

**CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE**  
**MEETING SUMMARY - DRAFT**  
**March 18, 2016**

**1. Call to order and Introductions**

Chair Rice called the meeting to order at approximately 10:00 a.m. and welcomed new members. He noted that this is his second year chairing the CBPC, and that he is glad to have the opportunity to be actively supporting water issues. When he first started as chair there was the West Virginia chemical spill, and now two years later Flint, MI- both of which are reminders of how important and fragile water systems are.

The new CBPC members Christine Nagle, College Park; Ruth Anderson, Occoquan District of Prince William County; and Carla Reid, WSSC General Manager, introduced themselves.

**2. Approval of draft January Meeting Summary**

The January meeting summary was approved as submitted.

**3. Water Quality Trading**

The issue of Water Quality Trading is of interest to the CBPC because trading can be a tool for effectively achieving regional Bay TMDL waste load allocations. Chair Rice pointed out that managing and treating stormwater and that concerns about the so called “rain tax,” are an urban challenge; but he also noted that likewise the rural parts of Montgomery County are also interested in cost-effective ways to reduce agricultural nutrients and generate credits. Ms. Spano added that the region’s wastewater treatment plants have largely succeeded in building in capacity to support future growth, and that as long as that capacity is not put in jeopardy – that in the near term that capacity could potentially be used to meet at least some MS4 requirements. This could offer flexibility to local governments to effectively lengthen the time for implementing stormwater projects.

Chris Pomeroy, President of AquaLaw, presented an overview of the nutrient and sediment trading activities in the region, followed by comments from Lisa Feldt and Shannon Moore, who serve on the Maryland Nutrient Trading Advisory Group.

Mr. Pomeroy’s presentation included a graph comparing the cost per pound of reducing nitrogen through various practices for agriculture, wastewater and stormwater. The graph illustrated that the same waste load reductions goal can be achieved more cost-effectively when programs are given the flexibility to trade. Trading has strong EPA support, and also Bay Program support. The Bay TMDL is the largest TMDL in the country and the only one with a deadline. Trading is effectively wired into the Bay TMDL as a tool and its use is increasing. And it is important that the States have policies in place that will help locals meet their goals.

Mr. Pomeroy also summarized the activity level of the Virginia, Maryland, and District of Columbia's trading programs, as follows.

Virginia:

- Has a very strong and active trading market, largely thanks to the fact that wastewater treatment plants upgrades to enhanced nutrient removal have generally been implemented/are potentially available.
- Trading is being used by land developers to meet Virginia's phosphorus standards.
- The MS4 trading activity has been slow so far, but is ramping up, especially with the 2016 regulatory authority that allows for sediment trading.

Maryland:

- Due to the longer schedule for wastewater treatment plant upgrades in Maryland, wastewater is currently not a driver for trading in Maryland as it is in Virginia
  - There are however, individual cases of trades for wastewater such as septic conversions, and plant consolidations.
  - Maryland is also discussing who 'owns' the flow-related fraction of wastewater credits.
- Stringent MS4 permits, land development (Environmental Site Design) standards, and accounting for growth will likely shape Maryland's trading program development.

District of Columbia:

- The District of Columbia's growing trading market is driven by its stringent stormwater volume retention standard for new development.
- The District of Columbia also has a Stormwater Retention Credit market in place which authorizes developers to purchase up to 50% of their retention credits off-site.

Universal Points about Trading Programs:

- Trading Programs are market driven, and need to include transparent rules and implementation for buyers and sellers.
- Trading needs to work within existing permits rather than amending permits to reduce allocations.
- Trading programs need to be protective of a wastewater treatment plants' ability to manage their flow and concentration credits, and to protect their capacity that is set aside for future growth.
- Issues for consideration when developing and refining Trading Programs include:
  - Distinguishing between temporary trades in time (e.g., between wastewater capacity and stormwater programs, to "buy time" for stormwater project implementation) versus permanent trades (e.g., to meet land development standards and to address growth)
  - Who owns the credits?
  - At what rate do the credits get retired?
  - Types of trades may include "bubble" (cooperative efforts to reduce loadings within a watershed basin) and bilateral trades (between separate entities, each with their own waste load allocations).

