CBPC Bay and Local Water Quality Forum – July 18, 2014
DISCUSSION POINTS *(Draft, 7/14/14)*

COG Board of Director's Policy Principles *(approved 4/8/09)*			
HOLISTIC REQUIREMENTS	**EQUITABLE RESPONSIBILITY**	**SOUND SCIENCE**	**COMMUNICATION & VOICE**

Background	Comments & request to EPA/states
ISSUE: NEED FOR LOCAL GOVERNMENT VOICE & COMMUNICATION	
The Bay Partners signed a **new** Bay Agreement (6/16/14). The Agreement still envisions a **2017 Mid-Point Assessment** of its **'60% by 2017 and 100% by 2025' TMDL implementation goals for nutrients & sediments.** There continue to be several goals in the new agreement that the COG region generally supports or does not play a direct role in implementation (i.e., Sustainable Fisheries, Vital Habitats, Healthy Watersheds, Stewardship, Land Conservation, and Public Access). However, there are several goals that do have direct implications for COG's members, including: **Water Quality** - Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the Bay and its tributaries and protect human health. **Toxic Contaminants** **[NEW]** - Ensure that the Bay and its rivers are free of effects of toxic contaminants on living resources and human health. **Environmental Literacy** - Enable students in the region to graduate with the knowledge and skills to act responsibly to protect and restore their local watershed. **Climate Resiliency** **[NEW]** - Increase the resiliency of the Chesapeake Bay watershed, including its living resources, habitats, public infrastructure and communities, to withstand adverse impacts from changing environmental and climate conditions. • **Water Quality and Environmental Literacy Goals** – Local governments are a critical part of the multi-governmental processes that is already addressing these environmental issues (for local waters & the Bay), & implementing projects. • **Toxic Contaminants and Climate Resiliency Goals** - These are complex, multi-media issues with significant local implications that cannot be addressed through standard permit/regulatory mechanisms. And COG's local governments have already been working on Climate Change issues for several years. NCR Climate Change Report (11/12/08)	**1. Water Quality Goal** a. Provide an update on the **current status of Bay-wide implementation**, and the proposed schedule and process for the **2017 Mid-Point Assessment**. b. Confirm that the current **WIP process**, which included local government input, will continue to be used to address nutrient and sediment reduction efforts as part of the **Phase 3 WIP** process (expected start date of Fall of 2016). **2. Toxic Contaminants and Climate Resiliency Goals** a. Describe the expected outcomes and anticipated process for addressing these two goals. b. Describe specifically how local governments' active input will be accomplished. **3. Environmental Literacy Goal** - Discuss whether EPA and the states would be willing to partner with COG and other organizations (e.g. WEF/AWWA) to address **common public awareness goals for:** **a. Environmental Literacy, and** **b. Water Infrastructure.**

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ISSUE: NEED FOR HOLISTIC REQUIREMENTS & EQUITABLE RESPONSIBILITY	
The Bay Partners are still committed to a 60% implementation goal by 2017, and a 100% implementation goal by 2025 for the Bay TMDL. Meanwhile, COG's local governments have continued to provide leadership and made financial commitments to address their obligations under the Bay TMDL and WIPs, as well as their local TMDL and permit and Consent Decrees. COG's local governments and utilities have or will have **all of their wastewater upgrades in place by 2016,** and in many cases will have just have started operation of these complex and expensive treatment systems by the time of the 2017 Mid-Point Evaluation. These major process upgrades easily require at least 10 years in order to budget for and construct such facilities. There are **many challenges impacting stormwater implementation at the local level**, and it remains unclear if local governments will meet all of the target load reductions being set for them under the current Bay TMDL schedule. For example: • There are delays in issuing stormwater permits. Many of these new permits, especially in Maryland are subject to ongoing litigation. And there are some efforts to re-interpret what constitutes compliance [i.e., Maximum Extent Practicable (MEP)]. The cumulative effect introduces greater uncertainty in developing programs to meet permit conditions. • Local governments must ramp up their financial and other programmatic capacities to address the significantly increased requirements in these new permits. The time it takes to achieve this program expansion has not been factored into implementation schedules. • Local governments must achieve reductions at the same time as they accommodate and account for new growth. Many of the building blocks used to calculate stormwater load reductions, such as land use and loading rates, are in flux. These issues should be addressed under EPA and the states' stated commitments to **'integrated permitting', 'permit flexibility' and 'adaptive management'**.	**1. Adaptive Management** **a.** Reassure that additional reductions will not be required from wastewater plants that have just installed their upgrades until at least the 2025 deadline and overall Bay implementation and sector progress has been thoroughly evaluated. **2. Regulatory Flexibility** **a.** Describe examples of how the states/EPA will allow flexibility in permitting and TMDL implementation plans, and give localities the ability to prioritize actions and focus on the most cost-efficient measures. **b.** Describe how good-faith efforts by local governments to comply with requirements will be recognized if schedules are stretched.

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ISSUE: NEED FOR SOUND SCIENCE & EQUITABLE RESPONSIBILITY

Water Quality Monitoring & Modeling

Assessment of water quality conditions requires sustained/long-term monitoring, and for complex systems such as the Bay and its major tributaries, continued modeling support. This is a **key role for EPA and the states**.

In order to ensure that all water quality management decisions are based on sound science, **EPA and the states need to increase – not cut back -- their critical technical and financial support** for watershed wide modeling and monitoring efforts for the Bay and its major tributaries.

In addition, EPA and the states should increase their support for research into innovative BMPs (e.g. University of Maryland work on improving bioretention performance).

Toxic Contaminants Goal & TMDLs

- **Many Toxic TMDLs already exist for local waters**
- Recent Wastewater and Stormwater permits are **requiring local governments and utilities to develop implementation plans** to address these toxic contaminants.
- Some of these Toxic TMDLs are for legacy pollutants that may not have existing sources, and for which it is not clear that there are viable ways to meet TMDL allocations.
- The addition of the **new Toxic Contaminants Goal** to the new Bay Agreement is focusing greater attention on these issues.

Stormwater Management

Due to the disperse nature of stormwater BMPs, and the many innovations in stormwater management techniques such as retrofits, green infrastructure, and implementation on private property, it will be important to understand the most cost effective and efficient applications of the diverse array of BMPs in order to prioritize and target those practices. EPA and the states play a vital role in these efforts.

1. **Water Quality Monitoring & Modeling**
   - **a.** Describe EPA and the states' plans for **ensuring adequate funding for these critical activities**?
   - **b.** Discuss the resources that will be focused on **research into innovative new BMPs**.

2. **Toxic Contaminants Goal & TMDLs**
   Commit to work together to prioritize and target which toxics to address, and to agree on feasible and realistic methods for monitoring progress in implementation plans.

3. **Stormwater Management**
   Commit to work together to share case studies of effective BMP applications, public-private partnerships, as well as scientific research, in order prioritize and target BMP implementation.