

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**189th Commission Meeting
Hyatt on Capitol Square
Columbus, Ohio
Thursday, October 11, 2007**

Chairman Stuart Bruny, Presiding

Call to Order

Chairman Bruny called the 189th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:20 AM on Thursday, October 11, 2007.

Commissioner Flannery led the Commission in the Pledge of Allegiance.

Quorum Call

Commissioner Flannery declared that a quorum was present (see Roster of Attendance, page 16).

Action on Minutes

ACTION: Motion by Commissioner Duritsa, second by Commissioner Morgan and carried, that the minutes of the 188th meeting of the Commission and of the June 13, 2007 Executive Session (mailed August 22, 2007), be adopted as presented.

Report of the Treasurer

Commissioner Flannery, reporting on behalf of Commissioner Eger, noted that a detailed Treasurer's Report as of June 30, 2007 was provided in the agenda packet.

The report indicates resources of \$5,204,120 through the end of June 2007. Of that amount \$3,563,825 was expended on programs, leaving \$1,640,295 available for the continuation of ORSANCO's 2007 fiscal year programs.

ACTION: Motion by Commissioner Conroe, second by Commissioner Korleski and carried, to accept the Treasurer's report as presented.

Report of the Chairman

Chairman Bruny began by welcoming everyone to Columbus, Ohio, noted some interesting facts about Columbus and mentioned that the Commission last met in Columbus in 1989. Mr. Bruny also acknowledged, with appreciation, that he is the first Federal Commissioner to serve as Chairman.

Chairman Bruny reported that these are challenging times, particularly in the context of a governmental organization with the mission of water pollution control. Financial resources have been and will continue to be difficult to come by. Advances in science and technology are providing new options and approaches in identifying and addressing sources of pollution. Emerging contaminants are an added pressure for understanding risk. Air deposition, climate change, water quality trading and green infrastructure for reducing storm water have burst on the scene.

Mr. Bruny noted that this year marks the 35th anniversary of the Federal Clean Water Act, and ORSANCO is about to enter its 60th anniversary year in 2008. Regarding the Clean Water Act, events have been, and will be held in Washington, D.C. and around the country to discuss how this surprisingly successful piece of legislation might be changed or updated to address today's challenges in the water pollution control arena. He also noted that ORSANCO, and specifically the Executive Director, is among the country's top experts whose opinions are being sought in this dialogue. This past September 19th, Alan Vicory was an invited panelist at a Congressional Briefing in Washington D. C. Later this month, Mr. Vicory is also a panelist at the Water Environment Federation's Annual conference special session in San Diego. It's time the Clean Water Act be updated to meet the challenges of the next 35 years.

Mr. Bruny continued by reporting that, like the Clean Water Act, logic suggests that ORSANCO undertake somewhat of a self assessment as it enters its 60th year. It's time to review and assess how ORSANCO conducts business, how it is funded, and review all programs and activities. A review of ORSANCO's strategic plan is well underway. This effort is being led by the Program & Finance Committee. Staff is visiting state agencies for the first time in several years to seek their input, and make sure ORSANCO's programs are blended in such a way to best accomplish the objectives of the compact. The Public Interest Advisory Committee (PIACO) is also taking a close look at its membership and how it functions. ORSANCO continues to look at how best to interact with environmental groups and watershed organizations. Internally, a detailed review and updating of the Administrative Procedures, the development of an emergency communications plan, and a multi-year program focused on assuring our software and hardware capacities are truly supportive of our many programs and activities are currently underway.

Mr. Bruny reported that ORSANCO's outstanding work is not only in science, but in public policy and public education. The floating class room and mobile aquarium for public education, the clean sampling program for metals analyses, large river TMDL work, biological sampling, criteria and work on endocrine disrupting compounds, and the ODS are examples of ORSANCO's programs that are widely known. Mr. Bruny noted that he looks forwards to continued work in the area of wet weather standards, and the results of the anticipated recreational use/fish consumption survey. The Microbial Source Tracking Study will shed better light on categorical sources of bacteria. Mr. Bruny also mentioned that he looks forward to ORSANCO's continued dialogue with the Ohio River Basin Commission (ORBC), to further identify and develop programs to enhance water quality and water quantity objectives.

Mr. Bruny concluded by sharing some ideas for consideration over the next few weeks.

First, ORSANCO needs to assess if current programs and activities are addressing the issues/problems that will improve the river the most, and if the funds spent each year going to causes most likely to improve the river. Mr. Bruny mentioned a presentation at TEC about Ohio EPA's Non-Point Source Program supported by Federal Clean Water Act Section 319 funds which concluded they were spending a lot of money each year for things that provided very little, if any, benefit to improving water quality. ORSANCO needs to ask the same question. Mr. Bruny emphasized that he is not suggesting Public Education programs be cut to devote more resources to water quality. He is suggesting the need to look closely at how limited funds are being spent to make sure the funds are allocated to areas most likely to improve Ohio River water quality.

