

DRAFT MEETING SUMMARY
STEERING COMMITTEE
OF THE
ANACOSTIA WATERSHED RESTORATION PARTNERSHIP
Thursday, April 22, 2010

The 24th meeting of the Anacostia Watershed Restoration Partnership Steering Committee was held on Thursday, April 22, 2010 in the Board Room on the 3rd floor at COG. The attendees, in alphabetical order, were:

Name			Organization
Members and Staff			
Ms.	Diane	Cameron	Audubon Naturalist Society
Mr.	Frank	Dawson	MD-Department of Natural Resources
Ms.	Diana	Esher	US Environmental Protection Agency
Dr.	Rich	Eskin	Maryland Department of the Environment
Mr.	Andy	Fellows	City of College park
Mr.	Stuart	Freudberg	MWCOG
Mr.	John	Galli	MWCOG
Dr.	Ted	Graham	MWCOG
Ms.	Amy	Guise	US Army Corps of Engineers
Ms.	Linda	Howard	Summit Fund of Washington
Dr.	Hamid	Karimi	District of Columbia Department of the Environment
Ms.	Catherine	King	US Environmental Protection Agency
Mr.	Aubin	Maynard	MWCOG
Ms.	Lisa	Mendelson-Ielmini	National Park Service
Ms.	Dana	Minerva	Anacostia Watershed Restoration Partnership
Dr.	Sam	Moki	Prince George's County Department of Environmental Resources
Mr.	Steve	Shofar	Montgomery County Department of Environmental Protection
Mr.	Eric	Siegel	The Cohen Companies; Riverfront BID
Mr.	Mike	Smith	AWCAC
Mr.	Phong	Trieu	MWCOG
Mr.	David	Tuchmann	Akridge
Mr.	Ken	Yetman	MD-Department of Natural Resources
Guests			
Ms.	Brooks	DeRensis	Appleseed Foundation
Dr.	Harriet	Phelps	UDC

NOAA and DC-WASA were not represented

Action Items			
(Updated: 4/23/10)			
Item	Action	Lead	Status
SC Meeting	1. Distribute draft April 2010 meeting summary 2. Prepare agenda for June SC meeting	1. Graham 2. Graham	1. Pending 2. Pending
Membership	1. Notify new member of the Steering Committee 2. Write up revised procedure for selecting the Chair and Vice Chair 3. Alter the Bylaws to reflect the selection process	1. Graham 2. Esher 3. Graham	1. Pending 2. Pending 3. Pending
Communication Plan and Rollout of the ARP	1. Convene Comm. subcommittee to review Reingold draft Comm. Plan 2. Prepare recommendation for June SC meeting 3. Send out the "Turn It Around" document to the officials who attended the Rollout event	1. Minerva; Members 2. Minerva 3. Minerva; COG	1. Pending 2. Pending 3. Pending
Announcements	1. Send out notice of WEF SW Utility Conference 2. Send out notice of BID Summit	1. COG 2. COG	1. Pending 2. Pending
Lower Beaverdam Toxics Investigation	1. MDE to provide update when data is available	1. MDE	1. Pending
Funding	1. Review WRDA draft language 2. Convene Funding Subcommittee to develop approach for ARP implementation 3. Review FY 2011 WP&B	1. Minerva' Committee 2. Minerva; Comm. 3. COG; Comm	1. Pending 2. Pending 3. Pending
Post 2010 Goals and Milestones	4. Send out a request for SC & MC volunteers to serve on Post-2010 Goals Subcommittee	1. COG	1. Pending
Toxics	1. Send letter to Region 3 regarding enforcement status	1. Minerva	1. Pending
Request for Partnership Accomplishments	1. Prepare a succinct list of Partnership accomplishments	1. COG	1. Pending
Post 2010 Goals	1. Finalize membership of Goals committee 2. Convene first Goals committee meeting	1. COG 2. COG; Dawson	1. Pending 2. Pending
Bag Bill	1. Distribute DDOE's summary of progress to date as presented by H. Karimi	1. COG	1. Pending
Tree replacement	1. Address tree replacement policy in the Anacostia watershed	1. management Committee	1. pending

I. Call to Order and Chair Items

Mr. Dawson called the meeting to order at 10:18 a.m. He extended his congratulations to the organizers of two recent events: Kudos to Ken Yetman for his efforts to organize the canoe trip from Bladensburg to Anacostia Park (“awesome,” “beautiful”) on Friday, April 16 and to Dana Minerva for the “incredible” ARP rollout event in Bladensburg. He also acknowledged the ARP itself as an “impressive piece of work” and offered his congratulations on the “Turn It Around” document. He anticipates making the canoe trip an annual event.

