

**CHESAPEAKE BAY COMMISSION
MAY 2019 MEETING MINUTES**

The Chesapeake Bay Commission held its second quarterly meeting of 2019 on Thursday and Friday, May 2-3, 2019 in Washington, D.C.

Commission members in attendance:

- Delegate Robert Bloxom
- Delegate David Bulova
- Senator Sarah Elfreth
- PA Citizen Member, Warren Elliott
- Representative Garth Everett
- Senator Guy Guzzone
- Secretary Haddaway-Riccio
- Senator Emmett Hanger
- Delegate Steve Lafferty
- Senator Scott Martin
- Secretary Patrick McDonnell (Represented by Aneca Atkinson)
- Senator Thomas “Mac” Middleton
- RDML Charles Rock (Represented by Sarah Diebel)
- Delegate Dana Stein
- Secretary Matt Strickler
- Representative Michael Sturla
- VA Citizen Member, Dennis Treacy
- Delegate Tony Wilt
- Senator Gene Yaw

Members not in attendance:

- Senator John Cosgrove
- MD Citizen Member, Bernie Fowler
- Delegate Tawanna Gaines
- Representative Keith Gillespie

Staff:

- MD - David Goshorn
- PA – Veronica (Nicki) Kasi
- VA - Ann Jennings

CBC Staff:

- Ann Swanson
- Jen Dieux
- Mark Hoffman
- Marel King
- Adrienne Kotula

THURSDAY, MAY 2, 2019

CALL TO ORDER

Virginia Chair Delegate David Bulova called the meeting to order at 1:15P.M. and welcomed the Commission members to Washington, D.C. He thanked the National Geographic Society for hosting today's meeting. Delegate Bulova also noted the Commission's presence in the District facilitates our engagement with Federal government leadership and hence, the influence of federal policy to help restore the Chesapeake watershed.

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

Delegate Bulova introduced the Commission's new members, Senator John Cosgrove from Virginia, Senator Sarah Elfreth from Maryland, Secretary Jeannie Haddaway-Riccio from Maryland Department of Natural Resources, Delegate Stephen Lafferty from Maryland, and Senator Scott Martin from Pennsylvania. The Commission warmly welcomed the new members, and each of those present spoke briefly about their backgrounds and interest in serving on the Commission.

By unanimous consent the Commission approved Senator Gene Yaw as the Commission's Vice-Chair, filling the vacancy left from the retirement of Senator Rich Alloway.

FEDERAL AGENCIES AT WORK

Delegate Bulova noted that we had heard from EPA Administrator Wheeler last year, and again senior representatives from EPA were on-hand to update the Commission on the federal perspective and action relating to watershed restoration. He welcomed both Regional Administrator Cosmo Servidio and new Chesapeake Bay Program Director Dana Aunkst.

ENVIRONMENTAL PROTECTION AGENCY

Delivering Clean Water: Between Now and 2025

Cosmo Servidio, Region III Administrator, U.S. Environmental Protection Agency

Regional Administrator Servidio thanked the Commission for their continued leadership efforts related to watershed-wide restoration. He noted that engaged partnerships throughout the watershed are critical to collective success and felt that collaboration has continued to increase. Both innovation and the leveraging of expertise and financial resources are important. He stressed the EPA's commitment to sustaining the agricultural sector, both regionally and nationally. They are also working closely with other members of the regulated community, such as wastewater treatment plant operators. He noted they had received all the draft Phase III Watershed Implementation Plans, and they are currently undergoing formal review with comments coming out later this summer.

2014 Chesapeake Bay Agreement: Near Term Challenges

Dana Aunkst, Director EPA Chesapeake Bay Program Office

Director Aunkst noted this was his first time appearing before the Commission in his new role as EPA's Chesapeake Bay Program Director; his history of working on watershed-related issues goes back to 1991. He noted he has always been impressed by what the Commission does, and the innovation they bring to the partnership. He noted the Bay Program as a national model of "shared governance" and many of the improvements in water quality and living resources that have been achieved. He also mentioned some of the challenges that still lie ahead, such as local water quality, wetlands, buffers and toxics.

Director Aunkst noted the importance of prioritization, given the finite resources available at all levels of government and the private sector. He also commented on his role as lead of the Bay Program's Management Board, as he saw a need to focus not solely on water quality concerns, but on each of the goals and outcomes specified in the 2014 Watershed Agreement. He then addressed several questions from Commission members, related to verification, forest buffers, and wetlands.

