

Local Government Advisory Committee

Joint Quarterly Meeting – LGAC/CAC

Alexandria, VA – Crowne Plaza

Thursday, May 5, 2011

In Attendance: Mary Ann Lisanti, Penny Gross, Sheila Noll, Bruce Williams, Rick Gray, Sally Thomas, James Wheeler, Jeff Wheeland, Kelly Porter, Sheila Finlayson, Larry Trala, Jake Romig, Rosemary Wilson, Steve Mallette, Joan Salvati, Megan Lehman, Rick Keister, Carin Bisland, Katherine Antos, , Ann Roda, Scott Hymes, Amy Handen, David Sachs, Adriana Hochberg, Debbie Ritter, Matt Johnson

Thursday, May 5, 2011

Call to Order: 9:00 am

Introductions of Members

Approval of Minutes from February meeting in Easton, MD

A motion to approve minutes from last quarterly meeting in Easton, MD was made by Jeff Wheeland, and seconded by Penny Gross. The minutes were approved.

Consideration of Emeritus Status for past LGAC Members

Consideration of Emeritus Status: LGAC Chair, Mary Ann Lisanti proposed a motion to amend the bylaws to create the emeritus status to former members of LGAC. The purpose is to have the opportunity for former outstanding members to stay engaged and add historical perspective to LGAC discussions. Emeritus status members will be notified of meetings, have no paid accommodations if they attend, and no voting rights. There was a motion put forth and approved unanimously to grant emeritus status to former members, Sally Thomas from Virginia and Phil Briddell from Pennsylvania.

Understanding the WIP Process

Chair Mary Ann Lisanti reiterated her conversation with EPA Region III Administrator, Shawn Garvin, about the need for LGAC to play a major role in helping local governments understand the Phase II WIP process. As chair of the Principal's Staff Committee, Garvin supported LGAC's role to develop communication pieces over the next year that will explain in clear, understandable language what local government officials will have to do to comply with the TMDL and the Phase II WIPs. She expressed the need for us to collect real life examples of what local governments have done to reduce stormwater runoff and implement other projects

that have reduced pollution going into local streams. Local governments can lead by example and give guidance to other officials throughout the Bay Watershed.

Presentation by LGAC Member – Diane Davis, Environmental Protection Specialist, Washington, D.C.

D.C. Phase II Watershed Implementation Plan

A presentation was given by Diane Davis, on the District of Columbia's WIP process and the progress of federal facilities located in D.C. in complying with the TMDL.

Programs such as the "River Smart Homes" initiative will be used to address stormwater issues, as well as 2 year milestones, Blue Plains, and other sources for reducing nitrogen and phosphorous and sediment.

The federal family comprises nearly 30% of the land area in DC. The National Park Service (NPS) is the largest federal land owner with 6391 acres of land.

- Department of Defense (DOD) owns 1500 acres
- GSA owns 524 acres
- Department of Agriculture and the National Arboretum owns 422 acres
- Smithsonian owns 242 acres and run off to manage in parts of the Anacostia River.

DC has a strong community of advocates for cleaning up the Anacostia and Potomac Rivers, and will be identifying and collaborating with these groups for Phase 2 WIPs.

DC depends on commitments from federal facilities to install storm-water controls in order to fulfill the EPA Chesapeake Bay Total Maximum Daily Load (TMDL) requirements. DC did not originally plan to allocate loads to federal lands and facilities, however in order to fulfill EPA deliverables and track commitments, target loads will be assigned to federal lands and facilities.

Discussion of LGAC Priorities and the LGAC Report to the Chesapeake Executive Council

On July 11, 2011, LGAC and CAC will get an opportunity to present their annual reports to the Chesapeake Executive Council. Some of the issues raised by LGAC members include: the short time frames for when the Draft and Final Phase II WIPs are due; the need for more clarity in how local allocations will be made; the continuing questions about the Bay model and when changes may be made that could impact the allocations.

The continuing top LGAC priorities are the TMDL and Phase II WIPs, Circuit Rider, and stormwater. Each state has developed its own WIP process and state agency representatives will continue to meet with LGAC delegations as their processes evolve over the next year. In VA,

the Planning District Commissions will play a major role in coordinating the development of local WIPs. Local input is critical in all areas in that local leaders and local government managers know where problem spots are located in their own jurisdictions.

