

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**190th Commission Meeting
Hyatt Regency Cincinnati
Cincinnati, Ohio
Thursday, February 14, 2008**

<u>Reports</u>	<u>Page</u>
Treasurer	1
Chairman.....	1
Executive Director	2
Water Quality Review Committee	3
Technical Committee	4
Pollution Control Standards Committee	9
Program and Finance Committee	10
Research Committee.....	12
Congressional Liaison Committee.....	14
Audit Committee.....	14
Pension Committee	15
Personnel Committee.....	15
ORSANCO/River Users Program Advisory Committee.....	16
Ad Hoc Committee on ORSANCO's 60th Anniversary Year	16
Water Users Advisory Committee (WUAC)	17
Publicly Owned Wastewater Treatment Works Advisory Committee (POTW).....	18
ORSANCO Educational Foundation (OEF)	20
Recognition of Staff Reaching 5-year Milestones	21
Roster of Attendance	22
2008 Technical Committee Program Guidance (Attachment 1)	23

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**190th Commission Meeting
Hyatt Regency Cincinnati
Cincinnati, Ohio
Thursday, February 14, 2008**

Chairman Stuart Bruny, Presiding

Call to Order

Chairman Bruny called the 190th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 AM on Thursday, February 14, 2008.

Commissioner Hook led the Commission in the Pledge of Allegiance.

Quorum Call

Commissioner Eger declared that a quorum was present (see Roster of Attendance, page 22).

Chairman Bruny recognized and thanked Toby Frevert, Lloyd Cress and Bud Schardein for their contributions as they end their service with the Commission.

Action on Minutes

ACTION: Motion by Commissioner Morgan, second by Commissioner Servatius and carried, that the minutes of the 189th meeting of the Commission and of the October 2007 Executive Session (mailed January 18, 2008), be adopted as presented.

Report of the Treasurer

Commissioner Eger noted that a detailed Treasurer's Report as of January 31, 2008 was provided in the agenda packet.

The report indicates resources of \$4,363,603 through the end of January 2008. Of that amount \$1,757,886 was expended on programs, leaving \$2,605,717 available for the continuation of ORSANCO's 2008 fiscal year programs.

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

Report of the Chairman

Chairman Bruny began by mentioning that he had presented a number of ideas during his October report and that today's report would highlight several related items to be covered in the meeting agenda. First, 2008 is the 60th anniversary of the signing of the Ohio River Valley Water Sanitation Compact. The Ad Hoc Committee has settled on a suite of recommended activities designed to assure that we pause, and celebrate this remarkable instrument of cooperation, as well as spread the message about ORSANCO and the challenge of interstate water pollution abatement in this diverse, multi-jurisdictional Ohio River Basin.

Commissioner Bruny noted that Commissioner Flannery, Chairman of the Program & Finance Committee, will brief the Commission on the Strategic Plan review, and the schedule for program and budget development to support Mr. Flannery's term as Commission Chairman.

Next, Commissioner Bruny reported that the Water Quality Review Committee has been active in tracking activities and providing guidance to staff. The Committee will report on the recent signing of a "Statement of Principles" agreement among Kentucky, Virginia and West Virginia for cooperation in improving water quality in the Big Sandy River Basin. Commissioner Bruny and Alan Vicory attended the signing ceremony in late October.

Commissioner Bruny continued, noting that the Commission will soon begin the process of reviewing the effluent Pollution Control Standards. Commissioner Komoroski, Chairman of the Pollution Control Standards Committee, will report on these activities.

Commissioner Bruny reported that there has been some success in securing congressionally designated funds to redesign and replace the aging Organics Detection System (ODS). Additional advocacy is required to assure that the funding authorization becomes an appropriation. Commissioner Bruny thanked Commissioner Harrison and members of the Congressional Liaison Committee for their diligent efforts in the matter.

Commissioner Bruny reflected on the amount and quality of activities and accomplishments achieved by the numerous Commission committees and relatively small staff, noting the openness to employ leading edge technologies, enter into and broker partnerships, and to lead on regional and national issues. However, there is always room for achieving greater excellence.

Commissioner Bruny concluded by raising several questions for consideration to ensure that the organization does not fall behind in its quest to improve Ohio River water quality. If Ohio River quality is so much defined by its tributaries, are Commission programs properly targeted? How can ORSANCO financially structure funding support for the ODS such that funds will be available internally for the next needed system replacement in ten years or so from now? Has additional thought been given to a broad scan monitoring program for the mainstem to determine the presence of unknown pollutants? How might ORSANCO programs be made more effective, as measured by actual improvements in water quality?

Report of the Executive Director

Mr. Vicory began by reporting on a recent meeting attended by staff and representatives of several environmental advocacy groups to discuss forming an alliance to organize an Ohio River Summit to be held in August 2008. The group asked Mr. Vicory to serve on a planning committee. The Summit will provide the opportunity for citizens to become more actively engaged in addressing the needs of this shared resource.

Mr. Vicory commented that ORSANCO remains on the cutting edge of technology and noted research activities for the deployment of an updated Organics Detection System (ODS) as an example of such technology. Staff has engaged in discussions with Electronic Warfare Associates (EWA), which develops technologies for defense applications, but is interested in broadening its scope to adapting technologies for environmental application use. EWA can possibly bring some applicable technologies to ORSANCO's attention which might be utilized in ODS redeployment. Most current technology and instrumentation is not designed for analyzing raw river water and requires adaptation. EWA is good at identifying and adapting technology to new uses. The revamped ODS system needs to be sustainable, high quality and able to monitor for more parameters while being relatively easy to operate and maintain.

Mr. Vicory reported that on December 10, 2007, ORSANCO experienced a data server crash which obviously caused a disruption to business operations. However, based on existing recovery processes, downtime was limited to several hours as opposed to days. This serves as an example of the critical importance of developing organization-wide recovery strategies. Staff is currently developing a comprehensive business continuity/disaster recovery plan.

Mr. Vicory reported that several years ago the National Academy of Science conducted a study in the Pittsburgh area regarding problems with the discharge of inadequately treated waste and stormwater. The report raised awareness of what needs to be done as a region. Mr. Vicory also mentioned an undertaking by the University of Pittsburgh Institute of Politics which looked at institutional mechanisms that might be put in place to integrate the region's needs and funding for a better approach to environmental management. This group is preparing a report that will propose a regional coordinating body and suggested that Mr. Vicory serve on this body representing ORSANCO to provide experience and expertise. Mr. Vicory suggested that a Pennsylvania Commissioner might best fill this role.

Mr. Vicory concluded by mentioning an upcoming workshop sponsored by the National Science Foundation and U.S. EPA in Cincinnati to discuss the Foundation's "WATERS Network" project which is a major national project to produce environmental observational data. ORSANCO is invited to take part in this workshop, which will explore connections between USEPA and the project. It has been suggested that ORSANCO's capabilities might be brought into the project. This provides another example of the fact that ORSANCO continues to be well respected and recognized for its expertise in water quality management.

