

**Citizens Advisory Committee  
DRAFT Minutes  
Fredericksburg, VA  
February 21-22, 2013**

**Members Present:** Bill Achor, Elizabeth Burdick, John Dawes (Chair), Andrew Der, Jim Elliott (Fri.), Christy Everett, Verna Harrison, Rebecca Hanmer (Fri.), Jeff Holland, Joe Maroon, Karen McJunkin (Thurs), Dan Milstein, Charlie Stek (Vice-Chair), Nikki Tinsley, Adam Thompson, Neil Wilkie, and staff – Jessica Blackburn and Amy Robins.

**Guests:** Greg Allen (CBP), Jacob Bauckman (Alliance) Rich Batiuk (CBP), Jim Caldwell (READY), Cary Coppock (Anacostia Watershed Citizens Advisory Council) Nick DiPasquale (CBP), Margaret Enloe (CBP), Matt Ellis (Chesapeake Research Consortium /STAC), Tarah Heinzen (Environmental Integrity Project), Scott Hymes (MD DNR), Scott Phillips (US Geological Survey), Tom Schueler (CSN), John Tippet (FOR), and Al Todd (Alliance).

**Meeting presentations and materials are located:**

<http://www.chesapeakebay.net/calendar/event/19067/>

**Thursday, February 21, 2013**

Chair John Dawes called the meeting to order at 11:09am. Members and guests introduced themselves.

**Chesapeake Bay Program (CBP) Updates**

**Nick DiPasquale, Director, EPA Chesapeake Bay Program**

The Environmental Finance Center is conducting local government workshops across the watershed to showcase how public funds can be used to pay for local WIP implementation and how the investments in these practices have good returns to the community. The CBP is discussing an idea to establish another advisory committee, the Environmental Finance Advisory Committee. This Committee would look at ways to bring-in or leverage private funds for WIP implementation.

Some of the 2013 Bay Program priorities are: BMP verification; nutrient trading and offsets; partnership goals and governance (discussing a new Bay agreement); the 2017 TMDL mid-point assessment; local WIP implementation; discussing option for an Environmental Finance Advisory Committee; the CBP's 30<sup>th</sup> Anniversary, promoting innovation; proactive communications, unlike the recent Conowingo Dam press, and emerging issues like: improved permitting for stream restoration projects, shale gas extraction and climate change. In regards to climate change, CBP is talking with NOAA to develop proactive communication and not reactive communication.

**CBP Communications Office Margaret Enloe, CBP Communication Director**

Members were given a tour the Chesapeake Bay Program Website (<http://www.chesapeakebay.net/>) and reviewed key points on the 2011-2012 Bay Barometer. A couple of Bay 101 videos were played to showcase how the Bay Program is highlighting local implementation work. (<http://www.chesapeakebay.net/videos>). Members suggested ideas for videos like Abandoned Mine Drainage and what businesses are doing to help. CBP will also be rolling out a new photo essay section where citizens can submit a photo with a short paragraph. The CBP logo was revised for 2013 publications to show the 30th year Anniversary of the Chesapeake Bay Program.

**Panel Discussion: Residential Stormwater Programs**

*John Tippet, Executive Director, Friends of the Rappahannock*

Friends of the Rappahannock (FOR) have installed rain gardens through their RainScape Retrofits program over the last year. FOR is moving forward with a focus on installing rain gardens in mass production in

Fredericksburg. They have also helped create a Stormwater Volume Offset Program (LID Code) that tracks BMPs by parcel and validation of volume. For more information: <http://www.riverfriends.org/>

*Jim Caldwell, Stormwater Manager, Howard County Office of Environmental Sustainability*