The Circuit Rider (CR) in York County is a technical assistance and coordination program for local governments that has proven highly successful, more than meeting the original goals set out. The CR can facilitate local government action in smaller communities and have a big impact on implementation on a county wide basis. The CR has yielded tangible results and needs to be expanded to other jurisdictions that may not have the tools for meaningful implementation. The TMDL working group in York County is a good example of how the CR can do adaptive management to adjust to evolving requirements, especially in the Phase II WIPs.

LGAC can play an important role in communicating information about the WIPs to other cities, counties, towns, townships, municipalities, and boroughs. Educating local officials and the public can be a part of the solution instead of the problem. Messages can, for example, convey simple, precise information on a local level that resonates with local communities. Past communications from EPA and others have focused too much on the Chesapeake Bay, and not enough on local streams and local water quality. Local officials should be informed about the opportunities they have for local concerns to be addressed in their own WIPs.

Stormwater regulations, retrofits, and requirements for new development may have the most significant impacts in terms of costs for local governments. Many communities, such as Lancaster, PA, have begun to tie the concept of green infrastructure to improvement projects that will eventually reduce the amount of pollution from both urban and agricultural areas. The public can be made aware of how such projects can reduce runoff and pollution as well as improve the overall quality of life.

Lessons from Virginia's Piedmont Regional Pilot Project

Leslie Middleton, Rivanna River Basin Commission

Ultimate goals of the pilot project where to:

- Identify strategies for local engagement to inform the development of Phase II Wips
- Provide accurate information to affected stakeholders and to look at the process.
- The meetings were time intensive; composed of focus groups and participants
- Involved groups and participants of agriculture/forestry/viticulture
- Builders/developers/economic developers
- Permit holders, point and nonpoint sources
- Elected officials and staff

Common Messages from all Stakeholder Groups

- Cost; use of available local data, trading and offsets between source sectors; locals could work with regional planning;
- Local cooperation may allow cost-efficiencies in activities; financial costs, broad solutions, concern about unintended consequences, pushing development in rural issues.
- Communications was a big part of this, accurate information is necessary, planning and implementation had to be timely.
- Simplify the language, but not the science
- Modify presentations to reflect local data and different local stakeholders
- Plan on multiple presentations to provide “cyclical learning”
- Customize language and audiences

Observations:

Don't assume localities will simply raise local taxes to cover costs of planning and implementation

- Local governments assume the burden will fall on them in the absence of detail, local and state-level resource gap analysis.
- TMDL's is a pressing issue facing local elected officials.
- It is essential to provide localities a way to utilize local water quality, land use, and BMP data.
- Local quality is the major concern, not necessarily the bay
- Protecting existing local healthy water is a key message; cost effectiveness of preservation vs. clean up; economic value of clean waterways for tourism
- Essential for cultivating buy-in of local governments and affected stakeholders
- Local communities want specific and concrete assurances.
- Local and regional collaboration is needed; seek participation; ensure resources, clarify roles, should the region decide who leads. Should the state decide?

Challenges:

- Lack of clear and timely guidance
- Uncertainty about resources for planning
- Complexity of scale, science, and process
- Remoteness of the Chesapeake Bay to many in VA piedmont
- Regional planning benefits

Opportunities:

- Impetus for the identification and protection of existing intact watersheds and healthy waters
- Identify waterways that are in good shape, can put some focus to protect that which we have.
- GET 4 is about healthy waters, pollution reduction and the other component from the Clean Water act. Anti-degradation clause.
- Don't dirty our waters.
- Phase II; clean up local impaired waters
- Implement land conservation and protection and develop green structure
- Improve tree canopy, air quality, sustainability
- Emphasize the importance of watershed-based solutions (Bay Model)

Next steps:

- Would like to replicate and continue pilot project
- Awaiting guidance and resources from the commonwealth
- Staff support, funding, tools
- Poised to undertake a regional approach with PRPP management team
- Support local governments in providing input to DCR and evaluation scenarios
- Sitting on the VA Phase II Stakeholder Advisory group
- "Protecting local waters and the Bay is a worthy goal. We are willing to bear our share of the burden if the effort is based on good science and equitably shared."
- Participating PRPP stakeholder comment, 2/16/11

Break – Joint Luncheon – Joint Meeting reconvened at 1:00 PM

Introductions of Citizen Advisory Committee (CAC) and Local Government Advisory Committee (LGAC) Members

Katherine Antos, US Environmental Protection Agency

EPA has released their WIP Phase II guide. The guide will be a composite of Phase I and Phase II. The difference between Phase I and Phase II is Phase II means that it is now local. What does it mean for your community? Can the EPA assist LGAC and CAC within their jurisdictions and communities? Is there a better use of tax payer money and laying out the strategies in order to meet its goals? These are some of the questions to be addressed in this Phase II process.