Second, Mr. Bruny recommended consideration of some type of periodic broad scan monitoring program for the mainstem. To do so, it will be necessary to identify the appropriate chemicals to monitor for, at what locations, how often, and how to fund the program.

And last, Mr. Bruny stated that possibly 80 - 90 percent of Ohio River flow is from tributaries and some of these tributaries probably improve Ohio River water quality, while others have a negative impact on the river. Perhaps ORSANCO should focus more effort on working with the respective states to improve water quality in tributaries that negatively impact the mainstem. Mr. Bruny questioned if it might be desirable to use the model of the International Joint Commission, whereby "Areas of Concern" were designated to concentrate efforts at improving water quality in certain tributaries, and in turn, the Great Lakes. ORSANCO could designate "Priority Ohio River Areas and/or Tributaries" for special attention.

Chairman Bruny concluded by suggesting these concepts should be evaluated by the appropriate committees or even built into the Strategic Plan as ORSANCO charts its course for the next few years. He invited Commissioners' feedback on these ideas in the ensuing weeks.

Report of the Executive Director

Alan Vicory directed Commissioners' attention to a letter from the Susquehanna River Basin Commission contained in the meeting packet. The letter was written in regard to US EPA's tendency of unilaterally sequestering a portion of Federal 106 funds to advance specific causes. This practice is of concern to states and interstate commissions. Mr. Vicory focused on the point that ORSANCO rarely produces such letters. While ORSANCO receives requests to provide letters of support or voice the Commission's concerns from time to time, he is reluctant to provide such letters without an understanding of each Commissioners' opinion or feelings on a particular issue. It would be time consuming to poll each Commissioner for their opinion every time a letter of this nature was requested. Mr. Vicory raised the question if the Commission would like to see ORSANCO be more active in advocacy or responding in writing to issues, noting that letters sent by ORSANCO must reflect the collective opinion of the eight Commission States, which is often difficult to do.

Mr. Vicory mentioned his participation in a recent Clean Water Act Congressional briefing in Washington, DC. In addition, Mr. Vicory reported that he will be participating in a National Forum on Wet Weather Futures in February 2008. This forum will provide an opportunity to discuss the direction of wet weather management with national experts on this topic.

Mr. Vicory reported that he was invited to serve as Vice-Chairman of the Board of Directors of the Water Environment Research Foundation (WERF) for 2008.

Mr. Vicory reported that staff participated in a meeting with the Cincinnati, Northern Kentucky and Louisville Sewer Districts on green infrastructure low impact development concepts. These Sewer Districts are looking very strongly at green infrastructure in the context of long term control plans. Mr. Vicory mentioned a porous concrete experiment at Louisville MSD's street front as an example of an effective means to reduce urban runoff. A follow-up meeting will be held in about six months.

Mr. Vicory reported that planning continues for the 60th Anniversary celebration in June 2008. He mentioned that it is not feasible to organize a special conference due to a lack of financial and staff resources.

The Mississippi River/ Gulf of Mexico Watershed Nutrient Task Force will meet in Cincinnati on October 29th. Peter Tennant serves as point person for the Ohio River Sub-Basin Task Force and will be an active participant in this meeting which will address the Gulf of Mexico hypoxia issue.

Mr. Vicory reported that staff member Donna Beatsch recently celebrated her 35th anniversary of service with ORSANCO. Donna will be recognized at the February Commission meeting in Cincinnati.

Mr. Vicory acknowledged that the Environmental Council of States (ECOS), comprised of state EPA directors, has recently installed Commissioner Paylor of Virginia as President. In addition, Commissioner Easterly of Indiana has assumed a leadership role on the ECOS Water Quality Committee.

Mr. Vicory concluded by acknowledging that he has had the privilege of serving as ORSANCO's Executive Director for 20 years and thanked the Commissioners for this opportunity.

ACTION: Motion by Commissioner Tomes, second by Commissioner Duritsa and carried, to accept the report of the Executive Director.

Report of the Technical Committee

Commissioner Duritsa, Technical Committee Chairman reported that the Committee held its 185th meeting on October 9-10, 2007. Eight member states were represented as well as three federal agencies and four Commission advisory committees.

Chief Engineer's Report

Alan Vicory briefed the Committee on several matters, including:

- The field season is nearing completion; things have gone much more smoothly than last year.
- Signing of an interstate agreement to protect the Big Sandy River will take place on October 25
- The Commission co-sponsored a workshop on CSO control technology with EPA on September 18. The workshop was quite successful.
- Staff participated in a meeting with the Cincinnati, Northern Kentucky and Louisville Sewer Districts on Green Infrastructure.
- Erich Emery has been elected President of the water quality section of the American Fisheries Society.
- A response has been received to the Commission's letter to US EPA requesting technical assistance with development of nutrient criteria. It appears that assistance will be forthcoming.
- Draft revisions to the Commission's temperature criteria are being sent to the Stream Criteria and Monitoring Strategy Subcommittees.
- Staff was informed that New York DEC has put nutrient monitoring requirements in the permit for Jamestown.