Ms. Feldt made the following points:

- The five year MS4 permit timeframe for executing stormwater design and construction is very challenging and expensive.
  - The Montgomery County Capital Improvement Budget has gone from \$11 Million to \$360 Million now.
- The Maryland District Court upheld the 2010 MDE MS4 permit for Montgomery County – which confirms the requirements that the County has effectively been operating under.
- Once MDE finishes establishing trading guidance, trading could be an effective tool for agriculture, wastewater, and stormwater.
- Trading needs to consider the intersection of local water quality and the Bay TMDL.

Ms., Moore stated the following:

- Trades ‘in time’ would effectively allow stormwater programs to schedule their work realistically to achieving goals.
- Since Frederick County owns its own wastewater treatment plant, including the associated cap loads and credits, Maryland should allow trading by right within the county without having to adjust permits.
- The Nutrient Trading Work Group has details to work through with MDE including:
  - What constitutes a credit and what should the baseline for stormwater restoration?
  - Should there be a forest baseline (i.e., should new development in an urban area have to implement environmental site design to bring the site back to ‘forest level’ water quality)?

Member Comments:

- Mr. Karimi asked whether there are local, state and EPA barriers to trading? Are there federal or state policies that act as impediments?
- -Mr. Pomeroy replied that there are trades to meet the Bay TMDL and there are trades for meeting local water quality. Right now the Bay TMDL is trumping local water quality concerns. To be protective of local water quality, trades in time only affect scheduling, and not load occurrences. This avoids creating hot spots. However one must be careful when responding to Bay load allocations because they were done coarsely. Local water quality cannot degrade due to trading.
- Mr. Male expressed interest in generating stormwater credits to trade, since Takoma Park is on track for their 20% retrofit requirement. He also expressed interest in the District of Columbia’s public private partnership for establishing trading credits.
- Ms. Spano stressed that it is important to protect the planned for capacity and loads of wastewater treatment plants that are included in our region’s planning for growth.
- Chair Rice stated that installation of septic systems were originally used as a constraint on growth, but development still occurred despite the septic systems, and now Montgomery County has to address these many aging septic systems.
- Chair Rice suggested the committee could write a letter supporting flexibility and trading.
- Ms. Spano recommended revising COG’s policy principles to include a principle on flexibility for local governments that would support the use of such trading.
- The members agreed with that recommendation.

Actions:

- At the May CBPC meeting, the CBPC will review COG's Policy Principles to insert a principle on providing local governments with program flexibility that could be used to support trading.

**4. Legislation and Advocacy**

**A. Virginia and Maryland Legislation**

Ms. Bonnaffon summarized the legislative issues that the Advocacy Workgroup had been tracking this year. The Advocacy Work Group reported that two resolutions in Virginia passed: 1) to create a Drinking Water and Wastewater Professionals Appreciation Day on June 30, and 2) to recognize the week of June 4<sup>th</sup> as Chesapeake Bay Awareness Week. The Maryland General Assembly has also has two bills recognizing Chesapeake Bay Awareness Week, but the CBPC is awaiting legislative action on the Maryland bills.

Member Comments:

- Chair Rice and Shannon Moore said they would follow up on the Maryland bills since Monday, March 21 was crossover day, and they did not want the bills to be overlooked.
- Ms. Anderson said she would like COG staff to develop a resolution that local jurisdictions could use.
- Mr. Sze said he would support development of a resolution honoring water and wastewater professionals in light of the green utility jobs and the utility STEM outreach to schools.
- Ms. Nagle mentioned Maryland has the [EARN program](#) to recruit students to public sector jobs, and there is a water operator specific section.
- Chair Rice reiterated that water sector jobs are permanent jobs and they contribute billions of dollars to the U.S. local economies.

Actions:

- CBPC members supported COG staff developing a resolution to the COG Board endorsing the Drinking Water and Wastewater Professionals Appreciation Day and the Chesapeake Bay Awareness Week.

**B. Community Engagement Campaign (CEC)**

Ms. Bonnaffon briefed CBPC members on the CEC outreach efforts, including TapIt, and in particular on the committee's new initiative the Protect Your Pipes (PYP) campaign ([www.protectyourpipes.org](http://www.protectyourpipes.org)) to protect wastewater systems from expensive clogs due to improper disposal of materials down drains and toilets.

She noted that the PYP campaign includes branding and three characters to put faces on the issues of medications, non-flushable items such as wipes, and grease. Ms. Bonnaffon also highlighted upcoming water dates such as March 22 World Water Day, and May 1-7 National Drinking Water Week. High resolution files of the PYP campaign characters are available for members to use. Members are advised to contact Ms. Bonnaffon if you or your staff would be interested in any of this material.

