



CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

Meeting Summary-DRAFT

January 19, 2024

LINK TO ALL MEETING PRESENTATIONS AND MATERIALS:

<https://www.mwcog.org/events/2024/3/15/chesapeake-bay-and-water-resources-policy-committee/>

1. WELCOME & INTRODUCTIONS

Heidi Bonnaffon introduced the new Chair and Vice Chair, Natali Fani-González, and Kenny Boddye, respectively. Chair Fani-González welcomed members and asked them to introduce themselves.

2. MEETING SUMMARY APPROVAL

The approval of the September 2023 meeting summary was moved to the March meeting.

3. REGIONAL TREE CANOPY SUBCOMMITTEE RECOMMENDATIONS

Jeffrey King, COG Climate, Energy and Air Program Director

Michael Knapp, Montgomery County, and COG Tree Canopy Subcommittee Chair

Brian LeCouteur, Principal Environmental Planner for Forestry, COG DEP

Mr. King and Mr. Knapp shared the programmatic and policy recommendations of COG's Regional Tree Canopy Subcommittee (RTCS). Current tree canopy coverage for the entire COG area is estimated at 49.6% with an average loss of 4,383 acres each year from 2014 to 2018 (data from the Chesapeake Bay Program Land Use/Land Cover Project). If this trend were to continue, by 2050, the total canopy loss would equal 119,932 acres. To assure that this does not happen, the RTCS will be issuing a report which will cover three main topics: A case for conserving trees and forests in the metropolitan Washington region, tree canopy goals for the region, and a guide on identifying the right level of tree canopy for individual communities.

This report recommends three tiers of goals: An overarching goal of reaching a minimum of 50% tree canopy coverage through 2050, intermediate goals based on population density and urbanization, and smaller scale target goals for general land use categories. The RTCS recognizes that the recommended percentages of tree canopy cover should be regarded as best management practices and should not be interpreted as universally applicable to every scenario. They also recommend that the regional goal and intermediate target goals be reevaluated once every five years.

Questions and Discussion:

- Susan Cunningham asked if she could get more information on tree canopy measurement tools and tree canopy calculation variation. Mr. Knapp responded that variation could show up depending on which set of satellite images are used. The RTCS decided to use Chesapeake Bay Program Land Use/Land Cover images because this data set consistently covers the entire COG region.
- Vice Chair Boddye asked if the RTCS will help the local jurisdictions meet the tree canopy



goals as many counties cover a wide spectrum of land uses and population density scales. Mr. King responded that there should be room in the work program and budget to support local resolutions.

- Susan Whitney asked if any other jurisdictions have had success in getting federal earmarks for forest preservation and if so, what matching funds were required. Chair Fani-González asked presenters to follow up with Councilmember Whitney by email.
- Laura TeKrony asked if the RTCS looked at using a tree canopy bank or only replanting with native trees. Mr. Knapp responded that they acknowledge that some jurisdictions use banking, but the report itself uses more global language and does not get into specific practices and tactics.

4. LEGISLATIVE PRIORITIES & FORECAST

A. COG's 2024 Legislative Priorities & legislative subcommittee formation

Heidi Bonnaffon, COG staff

The COG board met last week and passed COG's legislative priorities, including the water priorities. COG is seeking members who would like to join the legislative subcommittee to track this year's legislation. The first legislative call will be next Friday, January 26.

B. Federal Water Legislation and News:

Ted Mondloch, Banner Public Affairs

Mr. Mondloch provided a briefing on federal water news. His briefing included:

- Funding:
 - Congress is over three months into FY2024 and has yet to pass a spending deal; passing another short-term continuing resolution on January 18 through the staggered deadlines of March 1 and March 8.
 - COG and Banner are working on a funding inclusion in the draft Senate Energy-Water Development bill for an USACE study authorized under WRDA 2022 to investigate additional drinking water storage capacity for the region, building off the primary source of the Potomac River via the Washington Aqueduct.
- Lead:

The latest iteration of revisions to the lead and copper rule – the LCR improvements, or LCRI were proposed on November 30th. The proposed rulemaking includes the following:

