



## CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

### Meeting Summary-DRAFT

July 21, 2023

#### LINK TO ALL MEETING PRESENTATIONS AND MATERIALS:

<https://www.mwcog.org/events/2023/7/21/chesapeake-bay-and-water-resources-policy-committee/>

#### DECISIONS AND ACTIONS:

- Members approved the summary of the May 19, 2023 meeting.
- Frederick County expressed interest in a drought communications call, which was scheduled for July 31.
- CBPC members would like to further discuss flooding disclosure rules for selling properties within flood prone areas.

#### 1. WELCOME

Chair Mackie welcomed members.

#### 2. MEETING SUMMARY APPROVED

Members approved the draft summary of the May 19, 2023 CBPC meeting.

#### 3. FAIRFAX COUNTY RESILIENCY PLAN

Allison Homer, Senior Planner, Fairfax County's Office of Environmental and Energy Coordination provided an overview of [Resilient Fairfax](#), Fairfax County's climate adaptation and resilience plan, and shared recommendations.

- Mr. Meyers, Division Manager, introduced the Fairfax County staff from the Office of Environmental and Energy Coordination.
- Fairfax County recently received the Virginia American Planning Association's Award for Resilient Community of the Year
- Resilient Fairfax was approved by the Fairfax County Board in November 2022. The goal is to have the plan ongoing or complete by 2030.
- Fairfax County is addressing both the causes and effects of climate change. Resilient Fairfax is focused on climate change hazard resiliency and adaptation for communities and government.
- Eighty entities were involved in the development of Resilient Fairfax. It is a County-wide plan looking at communities and government operations and intergovernmental coordination. An Infrastructure Advisory Group comprised of utilities, authorities, FEMA, and DOD was also a part of the plan development, and the planning entities are divided into six groups for implementation.
- Fairfax County hired climate scientists to develop a climate projections report. However, could get that data from NOAA.
- The Potomac River has risen by 1.13 feet since 1924 and is projected to rise an additional 1-3.5 feet by 2050. Potomac River rise is faster than global sea level rise. Affected areas include Mount Vernon and Fort Belvoir.
- Fairfax County analyzed Hazards Vulnerability—flooding, severe storms (warmer, wetter, weirder) and developed list of top vulnerabilities/risk assessment
  - Vulnerability is defined as the confluence of exposure, sensitivity, and ability to adapt
  - Urban flooding is seen as the greatest risk for Fairfax County, followed by heat,



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- severe storms, and wind. Drought and extreme cold are not as high.
- Urban flooding is not just in floodplain areas, since properties were built before stormwater infrastructure are now having added surfaces from infill development.
- Fairfax County audited existing policies and plans and is working with what is within County control, such as transportation and buildings; WMATA and grid are not fully within County's control.
- Fairfax County has 18 Prioritized strategies (with progress bars); 30 additional strategies (some already active)
  - Helps Department of Public Works and Environmental Services (DPWES) prioritize projects. It is also helping other departments prioritize, such as the Park Authority.
  - Developing intensity, duration, and frequency (IDF) curves for design standards will help ensure codes are in alignment and can be applied for new development.
- Fairfax County DPWES is following Alexandria's model in applying for Community Flood Preparedness grants and in implementing flood proofing measures and health services for vulnerable populations.

**Member Discussion:**

- Supervisor Gross commended the completeness of the Resilient Fairfax Plan saying it was envisioned twenty years ago, before climate change was widely understood. She likes the phrase "Wetter, warmer, weirder" since it is understandable for residents. She asked how Fairfax County is handling historic buildings which are vulnerable and were perhaps built in the wrong places.
  - Ms. Homer replied that Fairfax County has evaluated historic buildings located in flood prone areas. Strategies to protect them include flood proofing around the site of historic buildings in coordination with historic and cultural preservation experts.
- Councilmember Davis said it was an excellent presentation and makes her think Greenbelt needs a focused plan like this. Thirty years ago, the National League of Cities and COG spoke of global warming, and the need to stop it, but deniers disputed it. More recently, the focus has shifted to mitigation and adaptation, not just in floodplains, but homes along streams. She asked rather than continually rebuilding whether relocation is a part of the plan for homes and businesses with repetitive flood loss? Mr. Meyer replied that the county is reevaluating flooding plains and how to build additional buffers. Ms. Homer said the County supports flood plain protections, and the reason she emphasized urban flooding is that some vulnerable areas are outside of the floodplains and get overlooked if just focused on floodplain mapping.
- Councilmember Garvey shared Arlington County's situation of underground streams with houses built on top. It is important to know the size of pipes underground and Arlington County has bought a few places to access underground pipes or to move people out of "bowls" (depressions/sumps), to try to address buried streams. In both Arlington and Fairfax County, it can be cost-prohibitive to buy houses. Matt Meyers added that as part of flood risk reduction, they look at how redevelopment can help them solve the issue. Natural channel design is being phased in to replace one of their concrete channels.
- Councilmember Fani-Gonzalez said Montgomery County is going through their floodplain update and raised that tough decisions in the County's communities where playgrounds were built in unsafe places, or churches right next to a stream on cheaper property; traditionally they got waivers to build near the stream. Montgomery County is no longer issuing waivers to



