



**CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE
MEETING SUMMARY – DRAFT
January 27, 2017**

1. CALL TO ORDER/WELCOME & INTRODUCTIONS

Chair Sze called the meeting to order at 10:05.

Chair Sze welcomed new committee members Walter Ficklin, Bladensburg, and Pete Candland, Prince William County, and gave them an opportunity to introduce themselves.

As incoming chair, Mr. Sze said he looks forward to hearing member updates at each of the committee meetings, and that he would like the CBPC to continue its advocacy work through collaboration with partner organizations, and the Advocacy Workgroup. Chair Sze would also like to continue to promote events such as Chesapeake Bay Awareness Week with expanded outreach efforts and additional member government resolutions.

2. APPROVAL OF DRAFT SUMMARY FROM NOVEMBER 18TH CBPC MEETING

The draft summary of the November 18, 2016 meeting was approved as submitted.

3. 2017 LEGISLATIVE OVERVIEW

Patricia Sinicropi, Senior Legislative Director, National Association of Clean Water Agencies (NACWA)

Les Knapp, Legal and Policy Counsel, Maryland Association of Counties (MACo)

Heidi Bonnaffon, COG Environmental Planner

Ms. Sinicropi provided details of the 115th Congress, including committee members and legislative activity that NACWA is closely tracking. She noted that on the Senate's Environment and Public Works Committee, Senator Barroso is the Chairman and Senator Carper, from Delaware, is the ranking member. Christophe Tulou (formally of the District of Columbia and Chesapeake Bay Program) now works in Senator Carper's office. Ms. Sinicropi also reported on several key issues of importance to the water sector, noting that the House voted to repeal the 'Chevron Deference' (which generally gives deference to EPA on regulatory interpretations); the Stream Protection Rule, and to limit federal agencies' use of "sue and settle" litigation, and is attempting to make use of the [Congressional Review Act to repeal other rules](#) such as the Waters of the U.S. (which expanded the range of EPA's authority).

Ms. Sinicropi also briefed the CBPC on NACWA's water infrastructure platform, which called for:

1) Increased funding for Clean Water Infrastructure:

- NACWA called for a tripling of the Clean Water State Revolving Loan Fund (SRF):
- President Trump called for tripling of SRF dollars during his campaign; which would amount to an additional trillion dollars over ten years.

2) Protection for Continued Tax-exempt Status of Municipal Bonds:

- Tax exempt bonds have been a critical source of funding for water and wastewater infrastructure projects.

- Any policy to alter the tax-exempt status of bonds would cost municipalities billions of dollars and have adverse impacts on projects, and customer rates.
- President Trump’s proposal to flatten taxes could also have a negative impact on tax-exempt bonds.

3) Address Affordability and Low Income Challenges:

- [PBS Newshour](#) featured Michigan State University research that water and wastewater utility rates may be unaffordable for as much as one third of the public.
- NACWA is calling for a Water Rate Payer Low Income Assistance Program, like what is done on the energy side, which would allow ratepayers to cover the bulk of investment costs without the risk of additional financial burden on low income households. Rate raises have generally been deferred but are necessary to allow for infrastructure investment.
- NACWA also called on EPA and DOJ to revise their outdated affordability guidelines.

4) Regulatory Reform: NACWA recommendations included, but were not limited to asking EPA to:

- Expand on their integrated planning efforts for all National Pollutant Discharge Elimination System (NPDES) permits. And that EPA should work with Congress to codify integrated planning in the Clean Water Act.
- Streamline the SRF application process to reduce the paperwork and bureaucracy associated with the loans.
- Utilize greater flexibility in establishing wet weather regulations, including combined and sanitary sewer overflows (CSOs, and SSOs), and in determining how to meet the “maximum extent practicable” standard for stormwater discharges.

For additional recommendations and more details see [NACWA's December 12th letter](#) to President-Elect Trump.

Mr. Knapp, joined via conference call, and shared an overview of the 2018 Maryland budget, MACo’s key issues, and bills they are tracking.

1) Maryland’s 2018 budget:

- The budget proposes to increase the county funding requirement for the State Department of Assessments to 90% in FY 2019. This is a high percentage of county funding for a state agency.
- Mr. Knapp cautioned that the state budget deficit could climb back to \$1.2 billion by FY 2022, which could negatively affect Maryland’s Triple A bond rating.

2) Land Use and Environmental Legislation

- Clean Water Commerce Act (SB 314) - MACo has yet to take a position. MACo does not want wastewater and septic upgrades be adversely affected by the \$10 M in the Fund being reallocated to the nutrient trading credit program.
- Maryland Energy Innovation Institute (HB 410/SB 313) - MACo’s initial position is positive towards this bill.
- Best Available Nitrogen Removal Technology Septic Systems (HB 281/SB 266) - MACo opposes this bill.
- No Net Loss of Forests Mandate (SB 365) - Increases forest offset to 1:1; increases the fee-in-lieu for forest acre fees. MACo had not yet taken a position on this bill.
- MS4 Phase II Permits: The State of Maryland has issued Phase II stormwater permits for five new counties and eight new municipalities. MACo had not yet taken a position on this bill.

