

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**200th Commission Meeting
Omni William Penn Hotel
Pittsburgh, Pennsylvania
Thursday, June 9, 2011**

<u>Reports</u>	<u>Page</u>
Treasurer	1
Chairman.....	1
Executive Director	2
Technical Committee.....	2
Water Resources Committee	3
Pollution Control Standards Committee	4
Water Quality Review Committee	5
Congressional Liaison Committee.....	8
ORSANCO/River Users Program Advisory Committee.....	8
Research Committee.....	9
Audit Committee.....	9
Program & Finance Committee	10
Public Interest Advisory Committee (PIACO)	13
Water Users Advisory Committee (WUAC)	14
Publicly Owned Wastewater Treatment Works (POTW) Advisory Committee.....	14
Nominating Committee	15
Roster of Attendance	16
Attachment 1: Report of the Chairman.....	17
Attachment 2: Report of the Technical Committee.....	20

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**200th Commission Meeting
Omni William Penn Hotel
Pittsburgh, Pennsylvania
Thursday, June 9, 2011**

Chairman Paul E. Tomes, Presiding

Call to Order

Chairman Tomes called the 200th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:25 A.M. on Thursday, June 9, 2011.

Commissioner Duritsa led the Commission in the Pledge of Allegiance.

Quorum Call

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

Action on Minutes

ACTION: Motion by Commissioner Duritsa, second by Commissioner Frevert and carried, that the minutes of the 199th meeting of the Commission and of the February 2011 Executive Session be adopted as presented.

Report of the Treasurer

Commissioner Komoroski noted that a Treasurer's report as of May 31, 2011 was provided in the meeting packet.

The report indicates a balance of \$362,999 in accounts receivable due the Commission as of May 31, 2011. The balance represents \$13,800 due from Signatory States, \$267,575 due from Federal sources, and \$81,624 from other sources.

Additionally, the report indicates receipts of \$3,187,054, plus carryover of \$1,612,086, totaling \$4,799,140 through the end of May 2011. Of that amount, \$2,984,177 was expended on programs, leaving \$1,814,963 available for the continuation of ORSANCO's programs.

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

Report of the Chairman

Commissioner Tomes welcomed everyone to the 200th Commission meeting in Pittsburgh and provided a historical perspective, focusing on past Commission meetings (Attachment 1).

Report of the Executive Director

Alan Vicory began by directing Commissioners' attention to ORSANCO's 2010 Annual Report. Executive Committee members were asked to advise staff on how the Annual Report should be transmitted to the respective Governors and the President. The Annual Report will not be released for general distribution until it has been transmitted to the Governors and the President.

Mr. Vicory reported on activities of the Cincinnati based Water Technology Innovation Cluster of which he is Chairman of the Board of Directors. He noted that ORSANCO could utilize its vast network of committee members and state contacts to help facilitate the need for testing emerging technologies. He proposed forming an ad-hoc work group to explore these opportunities.

Mr. Vicory reported that Constance Humphrey, a prior Commissioner for Illinois, passed away several months ago.

Mr. Vicory advised Commissioners that Section 106 funds available to ORSANCO have been increased by approximately \$58,000 for the current fiscal year. Consideration will be given to adjusting and resubmitting the current 106 Grant to access these funds.

Mr. Vicory concluded by mentioning the 2011 River Sweep is scheduled for Saturday, June 18th.

Report of the Technical Committee

Commissioner Frevert, Technical Committee Chairman, reported that the Technical Committee met on June 7-8, 2011. A complete report of the meeting (Attachment 2) was provided in the meeting packet.

The following recommendations for Commission actions were adopted:

ORSANCO Program and Budget for Fiscal Year 2012

The Technical Committee recommends that the Commission adopt the proposed program and budget.

ORSANCO Pollution Control Standards

The Technical Committee recommends that the Commission adopt the proposed 500 mg/L criterion for total dissolved solids to apply at drinking water intakes.

The Technical Committee will address certain comments raised in the current review of the Commission Standards and will provide status reports on each at the October meeting.

Proposed River Users Study

The Technical Committee endorses the proposed study of Ohio River total dissolved solids levels to be carried out with funds provided by the ORSANCO/ Ohio River Users program.

Transition

Two state members have left the Technical Committee recently – Randy Sovic of West Virginia and Ellen Gilinsky of Virginia. Ellen and Randy have provided invaluable input to the Committee and will be greatly missed.

ACTION: Motion by Commissioner Conroe, second by Commissioner Easterly and carried, to accept the Report of the Technical Committee.

Report of the Water Resources Committee

Commissioner Potesta, Committee Chairman, reported that The Water Resources Committee met for the second time on June 8, 2011. Representatives from eight states, the US Army Corps of Engineers, the US Geological Survey, and the Tennessee Valley Authority were in attendance.

The central element on the agenda was the presentation and discussion of a concept paper developed by staff which details specific studies and activities necessary to build the Commission's capacity to engage in water resources management. The paper was developed in response to an invitation from several foundations in the Pittsburgh area and serves as an opening dialogue for external funding consideration from the philanthropic community.

The proposal outlined the need for the completion of three studies which would 1) characterize the water resources in the Basin and identify assessment needs, 2) inventory the various state and federal laws and regulations that govern the use of the water resources and identify deficiencies in the existing authorities to meet the critical needs, and 3) define the desired role for the Commission in managing water resources and recommending a strategy for achieving the authorities necessary to fulfill that role. Also included in the concept paper was a funding request to support the operations of the Water Resources Committee and to provide funds for visits to state agencies to garner support for the Commission's water resources efforts.

Pat Getty of the Benedum Foundation indicated there is interest among the Pittsburgh foundations in further exploring funding possibilities and would entertain the submission of a formal proposal from ORSANCO. The Committee endorsed the concept paper and recommended that the Commission authorize staff to submit a funding proposal to the foundations for consideration.

