

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES
208th Meeting of the Technical Committee
Clifty Inn, Clifty Falls State Park
Madison, IN
June 16-17, 2015

Chairman Toby Frevert, Presiding

Call to Order

The 208th meeting of the ORSANCO Technical Committee was called to order by Chairman Frevert at 1:00 pm on Tuesday, June 16, 2015. Six states, three federal agencies, and four Commission advisory committees were represented (for Roster of Attendance see page 9).

Minutes of 207th Committee Meeting

ACTION: Motion passed to accept the minutes of the 207th Technical Committee meeting.

Chief Engineer's Report

Mr. Harrison remarked that he was very excited to be on board as Executive Director of ORSANCO. He reported that staff is working on a 5-year program plan which was a recommendation that came out of the last Program and Finance Committee meeting. Staff will be reaching out to members of TEC in the coming months to help vet the plan.

Wabash River Final Report of Three-Year Study

The draft final report of this three-year monitoring project to characterize nutrients and algae in the Wabash River was presented to the Technical Committee. At its confluence with the Ohio River, the Wabash River accounts for approximately 24 percent of the drainage area, 20 percent of the flow, 33 percent of the nitrogen load (161,382 metric tons), and 29 percent of the phosphorus load (13,344 metric tons). Additional conclusions from the report were discussed and it was advised that ORSANCO work with IDEM to see where the information could be used to inform their statewide nutrient reduction strategy.

Fish Tissue Contaminants

A conference call of the Ohio River Fish Consumption Advisory Workgroup was held on May 4, 2015. The primary purpose of the call was to coordinate states' 2015 Ohio River fish consumption advisories, primarily using ORSANCO-generated fish contaminants data. Upon acceptance of proposed advisories, ORSANCO staff will update the Ohio River Fish Consumption Advisory webpage (www.orsanco.org/fca) which was presented to the committee. At present, four of six states and ORSANCO have signed the Ohio River Fish Consumption Advisory Protocol MOU (Illinois and Pennsylvania have not yet signed). Pennsylvania published major updates to its fish consumption advisories to be consistent with proposed Ohio River protocol representing a substantial move forward in developing congruency among state advisories and the workgroup recommendations. Recommendations of the workgroup include eliminating routine PBDE analysis for Ohio River samples, and considering a 2 meals/week fish consumption advisory category.

Results of fish tissue contaminants data for mercury from commercially-sold fish that were obtained from the FDA were discussed. Seventeen of 56 commercial fish species (30%) exceed 0.3ppm average THg. None of 27 Ohio River species exceed 0.3ppm THg when all averaged (by species). With respect to advisory thresholds, no Ohio River species are listed as “Do Not Eat” for Hg, whereas three commercial species/species groups are. Compared to other rivers in the U.S. (267 U.S. rivers >5th order) using 2008-2009 NRSA data, the Ohio River ranks near the bottom for Hg concentration in fillets for five common sport fish species. The draft report on mercury trends in fish tissue was discussed. TEC members were asked for comments on the report, but were not asked for approval at this time. Results indicated possible increasing mercury levels for some TL4 taxa and downward trends in some TL3 taxa. Both findings were consistent with other studies analyzing temporal trends in Ohio River fish tissue as well as other studies from North America. Closer examination of why trends may be evident in some species, and some trophic groups, but not others is warranted. An important next step will also be to investigate temporal trends in total Hg and MeHg in the surrounding water.

Development of Harmful Algae Bloom Communications and Response Plan

A working draft of the Ohio River HAB Response and Communication Plan was presented. The plan recommends the use of the World Health Organization’s advisory levels for determining the severity of a HAB and includes state and federal contacts for addressing HABs on the Ohio River. It was advised that clarity was required on when a HAB would be declared over. Also, Ohio EPA was revising its HAB Plan in response to the recent US EPA publication of drinking water advisories for algal toxins. Staff will review the OEPA and USEPA documents and revise accordingly.

Water Resources Committee Report

Staff provided the committee with a report on the outcomes from the most recent Water Resources Committee meeting held on June 3, 2015. Key agenda items included: 1) a review of water resource characterization reports, 2) a presentation on the Integrated Water Resources Science and Services initiative, and 3) a discussion of the future direction of ORSANCO in water resources management.