build in flood-prone areas. Supervisor Gross recalled how Adam Ortiz, when Director for Prince George's County Department of the Environment, grappled with faith institutions requesting waivers for stormwater fees and taxes.

- Supervisor Gross gave the example of the Tripps Run hardened stream channel. Some homeowners should be moved, but a FEMA grant of \$8 million is not enough to buy homes. Also, homeowners are allowed to sell to a new owner, passing along the problem and increasing assessed values for homes that regularly flood. There are no real estate disclosure rules for flooded homes that are not within a classified flood plain.

#### 4. REGULATORY AND LEGISLATIVE ISSUES ON THE HORIZON

Lisa Ochsenhirt, AquaLaw, provided information on PFAS, the Lead and Copper Rule, Federal budget appropriations, and touched on state legislation that could be forthcoming next year.

- The proposed drinking water PFAS Rule is going to be an enormous expense to utilities for notifications and treatment process upgrades. EPA has estimated a cost for water systems to adjust treatment process to be below PFAS limits, of between \$800 million and \$1.2 billion per year. Black & Veatch estimated \$3.8 billion per year, but this number is expected to rise, as more systems are expected to be affected.
- EPA has been focused on drinking water systems, but future PFAS limits on wastewater effluent are anticipated
- Virginia Department of Health is in its second stage of testing source water. They detected PFAS in fifteen out of forty-five samples.
- Maryland has done three rounds of public water systems testing and has started sampling wastewater and biosolids.
- The utilities need research about the PFAS sources at their intakes, reduces sources, and about PFAS removal technology, such as granular activated carbon and reverse osmosis.
- The Chesapeake Bay Program's Scientific and Technical Advisory Committee recently released a PFAS report, and the Toxics Work Group is now interested in discussing PFAS.
- The Lead & Copper Rule was originally issued by EPA in 1991 to control lead exposure in drinking water, especially important for children, and in the latest revisions to the rule, the compliance date is October 2024. In updating the Rule, EPA is considering changing its tap sampling level and procedure, potentially requiring replacement of all lead service lines, and requirements for historically disadvantaged communities.
- The Congressional FY24 appropriations bills were recently released. The House has proposed significant cuts to EPA's budget, and due to earmarks, there could be significant reductions to state revolving funds (SRF) for clean water and drinking water. There will be negotiations with the Senate over the budget.
  - *Since the time of the July meeting, COG wrote a letter to the Senate, on behalf of the CBPC, thanking them for their budget proposal that keeps EPA and SRF funding level. COG will continue to track this.*
- Looking ahead to the General Assemblies:
  - Maryland 2024 Legislation
    - Stream restoration will continue to be contentious, and is needed for stormwater crediting
    - PFAS monitoring requirements for biosolids are likely.
    - Legionnaire's Disease may come back; last year's bill details were problematic due to the chlorine disinfection recommendations.
    - There could be drinking water bills.



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The Virginia General Assembly will have massive turnover since all seats are up for election, so it is hard to predict, but some areas to focus advocacy could be:

- Getting adequate funding for wastewater enhanced nutrient removal (ENR) upgrades
- ARPA grant match flexibility. The match needs to be used by 2026; it would be good if local governments could use ARPA dollars first ahead of match money.
- Water utility operator licensing improvements. *The CBPC supported a licensing bill last year.*

**Member Discussion:**

- Steve Bieber said COG is working with a consultant that is analyzing how the SRF earmarks would affect Maryland, Virginia, and the District of Columbia. For example, if the House budget bill were to pass, Maryland's SRF funding would plummet from \$38 M in 2021 to \$1.5 M in FY 2024.
- Lisa Ragain emphasized that all of COG's drinking water utilities are working on the lead and copper rule and all utilities are doing PFAS monitoring and are preparing for the pending PFAS Rule. Water Suite is looking at PFAS sources for the entire basin.

**5. INTRODUCTION OF BAY PROGRAM'S "BEYOND 2025" STEERING COMMITTEE**

Dr. KC Filippino, Hampton Roads Planning District Commission's (HRPDC) Senior Water Resources Planner, representing the WQGIT on the "Beyond 2025" Steering Committee, shared highlights from the initial Beyond 2025 Steering Committee meeting.

