

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

SECOND QUARTER 2022

BUSINESS MEETING

March 1, 2022

VIRTUAL MEETING

ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Lee Currey called the Second Quarter 2022 Business Meeting to order at 9:50am on March 1, 2022. The following commissioners, staff, and guests were in attendance for all or part of the meeting.

Commissioners

District of Columbia

Willem Brakel (Commissioner)
Jeff Seltzer (Commissioner)
Tiffany Potter (Commissioner)
Hamid Karimi (Alt. Commissioner)
Kimberly Jones (Alt. Commissioner)
James Tsai (Alt. Commissioner)

Maryland

Lee Currey (Chair, Alt. Commissioner)

Pennsylvania

William Willis (Commissioner)
Kristina Peacock-Jones (Vice Chair, Commissioner)

United States

Robert Sussman (Commissioner)
Amy Guise (Alt. Commissioner)

Virginia

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

West Virginia

John Wirts (Alt. Commissioner)

Staff

Michael Nardolilli (Executive Director)
Robert Bolle (General Counsel)
Wendy Wang (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)

Guests

Valerie Cappola (USACE, NAD)
Anastasiya Kononova (USACE)
Joel Caudill (WSSC Water)
Greg Prelewicz (Fairfax Water)
Chris Kimple (Rep. Commissioner Moul)
Allison Keller (West Virginia Staff)
Greg Busch (MDE)

1. EXPLANATION FOR VIRTUAL MEETING

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 January 16, 2022, that a public health emergency exists which remains in effect at least until April 16, 2022.

2. WELCOME, ROLL CALL AND INTRODUCTIONS

Chairman Currey welcomed everyone to the virtual meeting and introduced himself. Due to the nature of the virtual meeting, Mr. Nardolilli called the names of the members, staff, and guests. Those at the meeting acknowledged their attendance during the roll call as shown above.

3. ADOPTION OF DRAFT AGENDA

Mr. Nardolilli noted one change in the Draft Agenda and suggested that item 5 be changed to “November 30, 2021.” **Commissioner Karimi made a motion to approve the draft agenda as circulated with the date change, which was seconded by Commissioner Guise. All were in favor.**

4. PUBLIC COMMENT: None were made.

5. NOVEMBER 30, 2021, DRAFT MINUTES

Commissioner Brakel suggested changing three of titles in the attendance list, removing his name from the list of Members of the Work Group on Justice, Equity, Diversity & Inclusion (JEDI), and identifying James Tsai as representing DC on the JEDI Work Group. **Commissioner Brakel made a motion to approve the November 30, 2021, Meeting Minutes as circulated and modified, which was seconded by Commissioner Karimi. All were in favor.**

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

Mr. Nardolilli gave a brief overview of the Executive Committee meeting held on January 11, 2022 (notes found under Tab 2 of the Meeting Book). Mr. Nardolilli then highlighted an update on the Executive Committee conference call that was held on February 28, 2022, as follows. **(During this discussion, the Chair noted that some of the matters below did “bleed into” the Report of the Executive Director so the summaries below should be read in conjunction with the Executive Director’s Report that follows).**

A. Response to Issues Raised by Members of the Supplemental Storage Work Group (SSWG).

At the Executive Committee Meeting of January 11, 2022, the “Fact Sheet” on the resiliency of the DC-area drinking water supply was discussed. Views of the water suppliers were considered and incorporated into a revised draft. Accordingly, the Executive Committee voted unanimously to approve the “Fact Sheet” and authorized that it be placed on the ICPRB website. In addition, some Members of the SSWG requested that two Black & Veatch Studies (entitled “Evaluation of Travilah Quarry for Water Supply Storage” Phase 1 and Phase 2) be removed from the ICPRB website as “out-of-date.” **After discussion at the Executive Committee meeting of February 28, it was the consensus of the Executive Committee that both studies should remain on the website but that each should contain the following notice: “This document may contain some information that may be outdated. Please contact ICPRB for further information.”** In addition, Staff was asked to prepare a letter to the water suppliers explaining the rationale for this decision.

