



CHESAPEAKE BAY & WATER RESOURCES POLICY COMMITTEE
WATER QUALITY FORUM SUMMARY- Draft
September 15, 2017

1. INTRODUCTORY REMARKS

Chair Sze called the meeting to order at 10:05 a.m., and asked for everyone to introduce themselves.

2. CBPC APPROVAL OF DRAFT SUMMARY FROM JULY 28TH MEETING

The draft summary of the July 28, 2017 meeting was approved as written.

3. BAY AND WATER QUALITY: AN ONGOING DIALOGUE BETWEEN PARTNERS

Invited state and EPA Chesapeake Bay Program (CBP) guests provide brief programmatic highlights, followed by committee member discussion with invited guests.

Lee Currey, Maryland Department of the Environment (MDE) (on behalf of Secretary Grumbles)

- Current Maryland Phase I MS4 stormwater permits will expire between December 2018 and January 2019. The next generation permit will be drafted by the end of this year. Maryland Phase II MS4 permits will be issued in March 2018.
- Maryland is developing Water Quality Trading Regulations, with a goal of finalizing them by the end of the year.
- MDE will be conducting a pilot project this winter to dredge and reuse Conowingo Dam infill sediments. Through this pilot MDE is gaining experience with the permitting process and potential beneficial reuse applications.
- MDE is slated to decide on the Exelon Dam relicense by May 2018; there will be a public hearing in November (date to be determined).
- MDE's Phosphorus Management Tool will be employed for Phase III Watershed Implementation Plans (WIPs), and MDE is in conversation with Soil & Water Conservation Districts about using this tool.

David Goshorn, Maryland Department of Natural Resources (MD DNR) (on behalf of Secretary Belton)

- MD DNR is awarding [Clean Water Commerce Act] funding for innovative non-point source BMPs, with emphasis on co-benefits (i.e., forest buffers).
- MD DNR is focused on other Chesapeake Bay Agreement goals besides nutrients, such as projecting MD sea level rise implications and mitigation actions via the Chesapeake Coastal Services.

Russ Baxter, Governor McAuliffe's Office, VA

- Virginia is underway with its 2017 midpoint assessment of the Bay TMDL implementation to-date, and is preparing for receipt of the new planning targets for the Phase III WIP development.
 - Thus far, have held 12 midpoint assessment/Phase III WIP preparations meetings, by sectors.
- Mr. Baxter noted that he is a political appointee, so he may not be continuing to serve in this position after the next election.

- Virginia recently won its largest court settlement, It was with Dupont for mercury contamination in the James watershed. Virginia has been awarded \$50 M for water improvement projects. \$10 M will be focused on the Shenandoah Valley, so those projects will have Bay impacts.
- Virginia is developing its biannual budget now, which will be unveiled in December. Until then it is unknown how much funding Virginia is allotting for water quality improvement projects because unlike Maryland there is not a designated source of funding.
- Wastewater treatment plant upgrades are almost completed. Stormwater and agricultural BMPs are the focus now.

Hamid Karimi, DOEE (on behalf of Tommy Wells)

- EPA Region III has issued the draft District of Columbia's new MS4 permit. It is progressive, with numerical values.
- Mr. Karimi provided highlights of the District of Columbia's stormwater program, noting the District is still top ranking in green roofs, and its Stormwater Retention Credit program is getting off the ground. This credit program allows new development to purchase stormwater credits if they cannot retain a 1.2-inch storm on site. Those who have voluntarily installed stormwater practices or achieved stormwater runoff reductions above what is required, can sell credits in the market.
- As part of the Climate Ready DC project, the District has evaluated flood risks, storm surge, impacts of urban heat islands, etc., and is developing solutions to build resiliency.
- For the Phase III WIP, the District will look for climate co-benefits.

Rich Batiuk, CBP

- Mr. Batiuk provided positive news about the Chesapeake Bay rebounding, doing better than many watersheds nationwide, and showing an unprecedented estuarine response. Despite population growth, the Bay is showing improved water quality trends, including reduction of the dead zones, and increased submerged aquatic vegetation. The Potomac River is also demonstrating improved water quality. The stormwater sector is starting to show nitrogen reductions and is doing well on reducing phosphorus.
- The Phase 6 Bay model is in its final stages of calibration and is a big improvement over the previous version. There is improved land used modeling, and efforts to improve the accuracy of the loading calculations.
- The Bay Partners will be making decisions this December on whether/how to incorporate growth, Conowingo, and climate impacts into Bay Planning Targets and ultimately into state Watershed Implementation Plans
- The CBP's CAST tool will allow local governments to run the watershed model and various planning scenarios at a county level. CAST uses thirty years of data, and incorporates data from across the watershed, but enables jurisdictions to see the water quality effects at a local level.

Member discussion:

- Ms. Gross asked Mr. Currey about the timeframe for reuse of the Conowingo Dam dredge material, allowing for dewatering, etc. Mr. Currey said that MDE will know better the reuse options and timeframes after the pilot study.
- Ms. Gross said we have the public's buy-in on water quality improvement projects and we need to continue to our commitment to restoration efforts.

