



## **LOCAL GOVERNMENT ADVISORY COMMITTEE**

### **REPORT TO THE CHESAPEAKE EXECUTIVE COUNCIL**

**July 9, 2012  
Gunston Hall, Lorton, VA**

#### **Introduction**

Perhaps the most important word in the Final Watershed Implementation Plans (WIPs) is “implementation.” Many local jurisdictions in the Chesapeake Bay Watershed already have underway or completed on-the-ground projects to reduce pollution and protect local waters. “Our Waters, Our Towns: Case Studies,” an LGAC-sponsored publication by the Alliance for the Chesapeake Bay, identifies exemplary projects that show how local government officials provide leadership for local efforts and use cooperation, collaboration, and partnerships to create innovative local solutions that restore and protect local rivers and streams that flow into the Chesapeake Bay. When citizens understand the threat to their clean waters, they respond by supporting local initiatives and volunteering in significant numbers to support the goals of the WIPs. However, many local governments lack the financial resources and technical expertise to fully accomplish those goals and targets.

That is why the US Environmental Protection Agency (EPA) and the states must play a major role in helping to fund local projects and in providing much needed technical assistance to local levels of government. LGAC has identified three key principles that are important to our partnership with federal and state governments in restoring the Chesapeake Bay: Clear Expectations; Consistent Regulations; and Committed Funding.

#### Clear Expectations

In order for local governments to plan for the potentially significant increases in workload and cost that will be associated with the Bay restoration effort, EPA and the States must provide clear expectations regarding the level of effort anticipated, as well as the effective tools for tracking progress toward implementation goals. Some local governments have been caught in the middle of some disagreements between state agencies and EPA over the management of MS4 programs. Clarity will help prioritize the

allocation of scarce resources to the most beneficial projects and will allow for the ready measurement of progress towards implementation of restoration goals.

### Consistent Regulations

The regulatory environment for stormwater and water resources is in a state of flux and local governments are concerned with inconsistencies between the competing regulatory mandates and lack of a focused effort to coordinate the multiple regulatory initiatives. In order for local governments to successfully meet the mandates to improve water quality, it is imperative that regulations developed at all levels of government be consistent.

### Committed Funding

Local governments and their residents simply cannot bear the economic burden necessary to restore the Bay alone. Increased funding is crucial and must be made available to help support the efforts local governments must make to clean up the Chesapeake Bay. For local governments, these three key principles must be considered in the evolution of any strategy to protect and restore the Chesapeake Bay.

Our message continues to be that we need immediate action, and we need a strong bottoms-up, locally-based implementation effort if we are going to meet the goals in the manner outlined in the Executive Order.

Specifically, the Local Government Advisory Committee recommends that the Executive Council address the following priority issues.

#### **1. Funding for Implementation of the Final Watershed Implementation Plans**

*LGAC asks each member of the Executive Council to ensure that their individual jurisdictions and federal agencies provide a stream of committed funding to help local governments implement the WIPs.*

Members of the Executive Council are well aware of the vast diversity of local governments within their own jurisdictions and across the Chesapeake Bay Watershed. Counties in one state have the power and authority to control land use, while in other states, townships and other local governments have such authority with county governments more dependent on state authority or sharing their responsibilities among multiple jurisdictions. Even the District of Columbia is dependent on Congress for funding and must cope with independent federal agency sovereignty within its jurisdiction. (*NOTE: The District of Columbia holds a unique place within the Bay Program and within the Local Government Advisory Committee. The District signed the many Bay Agreements as a 'state' and is represented as a state jurisdiction on the Executive Council and Management Board. However, DC implements its city-wide programs and activities as a local government.*)

There is also a vast disparity in the ability of local governments to fund the kind of projects and local efforts needed to meet the targets that are set out in the Watershed Implementation Plans. To illustrate the dilemma of a great many units of local government, we quote from one local county WIP in Maryland: “ ..., it is anticipated that in order to achieve these (Final WIP) goals it will take significant funding and resources that the County currently does not possess.” What is clear is that they lack the money, not the will or commitment to clean up their local waterways. Their plan further states, “The County will continue to pursue additional revenue sources and the assistance of all interested in helping bring down the anticipated costs of these types of projects.”

Their request, like many other units of local government in the Watershed, is for significant committed funding from the state and federal government. Such funding will allow them to implement on-the-ground projects to reduce nitrogen, phosphorous, and sediment flowing into local streams and rivers. For example, in the District of Columbia, the Blue Plains Wastewater Treatment Plant estimates for enhanced nitrogen removal (ENR) range in the billions of dollars to achieve.

Local governments also recognize that implementing their WIPs will be a collective effort in their communities. With the reality of limited state and federal funding, it will also be necessary to engage the cooperation and collaboration of citizens, environmental organizations, non-profit groups, and public and private foundations. LGAC applauds EPA and the National Fish and Wildlife Foundation (NFWF) for creating a new Local Government Capacity Building grant program to provide technical assistance to getting water quality projects on-the-ground. While it is a substantial program, the initial offering drew 33 applications from local governments with the expectation that only about 30% of the applications will be selected for funding. Acceleration of WIP implementation will only increase the demand for those kinds of grant assistance programs.

