

**CHESAPEAKE BAY COMMISSION  
MAY 2018 MEETING MINUTES**

The Chesapeake Bay Commission held its fourth quarterly meeting of 2018 on Thursday and Friday, May 3-4, 2018 in Washington, D.C.

Commission members in attendance:

- Secretary Mark Belton
- Delegate Robert Bloxom
- Delegate David Bulova
- PA Citizen Member, Warren Elliott
- Representative Garth Everett
- Delegate Barbara Frush
- Delegate Tawanna Gaines
- Representative Keith Gillespie
- Senator Guy Guzzone
- Senator Emmett Hanger
- Secretary Patrick McDonnell
- Senator Thomas “Mac” Middleton
- Secretary Matt Strickler
- Representative Michael Sturla
- Senator Frank Wagner
- Delegate Tony Wilt
- Senator Gene Yaw

Members not in attendance:

- Senator Richard Alloway
- MD Citizen Member, Bernie Fowler
- Delegate Maggie McIntosh
- VA Citizen Member, Dennis Treacy
- Rear Admiral Jack Scorby

Staff: Ann Swanson  
Jen Dieux  
Adrienne Kotula  
Marel King  
Mark Hoffman

**THURSDAY, MAY 3, 2018**

**Call to Order**

Senator Frank Wagner, Chairman, called the meeting to order, and asked Commission Executive Director Swanson to call the roll.

The Commission was then welcomed to EPA headquarters by Andrew Wheeler, Deputy Administrator of EPA. Deputy Administrator Wheeler shared with the Commission his professional background, including prior stints at EPA and as Staff Director on the Senate Environment and Public Works Committee. He noted the Administration's commitment to the restoration of the Chesapeake Bay, and how the current effort is a model of "cooperative federalism". He said that although there has been significant progress, there is still considerable work yet to be done, and all partners will need to continue to work together, even more closely. The Chesapeake Bay is a huge economic resource, and investments in conservation and improving water quality will result in more jobs and greater economic impact. Deputy Administration Wheeler also introduced the multiple EPA staff members in attendance.

Chairman Wagner then introduced three new members of the Commission, all from Virginia: Delegates Rob Bloxom and Tony Wilt, and Matt Strickler, the new Secretary of Natural Resources for the Commonwealth. Ann Swanson then introduced two new Commission staff members: Adrienne Kotula, Virginia Director, and Jennifer Dieux, Administrative Officer, and gave some background on each of them. Chairman Wagner also recognized Ann Jennings, the new Virginia Deputy Secretary for the Chesapeake Bay, for her prior service to the Commission

The Commission then adopted the minutes of the January 2018 meeting as presented.

### **State of the Bay**

Rich Batiuk Association Director for Science, Analysis and Implementation at the EPA Chesapeake Bay Program Office, then provided a presentation entitled "State of the Bay: The Good, the Not Fully Understood, and the Bad." He first reviewed significant progress since the establishment of the TMDL, highlighting efforts that are on-track, such as reductions in pollution loading from wastewater and air deposition. There are multiple signs the Bay ecosystem is recovering, such as increases in underwater grasses, a smaller "dead zone", and increased water clarity. Not fully understood concerns included the recent increasing phosphorus loads reversing decades of improving trends, and how best to go about reducing nitrogen loads from stormwater runoff. He noted that opportunities for policy solutions existed in: 1) building the capacity for Pennsylvania to clean up its local waters and meet its Bay commitments; 2) help famers adopt the most pollutant load reductions effective practices in the right places; 3) build on the investment of private capital and broadening local financing solutions; and 4) adapting our Bay and watershed restoration efforts to reflect a changing climate.

### **Developing the Phase III WIPs**

The next session of the meeting was devoted to updating the Commission on the development of the Phase III Watershed Implement Plans (WIPs), first with the Federal perspective, and then a round-table of senior State representatives.

EPA Region 3 Administrator Cosmo Servidio first noted the enhanced state-level engagement his office has been conducting over the past six months, particularly with state agricultural secretaries. The goal is to provide predictability and clarity for the ag community. He also noted the effort to hire a new Director for the Chesapeake Bay office are ongoing.

Regarding the TMDL and the WIPs, he noted how the WIPs are roadmaps to achieve having all the practices in place by 2025 to achieve water quality goals. EPA is finalizing the “expectations document” that will detail EPA’s standards for the content of each plan; many of the of the expectations are partnership driven. EPA will also be emphasizing local engagement. Pennsylvania, because they are not on-track, will get an additional set of expectations, and a separate expectations document will be prepared for federal facilities. A WIP to address new loads from Conowingo Dam will be developed separate from jurisdictional WIPs with assistance from a contracted third party. He also stressed the desire to provide the jurisdictions flexibility in program design and implementation, within the confines of the TMDL and load allocations.

