

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

**SECOND QUARTER 2016
BUSINESS MEETING
MARCH 1, 2016**

**ICPRB HEADQUARTERS
ROCKVILLE, MD**

FINAL MINUTES

CALL TO ORDER: Chairman Kudlas called the Second Quarter 2016 Business Meeting to order at 10:08AM on March 1, 2016. The following Commissioners, staff, and guests were in attendance for all or part of the meeting.

Commissioners

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
Willem Brakel (Commissioner)
Annemargaret Connolly (Alt. Commissioner)*
Tiffany Potter (Alt. Commissioner)*

United States

Darryl Madden (Commissioner, via phone)
Robert Sussman (Commissioner)

Maryland

Herb Sachs (Alt. Commissioner)
Robert Lewis (Commissioner)

Virginia

Scott Kudlas (Chair, Alt. Commissioner)
Paul Holland (Alt. Commissioner)

Pennsylvania

Kelly Heffner (Commissioner)
Lori Mohr (Alt. Commissioner)
Ron Stanley (Commissioner)
Roger Steele (Alt. Commissioner)

Staff and Guests

Staff

Carlton Haywood (Executive Director)
Robert Bolle (General Counsel)
Bo Park (Dir, Administration)
Claire Buchanan (Dir, Program Operations)
Karin Bencala (Water Resources Planner)
Heidi Moltz (Assoc Dir, Water Resources)
Curtis Dalpra (Communications Manager)
Cherie Schultz (Dir, CO-OP Section)

Guests

Chris Kimple (for Commissioner Moul)
Hank Gruber (NAD, USACE)
Henry Williams (citizen)
Wanda Martinez (Environmental Protection Agency)
Arlin Galarza (EPA)
Kevin Clark (EPA)

*DC Commissioners awaiting official appointment letters from DC Mayor's Office.

A moment of silence was observed to remember a former Commissioner, Andrew Zemba, who passed recently.

ADOPTION OF AGENDA: Commissioner Sachs made a motion to approve the Agenda, which was seconded by Commissioner Lewis. All were in favor.

DECEMBER 1, 2015 MINUTES: Commissioner Brakel made name corrections for Commissioner Jackson on page 3 to Commissioner Miller. **Commissioner Stanley made a motion to approve with Minutes with the edits, which was seconded by Commissioner Lewis. All were in favor.**

EXECUTIVE COMMITTEE CONFERENCE CALL: Mr. Haywood reviewed the topics discussed at the Executive Committee's January 19 conference call, a summary of which was included in Tab 2 of the meeting book.

EXECUTIVE COMMITTEE MEETING, FEBRUARY 29, 2016: Chairman Kudlas informed of an Executive Committee meeting the previous evening (Feb. 29), with topics including a review of this meeting's agenda and plans for the remaining Commission meetings for 2016, including federal agency and utilities meetings. Also discussed was finalizing the details of the awards program.

OLD BUSINESS

Executive Director's Report: Mr. Haywood reported on: the last quarter's staff and commissioner changes; financial status and activities; status of action items from the previous meeting; efforts to restore Federal dues payments; and he provided the Commission with an opportunity to ask questions about the staff's quarterly project status report.

On staff update, Mr. Haywood reported that Renee Bourassa has been on an extended leave and is due to return to work next week. Sarah Ahmed has returned from an extended leave, on part-time status. A new termed employee, Scott Kaiser, was hired for one-year as a Water Resources Fellow.

On commissioner changes in Pennsylvania, Commissioner Kelly Heffner replaced Mr. Zemba.

Financial Update: There were no withdrawals from the contingency reserve account, which holds just under \$600k. The accounts receivables is current. However at close to mid-year point, the EPA (106 grant) has only granted \$72k cash out of \$756k. Mr. Haywood reminded that instances like this afford having sufficient funds in the general account, which currently holds just over \$1M. As of 1/31/16, the total assets is \$2.2M.

On the state dues, Virginia is current; Maryland paid 90% of their dues; DC was billed as of this meeting; Pennsylvania has not paid their dues; and West Virginia is up-to-date. Commissioner Heffner informed that Pennsylvania has released the invoices for payment, which should arrive soon.

