Chesapeake Bay Policy Committee

Date: Friday, May 21, 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 and Announcements**.....Hon. Peter Shapiro, Chair, Prince George's County

10:10 **2. Approval of Meeting Summary for March 10, 2004**.....Chair Shapiro

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

10:15 **3. Update on Funding Issues**.....Hon. Penny Gross, Vice Chair, Fairfax County – and Steve Bieber, COG staff

Ms. Gross will brief members on her participation in the Chesapeake Bay Blue Ribbon Funding Panel. Mr. Bieber will note the status of various funding developments, including Maryland's Chesapeake Bay Restoration Act.

Recommended Action: Receive briefing

10:30 **4. Request to Endorse 'National Treasure' Request**.....CBC representative **(invited)**

Steve Bieber, COG staff

The Chesapeake Bay Commission (CBC) met recently with White House aides and congressional leaders to promote federal designation of the Chesapeake Bay as a "national treasure" and is seeking support for this effort (see *Att. 4*). Such a designation would improve the prospects for more federal funding for Bay restoration work. The CBC representative and/or Mr. Bieber will brief members on the status and implications of the initiative.

Recommended Action: Recommend to the COG Board that it endorse designation of the Chesapeake as a national treasure.

11:00 **5. Response to Release of Tributary Strategies**.....Ted Graham, COG Water Resources Program Director

Maryland, Virginia and the District of Columbia have recently release tributary strategy documents that are meant to outline the actions that need to be taken to meet the Bay Program's targets for nutrient and sediment reductions (a brief description is included as *Att. 5.a*). COG staff has noted a number of issues with these documents (*Att. 5.b*) and, working with the Water Resources Technical Committee, has developed a proposed response. Mr. Graham will brief the members on the WRTC's recommendations (see *Att. 5.c*).

Recommended action: Pursue technical level process of validating tributary strategy details regarding local governments; comment as appropriate to state officials.

11:40 **6. Tour of COG's Bay-related Web Pages** .....Christine Howard, COG Staff

Karl Berger, COG Staff

COG staff has redesigned its web pages that relate to the CBPC. Ms. Howard and Mr. Berger will demonstrate this site and solicit feedback from the members.

11:55 **7. New Business**.....Members

12:00 **8. Adjourn**

The next meeting is scheduled for Wednesday, July 14, 2004, 10:00 a.m. – 12:00 noon.

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

Enclosures:

Item 2	DRAFT Meeting Summary of Dec. 5, 2003
Item 4	Letter from Chesapeake Bay Commission to President George W. Bush of 5-6-04
Item 5.a	"What is a Tributary Strategy?" a Bay Program "backgrounder"
Item 5.b	COG staff summary of state and District of Columbia tributary strategies
Item 5.c	"Proposed Regional Response to Release of Tributary Strategies," Power Point presentation

Att. 2

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

DRAFT MINUTES OF MARCH 10, 2004, MEETING

ATTENDANCE:

Members and alternates:
Peter Shapiro, Prince George's County, CBPC Chair
Penelope Gross, Fairfax County, CBPC Vice Chair
Hamid Karimi, District of Columbia
Bruce Williams, City of Takoma Park
J Davis, City of Greenbelt
John Lovell Jr., Frederick County
Uwe Kirste, Prince William County
Cameron Wiegand, Montgomery County
Sherry Conway Appel, Prince George's County

Invited participants:
Chris Pomeroy, Virginia and Maryland associations of Municipal Wastewater Authorities

Interested parties:
Roland Steiner, WSSC

Staff:
Ted Graham, DEP
Brian LeCouteur, DEP
Steve Bieber, DEP
Tanya Spano, DEP
Brian Rustia, DEP
Karl Berger, DEP

1. Welcome, Introductions and Announcements

Chair Shapiro opened the meeting at 10:05 a.m. He called on Steve Bieber of COG staff to make an announcement concerning a Bay-related consent agenda item planned for the April COG Board meeting. Mr. Bieber said that COG would seek approval to enter into a three-year grant with Virginia Tech University to continue water quality sampling at the Chain Bridge monitoring station on the Potomac.

Mr. Bieber also noted that an invitation to attend a breakfast reception of the newly formed congressional task force on the Chesapeake Bay on March 18 had been extended to members of the Bay Policy Committee and would present an opportunity to meet with area congressional representatives.

