



Local Government Advisory Committee

Quarterly Meeting - February 17-18, 2011

Easton, Maryland – The Tidewater Inn

Thursday, February 17, 2011

In Attendance: Mary Ann Lisanti, Penny Gross, Sheila Noll, Ann Simonetti, Robert Willey, Bruce Williams, John Thomas, Rick Gray, Sally Thomas, James Wheeler, Jeff Wheeland, Kelly Porter, Sheila Finlayson, Larry Trala, Jake Romig, Susan Ritter, Rosemary Wilson, Steve Mallette, James Eskridge Staff and Guests: Joan Salvati, Megan Lehman, Rick Keister, Carin Bisland, Katherine Antos, , Ann Roda, Leslie Gruden, Scott Hymes, Amy Handen

Call to Order

Introduction of the new members of the Local Government Advisory Committee (LGAC).

The Committee approved minutes from the December meeting in Annapolis with a motion from Jeff Wheeland and a second from Penny Gross.

Introduction of New delegation from Virginia – Chair Mary Ann Lisanti

Chairman Mary Ann Lisanti welcomed the new delegation members from Virginia with a brief introduction and history of LGAC. With the assistance of other committee members, Chairman Lisanti elaborated on her experience and introduction to LGAC. She shared her experiences in understanding LGAC and its purpose. She recalled that current members were very helpful in getting her up to speed with LGAC's mission and objectives, and most importantly where LGAC fits in the structure of the Bay Program.

Rick Keister, LGAC Coordinator gave an overview of LGAC and the relationship to the Bay Program. Alliance for the Chesapeake Bay (ACB) staffs and runs the LGAC and Citizens Advisory Committees. LGAC is supported under a grant, from the Environmental Protection Agency (EPA), a five-year agreement to run the committee and administer the meetings. The Chesapeake Executive Council includes the governors from MD, PA, VA, the Mayor of the District of Columbia, the EPA Administrator, the Chairman of the Chesapeake Bay Commission and the U.S. Secretary of Agriculture. The Management Board is made up of all the partners and state representatives.

As part of the agenda for last quarterly meeting, LGAC will be able to bridge into the conference call of the Principal's Staff Committee (PSC). The PSC is composed of the secretaries of natural resources, environment, and agriculture and is chaired by the Region III Administrator Shawn Garvin. All of the Advisory Committees report to the Executive Council at their annual meeting each year. Local government is closest to the people. Our role is in an advisory capacity to the governors of the states around the Bay. We are trying to build consensus and help engage local governments throughout the Watershed in the effort to protect and restore the Chesapeake Bay.

Penny Gross, past Chair of LGAC, and a board member of the Metropolitan Washington Council of Governments, briefly described the original Chesapeake Bay agreement (C2K), when local government officials began to become more important in the dialogue about saving the Chesapeake Bay. LGAC played an important role in helping other partners understand the importance of local governments in implementing Bay protection and restoration. The LGAC report to the Executive Council helps establish our priorities and focuses on programs that the governors must support to move Bay restoration forward.

Jake Romig briefly described the LGAC Circuit Rider project which was established with an EPA grant to demonstrate a model for technical assistance to local governments in York County, PA. The project focuses on smaller water quality projects on local streams and rivers that ultimately impact what goes into the Chesapeake Bay. Through technical assistance, grant writing, and facilitation, Jake has directly assisted local municipalities in getting projects on the ground, and in helping to establish a local TMDL working group to work with the state of PA in developing local Watershed Implementation Plans. The approach of the Circuit Rider is a bottoms-up, one focused on local communities.

LGAC Member Observations:

- It is important how messages about the Bay and cleaning up streams are getting out to our communities
- We need to understand the economics of protection and learn from the lessons of our local governments
- Education is a key to any endeavor to clean up the Bay
- We have to be cost effective and efficient in the use of our scarce dollars from local, state, and federal sources
- We need to look at comprehensive, sustainable solutions such as greening initiatives to have the most impact
- There needs to be more cooperation and understanding between urban communities and surrounding agricultural regions
- Getting citizens, community groups, and elected officials, out on the ground to view the issues, builds common understanding and consensus
- The question of where the money comes from to clean up our rivers and streams cannot be ignored

- We need to highlight successful local projects such as the Elizabeth River “learning barge” project
- Ordinances and regulations may need to be specifically targeted to critical natural areas
- Local people and their livelihoods need to be a high priority in considering the impacts of clean up restoration and protection

Principal Staff Committee (PSC)

The Committee patched into the PSC meeting which was scheduled at the same time as the LGAC meeting. All of the Advisory Committee Chairs were invited to participate in this meeting of primarily state level partners.

