

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

SECOND QUARTER FY2024 BUSINESS MEETING

March 12, 2024

VIRTUAL MEETING

ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chair Susan Weaver called the Second Quarter FY2024 Business Meeting to order at 9:45 am on March 12, 2024. The following Commissioners, staff, and guests were in attendance for all or part of the meeting.

Commissioners

District of Columbia

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

Maryland

Birthe Kjellerup (Commissioner)
Lee Currey (Alt. Commissioner)

Pennsylvania

Adam McClain (Alt. Commissioner)
Susan Weaver (Chair, Alt. Commissioner)
William Willis (Commissioner)
Chris Kimple (Alt. Commissioner)

United States

Robert Sussman (Commissioner)
Darryl J. Madden (Commissioner)

Virginia

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

West Virginia

Mindy Neil (Alt. Commissioner)

Staff

Michael Nardolilli (Executive Director)
Cherie Schultz (Dir, CO-OP Operations)
Heidi Moltz (Dir, Program Operations)
Renee Bourassa (Dir, Communications)
Laurel Glenn (Dir, Administration)
Carlington Wallace (Associate Dir, Water Resources)
Claire Buchanan (Director Emerita)
Andrea Nagle, Senior Environmental Scientist
Alimatou Seck, Senior Water Resources Scientist
Serena Moncion, Outreach Program Manager
Sarah Ahmed, Senior Water Resources Engineer Analyst

Guests

Megan Jadrosich (USACE)
Rick Masters, General Counsel
Anne Spiesman (Fairfax Water)
Joe Chandler (USACE)
Jeremy Bandy, WV, DWWM
Christopher Waters, Arcadis U.S. Inc.
Matt Cosby, Chief of Staff, BG Lloyd, (USACE)

1. ROLL CALL AND QUORUM CERTIFICATION

Executive Director Michael Nardolilli opened the meeting by requesting that everyone record their names and affiliations in the “CHAT” portion of TEAMS. He then introduced the Chair, Susan Weaver from the Commonwealth of Pennsylvania.

2. WELCOMING REMARKS

Chair Weaver introduced herself and noted that the meeting was being recorded. She asked Nardolilli if there was a quorum and he indicated there was. She then welcomed everyone to the second quarter meeting.

3. INTRODUCTION/REMARKS OF MARYLAND COMMISSIONER DR. KJELLERUP

Chair Weaver said that the Commission has a new member from Maryland, Dr. Birthe V. Kjellerup, and asked Commissioner Currey to introduce her. Commissioner Currey stated that Dr. Kjellerup had recently been appointed by Governor Moore and shared that she has extensive experience in water and wastewater management. He said she is an associate professor of civil and environmental engineering at the University of Maryland and chairs their Diversity, Equity, and Inclusion department. After Commissioner Currey introduced her to meeting attendees, Commissioner Kjellerup said she was excited to join the Commission and looks forward to learning more about its important work, becoming involved in new projects and making a contribution.

4. PUBLIC COMMENTS

Mr. Nardolilli reported that the Commission had received no requests for public comments for this meeting.

5. ADOPTION OR MODIFICATION OF DRAFT AGENDA

Chair Weaver asked if there were any changes to the agenda that was circulated in the Commission Meeting Book. **Commissioner Karimi made a motion to approve the agenda, which was seconded by Commissioner Jones. All were in favor.**

6. DRAFT MINUTES FROM DECEMBER 15, 2023

Chair Weaver asked if there were any changes to the December 15 meeting minutes. **Commissioner Karimi made a motion to approve the December 15, 2023, meeting minutes as circulated, which was seconded by Commissioner Madden. All were in favor.**

7. NOTES FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALLS

Nardolilli reported on the conference calls held by the Executive Committee on February 6, 2024 (under Tab 2 of the Meeting Book) and on March 11, 2024. Highlights of his brief are as follows:

- Nardolilli reported that the two ICPRB requests for Congressional earmarks (\$500,000 for the Supplemental Water Supply Study and \$650,000 ICPRB) were included in the Joint