Restoring the Environment and Developing Youth (READY) was launched in the summer of 2012 and arose from within the Howard County community. The program tackled two problems Howard County was facing: stormwater runoff and youth employment opportunities. The READY program helps train young adults in the emerging sector of green infrastructure. In 2012 READY created 31 green jobs for young adults by hiring them to build rain gardens and conservation landscapes on institutional properties. Other partners are: PATH (People Acting Together in Howard) a group of 14 congregations representing more than 15,000 people, and the Alliance for the Chesapeake Bay, Columbia Association Watershed, University of MD Sea Grant Extension, and Parks and People Foundation. The Alliance hired the young adults for the summer of 2012. The youth were paid living wages (\$10 for Crew Members, \$14 for Crew Leaders), were trained and were provided a day a week of environmental education on various Chesapeake ecology topics. Additionally, they were provided opportunities to learn about green jobs in the industry. READY set a target of treating 120,000 sq. ft. of impervious surfaces. The READY team surpassed the goal by installing 31 rain gardens and conservation landscapes across Howard County, collectively these measures treat 200,000 sq. ft. of impervious surfaces. All future READY sites in 2013 will be on faith based properties to help alleviate the stormwater fees Video link: <http://vimeo.com/51268286>, Additional information: <https://allianceforthebay.org/2012/06/ready-program-takes-off-in-howard-county/>

*Al Todd, Alliance for the Chesapeake Bay (on behalf of the DC partners for the RiverSmart Homes)*

RiverSmart Homes was a program created to reduce stormwater pollution in the DC The program encourages homeowners to install rain gardens, BayScapes, Rain Barrels, Trees, to remove impervious surface, and to disconnect their downspouts from sewer lines. In addition, the program also has River Smart Schools – DDOE (District Department of Environment) Hands-on Education, and River Smart Communities for Apartments and Condos. A \$1,200 financial incentive is available to homeowners after a co-payment of \$75 is made for rain gardens and \$100 for BayScapes. Since 2009, over 1,000 residential projects have been completed. Additional information: <http://green.dc.gov/riversmarthomes>

*Jacob Bauckman, Chesapeake RiverWise Coordinator, Alliance for the Chesapeake Bay*

Alliance for the Chesapeake Bay is in the process of creating a bay-wide program called Chesapeake RiverWise Communities. It is currently based on an Alliance pilot program in the City of Richmond. Similar to DC RiverSmart Homes, RiverWise addresses many educational points for the homeowner to make the connections of land use and water quality through an audit report. The individual homeowner audit reports recommend small scale BMP's such as rain gardens, BayScapes, rain barrels, trees, and pervious pavement on a site by site scale. RiverWise's ultimate goal is to create a program package that is transferable from local government or watershed group to volunteers to create their own program. The team is working to develop standard small scale BMP design criteria in a manual format that will be accepted by the local, state and federal government. Once the designs have pollutant removal efficiencies attached to them homeowners and localities will be able to upload the pollution removals they are achieving by installing the BMP's on site and use a tracking tool that is also being developed in the program. The pollutant removals will be able to be uploaded directly into the Chesapeake Bay Program's Model helping localities to meet their TMDL WIP goals. Other key components of the program include social marketing and a mobile app stormwater game that will enable students and adults to create their own landscape/stormwater design similar to SimCity. Alliance website: <https://allianceforthebay.org/>

*Tom Schueler, Executive Director, Chesapeake Stormwater Network*

As a part of the Chesapeake RiverWise program is piloting how to create homeowner BMPs. Tom Pilots are to be conducted in Maryland in 2013 to test tools, data management issues and verification capacity through MD Department of Environment. RiverWise and Chesapeake Stormwater Network will be creating a homeowner BMP guide. Tom also highlighted the recent Collaborative Summit that took place of February 13-14, 2013 in Williamsburg, Virginia that Alliance and several partners hosted to bring together non-profits, federal and state governments, localities, nurseries and landscapers together. Additional information: <http://chesapeakestormwater.net/>

### **Panel Discussion**

CAC members questioned how the verification would work for homeowner BMPs. Tom Schueler explained that ideally the homeowner would receive the credit for five years, then the site will be re-inspected and if it fails then they would lose the credit. Currently, only scientifically proven BMPs count, however, they are working on expanding the list to include other BMPs, like living shore lines. He stated if 1% of homes in Maryland installed a rain garden that would equal a 2% overall reduction in stormwater. Members & Panelist discussed efforts in engaging landscape contractors, the homebuilding industries and approaches used with the recycling campaign.

