

Chesapeake Bay and Water Resources Policy Committee

Date: Friday, Sept. 15, 2006

Time: 9:45 a.m.– 11:45 a.m. *

Place: Third Floor Board Room

777 North Capitol Street, NE

Washington, DC 20002

**Lunch will be available for committee members and alternates after the meeting.*

Meeting Agenda

- 9:45 **1. Introductions and Announcements**Hon. John R. Lovell
Chair, Frederick County
- 9:50 **2. Approval of Meeting Summary for July 21**.....Chair Lovell
- Recommended action:** Approve DRAFT Meeting Summary (*Att. 2*).
- 9:55 **3. Recent Media Reports on Potomac Water Quality**.....Heidi Bonnaffon, COG staff
Tanya Spano, COG staff

Members of COG staff will brief the committee on two water quality issues in the Potomac River that have garnered recent media and public attention (*Att. 3a*) and suggest a response for addressing public concerns about these issues. One presentation will address a water quality alert in the Potomac estuary, where several Maryland agencies issued a recreational advisory due to a bloom of *Microcystis* species of blue-green algae. The other will address a U. S. Geological Survey report on reproductive problems found in fish in the Potomac, a phenomenon believed to be related to the level of certain man-made chemicals known as "emerging contaminants." In regard to the latter, COG staff will present several suggestions for a regional response to public concerns about this issue and highlight future work program activities that will help answer questions that have been raised. A DRAFT fact sheet (*Att. 3b*) is included for potential discussion.

Recommended Actions: Develop regional talking points and/or fact sheet; provide feedback on follow-up actions; identify committee members willing to work with COG staff on responses, including workshop planning.

- 10:35 **4. Approve COG Participation in Public Education Campaign with Scotts**.....Hamid Karimi, D. C.
Dept. of the Environment
- COG staff.

COG staff and officials of the Scotts Miracle-Gro Company have developed plans for a joint public education media campaign to run in reference to the Sept. 22 Chesapeake

Executive Council announcement of an MOU on lawn fertilizer use between the Bay Program and the lawn fertilizer industry. Mr. Karimi, who served on a committee workgroup reviewing these plans, will introduce the proposal. A member of COG will provide specific details.

Recommended Action: Approve COG participation, using funds available from the Urban Stormwater task within the FY 07 Regional Water Fund work program and budget - in joint public education campaign on lawn care with The Scotts Company.

- 10:55 5. **Update on Chesapeake Executive Council Meeting.** Hon. Penelope Gross
Fairfax County

Ms. Gross, who serves as chair of the Bay Program's Local Government Advisory Committee, will review her upcoming presentation to the members of the Chesapeake Executive Council, who will hold their annual meeting Sept. 22. She also will distribute copies of the LGAC annual report.

Recommended Action: Receive report.

- 11:10 6. **Plans for COG Response to CBP Reorganization Survey.....**Ted Graham, COG Water
Resources Director

Mr. Graham will highlight the survey that the Chesapeake Bay Program Office has sent seeking ideas for reorganizing the Bay Program structure in response to recent criticism of the program by the General Accounting Office and the EPA Inspector General's Office. Mr. Graham also will present staff recommendations for reorganization suggestions the committee might make

Recommended Action: Endorse staff recommendations for survey response; determine deadlines and process for replying.

- 11:20 7. **Proposal for Amending Committee Bylaws.....**Lee Ruck
COG General Counsel

Mr. Ruck will introduce a proposal (*Att. 7*) for amending the committee's bylaws so that actions taken as a committee of the whole in the absence of a quorum can be subsequently confirmed or rejected by electronic vote of the full committee. In accordance with the current bylaws, this proposal must be approved by a majority of the members voting at a particular meeting to be placed on the next agenda for final action by the committee

Recommended Action: Approve proposal to amend the bylaws for official action at the Nov. 17, 2006, meeting.

- 11:30 8. **Committee Updates.....**COG staff

- **Anacostia Restoration Partnership**
- **State Tributary Strategies**

COG staff will provide brief updates on several topics of longstanding interest to the committee.

11:40 **9. New Business**Members

- **John Smith Trail Activities**

11:45 **10. Adjourn**

The next meeting is scheduled for Friday, Nov. 17, 2006, 9:45 a.m. - 11:45 a.m.

(Remember: COG will reimburse members and alternates for Metro fares.)

