

## REVISED DRAFT

Updated 3/609

# COG's Policy Principles for the Restoration and Protection of the Chesapeake Bay and its Tributaries

Local governments and wastewater utilities in the COG region are active partners in efforts to restore and protect the water quality of the Chesapeake Bay and its tributaries and bear much of the responsibility for implementing policies and programs toward that end. COG has a long record of support for such policies and programs and in 1997 adopted four policy principles (see attached) to guide policy development and program implementation. Recently, COG's Chesapeake Bay and Water Resources Policy Committee reviewed the 1997 principles and identified several areas where updating is warranted. The CBPC proposes that the following principles replace those adopted in 1997.

- I. **Holistic Requirements** – Programs and policies to restore and protect the Chesapeake Bay and its tributaries, whether regulatory or not, shall reflect a holistic, multi-sector analysis of environmental benefits, technical feasibility and costs before being established.
  - *Rationale* – It is important to look beyond traditional measures, such as monetary costs and pounds of pollutants reduced. In light of many competing environmental demands and funding constraints, there should be full recognition of environmental benefits and costs and multi-media implications in developing all policies, regulations and programs.
- II. **Equitable Responsibility** – Programs and policies to restore and protect the Chesapeake Bay and its tributaries shall strive for equity and cost-effectiveness in allocating responsibilities among regions, counties and municipalities and among the different sources of pollution.
  - *Rationale* – Local governments and utilities recognize their responsibility to implement programs and projects to help improve and protect water quality. It is critical that the sources of pollution from all sectors be adequately addressed so that water quality is improved and the investment produces tangible results with equitable sharing of the overall responsibility.
- III. **Sound Science** – Programs and policies to restore and protect the Chesapeake Bay and its tributaries shall rely on a sound scientific foundation and shall be revised as needed, reflecting advances in that foundation.
  - *Rationale* – Even when sound science does provide the basis for programs and policies to protect water quality, that basis will and should change as new information is determined. Accordingly, water quality programs and policies should be open to adaptation to reflect new scientific findings.
- IV. **Communication and Voice** - Programs and policies to restore and protect the Chesapeake Bay and its tributaries, whether regulatory or not, should be developed through a cooperative process among stakeholders including local governments and wastewater utilities. Given their implementation responsibilities, local governments and wastewater utilities shall be engaged at the earliest stages of these development processes.
  - *Rationale* – Local governments and wastewater utilities are the primary implementers of wastewater and urban stormwater management projects. Not only do they have substantial financial obligations, they also have extensive expertise and experience to offer. Their input early in the processes is critical to ensure that effective and realistic programs and policies are developed.

R25-97  
ADOPTED July 9, 1997

Metropolitan Washington Council of Governments  
777 North Capitol Street, N.E.  
Washington, D.C. 20002

**RESOLUTION ESTABLISHING POLICY PRINCIPLES ON THE  
FUTURE DIRECTION OF THE CHESAPEAKE BAY PROGRAM**

**WHEREAS**, the Metropolitan Washington Council of Governments ("Council") has passed a resolution (R37-92) endorsing the goals of the 1987 Chesapeake Bay Agreement, the subsequent 1992 Amendments, and the efforts of the District of Columbia, Maryland, and Virginia agencies to develop nutrient reduction strategies for the Potomac River; and

**WHEREAS**, the Council passed a resolution (R27-94) supporting the Regional Pilot Program (RPP) -- which is a voluntary, cooperative, non-regulatory program that identifies the need for state/federal cost-share funding, and that defines how the region is to meet the goals of the Chesapeake Bay Program; and

**WHEREAS**, the Council passed a resolution (R33-96) reaffirming its support for the RPP as the best way for the Washington metropolitan region to meet the goals of the Bay Program; and

**WHEREAS**, Resolution R33-96 also charges the Council's Environment and Public Works Directors Committee (EPWDC) with continuing to evaluate the scientific basis of the Bay Program, to seek joint water quality modeling research efforts with the Bay Program to address areas of uncertainty, and with identifying the impact of Bay Program policies on regional development issues; and

**WHEREAS**, the Bay Program is currently in the midst of an effort (the 1997 reevaluation) to evaluate the status of tributary strategies designed to achieve an overall 40-percent reduction in the amount of nutrients reaching the Chesapeake Bay; and

**WHEREAS**, the outcome of the 1997 reevaluation could have a significant impact on Bay Program policies and, in turn, on their impact on the costs of wastewater treatment and development policies in the Washington region; and

**WHEREAS**, the Bay Program should continue to be a collaborative effort in which the federal, state and local government partners mutually agree on the measures necessary to obtain the goals of the Bay Program,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:**

1. The following four policy principles be communicated to the Bay Program's Executive Council to help guide its review of Chesapeake Bay program policy through the 1997 reevaluation.

