



Local governments working together for a better metropolitan region

Chesapeake Bay and Water Resources Policy Committee

Date: Friday, March 20, 2009

Time: 10:00 a.m. – 12 noon*

Place: Third Floor Board Room
777 North Capitol Street, NE
Washington, DC 20002

- District of Columbia
Bladensburg*
Bowie
College Park
Frederick
Frederick County
Gaithersburg
Greenbelt
Montgomery County
Prince George's County
Rockville
Takoma Park
Alexandria
Arlington County
Fairfax
Fairfax County
Falls Church
Loudoun County
Manassas
Manassas Park
Prince William County

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

Meeting Agenda

- 10:00 1. Introductions and Announcements..... Hon. Cathy Drzyzgula, Chair
City of Gaithersburg
10:10 2. Approval of Meeting Summary for Jan. 16, 2009 Chair Drzyzgula
Recommended action: Approve DRAFT Meeting Summary (Att. 2).
10:15 3. Proposed Policy on Carryout Bags Stuart Freudberg, Director
of Env. Programs, COG
..... John Snarr, COG staff
..... Dana Minerva, Anacostia Restoration Part. Exec. Dir.
..... Hon. Tommy Wells, District of Columbia Council

*Adjunct member

District of Columbia Council Member Tommy Wells has introduced legislation to ban disposable non-recyclable plastic carryout bags and to establish a fee on other disposable carryout bags (Att. 3a). He is asking COG to establish a similar position as regional policy and will explain how such a policy would support water quality improvement efforts in the Anacostia River basin and throughout the Potomac basin. Similar legislation has been introduced in Maryland by Del. Albert Carr and in Virginia by Del. Adam Ebbin. (Att. 3b)

Mr. Freudberg will provide an overview on the issue; Mr. Snarr will summarize the outcomes from a special meeting of the COG Recycling Committee held on March 19th; and Ms. Minerva will summarize the results of recent trash monitoring in the Anacostia watershed in the District and Maryland. Council Member Wells will then present his proposed legislation. The Committee is requested to consider Resolution RXX-09, which endorses Mr. Wells' legislative approach for the entire region. If approved, COG would advocate that similar legislation be adopted in the District of Columbia, Maryland and Virginia.

Recommended Action: Approve Resolution Rxx-09 (Att. 3c) for consideration by the COG Board at its April 8, 2009 meeting.

11:00 4. **Update to COG's Bay Policy Principles**..... Ted Graham, COG staff

In 1997, the COG Board approved R25-97, which established four policy principles that have guided COG's perspective on Chesapeake Bay programs and policies. Given the increasingly regulatory nature of the Bay Program, the CBPC directed in its 2009 priorities that these principles be re-examined and potentially revised. Staff has recommended some key revisions to the principles (*Att. 4a*). Mr. Graham will brief members on these revisions, which were reviewed by the Water Resources Technical Committee (WRTC) at its March 12 meeting. If approved, these will be presented to the COG Board for adoption (*Att. 4b*)

Recommended Action: Approve proposed update to COG's Policy Principles for Chesapeake Bay Restoration for presentation at the April 8 COG Board meeting.

11:20 5. **Chesapeake Bay Program Developments** Tanya Spano, COG staff

Ms. Spano will provide updates, analysis and recommendations from the WRTC on the following Bay program policy issues:

- plans for allocating nutrient and sediment loads on a geographic-political basis and potentially at the local level
- plans for establishing what is feasible for the various sources of nutrients and sediment to do to reduce their loads and determining whether such plans are affordable
- plans for the Chesapeake Bay Executive Council to establish two-year "implementation milestones" at its May 2009 meeting. She will suggest an option for comment on the milestones.

Recommended action The WRTC is not recommending specific policy actions regarding the first two bullets at this time, although it does plan to send a letter to the appropriate Bay Program committee outlining specific technical concerns. Direct staff to develop milestone comments for further review by the CBPC's Executive Committee.