 - Requiring most systems to replace 100% of their lead service lines within 10 years of the rule going final
 - Lowering lead action levels from the current fifteen parts per billion to 10 parts per billion
 - Increasing requirements around tap sampling – systems must collect first liter and fifth liter samples at sites with LSLs and use the larger of the samples for compliance monitoring
 - Requiring systems with multiple exceedances to conduct certain outreach to customers and make lead-reducing filters available



CBPC Meeting Summary-draft
January 19, 2024

- PFAS
 - EPA proposed the first national drinking water standard for 6 PFAS – or forever chemicals – in March which set a maximum contaminant level (or MCL) of four parts per trillion.
 - The agency is now set to produce a final rule – which has been long delayed but is expected in the first quarter of 2024.
- 2024 Water Resources Development Act (WRDA)/future of the Bipartisan Infrastructure Law (BIL/IIJA):
 - This year's WRDA is going to be predominantly focused on the USACE project. Hill staff are saying no sweeping policy changes for EPA
 - There is a big need to continue BIL/IIJA investments after FY26, but significant action on this is not likely to come this year
- Farm Bill:
 - 5-year reauthorization of USDA programs; extended deadline from September 2023 to September 2024
 - Includes nutrition assistance programs and other related policy, but also notably USDA's conservation programs tailored towards protecting watersheds from agricultural runoff and other effluent pollution.

D. Overview of the Virginia General Assembly Water Bills

Chris Pomeroy, Aqualaw President

Mr. Pomeroy gave a brief report on the Virginia General Assembly and budget and spoke about a couple of policy bills. The General Assembly is due to enact a new two-year state budget this year. The budget bill includes full funding of the agricultural needs assessment (\$138 million on top of the 2023 budget Amendment Bill), \$100 million for the Virginia Community Flood Preparedness Fund, and \$25 million to further capitalize the new resilient Virginia Revolving Loan fund. There are currently no funds budgeted for the Chesapeake Bay TMDL Phase III WIP goal of wastewater treatment plan upgrades.

PFAS legislation has been introduced to call for industrial source disclosure of PFAS chemical manufacture or use in production processes. Virginia is looking at source reduction to avoid municipal water plant upgrade projects.

House Bill 220 creates flexibility for using remote monitoring technology to help with water utility operations staffing issues, and Senate Bill 554 concerns operator reciprocity of operator licenses. Both bills will help water and wastewater utilities with staffing. House Bill 530 has to do with Chesapeake Bay Resource protection areas and creating appeal rights.

Questions and Discussion:

Shannon Moore informed members that Aqualaw's Maryland Stormwater Association (MAMSA) is adept at tracking Maryland legislation on behalf of members and has openings for local government membership.



5. MEMBER & STAFF UPDATES

- Chair Fani-Gonzalas informed members that she is working on an agrotourism zoning text amendment to allow Montgomery County to have overnight stays in rural areas.
- There will be a virtual orientation for new members date TBA.
- Caitlin Bolton provided highlights from the General Updates document.

6. ADJOURNMENT

The next CBPC meeting will be March 15, 2024

PARTICIPANTS:

Andrea Crooms, DoE Prince Georges County
Andrea Lewis, Fairfax County Government
Erin Flynn, Falls Church City Council
Gary Allen, Maryland Sustainable Forestry Council
Heather Gewandter, City of Rockville
Jenni Pompei, Greenbelt *City Council*
Kenny Boddy (Vice Chair), Prince William County Supervisor
Knapp, Michael, Chair of the RTCS
Khandikile Sokoni, Montgomery County Council
Laura TeKrony, Loudon County *Supervisor*
Maria Mackie, College Park City Council
Mark Nystrom, WMATA
Maureen Holman, DC Water

Natali Fani-González (Chair), Montgomery County Council
Norm Goulet, NVRC
Penny Gross, retired Fairfax County Supervisor
Shannon Moore, Fredrick County Government
Susan Cunningham, Arlington County Board
Susan Whitney, College Park City Council
Ted Mondloch, Banner Public Affairs
Thom Lipinski, Loudoun Water
Valerie Suzdak, Loudoun County Government

COG Staff:

Jeffrey King
Caitlin Bolton
Wyetha Lipford
Heidi Bonnaffon
Brian LeCouteur