



CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE
MEETING SUMMARY - **DRAFT**
November 18, 2016

1. CALL TO ORDER AND INTRODUCTIONS

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

2. APPROVAL OF DRAFT SEPTEMBER FORUM MEETING SUMMARY & UPDATE ON ACTION ITEMS

The September 16th Forum meeting summary was approved, with two requested corrections: Mr. Hearn noted that MD DNR should be changed to MDE as the state agency in charge of the Conowingo Dam relicense, and Ms. Feldt noted that Montgomery County's recycling goal is 70% [not 60%].

Chair Rice thanked COG staff for organizing the Conowingo Dam tours. He said the tour provided insight into the Conowingo Dam's positive impact on jobs and the local economy, and the challenges that Exelon faces.

Ms. Spano reported that Rich Batiuk (EPA/CPO) contacted COG regarding one of the Forum outcomes, namely plans for CBP staff to meet with COG staff to discuss issues and coordinate more closely in planning for the Phase III WIPs. COG staff will keep the CBPC informed of the meeting outcomes.

3. CHESAPEAKE BAY PROGRAM – KEY ISSUES & IMPLICATIONS FOR LOCAL GOVERNMENTS & WATER UTILITIES

Tanya Spano, COG Regional Water Quality Management Chief

Karl Berger, COG Principal Environmental Planner

Bruce Williams, Local Government Advisory Group (LGAC) Vice Chair

Norm Goulet, Northern Virginia Regional Commission, CBP Urban Stormwater Chair

Lisa Ochsenhirt, AquaLaw

COG staff and invited guests briefed members on the most critical technical issues and policy implications being discussed by the Chesapeake Bay Program as part of the Mid-Point Assessment (MPA) process for the Bay TMDL.

Ms. Spano and Mr. Berger, supplemented by the other participants, reported the following regarding the MPA and CBP efforts:

- Water Quality Goal Implementation Team (WQGIT) – The WQGIT is making recommendations to the Principals' Staff Committee (PSC) in advance of its December 13th meeting.
 - In her capacity as an At-Large member, Ms. Spano continues to advocate in that forum for decisions consistent with the COG Board policies and the CBPC's general guidance.
- Federal/EPA Changes - Despite whatever changes may result from a new federal administration, COG staff's working assumption is that local governments and water utilities will continue to need to meet existing regulatory and programmatic obligations driven by the Bay TMDL as well as local TMDLs and permit requirements.

- Watershed Model Changes - EPA/CBPO staff, under the guidance of the Bay Program Partners, are making major changes to the partnership's Watershed Model, which is the tool used to estimate the amount (i.e., loads) of nutrients and sediment being conveyed from the land to the tidal waters of the watershed.
 - These changes include revised air inputs, land use, wastewater and biosolids and CSO information, and BMP data.
 - The latest version of the watershed model will also incorporate more finely detailed land use data (which comes from local sources like COG's members), including a forecast of what land use is projected to look like in the watershed in 2025.
 - One of the major MPA decisions facing the partnership is whether the forecasted 2025 land use should be used in the Phase III WIPs. Advocates for this approach say that it will better credit the loading benefits of local governments' smart growth initiatives. Others, however, worry that the forecasted land use data may not be sufficiently accurate at that local scale and thus be misleading/generate inaccurate load allocations.
- Load Allocations & Equity Issues - There are several equity issues that are being raised as part of this MPA process, specifically about how these changes should be reflected in the Watershed Model, and thus affect the progress and allocation of loads associated with meeting the Bay TMDL. Some of these issues include:
 - Sector Loads - As with the original TMDL, Bay-wide assessment/planning targets are developed based upon E3 scenarios (Everyone, Everything, Everywhere) scenarios for wastewater, agriculture, stormwater, and other sources, and those E3 scenarios are currently being revisited.
 - The Partnership's allocation methods already emphasize nutrient reduction efforts by sector - with wastewater treatment plants generally assumed to achieve ENR levels (i.e., E3 scenarios); and then the remaining reduction efforts needed from agriculture and urban stormwater sources being to achieve the TMDL are set after those general wastewater targets have been established. This inherently puts a greater emphasis/reliance on wastewater loads.
 - Phase III Watershed Implementation Plans (WIPs - There are questions about how allocations for load reductions should be re-set at the state level, and how should more localized 'goals' (versus targets) should be developed (e.g., at what scale and who to allocate to).
 - Local Area Planning Goals - The Bay Program task force recommended that nutrient and sediment reduction targets under the Phase III WIPs be established at more local levels, potentially even at the local government level. Staff noted concerns about the accuracy of the model at such levels.
- Susquehanna Watershed Loads - Another major issue facing the partnership that is reflected in the changes being made to the models is how to address the documented loss of trapping capacity in the system of dams on the lower Susquehanna River.
 - The lowest dam on the river at Conowingo and its counterparts upriver have acted like a giant BMP for much of their history, trapping sediment and nutrients in the pools behind the dams. In recent years, however, this trapping capacity has been lost as the pools filled up with sediment, a change that the model updates are trying to capture.
 - Preliminary model data indicates that the change in the dams' behavior results in an increase in the amount of time and the volume of water in which certain Bay waters fail to meet the standard for dissolved oxygen. Non-attainment for dissolved oxygen increases by 1-3 percent, which is significant enough to require a re-allocation of the amount of nutrient and sediment load reductions required to achieve the TMDL.