A. Introduction of New Members

After introductions of those present, Mr. Dawson invited Diane Cameron of the Audubon Naturalist Society, the new “NGO” member of the Steering Committee to make a few comments. She noted that she is pleased to be a member of the Steering Committee. She noted that she is a member of the Montgomery County Stormwater Partnership and the Maryland Stormwater Consortium. She views the Anacostia Restoration Plan from the perspective of an advocate and will be looking for enforceable mandates. There are five primary enforceable mechanisms, the three MS4 permits, the CSO Long-Term Control Plan for the District of Columbia and the consent decree covering WSSC’s CSOs.

She also noted that the federal government is challenging their inclusion in the District’s impervious surface fee as they consider it a tax. This sparked further discussion to the effect that both sides (fee vs. tax) can point to supportive case law and it will most likely have to play out in the courts. Steve Shofar noted that Montgomery County treats the impervious surface fee as a tax.

B. Approval of February Meeting Summary

The meeting summary of the February 2010 Steering Committee meeting was approved by consensus.

C. Report of the Membership Committee

The membership Committee recommended that Adam Ortiz, Mayor of Edmonston be appointed an alternate in the Municipality category. The Steering Committee unanimously approved this recommendation.

Frank Dawson will talk with Don Boesch about participation on the Steering Committee from the university community and Linda Howard noted that conversations with WSSC continue about their potential participation.

Action: COG will formally notify new members of their approval as Steering Committee members.

II. Executive Directors Report

A. Recap of the ARP Rollout Event

Ms. Minerva thanked all who contributed to the success of the ARP Rollout event, including the Corps staff, the Communication Subcommittee and COG staff. There is a substantial amount of political capital that should be effectively utilized. She will be working on an approach and returning to Capitol Hill shortly. Frank Dawson indicated that a state-focused legislative agenda would also be appropriate.

B. Communication Plan

Reingold has submitted a draft Communication Plan that Ms. Minerva is in the process of reviewing. This will be the focus of a Communication Committee meeting with the intent of presenting a recommendation to the Steering Committee at the June meeting.

C. Summary of the Maryland Legislative Session

The Maryland legislative session ended with: no progress on “bag” legislation; no passage of the stormwater utility (Raskin) bill; and an apparent weakening of stormwater regulations. Diane Cameron noted that there is cause for optimism regarding the Raskin bill next year. Passage could help resolve the “tax” vs. “fee” debate about charges keyed to impervious surfaces

D. Capitol Riverfront BID Anacostia River Business Summit

Ms. Minerva and Eric Siegel reported on status of the Capital Riverfront BID’s “Anacostia River Business Summit,” scheduled for May 18, 2010. Invitations are now being sent out and the program features excellent speakers, including elected officials, senior government officials and business representatives. It will be held at 20 M Street, SE beginning at 1:30 p.m.

Registration is \$30 and the organizers are looking for sponsorships to help offset the projected \$30,000 cost. Mr. Dawson reported that MD DNR will contribute \$1,000.

III. Funding for Implementation of the ARP

Hamid Karimi introduced the topic by asking how best to develop a “plan of action” for cashing in on the energy from Monday’s ARP Rollout event. Amy Guise handed out a table entitled, “US Army Corps of Engineers Civil Works Assistance Programs – Baltimore District” that summarized a number of program areas where opportunities for ARP funding may be found. Among the points made in the ensuing discussion:

- While stormwater is not a “traditional” USACE responsibility, it is possible if the legislation explicitly enables it.
- It’s time to reconvene the Funding Subcommittee (FSC) to help develop the approach for funding the ARP. Linda Howard recommended inclusion of Amanda Bassow (NFWF) and Doug Siglin (CBF) based on their experience with support for funding environmental programs and projects.
- The FSC will look beyond WRDA and the Corps. Amy Guise recommended also looking at the approach taken by Lake Champlain and the Great Lakes.
- The Corps has organized the ARP projects to coincide with Corps-funding categories.
- Note that there is a cost-share requirement for Corps-implemented projects.

Action: The next steps will take place along two tracks. In addition to Dana Minerva, the FSC consists of Amy Guise (USACE), Brooke DeRensis (Appleseed), Hamid Karimi (DDOE), Diane Cameron (AWS), Ken Yetman (DNR), Steve Shofar (MC-DEP), Sam Moki (PGC-DER), Diana Esher (EPA) and Ted Graham (COG). The “immediate” track is for Dana Minerva to craft WRDA-specific language for use by Amy Guise. The second track is to prepare a longer-term approach.