ACTION: Motion by Commissioner Wayland, second by Mr. Clark and carried, to accept the report of the Executive Director.

Report of the Water Quality Review Committee

Commissioner Potesta, Chairman of the Water Quality Review Committee, reported that the Committee met by conference call on January 22, 2008. The Committee discussed two matters; support of the Big Sandy Coalition and prioritization of the issues before the Committee.

The Committee reviewed notes from a meeting among persons from the Virginia Department of Conservation and Recreation and ORSANCO, including Virginia Commissioners David Paylor and Bob Wayland. A number of proposals to support the Big Sandy Coalition were discussed. A follow-up meeting is being considered for March to further develop those proposals. The Water Quality Review Committee reaffirms its support of the efforts of the Big Sandy Coalition and looks forward to the opportunity to review the outcomes of the March meeting.

Mr. Potesta then introduced Kelly Miller from the Virginia Department of Conservation and Recreation which handles non-point source issues. Ms. Miller updated the Commission on activities subsequent to the signing of the Statement of Principles Agreement. Funding has been released by Kentucky and the agreement continues to gain interest from Virginia elected officials. She also mentioned that ORSANCO could play a significant role due to its power to coordinate activities across state lines. Ms. Miller also reported on the concept of creating an endowment fund possibly funded by fines and penalties administered by ORSANCO. This fund could support a revolving loan program. Ms. Miller concluded by suggesting a follow-up meeting in the spring to consider these proposals and extended an invitation to an April 25-26, 2008 Annual Conference.

Mr. Potesta continued by reporting that the Committee considered the status of the eight issues that it has been considering. The issues were divided into three categories:

- *Reporting Status* for issues that will be addressed in every report of the Committee.
- *Inactive Status* for those issues that will only be addressed if there are significant developments.
- Issues to be *Dropped from Consideration* by the Committee.

Issues assigned to *Reporting Status* are:

- Differences in States' Consumption Advisories for Ohio River Fish.
- ORSANCO Role in Implementing the Action Plan for Reducing Hypoxia in the Gulf of Mexico
- Oversight of ORSANCO Protocol for Addressing Interstate Inconsistencies
- Oversight of ORSANCO Watershed Initiative

Issues assigned to *Inactive Status* are:

- Hydropower Development on the Ohio River
- ORSANCO Role in TMDLs

Issue to be *Dropped from Consideration*:

- Regulation of Marine Facilities

On the issue of the ORSANCO Watershed Pollutant Reduction Program, the Water Quality Review Committee requests that the Technical Committee discuss the importance of this program to the states. Federal funding of this program is ending; a new funding source would have to be identified if it is to continue.

In reporting on the ORSANCO Protocol for Addressing Interstate Inconsistencies, staff is directed to identify instances where the protocol might be applied. One instance might be mixing zone requirements for Ohio River discharges.

The Water Quality Review Committee understands that staff will be developing alternative program efforts to address tributary water quality issues as part of the program development process. The Committee will offer its comments on such alternatives in the context of the White Paper developed by the Committee and adopted by the Commission.

The Committee discussed issues that may emerge from the review of the Commission's monitoring strategy. Those issues include priorities among identified monitoring needs, and the use of data generated by others. The Water Quality Review Committee will stand ready to provide input on those issues.

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

Report of the Technical Committee

Commissioner Duritsa, Technical Committee Chairman, reported that the 186th meeting of the ORSANCO Technical Committee was held on February 12-13, 2008 in Cincinnati. Seven states, two federal agencies, and three Commission advisory committees were represented.

Chief Engineer's Report

Alan Vicory briefed the Committee on several matters, including:

- Funding has been authorized in the Water Resources Development Act to purchase new equipment for the Organics Detection System (ODS).
- Conversations have been held with EWA, a high tech firm that is interested in providing services in environmental protection.
- There appears to be a growing interest in drilling for oil and gas beneath the Ohio River.
- A dispute has arisen between Kentucky and Ohio over the removal of a rock from the river.
- ORSANCO has been asked to participate in the coordination of efforts to protect the environment in Pittsburgh.
- The Commission is undertaking a Microbial Source Tracking study with USGS and The Ohio State University. An added component will involve monitoring of brighteners used in detergents as a chemical measure of sewage contamination.
- Discussions have been held with the Kroger Company on the possibility of distributing information on proper disposal of unused prescription medications.
- A serious crash of the Commission's computer system took place this past fall. Normal operations were restored in five hours, due in large part to business continuity planning.

Jerry Schulte, ORSANCO staff, provided a report on four spills that occurred since the last meeting. He then informed the committee of an updated Emergency Response Directory, and announced that a new drinking water intake in the Ohio River downstream of East Liverpool will go online in the spring.

Recommendations from State Visits

Staff visited each of the state agencies during the fall. A number of suggestions were made by state agency staff for new program initiatives. The Technical Committee directed staff to develop proposed approaches to each of the proposed initiatives. Staff did so and reported the proposals to the Committee. The Technical Committee supports those approaches and has included them in its guidance for the Commission's FY09 technical programs.

Report of the NPDES Subcommittee

The NPDES Subcommittee met by conference call in January. The Subcommittee continued to discuss a proposal from the Water Users Advisory Committee for permit language on notification of downstream water utilities when treatment bypasses or upsets occur. The Chairman of the Water Users Advisory Committee participated in the discussion. The Subcommittee agreed with the concept that dischargers should notify downstream water utilities of treatment upsets and bypasses in a timely manner. Additional dialogue between the two groups on this matter will be necessary to reach agreement on language to be placed in permits.

The Subcommittee requested that a letter be sent from the Commission to the states regarding requirements for dischargers to monitor mercury and nutrients. The Technical Committee approved the letter but raised questions about the authority to require monitoring of nutrients, which are not addressed in the current Standards.

The Subcommittee also raised questions about language in Section I of the Commission Standards regarding the obligation and authority of the states to implement the Standards through NPDES permits for Ohio River discharges. These questions need to be addressed in the next review of the Commission Standards.

Report of the Stream Criteria Subcommittee

The Stream Criteria Subcommittee met by conference call in December. Matters discussed included proposed new criteria for selenium, temperature and sulfate. The Subcommittee also identified criteria for ammonia that have been developed to protect drinking water supplies.

Concerns have arisen over some of the data used to calculate the proposed temperature criteria. The Subcommittee was tasked to review the data with staff and recommend steps that might be taken to assure its validity.

Nutrient Criteria

Staff reported that ORSANCO's request to USEPA for assistance in the development of nutrient criteria for the Ohio River is being provided through a contractor. It is anticipated that the results of this assistance will be available in the early summer.

A staff report on urban wet weather sources of nutrients was distributed for review; comments are requested by March 14, 2008.

