

CHESAPEAKE BAY COMMISSION SEPTEMBER 2018 MEETING MINUTES

The Chesapeake Bay Commission held its third quarterly meeting of 2018 on Thursday and Friday, September 6-7, 2018 in Woodbridge, VA

Commission members in attendance:

Secretary Mark Belton
Delegate Robert Bloxom
Delegate David Bulova
PA Citizen Member, Warren Elliott
Representative Garth Everett
Delegate Tawanna Gaines
Representative Keith Gillespie
Senator Guy Guzzone
Senator Emmett Hanger
Secretary Patrick McDonnell
Senator Thomas "Mac" Middleton
Rear Admiral Charles W. Rock
Secretary Matt Strickler
Representative Michael Sturla
VA Citizen Member, Dennis Treacy
Delegate Tony Wilt

Members not in attendance:

Senator Richard Alloway
MD Citizen Member, Bernie Fowler
Delegate Barbara Frush
Delegate Maggie McIntosh
Senator Frank Wagner
Senator Gene Yaw

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

THURSDAY, SEPTEMBER 6, 2018

Call to Order

Delegate Bulova, Executive Committee Member, called the meeting to order. He noted he was filling in for Chairman Wagner. He welcomed the Commission members, staff and guests to Fairfax, his home district. He also introduced a new member of the Commission, the Military Liaison, Rear Admiral Charles W. Rock

Executive Director Swanson called the roll and a quorum was established. By unanimous consent the Commission approved the minutes from the May meeting and the agenda for the September meeting without change.

Framing the Day

Delegate Bulova started the substance of the day by providing context for the focus of the day's speakers and field trip – stormwater management. He noted the transformation from the approach of the 1970s and earlier, to the present. In the past, the singular goal was to get stormwater off impervious surfaces as quickly as possible, and into our local streams and creeks, which resulted in the transformation and degradation of our local waterways. Today, we seek to slow and retain stormwater, to allow it to naturally infiltrate into the ground. He referenced the prior Commission report on "Cost Effective Strategies for the Bay" and the fact that urban stormwater was not on the list due to the high cost of retrofitting decades of what we now know as being poor design from the perspective of protecting local waterways.

Delegate Bulova noted that despite the cost, we cannot achieve our clean water goals for the watershed without addressing stormwater. But more importantly, we can only take care of local streams with concerted attention to stormwater management. Population growth, and the increase in impervious surfaces will only challenge us more. We need to keep from going backwards and grow and yet do no harm. That is the challenge before us.

Delegate Bulova then introduced Penelope (Penny) A. Gross, Mason District representative to the Fairfax County Board of Supervisors, and Vice Chairman.

Welcome

Supervisor Gross welcomed the members of the Commission and others to Fairfax County, where she has represented the Mason District on the Board since 1995. Additionally, she is a gubernatorial appointee to the Bay Program's Local Government Advisory Committee (LGAC). She noted the design of the county government center, which the Commission would tour later in the day, as testimony to the commitment of the County to stormwater management. She thanked the entire Commission, especially the members of the Virginia delegation, for their ongoing leadership. She noted that even though Fairfax County is one of largest (by population) counties in the watershed, it shares similar concerns to counties in the most rural parts of the watershed. As a member of LGAC, she noted that sometimes local governments can become caught in the middle between state and federal agencies. What local governments need to do must be clearly defined and they must not be set up for failure. Local governments have made a lot of progress, and now is not the time to ease-up. We know what works and must continue with funding and resources.

Delegate Bulova thanked Penny for hosting us and introduced the next speaker, Norm Goulet, Senior Environmental Planner and Occoquan Program Manager, Northern Virginia Regional Commission and Chesapeake Bay Program Urban Stormwater Workgroup Chair.

Urban Stormwater: Reducing Loads from a Growing Source

Mr. Goulet thanked Delegate Bulova for the introduction, noting they had worked together for several years. Using a PowerPoint presentation, Mr. Goulet began by noting in the 2017 Chesapeake Bay Watershed Mid-Point Assessment, urban stormwater is the only source sector where pollution loads into the Bay are increasing. And while all states are working to address new loads due to increased impervious surfaces through better site-design, there is a large legacy of “old loads” that must be addressed.

He noted that within the watershed’s stormwater loads, 60% of the total nitrogen is emanating from unregulated sources, and only 40% from regulated (e.g., MS-4, NPDES permittees) sources. There is no obligation for the unregulated sources to reduce loads or retrofit old stormwater conveyance systems. And within the Watershed jurisdictions, there are great differences in the number of acres (and loads) coming from these non-regulated sources. Watershed-wide, regulated loads are steady, but it is the unregulated loads that are increasing.