IV. Update on Toxics

Diana Esher provided a brief update from the report she gave last month. As much of the internal discussion relates to potential enforcement actions, there is little specific information to share. However, EPA is proceeding on four tracks: (1) Source Control; (2) Compliance Investigation; (3) Land-Based Hazardous Waste Sites; and (4) Legacy Sediment. Regarding the land-based sites, there are six along the Anacostia and EPA is currently evaluating appropriate legal authorities. They

may be ready to provide a more detailed report by mid-summer. Linda Howard noted that environmental groups are planning litigation if progress continues to drag.

Action: Based on the recommendation of Frank Dawson, the Steering Committee will send a letter to EPA requesting an update on what is transpiring related to toxic controls specifically asking “by when” action can be anticipated.

Rich Eskin reported that the latest monitoring results from Lower Beaverdam Creek are not yet ready. MDE will provide a report when they are.

V. Post 2010 Goals

Dana Minerva and Ted Graham drafted a strawman proposal to develop “Post-2010 Goals” with an eye toward adoption by the Steering Committee at the December Steering Committee meeting. Among other things, the draft recognized the fact that there have been and continue to be substantial regulatory changes since the Targets and Indicators were adopted in December 2001. The advent of the Bay TMDLs (which will include Anacostia-specific TMDLs), the completion of other TMDLs, the requirement for TMDL implementation plans in MS4 permits (not just for Bay TMDLs), Bay-driven Watershed Implementation plans (WIPs) and related Two-Year Milestones will all impact how local governments prioritize projects for implementation and reporting. The proposal focused generally on

In the ensuing discussion, the points made included:

- Don't forget commitments made in 2001.
- Include citizen participation.
- Trends are generally more useful than instantaneous snapshots.
- Consider restructuring along the lines of regulated and non-regulated goals.
- There should be an annual report of accomplishments.
- It's not clear just what the Partnership's role is vis-a-vis enforcement.

Action: Convene an ad hoc Goals committee, chaired by Frank Dawson, to develop an approach with a goal of adoption of Post-2010 Goals at the December Steering Committee meeting.

Volunteers for the Goals Committee are:

- Frank Dawson, Chair
- Andy Fellows
- Linda Howard
- Mike Smith
- Harriette Phelps
- Dana Minerva
- John Galli
- Ted Graham
- Steve Shofar
- Sam Moki

Ted Graham emphasized the need to include technical level representation to ensure that goals are sensitive to program implementation capacity. COG staff will work with the Chair to finalize the list.

VI. Trash TMDL Update

Rich Eskin reported that the Anacostia Trash TMDL is now out for a 30-day public comment period. The TMDL was jointly prepared by MDE and DDOE. There will be a joint DC-MD public meeting on May 6, 2010 in the Training Center at COG from 1:00 to 3:00 p.m.

Hamid Karimi noted that the District has already begun some implementation, including copying some elements of Los Angeles's implementation plan. The District will be approaching this one watershed at a time. They have given a grant to the Alice Ferguson Foundation to conduct focus groups aimed

at preventing trash from being deposited in the first place. He also noted that budget cuts are severely curtailing street sweeping and maintenance of catch basins remains a major challenge.

Regarding the District's Bag Bill, Dr. Karimi noted that since it went into effect on January 1, 2010, there has been a reported reduction in bag usage of about 50%. At the same time, revenue collected has been less than ½ of what had been projected.

VII. FY 2011 Work Program and Budget

Ted Graham noted that the proposed Anacostia Restoration Work Program and Budget for FY 2011 will be presented to the Steering Committee at the June meeting.

Action: COG staff will prepare the draft FY 2011 WP&B for review and recommendation to the Funding Subcommittee prior to presentation to the Steering Committee.

VIII. Management Committee Report

Ken Yetman indicated that the management Committee would be working on breaking down the ARP projects to facilitate project prioritization and funding.

IX. AWCAC Report

Mike Smith reported that AWCAC will focus on the Trash TMDL in the upcoming weeks. He noted that AWCAC had sent a letter to the governor regarding a "tree deficit" on the Intercounty Connector but has yet to receive a response.

X. Items from Members

Diana Esher reported that the draft MS4 permit for the District of Columbia was issued on April 21, 2010. There is a 45-day comment period. It is among the top 5 nationwide in terms of its requirements. The draft TNMDL and related fact sheets are available on the EPA Region 3 web site.

Andy Fellows reported that MD State Senator David Harrington has raised an environmental justice issue in the community in the vicinity of Sherriff Road in Prince George's County.

XI. Adjourn

The meeting was adjourned at 1:59 p.m.