Mary Ann Lisanti told the PSC and Chair, Region III Administrator, Shawn Garvin, that we believe that it is imperative to develop an informational packet on the Phase II WIPs that could be mailed directly to every local government official. It would explain what the WIPs are all about, why they are important, and why it is important for local governments to get involved in the process. A white paper from EPA detailing how this will be accomplished would be helpful. The information packet would contain a timeline, an outline, points of contacts, and how people can get in involved. We need to know what tools are available to us to help us in this effort.

This is an important issue, but just one in an agenda that entails everything from firefighting to planning, to zoning issues. We all work best with clear concise briefing papers that we can be shared with our communities and interest groups. .

Technical assistance such as our circuit riders provide the most efficient and effective form of local assistance. When reviewing these models and the outcomes that we have been able to achieve, these roles can be expanded into other areas as well.

There are many LGAC members who are very active in municipal leagues and county associations, and having that white paper to work from is a very necessary tool as we go into this next Phase II process. We love bullet points and keeping it simple.

Lunch at Easton Town Council Chambers

The meeting adjourned at 12:30 AM for lunch at the town council chambers hosted by Easton Mayor and LGAC member Bob Willey. At the lunch, a power point presentation about the projects we are about to see was given by, Doug Abbott, Superintendent of the Easton/Talbot County Wastewater Treatment Plant, Brian Hause, Assistant to the Easton Town Engineer, and Ray Clark, Talbot County Engineer.

Tour of Facilities and Projects in Easton and Talbot County

Members toured and were given presentations at the following facilities:

- Talbot County Bio-solids Facility, Hog Neck Area – This facility includes a wind farm, solar demonstration project, and potential for biofuels project in the future

- Easton Wastewater Treatment Plant
- Tanyard Branch Stormwater Facility and Bay Street Ponds – stormwater management projects with the latter being part of a federal stimulus project
- Glenwood Avenue Bag Filter – demonstration of a technology to filter streams of trash and litter
- Easton Point and the Tred Avon River - a living shoreline project and an oyster growing demonstration project

The tour ended at 5:30 pm at the Tidewater Inn.

LGAC Dinner at the Easton Club, Easton, MD, 6:30 pm – 9:00 pm

Friday, February 18, 2011

Meeting called to order at 9:00am

Chair Lisanti called the meeting to order on Friday, February 18th at 9:00 am

Katherine Antos – EPA Chesapeake Bay Program

Katherine presented an overview of EPA expectations for the states in Phase II WIPs. The primary purpose of the WIPs is to:

- Provide a roadmap at a scale that helps partners reach their goals
- Respond to concern that tributary strategies are not understood at the local level
- Divide TMDL allocations to a finer scale and provide specific controls that will be implemented by 2017
- Provide extra time so states can work with local decision makers in Phase II strategies

EPA is concerned that states fully involve their local governments in the process of developing the Phase II WIPs. Since “targets” for nutrient and phosphorous reductions will be set at a county or multijurisdictional level, local government officials must be involved in planning for how those targets will be met. EPA has provided some ideas for state strategies to help facilitate local implementation:

- Targets built into existing or future local planning documents
- State regulations with local-level requirements tied to TMDL and WIPs
- State permits with specific provisions tied to TMDL and WIPs
- Target grant programs and/or contracts to align objectives with WIP strategies
- Trading programs that support accountability at the local level

- Available support for technical assistance, compliance assurance and TMDL/WIP information

LGAC Members raised a number of points of concern:

- Local governments should get credit for the practices that they have already accomplished on the ground
- On the agricultural side, it is very difficult to get USDA data to verify BMPs on the ground
- The suggested “tiered” approach in PA to do the most important projects first seems to be a good approach
- In some urban areas, the National Pollutant Discharge Elimination System (NPDES) permits have still not been issued
- In some states, local governments may simply not have the authority to implement additional local regulations

To get at the concerns of local governments, EPA has proposed 10 questions which has asked LGAC to assist in developing responses. The questions will be sent out following the meeting:

Local Government Perspective on Phase II WIPs:

1. Based on the presentation on EPA’s expectations to jurisdictions for Phase II WIPs, would the proposed ideas on slides _8_ - _9_ meaningfully facilitate local implementation?
2. What other suggestions do you have for material to include in the Phase II WIP to facilitate local implementation?
3. How do you believe that a Phase II WIP could benefit your community?
4. What would motivate you to actively participate in the development of the Phase II WIP? (e.g. more information on the purpose and components of the WIP and associated deadlines; benefits to local waters; or ensuring local input into the Phase II WIP)
5. What do you believe should be EPA’s top priority for supporting the Bay states in engaging local partners in the Phase II WIP development process?