On grants and contracts, a contractor hired to support a project for the Maryland Department of the Environment (MDE) has been extended to September 1, 2016. The contract for Goose Creek project in Virginia is expected to arrive from VADEQ.

Mr. Haywood has been working with the river basin commissions to restore federal funding. A joint letter has been drafted, which will be sent to subcommittees working on the new Water Resources Reform and Development Act (WRRDA) bill, which is an authorization not appropriation. Also the group is trying to figure out how to approach the Senate Appropriations Committee particularly through Senator Capito from WV, who is on the Appropriations Committee and the only senator from the basin to sit on the committee. **Commissioner Madden asked for a copy of the letter for the federal commissioners.**

Mr. Haywood informed that there is a controversy over remediation of coal ash ponds of Possum Point near Quantico, Virginia, where VADEQ issued a permit. Commission was contacted in late December by Maryland Department of Natural Resources (MDNR) to join in a letter to VADEQ. Martin Gary, Executive Secretary at the Potomac River Fisheries Commission, also invited the Commission to write a joint or a separate letter to the VADEQ. Staff member, Jim Cummins was asked to research on the issue. A decision was made based on toxicology and treatment process knowledge required, which are beyond Commission's expertise. Therefore, the Commission has declined to participate. Mr. Haywood further

informed that the Commission receives numerous permit notices. It will be a tremendous burden on staff to comment on all the permits received. Most permits are not commented although occasional permits on specific topics that the staff is an expert, may occur on a case-by-case basis.

Action Items from December 1 Business Meeting: Mr. Haywood summarized the actions items from the previous meeting.

1. Final report for EPA 106 grant will be added to the meeting book going forward.
2. Periodic updates on the comprehensive water resources plan will be done at this meeting.
3. Private workspace for reviewing documents on the web can be established at any time.
4. Short presentations on impervious cover study and chain command system for spills could be done as a webinar sometime in summer.
5. 75th anniversary workgroup consisting of commissioners Campbell, Brakel, Sachs, Brockman, and Holland, discussed refining the goals and target audience. The final product is planned to be executed by March 1. There were two directions evolving out of the discussions, to split the recognition component from the 75th anniversary and be it an on-going program. Commissioner Holland has written a strawman draft for the recognition program. The Executive Committee has reviewed the draft and with a few additional details, asked to move forward with the program. Commissioner Holland as the lead on the recognition program will be joined by commissioners Heffner, Mohr, and Potter.
6. Curtailing the 75th anniversary, an opinion piece is still in progress.
7. Federal agency summit on water quality and water resources could be held in September to have adequate time to develop a good concept. The target group is directors at various agencies. **A draft outline of possible discussion points will be emailed to the Commissioners.**
8. Background on spill prevention programs will be done at this meeting.
9. Google analytics will be reported at the end of this meeting.

Project Status Report: Mr. Haywood summarized the report in Tab 7.

Update on Basinwide Comprehensive Plan: Dr. Heidi Moltz briefed on the current status of the development of the basinwide comprehensive plan. A draft introductory sections of the comprehensive plan to use as a starting point to engage stakeholders in developing the plan has been written. The draft was distributed by email in early December along with a request to nominate individuals for the advisory committee. A briefing was provided on the contents of the draft introductory sections, the planning process as currently envisioned including the advisory committee, and next steps. The draft document that was distributed in December contained two major sections. The first section is the background section with an ICPRB overview, the planning rationale, basin background information, and other background info. The second is a preliminary attempt to identify challenges to sustainable water resources in the basin. A four-part methodology to identify these challenges, resulting in the identification of 47 challenges in 10 topic areas were implemented. Next steps in the process, to be completed this fiscal year, are to form the advisory committee and hold the first meeting. An initial task of the advisory committee will be to finalize the list of water resources challenges. Another invitation to participate in the committee was extended to ICPRB commissioners.

NEW BUSINESS

Budget Amendment #2: Commissioner Stanley made a motion to approve the budget as presented, which was seconded by Commissioner Holland. All were in favor.