- The Bay Partnership must decide how to allocate the additional load reductions. Options that have been discussed by the Bay Partnership include: Allocating those loads among the upstream states with land in the Susquehanna watershed; or allocating loads amongst all the Bay jurisdictions, and/or allocating those loads using some sort of cost-optimization approach.
- Climate Change Impacts – This is another modeling issue with policy implications being addressed under the MPA.
 - The effects of a changing climate play out in complex fashion in the Bay ecosystem. EPA/CPO staff is evaluating potential changes including: Water flow and nutrient loads in the watershed, water temperatures in the Bay, sea level rise, ecological functions such as wetland migration, and atmospheric processes such as evapotranspiration.
 - The resulting forecast of future conditions, as well as the ability of the modeling tools to quantify load impacts, is still somewhat uncertain and will continue to change with new information and research continues.
 - The partnership is weighing whether to adjust TMDL allocations in a quantifiable way or whether to address the impact of climate change in other more indirect ways, such as prioritizing BMP selection in WIPs.
- Bay TMDL – Because of these changes, it may need to be opened/modified, but currently EPA is not amenable to changing the current timeline (i.e., 2025).
 - There are pros and cons to this approach for COG’s members.

Panelists Additional Input:

- Mr. Goulet noted his concern about regulatory creep occurring in setting local area planning goals, i.e., that a well-intentioned ‘planning goal’ could become a future permit limit.
- Mr. Williams noted that LGAC has non-voting seats on the PSC and the Management Board, and therefore can raise local government concerns in those settings. He also noted that while setting aspirational goals is good, that LGAC is also concerned that such goals could be converted to regulatory targets. He also stated that he believes COG members will need to be strategic in our messaging about Bay progress, since the additional loadings from the Susquehanna Basin/Conowingo Dam that must be dealt with could appear to negate the region’s progress in the public eye (i.e., messaging would have to distinguish between local progress versus Bay-wide issues).
- Ms. Ochsenhirt noted that VAMWA/MAMWA members are also concerned with protecting the local investments made and future capacity of wastewater treatment plants achieved by recent plant upgrades; noting that if wastewater planning scenarios (e.g., E3) assume greater levels of wastewater treatment, that could negatively impact wastewater treatment plants’ future capacity. And she expressed appreciation for Ms. Spano’s specific efforts to address those issues in the CBP settings.

Member Discussion:

- Chair Rice asked how well nutrient and sediment reduction benefits of smart growth are reflected in the revised Bay Model. Mr. Berger responded that in theory land use in the revised model will have procedures in place to accurately document the amount of infill and smart growth occurring in different jurisdictions, which would translate into lower loads than would otherwise be the case. However, use of these procedures will depend on what policies the Bay Program pursues for documenting future land use change.
- Mr. Karimi acknowledged that the District of Columbia has a seat on the PSC and the Executive Council. But noted that the Bay Program has a lot of meetings, and because CBPC

members cannot attend all of them, it is good to have COG staff track and report on those discussions because often issues proposed in one meeting get passed up the chain of command and dealt with in a subsequent committee meeting. Regarding the discussion about wastewater treatment plans and the E3 scenario, Mr. Karimi agreed that wastewater treatment plant progress must be protected, and noted that local stormwater efforts will continue to require a lot of capital.

