



Local governments working together for a better metropolitan region

Chesapeake Bay and Water Resources Policy Committee

Date: Friday, Jan. 16, 2009

Time: 10:00 a.m. – 12 noon*

Place: Third Floor Board Room
777 North Capitol Street, NE
Washington, DC 20002

- District of Columbia
Bladensburg*
Bowie
College Park
Frederick
Frederick County
Gaithersburg
Greenbelt
Montgomery County
Prince George's County
Rockville
Takoma Park
Alexandria
Arlington County
Fairfax
Fairfax County
Falls Church
Loudoun County
Manassas
Manassas Park
Prince William County

*Lunch will be available for committee members and alternates after the meeting.

Meeting Agenda

- 10:00 1. Introductions and Announcements..... Hon.Cathy Drzyzgula, Chair
City of Gaithersburg
- Proposed 2009 meeting schedule (Att. 1)
10:10 2. Approval of Meeting Summary for Sept. 19, 2008 Chair Drzyzgula
Recommended action: Approve DRAFT Meeting Summary (Att. 2).
10:15 3. A New Approach to Restoring the Bay..... Dr. Walter Boynton
Center for Env. Science
University of Maryland
10:50 4. Discussion of Water Quality Infrastructure Karen Pallansch, Gen. Man.
Alexandria Sanitation Auth.
(invited)
..... Tanya Spano, COG staff

Dr. Boynton, a professor at the University of Maryland's Chesapeake Biological Laboratory, is one of a number of Bay scientists and policy makers who signed a statement Dec. 8, 2008, calling for an overall change in Bay restoration (Att. 3). Concluding that the Bay Program's current restoration efforts are not working, the group called for a "more comprehensive regulatory program with "mandatory, enforceable measures" for meeting water quality goals. He will summarize the scientific information that led to the group's conclusion and discuss its policy recommendations.

Recommended Action: Direct the WRTC to examine the group's scientific analysis and its support for new regulatory requirements. Report back to the CBPC with findings and potential policy implications for the region.

Ms. Pallansch will introduce, "Liquid Assets," a video produced to highlight the water infrastructure issue and provide brief comments. Ms. Spano will update the committee on the status of COG Board actions regarding the economic stimulus legislation being pursued by Congress (Att. 4) and the new Obama administration She also will present preliminary

findings from the Water Resources Technical Committee regarding regional water, wastewater and stormwater projects that have been identified for potential funding.

Recommended Action: Advocate for inclusion of drinking water, wastewater and stormwater infrastructure projects in regional discussions of fiscal stimulus projects.

11:20 **5. Committee Focus for 2008.....** Chair Drzyzgula, members
Steve Bieber, COG staff

Working with the Water Resources Technical Committee, COG staff has prepared recommended priorities for committee action in 2009 (*Att. 5a*). Based on recent developments, staff is recommending the committee focus on several new items. Mr. Bieber will highlight these developments and how the potential changes to Bay Program policy that they portend could have major implications for the region's local governments (*Att. 5b*). Chair Drzyzgula will solicit input from members on these recommendations and other items of interest to individual members.

Recommended action: Establish a set of priorities for committee action in 2009; determine potential items for COG Board consideration.

11:45 **6. Staff Updates** various COG staff

- State legislative update
- Potomac Water Quality report
- Chesapeake Bay Program TMDL schedule

11:55 **7. New Business** Members

12:00 **8. Adjourn**

The next meeting is scheduled for Friday, March 20, 2009, 10 a.m. - 12 noon.

Enclosures/Handouts:

- | | |
|---------|---|
| Item 1 | DRAFT meeting schedule for 2009 |
| Item 2 | DRAFT meeting summary of Nov. 21, 2008 |
| Item 3 | Statement of "Scientists and Policy Leaders for the Bay," Dec. 8, 2008 |
| Item 4 | Letter to the Hon. Gerald E. Connelly of Jan. 6, 2009 |
| Item 5a | COG staff summary of recommended priorities for 2009 |
| Item 5b | Summary from "The Bay Program and its Critics: a Perspective on their Critique" |

Chesapeake Bay Policy Committee 2009 Meeting Schedule

January 16, 2009

Board Room
10 am – 12 noon

March 20, 2009

Board Room
10 am – 12 noon

May 15, 2009

Board Room
10 am – 12 noon

July 17, 2009

Board Room
10 am – 12 noon

September 18, 2009

Board Room
10 am – 12 noon

November 20, 2009

Board Room
10 am – 12 noon

Note that meeting times may be adjusted based on chair and committee member preference. Generally, meetings will be held on the third Fridays of alternate months. If you should have any questions, please contact Karl Berger @ 202-962-3350, or Wyetha Lipford @ x3239.

