

**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN
SECOND QUARTER BUSINESS MEETING FY2025
MARCH 18, 2025**

**VIRTUAL MEETING, ROCKVILLE, MD
DRAFT MINUTES**

Call to Order: Executive Director Michael Nardolilli called the Business Meeting to order at 9:45am on March 18, 2025. The following commissioners, staff, and guests attended the meeting in whole or in part.

Commissioners

District of Columbia

Willem Brakel (*)
Tiffany M. Potter
Steve Saari
Kimberly L. Jones (a)
Hamid Karimi (a)
James T. Tsai (a)

Maryland

Catherine R. McCabe
Randy K. Rowel, Jr. (a)
Birthe V. Kjellerup
D. Lee Currey (a*)

Pennsylvania

Jason Minnich (a)
Chris Ann Kimple (a)
Adam McClain (a)

United States

Robert Sussman (*)
Amy M. Guise (a)

Virginia

Del. Kathy Tran
W. Weedon Cloe III (a*)
Mark E. Peterson (a)

West Virginia

Mindy S. Neil (a*)

(a) - Alternate Commissioner
(*) - Executive Committee

Staff

Michael Nardolilli, Executive Director
Richard Masters, General Council
Renee Bourassa, Director of Communications
Cherie Schultz, Director of CO-OP Operations
Heidi Moltz, Director of Program Operations
Laurel Glenn, Director of Administration
Claire Buchanan, Director Emerita
Michael Selckmann, Assoc. Dir. Aquatic Habitats
Carlington Wallace, Assoc. Dir. Water Resources
Sarah Ahmed, Senior Water Resources Engineer
Alimatou Seck, Senior Water Resources Scientist
Renee Thompson, Water Resources Planner
Stephanie Nummer, Water Resources Scientist
Megan McClaugherty, Ecological Technician
Serena Moncion, Community Outreach Manager
Lily Bedwell, Administrative Coordinator
Daniel Bloedow, Water Resources Intern
Alyssa Freedman, Water Resources Intern

Guests

Megan Jadrosich, U.S. Army Corps of Engineers
Joe Chandler, U.S. Army Corps of Engineers
R. Brian Paul, U.S. Army Corps of Engineers
Matthew Walderon, Pennsylvania DEP
Duke Adams, Pennsylvania DEP
Christina Davis, Loudoun Water
Anne Spiesman, Fairfax Water
Joel Caudill, WSSC Water
Benjamin Simon, George Washington University
Robert Burgholzer, Virginia DEQ

1. Roll Call and Quorum Certification

Executive Director Michael Nardolilli certified there was a quorum after he asked the participants to enter their names and affiliations into the chat box.

2. Opening Remarks from Chair Neil & Welcome to New Alternate Commissioners

Chair Neil called the business meeting to order. She recognized the former Chair Scott Morris' resignation and her automatic assumption as Chair. With his resignation, Virginia also appointed a new alternate Commissioner, W. Weedon Cloe (VA). Chair Neil also recognized and welcomed two new alternate commissioners: Jason Minnich from Pennsylvania and Randy Rowel, Jr. from Maryland.

3. Public Comment

Chair Neil asked if there were any requests for public comment and Mr. Nardolilli responded that there were none.

4. Adoption or Modification of Agenda

Chair Neil asked the Commission for any proposed modifications to the agenda. Commissioner Brakel proposed modifying the agenda to have General Counsel Richard Masters present his report on recent executive orders (item 8D) before we discuss the status of the DEIJ Committee (item 8B) so that the Commission has a clear legal framework to discuss the Trump Administration's executive orders. Commissioner Brakel suggested that item 8D to immediately follow the Executive Director's report (item 8A). He also proposed adding an item under New Business to thank Commissioner Paul Holland for his service after his departure from the Commission (adding item 9D). **Commissioner Brakel made a motion for these modifications which was seconded by Commissioner Karimi. All were in favor. Mr. Nardolilli noted that before we move to the next item, we need another motion to approve the agenda as modified. Commissioner Karimi made a motion to adopt, and Commissioner McCabe seconded the motion. All were in favor and the modified agenda was approved.**

5. Draft Minutes from December 17, 2024

Chair Neil asked for a motion to approve the minutes from the first quarter meeting of fiscal year 2025 as circulated. Commissioner Tsai made a motion to approve, and Commissioner Potter seconded the motion. All were in favor.

6. Notes from Executive Committee Conference Calls

During the Executive Committee meeting in February, the Committee authorized ICPRB to be a conduit for funds from the Water Suppliers to the Metropolitan Washington Council of Government's (MWCOG) for the Feasibility Study if they so desire. The Executive Committee has not received acceptance of ICPRB's offer. They also discussed the role of ICPRB in acting as a fiscal agent for the collection of project money from members of the Drinking Water Source Protection Partnership (DWSPP). The Water Supply Coordination Agreement designated ICPRB to perform the role regarding the Water Suppliers contributions, but the relationship does not extend to DWSPP. The Executive Committee agreed that ICPRB does not have the administrative bandwidth to accept the role of fiscal agent for DWSPP and they voted against assuming that role. Mr. Nardolilli communicated this decision to DWSPP leadership earlier this year.

At the first quarter of the fiscal year 2025 meeting, Maria Russo from the West Virginia Rivers Coalition appeared during the meeting's Public Comment portion to talk about the proposed water bottling facility

in Jefferson County, West Virginia. The Executive Committee discussed this during their February Meeting and decided not to act on this matter.

The Executive Committee went through several items during their March 17 meeting: approving the election of Willem Brakel as Vice Chair, their support of Lee Currey as the Vice Chair of the CO-OP Section, their endorsement of Darryl Madden as Chair of the Audit Committee because of the term expiration of Paul Holland, and Tiffany Potter becoming a member of the Audit Committee. Mr. Nardolilli talked about the Collaborative Process Resolution and that the Executive Committee recommended the adoption of the implementation document that will be discussed later in the meeting. Additionally, the Executive Committee provided guidance on the status of the DEIJ Committee considering recent related executive orders. At its meeting of March 17, the Executive Committee considered recent Executive Orders from the Administration, and the extent of their applicability to ICPRB. After that discussion, the Executive Committee asked the Commission's Diversity, Equity, Inclusion, and Justice Committee to continue its good work to ensure that the "Potomac River Belongs to All" but to consider adapting the messaging as needed and as appropriate to place more emphasis on unifying themes, including language along the lines of "Pillar 1: Clean Air, Land, and Water for Every American" in EPA's policy initiative announced on February 4, 2025.

The Executive Committee also discussed the status of the North Branch of the Potomac River as its use classification changed from warm water aquatic to cold water aquatic. At its meeting on March 17, the staff briefed the Executive Committee on the latest developments in the North Branch. As a result, the Executive Committee approved the staff suggestion to move forward with a follow up study of the North Branch Potomac trends report. The report is intended to provide context to stakeholders, both historically and in light of new regional developments. ICPRB staff will report on water quality data from 2019-2025 as a continuation of "The Influence of Jennings Randolph Lake and Dam Operations on River Flow and Water Quality in the North Branch Potomac River." The Executive Committee has asked for a citation of the planning documents in support of this action. Mr. Nardolilli noted that on page 37 and page 44 of the updates to the Comprehensive Plan that the Commission adopted in 2023, there is language authorizing such a study to be completed by ICPRB. Commissioner Karimi asked Mr. Nardolilli about the designated use updates from warm water aquatic to cold water aquatic and if the grounds for that change are consistent with the state's designated use criteria. Mr. Nardolilli mentioned that he will elaborate during the Executive Director's report.

The final item from the Executive Committee meeting on March 17 is that they decided to hold the annual in-person Commission Meeting at the ICPRB Headquarters in Rockville, Maryland.

8. Old Business

A. Executive Director's Report

Supplemental Storage Feasibility Study

Mr. Nardolilli commented that the project is moving forward and ICPRB is participating with MWCOG, the Water Suppliers, and staff to supply information to USACE as they discuss options to improve the River Basin's resilience to drought and contamination events. The Water Resources Development Act (WRDA) of 2024 changed the cost-share funding to 90% federal funding and 10% non-federal funding which was discussed during the first quarter meeting of the fiscal year 2025. The ICPRB has been instructed by Congress to continue the Feasibility Study with the \$500,000 already appropriated in anticipation of more funding to come. ICPRB

participated in a workshop for the backup for the secondary water source topic and we have also circulated the economic paper to all participants as well as USACE. The paper commissioned by ICPRB for the national security implications is still “under wraps” with the Cyber Security and Infrastructure Security Agency (CISA) but we have made inquiries about what we should do with copies of that report.

Federal Funding for ICPRB Under the Compact

The ICPRB received the \$650,000 earmark request for fiscal year 2024, and Mr. Nardolilli reminded the Commission that we decided against making an earmark request for fiscal year 2025 to conserve Congressional funding for the rebuilding of the Francis Scott Key Bridge in Baltimore, Maryland. Recently, we have filed for another \$650,000 to Senator Van Hollen’s online portal for the fiscal year 2026. Mr. Nardolilli did not guarantee that we would receive this money. Mr. Nardolilli noted the possibility of filing for congressionally directed spending with Senator Kaine’s office for funding on the federal side for the Feasibility Study. He drafted a request document, but we would need letters of support from Arlington County and MWCOC to submit the request to Senator Kaine. Commissioner Karimi asked Mr. Nardolilli about the timeline for spending for the \$650,000 we received at the end of fiscal year 2024, if we intend to spend it all during fiscal year 2025, or if we should put it in our reserves in anticipation of other social or federal funding shortcomings. Mr. Nardolilli responded that we have been granted permission to extend the deadline of spending through fiscal year 2025. He added that we have been spending that money on several projects including the Potomac River Conference on Invasive Species in October 2025, the Eel Passage Project that Mr. Mike Selckmann presented during the first quarter of fiscal year 2025 meeting Spotlight Presentation, as well as other miscellaneous ICPRB projects that utilize these funds. Commissioner Karimi further asked about federal funding that may be jeopardized in fiscal year 2025. Commissioner Karimi noted that our EPA Section 106 grant will be secure this fiscal year 2025 but expressed uncertainty about fiscal year 2026 and suggested for ICPRB to anticipate “belt tightening” and to act accordingly. Mr. Nardolilli said that this was one of the reasons contributing to the Executive Committee’s decision to have the annual in-person meeting in the Rockville Office to save nearly \$15,000. He further reminded the Commission that ICPRB will not be paying rent at the 401 N. Washington Street office for another year, and we will be vigilant of other avenues to stay fiscally conservative. Commissioner McCabe requested Mr. Nardolilli to send a list of projects on which ICPRB has used the federal funding to all Commissioners.

West Virginia Bottling Plant

Mr. Nardolilli reminded the Commission about Ms. Maria Russo’s public comment from the previous Commission Meeting about the proposed water bottling facility in Jefferson County, West Virginia. The Executive Committee decided not to interject ICPRB on the issue. The Jefferson County Planning Commission denied the request to build the plant.

North Branch Developments

Mr. Nardolilli noted that the Bay Journal has a good article on North Branch developments. The ICPRB encourages recreational activities in the North Branch and is less encouraging of industrial activity. Some legislators in West Virginia and Maryland have expressed a desire to bring industry back to the area, especially around the Luke Paper Mill area. The determination on

use will be made by the State of Maryland, but the Comprehensive Plan encourages ICPRB's participation in those discussions. Commissioner Karimi asked if there is a concern over additional industry in the area, noting also the need for economic development. Commissioner Currey said that MDE is going through the public comment process on the classification change right now. The determination will be decided towards the end of March or beginning of April. He said that the next step is deciding whether to change the existing designated use. Mr. Selckmann added that the objective of the Commission is to centralize the emerging data of observations of species in the temperature zones so that all stakeholders have the necessary information available to discuss. He shared that the discussions with USGS, USACE, and CO-OP, have been focused on the exploration of scenario-based modeling that consider climate change as a main factor.

Potomac River Conference

ICPRB has held three Potomac River Conferences and staff have begun planning the Fourth Annual Potomac River Conference to discuss Harmful Algal Blooms. The meeting will be hosted by George Mason University in the Potomac Environmental Research and Education Center (PEREC) in October 2025. Mr. Nardolilli hopes that the Conference remains a permanent annual fixture in years to come.

Drinking Water Source Protection Partnership (DWSPP)

Mr. Nardolilli shared again that ICPRB will not assume additional administrative or financial responsibilities outside of what we currently manage but will continue with the partnership in the manner of coordination. The next DWSPP meeting is in-person on May 7, 2025.

Annual Meeting Site to be held in Rockville at ICPRB Headquarters

The Executive Committee meeting on September 8 and the CO-OP and Business Meetings on September 9 will be held at the Rockville ICPRB Headquarters. This was agreed upon by the Executive Committee during their March 17 meeting.

Commissioner's Questions re: Executive Director's Report

Mr. Nardolilli asked for any questions on the Executive Director's report. Hearing none, Chair Neil moved onto the next item.

C. Next Steps Regarding the LFAA

Although the agenda was modified to have Mr. Masters report on Federal Executive Orders at this time, the Commission moved to Next Steps Regarding the LFAA because of a technical problem. Commissioner McCabe shared that the legal review of the LFAA has completed a second round where each party commented on the previous revisions and comments. There were no substantive issues raised during the second round of review; all corrections were technical. She cautioned and recommended that the USACE raise its document up for the next level of review as the other parties hold their approval since USACE has more layers of legal review to complete and it may take longer.

D. Federal Executive Orders

General Counsel Richard Masters gave his report on the recently issued Presidential executive orders and whether they apply to ICPRB. Mr. Masters reported that each order he reviewed on

behalf of ICPRB applies only to federal agencies. ICPRB is not defined as a federal agency under the United States Code: “Any executive department, government corporation or independent establishment in the executive branch; any military department included in Section 5 of U.S. Code; the Postal Service and Postal Regulatory Commission...” He reminded the Commission that the Interstate Commission on the Potomac River Basin is an Interstate Agency created by the statutes enacted when the compact was legislatively approved by the participating member jurisdictions. Therefore, the Trump Administration’s beachhead order does not apply to ICPRB. Similarly, neither the Federal Return to Office order nor the Federal Hiring Freeze Executive Orders apply to ICPRB. The executive order regarding cessation and closure of DEI offices and activities also does not apply to ICPRB, however there is language in the order about federal contractors and federal grantees under Section 2. Though, since ICPRB is a compact created commission rather than a federal agency, Mr. Masters asserted that the order does not apply according to his review. The Department of Justice Memorandum order on DEI does not apply to ICPRB based on Mr. Masters’ review of the language making clear that the order is directed to the private sector and educational institutions that receive federal funds, of which ICPRB is neither. The governor of West Virginia also approved an executive order concerning government officials participating in DEI activities. Mr. Masters asserted that the order applies to employees of West Virginia, not employees of ICPRB. He advised any Commissioners from West Virginia to review this executive order with their counsel.

Mr. Masters discussed the temporary pauses of federal agency financial assistance, and the two U.S. district court actions that have been filed to challenge the funding pauses: one was filed by the National Council of Non-Profits against the Office of Management and Budget and is pending in the U.S. District Court in the District of Columbia, while the second, a parallel lawsuit, was filed by New York and 21 other states against President Trump in the U.S. District Court for the district of Rhode Island. In both cases, after temporary restraining orders were entered, further motions were filed and granted temporary injunctions by both plaintiffs. The pause orders are both subject to temporary injunctions by both U.S. district courts. Mr. Masters summarized that both courts agreed that the funds should not be frozen without Congressional approval. He thanked the Commission for the opportunity to report.

Commissioner Brakel asserted that the Commission understands that ICPRB is not a federal agency, but because ICPRB receives EPA grant funding, he asked about the status of ICPRB as a grantee. Mr. Masters responded that he interpreted the executive orders on federal funding freezes to not apply to non-federal agencies such as ICPRB. Mr. Nardolilli added that since EPA is a federal agency, they could decide to make changes in their grant process and advise the grantees to certify certain things before receiving money. He said that as it stands now, our EPA Section 106 grant is unaffected, but we must be mindful moving forward of the status as it contributes a quarter of ICPRB’s funding.

Commissioner Jones thanked Mr. Masters for his work reviewing the orders. She asked about the likelihood of cuts amidst the sweeping executive orders, noting a Chesapeake Bay Program article about the proposed 65% cut in EPA funding. Mr. Masters stated that the Commission may find comfort in the fact that 22 states have challenged the cuts already, and anything already appropriated by Congress cannot be cut without their approval. Mr. Nardolilli shared his interpretation of Project 2025’s interest in supporting funding for the Clean Water Act. Hearing no

further questions or comments for General Counsel Masters, the meeting moved onto the next item.

C. Next Steps Regarding the LFAA (*continued*)

Collaborative Process

Mr. Nardolilli introduced the collaborative process document that was provided to the Commission in supplemental to the second quarter Commission book and mentioned that Commissioner Sussman would speak about it before making a motion to adopt the document. Commissioner Sussman explained the origin of the Collaborative Process which emerged from discussions about the LFAA and the environmental flow-by which involved group efforts. He expressed satisfaction with the progress made and mentioned the agreement with the Water Suppliers particularly highlighting the human needs assessment. Commissioner Sussman acknowledged Dr. Schultz's significant contributions in the process including her drafting of critical documents and keeping the process on track. **Commissioner Sussman made a motion that the Commission adopt the Collaborative Process and Framework as circulated which was seconded by Commissioner Potter. All were in favor and the Collaborative Process document was adopted.**

B. Status of the DEIJ Committee (Return to the Modified Agenda*)

Results of the Executive Committee Discussions

Commissioner Tsai addressed his status as a federal worker and made clear to the Commission that views he may have expressed do not represent or reflect the federal government. After the initial executive orders regarding DEI were announced, Commissioner Tsai met with Mr. Nardolilli to discuss initial thoughts and concerns. Chair Tsai and Vice Chair Kjellerup discussed the status of the DEIJ Committee with the Executive Committee during their meeting on March 17, and they agreed to continue working towards the DEIJ Committee goals.

Commissioner Tsai reported that the Land Acknowledgement update process from the first quarter meeting has been indefinitely put on hold, but they will return to it as appropriate. He also shared that the proposed webinar on the Environmental Justice Screening Tool (EJ Screen) has also been tabled indefinitely because of the EPA partners' fluid status as employees at the agency. Commissioner McCabe asked about the status of the EJ Screen and if it is currently running. Ms. Moncion shared in the chat that the tool is currently down.

Mr. Nardolilli looks forward to hearing back from the Committee on including unifying themes in line with the language in EPA "Pillar 1: Clean Air, Land, and Water for Every American." He also hopes that the Committee will consider specific suggestions for changing the name of the Committee or if they would like to adopt a modified statement on the website emphasizing community engagement.

E. Operations Report

Contracts and Financial Report

Mr. Nardolilli reported on the Contracts and Financial Reports. He shared that ICPRB accepted a new contract with MDE Assessment Units with a value of \$80,853. He also reported that the Contingency Reserve Account has had no withdrawals, and the General Accounts totaled

\$1,432,417.50 including the checking accounts and investments placed at the Krauss Investment Group of Janney Montgomery. Mr. Nardolilli briefly presented the financial report of assets and liabilities put together by Ms. Wang and Ms. Glenn and shared that we anticipate the preliminary audit report in the next few weeks. That report will then be presented to the Commission during the third quarter meeting in June for its acceptance. Hearing no questions on the financial report, Mr. Nardolilli moved onto the next item on the agenda.

Spotlight Presentation: Consumptive Use by Data Centers

Dr. Alimatou Seck presented the results of her investigation of Consumptive Use by Data Centers.

Tab 7 Report Questions

Mr. Nardolilli asked for Commissioner questions for the Unit Directors about their project reports in Tab 7 of the Commission Book. Commissioner Brakel asked about the Annual Report from 2024 prepared by Ms. Renee Bourassa. He asked if there would be an opportunity to comment on the report or make suggestions. Mr. Nardolilli shared that any revisions or suggestions are to be shared with Ms. Bourassa and himself. Ms. Bourassa echoed Mr. Nardolilli's sentiment about being open to revisions and asked for Commissioners to send them to her by close-of-business on Friday, March 21.

9. New Business

A. Election of Willem Brakel as Vice Chair for FY2025

Mr. Nardolilli asked if there were any other nominations before electing Commissioner Brakel to be Vice Chair of the Commission for the remainder of fiscal year 2025. **Hearing none, he asked for a motion. Commissioner Karimi made a motion to elect Commissioner Brakel as Vice Chair and Commissioner Jones seconded. All were in favor.**

B. Appoint Darryl Madden as Audit Committee Chair and Tiffany Potter as a Member

Mr. Nardolilli said that given Commissioner Holland's resignation, the Commission must appoint a new Chair of the Audit Committee and also a new member. Since Commissioner Madden has served in this capacity in the past, he had been suggested to become the Audit Committee Chair. **Mr. Nardolilli asked for a motion to appoint Commissioner Madden. Commissioner Karimi made a motion to appoint Commissioner Madden as Audit Committee Chair and Commissioner Potter seconded. Commissioner Karimi made a motion to appoint Commissioner Potter to the Audit Committee and Commissioner Jones seconded. All were in favor.**

C. Fiscal Year 2025 Budget Amendment #2

Mr. Nardolilli noted that the only change to the budget was the addition of the MDE Assessment Units Contract mentioned in item E, Contracts and Financial Report. **Mr. Nardolilli asked for a motion to approve. Commissioner Karimi made a motion to approve the budget amendment #2 and Commissioner Potter seconded. All were in favor.**

D. Acknowledgement of Commissioner Paul Holland's Service to the Commission

Commissioner Brakel read the following statement:

“Recently, Paul Holland of Arlington, VA stepped down from the Commission at the end of his second term as a Commissioner representing the Commonwealth of Virginia. Paul was appointed to ICPRB by Virginia Governor Terry McAuliffe in 2017 and re-appointed by Virginia Governor Ralph Northam in 2021. As a Commissioner, Paul has led many elements of the ICPRB’s work, including serving as chair for our annual Audit committee and our Nominations and Governance Committee. During our quarterly Commission meetings, Paul has displayed an outstanding capacity for original thought, self-reliance, and initiative. Paul’s work on the ICPRB showed an ability to quickly develop effective working relationships with new colleagues and to address complex policy issues facing the five states and federal government located within the Potomac River watershed.

Accordingly, I move that the Commission commend Paul for his eight years of service on the Commission and wish him well in his future endeavors.”

Commissioner Brakel made a motion which was seconded by Commissioner Cloe. Mr. Nardolilli made indicated that that the commendation and motion would be transmitted to Commissioner Holland. All were in favor.

Comment from Commissioner Tran

Commissioner Tran asked the Commission and staff about possible pollution concerns about the plane crash tragedy in the Potomac River near Washington National Airport earlier this year. Dr. Schultz reported that CO-OP was not alerted to anything and reported that CO-OP has focused exclusively on water quality above the intake. Mr. Nardolilli noted that the Potomac Riverkeeper investigated the pollution issue but there were no comments from ICPRB on the findings. Mr. Nardolilli suggested Commissioner Tran inquire directly with the Potomac Riverkeeper on this question. Ms. Moncion posted a link in the chat to a recording of the Potomac Riverkeeper’s webinar about the consequences to the Potomac after the plane crash tragedy in the District of Columbia.

10. Next Meeting: June 17, 2025 (Virtual Meeting)

Mr. Nardolilli reminded the Commission of the third quarterly Microsoft Teams meeting on June 17, 2025. He stated that the major order of business then will be the adoption of the framework budget, which will guide the Commission to construct the final budget to be presented at the annual in-person meeting on September 9, 2025. He asked the Commission for any questions or comments. Commissioner Karimi asked the Executive Director and General Counsel Richard Masters to add an item to the third quarter meeting agenda to discuss ongoing concerns over EPA budget changes. Mr. Nardolilli agreed upon the importance of keeping in touch on these possible impending changes. Commissioner Karimi shared that this could also be discussed during the next meeting of the Executive Committee.

11. For the Good of the Order and Adjournment

Chair Neil asked for a motion to adjourn. Commissioner Karimi made a motion to adjourn which was seconded by Commissioner Potter. All were in favor and the meeting ended at 12:25pm.

These minutes were written by Ms. Lily Bedwell, and revised and approved of by Mr. Michael Nardolilli.