The Committee also discussed implications of inter-basin transfers and the potential role the Commission could play in this area. A specific example was presented in which a diversion from the Tennessee River Basin was recently proposed in Georgia to supply drinking water to rapidly growing metropolitan areas outside of the Ohio River Basin. This case highlights the need for a coordinated approach to addressing such situations.

The desirability of pursuing a Governor's Memorandum of Understanding formally recognizing the Commission's role in water resources management was also discussed. The Committee will review a draft MOU developed by the ad hoc Water Resources Committee and will provide comments to staff on the content. A finalized version would then be used to open dialogue with the states to gauge support for such an agreement.

Lastly, there was one final administrative issue that requires the Commission's action. Membership on the Committee is open to all states with land area within the Ohio River Basin. The Bylaws, however, require Commission approval for any non-signatory state appointee. The Tennessee Department of Environment and Conservation has recommended the appointment of Paul Davis, Director of the Department of Water Pollution Control, to the Committee. Mr. Davis would be an excellent addition to the Committee and approval of his appointment by the Commission is recommended.

ACTION: Motion by Commissioner Potesta, second by Commissioner Frevert and carried, to accept the Committee report and to accept the appointment of Mr. Paul Davis to the Water Resources Committee as recommended.

Commissioner Potesta offered the following resolution for adoption:

RESOLUTION 1-11

**ORSANCO AND WATER RESOURCES MANAGEMENT;
APPROVAL OF CONCEPT PAPER AND AUTHORIZATION
TO APPLY FOR FOUNDATION SUPPORT**

BE IT RESOLVED THAT: The Ohio River valley Water Sanitation Commission approves the “Concept Paper” as developed by staff and recommended by its Water resources Committee, and authorizes the Executive Director to apply to Pittsburgh area foundations, and other entities, for funding toward its implementation.

ACTION: Motion by Commissioner Potesta, second by Commissioner Duritsa and carried, to adopt Resolution 1-11 as presented.

Report of the Pollution Control Standards Committee

Commissioner Easterly, Committee Chairman, reported that the Pollution Control Standards Committee met by conference call on February 22, 2011. Two matters were discussed: completion of the 2010 expedited review and initiation of the next regular triennial review.

Completion of 2010 Expedited Review

Two items remain to be resolved from the 2010 review: final action on a Total Dissolved Solids standard, and procedures for the consideration of applications for variances to Section VI.G, the prohibition of mixing zones for bioaccumulative chemicals of concern. The latter is being considered by the NPDES Subcommittee. The Subcommittee is compiling relevant state procedures in an effort to derive an approach that avoids duplication and confusion. It is anticipated that a draft procedure will be presented to the Pollution Control Standards Committee in late July of this year.

The Committee considered the issues raised with regard to adoption of a stream criterion for Total Dissolved Solids. The Committee agreed to recommend a 500 mg/L criterion that would apply at drinking water intakes.

Initiation of 2011-12 Review

The Commission typically performs triennial review of its Pollution Control Standards. The next regular triennial review of the Commission Standards was again initiated on March 1, 2011. Five workshops were held in April at cities along the river (Washington, PA; Ashland, KY; Hebron, KY; Louisville, KY; and Evansville, IN). At the workshops, information was presented on the review process and on issues that have previously been identified. Special presentations were made on recreational use of the river as well as efforts by municipalities to reduce combined sewer overflows. The initial comment period closed May 20.

Eight sets of comments were received by the deadline; fifteen topics were raised in the comments. The issue raised most frequently is the need for a Bromide criterion.

The Pollution Control Standards Committee convened by conference call on June 2 to discuss the comments received. Six issues will be referred to the Technical Committee for consideration; the others will be addressed by the PCS Committee. The Committee also agreed that there should be a general review of the organization of the Standards document to see if it could be improved.

Motion was made by Commissioner Easterly and seconded by Commissioner Frevert to accept the Committee report and to adopt a Total Dissolved Solids Standard of 500 mg/L to apply at drinking water intakes.

ACTION: Motion by Commissioner Nally, second by Commissioner Flannery, to amend the previous motion so as to defer for two years the implementation of the Total Dissolved Solids Standard of 500 mg/L to apply at drinking water intakes for two years. After lengthy discussion the motion to amend carried by a vote of 9-8, Chairman Tomes breaking the tie:

ACTION: After further discussion, the original Motion by Commissioner Easterly, as amended to adopt a Total Dissolved Solids Standard of 500 mg/L to apply at drinking water intakes but to defer for two years the implementation of said TDS Standard failed to carry by a vote of 6-9.

ACTION: Motion by Commissioner Flannery, second by LaJuana Wilcher and unanimously carried, to accept the remainder of the Report of the Pollution Control Standards Committee without the TDS Standard issue.

ACTION: After further discussion, Motion by Commissioner Wayland, second by Commissioner Conroe, carried by a 9-8 vote (tie broken by Chairman Tomes), to adopt a Total Dissolved Solids Standard of 500 mg/L to apply at drinking water intakes.

After yet further discussion, with a number of objections being raised on points of order, Chairman Tomes instructed legal counsel to review.

Report of the Water Quality Review Committee

Commissioner Phillips reported that the Water Quality Review Committee met by conference call on May 10, 2011. The Committee reviewed a status summary of the issues on its docket, considered a draft resolution on water quality trading, heard a presentation on habitat, and discussed emerging topics that might be added to the Committee's docket.