2. Approval of Meeting Summary for December 5, 2003

The meeting summary was approved.

3. Green Infrastructure Project Presentation

Mr. LeCouteur of COG staff briefed the committee on the mapping products developed as part of a "green infrastructure" demonstration project jointly undertaken by COG and the National Park Service. The COG Board had directed that both the Bay Policy Committee and the Metropolitan Development Policy Committee review the project and provide recommendations for further action.

Mr. LeCouteur explained that green infrastructure is a term given to parkland, wildlife preservation areas and other open spaces within a metropolitan region to highlight its importance. He demonstrated some of the project maps, including a COG region map detailing both the current coverage of various green land covers and how that coverage has changed over time. He also showed maps showing changes in impervious cover over time and a detailed view of the extent of forested buffer coverage in the Anacostia watershed. All these maps were produced through a grant with agencies that had access to satellite and other remote sensing technology; keeping them up to date will require a continuing funding source.

Action Item: The committee directed that the Water Resources Technical Committee consider this effort and recommend appropriate actions back to the CBPC. Mr. LeCouteur was asked to provide copies of the maps on CD-ROM to any interested committee member.

4. Report on Meeting with Rep. Tom Davis

Ms. Gross reported on her Feb. 25 meeting with Virginia Congressman Tom Davis to discuss support for federal legislation to provide funds for the Bay clean-up and specifically for the Chesapeake Bay Nutrient Reduction Act, of which Rep. Davis is a co-sponsor. Ms. Gross noted that representatives of the state of Virginia and the Chesapeake Bay Commission also attended the meeting. She said the meeting was very productive. Although Mr. Davis was not optimistic about the prospects for passing the Nutrient Reduction Act because of various constraints, the group discussed several other potential funding vehicles as well. She noted Mr. Davis' interest in detailed information concerning wastewater plants in the region and his statement that he intends to stay active in the new Bay task force in Congress and to continue working with COG on these issues.

Ms. Gross also noted that she had received formal notification of her appointment to one of the 16 slots on the newly formed Chesapeake Bay Blue Ribbon Funding Panel. The panel is due to hold its first meeting March 30, she said.

5. Action on Proposed Chesapeake Bay Restoration Fund Legislation

Steve Bieber of COG staff briefed the committee on the status of discussions in the Maryland General Assembly concerning legislation (SB320 / HB555) to establish a surcharge on wastewater services to provide funds for further upgrades of wastewater plants. At its previous meeting, the committee recommended that the COG Board support a "reliable and permanent state funding source" for this purpose, which the Board did at its February meeting. He noted that discussion in Annapolis has yielded a number of consensus amendments, which he detailed for the committee. The most controversial issue still remaining, he noted, was on whether to require owners of septic systems to also pay fees into the fund.

Sherry Conway Appel said that Prince George's County is inclined to support the legislation with the discussed amendments, especially if the legislation is clarified to indicate that the fee can be used to support upgrades at the out-of-state Blue Plains facility.

Members also discussed a proposed amendment that would exempt local governments from having to pay the fee on wastewater flows from their facilities. Ms. Davis asked if the exemption included schools, to which Mr. Bieber replied yes.

Ms. Davis also noted that the provision allowing apartment complex owners to re-open tenant leases to pass along the surcharge to residents also would apply to condominium units.

Mr. Lovell expressed dissatisfaction with some of the proposals concerning how to include septic system owners in the collection of fees, saying the legislation is becoming too complicated.

Action Item: Upon the suggestion of Chair Shapiro, the committee agreed not to endorse any specific action to the COG Board at this time. Mr. Williams requested that COG staff keep members informed of any further developments regarding the legislation.

6. Report on COG's Permitting Workshop

Mr. Graham distributed a summary of a recent COG workshop on addressing the regulatory changes regarding the Chesapeake Bay restoration effort and briefly noted some highlights. Given the likelihood of further changes in the regulatory arena, Mr. Karimi said it would be useful to hold a similar workshop next year.

Presentation by MAMWA/VAMWA

Chris Pomeroy of Aqua-Law, counsel to the Virginia and Maryland associations of Municipal Wastewater Authorities, provided a presentation on the perspective of wastewater plant operators on the evolving discussions for getting further nutrient reductions from so-called point sources. He said the shift from a voluntary to a regulatory approach poses a number of problems for the wastewater sector, as does the lack of funding and the unrealistic deadline of achieving reductions by 2010.

