

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER 2022 BUSINESS MEETING November 30, 2021

VIRTUAL MEETING ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Lee Currey called the First Quarter 2022 Business Meeting to order at 9:55am on November 30, 2021. The following commissioners, staff, and guests were in attendance for all or part of the meeting.

Commissioners

District of Columbia

Willem Brakel (Chair, Commissioner)
Jeff Seltzer (Commissioner)
Hamid Karimi (Alt. Commissioner)
Kimberly Jones (Alt. Commissioner)
James Tsai (Alt. Commissioner)

Maryland

Catherine McCabe (Alt. Commissioner)
Lee Currey (Vice Chair, Alt. Commissioner)

Pennsylvania

William Willis (Commissioner)
Kristina Peacock-Jones (Alt. Commissioner)
Adam McClain (Alt. Commissioner)

United States

Robert Sussman (Commissioner)
Darryl Madden (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)
Harold Hodges (Dir., Administration)
Cherie Schultz (Dir, COOP Operations)
Heidi Moltz (Dir, Program Operations)
Curtis Dalpra (Dir, Communications)
Claire Buchanan (Emerita Director)
Alimatou Seck (Senior Water Resources Scientist)
Renee Bourassa (Outreach Program Manager)
Sarah Ahmed (Water Resources Analyst)
Christina Davis (Senior Water Resources Planner)
G. Michael Selckmann (Assoc. Director for Aquatic Resources)
Carlington Wallace (Assoc. Director for Water Resources)
Andrea Nagel (Senior Environmental Scientist)
Markesha McDowell (Administrative Assistant)

Guests

Valerie Cappola (USACE, NAD)
Anastasiya Kononova (USACE)
Tom Hilton (WSSC Water)
Joel Caudill (WSSC Water)
Greg Prelewicz (Fairfax Water)
James Palmer

Executive Director Mike Nardolilli started the meeting by explaining that this "virtual" meeting is allowed under a revision to the By-laws of the Interstate Commission on the Potomac River Basin (ICPRB) which added Section V(g). That new section was approved by an e-mail vote of the Commission on April 17, 2020, pursuant to Section XIII of the By-laws. Section V(g) permits public meetings by virtual conferencing under the state of emergency declared by either Maryland (the headquarters of ICPRB) or the federal government. The U.S. Department of Health and Human Services renewed its determination on October 15, 2021, that a public health emergency exists which remains in effect.

WELCOME, ROLL CALL AND INTRODUCTIONS

Chairman Currey welcomed everyone to the virtual meeting and introduced himself and Vice Chair Kristina Peacock-Jones. Due to the nature of the recent virtual meeting, Mr. Nardolilli called the names of the members, staff, and guests. Those at the meeting acknowledged their attendance as shown above.

PUBLIC COMMENT: None were made.

ADOPTION OF DRAFT AGENDA

Commissioner Wirts made a motion to approve the agenda as circulated, which was seconded by Commissioner Kudlas. All were in favor.

AUGUST 31, 2021, DRAFT MINUTES

Commissioner McCabe made a motion to approve the August 31, 2021, Meeting Minutes as circulated, which was seconded by Commissioner Jones. All were in favor.

SUMMARY FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALLS (Tab 2)

Mr. Nardolilli gave an overview of the Executive Committee meeting held on November 1, 2021 (notes found under Tab 2 of the Meeting Book). Mr. Nardolilli then highlighted an update on five action items from the Executive Committee conference call that was held on November 29, 2021, as follows:

1. Recommendation to Clarify the Minutes from the August 31, 2021, CO-OP Meeting

The Executive Committee recommended not to include the October 14, 2021, letter from the Water Suppliers with the CO-OP Minutes as requested. Instead, the Executive Committee recommended that a motion be made during the CO-OP Section meeting on November 30th to amend the Minutes as follows:

“Subsequent to the filing of the draft Minutes with the DC government, the water suppliers have requested that their position be clarified to indicate: (1) the costs of fulfilling the June Resolution should not be levied upon them as this is not a priority for the water suppliers; and (2) questions from the water suppliers about the CO-OP Budget sought an understanding and justification of costs in the same way that the Utilities are held accountable for their own budgets.”

The Executive Committee noted that the Water Suppliers Letter will be included as an attachment to the Minutes of the November 1, 2021, Executive Committee Meeting that is part of the Commission Book. (Sussman Motion, Kudlas Second) (All were in favor). [Hereinafter “**CO-OP Minutes Recommendation**”].

