

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

THIRD QUARTER 2020 BUSINESS MEETING JUNE 23, 2020

ICPRB HEADQUARTERS AND VIRTUAL MEETING ROCKVILLE, MD

FINAL MINUTES

CALL TO ORDER: Chairman Wirts called the Third Quarter 2020 Business Meeting to order at 2:18 p.m. on June 23, 2020. The following commissioners, staff, and guests were in attendance for all or part of the meeting.

Commissioners

West Virginia

John Wirts (Chair, Alt. Commissioner)

United States

Robert Sussman (Commissioner)

MG Jeffrey Milhorn (Commissioner)

Amy Guise (Alt. Commissioner)

District of Columbia

Willem Brakel (Commissioner)

Tiffany Potter (Commissioner)

Jeff Seltzer (Commissioner)

Kimberly Jones (Alt. Commissioner)

Hamid Karimi (Alt. Commissioner)

James Tsai (Alt. Commissioner)

Maryland

Robert Lewis (Commissioner)

Lee Currey (Alt. Commissioner)

Virginia

Paul Holland (Commissioner)

Scott Kudlas (Alt. Commissioner)

Mark Peterson (Alt. Commissioner)

Pennsylvania

Adam McClain (Alt. Commissioner)

Staff

Michael Nardolilli (Executive Director)

Robert Bolle (General Counsel)

Bo Park (Dir, Administration)

Cherie Schultz (Dir, COOP Operations)

Claire Buchanan (Dir, Program Operations)

Heidi Moltz (Assoc. Dir, Water Resources)

Curtis Dalpra (Communications Manager)

Alimatou Seck (Water Resources Engineer)

DeeDee Hunter (Administrative Coordinator)

Christina Davis (Sn. Water Resources Planner)

Guests

Valerie Cappola (COE, NAD)

Summer Kunkel (PA DEP)

Rhonda Manning (PA DEP)

Chris Kimple (Rep. Commissioner Moul)

Saeid Kasraei (MDE)

Gregory Prelewicz (Fairfax Water)

Mr. Nardolilli welcomed the Commissioners, staff, and guests to this first hybrid meeting for ICPRB. Mr. Nardolilli explained that this "virtual" meeting is allowed under a revision to the ICPRB By-laws 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 Maryland Governor (and ICPRB Commissioner) Larry Hogan on March 5, 2020 and renewed on June 3, 2020.

Federal Commissioner Milhorn expressed his thanks to the Commission and informed that he will be transitioning out on July 15, 2020 from his post as the Commander and Division Engineer of the North Atlantic Division, U.S. Army Corps of Engineers. His office will be initiating the appointment process with the White House for his replacement on the Commission. Col. John Litz will continue to serve as a representative along with Ms. Guise as the Alternate Commissioner.

ADOPTION OF AGENDA

Commissioner Brakel gave an update on the footnote on Item #6.A. The agenda stated that all but one SPC members had commented or approved the final version. Since then, all the SPC members have approved the version that was sent to the Commissioners. **Commissioner Karimi made a motion to approve the agenda, which was seconded by Commissioner Jones. All were in favor.**

MARCH 3, 2020 DRAFT MINUTES

Chairman Wirts added a correction on page 2, under “Summary From Executive Committee Conference,” to be changed from “was held” to “was discussed.” **Commissioner Kudlas made a motion to approve the March 3, 2020 Meeting Minutes, which was seconded by Commissioner Karimi. All were in favor.**

SUMMARY FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALL (Tab 2)

Mr. Nardolilli gave an overview of the Executive Committee meeting, which was held on April 13, 2020. There was a discussion on a hybrid meeting to accommodate the EC members in-person while hosting a virtual meeting for today’s meeting. He reported that since the pandemic, the Commission has been operating under an emergency plan where the staff worked remotely with the Executive Director being at the office daily. During this time, he has been submitting a weekly progress report to the Executive Committee and has received positive feedback, and so he intends to continue the weekly reporting. The 80th Anniversary celebration has been postponed to May 15, 2021. That date in May would coincide with the very first organizational meeting in the Commission’s history. The celebration on May 15, 2021 will be held on the Cherry Blossom boat as originally planned.

Earlier today, the EC voted to recommend approval by the Commission the revised Strategic Plan. With the vacancy left by vice chair, Ronald Stanley, Pennsylvania is unable to fill the position at this time. The EC held discussions on the officer rotation either from West Virginia to the District of Columbia or to the U.S. With a vote of 4-1, the decision was made to move the rotation back to regular order, from West Virginia to the District of Columbia. Additionally, Chairman Wirts appointed Commissioner Brakel as the vice chair. The next jurisdiction in the regular rotation will be Maryland.

The boiler plate disclaimer language used in publications also was discussed, and the committee recommended that the full Commission adopt the language to be added to the CO-OP Section Water Supply Study. The language will be applicable for all future Commission reports.

In April, the Commission voted to allow for a revision to the By-laws to accommodate the virtual meeting platform. Staff will put together meeting logistic guidelines for future virtual meetings.

OLD BUSINESS

Executive Director’s Report: Mr. Nardolilli stated that his full report is in Tab 6 of the meeting book.

Mr. Nardolilli reported that the federal funding agency for ICPRB will be changed from the Corps of Engineers to the Environmental Protection Agency, through which appropriations would be made.

A new commissioner from the Army Corps of Engineers will replace MG Milhorn. Commissioner and Vice Chair Ronald Stanley has resigned from the Commission.

A new staff member, Christina Davis, has joined the Commission on June 16, 2020 as the Senior Water Resources Planner, replacing Karin Bencala and Renee Bourassa who was leading the Drinking Water Source Protection Partnership.

80th Anniversary Planning Update

Commissioner Brakel mentioned some notable dates that have significance in the Commission's history that occurred in later months include July 1940, September 1970, August 1965. Even with a new celebration date, he suggested highlighting these notable dates to publicize the Commission. Mr. Nardolilli added that the staff will work on using the social media and virtual platform to publicize those dates.

General Counsel Bolle added that Commissioner Stanley who has served on the Commission for many years should be recognized. He suggested a resolution in recognition of his service. **Commissioner Karimi made a motion to draft a resolution to recognize Commissioner Stanley, which was seconded by Commissioner McClain. All were in favor.**

Ad Hoc Work Group on Water Supply

Commissioner Sussman reported that not much has happened since the last Commission meeting. There was a discussion during the CO-OP Meeting earlier for a draft resolution related to the Low Flow Allocation Agreement and the Water Supply Coordinator Agreement. He hopes to get the Work Group started on this effort.

Operations Report

Ms. Park gave a summary of the grants and contracts, which can be found in Tab 3, Attachment 3 of the meeting book. The Commission did not make any withdrawals from the Contingency Reserve Account, which held a balance of approximately \$633,700. The operating account held a balance of approximately \$1,596,000 including cash and investments. The payments from signatories were current as Pennsylvania paid the remaining balance of \$27,500 in May. The District of Columbia also paid their dues in April 2020. The Commission was on budget and on target as of end of May 2020.

Each unit head gave a brief summary of projects included in Tab 7 of the meeting book. Dr. Moltz reported that the Northern Virginia Salt Management Strategy project is completed. The first draft is under review with the Steering Committee. The draft is scheduled to go under various reviews to be completed by December. Because of the pandemic, the Comprehensive Plan workshop has been rescheduled as a series of virtual meetings between August and September. Email communications will go out to participants and Commissioners. Commissioner Kudlas commended the staff for the completed work on the Salt Management project, which was done extremely well. As one of the reviewers, he added that it was a fine effort by the Commission staff.

Mr. Selckmann reported that there has been continuing work in the North Branch to identify all the stakeholders from the mouth of South Branch to upstream. Mr. Dalpra reported that the staff has been working with other agencies on how the Commission can go forward with events such as the Potomac Cleanup. He encouraged the Commissioners who have interests in giving presentations for the Commission to contact him. Presentation materials are available, and the staff can assist with additional educational materials, if needed.

Dr. Schultz reported that the Jennings Randolph Lake (JRL) Water Control Plan (WCP) scoping project, phase 2, has been completed. This was a joint project conducted by the USACE's Baltimore District Office and ICPRB under the USACE's Planning Assistance to the States program. The impetus for this project was language in the 2007 Water Resources Development Act (WRDA), which called for an agreement between ICPRB and the USACE to make use of water quality storage in JRL during drought

emergencies. The purpose of the project was to determine if an update to the JRL WCP is appropriate. The major tasks were to document changes in North Branch watershed conditions and to review potential modeling tools to support an update to the WCP. The project outcome included two reports:

- *The Influence of Jennings Randolph Lake and Dam Operations on River Flow and Water Quality in the North Branch of the Potomac River*, by C. Buchanan and G.M. Selckman, December 2019
- *Planning Assistance to the States Jennings Randolph Lake Scoping Study Phase II Report*, USACE and ICPRB, April 2020.

Recommendations in the second report include development of a stand-alone Drought Contingency Plan for JRL and/or development of new water accounting rules, both of which may help implement the language in WRDA 2007.

Ms. Park reported that the IT transition to a new management service is progressing. The Commission is also undergoing integration of an office enterprise system that will make the processes more efficient and robust. With the current workforce at telework, a strong IT infrastructure is key as we go forward. The cost will increase the IT budget but is a necessary cost for operations. In preparation of returning the workforce back to the office, the Commission has made changes throughout the suite to provide for a safe work environment. A one-way flow in the suite has been implemented for social distancing and the Commission has acquired sufficient protective and sanitizing supplies for the staff for when they are ready to return.

NEW BUSINESS

Strategic Plan Report

Commissioner Brakel gave an overview of the Strategic Plan process, which also included commissioners Wirts, Peterson, Tsai, and Currey. The Committee held three conference calls, and the plan went through three drafts. All items from the 2015 Strategic Plan have been included. The main purpose of the revisions was to complement and supplement the Comprehensive Plan. Once approved there will be two appendices, the executive summary from the Comprehensive Plan and the matrix of milestones. There also was a discussion on the effect of the on-going pandemic which was noted but the overall mission will go forward. The final version included a cover page that was designed by staff member DeeDee Hunter. **Commissioner Karimi made a motion to adopt the Strategic Plan, which was seconded by Commissioner Jones. All were in favor.**

Fiscal Year 2020 Budget Amendment #2

Ms. Park submitted the budget amendment for FY2020 to reflect the current operation revenues and expenses. In the CO-OP Section, a project that was slated for this fiscal year will be postponed to next fiscal year. New projects were added to the budget, #250-MDE MS4 Data Analysis, #290-PA Critical Area Resources Plan Assistance, and #351-Land Prioritizing Mapping, and the EPA Section 106 grant rescission of \$1k. The 80th Anniversary revenue was shifted due to the postponement of the event to 2021. The net change was \$64,500. **Commissioner Kudlas made a motion to approve the Budget Amendment #2, which was seconded by Commissioner Tsai. All were in favor.**

Commissioner Karimi asked about the financial effect of the pandemic on the Commission. Ms. Park added that the current year is not impacted due to contracts already in place, and next year's budget is expected to be on a similar level. However, as states adjust their budgets there could be an impact on the Commission's FY2022 budget. Commissioner Karimi added that the Commission needs to be proactive in preparation for possible funding cuts from the states.

Framework Budget FY2021

Ms. Park submitted the framework budget for FY2021 which is required by the jurisdictions for their budgeting purposes. The jurisdictional dues remained the same. Items that are in proposal stage have been included as projects for next year. This budget also included \$50k received from Genon via DC DOEE mitigation funding through the Drinking Water Source Protection Partnership. The funds will be held until a project is identified. **Commissioner Tsai made a motion to approve the Framework Budget, which was seconded by Commissioner Karimi.**

Commissioner Kudlas added that so far in Virginia the state revenue stream will not be impacted by the pandemic. But the funding streams for the localities are likely to decrease, which may impact the state level budget. Currently, the Commission is included in the budget for next year, but the budget will be reassessed in August.

Vice Chair Position

Chairman Wirts informed that Commissioner Brakel has been appointment as the vice chair for the remaining fiscal year.

Nominating Committee for FY2021 Officers

Chairman Wirts asked for volunteers to serve on the Nominating Committee. **Commissioner Karimi volunteered to chair the committee along with commissioners Holland and Seltzer.**

Commissioner Sussman asked for an approval of the disclaimer language that will be included in the Water Supply Study. **Commissioner Sussman made a motion to approve the disclaimer language to be included in the study, which was seconded by Commissioner Kudlas. All were in favor.**

PUBLIC COMMENT: None were made.

NEXT MEETING: AUGUST 31-SEPTEMBER 1, 2020

Commissioner Karimi offered to host a field trip or the meeting at the Kingman Island. He will look at the possibility and get in touch with the Commission staff for logistics.

ADJOURNMENT

Commissioner Karimi made a motion to adjourn the meeting, which was seconded by Commissioner Potter. All were in favor. The meeting adjourned at 3:46 p.m.

Minutes Draft By: Bo Park, Director, Administration

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