Enclosures:

Item 2 DRAFT meeting summaries of July 21, 2006

Item 3a "Potomac May Be Contaminated," Washington Post article of Sept. 3, 2006; and "Male Bass across the Region Found to Be Bearing Eggs," Washington Post article of Sept. 6, 2006

Item 3b COG staff DRAFT fact sheet on emerging contaminants

Item 7 COG staff proposed bylaws amendment

CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE
777 North Capitol Street, N.E.
Washington, D.C. 20002

DRAFT MINUTES OF JULY 21, 2006, MEETING

ATTENDANCE:

Members and alternates:

Chair John Lovell, Frederick County
Vice Chair Hamid Karimi, District of Columbia
Thomas Dernoga, Prince George's County
Bruce Williams, City of Takoma Park
Andrew Fellows, College Park
Sally Kurtz, Loudoun County
Martin Nohe, Prince William County
Uwe Kirste, Prince William County
J. L. Hearn, WSSC
Beverly Warfield, Prince George's County
Bruce McGranahan, Loudoun County
Eli Golfer, City of Gaithersburg

Staff:

Dave Robertson, COG Executive Director
Stuart Freudberg, DEP Director
Ted Graham, DEP Water Resources Director
Heidi Bonnaffon, COG staff
Tomlyne Malcolm, COG staff
Karl Berger, COG staff

1. Introductions and Announcements

Chair John Lovell called the meeting to order at 9:45 a.m. He announced that the International City-County Management Association would host a focus group on water for selected members immediately after the meeting.

2. Approval of Meeting Summary for March 17 and May 19

Acting as a committee of the whole in the absence of a quorum, the committee approved the two meeting summaries.

3. Recommendation on Nutrient Management Initiative

Ms. Bonnaffon of COG staff presented several recommendations developed by staff for working with the Scotts Miracle-Gro Company on educating residents about how lawn care practices can affect water quality. She noted that several previous committee presentations on this issue, including one by Scotts representatives, had detailed the company's plans to reduce the phosphorus content of its lawn care fertilizer products and sign a memorandum of understanding with the Bay Program pledging to work together. She also noted that at its previous meeting the committee had asked to staff to explore how local governments could become involved in this effort.

Ms. Bonnaffon detailed the following staff recommendations:

- that COG work to coordinate the public outreach messages expected to be developed by the Bay Program and Scotts with existing citizen education programs, such as the radio ad campaign sponsored by local governments in northern Virginia.
- that COG make message points from the Bay Program-Scotts initiative available to local governments to use in outreach efforts
- that COG work with local governments to establish a network of lawn demonstration sites that could promote desired lawn care practices.

COG staff also distributed copies of the draft Bay Program-lawn care industry MOU.

Discussion:

Committee members raised a number of questions about the actions posed by staff. Vice Chair Karimi advised against trying to get local governments to sign onto the proposed MOU. Noting the time and effort expended by the Alice Ferguson Foundation on its trash MOU in the region, he said it would be too difficult and time consuming to get everyone to sign. Mr. Kirste said that COG should provide message points not just to local governments, but also to other related organizations that work in this area, such as Extension offices and Soil and Water Conservation districts. Ms. Kurtz said that any promotional message should not be specific to a particular product as there may be various products that can be properly used. Mr. Nohe advocated branding acceptable products to let consumers know that they are “Bay-friendly.” Chair Lovell questioned the need for having demonstration lawns, although Mr. Dernoga said demonstration lawns and landscaping could be incorporated into the green building pilot projects now being built across the region.

Rather than pursue a MOU at the local government level, Mr. Freudberg suggested that COG send a letter of support in favor of the MOU expected to be signed by the Bay Program partners at the Chesapeake Executive Council meeting in September.

Action Item: The committee directed COG staff to work with the following committee members in drafting such a letter: Ms. Kurtz, Mr. Fellows and Mr. Karimi.

4. Introduction to “Envision Greater Washington”

Mr. Robertson, COG’s Executive Director, introduced a proposal for a regional visioning process on growth and development issues that was initiated by the Community Foundation for the National Capital Region and the Greater Washington Board of Trade. He noted that the intent of COG staff is merely to seek member input on whether COG should participate, not to recommend that it do so. Some elected officials support the idea and others are skeptical, he said. The issue should be a major topic of conversation at the upcoming COG Board retreat, Mr. Robertson noted, and he encouraged committee members either to attend the retreat themselves or to make their views known to a colleague who would be attending.

By way of background, Mr. Robertson said the proposal proceeds from the assumption that current growth patterns are not what people and governments in the region really want. He said the two other potential sponsors and COG formed an exploratory committee of about 40 folks who met for about 90 days before issuing a recommendation in favor of conducting such a process on a region basis over a multi-year period. He added that the group has estimated it would cost \$3 – 4 million to conduct and that the sponsors should split the costs equally.

Discussion:

Mr. Karimi noted that there have been similar exercises in the region before. He said it would be a challenge to do something that hasn't already been done.

Mr. Fellows expressed support for the proposal, saying that addressing growth and development in a better fashion is a key to restoring the Chesapeake Bay.

Mr. Dernoga also noted that the region has conducted vision exercises before and that local governments in the region have development master plans that endorse the ideas proposed by these exercises, such as concentrating growth near mass transit. We have been there and done that, he said, suggesting the challenge is whether local governments will do what their master plans say they will do. Mr. Dernoga also suggested that the other two sponsors of this initiative have their own reasons for supporting it with which local governments may not necessarily agree. One of these is to provide cover for the idea that the region's population will increase by 2 million in the next 10 years or so. Speaking for the county council as a whole, he said that Prince George's County could not support the proposal.

Chair Lovell also expressed opposition to the idea, saying that Frederick County is not interested in having another group from outside its borders tell the county how it ought to manage its land use.

Mr. Robertson thanked the members for their input and again urged participation in the dialogue on this issue at the COG Board retreat.

5. Proposal for Amending Committee Bylaws

In the absence of COG General Counsel Lee Ruck, this item was deferred until the next meeting.

6. Review of Loudoun County Water Quality Tour

Ms. Kurtz provided commentary as staff showed several slides taken at the committee's tour of water-quality related sites in Loudoun County June 9. She said that those who attended had seemed to find the experience worthwhile. Noting that attendance among actual committee members was less than anticipated, Mr. Berger of COG staff asked if the committee was still interested in including a tour among the annual activities of the committee.

Discussion:

Chair Lovell said that unless the committee is willing to try to do things, there is no point in member participation. For his part, he said, he found the experience of seeing how other governments address issues worthwhile and he said the Frederick County government staff members whom he encouraged to attend the tour also found the experience worthwhile. Ms. Kurtz suggested combining the tour with one of the regular bi-monthly meetings of the committee as a way of increasing attendance. Mr. Kirste recommended that the next tour focus on stormwater issues and that it include stops at problem sites as well as sites that demonstrate solutions. Mr. Williams also supported the idea of tours, noting, in particular, the experience of touring sampling sites in the Bay that the committee conducted in 2002. He, too, supported the idea of focusing on stormwater sites and suggested that the group look to locations in the Anacostia watershed for its next tour.

7. Committee Updates

Trash Treaty Activities in the Anacostia Watershed – Mr. Graham briefed members about a new development in the focus on trash sparked by the trash summit and trash treaty launched by the Alice Ferguson Foundation. In response to a petition by several environmental organizations, the EPA Region III administrator and the Maryland Secretary of the Environment have approved a listing of Maryland’s portion of the Anacostia River as “impaired” for trash, clearing the way for the development of a mandatory clean-up process under the TMDL (Total Maximum Daily Load) provisions of the Clean Water Act. Mr. Graham said that many questions remain to be answered about such a process, such as what would constitute an acceptable level of trash in a particular water body. However, he added, the action potentially sets a precedent for other bodies of water in the region, such as streams in northern Virginia and even the entire Potomac watershed. He said the foundation has data that could be used to establish trash TMDLs in these water bodies.

WRTC Workshop Plans – Mr. Kirste, chair of COG’s Water Resources Technical Committee, highlighted plans for COG to hold technical workshops on issues of concern to the committee. One of these, to be held in the fall, will compare the methods that the Bay Program is currently using to forecast growth and development in the region to those employed by COG’s Cooperative Forecasting program. The other workshop, scheduled for spring 2007, will focus on the issue of so-called “emerging contaminants,” or man-made chemicals that may affect environmental quality and human health even in very small doses.

8. New Business

None was offered.

9. Adjourn

The meeting was adjourned at 11:45 a.m.