B. Discussion of Infrastructure Funding.

Staff presented some thoughts about ICPRB’s role in connection with the Infrastructure Investment and Jobs Act (IIJA). Staff requested that each of the Compact jurisdictions consider whether there is any work that could be done for the states where set aside funds could be used and reminding the Basin states of ICPRB’s willingness to assist with its proven staff expertise.

C. Guidance on Hiring of WRDA Expert.

Staff discussed seeking assistance from experts in helping secure funding for Travilah Quarry through the upcoming Water Resources Development Act (WRDA). Two names were suggested: Ken Kopocis (suggested by Bob Sussman) and Mae Stevens of the Signal Group (suggested by DC Water and MWCOG). The Executive Committee agreed with Staff's suggestion to use Ken Kopocis as pro-bono sounding board. The Executive Committee urged ICPRB Staff to participate in meetings with Mae Stevens but agreed that ICPRB should not contribute to the cost of hiring the Signal Group because of a desire to avoid ICPRB acting as a lobbyist.

D. Update on Travilah Briefings.

Staff advised the Executive Committee of the March 8 meeting with Bruno Pigott, EPA Office of Water, that may include the participation of Adam Ortiz, EPA Region 3 Director, and Radhika Fox, EPA Assistant Administrator for Water. Commissioner Seltzer asked Staff to find out if Commissioners could participate.

E. Approval of Hiring "Cost" Consultant.

To respond to Congressional requests that we calculate the downside cost of not implementing the Travilah solution, Staff recommended accepting the proposal submitted by Terry Clower & Associates that was within the budget previously approved by the Commission. **After discussion, the Executive Committee approved Staff's request. (Brakel Motion, Currey Second). All were in favor.**

F. Notification of New Commissioner from Virginia.

Scott Kudlas advised the Executive Committee that Virginia Governor Youngkin has appointed Michael Rolband as the Director of the Virginia Department of Environmental Quality (DEQ) replacing David Paylor. By virtue of his office, Director Rolband is a new Commissioner from Virginia. Scott Kudlas will remain as his Alternate Commissioner.

G. Input on LFAA Moderator Terms & Compensation.

Staff supports the following changes to the LFAA's positions of Moderator & Standby Moderator:

1. A longer five-year term for the Moderator, with a single governing party responsible for the selection of the Moderator according to the following rotating schedule: MD, VA, DC, US
2. A revision to the Moderator per diem from \$500 (LFAA Ancillary Agreement 2, 1984) to \$700
3. Compensation of the Standby Moderator, in the case that he or she is not an employee of one of the parties, at the same per diem rate as the Moderator

Staff suggested that #3 could be implemented now but that #1 requires a revision to the agreement and proposed it for consideration by the LFAA Workgroup. Staff requested guidance as to whether #2 could be accomplished at the LFAA Annual Meeting or whether the principals of each of the governing parties would need to expressly delegate that authority to the participants at the meeting. **After discussion, it was agreed that Commissioners representing each of the governing parties would seek guidance from their leadership on how to proceed on #2 and Staff was asked to prepare a letter to that effect.** It was reported that Maryland has yet to name the Moderator (Mark Masters has been discussed by Staff) and that the Washington Aqueduct has designated Dr. Peter Grevatt for Stand-By Moderator.

H. Cumberland Dam Removal.

There was a discussion about recent press reports relating to the removal of the dam at Cumberland, MD. Both Chair Currey and Commissioner Wirts agreed to continuing their discussions off-line and that no action has been requested from ICPRB.

7. OLD BUSINESS

A. Executive Director's Report (Tab 6, Att. 1)

Mr. Nardolilli went through his report (Tab 6) with a focus on the following

Return to Office Protocols

Commissioners will recall that ICPRB adopted a protocol for a phased return to the office beginning in October. Because of the Fall surge in COVID cases, the Protocol was pushed back. Montgomery County, MD, has just dropped its indoor mask mandate and so has the ICPRB Building Manager. In response, ICPRB has made wearing a mask in its offices recommended but voluntary. ICPRB is re-examining its back to the office protocol considering recent events and Nardolilli asked for guidance from the Compact jurisdictions.

Commissioner/Staff Changes

Virginia Governor Youngkin has appointed Michael Rolband as the Director of the Virginia Department of Environmental Quality (DEQ) replacing David Paylor. Scott Kudlas will serve as the Alternate to Commissioner Rolband. Mr. Nardolilli reported that we continue our search for an Administrative Director. We continue to advertise the position ourselves and we have enlisted the assistance of ParkerLynch, an employment search firm. We have hired Karin Bencala in a part-time capacity. (Karin once worked for us as full-time Water Resources Planner). The ICPRB Strategic Plan called for the creation of an intern program, and we have now hired three interns. Two Science/Technical Interns will be asked to revise and enhance the existing water quality data sources inventory, assist with watershed modeling activities of the Water Resources section, and/or provide field support for the Aquatic Habitats section. The final intern position is for a Graphic Design Intern who will work closely with ICPRB scientific staff to produce attractive materials.

Supplemental Storage Workgroup

Mr. Nardolilli noted that we continue to work with a broad coalition of partners in securing funding for a more resilient source of drinking water for the DC area. Called the Supplemental Storage Workgroup (SSWG), the team met in January where we discussed Travilah-related studies on the ICPRB website. The next meeting of the SSWG is set for April 20.

Recent Travilah Briefings/Hearings

Since the last Commission meeting, Staff has been busy conducting briefings on drinking water resiliency and the Travilah project. These include: (1) Kishia Powell of DC Water (12/1); (2) Montgomery Council President Gabe Albornoz (12/2); Ryan Fisher USACE Headquarters (12/20); Sonia Brubaker, EPA (01/12); and Montgomery County Council (02/01). On January 12, 2022, hearings were held on the 2022 Water Resources Development Act by: (1) the House Committee on Transportation and Infrastructure; and (2) the Senate Committee on Environment & Public Works. Appearing before both Committees were Michael Conner (the top political appointee overseeing the Army Corps of Engineers) and Lt. Gen. Scott Spellmon (the commanding General of the Corps). Pursuant to a request by the ICPRB Executive Committee, Staff suggested questions to the offices of Congresswoman Norton (for the T&I Committee) and Senator Cardin (for the EPW Committee). Congresswoman Norton asked the witnesses about the

vulnerability of the DC area's drinking water and General Spellmon confirmed that the Aqueduct could provide "only one or two days of supply of water" and he characterized the situation as "That's Risky." Congresswoman Norton indicated that she would be presenting projects relating to this matter in the new WRDA bill, including authorization (and funding) for the Corps to conduct a feasibility study on supplemental off-river storage. Senator Cardin did not ask about the DC-area water supply during the EPW Hearing. On February 1, 2022, we briefed the Montgomery County Council in closed session. On February 8, we met with Tyler Hofmann-Reardon and Mayely Boyce of the Staff of the Senate Environment and Public Works Committee.

Next Steps on Funding

We have been assured by the Staff of Senate EPW Committee as well as the Staff of Congresswoman Norton's Office that they "have been working on our request." Upcoming briefings include meeting with Bruno Pigott of the EPA on March 8 and with the Prince George's County Council at a date still undetermined.

Salt Management Webinar

Commissioner Brakel highlighted the successful ICPRB Salt Management Webinar which he attended. Those comments prompted a discussion of other ICPRB work on the issue, including our prior collaboration with VA DEQ on a watershed-specific Salt Management Strategy (SaMS) and our ongoing work for MDE to develop salt training materials.

80th Anniversary Celebration

Commissioner Tsai asked about the status of the planned 80th Anniversary Celebration. Mr. Nardolilli responded that considering the delay caused by the pandemic, we have "de-coupled" the boat ride from the commemoration of the 80th year of ICPRB. Nonetheless, we still plan on going forward with a "fundraising boat ride" at a time to be determined.

Audit

On behalf of the Audit Committee, Commissioner Karimi gave a brief report on the status of the audit. The audit is almost complete, and we are on our way to a "clean audit" as no issues have been identified. It was reported that this year's audit will have additional information specifically relating to CO-OP operations as requested by Staff. The Committee will be meeting with the auditor shortly.

B. Implementation of June 15, 2021, Resolution

Mr. Nardolilli expressed his appreciation for the assistance of Chair Currey in helping Staff obtain nominations to the LFAA Workgroup and the Environmental Flow-By Workshop. Staff reported that we have recently filled the slots and are able to move forward.

LFAA

We have received nominations from **USACE** (Rudy Chow, Anne Spiesman), **Fairfax Water** (Jamie Hedges, Greg Prelewicz), **WSSC Water** (Tom Hilton, Joel Caudill), **Virginia** (Scott Kudlas, W. Brandon Bull), **Maryland** (Greg Busch, Catherine McCabe), and the **District of Columbia** (Salil Kharkar, Jeff Seltzer). The Resolution calls for Work Group Members to be appointed by the Chair of ICPRB. The Chair has suggested that we set a target date for the first meeting as the week of March 21st.

Environmental Flow-By.

Commissioner Guise reported that our application for funding/support for the workshop through the Sustainable Rivers Program of the U.S. Army Corps of Engineers was not successful. (Prior to this notification, the **USACE** had nominated Andrew Roach). **Maryland** has nominated the following six individuals. From MD DNR: Tony Prochaska. From MD MDE: Dinorah Dalmasy; Greg Busch; Robert Peoples; and Heather Nelson. From the University of Maryland Center for Environmental Science: Dave Nemazie. **Virginia** has nominated the following six individuals: Robert Burholzer, Joseph Kleiner, Jason Hill, Scott Smith, Dr. Durelle Scott, and Mark Frondorf. **Claire Buchanan of ICPRB** has suggested seven individuals: Daren Carlisle, USGS; Kelly Maloney, USGS; Brian Richter of Sustainable Waters; John Mullican, MD DNR; Scott Stranko, MD DNR; Dustin Shull, PA DEP; John Odenkirk, VA DWR. **Fairfax Water** has nominated Greg Prelewicz and Niffy Saji and **WSSC Water** has nominated Joel Caudill and Tom Hilton. Mr. Nardolilli indicated that further responses are expected shortly and that Claire Buchanan of ICPRB will staff the Workshop under the direction of as yet-to-be-appointed Planning Committee. The Resolution provides that the “final list of invitees will be determined by the Chair of CO-OP.” The Chair has suggested that we set a target date for the meeting as the first week in May.

C. Work Group on Justice, Equity, Diversity, and Inclusion (JEDI)

Because Commissioner Jones was called away to a Howard University meeting, Curtis Dalpra gave the report of the JEDI Work Group. Mr. Dalpra indicated that the Work Group has not met since the last Commission Quarterly Meeting, but Commissioner Jones is coordinating a meeting for next month, with a goal of having one JEDI event per month beginning in May 2022. The following activities are being considered: 1) JEDI Walk in DC, 2) American Doll Anacostia River Cleanup initiative, and 3) partnering with Outdoor Afro DC. Chair Currey requested that Staff investigate the possibility of Black- History-Month-type observances throughout the upcoming year culminating during next year’s Black History Month. It was suggested that Black individuals identified with achievements relating to the protection or enhancements of water-related resources in the Potomac Basin be honored on appropriate days.

D. Operations Report

Contracts & Financial Report (Tab 6, Att. 2)

In the absence of an Administrative Director, Mr. Nardolilli presented the Contracts and Financial Reports which was shown under Tab 6 and summarizes the position of ICPRB as to Grants & Contracts, Vendor Contracts, Cash Accounts, Total Assets, Accounts Receivables, Income Statement, and Balance Sheet. Mr. Nardolilli noted that there were no withdrawals from the ICPRB Reserve Account. All is as anticipated.