Explanatory Statement for the FY24 Energy & Water bill (HR 4366) that was agreed to by the House and Senate by the March 8th deadline and signed into law by President Biden. Regarding the Supplemental Water Supply Study, Nardolilli noted that ICPRB owes a debt of gratitude to Representatives Norton and Connolly and Senators Cardin, Kaine, Van Hollen and Warner as well as their Staffs. He also emphasized that the members of the Supplemental Storage Workgroup (including MWCOG and the water suppliers) played a critical role in the success of this undertaking. For ICPRB's appropriation under the Compact, Nardolilli said that ICPRB is very appreciative of the work done by Representative Raskin and Senators Cardin, Casey, and Van Hollen and their Staffs. ICPRB's two sister Mid-Atlantic River Basin Commissions also assisted in this effort. Additionally, Nardolilli commented that many Commissioners helped in this multi-year endeavor, and he expressed his gratitude to them. A meeting with MWCOG will be held sometime between March 18th and March 25th to discuss the next steps on the Supplemental Storage Study once funds are received.

- Discussion and questions ensued. Commissioner Karimi asked if it were known when the funds would actually be received (FY24, 25 or 26) and how that would impact ICPRB's budget. He also asked if Nardolilli had been in touch with the other mid-Atlantic River Basin Commissions. Nardolilli responded that it was unclear, but he would be meeting with Congressman Raskin's office soon to determine the timing of receiving the funds and gain confirmation that the funds may be used beyond FY24. Nardolilli stated that funds would be used for projects that are delineated in the Comprehensive Plan such as the Potomac River Conference in October of this year or commissioning studies for eel ladders on the Potomac River around dams 4 and 5. He confirmed that he has been working closely with the other River Basin Commissions to obtain funding over the past several years. Commissioner Brakel asked if the money was coming directly to ICPRB and Nardolilli explained that the \$650,000 will actually go to the USACE first and then eventually come to ICPRB.
- After the discussion on the Congressional earmarks, Nardolilli shared with the Commissioners that at the March 11 the Executive Committee meeting, there was a discussion on a possible proposal to increase the signatory contributions to ICPRB either to keep pace with inflation or to provide for an increase in Staff to address the increasing workload. At the March 11 meeting, it was calculated that to keep pace with inflation the total amount of \$484,250 that was contributed by the five jurisdictions in FY2011 (and continuing annually to the present day) would need to be increased to \$714,043 for FY2026. Alternatively, an additional \$150,000 would be needed to hire staff to address the tasks identified in recent Resolutions of the Commission, such as modifying the Low Flow Allocation Agreement, the Collaborative Process, and updating the Water Supply Coordination Agreement.

8. OLD BUSINESS

A. Executive Director's Report

Chair Weaver asked Nardolilli to provide Commissioners with the Executive Director's Report located in Tab 6, Attachment 1 of the Commission Meeting Book. Rather than duplicate other items that would be discussed later in the meeting, Nardolilli reported on selected items as delineated below:

- Commission Changes. Nardolilli reported that based on recent correspondence from BG Tickner of the USACE, the new ICPRB General Counsel, Rick Masters, has concluded that BG Tickner remains a Commissioner of ICPRB and his appointee, Amy Guise, may continue to serve as his Alternate. He highlighted the addition of Dr. Birthe Veno Kjellerup as the new Maryland Commissioner and he shared that Commissioner Seltzer from the District of Columbia will be moving from DOEE to Montgomery County so he will no longer be a commissioner effective March 15. Nardolilli is working to identify his replacement.
- Staff Changes. Nardolilli noted that Rick Masters joined ICPRB as its new General Counsel as of January 1 and that Dr. Emily Young will join ICPRB on March 15 as a Habitat and Living Resources Data Manager. He said that this position is funded through a six-year EPA/CBP Section 117 Grant. Also, two new interns will join ICPRB this month: Risa Fish and Nusrat Noor. He reminded Commissioners that ICPRB’s Strategic Plan calls for the establishment of an intern program.
- Annual Report. Nardolilli highlighted ICPRB’s new Annual Report which was included in the Commission Book at Tab 6, Att. 2. He credited the Communications and Education Unit for making dramatic improvements in the presentation of the 2023 Annual Report and said that reviews have been very positive about the new format. Nardolilli said that this year’s Annual Report really shows the breadth of ICPRB’s operations and gives readers a “deep dive” into our activities and the increased outreach and education in our local communities.
- Potomac Interceptor Incident on February 12, 2024. Nardolilli reported on the failure of the Potomac Interceptor on February 12 and the delays before DC Water sent out any notifications to ICPRB or the water suppliers. He stated that fortunately there appears to be no contamination of the river or the groundwater. Nardolilli visited the site on February 21 and requested that DC Water improve its outreach and notification process. Nardolilli also shared that ICPRB notified its spill response network via an “informational awareness” hashtag about the interceptor failure once it obtained details.