Potomac May Be Contaminated

Md. Advises Against Contact With Water

Sunday, September 3, 2006; SM05

The Maryland departments of Natural Resources, Health and Mental Hygiene, and Environment issued an advisory Thursday calling for residents to take precautions when swimming, boating or recreating in the Potomac River and its tributaries in northern Charles County.

Current surveys show that blooms of blue-green *Microcystis* algae are present from Piscataway Creek in Prince George's County to Smith Point in Charles. The last major *Microcystis* bloom event on the Potomac River was in 2004, state officials said in a written statement.

Blue-green algae naturally occur in tidal freshwater portions of the Chesapeake Bay and its tributaries. Tides and weather conditions such as wind, rain and runoff can increase the abundance of the bloom on the river to unusual unhealthy levels. Heavily affected bloom waters may appear as if bright green paint is floating on the surface as cells accumulate in scum.

Since 2000, 100 percent of laboratory tests of *Microcystis* blooms occurring in Maryland tidewaters have detected the liver toxin microcystin. One-third of the tests showed levels considered cautionary for human contact or consumption. Samples from the current bloom were collected for testing, officials said.

Although there have been no confirmed cases this year of human illness or pet or livestock deaths linked to the bloom, officials advised people to take precautions to reduce the risk of illness:

- The public should not swim in areas where a blue-green algae bloom is evident. Accidental ingestion of bloom water could lead to fever, nausea, vomiting and diarrhea.
- Do not drink water from any area with the appearance of a blue-green algae bloom.
- If contact is made with problem water, wash off with fresh water.
- Skin irritations may occur after prolonged contact. If irritations persist, see a physician or other health-care provider.

- Keep pets and livestock away from bloom areas.
- Do not eat viscera (internal organs) of fish caught in blue-green bloom waters.
- Inhalation exposure to blue-green algae bloom waters during extended recreational activity may result in irritation of the eyes, ears, nose and throat.

To report human illness from bloom water contact or consumption, a fish kill or a fish health-related incident, call Maryland's Bay Safety and Environmental Health Emergency Hotline at 877-224-7229, 24 hours a day.

© 2006 The Washington Post Company

Male Bass Across Region Found to Be Bearing Eggs

Pollution Concerns Arise In Drinking-Water Source

By David A. Fahrenthold
Washington Post Staff Writer
Wednesday, September 6, 2006; A01

Abnormally developed fish, possessing both male and female characteristics, have been discovered in the Potomac River in the District and in tributaries across the region, federal scientists say -- raising alarms that the river is tainted by pollution that drives hormone systems haywire.

The fish, smallmouth and largemouth bass, are naturally males but for some reason are developing immature eggs inside their sex organs. Their discovery at such widely spread sites, including one just upstream from the Woodrow Wilson Bridge, seems to show that the Potomac's problem with "intersex" fish extends far beyond the West Virginia stream where they were first found in 2003.

The cause of the abnormalities is unknown, but scientists suspect a class of waterborne contaminants that can confuse animals' growth and reproductive systems. These pollutants are poorly understood, however, leaving many observers with questions about what the problems in fish mean for the Potomac and the millions of people who take their tap water from it.

"I don't know, and I don't think anybody knows, the answer to that question right now: Is the effect in the fish transferable to humans?" said Thomas Jacobus, general manager of the Washington Aqueduct, which processes Potomac water to provide drinking water for residents of the District, Arlington County and Falls Church.

Jacobus, like others at area utilities, said there was no evidence that tap water taken from the Potomac was unsafe to drink. They said humans should be far less susceptible to the river's pollution than fish, because people are not exposed constantly to the water, our hormone systems work differently, and our larger bodies should require higher doses of any pollutant to cause problems. As research on the fish continues, other scientists across the region are trying to determine whether Potomac water or mud can affect human cells. This research, including tests at West Virginia University that examine whether cells react as if estrogen or estrogen mimics are present, has not reached any solid conclusions.

The first intersex fish in this area were found three years ago in the South Branch of the Potomac, a tributary more than 200 miles upstream from Washington. In 2004, more abnormal bass were discovered in a section of the upper Potomac near Sharpsburg, Md.

Following up, last fall federal and state researchers caught smallmouth bass in the Shenandoah River in Virginia and in the Monocacy River and Conococheague Creek in Maryland. All three tributaries eventually empty into the Potomac. At the site on the Potomac itself in the District, there are no smallmouth bass, so the researchers examined largemouth bass.