Ohio EPA Presentations

Staff from Ohio EPA and the Ohio Lake Erie Commission gave presentations on the agency's efforts to align nonpoint source control efforts with the extent of the problems caused by each type of source, and on the state's Lake Erie Protection and Restoration Plan.

Ohio River Water Quality Conditions

The hot, dry conditions in the Valley have led to temperature and dissolved oxygen problems at several sites on the river. Staff performed a field investigation in the vicinity of Smithland Dam to determine if the data received from the electronic monitor at the dam was accurate. It was found that the monitor reading was 0.8 mg/L lower than what was measured in the river; however, values below the Commission criteria were found in much of the pool. Staff was directed to review the data carefully and exclude erroneous values before using these results in the 305(b) assessment.

ORSANCO Strategic Planning

Staff reported on the results of visits to the state agencies. A number of suggestions were made for new program initiatives. Staff will propose an approach to each of the suggestions and report them to the Technical Committee. The Committee reviewed changes to the current Strategic Plan that are being proposed by the Program and Finance Committee. The Technical Committee supports those changes.

Emerging Contaminants

Staff gave a comprehensive presentation on a number of classes of emerging contaminants. The difficulty in this area is determining how to prioritize efforts. The Committee endorsed Commission co-sponsorship of a conference on this topic, and the development of a monitoring strategy for nonophenol.

Report of the TMDL Task Force

The TMDL Task Force convened to address the directive from the Technical Committee that it develop a work plan for carrying out its 12 recommendations that would allow development of an Ohio River TMDL for PCBs. The Task Force did so. Two of its recommendations (quantifying inputs from atmospheric deposition and sediments) appear to be beyond the means of the Commission given current resources. The Technical Committee accepted the report of the Task Force.

Report of the NPDES Subcommittee

The NPDES Subcommittee met by conference call in September. Agreement has been reached on a protocol for mercury monitoring requirements for Ohio River coal fired power plants; the protocol has been discussed with representatives of the Power Industry Advisory Committee. The Technical Committee endorses the protocol and recommends its adoption. A question arose as to how this protocol relates to the Commission Standards. The Technical Committee recommends that this issue be discussed by the Pollution Control Standards Committee.

The Subcommittee also discussed a proposal from the Water Users Advisory Committee for permit language on notification of downstream water utilities when treatment bypasses or upsets occur. Additional dialogue between the two groups on this matter will be necessary.

Water Quality Assessment

Staff presented preliminary results on two efforts – one to evaluate water quality trends, the other to quantify urban wet weather sources of nutrients. Both efforts are expected to produce draft reports in the coming months.

USGS NASQAN

Mark Ayers presented a summary of changes to the USGS' National Water Quality Accounting Network. Due to budget constraints, the number of sites monitored has been drastically reduced. The number of sites in the Ohio Basin has been reduced from over a dozen to four. The Survey will attempt to maintain adequate frequency of monitoring to calculate flowing loads, and will rely on modeling to utilize the data for characterization of watershed conditions.

Microbial Source Tracking Project

Don Stoeckel of USGS presented a work plan for the project which is designed to determine the relative contributions of human and non-human sources of pathogens in the Ohio River. The Technical Committee endorsed this effort.

Status of Ohio River Discharges

Each of the mainstem states reported on discharges or other water quality concerns originating within their states. Summaries of the reports will be forwarded to the Pollution Control Standards Committee.

Gulf of Mexico Hypoxia

ORSANCO continues to coordinate activities of the Ohio River Sub Basin Committee formed to carry out the Action Plan to Reduce Hypoxia in the Gulf of Mexico. A review of the science that supported the 2001 Action Plan recently produced a draft report. That report calls for accelerated actions to reduce hypoxia, including greater reduction of nitrogen loadings (45% rather than 30%) and a 40% reduction of phosphorus. The draft report also calls for stringent effluent limits on municipal treatment facilities (3 mg/L Nitrogen, 0.3 mg/L Phosphorus). Meanwhile, the Coordinating Committee of the Gulf Hypoxia Task Force has developed a draft revision of the 2001 Action Plan which is currently undergoing review.

The Task Force will be meeting in Cincinnati on October 29-30. Much of the meeting will be held in Executive Session. It is uncertain at this time if states, which are on the Ohio River Sub Basin Committee, but not on the Task Force, will be allowed to attend the Executive Sessions. The public session will take place the afternoon of October 29.

Development of Pathogen TMDL

The EPA contractor for development of the Ohio River pathogen TMDL has submitted a work plan and Quality Assurance plan for review by the TMDL Work Group. Concern has been raised that the work plan calls for use of a one dimensional model; staff and the work group feel that a two dimensional approach may be more appropriate. Staff was directed to ask the contractor to estimate the gains that the two dimensional model would yield, as well as the extra cost over a one dimensional approach.

