

**CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE**  
**777 North Capitol Street, N.E.**  
**Washington, D.C. 20002**

**DRAFT MINUTES OF MAY 19, 2006, MEETING**

**ATTENDANCE:**

**Members and alternates:**

Chair John Lovell, Frederick County  
Vice Chair Hamid Karimi, District of Columbia  
J Davis, City of Greenbelt  
Penelope Gross, Fairfax County  
Sally Kurtz, Loudoun County  
Andrew Fellows, College Park  
John Dunn, District of Columbia Water and Sewer Authority  
J. L. Hearn, WSSC  
Bruce McGranahan, Loudoun County

**Guests:**

Rich Martinez, Scotts Miracle-Gro Company  
Christiane Schmenk, Scotts Miracle-Gro Company  
Ann Swanson, Chesapeake Bay Commission  
Barbara Yuhas, International City-County Management Association

**Staff:**

Stuart Freudberg, DEP Director  
Lee Ruck, General Counsel  
Ted Graham, DEP Water Resources Director  
Steve Bieber, COG staff  
Heidi Bonnaffon, COG staff  
Karl Berger, COG staff

**1. Introductions and Announcements**

Chair John Lovell called the meeting to order at 9:45 a.m.

**2. Approval of Meeting Summary for March 17, 2006**

The committee deferred action on the draft meeting summary pending attainment of a quorum.

**3. Recommendation on Anacostia Governance Proposal**

Mr. Graham of COG staff noted the history of this item. He said that after much discussion of new governance arrangements, the existing Anacostia Watershed Restoration Committee (AWRC) decided in January to go forward with a proposal for change. In February, District of Columbia Mayor Anthony Williams asked the COG Board to refer the matter to the Bay Policy Committee, which was then directed to report back to the Board by June. He reminded the members that the committee received a detailed briefing on the governance issue at its March meeting, at which a workgroup of members was appointed

to assist COG staff in formulating a final recommendation.

Mr. Graham said that there has been a growing awareness that progress in cleaning up the Anacostia River has not progressed as rapidly as people would like it to do and that a new governance arrangement is seen as a way to reinvigorate the restoration effort. In addition, he noted, a more formal governance arrangement than that provided by the current Anacostia Watershed Restoration Committee (AWRC) is seen as a way of formalizing adoption of a new comprehensive restoration plan currently being prepared by the U.S. Army Corps of Engineers.

Mr. Graham then outlined the details of the proposed new governance structure. At the top would be a Leadership Council to be comprised of the top elected officials of the governments that have signed the various Anacostia restoration agreements: the state of Maryland, the District of Columbia and Montgomery and Prince George's counties – and two federal representatives from EPA Region III and the Corps of Engineers. The council would meet once a year and would play a role in the Anacostia analogous to the role the Chesapeake Executive Council plays in the Bay restoration effort. Underneath the council would be a steering committee to be comprised of secretaries and department heads from the relevant federal, state and local agencies; its Bay Program analogue would be the Principals Staff Committee. Among the steering committee's tasks would be oversight of a new executive director to be hired to oversee the effort. Finally, the existing AWRC would continue as a "committee" that would meet on a more or less monthly basis to coordinate the basic policies of the effort.

Mr. Karimi said that the District's new department of the Environment strongly supports the proposed new structure. Among its benefits, he said, is that, as has been true of the Bay Program, participation by member governments would remain voluntary and decisions would be subject to consensus rather than majority vote.

Other members, including Mr. Fellows of College Park and Ms. Gross of Fairfax County, said that their jurisdictions supported the proposal. Mr. Hearn said that WSSC did have a concern with the funding implications of the new structure, but that had been resolved by allowing the issues of hiring and paying for an executive director to be determined in the future by the Leadership Council. Mr. Graham noted that EPA Region III officials have indicated that they would help provide the increased funds envisioned by the new governance structure for at least the first few years of its existence.

Mr. Dunn said that although DC-WASA supports the proposal, he will not be able to officially vote for it because of the legal implications of supporting an entity that may exercise regulatory authority over the agency. In response, Mr. Freudberg of COG staff noted that no decision on funding would be authorized by the action proposed for the COG Board. He also said the new governance structure would not have any regulatory authority.

At the request of Chair Lovell, Mr. Ruck of COG staff detailed the committee's option to take action in the absence of a quorum as a "committee of the whole."

*- In the absence of a quorum, the committee voted to conduct business as a committee of the whole. -*

**Action Item:** Acting as such, the committee unanimously voted to recommend approval of the proposed governance structure to the COG Board with Mr. Dunn of DC-WASA abstaining.

#### **4. Report on Urban Nutrient Management Issues/ Presentation of Scotts Proposal**

Mr. Bieber of COG staff provided an overview of this issue, noting that the Scotts Miracle-Gro Company has been working with the Chesapeake Bay Program for the past two years on ways to work together to reduce the potential for nutrient loss from lawn fertilizer use.

Ms. Schmenk noted that her company is involved in a national initiative, known as Lawns for the Environment, as well as with the Bay Program. Both efforts are designed to affect how people use lawn fertilizer products. As a result of these discussions, Scotts has voluntarily decided to reduce the phosphorus content of its line of lawn care fertilizer products for the homeowner. In the Bay watershed, Scotts officials estimate that this will result in a 50 percent reduction in the total amount of phosphorus applied when fully implemented by 2009, which translates into about 1 million pounds of phosphorus a year, according to Mr. Martinez.