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. Recent developments regarding Gulf Hypoxia include:

- The Hypoxia Task Force met in Cincinnati in late October and adopted a draft revised version of the Hypoxia Action Plan for public review.
- The USGS held a news conference to release results of a new modeling effort that addressed nutrient loadings to the Mississippi River and the Gulf. The results indicated that Indiana, Kentucky and Ohio are among the nine states with the largest loadings.
- The Task Force will meet again in Chicago in late February to consider public comments on the draft for the revised Action Plan; it is expected that the revised plan will be adopted.

The Sub Basin Committee intends to participate in two technical workshops this spring and summer – one on the USGS modeling (in collaboration with the Upper Mississippi Sub Basin Committee) and one on nutrient removal by point sources (in collaboration with US EPA Region 5).

Nutrient Limits

In November, ASIWPCA sent a letter to US EPA recommending that technology-based nutrient limits be developed for point sources. In the same month, the NRDC submitted a petition to US EPA calling for stringent point source nutrient limits.

The POTW Advisory Committee has developed comments on the NRDC petition, generally taking issue with the lack of science to support the limits set forth.

The Technical Committee directed staff to develop a letter to US EPA on nutrient limits and present it at the next Technical Committee meeting.

Report of the Monitoring Strategy Subcommittee

The Monitoring Strategy Subcommittee met by conference call in December to advance its review of the Commission Strategy. The Subcommittee agreed on general monitoring objectives and directed staff to initiate the development of Data Quality Objectives. The Subcommittee is considering addressing temperature as a pilot parameter for further strategy development.

Status of Ohio River Discharges

Each of the mainstem states present 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.

Source Water Protection

Staff has been working with the Source Water Assessment Work Group to advance source water protection for Ohio River drinking water supplies. A template for Ohio River Source Water Protection Plans has been developed, and is being discussed in regional meetings with the water utilities. The initial meetings involved surface water utilities; however, utilities with ground water sources are now becoming involved.

Water Quality Assessment

Staff presented preliminary results of the 2008 assessment of Ohio River water quality conditions. The results indicate impairment of each of four uses on certain sections of the river:

- Aquatic life – impairment on the lower river due to temperature and dissolved oxygen levels.
- Water supply – impairment on the upper river due to high bacteria levels, and on the lower river due to phenolics.
- Fish consumption – impairment on the entire river due to PCBs.
- Contact recreation – impairment on approximately half the river due to high bacteria.

Staff proposed follow-up studies to determine if impairment of aquatic life use is a continuing problem on the lower river.

The Technical Committee accepted the assessment and included the follow-up studies in its program recommendations.

Staff also presented a draft report on Ohio River water quality trends. The report indicates increasing levels of total phosphorus, sulfate, and chloride in specific sections of the river.

The Technical Committee agreed to review the report and provide comments by March 31, 2008 and included proposed follow-up studies of the parameters that appear to be increasing in its program guidance.

Development of TMDLs

The EPA contractor for development of the Ohio River pathogen TMDL has completed the first phase of the project. Phase 2 involves characterization of pathogen sources and set up of a model. A number of supporting tasks need to be carried out by ORSANCO staff.

An issue for the continuation of this effort is participation by Pennsylvania. Mr. Schwartz reported that Pennsylvania DEP has signed off on the QAPP and will submit a letter setting forth its remaining concerns with the TMDL approach.

The POTW Committee has prepared extensive comments on the proposed TMDL.

The Technical Committee supports continuation of this effort, including the tasks expected from ORSANCO staff. The Technical Committee calls on US EPA Region 5 to address the concerns of the POTW Advisory Committee.

Staff presented the status of tasks identified by the TMDL Task Force as necessary in order to adequately characterize sources of PCBs. Considerable progress has been made; however, two tasks – characterizations of inputs from bottom sediment and atmospheric sources – remain beyond the Commission’s capabilities given current resources.

The Technical Committee was asked by the Water Quality Review Committee to discuss the continuing need for the Commission’s Watershed Pollutant Reduction Program, which has been supported by special funding from US EPA and has provided considerable input for TMDL development. The Committee strongly supports the continuing need for this program and would like to see new funding to support it.

Report of the Research Committee

Staff presented the results of the January meeting of the Commission’s Research Committee. Three emerging issues were discussed at that meeting:

- Environmental effects of biofuels
- Ecosystem function
- Protection of wildlife

The Technical Committee discussed these issues as well as emerging contaminants. It was agreed that ORSANCO can provide a useful role in facilitating communication on these issues.

Wet Weather Issues

Staff provided a report on the status of CSO abatement in Ohio River communities. Considerable progress has been made, with a number of CSOs eliminated.

The Technical Committee directed staff to develop an approach to document water quality improvements resulting from CSO abatement.

Staff presented a status report on the study of recreational use which will begin this spring. The Committee discussed the approach to the fish consumption component – whether to survey the entire population or to focus on groups that are believed to consume large amounts of Ohio River fish. Identifying such groups and gaining their input would pose considerable challenges.

Technical Program Guidance

The Technical Committee adopted a number of recommendations that should be considered in developing the Commission’s program and budget for Fiscal Year 2009; those recommendations are attached (Attachment 1). It is intended that they will be conveyed to the Commission’s Program and Finance Committee.

Comments by Advisory Committees

The Power Industry Committee raised concern about Section VI.G of the Commission Standards which does not allow mixing zones for new discharges of Bioaccumulative Chemicals of Concern (BCCs). Power plants installing scrubbers for air pollution control create new discharges of mercury, which is a BCC. It is questionable whether or not any existing treatment technology can reduce the mercury discharge to meet the water quality criterion at the end of the pipe.

The POTW Committee submitted comments on proposed federal legislation, the Raw Sewage Overflow Community Right to Know Act. Two Ohio River cities – Portsmouth and Evansville – have resumed active participation on the committee.

The Water Users Advisory Committee is participating in the Commissions' Source Water Protection activities. The Committee is concerned that all participants in the Organics Detection system maintain a high degree of commitment to the operation of the system.

Acknowledgement of Service

Finally, the Technical Committee recognizes the retirement of two of its members. Toby Frevert of Illinois retired from state service in January while Mark Ayers of the USGS will retire this spring. Both have provided distinguished service to the Committee and have represented their agencies well.

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

Report of the Pollution Control Standards Committee

Commissioner Komoroski, Committee Chairman, reported that the Pollution Control Standards Committee met on November 15-16, 2007 to review information on dischargers' compliance with the Commission Standards and to begin planning for the next review of the Standards.

Overview of ORSANCO Standards

Staff provided a briefing on the Commission Standards and associated programs for the benefit of new members of the Committee.

Compliance with Commission Standards

The Committee reviewed information on dischargers' compliance with Commission Standards based on state reports at the past three Technical Committee meetings and information from Quarterly Non Compliance Reports from US EPA. Committee members raised several questions on the information provided and directed staff to seek additional information from the appropriate states. The questions concerned the following:

- Treatment of wastes from a RCRA site at Molycorp in Pennsylvania.
- Permit violations for phenolics at Shenango in Pennsylvania.
- Permit violations for Bis (2 Ethylhexyl) Phthalate at ISG in West Virginia.