Wet Weather Issues

A contractor has been selected for the recreational use and fish consumption survey, and a draft work plan and survey instrument have been prepared. Staff has expressed concern that the survey as currently designed will require as much as 20 minutes of a respondent's time. Staff has offered other comments and a revised work plan and survey instrument will be made available for review by a stakeholder group. The Technical Committee endorses the work plan with the changes proposed.

Comments by Advisory Committees

The Water Users Advisory Committee reported fewer than expected problems of excessive algae growth. The Committee will continue its dialogue with the NPDES Subcommittee on notification of permit violations and the permit development process. The Committee is also preparing a proposal for revised ammonia criteria to protect water supply use.

The POTW Advisory Committee reported on the completion of a new treatment facility in Northern Kentucky.

The Power Industry Committee continues data collection to address revised 316(b) regulations. Fish impingement studies conducted to address 316(b) might be the subject of a presentation to the Technical Committee in the future.

The Public Interest Advisory Committee is conducting a self assessment, and is seeking ways to improve communication with environmental advocacy groups.

Commissioner Easterly mentioned that groups he is involved with are looking at the emerging contaminants issue and inquired if there was any thought to conducting a survey to identify those groups to collaborate on this issue.

Commissioner Duritsa responded that the Research Committee is comprised of representatives of academia and several agencies and that ongoing communications with this Committee involves discussion regarding research activities within other agencies. ORSANCO can capitalize on the work that others are doing so not to duplicate the effort.

Commissioner Conroe commented that a stakeholder group, including a non-governmental organization, has been formed to provide input on the recreational contact use survey. Mr. Conroe encouraged that before the study commences, the stakeholders who commented during the Standards review be afforded an opportunity to provide input to the study panel prior to any final decisions. Mr. Conroe prefers stakeholder concurrence going into the study rather than conflicts arising at the conclusion of the study. Mr. Conroe recommended identifying the non-governmental organizations which provided input during the Standards review and seeking their input during the development of the recreational use study.

ACTION: Motion by Commissioner Servatius, second by Commissioner Korleski and carried, to accept the Technical Committee report as presented.

Report of the Water Quality Review Committee

Commissioner Komoroski reported on behalf of Commissioner Potesta, Committee Chairman, that The Water Quality Review Committee met by conference call on August 8, 2007. The call was held to provide orientation to new members of the Committee, to review the status of issues assigned to the Committee, and to discuss the Committee's priorities for the coming year.

The Commission Bylaws define the role of the Committee as follows:

"The Water Quality Review Committee shall assist the Commission and its committees as appropriate in identifying water quality problems; as necessary, see that corrective action is undertaken, and monitor progress in solving problems. Also, the Committee shall assess the recommendations of the Technical Committee and staff as related to the Commission's established water quality policies, provide interpretive guidance as needed, and assist in the implementation of technical initiatives and programs."

In simple terms, the Committee was established to assure that issues do not “fall through the cracks.” It was suggested that the Committee should assess not only recommendations of the Technical Committee, but also those of Commission advisory committees to assure that responsibility for follow-up to those recommendations is identified and carried out. The Committee recommends that this arrangement be tried out and evaluated; if it appears to have merit, then the wording in the Bylaws could be revised.

The following issues are currently assigned to the Water Quality Review Committee:

1. ORSANCO’S role in spill notification and response
2. Hydropower development on the Ohio River- assurance of licensee compliance to protect dissolved oxygen levels
3. Significant differences in state-issued NPDES permit limits for similar Ohio River discharges
4. Quality Assurance/ Quality Control requirements
5. Differences in states’ consumption advisories for Ohio River fish
6. Regulation of marine facilities
7. Total Maximum Daily Loads- ORSANCO role
8. Oversight of the Watershed Pollutant Reduction Program
9. ORSANCO role in implementing the Action Plan for Reducing Hypoxia in the Gulf of Mexico
10. Oversight of ORSANCO Protocol for Addressing Interstate Inconsistencies
11. Oversight of ORSANCO Watershed Initiative, including coordination with the Big Sandy Coalition

Committee members agreed to rate each issue as high, medium or low priority, and to identify any issues that could be dropped. The results of this rating will be used to establish the Committee’s priorities for the coming year.

Commissioner Komoroski then directed Commissioners’ attention to the Big Sandy River Basin Statement of Principles among the Commonwealth of Kentucky, Commonwealth of Virginia, and the State of West Virginia included in the meeting packet. Signing of this interstate agreement to protect the Big Sandy River will take place on October 25, 2007.

ACTION: Motion by Commissioner Korleski, second by Commissioner Servatius and carried, to accept the report of the Water Quality Review Committee as presented.

Report of the Congressional Liaison Committee

Commissioner Flannery, reporting on behalf of Commissioner Harrison, Committee Chairman, reported that work continues to acquire Congressional funding to replace the ageing Organics Detection System (ODS).

Commissioner Flannery reported on two areas of funding legislation. First, the Water Resources Development Act (WRDA) of 2007 which, in great part to the efforts of Senator Lugar of Indiana, contains the full \$2.5 million in funds requested to support the ODS. This Authorization Bill was passed by the House of Representatives 381-40 and by the Senate 81-12. President Bush has threatened to veto the Bill. It is not clear at this time if the Bill has been presented to the President for consideration. If the Water Resources Development Act Authorization Bill passes, the \$2.5 million moves forward to the appropriations process next year.