Unit Reporting (Tab 7)

Mr. Nardolilli asked two of the Unit Directors to give the highlights from their recent work but indicated that Cherie Schultz would be available to answer any questions about the activities of the CO-OP Section. Accordingly, Curtis Dalpra explained the activities of the Communications and Education Unit that included responding to inquiries from the public that average one-a-day. Mr. Dalpra indicated that the Unit is working on “de-cluttering” the ICPRB website and helping to plan the Fall PFAS Conference. As to the latter point, Chairman Currey noted that many conferences and webinars are being held soon on this topic now and Mr. Dalpra explained that we decide to hold our PFAS event in the Fall for that reason.

Heidi Moltz presented information on Program Operations (including the Water Resources Section and the Aquatic Life Section) and focused on the work being done to implement the Comprehensive Plan's call for a stakeholder engagement process in the land use "challenge area." Accordingly, a series of webinars was planned, the first of which addressed the Chesapeake Healthy Watershed Initiative last May. (The Salt Management Webinar held in January 2022 was the second in the series). Dr. Moltz asked for ideas as she plans the third seminar which is scheduled for this May.

Spotlight Program

Dr. Christina Davis presented this meeting's Spotlight that focused on the Potomac River Basin Drinking Water Source Protection Partnership or "DWSPP." ICPRB provides the staff support to the 10 government agencies and 15 water suppliers that make-up this voluntary association. The group's 2021 Annual Report is on the ICPRB website. <https://www.potomacdwsp.org/> Commissioner Potter asked about the possibility of her new organization making a presentation to ICPRB's technical team about the use of Artificial Intelligence to better price the financing of environmental projects. Dr. Davis agreed to speak with Commissioner Potter off-line.

8. NEW BUSINESS

A. FY2022 Budget Amendment #2 (Tab 5, Att. 1)

Mr. Nardolilli explained that under Commission's rules, any changes to the Budget need a "Budget Amendment." Because new work continues to come to the Staff during the year, almost every quarterly meeting involves a Budget Amendment. Budget Amendment #2 includes both new work (Task Numbers 282 & 771) as well as a clean-up of certain items that were misidentified by the previous Administrative Director as new revenue (Tasks 500 & 601). Mr. Nardolilli noted that the cut-off date for the Amendment was January 31, 2022 and doesn't include recent awards such as our \$8,340 contract with USGS for Adams County. **After discussion, Commissioner Karimi moved to adopt Budget Amendment #2 that was seconded by Commissioner Potter. All were in favor.**

B. New Drought Page

Chairman Currey prompted Staff to put additional "real-time" information about drought status on the ICPRB website. Commissioners were asked to visit the new page and provide any comments. <https://www.potomacriver.org/focus-areas/water-resources-and-drinking-water/cooperative-water-supply-operations-on-the-potomac/drought-monitoring-and-operations/>

9. RESUMPTION OF IN-PERSON COMMISSION MEETINGS

Mr. Nardolilli advised that the Commission can continue to operate virtually if either the state where ICPRB's headquarters is located, or the federal government have determined that a public health emergency exists. While Maryland has lifted its Emergency, it is anticipated that the State of Emergency declared by the Federal Government is set to expire on April 16, 2022, and may not be renewed. (This Declaration is important because it triggers the ICPRB Bylaw that allows for "virtual" meetings of the Commission.) Staff is planning for the possibility of an in-person meeting for the next meeting of the Commission. Staff is also examining whether the Commission could hold a "hybrid" meeting with some Commissioner attending in-person to establish a quorum while the rest could join virtually.

10. NEXT MEETING DATE: JUNE 14, 2022, at a location TBD

11. FOR THE GOOD OF THE ORDER AND ADJOURNMENT

With no further business to transact, Chairman Currey asked for a motion to adjourn. (**Motion made by Commissioner Karimi, Seconded by Commissioner Kudlas**). **All were in favor**. Accordingly, the Commission adjourned at 11:38am.

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