



CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

Meeting Summary-DRAFT

September 15, 2023

LINK TO ALL MEETING PRESENTATIONS AND MATERIALS:

<https://www.mwcog.org/events/2023/9/15/chesapeake-bay-and-water-resources-policy-committee/>

BUSINESS MEETING

DECISIONS AND ACTIONS:

- Members approved the summary of the July 21, 2023 meeting.

1. WELCOME

Chair Mackie welcomed members.

2. MEETING SUMMARY APPROVED

Members approved the draft summary of the July 21, 2023 CBPC meeting.

3. STAFF & MEMBER LIGHTENING UPDATES

- Heidi Bonnaffon, COG, let members know that there will be a morning tour of the Alex Renew CSO tunnel project and an afternoon Chesapeake Bay Foundation Boat Tour of the Potomac on October 27th. Interested members and alternates can RSVP for one or both to Heidi Bonnaffon, hbonnaffon@mwcog.org by September 29.
- The EPA is seeking local elected officials for a national Local Government Advisory Committee focused on environmental justice, climate change, and health/environment. Ms. Bonnaffon offered that COG could help with a nomination if anyone would like to pursue the opportunity. Nominations are due September 30. <https://www.epa.gov/newsreleases/epa-seeks-nominations-local-government-advisory-committee-1>
- Chair Mackie shared that September 16th is national cleanup day.
- Councilmember Natalie Fani Gonzalas of Montgomery County informed the group that she has requested a report to see the difference between grass turf and synthetic athletic fields. She will share the report with anyone interested once it is complete.
- Matt Ries of DC water announced that there will be a public swim in the Anacostia River on September 23rd. He went on to say that DC Water will be holding a celebration in October for the completion of the Northeast Boundary Tunnel. DC Water's Clean River's Project is essentially two-thirds of the way complete.
- Supervisor Penny Gross, Fairfax County Supervisor, suggested offering the committee a tour of the Anacostia River. Cara Honzak from the City of Takoma Park Council suggested having a kayak trip and inviting local youth to join.
- Steve Bieber of COG announced that the 8th annual Festival del Rio will take place on September 30th at Bladensburg Waterfront Park.

4. TRANSITION TO FORUM

Chair Mackie adjourned the meeting at 10:17 A.M to transition to the forum. The next CBPC webinar will be on November 17, 2023 from 10:00 A.M. to 12:00 P.M.



ANNUAL BAY & WATER QUALITY FORUM SUMMARY - DRAFT

1. CHAIR'S WELCOME & INTRODUCTIONS

Maria Mackie, CBPC Chair, invited guests, and CBPC members

Chair Mackie opened the CBPC Water Quality Forum and welcomed members and guests. She remarked that while the speakers this year will not be speaking directly about the Chesapeake Bay, it is all one system and that the success of our local governments and utilities' is key to the Bay's success. Next year's Forum will have a more direct focus on the Chesapeake. She then introduced Environmental Protection Agency's (EPA) Region 3 Administrator Adam Ortiz to provide perspectives and updates.

2. REMARKS & DIALOGUE

Adam Ortiz, EPA Mid-Atlantic Administrator

Administer Ortiz began by describing a meeting with the Pennsylvania Farm Bureau he had in November 2021. He found that the agricultural community was already employing conservation efforts, but that they lacked support for small farms. The Farm Bureau had been trying to get a cost-share program through the legislature for years without success. As a result of this 2021 meeting, the EPA—working with other allies and NGO's, including the Chesapeake Bay Commission—engaged the Harrisburg Legislature to pass the first agricultural cost share program in decades. It was funded for \$220 million, and in the past year \$160 million has already been programmed.

Two weeks ago, the EPA established a public-private partnership with Hershey Chocolate. The company has a supply chain within a 90-mile radius of Hershey, PA and sources from 600 farms (mostly dairy). Hershey Chocolate agreed to match a million dollars of EPA funding to pilot a Bay-friendly supply chain. The first phase is expected to provide best management practices (BMPs) to 200 farms. EPA is in conversation with other companies such as Land-O'Lakes and Turkey Hill ice cream to do similar work. These Bay-friendly supply chains could help reach farms that don't participate in the cost-sharing programs.

In terms of PFAS, Administer Ortiz recognized that the current science is showing that tougher standards are needed. The technology is catching up to the new standards and will be expensive, so the EPA is being mindful about that. They are aware that communities are struggling with this, and they are responding to that. Drinking water has also been a big focus for the EPA and they have good relationships with the utilities in metropolitan Washington. It is expensive work, but the EPA is pleased to at least provide funding and technical assistance as a down payment to accelerate work where utilities need it the most.

Finally, environmental justice has been a priority of President Biden. EPA has committed 40 percent of their funds to go to communities of concern. Using environmental and demographic data, as well as listening and engaging with communities, EPA has identified frontline communities where they will be working to make sure they are aligned.



Questions and Discussion:

- Supervisor Penny Gross said in Virginia, there is a cost-sharing program, but the farmer needs to put up the expense up front. She asked if this is part of the challenge with farmers in PA. Administer Ortiz responded that their plan is to work with the conservation districts and NGOs to take some of the burden off the farmer.
- Councilmember J. Davis asked if staff has been built back up after the last administration. Administer Ortiz responded that through the American Recovery Act and the Inflation Reduction Act (IRA) , they have been building back the staff significantly.
- In closing, Administer Ortiz offered to invite the leadership in Pennsylvania and the Farm Bureau to come and address the group and make connections.

Jason Papacosma, Arlington County DES Watershed Programs Manager

Mr. Papacosma led a conversation about five issues pertaining to MS4 permits:

- 1) Today's MS4 permits have grown in scope and complexity and require more effort than they did 15 years ago.
- 2) On top of water quality, utility companies are also focused on public safety, infrastructure, and climate change.
- 3) We need to think about sharpening the focus of the MS4 permits on things that directly link to water quality outcomes.
- 4) If we put local water quality first and the Bay will follow.
- 5) There needs to be space outside of the permits to address flooding and climate resiliency.

Questions and Discussion:

- Supervisor Gross mentioned that we need to focus on how to get Bay issues to resonate with people on a local level. She also mentioned that MS4 permit reissuance has been delayed and we should focus on fixing that. Virginia Department of Environmental Quality (DEQ) Director Mike Rolband said they are focusing on schedules and getting permits processed in a timely manner.
- Administer Ortiz explained that unlike the Clean Air Act, the Clean Water Act does not give authority for enacting penalties for delayed permits, but EPA is working to address permitting issues. He also mentioned that they have done staffing reviews on drinking water programs in two states in the last few years, and both were understaffed by 40 percent. He finished by saying staffing and pay are issues EPA is working to address.
- Councilmember Cara Honzak, City of Takoma Park, raised an issue about water quality, public outreach, and signage. She explained that the community along Sligo creek wants to know if and when it is safe to let their kids or dogs wade in the water. She suggested using signage or QR codes to provide public access to water quality safety information.



CBPC Meeting Summary-draft
September 15, 2023

Kishia Powell, WSSC Water General Manager and CEO

Ms. Powell provided an overview of *per- and polyfluoroalkyl substances* (PFAS) issues pertaining to drinking water, wastewater, and biosolids. In March of 2023, the EPA proposed a rule adopting limits for perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) substances which will be finalized by the end of 2024. Utilities will then have three years to come into compliance. Since January 2020, WSSC Water has been proactively monitoring 18 compounds. In 2022, they expanded this to 29 compounds. With the exception of one detection in September 2022, test results have been under the proposed PFAS limits. Given the low levels of PFAS detected and that there are no known PFAS contamination sites upstream of the drinking water intake, WSSC Water has to decide whether to spend money on capital improvements now or wait and risk going out of compliance.

WSSC Water has put into place a PFAS Action Plan which includes a regulatory process, source water protection, and a treatment decision. The main risks that PFAS pose to drinking water fall into three categories: compliance, financial, and operational. Under compliance, treatment process changes require time for alternatives to be developed and factored into the capital improvement program. Financially, treatment changes are estimated to cost from \$400 million to more than \$1 billion for WSSC Water alone (not including annual operating costs). These costs may be passed on to WSSC Water and customers. Operationally, there are pros and cons to all three of the known methods for removing PFAS. There are also issues with laboratory capacity and capability, and additional costs for operations and maintenance. For wastewater and biosolids, there are also risks that fall under these topics. Looking forward, NPDES permit renewals will include PFAS monitoring of effluent. WSSC Water is due to finish a bioenergy facility in 2024, and they are projecting that they will need to make an additional \$175 million investment to address PFAS. As of February 28th, MDE started withholding authorizations for any new Class B permit applications for land apply sewage-sludge. This is a potential risk to the flexibility they were trying to achieve with biosolids management at a reduced cost.

In conclusion, the lack of funding is a major risk. WSSC Water is now deciding where to focus funds, in existing infrastructure, in workforce, or in new infrastructure. PFAS treatment processes are energy intensive so they could hinder WSSC Water from achieving their climate goals.

Questions and Discussion:

- Councilmember Honzak asked what was meant by “low” levels of PFAS currently in our water. Ms. Powell responded that the levels are low relative to the proposed maximum contaminant level.
- Supervisor Gross raised the energy implications that come along with treating PFAS and asked what has been discussed with utility providers. Ms. Powell responded that at the Potomac plant, they are investigating a microgrid that would serve the facility. They are pursuing external funds for that, as well as looking at partnerships moving forward to reduce greenhouse gas emissions and invest in clean energy.
- Mark Peterson, Loudoun Water, brought up the issue of material shortages when every utility across the country tries to implement these PFAS capital improvements at once.



