

**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN**

**FOURTH QUARTER 2019  
BUSINESS MEETING  
SEPTEMBER 10, 2019**

**ICPRB HEADQUARTERS  
ROCKVILLE, MD**

**FINAL MINUTES**

**CALL TO ORDER:** Chairman called the Fourth Quarter 2019 Business Meeting to order at 9:47 a.m. on September 10, 2019. The following commissioners, staff, and guests were in attendance for all or part of the meeting.

**Commissioners**

**West Virginia**

John Wirts (Chair, Alt. Commissioner)

**United States**

Robert Sussman (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)

**Pennsylvania**

Jennifer Orr-Greene (Alt. Commissioner, via phone)

**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)

Heidi Moltz (Assoc. Dir, Water Resources)

**Guests**

Jeff Seltzer (DC, DOEE)

Mary Jane Bolle (Visitor)

Rhonda Manning (PA, DEP)

Shirley Albritton (Aide-de-Camp, MG Milhorn)

Heather Cisar (COE, Baltimore District)

Saeid Kasraei (MDE)

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

**June 4, 2019 DRAFT MINUTES:** Commissioner Holland made a motion to approve the June 4, 2019 Minutes, which was seconded by Commissioner Madden. All were in favor.

**SUMMARY FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALL (Tab 2):** Mr. Nardolilli reported that with previous Chairwoman Kearney retiring mid-year, there was a shift in the officers. The vice chair then became the chair and left a vacancy for vice chair. Commissioner Jen Orr-Greene was selected as the vice chair. And Nancy Hausrath was asked to be on the EC for Maryland for

the remainder of the fiscal year. Also, each jurisdiction was reminded to designate an Executive Committee member for Fiscal Year 2020.

## **EXECUTIVE DIRECTOR'S REPORT**

**Action Items:** Mr. Nardolilli reported on the action items from the previous meeting.

- Commissioners asked for more in-depth presentations on projects. All subsequent meetings will feature a staff presentation highlighting a project.
- The Executive Director was asked to solicit feedback from stakeholders, vendors, and customers regarding the Commission's work. More details to follow later in this meeting.
- The Executive Director was asked to provide a fundraising document for the 80<sup>th</sup> Anniversary. That information is included in the meeting book (Tab 6, Attachment 1).
- Staff was asked to look for ways to obtain proclamations from high government officials for the 80<sup>th</sup> Anniversary. That is in progress.

### **Commissioner Changes**

- MG Jeffrey Milhorn was appointed by President Trump as a federal Commissioner.
- Adam McClain was appointed by the PA Governor Wolf as an Alternate Commissioner to Ronald Stanley.
- The remaining jurisdictions were notified of the vacancies on the Commission and are awaiting appointments from their respective leaderships.

Mr. Nardolilli also handed out a second copy of the "Letter to the Editor of Washington Post" which was edited by the Executive Committee. However, the final Letter to the Editor did not make it into the Post printing. In reference to the Letter to the Editor, Commissioner Karimi added that there should be an expedited process for letter approvals by Executive Committee for the same day approval, so as not to miss printing deadlines. This is an opportunity to highlight the Commission in a public forum. Commissioner Madden affirmed that the Commission should continue to send letters to the editors to give voice in a public forum. And it would be a great way to build-up to the 80<sup>th</sup> Anniversary.

Mr. Nardolilli noted that the Audit Committee needs to designate a chair. **Commissioner Karimi reported that the Audit Committee has designated Commissioner Holland as the Chair for the Audit Committee.**

A commissioner inquired about proxy voting for Commission actions. Discussions on this issue have come up in the past. There is no provision in the By-Laws for proxy voting. After conferring with General Counsel Bolle, the Commission has declined in the past to allow for proxy voting and it will remain so going forward.

**80<sup>th</sup> Anniversary Funding Strategies:** Mr. Nardolilli announced that a venue has been reserved for October 10, 2020, to celebrate the 80<sup>th</sup> Anniversary. The venue will be on the Cherry Blossom vessel going out of Alexandria, VA. The fundraising strategy has been included in the meeting book in Tab 6, Attachment 1. The goal is to raise money for the event and future projects, particularly the Comprehensive Plan. There is a funding gap of \$2.2M for the Comprehensive Plan. The goal is to raise this amount through federal funding, 80<sup>th</sup> Anniversary sponsorships, and through the Farm Bill. There will be more details provided at the December meeting. Planning for the 80<sup>th</sup> event has begun with a logo created by staff. A brochure is being developed for distributing at the event.