LGAC contribution to Phase II WIP

6. What suggestions do you have for how LGAC could contribute to the Phase II WIP process? (both in terms of working with EPA and working with your state)
7. What are key meetings, workshops, or conferences that you believe EPA should attend to help share information about the Phase II WIPs?

EPA has drafted a questionnaire for local government elected officials, managers, planning staff, and conservation districts to help EPA prioritize its support. After we receive input from the states, we will distribute it.

8. Who should receive the questionnaire?

Action: request LGAC members to respond to questionnaire

9. Are you comfortable using the EPA questionnaire as a mechanism to assess local government needs? If so, how should it be modified to assess these needs?

10. Would LGAC be willing to co-sponsor such a workshop? If so,

a. Who should be invited?

b. What are preliminary ideas for tools to include, other topics, and presenters?

State Approaches to the Phase II WIPs

Maryland has established a local involvement process that sets up county level working groups to be assisted by staff liaisons from both the Maryland Department of the Environment and the Department of Natural Resources. The groups are already organized and have begun meeting to help develop the Phase II WIPs with the state.

Virginia is working through their Department of Conservation and Recreation to establish a Phase II WIP process for local governments. They hope to build on their experience with their Stakeholder Advisory Groups as a way to involve local governments in the process. They are exploring the idea of using the regional groupings of local government under their Planning District Commissions (PDC) as a way to engage local governments.

Pennsylvania is confronted with the problem of multiple units of local government with overlapping and sometimes conflicting land use authorities. For instance, in York County alone there are 72 municipalities. The state is in the process of deciding how to proceed with their WIPs. Local involvement in the process is still under consideration with no definitive plans at this point. It is clear that conservation districts will play a key role in the WIPs.

Breakout Session by LGAC State Delegations

Each state delegation met separately with their state liaisons to discuss the Phase II WIP process in their jurisdictions. Here is an outline of the discussions which occurred:

Virginia Caucus-

Sally reported on how the Phase II process is working in Virginia as she participated in the Pilot effort.

- The effort took place at the Planning District Commission level
- The group divided into focus groups (Ag, builders, Waste Water Treatment Plants (WWTP) supervisors, etc)
- Just recently held a joint meeting with all of the focus groups.
 - ✓ meeting was successful because participants could vent but see that they were not being singled out and that everyone is being asked to step up.
- They recently submitted a report to the PSC
- Commented that Tetra Tech was not that much help
- The Circuit Rider assisted with some of the planning by looking at what had been accomplished in the River Basin Plan and reporting it to the Rivanna River Basin Commission
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Joan Salvati from Virginia's Department of Conservation & Restoration (DCR) commented on what the state's approach to the Phase II process is going to be.

- Discussion on how exactly the process is going to unfold is still being discussed at the state level.
- The plan is to use the PDCs as facilitators/QBs
 - PDCs are the best way to tackle the problem regionally- "why reinvent the wheel"
 - PDC method for Collaboration
 - Local govt method for Implementation
 - PDCs need more \$ and staff to deal with the issue
 - Northern Virginia PDC cut drastically – 70%
 - Some PDCs are more capable than others due in large part to staffing levels however currently local govts and PDCs don't have the resources required
 - EPA will continue to provide support through Tetra Tech
- Joan is trying to work on a proposal to give \$300K/year for 2 years to the PDCs in the coastal zone to do Phase II planning using Coastal Zone Management (CZM) money
 - CZM funds in general need to focus grants more on Phase II related efforts and projects
 - EPA is taking suggestions on how they can help provide resources to local governments and PDCs

Several major issues in with Implementing Phase II were brought up by the group

- Because Virginia is a Dillon Rule state the local government may not have the legal standing to enact policies and rules that other bay states can.
 - Group wants a chart to breakout different strategies in different states to see what would and what would not legally work in Virginia, then explore alternate approaches.
- There is a large distrust of the science, effectiveness, and equity at the PDC level
- The locals need a consistent message and a place to go