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

MINUTES OF NOVEMBER 21, 2008, MEETING

ATTENDANCE:

Members and alternates:

Chair Martin Nohe, Prince William County
Vice Chair Hamid Karimi, District of Columbia
Vice Chair J Davis, City of Greenbelt
Penelope Gross, Fairfax County
Barbara Favola, Arlington County
Cathy Drzyzgula, City of Gaithersburg
Bruce Williams, City of Takoma Park
Meo Curtis, Montgomery County
Mohsin Siddique, District of Columbia WASA
J. L. Hearn, WSSC

Staff:

Ted Graham, DEP
Tanya Spano, DEP
Heidi Bonnaffon, DEP
Karl Berger, DEP

Visitors:

Tommy Wells, District of Columbia City Council
Charles Allen, chief of staff for Mr. Wells
Hilari Falk, Northeast-Midwest Institute
Tim Williams, Water Environment Federation

1. Introductions and Announcements

In the temporary absence of Chair Nohe, Vice Chair J. Davis called the meeting to order at 10:10 a.m. Before any business was transacted, Chair Nohe joined the meeting and assumed its stewardship.

2. Approval of Meeting Summary for Sept. 19, 2008

The committee approved the draft summary.

3. Report from the LGAC, Executive Council Meeting

Mr. Wells, a member of the City Council for the District of Columbia, was recently selected to be the chair of the Bay Program's Local Government Advisory Committee. He provided the committee with a summary of his presentation the previous day to the Chesapeake Executive Council at its annual meeting.

Much of his talk focused on the concept of a "circuit rider" program, which the LGAC has been promoting as a means of providing local governments with information and tools that they can use to enhance environmental programs at the local level. He frequently referred to water quality problems within the Anacostia watershed to illustrate how a circuit rider program could boost restoration efforts there. He said the program could serve to fund someone who could focus as a kind of community organizer for environmental work within the watershed

Discussion: Mr. Gross noted that people tend to think of the circuit rider concept as focused on providing assistance to small, rural communities, but there is no reason it cannot be used in urban areas as well, she said.

Asked about his reception before the governors and other officials who comprise the Executive Council, Mr. Wells said that they seem interested in the idea. He also noted that the Circuit Rider program is the only new initiative to have an allocation in the proposed Bay Program budget. He said he would like to raise some private sector funds to match whatever public funds are allocated to the program as a way of both increasing overall funding and making it more difficult to cut the public portion of the funding in the future.

4. Funding Opportunities at the Federal Level

To accommodate the schedule of others, Ms. Falk, who works on Chesapeake Bay issues in Congress as part of the Northeast-Midwest Institute, provided the first presentation to the committee on this topic. She highlighted the opportunities for Bay Program funding under the new Congress and administration that will take office following the November election.

Although it is shaping up to be a difficult year for federal funding, she said, there will be opportunities for Bay-related funding under fiscal stimulus legislation. She noted that regular funding for upgraded nutrient removal technology at the Blue Plains wastewater treatment plant is unlikely, but an appropriation of \$14 million for the District of Columbia Water and Sewer Authority's so-called "long-term control plan" for addressing the city's combined sewer overflows is still in the administration's federal budget request. Other opportunities for Bay-related funding include the re-authorization of a federal surface transportation funding bill, expected to occur sometime in 2009, and passage of initiatives related to climate change.

Discussion: In response to members' questions, Ms. Falk said that there is almost no chance that Congress will attempt a comprehensive re-authorization of the Clean Water Act in 2009. However, she added, Congress is likely to consider amendments to specific sections within the overall statute, such as the section authorizing the Bay Program, and bundle these together.

Mr. Karimi asked how the departures from Congress of two long-time members of the congressional Bay task force, representatives Wayne Gilchrest of Maryland and Tom Davis of Virginia, will affect that entity. Ms. Falk replied that Rep. Chris Van Hollen of Maryland, who has a prominent role in the House leadership, is expected to play a leading role for the task force.

Ms. Gross suggested that Rob Wittman, a new representative from Virginia's northern neck region, would be a good candidate to lead the task force. As a state legislator, she said, Mr. Wittman has been very active in water quality efforts for the Potomac River and the Bay.

Arriving after Ms. Falk had made her presentation, Tim Williams of the Water Environment Federation focused his talk on opportunities for water-related funding under fiscal stimulus initiatives. He noted that staff for the American Water Works Association and the National Association of Clean Water Agencies is soliciting lists of ready-to-go drinking water and wastewater infrastructure projects from their members for presentation to Congress. He also noted the U. S. Conference of Mayors has requested that Congress appropriate \$14 billion under the drinking water and clean water state revolving funds (SRFs), which are the traditional vehicles for federal support for such projects. However, he added, the conference has asked for consideration of "zero-interest" loans, in essence, grants, which is not currently the way the SRFs operate. Mr. Williams urged COG's member governments and utilities to provide both these national organizations and their congressional representatives with project lists.

Discussion: Ms. Gross noted that at a meeting two weeks ago of the national EPA advisory committee on which she serves, government staff advised that any project submitted for such funding should be ready to start within 90 – 120 days. Ms. Favola asked if projects that were already underway would be eligible for funding. Mr. Williams replied that potentially they could be as long as the projects are on a state funding list. He said that Congress is almost certain to route water infrastructure funding through existing allocation processes at the state level.

Mr. Karimi wanted to know if there was discussion of broadening the scope of the existing SRF processes to include “green infrastructure” projects such as tree planting efforts. Mr. Williams said there had been discussion of this and also of establishing entirely new programs, such as a proposed Clean Water Trust Fund.

Action: In response to a request from Chair Nohe, the members tasked COG staff with keeping track of federal developments and reporting back to the committee in January and with keeping the members’ legislative liaisons informed. Ms. Gross asked staff to consider how COG could be used to educate elected officials, particularly new members, on this issue.

5. Bay-wide TMDL Developments

Ms. Spano provided a brief update on the Bay Program’s efforts to establish a Bay-wide TMDL (total maximum daily load) process by Dec. 31, 2010. She reported on discussions held earlier in the month at a meeting of the Water Quality Steering Committee for the Bay restoration effort. She said preliminary results from upgrades to the Bay Program’s modeling efforts indicate that it will be even harder to meet water quality goals for the Bay’s main-stem than it appeared to be several years ago when the states developed their so-called tributary strategies. She also noted that COG’s Water Resources Technical Committee is focused on understanding the technical basis for these new numbers and the changes in the Bay Program’s watershed model. She referred to a memo in which the WRTC asks that the Bay Policy Committee send a letter to the appropriate Bay Program representatives noting the region’s concerns with use of the revised model.

Ms. Spano also briefly commented upon potential litigation that the Chesapeake Bay Foundation has announced its intention of pursuing. CBF has said it will sue EPA for failure to comply with the Chesapeake 2000 Agreement.

Action: The committee endorsed sending a letter to the appropriate Bay Program representatives on the modeling issue identified by the WRTC. Staff will work with Chair Nohe to craft a final letter.

6. Report on Bay Foundation Litigation

This item was discussed under item #5 above.

7. Staff Updates

Staff distributed the current Bay Program policy statement within the COG Board State Policy Platform. Ms. Favola asked that COG keep county legislative staffs informed of any Bay-related developments.

Ms. Bonnaffon provided a brief update on the status of the Potomac River water quality report under development by COG staff. She indicated that staff hopes to provide the committee with a series of policy recommendations that would accompany the report at a future meeting.

Mr. Graham noted that the Potomac Conservancy recently issued a report in which it gave water quality in the

river a D-minus grade. The report singled out stormwater from developed land as a major source of water quality pollution. The committee indicated an interest in hearing from the conservancy's director at a future meeting.

8. New Business

None was offered.

9. Adjourn

The meeting was adjourned at 12 noon.

SCIENTISTS AND POLICY LEADERS FOR THE BAY

December 8, 2008
Annapolis, Maryland

On December 3, 2008, 20 distinguished Bay scientists and policy leaders, each with decades of experience on Chesapeake Bay issues, met in Annapolis to discuss the current state of Bay restoration. These scientists and policy leaders were unanimous that the current structure and efforts under the formal Bay Program are not succeeding and the Bay's health is declining, not improving. The group resolved to suggest changes to assure a restored Chesapeake Bay and after a day of free and full discussion, agreed on the following:

STATEMENT ON CHESAPEAKE BAY RESTORATION CURRENT BAY PROGRAM IS NOT WORKING: MANDATORY ENFORCEABLE MEASURES NEEDED

We have concluded that after 25 years of effort, the formal Bay Program and the restoration efforts under the voluntary, collaborative approach currently in place have not worked. We recognize that many people, organizations, and government entities have worked diligently to restore the Bay, which would be worse without their actions. But in the face of significant population growth and expanding development, these efforts have been insufficient and are failing. Water quality is declining or not improving in much of the Bay and its rivers, and living resources continue to decline.

We must transition from the voluntary collaborative approach in place for 25 years to a more comprehensive regulatory program that would establish mandatory, enforceable measures for meeting the nutrient, sediment, and toxic chemical reductions needed to remove all Bay waters from the Clean Water Act impaired waters list.

These measures should be fully implemented and enforced so our children can safely swim, fish, and enjoy the Bay as their grandparents once did. The required reductions of nutrients, sediment, and toxic chemicals must be based on quantitative, scientific standards, have enforceable limits, precise monitoring, and substantive sanctions for noncompliance. We believe that the core of this new approach to Bay restoration should be the principles that clean water is a right of all citizens and that polluters should pay.

ACTIONS NECESSARY TO RESTORE THE BAY

AXIOMS FOR RESTORING THE BAY

1. Reduce individual pollution from everyone in the watershed.
2. Change development patterns through state and local land use legislation and establish a policy of no net loss of forest and wetlands.
3. Require mandatory controls and increased accountability to reduce agricultural pollutants, including enhanced nutrient management and better manure management.
4. Require stronger protection and management of Bay fisheries necessary for a healthy ecosystem.
5. Require pollution reductions on a river-by-river basis to fully implement the tributary strategies.
6. Assure that the U.S. EPA and other federal agencies give Chesapeake Bay restoration the highest and most urgent priority in funding, enforcement of existing laws, new regulatory actions, and in forming a new and effective approach and organizational structure for Bay restoration with state governments and other key officials.

**THE ABOVE STATEMENT AND CALL FOR ACTION IS AGREED
UPON BY THE FOLLOWING SIGNATORIES* ON THIS 8TH DAY OF
DECEMBER 2008, ON THE EVE OF THE 25TH ANNIVERSARY OF
THE SIGNING OF THE FIRST BAY AGREEMENT:**

Walter Boynton, Ph.D.
Professor,
Chesapeake Biological Laboratory
University of Maryland, Center for Environmental Science
Solomons, Maryland

Thomas W. Simpson, Ph.D.
Executive Director, Water Stewardship, Inc.
Professor, University of Maryland
Annapolis, Maryland

William C. Dennison, Ph.D.
Vice President for Science Application
University of Maryland, Center for Environmental Science
Horn Point Laboratory
Cambridge, Maryland

Howard Ernst, Ph.D.
Associate Professor of Political Science
United States Naval Academy
Annapolis, Maryland

Thomas R. Fisher, Ph.D.
Professor, University of Maryland, Center for Environmental Science
Horn Point Laboratory
Cambridge, Maryland

Gerrit-Jan Knaap, Ph.D.
Professor, Urban Studies and Planning
Executive Director, National Center for Smart Growth
University of Maryland
College Park, Maryland