11:35 6. **Federal/State Legislative and Budget Developments**..... Steve Bieber, COG staff

Mr. Bieber will update the committee on the following legislative and budget developments regarding Bay funding:

- water infrastructure details in the financial stimulus package and state plans for spending it
- water infrastructure details in the FY 2009 Omnibus Spending Bill and in the Obama administration's proposed FY 2010 budget
- funding for wastewater plants and other relevant legislation in the Virginia General Assembly, and
- the status of water quality-related legislation still pending in the Maryland General Assembly

Recommended action: Direct staff to work with the committee leadership to take action, where appropriate, on these budget and legislative issues

11:45 7. **Staff Updates** various COG staff

- FY 2010 Regional Water Fund work program and budget
- Potomac Water Quality report
- Regional outreach efforts - infrastructure and water resource protection initiatives
- Updated 2009 policy focus document (*Att. 7*)

11:55 **8. New Business** Members

12:00 **9. Adjourn**

(The next meeting is scheduled for Friday, May 15, 2009, 10 a.m. - 12 noon.)

Enclosures/Handouts:

- Item 2 DRAFT meeting summary of Jan. 16, 2009
- Item 3a "Anacostia River Clean-Up and Protection Act of 2009," District of Columbia Council
 legislation B18-0150
- 3b Maryland HB 1210 and accompanying fiscal note (distributed separately); Virginia HB 1814
- 3c Draft COG Board Resolution endorsing regional carryout bag policy
- Item 4a Draft COG Board Resolution revising Bay policy principles
- 4b DRAFT COG Board memo transmitting principles resolution - distributed separately
- Item 7 Final CBPC Focus for 2009

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

MINUTES OF JANUARY 16, 2009, MEETING

ATTENDANCE:

Members and alternates:

Chair Cathy Drzyzgula, City of Gaithersburg
Penelope Gross, Fairfax County
Bruce Williams, City of Takoma Park
Meo Curtis, Montgomery County
Mohsin Siddique, District of Columbia WASA
J. L. Hearn, WSSC
Karen Pallansch, Alexandria Sanitation Authority
Mark Charles, City of Rockville

Staff:

Stuart Freudberg, DEP
Ted Graham, DEP
Tanya Spano, DEP
Steve Bieber, DEP
Heidi Bonnaffon, DEP
Tomlyne Malcolm, DEP
Karl Berger, DEP

Visitors:

Walter Boynton, University of Maryland
Cy Jones, Resources for the Future
Glynn Rountree, National Association of Home Builders

1. Introductions and Announcements

New Chair Cathy Drzyzgula of the City of Gaithersburg gave brief welcoming remarks and said that her goal as chair was to give everyone a chance to have input and engender good discussion.

Chair Drzyzgula asked members if they had any concerns about staff's proposed meeting schedule for 2009. Ms. Gross suggested that the committee might be able to hold its May meeting, scheduled for May 15, in conjunction with the Chesapeake Executive Council meeting expected to be held in Mt. Vernon sometime that same week. Several obstacles to this idea were noted. After some discussion, the committee decided to revisit the issue at its March meeting.

2. Approval of Meeting Summary for Jan. 18, 2008

Acting as a committee of the whole, the members present approved the draft summary.

3. A New Approach to Restoring the Bay

Dr. Boynton, a professor at the University of Maryland's Chesapeake Biological Laboratory, presented an analysis of the overall status of the Bay restoration effort after more than 25 years of official action and ideas for

improving it. The analysis reflects the ideas of a group of scientists who have called publicly for the Bay Program to make major changes and adopt new policies. In a presentation with a number of slides showing technical water quality data, Dr. Boynton summed it up by saying that, at best, the restoration effort has managed to keep conditions from further deterioration, but the 25 years of effort has made no progress toward improving water quality on an overall basis. Discussing levels of dissolved oxygen in Bay waters, perhaps the key indicator of water quality, Mr. Boynton summarized current data as indicating that the Bay exhibits chronic, long-lasting anoxia throughout much of its deeper waters.

Dr. Boynton made some broad recommendations for what the Bay Program and society as a whole could do to begin to reverse these negative trends. These include making the landscape wetter (for example by restoring or creating more tidal marshland) to promote natural denitrification and adding what he called “ecological plumbing” to the urban landscape.

