

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER BUSINESS MEETING

December 9, 2008

ICPRB Headquarters

Rockville, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Hines called the First Quarter Business Meeting to order at 9:30AM at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

COMMISSIONERS

District of Columbia

Hamid Karimi (Commissioner)
Anne Snodgrass (Alt. Commissioner)
John Wennersten (Alt. Commissioner)

United States

George Reiger (Commissioner)
Howard Graeffe (Alt. Commissioner)

Maryland

Robert Summers (Alt. Commissioner)
Corazon Dones (Commissioner)

Pennsylvania

John Hines (Commissioner)
Ron Stanley (Commissioner)
Roger Steele (Alt. Commissioner)

Virginia

Scott Kudlas (Alt. Commissioner)
Walter Alcorn (Commissioner)

West Virginia

William Brannon (Alt. Commissioner)

STAFF AND GUESTS

Staff

Robert Bolle (General Counsel)
Joseph Hoffman (Executive Director)
Bo Park (Administrative Officer)
Carlton Haywood (Director, Program Operations)
Jim Cummins (Director, Living Resources)
Curtis Dalpra (Communications Manager)
Sarah Ahmed (Water Resources Eng. Asst.)
Cherie Schultz (Assoc Dir, Water Resources)

Guests

Chris Kimple (for Commissioner Moul, PA)
Robert Pace (Army Corps of Engineers)
Maria Franks (Army Corps of Engineers)
Stephanie Flack (The Nature Conservancy)
Cherie Miller (USGS)
John Booser (PA DEP)

ADOPTION OF AGENDA: Chairman Hines asked for any modifications to the agenda. Hearing none, he asked for a motion to approve the agenda. **Commissioner Summers made a motion to approve the agenda. Commissioner Kudlas seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Chairman Hines asked for any modifications or changes to the September 9, 2008 Business Meeting Minutes or a motion to approve the Minutes. **Commissioner Graeffe made a motion to approve the Minutes. Commissioner Summers seconded the motion. All were in favor.**

GENERAL COUNSEL'S REPORT: General Counsel Bolle reported that all activities were related to routine legal matters including contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman reported that the financial reports were prepared as of October 31, 2008. No funds were withdrawn from the reserve account. On the report, the reserve funds are listed as Merrill Lynch Reserve for \$110,000 and Investment Merrill Lynch, which are mainly certificate of deposits totaling \$395,950. As of December 1, 2008, the total amount in the reserve account was \$504,000. There are no plans to withdraw any funds from the reserve account.

Pennsylvania paid their jurisdictional dues of \$51,000 in full plus additional \$500 to catch-up from previous year's shortfall. Maryland also paid their dues. The new EPA Section 106 grant document was received for \$528,480, which is about \$90,000 less than anticipated. The remaining amount is contingent upon fund availability at the federal level. The accounts receivables are mainly operational with no foreseeable problems.

OLD BUSINESS

A. Program/Project Update: Mr. Haywood reported that most projects are continuing from last fiscal year. A few projects to highlight, the Spill Exercise was held in September/October, sponsored by the Drinking Water Source Protection Partnership (DWSPP). The DWSPP held their annual meeting last week.

Commissioner Karimi inquired about staff hiring and operation with federal and state budget cuts. Mr. Haywood replied that staff hiring will be limited and conservative depending on the certainty of contracts. Also, the jurisdiction contributions would provide buffer that ICPRB needs to absorb economic fluctuations. However, the contributions are being used as cost-share for the states and matching requirements for grants.

Commissioner Karimi was asked to give a summary of the federal stimulus funding package being prepared by the new White House Administration. The stimulus funding would not apply to monitoring or assessment type but water quality, construction, technical type of work. Non-profit organizations are passing out their list to the new Administration. There is a potential niche for the Commission if there is a way to participate in this action.

Commissioner Alcorn added that the jurisdictions have already begun to put together a “wish list.” It would be beneficial to this Commission to have a discussion at this meeting on how it can participate in this process and explore other potential projects for the Commission. There is a small window of opportunity before the new Administration makes decisions.

