

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

SECOND QUARTER

March 9, 2010

ALOFT NATIONAL HOTEL, NATIONAL HARBOR, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Reiger called the Second Quarter Business Meeting to order at 9:51am at the Aloft Hotel at National Harbor, Maryland. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)

Maryland

Robert Summers (Alt. Commissioner)

Corazon Dones (Commissioner)

West Virginia

Michael Stratton (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)

John Wennersten (Alt. Commissioner)

Pennsylvania

Ron Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

Lori Mohr (Alt. Commissioner)

United States

George Reiger (Chairman and Commissioner)

Howard Graeffe (Alt. Commissioner)

COL Peter DeLuca (Alt. Commissioner)

Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

Joseph Hoffman (Executive Director)

Bo Park (Administrative Officer)

Jim Cummins (Director, Living Resources)

Carlton Haywood (Director, Program Operations)

Cherie Schultz (Director, CO-OP Section)

Sherry Zandieh (Administrative Assistant)

Guests

Maria Franks (COE, Baltimore)

Chris Kimple (for Commissioner Moul)

John Booser (PA, DEP)

Chairman Reiger announced that COL Peter DeLuca has agreed to be his Alternate for federal representation at the Commission. COL DeLuca was presented with an ICPRB pin.

ADOPTION OF AGENDA: Chairman Reiger asked for a motion to approve the agenda as presented. **Commissioner Graeffe made a motion to approve the agenda. Commissioner Kudlas seconded the motion, with all in favor.**

APPROVAL OF MINUTES: Chairman Reiger asked for a motion to adopt the December 8, 2009 Meeting Minutes. **Commissioner Kudlas made a motion to adopt the Minutes. Commissioner Graeffe seconded the motion. All were in favor.**

GENERAL COUNSEL’S REPORT: Mr. Bolle, General Counsel, reported that the activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman reported that the reserve account remained in tact. On jurisdictional dues, the District has not paid as of yet. Other jurisdictions are on schedule with payment.

OLD BUSINESS

A. By-Laws Change-Conflict of Interest: For this item, a carry-over from the December meeting, a proposed revision to the By-Laws was included in the meeting packet, to provide guidance on commissioner conduct with respect to potential conflicts of interest at the Commission. This does not change the states’ standards that the Commissioners may have to abide by, which takes precedence over the Commission’s standards. To clarify and to maintain the general nature of the standards of conduct, the language, “..all illegal or..” in Section C, #4, was omitted from the draft under consideration.

Commissioner Graeffe made a motion to approve the By-Laws as amended, which was seconded by Commissioner Stratton. All were in favor.

B. Budget Formula Discussion: This item is a continuation of earlier meeting discussions with information included in the meeting materials. The member contributions constitute 14.3% of the total revenues. Over the years, the member contributions have declined and have deviated from the original formula established in 1991 due to budget issues that confront the members from time to time. For this upcoming year, Pennsylvania already notified the Commission that they plan to reduce their contributions as a result of the proposed budget. Maryland has been forced to drop well below the formula due to budget cuts in past and current years. The equity and fairness of such actions to all the jurisdictions are questionable. The jurisdictional dues are largely used as cost-share for the EPA and the Chesapeake Bay programs and for state project where there may be on indirect rate or administrative cost cap. To maintain ICPRB’s position as a primary play in the Potomac, the jurisdictional contributions are essential. For the June meeting during which Commissioners will review and adopt the budget for FY2011, guidance is needed. The budgeting process is a three-year process with ICPRB budget years 2011 and 2012 being prepared to coincide with respective state budget cycles.

Mr. Haywood presented a funding formula discussion with updated data for each jurisdiction. The data used in 1991 is no long realistic. With the recommendation from the Funding Formula Committee, formed at the last meeting, the factors listed in the Compact including service charge, population, water area, land area, and pollution were used. The Committee agreed to use recalculated data and the Bay program model Phase 5.3 to compute the pollution share. Incidentally, the 2010 census data will not be available until December 2010. So the population number can be estimated for this purpose or wait until then. Waiting would push the budgeting process further to another year, which would be reflected in the FY 2013 funding request from the states, but not the FY 2012. Chairman Reiger asked for a motion to approve the formula as proposed and proceed with incorporating this into the budget for FY2011. **Commissioner Summers made a motion to approve the state funding formula. Commissioner Stanley seconded the motion. Commissioners Kudlas and Stratton voted against the motion. Commissioner Mohr abstained from the vote.** Commissioner Graeffe made a suggestion to modify the motion, but defer the vote to June’s meeting. In June, staff will present two budgets,

FY2011 and 2012 framework budget and also present two numbers representing old and new funding methods for voting and consideration at that time. Commissioner Stratton requested that the budget request information be given to him earlier since West Virginia's budgeting process occurs early in June. Mr. Haywood will provide the data to Commissioner Stratton.

