

**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN
SECTION FOR COOPERATIVE WATER SUPPLY OPERATIONS
ON THE POTOMAC RIVER (CO-OP)**

**FOURTH QUARTER 2022
August 30, 2022**

**VIRTUAL MEETING
ROCKVILLE, MD**

**MINUTES
AS APPROVED**

CALL TO ORDER: Chairman Seltzer called the Fourth Quarter 2022 CO-OP Section Meeting to order at approximately 8:30 a.m. on August 30, 2022. The following Commissioners, staff, and guests attended the meeting in whole or in part.

Commissioners

United States

Robert Sussman (Vice Chair, Commissioner)
Darryl Madden (Commissioner)

District of Columbia

Jeff Seltzer (Chair, Commissioner)
Willem Brakel (Commissioner)
Tiffany Potter (Commissioner)
James Tsai (Alt. Commissioner)

Maryland

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

Virginia

Paul Holland (Commissioner)
Scott Kudlas (Alt. Commissioner)
Mark Peterson (Alt. Commissioner)

West Virginia

Mindy Neil (Alt. Commissioner)

Staff

Michael Nardolilli (Executive Director)
Heidi Moltz (Dir., Program Operations)
Cherie Schultz (Dir., COOP Operations)
Wendy Wang (Acting Dir., Administration)
Curtis Dalpra (Dir., Communications)
Renee Bourassa (Outreach Program Manager)
Sarah Ahmed (Senior Water Resources Engineer)
Alimatou Seck (Senior Water Resources Scientist)
Claire Buchanan (Emerita Dir., Program Operations)
Hermela Mengesha (IT Administrator)

Guests

Valerie Cappola (COE, NAD)
Anastasiya Kononova (COE, Baltimore)
Joel Caudill (WSSC Water)
Greg Prelewicz (Fairfax Water)
Allison Keller (WV DHHR)
Greg Busch (MDE)
Susan Weaver (PA DEP)
Chris Kimple (Rep. Commissioner Moul)
Pete Johnson (Hunton Andrews Kurth LLP)
Scott Morris (VA DEQ)

1. EXPLANATION FOR VIRTUAL MEETING

Executive Director Mike Nardolilli started the meeting by explaining that this meeting is being conducted under Section V (g) of the Commission Bylaws that allows for the Commission or any of its Sections to conduct public meetings via “virtual conferencing” during the period of a state of emergency declared by either the President of the United States or the Governor of the State in which the Commission’s headquarters are located, currently in Maryland. Section V (g) was approved by email vote of the Commission on April 17, 2020, pursuant to Section XIII of the Bylaws. On July 15, 2022, U.S. Department of Health and Human Services Secretary Xavier Becerra renewed the COVID-19 Public Health Emergency (PHE). This means that the telehealth and other waivers and flexibilities that have been implemented during the PHE remain in effect. Accordingly, the Commission’s “virtual” bylaw remains applicable.

CO-OP Section Chair, Commissioner Jeffrey Seltzer called the meeting to order, then thanked the participants for joining this meeting.

2. ROLL CALL

This meeting being virtual, Mr. Nardolilli called the names of the attendees by jurisdiction, the staff, and guests. Those in attendance acknowledged their presence when called, or appeared on the log of attendees of the virtual meeting as noted above.

3. ADOPTION OR MODIFICATION OF AGENDA

Commissioner Seltzer suggested that the agenda item, Election of CO-OP Officers, be moved to an earlier position, immediately before Old Business, because of time constraints of Nominating Committee member, Commissioner Holland. **Commissioner Kudlas made a motion to make this agenda modification, which was seconded by Commissioner Holland. The motion was adopted without objection.**

4. June 14, 2022, DRAFT MINUTES

Commissioner Seltzer asked if there were any comments or corrections to the June minutes. **A motion to adopt the June 14, 2022, minutes as circulated was made by Commissioner Kudlas and seconded by Commissioner Holland. The motion was adopted without objection.**

5. NEW BUSINESS: Election of FY2023 CO-OP Section Officers

Commissioner Holland reported that the Nominating Committee met and identified a slate of leadership candidates. Commissioner McCabe has agreed to serve as Chair of the CO-OP Section and Jeffrey Seltzer has agreed to stay on, serving as Vice Chair. **A motion to approve this slate of Officers was made by Commissioner Holland and seconded by Commissioner Tsai. All were in favor.**

6. OLD BUSINESS

A. Follow-up on June Action Items: Dr. Schultz identified one Action Item: On the proposal for a new CO-OP staff position, Commissioner Sussman asked that more information be developed and that funding requirements be presented. Dr. Schultz said that this would be addressed later in the meeting.

