

**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN**

**FIRST QUARTER 2018  
BUSINESS MEETING  
DECEMBER 5, 2017**

**ICPRB LOCATION  
LOWER LEVEL CONFERENCE ROOM**

**DRAFT MINUTES**

**CALL TO ORDER:** Chairman Karimi called the First Quarter 2018 Business Meeting to order at 9:57AM on December 5, 2017. The following Commissioners, staff, and guests were in attendance for all or part of the meeting.

**COMMISSIONERS**

**District of Columbia**

Hamid Karimi (Chair, Commissioner)  
Willem Brakel (Commissioner)  
Tiffany Potter (Alt. Commissioner)  
Kimberly Jones (Alt. Commissioner)

**Maryland**

Robert Lewis (Commissioner)  
Virginia Kearney (Alt. Commissioner)  
Aruna Miller (Commissioner)  
Nancy Hausrath (Alt. Commissioner)

**Pennsylvania**

Jennifer Orr (Alt. Commissioner)  
Ronald Stanley (Commissioner)

**Virginia**

Scott Kudlas (Alt. Commissioner)  
Paul Holland (Alt. Commissioner)  
Jackson Miller (Commissioner)

**United States**

Robert Sussman (Commissioner)

**West Virginia**

John Wirts (Alt. Commissioner)

**STAFF AND GUESTS**

**Staff**

Carlton Haywood (Executive Director)  
Robert Bolle (General Counsel)  
Bo Park (Dir, Administration)  
Cherie Schultz (Dir, COOP Operations)  
Curtis Dalpra (Communications Manager)  
Heidi Moltz (Assoc Dir, Water Resources)  
Ross Mandel (Assoc Dir, Watershed Analysis)  
Andrea Nagel (Environmental Scientist)

**Guests**

Heather Cisar (USACE, Baltimore)  
Chris Kimple (for D. Moul, PA)  
Saeid Kasraei (MDE)  
Teresa Wong (MDE)  
Kristin Rowles (Policy Works LLC)  
Greg Prelewicz (Fairfax Water)  
James Tsai (Visitor, DC)  
Dennis Hogan (Visitor, AECOM)

**ADOPTION OF AGENDA:** An item from the CO-OP Meeting, "Update on Communications Plan for the WMA Water Supply Alternatives Study" was deferred to the Business Meeting, adding this update to #7B on the Business Meeting agenda. **Commissioner Lewis made a motion to approve the agenda, which was seconded by Commissioner Kudlas. All were in favor.**

**AUGUST 29, 2017 DRAFT MINUTES:** Commissioner Brakel noted the omission of Mr. Collin Burrell (DC, DOEE) on the attendance list. **With the changes, Commissioner Kearney made a motion to approve the Minutes, which was seconded by Commissioner Lewis. All were in favor.**

**SUMMARY FROM EXECUTIVE COMMITTEE CONFERENCE CALL (Tab 2):** Mr. Haywood summarized several of the topics discussed during the EC conference calls. One is that it is time for ICPRB to revise its Strategic Plan and that it would be appropriate to start that after the Comprehensive Plan is complete in the summer of 2018. Some members of the Exec. Committee expressed a concern with the disclaimer statement used in the Washington Metropolitan Area Water Supply Alternatives report. The statement is,

“This report was prepared by the Interstate Commission on the Potomac River Basin, Section for Cooperative Water Supply Operations on the Potomac. The opinions expressed in this report are those of the authors and should not be construed as representing the opinions or policies of the U.S. Government, or the signatory jurisdictions or Commissioners of the Interstate Commission on the Potomac River Basin, or the water suppliers. No official endorsements should be inferred.”

Commissioner Sussman added his view that this disclaimer is appropriate for most ICPRB reports but not when the Commission wants to express its support. He suggested that disclaimer use should be determined on a case-by-case basis. Mr. Haywood referred further discussions on this matter as it will be discussed later on the agenda for this meeting. Upcoming staff retirements and planning for replacement were also discussed.

### **EXECUTIVE DIRECTOR’S REPORT**

Mr. Haywood summarized the ED report found in Tab 6, Attachment 1.

- Financial report
  - The contingency reserve account for the Commission remains intact.
  - There is approximately \$1.3M held in various general accounts for operational use.
  - The dues received from the jurisdictions are Maryland 90%, Virginia & West Virginia paid in full, and Pennsylvania has outstanding dues for 4<sup>th</sup> quarter of FY2017. Commissioner Orr indicated that the PA budget has passed and the payment should be forthcoming.
  - Contracts for services to ICPRB: All Covered was contracted to upgrade several computer servers for \$9,132, the Cruden Group was contracted for \$60k for the LFAA review, and the existing Policy Works contract was amended to add \$7,800 for additional work with the Comprehensive Plan advisory committee.
  - Contracts for ICPRB services to other agencies: A contract was executed with VADEQ to assist DEQ in their Salt Management Plan for \$50k; for the annual EPA 106 grant, the full amount was granted but only \$109k has been funded so far.
  - In operations, a new bank account was opened with M&T Bank and Bank of America was closed due to high fees and unsatisfactory service.
  - In Accounts Receivables, the long list of outstanding A/Rs are from jurisdiction short payments. They are considered owed to the Commission and they will remain on the books. However, per the audit, most of these A/Rs are offset as doubtful accounts. Other than these, there are no A/Rs older than 30 days.
- Action items
  - A commissioner ad hoc group for the Comprehensive Plan, chaired by Commissioner Kearney, including Holland, Lewis, Kudlas, Sussman, and Stanley, held one conference call. As new sections of the Comprehensive Plan are developed, items will be posted on the web, in the password protected “Commissioners Documents” web page. Commissioner Kearney will coordinate meetings of this ad hoc group. Ms. Heather Cisar will represent the COE on the committee as well.
- **Project Status Summary:** The project reports are in Tab 7 of the meeting book. The Forest Project (#351) with the Water Resources Foundation is near complete and the draft report was submitted in mid-October, including the utilities for their comments. The final report is expected to complete in January. The project was also presented by a staff member at the American Water Resources Association (AWRA) meeting. **Commissioners Holland and Potter asked for a**

**copy of the report.** And going forward for the project reports, **Chairman Karimi asked that a few noteworthy projects be reported at each meeting.**

**UPDATE ON LOW FLOW ALLOCATION AGREEMENT (LFAA) AND WATER SUPPLY COORDINATION AGREEMENT (WSCA) REVIEWS:** Mr. Haywood reported that the contract with The Cruden Group was executed to assist with the review of the LFAA. Mr. Cruden is a former Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice. A draft report of the LFAA review is due on December 15, which will be distributed to the signatories of the LFAA shortly thereafter. This report will provide recommendations but instead options to consider. By the end of the review process, there will be a procedure for the signatories to enter into negotiations for changes, if any. By January 8, The Cruden Group will brief the signatory parties on the draft report. By January 31, the deadline for written comments on the draft report are due. By February 23, the final review of the report will be distributed to the LFAA parties. On March 6, at the next ICPRB meeting, The Cruden Group will provide an informational briefing to the Commission. Then, in April, at the annual LFAA meeting, the parties may decide on their next steps. John Cruden has indicated that the original agreement that is 40 years old was initiated by the Congress, therefore, he considers it to be similar to an Act of the Congress or a statute.

**Chairman Karimi asked that the ED be prepared to adjust the schedule for LFAA Review to take into account review times needed by the agreement's parties.** The WSCA review update was already covered under the CO-OP Meeting.

#### **NEW BUSINESS**

**FY2018 Budget Amendment #1:** Mr. Haywood discussed the budget amendment which has a cumulative change of plus \$79k from the framework budget. The budget reflects new projects since then and upcoming projects that are fairly certain. Chairman Karimi asked the staff and commissioners to look for creative ways to secure funding as the Commission is always starting with a negative budget. Mr. Haywood added that, as long as the Federal government doesn't pay its dues, ICPRB's budget almost always will start the year with a poor financial outlook. New projects, however, are always being developed throughout the year. **Commissioner Stanley made a motion to approve the budget amendment, which was seconded by Commissioner Lewis. All were in favor.**

**Consider Endorsement of the Water Supply Alternative Study:** Mr. Dalpra reported that there was an intense period of review and discussion among staff and the water suppliers regarding final language in the Study and language to be included in any public communications. That, plus the time pressure to release the Study, resulted in the public communications taking place without prior review by Commissioners who had requested it. Information was posted on the ICPRB website, Facebook and other social media. Going forward, stakeholders will be targeted for presentations and outreach. Commissioners are encouraged to contact the staff for comments and ideas.

Commissioner Brakel asked the Commission to consider an endorsement of the Water Supply Alternatives Study. When the report was published in early September, the standard disclaimer language indicated that "no official endorsement should be inferred." For this report to have a counter balance affirming the interest of the Commission, Commissioner Brakel suggested adding a new "endorsement" paragraph. His draft for the paragraph reads, "The ICPRB welcomes the release on September 8, 2017 of the Washington Metropolitan Area Water Supply Alternatives Study. The Commission commends the work of ICPRB CO-OP staff, in conjunction with experts from the regional water suppliers. This is an important analysis of regional water demand that outlines additional steps that might be taken to provide a safer, more secure, sustainable and resilient water supply for the region for the coming decades. We encourage regional and federal stakeholders, planners and policymakers to take note of the report's findings and recommendations, and urge them to take action as appropriate. The ICPRB stands ready to facilitate aspects of this process where it has the authority, resources and relevant expertise."

Commissioners are welcome to suggest changes. Dr. Schultz suggested that the word, “recommended” be changed to “recommended options” considering the perspective of the utilities.

Mr. Haywood proposed that this statement, when approved by the Commission, would be published in the form of a resolution. It would be put on the Commission’s website and social media and reference to it made at all public presentations and announcements. **Chairman urged the staff and commissioners to act quickly on passing the language and asked for a vote by email within a reasonable timeframe.** Mr. Bolle indicated that a vote by email is acceptable. Mr. Haywood will draft a resolution with the paragraph and will circulate the language for any changes. Then formal votes by email will be collected per the By-Laws rules for electronic voting.

**Comprehensive Plan Discussions:** Mr. Haywood, Ms. Rowles (Policy Works LLC), and Dr. Moltz updated the commissioners on the basin-wide comprehensive water resources plan. The timeline for the advisory committee meetings, the planning process, and the development of the plan document were discussed. Other topics of discussion included the recent work of the advisory committee and the ad hoc commissioners group focused on the plan's development and a discussion of the status of the major sections of the plan. The first complete draft of the plan will be available in mid-February 2018. Draft sections of the comprehensive plan are available for review on a password protected webpage.

**A Chloride TMDL for Accotink Creek, VA:** Dr. Mandel gave a presentation on the Accotink Creek chloride TMDLs and ICRPB’s role in their development. Accotink Creek drains a 52-square mile watershed in Northern Virginia and is highly developed. Based on its monitoring of macroinvertebrates, Virginia DEQ has determined that Accotink Creek and Long Branch, one of its tributaries, are not supporting healthy aquatic communities. ICRPB first became involved in Accotink Creek when it provided DEQ with technical assistance in performing a Biological Stressor Identification analysis (BSID). The BSID demonstrated that chloride concentrations in Accotink Creek are exceeding Virginia’s water quality criteria for the protection of aquatic life, using chloride monitoring data as well as continuous monitoring of specific conductance and the strong correlation between conductance and chloride concentrations.

Because chloride concentrations exceed water quality criteria, DEQ decided to develop chloride TMDLs for upper Accotink Creek, lower Accotink Creek, and Long Branch. Virginia is the first state in the mid-Atlantic region and only the fourth state in the country to develop TMDLs for chloride from deicing agents. DEQ development of the TMDLs was based on the principles that public safety would not be compromised and an emphasis would be placed on implementation. ICRPB helped DEQ develop the TMDLs, using the load duration curve method. An innovative aspect of the Accotink Creek chloride TMDLs was that wasteload allocations assigned to MS4 were based specifically on the drainage areas to the storm sewer outfalls, so MS4s are only responsible for loads which discharge from their storm sewer systems. ICRPB is currently participating in the implementation of the TMDLs by helping DEQ develop the Salt Management Strategy (SaMS), which is a regional, stakeholder-driven process to disseminate the most up-to-date practices to efficiently use deicing and anti-icing materials, track salt usage, monitor improvements in water quality, and identify funding sources for these implementation efforts.

**NEXT MEETING DATE, MARCH 6, 2018:** The next meeting will be held on March 6, 2018 at the ICRPB Rockville location.

#### **FOR THE GOOD OF THE ORDER**

Commissioner Stanley honored his late brother, John Stanley, who was a fisheries biologist, retired from the US Fish and Wildlife Services as a director of a Great Lakes laboratory, which also has oversight of the Chesapeake Bay. He also served as a chairman of the Great Lakes Commission, similar to ICRPB.

**ADJOURNMENT: Commissioner Potter made a motion to adjourn the meeting at 12:45 PM, which was seconded by Commissioner Jones. All were in favor.**

Minutes Draft By: Bo Park, Director, Administration

Minutes Reviewed, Approved, and Submitted by: H. Carlton Haywood, Recording Secretary