**I. Voluntary Status:** The Bay Program and its partners should retain their commitment to seek voluntary actions rather than require regulatory responses to achieve the goals of the Chesapeake Bay Program.

**II. Equity:** The tributary strategies should achieve equity in the efforts undertaken by different regions within the bay watershed and between different categories of pollutant sources.

**III. Good Science:** The policy decisions of the Chesapeake Bay Program should be based on accurate, adequately documented scientific information.

**IV. Voice:** Because local governments are making significant financial commitments to support the implementation of Bay Program policies, they should have a significant voice in the development of policies; representatives from the states are not a sufficient surrogate for local government officials.

and

2. The nine specific recommendations based on these policies that have been developed by the EPWDC and attached to this resolution are endorsed and shall be communicated to the Executive Council through the Bay Program's Principals Staff Committee.



Recommendations

- I.1. The reduced levels of nitrogen discharges that are achieved during the voluntary implementation of biological nutrient removal (BNR) or other denitrification processes by Washington area wastewater treatment plants should not be incorporated into National Pollutant Discharge Elimination System (NPDES) permits.
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- II.1 Non-signatory states within the watershed should become signatories to the Chesapeake Bay Agreement or otherwise agree to the commitments of the current signatories.
- II.2 To allow for the most cost-effective mix of control measures to be implemented by state and local governments, the Bay Program should allow credit for air deposition control measures (and the related nutrient reductions) in achieving the established 40-percent reduction goal.
- II.3 The Bay Program should not seek any further reductions in nitrogen discharges from wastewater treatment plants in the Washington region beyond those that will be realized from implementation of BNR or equivalent removal processes until the Bay Program has formulated: a) a policy for addressing atmospheric loads from non-signatory states; b) a policy for addressing point-to-point and point-to-nonpoint trading within basins; and c) an equitable basis for requiring reductions from point and nonpoint sources within the Potomac River basin and throughout the bay watershed.
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- III.1 The Bay Program should assist the COG region in funding an upgrade to the Potomac River portion of the existing Bay Program water quality model.
- III.2 The Bay Program should address unresolved technical issues identified by local government officials in the Washington metropolitan region during the course of the Bay Program's 1997 reevaluation modeling work.
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- IV.1 The Bay Program should address unresolved policy issues concerning nutrient pollution from air sources, the use of cost-benefit analysis, the impact of population growth and the future direction of control efforts as identified by the region's local government officials.
- IV.2 The Bay Program should define a formal input and review process for proposed policies that would allow more active participation by local governments in the development of those policies (such as scheduled review periods and postings on the Internet, for example).
- IV.3 The role and membership of the Bay Program's Local Government Advisory Committee should be reorganized to accommodate more direct local government input into the policy development process (as indicated in the previous recommendation).

I hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Directors of the Metropolitan Washington Council of Governments at its meeting of

July 9, 1997

James M. Smith

Clerk to the Board of Director

40 years of local governments working together for a better metropolitan region

## COG Policy Principles on the Future Direction of Chesapeake Bay Program Policy

as recommended by the Environment and Public Works Directors Committee

July 9, 1997

### POLICY PRINCIPLES:

- I. Voluntary Status:** The Bay Program and its partners should retain their commitment to seek voluntary actions rather than require regulatory responses to achieve the goals of the Chesapeake Bay Program.
- II. Equity:** The tributary strategies should achieve equity in the efforts undertaken by different regions within the bay watershed and between different categories of pollutant sources.
- III. Good Science:** The policy decisions of the Chesapeake Bay Program should be based on accurate, adequately documented scientific information.
- IV. Voice:** Because local governments are making significant financial commitments to support the implementation of Bay Program policies, they should have a significant voice in the development of policies; representatives from the states are not a sufficient surrogate for local government officials.
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Specific recommendations under each of the four principles to be made to the Executive Council of the Bay Program are detailed on the accompanying pages.