B. Section’s Quarterly Report

Dr. Schultz discussed current meteorological/hydrological conditions in the Potomac basin, noting that the Middle Atlantic River Forecast Center’s estimate of the 90-day cumulative past precipitation in the basin was about 10% below the historical average and the August Water Supply Outlook indicated an above average probability of releases from CO-OP system reservoirs to augment low flows in the river. Also, Potomac River flow at the Point of Rocks gage was nearing 2000 cubic feet per second, the threshold for CO-OP daily drought monitoring, though a period of daily drought monitoring is not

unusual in the month of September. Commissioner Sussman commented that the common perception is that our region has experienced a wet summer, so what is the explanation that we are facing drought conditions? Dr. Schultz pointed out that flow in the Potomac River is determined by rainfall throughout the basin, including areas as far west as Cumberland, Maryland, which have been unusually dry. Commissioner Kudlas added that in the Shenandoah, though rainfall has been consistent this summer, groundwater levels started out low because of back-to-back La Nina winters and have not fully recovered. Commissioner Seltzer pointed out that if daily monitoring does commence, it will be a good opportunity for education, because there is a serious perception that we are a wet region. Dr. Schultz agreed with the importance of communicating to the public the fact that though the basin is projected to get wetter on average, we are vulnerable to drought conditions.

Dr. Schultz briefly summarized the CO-OP Section's fourth quarter activities, which are describe in detail in the Section's Quarterly Report, available in Tab 3 of the Commission meeting book. Then Sarah Ahmed presented on the completion of an update to one of CO-OP's main operational tools, the Data Portal website. Sarah explained that the goal of the update was to increase the accessibility & quality of data collected during drought operations, to support real-time withdrawal forecasts, and to streamline drought operations, which all will contribute to implementation of Alternative 7 of the 2017 alternatives study: improving flow forecasts by 10%.

C. Financial Statement

Dr. Schultz stated that the CO-OP Section is on budget and on track, as is indicated by the Financial Statement available in Tab 3 of the Commission meeting book. Commissioner Sussman asked if the CO-OP budget and revenue has increased much from FY2021 to FY2022. Dr. Schultz responded that there hasn't been much change. The recent ICPRB funding of CO-OP staff to support the work groups which are reviewing the regional agreements has complicated the picture to some degree. By the next Quarterly Commission meeting, the FY2023 CO-OP Work Plan and Budget will have been finalized and those numbers will be available in that document.

D. Effort to secure Federal funding for supplemental storage

ICPRB Executive Director, Mr. Nardolilli reported on recent progress on securing supplemental storage to address water supply vulnerabilities in the Washington, DC, metropolitan area. The House passed its version of WRDA 2022 which contains authorization for a study of a secondary water source for the DC area, and ICPRB is grateful to Congresswoman Norton for taking the lead on this. The same language does not appear in the Senate version of WRDA 2022, but we have been told it's anticipated that the language in the House version will survive conference and we anticipate it will reach the floor of Congress in October. Once the study is authorized, we will shift gear and try to secure funding. Mr. Nardolilli added that the Banner Policy consulting group, under contract with the Metropolitan Washington Council of Governments (MWCOCG), is developing the secondary water source legislative strategic plan on how to reach out to Congressional staff and members. A briefing of the MWCOCG Board has been scheduled for September 14, with the goal of having the Board pass a Resolution in support of authorization and funding of the study.

Commissioner Sussman asked whether or not funding was found to extend MWCOCG's contract with the Banner group. Mr. Nardolilli replied that yes, that he believed that the contract was extended.

