

## **LGAC Quarterly Meeting**

**Friday, November 4, 2011 – Historic Inns of Annapolis**

Attendance: Mary Ann Lisanti, James Wheeler, John Thomas, Ann Simonetti, Bruce Williams, Sheila Finlayson, Penny Gross, Bob Willey, David Dunmyer, Diane Davis, Rosemary Wilson, Sheila Noll, Jake Romig, Rick Keister, Jessica Blackburn Guests: Nick DiPasquale, Katherine Antos, Carin Bisland, Bryan Seipp, Lucinda Powers, Matt Johnston, Natalie Gardner, Al Todd, Joan Salvati, Chris Aadland, Megan Lehman

After the call to order and introductions, Chair Mary Ann Lisanti introduced new member David Dunmyer. He is also an established home improvement contractor and environmentalist who is interested in conservation initiatives. He is passionate about cleaning the Bay and our waterways. Accountability is important to him and he is honored and glad to be a part of the LGAC committee.

The new Director of the Chesapeake Bay Program Office, Nick DiPasquale and the Alliance for the Chesapeake Bay Executive Director, Al Todd were also introduced.

**Al Todd, Executive Director of the Alliance for the Chesapeake Bay** gave an overview of his beginnings with the Alliance, and his former position with the U.S. Forestry Service and development of watershed partnerships. Mr. Todd stated that it was an easy transition to the Alliance's organization that supports communities, watershed groups, and local governments. He went further to state that taking this position would be a fun opportunity to further the development of establishing watershed partnerships and how important local government's role is in the watershed community. Without local government support and action, things would not get done on the ground.

**The new Executive Director of the Chesapeake Bay Program, Nick DiPasquale** gave details of what the Bay Program will be focusing on in near future. He reiterated points made earlier regarding support and action for those projects that are being initiated and completed on the ground. He also spoke about entering a phase of the Total Maximum Daily Loads (TMDL) and the time needed to get things done on the ground. He stated that he is aware of the hard work that still needs to be done, and has announced an interest in helping local communities get to where they need to be in order to meet the goals of Phase II WIP and TMDL.

Mr. DiPasquale went further to state that the restrictions posed by the TMDL have showed positive results in improving and helping the quality of water of the Chesapeake Bay was just demonstrated in a study recently done at Johns Hopkins University. DiPasquale also stated that the TMDL model used in the Johns Hopkins study is meant to give direction and guidance and where they need to implement the TMDL. However, expectations and its purpose may be over exaggerated, but can still be used to guide local government actions.

DiPasquale provided examples such as the mayor of Bladensburg, MD and the "Great Green and Growing" campaign that highlights the connection of local firms and businesses and their economic

efforts that supports local communities. Local firms that make the connection such as porous pavements and stream bed restoration projects are the types of things that need to be addressed.

Nick added that CBP wants to be a resource, and used the Circuit Rider efforts as an example. He also went further to state how the circuit rider pilot programs are successful, and is a great model that provides opportunities for communities who need the technical assistance to get these on the ground projects done.

He also reiterated the success in providing these type tools and models to states and local governments. DiPasquale was asked to provide information regarding the type of resources is the Bay Program able to provide for these initiatives. Nick stated that the Environmental Protection Agency and the U.S. Fish and Wildlife Association have made considerable efforts in providing various resources for Bay initiatives. He encouraged other LGAC members to make contact with WIP leads. The draft phase II Wips are due in December and the final Phase II WIPs are due March 31, 2012. DiPasquale ended his comments by stating that CBP is here to help and is dedicated to getting the job done. There are tough issues to address however he is looking forward to taking on those issues and assistance in getting the job done.

Several members suggested that that EPA come up with some other terms to describe the TMDL and the WIPs. Perhaps just calling them “clean water plans.” These plans must be communicated in simple, understandable language so that the public can understand the benefits and requirements of EPA’s regulatory actions. Clear, concise messages tend to work well at the local level.

### **Update and Status of Phase II WIP Process**

#### **Katherine Antos – EPA Water Quality Team Leader**

##### **Recent Progress**

- November 2011: EPA provides \$450,000 in contractor resources to jurisdictions to assist with Phase II WIPs, milestones and data reporting
- Completed Scenario Builder workshops, released the Chesapeake Assessment and Scenario Tool (CAST) and funding CAST trainings
- On August 1, 2011, EPA released the Phase II WIP Planning Targets for nitrogen (191.57 million lbs/year), phosphorous (14.55 million lbs/year), and sediment (7341 million lbs/year)
- Completed 2 requested updates for Watershed Model Phase 5.3.2 in Summer 2011

##### **Jurisdiction’s WIP Successes**

- DC: MS4 permit is finalized. DC Water breaks ground on Clean Rivers Project to nearly eliminate CSOs.