Second, funding for ODS is in the Appropriations Bill in the amount of \$300,000, thanks to the support of Senator Brown of Ohio. These funds will be immediately available for the ODS if this Bill passes. If both Bills pass, ORSANCO would receive \$300,000 in funds which would be subtracted from the \$2.5 million appropriation next year.

Mr. Flannery also mentioned that Governor Manchin of West Virginia submitted a letter of support for ODS funding to Senator Byrd.

Edward Ambrogio asked if these funds were part of the US EPA Appropriations Bill. Commissioner Flannery responded that the funds are in the Department of the Interior Appropriations Bill.

Commissioner Conroe inquired if the funds were contained in the Corps of Engineers funding. Alan Vicory responded that WRDA is implemented through the Corps of Engineers and expressed his concern over past problems securing funds appropriated through the Corps. Mr. Vicory indicated that as this Bill passes he will initiate communication with the Commanding General of the Great Lakes/Ohio River Division to develop a process to avoid past problems.

Commissioner Wayland recommended that B&D Consulting, the Executive Director or a Commissioner communicate with the Director of Civil Awards at the Pentagon, as well as civilians in this office, to ensure that funds are not misdirected prior to reaching the Corps field office level.

ACTION: Motion by Commissioner Flannery, second by Commissioner Tomes and carried to accept the report of the Congressional Liaison Committee as presented.

Commissioner Bruny commented that two Sub-Committees of the Program & Finance Committee were assigned the tasks of assessing and making recommendations on the technical aspects of replacing the ODS and on financing the replacement. Mr. Bruny indicated that if the system is replaced a decision needs to be made regarding future upgrades and equipment replacement. One option is to develop an internal funding process to ensure that the Commission would not have to seek Congressional funding for a replacement in another 10 years. The other option is to go back to Congress in 10 years and seek new funding. Mr. Bruny strongly recommends a decision on this issue be made in the near future.

Review of Strategic Plan – Status Report

Commissioner Flannery, Chairman, Program & Finance Committee reported that during the June Commission meeting in Albany, New York, Commissioners were asked to identify priority issues, either among current ORSANCO programs or from emerging issues. Forty-two suggestions were identified. Staff reviewed the suggestions and made recommendations back to the Committee regarding ways to organize and combine the suggestions and fit them into objectives of the Compact. Eight areas within the Strategic Plan have been identified as initiatives for consideration. The Committee decided that those eight ideas and all 42 suggestions ought to be vetted with the states. ORSANCO staff subsequently developed background material and visited seven states and will schedule visits with New York and US EPA.

Mr. Flannery highlighted several themes identified by the states as important products from ORSANCO.

1. Monitoring and assessment of the main stem
2. Applied research
3. Information exchange
4. Fish tissue data
5. Biological criteria
6. TMDL Development
7. Temperature criteria review
8. Spill response

Mr. Flannery also mentioned a number of areas of need which the states identified. These included pathogens, land use/water quality relationships, the ground water/surface water interaction, source water protection, methods for determining thermal mixing zones, fish tissue data, monitoring for permit development, review of treatment technology, and review of iron criteria. This feedback will be factored into revisions to the suggested modifications of the Strategic Plan. A proposal will be presented in February to the Technical Committee and reviewed by the Program & Finance Committee in April 2008. Proposed revisions to the Strategic Plan will be presented to the Commission for consideration in June 2008.

ACTION: Motion by Commissioner Flannery, second by Commissioner Morgan and carried to accept the report of the Program & Finance Committee as presented.

Report of the Pollution Control Standards Committee

Commissioner Komoroski, Committee Chairman, reported that under the Commission's practice of reviewing its Standards every three years, it is due to initiate another review in the spring of 2008. If the practice of the past 20 years is followed, the review would begin around March 1 with the announcement of an open comment period.

If the normal schedule were to be followed, the Commission would consider adoption of revised Standards in October, 2009. There are a number of outstanding issues at this time from previous reviews, however, and studies are under way to address some of them. The study of recreational use on the Ohio River is scheduled for completion late in 2008; revisions to the Standards are likely to be considered after the report is completed. Proposed revisions to the temperature criteria are currently undergoing technical review, and may be available for public review some time next year. US EPA is planning to issue revised criteria for selenium late in 2008. All of these developments could lead to changes in the Commission Standards.

The Pollution Control Standards Committee will meet in November to consider all of the above developments and to adopt a proposed schedule for the next review that will allow the incorporation of those developments into proposed changes to the Commission Standards. The Committee will also review the experience of recent reviews and consider possible changes to the process. In addition, the Committee will review information on performance by Ohio River dischargers and seek to identify any instances where additional information or action by a member state or the Commission is needed.

ACTION: Motion by Commissioner Komoroski, second by Mr. Schardein and carried, to accept the report of the Pollution Control Standards Committee.