2. Recommendation to Adopt Budget Amendment for Funding for Implementing the June 2021 Resolution

The Executive Committee recommended designating the following amounts for implementation of the June 15, 2021, Resolution: \$25,000 for the Task Force on the Water Supply Coordination Agreement (“WSCA”); \$25,000 for the Work Group on the Low Flow Allocation Agreement (LFAA); \$25,000 for the Environmental Flow-by Workshop (“Flow-By”); and \$25,000 for a consultant to estimate the cost of one day without water to DC, Arlington, and the Federal Government. These funds would come from “Cash” currently in the ICPRB Janney General Account that would not impact ICPRB’s liquidity for the foreseeable future. Funds for the specific tasks under the Resolution may be moved from one task to another as appropriate. Staff will be seeking other funds to implement the Resolution, such as from the U.S. Water Alliance and the Sustainable Rivers Program of the U.S. Army Corps of Engineers. (Sussman Motion, Wirts Second) (All were in favor). [Hereinafter “**Resolution Funding Recommendation**”]

3. Recommendation of Sequencing of Tasks from the June 15, 2021, Resolution.

Because current Staff limitations prevent ICPRB from addressing all three Tasks under the Resolution simultaneously, the Executive Committee recommended that Staff focus on the Environmental Flow-By Workshop and the LFAA Work Group first but determined that the WSCA Task Force will remain on the Staff workplan going forward. Preliminary work can begin on the other elements as well. The Executive Committee also determined that the Chair should ask for the following recommendations by the end of the calendar year: (1) suggestions to the ICPRB Chair for appointments to the LFAA Work Group from Commissioners representing the U.S., MD, VA, and DC (no more than two each) and from WSSC and Fairfax Water (no more than two each); and (2) suggestions to the Chair of CO-OP for invitees to the scientific workshop on environmental flows for a representative from agencies of each Potomac Basin state, the member parties, the national and regional agencies, and nongovernmental organizations with expertise in this area. (Sussman Motion, Kudlas Second) (All were in favor) [Hereinafter “**Resolution Sequencing Recommendation**”].

4. Recommendation for Further Interaction with the Cybersecurity and Infrastructure Agency (CISA).

The Executive Committee recommended that Staff invite representatives of CISA (and other federal agencies) to meet with the Supplemental Storage Work Group to craft a strategy to obtain funding for Travilah. (Sussman Motion, Currey Second) (All were in favor) [Hereinafter “**CISA Engagement Recommendation**”].

5. Recommendation on Travilah Transparency.

After discussion, the Executive Committee adopted the following statement:

“In the interests of transparency and keeping the public informed of important issues related to regional water-supply resiliency, the Executive Committee recommends that the Executive Director and staff post on the ICPRB web site, after appropriate consultations with the Supplemental Storage Work Group and other appropriate stakeholders, key 2021 documents related to the Commission’s concerns and recommendations regarding off-river storage for the National Capital Area. Included among those documents would be the text of the letter sent to legislators in July and associated briefing materials, which could be updated or redacted as needed.”

Input from other parties prior to posting shall be requested to be received no later than mid-January 2022. (Brakel Motion, Sussman Second) (All were in favor) [Hereinafter “**Travilah Transparency Recommendation**”].

OLD BUSINESS

Executive Director’s Report: Mr. Nardolilli noted that his full report is in Tab 6 of the meeting book. Because that report was prepared on November 10, 2021, Mr. Nardolilli updated some of those items in his oral presentation following the headings identified in the agenda.

- Return to Office Protocols
Because of the recent uncertainty regarding the omicron variant of COVID-19, the Executive Director has postponed any implementation of our draft “Return to Office Protocols” until at least January. This is consistent with other organizations in the area, such as Capital One and MWCOG.