E. LFAA Moderator/Standby Moderator

CO-OP Section Chair, Jeffrey Seltzer, reminded the Section that Washington Aqueduct notified the parties to the LFAA that Dr. Peter Grevatt of the Water Research Foundation was appointed as the 2022 Standby Moderator. Mr. Seltzer noted that the parties are still seeking to identify candidates for the position of Moderator, with Maryland taking the lead. Commissioner Currey was asked if Maryland had any updates on the search for a Moderator, and he replied that there are no updates at this time. Mr. Seltzer asked when the term of the Standby Moderator ends. Dr. Schultz said the term is according to

calendar year, and that Maryland has the responsibility to appoint the 2023 Standby Moderator whose term would begin on January 1, 2023, and that identification of the 2023 Standby Moderator could of course occur at an earlier date. Commissioner Seltzer asked if the current Standby Moderator could be appointed to serve again in 2023 and Dr. Schultz replied that according to her understanding of the agreement, that certainly could be an option. Commissioner Kudlas asked who now has the responsibility for nominating the Moderator. Dr. Schultz replied that Maryland informally has been given the lead on nominating a Moderator, and unanimous agreement of the governing parties is required for appointment of the Moderator. Commissioner Currey said he would get back to Commissioner Seltzer by the end of the week on this matter.

5. NEW BUSINESS

A. Proposed new CO-OP staff position funded by ICPRB

Dr. Schultz described the intended purpose of the proposed new CO-OP staff position to be funded by the jurisdictions: to support collaborative multi-objective management of basin reservoirs and water supply systems. Proposed short-term and medium-term tasks include

- supporting reviews of regional agreements
- supporting collaborative decision-making related to the environmental flow-by at Little Falls
- working with the USACE on tools to support North Branch cold water fisheries

The proposed budget for the position, including ICPRB fringe and indirect costs, is \$200,000.

Commissioner Sussman asked whether support of the anticipated Corps study on supplemental storage would be provided by this individual and Dr. Schultz replied, no, because that effort, also being a priority of the water suppliers, is already covered by the existing CO-OP budget. Commissioner Seltzer commented that there is consensus that the Commission wants to proceed on work included in the task list, so he believes the District will be supportive and the question will be resources. He noted that the District will be working on its FY2024 budget beginning in September, so this is really good timing in terms of figuring out what resources the District can make available. Commissioner McCabe commented that during the upcoming discussion on the activities of the LFAA Work Group, she will be reporting that the consensus of the Work Group is to move forward on reconsidering the environmental flowby and to set up a framework for the necessary monitoring and analysis. This will be a long-term resource-intensive project that will probably need support.

Commissioner Kudlas asked for clarification regarding today's ask. Dr. Schultz replied that the question today is, is there sufficient support for this proposal to prompt the jurisdictions to begin an effort to find funding. Commissioner Kudlas commented that the case for this new position is legitimate, particularly in light of the jurisdictions' historical role in CO-OP, and it could be argued that upon the signing of the Water Supply Coordination Agreement, the jurisdictions walked away from the larger issues that had been contemplated by creation of the special section. The challenge for DEQ is that they have their own expertise, yet there's been hesitancy on part of others to have DEQ bring its expertise to the table. Secondly, ICPRB funding is not supplemental to DEQ but rather comes out of the DEQ appropriation. So Virginia's position may be that this funding must be taken out of the \$150,000 dues that Virginia contributes to ICPRB. Dr. Schultz stressed that the purpose of this position would be to facilitate collaboration between the states, which have individual views on these management issues.

Commissioner Currey said he needs to give this some thought. ICPRB has been a tremendous resource and has been leveraged many times. He would like to discuss this with MDE water supply staff and bring comments back to the December Quarterly meeting. Commissioner Seltzer suggested that the District, Virginia, and Maryland try to be ready at the December 6, 2022 meeting.

7. ADJOURNMENT

Commissioner Kudlas made a motion to adjourn which was seconded by Commissioner Potter. All were in favor.

With no further business to transact, outgoing Chairman Seltzer adjourned the meeting at approximately 9:45 a.m.

Minutes written by Cherie Schultz, Director, CO-OP Operations
Approved by: Michael Nardolilli, Executive Director