**Farm Bill Initiatives-MOA with NRCS:** Mr. Nardolilli has signed a Memorandum of Agreement (MOA) with the Natural Resources Conservation Service of the US Department of Agriculture to create a relationship between two entities to evaluate how the Farm Bill can benefit source water protection. The MOA is included in the meeting book in Tab 6, Attachment 2. Commissioner Guise added that there is an

agreement between NRCS and the Corps specifying how funding can flow between the two entities. The Corps can provide more information for future reference.

**Army Corps Funding Activities:** Mr. Nardolilli has met with Commissioner Guise in June to discuss past Corps funding. The Commission received the last federal funding in 2009. At that time, there was specific language in the federal budget to pay the river basin commissions. Since then, there has been no federal funding due to lack of clear language from Congress. Mr. Nardolilli noted that he met with House Committee on Appropriations members. He is focusing on the Senate by meeting with Senator Van Hollen to get the language onto the Senate side. Coincidentally, there are four senators from the Potomac basin states in the Appropriations Committee, three of whom are from the Potomac basin. Commissioner Milhorn added that from the Corps' perspective, he recognizes lack of federal funding as informed by the former Chief of Engineers. He is proposing a consolidated response from the river basin commissions for Fiscal Year 2021 and going forward. Commissioner Milhorn added that the President's budget is already out for Fiscal Year 2020 and contains \$0 funding commitment to the river basin commissions.

**Contracts & Financial Report:** Ms. Park reported that there were no new contracts signed during the last quarter. There were contract amendments to existing contracts, which are listed in Tab 6, Attachment 4. On cashflow, there was a balance of over \$1.57M in the general operating account including short term investments with Janney Montgomery. In the contingency reserve account, there was a balance of \$609k in investment accounts. As of today, Virginia and West Virginia have paid the signatory dues for the current quarter. Pennsylvania has yet to pay their dues, which was billed on July 1, 2019. Maryland has paid 90% of their dues in the amount of \$141,975 out of \$157,750.

Commissioner Orr-Greene added that PA legislature has only approved a portion of the PA dues, however, she is pursuing other funding sources to fill the shortfall. Commissioner Karimi also noted that DC was able to obtain grant funding from the National Fish and Wildlife Foundation (NFWF), similar to the EPA grants. It may benefit the Commission to explore grant options at NFWF.

## PROJECT STATUS SUMMARY

- **Communications Unit:** Mr. Dalpra reported on his unit's activities. The Drinking Water Source Protection Partnership (DWSPP) is doing very well and the group is active and dynamic. The May 1 business meeting had 44 people from 19 different organizations. On May 9, partnership members participated in a water security tabletop exercise in Kearneysville, WV. Progress continued on making the spill reporting tool more useful. Planning is ongoing for the annual meeting on November 13 at the USGS Baltimore Science Center. **Website and Social Media:** Website gets about 3,000 visits per month. Facebook and Twitter involvement continues to grow. Some growth occurs because we share posts with sister organizations who in turn share our social media posts. **Potomac News Reservoir** remains popular. **The Potomac Riverwatch** public service announcement has ended for the summer season. The unit has continued direct public outreach through attendance at events such as the Green Schools initiative at Sandy Point State Park, ICPRB Walks in the Woods, and presentations to school and social groups. The ICPRB communication staff field many **information calls** from the public. Most recently, an individual, who has organized a group to fight the Rockwool plant being constructed in the West Virginia Panhandle, reached out. He wanted to present at this meeting but after a discussion about ICPRB and how it works, he decided not to. Many people who call ICPRB for help believe that ICPRB is a nonprofit advocate for the river (like the Riverkeepers), and are disappointed. However, ICPRB does a good job in providing the public with tools, data, and contacts to help them become better stewards of the river.
- **CO-OP Section:** Dr. Schultz reported on a notable activity for the CO-OP Section. CO-OP is pursuing a highly technical project to construct a 2-dimensional fate and transport model for oil and other floating contaminants. In the event of an emergency spill, ICPRB staff notifies water

suppliers of the estimated time of arrival of the contaminant at downstream intakes, with travel time estimates obtained from ICPRB's 1-dimensional model of the fate and transport of dissolved contaminants. The first step in this effort is the collection of bathymetric data for the Potomac River mainstem. ICPRB is partnering with the US Geological Survey on a project to collect high-resolution bathymetric data using airborne LiDAR sensors. It is planned that ICPRB and the USGS will finalize and sign a joint funding agreement (JFA) this week. Contracts are already in place. The USGS will oversee flights over the Potomac River from Little Falls to Shepherdstown sometime in late October or early November, assuming project criteria for low flows and water clarity are met. Staff intend to search for additional funding to allow data collection from Shepherdstown to Hancock at a later date.