Chairman Hines suggested that each jurisdiction provide their “wish list” to the staff by January 15. Also, he asked each state to submit their stimulus package information to the staff to explore potential projects. Lastly, he asked for an ICPRB document for the new Administration Transition Team to get on their agenda. He asked for volunteers from the Commissioners.

Commissioner Alcorn added that in addition to providing support to the jurisdictions, the Commission should look for opportunities for itself. He encouraged the staff to look for ways to get federal funding back and look for roles in administering the stimulus funding that may be coming through.

Commissioner Summers added that there is a need for federal involvement in river basin activities related to water quality and water supply protection. General Semonite, North Atlantic Division of the US Army Corps of Engineers, discussed at the Susquehanna River Basin Commission (SRBC) meeting that there is a need for a better federal coordination at the river basin commissions and restoration of federal funding for the commissions. At that meeting, there was a suggestion to look to the river basins as a model as a proactive approach. Looking for ways to get federal involvement whether through Interstate Council on Water Policy (ICWP) or other vehicles would be beneficial to the Commission.

Mr. Hoffman suggested that the letter to the Transition Team would have to be quick, pointing to the fact that one of the three federal commissioner positions is slated to be the North Atlantic Division of the US Army Corps of Engineers. The appointment would take away from one of the filled positions, which is a problem since they already are listed on the Plum Book for the new Administration. The new appointment can take couple of years as it was the case with the current Administration. The letter cannot wait until January 15 but must be immediate so a new appointment can be made as soon as the new Administration comes into office.

Mr. Pace explained that Mr. Shapiro from the Corps has been in contact with the White House working on the appointment, but nothing else can be done except to let him know that the US Army Corps is ready to be appointed. General Semonite is very active at SRBC and is waiting to be a part of this Commission.

Chairman Hines summarized the items discussed, the state’s request for stimulus funding, road blocks for states that the Commission can assist with, an ICPRB baseline information for the Transition Team, and also for the states to look for outsourcing projects for the Commission. Chairman Hines, Alcorn, and Summers volunteered to be on the team for assistance on these issues. Mr. Pace explained that there is not much time before decisions are made. Waiting until March timeframe may be too late to get the documents to the Transition Team. Chairman Hines asked for a conference call with the three volunteers. Mr. Hoffman suggested a conference call among the Executive Committee members who consist of Commissioners Hines as Chair, Reiger as Vice-Chair, and Commissioners Karimi, Kudlas, Brannon, and Summers. He suggested a

conference call shortly after January 15th. Commissioner Kudlas emphasized sending out the federal commissioner appointment request letter to the Transition Team as soon as possible.

B. Water Resources Project-ICPRB, Corps of Engineers and The Nature Conservancy:

Mr. Hoffman gave an introduction to the new effort that ICPRB is pursuing with the Corps of Engineers and The Nature Conservancy using a powerpoint presentation. The Corps received authorization to conduct a reconnaissance of the Middle Potomac and implement feasibility studies. This project would allow a basin-wide water supply study incorporating growth, climate change, and ecology of the Bay. This is a project management plan between the three entities. ICPRB is expected to have the lead on this project. The Army Corps, through Section 729 of the Water Resources Development Act, has received initial funding. Additionally, The Nature Conservancy has come up with approximately \$240,000 to fund this project. Under Section 729, the matching requirement is 25% of non-federal dollars. Potentially there may be a million dollar project.

This project would utilize integrated data management, hydrologic modeling, SWAT modeling, and HSPF modeling for the Chesapeake Bay. This project will be a comprehensive integration project that will involve all the jurisdictions. All member states and agencies are already working on their water plans and supply studies, which are related activities that may be allowed and counted toward this project. The water use projection for the CO-OP utilities demand study will count towards non-federal dollars. This project will entail a basin-wide hydrological assessment looking at alterations. The Nature Conservancy will work on some environmental workshops, and our work on flow management issues will be incorporated. The stream classification work, tributary ecological response curves, flow workshop, and tidal estuary up to North and South Branch can be accomplished through this project.

