

**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN
SECTION FOR COOPERATIVE WATER SUPPLY OPERATIONS
ON THE POTOMAC RIVER (CO-OP)**

**FOURTH QUARTER 2019
SEPTEMBER 10, 2019**

**ICPRB HEADQUARTERS
ROCKVILLE, MD**

DRAFT MINUTES

CALL TO ORDER: Chairman Sussman called the Fourth Quarter 2019 CO-OP Meeting to order at 8:31 a.m. on September 10, 2019. The following Commissioners, staff, and guests attended the meeting in whole or in part.

Commissioners

United States

Robert Sussman (Chair, Commissioner)
MG Jeffrey Milhorn (Commissioner)
Amy Guise (Alt. Commissioner)
Darryl Madden (Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
Willem Brakel (Commissioner)

Maryland

Robert Lewis (Commissioner)

Virginia

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

West Virginia

John Wirts (Alt. Commissioner)

Staff

Michael Nardolilli (Executive Director)
Robert Bolle (General Counsel)
Bo Park (Dir, Administration)
Cherie Schultz (Dir, COOP Operations)
Curtis Dalpra (Communications Manager)
Claire Buchanan (Dir, Program Operations)
Renee Bourassa (Outreach Program Manager)

Guests

Jeff Seltzer (DC, DOE)
Mary Jane Bolle (Visitor)
Rhonda Manning (PA, DEP)
Shirley Albritton (Aide-de-Camp, MG Milhorn)
Heather Cisar (COE, Baltimore District)

ADOPTION OF AGENDA: Chairman Sussman asked for any changes to the agenda. Commissioner Kudlas added an “update from a member” at the end of the meeting. **Commissioner Holland made a motion to approve the agenda, which was seconded by Commissioner Lewis. All were in favor.**

APPROVAL OF JUNE 4, 2019 MINUTES: Commissioner Kudlas asked for a modification to the June 4, 2019 Minutes on page 2, second paragraph, third line to omit “the” from “Commissioner Kudlas made a motion to the inform...” Another clarification was requested by Commissioner Kudlas on page 3, paragraph on DC Water Concept, second to last sentence to read, “Hampton Roads also has *an advanced drinking water* treatment plant at the end of the process...” Commissioner Brakel also asked for a correction on page 2, second to last paragraph, second sentence, the word “contaminates” to

“contaminants.” **With the changes, Commissioner Karimi made a motion to approve the Minutes, which was seconded by Commissioner Lewis. All were in favor.**

OLD BUSINESS

Follow-up from June Action Items: Dr. Schultz reviewed the action items from the June meeting. Dr. Schultz was asked to inform the CO-OP Operations Committee on the discussion of their report of the Water Supply Coordination Agreement (WSCA) Workgroup at this meeting, which was completed. The result of that will be reported later in this meeting. Second, Commissioner Potter asked for an update on the progress concerning the DC water plans, which also will be discussed later.

Section’s Quarterly Report

Dr. Schultz summarized some of the notable activities from the last quarter. Detailed information is included in the meeting book in Tab 3, Attachment 2. The discussion on the Supplemental Storage Workgroup was deferred to the business meeting.

WSCS Workgroup: Dr. Schultz reported on the progress and final products of the WSCA Workgroup (WSCA WG). The Water Supply Coordination Agreement (WSCA) is an agreement signed in 1982 by the Army Corps of Engineers (COE), Fairfax Water, WSSC, ICPRB, and the District of Columbia. A couple of years ago, the Operations Committee, established by the WSCA, formed a workgroup to review the agreement to find a way to bring in new members, particularly Loudoun Water. The workgroup met for the last two years. A key discussion topic was cost-share formulas. For example, the original cost-share formula for CO-OP support was set in 1982, and the demands of the water suppliers have changed substantially since that time. Additionally, this formula is fixed and thus does not allow for incorporation of new members. Many alternatives for cost-share formulas were discussed, including the total demand of each supplier and Potomac River withdrawals. The WSCA WG was unable to come to an agreement concerning new cost-share formulas. However, a report summarizing the workgroup’s efforts has been finalized. This report concludes that the agreement still plays an important role in maintaining water supply reliability for the region and that immediate actions are not required at this time.

A primary goal of the WSCA WG was to bring Loudoun Water into the cooperative system. Last fall, a simple operational agreement was drafted and proposed to Loudoun Water (LW). The simple operational agreement extends to Loudoun Water all responsibilities and all authorities related to operations and planning that are specified in the WSCA but does not extend to Loudoun Water any responsibilities or authorities related to the provision of future storage. As a response to the proposed agreement, LW has provided a letter, affirming the importance of regional cooperation, but stating that they would need time to consider the issues. Implementation of the proposed agreement would require a change in LW’s withdrawal permit, and VA DEQ does not support a change. LW may request this change when their permit comes up for renewal in 2027.

Commissioner Peterson added that the Operations Committee has been involved in this process for the last couple of years but there was a portion of that period in which LW was not involved. In the original WSCA, there is no formal process to bring in a new entity into the group. It makes sense to establish a process to join as a new member in a holistic way. Given this, LW has not had a chance to understand the impact of the proposed agreement and assess the issues. However, there are aspects of the discussions which took place in the last couple of years that make sense. LW is in a unique position as part of the Operations Committee and through a wholesale relationship with Fairfax Water. And during times of need for storage, LW’s permit has been specifically set up to take them off-river, so LW is not a burden to the system. But LW should be contributing to the administrative costs associated with cooperative management. Going forward, Loudoun Water expects to remain engaged in the process and will continue to seek ways to work together.

