



Local governments working together for a better metropolitan region

Chesapeake Bay and Water Resources Policy Committee

Date: July 17, 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 May 15, 2009..... Chair Drzyzgula
Recommended action: Approve DRAFT Meeting Summary (Att. 2).
10:15 3. Consideration of COG Septic System Policy Jay Prager, MDE
..... VDH rep. (invited)
..... COG staff

In 2009, the Maryland General Assembly considered legislation to require all new or replacement septic systems to install nitrogen removal technology to reduce the discharge of soluble nitrogen, eventually imposing the requirement just on residents of the state's "Critical Areas" within 1,000 feet of tidal waters. Efforts to expand this requirement are expected in both Maryland and Virginia in future years (Att. 3a and b).

Mr. Prager, Deputy Program Manager for the Wastewater Permits Program at the Maryland Department of the Environment, will discuss how MDE intends to implement this requirement. He also will provide some information on septic use statewide. Representatives from the Virginia Department of Health have been invited to summarize information on septic use in that state.

COG staff will supplement these presentations with information obtained from managers of local county septic system programs

Recommended Action: Determine if COG should establish a policy on septic system technology to address Bay restoration goals and, if so, make appropriate recommendation to the COG Board.

*Adjunct member

10:50 4. **Briefing on Chesapeake Bay Program Developments and Presentation to COG Retreat**..... Steve Bieber, COG staff

..... Dr. Ted Graham, Water Resources Dir.

Mr. Bieber will update the committee on the status of the Bay Program's efforts to (1) allocate responsibility under the Bay-wide TMDL development process for further reductions of nutrient and sediment loads among the major basins and states (2) develop state implementation plans and (3) respond to the presidential Executive Order on Chesapeake Bay Protection and Restoration. He will highlight WRTC concerns about these developments and discuss plans for COG to host one of a series of outreach meetings planned for the TMDL development process.

Chuck Fox, newly named Special Assistant to EPA Administrator Lisa Jackson for the Chesapeake Bay and Anacostia River restoration efforts, will speak to attendees at the COG Retreat Aug. 1. Dr. Graham will preview that presentation and discuss the questions COG staff has posed for him to address (*Att. 4*)

Recommended Actions:

1. Send letters to Bay Program partners requesting more transparency on modeling efforts and opportunity for local governments to provide input into state implementation plans.
2. Consider developing recommendations for a regional planning process to guide local implementation of Bay Program goals, akin to old Section 208 planning process, and ways to seek additional financial assistance for local governments
3. Provide guidance on TMDL outreach meeting plans.
4. Provide input on questions prepared for Mr. Fox.

11:15 5. **Response to Chesapeake Bay Hearing Testimony** Uwe Kirste, co-chair, Water Resources Technical Committee, Prince William Cty.

At its May 15 meeting, the committee reviewed the testimony of Rep. Gerald Connolly of Virginia's 11th congressional district at a field hearing on Bay restoration held by the Water and Wildlife Subcommittee of the Senate Committee on Environment and Public Works April 20. The committee directed staff to work with the Water Resources Technical Committee to draft a response to that testimony. Mr. Kirste will outline the response recommended by the WRTC, which includes requesting a meeting to discuss issues with Mr. Connolly's staff and, possibly, sending a general comment letter to the subcommittee as a whole.

Recommended action: Determine how COG should respond to potential federal legislative initiative in this area.

11:35 6. **Update on Federal Legislation**..... Steve Bieber, COG staff

COG staff is tracking several bills or areas of legislation in Congress and Mr. Bieber will outline COG's potential interest in the reauthorization of a federal surface transportation act (*Att. 6.a*) and in H.R. 1053 (*Att. 6b*), which would increase federal scrutiny of federal and state budgets for Bay restoration and require the EPA administrator to develop and implement an adaptive management plan for Bay restoration.

11:40 7. **Staff Updates** various COG staff

- Greater Washington 2050 Compact developments (*Att. 7*)
- Plastic trash report
- Federal stimulus funding

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

- Alice Ferguson Foundation proposal for regional trash reduction legislative and regulatory roundtable

12:00 9. **Adjourn**

(The next meeting is scheduled for Friday, Sept. 18, 2009, 10 a.m. - 12 noon.)

Enclosures/Handouts:

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| Item 2 | DRAFT meeting summary of May 15, 2009 |
| Item 3a | COG staff summary of legislative status regarding septic system policy |
| Item 3b | "Chesapeake Nitrogen Reduction Act of 2009, SB 554 |
| Item 4 | DRAFT notes for J. Charles Fox presentation to COG Retreat Aug. 1, 2009 |
| Item 6a | 5/27/09 letter to Chairman Oberstar and Ranking Member Mica |
| Item 6b | Text of "Chesapeake Bay Accountability and Recovery Act," H.R. 1053, as introduced |
| Item 7 | Environment section of draft 2050 Goals, Indicators and Targets worksheet |