Mr. Martinez acknowledged that this initiative does not address all of the concerns over the water quality impacts of lawn fertilization. However, he said, industry sales data indicate that lawn care products account for about 2 percent of total fertilizer sales. Moreover, he added, some recommended practices, such as fall fertilization, are hard sells to the consumer. He said that Scotts has tried for 20 years to get more people to fertilize their lawns in the fall with little success.

Ms. Gross asked if Scotts had data to show if people are over-fertilizing their lawns, which is a common perception in the water quality community. Mr. Martinez said that Scotts sales data indicates that 89 percent of the people who buy the company's fertilizer do no more than one or two applications a year. Assuming that they follow the instructions on the label, he said, this would translate into an annual application rate of .8 – 1.8 pounds of nitrogen per 1,000 square feet and .08 to .18 pounds of phosphorous -- quantities that are well within the nutrient guidelines set by turfgrass scientists. Thus, he said, he tends to discount the idea that over-fertilization is widespread or contributes measurably to nutrient runoff.

Mr. Karimi asked about the source of Scotts data. Mr. Martinez said that it derives from a combination of sales data, which Scotts tracks very closely, and consumer surveys.

Mr. Martinez said that Scotts is working through an industry trade group to get its competitors in the lawn fertilizer business to adopt the same set of phosphorus standards. The company also hopes to work partners at various levels of government to present a consistent message on responsible lawn care to the public.

Members discussed the merits of working in partnership with Scotts. Both Chair Lovell and Mr. Karimi expressed support for the idea. Mr. Karimi said that working cooperatively with industry would be a lot easier than trying to promote a message that companies do not support.

**Action Item:** Committee members authorized staff to continue working with Scotts officials to develop potential partnership concepts.

## **5. Presentation of Proposed FY 2007 Work Program and Budget for the Regional Water Fund**

Mr. Graham distributed copies of the proposed work program and budget document as well as a memo from COG's Water Resources Technical Committee expressing support for its approval. Given the lack of time available for reviewing these documents, Mr. Graham proposed that the committee authorize staff to send the documents to the full committee electronically and to include a ballot by which members could

record their approval or disapproval of the proposed budget.

**Action Item:** The committee directed COG staff to transmit the proposed work program and budget document electronically to the full membership of the committee with a ballot by which members could vote to approve or disapprove of the budget.

## **6. Discussion of Federal Farm Bill Focus**

Ms. Swanson, executive director of the Chesapeake Bay Commission, explained why her agency, working in conjunction with other groups, has developed a package of changes they would like to see implemented in the next update of the federal farm bill. She noted that reducing the nutrients derived from agriculture is essential to the tributary strategies of all the Bay partner jurisdictions and that the programs authorized under previous federal farm bills provide the primary means of funding water quality measures for farmers in the Bay watershed. Over the six-year timeframe of the current farm bill, for instance, about \$21.3 billion was authorized for conservation programs nationwide, even though this accounted for only about 8 percent of total farm bill expenditures, she said. She added that each of the major Bay partner states has a gap of tens of millions of dollars between what it currently projects to spend on agricultural water quality measures and what it projects to need to spend to meet tributary strategy goals.

Ms. Swanson said the Bay Commission's set of recommendations for changing the farm bill, which were released in a report issued last year, were the result of extensive process of listening sessions that culminated in adoption by the Chesapeake Executive Council in November. The top priorities include the establishment of a "regional stewardship fund," that would allow regions such as the Bay watershed to seek an enhancement of current assistance programs to provide more cost-share monies, more technical assistance and more outreach efforts. Another top priority would be to establish the Conservation Security Program on a firmer financial footing that would allow more farmers in the region to take advantage of it. A third priority would be to otherwise expand technical assistance and outreach.

Ms. Swanson suggested that there were a number of ways in which local government officials could play a role in promoting these changes, such as congressional lobbying and the submission of supportive editorials

Mr. Fellows asked whether members of the local congressional delegation support these proposals. Ms. Swanson said that they do at a generic level. However, she added, local interests do have an unusual opportunity to influence the farm bill through the fact that the House Agricultural Committee is currently chaired by a member from Virginia.

Chair Lovell asked whether local farm organizations support these proposed changes. Ms. Swanson noted that a number of farmers and farm representatives participated in the process of formulating the Commission's package. However, she added, that the American Farm Bureau Federation currently supports a one-year extension of the current farm bill provisions and has directed its state affiliates accordingly.

Chair Lovell said he would not be comfortable supporting these changes until he has heard the viewpoints of local farmers and farm organizations.

**Action Item:** The committee directed staff to organize a discussion by farmers or farm representatives of their views of the Bay Commission's farm bill proposals at the next meeting.

*-- The committee voted to end its business as a committee of the whole. --*

**7. Committee Updates**

**Loudoun County Tour** - Ms. Kurtz said that preparations are on track to hold a tour for the committee on June 9. The tour will encompass four sites demonstrating various water quality issues.

**Legislative Activity** - Ms. Gross reviewed her recent testimony before the Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee. Her testimony emphasized the need for federal funding assistance to help local governments implement nutrient reduction measures.

**TMDL Litigation** This item was deferred.

**8. New Business**

Ms. Yuhas asked if elected official members of the committee would be willing to participate in an ICMA focus group to discuss the value of water from a local government perspective. ICMA has a project to document the viewpoints of local governments on this issue and would like to begin with a forum in the Washington region. It proposes to hold this discussion following the next meeting of the committee on July 21.

**9. Adjourn**

The meeting was adjourned at 12 noon.