

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

**FOURTH QUARTER 2017
BUSINESS MEETING
AUGUST 29, 2017**

**ICPRB LOCATION
LOWER LEVEL CONFERENCE ROOM**

FINAL MINUTES

CALL TO ORDER: Chairman Sussman called the Fourth Quarter 2017 Business Meeting to order at 9:33AM on August 29, 2017. Mr. Haywood, Executive Director, was unable to attend this meeting due to family emergency. Staff members discussed the agenda items as appropriate. 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

Tiffany Potter (Alt. Commissioner) Conf Call
Annemargaret Connelly (Alt. Comm) Conf Call

United States

Robert Sussman (Chair, Commissioner)
Darryl Madden (Commissioner)

Maryland

Robert Lewis (Commissioner)
Virginia Kearney (Alt. Commissioner)
Aruna Miller (Commissioner)
Nancy Hausrath (Alt. Commissioner)

Virginia

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

Pennsylvania

Jennifer Orr (Alt. Commissioner)
Ronald Stanley (Commissioner)

Staff and Guests

Staff

Robert Bolle (General Counsel)
Bo Park (Dir, Administration)
Curtis Dalpra (Communications Manager)
Claire Buchanan (Dir, Program Operations)
Cherie Schultz (Dir, COOP Operations)
Heidi Moltz (Assoc Dir, Water Resources)
Zachary Smith (Aquatic Ecologist)

Guests

Valerie Cappola (USACE, NAD)
Heather Cisar (USACE, Baltimore)
Chris Kimple (for D. Moul, PA)
Kristin Rowles (Policy Works)
Mark Masters (Policy Works)
Greg Prelewicz (Fairfax Water)
Steve Walz (Director, DEP, MWCOG)
Lisa Ragain (MWCOG)
John Wirts (WV, DEP)
Collin Burrell (DC, DOEE for H. Karimi)

Chairman Sussman recognized the commissioner changes that took place in the last couple weeks. Mr. Campbell will be retiring and will be replaced by Mr. John Wirts, effective September 1. Commission presented Mr. Campbell with a gift for his service. Mr. John Wirts was welcomed with an ICPRB pin. Ms. Nancy Hausrath was appointed by Maryland as an Alternate to Ms. Aruna Miller, effective June 1, 2017. Ms. Hausrath was welcomed with an ICPRB pin. Mr. Brock Bierman informed the Commission on August 24 that he is officially resigning from the Commission. In his absence from the meeting, he was recognized for his service to the Commission with a gift that will be sent out to him.

ADOPTION OF AGENDA: Two items were added to the agenda: Commissioner Changes after the Roll Call and the Election of FY18 Officers as a first item under New Business. **Commissioner Lewis made a motion to approve the agenda, which was seconded by Commissioner Madden. All were in favor.**

June 6, 2017 DRAFT MINUTES: Commissioner Brakel (in absence and in advance) asked for a modification on page 2, second paragraph to read, “Commissioner Brakel added that there also is a broader question of whether the ICPRB should more systematically review and comment publicly on major proposed infrastructure projects with interstate and basin-wide ramifications, when appropriate. Article II (E) of the 1970 Compact explicitly empowers the Commission to do this, at its discretion, for any plans relating to water or associated land resources. The Advisory Committee for the Comprehensive Plan discussed this issue, but has not come to any final conclusion.” This paragraph is to replace, “Commissioner Brakel added that there also is a broader question on the role of ICPRB taking on an interstate basin-wide look at major infrastructure projects to determine a mechanism for a systematic approach to assess the impact on the basin caused by those projects. The Commission as written in the Compact has the authority to respond to such basin-wide projects. In the context of the Comprehensive Plan, this issue was discussed and that the Comprehensive Plan could be a platform to address such projects.” **Commissioner Kudlas made a motion to approve the Minutes with this change, which was seconded by Commissioner Orr. All were in favor.**

EXECUTIVE DIRECTOR’S REPORT

Ms. Park summarized the ED report found in Tab 6, Attachment 1.

- There were no staff changes in the last quarter.
- There were three commissioner changes as noted previously.
- **Grants and Contracts:** There were several contracts that were executed.
 - MDE awarded a contract for MS4 Data Assembly for \$30k, which was executed in June and is expected to be completed in November.
 - A contract was executed with Worldview, who has a contract from VA DEQ, to convert existing water quality standards spatial dataset to higher resolution. ICPRB is providing quality assurance checks on the water quality standards spatial dataset developed by Worldview. That contract amount is for \$25k, ending in December.
 - There was a reduction of \$11k in the current EPA 106 grant due to Congressional rescission of the FY17 EPA appropriation. This amount is reflected in the budget amendment to be discussed at this meeting.
 - An application for the FY18 EPA 106 grant was submitted for \$645k.
 - There were three letters of agreements between ICPRB and the COE, Baltimore District: 1) Comprehensive Plan; 2) Review of Jennings Randolph Lake Water Control Plan; 3) LFAA Review. The three agreements require ICPRB to provide 50% of the cost as in-kind contribution. These agreements end on September 30.
- **Financial Report:** As of July 31, the ICPRB contingency reserve account remains intact and has a balance of \$587,864. The general account contains approximately \$1.16M. The signatory dues are up-to-date. The accounts receivables are current. On the Income Statement, the negative net amount of \$354k was due to the EPA 106 grant not releasing funds to ICPRB until August. Since then, the Commission was able to bill against the grant.
- **FY2018 Staff Holidays and Meeting Dates:** The FY2018 meeting dates have been set in conjunction with Susquehanna River Basin Commission and Delaware River Basin Commission. The staff holidays and meeting dates are found in Tab 6, Attachment 3 of the meeting book. The next ICPRB meeting is set for December 5.
- **Project Status Summary:** The project reports are in Tab 7 of the meeting book.

UPDATE ON LOW FLOW ALLOCATION AGREEMENT (LFAA) AND WATER SUPPLY COORDINATION AGREEMENT (WSCA) REVIEWS: Chairman Sussman noted that the Commission is involved in an independent review of both agreements. On the LFAA review, funding sources have been secured from the signatories of the LFAA: US, MD, DC, VA. The Executive Committee met with a leading candidate and approved to proceed with a contract for the review of the LFAA for \$60k. At the conclusion of the interview, a decision was made to contract with the John Cruden Group.

On the WSCA review, the water utilities have formed a workgroup to address possible changes in the WSCA agreement including new cost share formulas and adding Loudoun Water as a participant. The first meeting will be held on August 31.

Commissioner Kudlas noted efforts made to appoint a Low Flow Allocation Agreement Moderator, which has been vacant for some time. The moderator can intervene to ensure that the agreement is implemented. As governing parties, the signatories to the LFAA ensure that there is an individual in that role. The governing parties have come up with a number of candidates that were systematically evaluated. A candidate was selected, and the paperwork necessary for final signoff is being circulated among the signatories. A new moderator should be in place in 30-60 days. Mr. Burrell added that it is the District of Columbia's turn, in rotation, to appoint a standby moderator until then. Mr. Tommy Wells, Director of DC Department of Energy and Environment, has appointed their General Counsel, David Dickman, as a standby moderator.

NEW BUSINESS

Election of FY2018 Officers: Commissioner Kearney reported that the committee included commissioners Orr and Kudlas. With Mr. Campbell retiring and considering the upcoming needs of the Commission, the committee recommended H. Karimi as Chair, as DC is next in line, and V. Kearney from MD as Vice Chair. **Commissioner Kearney made a motion to elect H. Karimi as Chair and V. Kearney as Vice Chair. Commissioner Kudlas seconded the motion with all in favor.**

FY2017 Budget Amendment #5: Ms. Park gave an overview of the budget amendment. A revised budget (from the version in the meeting book) was handed out as an error was found in the version previously distributed. The changes in the budget mainly reflect an adjustment as the fiscal year is coming to an end. The overall change in the revenues is a decrease of approximately \$59k. In the expenditures, salary and wage changes are due to staff being on extended leave. The overall change in the expenditures is a decrease of approximately \$67,600. The net change in the budget from the last amendment is \$8,690. **Commissioner Stanley made a motion to approve the budget, seconded by Commissioner Madden. All were in favor.**

Comprehensive Plan Discussion: Dr. Moltz and Ms. Kristin Rowles (Policy Works LLC) provided a briefing on the development of the basin-wide comprehensive water resources plan. The objectives of the briefing were to inform the commissioners and guests about the work of the advisory committee in supporting the development of the plan; and to collect input from the commissioners on plan development and the advisory committee process. Topics of discussion included the timeline and process for plan development, the advisory committee methods and products, the draft water use and supplies sections, and implementing actors.