Discussion: His recommendations prompted a discussion of urban stormwater design. Both Ms. Gross and Chair Drzyzgula asked for Boynton’s view on pond construction and whether the recent trend in stormwater design toward smaller and more widely distributed control measures (such as rain barrels) would work better. Dr. Boynton did not provide a definitive answer, suggesting instead that stormwater management design is still evolving and managers need to try lots of things to see what works the best.

Mr. Freudberg asked Dr. Boynton what he sees as the most effective sectors of pollution to target and with what practices. He replied that upgrades in wastewater treatment technology to capture nutrients, which has already made what he termed remarkable progress, should continue. He also promoted cover crop use by farmers, saying this practice needs to become more widespread and consistently applied. He also mentioned the need to continue to reduce pollution from urban stormwater, even though it is the most difficult and expensive of the major sources to address, he said.

Member of the committee complimented Dr. Boynton on the clarity of his presentation. Mr. Siddique asked COG staff to provide access to his slides.

Action: The committee directed the Water Resources Technical Committee to investigate the policy recommendations of Dr. Boynton and his colleagues and report back to the committee.

4. Discussion of Water Quality Infrastructure

Chair Drzyzgula introduced this topic by noting its relevance to current events such as the recent breaking of a water main in Montgomery County that led to an emergency rescue of stranded motorists. She also noted that residents of Gaithersburg went without public water supplies for three days this past summer because of a water main break.

Ms. Pallansch, general manager of the Alexandria Sanitation Authority (ASA), introduced a video produced at Penn State to highlight the issue of lack of funding and will to adequately maintain water infrastructure. She said that people tend to take their water and wastewater services for granted. As utility managers and local government leaders, she said, we are doing a poor job of educating people on how much energy and money it takes to maintain these services. ASA, she noted, has recently invested almost a half-billion dollars in nutrient reduction technology and other upgrades at its wastewater plant.

Members then viewed a short summary of the video, “Liquid Assets.”

Discussion: Ms. Gross noted that as a member of EPA’s Local Government Advisory Committee, she

recently viewed a 20-minute video that highlighted five case studies on infrastructure repair efforts. She said it was instructive to note that the elected officials who supported increased funding for such efforts lost their seats as a result of their efforts in two of these cases. She said she would check into whether COG could gain access to the video.

Ms. Spano of COG staff briefly discussed COG's work to date on the proposed federal stimulus legislation, which includes letters sent by the Transportation Planning Board and the COG Board to local members of Congress. She noted that individual jurisdictions in the region have put together lists of projects that may be eligible for stimulus funding, including a number of drinking water, wastewater and stormwater projects. Working with the WRTC, COG staff will continue to track the local impact of stimulus funding and notify the committee as appropriate, she said. She added that most of the details of how such money would be spent are still uncertain.

Discussion: Ms. Gross said one of the key principles for Fairfax County will be how much of the money is allocated to infrastructure repair and replacement efforts as opposed to new projects. She suggested the latter would encourage further undesirable development of farmland in the region.

Mr. Hearn noted that in Maryland distribution of any stimulus funds is likely to occur through existing state mechanisms such as the drinking water state revolving fund. This fund already stipulates that its funds can only be used for projects inside the state's established growth areas.

Mr. Graham said that COG staff recently met with WSSC staff to discuss how to publicize the infrastructure issue on a regional basis. One suggestion is to organize a town hall-style meeting. Staff also is recommending that the committee send a letter to the region's three public television stations urging them to air (or rebroadcast, since two of them aired it last year) the Liquid Assets video.

Action: The committee directed COG staff to draft a letter for the Chair's signature recommending that the region's public television stations air the Liquid Assets video.

