concern about water quality cuts across party lines, with 66 percent of Democrats, 63 percent of Independents, and 55 percent of Republican voters rating Chesapeake Bay pollution as a "very serious" problem.

More than two-thirds of those sampled say that the Bay is in no better than "fair" condition, and 60 percent say the same about their local rivers. Fully 95 percent of voters in the watershed support requiring state, local and federal government agencies to meet the commitments they made in the Chesapeake 2000 Agreement to clean up the Bay and local rivers.

"Voters see the Bay as a national treasure, critical to the local economy and quality of life, and they place a high priority on reducing pollution," said CBF President William C. Baker. "Science has provided us with a roadmap to restore the Bay. There are only five years left to implement the Chesapeake 2000 Agreement, with its 2010 Bay restoration deadline. It is way past time for the Chesapeake Bay Executive Council to deliver its implementation plan, detailing how and when pollution will be reduced."

The Chesapeake Bay Executive Council (EC), made up of the governors of Pennsylvania, Maryland, and Virginia, the mayor of Washington D.C, the Administrator of the Environmental Protection Agency, and the chairman of the Chesapeake Bay Commission (a committee of legislators from Maryland, Pennsylvania and Virginia), holds an annual meeting each fall to outline the policy direction for Chesapeake Bay restoration.

In a letter to the EC, CBF outlined the poll results and called for pollution reduction plans that address monitoring, implementation timetables and accountability.

"Action must be taken now, not next year or the year after, if there is any chance of getting the Bay and tributary rivers off of EPA's Dirty Waters list," Baker said.

Bay scientists have determined that nitrogen pollution is the most important problem facing the Chesapeake Bay. Leading sources of nitrogen pollution are runoff from agriculture and urban areas and discharges from sewage treatment plants that are not using available and affordable technology.

Polling was conducted in July and August by a team of two public opinion firms, one Republican and one Democratic- Fairbank, Maslin, Maullin and Associates and Public Opinion Strategies respectively. More than 1,200 registered voters were surveyed in Pennsylvania, Maryland, Washington D.C., and Virginia, and the margin of error for the sample is +/- 2.8 percent.

### **Tentative Chesapeake Bay Policy Committee Schedule for 2005**

COG staff document November 3, 2004

January 28 – Board Room

March 25 - Board Room

June 3 – Board Room

July 15 - Board Room

Sept. 23 – Board Room

Nov. 18 – Training Center