The Chesapeake Bay Program's Executive Council charged the Principals' Staff Committee with preparing recommendations in 2024 to address emerging restoration issues, such as climate change and population growth, to incorporate new advances in science, and revisit partnership inclusivity in looking beyond 2025.

- Dr. Filippino said she was glad for the introduction to the COG's CBPC. The Hampton Roads Planning District Commission represents seventeen local governments, fifteen of which are in the Bay Watershed.
- The Bay Program's committee charged with Reaching 2025 just wrapped up evaluation of Bay Agreement goals achievement and concluded that the Partnership is falling short for about one third of the goals.
- The Beyond 2025 steering committee is comprised of the Bay states, federal agencies, and representatives from the Goal implementation Teams (GITs).
- Martha Shimkin, Chesapeake Bay Program, and Anna Killius, Chesapeake Bay Commission will be co-chairing the Beyond 2025 Steering Committee, and ERG is the consultant.
- There is need to still identify Steering Committee roles and process
- The Steering Committee has already requested lengthening of the Steering Committee's timeline.
- The Steering Committee pointed to a Bay Partnership gap of public engagement; citizen advisory committee has a lot of stakeholders, and how can they be better engaged.
- Sources of information that the Steering Committee will be using include STAC reports, including CESR report that pointed out that the Bay water quality has not improved much in the main stem, and may need to shift the focus to improving local water quality.
- Phase 7 model will be vastly different due to a finer land use scale, new land cover data: climate change factors.
- The Bay Watershed Agreement outcomes may get streamlined.



## 6. MEMBER & STAFF UPDATES

- Chair Mackie attended the COG Leadership Retreat. The prime subjects were WMATA and economic development. She said a healthy WMATA and economy could be viewed as steps towards a healthy Bay. With other economic issues, environmental funding goes down. The Retreat was held on the Bay, and it is truly a beautiful asset.
- Councilmember Garvey commented that WMATA will be a major focus in the years ahead, since the Metro is the region’s circulatory system, but it lacks a dedicated revenue stream. Sales tax may be a solution.
- Steve Bieber announced that the U.S. Army Corps water supply study advanced on the list of projects for Congressional appropriations. It would be great if members could thank members of Congress and encourage Congress to continue to support the study.
- Heidi Bonnaffon provided General Updates including commending CBPC members for the great metropolitan Washington participation in the Chesapeake Bay Awareness Week’s proclamations and messaging. About a third of the messaging was from the COG region.
- Shannon Moore said that Frederick County was discussing preparations for wise water use drought communications and asked whether COG was convening ESF-15.
  - Steve Bieber and Lisa Ragain mentioned that COG has a small water public information officers’ group that will be meeting next week.
- Supervisor Gross mentioned the 1999 drought in her recent interview with Robert McCartney for COG’s [Think Regionally podcast](#).

## 7. ADJOURNMENT

Chair Mackie reminded members of the September 15<sup>th</sup> Annual Forum, which will be in-person in the Board Room, and adjourned the meeting at 12:00 P.M.

## PARTICIPANTS

### Members and Alternates:

Amy Jackson, City of Alexandria Council  
 Cara Honzak, City of Takoma Park Council  
 Ingrid Watson, Prince George’s County Council  
 J. Davis, City of Greenbelt Council  
 Kate Doyle Feingold, City of Fairfax  
 Kenny Boddy (Vice Chair), Prince William County Supervisor  
 Kristen Umstattd, Loudoun County Council  
 Libby Garvey, Arlington County Council  
 Maria Mackie (Chair), College Park Council  
 MC Keegan-Ayer, Frederick County Council  
 Natali Fani-González, Montgomery County Council  
 Penny Gross, Fairfax County Supervisor  
 Andrea Crooms, Prince George’s County  
 Heather Gewandter, City of Rockville  
 Justin Karl, Alexandria Renew Enterprises

Khandikile Mvunga Sokoni, Montgomery County  
 Nasser Kamazani, Montgomery County  
 Shannon Moore, Frederick County  
 Steve Shofar, Montgomery County  
 Sylvia Tognetti, Montgomery County  
 Tiffany Wright, City of Bowie  
 Zach Kershner, Frederick County

### Guests:

Allison Homer, Fairfax County  
 KC Filippino, Hampton Roads Planning District Commission  
 Lisa Ochsenhirt, Aqualaw  
 Matt Meyers, Fairfax County  
 Melanie Malsch, Fairfax County  
 Neely Law, Fairfax County



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**COG Staff:**

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