Issues in Standards Administration

The Commission Standards are implemented through the states' NPDES programs. The NPDES Subcommittee is reviewing procedures to assure that the Standards are interpreted consistently. The Committee considered information being developed for the review and adopted the following recommendations:

- Staff should prepare a statement for each state setting forth their justification for incorporating ORSANCO Standards in permits for Ohio River dischargers.
- The language adopted in the last review regarding wet weather discharges should be reviewed by the Wet Weather Work Group.
- The chairs of the NPDES and Stream Quality Criteria Subcommittee will be invited to participate in conference calls and meetings of the Pollution Control Standards Committee.

Recreational Use Survey

The Committee discussed the work plan for the study of Ohio River recreational use. Concern was raised that the survey questionnaire might take an excessive time to answer. It might be necessary to separate the portion on contact recreational use from the section on fish consumption; if this should be the case, the Committee recommends that the request for a second survey be presented to the Commission at the February meeting.

Issues and Schedule for Next Review of Commission Standards

The Committee discussed issues that were raised in the last review of the Standards which are expected to be considered further in the next review. Those issues include:

- Wet Weather Standards
- Temperature Criteria
- Selenium Criteria
- Ammonia Criteria for Drinking Water Protection
- Pathogens
- Applicability of Assumptions in Development of Human Health Criteria for the Ohio River

Consideration of these issues may extend beyond the time frame of the Commission's normal triennial review process. The Committee felt, however, that the normal review schedule should be followed. The anticipated schedule for the next review is:

- March 2008 – Announcement of initial comment period
- April 2008 – Public workshops
- May 2008 – Initial comment period closes
- June – December 2008 – Consideration of comments and development of proposed revisions
- February 2009 – Commission action to authorize public review of proposed revisions
- May 2009 – Public hearings on proposed revisions
- October 2009 – Commission action on proposed revisions

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

Report of the Program and Finance Committee

Commissioner Flannery, Chairman, Program & Finance Committee reported that the review of the Commission's *Strategic Plan* began last year with discussions at the Commission Roundtable sessions in February and June. In those discussions, Commissioners identified three general priorities for Commission programs and activities:

1. Carry out the directives of the Ohio River Valley Water Sanitation Compact.
2. Fulfill the obligations of grants received by the Commission.
3. Support the efforts of the member states to implement the goals of the Compact.

At the June Roundtable, Commissioners were asked to identify priority issues, including both issues currently being addressed and emerging issues. In all, 42 issues were identified. The Program and Finance Committee considered all the issues identified, and agreed on eight revisions to the *Strategic Plan* that should be considered by the Commission:

1. Emphasize state primacy.
2. Recognize research efforts to incorporate new technologies.
3. Increased awareness of improving water quality conditions.
4. Focus on interstate issues.
5. Emphasize partnerships with state and federal agencies.
6. Consider climate change and the impact of response to climate change.
7. Emphasize study of nonpoint source impacts.
8. Recognize approaches other than “collect and treat” for reducing pollution.

The Committee also agreed that further discussion is needed in three areas before revisions to the *Strategic Plan* are considered. Those areas are: 1) the Commission’s role in water resource issues, 2) the Commission’s role on tributaries, and 3) the inclusion of new issues such as emerging contaminants and green infrastructure.

Staff has visited the offices of each of the member states’ environmental agencies to discuss the Commission *Strategic Plan* and its possible revision, as well as to receive input on program directions for the coming year. While the visits did not result in specific recommendations for revisions to the plan, they did yield valuable input on the program directions that states would like to see.

The following ORSANCO program outputs were identified by the state agencies as particularly important:

- Monitoring and Assessment of the Ohio River Mainstem
- Applied Research
- Information Exchange Among Agencies
- Special Studies
- Fish Tissue Data
- Biological Criteria Development
- TMDL Development
- Temperature Criteria Review
- Spill Notification and Response

State agency personnel identified the following as areas of need:

- Pathogens
- Algal Toxins
- Land Use/Water Quality Relationships
- Ground Water/ Surface Water Interaction
- Source Water Protection
- Method for Thermal Mixing Zone Determination
- More Fish Tissue Data
- Monitoring for Permit Development
- Review of Treatment Technologies
- Review of Iron Criteria
- Watershed Success Stories

The Technical Committee has requested that staff provide information on how each of these areas might be addressed in the Commission's FY09 Program Plan; that information is included in the attachment for Item 5 of the Technical Committee agenda. The Program and Finance Committee will consider the information obtained through the state visits and how it might lead to additional revisions to the *Strategic Plan*.

Schedules and Key Issues for Development of FY09 Program and Budget

Development of the Commission's program and budget for Fiscal Year 2009 will formally begin at the February 12-13 meeting of the Technical Committee. The Committee will adopt guidance for ORSANCO technical programs; that guidance will be used by staff to develop a proposed program plan that will be considered by the Program and Finance Committee at its April meeting. The Committee will adopt a draft program and budget that will be presented for Commission action at the June meeting.

Staff has been directed to develop program alternatives for the Program and Finance Committee to consider. Those alternatives would include transfer of some resources from public information activities to technical programs, and transfer of some activities from a mainstem Ohio River focus to tributaries.

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

Report of the Research Committee

Commissioner Duritsa, Committee Chairman, reported that the Committee met on January 14-15. The Committee was joined for the first time by two new members, Jeanne VanBriesen, PhD., an Associate Professor with Carnegie Mellon University, and Pierre Glynn, PhD., Chief of the Eastern Region Branch of the USGS's National Research Program.

Staff provided presentations on progress being made in two research areas- Microbial Source Tracking and Endocrine Disrupting Compounds. Each of these subjects was previously identified by the Research Committee as a priority research area. The Research Committee endorsed these two ongoing research efforts and actively engaged staff in discussions ranging from re-examining the methods employed, examining and interpreting results, and recommending options for expanding or improving upon future research in these areas.

The Committee was asked if they had any comments or advice relating to the forthcoming upgrade of the Organic Detection System (ODS). Committee members offered comments on data dissemination, monitoring equipment, and incentives to improve ODS site operations and operators.

The Committee also engaged in a brief brainstorming session, with members individually raising issues for consideration and discussion by the group. Some of the key concepts discussed, and those identified by the Research Committee as deserving of future discussion and consideration were:

Biofuels

The Research Committee pointed out that looming in our future are the impacts from the increased production of biofuels. Our states already report a significant increase in the permit requests for new biofuel processing plants. Depending upon the technology employed, the process can use up to five gallons of water for every gallon of fuel produced. We also expect to see a shift from wheat and soybean production to corn and a change in crop rotation practices to what is being called corn-on-corn, meaning more fertilizers will need to be applied. An upshot of corn based ethanol production will be an increase in fertilizer and pesticide use and an increase in water consumption. Ultimately, what impacts will these changes have on groundwater and surface waters throughout the Basin?