5. Committee Focus for 2008

Mr. Bieber of COG staff presented a summary of recent Bay Program developments, including the decision of the Executive Council to establish two-year progress milestones beginning in the spring of 2009 and upgrades in the modeling tools that indicate that the challenge of meeting water quality goals is even harder than it was thought to be when the state developed their original tributary strategy reduction plans in the early part of the decade, plans that they have not come close to implementing. He also noted that many people, including EPA's Bay Program Office director Jeff Lape, have identified reducing pollutants from urban stormwater sources as the greatest challenge facing the Bay. These developments have prompted a number of questions regarding cost effectiveness, future regulatory requirements and the extent of the responsibility to be placed on local governments. For this reason, the WRTC is recommending that the committee review its current set of Bay policy principles to see whether changes are warranted, according to Ms. Spano

Discussion: Mr. Siddique noted that the Use Attainability Analysis that the Bay Program may undertake as an official process if the costs of meeting the current water quality standards for the Bay are deemed to be unattainable would present an opportunity for the region to more fully identify the costs of meeting Bay program goals. Echoing the earlier discussion on infrastructure, Mr. Siddique said that the Bay program has not communicated to local ratepayers what the costs of meeting water quality goals might be and whether it is affordable.

Ms. Gross said she could see the need to review the principles, which were initially established in 1997. Three of

them, regarding the need for equity in seeking reductions, sound science in establishing what needs to be done and in giving local governments a voice in the decision-making process, are still relevant, she said. The fourth principle, which advocated for the use of voluntary programs, while still appealing, may need to be revised to adapt to the evolving regulatory nature of the restoration effort.

Members also briefly discussed staff's proposed set of priorities for committee focus in 2009, which include a review of the policy principles. Mr. Siddique made several suggestions for minor changes in the document, which COG staff will make.

Action: The committee adopted the proposed set of priorities for committee focus in 2009 as amended.

6. Staff Updates

Mr. Berger noted that a bill to authorize previously approved bond financing for Virginia's Water Quality Improvement Fund is still on track in that state's General Assembly. In Maryland, the Governor has proposed new funding for that state's Chesapeake Bay Trust Fund, but its fate will probably not be known until the final days of the legislative session. Mr. Berger also noted that a bill has been introduced in Maryland to require all new and replacement septic systems to install nitrogen removal technology.

Mr. Beiber said staff plans to present a draft Potomac water quality report to the committee at its May meeting.

7. New Business

Staff noted that Hamid Karimi from the District of Columbia and Barbara Favola from Arlington County have volunteered to serve as vice chairs of the committee.

Action: The committee approved those choices.

8. Adjourn

The meeting was adjourned at 12 noon.

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2 Councilmember Vincent C. Gray

Councilmember Tommy Wells

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6 Councilmember Mary M. Cheh

Councilmember Kwame R. Brown

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10 Councilmember Marion Barry

Councilmember Yvette Alexander

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14 Councilmember Harry Thomas, Jr

Councilmember Michael A. Brown

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18 Councilmember David A. Catania

Councilmember Jack Evans

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22 Councilmember Phil Mendelson

Councilmember Muriel Bowser

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30 A BILL

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32 _____
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34 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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39 Councilmember Tommy Wells, Vincent C. Gray, Mary M. Cheh, Kwame R. Brown, Marion
40 Barry, Yvette Alexander, Harry Thomas, Jr., Michael A. Brown, David A. Catania, Jack
41 Evans, Phil Mendelson, and Muriel Bowser introduced the following bill, which was
42 referred to the Committee on _____.

43
44 To protect the aquatic and environmental assets of the District of Columbia; to ban the use of
45 disposable non-recyclable plastic carryout bags; to establish a fee on all other disposable
46 carryout bags provided by grocery stores, drug stores, liquor stores, restaurants, and food

1 vendors; to give the Mayor the authority to implement rules and procedures to collect the
2 fee; to establish a non-lapsing recurring Anacostia River Cleanup and Protection Fund.
3

4 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
5 act may be cited as the "Anacostia River Clean Up and Protection Act of 2009".
6

7 Sec. 2. Findings.

8 The Council of District of Columbia finds that:

9 (1) The widespread provision of carryout bags to consumers creates significant problems
10 relating to their disposal and effect on the environment.

11 (2) Plastic carryout bags are the largest single source of trash in the Anacostia River
12 tributaries and of the three largest sources in the entire river.

13 (3) Plastic carryout bags clog sewer systems, and pose a risk to marine animals that ingest
14 them or become entangled in them along the River.