The results were striking, according to Vicki S. Blazer, a fish pathologist with the U.S. Geological Survey. More than 80 percent of all the male smallmouth bass they found were growing eggs, including all of the fish caught at four of the seven survey sites. The intersex condition doesn't change the fish's outward appearance but can be detected under a microscope.

At the site in Washington, seven of 13 male largemouth bass showed some kind of unusual feminine characteristic. Six of the seven fish tested positive for a protein used to produce eggs, and three of the seven contained eggs, Blazer said.

Taken together, Blazer said, the results on both bass species seemed to indicate that the Potomac watershed has a problem with "endocrine disruptors," contaminants that interfere with nature's chemical signaling. In this case, she said, the contaminants might have turned on bodily processes that normally are only active in female fish.

"What we're seeing now is that it's definitely not a problem just in the South Branch," she said. "There is this sort of widespread endocrine disruption in the Potomac, but we don't know still what are the causes."

Pollutants that mimic hormones have emerged as a worldwide concern in the past decade, blamed for problems in animals as diverse as alligators, minnows and polar bears. Although scientists say the research is in its infancy, they have identified a large array of pollutants that might affect animals, including human estrogen from processed sewage, animal estrogen from farm manure, some pesticides and additives to soap.

Blazer said water tests in the upper Potomac have detected low levels of a few known endocrine disruptors. But she said none of them has been pinpointed as a cause for the intersex condition, and the problem might be several pollutants acting in combination.

Also unclear is the effect on the Potomac's bass population. There have been several bad spawning years in the past decade, scientists said, and several large die-offs of smallmouth bass in the Shenandoah in recent years. But neither has been conclusively linked to the intersex problem.

Even less understood -- both in the Potomac and around the world -- is how these pollutants affect human health.

In 1996, Congress required the U.S. Environmental Protection Agency to help answer that question by developing a screening program to identify which chemicals are

endocrine disruptors. Ten years later, the agency hasn't tested a single chemical, officials said.

Environmental groups have accused the EPA of proceeding too slowly. Agency officials have defended their efforts by saying the research has been more complex than expected.

"I would have hoped it would have been faster, but this is a very difficult program," said Clifford Gabriel, director of the EPA's Office of Science Coordination and Policy. "We want to make sure we get the science right."

In the area, at least four drinking-water utilities -- the Washington Aqueduct, Fairfax Water, the Frederick County authority and the Washington Suburban Sanitary Commission, which serves Montgomery and Prince George's counties -- take water from the Potomac. That has prompted some environmentalists to worry about problems in tap water, in light of the intersex problems in fish.

"If they can't tell us what the problem is," said Ed Merrifield, executive director of a group called Potomac Riverkeeper, "then how can they tell us that they've taken it out of the water?"

At the four utilities, officials said they felt confident that the Potomac water was being filtered and cleaned well enough that it posed no health risk from endocrine disruptors. But Charles M. Murray, general manager at Fairfax Water, said he wanted more certainty about those pollutants and their effects.

"The question is: Are we analyzing for the right things?" said Murray, whose utility serves a large swath of Northern Virginia and gets about half of its water from the Potomac.

Questions and Answers Regarding Emerging Contaminants
A COG Fact Sheet

DRAFT, Sept. 8, 2006

1. What is “emergent” about emerging contaminants?

These are natural and synthetic substances (chemicals) that are not naturally occurring in aquatic ecosystems.

The presence of these chemicals in water bodies typically results from their widespread use in small doses (e.g., soap and shampoo washed off in the shower, a bottle of pills dumped down the toilet, caffeine excreted in human waste, etc.). Although many of these chemicals have been used in households and industrial processes for years or even decades, more sophisticated testing methods have indicated their presence in our water supplies. They are “emerging” as recently detected potential water pollutants.

2. What types of emerging contaminants are considered to be possible pollutants?

The chemicals fall into three broad groups:

- a. Pharmaceutical/personal care products (PPCPs). Examples of PPCPs include:
 - i. Human antibiotics, musk/fragrances, and soap byproducts
 - ii. Pharmaceuticals used in animal feeds
- b. Compounds already known to be endocrine disruptors, or compounds thought to mimic hormones (e.g., estrodials)
- c. Other miscellaneous chemicals.
These include caffeine, insect repellents, and fire retardants.