Member Comments:

- Chair Rice reiterated how water issues such as grease clogs also have an environmental justice and social component.
- Ms. Davis asked that TapIt staff make sure Greenbelt partner locations are showing up on the TapIt app, as there were some technical difficulties. Staff said they would address this.

## 5. General Updates

### A. Chesapeake Bay Program Updates

- Ms. Spano highlighted an issue in the written Bay General Updates: The Bay Program is incorporating both local land use information and data from high resolution imagery into its updated land use data layer for the Phase 6 watershed model currently under development. Local governments may have the opportunity to review and comment on the updated land use through their states as early as March. However, delays in processing data from high resolution imagery will pose challenges for the Bay Program to maintain its schedule for completing the Phase 6 Watershed Model and ultimately the next (Phase III) Watershed Implementation Plans. COG staff is working with its local government members to ensure the accuracy of local land use data, as well as other wastewater and biosolids data, and to advocate for adequate time for local government staff to review the land use data input to and output from the Bay model.
- Ms. Spano also requested and received CBPC endorsement for COG's staff's nomination (as a member of the Bay Program's Water Quality Goal Implementation Team) of Norm Goulet (Northern Virginia Regional Commission) to the Chesapeake Bay Program's Local Area Targets Task Force.

### B. FY 17 Work Program and Budget

- COG staff are preparing the Fiscal Year 2017 Regional Water Quality Management Work Program and Budget for CBPC member review. The work program will build upon many of the same Fiscal Year 2016 programs and initiatives, including preparing for the Bay Program's 2017 Mid-Point Assessment, as well as addressing climate resiliency and toxics. That review and approval will happen off-line in the late May/early June timeframe. She also noted that based upon initial regional results from COG's Cooperative Forecast 9.0 the work program will also need to build in plans for addressing growth-related issues such as:, wastewater and drinking water capacity timelines, the potential use of trading to achieve Bay goals, etc..

#### Member Comments:

- Mr. Karimi asked that wetlands and shoreline hardening also be considered as a topic for a future CBPC discussion.

### C. Lead in Drinking Water

Ms. Ragain provided an overview about the presence and issues associated with lead, drinking water, and summarize what is going on in the COG region. Some key messages were:

- Lead was used in plumbing, lines, and fixtures in the early 1900s. Also lead was in gasoline. So it's a legacy issue.
- The Flint, MI lead crisis sheds a light on several issues pertaining to lead, including the complexity of the Safe Drinking Water Act's Lead and Copper Rule, the need for infrastructure investment and transparency in drinking water oversight, and the need for clear public communication.
- The science and terminology of lead is complex:
  - Redox reactions;
  - Determining lead concentrations and exposures must be done case by case
  - Exposures come from various sources including paint and soil
  - The terminology about "aggressive and passive water" and corrosiveness of water is confusing to the public

- There are not violations of the Lead and Copper Rule in the COG region.
  - Utilities have corrosion control in place
  - Utilities are not switching their source water
  - EPA's monitoring, sampling protocol and guidance is being followed
- The District of Columbia, Alexandria and Falls Church do have some lead service lines.
- DC Water offers free lead test kits, WSSC will do lead testing upon request, and Virginia utilities refer customers to state certified labs.
- However, schools are responsible for their own pipes and sampling.
- COG staff are actively working with experts and local water providers in the region to address these issues, inform all parties, and help address these complex communication issues.

Member comments:

- Chair Rice said the information is very timely, and noted that there is reference material about lead on the WSSC website.

**6. Adjournment**

The meeting adjourned at 12:10 P.M.  
The next meeting will be Friday, May 20.

**ATTENDANCE:**

**Members and alternates:**

Carla Reid, WSSC  
Christine Nagle College Park  
Craig Rice, Chair, Montgomery County  
Dan Sze, Falls Church  
Hamid Karimi, DOEE  
J Davis, Greenbelt  
JL Hearn, WSSC  
Karen Pallansch, Alexandria Renew Enterprises  
Lisa Feldt, Montgomery County  
Mark Charles, Rockville

Mark Peterson, Loudoun Water  
Ruth Anderson, Prince William County  
Shannon Moore, Frederick County  
Tim Lovain, Alexandria  
Tim Male, Takoma Park

**Guests:**

Maura Carroll, Arcadis

**COG Staff:**

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