Ecosystem Function

We rarely study, and have limited understanding of, the *functional* aspects of the ecosystem as a whole, including such things as the amount of energy that is produced by photosynthesis, how energy or materials flow along the many steps in the food chain, or what controls the rate of decomposition of materials or the rate at which nutrients are recycled. We need to understand that the Ohio River ecosystem *influences*, and *is influenced by*, the geological and chemical processes within the Basin. For instance, ecosystem function will be an essential concept to master, especially if we are interested in understanding the flow of nutrients into and through the ecosystem and want to efficiently manage that process. Billions of dollars are being spent to control both point and non-point sources of pollution, but what do we really know about the natural processes of the system and how improvements to ecosystem function might serve as a more cost effective means of minimizing impacts from pollution?

Habitat heterogeneity has been reduced to a near homogeneous condition, resulting in lower species abundances and diversity. The five critical components of the flow regime that regulate ecological processes in running water ecosystems include: the magnitude, frequency, duration, timing, and rate of change of hydrologic conditions. These components have been substantially altered by both channelization and dams. Marginal and riparian vegetation that filter surface and subsurface flow from upstream and adjacent lands have been lost. This system no longer deposits nutrients onto the fertile, rich soils of the floodplain fields. Wetlands, vegetation beds, and natural habitats no longer filter nutrients. Instead, they are quickly and efficiently passed through the system. To put it into the context of watershed management and planning, reversing only some of the key changes to ecosystem function may substantially change the direction and magnitude of future TMDLs.

Wildlife Risk

The Committee also discussed the need to understand wildlife risk. ORSANCO Pollution Control Standards protect the uses designated by the Compact. ORSANCO Standards and the Compact specifically state that the river shall be capable of maintaining fish and other aquatic life. The question is, does this definition also include, and should it therefore protect, fish eating wildlife such as birds? EPA and some states appear to be moving in the direction of developing water quality criteria that do protect wildlife as well as aquatic life. Some research in this area may be needed to better understand the issue and serve as a basis for future discussions.

Additional Business and Recommendations

The Committee is pursuing candidates to fill two roster vacancies and have recently gained the commitment of Dan Woltering, PhD. Dr. Woltering currently serves as Director of Research for the Water Environment Research Foundation. The Research Committee recommends that the Commission approve the addition of Dr. Woltering as a member the Research Committee.

The Research Committee also recommends that the Commission, the Technical Committee, and our other various committees, subcommittees, workgroups and advisory committees consider the research issues and needs outlined in this report when developing future direction for our various programs.

ACTION: Motion by Commissioner Duritsa, second by Commissioner Morgan and carried to accept the report of the Research Committee as presented.

Report of the Congressional Liaison Committee

Commissioner Flannery, reporting on behalf of Commissioner Harrison, Committee Chairman, reported that the Water Resources Development Act (WRDA) Authorization Bill of 2007, containing \$2.5 million in funds requested to support the Organics Detection System (ODS), was approved. The \$2.5 million authorization moves forward to the appropriations process next year.

The Commission was successful last year in receiving a \$295,000 appropriation for the ODS. These funds should be available in the current budget cycle.

Mr. Flannery reported on current activities to secure the \$2.5 million appropriation. Representatives of the Committee will be traveling to Washington, DC on February 28 to meet with staff and members of Congress to seek full appropriation of the balance of \$2.2 million for ODS support. Mr. Flannery also directed Commissioners' attention to a letter in the meeting packet that Governor Manchin of West Virginia submitted to Senator Byrd encouraging his support for ODS funding. Commissioners may be called on for assistance with similar support letters.

ACTION: Motion by Commissioner Flannery, second by Commissioner Eger and carried (Edward Ambrogio abstaining) to accept the report of the Congressional Liaison Committee as presented.

Report of the Audit Committee

Commissioner Conroe, Committee Chairman, directed Commissioners' attention to the 2007 Independent Auditors' Report provided in the meeting packet.

Commissioner Conroe reported that Clark, Schaefer, Hackett & Company, Certified Public Accountants, performed a general-purpose financial audit for fiscal year ending June 30, 2007. In the auditor's opinion, the general-purpose financial statements present fairly, in all material respects, the financial position of ORSANCO as of June 30, 2007. There were no reported material weaknesses in internal controls. The audit report is an "unqualified" report.

Mr. Conroe mentioned a discussion with the auditor covering a historic perspective of ORSANCO's revenues and expenses. Revenues and expenses were depicted as being very similar, which again indicates that ORSANCO is being effectively managed to deal with the funds received, meeting expenses, and projecting expenses appropriately. States can be assured that funds are used wisely and fully to support approved programs.

The Committee recommends that Clark, Schafer, Hackett & Company be retained as auditor for 2008.

ACTION: Motion by Commissioner Conroe, second by Commissioner Wright and carried to accept the Independent Auditor's Report and the Audit Committee's recommendation to retain Clark, Schaefer, Hackett & Company to perform the June 30, 2008 financial audit.

Report of the Pension Committee

Commissioner Morgan, Committee Chairman, reported that PNC Advisors presented an investment review on January 28th. Fund assets are currently invested with a 50% stock and 50% bond allocation. This investment strategy appears to be working reasonably well. The Plan's funded ratio is 101% which is a slight improvement from last year. The Pension Committee recommends continuing with this investment strategy.

The July 1, 2007 Actuarial Report, compiled by Buck Consultants, indicates that the Pension Plan has assets of \$2,377,304. To maintain a funded ratio of no less than 100%, Buck Consultants recommends a contribution of \$125,000 to the Plan for FY09 and continue to budget 7-9% of payroll in future years.

The Pension Committee requests that the Program & Finance Committee considers the recommendation to fund a pension contribution of \$125,000, based on available funds, for FY09.

ACTION: Motion by Commissioner Morgan, second by Commissioner Tomes and carried to accept the report and recommendations of the Pension Committee.

Report of the Personnel Committee

Commissioner Tomes, Committee Chairman, reported for the record that January 1, 2008 staff salary adjustments were discussed at the February 13th Executive Conference of Commissioners.

Mr. Tomes reported that at the October 2007 meeting of the Commission, the Public Interest Advisory Committee (PIACO) requested that the Commission's Bylaws be amended to change the Committee's appointment terms from one year to two-year terms. A motion was adopted by the Commission to accept this recommendation.

The Personnel Committee recommends a motion to formalize the adoption of the following Bylaws revised language contained in Section XII.D.3:

A Public Interest Advisory Committee, composed of citizens residing in the Compact states, shall advise the Commission on Commission programs. The Chairman shall appoint members of this committee for two-year terms. These members, who serve on a voluntary basis, shall be reimbursed by the Commission, for their expenses in attending meetings of their Committee or, upon invitation of the Chairman, meetings of the Commission or the Technical Committee.