Water Resource Characterization Reports

Staff has completed draft reports for three water resources topics including: 1) characterization of water use in the Ohio River Basin, 2) an inventory of state and federal water resource laws and regulations, and 3) a review of inter-basin transfers. These reports were previously distributed to the Water Resources Committee, the Technical Committee, and the Headwaters Resource Committee for review. The reports have been revised to reflect the comments received. The Water Resources Committee endorsed all three reports and recommends the Commission approve the reports for publication.

Integrated Water Resources Science and Services

Mary Mullusky, Chief of the Hydrologic Services Branch of the National Weather Service, briefed the committee on the Integrated Water Resources Science & Services (IWRSS) initiative. IWRSS is a partnership among federal agencies which share complementary missions in water science, observation, prediction, and management. Current participants include NOAA, USGS, US Army Corps of Engineers, and newly added FEMA.

A series of stakeholder meetings have been held in six basins across the country, including the Ohio River Basin, to prioritize water resource needs, define information gaps, and to develop potential pilot projects that could capitalize on the capabilities of the IWRSS partners. Two pilot projects emerged from the Ohio River Basin meetings for further consideration. These include the development of a decision support tool for spill response which would link contaminant plume modeling with geospatial databases to improve spill response capabilities and to develop a large-scale watershed model that could simulate water quality impacts from changes in land-use, climate, industrial activity, and population shifts.

Future Direction

Grant funding for the Water Resources Initiative will run out at the end of this month. All programmatic activities associated with the water resources effort, including meetings of the Water Resources Committee, have been funded through the initiative. No future meetings of the Committee are planned at this time until additional funding can be secured. Members believe the Water Resources Committee provides value to the states and federal partners and are hopeful the Commission will be successful in getting support for the Water Resources Cooperative Agreement.

Source Water Protection Programs

Staff is collaborating with representatives from USEPA, USACE, NWS, Greater Cincinnati Water Works, and the original designers of the ORSANCO spill model to improve the Commission's capabilities to predict time-of-travel of spill plumes. USEPA committed \$100,000 in FY15, with an anticipated additional \$100,000 in FY16, to develop an improved spill response decision support tool. Upgrading spill modeling capabilities was the first step in this process. The initial upgrades, which are now complete, include: 1) correcting minor bugs in the model, 2) improved model outputs for enhanced data sharing, 3) expanding the geographic extent of the model to include major tributaries, and 4) adding web-based capability to allow for remote operation of model.

Bacteria TMDL

Staff provided a progress report on the bacteria TMDL effort which is being led by USEPA Region 5. An initial internal draft of the TMDL report was reviewed by ORSANCO's TMDL Workgroup during the group's meeting in April 2015. Initial comments were addressed and a second draft was distributed to the group for additional comments. A final internal draft will be sent to the state water quality Division Directors and US EPA Regional Administrators for review in July/August. Once all comments are addressed, the report will be released to the public for comment. During the public review period, one public meeting will be hosted in each of the six mainstem states to present findings of the TMDL effort. These meetings are anticipated to occur in late 2015.

Mercury Studies

The final report of the initial mercury BAF study was presented as an attachment to the Technical Committee agenda. The report's comment and review process was outlined, and final conclusions were reiterated.

ACTION: Motion passed to refer the initial mercury BAF report to the Commission for approval for distribution to the public via the ORSANCO website.

As a follow-up based on the findings of the initial study, two additional BAF studies are being conducted. Site selection and changes to the monitoring design for those studies were presented. Finally, the basic plan for FY16 106 Grant Supplemental Funding was presented. The goal for the FY16 monitoring project will be estimated total and methyl mercury loads and percent methyl mercury characteristics of major Ohio River tributaries.

Compilation of Above-Ground Storage Tank (AST) Programs and Regulations

Following the February Technical Committee meetings, members had expressed interest in a written report of the states' above-ground storage tank regulations. The draft report was included in the agenda materials. The presentation briefly went over those regulations with a focus on any changes that have been made to those laws since the February meetings. West Virginia and Indiana both had new bills passed. Members were asked to submit comments of the draft report by September 1, 2015.

Report of the NPDES Subcommittee

Subcommittee Chairman Novak provided a report of the NPDES Subcommittee. The subcommittee had a conference call on June 2, 2015 (four states and USEPA represented) to discuss proposed standards revisions, mercury variance requests, the Ohio River bacteria TMDL, the status of NPDES permits on file with ORSANCO, and the status of the 316(b) rule and other rules affecting power plants.