DEPARTMENT OF DEFENSE

Taking Management Responsibility for its Lands

Sarah Diebel, DoD Chesapeake Bay Program Coordinator

Ms. Diebel started her presentation by showing a video from Admiral Rock, giving an overview and highlights of DOD efforts over the past year. Due to a scheduling conflict, the Admiral was unable to attend the meeting. She then went through a PowerPoint presentation detailing the substantial commitment and achievements of the DOD in the Bay Watershed. DOD manages 400,000 acres and 130 installations/annexes within the watershed. She noted that EPA has set expectations for Federal Agencies to participate in WIP III development just as they have for the states. She noted that reporting, tracking, planning and assessing nutrient and sediment loads as well as developed sector BMPs would be their focus areas moving forward. She also noted the importance of legislation and regulation to drive compliance and implementation.

DEPARTMENT OF AGRICULTURE

2018 Farm Bill: Maximizing Our Opportunity

Terrell Erickson, Northeastern Regional Conservationist, Natural Resources Conservation Service

Ms. Erickson highlighted USDA's Chesapeake Bay Watershed Action Plan, and the opportunities to enhance restoration flowing from the 2018 Farm Bill. She walked the Commission members through the particulars of the major programs contained in the Conservation Title, and how they provide opportunities to improve both water quality and living resources within the Chesapeake region.

CONGRESS AND THE DEPARTMENT OF INTERIOR

Exploring the Potential of a Chesapeake Bay National Recreation Area

John Reynolds, Retired National Park Service (39 years including Deputy Director)

Chesapeake Bay Commission Virginia Citizen Representative (2010-2016)

Mr. Reynolds spoke of his many years of work in land conservation – and noted that it is not necessary for government to own all, some, or even any of the land to be effective in this regard. In 1998 Congress authorized the Bay Gateways Program, and in 2004 the creation of the Captain John Smith Water Trail was recommended. There is now a small group studying the idea of a potential Chesapeake Bay National Recreation Area. Mr. Reynolds noted why this approach could make sense, given the national significance of the estuary and the fact that National Recreation Areas have the potential to materially enhance the economy of an area. The Golden Gate and Boston Harbor Islands National Recreation Areas were cited as examples.

ADJOURNMENT

The Commission Members adjourned for the day at 4:00 p.m.

FRIDAY, MAY 3, 2019

CALL TO ORDER

Delegate Bulova called the meeting to order at 9:30 a.m. He asked Executive Director Swanson to call the roll. With a quorum present, the Commission moved on to the substance of the morning.

CBC ADMINISTRATIVE ACTIONS

Approval of CBC FY 2020 Budget

Approval of CBC 2020 Meeting Dates

Executive Director Swanson reviewed the proposed FY 2020 Commission budget. It was approved by the full body by unanimous consent. She then went over the proposed meeting dates and locations for 2020. This was also approved without change.

CHAIRMAN'S UPDATES & LIGHTNING ROUNDS

Comparison of draft state Phase III WIPs

Federal FY 2020 Update

State Revolving Loan Fund Update

Executive Director Swanson then quickly updated the Commission on three items. The first was a comparison of each member state's Phase III WIPs. She noted each State has a different set of challenges.

She then reviewed with the members the Commission's federal work: 1) the success in the final Farm Bill, particularly the improvements to the RCPP program; 2) the inclusion in the WRDA legislation of a storm-water task force and our efforts to have a Commission member sit on that body; and 3) the federal budget work, including our publication, outreach and briefings. She particularly noted the involvement of several Commission members with key legislators and outside parties to amplify our message.

The third item was a handout on Clean Water State Revolving Funds for Agriculture Best Management Practices prepared by Virginia Director Kotula.

DELEGATION CHAIR REPORTS

2019 General Assembly Advances in Bay Restoration

Virginia

Delegate David Bulova, Virginia Delegation Chair

Delegate Bulova noted much of the Virginia General Assembly session focused on tax policy. He noted Senator Hanger took the lead on funding for Bay issues and was able to increase funding for technical assistance as well as the Stormwater Local Assistance Fund. There was also legislation to allow homeowners associations to have their own stormwater fees, and the Senate passed a provision to allow some stormwater funding to non-regulated jurisdictions, although this did not pass in the House. There was also \$25 million provided to address the long-standing issue with combined sewer overflows in Alexandria.

Pennsylvania

Senator Gene Yaw, Pennsylvania Delegation Chair

Senator Yaw started by noting that Pennsylvania understands the challenges it faces and continues to work hard to improve water quality. Legislative proposals under consideration include a fund for tree planting, stormwater fees, fertilizer application requirements and creation of nutrient reduction procurement program.

