



CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE
Bay & Water Quality Forum with EPA and States
MEETING SUMMARY - **DRAFT**
September 16, 2016

1. CALL TO ORDER AND INTRODUCTIONS

Chair Rice called the meeting to order at 10:00 a.m.

2. APPROVAL OF DRAFT JULY CBPC/CEEPc MEETING SUMMARY

The July 27th Joint CBPC/CEEPc meeting summary was approved, and finalized with modification of the symbol used to denote members serving on both CEEPC and CBPC committees.

3. MEMBER AND STAFF UPDATES

A. MEMBER UPDATES

1. Ms. Holman announced that DC Water held its first Family Water Festival on September 10 at its Bryant Pumping Station. It included education and entertainment to engage kids in water issues, and was a success.
2. Mr. Karimi shared that stormwater and green infrastructure will be the focus of this year's Cities Alive Green Roofs and Green Walls Conference, on November 1 and 2. Mr. Karimi will be speaking, and he has some free passes for anyone interested in attending.
3. Ms. Feldt, noting that environmental issues are interconnected, announced that Montgomery County has issued an RFP for curbside food waste recycling. Montgomery County has a 70% recycling goal.
4. Ms. Gross said that the Report from the April Chesapeake Bay Environmental Finance Forum is circulating for review and will be out publicly soon. She noted that she was disappointed in the Report's handling of local government financing issues because it failed to acknowledge the unique and varying challenges faced by local governments.

B. STAFF UPDATES

1. On September 14, the COG Board passed Resolution 49-2016, authorizing COG to revise the water resources principles to add the new policy principle in support of flexibility and innovation. The COG Board also passed Resolution 51-2016, authorizing COG to enter into a cost-share funding agreement for U.S. Army Corps of Engineers to develop a proposal to conduct a Coastal Storm Risk Management Study.
2. Please review the handout with the schedule of CBPC meetings and events for FY 2017. The Conowingo Dam tour has been scheduled for September 21. COG is coordinating with Exelon to see whether a second tour date is possible. The November 18th CBPC meeting will be at COG, and will focus on addressing Chesapeake Bay Program issues.

4. INTRODUCTORY REMARKS AND HIGHLIGHTS OF KEY EPA/STATE ACTIVITIES

Chair Rice opened the Forum by saying that we have common water quality objectives. No one wants a Flint situation, and we all agree about the importance of keeping our water safe. There are water security challenges, aging infrastructure, and a need for government investment in water resources. While there is not a silver bullet, we should publicly celebrate the gains we have made in the water sector, and help residents connect to the issues. This spring the *Bay Journal* published Chair Rice's Op ed with a photo of his daughter fishing. He mentioned his personal connection to the Bay was crabbing in Virginia Beach as a child, and now thirty years later, he can bring his family to the same pier to crab.

The invited guests from EPA and the states were provided time for opening remarks about their priorities and water quality work.

A. David McGuigan, Associate Director, Office of NPDES Permits, EPA Region III

Mr. McGuigan said that permitting and enforcement are EPA's top priorities, because they are needed for Bay progress. He noted:

- The wastewater sector has met its mark for plant upgrades a decade early, but agriculture and stormwater sectors aren't showing the same level of progress. States have issued MS4 permits, 6-7 years late.
- EPA will work with the states to accelerate the MS4 programs.
 - Trading could be one mechanism, but it would need to proceed with caution, and ensure local water quality protection.
 - Maximum extent practicable (MEP) is another factor for MS4 permits.

B. Rich Batiuk, Associate Director, Science, Analysis, and Implementation, Chesapeake Bay Program, and Jim Edward, Deputy Director, Chesapeake Bay Program

Mr. Batiuk and Mr. Edward shared a PowerPoint presentation (posted to CBPC webpage). Highlights of their presentation are below:

- As we focus on the Bay TMDL mid-point assessment, it is important to celebrate successes before we get into addressing the challenges.
- Water quality successes include:
 - SAV resurgence in the Potomac (half way towards the 19,000 acres goal), and crabs in the Bay,
 - The benefits of wastewater treatment plant upgrades completed 10 years ahead of schedule, and
 - Reductions in NOx air pollution.
- 2017 will be a key year of decisions in terms of developing Phase III WIPs (planning targets, expectations, etc.).
- The Chesapeake Bay Program (CBP) goal is for Bay states to achieve 60% of their 2025 [load reduction] targets by 2017.
- The CBP'S Principle Staff Committee will have three key meetings over the next year to decide on the model updates and the Phase III Watershed Implementation Plans (WIPs).
 - December 2016
 - May 2017
 - December 2017
 - Tommy Wells/Hamid Karimi and Ben Grumbles serve on the committee
- Local Area Targets are intended to make loads real and equitable, across Bay states and

localities.