His second point was that “chemistry matters” - meaning stormwater treatment is still looking for its “magic bullet” - in comparison to waste water treatment. For stormwater, there are greater limitations on volume retained, retention time and not all nitrogen chemistry is available within the stormwater conveyance systems, as opposed to a WWTP.

Mr. Goulet also raised the point that diffuse (i.e. septic) wastewater inputs can be important sources of nitrogen delivered to streams from urban watershed. Monitoring work in Fairfax County indicated that as the density of septic systems on the landscape increases, so does nitrogen concentrations in the ground water.

His final point was about the capacity of local government to address stormwater in a timely and effective manner. For example, many stormwater projects are capital items, which require multi-year planning, funding, design and implementation. There are also programmatic resource limitations, such as staffing capacity, qualified design engineers, and qualified construction companies. The final area was policy considerations, particularly incentives for unregulated localities to address stormwater, and disincentives/incentives for regulated localities.

Delegate Bulova thanked Mr. Goulet for his presentation and noted that we have been very focused on regulated sources but need to consider how to address unregulated loads. He then introduced the next speaker, Randy Bartlett, Deputy Director, Department of Public Works and Environmental Services, Fairfax County.

A Local Perspective on the Bay TMDL

Mr. Bartlett started his power point presentation by providing background information on the size and population of Fairfax County, and its associated stormwater infrastructure, which includes 42,000 storm drain inlets, 4,200 private stormwater management facilities, and 1,900 public stormwater management facilities. He noted the regulatory parameters that guide their stormwater program, and the associated budget, currently about \$77 million annually.

He illustrated several different projects the county has completed, such as stream restoration, stormwater basin retrofits, porous pavement, payment removal, conveyance rehabilitation, outfall restorations, and some of the benefits and challenges with each. He then reviewed the number of completed projects in the County, the calculated cost per pound of nitrogen, phosphorus and sediment removed, and maintenance costs.

Mr. Bartlett also described the County's Comprehensive Biological Monitoring program, their Stream Condition Score and the extent of local impaired waterways (currently numbering 105). He described the outreach efforts with the county's citizens on the stormwater programs and the questions they need to address, and how they explain these sometimes-complex issues to lay persons.

Mr. Bartlett noted the concerns brought on by changes in credits for stream restoration due to new information and science. This made it very challenging, as the benefits of a project could change dramatically during a project's life-cycle. He felt we needed better and more consistent crediting.

In closing, he noted that stormwater is about cultural change. Collecting, treating and transmitting stormwater is not free – it has a large cost. We do not have a shared value for environmental benefits, stormwater systems have been ignored and our everyday actions have a big cumulative impact.

In follow-up to Mr. Bartlett's presentation, there was considerable Commission discussion related to stormwater management policies and funding. One theme was the need to help develop a broader knowledge base to understand these practices and achieve consistency in crediting for stormwater BMPs.

Walking Tour of Fairfax County Stormwater Projects

Mr. Bartlett then provided an overview of the stormwater projects that have been completed and planned for the Fairfax County Government Center, in advance of the Commission's walking tour of the facility.

The Commissioners, staff and guests then proceed to walk through the complex, and observe a myriad of stormwater practices, from rainwater harvesting, wet ponds, stream restoration and bioretention ponds. Participants agreed on the value of the tour, and thanked Mr. Bartlett and his staff that imparted so much information.

CBC Strategic Priorities: Adding Stormwater

After returning from the tour, the Commission took up the new language in the strategic priorities document related to stormwater. Given the prior presentations, it was possible to consider the text with a much more critical eye. Delegate Bulova suggested adding an additional item in response to the earlier discussion, related to research. A broad discussion of research within the Bay Program Partnership then ensued, with agreement to address this general topic (research and research coordination) at a future Commission meeting. After engaged discussion,

it was agreed that staff would draft an addition to the stormwater section of the strategic priorities document to address the issues raised today related to research and improved certainty, with the caveat that it needs to be actionable.

Lightning Round Updates

- **Water Resources Development Act**

Executive Director Swanson noted with the help our Federal lobbyist, Crossroads, we were able to make a very timely recommendation to Congress related to the conference committee's deliberations on the Water Resources Development Act, which guides the Army Corps of Engineers policies and programs. We urged Congress to retain the provision from the Senate bill creating a stormwater infrastructure funding task force. The task force would be made up of public, private and federal participants to study and develop recommendations to improve the funding and financing of stormwater infrastructure, and report to Congress on its findings.

- **August 7 Executive Council discussion**

Ann Swanson briefed the Commissioners on the EC meeting in August. She noted that Chairman Wagner did a great job representing the Commission, and his presentation was both factual and personal. She highlighted three items: 1) the EC adopted a directive on agricultural technical assistance, that mirrored the recommendations in the Commission report; 2) all the jurisdictions (except New York) signed a letter drafted by Commission staff detailing recommended provisions in the Farm bill; and 3) the meeting overall was very cordial and candid, and focused on the partnership, despite all the publicity immediately before the meeting related to the Conowingo and interstate angst. It appeared the partnership is stronger than politics.