Phase II is about cleaning up local water systems. LGAC/CAC assistance is important in getting the right information out to communities and getting people on the ground to implement water quality projects. LGAC and CAC can play a role in helping communicate the requirements and opportunities of the Phase II WIPs and in helping educate local communities.

EPA presented a possible draft fact sheet on the WIPs which LGAC can use to develop its own communication package. It might include: an LGAC letter to local officials; fact sheet on the WIPs; possible state fact sheets on their individual WIP processes; key contacts at the state level; and web sites which can be used as resources for WIP development. EPA clearly supported LGAC in developing its own communication package that would emphasize local messages for local communities. The goal would be to provide information on the benefits of the WIPs and to spur local government elected and appointed officials to provide leadership in the Phase II process.

Brief presentations were given by the District of Columbia, VA, MD, and PA on how each state is approaching their WIP requirements. DC is, in effect, its own local government, and is well along in developing their Draft WIP II. Because of the large amount of federal land ownership in DC, federal partners are key in meeting load reductions under the TMDL. In Virginia, there are multi-county Planning District Commissions which will play a major role in coordinating local government input to the Phase II WIPs. Maryland has set up county wide working groups in their 24 jurisdictions aided by staff from both the Department of Natural Resources and the Department of the Environment. The working groups include representatives of all sectors including agriculture and soil conservation districts. Pennsylvania has the challenge of dealing with an enormous amount of local governments with overlapping land use authorities.

Breakout Session of LGAC and CAC Members by State Delegations

The following are notes from the individual breakout sessions:

MD Breakout Session

“Elected officials talking to one another is the best way to communicate about the TMDL”

1. Most Promising

- Brainpower, resources, and a plan
- Public willingness to pay and to do something
- Some counties are leading
- National Academy of Sciences endorsement of the framework

2. Most Challenging

- Agricultural accountability
- Funding for implementation
- County leadership changes (eg. Frederick Co)
- Impervious retrofits are expensive
- Timelines for performance
- Lack of public participation
- Messages and communication

- Naysayers have a list of questions for which we don't have ready answers
- Identifying Who's Who in counties and municipalities – key contacts

3. Unknown

- Public involvement level
- What are the possible incentives?
- Technical answers to model questions

4. Key Communication Points

- Cost effective strategies
- Peer to peer contacts
- Lack of municipal knowledge
- Success story reporting

PA Breakout Session

1. EPA Guide plus two DEP templates are on DEP's WIP website

2. Outreach – work with Tetra Tech on materials

Ann Roda and Andy Zemba are main contacts

County meetings will be held in Sept. and Oct.

Public comments start in Dec., 2011, for 45 days

3. Accountability - planning target

State ultimately responsible

4. Only implementation plan if there's an MS4. DEP/EPA are in ongoing discussions

On PAG – BMS4 permit

5. EPA starting to do cost analysis. Trading program will facilitate cost/effective strategies

6. Messaging challenges – explaining what model outputs mean locally

What's Working

- County template
- Realistic – showing available land uses and proposed BMPs
- Portray relative effectiveness when setting local area targets

Challenges

- How will localities be accountable for meeting their targets?
- One size does not fit all (see suggestions)
- Farm Bureau lawsuit/ getting ag to work together
- Costs (see suggestions)

Suggestions

1. Use watershed specialists
2. State authority to modify or Municipal Authorities Act to give authority
to create stormwater utilities (eg. Phila) Monitor bills which have been introduced
3. Highlight communities that have gone above and beyond
Eg. Huntington – upgrade to higher standard than required – share how they did this,
other tools and examples
4. If modify BMPs, have DEP give credit in its manual – streamline process
Katherine – send LGAC Green Infrastructure policy
5. Renew Growing Greener to facilitate cost effectiveness
Raise the bar for project approval for growing greener projects to have
Greater water quality benefits
6. Look to help local governments identify these co-benefit opportunities –
real examples (CAC and LGAC role)
Connections to local benefits (ex: flooding, ag – soil conservation, increased
Productivity
7. Suggestions Phase II WIPs – template should include:
What do I have to do?
How much does it cost?
When?
Consequences if don't do
Why do I have to do it?