## **2. Technical Assistance to Local Governments**

*The Local Government Advisory Committee asks the members of the Executive Council to acknowledge the importance of technical assistance to local governments and to find ways to continue and expand current technical assistance efforts.*

The Alliance for the Chesapeake Bay with the guidance of the Advisory Committee, has repeatedly demonstrated the value of a hands-on approach for local governments which do not have the financial resources and capacity to develop water quality projects in their jurisdictions. Over the last three years, the Circuit Rider project in York County, PA leveraged grants worth more than half a million dollars for on-the-ground projects that are estimated to have prevented over 62 million pounds of sediment from flowing into Pennsylvania county, township, and borough waterways. Similarly, the Center for Watershed Protection provided technical assistance services to local governments in Maryland and Virginia. The challenge will be to continue to

find ways to help local governments develop projects to meet their WIP commitments.

LGAC commends a similar effort in Maryland known as the Watershed Assistance Collaborative. Its partners include the Maryland Department of Natural Resources, the Chesapeake Bay Trust, the Environmental Finance Center, and the University of Maryland's Sea Grant Extension Program. Their five Regional Watershed Specialists are located geographically around the state and provide on-the-ground capacity to conduct community needs assessments, coordinate among various watershed organizations and local governments, and assist with grant writing and the provision of technical expertise where needed. The success of the Collaborative can be seen in the committed funding of the program through the State of Maryland and other federal and grant making organizations.

Additional technical assistance will be provided through NFWF's Local Government Capacity Building Grant Program. LGAC will closely monitor the results of that program.

### **3. Stormwater**

*We ask the members of the Executive Council to work in partnership with local governments to develop cost-effective and flexible solutions to stormwater issues that must be addressed through the Final Watershed Implementation Plans. LGAC is extremely concerned that the economic implications of the magnitude of additional stormwater management may be prohibitive for local governments and the citizens they serve.*

Studies have consistently shown that urban and rural stormwater runoff is the second-largest contributor to nutrient and sediment pollution in the Bay. LGAC recognizes that one of local governments' most critical opportunities to contribute to Bay protection and restoration is in the area of stormwater policy and regulation. States need to review whether or not the authority given to local government officials is sufficient to allow them to regulate stormwater runoff. Further, the solutions to the stormwater runoff problem are generally costly, especially in urban areas. Additional resources must be made available to local governments and to the development community so that measurable reductions in stormwater runoff can actually be achieved.

For most local governments, the issue of managing stormwater comes down to a matter of what is the most cost-effective solution, and how flexible EPA can be in its evaluation of local plans under the Clean Water Act.

One of the case studies in LGAC's latest report focuses on the efforts of the City of Lancaster, PA to limit stormwater entering its combined sewer system by developing a "green infrastructure" approach. The concept encourages the construction and reconstruction of parking lots, green roofs, alleys and playgrounds that capture

rainwater and infiltrate it into the soil. The City estimates that this approach will cost \$140 million over 25 years over rather than an estimated \$300 million for a costly storage and treatment retrofit. The City is also evaluating the best financing structure that is equitable and sustainable to help finance the installation and maintenance of these long term improvements through an impervious area fee. However, clear legislation is needed from the state to ensure that the best financing methods will withstand legal challenges.

The City of Lancaster is just one example out of many local governments that are diligently working to find innovative, affordable solutions to the management of their stormwater issues. Other examples can likewise be found in every jurisdiction in the Watershed. LGAC is working to communicate these success stories to other local governments to give them a sense of hope that similar success can be found in their own communities.

## **Conclusion**

There are several other issues that LGAC sees as important to garnering support for cleaning up the Chesapeake Bay.

We have heard much criticism about the current versions of the Bay model upon which many decisions about the future of Bay cleanup are based. Our members are not scientific or technical experts and we cannot comment on the veracity of the model. The drumbeat of criticism has created a perception among some that must be addressed if the existing model (or newer models) is to be accepted as legitimate. We suggest that the Bay Program pay more attention to communicating to the public what the model can and cannot accomplish in restoration and protection decision making. However, we strongly urge that the frustrations expressed about the model be addressed promptly so as not to be used as an excuse to slow down or impede the progress in implementing the Watershed Implementation Plans. As local government officials we intend to move forward on the projects that will clean up our local waterways.

We would like to offer our advice on the critical issue of communication. As elected officials we are inundated with information about a whole spectrum of issues that come before our boards, commissions, and councils. The messages that get through the clutter are clear, concise, and simply stated with some degree of urgency. We need to frame issues the Chesapeake Bay restoration issues in such a way as to be easily understandable to and be supported by the residents who will be affected by the projects we put on-the-ground. Our citizens respond well when we help them understand that clean water begins in their own backyards.

Finally, members of the Local Government Advisory Committee are your appointees and are charged with giving the Executive Council our advice and recommendations about how to engage local governments in Bay restoration. This very brief period we have to appear before you gives us precious little time for us to engage in a

substantive dialogue that would be mutually beneficial. We ask that future Executive Council meetings allow for more time for a constructive exchange of information and ideas with Advisory Committee Chairs. We would welcome the opportunity to discuss how we might accomplish this under the Executive Council meeting format or other possible alternatives.

We have an enormous task before us to convince our citizens and constituents why it is important to clean up the Chesapeake Bay. From our own experience, we need to concentrate on local messages to our local communities about our own local waters. Frankly, you will not hear us talk about WIPs to our citizens. It's all about clean water and the enhanced communities we will create when we restore and protect our waterways.



J. Richard Gray, Chair  
Local Government Advisory Committee and  
Mayor, City of Lancaster, PA