B. Report of the DEIJ Committee

Chair Weaver introduced Commissioner Jones to give the report of the DEIJ Committee. Commissioner Jones began her presentation by identifying the new members who have joined the Committee since the first quarter meeting. Brandon Brooks from Maryland is a new member, as is Dr. Alimatou Seck from ICPRB. She reminded Commissioners that jurisdictions may have more than one representative and to let her know if anyone is interested in participating going forward. She also thanked Serena Moncion of ICPRB who has provided stellar support over the past months. She then began her brief, highlights of which are summarized below:

- The DEIJ Committee last met on February 13 and, at that time, reviewed their action items. Commissioner Jones highlighted the DEIJ timeline and planned activities for 2024. At their meeting, the group discussed the ICPRB Strategic and Comprehensive Plans and the status of their recommendations to these plans.
- Members shared ideas on how best to obtain information from their respective jurisdictions on best practices and ongoing activities.

- Commissioner Jones then reviewed the overarching priorities and tasks from the Potomac Basin Comprehensive Plan. They are:
 - Increase workforce diversity at ICPRB, the water utilities, member jurisdictions and other partners.
 - Broaden outreach to marginalized and vulnerable communities.
 - Actively consider equity issues

- Commissioner Jones shared that they plan to achieve these goals by creating a section on the ICPRB website and in the newsletter which will highlight DEIJ activities in member jurisdictions; creating a DEIJ focused tagline for select communications; ensuring that the DEIJ policy statement is featured on press releases, employment advertising and letterhead; ensuring ICPRB shares information on DEIJ best practices so that water resources planning, policy and management activities consider impacts to the diverse communities who reside in the Basin and coordinating with Commissioners to highlight and coordinate existing DEIJ activities such as “Walk in the Woods” events.

- Commissioner Jones next briefed on the new translation and accessibility tools that have been developed on the ICPRB website.

- Commissioner Jones highlighted the new tagline the Committee has agreed upon that represents: *“The Potomac Belongs to ALL” - Call for ICPRB activities to reach the full complement of Basin communities, with particular emphasis on those disproportionately affected by water resources issues.*

Upon completion of Commissioner Jones’ brief, Nardolilli asked if there had been any committee discussion about a land acknowledgement statement. Commissioner Jones asked Serena Moncion to comment. Ms. Moncion stated there had been a lot of discussion on this topic at their last meeting where they explored various approaches other government and non-governmental entities have used. She said the final decision was that she would write a long form article which would take a deep dive into history. Commissioner Jones concluded by stating that the Committee would be in a better position at the next Commissioner meeting to fully brief on the land acknowledgment issue.

C. Next Steps Regarding the LFAA

Commissioner Sussman updated meeting attendees on the finalization process for the LFAA. He began by thanking Commissioner McCabe for her stellar and dedicated work over the past year in leading the LFAA Working Group and keeping the process moving forward. As background, he reminded meeting participants about the work the LFAA Workgroup completed last year to update the provisions of the agreement and create a path forward to future iterations of the flow-by requirements. The current plan is to obtain approval of the proposed LFAA amendments by the four governing parties (the federal government, the District of Columbia, Maryland, and Virginia). The initial plan was to get final approval at the upcoming April LFAA annual meeting but that will not occur as the jurisdictions are in various stages of reviewing the proposed amendments. On a positive note, Commissioner Sussman stated that there has been a very active dialogue with the attorneys at the U.S. Army Corps of Engineers. Two meetings were held with them on January 30th (virtual) and a follow-up on February 27 (in person) and as a result, CO-OP has updated some of the LFAA language on the environmental flow-by to address the USACE concerns. Commissioner Sussman is optimistic that a final agreement will be

reached in the coming months.