John W. Frece, Adjunct Professor in Urban Studies and Planning
Associate Director, National Center for Smart Growth
University of Maryland
College Park, Maryland

Robert J. Etgen, J.D.
Executive Director, Eastern Shore Land Conservancy
Queenstown, Maryland

John E. (Ned) Gerber, Director/ Wildlife Habitat Ecologist
Chesapeake Wildlife Heritage
Easton, Maryland

Daniel W. Colhoun, Owner/Operator
Sportsmen Hall Farm
Upperco, Maryland

Tom Horton, Author and Adjunct Professor
Salisbury University,
Salisbury, Maryland

Richard Pritzlaff, President
The Biophilia Foundation
Annapolis, Maryland 21146

Charlie Stek
Chief Environmental Staffer, U.S. Senator Paul Sarbanes (Retired)
Highland, Maryland

Senator Joseph D. Tydings, J.D.
U.S. Senator (1965-1971)
Jarrettsville, MARYLAND

Senator Bernie Fowler
Maryland Senator (1983-1994)
Dares Beach, Maryland

Senator Gerald W. Winegrad, J.D.
Maryland Senator (1983-1995), Delegate (1978-1983)
Adjunct Professor, School of Public Policy,
University of Maryland
Annapolis, Maryland

*** THE VIEWS EXPRESSED IN THIS DOCUMENT PRESENT THE PERSONAL VIEWS OF THE SIGNATORIES AND NOT NECESSARILY THE VIEWS OF THEIR EMPLOYERS.**



Local governments working together for a better metropolitan region

January 6, 2009

District of Columbia

*Bladensburg**

Bowie

College Park

Frederick

Frederick County

Gaithersburg

Greenbelt

Montgomery County

Prince George's County

Rockville

Takoma Park

Alexandria

Arlington County

Fairfax

Fairfax County

Falls Church

Loudoun County

Manassas

Manassas Park

Prince William County

**Adjunct member*

The Honorable Gerald E. Connolly
United States House of Representatives
327 Cannon House Office Building
Washington, DC 20515

Dear Representative Connolly:

The challenges facing the 111th Congress, in scope and complexity, are without precedent. National and world-wide crises of climate change, energy, and finance, as well as concerns over security and foreign wars, require urgent action by the new Congress and the new Administration. Perhaps the most immediate need for legislative action is a call for stimulation of the nation's economy. President-Elect Obama has called for the "largest investment in infrastructure since the National Highway System." The Metropolitan Washington Council of Governments (COG) fully agrees.

America is beginning to understand the consequences of decades, perhaps generations, of inattention to our infrastructure. We've recently witnessed the failure of the levees in New Orleans, the collapse of the I-35W Bridge in Minneapolis, the bursting of a steam pipe that shut down central Manhattan, and a dam collapse in Tennessee. Last week in the National Capital Region the rupture on a large, aging water main caused major flooding, road destruction, stranded motorists, and required several dramatic rescues.

COG is comprised of local and state government officials who are largely responsible for planning, developing, and maintaining much of this region's infrastructure, as well as members of the region's congressional delegation. COG members are acutely aware of the phenomenal number of infrastructure and public works projects that need immediate attention.

As Congress wrestles with the specifics of proposals for stimulus or recovery programs, the vast number of desirable and needed infrastructure projects will present a daunting task. In the National Capital Region alone, hundreds of vital projects – both maintenance and new construction – will compete for attention and ultimate funding. To fully understand the requirement and benefits of each, and to prioritize consideration and funding, Congress should look to the states, localities, and existing regional organizations for assistance – to create an intergovernmental recovery partnership.

Congress should set the criteria for infrastructure and related expenditures based upon several critical needs – both short and long term:

- 1) A minimum two-year funding stream of projects should be considered, based upon the current readiness to commence necessary projects for immediate funding, with other needed projects seeded with planning and engineering moneys for funding in the Second Session of the 111th Congress.
- 2) Immediately stimulate growth and create jobs by maintaining and repairing deteriorated roads, bridges, transit facilities, water and wastewater facilities, and other long neglected infrastructure components. Direct investment supporting public and quasi-public entities will expedite the completion of projects already planned and engineered, and will also prevent layoffs of state and local employees, preserving public jobs as well as those of private sector contractors.