- Polystyrene Food Service Products and Polystyrene Loose Fill Packaging-Prohibition on Sale. Mr. Knapp said that MACo will not take a position, but he felt despite business opposition, this bill has a reasonable chance of passing. MACo was not taking a position.

Ms. Bonnaffon reported that the Board approved 2017 COG Legislative Priorities recommended by the CBPC. The Legislative Priorities provide a platform for guiding CBPC actions.

Ms. Bonnaffon reported on the Maryland General Assembly non-flushable wipes bill and COG's work, noting that the CBPC had submitted a letter to the Chesapeake Bay Commission (CBC) at the end of December, requesting that Maryland and Virginia develop legislation similar the District of Columbia's ground breaking wipes legislation. She said that Maryland has introduced a Senate Bill 280 (Environment-Non-woven dispersible products-Labeling and Advertising) very similar to the District's, and Senator Guzzone, a delegate to the CBC, is sponsoring the bill.

Member Discussion:

- Ms. Gross said that Congress ought to be reminded that tax exempt municipal bonds are not only critical for funding hidden water and wastewater infrastructure, but also for supporting brick and mortar community facilities such as libraries, police stations and schools.
- Mr. Charles asked for clarification on what is affected under the current administration's freeze on EPA grants and contracts. Ms. Sinicropi responded that the freeze does not include block grants, or SRF funds.
- Mr. Karimi asked about advocating for green versus gray infrastructure for stormwater. Ms. Sinicropi responded that the infrastructure options will be evaluated based on costs and that President Trump appears to like traditional pipes infrastructure.
- Mr. Karimi requested an update at the March CBPC on the issues that Ms. Sinicropi is tracking.

Action Items:

- COG staff will discuss further with NACWA whether a CBPC letter regarding the federal issues would make sense.

4. CHESAPEAKE BAY PROGRAM – UPDATES ON KEY ISSUES & ACTION TIMELINE FOR LOCAL GOVERNMENTS & WATER UTILITIES

Ms. Spano provided a brief overview of CBP actions and ongoing decisions. She noted the short timeframe for CBP to make several critical decisions, and the decisions are based upon both policy principles as well as scientific merit. Highlights of her updates included:

- Ms. Spano has been confirmed for another year as an at-large member of the CBPC's Water Quality Goal Implementation Team (WQGIT), and in that capacity, she will continue to represent COG member interests in various CBP forums.
- With COG staff support, the WRTC will be reviewing and analyzing output from the significantly modified Bay Watershed Model when it is released this spring.
- While the new federal administration may push for dramatic changes at EPA and as suggested, in the Chesapeake Bay Program; it is staff's view that for the water sector any such initiatives are unlikely to drastically modify current Chesapeake Bay TMDL obligations because most of the obligations are already codified in permits, and state regulations. However, changes at EPA could result in no new initiatives and reduced enforcement.
- Referencing the discussion on the Conowingo Dam loadings that were discussed at the November 2016 CBPC meeting; the CBP has not yet decided on which of three options they

would use to allocate the additional nutrient and sediment loadings from behind the Conowingo Dam. The three options for allocating those loads are: a) Increasing the load allocations for Pennsylvania and Maryland based on their contributions from the Susquehanna watershed; b) Allocating across all or perhaps just the primary Bay states; or c) Using cost-effectiveness as the determining factor for the allocation of additional loads. These are significant loads, will have important economic implications, and it will clearly be an important policy issue for the CBPC to consider for comment.

- The Watershed Model has also been updated to reflect the impact of improvements in air quality on water quality.
- The CBP Partnership agreed to require Local Area Goals (formerly Targets) to be set at below the basin level, to allow the states flexibility on how best to define and quantify localized planning efforts. Goals will be used to develop the Phase 3 Watershed Implementation Plans (WIPs). The Partnership also agreed that these goals are not intended to be directly incorporated into permits.

Member Discussion:

- Mr. Charles asked whether the Bay TMDL Mid-Point Assessment (MPA) is going forward despite other delays, and what is the likelihood of the Bay TMDL being reopened. Ms. Spano responded the MPA is proceeding – and that there will be a model Fatal Flaw Review (currently in the April/May timeframe). She also stated that even if the new modeling results and progress runs indicate that there are still major reductions in nutrients and sediments needed in the Phase 3 WIPs to reach the TMDL goal by 2025, based on conversations with EPA staff the Bay TMDL is unlikely to be opened until after 2019.

5. MEMBER PROGRAM/ACTIVITY HIGHLIGHTS

On behalf of Karen Pallansch, Ms. Spano shared news about Alexandria Renew Enterprise's *Envision Award*, and other accolades.