ACTION: Motion by Commissioner Tomes, second by Commissioner Conroe and carried, to adopt the Bylaws revised language as presented.

Commissioner Tomes continued by reporting on the proposed revision of the Administrative Procedures. The proposed revisions were distributed with the advance agenda packet and also discussed at the February 13th Executive Conference of Commissioners. The Committee recommends adopting the Procedures with modifications to the EEO/Affirmative Action Language.

ACTION: Motion by Commissioner Tomes, second by Commissioner Servatius and carried, to adopt the revised Administrative Procedures as presented with recommended modifications.

Report of the ORSANCO/Ohio River Users Program Advisory Committee

Commissioner Potesta reported that per the Bylaws of the Commission, the ORSANCO/Ohio River Users Advisory Committee is to comprise eight members; six from river interests and two Commissioners. Members are appointed by the Commission for three year terms with the availability for one term reappointment.

The terms of five members expired this past December, three of which are eligible for reappointment to a second term. It is recommended that the members eligible for reappointment, Alan Harsin, Bud Smith and Jeff VanMatre, be reappointed to serve second terms.

ACTION: Motion by Commissioner Potesta, second by Commissioner Servatius and carried, to accept the Committee's recommendation to re-appoint Alan Harsin, Bud Smith and Jeff VanMatre to a second three-year term.

With respect to the remaining two members with expiring second terms, Tom Herman and Greg Wilkins have successfully served two three-year terms. The Committee recommends that these individuals receive a letter thanking them for their years of service on the Committee. The Committee Chairman encourages nominations to fill the two open Committee memberships.

ACTION: Motion by Commissioner Potesta, second by Commissioner Morgan and carried, to accept the report and recommendations of the Committee as presented.

Report of the Ad Hoc Committee on ORSANCO's 60th Anniversary Year

Commissioner Eger reported on planning activities for the anniversary celebration. The Committee proposes that a series of editorial visits be conducted beginning in early May along the River by Commissioners and staff using a scripted message focusing on the Commission's achievements and helping to shape the public's perception of ORSANCO. Commissioners and staff will also be provided opportunities to participate in local citizen group presentations, again using a scripted message.

Finally, on June 11, 2008 a celebration event will be held in Cincinnati with possibly a panel discussion with one or more governors or a keynote address. The Committee continues to look for individuals to invite who might draw media attention to the event.

Commissioner Flannery commented that he will contact Governor Manchin of West Virginia to encourage participation and encouraged other Commissioners to do likewise if they have personal contact with their Governor. Other alternatives were discussed in the event that Governors are not available.

ACTION: Motion by Commissioner Wayland, second by Mr. Schwartz and carried, to accept the report and recommendations of the Committee as presented.

Report of the Water Users Advisory Committee (WUAC)

Mary Armacost, Committee Chairman, reported that the Committee met in late January. The Committee discussed River conditions and reported an increase in zebra mussels and Asiatic clams. Ms. Armacost reported that there were several minor spills which did not affect water utilities.

In reference to the Pollution Control Standards (PCS), Ms. Armacost reported that the Committee is requesting to have a representative invited to attend meetings and conference calls of the Pollution Control Standards Committee. During previous Standards reviews, the Committee submitted comments requesting the inclusion of a definition of “reasonable treatment” and a recalculation of the Ammonia criteria. Both requests were unfulfilled. The Committee would like to receive comments as to why these requests were not addressed and would like to work with the Pollution Control Standards Committee to resolve these issues to everyone’s satisfaction.

The Committee supports Chairman Bruny’s efforts to increase water quality monitoring and suggests monitoring all contaminants regulated in the Commission’s Pollution Control Standards annually at selected River locations. Quarterly monitoring is suggested for the first year to establish a baseline.

The Committee has been working closely with the NPDES Sub-Committee to include a requirement for the notification of drinking water utilities in permits.

Ms. Armacost reported that there has been a reduction recently in Organics Detection System (ODS) downtime due to equipment maintenance issues. Some utilities are still experiencing downtime due to personnel and operator availability. The Committee requests that, during source water protection meetings, ORSANCO visit the utilities and industries operating the systems and re-affirm their commitment prior to installing new equipment from the potential \$2.5 million funding. The Committee will form a sub-committee to review all technologies and capacity of systems to provide the required monitoring. The Committee is also participating in source water protection conference calls. Staff presented information on drug disposal education and nutrient monitoring to the Committee.

Ms. Armacost concluded by reporting that the Water Quality Technology Conference will be held in Cincinnati this year. Committee members and staff will be conducting presentations.

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

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

Mr. Mike Apgar, Chairman of the POTW Advisory Committee, reported that the Committee met on January 17-18 in Northern Kentucky. The Committee has reenergized involvement from Portsmouth, Ohio, and a new member from Evansville, Indiana also attended the meeting. ALCOSAN representative Bill Greenwood is also becoming active with POTW.

Mr. Apgar reported that several position papers produced as a result of the previous POTW meeting have been distributed to Commissioners. The first two documents are POTW position papers on issues that face the treatment industry. The Committee wanted to provide a formal opinion and comments, as ORSANCO will likely need to address or provide comments on these issues.

Mr. Apgar reported that Federal Legislation has been proposed in the form of what is being called the "Raw Sewage Right to Know Act." The Committee thanks Alan Vicory for providing the opportunity to provide comment to the WEF Governmental Affairs Committee. In summary, the Committee is not in favor of this Bill because it mandates a duplication of efforts that exist in the CSO nine minimum controls and SSO Capacity Management Operations and Maintenance (CMOM) reporting requirements. In addition, this duplication of effort will draw valuable financial resources away from the primary objective of minimizing the impact of sanitary overflows. The Committee is also concerned that the provisions of the Bill could leave Americans with the false impression that the elimination of human sewage will totally eliminate bacteria risks. Even with overflows under control, a bacteria risk associated with non-point sources of animal bacteria will still exist.

The Committee's second position paper summarizes the formal comment on NRDC's Petition to EPA for rule making on secondary treatment standards relating to nutrient removal. The Committee believes that calling for very specific reductions in phosphorus and nitrogen in wastewater treatment plants, without the benefit of conducting sound research prior to making specific demands for these reductions, is fiscally irresponsible and dangerous. The Committee also believes it would be prudent to complete the Gulf of Hypoxia Study prior to setting point source limits, as the impact of non-point source contributions could also be factored into the equation, forming a complete solution to this perplexing problem. In addition, assumptions made by the EPA's Science Advisory Board, that 100% of the point source loadings actually make it to the Gulf of Mexico, are dangerous and inaccurate. This does not occur due to the effects of sedimentation and local uptake of nutrients. What the Committee finds as most distressing and perplexing, with respect to the NRDC's petition, is that these assumptions and assertions are being made without POTW comment or involvement. The Committee feels that its expert opinion might be of some value to all involved. It is also important to note that customers are going to pay for the demands that are being made, and it is imperative that customer interests be represented as these decisions are made. The Committee was encouraged by the acknowledgement during the Technical Committee meeting that thorough research and discovery of all associated documents and positions will be considered prior to ORSANCO offering formal comment.