Maryland

Delegate Dana Stein, Maryland Commission Member

Delegate Stein stated Maryland had a productive session for Bay-related legislation. Bills passed included greater protection for the oyster restoration areas and a consensus-based process for oyster management, analysis of the existing forest conservation act, banning expanded polystyrene food service products, and enhanced reporting for both environmental violations and nutrient management.

Delegates Stein and Lafferty also discussed legislative proposals that did not pass but might come up again in the next session. These include bills on the use of coal tar sealants and the regulation of the siting of solar energy facilities.

LEGISLATIVE IDEAS THAT WORKED

PART I: FUNDING FOR RESTORATION

Virginia Water Quality Improvement Act

Virginia Director Kotula gave an overview of the State's Water Quality Improvement Act. The bill's origins were from a Joint Commission on the Future of Virginia's Environment created in 1996. The Commission studied environmental programs, budget trends and was charged in developing a long-term plan. Extensive public outreach also occurred which found that water quality was the foremost environmental concern of Virginia's citizenry. The result of this effort was the 1997 Water Quality Improvement Act. This created a dedicated fund to provide grants to restore and improve the quality of the State's waters. Funding is provided based on formulas related to the differences between projected and actual State general fund revenue. It has provided over \$1 billion in funding for water quality since its inception.

Maryland Bay Restoration Fund

Maryland Director Hoffman presented on the Bay Restoration Fund, established by legislative action in 2004. The purpose of the legislation was to create a dedicated fund to finance wastewater plant upgrades to enhanced nutrient removal, upgrade failing septic systems and plant cover crops to reduce nutrient pollution. The bill levied a \$30/year fee for residential sewer and septic users. The legislation also created a formula for the use of the funding and has been amended at least seven times since original passage to keep up with changing conditions. The improvements made to the wastewater sector over the years have been the main driver of Maryland's reductions in nitrogen entering the Bay.

Pennsylvania Resource Enhancement and Protection (REAP) Program

Pennsylvania Director King presented on the Pennsylvania Resource Enhancement and Protection (REAP) Program. First proposed in 2006, and enacted in 2007, the legislation was the result of broad stakeholder support and legislative champions. The bill created a transferable tax credit for agricultural best management practices, with set cost-share depending on the type of practice. Funding was provided at \$10 million the first year, and for the most part has continued at that level since. Additive benefits of the program include that it is a tax credit, not a "government payment," an important element for some participants. Also, it leverages other programs and is transferable, hence increasing the value.

PART II: NEW & EMERGING ISSUES

Firefighting Foam Management

Delegate David Bulova, Chief Patron

Delegate Bulova presented on Virginia's HB 2762, the Firefighting Foam Management Act. He provided background about PFAS, a long-lasting substance found in foam and considered potentially dangerous to human health. EPA issued a PFAS Action Plan in February of 2019, which outlines possible action at the federal level. The legislation was initiated by the American Chemistry Council and the Virginia Manufacturers Association – to be proactive to reduce PFAS exposure, while preserving the most important use. The bill had three major components: 1) allowed use for active fires; 2) strict best practices for testing; and 2) ban use for training. The intent was to use Virginia as a template for other states. Potential concerns within the firefighting community were also addressed, such as viable options for training, status of existing stockpiles and the time to transition. He also noted that it helped having support from the industry groups, bi-partisan support from Commission members Wilt and Bloxom, an actual example of contaminated waters in Virginia and Chesapeake Bay Foundation support.

Hellbender as State Amphibian

Senator Gene Yaw, Lead Sponsor

Senator Yaw reviewed the history of the recent legislation to designate the Hellbender as the official State Amphibian of Pennsylvania, for which he was the lead sponsor. The proposal was first brought to him by a group of students and a professor who studies the species. As an amphibian that only survives in clean fresh water, its designation is a great symbol of the need to protect and restore the State's many miles of fresh water streams.

NEW BUSINESS

Executive Director Swanson made two informational announcements: 1) that she was honored to be the receipt of an award from ShoreRivers; and 2) we will soon have a portal on our web-site where Commission members may retrieve electronic copies of meeting-related documents. She also reminded everyone that the Commission's next Quarterly Meeting is scheduled for September 12-13, 2019 in Gettysburg, PA.

ADJOURNMENT

There being no further business, a motion was made to adjourn and unanimously agreed to at 12:30 p.m.