

# INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

## FOURTH QUARTER AND ANNUAL BUSINESS MEETING SEPTEMBER 14, 2010 LYRIC THEATRE, FROSTBURG UNIVERSITY, FROSTBURG, MD

### DRAFT MINUTES

**CALL TO ORDER:** Chairman Reiger called the Fourth Quarter and Annual Business Meeting to order at 9:46AM at the Lyric Theatre, Frostburg University, Frostburg, Md. **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

Colleen Peterson (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)

##### United States

George Reiger (Commissioner and Chairman)

Howard Graeffe (Alt. Commissioner)

#### Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

Joseph Hoffman (Executive Director)

Bo Park (Administrative Officer)

Carlton Haywood (Director, Program Operations)

Sherry Zandieh (Administrative Assistant)

Audra Lew (Watershed Coordinator)

#### Guests

Chris Kimple (for Commissioner Moul)

Herb Sachs (for Commissioner Summers)

Kate O'Mara (Corps of Engineers, Baltimore)

Karla Hill (Corps of Engineers, Baltimore)

Connie Lyons Loucks (MDE)

Mike Garner (MDE)

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

**APPROVAL OF MINUTES:** Chairman Reiger asked for a motion to approve the June 15, 2010 Business Meeting Minutes. **Commissioner Stanley made a motion to approve the minutes, which was seconded by Commissioner Steele. All were in favor.**

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

**FINANCIAL REPORT:** Mr. Hoffman reported that the expenditures are as expected. The revenues are operational. The excess operational funds were moved from Legg Mason to Merrill Lynch due to some

concerns over fund accessibility at Legg Mason.

## **OLD BUSINESS**

**A. Program/Projects Annual Review:** Mr. Haywood gave an overview of the projects currently in progress. The summary of the projects are in Tab 7 in the meeting material.

**B. Executive Director Report:** Mr. Hoffman welcomed the new Commissioner, Colleen Peterson to the Commission. Audra Lew, Watershed Coordinator, was hired in August.

The river basin commissions are still attempting to get on the federal budget. The federal FY11 budget is most likely to be a continuing resolution. On the House side of the budget, the commissions were allocated \$1 million collectively. None have been included on the Senate side. The two different versions of the budget will go through conference for one final version. The 2012 budget process already has begun with the anticipation that the President will start this budget process in February. The respective governors are being asked to send support letters to the President on behalf of the commissions. Prior to this, letters will go out to the Commissioners for their governor's support on this matter. A draft letter will be provided to the Commissioners.

All accounts receivables are routine matters. There is a concern with recent action by the District of Columbia and the method of payment for jurisdictional dues, that are being treated as a procurement rather than an entitlement. There may be legal implications that may warrant further discussions.

On nutrient trading, there are some recent ICPRB activities and development. Pennsylvania is seeking an independent review board, potentially as a concept similar to the Drinking Water Supply Protection Partnership (DWSPP). The concept is to hire a technical consultant to review the nutrient reduction. ICPRB would act as a review board. Positive comments were received from Pennsylvania and Virginia. More information will be given out at the December meeting with examples of type of reviews.

On personnel matters, the performance incentive pays will be paid out to the staff by 9/20. This is based on performance ratings. There will be no across the board increase recommended at this time. It may be considered at the December meeting.

## **NEW BUSINESS**

**A. Budget Amendment FY2010:** Mr. Hoffman discussed the FY10 budget amendment for approval. This amendment reflects changes in projects and expenditures for the rest of the fiscal year. **Commissioner Kudlas made a motion to approve the budget. Commissioner Stanley seconded the motion. All were in favor.**

**B. Meeting Dates 2011:** Two days have been reserved for the December meeting at this time. Typically, the meeting days are second Monday and Tuesday of the months, except in December due to the holiday season. **Commissioner Graeffe made a motion to approve the dates, which was seconded by Commissioner Kudlas. All were in favor.**

**C. Staff Holiday 2011:** The staff holiday schedule was distributed to the Commissioners as information only.

**D. By-Laws-Recent Modifications:** The changes were previously approved as individual actions by the Commissioners. The republication of the By-Laws was included in the meeting book for inclusion in the Commissioner binder book. **Commissioner Graeffe made a motion to approve the re-published and**

**updated By-Laws as presented. Commissioner Kudlas seconded the motion. All were in favor.**

**E. Manual of Operations Amendments:** A summary of the previously adopted changes is included with the republished copy of the Manual of Operations. There is one additional change proposed at this time. Leave approval would be changed from the Executive Director approving all leave to the supervisors approving leave up to five (5) days. Leave over five (5) days are to be approved by the Executive Director. **Commissioner Graeffe made a motion to adopt the re-published and updated Manual of Operations as presented. Commissioner Stanley seconded the motion. All were in favor.**

**F. Election of Chair and Vice Chair for FY 2011- Nominating Committee:** Commissioner Reiger, the chair for the Nominating Committee, nominated Commissioner Kudlas as the new Chair and Commissioner Stratton as Vice Chair. **Commissioner Graeffe made a motion to approve the nominations. Commissioner Stanley seconded the motion. All were in favor.**

**MARYLAND PRESENTATION:** Mr. Herb Sachs of Maryland, Department of the Environment (MDE), gave a presentation on Marcellus Shale Water Permitting at MDE and discussed the operations and funding of acid mine drainage (AMD) lime dosers and described the status of the fractured rock study underway in Maryland.

#### **ADJOURNMENT**

Chairman Reiger asked for a motion to adjourn the meeting. **Commissioner Graeffe made a motion to adjourn, which was seconded by Commissioner Kudlas. The meeting adjourned at 12:48PM.**

Respectfully Submitted,  
Joseph K. Hoffman  
Commission Secretary