- DE: NRCS awards \$715,000 to Sussex Conservation District to help farmers increase conservation efforts in Chesapeake Bay Watershed
- MD: Legislation passed to limit fertilizer use applied to homes, golf courses and businesses
- PA: \$84 Million investment in water infrastructure projects in counties
- NY: Fertilizer Provision (effective 1/1/2012) will largely prohibit use of phosphorus fertilizers for lawns and non-agricultural turf
- VA: Governor Bob McDonnell signs Environmental Stewardship Legislation
- WV: Issues Model Stormwater Ordinance

#### Path Forward for Phase II

- On October 5, 2011 EPA clarifies that “local area targets” are not required to be expressed as pounds of pollutant reductions by county
- Local targets should help partners understand their contribution toward meeting TMDL allocations
- Examples of ways to express local targets could include:
- Establishing Implementation goals, such as:
  - Number of additional BMPs; number of acres receiving BMPs
  - Increasing the percentage of sources with BMPs
  - Taking programmatic actions, such as adopting ordinances
  - Providing Phase 5.3.2 Watershed Model outputs, such as pounds of pollutant reductions in individual counties
  - Jurisdictions set local targets based on what makes the most sense to their key partners

#### Shared Goals

1. Greater emphasis on increasing actions on the ground to restore the Bay and its local waterways.
2. Removal of backstop and oversight actions in Phase II WIPs
3. Factor in new scientific understandings and consider all available data and information when assessing progress

#### 4. Continuously work to credit new and underreported practices

Members observed the following: Emphasis should be placed on Low impact designs and the types of practices that can put storm water back in the ground where it belongs. There are a multitude of small sources that have opportunities to reduce sediment and phosphorus run off. Change the structure, philosophy of storm water and its treatment. Individual homeowners in DC, 600 in total, are scheduled to participate in the River Smart Homes initiative. River Smart Homes' focus is on capture and retention and has passed new performance standards.

In Virginia, people are aware of storm water and the issues that follow. However, there is still a disconnect in realizing that water runs down hill, and the need to have controls in place to address the damage of storm water and its impact on the TMDLs.

With the frequency and rate of rain, infrastructure is not adequate to meet the TMDL requirements and the WIPs requirements mandated by the EPA. It is important to make connections to homeowners. Homeowners are inquiring, desire to do something and the know how to do it. Education is required to local governments and homeowners, including general public. Property owners must be notified, pipes and swales, most municipalities don't have the power to fund these type of operations to improve storm water systems that are a part of private property owners.

**Chris Aadland of Maryland** reported that localities must submit their draft WIP plans to the MD Department of the Environment (MDE) by the beginning of Nov. Maryland decided to make slight changes in strategy. They have acknowledged model limitations at the local scale; relaxed expectations relative to quantitative local targets; more focus on local programmatic actions rather than on BMP load reduction analyses gave locals the option to document WIP at the major basin scale. WIP's must articulate that local partners understand their share of responsibility. MDE is asking local governments to come up with the plans, but for some counties it may be difficult based on projected costs. What are the most cost effective ways to target the TMDL loads? Hopefully there will be some financial assistance down the road. There is room for changes and revisions to local governments and counties in the state of Md.

**Ann Roda from Pennsylvania** was not able to attend so Jake Romig gave the overview. Jake is the coordinator for the Circuit Rider program. State of PA has just completed 8 regional meetings for invitees, elected officials and staff. Lycoming, Lancaster, and York counties were well ahead of the curve. Target loads have been provided at the meetings. Problems are with the numbers and requirements of the model. State has formed various committees and subcommittees with the intent on taking on various issues and workshops, and the best way to communicate their efforts. Counties are not responsible for coming up with their plan, because they have not authority to do so. No allocations can be given to each municipality. County level implementation strategies have begun in York County.

State has developed a CAST tool to run different scenarios of BMPs for each county. The State is relying on those 3 counties to set the standards or develop a model that other municipalities can use. Gaps need to be filled and good feedback and cooperation expected as well as a higher level of

communication. Getting to the local level is a daunting task. Strategies are being put together in order to communicate effectively locally.

### **Joan Salvati – Virginia**

DCR for VA is the lead of the WIP with three key objectives. Talk to them about local waters, not only address the bay TMDL, but also their local waters. The message became very important. Localities don't feel connected to the bay. Second are the 96 localities, planning district commissions, mandated by state law for local coordination. Engage the planning district commission and ask them to facilitate meetings with local govt. Rather than seeking to identify a new strategies., it was decided to build on existing programs. CB Preservation Act, covers 84 commissions, storm water management strategies will cover these commissions in order to address the TMDL. Take what they have now and build upon it.

The project team devised a local engagement process, formed teams composed of DCR staff, and assigned to each of the 16 planning commission to following through on engagement processes.

Phase I – Assistant Secretary for Natural Resources and visited the 16 Planning District Commissions (PDC); express concerns and appreciated the Secretary's office reached out to the planning commissions. General process for phase II, educating and introducing the concept of the TMDL.

Phase II – DCR staff follow-up with the PDCs, what are you willing to do in this process in meeting the goals of the TMDL. Attending meetings, provide technical assistance to local government to review modeling . Would they consider participating? Through this process, all 16 have stepped up to work with DCR in a facilitating role. Looking at the model land use information and they are engaged in the planning process

Phase III – Data delivery. A different approach, 5.3 version of the model was used, broke down by local level, and distributed via spread sheets. Here are the BMPs that exist in your locality, the loads from your land use, and here is how you have to reduce that load. The model provides very specific local information, and was aware that the new model would be revised. However, they have initial information. It got high level staff and local governments interested in the effort in meeting the goals. DCR made it clear that the model had room for revisions. Look at land use, BMP levels that was expected in the phase 1, and look at the present BMPs in comparison to what the model says. This is an opportunity to update the information by the local governments. DCR needs five deliverables that are consistent with EPA guidelines.

### **Diane Davis – District of Columbia - DC Chesapeake Bay Watershed Implementation Plan**

DC has strong community of advocates for cleaning up the Anacostia and Potomac. The emphasis is on working with federal agencies and federal buildings which consists of 30% of total population. A total of

ten agencies chosen consisting of military, corps of engineers, mapping, and GIS mapping. Currently working with federal partners, however no county, townships or boroughs.

Held a federal partner workshop in April with more than 55 attendees that covered federal actions and commitments in which no other state is currently doing. This information will be in the Dec phase 2 WIP.

Federal agencies are required by the EPA to develop 2 year milestones and submit to a schedule of pollutant reduction similar to the 7 states/jurisdictions in the Chesapeake Bay agreement. We are reaching out to gain ideas on how to reduce the impact on storm water damage. Assistance is needed in documenting voluntary practices and state what they will do for the 2 year milestones. Partners are Smithsonian, Architect Capitol, NPS, Railroad A, Dept of veterans, GSA, DOD, Army, Navy, Marines, Air Force, EPA, USDA, National Arboretum, and the U.S. Postal Service.

### **Circuit Rider Program – Jake Romig /Brian Siepp**

#### **Lessons Learned: Maryland and Virginia**

- Requests for service are extremely variable depending on the location of the local government, the internal capacity, and the level of regulation (i.e. Phase I, Phase II, or unregulated).
- Some of the projects we have provided technical support for are very large capital projects which require significant funds and time (Havre de Grace, Cumberland, etc.) to complete.
- Travel expenses year to year and hard to predict based on which local governments come in for support and the type of project (number of staff involved, mileage, number of trips, overnight accommodations, etc).
- Flooding concerns are often a primary driver for local governments seeking support.
- The current funding level (\$100K for two states) limits the amount of service the Circuit Rider can offer and varies depending on when in the funding cycle they contact the Center. If they come in at the beginning of the funding cycle it is likely we can provide the local jurisdiction with a substantial amount of support, jurisdictions that come in at the end of the funding cycle may get lesser amounts of support especially if future funding levels are unclear.
- Webcasts and webinars are a popular and cost effective way of providing information and training.

#### **Lessons Learned: Pennsylvania**

- Communication Key to CR Concept Understanding.
- The CR Fills the Gaps.
- TMDL and the WIP Process Are Main Focus for CR in PA.

- The CR, Through Local Government Relationships, Brings Capacity to Landowner Service Providers.
- The CR Convenes Stakeholders for Common Message and Goal Achievement
- Success Relies On Relationships; It's About People.
- CR Must Lead.

#### Lessons Learned: Universal Between the Two Models

- Most Projects Last Longer than 1 year. Sustainable funding to continue service is needed.
- Coordination & communication with other resource agencies at the local, State, and Federal levels is essential. (Ie: Maryland DE, DCR, VA DCR, PA DEP, PA DCNR, etc.)
- Education and training of local government officials and staff are some of the most sought after services of the circuit rider program and are key to building long term capacity.
- Providing TMDL and WIP support for local governments requires a significant investment of CR time in listening to webinars, attending meetings, and researching EPA documentation. This investment of time is necessary so that the CR can provide accurate information and guidance.
- Local governments who have received assistance in the past tend to come back for additional assistance.

Where do LGAC and CR go from here? Much commonality, and a need to figure how to best allocate resources.

As an overview to the new members of the LGAC Committee, Penny Gross indicated how LGAC recognized that smaller jurisdictions needed help. Actually it is a program developed by LGAC, and EPA funded both models which are working very well. However, it took several years to get to this point. Mary Ann Lisanti said the with short budgets and other limitations, there are no jurisdictions that would not benefit from the technical support provided by the CR program.

The MD Watershed Assistance Collaborative is very similar to the Alliance CR program which includes collaboration and funding issues for small local governments. What is needed is a one-stop shop or one single individual like a CR that can be called upon.

Nick DiPasquel said that LGAC should think grander and larger in terms of the CR program. More focus on where the projects will be undertaken and getting key players together to determine what is needed such as a technical service piece, relationship piece, array of services, and an education piece. The Chesapeake Bay will participate in this discussion along with the Alliance to get a complete service delivery funding system.

## Storm water Issues and Management: Tom Schuler – Chesapeake Storm water Network

Tom's message to LGAC:

### The WIP Process is not as Scary as it Looks

- Each state works with its local governments to develop strategies for nutrient reduction
- The jurisdictional unit could be a MS4 permittee, planning district commission, county or conservation district, depending on the state
- The liability for not meeting the load reductions is a state liability, and not a local one (unless tied into MS4 permit)

### What to expect:

- Locals will need to submit data, have a strategy and report on BMP implementation
- Locals will need to follow state and/or CBP approved procedures for tracking and verifying BMPs
- States have the responsibility for aggregating local data and submitting it to EPA to show progress in load reductions

Tom indicated that costly retrofits in the stormwater area are not likely to occur at the local level. Moreover, most jurisdictions will likely focus on implementing cost effective, local solutions that avoid big cost projects. Locals have not been sitting on their hands in the last decade. They have been making progress though it may not, as yet, be recognized by EPA. It is clear, however, that there needs to be a major training effort in stormwater issues at the local level.



As a way to get started, he recommended:

Step 1: Organize a local watershed implementation team

Step 2: Take credit for fertilizers reductions on urban turf.

Step 3: Calculate acres of impervious cover; estimate runoff capture volume and design level using new regulations; calculate the aggregate nutrient reduction credit

Step 4: Become an early adopter of storm water regulations; ensures that nutrient liability will not continue to increase.

Step 5: Take credit for community reforestation; forest canopy goals, strong local benefit, good credits available and opportunities for extra credit for treating runoff.

Step 7: Re-tool your storm water maintenance program; inspect performance of BMP inventory, local eyesores; significant nutrient reductions are possible.

Step 8: Take the mass credit for intensive street sweeping; most communities do some sweeping; good removal credit available; qualifying frequency and technology; re-deploy sweeping crews to maximize pickup.

Step 9: Investigate septic system hook ups and upgrades; key strategies; relic septics; upgrade nitrogen technology in existing septic systems; sewer extensions and cluster satellites; CPB rates available.

Step 10: Take credit for eliminating illicit charges; CWP research indicates that can be an important strategy.

Step 12: Residential LID retrofits; subsidies , technical assistance, storm water utility credits and other incentives to build LID retrofits on private land; stewardship is very popular design, design rain gardens and rain barrels.

The Cost Challenge: the weakest link in local WIPS are accurate costs data for practices; need to acquire better cost data and share it; possibility of bay-wide database, millions vs. billions. Webcasts for local officials should be developed. Several databases are available to be coordinated to get a complete database of bmp levels. In looking at Harford County, putting together their WIP focused on the big issues. A lot of these applications are much more user friendly and community engaging which as an intrinsic value. Policy and programmatic changes are not the challenges for the technical community.

**Daryl Braitwaite, Manager of the City of Takoma Park's (MD) Stormwater Utility (301-891-7615)**

Takoma Park storm water utility fee: the state mandated change and the city hired a consulting firm to gather information that was primarily community based; field survey of the system and identify the existing systems and inspections.

Takoma Park's Stormwater Utility Fee

Takoma Park is approximately 2 square miles with a population of 17, 000

- over 90% developed
- 60% residential, 13% roadways, 8% parks, 6% commercial properties and 5% public or institutional properties (schools, churches, hospital, colleges, etc).

#### Stormwater Management Program Expenses

<u>1990</u>	<u>2011</u>
\$200,000	\$500,000
\$100,000 Capital	\$211,000 Capital
\$100,000 Maintenance & Services	\$207,000 Maintenance & Services
	\$80,000 personnel

Before the creation of the Utility Fee, the programs funding included 40 to 60% from the general tax revenues and the remainder was through re-allocating previous year's surplus. Since the Utility Fee 100% of the program costs are covered by the Fee directly

#### Property Types In Takoma Park – Source: State Tax Database

Single Family Residential – 86%

Other Developed – 14%

- Multifamily 5%
- Exempt properties 5%
- Commercial 4%

#### Percentage of Impervious Area based on property use – Source: MNCPPC GIS layer

Single Family - 37% - median amount of impervious area = 1,228 sq ft

Other Developed – 60%

#### Stormwater Utility Fee Rates:

Single Family Properties -

1997 - \$24 per property

2011 - \$48 per property

Other Developed Property –

Square Footage of impervious area divided by the ERU (1,228 sq ft), multiplied by the base rate.

Undeveloped Property – No fee

Number of Properties Billed and The Amount

3,885 property owners billed annually

3,443 are single family owners, 443 are other Developed property owners.

City's Finance office bills annually in September, payments due in 30 days.

Parks and Planning used GIS technology to take a stab at establishing the boundaries of the impervious areas. Resulted in impartial figures because of square footage of residential properties were not added in database figures. However, land assessment found 86% single family homes and 14% other businesses considered an impervious area.

**Moving Sustainability Efforts Forward: Storm water and Beyond: Joanne Throwe, University of MD Environmental Finance Center (EFC)**

Aging infrastructure is a crisis that has to be address. Build an optimal program, start out recognizing where you need to be; assess costs; cannot be done without engaging the community. It is the ability to understand where to prioritize the recommendations and exemptions. The EFC report will be made public within a couple of weeks. Two communities have been chosen to work with per year. The storm water unit is expanding, and opportunities are available. Some of the approaches and case studies will be put together and given to the committee.

University of MD College Park; National Center for Smart Growth consists of 5 states and the district; There is a large focus on watershed issues that include air and water quality financing; feasibility studies; capacity development; technical assistance, agriculture; financing and a storm water financing unit.

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**New/Old LGAC Business ,**

Minutes from the LGAC meeting in August in Lycoming County were approved unanimously after a motion to approve by Bruce Williams and a second by Penny Gross.

The most recent LGAC report, Our Waters, Our Towns: Case Studies, is now available and is being distributed via state association of local governments in all jurisdictions. Members are encouraged to distribute them in their own communities and at meetings of their association members. The case

studies are examples of what communities have done to help implement a watershed plan and storm water implementation plans.

### **PowerPoint Presentation: The Hatcher Communication Group**

A power point presentation has been prepared that local government officials might use to explain the WIP 2 Process in your Community. It can be taken to the community through public meetings with basic information, the issues, and the problems and opportunities that could be addressed in the WIPs. This is another communication tool that could be modified to suit local conditions in your own communities.

### **Headwater State Participation in LGAC**

An LGAC briefing paper outlined some of the issues as the Committee considers the possibility of amending its bylaws to allow LGAC members from DE, NY, and WV. Some of the issues are:

- Budget implications of adding new members (additional cost of travel, lodging, expenses)
- Local selection of new members
- Type of LGAC membership (ex officio, full voting)
- Immediate vs phased in approach
- Headwater state commitments to the Chesapeake Bay Agreements

Mary Ann appointed a Subcommittee consisting of Penny Gross, Ann Simonetti, and Sheila Finlayson to examine the issue and report their recommendations back to the full committee at the next LGAC meeting in Washington DC.

### **Next LGAC Meeting**

The next LGAC meeting will be held in late February in Washington DC. It is most likely the Committee will again use the Tabard Inn for a two day meeting that will be scheduled for a Thursday and Friday. At that meeting, a new LGAC Chair will be elected as Mary Ann has served her term of two years. The next Chair will come from Pennsylvania according to the rotation outlined in the bylaws.

Members expressed concern about some local issues including the impacts of lifting the ban on uranium mining in Virginia, and the impacts of Marcellus Shale drilling on water quality in Pennsylvania. It was suggested that the Committee continue to follow the potential benefits of interstate trading of nutrient credits.

The Meeting was adjourned at 3:30 PM.