Ms. Gross asked what the wastewater associations would recommend in lieu of the 2010 goal. Mr. Pomeroy said that there are some more flexible permitting approaches that could allow plants to reach the targeted goals by 2015.

7. Update on Tributary Strategies

This item was deferred.

8. New Business

None was offered.

9. Adjourn

The meeting was adjourned at 12:00 noon.

Chesapeake Bay Commission
Policy for the Bay · www.chesbay.state.va.us

May 6, 2004

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We write to you today requesting your support for the restoration of the Chesapeake Bay and ask that you make it a top environmental priority. In order to further our potential for success in restoring the Bay, we respectfully ask that you consider issuing an Executive Order that identifies the Chesapeake as a national treasure and directs federal agencies to better coordinate, target and fund the actions needed to fulfill the federal commitments to Bay restoration. We have attached a number of key elements that could be included in such an order.

The Chesapeake Bay is widely recognized as the largest and most productive estuary in the United States. Due to its estuarine nature, the Bay has historically been a remarkably fertile ecosystem and a huge economic engine for the mid-Atlantic region of the country. But the Bay remains seriously impaired. In fact, during the summer of 2003, scientists reported that the volume of oxygen-depleted water in the Bay, known as the "dead zone", had reached the highest levels seen in the last twenty years. Just last month, the EPA released a draft of its second National Coastal Condition Report. Of the five environmental indicators used to assess the health of our nation's estuaries, the Northeast Region, which includes the Chesapeake Bay, received a rating of Poor for three of the five indicators, more than any other part of the country.

For the last 20 years, the citizens, legislatures and Governors of Maryland, Pennsylvania and Virginia, along with the District of Columbia and the U.S. Environmental Protection Agency, have joined forces with the federal government to advance the Bay cleanup. While we cannot ignore our successes, there remains much larger and more critical challenges ahead. More than anything else, the Bay partnership needs dramatic increases in funding from all levels in order to restore this historic resource. Last year, the Chesapeake Bay Commission released a report on what it will cost to clean up the Bay. Our estimate is that between now and 2010, it will take approximately $19 billion. Only about $6.3 billion will be available under current funding scenarios. For these reasons, we also join our federal colleagues in urging you to commit the funds necessary to restore the Bay's water quality.

Headquarters & Maryland Office 60 WEST STREET, SUITE 200 · ANNAPOLIS, MD 21401 PHONE 410.263.3420 · FAX 410.263.9338

Virginia Office P.O. BOX 406 · RICHMOND, VA 23218
PHONE 804.786.4849 · FAX 804.371.0659

Pennsylvania Office 1721 N. FRONT ST. · HARRISBURG, PA 17102
PHONE 717.232.1103 · FAX 717.232.1104

We stand ready to provide whatever assistance you may need in making an Executive Order a reality. Thank you for your kind attention.

Sincerely,

J. Lowell Stoltzfus, Chairman
Maryland State Senate

Emmett W. Hanger, Jr., Vice-Chairman
Senate of Virginia

Michael Waugh, Vice-Chairman
Senate of Pennsylvania

Bill Bolling
Senate of Virginia

Thelma Drake
Virginia House of Delegates

Russ Fairchild
Pennsylvania House of Representatives

Bernie Fowler
Maryland Citizen Representative

C. Ronald Franks
Secretary of Natural Resources, Maryland

Brian E. Frosh
Maryland State Senate

Arthur D. Hershey
Pennsylvania House of Representatives

Irvine B. Hill
Virginia Citizen Representative

James W. Hubbard
Maryland House of Delegates

Kathleen A. McGinty
Secretary of Environmental Protection,
Pennsylvania

W. Tayloe Murphy, Jr.
Secretary of Natural Resources, Virginia

Albert C. Pollard, Jr.
Virginia House of Delegates

Michael H. Weir, Jr.
Maryland House of Delegates

Noah W. Wenger
Senate of Pennsylvania

John F. Wood, Jr.
Maryland House of Delegates

George B. Wolff
Pennsylvania Citizen Representative

Peter J. Zug
Pennsylvania House of Representatives

PROPOSED
PRESIDENTIAL EXECUTIVE ORDER

Regarding the Chesapeake Bay

- Recognize the Chesapeake Bay as a national treasure, an extraordinary ecological, cultural, economic, and recreational resource.