- **WIP Planning Targets/Expectations/Schedule**

Ann noted the Principal Staff Committee has resolved several issues related to the planning targets and the final EPA Expectations Document had been released. She asked if there was interest in including in a future Commission meeting a deeper dive into the model, land use, etc. Commissioners expressed interest. She also noted a summary of the just released Mid-Point Assessment was included in everyone's packet.

- **Conowingo**

Ann reviewed the current issues associated with the Conowingo: 1) the litigation between various parties and the State of Maryland related to the Water Quality Certificate for operating the dam; 2) the separate Conowingo WIP, and 3) the solicitation for a third-party administrator for the WIP.

- **Farm Bill**

Ann noted both the House and Senate had passed separate versions of the Farm Bill, and the conference committee has begun negotiations. The Commission has continued to work in a bi-partisan way to advance the priorities we laid out at the beginning of the legislative process. We have also coordinated with other watershed efforts and

Commission Members Yaw, Everett and Gillespie are meeting with Congressman Thompson on our Farm Bill priorities.

- **2019 CBC meeting schedule**

A copy of the 2019 schedule was included in everyone's packet. It was decided to have the meeting in the District of Columbia biennially.

The meeting was adjourned at 4:45 pm.

FRIDAY, SEPTEMBER 7, 2018

Call to Order

Delegate Bulova called the meeting to order at 8:15 am. He asked Executive Director Swanson to call the roll. He then introduced Dr. Peggy Agouris, Dean, College of Science for George Mason University, the host for today's meeting.

Dean Agouris welcomed the Commission members, staff and guest to the new Potomac Science Center, and provided background on the facility and its purpose. She thanked the Commission members for their support in seeing this large capital project to fruition.

The Commission then broke into delegation meetings. Upon their return, Delegate Bulova introduced Dr. A. Alonso Aguirre, Departmental Chair Candidate, Department of Environmental Science and Policy, George Mason University.

Department of Environmental Science and Policy (ESP)

Dr. Aguirre presented a review of current trends in the environment and the job market for students in the environmental sciences curriculum. He highlighted the role of ESP, to bridge the barriers that divide disciplines of knowledge, empower individuals and institutions to act collaboratively and take risks, and engage in translational ecological health science. The goal of ESP is to also train future environmental science and policy leaders as practitioners skilled in the social sciences. ESP's vision is: 1) Our graduates will be solving complex environmental issues that challenge the integrity and sustainability of global systems through research, transdisciplinary and engagement; and 2) our faculty are internationally recognized for their innovative research and their outreach and communication to the public and private sectors.

He noted the strategic direction for ESP is: 1) faculty excellence; 2) increasing student enrollment; 3) job placement for students and alumni; and 4) diversity in the field. He noted initiatives they are taking in each of these areas to achieve positive outcomes. He also noted ESP's involvement in reaching out to rural communities, its Green Leaf program and promoting partnerships with other organizations. In conclusion he highlighted EPS's role to empower students, impact practice and policy, and sustain education, research and service.

Potomac Environmental Research and Education Center

Dr. Christian (Chris) Jones, Director of the Potomac Environmental Research and Education Center (PEREC), then provided the Commission a presentation on PEREC, a component of the College of Science at George Mason University. PEREC's mission is to utilize the tools of scientific research, restoration, education, and policy analysis to help society understand and sustain natural processes in ecosystems, watershed, and landscapes. They achieve this through research and scholarship; instruction; and outreach and events.

Their new building, the Potomac Science Center opened in September 2018, on the tidal Occoquan River in Woodbridge, Virginia. Dr. Jones highlighted the capabilities of the facility and reviewed the research interests of each of the PEREC faculty. He also highlighted major research projects, including long-term projects at Gunston Cove (begun in 1984) and work at Hunting Creek.

At the end of Dr. Jones' remarks, the Commission, staff and guests were given a tour of the facility, visiting two of the wet labs housing PEREC faculty.

Research in Action

The first lab visited was that of Dr. Amy Fowler, Faculty Fellow, who specializes in invertebrate ecology and invasive species. Dr. Fowler presented on host-parasite relationships in small crabs.

At the second lab, Dr. Greg Foster, Senior Faculty Fellow, spoke to the Commission about opioids in the aquatic environment, and his work detecting other micropollutants as well.

New Business and Adjournment

Following the tours, the Commission reconvened. It was announced that the Commission's next Quarterly Meeting is scheduled for November 8-9, 2018 at the National Harbor. A motion was made to adjourn and unanimously agreed to at 12:00 p.m.