

# INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

## THIRD QUARTER FY2024 BUSINESS MEETING

June 18, 2024

### VIRTUAL MEETING

ROCKVILLE, MD

### MINUTES

**CALL TO ORDER:** Chair Susan Weaver called the Third Quarter FY2024 Business Meeting to order at 9:45 am on June 18, 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)  
Steve Saari (Commissioner)  
Kimberly L. Jones (Alt.  
Commissioner)

##### **Maryland**

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

##### **Pennsylvania**

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

##### **United States**

Robert Sussman (Commissioner)  
Darryl J. Madden (Commissioner)  
Amy Guise (Alt. 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)  
Laurel Glenn (Dir, Administration)  
Carlington Wallace (Associate Dir,  
Water Resources)  
Emily Young, (Habitat & Living Resources  
Data Manager)  
Mike Selckmann (Assoc. Dir of Aquatic  
Habitats)  
Rick Masters, General Counsel  
Stephanie Nummer (Water Resources  
Scientist)  
Alimatou Seck (Senior Water  
Resources Scientist)  
Serena Moncion (Outreach Program  
Manager)  
Sarah Ahmed (Senior Water Resources  
Engineer Analyst)

#### **Guests**

Megan Jadrosich (USACE)  
Joe Chandler (USACE)  
Joel Caudill (WSSC Water)

## 1. REVIEW OF PARTICIPANTS LIST AND QUORUM CERTIFICATION

Executive Director Michael Nardolilli introduced himself and welcomed everyone to the meeting. Serena Moncion, Outreach Program Manager, told attendees that the meeting was being recorded for notetaking purposes and asked that everyone record their names and affiliations in the “CHAT” portion of TEAMS. Nardolilli then certified that a quorum was present and introduced the Chair, Susan Weaver from the Commonwealth of Pennsylvania.

## 2. WELCOMING REMARKS

Chair Weaver introduced herself and then welcomed everyone to the third quarter business meeting.

## 3. INTRODUCTION/REMARKS OF NEW COMMISSIONERS

Chair Weaver introduced two new ICPRB Commissioners since the last meeting:

- Mr. Steve Saari was appointed by Mayor Bowser to replace Jeff Seltzer from the District of Columbia who took a position with the Montgomery County government
- Delegate Kathy Tran from the Commonwealth of Virginia was appointed by the Virginia House of Delegates to fill the seat of Delegate Alfonso Perez.

Chair Weaver shared biographical highlights of Commissioners Tran and Saari and then asked if either member would like to share a few words with the group. Commissioner Tran was not present, and Commissioner Saari said he was glad to be returning to ICPRB (where he worked from 2002 to 2006).

## 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 Saari made a motion to approve the agenda, which was seconded by Commissioner Madden. All were in favor.**

## 6. DRAFT MINUTES FROM MARCH 12, 2024

Chair Weaver asked if there were any changes to the March 12 meeting minutes. **Commissioner Tsai made a motion to approve the March 12, 2024, meeting minutes as circulated, which was seconded by Commissioner McCabe. All were in favor.**

## 7. NOTES FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALLS

Nardolilli reported on the conference calls held by the Executive Committee on May 1, 2024 (under Tab 2 of the Meeting Book) and on June 17, 2024. Highlights of his brief are as follows:

- As a follow-up to the May 1 meeting, Nardolilli noted that the two ICPRB requests for Congressional earmarks (\$500,000 for the Supplemental Water Supply Study and \$650,000 for ICPRB) are now in the FY2024 Work Plan published by the U.S. Army Corps of Engineers (USACE). ICPRB has been advised that it should receive the \$650,000 in the July to August timeframe. ICPRB has created a list of projects that delineate in detail how those funds will be spent in FY25.
- Also at the May 1 meeting, the Executive Committee voted to recommend that the Commission adopt the new Strategic Plan.
- At the June 17 Executive Committee Meeting, discussions were held regarding a Staff proposal to increase the signatory contributions to ICPRB to either keep pace with inflation or to provide for an increase in Staff to address the increasing workload. Staff has 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 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. No agreements were reached.
- At the June 17<sup>th</sup> meeting, Nardolilli briefed the Executive Committee on the status of financial audit for Fiscal Year 2023. He indicated that it is late this year due to ICPRB's senior accountant being out of the office on long term medical leave and the auditor not being as responsive as they could have. He stated that he expects it will be ready before the end of June and he reminded Commissioners that the ICPRB by-laws allow for the Executive Committee to officially approve the audit, as recommended by the Audit Committee.
- Also at the June 17 meeting, Nardolilli shared ICPRB's intention to host the 4<sup>th</sup> Quarter, annual in-person Commission Meeting in Gettysburg, Pennsylvania on September 10th.

## 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:

- Commissioner/Staff Changes. Nardolilli reported that Dr. Christina Davis, one of ICPRB's Senior Water Resources Planners and its DWSPP Coordinator, left ICPRB to take a position with Loudoun Water. Staff held a farewell luncheon for Dr. Davis on June 13. The position has been posted and candidates will be interviewed soon. In other staff

issues, Nardolilli highlighted ICPRB's robust 2024 summer intern program. He reminded Commissioners that part of the expiring Strategic Plan was to create an Intern Program. ICPRB currently has two paid internships and one being funded by the Yale Conservation Scholarship Early Leadership Initiative Program. ICPRB is also working with the Chesapeake Conservation and Climate Corps to provide us with intern who will be assigned to ICPRB full-time for a year, starting next month.

- Supplemental Storage Feasibility Study. Nardolilli reported that the \$500,000 in federal funding awarded for a study of the Washington Aqueduct Backup Water Supply will be received by USACE shortly. Key stakeholders of the Supplemental Storage Working Group (SSWG) met on March 25 and April 24 to discuss next steps and to develop a short draft of "Objectives and Constraints" for the study that will reflect the water suppliers' comments. Nardolilli said that Dr. Schultz has made progress in persuading USACE to consider an ICPRB Study as a possible "in-kind" match. The next SSWG meeting is set for July 31.
- Compact Funding for ICPRB. Nardolilli reported that the \$650,000 in federal funding awarded to ICPRB is now in the USACE FY2024 Work Plan. As requested, ICPRB submitted an invoice for the \$650,000 in federal funds to USACE and ICPRB anticipates receiving these funds in August, which is too late to spend in FY24. Nardolilli reminded Commissioners that Congressman Raskin's Office assured ICPRB that the funds may be spent in FY25. While several identified projects were provided to Congressman Raskin's office as part of ICPRB's Community Project Funding, there is no requirement that these funds be used in that manner or even reported afterwards. However, ICPRB plans to use that list as a spending guide for FY25.
- WRDA 2024. Nardolilli reported that the House Transportation & Infrastructure Committee will be reviewing the 2024 Water Resources Development Act (WRDA) in June. This is important to ICPRB for two reasons: First, Congresswoman Eleanor Holmes Norton has requested that WRDA designate the supplemental storage study as being funded 100% by the federal government. Second, Congressman Molinaro may offer an amendment to incorporate HR 7204 into WRDA. HR 7204 is a bipartisan bill that would transfer the liaison agency for the three Mid-Atlantic River Basin Commissions from the USACE to the EPA. If this amendment comes to fruition, it will eliminate the need for the River Basin Commissions having to go to Congress every year to request the federally mandated funding through the earmark process.
- Potomac River Conference. Nardolilli highlighted the ongoing planning process for the Third Annual Potomac River Conference, sharing that the topic for this year's event is "Reeling in the Challenge of Aquatic Invasive Species," and the event will be held at The River View at Occoquan in Lorton, VA on October 17. Delegate Tran will give the welcoming remarks. Nardolilli added that ICPRB is still seeking additional sponsors to help underwrite the cost of this year's Conference.
- Commissioner Questions on the ED Report. Nardolilli asked if the Commissioners had any questions on his report. There were none.

## **B. Report of the DEIJ Committee**

Chair Weaver introduced Commissioners Jones and Tsai to give the DEIJ Committee report for this past quarter's activities. Highlights were:

- The DEIJ Committee last met on May 14 and welcomed Commissioner Kjellerup as a new Committee Member. Commissioner Tsai reported that at this juncture the Committee now has members representing all the jurisdictions.
- At the May 14 meeting, the Committee received a presentation from Karin Bencala on ICPRB's "Tracking Environmental Progress" Storymap; members provided feedback on the storymap to include suggestions on how to include environmental demographics and metrics. Also, in alignment with the demographic information, there was discussion on strategies to improve internal diversity at ICPRB.
- Serena Moncion is working on a "land acknowledgment article" that addresses the history of indigenous people in the Basin. AJ Villaruel, ICPRB's intern from the Yale Conservation Scholars Program, is assisting her with this project.
- The DEIJ Committee decided that at the end of FY24, Alternate Commissioner Jones will step down as Chair of the DEIJ Committee and that Alternate Commissioner Tsai will become Chair. The Committee has not decided who will become the new Vice Chair. Their next meeting is August 20.

## **C. Next Steps Regarding the LFAA**

Chair Weaver asked Commissioners McCabe, Sussman and Dr. Schultz of ICPRB to give an update on the LFAA and the Collaborative Process. Commissioner Sussman in turn asked Commissioner McCabe to give the update.

Commissioner McCabe briefed that the USACE attorneys in the Baltimore District Office have reviewed the latest version of the LFAA thereby effectively approving language that the Corps has final decision-making power about not only what the environmental flow-by needs are but also the that a balance would be struck between the environmental flow-by needs and the human needs. Accordingly, there is a document ready for the attorneys of the other governing bodies to review (the "companion document"). Commissioner McCabe added that USACE attorneys requested that for signature and processing purposes, ICPRB create a separate document which would be framed simply as Modification #3 to the original LFAA. ICPRB's General Counsel, Mr. Rick Masters, is working on this implementation vehicle and he stated he would have this ready in draft form by mid-July. The Baltimore District has asked that all the governing bodies confirm their agreement to the current language before they forward the document up their chain of command; Commissioner McCabe confirmed that this review is underway. After the Baltimore District Office completes their review, Modification #3 will proceed to the Northeast Regional Office, the USACE HQ in DC and finally the Army General Counsel.

Commissioner Sussman gave an update on the Collaborative Process. The latest iteration of the collaborative process titled "Draft Collaborative Process Roadmap and Framework" was completed on April 16, 2024, and was circulated to the water suppliers (WSSC Water, Fairfax Water and USACE).

Their written comments were reviewed by the CO-OP Staff during the timeframe of May 14-16. Commissioner Sussman said that the comments and feedback generally fell into two categories: Suggestions that were non-controversial and straightforward and those that would be considered more substantive and merit further review by the Executive Committee. The latter revolved around issues related to how decision making would be structured within the collaborative process, how the different stages of the process are defined, and finally, how should the collaborative process relate to the LFAA. Of note, the water suppliers have said that they do not want to make any final decisions on the collaborative process until the LFAA modifications are signed. Commissioner Sussman ended his brief by saying that the group is still reviewing the water supplier's feedback and trying to determine the best way to respond.

Commissioner Brakel commended the work that has been accomplished thus far on the collaborative framework and emphasized the need for all participants to continue to work together in good faith. He indicated that although there are controversial issues, unnecessary obstacles have slowed down the process and stakeholders need to try to overcome these and move forward.

#### **D. New Strategic Plan**

Chair Weaver asked Commissioner Brakel to lead a discussion on adoption of the new strategic plan. Commissioner Brakel said he had been working with the Strategic Planning Committee for the last six months to create this new plan. He highlighted the careful editing and visually appealing format that this final document has (located at Tab 6, Attachment 4 of the Commission Book.) Commissioner Brakel briefed Commissioners on the two major plans that ICPRB has which are the Comprehensive Water Resources Plan, covering a timeframe of 15 years and the Strategic Plan which covers only a three-year timeframe and is focused more directly on what ICPRB itself can and should be doing. He reminded Commissioners of the Four Strategic Pillars that focus on high value, high visibility initiatives which work together to catalyze the implementation of the longer-term Comprehensive Water Resources plan. He said that the proposed Strategic Plan has some important new elements on environmental justice and equity issues that aggressively promote a sense of belonging in the Basin. In summary, he stated that the Executive Committee has reviewed the current plan and recommends its adoption.

**Commissioner Brakel made a motion for the Commission to adopt the New Strategic plan as presented in the Commission Meeting book. Commissioner Saari seconded the motion. All were in favor.**

Chair Weaver thanked the members of the Strategic Planning Committee for their work on updating and finalizing the plan.

#### **E. Operations Report**

Nardolilli presented the ICPRB contracts and financial reports which are under Tab 6, attachments 5 and 6 in the Commission Book. He discussed the recently ratified PFAS contract (first part of the report) and shared details of the contract with Loudoun Water with funding from the Water Research Foundation. The project goal is to study and understand the factors that affect PFAS variability in the Potomac River Basin; ICPRB's role is to work with other stakeholders to identify sampling locations and collect surface water samples and conduct analysis with the ultimate goal of establishing a monitoring program that will inform and create best management practices and long-term mitigation strategies.

Nardolilli said the second part of the report reflects ICPRB’s account balances in the Janney fund of which there have been no substantial changes in reserve account balances.

Dr. Stephanie Nummer, Water Resources Scientist, provided the “SPOTLIGHT ON ICPRB” presentation on the topic: *“Forecasting Reported Water Withdrawals in the Potomac Basin.”*

Commissioners were given an opportunity to ask questions on the Unit Reporting located in Tab 7 of the Commission Book. There were no questions.

## **9. NEW BUSINESS**

### **A. Nominating Committee for FY2025 Officers**

Nardolilli reminded Commissioners that every year during the 3<sup>rd</sup> quarter meeting, a nominating committee is appointed to report back to the Commission at its 4<sup>th</sup> quarter meeting with recommendations for electing the new Chair and Vice Chair under section 3A of the Commission bylaws. The Chair and the Vice Chair rotate among the member bodies in the following order: WV, DC, MD, PA, Federal government and VA. Due to special circumstances last year, the Commission decided to flip the order between the Federal government and Pennsylvania for one year. ICPRB is now returning to the regular order.

Nardolilli said Staff recommends that the FY25 committee consider selecting Scott Morris of the Commonwealth of Virginia as Chair and Mindy Neil of West Virginia to serve as Vice Chair.

Commissioners Karimi, Currey and Holland have all agreed to serve on this year’s nominating committee.

**Commissioner McCabe made a motion to appoint the nominating committee consisting of Commissioners Karimi, Currey and Holland for FY2025 officers. Commissioner Potter seconded the motion. All were in favor.**

### **B. FY2024 Budget Amendment #2**

Nardolilli asked Dr. Moltz to briefly address the change that prompted budget amendment #2 which was a change in ICPRB’s FY24 allocation under the Section 106 grant from the EPA. Dr. Moltz explained that it is a normal part of EPA’s budgetary process to adjust our award every year about this time and ICPRB has been very fortunate to receive grant increases over the past several years; this year, however, she explained that ICPRB received a cut which in no way reflects ICPRB’s performance. The EPA simply applies a formula to determine what each agency gets for its final award.

**Commissioner Saari made a motion to approve Budget Amendment #2. Commissioner Currey seconded it. All were in favor.**

### **C. FY2025 Framework Budget**

Nardolilli presented the FY25 Framework Budget for adoption that will guide the drafting of the Final Budget for FY2025 at the Commission’s Annual Meeting. The Framework Budget reflects the carry-over of the Federal Appropriation of \$650,000 that ICPRB anticipates receiving in FY2024 but not spending until FY2025.

**Commissioner Willis made a motion to approve the FY25 Framework Budget and Commissioner Tsai seconded the motion. All were in favor.**

**D. Presentation of Audit**

Nardolilli explained that the results of the FY23 audit were not yet available but would be by June 30<sup>th</sup> and they would be accepted and approved by the Executive Committee prior to that date.

**10. Logistics of Annual Meeting on September 10, 2024**

Nardolilli discussed the logistics for the Annual Meeting of the Commission in September which will be held in-person in Gettysburg, PA. Key details presented were:

- A block of rooms has been reserved at the Wyndham Gettysburg.
- The Executive Committee will meet on September 9 from 3:00pm to 5:00pm at the Adams County Agricultural and Natural Resources Center followed by dinner at the adjacent Adams County Historical Society Museum.
- The CO-OP Section and Commission meetings will be held at their usual times on September 10 at the Adams County Agricultural and Natural Resources Center.
- ICPRB has scheduled a field trip on the afternoon of September 10 to Knouse Foods in Orrtanna, PA.
- ICPRB is still working on finding a welcoming speaker.

**11. FOR THE GOOD OF THE ORDER AND ADJOURNMENT**

With no further business to transact, Chair Weaver asked for a Motion to Adjourn. **Commissioner Tsai made a motion to adjourn which was seconded by Commissioner Guise. All were in favor. Accordingly, the Commission adjourned at 11:38 am.**

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