- Acknowledge that although EPA is a signatory to the Bay agreements the federal commitment to aid in the Bay's restoration extends beyond one agency.

- Affirm that all federal agencies involved in Bay restoration will work to achieve the commitments contained in Chesapeake 2000 Agreement (C2K).

- Instruct all involved federal agencies to pursue targeted and sequential restoration efforts through better coordination in their programs and their budget initiatives and to coordinate their work with the states of Maryland, Pennsylvania, Virginia and the District of Columbia to best utilize federal resources in implementing the jurisdictions' tributary strategies.

- Encourage all involved federal agencies, beginning in FY 2005, to pursue the financial resources necessary to fulfill the federal commitments made in C2K and to identify and develop effective, innovative ideas that reduce the costs of healthier water quality and habitat.

- Establish an annual briefing by all involved federal agencies to the Intergovernmental Affairs Office of the White House on actions taken pursuant to this Executive Order.

Proposed by the Chesapeake Bay Commission
May 6, 2004

May 17, 2004

Memorandum

To: Chesapeake Bay Policy Committee

From: Karl Berger, COG staff

Subject: Response to Release of Tributary Strategy Documents (Agenda Item #5, CBPC meeting of May 21, 2004)

The states of Maryland and Virginia and the District of Columbia have recently released tributary strategy documents in accordance with a revised Bay Program deadline of April 30, 2004, for the development of these strategies. As part of the meeting package, you have been provided with background information on the overall purpose of these strategies (Att. 5a), a COG staff summary of some of the strategy details (Att. 5b), and a recommendation for a response from the Water Resources Technical Committee (Att. 5 c), which met May 13 to review the strategy documents.

The strategies are intended to be the Bay Program's blueprint for meeting by 2010 the water quality goals of the Chesapeake 2000 Agreement, as developed by each state. As such, they presumably would detail actions expected of local governments. However, in their review, the members of the WRTC identified a number of shortfalls in the documents.

The goal of Agenda Item #5 is to discuss what responses, if any, that COG can make to the states on behalf of the region that will make these blueprints more meaningful as a guide for action at the local level. Review of the attachments will serve to enhance the discussion of this complicated issue at the meeting.

Chesapeake Bay Program
A Watershed Partnership

www.chesapeakebay.net

Backgrounder

410 Severn Avenue, Suite 109 • Annapolis, Maryland 21403 • 410-267-5700 • toll free 800-YOUR-BAY

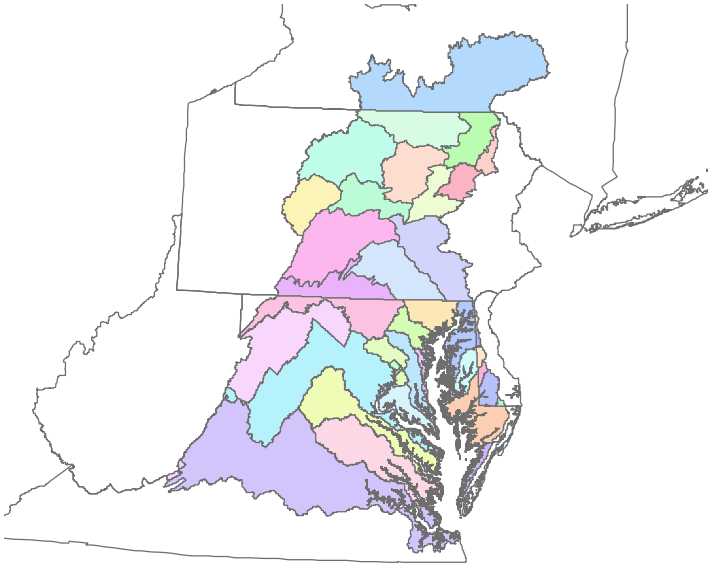
Tributary Strategies are river-specific cleanup strategies that detail the "on-the-ground" actions needed to reduce the amount of nutrients and sediment flowing into the Chesapeake Bay. They are a framework that will evolve over time to chart the most efficient and effective course to a clean Chesapeake Bay.