Commissioner Sussman then briefed on the collaborative framework process. He reminded attendees that the purpose of this is to bring together the water suppliers and the jurisdictions to both update the science on the environmental flow-by and to conduct an analysis of the human needs so that these two areas may be balanced. The overarching goal is to create a framework for addressing how flow-by issues are managed in the Basin going forward so that long term flow-by decisions are based on environmental and ecological considerations which assures us that, in drought situations, the needs of the metropolitan area for adequate water supplies are met. The group has a draft framework document that is ready to present to the water suppliers for their feedback and that will occur on April 5th. Commissioner Sussman highlighted that this is a critical milestone in the collaborative process, which he envisions to be a multi-year process.

D. Revised Draft of the Strategic Plan

Commissioner Brakel briefed on the status of the Strategic Plan. He stated that he and his fellow workgroup members (Commissioners Currey and Peterson) have been working closely with the ICPRB staff and Executive Director to review and update the document. The first step was to create a mock-up of what the final version is anticipated to look like which includes ICPRB's vision, values, and mission statement. Then, main activities are organized into four major strategic pillars which he shared are:

- Completing high value and high visibility initiatives
- Catalyze and continue with the Comprehensive Plan Implementation
- Look at new and emerging opportunities
- Foster a sense of belonging and incorporate DEIJ initiatives

Commissioner Brakel welcomed comments from the other Commissioners on how the process is going and stated the goal is to have a final draft ready for review at the third quarter meeting in June. He added that the new budgetary information on recently approved Congressional funds would be incorporated as well.

Nardolilli thanked the ICPRB Communications and Education Unit for the impressive work they have contributed to creating a visually appealing document and thanked the Strategic Planning Committee for their stewardship of the plan and getting us to where we are now. He stated that the Strategic Plan will be used as our road map going forward from 2024 through 2026. He highlighted the interplay between the strategic plan review and the five-year review process of the Comprehensive Plan which have been going on simultaneously and the need to ensure that these two important documents are not repetitive, redundant, or contradictory.

E. Operations Report

Nardolilli presented the ICPRB contracts and financial reports which are under Tab 6, attachments 4 and 5 in the Commission Book. He noted two new contracts that had been finalized since the last quarterly meeting: one from MDE for a little over \$83,000 for a literature review and a second one from MDE for the TMDL contract totaling \$185,000. Nardolilli praised ICPRB staff for their entrepreneurial endeavors in working with the signatory jurisdictions and the EPA with whom ICPRB is constantly displaying our value and delivering high quality work. He also stated there had been no withdrawals from ICPRB's contingency reserve fund during the most recent quarter.

Dr. Carlington Wallace, Associate Director of the Water Resources section, provided the “SPOTLIGHT on ICPRB” presentation on the topic: “*Development of Spatial Statistical Models to Predict Water Quality Endpoints.*” Nardolilli noted this was Part 2 of the presentation given by Dr. Wallace at the last Commission meeting.

Commissioners were given an opportunity to ask questions on the Unit Reporting found in Tab 7 of the Commission Book. At this juncture, Nardolilli highlighted to the Commissioners the distinction between receiving Federal monies and receiving specific grants that are tied to “pay for performance.” He said there has been confusion in the past about grant monies received from the Federal government (such as the EPA) for specific projects and the contributions received from signatory jurisdictions or Federal funds not tied to specific projects. He emphasized the importance of continuing to receive jurisdictional funds and Federal appropriations because these monies support the administration of ICPRB. There were no questions on the Unit Reporting.