Report of the Personnel Committee

Commissioner Tomes, Committee Chairman, reported that the Commission adopted a practice of reviewing salary ranges for potential adjustments on a two-year cycle to remain competitive in the local market. The City of Cincinnati Salary Schedule, which takes into account regional and local market data, and internal equity factors are utilized for the review.

Based on an analysis of the data and a review of the Commission's salary ranges, the Personnel Committee recommends that the salary ranges (Attachment 1), provided in the agenda packet, be adopted effective January 1, 2008. This recommendation affects only salary ranges and not individual staff salaries.

ACTION: Motion by Commissioner Tomes, second by Commissioner Conroe and carried, to adopt the salary ranges for 2008 as presented.

Report of the Public Interest Advisory Committee (PIACO)

Mr. Ron Riecken, Committee Chairman, reported that the Committee met on September 25-26 in Newport, KY. Members were present from all states except Virginia.

Mr. Riecken reported that PIACO underwent a self-assessment during this meeting by request of the Commission. The group examined its purpose, membership, and discussed how the Committee could better communicate and interact with the public. The Committee agreed that PIACO needs to have a closer partnership with the Commission.

The Committee reviewed and recommended revisions to its current By-Laws. Members requested two-year terms instead of one year terms with possible reappointment after the term has ended.

A second requested change would be the addition of a 5th at-large member to the group. This individual would represent the environmental or watershed community.

Tim Guilfoile and Tim McKinley of the Sierra Club attended the meeting and provided input on adding an environmental advocacy representative to PIACO. They indicated that there is a communications network of environmental groups in each state which could be beneficial in seeking input and communicating ORSANCO initiatives. Tim Guilfoile expressed that he thought that there should be one environmental representative from each state on PIACO to help reach various constituencies. The Committee did not favor this approach. Ron Riecken requested that they provide 15 names of possible PIACO members for consideration within the next few weeks.

Chairman Riecken expressed to Mr. Guilfoile that he personally did not appreciate the postcard campaign that several environmental groups conducted during the recent Pollution Control Standards revisions. Mr. Riecken stated he felt the campaign was spreading false information. Mr. Guilfoile agreed and stated that he had great respect for the Commission and its mission but thought the wet weather revision to the Standards was not well thought out or supported by valid data.

Mr. Riecken concluded by requesting that the Commission consider adding one at-large seat to the Public Interest Advisory Committee for a member of the environmental community or watershed group. In addition, PIACO will continue to develop improvements to the public involvement process; consider how to more effectively accept public comments; how to improve public communication and education about Commission activities; and will work to identify and communicate with appropriate constituents.

Bud Schardein commented that ORSANCO needs to consider more effective methods to communicate facts to the general public. Mr. Schardein expressed his disappointment in the post card campaign and the misinformation communicated to the public during the recent Standards review.

Commissioner Bruny inquired if additional recommendations would be forthcoming from PIACO's self assessment. Ron Riecken indicated that the self assessment was an ongoing process and additional recommendations for change will be made. Mr. Riecken acknowledged the need to better communicate with the general public and environmental advocacy organizations.

Alan Vicory commented that there is an obvious need to do a better job communicating facts and realities about Commission policies. The capacity to effectively communicate with the public needs to be considered within the Strategic Plan.

ACTION: Motion by Commissioner Conroe, second by Commissioner Duritsa and carried, to adopt the Committee's recommended By-Laws changes which include two year appointment terms, and the addition of a fifth at-large membership seat.

Report of the Publicly Owned Wastewater Treatment Works (POTW) Advisory Committee

Mr. Mike Apgar, Chairman of the POTW Advisory Committee, began by commenting that based on discussion during the course of recent meetings it is apparent that the Commission believes sediment and air deposition issues are beyond the scope of ORSANCO. However, with a legacy pollutant like PCB, this is an important factor that needs to be considered if a credible TMDL is to be developed. Mr. Apgar also expressed the importance of the dialog which took place during the Technical Committee meeting regarding the US EPA Region 5 bacteria TMDL and cost factors of a one dimensional versus two dimensional study. Mr. Apgar raised the question of the impact of creating this TMDL without the benefit of sound and complete data.

Mr. Apgar noted that Pittsburgh is the last major metropolitan area that is now under a consent decree and now most smaller communities are either under a consent order or are actively discussing being under consent orders. This means that billions of dollars are being spent along the Ohio River to deal with wet weather issues. This is a justified; however, the POTW industry does have some concerns. There are many valuable tools which US EPA has identified such as use attainment analysis, modification to existing Standards and TMDLs, but municipalities do not have access to all of these tools. Mr. Apgar wished to make the case that every POTW along the Ohio River needs to have access to all available resources if meaningful, cost effective, long term, water quality improvements are to be made.

Under the guidance of US EPA, billions of dollars will be spent and not as much environmental return will be achieved unless we think holistically, and use every available resource and work together. No one can disagree that there is a strong argument for the need to implement wet weather quality standards. The question is how to do it.