As there were many comments from the commissioners with varying perspectives, in this final stage of the Comprehensive Plan, there is a need for real-time inputs from the commissioners. Chairman Sussman suggested creating an ad hoc group with interested commissioners who will be involved in the development of the plan. After the next Advisory Committee meeting, the group would hear about the

outcome of the meeting and receive other relevant documents to perform a status check. And the group would look at the bigger issues to ensure that all jurisdictions are in concurrence. Ms. Rowles agreed that a follow up conference call with interested commissioners would be beneficial. Currently, five commissioners already serve on the Advisory Committee.

Commissioner Kearney made a motion to establish an ad hoc committee of the Commission to focus on the development of the Comprehensive Plan and to provide a mechanism for positive and constructive feedback to the Advisory Committee in the shaping of the final report. Commissioner Madden seconded the motion. All were in favor.

Chairman Sussman asked for volunteers for the ad hoc group. Commissioners Kearney, Holland, Lewis, Kudlas, Stanley, and Sussman volunteered.

At the request of Mr. Haywood, Ms. Rowles added that federal agency involvement has been obtained in several ways. First, federal agencies briefed the Commission on their Potomac basin priorities in August 2016. Second, representatives from several federal agencies spoke at the March 2017 Advisory Committee meeting. Third, the COE has been collecting information on federal agency goals and that information will be included in the Comprehensive Plan. **Ms. Cisar added that the COE has put together some forms, taking a similar approach as SRBC, to identify the challenges and specify what the federal agencies are doing in the basin. The forms will be coming from ICPRB. Ms. Cisar will follow up with Carol Cain to see if she can participate in the ad hoc group as well.**

MWCOG Water Supply Resiliency Study: Mr. Steve Walz, Director of Environmental Programs, MWCOG gave a presentation on the COG's Water Supply Planning and Resiliency Study. The study was conducted with other regional partners including water utilities. The purpose of the study was to evaluate the region's water systems to withstand emergencies and identify improvements for overall resilience and reliability of water supply.

Long Tern Water Quality Trends in Region 3: Dr. Buchanan and Mr. Zachary Smith, gave a presentation on water quality trends in EPA Region 3 (mid-Atlantic).

The ICPRB staff assembled and analyzed ambient water quality data from non-tidal stream and river stations for long-term trends in the region. The purpose was to evaluate the broad-scale direction of water quality trends since the 1970s, when the Clean Water Act, Clean Air Act, and other pollution-related legislation were enacted by the US Congress. Water quality parameters selected for study are those important to aquatic life and influenced by anthropogenic disturbance. Data were downloaded from the STORage and RETrieval (STORET) Legacy Data Center and the Water Quality Portal (WQP).

ICPRB identified more than 800 sites in Region 3 with records for one or more water quality parameters collected in the 44-year period between 1972 and 2015. The risks inherent in drawing conclusions about water quality trends from set time periods, with uneven data densities and spatial coverage, using data with sometimes unknown quality, eventually dissuaded ICPRB staff from applying anything more than a step-trend analysis to the data. This simple trend method clearly showed the significant progress that has been made in accomplishing the 1970s legislative objectives.

An interactive, flexible online "data explorer" was developed using a variety of visualization tools. The intention was to help future analysts and decision-makers evaluate watershed-specific changes in land and water uses as they affect water quality. Users would be able to explore the data characteristics at individual monitoring sites, review seasonal patterns, and actual and flow-normalized time series in the data, and decide for themselves if connections should be made to management actions.

FOR THE GOOD OF THE ORDER

Commissioner Madden commended the staff for a refresh on the ICPRB logo.

Commissioner Campbell gave a farewell message to the Commission, commending the commissioners and staff. He encouraged the Commission to continue its mission as best as it could.

ADJOURNMENT: Commissioner Kearney made a motion to adjourn the meeting at 12:47 PM, which was seconded by Commissioner Madden. All were in favor.

Minutes Draft By: Bo Park, Director, Administration

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