

**CHESAPEAKE BAY COMMISSION**  
**Hunt Valley, Maryland**  
**September 8-9, 2011**

The Chesapeake Bay Commission held its third quarterly meeting of 2011 on Thursday and Friday, September 8-9, in Hunt Valley, Maryland.

The following Commission members and staff were in attendance:

Senator Mike Brubaker  
Delegate John Cosgrove  
PA Citizen Representative G. Warren Elliott  
Senator Bernie Fowler  
Senator Brian Frosh  
Senator Emmett W. Hanger, Jr.  
Delegate James Hubbard  
Delegate Lynwood Lewis  
Delegate Maggie McIntosh  
Brent McCloskey  
Representative Ronald Miller  
Assistant Secretary Anthony Moore  
VA Citizen Representative John Reynolds  
Representative Mike Sturla  
Senator Mary Margaret Whipple  
Delegate John F. Wood, Jr.

Staff: Ann Pesiri Swanson  
Bevin Buchheister  
Jack Frye  
Marel Raub  
Paula Hose

Admiral Mark Boensel

Members not in attendance:

Representative Garth Everett  
Secretary Michael Krancer  
Delegate Scott Lingamfelter  
Senator Thomas Middleton  
Senator Mike Waugh

**Thursday, Sept. 8, 2011**

**MANURE TO ENERGY SUMMIT**

Marriott Baltimore Hunt Valley Inn  
Hunt Valley, Maryland

The Manure to Energy Summit was co-Sponsored by the Chesapeake Bay Commission, the Chesapeake Bay Foundation, Maryland Technology Development Corporation (TEDCO) and Farm Pilot Project Coordination, Inc. with generous donations from the Keith Campbell Foundation, USDA and the EPA Chesapeake Bay Program Office

Chairman Brubaker called the summit to order at 10 a.m. and following a brief welcome, he turned the Summit over to Ann Swanson, Executive Director of the Commission.

The Manure to Energy Summit focused on policy changes that could foster widespread adoption of manure to energy projects. The morning session featured presentations by Mr. Stephen Auvil, Vice-President of TEDCO, who outlined the difficulty of transferring research into deployed technologies and from Bob Monley, General Manager of Farm Pilot Project Coordination, Inc., who explained how different manure to energy technologies work. Mr. Monley then moderated a panel with representatives of FibroShore, Energy Works and Integrity Ag Systems to discuss technologies and the obstacles each faced in widespread deployment.

Kristen Hughes Evans, Virginia Senior Staff Scientist of the Chesapeake Bay Foundation moderated a panel discussion by farmers Oren Heatwole from Va., who spoke about gasification and pyrolysis, and Steve Reinford from Pa., who described his successful anaerobic digester operation.

Vice Admiral Dennis V. McGinn, USNR, and current President of the American Council on Renewable Energy, focused his keynote lunch address on the relationship between national security and energy independence.

The afternoon featured Dan Scruton, Dairy and Energy Chief for the Vermont Agency of Agriculture discussing Vermont's Biodigester Initiative and financing efforts that resemble a feed-in tariff. Customers voluntarily pay 4 cents more for "cow power." This led into CBC staff presentations by Bevin Buchheister on market factors and state and federal policies to make manure to energy projects financially viable, and by Marel Raub on the market for byproducts and tracking their use to ensure water quality benefits. Beth McGee, Senior Scientist for the Chesapeake Bay Foundation, presented state and federal funding options and opportunities.

The afternoon format was interactive with much discussion between Commission Members, panelists and experts in the audience about policy changes to facilitate greater implementation of manure-to-energy projects in the Chesapeake Bay region. Attendees were also given three dots to place on policy charts to note the three policy opportunities they thought were most promising. The Summit was adjourned by CBC Director Ann Swanson at 4:30 p.m.

## **Friday, September 9**

### **BREAKFAST DELEGATION MEETINGS**

Members and staff discussed policy recommendations made during the summit and reviewed the policy preference charts which attendees marked. The Md. delegation asked for a list of all recommendations prioritized by cost and broken down by legislative, regulatory and industry initiatives by the Nov. meeting. The Pa. delegation asked for a list of funding opportunities.

The Va. delegation recognized the valuable service of Sen. Mary Margaret Whipple and noted with regret that she will not return as she did not seek re-election. They voted Sen. Emmett Hanger to be the new Chair of the Va. delegation, and Vice Chair of the Commission. They also welcomed new CBC Va. Director Jack Frye, formerly the Director of the VDCR, Division of Soil and Water Conservation in Va.

Sen. Brubaker made a motion to shorten the day's agenda to allow members to return to their districts and attend to the flood emergency. Members were unanimously in favor of adjourning at 11 a.m. Members decided to cover Soil Testing, EPA update of Federal Developments with the TMDL and State WIP's. Members agreed not to address the Economics of Nutrient Trading Study at this meeting and to have staff send an update.