15 (4) The Anacostia River soon will be subject to an Environmental Protection Agency
16 mandated Total Maximum Daily Load (TDML), which sets the level of allowable pollution;
17 exceeding this figure will result in severe fines for the District.

18 (5) There exists a need to discourage the use of single-use, disposable plastic and paper bags
19 and encourage the use of reusable bags by consumers and retailers in order to minimize the impact of
20 disposable bags on the Anacostia River, on the health and environment of the District and its
21 residents, and on the District's fiscal welfare.

22 (6) Other jurisdictions worldwide have seen a dramatic decrease in disposable bag use when
23 small fees have been implemented that encourage consumers to choose reusable shopping bags.
24

25 Sec. 3. Definitions.

26 (a) "Disposable carryout bag" means a bag of any material, commonly plastic or kraft
27 paper, which is provided to a consumer at the point of sale to carry purchases. "Disposable
28 carryout bag" does not include: bags used by consumers inside stores to package bulk items such
29 as fruit, vegetables, nuts, grains, candy, or small hardware items, such as nails and bolts; bags
30 used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, flowers or potted
31 plants, or other items where dampness may be a problem; bags used to protect prepared foods or
32 bakery goods; bags provided by pharmacists to contain prescription drugs; or newspaper bags,
33 door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags
34 intended for use as garbage, pet waste, or yard waste bags.

1 (b) "Recyclable paper carryout bag" means a paper bag that meets all of the following
2 requirements: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a
3 minimum of 40% post-consumer recycled content, and (3) displays the word "Recyclable" in a
4 highly visible manner on the outside.

5 (c) "Recyclable plastic carryout bag" means a plastic bag that (1) is made of high-density
6 polyethylene film (HDPE) marked with the SPI resin identification code 2 or low-density
7 polyethylene film (LDPE) marked with the SPI resin identification code 4, and (2) displays the
8 words "Please Recycle This Bag," or substantially similar language, in a highly visible manner
9 on the outside.

10 (d) "Retail Establishment" means any licensee under a Department of Consumer and
11 Regulatory Affairs Basic Business License category Public Health: Food Establishment Retail
12 (D.C. Official Code Sec. § 47-2851.03(10)(J)) license or under an Alcoholic Beverage
13 Regulation Administration off-premises retailer's license, class A or B.

14 (e) "Reusable carryout bag" means a bag with handles that is specifically designed and
15 manufactured for multiple reuse and is either (1) made of cloth, fiber or other machine washable
16 fabric, and/or (2) made of durable plastic that is at least 2.25 millimeters thick.

17
18 Sec. 4. Ban use of disposable non-recyclable plastic carryout bags.

19 (a) Disposable non-recyclable plastic bags shall not be sold or distributed, retail or
20 wholesale, in the District of Columbia.

21 (b) All Retail Establishments shall provide only the following as carryout bags to
22 consumers:

- 23 (1) recyclable paper carryout bags;
- 24 (2) recyclable plastic carryout bags; and
- 25 (3) reusable bags

26 (c) Nothing in this section shall preclude stores from making the allowable carryout bags
27 in section 4 (b)(3) available through sale to consumers.

28 (d) Violation of requirements set forth in section 4 shall subject the establishment to the
29 penalties set forth in section 6.

30
31 Sec. 5. Establishment of fee.

1 (a) A fee of \$.05 per recyclable paper and plastic carryout bag is hereby established for
2 consumers making purchases from Retail Establishments.

3 (1) Fees must be paid by the consumer at the time of purchase.

4 (2) Retail Establishments may not pay the fee on behalf of consumers.

5 (3) All Retail Establishments shall indicate on the consumer transaction receipt
6 the number of disposable carryout bags provided and the total amount of fee charged.

7 (4) Fees shall be collected by the Office of Tax and Revenue (OTR) and allocated
8 as defined in subsection 5(b).

9 (b) The \$.05 fee per recyclable paper and plastic carryout bag shall be distributed as
10 follows:

11 (1) To the Retail Establishment:

12 (A) From each \$.05 fee collected, \$.01 will remain with the establishment;
13 however, an establishment that chooses to offer a carryout bag credit program to
14 its customers, as outlined in subsection 5(b)(1)(B), will retain an additional \$.01
15 from each fee collected, for a total of \$.02 per fee collected.