Committee Issues

The Committee made some adjustments to the list of issues it is tracking. The revised list is as follows:

Active Issues

1. Oversight of ORSANCO Protocol for Addressing Interstate Inconsistencies
2. Oversight of ORSANCO Watershed Initiative/ Role on Tributaries
3. Relationship with the Big Sandy River Coalition
4. Development of Marcellus Shale

5. Differences in states' consumption advisories for Ohio River fish
Recommendation: the Water Quality Review Committee recommends that the Executive Director sign the Protocol on behalf of ORSANCO.
6. ORSANCO role in implementing the Action Plan for Reducing Hypoxia in the Gulf of Mexico

Inactive Issues

1. Oversight of the Watershed Pollutant Reduction Program
2. Hydropower development on the Ohio River- assurance of licensee compliance to protect dissolved oxygen levels. The only current activity involves relicensing of the facility at Markland Dam.
3. Total Maximum Daily Loads- ORSANCO role

Water Quality Trading

Staff presented an update on the development of an interstate water quality trading program for the Ohio River Basin. Meetings are being held with state agencies to facilitate pilot trades. There is considerable interest in the progress of the program at high levels of the US Department of Agriculture as well as US EPA.

The Committee reviewed a proposed resolution that would express the Commission's support for the development of the program. The Committee recommends that the Commission adopt the following resolution:

RESOLUTION 2-11

DEVELOPMENT OF AN INTERSTATE WATER QUALITY TRADING PROGRAM FOR THE OHIO RIVER BASIN

WHEREAS, the States of Illinois, Indiana, Ohio, Pennsylvania, New York, Kentucky, Virginia and West Virginia are signatory to the Ohio River Valley Water Sanitation Compact; and

WHEREAS, the Compact pledges the states to faithful cooperation in the control of future pollution, and the abatement of existing pollution, from the waters of the Ohio River Basin; and

WHEREAS, excessive nutrient loading has been identified as a water quality problem within the Ohio River Basin; and

WHEREAS, the sources and causes of nutrient loading are many and varied; and

WHEREAS, the States recognize the need for additional mechanisms to facilitate nutrient reductions, including water quality trading; and

WHEREAS, water quality trading offers potential cost and energy savings in nutrient reduction; and

WHEREAS, trading among states may allow for a more effective use of this tool; and

WHEREAS, core aspects of the trading program need to be developed, including the framework and rules for interstate trading, the baseline for generating tradable credits, the ratio for such credits, and the sources entitled to trade; and

WHEREAS, development of an interstate trading program requires discussion of these core aspects of the trading program by the States in a coordinated and collaborative manner.

NOW THEREFORE BE IT RESOLVED, that the Ohio River Valley Water Sanitation Commission endorses the development of an interstate water quality trading program for the Ohio River Basin.

BE IT FURTHER RESOLVED, that the Commission encourages its member States to engage in discussions leading to the development of an interstate water quality trading program, and also endorses participation by other interested States in the Basin.

ACTION: Motion by Commissioner Phillips, second by Commissioner Easterly and carried, to adopt Resolution 2-11 as presented.

While the resolution expresses the Commission's support and encourages the member states to participate, it does not commit the Commission to an ongoing role in the program. The Committee adopted the following position at its September, 2010 meeting (reported to the Commission at the October 14, 2010 meeting):

The current project is led by the Electric Power Research Institute; EPRI has indicated that it will withdraw when the project is completed and that some other entity will need to serve as the administrator for the program. The Water Quality Review Committee believes that any ongoing role for the Commission would have to be supported by funds generated from the program. The Committee would like to see a more detailed description of a possible role for ORSANCO before providing a further answer.

Ohio River Habitat

Staff presented information on Ohio River aquatic life habitat, with special emphasis on fish and mussels. Stressors include hydraulic modification (dams, channel modifications, levees, etc), dredging, and the spread of introduced aquatic vegetation (hydrilla).

Recommendation: The Water Quality Review Committee recommends that the Technical Committee consider habitat-related issues at its next meeting.

Information was presented to the Technical Committee the day before the Committee's meeting. The Water Quality Review Committee will review the information presented and discuss what additional activities might be considered in this area.

Emerging Topics

The next emerging topic that the Committee will discuss is State Nutrient Reduction Strategies.

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

Report of the Congressional Liaison Committee

Mr. Alan Vicory, Executive Director, reported on the following issues:

Coast Guard Incident Reports

ORSANCO has been unable to obtain complete (unredacted) incident reports from the Coast Guard National Response Center for approximately two years. A response was never received to a letter from the late Sen. Robert Byrd to the Coast Guard requesting an explanation. If the Coast Guard continues to refuse to provide unredacted incident reports, draft legislation language has been provided to Sen. Rockefeller's office for consideration ordering the Coast Guard to provide unredacted reports to ORSANCO.

Ohio River Basin Congressional Caucus Activities

On April 6, 2011 the Caucus hosted a congressional briefing which focused on ways in which governmental and business organizations can work together to have an economically prosperous Ohio River Valley, while protecting the Ohio River watershed ecosystem.

Efforts are underway to begin the process of getting new Members of Congress onto the Caucus, as well as increasing the overall number of Caucus members. The November 2010 general election affected Caucus membership. A number of prior members were not re-elected.

ORSANCO Authorization Legislation

During a February 2011 meeting with Sen. Rockefeller's staff, the need for ORSANCO to have a separate funding stream, apart from congressional earmarks, EPA grants, or Clean Water Act Section 106, was discussed. Due to the federal budget crisis, no action has taken place. The plan is to seek Caucus support.

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

Report of the ORSANCO/River Users Program Advisory Committee

Commissioner Potesta, Committee Chairman, reported that the Committee met by teleconference on May 20, 2011 to review project proposals for possible funding consideration. The Committee discussed possible projects concerning:

1. Additional Ohio River monitoring for total dissolved solids (TDS) and major dissolved solids constituents.
2. Evaluation of a periphyton monitoring program to provide an additional line of evidence in establishing appropriate nutrient criteria for the Ohio River.
3. Industrial storm water permitting issues.

The Committee sees the importance of additional dissolved solids data and elected to advance the TDS study to the Commission for approval. The project involves collecting weekly samples at five locations for TDS and evaluating for eight constituents including chloride, sulfate, calcium, bicarbonates, potassium, magnesium, sodium, and bromide. In addition, supplemental data parameters will be collected which include conductivity, pH, temperature, and stream flow.