Sen. Brubaker gave an account of the Fertilizer Legislation in the CBC states. Maryland passed legislation dealing with nitrogen and phosphorus. Virginia enacted legislation addressing phosphorus and formed a study on nitrogen that Ann and Jack are participating in. Marel gave an update on the Pa. legislation that Sen. Brubaker introduced which addresses N and P and said more stakeholder meetings will take place,

Ann Swanson relayed the results of the CBC FY 2011 audit which found no irregularities and thanked Paula Hose for her accurate recordkeeping.

### **CHAIRMAN'S WELCOME & UPDATES**

Chairman Brubaker announced that Adm. Boensel is turning over the reins to Rear Admiral Tim Alexander and thanked him for his contributions to the CBC over the past four years. Rear Admiral Tim Alexander was welcomed aboard.

The Chairman gave an update on the Executive Council Meeting held in Richmond Va. on July 11, 2011 where the partners voted EPA Administrator Lisa Jackson as Chair of the EC for a second term. Reductions in urban areas will be achieved by our fertilizer legislation, which we highlighted at the EC meeting. Bay Program partners were asked to prepare exhibit booths on citizen stewardship. The CBC booth highlighted status of fertilizer legislation in the CBC states and soil health, and the importance of soil testing with a chart of the results of soil tests taken by Chairman Brubaker, Gov. Corbett, Gov. O'Malley, EPA Administrator Lisa Jackson, and Mayor Vincent Gray. CBC members then viewed the chart and discussed soil testing.

## **TMDL UPDATE**

Jeff Corbin, Special Advisor to the EPA Administrator, introduced Nick DePasquale, the new Director of the EPA Chesapeake Bay Program.

Mr. Corbin then gave an update on recent federal developments. He mentioned that a meeting will be held in October with state Secretaries and EPA and USDA to begin to plan Agricultural Certainty. Sen. Brubaker asked for the CBC to be included in the meeting and Corbin agreed to invite us.

Corbin informed us of another State Secretaries meeting to address several outstanding issues with the Bay Watershed Model. Sen. Brubaker asked that the CBC be invited and Corbin agreed. A question was posed by Anthony Moore about why the model shows that nutrient load to the Bay from land under nutrient management is higher than land not under nutrient management. Members asked CBC staff to look into this issue and report back to them at the Nov. meeting.

Corbin noted the allocations under Model version 5.3.2 are 2-3 percent more stringent than those under 5.3.0, but the Executive Council decided that for purposes of the Phase II WIP, states will use the same level of effort required by the 2010 TMDL and Phase I WIPs. New overall allocations that we must meet by 2025 for the Bay are Nitrogen- 191.57 million lbs.; Phosphorus - 14.55 million lbs.; Sediment- 7341 tons.

Phase II Schedule: Draft Phase II WIP deadline was extended from Dec. 1 to Dec. 15, 2011; Final Phase II WIP's deadline remained the same. They are due by March 30, 2012

## **LOCALIZING POLLUTION RESPONSIBILITY- The Phase II WIPs**

Representatives from CBC member states presented their citizen engagement process and progress toward the December draft deadline..

**MD-** Brent McCloskey, Program Manager, Chesapeake Coastal Program, MD Department of Natural Resources briefed members on state outreach to locals for WIP II planning which includes state meetings with local stakeholders, WIP II liaisons assigned to counties, and MDA's handling of the agriculture sector. The state will turn in WIP II plans for the counties to meet the Dec. 15, 2011 WIP II draft deadline and the March 30<sup>th</sup> 2012 final deadline. The state expects counties to turn in a final plan by July 1, 2012 which will then be submitted to EPA.

**PA-**John Hines, Executive Deputy Secretary, Department of Environmental Protection was unable to attend the meeting because of severe and dangerous flooding in the Susquehanna, so Marel Raub informed members that a series of meetings is planned with locals for Oct. and Nov. The Pa. delegation will get an update at a later date.

**VA -** Anthony Moore, Assistant Secretary of Natural Resources, said they are working with the 16 Planning District Commissions to organize and coordinate engagement of local governments. Va.'s agricultural resource management plans will serve as a baseline under an expanded Nutrient Credit Exchange Program. Efforts are moving forward with 6 soil and water conservation districts to pilot a means to track voluntary agricultural BMP implementation and report it to the Bay Program. He noted

Va. passed fertilizer legislation dealing with phosphorus and will be submitting a report on slow release nitrogen to the General Assembly in Dec. 2011. He indicated that Va. will focus on resolving issues with the model before assigning local allocations. As a result of state surpluses, there will be \$50 million deposited to the Va. Water Quality Improvement Fund.

**ECONOMIC STUDY OF NUTRIENT CREDIT TRADING FOR CHESAPEAKE BAY**

An update will be e-mailed to members.

**MANURE-TO-ENERGY SUMMIT**

Staff will prepare a report for distribution with technology summary and policy suggestions. Next Steps for State Legislation/Policy will be discussed at Nov. delegation meetings.

Bernie Fowler thanked his gracious wife Betty for accompanying him to the meeting today, which also marked their 65<sup>th</sup> wedding anniversary.

**MEETING ADJOURNED at 11: 30 am**