EPA and State Spill Prevention Programs: Guests from the EPA Region 3 oil spill prevention program described their program. Ms. Galarza presented the process the EPA has established for spill prevention control and countermeasure. The regulations originally published in 1973 under the Clean Water Act, establishing requirement for the prevention, preparedness, and response to oil spills at non-transportation facilities. The goal of this regulation is to prevent oil from reaching navigable waters and

adjoining shorelines. The regulation requires the facilities to maintain adequate inspection procedures, personnel training, facility drainage procedures, alternate measures, and alarms.

Ms. Bencala provided a summary of programs in the District of Columbia, Maryland, and Pennsylvania. This presentation looked at five spill prevention questions for the District of Columbia, Maryland, Pennsylvania, and Virginia: regulations in place for prevention of hazardous substances; covered and not covered substances; facility owner requirements; inspection program; education program for best practices. The four jurisdictions have legislation allowing them to conduct spill prevention activities for aboveground and underground storage tanks, (AST and UST, respectively). This is in addition to other federal, state, and local regulations that also apply to stored materials. In Maryland and Virginia, the AST regulations only apply to a subset of petroleum products. In Pennsylvania, the regulations apply to both petroleum products and hazardous materials. In all jurisdictions the UST regulations apply to both petroleum products and hazardous materials. In general, all tank owners are required to register their tank(s) and get the necessary permits and follow specified construction standards. The state must be notified if there are changes to the physical system or operations. Prompt reporting of leaks or spills is also required. Regular inspections are conducted by the owner and third-party inspectors at frequencies determined by the jurisdiction.

Commissioner Campbell gave a presentation on the West Virginia spill prevention program. Spill prevention in West Virginia is accomplished by requiring spill prevention plans for all aboveground storage tanks that are located within a 10 hour time-of-travel to a water supply intake. Other tanks containing oil and related products, in proximity to navigable waters, are required by EPA to have SPCC plans. Every facility with an NPDES permit is required to have a Groundwater Protection Plan, which details spill prevention, response and notification procedures.

A copy of the presentations on spill prevention will be forwarded to Commissioner Drucker. Mr. Haywood will reconvene with commissioners Drucker and Sachs to revisit and further discuss Commission's role. Commissioner Karimi suggested it might be helpful to have a presentation about an actual spill event to show how complex, in terms of agencies involved, a spill response can be. Mr Karimi added that Mr. Haywood should take into account other priority topics when considering when this might fit into a future meeting.

Metrics for Website and Facebook: Curtis Dalpra provided statistics on website traffic, Facebook page visits and likes, and Reservoir newsletter readership. Staff is working on increasing the growth of users on the web and optimize the search engine usage. Currently, there are 1782 hits per month on the ICPRB website. There were 4,000 page views per month. Staff is looking for ways to optimize the website. There are 518 people subscribing on Facebook, which share with additional 500 people. There are 870 subscribers for the Potomac River News Reservoir (PRNR). The news headline open rate for PRNR is approximately 18-26%, which is higher than NGO (non-governmental organization) average of 10-12%.

DATE & LOCATION FOR JUNE MEETING: The meeting on June 6 may be in the Montross, VA area. If that arrangement does not work out, the backup location will be at the ICPRB in Rockville, MD.

Commissioner Madden informed that the Audit Committee is expecting to meet with the auditor on March 10. The draft is near complete with no anticipated problems. A full report of the audit will be provided at the June meeting.

Commissioner Karimi encouraged participation in a summit hosted by Alice Ferguson Foundation on March 22. Transforming Communities Summit, which includes local officials and business leaders, will be held at the University of Maryland College Park's Riggs Alumni Center.

Commissioner Heffner thanked everyone who sent and/or participated in condolences to the Zemba family.

Commissioner Steele announced his retirement from the Commission as of this day. He has been a commissioner from Pennsylvania since March 1995. Mr. Steele also spoke to the importance of paying attention to even the smallest streams in a watershed and illustrated that point with a fine scale map of the Monocacy River headwaters in Adams County, PA.

ADJOURNMENT: Commissioner Stanley made a motion to adjourn the meeting, which was seconded by Commissioner Holland. All were in favor. Meeting adjourned at 1:02PM.

Minutes Draft By: Bo Park, Director, Administration

Minutes Reviewed, Approved, Submitted by: H. Carlton Haywood, Recording Secretary