VA Breakout Session

1. Guidance, information provided

EPA will provide model info/targets/BMPs that will be need

Over the next 30 days

EPA response to stream restoration

- should get credit for reduced sediment
- study being conducted to determine how much credit
- stream restoration needs to be done correctly to ensure long term results

- need BMPs to be regularly reviewed and updated
- localities will be able to submit local data to feed Phase II “community conservation info

- VA will meet with local government staff
- VA has met with PDCs
- PDC meetings did not connect directly with elected officials
- Need to connect with elected officials
-

2. What additional tools/assistance can state provide?

- VA communities will be able to submit their local data to the state through a “community conservation information” template

- Tools for locals to use as states provide #'s to develop input decks
- Is it jurisdictions choice how they will meet goal?
State suggests that locals provide how to meet goals – ie. practices to be implemented

Locals would like flexibility on how to ID practices to meet targets

Who makes determination of localities menu to meet the requirements?

State? Feds? Or dialogue between state/PDC/local governments

Dialogue between state/PDC/local governments?

- Process in VA – significant confusion by locals on immediate next steps
- What if localities submit CCI that do not meet loads – what happens to remaining loads?

What/how does the state allocate these loads?

How will MS4's relate to the local area targets. What happens to remaining loads?

And What/how/does the state allocate these loads?

- details TBD
- solution to MS4 problem should be able to occur anywhere in the watershed
- even outside MS4 area
- At what point will answers be more clear?
- Localities very frustrated when state is not providing clear answers
- How do you convince non MS4s to take action? – threat of future action?
- What are drivers for non-MS4s? Incentives?
- Timeline is very unreasonable (for Phase II and 2 yr. milestones, practices, and modeling
- Phase II effort HAS to help toward watershed implementation
- How will model/monitoring data feed into practices?

In a general wrap up discussion, LGAC and CAC members agreed that:

- Information about the Phase II WIPs will be need to be communicated to both citizens and local governments. In addition, the message needs to focus on local streams, rivers, and waters, in order to get the support of local elected officials and citizens. Peer to peer communication may be the most effective way to engage local government officials in the Bay Watershed. Citizens need to be engaged with an emphasis on what individuals can do in their own backyard.
- The costs of implementing the Phase II WIPs must be addressed by both EPA and the individual states. Local governments do not have the financial resources to implement all the measures expected in the WIPs. EPA and the states need to consider alternative cost effective solutions.
- In many areas, local governments will also need additional staff resources and technical assistance to develop and implement the Phase II WIPs. States need to continue to reach out to local governments and citizens to involve them in the Phase II process.

Friday, May 06, 2011

Communications Workshop by Eric Eckl

Communications Consultant, Eric Eckl, presented a two hour workshop entitled, “Combat Communications for Public Officials.” The workshop was a hands-on training session for elected officials on how to handle environmental controversies in their own communities. Using actual examples, Eric took the Committee through a number of exercises which illustrated how controversial issues can be addressed and the pitfalls that can occur when the media covers those controversies. He also emphasized the use of words that resonate with individuals and families and pointed out how commonly used jargon is not effective in communicating most environmental messages. Eric’s website is: <http://waterwordsthatwork.com>

LGAC Wrap Up

Mary Ann talked about developing an LGAC communications packet that we could share with local governments throughout the Bay Watershed. There also needs to be more LGAC outreach to state associations of local governments in MD, PA, and VA. Members should contact their state associations about holding meetings or workshop on the Phase II WIPs at their annual conferences or legislative meetings. Our role is to provide as much information on the WIPs as possible in a clear, concise, and understandable message. Mary Ann encouraged members to begin to gather success stories in their own jurisdictions that we might be able to share with other local government officials. We need to also consider op-ed pieces for local newspapers to get the word out on the WIPs. We will attempt to have a first LGAC communication piece by the time that LGAC gives its report to the Chesapeake Executive Council in early July.

Megan Lehman of Lycoming County gave a brief preview of plans for the next LGAC meeting in Williamsport, PA, August 4 -5, 2011. In addition to the regular meetings, there will be a tour that will highlight Marcellus Shale issues, agricultural issues, such as nutrient trading, and other Bay related activities in Lycoming County.

The meeting was adjourned at noon.