When all 36 strategies are added together, cleanup plans will be in place in every part of the Chesapeake Bay's 64,000 square-mile watershed. And for the first time, the strategies will aim to reduce nutrient and sediment pollution coming from the Bay's headwaters in Delaware, New York and West Virginia.

Since the signing of the *Chesapeake 2000* agreement, the Bay states have worked with the federal government to develop the scientific understanding needed to restore Chesapeake Bay water quality to levels where the Bay's living resources can thrive. This effort called on the expertise of researchers and policy makers from the six Bay states, the District of Columbia and the federal government.

What are Tributary Strategies?

About three-quarters of the pollution flowing into the Chesapeake Bay comes from "nonpoint sources." Water flowing across city streets, suburban lawns and rural farms picks up pollution and carries it into small creeks and streams that feed the Bay. The challenge to reducing this type of pollution is staggering because it can't be tracked back to a specific source like a particular sewage treatment plant or industrial facility.



To accelerate the protection and restoration of the Bay watershed, Chesapeake Bay Program partners are developing 36 river-specific cleanup strategies that cover all 64,000 square miles in the basin.

To tackle this complex problem, Tributary Strategies aim to reduce nutrient and sediment pollution coming from all sources – and they are designed to work on a watershed-by-watershed basis. The strategies will aim to reduce pollution coming from land, air and point sources.

The strategies are developed independently by each Bay state and focus on reducing nutrient and sediment pollution in each sub-watershed that flows into the Chesapeake Bay. For major Bay tributaries that drain from land in multiple states, such as the Potomac or Susquehanna Rivers, each state develops a plan for their part of the watershed. These strategies are then added together to insure that the required nutrient and sediment reductions are accounted for in each river basin.

The nutrient reduction goals, or allocations, were cooperatively developed and adopted by the Bay states in April 2003 and are based on the specific water quality needs of the Bay's plants and animals. Annual allocations for the amount of nitrogen, phosphorus and sediment loads were set for the entire watershed and then subdivided into nine major river basins. Those allocations were then further subdivided by political boundaries, providing each of the Bay states and the District with a target allocation for each watershed in their jurisdiction.

-more-

Stakeholder Involvement: Working Together to Reduce Bay Pollution

Reaching the ambitious nutrient reduction goals needed to restore the Bay will not be easy. It will likely require changes in the way we manage our land and live our lives. With more than 16 million people living and working in the Bay watershed, our personal impact on water quality takes a significant toll on the quality of local waters.

In developing the strategies, Bay Program partners worked with farmers, local governments, urban planners, resource managers, conservation organizations and civic groups. Because many of these plans have the support of those who will implement them, Bay restoration leaders hope to be able to accelerate the implementation of the pollution reduction programs needed to improve water quality locally and downstream.

Even with very extensive stakeholder involvement, some practices and levels of public support included in the current strategies will require some stakeholder groups to do more than they are currently willing. This increased implementation level, however, is critical to meeting the ambitious pollution reductions needed for a healthy Bay.

Tributary Strategies:
Blueprints for a Restored Bay

Each jurisdiction's plans tackle nutrient and sediment pollution in the most efficient way possible for that part of the Bay watershed. There is no "one-size-fits-all" strategy for the entire Bay watershed. Each tributary-specific strategy is designed to address the unique land-use characteristics of that watershed. Pollution reduction actions needed in rural watersheds, for example, vary greatly from those needed in more urban areas. Regardless of the type of watershed, however, every strategy is based on a specific nitrogen, phosphorus and sediment allocation.

Many rural Tributary Strategies rely heavily on working with farmers to reduce the amount of nutrients and sediment flowing from cropland and pasture. Baywide, about 42 percent of annual nitrogen loads comes from agriculture. Many strategies reduce pollutant loads by relying on a few key “best management practices” (BMPs) which can include:

Cover Crops reduce erosion and the leaching of nutrients to groundwater by maintaining a vegetative cover on cropland. This practice involves seeding cereal crops into recently harvested cropland with little disturbance of the surface soil. As they grow, the new crops capture or “trap” nitrogen and prevent it from reaching local streams and the Bay.