The Commission then heard from representatives of each of its member states regarding development of their Phase III WIPs: Lee Currey of Maryland Department of the Environment, Nicki Kasi of Pennsylvania Department of Environmental Protection, and Ann Jennings, Deputy Secretary of Natural Resources, Virginia. Each state representative was asked to address three questions: 1) what programs have brought us this far, what programs are lacking; 2) how is the state engaging local, regional, federal and other partners, and stepping-down state segment-shed goals to a finer scale; and 3) what are the likely financial, technical assistance, regulatory and other program changes by source sector.

Each state described the extent to which each sector (e.g., wastewater, agriculture) has contributed to the total load reductions thus far, and what remains to be done. Reductions in agricultural loads, though significant, will continue to be challenging moving forward, as will be loads from developed land. Maryland and Pennsylvania will have planning goals at the county level, while Virginia will be utilizing planning district commissions and soil and water conservation districts. Virginia and Pennsylvania both highlighted the need for additional cost-share money, especially for agriculture, while Maryland emphasized a need to transition to credit-based financing and building the capacity for growth.

David Ross, new EPA Assistant Administrator for Water, then addressed the Commission. He noted a need to do more regarding trading, citing programs in Ohio and Wisconsin. He also emphasized the need to re-focus infrastructure on re-development rather than expansion.

Chairman Wagner adjourned the meeting at 4:00.

## **FRIDAY, MAY 4, 2018**

### **Call to Order**

Chairman Wagner called the meeting to order at 9:05 a.m.

Following roll call, Delegate Gaines moved to approve the Commission’s FY19 budget as presented. Representative Sturla seconded the motion which was approved unanimously.

Senator Middleton moved to approve the 2019 meeting dates as presented. Representative Sturla seconded the motion which was approved unanimously.

### **Delegation Reports (Issues)**

Each state delegation reported on the discussion during their breakfast meetings earlier that morning, when they identified priorities for the upcoming session:

Virginia:

Pennsylvania: State Director Marel King reported that the turf fertilizer bill (SB 792 – Alloway) had passed the Senate and was awaiting a June 5 hearing in the House Agriculture & Rural Affairs Committee. Bills to expand the municipalities that could enact stormwater fees (HBs 913-916 – Everett) are pending final action in the Senate, and a meeting of the “Susquehanna Caucus” is scheduled for June 5.

Maryland: Maryland Director Mark Hoffman reviewed legislative highlights from the 2018 General Assembly session. The Commission sponsored bill to improve the standards for the fertilization of turf grass passed without controversy. Additionally, the Commission was involved in proposed changes to the State’s forest conservation laws, but no final legislation resulted. We will continue to investigate this issue during the interim. We also continue to carefully track MDE’s efforts to develop a nutrient trading program for Maryland.

### **CBC Strategic Priorities**

Chairman Wagner outlined for the Commission members his interest in more clearly defining the goals of the Commission, and asked staff to draft a strategic priorities document for consideration. Executive Director Swanson reviewed the draft document with the Commission, which first lays out the formal legislation that established the Commission, and our commitments pursuant to the most recent Chesapeake Bay Watershed Agreement. The three priority areas presented were discussed: 1) Federal, State and Local Budgets; 2) Living Resources; and 3) Agriculture. Additionally, given its significant and the considerable funding being allocated to it, the consensus of the Commission was to add stormwater management as a fourth priority.

### **Federal Updates**

Staff updated the Commission on the federal budget, in follow-up to the “Federal Agency Budget Request FY 2019” document that had been prepared earlier in the year. Of significance, full (\$73 m.) funding for the EPA Bay Program has been approved, with no amendment to prevent EPA from taking “backstop” actions. Additionally, funds for the both the U.S. Geological Survey and National Park Service Bay Program ‘s are consistent with prior funding levels. Agriculture programs, so important to the Bay, also fared well, with consistent funding for ag technical assistance and the associated financial assistance programs.

H.R. 2, the U.S. House version of the federal Farm Bill, passed the House Ag Committee in April. Mark-up is expected in May. Marel summarized the bill and noted some favorable

provisions, such as increases in authorizations for CRP acres and RCPP funding. Other changes were unclear as to their potential benefit or detriment to the region.

### **Innovative Projects**

Jamie Mitchell, Chief of Technical Services for Hampton Roads Sanitation district (HRSD), described an innovative project they are implementing. The Sustainable Water Initiative for Tomorrow (SWIFT) will take treated wastewater and return it to the Potomac Groundwater Aquifer, thereby providing a significant source of groundwater recharge and abatement of sea level rise.

Lisa Woll, CEO of The Forum for Sustainable and Responsible Investment (US SIF), presented information on her organization and its mission, to shift investment practices towards sustainability, facings on long-term investment and the generation of positive social and environmental impacts. She noted US SIF works on efforts to expand investment based on sustainable Environment/Social/Governance (ESG) principles. Potential examples in the Commission's states could include the consideration of ESG principals in state investing, ESG options in State retirement or college saving plans, and the exercising proxy rights from an ESG perspective.

The meeting was adjourned at 12:05 p.m.