CBPC Meeting Summary-draft
September 15, 2023

- Director Andrea Crooms, Prince George's County DOE, brought up the issue of industrial producers and how the government can itself be a source of waste, especially where leachate is concerned.

Further Discussion:

Lee Curry, Director at Maryland Department of the Environment, spoke about what Maryland is doing in terms of PFAS. They have collected samples from about 470 public water systems and sampled about 60 different wastewater treatment plants across the state to assess where PFAS is showing up. For the past two years, they have been collecting fish from the Chesapeake Bay and the Potomac to assess accumulation in fish. Out of the 30 compounds listed in the new EPA ruling, there's only one bioaccumulating in fish. They are not finding any in crabs or oysters. They will be releasing some fish consumption advisories soon. Maryland has invested billions of dollars in wastewater treatment plants, but they need to make sure that they continue these investments. They have increased staffing over the past year for compliance, permitting, and drinking water by 20 to 30%. Maryland is working to modernize their stormwater regulations. They are in process of determining how to incorporate rainfall projections in their design standards across the state. Finally, there are a lot of educational opportunities that focus on the value of stream restoration practices. Stream restoration and living shoreline creation are both part of Maryland's ecological restoration efforts.

Director Rolband of Virginia DEQ said Virginia is working on getting a predictable permitting process. They have received a couple awards for developing their Permitting Enhancement and Evaluation Platform (PEEP). This platform has a schedule for nearly every program. Virginia is also working on enforcement. They have already reduced enforcement action time by 200 days. Based on the 2010 Chesapeake Bay Watershed Implementation Plan (WIP), Virginia has implemented a state-wide ban on phosphorus and has reduced the amount of lawn phosphorus by four million pounds per year.

3. SUMMARY OF DISCUSSION AND NEXT STEPS

Chair Mackie

Chair Mackie thanked everyone for the discussion and asked if there was anything else to share. Councilmember J. Davis spoke about how PFAS has emerged as an environmental health issue. It is important to educate our constituents on how important this issue is, just like climate change and resiliency. Supervisor Gross added that we need more public education about the realities and benefits of stream restorations and living shoreline improvements.

4. RECOGNITION OF CBPC'S FOUNDING MEMBERS

Chair Mackie

The Bay Program is celebrating its 40-year partnership this year. The CBPC committee was established in 1998 by the COG Board to bring a local voice to Bay and water quality issues. Supervisor Penny Gross from Fairfax County, Virginia and Councilmember J. Davis of Greenbelt, Maryland are two special Bay pioneers and founding members of COG's CBPC. Both will be retiring after decades of service to their communities and the region. CBPC members and COG staff are grateful to them for their dedicated service and being such strong voices.

Maryland Delegate Nicole Williams provided tributes for J. Davis, and VA DEQ Director, Mike Rolband,



CBPC Meeting Summary-draft
September 15, 2023

provided remarks for Penny Gross. Virtual accolades were left in the chat for these founding members.

5. ADJOURN

The Forum was adjourned at 12:37 with a luncheon to follow.

PARTICIPANTS:

In Person Attendees:

Adam Ortiz, EPA Region 3 Administrator
Allison Deines, Alex Renew
Bryant Thomas, VA DEQ
Cara Honzak, City of Takoma Park Council
J. Davis, City of Greenbelt Council
Jason Papacosma, Arlington County DES
Jeffrey Seltzer, DOEE
Kathia Chevez, Montgomery County
Lee Curry, MDE
Maria Mackie (Chair), College Park Council
Mark Nystrom, WMATA
Mark Peterson, Loudoun Water
Matt Ries, DC water
Maureen Holman, DC water
Mike Rolband, VA DEQ
Natali Fani-Gonzolas, Montgomery County Council
Nichole Williams, Maryland Delegate
Penny Gross, Fairfax County Supervisor
Susan Whitney, Collage Park
Shannon Moore, Fredrick County

Online:

Andrea Crooms, Prince George's County DOE
Amy Jackson, City of Alexandria Council
Anthony Morris, VA DEQ

Cristi C. Bickham, WSSC Water
Charles V. Brown, WSSC Water
Efeturi Oghenekaro, DOEE
Ellie Coddling, Fairfax County
Jon Champion, DOEE
Kenny Boddye (Vice Chair), Prince William County Supervisor
Khandikile Mvunga Sokoni, Montgomery County
Kishia Powell, WSSC Water
Matt Gallagher, DOEE
Matt Meyers, Fairfax County
Michele Blair, City of Laurel
Myles Cooper, Alex Renew
Martha Shimkin, Chesapeake Bay Program
Steve Shofar, Montgomery County
Tiffany Wright, City of Bowie
Michael Weyand, City of Gaithersburg

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