- Next Steps on Travilah Funding
 Because of our inability to secure Member meetings with our five primary legislative targets (Senators Warner, Kaine, Van Hollen and Cardin as well as Representative Hoyer), Staff has had several meetings with the staff of the Cybersecurity and Infrastructure Security Agency (CISA). CISA has agreed to work with us to craft a strategy for obtaining funding for Travilah. ICPRB Staff has briefed the Staff of the Montgomery County Executive and they are supportive of federal funding for Travilah Quarry. In response to Maryland’s request for possible uses of funds from the recently passed infrastructure bill, Montgomery County has put on their list \$15million for an engineering study for Travilah Quarry. (This was already part of WSSC’s approved, but unfunded, Capital Improvement Plan). Mike Nardolilli indicated that we will be briefing County Council Vice-President Gabe Albornoz on December 2 which will set the stage for a briefing of the full Montgomery County Council on either December 7 or December 14. ICPRB has received two proposals from contractors to calculate the costs of not proceeding with the Travilah project: Keith Porter of SPA Risk; and Terry Clower of George Mason University. Staff will be reaching out to Black & Veatch to see if they are interested in submitting a third proposal.
- Boat Ride Planning Update
 Mr. Nardolilli reminded Commissioners that we have “de-coupled” the planned boat ride from our efforts to commemorate the 80th Anniversary year of ICPRB that just concluded. Because of the uncertainty regarding COVID-19, we are looking for a date for the planned boat ride in the Summer or Fall of 2022.
- “Federal Contractor” Vaccine Mandate
 The EPA has notified ICPRB that they consider ICPRB to be a “grantee” and not a “government contractor.” Therefore, ICPRB would not be subject to the vaccine mandate that applies to government contractors. Nonetheless, ICPRB will continue to urge its employees to be fully vaccinated and observe safety protocols in the office (e.g., wearing a mask and social distancing).
- Land Prioritization Project
 Mike Nardolilli reported on the successful outreach efforts done to date by the Implementation Committee of the Potomac River Basin Drinking Water Source Protection Partnership (DWSPP). Nardolilli made a presentation at the Heart of Maryland Conservation Alliance on October 27 and Staff attended virtual meetings on this subject with officials from Washington County (November 2) and the Maryland Municipal Stormwater Association (November 16). Over a dozen entities have asked for, and received, our data files that rank parcels in the Basin by their importance as sources of drinking water.
- Federal Funding of ICPRB
 Additionally, Mike Nardolilli reported on an unsuccessful effort to secure federal funding for the Commission pursuant to the clear language of the Compact obligating the federal government to do so. The three Mid-Atlantic River Basin Commissions (the Susquehanna River Basin Commission, the Delaware River Basin Commission, and ICPRB) (collectively “RBCs”) all agreed to submit “Community Project” applications to Senator Casey of Pennsylvania given his state’s position with all three RBCs. ICPRB did so back in May. On November 17, all three RBCs met with Senator Casey’s Staff but learned that because we all had specific Congressional authorizations, we were disqualified from Community Project Funding. All three RBCs have agreed to meet and develop a new strategy for securing federal funding for our commissions.

Implementation of the June 15, 2021, Resolution

After discussion, the Commission concurred in the following four recommendations of the Executive Committee (as set forth above) by consensus: the **Resolution Funding Recommendation**; the **Resolution Sequencing Recommendation**; the **Travilah Transparency Recommendation**; and the **CISA Engagement Recommendation**. (The fifth recommendation from the Executive Committee --- the **CO-OP Minutes Recommendation** --- was addressed during the meeting of the CO-OP Section previously). The Commission provided additional guidance to Staff regarding appointments to the LFAA Work Group and the invitees to the Flow-by Workshop. Staff was requested to send formal letters to the head of the appropriate delegations for recommendations for appointments to the LFAA Work Group from Commissioners representing the U.S., MD, VA, and DC (no more than two each) and a similar letter to WSSC and Fairfax Water (no more than two representatives each) by the end of the calendar year. (Commissioner Kudlas requested that the letter be addressed to Commissioner Paylor). As for the Flow-by Workshop, Staff was requested to send a formal request to all ICPRB Commissioners for recommendations for invitees that fit the parameters set out in the Resolution.

Work Group on Justice, Equity, Diversity & Inclusion (JEDI)

Commissioner Jones reported that each state delegation now has at least one representative on the JEDI Work Group and identified the following individuals as Members of the Committee:

Chair	Kimberly Jones
Federal	Darryl Madden
DC	Willem Brakel
WV	Mindy Neil
VA	Renee Hoyos
PA	Will Willis
MD	Heather Barthel
Other	Jeffrey Seltzer
Other	James Tsai

Commissioner Jones is in the process of calling together this larger group who will review the nine-page draft report previously presented to the Commission by the original membership.

Operations Report

- **Contracts and Finance:** Mr. Hodges gave a summary of the grants and contracts, which can be found in Tab 6, Attachment 2 of the meeting book. We have two new grants and one new contract this period: EPA 106 (\$653,000) with a start and end dates of 10/1/2021 and 9/30/22 respectively -- \$107,825 awarded to-date; and EPA Chesapeake Bay Program (\$148,605) with a start and end dates of 6/1/2021 and 5/31/23 respectively. The status of several vendor contracts is shown on Tab 6, Attachment 2.

The Commission did not make any withdrawals from the Contingency Reserve Account, which held a balance of approximately \$638,814.

- **Unit Reporting (More Details Can Be Found Under Tab 7 of the Commission Book)**

Communications: Mr. Dalpra reported on several activities of the Communications Unit, highlighting the “Wandering the Watershed” tool that lists recreational sites within the watershed and the successful ICPRB “Walk in the Woods” in Frederick County on October 16.

CO-OP Section: Dr. Schultz discussed in detail the Jennings Randolph Drought Contingency Plan and noted that the ICPRB Comprehensive Plan is listed by the U.S. Army Corps of Engineers as one of the authorities for the Jennings Randolph Plan.