### **Technical Report on Toxic Contaminants in the Chesapeake Bay and its Watershed: Extent, Severity and Potential Biological Effects – Scott Phillips, US Geological Survey, Chesapeake Bay Coordinator and Greg Allen, EPA Chesapeake Bay Program Office**

CBP developed the Toxics 2000 Strategy to reduce toxic impacts. New concerns have arisen since the 2000 Strategy, such pharmaceuticals and hormones and their impacts on reproductive systems in fish and wildlife. Currently, there are no CBP goals for reducing toxics in the watershed.

Key overall conclusions about the severity of contaminant groups examined in this report are:

*Widespread severity:* PCBs and mercury have impairments identified in the entire watershed, meaning concentrations are known to compromise the health and quality of aquatic organisms. PCBs and mercury also create a risk to human health through consumption of contaminated fish. *Localized severity:* For dioxins/furans, PAHs, petroleum hydrocarbons, some chlorinated pesticides (aldrin, chlordane, dieldrin, DDT/DDE, heptachlor epoxide, mirex), and some metals (aluminum, chromium, iron, lead, manganese, zinc), the report identifies localized severity based on impairments in a limited number of areas in the Bay watershed. *Uncertain severity:* pharmaceuticals, household and personal care products, flame retardants, and biogenic hormones, severity could not be determined. For many pesticides including herbicides that had widespread occurrence (atrazine, simazine, metochlor, and their degradation products), water-quality standards were not available to determine impairments for these contaminant classes.

The report relays the associations between exposure to toxic contaminants and indicators of compromised fish health. Indicators of degraded fish health fish populations in the Bay watershed include: feminization (intersex) of largemouth and smallmouth bass and other signs of endocrine disruption; reduced reproductive success and recruitment of yellow perch in highly urbanized drainage basins; and tumors in bottom-dwelling fish. The severity of PCBs and mercury bioaccumulation is everywhere and biomagnifies as you go up the food chain. 1/3 of the mercury is from the watershed and 2/3 of the mercury is beyond the watershed. Nick DiPasquale mentioned 49 out of states have mercury warnings for fish consumption. Adults are advised not to eat more than one 8oz meal of fish from the Chesapeake Bay watershed in a month and no more than a 4oz meal every other month for a child. Any Maryland blue fish over 15 inches should not be eaten. Some localities hand-out fish advisory notices with fishing licenses.

Toxic contaminant issues impact the CBP goals. There are three in particular: sustaining fisheries, recovering habitat is focused on wildlife, and water quality as a way to improve conditions for fisheries. State and federal agencies would benefit from coordination of existing approaches to reduce impacts of contaminants.

Member Discussion: CAC members asked about glyphosate that is used on cover crops. Scott explained that it burns down the crop and is similar to Roundup. Glyphosate has a low risk for water due to its short half-life, however there are questions regarding human health risks. Bill Achor mentioned that atrazine was used more with older methods of corn farming and with no till methods it is not used as much. Dan Milstein asked whether water treatment plants screen for these chemicals. Greg affirmed they do, but in trace amounts.

Charlie Stek asked about overall trend line of toxics. Scott explained that trends have to be looked at contaminant by contaminant and unfortunately there is not a lot of long term data. PCB's trend line is fairly flat if not a slight downward slope. Nick noted the example of the bald eagle and DDT as evidence of improvement. Unfortunately, we do not know as much about pharmaceuticals that are entering our waterways.

Elizabeth Burdick mentioned that toxic contaminants are more understandable to engage the average citizen on clean water issues than are nutrients. Verna Harrison suggested the development of a CBP goal on toxics could highlight opportunities for public and political support to reduce PCBs and encourage additional research for fish sex issues in the Potomac and Susquehanna Rivers.

**CAC members decided to have a PCB panel to learn about what is happening in the states to inform whether a toxics goal is needs to be addressed by CBP partnership. A letter will be written to the Management Board and Principle Staff Committee to inform them that CAC plans on hosting a panel to bring more information back to them and whether CAC supports the development of a toxics goal.**

### **Friday, February 22, 2013**

#### **CAC Business Meeting**

John Dawes called the meeting to order. Neil Wilkie, Christy Everett, Jim Elliott, Verna Harrison and Pat Levin were reappointed by the Alliance Board for additional four years terms. November 2012 meeting minutes were approved.

