



Local governments working together for a better metropolitan region

Oct. 2, 2007

Donald Welsh
Regional Administrator
EPA Region III
1650 Arch St.
Philadelphia, Pa., 19103-2029

District of Columbia

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Fairfax County

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Manassas Park

Prince William County

**Adjunct member*

Dear Mr. Welsh:

I am writing on behalf of the Metropolitan Washington Council of Governments' (COG) Chesapeake Bay and Water Resources Policy Committee (CBPC) regarding the planning for and development of "Chesapeake Bay Watershed Total Maximum Daily Loads" or "Bay TMDLs." Specifically, I urge EPA and the other Bay Program Partners to create an inclusive process for local government participation in the development of the Bay TMDLs. COG, which represents 21 local governments in the metropolitan Washington region, has long supported the goals for the restoration and protection of the Bay and its tributaries. The region's wastewater treatment and urban stormwater programs are second to none. We believe that the cause of water quality protection is best served when local governments have an active role in helping to resolve a broad range of policy and technical issues, including TMDL development, as we are often in the front line of implementation.

The Bay Program Partners have just begun to plan for the development of the Bay TMDLs, reflecting a series of regulatory actions that date back to the late 1990s. Arguably, urban jurisdictions have the most at stake in the development of such TMDLs. Of all the important sources of nutrients and sediment, only wastewater treatments plants and urban stormwater programs are typically regulated by the TMDL framework of the Clean Water Act. As the Bay TMDLs proceed, significant new requirements for urban stormwater programs are a distinct possibility, as suggested by the September 2007 Briefing Paper, which was discussed by the Chesapeake Bay Program's Principals' Staff Committee on October 1. This raises a host of program, policy and cost issues with the greatest impact likely to fall on urban jurisdictions.

It is not clear how the Bay Program Partners intend to organize themselves as the Bay TMDL process proceeds. Whatever format emerges, we strongly urge the Partners to emulate the inclusive process that the Water Quality Steering Committee Technical Work Group used in developing the tidal water quality criteria and nutrient allocations. Stakeholders were "at the table" while technical and policy issues were discussed and decisions were made. We in the Potomac watershed are particularly concerned that there be reasonable consistency across state lines. The Partners may also wish to consider holding a kickoff "Urban Stormwater Forum and Workshop" to identify critical policy and technical issues as this may be the area with the greatest regulatory uncertainty.

COG's jurisdictions recognize the water quality challenges that lie ahead, including addressing the pressures of continued growth. Early and continued involvement of urban jurisdictions, those with "on the ground experience," will be indispensable in determining how Bay TMDLs help meet those challenges. We look forward to working with EPA and the other Bay Program Partners to fully protect the Bay and its tributaries.

Sincerely,



Martin Nohe, Chair
Metropolitan Washington Council of Governments
Member, Prince William County, Va., Board of Supervisors

cc: Jeff Lape, EPA Bay Program Office Director
State members of the Bay Program's Principals Staff Committee
Members of the Chesapeake Bay and Water Resources Policy Committee