Mr. Apgar concluded his report by drawing attention to a document titled “Comment on the December 31, 2007 Ohio River Bacteria TMDL QAPP.” In the POTW industry, as important and potentially expensive projects are being conducted, a “Professional Third Party Peer Review” is often employed prior to total commitment to a high impact project. The Committee feels it would be prudent to obtain a professional opinion, by industry professionals, on EPA’s Ohio River Bacteria TMDL Quality Assurance Protection Plan. The Committee hopes these comments are helpful in the development of a high quality Bacteria TMDL, ensuring a finished product capable of withstanding potential challenges. The Committee thanks the Technical Committee for requesting a response from EPA regarding questions and suggestions relating to this TMDL development. The Committee also appreciates being included on the TMDL Work Group.

Commissioner Wayland commented on the Committee’s concern regarding NRDC’s Petition to EPA with respect to Gulf of Mexico Hypoxia. Mr. Wayland appreciates the concern over the potential for additional costs associated with additional nutrient control from point source dischargers in the Basin. He stated he did not want anyone to have the impression that either the initial Hypoxia Action Plan or the very extensive scientific assessment that was a basis for the adoption of that Plan pointed the finger primarily at point sources or POTWs as the source of nutrients causing the dead zone in the Gulf of Mexico. There is a clear recognition in the Action Plan, and in the supporting assessment, of the very significant contributions from non-point sources and also the potential for habitat and wetlands restoration to mitigate the nutrients that are lost to the river system and eventually transported to the Gulf. Mr. Wayland also expressed concern about the paragraph which indicates that progress in the Chesapeake Bay and other watersheds was accomplished without redefining secondary treatment to include nutrient removal. While this might be technically correct, Mr. Wayland wanted to ensure understanding that in Virginia’s Chesapeake Bay restoration efforts, nutrient requirements were adopted for POTWs that are more stringent than the nutrient removal that is typically accomplished by secondary treatment. A cap and trade system was adopted to recognize that some of those reductions can be accomplished more cost effectively at some facilities, and some reductions from non-point sources can be achieved through a trading system. Mr. Wayland indicated that EPA is working hard, through efforts of its Science Advisory Board, to update an Action Plan and scientific assessment completed eight years ago, to reflect additional understanding about the sources and contributions to the nutrient problem, and POTWs are likely going to play a role in reducing this problem.

Mr. Apgar responded by acknowledging that POTWs do play a role in this problem. His concern was if representation from Virginia POTWs were involved as decisions were being made. He also acknowledged that research is expensive, and decisions have to be made when or when not research is appropriate, but the case of the SAB assuming that 100% of nutrients will make it to the Gulf is inaccurate. This makes it appear that point sources are a much larger part of the problem. POTWs would like the opportunity to provide an opinion.

Mr. Wayland responded that he believes there have been abundant public involvement opportunities in the development of the initial Hypoxia Action Plan and would expect that EPA will continue to involve the public in modifications to the Plan.

Peter Tennant commented that the draft revision of the Action Plan currently being considered by the Task Force does not specify the removal requirements of point or nonpoint sources. It does, however, specify an overall reduction target. The Task Force will meet in Chicago on February 28-29, 2008. On February 28th there will be a period for public comment for consideration in the revisions. Mr. Tennant indicated that he would provide information to anyone interested.

Ellen Gilinsky inquired, from a procedural perspective, in terms of the position papers presented, whether these positions are adopted by ORSANCO or if the Commission just views the papers as input.

Chairman Bruny responded that the Commission is accepting the information as input for evaluation and will respond as appropriate. Some comments were directed to EPA who will presumably also respond.

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

Report of the ORSANCO Educational Foundation (OEF)

Jeanne Ison, OEF Board member, reported that the Board of Trustees met on February 5th in Newport, Kentucky, and provided a summary of meeting topics.

The Board of Trustees created the Reed L. Coen OEF Award of Excellence and presented the award to its first recipient, Reed Coen. The award was presented to Reed to recognize his outstanding contribution of time and financial support to the Foundation. The award will be used to honor future Board members or volunteers who exhibit exceptional service to the Foundation.

Audit Report

David Bailey presented the June 30, 2007 Audit to the Board. The Audit is an “unqualified” report.

Treasurer’s Report

David Bailey reported that the Foundation had receipts of \$69,749 plus a carryover of \$336,411, totaling \$406,160 in resources through December 31, 2007. Of that amount, \$131,668 was expended on programs, leaving resources of \$274,493 available for the continuation of Foundation activities, which includes the June 2008 River Sweep.

The Board discussed current year expenditures as well as revenue projections. A fund carry-over of \$100,000 or less is projected for FY09. This projection led to discussion of the importance of fundraising to sustain current programs.

PA Denny Status Report

David Bailey and Heather Mayfield reported that the PA Denny appears to be in good overall condition as a result of extensive repairs completed in 2007. It was reported that Frank Trainor has been contracted to pilot the boat and handle routine maintenance for 2008. A deckhand has also been contracted and will be trained by BB Riverboats staff. Mr. Trainor will begin renovations of the restrooms and the bar area on the PA Denny based on available funds. Both areas are in great need of renovation. The importance of reserve funds to cover future major repairs was discussed.

Program Status

Heather Mayfield began by introducing Jennifer Watts, who is a part-time program assistant for the Foundation. Heather then presented an overview of 2007 program accomplishments and activities planned for 2008. Heather noted two out-of-town trips planned to Ashland, KY/Huntington, WV and to Owensboro, KY for the fall of 2008. Consideration of extending the Owensboro trip to include Paducah, to capitalize on potential donors in this river town, was discussed.

Fundraising

The Fundraising Committee provided an update of 2007 activities and reported on the strategy being developed for 2008 activities.

The priority will be to increase Board involvement in fundraising activities and to develop an annual fund that will focus on corporate, foundation and individual donors. Work will continue on grant submissions and developing a database for mail campaigns.

Board Membership

A qualified individual from the educational community will be identified and nominated as an additional member of the Board of Trustees.

Recognition of Staff Reaching Five-Year Employment Milestones

Chairman Bruny recognized the following staff members for their years of service:

Lila Ziolkowski	5 years
Paul Spires	5 years
Greg Youngstrom	5 years
Joe Gilligan	15 years
Jerry Schulte	20 years
Donna Beatsch	35 years

Comments

Commissioner Flannery commented on the significant contributions made by Lloyd Cress, Toby Frevert, and Bud Schardein who are ending their service with the Commission.

ACTION: Motion by Commissioner Flannery, second by Commissioner Potesta and carried that the Commission Chairman be authorized to submit an appropriate letter to these individuals thanking them for their distinguished service to ORSANCO.