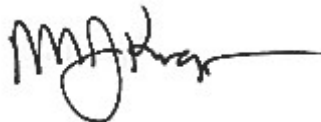
- 3) Where possible, immediate priority should be given to projects which safeguard the environment and foster energy independence. Additional “green” projects in the planning stage should be expedited and be ready for funding next Session.
- 4) Community colleges, union apprentice training programs, and governmental job training programs should be quickly enhanced to ensure development of skilled workers to provide a long term labor force.
- 5) Regional advisory bodies should be utilized to assist federal and state governments in the prioritization of projects and efforts which will provide economic stimulus and maximize employment and will ensure that the selection of projects comport with local and regional planning and development. Metropolitan Planning Organizations, Regional Councils, and regional bodies aiding in the allocation of Urban Areas Security Initiative funds have a history of just such planning and prioritization efforts and can assist in expediting selection, funding, and ultimate construction.

The Metropolitan Washington Council of Governments and all COG officials are prepared to assist you in the development of planning and funding mechanisms. COG desires to be part of the screening process for the National Capital Region, and has demonstrated the capacity to prioritize public actions and commitments based upon regional needs and scarce resources:

- The National Capital Region Transportation Planning Board has effectively and efficiently prioritized regional transportation projects and has forged collaboration and cooperation between the states of Virginia and Maryland and the District of Columbia.
- The Metropolitan Washington Air Quality Committee has prioritized and established local and state government actions to bring the region into compliance with the requirements of the Clean Air Act. Several other COG environmental and energy committees provide regular venues for regional coordination for local governments and agencies responsible for water, wastewater and energy infrastructure.
- COG, working with state legislatures and Congress, has fostered the creation of financial mechanisms for capital maintenance of the Washington Metropolitan Area Transit Authority (WMATA).
- COG’s Chief Administrative Officers Committee (the region’s city and county managers) has assisted the Mayor of the District of Columbia and the Governors of Maryland and Virginia in prioritizing nearly \$300 million of expenditures enhancing the emergency prevention and response capacity of the National Capital Region funded through the U.S. Department of Homeland Security’s Urban Areas Security Initiative program.

COG looks forward to supporting the National Capital Region congressional delegation to address these urgent economic and infrastructure needs. For additional information, or to arrange any follow-up discussions with local officials or professional planning staff, please contact COG’s Executive Director, David Robertson, 202.962.3260 or drobotson@mwkog.org.

Sincerely,



Michael J. Knapp
Councilmember, Montgomery County
Chairman, COG Board of Directors

CBPC Focus for 2009

Att. 5.a

COG staff draft
January 7, 2008

Major priorities

- **Revise regional policy framework for Bay Program involvement**
 - Work with WRTC to revise and provide greater detail for COG's four Bay Program policy principles (voluntary, equity, voice and sound science) to meet challenges of evolving Bay Program – take to COG Board for approval
 - Develop policies related to impending TMDL implementation
 - Develop urban area management strategies
- **Advocate for funding for both existing and new water/wastewater/stormwater infrastructure**
 - Work with utilities, PIOs to craft regional message on water quality infrastructure
 - Work with COG Board to advocate regional priorities for fiscal stimulus at the federal level
 - Support appropriate state legislative initiatives in Maryland and Virginia
- **Determine strategies for meeting water quality goals through stormwater management**
 - Work with WRTC to ensure that cost effectiveness criteria are included in TMDL implementation and tributary strategy plans
 - Continue technical work on quantifying nutrient loads from urban regions
- **Advocate for local government voice in Bay Program/state decision making**
 - Advocate for local government role in helping to shape Bay Program and state policies on wasteload allocations, TMDL implementation and other matters

Other priorities

- **Coordinate with other COG committees on environmental initiatives**
 - Provide water quality focus to Greater Washington 2050 initiative
 - Work with Climate Change Committee to integrate water quality and climate change initiatives
- **Support regional public outreach efforts**
 - (See first bullet under Funding category above)
 - “Can the Grease,” proper disposal of medicines and other compounds
- **Others - ?**