Nikki Tinsley discussed the Principal Staff Committee meeting in December 2012 and the updates on environmental literacy strategy in every Bay state. Federal partners have adopted it. Nick DiPasquale mentioned that having CBP endorse the environmental literacy strategy would provide support for moving environmental literacy forward in the Program.

Charlie Stek provided a handout on why CAC should support the development of EPA MOUs with the Department of Education (DOE) and Bureau of Land Management (BLM) and the Office of Surface Mining (OSM). He suggested that the MOUs would bring the agencies to the table so they become more aware of how their work impacts and helps the Bay clean-up effort and allows them to become fully engaged partners.

John Dawes handed out "Dismantling the Federal Office of Surface Mining (OSM) Abandoned Mine Lands Fee Collection Function" from the Foundation of Pennsylvania Watersheds. He expressed concern on of the legality of the consolidation of OSM and Bureau of Land Management (BLM) with the Surface Mining Control and Reclamation Act (SMCRA). Members discuss the pros and cons of combing all fee collection into one office.

**CAC decided to invite the agencies to a future CAC meeting to learn what they do in the Bay watershed and how potential MOUs may help engage them further in restoration and protection.**

## **Clean Water Act and the Chesapeake: Enforcement's Critical Role in Restoring the Bay – Tarah Heinzen, Environmental Integrity Project (EIP)**

EIP Attorney Tarah Heinzen briefed CAC members on their report on enforcement in the Bay Watershed. The report focused on industrial and municipal point sources, the public sewage systems and industrial plants that account for 20% of the nitrogen and nearly a quarter of the phosphorus that ends up in the Bay. The report found a large number of expired permits. Renewal of these permits will establish loading numbers. The report recommends limits put into the permits, improved enforcement, increased data reporting to improve transparency. The next step will be to continue updating the report as new or improved information is available. Maryland and Virginia both have treatment plants that are in the process of being upgraded.

## **BMP Verification Update – Nick DiPasquale, EPA Bay Program Director and Rich Batiuk, EPA Bay Program Associate Director**

Nick referred to his response letter to CAC on February 4, 2013 to address the concerns CAC rose on the current BMP verification process at the Bay Program. Public verification is a foundational building block; this has to be done right. CBP is creating the model for this approach and on the leading edge. One of the big hurdles is how to operationalize transparency so everyone understands what it entails.

Rich discussed BMP verification principles, source sector-specific verification protocols, jurisdiction specific procedures for eliminating double counting, collecting data from the USDA, and procedures for the cleanup of historical BMPs. CBP wants the jurisdictions to buy into the program. The Agriculture workgroup is asking for 2-3 more months to put together their package. A big concern of theirs is how transparency is defined. Section 1619 of the Farm Bill protects farm specific data from the public as to not reveal trade secrets that might disadvantage a farmer's productivity and profit.

Rich posed two questions to CAC: Will CAC help us operationally define transparency and what specific steps the partnership needs to take to ensure it is achieved? CAC was invited to offer ideas of how CBP can best with ramp up verification efforts over time? **Verna, Andrew and Rebecca volunteered to form a CAC workgroup to help answer the questions Rich posed.**

## **Meeting Wrap Up**

John Dawes opened the floor to any citizen guests would like to speak. Cary Coppock with the Anacostia Watershed Citizen's Advisory Council discussed that DC is ruling on proposed adjustment of the Clean Rivers Project tunnel construction that could lead to smaller funding for LID stormwater BMPs.

Jessica Blackburn summarized the CAC's meeting action items:

- 1) CAC will send a letter regarding toxics to the PSC (and copy the Management Board) regarding PCBs and emerging contaminants.
- 2) CAC will invite the Department of Education, Office of Surface Mining and Bureau of Land Management to learn more about possible MOUs with EPA
- 3) CAC created a BMP verification workgroup with Verna, Rebecca, and Andrew to volunteer,
- 4) The CAC Executive Committee will spend time thinking about how to engage the public in coming meetings.

Members offered ideas for the May and other future meeting agendas: Charlie would like to talk about citizen engagement and accountability; Dan wants to see climate change and emerging issues; Verna agreed with climate change but also wanted to discuss natural gas extraction and other threats; members would also like to learn more about adaptive management processes.

With no further business, the CAC meeting was adjourned at 11:35am.