- BayFast and other planning tools are designed to empower localities with information so that they can make decisions (i.e., BMP type and placement), and celebrate local level accomplishments.

C. Benjamin Grumbles, Secretary, Maryland Department of the Environment (MDE)

Secretary Grumbles noted several MDE priorities and areas of interest for COG members. They are as follows:

- To consider outcomes of the Environmental Finance Symposium report on possible local funding mechanisms.
- For Maryland's Department of the Environment (MDE) to retain its 401 dam relicensing protocol. There is a bill in Congress that wants to take away state licensing authority, and give it all to the federal agencies.
- MDE has taken a holistic view and approach to the environment—land, water, and air.
 - Maryland is furthering its electric fleet and reducing its NOx emissions via the Volkswagen settlement, resulting in \$21M for Maryland.
- MDE will be seeking local engagement in the Phase III WIPs planning process.

D. Russ Baxter, Deputy Secretary of Natural Resources, Office of Governor McAuliffe

Mr. Baxter opened by saying Virginia's natural resources support tourism, such as the example Chairman Rice's provided of his family's crabbing trips to Virginia Beach. Mr. Baxter highlighted Governor McAuliffe's priorities for water quality and how Virginia has been making investments to support on-the-ground water quality efforts.

- The Virginia wastewater treatment plant upgrades were supported by about \$1B in state funding and \$1 B in local funding
- Governor McAuliffe issued Executive Order 52 to maintain nutrient load caps.
- Virginia continues to support local stormwater through the stormwater local assistance fund (SLAF), which has funded stormwater projects in Fairfax, Arlington and other COG jurisdictions.
- Virginia supports water quality trading, even though it has its challenges.
- There are elements regarding advancing private investment from the Environmental Finance Forum, which should be pursued.

E. Tommy Wells, District of Columbia Dept. of Energy and Environment Director

Mr. Wells acknowledged that the District Department of Energy and the Environment (DOEE) is in a unique government situation, where the District of Columbia is the city, county and state all in one, with a direct relationship with EPA. Mr. Wells shared several examples of ongoing DOEE projects, which have involved or do involve regional coordination and partnership. Examples include:

- Regional coordination on the coal tar sealant, Styrofoam and plastic bag bans
- Geese control program, in partnership with the National Park Service (NPS), and lessons learned from Montgomery County's experience.
- DOEE is in process of an Anacostia sediment study: A remedial investigation to see whether they can determine principle responsible parties for pollutants, etc. This is being done in partnership with NPS.
- The MS4 program's strict regulations for new development (no exemptions), and the Stormwater Credit Program, which just closed on an RFP to manage the credit program (administer it, aggregate credits, and purchase/retire credits).

- DOEE has a tree canopy goal of 40% tree cover, with a task of 15,000 trees being planted each year. This project has private sector and NPS partnerships.

5. DIALOGUE

Chair Rice opened the Forum to a dialogue between participants. Below is a summary of the remarks.