16 (B) For an establishment to retain an additional \$.01 from each fee
17 collected, its carryout bag credit program must:

18 (i) credit the consumer a minimum of \$.05 for each carryout bag
19 provided by the consumer for packaging their purchases, regardless of
20 whether that bag is paper, plastic, or reusable;

21 (ii) be prominently advertised at each checkout register; and

22 (iii) reflect the total credit amount on the consumer transaction
23 receipt.

24 (C) The fees retained by the establishment pursuant to this section shall
25 not be classified as revenue and shall be tax exempt.

26 (2) The remaining amount from each fee collected shall be deposited in the
27 Anacostia River Cleanup and Protection Fund as described in section 7.

28 (c) OTR shall develop rules for frequency and method for reporting and transmitting the
29 fees, as described in subsection 5(a), to the District.

30
31 Sec. 6. Enforcement and Penalties for Violation.

1 (a) The Mayor shall promulgate rules necessary to enforce the requirements of this act
2 within 90 days of the effective date of this Act.

3 (b) If the Mayor determines that a violation has occurred

4 (1) First violation. A written warning notice shall be issued to the Retail
5 Establishment that a violation has occurred. No fine shall be issued for the first violation.

6 (2) Subsequent violations. If after the warning notice the Retail Establishment
7 continues to violate the requirements of this Act, the Mayor shall issue a fine to the Retail
8 Establishment. The fines may not exceed:

9 (A) \$100 for the first violation in a calendar year;

10 (B) \$200 for the second violation in the same calendar year; or

11 (C) \$500 for each additional violation in the same calendar year.

12 (3) No more than one fine shall be issued to a Retail Establishment within a 7-day
13 period.

14 (c) If payment of any amounts due under this section is not received by or before the due
15 date, a penalty shall be added.

16 (d) Revenues collected through citations for violation of this act shall only be used for
17 enforcement costs including hiring inspectors and other staff, and administrative costs associated
18 with enforcement of this act.

19
20 Sec. 7. Establishment of the Anacostia River Clean Up and Protection Fund

21 (a) There is established as a non-lapsing recurring fund, titled the Anacostia River Clean
22 Up and Protection Fund (“Fund”), where the fees generated by the purchase of disposable paper
23 and plastic carryout bags from Retail Establishments shall be deposited. The Fund shall be used
24 solely for the purposes set forth in subsection (b) and be administered by the Office of the
25 Director of the District Department of the Environment (DDOE).

26 (b) The Fund shall be used solely for the purposes of cleaning and protecting the
27 Anacostia River. Funds may be used for projects including, but not limited to:

28 (1) A public education campaign to educate residents, businesses, and tourists
29 about the impact of trash on the District’s environmental health;

30 (2) Providing reusable carryout bags to District residents, with priority to assisting
31 seniors and low-income residents;

- 1 (3) Creating youth-oriented water resource and water pollution educational
- 2 campaigns for students at the District of Columbia public and charter schools;
- 3 (4) Monitoring and recording pollution indices for the Anacostia River;
- 4 (5) Preserving or enhancing water quality and fishery or wildlife habitat in the
- 5 Anacostia River;
- 6 (6) Promoting conservation programs for the Anacostia River, including programs
- 7 for wildlife and endangered species;
- 8 (7) Purchasing and installing equipment designed to minimize trash pollution
- 9 reaching the Anacostia watershed, including trash traps, recycling containers, and covered trash
- 10 receptacles;
- 11 (8) Restoring and enhancing wetlands and green infrastructure to protect the
- 12 health of the Anacostia River and restore the aquatic and land resources of its watershed;
- 13 (9) Funding community cleanup events and other activities that reduce trash, such
- 14 as increased litter collection;
- 15 (10) Funding a Circuit Rider Program with neighboring jurisdictions to focus
- 16 river and tributary clean up efforts upstream;
- 17 (11) Supporting vocational and job training experiences in environmental and
- 18 sustainable professions that enhance the health of the Anacostia River;
- 19 (12) Maintaining a public web site that educates District residents on the progress
- 20 of Anacostia clean up efforts; and
- 21 (13) Paying for the administration of this program.

