

COG Cardin bill comments for consideration by CBPC Executive Committee  
February 26, 2010 DRAFT

Comments (highlighted in blue) to amplify those developed by the Bay Program's Local Government Advisory Committee at its meeting of 1/13/10:

The LGAC is on record in support of the Cardin bill, with the caveats that it include:

- Additional funding (beyond the \$1.5 billion) for local governments

The Cardin bill's potential authorization of \$1.5 billion in federal funds to assist local governments in meeting their obligations under a Bay-wide TMDL falls far short of anticipated expenditures in the urban stormwater sector. Cite the Bay Program's draft 202a report in response to Executive Order 13508, which estimated that meeting the Bay TMDL's estimated requirements to "retrofit" existing urban areas – an initiative for which there has been no funding source other than that supplied by local governments themselves – would cost \$7.9 billion a year for a period of 15 – 25 years.

- Language that local governments be given credit for what they have done to date to reduce pollution loadings which are mostly point sources, and not be required to take on an additional burden where non-point sources are not meeting their loading requirements.

Rephrase as a guarantee that neither EPA nor the states will renege on the current set of permit, ENR and cap load agreements in MD, VA and the District until at least 2017 and until a use attainability analysis or equivalent cost assessment has been completed.

- That there are sufficient state delivery mechanisms in place so that implementation funds pass through to local governments

Rephrase as provision that would specify that 100 percent of any stormwater funding derived from the act be directed to local governments.

- That there be a strong communications and educational effort to explain to all citizens why this effort is critical to cleaning up the Chesapeake Bay
- That nutrient trading programs be available to and receive input from units of local government

Include requirement that EPA do an analysis to show if any of the sectors can actually generate credits for trading once their obligations for meeting cap loads are factored into the equation.

Include language that trading programs will be run at the state level assuming they meet minimum federal standards.

**Additional comments:**

Provide EPA with more flexibility in overseeing how states/District will achieve TMDL provisions by deleting bill's current reference to actual allocation numbers.

Provide EPA with more flexibility in overseeing how states/District will achieve TMDL provisions by deleting current bill's language regarding "no net increase in polluted loads" from (1) new or increased impervious surfaces; (2) concentrated animal feeding operations; (3) transportation systems; and (4) septic systems.

Delay consideration of new federal stormwater regulations for the Bay watershed until after EPA has promulgated national stormwater regulations.

Include provision to require a use attainability analysis or equivalent cost assessment by 2017.