Regarding the proposed revisions to the mixing zone prohibition, the states advised that the USEPA typically interprets "as soon as practicable" to mean two or three years. Typically the states have been implementing the 12 ng/L total mercury water quality criterion as a monthly average in NPDES permits. Staff is currently working with the states to maintain current NPDES permits for all Ohio River discharges. The committee is concerned about what, if any, implications the bacteria TMDL will have on NPDES permits, CSO consent decrees, and MS4s. Regarding cooling water intake studies on impingement/entrainment, ORSANCO should review and comment on applicable biological studies, be a repository of reports/studies regarding the 316(b) rule, and the subcommittee should be a continued forum for interstate discussion on these issues.

Review of Pollution Control Standards

Staff provided a report on the proposed revisions to the Pollution Control Standards and proposed FirstEnergy variance offered during a public comment period and hearing which closed on May 14, 2015, a summary of the public comments received, additional variance requests that the Standards Committee would be proposing to be distributed for public comment, and results of a prioritization exercise regarding standards issues for the next triennial review. Almost seventeen thousand public comments were received on the proposed revisions and/or FirstEnergy variance. The majority of those comments were opposed to the proposed revision to the mixing zone provision of the standards. The Standards Committee would also be recommending to the Commission adoption of the FirstEnergy variance, and asking for authorization to hold a public comment period on three additional variance requests (Koppers, Mountain State Carbon, and Valley Converting). Finally, it was reported that results of a recent prioritization exercise on standards issues would be utilized to guide staff's work in this arena during the next review of the standards.

ACTION: Motion passed (USEPA representative abstained) to endorse the Standards Committee recommendations to the Commission regarding approval of the FirstEnergy variance and holding a public comment period on three draft variances (Koppers, Mountain State Carbon, and Valley Converting).

Member Updates and Interstate Water Quality Issues

Kentucky

Mr. Payne reported that Kentucky's draft 2014 303(d) list of impaired waters is currently out for public comment until July 13, 2015. In conjunction with this 2014 reporting cycle, they have developed a "Kentucky Health Portal" website which allows anyone to search any water body of interest to obtain a variety of information including assessment information and data.

Kentucky is currently conducting its 2015 triennial review of its water quality standards and accepted public comments until June 1, 2015 which are currently under review. They will be issuing an advisory for a large reservoir in east-central Kentucky based on Microcystin levels above the action level of 6 ug/L. They have been working on an SOP addressing protocols to screen for the identification of HABs on its water bodies.

Water Users Advisory Committee

Mr. Whitteberry reported that things of late have been relatively quiet in the arena of spills and Ohio River water quality for the utilities. However, there were low level detections of tetrachloroethene at the Maysville, KY water treatment facility which were not observed downstream in Cincinnati. At the last WUAC meeting, they discussed the compounds they might calibrate for with the GS-MS units, since those units are capable of identifying thousands of compounds. They will be considering information on potential contaminant sources and risks in the watershed in addressing this issue. The WUAC has also been participating in the ORSANCO HABs workgroup. They are also addressing the issue regarding the transport of Bakken crude oil through the watershed and there are estimates that 18 million gallons per day are being transported through the region. Finally, Mr. Whitteberry congratulated Louisville Water Company for having received an award on excellence in water treatment from the Partnership for Safe Drinking Water.

New York

Commissioner Wilson provided an update on New York on behalf of Jeff Konsella, NYDEC. The state has more recently increased its funding to municipalities to address wet weather overflows from \$30,000 to \$100,000. He reported that NYDEC staffing is scheduled to be decreased by one third over the next several years which will increase Mr. Konsella's opportunities for out-of-state travel. They are developing new software to support TMDL development. PIACO member Bill Boria with the health department in western New York has completed a report on oil and gas-related brine storage tanks and brine use in the region which is being considered by the state legislature. There are approximately 6,000 brine tanks in the region, so it is an important issue. They are also concerned about the lack of LIDAR topography data in the region that could have multiple beneficial purposes. Inter-basin water transfers are an important issue for the region. Finally, he reported that Conewango Creek, much of which is located in New York, was voted the Pennsylvania River of the Year.

Indiana

Ms. Selvaratnam reported that the City of Evansville has agreed to a final CSO long-term control plan. IDEM is issuing total phosphorus effluent limits of 1 mg/L to all of their major discharges as part of the state's nutrient reduction plan. They are current in the process of developing/revising six watershed management plans in the Ohio Basin. IDEM and contractors conducted cleanup efforts regarding the "William Carver" houseboat fire where 3,000 gallons of petroleum was spilled to the Ohio River. IDEM is currently conducting intensive monitoring of the South Fork - Blue River regarding E. coli and dissolved oxygen impairments. They are also in the process of updating their metals criteria for human health protection which are currently out for public comment.

United States Army Corps of Engineers

Erich Emery reported that the Corps climate change report will be released and available in August 2015. Remote sensing surveys were completed on two major reservoirs, one each in Kentucky and Ohio. They are currently working on data analyses for these projects. The Olmsted project estimated completion date is 2019. Mr. Emery reported that his division is in the process of filling two vacant positions, Chief of Water Management Division and Lead Hydrologist. Finally, the Corps is working with ORSANCO regarding dissolved oxygen monitors to fill current gaps in monitoring data.

United States Geological Survey

Mr. Barts reported that Jeff Frey is working on trying to pull together information on monitoring throughout some of the Ohio River Basin states. Pursuant to the HEC-RAS Ohio River community model, additional stream flow measurements on the Ohio River would be highly beneficial, and as a result, there are two new stations located at Olmsted and Louisville. The USGS is providing grant funding to the states for improving their collection of water use information.

West Virginia

Mr. Mandirola reported that the water use category for portions of the Kanawha River (from the Ohio River 72 miles upstream) have been changed to Class A Drinking Water Use. A site-specific modification for copper was issued to the Charleston Sanitary Board. In 2016, they will be proposing revisions regarding site-specific selenium criteria and hardness-based aluminum criteria. They are currently in the process of a triennial review. Senate Bill 423 includes additional rules on above ground storage tanks. He finally reported on a train accident involving Bakken crude oil that did not result in any water quality impacts.

Power Industry Advisory Committee

Mr. Reash reported that utilities are reviewing the “waters of the US rule.” Their current thinking is that the new rule will affect permitting of transmission line projects. The utilities are determining compliance with the 316(b) impingement/entrainment rule requirements for reductions. The rule will also require utilities to work with USFWS when the presence of threatened/endangered species has been determined. The Steam Electric effluent guidelines rule is scheduled to be issued in September. They are expecting a requirement for treatment of FGD wastewater and removal of selenium and nitrate and nitrite. Mr. Reash thanked ORSANCO for displaying its mobile aquarium at an AEP facility in May for an Earth Day event there. He also thanked OEPA for their participation. He reported that he has authored a new paper being published in the journal, Integrated Environmental Assessment and Management, on mercury, arsenic and selenium in fish collected from coal-fired power plants in 2010.

PIACO

Ms. Mallison reported that PIACO met on June 1. They have a new member, Mike Huff, with the WVDEP. PIACO supports keeping the October 16, 2015 deadline for the mixing zone prohibition. She reported that their next meeting is scheduled for September 29 in Cincinnati, and that the Ohio River Sweep is scheduled for this weekend.

Pennsylvania

Mr. Schwartz reported that PADEP confirmed its new secretary, John Quigley, on June 2. ORSANCO will be meeting with Mr. Quigley in the July-August timeframe to inform him about the Commission and Ohio River issues, and to discuss the water resources cooperative agreement. PADEP is working with ORSANCO to relocate the Allegheny River ODS station. They recently issued NPDES permits for construction of a new Shell facility on the Ohio River, which will result in the cleanup of storm water discharges to the Ohio River. The USEPA today posted health advisories for cyanobacteria toxins/microcystins. PADEP will be updating their HAB website and developing a HAB strategy.

Virginia

Ms. Davenport reported on a sewage discharge from the Buchanan County PSA's Conaway Wastewater Treatment system which significantly affected the Levisa Fork in the Ohio Basin. It was caused by heavy precipitation in February and March which plugged 1000 feet of the collection system with river cobble. Flood conditions prevented early remediation of the problem. A notice of violation was issued to the PSA. Advisories warning of potential high bacteria levels were posted. There was coordination with KYDOW, and they will be working to improve early notification procedures in the future.

POTW Advisory Committee

Mr. Novak reported that the committee held a conference call on May 8, primarily to discuss comments on the Pollution Control Standards proposals. The committee does have concerns about the regulations for BCCs pertaining to POTWs. He asked TEC members for any recommendations regarding POTW membership.