- **Spotlight on Project-Streamflow and Biotic Effects of Impervious Cover in the Potomac River Basin:** Dr. Buchanan and Dr. Moltz updated the Commissioners on staff work related to impervious cover, including the Middle Potomac River Watershed Assessment and Phase 1 and Phase 2 of the Impervious Cover Study as well as related biotic work by Maryland Department of Natural Resources. Findings from these studies indicate that impervious cover affects streamflows in the Potomac basin at much lower percentages than originally thought. Less than 2% of watershed impervious cover is associated with significant alteration in streamflow metrics. Further, certain areas are more susceptible to these impacts including, but not limited to, high slope areas and headwater watersheds. Products from this work include geospatial maps of risk (low, moderate low, moderate high, and high) of streamflow alteration from impervious cover. Negative impacts from impervious cover are also demonstrated in stream macroinvertebrate health and estuarine fish and crab populations. Impervious cover is one component of ICPRB's land-use efforts, which also include promoting sound decision-making, monitoring and modeling, data collection, and communications.

## NEW BUSINESS

**FY2019 Budget Amendment #3:** Ms. Park noted that this budget is to reflect current operation with contract amendments listed in Tab 6, Attachment 4, along with a new project that was not included previously, Project #380, 80<sup>th</sup> Anniversary Planning, which has begun. Mr. Nardolilli added that although this amendment does not meet the net amount threshold required for budget approval, with the addition of a new project, approval is requested. **Commissioner Lewis made a motion to approve the Budget Amendment #3, which was seconded by Commissioner Karimi. All were in favor.**

Mr. Nardolilli indicated that there were no changes in the FY2020 budget as originally submitted in the framework budget. Once a change is needed, FY2020 budget amendment will be made at that time.

**Appointment of Chair of Strategic Planning Committee:** Commissioner Karimi reported that the Strategic Planning Committee discussed selecting a chair for the committee. The committee has decided to select Commissioner Brakel as the chair of the Strategic Planning Committee.

**Nominations for Jurisdictional Officers:** Each jurisdiction was asked to select an Executive Committee member. The following are the Executive Committee members for FY2020: US-Sussman, VA-Kudlas, DC-Brakel, and WV-Wirts. Pennsylvania and Maryland will each need to select their member. Mr. Nardolilli suggested that in the interim, the current EC members for PA and MD remain until further notice. These Commissioners are PA-Orr-Greene and MD-Hausrath.

**Election of FY2020 Officers:** Commissioner Karimi, Chair of the Nominating Committee, reported. The Nominations Committee nominated Commissioner Wirts (WV) as chair and Commissioner Orr-Greene (PA) as vice chair. **Commissioner Kudlas made a motion to affirm the nominations, which was seconded by Commissioner Holland. All were in favor.**

**FY2020 Proposed Meeting Dates:** The meeting dates have been set and are listed in Tab 6, Attachment 6. The next meeting is scheduled for December 3 at the ICPRB Headquarters. The meeting schedules are March 2-3, 2020, June 1-2, 2020, and August 31-September 1, 2020. Commissioners were asked to mark their calendars. **Commissioner Karimi made a motion to accept the meeting dates as presented, seconded by Commissioner Lewis. All were in favor.**

Commissioner Milhorn will propose to Tom Jacobus of the Washington Aqueduct to host either the March or June meeting with a tour of the facilities. He will follow-up at a later time.

#### **FOR THE GOOD OF THE ORDER**

Commissioner Kudlas added that a couple of years ago, USGS provided a pilot grant as part of the national water census for states to develop new methods for collecting water use data that would be used every five years in the water use report. VA has received one of 10 pilot grants to develop consumptive use fractions based on automated R modeling for water withdrawals information, as well as harvest discharge data from the Department of Natural Resources (DNR) that are included in the EPA portal. That information provides a robust facility-specific use, particularly industries, hydropower, and fossil fuel power. There is still work to be done on the municipal side. But it is a significant step in the right direction. VA has the R scripts on Git Hub.

VA has also been working on biological studies, which were presented at the Commission meeting held in the USGS Leetown Science Center on December 4, 2018, on the advances in low flow water management presented by Mr. Robert Burgholzer of VA DEQ. That manuscript has been submitted to the Journal of American Water Resources Association. That will be available for anyone interested. Dr. Schultz and Dr. Buchanan asked for a copy of the manuscript.

#### **ADJOURNMENT**

**Commissioner Karimi made a motion to adjourn the meeting at 11:34 a.m. It was seconded by Commissioner Holland. All were in favor.**

Minutes Draft By: Bo Park, Director, Administration

Minutes Edited, Approved, and Submitted by: Michael Nardolilli, Recording Secretary