22 (c) The Fund shall not be used to supplant funds dedicated as part of an approved annual
23 budget for Anacostia River cleaning activities by DDOE.

24 (d)(1) All funds deposited into the Fund, and any interest earned on those funds, shall not
25 revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end
26 of the fiscal year, or at any other time, but shall be continually available for the uses and
27 purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject
28 to authorization from Congress.

29 (2) Any funds that are transferred through intra-District transfers and are not
30 expended in a fiscal year shall revert to the Fund.

31

1 Sec. 8. Applicability.

2 (a) The requirements of this act shall become operative 6 months from the effective
3 date.

4 (b) Beginning at least 90 days before the effective date of the fee, DDOE shall:

5 (1) Conduct an intensive public information campaign, aimed at educating the
6 public on the importance of reducing the number of disposable bags entering the waste
7 stream and the impact of disposable bags on the rivers, tributaries, and environmental
8 health of the District;

9 (2) Conduct an outreach campaign that includes:

10 (A) A public-private partnership to provide reusable carryout bags to
11 District residents;

12 (B) Working with service providers that assist seniors and low-income
13 residents to distribute information and multiple reusable bags to low-income
14 households.

15
16 Sec. 9. Effective Date.

17 This act shall take effect following approval by the Mayor (or in the event of veto by the
18 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
19 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
20 24, 1973 (87 Stat.813; D.C. Official Code Sec. § 1-206.02(c)(1)), and publication in the District
21 of Columbia Register.

22
23 Sec. 10. Fiscal impact statement.

24 The Council adopts the fiscal impact statement in the committee report as the fiscal
25 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
26 approved December 24, 1973 (87 Stat. 813; D.C. Official Code Sec. § 1-206.02(c)(3)).

098542653

HOUSE BILL NO. 1814

Offered January 14, 2009

Prefiled January 12, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 10.1-1415.3, relating to plastic bags.*

Patrons—Morrissey, BaCote, Bouchard, Ebbin, Eisenberg and Ward

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1415.3 as follows:

§ 10.1-1415.3. Plastic carryout bags.

No retailer, as defined in § 58.1-602, shall provide customers with plastic carryout bags at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

INTRODUCED

HB1814

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 N. Capitol St., N.E.
Washington, DC 20002**

**RESOLUTION SUPPORTING A BAN ON THE USE OF DISPOSABLE NON-RECYCLABLE
PLASTIC CARRYOUT BAGS AND A FEE ON ALL OTHER DISPOSABLE CARRYOUT BAGS**

WHEREAS, the Potomac and Anacostia Rivers and their many tributaries are a vital recreational resource for the region and a key contributor to the region's quality of life; and

WHEREAS, this resource is severely degraded by the many forms of trash that float on the surface and collect on the shorelines of these rivers and streams; and

WHEREAS, available data indicate that plastic carryout bags are the largest single source of trash in the Anacostia River tributaries, and one of the largest sources in the Potomac and Anacostia rivers; and

WHEREAS, plastic carryout bags create significant litter problems in the Metropolitan Washington region's streets, sewer systems, streams, and the environment;

WHEREAS, other jurisdictions worldwide have seen a dramatic decrease in disposable bag use when small fees have been implemented that encourage consumers to choose reusable shopping bags; and

WHEREAS, key jurisdictions in the COG region have signed a Potomac Trash Treaty and have made a commitment of staff and other resources to the planning for and implementation of the Treaty; and

WHEREAS, through Resolutions R77-07, R15-06 and R43-05, the Metropolitan Washington Council of Governments (Council) has affirmed it's support for meeting the goal of a Trash Free Potomac by 2013;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:**

The Council supports a ban on the use of disposable non-recyclable plastic carryout bags and the establishment of a fee on all other disposable carryout bags provided by grocery stores, drug stores, liquor stores, restaurants, and food vendors.