Maryland Caucus

The group discussed potential mechanisms for reaching out to their fellow local elected officials on the TMDL/WIP effort. The following points were made:

- Until we can articulate what is going on, we don't know how to engage our partners.
- LGAC can conduct outreach to fellow representatives, and become a local resource or link to resources.
- LGAC can send letters to MACO/MML to educate members on the TMDL process and help them connect the dots. Very basic information is needed; we cannot assume that they are familiar with the process.
- Perhaps provide a 'resource packet' for every elected official. This resource packet could include:
 - ✓ Who is doing what in the TMDL/WIP effort
 - ✓ The TMDL/WIP process and timeline
 - ✓ A CD containing a presentation that the elected officials could view and share with their staff
- This TMDL/WIP process is an opportunity to reacquaint MD with Water Resources Element (WRE). The WIP can help implement the WRE.
- Perhaps the MD delegation can become a 'workgroup' to continue this conversation in between the quarterly LGAC meetings.
- MD delegation can send letter to Bob Summers, Acting Secretary of MDE, and ask for a role in MD WIP development and implementation process.
- LGAC could act as liaisons with other counties and local governments build broader understanding of bay restoration effort.
- MD delegation needs to be in touch regularly with state WIP leads.
- What is the best way to communicate with elected officials considering their busy schedules? Face time, and one on one time with elected officials!
- Know what local needs are and communicate that to state. Locals need:
 - ✓ Concise information
 - ✓ Relationships with state leads
 - ✓ Access to subject matter experts.
- How can LGAC be a resource to the state? Formalize recommendations on how to 'go local' within the state. Perhaps schedule roundtable discussion with MDE, DNR, and MDA.

Pennsylvania Caucus

- Ordinance changes – consider local government regulations such as buffer ordinances in a template format that could be used by many jurisdictions. That would allow the most up to date revisions and a new level of consistency.
- Enforcement – there has been a general lack of enforcement at the local, state, and federal levels. We need to sort out who is responsible for specific enforcements and exactly what authorities are being used for TMDL enforcement.

- The PA LGAC delegation would like to play a more formal role with the Governor's office, with DEP, and possibly with congressional representatives. We need to have some discussions on how that might occur.
- Workshops - the PA delegation would like to be briefed on PA issues that are relevant to local governments in our state.
- On a larger scale, there is a need for modeling such as provided by EPA and the Chesapeake Bay Program. However, there is a great need at the local level for site specific monitoring and testing that would provide data on local waterways. We need this local water quality testing to track how our communities are doing at a microscale, and to make decision about future plans and policies.
- The Circuit Rider TMDL Working Group will be used as a model in York County in the interaction with PA DEP to develop the Phase II WIP. The Circuit Rider group is advisory only and Jake will help facilitate the discussions with DEP.

Other LGAC Business

Chair Mary Ann Lisanti indicated that LGAC could play a strong role by calling for proactive communication with local governments in the Phase II WIP process. Our recommendations will be forwarded to EPA and the states, and we will follow up on our proposal for a communications packet for local governments. LGAC Members should also seek out opportunities at their state associations of local governments to propose workshops and briefings for local officials on the Phase II WIPs. We need to get the local government point of view in the public arena. The Choose Clean Water Coalition will be trying to identify examples of outstanding local projects that illustrate success in cleaning and restoring local streams. We can provide them with examples from our own communities.

Another issue has been the lack of representation by local governments in headwater states of New York, West Virginia, and Delaware. LGAC Bylaws make no provision for membership from those states because they are not full partners to the Chesapeake Bay Agreement. However, it is recognized that local governments in those jurisdictions face the same TMDL related issues as our current membership. A motion was made by Penny Gross, seconded by Rick Gray, and passed by the Committee to begin to explore ways in which Headwater State local governments might be invited to participate in LGAC. There is a current funding implication since official membership would require additional funds to cover the costs of participation.

The next Quarterly LGAC meeting will be held in early May in Alexandria, Virginia.

The meeting was adjourned at noon.

** Special thanks to Amy Handen, Scott Hymes, and Jake Romig for assisting with note taking at the breakout sessions. We appreciate the technical assistance provided by Ann Rota from PA DEP and Joan Salvati from VA DCR.*