9. NEW BUSINESS

A. Updates to Comprehensive Plan

Dr. Heidi Moltz, ICPRB’s Director of Program Operations, updated Commissioners on the amendments to the Comprehensive Plan. She provided background on the process that started in 2023 when the Comprehensive Plan Advisory Committee members began meeting and working with ICPRB staff to update this 15-year plan that was first finalized in 2018. She reminded Commissioners that the updated plan does not replace the original; it simply updates a few sections and lays out specific actions over the next five years. She noted that the updated version highlights the importance of diversity, equity, and inclusion as well as specific activities and products that are expected to be delivered over the same period. She stated that the committee focused on creating a plan that identifies activities that are both realistic and achievable and a document that is visually appealing, accessible, and inviting to read. She concluded by stating that the Executive Committee had reviewed the final draft at their February meeting, and they recommend adoption of the 2023 report today.

Commissioner Jones made a motion to adopt the updates to the Comprehensive Plan. Commissioner Holland seconded the motion. All were in favor.

B. FY2024 Budget Amendment #1

Nardolilli reminded Commissioners that a budget amendment is required anytime there is a change of more than \$20,000 in either income or revenue. Since ICPRB had two new grants that were finalized in the past quarter that were covered in detail during the Contracts and Financial Report earlier in the meeting, a budget amendment is required.

Commissioner Karimi made a motion to approve Budget Amendment #1. Commissioner Potter seconded it. All were in favor.

C. Planning for 3rd Annual Potomac River Conference

Nardolilli briefed Commissioners on the latest plans for the 3rd Annual Potomac River Conference which is scheduled for October 2024. He reminded Commissioners that the conference is a component of ICPRB’s Strategic Plan and that two highly successful conferences have been held over the past two years. The first one was virtual in 2022 on the topic of PFAS and the second one was an in-person event

in 2023 on the topic of climate change. ICPRB Staff has created a planning committee (Bourassa, Buchanan, Selckmann, and Moltz) who have decided that this year's focus will be on aquatic invasive species. The planning group is focused on content, budget, speakers, sponsors, and timeline. Initial plans are to focus on not just one invasive species but to create an overview of the dynamic and ever-changing aquatic ecosystems and their impact in the Potomac River basin. The plan is to invite a multidisciplinary group of presenters who will address the historical, ecological, and economic impacts of foreign induced species to our Basin and to present a unified philosophy about how we manage our own water as it relates to these species. Nardolilli said it is currently estimated that the conference will cost \$50,000 and ICPRB has already identified \$40,000 for this through the recently approved Congressional earmark. Nardolilli is in the process of seeking sponsors from other organizations such as the Potomac River Fisheries Commission, the Waterman's Association and Xylem.

10. NEXT MEETING

Chair Weaver reminded Commissioners that the next Commission meeting would be virtual on June 18, 2024. Nardolilli asked that Commissioners inform him if there are specific topics they want to address at the June meeting so he can ensure to include them on the agenda. In response, Commissioner Karimi said that a good topic to discuss in June, considering the recent Congressional earmark award and the need for additional ICPRB funding beyond that, would be how the Commission plans to seek more funds from the jurisdictions, i.e., will membership dues be increased? He emphasized the need to have a conversation about how to approach this issue. Commissioner Brakel also commented on the need to frame this discussion in a way that explains the projects ICPRB would have to forego if it does not receive additional funds since revenue has been eroded substantially by inflation over the past 10 years. Nardolilli confirmed that ICPRB's budget and the need to plan for additional funding by FY26 would be an important topic at the June meeting and that the Executive Committee already had a robust dialogue about it at the March 11 meeting.

11. FOR THE GOOD OF THE ORDER AND ADJOURNMENT

With no further business to transact, Chair Weaver asked for a Motion to Adjourn. **Commissioner Karimi made a motion to adjourn which was seconded by Commissioner Potter. All were in favor. Accordingly, the Commission adjourned at 11:52 am.**

- Minutes Drafted: Laurel Glenn, Director of Administration
- Edited, Approved, and Submitted By: Michael Nardolilli, Executive Director