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 N. Capitol St., N.E.
Washington, DC 20002**

RESOLUTION REVISING COG'S PRINCIPLES FOR REGIONAL WATER QUALITY POLICIES AND PROGRAMS

WHEREAS, the Metropolitan Washington Council of Governments (COG) has a long history of supporting policies and programs to achieve water quality goals for the Chesapeake Bay, the Potomac River, and the Anacostia River; and

WHEREAS, local governments and wastewater utilities in the COG region are responsible for implementing policies and programs to restore and protect the water quality of the Chesapeake Bay and its tributaries; and

WHEREAS, in Resolution R25-97, the Board established four policy principles to guide COG's perspective on Chesapeake Bay programs and policies; and

WHEREAS, the Chesapeake Bay Program's Executive Council has acknowledged that the goal of the Chesapeake 2000 agreement to meet water quality standards in the Bay and the tidal portions of its tributaries by 2010 will not be achieved, which has triggered the development of a Total Maximum Daily Load for the Chesapeake Bay and associated related regulatory actions to achieve water quality standards; and

WHEREAS, other regional water quality concerns, such as the potential impact of organic chemicals and other compounds on aquatic life, are becoming increasingly important, as are concerns that involve both water and other media, such as climate change; and

WHEREAS, COG's Chesapeake Bay and Water Resources Policy Committee recently reviewed the 1997 principles in light of the many changes in the development of regional water quality policies and programs and identified several areas where revisions are warranted;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:

The following Bay policy principles replace those adopted in 1997.

- I. **Holistic Requirements** – Programs and policies to restore and protect the Chesapeake Bay and its tributaries, whether regulatory or not, shall reflect a holistic, multi-sector analysis of environmental benefits and costs, as well as technical feasibility, before being established.
- II. **Equitable Responsibility** – Programs and policies to restore and protect the Chesapeake Bay and its tributaries shall strive for equity and cost-effectiveness in allocating responsibilities among regions, counties and municipalities and among the different sources of pollution.
- III. **Sound Science** – Programs and policies to restore and protect the Chesapeake Bay and its tributaries shall rely on a sound scientific foundation and shall be revised as needed, reflecting advances in that foundation.
- IV. **Communication and Voice** - Programs and polices to restore and protect the Chesapeake Bay and its tributaries, whether regulatory or not, should be developed through a cooperative process among stakeholders including local governments and wastewater utilities. Given their implementation responsibilities, local governments and wastewater utilities shall be engaged at the earliest stages of these development processes.

CBPC Focus for 2009

Att. 7

As approved by committee at its Jan. 18, 2009, meeting

Major priorities

- **Revise regional policy framework for Bay Program involvement**
 - Revise COG's four Bay Program policy principles to meet challenges of evolving Bay Program – take to COG Board for approval
 - Develop policies related to impending TMDL implementation and “two-year milestones”
 - Develop urban area management strategies
 - Work to include cost effectiveness screens in policy development
- **Advocate for funding for both existing and new water/wastewater/stormwater infrastructure**
 - Work with utilities, PIOs to craft regional message on water quality infrastructure
 - Work with COG Board to advocate regional priorities for fiscal stimulus at the federal level
 - Support appropriate state legislative initiatives in Maryland and Virginia
- **Determine strategies for meeting water quality goals through stormwater management**
 - Work with WRTC to ensure that cost effectiveness criteria are included in TMDL implementation and tributary strategy plans
 - Continue technical work on quantifying nutrient loads from urban regions
- **Advocate for local government voice in Bay Program/state decision making**
 - Advocate for local government role in helping to shape Bay Program and state policies on wasteload allocations, TMDL implementation and other matters

Other priorities

- **Coordinate with other COG committees on environmental initiatives**
 - Provide water resources focus to Greater Washington 2050 initiative
 - Work with Climate Change Committee to integrate water quality and climate change initiatives
- **Support regional public outreach efforts**
 - (See first bullet under Funding category above)
 - “Can the Grease,” proper disposal of medicines and other compounds

Actions to Support Focus on Issues

- **Potomac Water Quality Report** – accompanying recommendations to be presented to Board
- **Committee meetings** (6 per year)
- **Committee tour** (details to be determined)
- **Federal legislation** (provide opportunity to meet with local congressional delegation)
- **Individual presentations/appearances by members**