C. Program/Projects Review: Mr. Haywood summarized the projects for the quarter. The nutrient trading project which started last summer is continuing strong. A workshop on carbon issues was held last month. Commissioner Kudlas suggested that he can assist with locations in Shenandoah as another option for possible sites for remedial work to include. Mr. Haywood noted that there are six different TMDL projects with the Maryland Department of the Environment and one with Virginia Department of Environmental Quality. The West Virginia training workshop project is in progress leading up to water resources planning training sessions for the local county level planners.

D. Casting Call 2010: This year's Casting Call is scheduled for Thursday, April 22. The focus is on the Congress members and their staff, and Commissioners. This year the ICPRB and national recognitions will focus on youth leadership.

NEW BUSINESS

A. February Snow Event: Mr. Dalpra reported on the recent overwhelming snowfall impacting the region. In February, the District reported 11,000 tons of salt usage, Virginia 27,000 tons. The use of salt treatment impacts drinking water and freshwater. The Washington Suburban Sanitary Commission (WSSC) reported that they saw an increase in sodium level in their system which usually follows major snow events. The effect is not significant in normal healthy individuals, but to those with sensitive health. In general, the increase in salt also increases ammonia due to increased use of chlorine to neutralize the salt. It is not only expensive to treat water, but the salt in the system is very corrosive in pipes. The Washington Aqueduct reported they did not have much of a problem, but did notice an increase. Hagerstown wastewater treatment plant does not monitor sodium in their system. A major visible problem is in the sludge and this depends on where the sludge is being used. It may affect the groundwater especially during rapid infiltration, which will eventually flow into streams. The Drinking Water Source Protection (DWSP) Partnership monitors such concerns and has some information on the website..

B. ICPRB Support to Jurisdictions: Mr. Hoffman provided some examples of ICPRB assistance to the jurisdictions. He asked the jurisdictions to inform the Commission of projects where there may be opportunities for ICPRB for assistance. Some projects may be applicable for Section 106 grant support. ICPRB is capable of providing some training to assist the state and local staffs as well. Nutrient trading is a viable tool for problem areas. Carbon workshop outcome shows such trading is a potential tool in the basin. The states asked ICPRB to get involved in trading to create a platform for discussions, raise issues, bring sound science into the process, look for proper design and be a facilitator in the process. The response for carbon workshop has been positive. Senator Benjamin Cardin of Maryland was invited but was not able to attend. The Commission plans to continue to grow and foster the opportunities for trading in the Basin as a means of water quality improvements and to support member initiatives.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hoffman summarized the Executive Director's report included in the meeting book. The three commissions, ICPRB, Susquehanna River Basin Commission, and Delaware River Basin Commission worked together to get into the federal budget for FY 2011. A letter signed by 10 senators and 29 state representatives, asking that the commissions funding has been submitted to the President. Efforts to be

included in the Administration budget was unsuccessful. Subsequently, funding requests were prepared for some members of the House and Senate requesting funding under project earmarks for \$2.365 million, of which \$650,000 would be for ICPRB and the rest for the other commissions. There is a separate letter being prepared and routed through Congressman Tim Holden's office to request money moved into Energy and Water, Title 4, Independent Agencies Appropriations, with funding appropriated through the Army Corps of Engineers. A number of regional congressional signatures are anticipated supporting this funding request.

With the passing of Dr. Red's Wolman, the CO-OP Section is suggesting that a new moderator be selected for its Low Flow Allocation Agreement activities. Dr. Wolman served as a moderator for the Low Flow Allocation Agreement process for many years, even though his services were not used.

The Potomac River Bass Tournament is scheduled for May 25-26. On Tuesday night, a reception is held at the National Harbor. An officer from the ICPRB Executive Committee is requested to attend the reception to give a talk and to represent the Commission. Commissioners Reiger and Kudlas were asked to attend.

The Potomac River Ramble is scheduled for July 8-11 to paddle along Paw Paw Bends. Details will be provided in the near future.

COMMISSIONER'S TIME: No items were presented.

ADJOURNMENT

Chairman Reiger asked for a motion to adjourn the meeting. **Commissioner Graeffe made a motion to adjourn the meeting. Commissioner Kudlas seconded the motion. All were in favor. The meeting adjourned at 1:49 pm.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary