

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

**SECOND QUARTER 2020
BUSINESS MEETING
MARCH 3, 2020**

**ICPRB HEADQUARTERS
ROCKVILLE, MD**

FINAL MINUTES

CALL TO ORDER: Chairman Wirts called the Second Quarter 2020 Business Meeting to order at 9:50 a.m. on March 3, 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)

District of Columbia

Willem Brakel (Commissioner)

Tiffany Potter (Commissioner)

Jeff Seltzer (Commissioner)

Kimberly Jones (Alt. Commissioner, by phone)

Hamid Karimi (Alt. Commissioner)

James Tsai (Alt. Commissioner)

Maryland

Robert Lewis (Commissioner)

Lee Currey (Alt. Commissioner)

Virginia

Paul Holland (Commissioner, by phone)

Scott Kudlas (Alt. Commissioner)

Mark Peterson (Alt. Commissioner)

Pennsylvania

Adam McClain (Alt. Commissioner, by phone)

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)

Carlinton Wallace (Environmental Scientist)

Guests

Valerie Cappola (COE, NAD)

Rhonda Manning (PA DEP)

Chris Kimple (Rep. Commissioner Moul)

Saeid Kasraei (MDE)

Mary Jane Bolle (Visitor)

Jim Bonfils (Loudoun Water)

Gregory Prelewicz (Fairfax Water)

Muhammad Tak (Hazen & Sawyer)

Chairman Wirts welcomed a new Commissioner from Maryland with an ICPRB pin. Mr. Currey replaces Virginia Kearney as Alternate Commissioner to Governor Larry Hogan.

ADOPTION OF AGENDA

Commissioner Tsai made a motion to approve the agenda, which was seconded by Commissioner Lewis. All were in favor.

DECEMBER 3, 2019 DRAFT MINUTES

Previously, Commissioner Guise requested that the following changes be made to the December 3, 2019 Minutes. On page 2, second bullet, last line, change “Karimi, and Guise, was contacted by the auditor” to “will be contacted.” On page 4, first paragraph, first line, strike the phrase, “which is a requirement for a military budget request” and replace with “which will assess several past and current alternatives as well as any new considerations.” On page 4, first paragraph, add the sentence, “At this time, the report will be provided to the workgroup only.”

Commissioner Brakel corrected a spelling error on page 3, middle of the page, spelling correction for Senator Van Hollen.

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

Mr. Nardolilli summarized the activities of the Executive Committee. Commissioner Jennifer Orr-Greene has resigned since the last meeting and created vacancies for a vice chair seat as well as an alternate commissioner seat in Pennsylvania. Rhonda Manning polled the PA delegation and Commissioner Stanley was chosen to represent PA on the Executive Committee. At the January 14th call of the Executive Committee, Commissioner Stanley was elected as the vice chair, to keep the jurisdiction officer rotation. At the March 2nd EC meeting, discussions were held on many matters, which will be discussed in this meeting. New Commissioner Lee Currey was selected by the Maryland delegation to represent MD on the Executive Committee and has volunteered to be on the Strategic Planning Committee as well. At the March 2nd meeting, a new investment strategy for one of the Commission’s undesignated funds was discussed, which would allow the Commission to invest in products that are low risk, higher yield, but not insured by the FDIC (Federal Deposit Insurance Corporation). This topic will be added to the June meeting agenda.

OLD BUSINESS

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

- Jurisdiction Funding Activities
 - Mr. Nardolilli asked that all commissioners inform the Commission of any legislative actions that may affect the Commission’s operations or funding.
 - On federal funding activities, the three river basin commissions (RBCs) of Delaware, Susquehanna, and the Potomac, have changed the focus of the federal funding source from the Corps of Engineers to the Environmental Protection Agency (EPA) as recommended by the Environment and Public Works Committee (EPW) of the Senate. The authorization in WRDA (Water Resources Development Act) language would change the designation from the “Secretary of the Army” to “Administrator of the EPA.” This would also provide an opportunity for the COE to designate an alternate commissioner from the EPA, currently held by Commissioner Amy Guise at the COE. There is a Congressional caucus forming with other RBCs. We have a co-chair from Delaware and are seeking a co-chair from one other basin. Congressman Denver Riggleman from Virginia is in consideration.
 - Last year, Pennsylvania paid \$23,000 out of \$50,500 jurisdictional dues to ICPRB. Ms. Manning indicated that Pennsylvania is still working on funding the remaining amount. This year, Mr. Nardolilli has met with the Speaker of the House and the Appropriations Committee chair. The Governor’s budget contains the entire amount of \$50,500, however, to avoid the legislature cutting our appropriations again, he is planning to meet with other House members in March.
 - Virginia’s budget has the full funding amount and has passed in the House and the Senate. The Governor’s proposed budget in Maryland contains the usual 10% cut from our request. West Virginia has the full funding amount. The District of Columbia will have the full amount in the Mayor’s budget.

80th Anniversary Planning Update

Mr. Nardolilli said that he has asked the EPA Administrator, Mr. Andrew Wheeler, to be the guest speaker for the 80th Anniversary event and is awaiting his response. The Commission has been raising its profile through social media events such as the Valentine's Day Love for the Potomac and Throwback Thursdays, which have been successful. Currently, four sponsor donations for the 80th Anniversary have been committed with \$1,000 each. Mr. Nardolilli asked the commissioners to forward him the names of any potential sponsors with whom they have connections.

Adoptions of Public Comment Policy

Last evening, the EC reviewed and recommended approval of the Public Comment Policy included in the meeting book. **Commissioner Tsai made a motion to approve the policy, which was seconded by Commissioner Karimi. All were in favor.**

Adoption of Guidance Document for Donations

Several revisions were made to the Guidance Document since the first draft. The EC has suggested adding parameters and specific use for the donations, specifically the Comprehensive Plan. **Last evening, the EC voted 4 to 1 to recommend approval of the guidance document. A new draft was circulated at the Commission meeting. Commissioner Kudlas added that this revision is an improvement and changed his vote to abstain.** Commissioner Tsai added that this guidance could be used for other purposes than the Comprehensive Plan. Commissioner Karimi added that a general guideline for other purposes would be useful. Commissioner Kudlas added that the Commission is an agency of the states and is considered a governmental agency. Commissioner Kudlas added that for specific purposes, donations are appropriate, however donations for operational, mission purposes should not be pursued. Mr. Nardolilli stated that donations will be sought on a case-by-case basis if there is a need for specific purpose. Commissioner Sussman suggested an added phrase to the last sentence in the guidance, "The ICPRB reserves the right to refuse any contribution, as determined in the sole discretion of the Commission." **With the addition, Commissioner Tsai made a motion to approve the Guidance, which was seconded by Commissioner Karimi. All voted yes with two abstentions.** Mr. Bolle emphasized that any donation letter sent to a donor will clearly state that a tax professional be consulted for tax exemption purposes.

Supplemental Storage Work Group Update

Commissioner Sussman reported that the Commission's Ad Hoc Work Group on Water Supply discussed how to follow-up on the 2017 resolution related to the LFAA and WSCA. Staff is drafting a resolution for their consideration. The most important development is the value engineering study by the COE with stakeholder input. This study is COE's effort to look at various options for enhancing water storage using a cost-benefit value engineering framework that COE uses for decision making. The COE brought in experts in water delivery and water storage systems from around the country. With the benefit of experts going through comprehensive analysis, they came up with five options including Travilah Quarry and DC Water's plan to use treated water from Blue Plains to replace water in the Potomac in the event of an emergency. There were other options that were new concepts. However, even with new options, Travilah Quarry seems to be the best option available from a cost-benefit standpoint. A draft report is expected to be provided to the work group soon. Mr. Nardolilli added that the five scenarios are Travilah, optimizing Travilah, wastewater reuse, redundancy transmission by tunnels to connect all the water supply sources, and installing long tunnels upstream to avoid downstream contaminations. Commissioner Sussman added that the ad hoc work group needs to reconvene to discuss how to move the process along independent of COE.

There have been some discussions on updating the Metropolitan Washington Council of Governments (MWCOG) on the water security study and DC Water's proposal. Dr. Schultz added that MWCOG coordinates the water security work group with the major water suppliers. Annually, they apply for funding from the Department of Homeland Security for their projects through that work group.

Commissioner Peterson added that this is a continuation of the original redundancy study that MWCOG started several years back.

Contracts and Financial Report: The financial reports are in Tab 6, Attachment 2 of the meeting book. Ms. Park informed that as of March 2, a new contract was signed with the Maryland Department of the Environment for the continuation of TMDL project for \$135,000. There were no withdrawals from the contingency account. The General Accounts contain sufficient cash flow. All jurisdictions are current on their dues with the exception of Pennsylvania's short pay and the District of Columbia with no payment as of date. The financials are as expected, on budget and on target.

Project Status Summary: Project summaries are included in Tab 7. Each unit head provided an update of notable projects.

- **CO-OP Section:** Dr. Schultz showed some results from the Potomac River bathymetric LIDAR project, which is being conducted to support the 2D Potomac River Spill Model. Data collection from Little Falls to Shepherdstown took place during the week of October 21, 2019. The data processing is not yet finalized, but preliminary images of the river bottom show clear and distinct features, including the bedrock striations visible just south of Shepherdstown, the dam and riffle formations below Seneca pool, and the rocky riverbed in the vicinity of Great Falls. Current and potential project partners, including ICPRB, the USGS, MWCOG, and MD DNR (Maryland Department of Nature Resources), will meet at ICPRB on March 20 to discuss results to date and options for data collection in upstream reaches of the river.
- **Water Resources:** Dr. Moltz reported that as part of the implementation of the comprehensive plan, a workshop and webinar have been scheduled for April 16 and April 27, respectively. Staff are working hard to prepare for these events. A major effort is underway to prepare for the first complete draft of the Virginia Salt Management Strategy (SaMS), in close coordination with VADEQ. The draft is due to DEQ at the end of March when it will begin an extensive review process. The SaMS is expected to be finalized by the end of the calendar year. The final reports for the last year's TMDL support project with MDE were recently submitted. Efforts focused on 1) simulating sediment and phosphorus in urban watersheds; and 2) evaluating a tool for TMDLs in Maryland's tidal embayments. Finally, Dr. Moltz noted that PADEP is reinvigorating their state planning efforts. As part of the process, ICPRB is participating in the Potomac Regional Committee and the Statewide Water Resources committee. ICPRB staff are also in discussions with PADEP to develop a scope of work for technical tasks in support of the Potomac Regional Committee.
- **Aquatic Life:** Dr. Buchanan reported that last year, ICPRB partnered with the Center for Watershed Protection (CWP) to do a pilot study for Maryland Department of the Environment (MDE). The pilot study is built out of ICPRB's work done earlier by staff member, Andrea Nagel. Ms. Nagel assembled the MS4 data into a single relational database. Staff member, Rikke Jepsen and Deb Caraco from the CWP did most of the analysis and writing for the pilot study. The study looked at trends in nutrients, sediment, metals, and other water quality data that were collected under Maryland's Phase I MS4 permits at three sites. The three MS4 sites were:
 - A stream below the industrial Airpark Business Center in Carroll County
 - Peter Pan Run in Urbana, a rapidly developing area in Frederick County
 - Moores Run in the highly urban Baltimore City

In Carroll County, a strong reduction in metals and nitrogen occurred after the county retrofitted a large wet pond stormwater system serving the Airpark. In Peter Pan Run in Frederick County, efforts to improve stormwater controls were countered by new home construction which increased impervious cover during the study period. Basically, stream conditions remained the

same. Baltimore City had few BMPs (best management practices) implemented during the study period. Their biggest one was repairs to many sewer pipes in the Moores Run watershed. This actually increased runoff but led to lower bacteria levels in the stream. The effectiveness of MS4 systems varies depending on the surrounding circumstances.

- **Communications:** Mr. Dalpra reported that the #Potomac80 #TBT social media campaign is in full swing. There are three upcoming events: Walk in the Woods on March 7 in Frederick, MD, Walk in the Woods near Shepherdstown WV on March 28, and a trash pickup on April 18 in Frederick, MD. These events are not only great for getting basin residents outside and thinking about water resources, but it is great to build partnerships with other organizations. They are also a huge boost to the social media presence, increasing the public's awareness about ICPRB and its work. ICPRB provided a letter of support for the USGS Water Next Generation Water Observing project in the Potomac River basin.
- **Drinking Water Source Protection:** Mr. Dalpra reported that the February 5 meeting had a presentation from MDE on their response to the spill at the Verso paper mill and a presentation by the American Water Works Association bromide discharge regulations for power plants and other proposed coal ash regulations. The Harpers Ferry Corporation has joined the Partnership. DWSPP utility members (City of Frederick, Harpers Ferry, and Shepherdstown) are partnering with ICPRB on the Walk in the Woods to talk to the public about source water protection. A project proposal to develop a map of areas that are important for source water protection is in the works. We have preliminary funding approval from the U.S. Endowment for Forestry and Communities and DWSPP utilities have committed funds for the project. ICPRB will do the technical work for the project.

NEW BUSINESS

Discussion of Emeritus Policy

Mr. Nardolilli presented a new policy to establish an Emeritus status for employees modeled after academia for those with a minimum of 15 years of employment at the Commission. It is designed for those with deep institutional knowledge and expertise. The Emeritus status has been requested by one staff member who will be retiring from the Commission at the end of the calendar year. As a result, the Emeritus status would mutually benefit both the employee as well as the Commission in that the Commission would provide the office space and resources in return for expertise and advice. The Emeritus status is not paid. However, the employee could be eligible to work on specific projects and be paid from the project and processed through the Commission's payroll system. This would all be clarified in a separate letter between the employee and the Commission pursuant to the Emeritus Policy. The Executive Committee recommended adoption of the Policy by a vote of 3 in favor and 2 abstentions. **Commissioner Karimi made a motion to approve the policy which was seconded by Commissioner Lewis. All were in favor with 1 abstention.**

Spotlight on a Project: Total Maximum Daily Load (TMDL), Compatibility Evaluation

Staff member, Carlington Wallace, presented on the TMDL work. The objectives of the project were to: evaluate the feasibility of using the Chesapeake Bay Phase 6 model (P6) sediment simulation in its current state to develop local sediment TMDLs in Maryland; and to recommend modifications for P6 (if necessary) to facilitate development of local sediment TMDLs. The existing TMDL methodology was developed based on the previous version of the Chesapeake Bay Phase 5 watershed model (P5). In this approach, TMDL endpoint is based on the median of forest normalized loads (threshold sediment load) from non-impaired watersheds (reference watersheds). The forest normalized sediment load represents how many times greater the current watershed sediment load is than the all-forested sediment load. The TMDL goal is to reduce watershed sediment load in the impaired watersheds to a level comparable to that of the reference watersheds. The P5 methodology was applied to output from P6.

The key finding was that the forest unit load was the primary driver of the differences observed between P5 and P6. Moving from P5 to P6, there was a significant shift in forest edge-of-field (EoF) unit load from urban to rural areas. This affected the magnitude of forest normalized loads and ultimately the group of non-impaired watersheds used to set the threshold sediment load. Therefore, unlike in previous sediment TMDLs (based on P5 outputs), there was no clear separation in forest normalized loads between the impaired and non-impaired watersheds using P6 outputs. Further assessment revealed that redistribution of streambank erosion load would result in a clear separation between the impaired and non-impaired watersheds' total sediment load. As a result, ICPRB proposed that the P6 with redistributed background streambank erosion load could be used for developing future sediment TMDLs, but with the sediment impairment threshold set based on total edge-of-river (EOR) sediment yield.

Next Meeting: June 2, 2020

The next meeting will be held at the District of Columbia, Department of Energy and Environment (DOEE) followed by a tour of the Washington Aqueduct. Due to parking difficulties in DC, commissioners are asked to take the Metro, if possible. There will be 12 seats available on the shuttle vans that DOEE is providing to Washington Aqueduct. More information will follow. The Executive Committee has asked that DC Water be invited to present on their water reuse options at the June meeting.

ADJOURNMENT

The meeting adjourned at 11:45 a.m.

Minutes Draft By: Bo Park, Director, Administration

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