



CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE MEETING SUMMARY-DRAFT

September 21, 2018

LINK TO ALL MEETING PRESENTATIONS AND MATERIALS:

<https://www.mwco.org/events/2018/1/19/chesapeake-bay-and-water-resources-policy-committee-meeting1/>

ACTION ITEMS:

The invited guests and the CBPC members agreed on the following areas for focus and follow up:

- COG will stay in contact with EPA and state partners and reassess how COG's regional engagement in the Phase III WIPs and Conowingo WIP is going—aiming for the April timeframe, when draft Phase III WIP are due.
- We continue our joint successful outreach for both Bay and local water quality issues, and
- There is a need for more federal and state initiated scientific research on climate impacts and guidance about which implementation strategies and practices will be most efficient and resilient to climate change.

I. OPENING REMARKS

Chair Garvey opened the Annual Forum with EPA and states at 10:00 a.m.

2. APPROVAL OF THE DRAFT SUMMARY FROM MARCH AND MAY MEETINGS.

The July CPBC meeting summary was approved by the committee.

3. OPENING REMARKS & WATER QUALITY HIGHLIGHTS

Opening remarks by CBPC and invited guests from EPA and states.

A. Chesapeake Bay Policy Committee

Chair Garvey yielded time to the CBPC member Penny Gross to highlight the roles of the CBPC and metropolitan Washington in Bay water quality progress and what remains. Ms. Gross said:

- This is the 20th anniversary of the CBPC, which formed to give local voice to the Chesapeake Bay Program's voluntary C2K Agreement.
- Bay has shown water quality progress including increased acreage of submerged aquatic vegetation), and a rebound of Bay species including crabs, oysters, fisheries.
- Fairfax County is one of the biggest jurisdictions in the Bay watershed, but it has some of the same constraints as small boroughs in Pennsylvania. Budgets are fixed, and staff need time to focus on implementation, not paperwork.
- She closed by saying "We can't make a better yesterday, only a better tomorrow" and it will take continued cooperation, good science, continued funding and resources, and time to make continued steady progress and meet our next goals.

B. Virginia

Ann Jennings, Deputy Secretary, Virginia Department of Natural Resources, detailed the five natural resource priorities for Virginia.

- Invest revenue into the natural resources agencies, especially DEQ
- Land conservation efforts: Goal to protect 1/5 of highest valued lands
- Address climate change, including greenhouse gas reductions

- Increase Virginia's climate resiliency, coastal adaptation and protection.
- Chesapeake Bay water quality, including co-benefits. Governor Northam has a personal connection on board his boat on the bay.

James-Davis Martin, Virginia DEQ, detailed Virginia's plans for the Phase III Watershed Implementation Plan (WIP) including a series of meetings of the Soil and Water Conservation Districts, and the Planning District Commissions. He said they are reviewing the Phase II WIPs and BMP implementation to learn the most cost-effective BMPs and co-benefits.

C. Maryland

Secretary Ben Grumbles, Maryland Department of the Environment (MDE) said for Governor Hogan and Maryland the goals are collaboration and environmental results.

- Good coordination with EPA Region III, and neighboring states Virginia, Pennsylvania and Delaware, but also need collaboration with local jurisdictions.
- Pleased to be in a region of national leaders, including members of the CBPC such as Karen Pallansch, Adam Ortiz, and Penny Gross.
- Water quality is a key priority, and so is land management, air quality, and climate change. Maryland is a member of the Global Climate Action Summit and is pleased Virginia has joined.

Lee Currey, MDE, said for Maryland's Phase III WIP the goal is that every dollar spent has multiple benefits to both Bay and local water quality. Mr. Currey said that MDE has been:

- meeting with the MS4 programs to understand what is working well, and what are the challenges
 - The intention is to keep flexibility for stormwater programs to choose from a suite of practices and to add local value. For example, Baltimore City is focused on street sweeping and trash, whereas Ann Arundel County has focused on stream restoration.
- has initiated a water quality trading program as of July. and
- Is looking to innovative funding such as pay for performance

Tom Parham, Maryland Department of Natural Resources

- Maryland's continuous monitoring program is showing water quality improvements: Reductions in nitrogen, phosphorus, and sediment, and more oxygen in the bottom water.

D. District of Columbia

Hamid Karimi and Katherine Antos from the District Department of Energy and Environment (DOEE) highlighted DOEE's environmental projects.

- Goal is to make the Anacostia River swimmable.
- The District of Columbia has banned plastic bags, Styrofoam, and next is to phase out plastic straws by 2019 and move towards compostable plastics.
- The District is working to certify low-PAH asphalt sealants.
- For the Phase WIP:
 - The District of Columbia is focusing on local water quality goals besides Bay goals, including DC's climate resiliency strategy and other opportunities for DC residents: Make waterways healthier and communities healthier.
 - Federal facilities, accounting for 30% of the District, will be required to develop WIP Phase III plans, and the District will track their progress toward goals.
- Climate resiliency includes DC's 100 Resilient Cities effort, partnering with the Anacostia watershed groups to addressing flooding, and addressing heat island effects.

E. EPA

Cathy Libertz, Region III Water Protection Division Director, provided some background about herself and water priorities for EPA Region III.

- Ms. Libertz became Director two weeks ago, but has worked for EPA since 1988, initially in the division of toxics and pesticides, focused on issues such as PCBs and lead paint.
- Cosmo Servidio, Regional Administrator believes in engaging with the region's states and having the hard conversations.
 - Has been on field visits, including Susquehanna SAV beds, and Maryland's coastal issues meeting.
- Besides the Bay, Region III is focused on enforcement for the NPDES and MS4 programs, contaminants (PFAs, PCBs, etc.), green infrastructure, and infrastructure funding (Water Infrastructure Finance and Innovation Act (WIFIA), state revolving funds (SRF)).

Jim Edward introduced himself saying he is the EPA Chesapeake Bay Program's Acting Director. Nick DiPasquale and Rich Batiuk have both retired. The Chesapeake Bay Program (CBP) is poised to reach the Bay TMDL implementation goals by 2025. This year the CBP issued Phase III WIP expectations for federal agencies for the first time, and in July, released the 2025 state planning targets.

4. CHESAPEAKE BAY & WATER QUALITY DISCUSSION AND ACTIONS

Presentation by Jim Edward, Chesapeake Bay Program, other invited guests, and CBPC members.

Mr. Edward's presentation provided background on the Bay TMDL process that has led to the state Planning Targets for Phase III WIP development:

- An overview of the Phase 6 Watershed Model, and the Chesapeake Assessment Scenario Tool (CAST).
- Successes in our region, including the DC Water's Clean Rivers Project tunnels addressing 80% of the pollution from combined sewer overflows, and the successful agricultural cost-share programs in Maryland and Virginia.
- Information about factoring climate change into the Phase III WIPs
 - Climate change can be qualitative versus numeric in the WIPs, until the science is refined.
 - The Bay Partnership still needs to determine by when the added climate change loadings will need to be addressed—whether it will be by 2025 or post-2025.
- Overview of Conowingo WIP

Member Discussion

Agriculture

- Members voiced that stormwater programs are at their maximum capacity in striving to achieve their implementation goals and asked for more information about how the agricultural sector is doing in meeting its load reductions Bay-wide.
 - Mr. Edward said
 - Agriculture comprises 30-40% of the Bay load
 - The Bay's Executive Council signed a directive for agriculture at its July 7 meeting.
 - It will focus tools and technical assistance on the ag sector.
 - Trading programs will create a demand for ag sector credit generation.
 - He gave the example of Pennsylvania:
 - PA has met 36% of its nitrogen reduction (goal was 60% by 2017)
 - 80% of the state's nitrogen is from agriculture.