Commissioner Madden asked about the basis for the opposition to modification of the original permit. Commissioner Kudlas responded that the Commonwealth of Virginia has the authority to regulate the river. CO-OP operates outside of the Commonwealth's regulatory umbrella. There are large water users that are not aligned to the Commonwealth's objectives. Dr. Schultz proposed that a drought exercise in 2023, after the Milestone Quarry (formerly Quarry A) becomes operational, would be an opportunity to explore issues related to LW's participation in cooperative operations.

Chairman Sussman added that the Commission asked for reviews of the Low Flow Allocation Agreement (LFAA) and WSCA due to emerging issues, changes in the water supply demands, and need for new storage capacity. After considerable discussions, the water suppliers determined that a revision of the WSCA was not possible, given the multiple perspectives and ideas. As a result, a decision was made by the workgroup members not to document the discussions in writing, but to close out the group. The final report states that there are issues, but the system is working, and that the agreement will not be modified at this time. He suggested that a new small ICPRB Commissioner workgroup be formed to discuss the letter from LW and the WSCA WG report and determine if any further actions should be considered. This new workgroup is to report the outcome at the next December meeting. **Commissioner Brakel made a motion to form a group, which was seconded by Commissioner Lewis. All were in favor.**

Commissioner Guise asked that the workgroup look at both agreements: the WSCA and the LFAA. Commissioner Kudlas added that he had previous conversations with Maryland Department of Environment (MDE) regarding the LFAA. He is unsure of where MDE stands with former Commissioner Kearney's retirement. Mr. Seltzer added that there should be consistency across each jurisdiction in terms of establishing a policy. Chairman Sussman added that the Commission is a platform for these discussions and for the jurisdictions to take back to their respective agencies. Chairman Sussman asked for volunteers for the new workgroup, VA-Kudlas, DC will appoint a representative, Saeid Kasraei from MDE will be the liaison for MD, and the COE will designate a representative.

Jennings Randolph PAS Project: Dr. Schultz reported on this joint Planning Assistance to the States (PAS) project with the USACE Baltimore District, which scopes out a potential update to the current Jennings Randolph Reservoir (JRR) Water Control Plan (WCP), which is the plan that governs reservoir releases. In a previous meeting, Commissioner Guise proposed an update to the JRR WCP as a potential mechanism for increasing Potomac River flows available to water suppliers during drought emergencies. The language in the Water Resources Development Act (WRDA) of 2007 specified that the COE will enter into an agreement with river basins to make this possible. One potential option may be the development of a drought contingency plan for JRR. During this project, staff has been reviewing data and analyzing trends in water quality and flow, changes in watershed conditions, the impact of reservoir releases on downstream flows, flow variability, artificial varied flow releases, strategies for fisheries management via temperature control, and other factors. A final draft report has been provided to the COE, and a meeting with the COE is scheduled for next week.

2020 Water Supply Study: A water supply study is conducted every 5 years as required per the WSCA and LFAA. Forecasts of future demands and water availability are provided to alert the suppliers when new resources are necessary. The 2020 study considers the uncertainty of annual demand forecasts, the impact of climate change on basin stream flows, including changes in future variability, and the impact of state drought declarations on downstream river flows. This is important as upstream decisions have an impact on downstream users. Incorporating this into CO-OP planning models may help facilitate conversations between the states and the CO-OP suppliers. The report is due in April 2020. There will be additional updates at the December meeting.

Financial Statement: Dr. Schultz reported that the CO-OP finances are on track and on budget. There is additional income from interest received from investment earnings. Expenses are on track. The CO-OP reserve fund is approximately \$508k.

NEW BUSINESS

CO-OP FY2020 Workplan: Dr. Schultz presented the FY 2020 CO-OP workplan and budget, which was approved by the Operations Committee on August 23, 2019. The workplan is included in the meeting book. Included in the workplan and budget is a potential follow-up to the FY 2019 PAS scoping project for a JRR WCP update, with \$150k budgeted for contractor support for development of a drought contingency plan.

Commissioner Guise clarified that the purpose of the PAS project on the JRR WCP update is not to develop an agreement as stated in the WRDA language. The language in WRDA 2007 states that river basin commissions can enter into agreements with the COE, but was not specific enough for implementation guidance. The PAS program supports better management of flows from reservoirs under the environmental operating principles. As good stewards of the basin, there are things that can be done with flow management and temperature management through the Water Control Plan.

Election of FY2020 CO-OP Section Officers: Commissioner Kudlas, Chair of the Nominations Committee, reported that the committee recommended that the current officers continue in their current roles. The committee nominated the current Chair, Mr. Sussman, and Vice Chair, Mr. Kudlas, to continue in FY2020. **Commissioner Holland made a motion to affirm the nominations, which was seconded by Commissioner Karimi. All were in favor.**

ADJOURNMENT

Commissioner Karimi made a motion to adjourn the meeting, which was seconded by Commissioner Lewis. All were in favor. The CO-OP Section meeting adjourned at 9:31 a.m.

Draft Minutes written by: Bo Park, Director, Administration
Reviewed by: Cherie Schultz, Director, CO-OP Operations
Approved by: Michael Nardolilli, Executive Director