Mr. Apgar stated that it is vital to ensure that all needed data is made available to make sure that any Standards promulgated on the Ohio River are appropriate and defensible. Another factor associated with long term control plans is an affordability analysis. US EPA has established a target of 2% mean household annual income. In short, at the end of the day there is a limit to the amount of dollars that will be spent. It is important to ensure this money is spent for an environmental return. It is imperative to spend funds on projects and programs that are going to make a real water quality difference on the Ohio River. The Commission is engaged in many cutting edge initiatives that will have a significant impact on how these municipal funds will be spent.

Mr. Apgar then commented on the topic of bacteria and mentioned several ORSANCO initiatives in this area. Work completed on wet weather quality standards, and the commitment to continue, provided the motivation for the recreation use study, which will provide valuable information. Bacteria source tracking provides a valuable tool as information defining human versus animal bacteria and also the location of potential sources will be identified. ORSANCO has also conducted a UAA in the Wheeling, WV area, and modeling data was provided at Wednesday's meeting in terms of CSO contributions from the Louisville and Greater Cincinnati areas. These are all valuable tools; however, they should all be used holistically in finding a solution to improved water quality.

Mr. Apgar identified three keys for consideration to ensure that all this work meets its intended target.

1. Ensure that data and research driving environmental decisions is sound, complete and defensible.
2. Conduct basin planning in a holistic manner by looking at all related projects and associated data and discover how it all fits together in building a cohesive plan to improve water quality.
3. Ensure that the Commission's work is in line and compliments long term control plans being developed along the River.

Mr. Apgar concluded by reinforcing the message that billions of dollars will continue to be spent on long term control plans and it is imperative that the Commission's efforts and guidance is accomplished in a manner that compliments the municipal efforts. Accomplishing these goals will not be easy and will require time, energy and money. Improved water quality is the driving force behind the efforts of the Commission and all municipal control plans within the Basin.

ACTION: Motion by Commissioner Easterly, second by Commissioner Morgan and carried to accept the report of the Publicly Owned Wastewater Treatment Works (POTW) Advisory Committee.

Report of the Water Users Advisory Committee (WUAC)

David Peters, Committee Chairman, reported that the Committee met on September 26-27 to discuss possible revisions to the Ammonia Standard. The Committee provided information from a survey of water users to the Technical Committee which may provide a basis for a change in the Ammonia Standard. The Committee also provided information to the Technical Committee and to the NPDES Sub-Committee to improve communication with industries and municipalities regarding notification of spills and discharges.

The Committee also discussed the need for the Water Users Advisory Committee to become more actively involved with other Commission advisory committees, particularly the NPDES Sub-Committee and the Pollution Standards Control Committee. The Committee would like to be more involved in the permitting process to better understand the process and to ensure that the Clean Water and Safe Drinking Water Acts merge together for what they are intending to accomplish.

Mr. Peters mentioned the Committee's appreciation for the Commission's ongoing efforts to secure funding to replace the Organics Detection System (ODS).

Mr. Peters concluded by nominating Richard C. Pohlman, Greater Cincinnati Water Works Richard Miller Surface Water Treatment Plant, for inclusion in the Registry of Distinguished Water and Wastewater Operators.

ACTION: Motion by Commissioner Tomes, second by Commissioner Wright and carried, to accept the nomination of Richard C. Pohlman for inclusion in the Registry of Distinguished Water and Wastewater Operators.

ACTION: Motion by Mr. Schardein, second by Commissioner Easterly and carried to accept the report of the Water Users Advisory Committee (WUAC)

Report of the ORSANCO Educational Foundation (OEF)

Ron Riecken, Vice-Chairman of the Foundation Board of Trustees reported on several items.

Ohio River Sweep

The 2007 Sweep was very successful, with a high volunteer turnout. The River level was low which provided an opportunity to reach, and clean more bank area.

PA Denny Status Report

The PA Denny is back in Cincinnati and back in operation. The boat spent about six weeks in Charleston, WV undergoing repairs mandated by the Coast Guard. The boat returned to Cincinnati in early September and passed the final Coast Guard inspection.

Even though the fall season was delayed due to repairs, staff was still able to conduct 10 high school voyages and will spend a week in Louisville and a week in Charleston conducting elementary school programs during October. Participant feedback from the programs remains extremely positive and Heather Mayfield continues to do excellent work for the Foundation. Hopefully next spring a full schedule of activities can be resumed now that the PA Denny has its Certificate of Inspection in place.

The Foundation Board would like to recognize Reed Coen who spent several weeks in WV, at his own expense, overseeing the repairs of the boat. The boat would not be back in operation if it was not for Reed's expertise and hard work. The Foundation will honor Reed in some fashion later this year.

By-Laws Change

At its July 31st meeting the Board of Trustees accepted the Commission's recommendation permitting the Commission to appoint a total of three individuals to the OEF Board. The appointees shall not be current Commissioners and will serve three year terms on a rotating basis. So far, Tom Heekin and Gordon Garner have been appointed and accepted Board membership.