- The agricultural community could be encouraged to work with their University Extension Offices. Farmers have established trust with their Extension Agents.
- Another member emphasized that our local jurisdictions have taken the Bay TMDL very seriously and inquired about formal penalties for Pennsylvania to catch up in meeting their portion of the loadings.
 - Mr. Edward responded that:
 - Legislative changes are needed for Pennsylvania to increase its agricultural cost share; even if it were to triple it would not be on par with Maryland and Virginia.
 - The USDA also needs to increase its funding for voluntary practices.
 - The Bay Program has been meeting frequently with Pennsylvania to develop its Chesapeake Bay Action Plan. The Plan priorities counties in the Phase III WIP for focused efforts.
 - Deputy Secretary Jennings emphasized that this region has a strong partnership and the Bay needs cheerleaders. She pointed out that Virginia has benefited from wastewater upgrades whereas Pennsylvania is dominated by agriculture. Also, the Pennsylvania General Assembly has a harder time dedicating funding to the Bay because the Bay is not in their backyard.

Conowingo WIP

- Chair Garvey emphasized the need for local involvement in the Conowingo Dam WIP process.
 - Secretary Grumbles responded that the Principal's Staff Committee received the letter from the CPBC, thanking the CBPC, and the Bay Program does understand the very important role of local involvement, and that there will be specific points of engagement.
 - Secretary Grumbles recapped the progress for the Conowingo WIP, namely:
 - That the WIP steering committee is formed. Representatives include Ann Jennings, VA Deputy Secretary of Natural Resources, Matt Rowe, MDE, and Katherine Antos, District of Columbia, and that the chair and vice chair will soon be designated.
 - The RFP process has been taking longer than anticipated but will result in a consultant who will oversee the WIP development process.
 - Another tool in the Conowingo tool box is the Dam's CWA Section 401 recertification process. Maryland is requiring Exelon to lead restoration work above the Dam. The requirements for Exelon are in litigation right now.

Trees

- Several members raised points about the importance of trees and tree crediting by the Bay Program: There should be Bay Program credit given for saving trees, not just planting trees.

Miscellaneous

- A member said that the focus on co-benefits in the Phase III WIPs resonated with him. For example, Trading Programs need to be mindful of local water quality benefits.
- A member asked if Mr. Edward could put this year's rain in context of Bay water quality impacts.
 - Mr. Edward replied that August had the highest flows to the Bay in history (even with storms like Lee and Irene), but it will take a while for monitoring results to assess the impact to the Bay.

5. ADJOURNMENT OF MEETING

Chair Garvey adjourned the meeting at 12:00 p.m.

ATTENDANCE

Members and Alternates:

Tim Lovain, Alexandria

Libby Garvey, Chair, Arlington County

Sam Rosen-Amy, District of Columbia

Penny Gross, Fairfax County

Dan Sze, Falls Church

J. Davis, Greenbelt

Cindy Dyballa, Takoma Park

Karen Pallansch, Alexandria Renew

John Deignan, DC Water

Maureen Holman, DC Water

Guests:

Matt Reis, DC Water

James Edward, EPA Chesapeake Bay Program

Cathy Libertz, EPA Region III

Tom Parham, MD DNR

Lee Currey, MDE

Ben Grumbles, MDE

Matt Rowe, MDE

Amy Stevens, Montgomery County

Ann Jennings, VA Natural Resources

James Davis-Martin, VA DEQ

COG Staff:

Heidi Bonnaffon, COG DEP

Steve Walz, COG DEP

Tanya Spano, COG DEP

Hamid Karimi, DOEE

Katherine Antos, DOEE

Pam Kenel, Loudoun Water

Mark Peterson, Loudoun Water

Patty Bubar, Montgomery County

Adam Ortiz, Prince George's County

Mark Charles, Rockville

Joel Caudill, WSSC