US Environmental Protection Agency

Mr. Henry reported that EPA will most likely be releasing the federal register notice for the "clean water rule" in the next several weeks, and the agencies are looking at what implementation procedures may be necessary. Health advisories for microcystin and cylindrospermopsin have been published as of today which includes implementation guidance. The multi-sector storm water general permit was issued by USEPA on June 4 which applies only to where EPA has permitting authority. In it, the agency is addressing the "permit as a shield issue" which may be informative to states. The USEPA is currently accepting comments on proposed effluent guideline limitations for pretreatment standards for "fracing" wastes discharged to POTWs, which will prohibit such wastes from being discharged into a POTW. Wisconsin has water quality standards for phosphorus, and they are currently considering a variance for all the discharges in the state due to widespread social and economic impacts. Under the Great Lakes Water Quality Agreement, the US and Canada have drafted phosphorus load reduction targets for Lake Erie, and will be accepting comments this summer.

Ohio

Ms. Sherer reported on Senate Bill 1 that was passed which requires major POTWs to begin monitoring for dissolved reactive phosphorus and for those without phosphorus limits, to conduct technical and feasibility studies. A recent decision by the Ohio Supreme Court nullifies all of Ohio's TMDLs, because they did not go through the full rulemaking process. OEPA is currently considering how the Ohio River bacteria TMDL might affect Ohio's program. On 316(b) issues, they are working with EPRI and utilities to develop a template for required entrainment studies. They have recently updated their website with a real-time map relating to HABs information. Finally, she reported that the City of Columbus has been under a nitrate drinking water advisory for over a week and it is expected to remain in effect for some time longer.

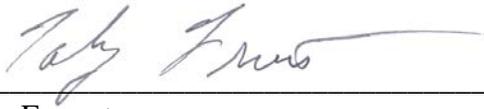
Next Meeting

The next meeting of the Technical Committee will be held October 6-7, 2015 at the Embassy Suites Buffalo, Buffalo, NY.

Adjournment

The 208th meeting of the ORSANCO Technical Committee was adjourned by Chairman Frevert at 11:30 am on June 17, 2015.

Approved:



Toby Frevert

Prepared by Jason Heath, P.E., BCEE with contributions from Steve Braun, Sam Dinkins, Eben Hobbins, Rob Tewes, Jeff Thomas and Greg Youngstrom.

(Recording of proceedings available at Commission Headquarters)

PowerPoint presentations from this meeting are available on the Commission website at www.orsanco.org.

Roster of Attendance

Technical Committee

Chairman	Commissioner Toby Frevert
Illinois	Not present
Indiana	Shivi Selvaratnam
Kentucky	Randy Payne
New York	Not present
Ohio	Erin Sherer
Pennsylvania	Ron Schwartz
Virginia	Melanie Davenport
West Virginia	Scott Mandirola
US Army Corps of Engineers	Erich Emery
US Coast Guard	Not Present
US EPA	Tim Henry
US Geological Survey	Dick Barts
POTW Advisory Committee	Alex Novak
Power Industry Advisory Committee	Rob Reash
Public Interest Advisory Committee	Betsy Mallison
Water Users Advisory Committee	Bruce Whitteberry
ORSANCO Chief Engineer	Richard Harrison
Staff Liaison	Jason Heath

Commissioners

Stuart Bruny, Craig Butler, Doug Conroe, Chuck Duritsa, Tom Easterly, George Elmaraghy, Tom FitzGerald, David Flannery, Toby Frevert, Peter Goodmann, John Kupke, Ron Lovan, Phillip Morgan, Ron Potesta, Bruce Scott, Paul Tomes, Ross Wales (legal counsel), Mike Wilson.

Staff

Dave Bailey, Steve Braun, Lisa Cochran, Sam Dinkins, Joe Gilligan, Eben Hobbins, Jerry Schulte, Adam Scott, Peter Tennant, Rob Tewes, Jeff Thomas, and Greg Youngstrom.

Guests

Kenny Akins	Axiall
Cheri Budzynski	Shumaker, Loop & Kendrick
Carol Comer	IDEM
Russ Dudek	AK Steel
Karl Gebhardt	Ohio EPA
Scott Hall	Environ
John Hirschfield	Axiall
Mike Jirousck	FirstEnergy
Ken Komoroski	Morgan Lewis
Paul Novak	NPDES Subcommittee Chairman
Bruno Pigott	IDEM
Judy Petersen	PIACO
William Shane	Smith Management Group