3. Is there another name for emerging contaminants?

Yes, “organic wastewater contaminants.” Many of these chemicals are thought to enter water bodies through the discharge of municipal and industrial waste water.

4. How pervasive are these emerging contaminants?

The U. S. Geological Survey conducted a study in 2001 of 139 streams, testing them for the presence of 95 different emerging contaminants. One or more of the 95 chemicals was found in 80% of the sampled streams, and 34% of the streams had 10 or more chemicals.

5. Are there any known environmental or human health effects from these emerging contaminants?

Although developmental and reproductive effects have been documented in fish and other aquatic species, the impact of the thousands of individual chemicals known to be present in the environment or their additive effect on the environment and human health is still being researched, primarily by the U. S. Geological Survey and the Environmental Protection Agency.

6. What do endocrine disruptors do and why might they be dangerous?

Endocrine disruptors are “bioactive,” that is, they can interact with various processes of living organisms. The major impact noted to date has been on the endocrine system of fish. The pituitary, thyroid, and adrenal glands; ovaries; and testes are all part of the endocrine system and produce various hormones to send messages and trigger activities. Some man-made chemicals disrupt the endocrine system by mimicking hormones, blocking hormone receptor sites, or by directly inhibiting or stimulating the endocrine system.

7. What is being done to regulate emerging contaminants, especially endocrine disrupting compounds?

Under the authority of the Food Quality Protection Act and the Safe Drinking Water Act, EPA has developed an Endocrine Disruptor Screening Program. This program is working to establish a strategy for prioritizing chemicals for testing, and a means of evaluating the effectiveness of various assays for screening chemicals of concern.

Resources:

- The Academy of Natural Sciences
<http://www.acnatsci.org/education/kye/hi/kye5152004.html> [retrieved December 9, 2005]
- U.S. EPA
<http://www.epa.gov/scipoly/oscpendo/edspoverview/primer.htm> [retrieved December 9, 2005]

Sources for further information:

- Environmental Working Group
<http://www.ewg.org/sites/tapwater/newsrelease.php>
- Furlong, E.T., Ferrer, I., Glassmeyer, S., Cahill, J.D., Zaugg, S.D, Kolpin, D.W., and Kryak, D., 2003. *Distributions of organic wastewater contaminants between water and sediment in surface-water samples of the United States*. In Proceedings of the 3rd International conference on pharmaceuticals and endocrine disrupting chemicals in water, Minneapolis, Minn., National Ground Water Association, March 19-21, 2003, CD-ROM, p. 60-62.
- Kolpin, Dana, Edward T. Furlong, Michael T. Meyer, E. Michael Thurman, Steven D. Zaugg, et al. USGS. 2002. *Pharmaceuticals, Hormones, and Other Organic Wastewater Contaminants in U.S. Streams, 1999-2000: A National Reconnaissance*. Environmental Science & Technology, v. 36, no. 6. p. 1202-1211.
- Interstate Commission on the Potomac River Basin
http://potomacriver.org/water_quality/safewater/EDCworkshop/EDCworkshop.htm
- USGS Toxic Substance Hydrology Program
<http://toxics.usgs.gov/about.html>
- USGS Chesapeake Bay Activities
<http://chesapeake.usgs.gov/contaminants.html>

BYLAWS

CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

Adopted April 14, 1999
Amended: October 12, 2005

Section 1.00

NAME

1.01

The name of this Committee is the CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE (CBPC) of the Metropolitan Washington Council of Governments (COG).

Section 2.00

AUTHORITY

2.01

The authority of the CBPC derives from Resolution 26-98 adopted by the Board of Directors of COG on September 9, 1998. The Board subsequently addressed membership of the Committee and gave it expanded jurisdiction and budget authority by Resolution R17-05, May 11, 2005.

The CBPC is the principal policy adviser to the Board on all Chesapeake Bay, Potomac River, and water resources issues, and the CBPC shall submit to the Board for its review and approval all major policies, plans, agreements, and programs relevant to these issues. The CBPC shall have oversight responsibility for administering these policies, plans, agreements, and programs receiving Board approval.

The CBPC shall annually review and approve the specifics of the work program and budget for COG's Regional Water fund.