**PRINCIPAL: I. Voluntary Status** The Bay Program and its partners should retain their commitment to seek voluntary actions rather than require regulatory responses.

**RECOMMENDATIONS:**

- I.1. The reduced levels of nitrogen discharges that are achieved during the voluntary implementation of biological nutrient removal (BNR) or other denitrification processes by Washington area wastewater treatment plants should not be incorporated into National Pollutant Discharge Elimination System (NPDES) permits.

**RATIONALE:**

- The fundamental basis of the several Chesapeake Bay agreements is that the restoration program is a voluntary, cooperative program.

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**PRINCIPAL: II. Equity** The tributary strategies should achieve equity in the efforts undertaken by different regions within the bay watershed and between different categories of pollutant sources.

**RECOMMENDATIONS:**

- II.1 Non-signatory states within the watershed should become signatories to the Chesapeake Bay Agreement or otherwise agree to the commitments of the current signatories.
- II.2 To allow for the most cost-effective mix of control measures to be implemented by state and local governments, the Bay Program should allow credit for air deposition control measures (and the related nutrient reductions) in achieving the established 40-percent reduction goal.
- II.3 The Bay Program should not seek any further reductions in nitrogen discharges from wastewater treatment plants in the Washington region beyond those that will be realized from implementation of BNR or equivalent removal processes until the Bay Program has formulated: a) a policy for addressing atmospheric loads from non-signatory states; b) a policy for addressing point-to-point and point-to-nonpoint trading within basins; and c) an equitable basis for requiring reductions from point and nonpoint sources within the Potomac River basin and throughout the bay watershed.

**RATIONALE:**

- All stakeholders in the bay watershed will need to participate actively in the Bay Program's efforts if success is to be achieved.
- All nutrient sources and potential reductions should be available to the states and local governments to allow them to implement the most cost-effective reductions and to use all available funding sources.
- It would be inequitable to require one segment of the bay community to make additional commitments when others in the watershed have not met their own initial commitments.



**PRINCIPAL: III. Good Science** The policy decisions of the Chesapeake Bay Program should be based on accurate, adequately documented scientific information.

**RECOMMENDATIONS:**

- III.1 The Bay Program should assist the COG region in funding an upgrade to the Potomac River portion of the existing Bay Program water quality model.
- III.2 The Bay Program should address unresolved technical issues identified by local government officials in the Washington metropolitan region during the course of the Bay Program's 1997 reevaluation modeling work.

**RATIONALE:**

- Upgrading the model will help the region and the Bay Program gain a better understanding of the impact of nutrient pollutants on water quality and living resources in the Potomac River estuary and the role of Potomac River water quality in the overall health of the bay.
- Upgrading the model will help the region and the Bay Program address many of the technical water quality issues raised by COG region officials during the development of the tributary strategies.
- An upgraded model will provide a better management tool for the region and the Bay Program to use in furthering the implementation of the state's tributary strategies (e.g. developing trading scenarios, addressing growth, etc.).
- By addressing the technical issue, the Bay Program will provide the region's local governments with some of the answers they need to support any proposed actions and the attendant costs to their ratepayers and customers.

**PRINCIPAL: IV. Voice** Because local governments are making significant financial commitments to support the implementation of Bay Program policies, they should have a significant voice in the development of policies; representatives from the states are not a sufficient surrogate for local government officials

**RECOMMENDATIONS:**

- IV.1 The Bay Program should address unresolved policy issues concerning nutrient pollution from air sources, the use of cost-benefit analysis, the impact of population growth and the future direction of control efforts as identified by the region's local government officials.
- IV.2 The Bay Program should define a formal input and review process for proposed policies that would allow more active participation by local governments in the development of those policies (such as scheduled review periods and postings on the Internet, for example).
- IV.3 The role and membership of the Bay Program's Local Government Advisory Committee should be reorganized to accommodate more direct local government input into the policy development process (as indicated in the previous recommendation).

**RATIONALE:**

- These recommendations are consistent with a basic principle of the Bay Program that stakeholders should have a voice in the decisions that affect them.