- The Envision designation is similar to LEED, but focuses on Infrastructure and broader environmental benefits
- Alexandria Renew's Nutrient Management Facility (which the CBPC toured in 2015) is the first in the Virginia/Metropolitan DC area to receive an Envision Award, and is the first U.S. wastewater plant to receive a platinum award
- Alexandria Renew also received NACWA's NEAA 2016 recognition as "Utility of the Future today" and will be accepting two NACWA NEAA 2017 Awards in 2017.

See this [COG Connection](#) for additional details on Alexandria Renew's Awards.

6. MEMBER & STAFF UPDATES

A. Member Updates

Chair Sze stated that he looks forward to receiving members' programmatic and project updates at CBPC meetings, saying this allow members to collaborate with one another, and in some cases, may lead to additional actions. He noted that the November CBPC meeting will focus will be on green jobs and the economy.

B. Staff and other Updates

- 1) *Potomac River Sheen Discharge Event - David McDonough, Director, Emergency Management & Homeland Security, WSSC*

Mr. McDonough provided an overview of the sheen event on the Potomac that occurred in November through December of 2016, and which aspects of the response went well and where there were challenges. See [McDonough's Power Point](#) for further details and images.

Key points from the presentation included:

- There is a heavy regional reliance on the Potomac River as the region's primary source of water.
 - 4.5 million people in the metropolitan Washington region rely on surface water for drinking water.
 - WSSC gets 70% of its water from the Potomac River.
 - If intakes on the Potomac had to remain closed for a prolonged period of time, then water systems would begin having significant disruptions to service within 24 – 48 hours.
 - Three days of service disruption could result in an estimated \$1 B economic cost.
- Sheen event timeline:
 - On November 27, the Interstate Commission for the Potomac River Basin (ICPRB) regional alert system first reported a 150-gallon oily spill.
 - ICPRB Spill Model estimated an 8-hour travel time to the Leesburg intake.
 - November 28th, EPA Region 3 is lead in a Unified Command response. The utilities are not included. Fly overs. COG began holding coordination calls for the water utilities and the utilities deployed booms to keep the unknown substance from entering water intakes. COG and WSSC issue press releases.
 - November 29-December 3: VA utilities survey the shoreline. EPA sets up a mobile command post and mobile lab to try to identify the substance causing the sheen and its source.
 - November 29-December 17-Utility/COG daily calls between utility operations, labs, and PIOs.
 - December 4, it appeared as though the sheen increased.
 - December 5, NRG in Dickerson turbine oil was identified as the source of the discharge and it shuts down operations.
 - December 25/26 EPA demobilized the command center
- What worked well with the spill response:
 - ICPRB's regional spill alert system
 - Utilities' rapid deployment of Emergency Response Plans, to close inlets and deploy the booms, ahead of Unified Command.
 - The region's early warning monitoring system provided real-time data.
 - COG's coordinating calls for status updates.
- What were some of the challenges?
 - Drinking water protection was not the primary objective of the Unified Command.
 - EPA did not initially include the water utilities as part of the unified command because there was a greater emphasis placed on identifying the responsible party, versus stopping the spill, and protecting drinking water.
 - Unified command's release of action plans, status updates, etc. were not supplied to the water utilities, and came too late for decision-making by the

- water utilities.
- Since the spill was an oily substance, the ICPRB spill model did not fully apply. The spill model assumes a substance is mix with the water column, whereas the oil sat on top of the water as it moved downstream.
- After action focus on Redundancy and Resiliency:
 - Continue to explore avenues for increasing reservoir storage
 - Continue to seek funding for interconnections between utilities
 - Continue to update and exercise the region's Water Supply Emergency & Drought Management Plans
 - Utilities are developing after action reports.
 - Source water protection partnerships: Emphasize spill prevention.
 - Continue dialogue and relationship building with Colonial Pipeline
 - Emphasis the need for water utility direct involvement in future regional command and response situations; noting that protection of drinking water should be the top priority.

Member Discussion:

- Ms. Gross said she was angered at reading EPA's Unified Command's deprioritizing of drinking water, as water security and safety should be the number one concern. Ms. Gross suggested the need for follow-up communication with EPA about the spill response, and for the COG region to continue to exercise its emergency response plans.
- Ms. Holman mentioned a National Infrastructure Advisory Council's [Water Sector Resilience Final Report](#) which states that in the Homeland Security National Response Framework, that water is spread across four different emergency support functions. And that this gives water less visibility with leadership, and tends to dilute the focus on water resource issues during an emergency.
- Several members voiced interest in learning more about COG's emergency planning, and resiliency and redundancy research. Ms. Spano said that Steve Bieber, COG staff, is already scheduled to present this information at the March CBPC meeting.

2) The U.S. Army Corps of Engineers and COG's Proposed Coastal Storm Risk Management Study briefing was deferred to the next meeting due to time constraints. Ms. Spano asked members to read the meeting handouts which provides background on the study, and to let her know if they have any questions or interest in this study.

7. ADJOURNMENT

Chair Sze adjourned the meeting at 12:12 P.M.

The next CBPC meeting will be **Friday, March 17**, from 10:00 to 12:00 at COG.