Actions to Support Focus on Issues

- **Potomac Water Quality Report** – accompanying recommendations to be presented to Board
- **Committee meetings** (6 per year)
- **Committee tour** (details to be determined)
- **Federal legislation** (provide opportunity to meet with local congressional delegation)
- **Individual presentations/appearances by members**

The Bay Program at 25:

Current Direction, Recent Critiques, and Implications and Actions for Local Programs

COG staff document

Prepared for Jan. 8, 2008, meeting of Water Resources Technical Committee

Summary

Bay Program Progress - In June 2005, the Chesapeake Bay Program (CBP) Partners signed the Chesapeake 2000 Agreement (C2K) pledging to meet water quality standards throughout the tidal waters by 2010. In November 2008, the CBP's Executive Council (EC) formally acknowledged, what was already widely believed, that the Bay Program was nowhere near meeting the 2010 goal.

Bay TMDL - Because the 2010 goal is not being met, the CBP is proceeding with developing the Bay TMDL for the three "Bay pollutants" (nitrogen, phosphorus and sediment) in the 26 "Bay segments." Accordingly, there will be Wasteload Allocations (WLAs) for permitted point sources and Load Allocations (LAs) for nonpoint sources. There will also be local allocations and implementation plans that will be key in driving local programs. For urban localities there are (at least) two issues of particular concern: the possibility that the allocations for wastewater treatment plants could change; and the increasing connection between TMDLs and MS4 permits.

Actions by CBF, Bay Scientists and the Press - This lack of progress has prompted a spate of negative commentary about the Bay Program. A group of Bay Scientists has issued a strongly worded statement (see p. 10) calling for major changes to the Bay Program. The Chesapeake Bay Foundation (CBF) has filed a lawsuit against EPA. The Washington Post and other publications have carried a series of articles describing and documenting the lack of progress. The collective impact of each of these is difficult to predict. At a minimum they will reinforce the movement to greater regulation that was already underway.

COG's Policy Principles – On July 9, 1997, the COG Board adopted four "COG Policy Principles on the Future Direction of Chesapeake Bay Program Policy." The four address: Voluntary Status (as opposed to regulatory); Equity; Good Science; and Voice (for local governments). More than a decade after their adoption, three of the four are still valid. The increasingly regulatory nature of the CBP means that the "Voluntary" principle is no longer appropriate and should be revisited.

Actions for COG's WRTC and CBPC – Given the above activities, COG is planning on working with the WRTC and the CBPC as follows:

- Walt Boynton, one of the cited "Bay Scientists" is presenting his perspective to the CBPC at its January 16, 2009, meeting.
- CBP staff will be invited to attend a worksession for WRTC members (either at the March WRTC meeting or as a stand alone session) to present their approach to developing "Local Allocations." Participation by Maryland and Virginia staff will also be included.
- Continued tracking of, reporting on and helping to shape the work of the CBP's Water Quality Steering Committee and other CBP committees.
- Volunteers from the WRTC will be requested to work with COG staff on developing recommendations for consideration by the CBPC at its March meeting and subsequently possibly by the COG Board on, at a minimum, the following topics:
 - Revisions to the four "Policy Principles," reflecting the fact that the Bay Program continues to become increasingly regulatory;

- Recommendations for consideration by the Bay Program as it develops wasteload allocations, emphasizing the potential impact on wastewater and stormwater programs in the COG region;
- Recommendations for consideration by the CBP Partners as they develop the 2-year milestones to be adopted by the EC in May 2009.
- Recommendations for consideration by Maryland and Virginia as they prepare more localized allocations and as they consider possible revisions to their respective Tributary Strategies and/or development of implementation plans;
- Recommendations for consideration by Maryland and Virginia addressing implementation policies emphasizing urban areas, including funding, cost-effectiveness and permitting; and
- Recommendations for how and when the CBP will address the anticipated Use Attainability Analysis (UAA).
- WRTC is being asked to endorse these recommendations for consideration by the CBPC at its meeting on January 16, 2009.