Enhanced Nutrient Management or “Yield Reserve” is a reduction in nitrogen applied to cropland beyond the nutrient management recommendation. Based on research, the nutrient management rates of nitrogen application are set approximately 35 percent higher than what a crop needs to ensure nitrogen availability under optimal growing conditions. In a yield reserve program, the farmer would reduce the nitrogen application by 15 percent. An incentive or crop insurance is used to cover the farmer’s risk of yield loss.

Conservation Tillage involves planting and growing crops with minimal disturbance of the surface soil. This practice reduces nutrient and sediment runoff by leaving residue from the previous crop on the land and minimizing erosion.

Forest or Riparian Buffers are wooded areas along rivers, streams and shorelines that help filter nutrients, sediments and other pollutants from runoff. In some areas of the Bay watershed, buffers can reduce nutrient and sediment pollution by 70 percent.

Reducing pollution from urban areas is equally critical to restoring the Bay. Tributary Strategies will call on many municipalities to upgrade sewage treatment plants to reduce the amount of nitrogen reaching local waters. Baywide, sewage treatment plants contribute 19 percent of the total nitrogen flowing into the Bay each year. Additionally, urban areas that contain a large amount of impervious land – where water cannot be naturally filtered by penetrating into the ground – storm water management techniques will aim to reduce pollutants carried by storm drains into local streams. Urban management practices can include:

Enhanced Nutrient Removal (ENR) *uses* new technologies to further reduce the amount of nutrients flowing from sewage treatment plants, which can result in rapid improvements in local water quality.

Low-impact Development Practices **(LID)** include a variety of techniques including rain gardens, rain barrels, roof gardens and down spout (gutter) disconnects. These practices improve water quality in local streams and the Bay by filtering pollutants into natural areas and minimizing erosion and storm water flow.

Erosion and Sediment Control Practices, such as silt fences, protect local streams from sediment pollution and increases in runoff associated with land development activities. By retaining soil on-site, sediment and attached nutrients are prevented from leaving disturbed areas and polluting streams.

Septic System Upgrades will reduce the amount of nitrogen flowing into the Bay. By retrofitting or replacing traditional septic systems with more advanced denitrification systems – or connecting existing septic systems to a wastewater treatment plant – annual nitrogen loads to the Bay can be decreased.

Funding Tributary Strategies

Recent estimates place the cost of improving Chesapeake Bay water quality at approximately $11.5 billion. However, the cost of failing to do so is far greater.

In March 2004, the Chesapeake Executive Council convened the Chesapeake Bay Watershed Blue Ribbon Finance Panel to develop innovative solutions to securing the billions of dollars needed to implement Tributary Strategies watershedwide. The Strategies will provide the Panel the best estimate to date of the on-the-ground actions needed to restore the Bay. The Panel will present its recommendations in October 2004.

Tributary Strategies: An Impetus for Change

Tributary Strategies provide a framework that will evolve over time to chart the most efficient and effective course to a clean Bay. As they mature, the strategies will detail what funding initiatives are needed, what policies must be implemented and what technologies need to be developed to expedite Bay restoration. As technology improves, new innovations will be incorporated into the existing plans, allowing Bay Program partners to find new ways to reduce our collective impact on the Bay.

The Strategies show us the incredible magnitude of the actions needed to bring the Bay back into balance. Their ultimate success relies on everyone in the watershed showing the collective social and political will to put these plans into practice and do what is needed to bring back the Bay.

For additional information about restoring the Chesapeake Bay, visit www.chesapeakebay.net

Summary of State and District of Columbia Tributary Strategies Att. 5.b

COG staff document
May 17, 2004

Maryland

- Released 10-page executive summary of final plan; no comment period
- Addresses load allocation for state as a whole, not by basin; no specific targets by WWTP or by jurisdiction; summary tables of measures needed and costs
- Implementation plan promised by December 2004
- Overall cost estimate is $13.6 billion, some of this funding to come from flush tax
- Largest cost items to address urban and rural nonpoint sources such as stormwater retrofits ($1.1 billion), erosion and sediment control ($2.8 billion) and septic denitrification ($6.1 billion)
- Point source efforts assume all major WWTPs will achieve at least 4 mg/L TN at design capacity; cost estimate of $1 billion to come from flush tax