Section 3.00

PURPOSE AND MISSION

3.01

The CBPC shall be the COG Board's principal policy advisor on matters concerning the Chesapeake Bay, the Potomac River and its tributaries, and regional water resources. The CBPC shall evaluate, monitor and participate in the activities of the Chesapeake Bay Program, and shall, under the policy parameters established by the COG Board of Directors, represent the Board's policy-making interests directly to the Chesapeake Executive Council and other appropriate Chesapeake Bay policy makers, including but not limited to the Principals Staff Committee, the Implementation Committee, the Local Government Advisory

Committee and the state regulatory agencies. The CBPC shall facilitate implementation of Bay policy in the Washington region and shall design and conduct outreach to COG member governments on Bay restoration. In doing so, the CBPC shall provide regular updates to the COG Board of Directors. The CBPC shall prepare an annual report on its activities for the year and recommendations for the future.

- 3.02** Areas of responsibility shall include, recommending, advocating and coordinating Bay Program policy issues on behalf of COG members, as well as educating COG membership about the Bay Program. The CBPC shall develop and coordinate an effective arrangement with the Bay Program to ensure that local governments in the Washington metropolitan region have substantial influence in the development of future Bay Program policies and maintain active involvement at the technical level.

Section 4.00

MEMBERSHIP AND TERMS

- 4.01** The CBPC shall be composed of the following voting members appointed annually by COG member governments:
- a) one elected official serving on the legislative bodies of each COG member government except Fairfax County which shall have two representatives; and
 - b) one elected executive or designated senior manager each from:
 - 1. The District of Columbia,
 - 2. Montgomery County, and
 - 3. Prince George's County.
 - c) the general manager or a designated senior manager from any water and/or wastewater utility that contributes to COG's Regional Water Fund.

4.02 **Alternates to Voting Members**

Each member represented on the CBPC may be represented by an alternate. Except for elected executives, alternates to local elected officials to the degree practicable should be other elected officials. Members and alternates shall be appointed by the governmental unit or utility they represent and shall serve until replaced by the body appointing them.

4.03 Non-Voting Members

The CBPC shall, at its discretion, invite certain interested parties to designate a non-voting member of the Committee, who may actively participate in all Committee business with the exception of formal votes. Representatives of interested parties may be invited, at the discretion of the CBPC Chair, to participate in a specific meeting in which their perspective or input would assist the Committee in its actions.

Section 5.00 OFFICERS

5.01 The presiding officer of the CBPC shall be an elected official representing a member government and shall be appointed annually by the Chair of the COG Board. The term of office shall be for one (1) year, with the possibility of reappointment for a second year at the discretion of the COG Board Chair. Insofar as practicable, the position of Chair shall rotate among member governments from the three (3) state jurisdictions. For purposes of Section 5.00, the District of Columbia, the Commonwealth of Virginia and the State of Maryland each constitute a state jurisdiction.

The CBPC shall annually select two Vice Chairs. Each Vice Chair shall represent a member government from a state different from that of the Chair and that of the other Vice Chair.

5.02 If a vacancy occurs in the office of Chair, his or her successor shall be appointed by the Chair of the COG Board from the same state to complete the unexpired term. A vacancy in the office of Vice Chair shall be filled by the vote of the CBPC, chosen from the same state to complete the unexpired term.

Section 6.00 DUTIES OF OFFICERS

6.01 The Chair of the CBPC shall preside at all meetings and shall perform such other duties that the CBPC from time to time shall assign.

6.02 The Vice Chairs shall act to discharge the duties of the Chair in the absence of inability of the Chair to act, in the rotational order set forth in Section 5.01, above.

Section 7.00

QUORUM AND VOTING PROCEDURES

7.01 Seven (7) members or their alternates representing COG member governments shall constitute a quorum of the CBPC. Of this number, there shall be at least three (3) members or alternates from Maryland; three (3) members or alternates from Virginia; and one (1) member or alternate from the District of Columbia. For purposes of this section utility members are counted in determining the existence of a quorum, relying upon primary place of business, or primary service area.

7.02 When a quorum of the CBPC is present at any meeting, the vote of the majority of the CBPC members (or their officially designated alternates) present and voting shall decide any question brought before the Committee.