- Chair Rice noted that the COG region is technically savvy, and is therefore, sometimes further along than other areas in the Bay watershed. Sometimes a small fix elsewhere in the watershed could result in a big positive change, whereas in our region changes are generally more expensive to implement. He noted the need to continue to look at water quality issues holistically.
- Ms. Gross reported that at the CBPC's Bay & Water Quality Forum this fall when Mr. Batiuk shared the graphs showing the air quality improvements, and the SAV resurgence she got excited. She emphasized the need to remain on our current path and moving forward, even if changes occur at EPA in response to the new administration.
- Ms. Gross also shared some perspectives from the Virginia Association of Counties meeting that she recently attended, namely:
 - Small jurisdictions are requesting relief from water rules and regulations, as developers are walking away from siting projects, which has a negative economic impact. She noted that the environment and economy do not need to be at odds, but sometimes at the local level one issue advances at the expense of the others.
 - Virginia is not going to want to share in taking on any of the additional Susquehanna loadings.
- Ms. Feldt reinforced the other speaker's points, and stated that we should not lose momentum or that the progress the region has made. She also emphasized the need to find ways to better connect local TMDLs and the Bay TMDL, as one water system.

Action items:

Ms. Spano concluded the discussion noting six key action items based on CBPC member input and feedback:

1. COG staff will continue to represent COG membership at the various CBP meetings and regularly report back when there are decisions/actions items.
2. COG staff will meet with Rich Batiuk regarding coordination of the Phase III WIPs preparation, including link local TMDLs with the Bay TMDL, and will report back to the CBPC on those efforts.
3. In 2017, the CBPC will continue to address water infrastructure and green jobs in alignment with COG's draft Legislative Priorities.
4. COG staff will evaluate current CBP actions and depending on decisions to-date, may propose a proactive letter to the PSC on the issues discussed today.
5. The CBPC will continue with its public messaging on these matters, as outlined in the formal Outreach Plan.
6. COG staff will continue to work with COG's members to communicate results and water quality progress in response to local investments.

4. COG BOARD'S PROPOSED 2017 LEGISLATIVE PRIORITIES

Ms. Spano briefly reviewed the proposed updates to the 2016 legislative Priorities for the Water Resources Protection section, noting the key changes were to more clearly recognize flood management and to add a priority to address protection of drinking water

Ms. Pallansch requested that links to water jobs and the economy be added to the water infrastructure investment priority. COG staff agreed to revise the language in advance of the Board's Legislative Committee's call on November 21.

Members approved the draft Legislative Priorities, with the proposed modification.

5. STAFF & MEMBER UPDATES

- a. Ms. Bonnaffon asked committee members to review the CBPC 2017 Meeting Schedule, highlighting the new dates of January 27 and July 28 for those months. The proposed meeting days for calendar year 2017 were confirmed.
- b. Ms. Bonnaffon highlighted National Critical Infrastructure Security and Resilience Month by showing two short videos highlighting water infrastructure: EPA's "[Be Aware, Be Prepared, Protect Critical Infrastructure](#)" video, and the 15-second [Protect Your Pipes movie theater ad](#) produced by COG's Community Engagement Campaign.
- c. Diane Cameron, EcoLogix, thanked the CBPC for the opportunity and introduced the purpose of EcoLogix to the CBPC members, reiterating that they would like to get CBPC member feedback on their set of focus group questions. The questions are designed to assist the Bay Program in getting a scope of local priorities, so that they may construct an education program and platform to help communicate water quality messages, including success stories.

6. ADJOURNMENT

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

The next CBPC meeting will be Friday, January 27 (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
JL Hearn, WSSC (phone)
Karen Pallansch, Alexandria Renew
Enterprises
Lisa Feldt, Montgomery County
Mark Peterson, Loudoun Water
Penelope Gross, Fairfax County

Ruth Anderson, Prince William County

Guests:

Bruce Williams, LGAC Vice Chair
Diane Cameron EcoLogix Group
Lisa Ochsenhirt, Aqualaw (phone)
Norm Goulet, NVRC

COG Staff:

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

I:\CHESBAY\2016 CBPC\Nov 2016 CBPC\Nov 18 CBPC meeting summary_Draft.docx