Upcoming Meetings

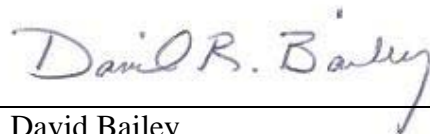
Chairman Bruny noted the following schedule for upcoming Commission meetings:

- June 2008 Cincinnati, OH
- October 2008 Charleston, WV
- February 2009 Cincinnati, OH (tentative)

Adjournment

The 190th Commission meeting was adjourned at 11:15 A.M.

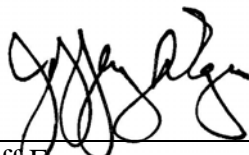
Prepared by:



David Bailey
Director of Administration
& Human resources

Date: 4/10/08

Approved by:



Jeff Eger
Secretary/Treasurer

Date: 4/10/08

ROSTER OF ATTENDANCE
190th Commission Meeting
February 14, 2008

Commissioners

Illinois	Marcia Willhite (PROXY for Douglas Scott) Phillip Morgan
Indiana	Dennis Clark (PROXY for Thomas Easterly)
Kentucky	Bruce Scott (PROXY for Robert Vance) Jeffrey Eger
New York	Jerry Palumbo (PROXY for Pete Grannis) Douglas Conroe T. Lee Servatius
Ohio	Amy Wright Paul Tomes George Elmaraghy (PROXY for Christopher Korleski)
Pennsylvania	Charles Duritsa Melvin Hook Ron Schwartz (PROXY for Kathleen McGinty)
Virginia	Robert Wayland Ellen Gilinsky (PROXY for David Paylor)
West Virginia	David Flannery Randy Sovic (PROXY for Stephanie Timmermeyer) Ron Potesta
Federal	Stuart Bruny Kenneth Komoroski Edward Ambrogio (PROXY for Donald Welsh)

Legal Counsel

Ross Wales

Executive Director

Alan Vicory

Guests

Tom VanArsdall – Kentucky DEP, Mary Armacost – Chairman, Water Users Advisory Committee, Mike Apgar – Chairman, POTW Advisory Committee, Bill Greenwood – ALCOSAN, Jason Flickner – Waterways Alliance, Kelly Miller – Virginia,Carolynn Baker - Virginia

Staff

David Bailey, Jason Heath, Peter Tennant, Joseph Gilligan, Tracey Edmonds, Erich Emery, Jerry Schulte, Jeanne Ison, Donna Beatsch, Paul Spires, Heather Mayfield, Beth McGuire, Steve Braun, Travis Luncan, Lila Ziolkowski, Sam Dinkins, Greg Youngstrom, Eben Hobbins, Rob Tewes, Stacey Cochran, Melissa Mann, Dan Phirman, Jeff Thomas

February 2008 Technical Committee Program Guidance

Summary of Recommendations of the Biological Water Quality Subcommittee:

1. The Subcommittee recommends that funds be made available so as to enable biologists to follow protocols that call for the collection of additional samples in times of statistical uncertainty.
2. The Subcommittee requests that the Technical Committee review and provide comment on recent revisions to the statistically-based biological assessment protocols. The revisions allow the Subcommittee the opportunity to accept assessment results in times of statistical uncertainty after examination of additional relevant information.
3. The Subcommittee recommends that funds be made available so as to enable biologists to conduct water quality sampling in one or two additional pools in 2008 in an effort to enhance the on-going cooperative agreement with USEPA.
4. The Subcommittee submits the new 5-year rotating pool schedule for Technical Committee approval and recommends that state agencies and others consider this schedule for future planning purposes.

Pathogens

A Microbial Source Tracking study will be carried out over the next year. Staff is discussing possible cooperative efforts with US EPA ORD- Cincinnati personnel to monitor additional pathogens. Staff is participating in discussions of new pathogen criteria with US EPA, ASIWPCA, and WERF; this could lead to proposals for additional program activities.

Algal Toxins

Algal toxins are measured under the Commission's Algae and Nutrients Monitoring Program. Additional monitoring is conducted by drinking water utilities, particularly during incidents of taste and odor problems. Input from the Water Uses Advisory Committee and the Source Water Assessment Work Group would be helpful to determine if additional activities are needed.

Land Use / Water Quality Relationships

Some work in this area is being carried out under the EMAP grant. Additional efforts are limited by the lack of GIS expertise on staff.

Ground Water / Surface Water Interaction

The Source Water Assessment Work Group is addressing both surface and ground water supplies along the Ohio River; this presents an opportunity to obtain data that might support a comparative assessment of both resources.

Source Water Protection

The Source Water Assessment Work Group has been active in recent months and will present recommendations to the Technical Committee under Agenda Item 12. Current and planned activities in source water protection include local meetings with water utilities, with participation by industry later in the process. On a different front, the Water Users Advisory Committee is working with the NPDES Subcommittee to develop language requiring notification of downstream water utilities when a discharger experiences an upset or bypass.

Method for Thermal Mixing Zone Determination

Thermal mixing zones differ from mixing zones for other constituents in that they affect a larger portion of the river cross section, but only affect the upper few feet of the water column. Staff could conduct a literature review to identify available methods. Field studies of the applicability of identified methods might be undertaken with the Power Industry Advisory Committee.

More Fish Tissue Data

Some state personnel expressed a need for data on additional species. The current fish tissue monitoring program is designed to monitor the presence of chemicals in the environment as well as to assess the need for fish consumption advisories. In order to allow the tracking of contaminant levels over time, the base program must be maintained. Monitoring of additional species would therefore require additional resources for this program.

Monitoring for Permit Development

The concept discussed with the states would involve coordination of the scheduling of ORSANCO intensive monitoring efforts with the schedule for permit issuance. The first step toward this would be to compile the expiration dates for major permits and identify sections of the river where permits in two or more states expire in the same time frame.

Review of Treatment Technologies

ORSANCO staff does not possess expertise in the capabilities of specific treatment technologies. This need could best be addressed through presentations by experts at meetings of the Technical Committee and/or its work groups, or through workshops and symposia.

Review of Iron Criteria

This issue should be addressed in the next review of the Commission Standards. Staff should compile information on current and possible revised criteria for consideration by the Stream Criteria Subcommittee and the Pollution Control Standards Committee.

Watershed Success Stories

US EPA needs watershed success stories that demonstrate the effective application of clean water programs. The Commission would also have an interest in such success stories in the Ohio Valley. States might report their success stories at meetings of the Technical Committee and the Commission.

Recommendation: Follow up monitoring is recommended to determine whether biological impairment exists, to better define the extent of DO levels within the pools, and the causes/sources of impairment.

Recommendation: Follow up monitoring is recommended to determine whether biological impairment exists, to better define temperature levels within the pools, and to determine causes and sources of impairment.

Recommendation: Follow up dioxin monitoring is needed for future 305b assessments to determine if conditions based on historical data continue to exist.