Program Operations: Dr. Moltz discussed the work of the Aquatic Life Section and the Water Resources Section during the last quarter. Dr. Moltz highlighted the landmark ICPRB study entitled “Potomac River Quality at Great Falls: 1940-2019.” This report focuses on changes in temperature, hardness, pH, total solids, chloride, nitrate, and sulfate over the 80 years since ICPRB was formed in 1940. Visual representations (“heatmaps”) and trend analysis show significant increasing trends in all these parameters except nitrate. ICPRB has a short video on our website explaining these results.

Administration: Administrative Director Harold Hodges reported on the work of the Administrative Unit, and improvements being addressed including: the adaption and integration of ADP software application to improve timesheet processing and management; and recruitment of new Administration personnel (new part-time IT Administrator , and a permanent replacement for Administrative Assistant DeeDee Hunter who left ICPRB to take a position as a graphic designer for the Department of the Interior).

- **Project Spotlight: Case Study: Shenandoah River HAB 2021.** Mike Selckmann gave a presentation entitled “Rapid Response Survey of Cyanobacteria Toxin Levels Downstream of North Fork Shenandoah River Algal Bloom After Tropical Storm Ida, 2021.” This report can be found on the ICPRB website: <https://www.potomacriver.org/news/icprb-looks-at-downstream-risks-of-harmful-algal-blooms/> The Virginia Department of Health issued a Harmful Algae Bloom (HAB) Advisory for a 53-mile stretch of the North Fork of the Shenandoah River on August 10, 2021. Samples from multi-species algal mats on the river bottom contained harmful levels of toxins produced by cyanobacteria. Three weeks later, Tropical Storm Ida passed over the North Fork, dumping torrential rain on the watershed. Sharply rising streamflows were expected to scour the benthic algal mats, potentially lysing their cells and releasing toxins as they washed downstream. Mr. Selckmann explained how ICPRB quickly responded to the request of the Virginia Department of Environmental Quality (DEQ) to study these downstream effects. The ICPRB’s [Emergency River Spill Model](#) (ERSM) indicated the scoured material’s leading edge would reach the Potomac River mainstem by September 2nd – 4th and Great Falls near Washington, D. C. by September 3rd – 6th. DEQ staff confirmed the algal mats were scoured off the river bottom. Water samples collected by ICPRB at the Shenandoah River mouth indicated the storm’s high flows diluted the algal cells and their associated toxins to below-detection levels before they reached the Potomac River.

NEW BUSINESS

Fiscal Year 2022 Budget Amendment #1 (Tab 5, Att. 1)

Mike Nardolilli requested the Commission make certain changes to the FY22 Budget adopted by the Commission at its August meeting. This Budget Amendment #1 reflects changes made to finance the Resolution (as approved above) and \$25,000 for a consultant to estimate the cost of a “day without water” to assist in our efforts to fund the \$800 million Travilah Quarry Project. [These funds would come from our General Account at Janney, not our Reserves]. Budget Amendment #1 also includes salary adjustments made due to promotions or needed increases to retain talented Staff. Within the Budget Amendment is contained certain changes that reflect new information about anticipated contract and grants in FY22. **Commissioner Karimi made a motion to approve the Budget Amendment #1, which was seconded by Commissioner Peterson. All were in favor.**

Appointment of Audit Committee

Last year, Paul Holland chaired the ICPRB Audit Committee and is willing to do so again. Last year, Amy Guise and Hamid Karimi also served on the Audit Committee. While Commissioner Guise is not able to do so this year, Commissioner Karimi was willing to serve again. A request for other Commissioners to serve on the Committee did not yield any other volunteers. **Commissioner Karimi made a motion to appoint Commissioner Holland and Commissioner Karimi to the Audit Committee which was seconded by Commissioner Currey. All were in favor.**

Field Trip to Travilah Quarry

Commissioners were supportive of scheduling a field trip to Travilah Quarry either as part of the resumption of in-person meetings of the Commission or as a stand-alone activity.

Resumption of In-Person Commission Meetings

Commissioners discussed the resumption of in-person meetings and noted the continued uncertainty regarding COVID-19. Accordingly, no decision was reached.

Next Meeting: March 1, 2022

Commissioner Currey reminded Commissioners that the Second Quarter of FY2022 Meeting of the Commission will occur on Tuesday, March 1, 2022, at a location still to be determined.

ADJOURNMENT

With no further business before the Commission, Commissioner Karimi made a motion to adjourn that was seconded by Commissioner Kudlas. All were in favor. Accordingly, the meeting adjourned at 11:57am.

Minutes Drafted, Edited, Approved, and Submitted By: Michael Nardolilli, Recording Secretary