ROSTER OF ATTENDANCE
189th Commission Meeting
October 11, 2007

Commissioners

| | |
|---------------|--|
| Illinois | Toby Frevert (PROXY for Douglas Scott) Phillip Morgan |
| Indiana | Thomas Easterly |
| Kentucky | Lloyd Cress (PROXY for Teresa Hill) Bud Schardein (PROXY for Stephen Pence) |
| New York | Jerry Palumbo (PROXY for Pete Grannis) Douglas Conroe T. Lee Servatius |
| Ohio | Amy Wright Paul Tomes Christopher Korleski |
| Pennsylvania | Charles Duritsa Melvin Hook Ron Schwartz (PROXY for Kathleen McGinty) |
| Virginia | Robert Wayland |
| West Virginia | David Flannery Randy Sovic (PROXY for Stephanie Timmermeyer) |
| Federal | Stuart Bruny Kenneth Komoroski Edward Ambrogio (PROXY for Donald Welsh) |

Legal Counsel

Ross Wales

Executive Director

Alan Vicory

Guests

Ron Riecken – Chairman, Public Interest Advisory Committee, David Peters – Chairman, Water Users Advisory Committee, Mike Apgar – Chairman, POTW Advisory Committee, George Elmaraghy – Ohio EPA, Adam Webster – West Virginia Rivers Coalition, Tim Guilfoile – Sierra Club

Staff

David Bailey, Jason Heath, , Peter Tennant, Joseph Gilligan, Tracey Edmonds, Erich Emery, Jerry Schulte, Jeanne Ison

OHIO RIVER VALLEY WATER SANITATION COMMISSION

(Attachment 1)

Proposed 2008 Salary Range Adjustment

The Commission adopted a practice of reviewing salary ranges for potential adjustments on a two-year cycle to remain competitive in the local market. The City of Cincinnati Salary Schedule, which takes into account regional and local market data, and internal equity factors are utilized for the review.

Based on an analysis of the data and a review of the Commission's salary ranges, the Personnel Committee recommends that the following salary ranges be adopted for January 1, 2008. This recommendation affects only salary ranges and not individual staff salaries.

| ORSANCO Position | Current Salary | Current Salary | Recommended | Recommended |
|-------------------------------------|----------------|----------------|-------------|-------------|
| | Range | Range | 2008 | 2008 |
| | Minimum | Maximum | Minimum | Maximum |
| Executive Director & Chief Engineer | 81,436 | 109,938 | 86,322 | 116,534 |
| Deputy Director | 70,600 | 95,308 | 74,836 | 101,026 |
| Director of Administration & HR | 58,960 | 88,277 | 62,498 | 93,574 |
| Technical Managers | 57,277 | 77,047 | 60,714 | 81,670 |
| Public Information Manager | 57,227 | 77,047 | 60,661 | 81,670 |
| Comptroller | 43,775 | 61,570 | 46,402 | 65,264 |
| Administrative Assistant | 30,000 | 45,114 | 30,000 | 45,114 |
| Secretary | 27,718 | 37,415 | 29,381 | 39,660 |
| Building Maintenance | 20,715 | 36,224 | 23,400 | 38,397 |
| Environmental Specialist I | 31,920 | 48,540 | 33,835 | 51,452 |
| Environmental Specialist II | 38,890 | 52,500 | 41,223 | 55,650 |
| Environmental Specialist III | 45,169 | 59,776 | 47,879 | 63,363 |
| Environmental Engineer I | 32,754 | 48,540 | 34,719 | 51,452 |
| Environmental Engineer II | 41,348 | 54,832 | 43,829 | 58,122 |
| Environmental Engineer III | 46,269 | 60,674 | 49,045 | 64,314 |
| Public Information Specialist I | 29,395 | 45,281 | 31,159 | 47,998 |
| Public Information Specialist II | 38,890 | 52,500 | 41,223 | 55,650 |
| Communications Coordinator I | 29,395 | 45,281 | 31,159 | 47,998 |
| Communications Coordinator II | 38,890 | 52,500 | 41,223 | 55,650 |
| Data Systems Administrator I | 41,084 | 62,585 | 43,549 | 66,340 |
| Data Systems Administrator II | 54,080 | 70,630 | 57,325 | 74,868 |
| Information Systems Specialist | 35,992 | 56,742 | 38,152 | 60,147 |
| Data Processing Specialist | 32,442 | 43,798 | 34,389 | 46,426 |
| Chemist I | 31,920 | 48,540 | 33,835 | 51,452 |
| Environmental Chemist | 38,890 | 52,500 | 41,223 | 55,650 |
| Analytical Chemist | 46,629 | 60,674 | 49,427 | 64,314 |
| Senior Biologist | 45,169 | 59,776 | 47,879 | 63,363 |
| Aquatic Biologist | 38,890 | 52,500 | 41,223 | 55,650 |
| Biologist | 31,920 | 48,540 | 33,835 | 51,452 |