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May 27, 2014

Governor Martin O'Malley, Chair
Chesapeake Executive Council
Office of the Governor
100 State Circle
Annapolis, MD 21401

Re: 2014 Annual Report and Recommendations

Dear Governor O'Malley:

On behalf of the Local Government Advisory Committee I am pleased to present our 2014 Annual Report and Recommendations to the Chesapeake Executive Council. Through this report we seek to not only raise issues which we believe hinder local governments' ability to implement watershed protection and restoration efforts, but more importantly to share our thoughts on how these issues might be addressed. The recommendations provided herein were carefully crafted with full consideration given to the resource limitations we all face.

I also want to take this opportunity to thank you and the other members of the Chesapeake Executive Council for your work on behalf of all of our communities. As local governments, we implement programs and practices to reduce pollutant loads required by the Chesapeake Bay TMDL as well as to meet our own local water resource needs, such as source water protection. In doing so, we look to the state and federal government for guidance and assistance. We also look to our legislators to work with us in finding creative ways to achieve our mutual goals. It is with that in mind that we want to acknowledge three notable legislative initiatives of the past year.

First, we commend the Virginia General Assembly for creating the Stormwater Local Assistance Fund and authorizing \$35 million in matching grants to local government for stormwater planning, design and implementation. Secondly, we want to commend Maryland's General Assembly for upholding the 2012 legislation (House Bill 987) calling for the establishment of stormwater fees in nine counties and the City of Baltimore. Finally, we want to recognize the Pennsylvania General Assembly for amending Title 53 (The General Local Government Code) to allow for the creation of stormwater authorities.



These legislative acts help position local governments to better respond to the challenges faced in addressing stormwater management in our municipalities.

We welcome the opportunity to discuss our recommendations with the members of the Executive Council and their representatives. It is, after all, only through partnership and open dialogue that we will succeed as we embark upon a new era of Bay protection and restoration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheila S. Noll".

Sheila S. Noll, LGAC Chair
Supervisor, York County Virginia

Attachment

LGAC Annual Report to the Chesapeake Executive Council

Cc: Nick DiPasquale, Director, Chesapeake Bay Program



Annual Report to the Chesapeake Executive Council June 16, 2014

The Local Government Advisory Committee has identified three primary issues affecting local government's ability to implement restoration and protection projects in the Chesapeake Bay Watershed. These issues are common to all jurisdictions.

1. **Training programs are essential to ensure a sufficient supply of contractors qualified to carry out local restoration/protection projects.** The pool of employees and contractors qualified to carry out restoration and protection projects, including the installation and maintenance of green infrastructure, is inadequate. This can result in increased costs and even worse, project failure.

As communities throughout the watershed begin to employ more non-traditional stormwater management techniques, such as bio-swales, permeable pavement, rain gardens and other green or soft infrastructure, the cost of services is affected by the limited pool of contractors qualified to carry out these projects. Lack of competition and/or experience can drive up costs when these projects are being bid.

Lack of experienced contractors can also result in projects that are incorrectly constructed and/or maintained. The improper construction of stormwater management facilities is not a new phenomenon. One can find examples of improperly constructed facilities throughout the watershed. However, as stormwater management facilities are relied upon to do more than simply protect our communities from flooding, proper construction is more important now than ever. Improper maintenance is tantamount to pouring money down a drain. Far too many communities have seen their investments lost by the actions of improperly trained contractors.

2. **State environmental programs must be adequately staffed by those qualified in their field to ensure efficient and effective delivery of services in support of watershed protection and restoration efforts.** Staffing of state environmental agencies has declined significantly over the last 10 years and the range of expertise within these agencies has diminished as well. Local governments and other stakeholders have seen a decline in delivery of direct technical assistance. Staff cuts have resulted in delays in grant awards and project implementation. In some cases these delays have resulted in projects being abandoned.
3. **Local governments need to be informed about the necessity of and procedures for reporting, tracking and verification of BMPs.** The Bay Program's Draft Basinwide BMP Verification Framework Report (February 2014) states that all seven watershed jurisdictions (Delaware, District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia) have existing programs in place for tracking, verifying, and reporting implementation of BMPs and other treatments and technologies leading to reductions in nutrient and sediment pollutant loads. Unfortunately, very few if any local governments, when asked, were aware of how these programs work and most importantly what their role is in the system.

Recommendations:

The Local Government Advisory Committee recommends the following actions be taken to address these issues and advance Bay restoration and protection efforts:

1. ***Support local contractor training programs.*** In order to mainstream proven practices, grant programs targeted for project implementation should be designed to allow funds to be used for employee and/or contractor training.

Case Study: PA DEP Energy Harvest Grant / Lancaster County Roof Greening Project

The primary goal of this half-million dollar project was to mainstream a proven technology, in this case green roofs. It had a secondary goal of increasing the number of contractors prepared to respond to the growing demand for green roofs. The program budget included funds for a one-day contractor training which was followed by a bus tour so that contractors could see several green roofs first hand. The budget also included funds for a green roof specialist who was available to consult with local contractors entering the market. The small investment (less than 10% of the total budget) in contractor training, helped reduce the learning curve for contractors resulting in more competitive pricing and ensured successful delivery of services.

2. ***Target job training dollars to emerging restoration and protection industries.*** State and Local Workforce Investment Boards (WIBs) should be engaged in a discussion about needs within the restoration community and encouraged to direct funds towards training programs that capitalize on emerging markets.

Case Study: Frederick County Workforce Services (MD)

Using a Maryland Energy Sector Partnership grant funding, Frederick County Workforce Services partnered with their local community college to develop and facilitate a class-sized training course to prepare unemployed individuals for entry-level positions in Sustainable Construction. The program incorporated industry recognized trade certifications as well as workplace readiness and professional communication skill-building. This program was developed in response to an identified need for workers to respond to Maryland's emerging green economy.

3. ***Adequately staff environmental programs*** to ensure efficient, effective and timely delivery of services related to watershed restoration and protection projects.
4. ***Develop and communicate protocols for local governments, conservation districts, or other responsible parties to report, track and verify BMPs.*** These protocols will need to take into consideration the wide range of staffing capacities available at the local level. Ideally, turnkey systems will be put into place which allow local governments to direct resources to implementation of BMPs and minimize costs associated with reporting, tracking and verification.

As your advisors on issues related to local government engagement, we stand ready to assist the Bay Program Partners in achieving our collective vision for a clean and healthy Chesapeake Bay Watershed.