One of the key components of this project is transfer of knowledge to the stakeholders, states, and other groups. A decision support tool will be developed to assist the decision makers. There will be contributions needed from the states not necessarily dollars but through in-kind and staff time. The Virginia Department of Environmental Quality (VA DEQ) is already working on the HSPF model, which can be counted towards this project. The Pennsylvania Department of Environmental Protection (PA DEP) is working on critical water planning areas. The Maryland Department of the Environment (MDE) is working with groundwater and water budgeting. The West Virginia Department of Environmental Protection (WV DEP) water planning is beginning and we are unsure at this time how it may be counted.

Stephanie Flack from The Nature Conservancy continued with the overview of the Nature Conservancy and the project. The Nature Conservancy is a 501(c)(3) world-wide organization, with its mission to protect biodiversity. The Nature Conservancy has about \$240,000 secured to be counted toward this project. It is not too late to count in-kind contributions toward this project. The Nature Conservancy is the only non-federal contributor at this time. The project is an opportunity to be proactive in developing a baseline for ecological needs in the Potomac River basin before it becomes a limiting factor. This also will provide a tool for the states to complement their work.

Ms. Flack requested that the state agencies provide a letter of intent supporting this project through collaboration, data, and in-kind contributions through documentation of their cost accounting, which is already being spent by the states but would be used as matching for this project.

Commissioner Karimi asked if federal funds that were pass-through to non-federal entities can be counted toward the matching. Mr. Pace replied that it can be done but there are administrative actions involved. Mr. Hoffman will distribute a document with required information for the jurisdictions.

C. Pennsylvania Water Allocation Permit-Marsh Creek: An information sheet is found in the meeting packet under Tab 6, Attachment 4. Mr. Hoffman reported that he testified regarding the concerns. There also was a meeting between ICPRB and Mason-Dixon Utilities. It seemed that there was a discrepancy in water availability data between the two organizations. The main concerns were not having enough water all the time and water loss through consumption. No decisions were made on this issue and so discussions will continue.

D. Streamgage Funding in Basin: A list of streamgages in the Potomac basin is included in Tab 6, Attachment 5. The streamgages that were dropped are from Kitzsmiller on the North Branch, Williamsport, and Tuscarora. All others remain in place. The CO-OP Section provides funding for three gages at Point of Rocks, Hancock, and Seneca. This fall, there may be additional cuts. The ICWP is holding a series of roundtables with the next one scheduled in February, primarily for stakeholders and state agencies, and river basin commissions. Chairman Hines added that the gages that were cut in the Susquehanna basin were picked up by Pennsylvania. Additionally, they assembled a streamgaging council to look at funding. He proposed to have June's meeting in Pennsylvania. ICWP has discussed having a meeting in Pennsylvania to visit streamgages and invite Pennsylvania legislative delegates. The June's meeting can be a follow-up to ICWP's meeting. He also asked for an informational sheet to use at the ICWP meeting or at least for the spring meeting.

E. Marcellus Shale: ICPRB does not have a direct involvement, but is monitoring this issue. Mr. Hoffman offered assistance to the states. Commissioner Brannon reported that there was a meeting with the EPA and Pennsylvania to discuss the issues. West Virginia had some water quality issues possibly from Marcellus Shale. The issue has slowed down significantly but will not go away.

NEW BUSINESS

Interstate Water Resources Issues: The York Water Company wants to transfer water to Gettysburg Municipal Authority, which will come out to three different waste water treatment facilities. The local governments approve development in the area, but do not have adequate water conducive to development. Also, some West Virginia groups are requesting permit amendments to take water from the Potomac. Maryland accepted these permit applications which may be approved. These activities are occurring in the basin, but ICPRB does not have regulatory authority. There is a cause for concern where interstate actions are involved. The only way that ICPRB can deal with these type of issues is to work with the agencies.