- Ms. Gross asked Mr. McGuigan how EPA plans to help make up for permitting lag time. The MS4 permits were delayed, and then it seems to become the responsibility of local governments to make up for that lag time.
- Mr. McGuigan acknowledged the expectations on MS4s and that the litigation further slows implementation.
- Ms. Davenport (VA DEQ) remarked that the all Virginia Phase I MS4 permits were issued without litigation. To DEQ this signifies that the TMDL loads for Virginia were translated into an enforceable permit.
- Mr. Charles pointed out that the delays in issuing permits for a lot of jurisdictions means that 2017 is not really a “mid-point assessment” and that there is a shortened period for implementation by the 2025 deadline. Many jurisdictions have been operating under draft planning targets versus real targets. In addition, it is hard to argue the case for funding before local Boards and Councils when there is Phase II MS4 permit lag time, coupled with Phase I permits being challenged.
- Mr. Edward said EPA does not want to push the deadline to 2030.
- Ms. Feldt and Chair Rice pointed out how Montgomery County’s budget gets set by the Council and additional funding cannot later be reallocated to stormwater, just because stormwater issues get increased pressure.
- Mr. Batiuk said that the COG region is a national example of innovations, and is a testing ground for new approaches and BMPs.
- Mr. Batiuk said that scientists, watermen, and fishermen can see the shifts in the Bay system over time and can tell the story, and the region can broadcast the results of the money invested in Bay restoration efforts.

Chair Rice concluded the dialogue by saying that we need to work together to find solutions on how to implement faster and easier. We need open lines of communication and all share in the challenges that we face.

6. COG MEMBER HIGHLIGHTS

A. Maureen Holman, Sustainability Chief, DC Water

Ms. Holman said DC Water is researching new energy recovery mechanisms beyond combined heat and power, such as thermal heat recovery. This means converting the latent heat from underground sewer pipes into useable energy for building heating and cooling. Ultimately this could lead to creation of a District heating unit. Thermal heat recovery has been used in Vancouver, and is getting support from Mr. Wells and the DC Council, as well as capturing the interest of private investors.

B. Mark Peterson, Executive Director of Stakeholder Relations, Loudoun Water

Mr. Peterson explained that while Loudoun Water handled both wastewater and drinking water, he has been asked to talk specifically about drinking water, and source water protection Mr. Peterson said Loudoun Water is planning for several forms of drinking water redundancy. Included in their portfolio of drinking water options are to refill retired quarries with water; and pursue

water reclamation from the cleaned effluent. Loudoun Water's wastewater treatment plant effluent is very clean, and is currently in great demand for to provide cooling water for data centers, but in an emergency, those waters could be used "full cycle" as reclaimed water.

7. NEXT STEPS & WRAP UP

Chair Rice said many CBPC members, such as Ms. Gross, have been involved in Bay and water quality issues for a long time, but new members will need to understand the broad water quality issues. The issues span water security, economic development and career pathways, and health.

Ms. Spano stated that the CBPC was successful in carrying out action items from last year's Forum. The CBPC said they would make outreach a priority, and they did. The CBPC developed an Outreach Plan; partnered with CBP to acknowledge the strides of the region's wastewater plants; and has had several successful Chesapeake Bay Awareness week efforts. COG will continue to make water quality outreach a priority.

As a second action item, COG would like to work with the CBP and states to discuss Phase III WIPs for the Potomac watershed at a regional level, and to strive for consistency across the region. COG will be pursuing this with EPA and the states.

8. ADJOURNMENT

Chair Rice adjourned the meeting at 12:10 p.m.

The next CBPC meeting will be Friday, November 18 (10:00 A.M. to 12:00 P.M.).

ATTENDANCE:

Members and alternates:

Adam Ortiz, Prince George's County
Craig Rice, Chair, Montgomery County
Dan Sze, Vice Chair, Falls Church
Hamid Karimi, DOEE
Jerry Maldonado, Prince George's County
JL Hearn, WSSC
Karen Pallansch, Alexandria Renew
Enterprises
Lisa Feldt, Montgomery County
Mark Charles, Rockville
Mark Peterson, Loudoun Water
Maureen Holman, DC Water
Penelope Gross, Fairfax County

Guests:

Benjamin Grumbles, MDE
Christophe Tulou, Chesapeake Bay Program
Office
David McGuigan, US EPA Region III
Glen Roundtree, retired, NAHM
Gretchen Mikeska, DOEE
James Edward, Chesapeake Bay Program
Office
Melanie Davenport, VA DEQ
Rich Batiuk, Chesapeake Bay Program Office
Russ Baxter, Governor McAuliffe's Office
Tommy Wells, DOEE

COG Staff:

Heidi Bonnaffon, DEP
Steve Walz, DEP Director
Tanya Spano, DEP