The proposed study has been reviewed and endorsed by the Research Committee, the Water Users Advisory Committee, and the Technical Committee.

Finally, Committee member Tara Lanier is completing her first term. Commission action to appoint Ms. Lanier to a second term is recommended.

ACTION: Motion by Commissioner Potesta, second by Commissioner Frevert and carried, to accept the recommendation of the ORSANCO/River Users Program Advisory Committee approving the release of \$55K from the Ohio River Users Program account to support the completion of the proposed study to characterize dissolved solids concentrations in the Ohio River.

ACTION: Motion by Commissioner Potesta, second by Commissioner Frevert and carried, to accept the recommendation of the Committee to re-appoint Tara Lanier of Marathon Petroleum to a second three-year term on the Committee.

Report of the Research Committee

Commissioner Servatius reported that the Committee met on June 1-2 for a regular meeting and a joint meeting with the Water Users Advisory Committee.

Staff and Committee members presented a number of presentations on past, current, proposed, and possible future research projects.

As a result of these presentations and discussions, the Committee concluded that:

1. The current research has been well thought-out and is being professionally conducted.
2. The proposed studies all have merit.
3. The proposed River Users Program TDS study should be expanded to include pH, manganese, and conductivity.
4. Research should continue with an emphasis on bromide.
5. ORSANCO must continue to explore research efforts on a watershed-scale to gain better understanding of the impacts of tributaries on the mainstem of the Ohio River.

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

Report of the Audit Committee

Commissioner Conroe, Committee Chairman, reported that Clark, Schafer, Hackett & Company has conducted ORSANCO's audits since 2003 and provided excellent service. However, as a good business practice, the Committee believes that it is time to change audit firms.

Staff solicited proposals from Cincinnati area audit firms to perform the 2011 audit and to provide cost proposals for the next five years to facilitate budgeting. Based on proposals received, considering experience, services, and cost, the Committee recommends hiring Barnes Denning to perform ORSANCO's June 30, 2011 financial audit.

As is common practice, Barnes Dennig is willing to discount fees for the first year of its five year proposal. ORSANCO will realize a \$5,800 savings in audit fees for 2011.

ACTION: Motion by Commissioner Conroe, second by Commissioner Frevert and carried, to accept the Committee's report and recommendation to hire Barnes Dennig to perform the June 30, 2011 financial audit.

Report of the Program & Finance Committee

Commissioner Duritsa reported that the Program and Finance Committee met at Commission Headquarters on March 23, 2011. All member states and the federal government were represented.

Status of Fiscal Year 2011 Programs

Staff reported that all Commission programs for fiscal year 2011 are essentially on schedule and that scheduled outputs will be delivered on time.

Funding Outlook

At the time of the meeting, the federal budget for fiscal year 2011 had yet to be adopted, so the outlook for ORSANCO funding through the Clean Water Act Section 106 grant was uncertain. Since the federal fiscal year runs from October 1 through September 30, while the Commission operates on a July 1 – June 30 fiscal year, the 106 uncertainty affects both the funds available at the turn of the fiscal year and the funds to be received over the course of the next year. Staff consulted with US EPA Region 3 to estimate the most likely amount of 106 funding to be received for fiscal year 2011; the estimate was very close to the actual amount authorized when the federal budget was adopted two weeks after the Committee meeting. The amount of 106 funds that might be available for fiscal year 2012 is still uncertain. Staff was therefore directed to develop contingency plans in the event that significant cuts are made to the federal funds.

Proposed Program and Budget for Fiscal Year 2012

The Committee carefully reviewed the proposed program and budget for fiscal year 2012. The Committee recommends Commission adoption of the proposed program and budget.

Recommended Levels of State Funding for Fiscal Years 2013 and 2014

The Committee considered the four percent increase in state funding for 2013 that was adopted last year. Given the continuing financial difficulties that the states are experiencing, the Committee recommends zero increase in state levels for fiscal years 2013 and 2014. (A zero increase for fiscal year 2012 was adopted by the Commission in 2010.)

Recommendations

1. The Committee recommends adoption of the proposed program and budget for fiscal year 2012.

2. Efforts should be increased to solicit funding support for the Organics Detection System from all water users (domestic and industrial) who benefit from the protection the system provides.
3. Staff should investigate moving the volunteer monitoring program from ORSANCO to the Foundation for Ohio River Education.
4. Funding for a consultant to study staffing issues relative to succession planning and possible Commission water resources activities can be accommodated in the proposed budget.
5. The Committee supports efforts to identify new approaches to procure and increase federal funding of ORSANCO.
6. The Committee supports efforts to obtain foundation funding for Ohio River water resource management activities.
7. Staff should conduct contingency planning to prepare for possible reductions in federal 106 funding.
8. The four percent increase in state funding for fiscal year 2013 should be rescinded. State funding should remain constant for fiscal years 2013 and 2014.

RESOLUTION 3-11

PROGRAM PLAN AND BUDGET FOR FISCAL YEAR 2012

WHEREAS: The Commission has established the sum of \$1,363,000 as the amount of appropriations to be requested from the signatory states for fiscal year 2012; and

WHEREAS: Funds from the United States Government for approximately \$2,312,571 may be allocated to the Commission for fiscal year 2012; and

WHEREAS: Funds amounting to \$598,456 may be available from a variety of sources to support the Ohio River Sweep, River Users, ORSANCO/USGS Gaging Stations, and Life Below the Waterline, Wabash Continuous Monitoring, Pathogen TMDL Sampling, EPRI Trading, Methyl mercury Sampling programs; and

WHEREAS: The Commission is anticipated to carry over obligated resources of \$1,176,500 into the 2012 fiscal year.