- Ms. Garvey echoed that Bay improvement is not widely known; more often the negative messages are in the media. She suggested a *Washington Post* article or advertisement that would tell the positive Bay news and tie it to local actions.
- Ms. Davis cautioned painting the Bay as too rosy of a picture, because it is uncertain how issues like climate change, population growth, agriculture, and Conowingo Dam loadings are going to affect water quality. Also, we need federal dollars to sustain the restoration efforts; they cannot be done exclusively with local funding.
- Mr. Currey said continuing to support EPA CBP oversight is important because they can help with equity across the Bay states, with focus on Pennsylvania.
- Mr. Baxter agreed that the water quality investments to-date are resulting in progress, but we have a way to go. He acknowledged stormwater as a hurdle.
- Mr. Batiuk concurred that despite the scientific trends of cleaner water, population growth will eclipse this progress unless we sustain our efforts.
- Mr. Currey noted that 70% of their nitrogen reduction can be credited to the wastewater treatment plant upgrades.
- Mr. Rice said he had a different take on the positive news. He would like to emphasize the need for the CBP to hold all Bay states to equal standards. The pressure is on, given EPA's plans to defund the *Bay Journal*, and Congressional attempts to roll back EPA enforcement. States need to realize that economic development is compatible with and benefits from improvements made in the water sector.
- Mr. Batiuk acknowledged challenges, but noted that the CBP intends to continue to work with Pennsylvania to enhance their water quality efforts and progress.
- Mr. Ortiz suggested a short video for positive Bay storytelling, and to tell the story of the local investments being made in Maryland, Virginia and the District of Columbia. This region has spent tens of millions of dollars on stormwater. Mr. Ortiz agreed that there needs to be pressure on Pennsylvania, just as in Maryland there are water quality litigations.
- Mr. Karimi said that the public cares about local, neighborhood water quality. For example, due to good Potomac water quality conditions, swimming the Potomac River was part of a recent triathlon. Mr. Karimi echoed continued support for EPA CBP's authority.
- Ms. Gross agreed that the "local benefits" is important in communicating our water quality and Bay messaging.
- Mr. Baxter said when voicing support for the EPA's CBP it is important to acknowledge the other agencies: NOAA, USDA, DOD, [USGS].
- Ms. Holman wondered if other approaches such as public pressure might be effective.
- Ms. Garvey noted that the COG region could offer support to Pennsylvania. We do not want to pit Bay states against one another.
- Mr. Baxter said that in the discussion of nutrient trading, states understand the wastewater progress and the importance of protecting their capacity. It would be a "nuclear option" to take away unused allocations.
- Mr. Charles asked Mr. Batiuk about the Phase 6 Model's scale and local precision, inquiring that it wouldn't be used for setting local targets. Similarly, Ms. Garvey sought confirmation that the model is not to be used directly for setting MS4 allocations.
- Mr. Batiuk replied that, while the model has been refined for land cover/land use parcels, it is a tool, but not to be used for setting regulatory requirements.
- Mr. Walz said COG can continue to advocate for full funding of the CBP program and related agencies, emphasizing keeping tools at the table to finish the job.

- Mr. Batiuk said any communication the CBPC and LGAC can do to bring water issues to EPA Region III's forefront would be helpful.

4. SUMMARY OF DISCUSSION AND NEXT STEPS

Ms. Spano made the following remarks in wrapping up:

- In planning for new loads (climate, etc.) it will be important to
 - Seek holistic, science-based solutions and co-benefits, versus straight accounting for nitrogen, phosphorus and sediments, and
 - Recognize where growth has already been reflected in the allocations
- COG will continue to work with our invited partners to align messaging, such as:
 - How local water quality benefits translate into jobs.
 - Quantifying money being spent to show the region's level of effort and resultant progress/improvements
- COG has been experimenting with using the CAST tool and will share information with our members on how to use CAST.

Chair Sze summarized the Forum discussion as follows:

- Members are interested in creating a CBPC member video about water quality, and he is supportive of this idea.
- Chair Sze is intrigued by the MDE pilot dredge project, and said the CBPC would appreciate a report out from MDE after the pilot is complete.
- He said that it is not too early to plan for Bay efforts beyond 2025.
- Chair Sze said the CBPC continues to be supportive of enhancing our relationships with EPA Region III. and the states in addressing these matters,
- He also thanked the EPA and state representatives for taking time to participate in today's forum.

5. ADJOURNMENT

The meeting adjourned at 12:00 P.M.

The next CBPC meeting will be on **Friday, November 17** from 10:00 a.m. to 12:00 p.m. at COG.

ATTENDANCE:

Members and Alternates:

Adam Ortiz, Prince George's County
Craig Rice, Montgomery County
Dan Sze, Chair, Falls Church
Hamid Karimi, Vice Chair, DOEE
J. Davis, Greenbelt
Joel Caudill, WSSC
Karen Pallansch, Alexandria Renew
Enterprises
Libby Garvey, Arlington County
Lisa Feldt, Montgomery County
Mark Charles, Rockville
Mark Peterson, Loudoun Water
Maureen Holman, DC Water
Pamela Kenel, Loudoun Water
Penny Gross, Fairfax County
Sam Rosen-Amy, DC Council
Steve Shofar, Montgomery County

Guests:

Amy Tarte, VA Dept. of Emergency
Management
David Goshorn, MD DNR

Dennis Cumbie, Loudoun Water (via webinar)
Elaine Wilson, DC Water
Jerry Maldonado, Prince George's County
James Davis-Martin, VA DEQ
Jutta Schneider, VA DEQ
Katherine Antos, DOEE
Lee Currey, MDE
Rich Batiuk, EPA Chesapeake Bay Program
Russ Baxter, Office of VA Governor
R. V'lent Lassiter, VA DEQ
Tiffany Wright, Bowie (via webinar)

COG Staff:

Heidi Bonnaffon, DEP
Steve Walz, DEP Director
Tanya Spano, DEP

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