Virginia

- Released 59-page draft plan for Potomac-Shenandoah river basin; COG has submitted technical comments
- Addresses load allocation for basin as a whole; no specific targets by WWTP or by jurisdiction; summary tables of measures needed and costs
- Implementation plan promised, but no deadline given
- Overall cost estimate statewide is $3.2 billion ($750 million for Potomac-Shenandoah); no funding sources are identified
- Nonpoint source controls account for about half the costs in basin, including $60 million for erosion and sediment control, $54 million for septic denitrification and about $172 million for various retrofit measures
- Point source efforts assume all major WWTPs will achieve at least 4 mg/L TN at 2010 projected flows; cost estimate is $340 million

District of Columbia

- Released 91-page draft plan, with 45-day comment period
- Addresses load allocation for District within context of other major water quality initiatives (Long-Term Control Plan for CSO discharges and Anacostia restoration efforts)
- Very specific details given for implementation
- Overall cost estimate is about $25 million, not counting costs such as $1.2 billion for the Long-Term Control Plan
- Documents aggressive use of new nonpoint source control measures such as LID in areas outside of combined sewers
- Point source strategy assumes use of nutrient equivalency (P reduction beyond allocation can translate into credits for N reduction); District's share of Blue Plains flow is assumed at 7.5 Mg/L TN and 0.18 mg/L TP, which is more or less current levels.

Att. 5.c

Proposed Regional Response to Release of Tributary Strategies

WRTC Recommendation to CBPC

May 21, 2004

What are Tributary Strategies?

- **Tributary Strategies are river-specific cleanup strategies that detail the "on-the-ground“ actions needed to reduce the amount of nutrients and sediment flowing into the Chesapeake Bay.**
- **When all 36 strategies are added together, cleanup plans will be in place in every part of the Chesapeake Bay’s 64,000 square mile watershed.**
- **For the first time, the strategies will aim to reduce nutrient and sediment pollution coming from the Bay’s headwaters in Delaware, New York and West Virginia.**

Tributary Strategies are Written for these Basins

Applicability

- Tributary Strategies are:
  - State ‘implementation’ plans to meet C2K Agreement’s nutrient & sediment reduction goals (i.e. the TS allocations)
- Tributary Strategy Allocations will:
  - Define new/revised water quality standards & designated uses (parallel regulatory process)
  - Define allocations for future Bay-related TMDLs

Trib Strategies Overview

- Expectation:
  - State documents would identify specific expectations/assumptions for jurisdictions/facilities
  - Local governments/agencies could plan accordingly
- Reality:
  - Much more specific implementation and cost information still needed at local level
  - State implementation plans won't be developed until December 2004
  - Current plans not likely to meet Potomac allocations

Trib Strategy Info. Gaps

- Trib Strategies for region (MD, VA, & District) need:
  - Implementation details at some local level (i.e., more than just wwtp assumptions)
  - Specific funding plans
  - Feasibility assessments (e.g., urban stormwater retrofits & WWTP load caps)
  - Clear relationship to pending regulations
  - Equity/consistency (e.g., design vs. 2010 flows, Blue Plains)

Trib Strategy Info. Gaps

- Funding Issues:
  - Major funding ‘gap’ already identified
  - CBP’s Blue Ribbon Panel members asked for ‘implementation details’ and ‘specific funding needs’
  - No details provided on what costs may be on a jurisdictional basis

How to Respond

- Do nothing; wait for states to revise, rework *[end 2004]*
- Analyze COG-wide numbers *[Fall 2004]*
  - Region-wide “allocation”; jurisdictional implementation levels for urban stormwater, WWTPs; compare to current levels
  - Cost of varying levels of implementation
- Craft shared regional plan *[future option]*

WRTC Recommendation

- Members to work with COG staff to validate tributary strategy assumptions:
  - Physical and temporal feasibility – How do current and projected implementation levels compare to what the Trib Strategies assume
  - Fiscal feasibility – How much new funding would be required to meet implementation goals

BENEFITS

- Would provide region with information and ability to:
  - Check ‘reality’ of Trib Strategy assumptions
  - Assess regulatory impact:
    - Proposed water quality standards/designated uses
    - Assess feasibility/affordability for UAA input
    - Future TMDLs based on Trib Strategies
  - Quantify regional cost/funding needs
  - Develop foundation for regional wastewater “bubble” or shared plan