NOW, THEREFORE, BE IT RESOLVED THAT: The 2012 Fiscal Year Program Plan for all activities and the budget contained therein and in support thereof be approved as presented.

BE IT FURTHER RESOLVED THAT: The Executive Director is hereby authorized to make application for funding as may be available from US EPA, for other Federal funding and funding from other sources as may become available.

BE IT FURTHER RESOLVED THAT: The expenditures in fiscal year 2012 be substantially within the framework of the following guidelines, which are made a part of this Resolution.

2012 FISCAL YEAR BUDGET

Payroll	\$1,243,420
Employee Benefits	537,086
Staff Travel	286,844
Commission Travel	113,180
Advisory Committees	25,900
Supplies	281,784
Telephone	26,268
Equipment Purchases	765,629
Mortgage, Utilities	100,319
Repairs & Maintenance	80,390
Contractual Services	478,759
Printing & Reproduction	23,500
Lab Fees & Delivery	<u>368,965</u>
Total Expenditure Budget	\$4,332,044

ACTION: Motion by Commissioner Duritsa, second by Commissioner Easterly and carried, to adopt Resolution 3-11 as presented.

RESOLUTION 4-11

STATE FUNDING LEVEL FOR 2013, 2014

WHEREAS: The Commission recognizes that the economic downturn has presented continuing unusual and unpredicted financial difficulties for the signatory states' abilities to meet their funding obligations under previous resolutions; and

WHEREAS: The Commission wishes to reduce its budget to reflect the continuing economic conditions and to provide relief to the signatory states; and

WHEREAS: Article V of the Compact provides that the Commission shall submit to the Governor of each state, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof;

NOW, THEREFORE, BE IT RESOLVED THAT: The prior adopted resolution establishing state funding levels for fiscal year 2013 is hereby rescinded; and

BE IT FURTHER RESOLVED THAT: State funding levels be established as follows:

State Funding Levels

2013 - \$1,363,000

2014 - \$1,363,000

ACTION: Motion by Commissioner Duritsa, second by Commissioner Easterly and carried, to adopt Resolution 4-11 as presented.

Report of the Public Interest Advisory Committee (PIACO)

Eriks Janelsins reported on behalf of Committee Chairman Ron Riecken. Mr. Janelsins will assume the Committee Chairmanship on July 1st and he acknowledged Mr. Riecken for his nine years of service as Chairman of the Public Interest Advisory Committee.

Mr. Janelsins thanked Executive Director Alan Vicory for his response to the Buffalo Creek Watershed Association. On April 5, Pennsylvania's Buffalo Creek Watershed Association sent an "urgent appeal" to ORSANCO related to natural gas extraction. Mr. Vicory sent a timely and well thought out response to the Association, and the members of the Public Interest Advisory Committee greatly appreciate his attention to the concerns of the association. Additionally, the Committee feels that there is a significant opportunity for ORSANCO to provide leadership to the watershed associations currently working to improve water quality on a local level within the Basin. As the Commission explores water resources and future endeavors, the Commission is urged to continue to examine how it could or should expand beyond the main stem of the Ohio River.

Mr. Janelsins continued by reporting that the Committee met on May 12, 2011. Members in attendance represented New York, Pennsylvania, West Virginia, Ohio, and Kentucky. The meeting opened with dialogue and discussion with Mr. Vicory. Peter Tennant then joined the Committee for a thorough review of the Pollution Control Standards review process and upcoming issues. There was significant dialogue with many specific tasks that will better involve PIACO in the process. Jason Heath updated the committee on the results on the Recreational Study that was of great interest to the Committee. The Committee reviewed the new ORSANCO Communications Plan as well as the annual program plan of the Public Outreach staff.

The Public Interest Advisory Committee recognizes the vital role that it plays in the success of the Commission. The Committee must be a strong voice for the concerns of the general public, but to be that strong voice, Committee members must be engaged in the process and must have a system in place to gather and receive feedback from our constituents. The Committee has a short-term plan of action that includes:

- Collecting and submitting contact information from constituents and NGOs engaged in watershed issues to help ORSANCO build a comprehensive database
- Hosting monthly conference calls to improve committee communication
- Synchronize our meetings and actions to better coordinate with the Pollution Control Standards Review process and general workings of ORSANCO.

The Public Interest Advisory Committee believes that it can and will play an active role in two specific ways. 1.) Supporting ORSANCO staff to explore new and dynamic modes of communication with various constituent groups 2.) Ensuring the public is aware of and engaged in the Pollution Control Standards review process.

ACTION: Motion by Commissioner Easterly, second by Commissioner Nally and carried, to accept the Committee's report as presented.

Report of the Water Users Advisory Committee (WUAC)

Mr. Ron Bargiel, on behalf of Committee Chairman Jack Wang, reported that the Committee's joint meeting with ORSANCO's Research Committee provided a valuable sharing of informational resources especially in the area of bromide research in the upper section of the Ohio River and its tributaries. WUAC was appreciative of the opportunity to interact with other Commission Committees.

The WUAC has identified bromide as a critical water quality issue for Ohio River use attainment for drinking water supplies; WUAC is in support of the Pollution Control Standards Committee creating a workgroup to develop a bromide standard by the end of the year. The WUAC recommends that two WUAC members serve on the workgroup and also has source water bromide data readily available to assist the workgroup's development. This issue becomes increasingly important for drinking waters as the regulations for monitoring disinfection by-products will become more stringent in 2012.

Furthermore, WUAC recommends the monitoring of bromide for all applicable discharge permits.

In response to the Commission's request that WUAC propose a mechanism for sources of funding for future ODS system instrumentation replacement & upgrade (based on a ten year system-wide replacement schedule), WUAC discussed this issue and is supportive of process/concept of annual financial contribution by drinking water utilities, as in a subscription/membership/utilization fee, maintained in a reserve escrow fund, with ORSANCO contributing as well. Campaign efforts to brand the ODS should be undertaken to help underwrite program operational costs. Additionally, WUAC supports a recommendation that a portion of fines and penalties recovered as a result of states' enforcement actions go towards ODS program support.

Copper was discussed as an example of the disconnect that exists between the Clean Water Act and the Safe Drinking Water Act. By comparison, the Human Health Criteria for copper is relatively high [the US EPA has established a primary drinking water goal (40 CFR D Subpart F 141.51) of 1.3 mg/L, and a secondary drinking water quality MCL of 1.0 mg/L (40 CFR 143.3).], whereas the aquatic life protection level is in many instances an order of magnitude lower. As such, drinking water utilities can produce water that violates the Clean Water Act regulations.##

ACTION: Motion by Commissioner Conroe, second by Commissioner Frevert and carried, to accept the report of the Water Users Advisory Committee as presented.

Organics Detection System (ODS) recognition awards for long term participation were presented to representatives of Westview Water Authority, Pennsylvania American Water – Hayes Mine Plant, and Pittsburgh Water & Sewage Authority.

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

Mr. Mike Apgar, Chairman of the POTW Advisory Committee, began his report by stating that recent POTW efforts have focused on providing dialog at various Pollution Control Standards workshops and also formulating formal comments as to what the Committee feels might be appropriate modifications. One recommendation would be potential modifications to the wet weather bacteria standard. The other would be a wet weather water quality standard. The timing of this request is germane to the issue as new science is being applied and considered. Also, ORSANCO's work on the recreational use study sheds light on what uses actually occur. Lastly,

POTWs have worked to move the wet weather quality standard forward with wet weather overflow reductions, public education, and spending funds. Public communication and education has made the need for wet weather standards much more clear.

The Committee will be meeting in July to put some shape to its recommendations and will hire some industry experts to work with the Committee to develop its recommendations. The Committee will then provide recommendations on the proposed standards.

ACTION: Motion by Commissioner Servatius, second by Scott Mandirola and carried, to accept the report of the Publicly Owned Wastewater Treatment Works (POTW) Advisory Committee as presented.

Report of the Nominating Committee

Commissioner Flannery reported that the Committee recommends the following slate of officers for 2011-2012:

Chair - Charles Duritsa
Vice Chair - Ken Komoroski
Secretary/Treasurer - Toby Frevert

ACTION: Motion by Commissioner Flannery, second by Commissioner Paylor and carried, to accept the recommendations of the Nominating Committee.

Comments by Commissioners and Guests

This being Commissioner Servatius' final Commission meeting, Chairman Tomes recognized Commissioner Servatius for his excellent nine years of service to the Commission.

Upcoming Meetings

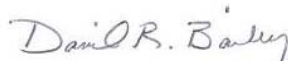
Chairman Tomes noted the following schedule for upcoming Commission meetings:

- October 2011 Washington, DC
- February 2012 Cincinnati, OH
- June 2012 TBD

Adjournment

The 200th Commission meeting was adjourned at 11:40 A.M.


Prepared by:



David Bailey
Director of Administration

Date: 6/27/11

Approved by:



Kenneth Komoroski
Secretary/Treasurer

Date: 9/23/11

ROSTER OF ATTENDANCE
200th Commission Meeting
June 9, 2011

Commissioners

Illinois	Toby Frevert
Indiana	Thomas Easterly
Kentucky	Sandy Gruzesky (PROXY for Leonard Peters) LaJuana Wilcher (PROXY for Lt. Governor Daniel Mongiardo)
New York	Douglas Conroe T. Lee Servatius Jeff Konsella (PROXY for Joe Martens)
Ohio	Paul Tomes Scott Nally
Pennsylvania	Charles Duritsa Greg Phillips Ron Schwartz (PROXY for Michael Krancer)
Virginia	Robert Wayland David Paylor
West Virginia	David Flannery Ronald Potesta Scott Mandirola (PROXY for Randy Huffman)
Federal	Kenneth Komoroski
Legal Counsel	Ross Wales

Executive Director

Alan Vicory

Guests

Mike Apgar – Chairman, POTW Advisory Committee; Erich Emery – US Army Corps of Engineers; Debbie Lee - US Army Corps of Engineers; Stanley States - Water Users Advisory Committee; Richard Timme – US Coast Guard; Mark Killar – PIACO; Mike Wilson – New York; Eriks Janelins – PIACO; Ron Bargiel – PA American Water; Gary Hasek – Westview Water Authority; Gary Lobaugh – PA American Water

Staff

David Bailey, Jason Heath, Jerry Schulte, Peter Tennant, Joseph Gilligan, Jeff Thomas, Jeanne Ison, Tracey Edmonds, Sam Dinkins

Report of the Chairman June 9, 2011

Good morning fellow Commissioners and proxies...welcome to our guests, and continued thanks to the ORSANCO staff for your support at these meetings. This has been an enjoyable three days in Pittsburg with many accomplishments that will be highlighted in various committee reports to follow, and equally important, the continuing interaction of our Commissioners both corporately and socially.

You heard me earlier declare the opening of this 200th meeting of the Ohio River Valley Water Sanitation Commission. Three years ago when I began serving as your Secretary/Treasurer at the 193rd Commission meeting, with a little quick math, it dawned on me that the 200th meeting would occur during my year as Chairman. You may recall, at that time we were preparing to celebrate the 60th anniversary of the founding of ORSANCO, and did so under the very capable leadership of past Chairman, Jeff Eger. After talking with Executive Director Vicory about this milestone event, we both concluded that it was deserving of recognition but would not require an elaborate promotion and celebration. We settled on allowing me to use my report to the Commission as an opportunity to look back at some previous milestone meetings, namely the 1st, 50th, 100th & 150th meetings, and share some highlights of interest. Let me thank the staff for pulling these meeting minutes out of the archives and making them available.

With the formal signing of the Compact occurring on June 30, 1948, the newly appointed Commissioners wasted no time getting to the task by gathering for the 1st official meeting the next day, July 1, 1948. A temporary Chairman, Mr. Hudson Biery, Commissioner from Ohio, opened the meeting and shortly thereafter was elected Chairman by acclamation for the first year. Joseph Quinn (IN) was elected V. Chairman, and F. H. Waring, Chief Engineer, Ohio Dept. of Health volunteered to serve as Secretary until formal by-laws could be adopted. Some matters of interest at this first meeting include:

- Executive Committee established as a representative from each state and three officers
- Cincinnati, Ohio was established as the headquarters of the Commission
- A seven month budget was established at \$25,000 (allowed for some states to get legislation in place early in 1949)
- Several committees were established including By-laws; Policy and Regulations; budget proposal (including staff); and publicity and public relations.

In the following month of August and again in October, the Commission met to establish this newly formed commission dubbed by its new Chairman as "an experiment in American government", by adopting by-laws and hiring the first Executive Director and Chief Engineer, (chosen for legal counsel).

The 50th meeting was held in Pittsburg, PA on May 11, 1961 with Chairman R.H. Walker (VA) presiding. Executive Director Geary spoke of the progress being made along the Ohio River starting with the wastewater plant right there in Pittsburg. It was also pointed out that for every one of the Commission's 50 meetings, four communities along the Ohio River had undertaken construction of wastewater treatment facilities. With all of the attention on cleaning up sewerage from communities, mine drainage control was not to be forgotten. ORSANCO's Coal Industry Advisory Committee, under the inspiration of the Sanitary Water Board of Pennsylvania, had just finished new mine drainage control measures that were adopted by the eight states just the previous year. ORSANCO's international reputation was gaining momentum as a group of water management officials from Germany visited Commission headquarters to observe methods and techniques used in gaining public acceptance and support for pollution control activities. The meeting duration was 5 hours and 45 minutes with a likely lunch break included.

The 100th meeting was held in Cincinnati, OH on January 12, 1978, with Chairman Ralph C. Pickard (IN) presiding. This was also the year that the Commission would celebrate its 30th year of existence. Leo Weaver was the Executive Director at this time and another familiar name showed up in the staff attending the meeting, namely Peter Tennant. The Commission has successfully conducted a symposium entitled "Organic Constituents in the Water Environment" the previous September receiving national television coverage. The topic was appropriate considering the Early Organics Detection System was being implemented with an initial Federal grant of \$100K and another \$325K needed to initiate the desired 11 station system. The first phase of the ODS system was formally inaugurated at 12:05 P.M. when a completed transmission of a chromatogram readout from the Cincinnati Water Works station was received.

The 150th Commission meeting was held in Cincinnati, OH on January 12, 1995 with Chairman Ron Potesta (WV) presiding. Current Commissioners in attendance at the 150th meeting include, Commissioners Ron Potesta, Commissioner Douglas Conroe, Commissioner Phillip Morgan, and Commissioner Stuart Bruny. The Executive Director at the 150th meeting was of course Alan Vicory, who is the longest sitting Executive Director of the Commission. In light of our situation today, I found it profoundly significant that then Chairman Ron Potesta's remarks to the Commission included the following statement, "the Ohio River is now emerging out of the shadows of the estuaries and Great Lakes and is being viewed as an entity and valuable resource in and of itself.

Having conducted research on the four 50 meeting intervals leading up to this 200th meeting, I must say that I have developed a new-found respect for this outstanding Commission. This

"experiment in American government", coined by the 1st Chairman of the Commission, Hudson Biery, moved quickly beyond the experimental state and became the flagship of pollution control organizations throughout the world. So have we emerged as former Chairman Potesta envisioned sixteen years ago ... not only have we emerged, but we stand today at this 200th meeting as an organization that has served the eight states of the Ohio River Valley well, advanced the cause for pollution control better than any other organization of its kind, and gained an international reputation for sound science practice second to none. I hope that you can tell that I am extremely proud of the honor that you bestowed on me when you elected me as Chairman. Here we are 200 meetings since the inception of the Commission and Ohio is still running the show.

And finally, you may have noticed that the meeting folders at each of your places are different from the folders that you normally find ... that's because we wanted to commemorate this 200th meeting with a small gift for each Commissioner. The folder at your place is for you to take along and use proudly while promoting ORSANCO. They have been made available to us through a generous contribution from my employer, Mr. John Allen, President of RA Consultants. Again, at this my last meeting as Chairman I want to thank my fellow Commissioners for their support throughout this year, and particularly thank Executive Director Vicory and his outstanding staff for their guidance and assistance.

Report of the Technical Committee

The 196th meeting of the Technical Committee took place on June 7-8, 2011. Six states, three federal agencies, and four Commission advisory committees were represented.

Chief Engineer's Report

Mr. Vicory reported on a number of items:

106 grant - Recent information indicates that the Commission's 106 grant for fiscal year 2011 may be \$58,000 greater than was anticipated in preparing the proposed program and budget.

National Response Center Issue – Senator Rockefeller of West Virginia has written a strong letter to the Coast Guard requesting that ORSANCO receive full information on all Ohio River spills.

SEPs – The Commission will receive \$40,000 under enforcement settlements with a West Virginia discharger - \$30,000 to support a panel of experts on nutrient criteria development and \$10,000 to repair the mobile aquarium.

PPG – A meeting was held recently with PPG to discuss a possible request for a variance from mercury requirements. Personnel from West Virginia, Indiana and Kentucky attended.

Pathogen TMDL – The Commission will receive funding from US EPA to conduct additional monitoring of tributary bacteria levels to support the Ohio River TMDL for pathogens.

Committee Changes – Five persons were attending their first Technical Committee meeting either as new members or proxies.

ORSANCO Technical Programs for Fiscal Year 2012

Staff reviewed the recommendations developed by the Committee at its previous meeting to guide the development of ORSANCO technical programs for fiscal year 2012. Staff was able to incorporate the recommendations to some extent in the proposed programs, although resource limitations prevented full incorporation. Staff also presented some possible areas for future reductions if funding continues to be limited; the Committee agreed that these would need to be vetted with the appropriate work groups before they could be considered by the Commission.

ACTION: The Technical Committee endorses the proposed ORSANCO programs for fiscal year 2012.

ORSANCO Pollution Control Standards

The Committee considered the recommendation by the Pollution Control Standards Committee that the Commission adopt a 500 mg/L criterion for total dissolved solids to apply at drinking water intakes. Questions were raised as to how this might be implemented; it was agreed that the NPDES Subcommittee should continue its consideration of this matter.

ACTION: The Technical Committee recommends that the Commission adopt the 500 mg/L criterion for total dissolved solids to apply at drinking water intakes.

The Committee heard a summary of a proposed study to be conducted under the ORSANCO/Ohio River Users Program to study levels of total dissolved solids and associated mineral constituents.

ACTION: The Technical Committee endorses the proposed study of Ohio River total dissolved solids.

The Committee next considered issues raised in the current review of the ORSANCO Standards. A total of 15 issues were raised in the comments received; six were referred to the Technical Committee by the Pollution Control Standards Committee: temperature, bromides, magnesium, ammonia, nutrients and mercury. The Technical Committee agreed to convene special work groups to address temperature, bromides/manganese, and mercury; to task the Stream Criteria Subcommittee to address ammonia; and to task the Nutrient Criteria Work Group to address the nutrient issues. All these groups are requested to provide progress reports at the October meeting of the Technical Committee.

Subcommittee Reports

The NPDES Subcommittee is working to develop a process through which requests for variances to the Mixing Zone provisions of the Commission Standards would be handled. The goal is to develop a process that is thorough without being duplicative. The Subcommittee asked that the Pollution Control Standards Committee set forth the criteria that it would use in evaluating such requests.

The NPDES Subcommittee continues to assess state requirements for FGD discharges in order to identify any areas of inconsistency.

The Stream Criteria Subcommittee discussed issues likely to be raised in the review of the Commission Standards. The Subcommittee did not identify any issues to be added to those already identified.

Dissolved Oxygen Monitoring

The Corps of Engineers Louisville District has discontinued operation of electronic monitors on the lower Ohio River. Two of those monitors were part of a dissolved oxygen monitoring system adopted by the Commission in 1986. The long term objective is to require hydroelectric power facilities to operate the monitors; the Corps has operated monitors at facilities where hydropower is under development.

ACTION: The Technical Committee charges the Monitoring Strategy Subcommittee to review and update the design of the dissolved oxygen monitoring network.

The Technical Committee also requests that the Corps of Engineers continue operation of the monitors on the lower river until the Subcommittee can complete its review.

Water Quality Assessment

The 305b Work Group met to address inconsistencies in the 2010 assessment of Ohio River conditions. The work group agreed that there is no impairment of aquatic life due to iron; however, US EPA Region 3 will continue to require that the states list the river as impaired if state criteria for iron are exceeded. The work group called on ORSANCO to adopt a consistent, defensible criterion for iron.

The work group identified three alternative approaches to assessing impairment of fish consumption due to iron. The Technical Committee endorsed the first alternative.

Member Reports

Each member reported on items of interest to the Committee; summaries of the presentations will be included with the meeting minutes. Of particular interest was a presentation by the Corps of Engineers on flooding in the lower Ohio and Mississippi Basins, which began in late February and still continues over three months later.

Habitat Issues

Staff provided an overview of impacts on aquatic habitat, including flow alteration, latitudinal and longitudinal connectivity, dredging, water quality alterations, invasive species, and localized habitat alterations. Rick Spear of Pennsylvania DEP then spoke on the impacts of dredging on the Allegheny and Upper Ohio Rivers, and on efforts to minimize the environmental impacts.

Ohio River Source Water Protection

Staff reported on a recent meeting in the Wheeling area which brought together numerous stakeholders involved in protection of drinking water sources.

Stan States of Pittsburgh and the Water Users Advisory Committee presented information on bromide levels in the Allegheny River and their impact on drinking water. High levels of bromide in the source water can contribute to formation of trihalomethanes through the disinfection process.

Fish Tissue

Staff announced the availability of an Ohio River fish consumption web site. Two states have now signed the MOU for the protocol for Ohio River fish consumption advisories. The states have agreed to use only Method 1631 for fish tissue analyses for mercury.

Staff reported on efforts to resolve differences in results of fish tissue results for mercury from monitoring by ORSANCO and by the power plants. It appears that the seeming differences are due more to differences in sizes of fish analyzed than to any differences in methods.

Nutrients

Staff presented the recommendations from an ASIWPCA workshop on nutrients, which included stakeholders from point sources, environmental advocacy groups, agriculture, and regulatory agencies. The workshop represented a step toward a more collaborative approach to nutrient management.

Staff reported on the continued lack of progress toward development of numerical nutrient criteria for the Ohio River. A call was held with the Nutrient Criteria Work Group to discuss possible alternative approaches. A panel of experts will be convened to review current efforts and to make recommendations for advancing the development of criteria.

Staff reported on the project to develop an interstate water quality trading program for the Ohio River Basin. Meetings are being held in state capitals to brief personnel from environmental, agricultural, and conservation agencies on possible pilot trades. The project has drawn interest from high levels of USDA and US EPA; meetings have been held in Washington to identify ways in which the federal agencies can support the advancement of the program.

Transition

The Committee noted the departure of two members. Randy Sovic of West Virginia has retired from state service; Ellen Gilinsky of Virginia has accepted a position with US EPA. Both provided valuable service to the Technical Committee over the years and will be greatly missed.