New 7.03

A Sense of the Committee of the Whole Resolution may be submitted to the CPBC electronically for consideration. The Resolution, plus all the written and any other electronically reproducible background material submitted to the Committee of the Whole, shall be transmitted electronically to all members of the CPBC by the staff no less than 7 nor more than 10 days after the vote of the Committee of the Whole. Staff shall also give the CPBC specifics of the vote of the Committee of the whole, including the identities of all persons voting, yea, nay, or abstaining. Persons who voted nay or who abstained shall have the right to have a position paper in opposition submitted to the CPBC. Such a paper will be forwarded by the staff if received within 7 calendar days of the vote of the Committee of the Whole.

Members of the CPBC may vote for or against the Resolution, or abstain therefrom, on a form or in a manner provided by the staff. Votes received no less than 10 days nor more than 21 days after the vote of the Committee of the Whole will be tallied by the staff and results reported electronically. For the Resolution to become legally effective it must receive yea votes from a majority of the CPBC, including at least 3 votes from Maryland, 3 votes from Virginia, and 1 vote from the District of Columbia.

Section 8.00

COMMITTEES

8.01

Technical Committees

The Water Resources Technical Committee (WRTC) shall serve as the principal technical advisor to the CBPC. The CBPC may also consult with other technical subcommittees created:

- a) by the COG Board and its policy committees,
- b) by the Metropolitan Washington Air Quality Committee (MWAQC), and
- c) by the Transportation Planning Board (TPB).

8.02

Other Groups or Units

The development and implementation of CBPC policies, plans, agreements, and programs will require, from time to time, the establishment of groups or units other than Technical Committees, especially those involving non-government representation. Such groups or units shall report no less than annually to the CBPC regarding their missions and work plans.

New 8.03

Committee of the Whole

At the call of the Chair, or upon majority vote of members present irrespective of quorum, a meeting of the CPBC may convene as a Committee of the Whole to consider and discuss any matter then pending before the CPBC or any new matter submitted by the Chair. The Committee of the Whole may, by motion, seconded, and approved by majority vote of the members present, adopt a Sense of the Committee Resolution on any matter so considered. Such a Sense of the Committee Resolution shall have no legal force and effect but may be communicated to other entities to represent the interim and informal position of the Committee. Upon separate motion and second, such a Resolution may be submitted for formal electronic voting by the Committee pursuant to 7.03 herein.

8.034

The CBPC may establish other Technical Committees as it deems necessary to carry out its business, consistent with the goals and resources specified in the COG annual budget.

Section 9.00

AMENDMENT TO THE BYLAWS

9.01

These Bylaws are derivative of and based upon policies of the COG Board and can only be changed by the Board itself.

9.02

These Bylaws may be recommended for amendment pursuant to the following procedures:

- a) with the approval of the majority of those voting members of the CBPC present and voting, a proposal to amend the Bylaws introduced at any regular meeting of the Committee, shall be recorded in the minutes; and
- b) a special written notice setting forth such proposal shall be circulated to every member of the CBPC at least ten (10) days before the next regular meeting.
- c) The amendment shall be acted upon at the next regular meeting following the meeting at which it was proposed. A majority vote of the members present and voting of the CBPC shall be required for adoption. The proposed amendment will then be forwarded to the COG Board for consideration.

Section 10.00

RULES OF PROCEDURE

10.01

Parliamentary Procedure

Except as provided otherwise by these Bylaws, the COG Board Rules of Procedure, and secondarily, Roberts Rules of Order, Revised, shall be the parliamentary authority for the conduct of meetings of the CBPC. If these are silent, the Committee Chair shall declare the appropriate procedure which shall stand for the duration of the meeting announced unless overruled by a majority vote of members present and voting.

10.02 Meetings

The CBPC shall meet at a frequency necessary for the conduct of its business set by Committee Resolution adopted at the first meeting of each year or at the call of the Chair.

10.03 Meeting Summaries

COG staff shall prepare draft meeting summaries for adoption by the CBPC at the next available meeting time subsequent to the meeting for which the summary was prepared. The CBPC shall review and revise the meeting summaries as necessary, which, upon adoption, shall constitute the official CBPC record of actions and other deliberations.

Section 11.00 BUDGET PROCESS

11.01

The Committee shall annually review and adopt a work program and budget for COG's Regional Water Fund as recommended by the WRTC. The committee shall afford COG's Environment and Public Works Directors Committee an opportunity to review and comment on the draft work program and budget.