Chairman Hines suggested looking at creating a separate section similar to the CO-OP Section, where partial jurisdictions are involved at least in the Monocacy watershed or for the ICPRB to undertake as a coordinating body. He would like to see the logistics on paper that outlines the pros and cons of creating a new group and evaluating the cost. Commissioner Summers indicated that Maryland already has a permitting process that deals with these issues. But he agreed that a coordinating body may be needed but not necessarily through creating a new section. He does not want to see a conflict with the Maryland permitting process or duplication of effort. But he does not object to seeing a document with the pros and cons. Mr. Hoffman will put a document together and forward to the Commissioners.

EMERGING CONTAMINANTS

Dr. Cherie Miller from USGS, gave a talk on several on-going national studies on emerging contaminants. Chemicals that are contaminating the water are human and veterinary drugs, antibiotics, fire retardant, disinfectants, fragrances, inert ingredients and degradation of products or byproducts. The compounds get into the water through humans, individual homes, septic tanks, landfills, industrial discharges, animal waste through agriculture and processing, aquaculture, computer waste, and some other ways.

Some ecological concerns were raised on the effects on animals, creating antibiotic resistance, and causing endocrine disruptors. Organisms that take up the compounds from the ground with high concentrations can affect animals and the higher food chain. The development of antibiotic resistance in organisms, which can develop from chronic low level exposures, can transfer between organisms. Another action is through endocrine disruptors which can cause immunosuppression in animals, particularly the fish.

A national study, that was just released this past Friday, looked at nine community water systems including Washington Aqueduct in Georgetown, looking at the water intake and treated water outtake. There were 260 man-made compounds found in the water. Some compounds were found only in finished water, some degraded during the treatment process, but majority of the compounds left the treatment process in its original form.

As for the effect on human health, the concentrations were low, between 0.1-1 micrograms per liter, which is below human health benchmark. However, only half of the compounds have human health benchmarks. No studies have been done on low level exposures. But given the current benchmarks and current findings, no adverse effect on humans is expected.

EXECUTIVE DIRECTOR'S REPORT

There was no change in Commissioners. Karin Bencala was hired and will start on December 16, 2008. Michael Mallonee started on October 1, 2008. On the days after Christmas and the New Year, and Inauguration Day, liberal leave policy will be in effect. The office will remain open on those days.

A contract with the USGS for streamgages was executed. There were no changes with the Water Resources Development Act (WRDA). The Congress is coming back this week but budget decisions probably will not occur until the January session. Until then, the federal budget is operating on continuing resolution.

FOR THE GOOD OF THE ORDER

Commissioner Summers added that there are three stormwater actions in Montgomery County municipal, separate storm/sewer permit which will be issued with significant increase in retrofitting requirement. This will be used as a template for 11 other jurisdictions in Maryland. Stormwater notice of intent, a general permit for construction activities is expiring in December. The permit will be reissued with more stringent requirements on erosion and sediment control. Stormwater regulations for new and redevelopment will be coming out before the end of the year.

Commissioner Stanley invited all who are interested in assisting with tree planting preparation and planting. On March 28, 2009, planting preparation will be held at Town Creek, which will require about 25-30 person hours. On April 18, 2009, 400 trees will be planted by Everett High School students. Additional 100 trees will be planted by Allegany County, Maryland schools, date to be announced. On April 4, 500 trees will be planted at Tewell Run.

Mr. Pace added that a watershed analysis report focused on Sligo Creek watershed was released on November 21, 2008 involving MWCOG, DC, Montgomery County, Prince George's County. The report lays out comprehensive action needed for ecosystem and environmental restoration of the watershed. The report is available on www.anacostia.net.

The location of the next meeting in March will be planned for Virginia.

Chairman Hines asked for a motion to adjourn the meeting. **Commissioner Graeffe made the motion to adjourn the meeting, which was seconded by Commissioner Kudlas. All were in favor. The meeting adjourned at 2:10PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary