

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**214th Commission Meeting
Embassy Suites RiverCenter
Covington, Kentucky
Thursday, February 11, 2016**

**DRAFT
Requires Commission
Adoption**

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Chairman Douglas Conroe, Presiding

Call to Order

Chairman Conroe called the 214th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, February 11, 2016.

Quorum Call

Commissioner Lovan certified that a quorum was present (see Roster of Attendance, page 11).

Comments by Guests

Judy Peterson, representing Kentucky Water Ways Alliance, commented on the petition for the formation of a Watershed Advisory Committee, presented to the Commission in June 2015. Ms. Peterson believes that the Committee, if approved, will create better understanding and discussion among all interested parties regarding water quality issues.

Action on Minutes

ACTION: Motion by Commissioner Duritsa, second by Commissioner Elmaraghy and unanimously carried, that the minutes of the 213th meeting of the Commission, electronically distributed on January 21, 2016, be adopted as presented.

Report of the Treasurer

Commissioner Wilson, reporting on behalf of the Treasurer, noted that a Treasurer's Report as of December 31, 2015 was provided in the meeting folder.

The report indicates a balance of \$837,251 in accounts receivable due the Commission as of December 31, 2015. The balance represents \$467,300 due from Signatory States, \$343,092 from Federal sources, and \$26,859 due from other sources.

Additionally, the report indicates receipts of \$2,313,953 plus carryover of \$1,684,061 totaling \$3,998,014 through the end of December 2015. Of that amount \$1,393,190 was expended on programs, leaving resources of \$2,604,824 available for the continuation of ORSANCO's programs.

Commissioner Wilson also noted that \$456,224 of the receivable balance had been collected since December 31, 2015. In addition, the Commission has received an approved 106 award and US EPA Region 5 has made partial funds available. He concluded by reporting that the cash balance is approximately \$2.1 million, cash flow remains appropriate, and ORSANCO remains in a strong financial position.

ACTION: Motion by Commissioner Wilson, second by Commissioner Elmaraghy and unanimously carried, to receive the Treasurer's Report as presented.

Report of the Audit Committee

Commissioner Wilson, Committee Chairman, introduced Patrick Frambes from the audit firm Barnes Dennig to provide an overview of the June 30, 2015 audit findings. Mr. Frambes reported that ORSANCO's audit was an "unmodified" audit with no deficiencies or material weaknesses found in internal controls. He noted the excellent condition of the accounting records, resulting in no required adjustments, and the open cooperation of staff. Mr. Frambes also brought additional attention to the new audit requirement of reporting net pension liabilities on the statement of net position.

Commissioner Wilson continued by reporting that a 2015 Independent Auditors' Report was provided in the meeting packet.

The report indicates that Barnes Dennig, Certified Public Accountants, performed a general-purpose financial audit for fiscal year ending June 30, 2015.

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, 2015. There were no internal control related findings or issues. The audit report is an "unmodified" report.

Due to a new accounting standards change this year, which requires the recognition of the Commission's net pension liability, the Commission is presenting a deficit in its unrestricted net position. The Commission was advised of this change in February 2015.

This is the fifth audit performed by Barnes Dennig. Extending this audit engagement, under the oversight of a new Barnes Dennig audit director, will provide audit continuity through FY16. The Committee recommends retaining Barnes Dennig to perform the June 30, 2016 audit.

ACTION: Motion by Commissioner Wilson, second by Commissioner Kupke and unanimously carried, to accept the Independent Auditor's Report and the Committee recommendation to retain Barnes Dennig to perform the June 30, 2016 financial audit.

Report of the Chairman

Chairman Conroe provided the following report to the Commission:

It's an honor to chair such a viable and dynamic Commission. The October Commission meeting seems like ages ago, yet it feels like it was just yesterday. The dynamism of Commission activity that has occurred since our last gathering has been so multi-faceted and fast-paced that it has been a real challenge to keep up with the calendar of events. My thank you goes out to staff and committee chairs that have been so diligent in their duties. It has been a privilege to sit in on the various teleconferences and meetings that have occurred. We will be hearing this morning from ten different committees on the progress of their work. Every Commissioner has been involved in one manner or another, and numerous Commissioners have had multiple involvements. Regular ongoing business has continued, and new thrusts are being explored. Even as diverse as we are, commonality of purpose and collaboration is producing a programmatic consensus of progress in addressing the many challenges that currently confront this Commission.

Our October session was noted for the Pollution Control Standards decisions that were made, and the harmful algal bloom challenges that were being faced. This February's series of meetings

has found us reporting on the mid-year progress of our program plan implementations, developing the materials that will be necessary for formulating next year's program when the Program and Finance Committee convenes this coming spring, learning about mercury and microplastics challenges, and having the opportunity to quite possibly welcome a new stakeholder group to the table to round out our connectivity with the community at large.

I have had numerous conversations with our Executive Director since our last convening. Richard has performed an excellent job of keeping us Commissioners well-informed about business developments, and I thank him for his diligence. You can be assured that ORSANCO is being properly managed by Richard and the staff. February always gives us an opportunity to better interact with staff due to our location here close to headquarters. I hope that everyone has taken the opportunity to do such. It has been delightful for me to see a strong staff attendance and participation. I always encourage staff to attend Commissioner gatherings.

Initially, ORSANCO brought sewage treatment to the main stem; since then, we've been deeply involved in the developments of discharge standards and the science of the river. What we have learned has been phenomenal, and one can only imagine what we have left to learn. As one Commissioner remarked yesterday, we have gone from studying parts per million to parts per billion, and now we are starting to think about parts per trillion. The impact of that knowledge has yet to be felt, although I think that we recognize that the time is coming when we will have to work in the parts per trillion management arena. We need to start thinking about this, and we need to be ready. I submit that status quo of management simply is not going to be acceptable in the new age. Chatting with another Commissioner, the reality of the proliferation of lawsuits was frustratingly related. It's a new age. Tertiary treatment needs will be unavoidable. We've previously talked a bit about emerging contaminants. This session, we talked about microplastics. My recommendation is that we set aside time to find a way to follow-up upon these new challenges. Experience has taught us that it is better to lead than to react. Social politics are going to force the States to react. As a servant of the States, ORSANCO can lead the States to cost-effectively meet the challenges that we all know are coming.

Thinking of the challenges that might be faced today, I need to report that I have asked staff to take a hard look at our policies, procedures, and knowledge points with the thought of lessons that have been learned from the recent Flint, Michigan experience. Do we have the appropriate red flags in place for data analysis and the appropriate reporting protocols in place for when a red flag appears? Are there parameters that we can and should observe but are not currently observing? Our physical situation is different than Flint's, although there certainly might be some situations that would otherwise apply to us. I've asked staff to envision those situations and plan accordingly.

At the opening of this session, new faces at the table were recognized. Change is normal, and this course causes us to take time to acknowledge those who have served and are no longer present. With sadness, last month we experienced the passing of Pennsylvania Department of Environmental Protection ORSANCO Representative Andrew Zemba. His service to ORSANCO, the Commonwealth, and the environmental community has been significant. We extended our condolences to the family. Also last month, we received US EPA's Region 5 Director Susan Hedman's resignation as an ORSANCO Commissioner due to her leaving office with US EPA. We wished her well for her next sojourn and now invite Commissioner Elmaraghy to at this time offer our traditional resolution of appreciation to her.

Lastly this month, we have received the retirement resignation notice from long-term ORSANCO Commissioner Philip Morgan of Illinois, and I invite Commissioner Toby Frevert to offer a resolution of appreciation which we will personally transmit to Phil at a later date.

Recognition of Service

Commissioner Elmaraghy presented the following resolution:

**RESOLUTION 1-16
RECOGNITION OF SERVICE
SUSAN HEDMAN**

WHEREAS, Susan Hedman has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2014 to 2016, representing the United States Federal Government, and

WHEREAS, Ms. Hedman has provided faithful and diligent service to the Commission, and

WHEREAS, Ms. Hedman actively worked to help advance the Commission's goals, and

WHEREAS, Ms. Hedman has earned the esteem and friendship of her fellow Commissioners, and

WHEREAS, Ms. Hedman, as Region 5 Administrator for the Environmental Protection Agency, has devoted her efforts to protecting the Ohio River Basin environment,

Now therefore be it resolved, that the Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude for Ms. Hedman's service, and wish her all the best in her future endeavors.

ACTION: Motion by Commissioner Elmaraghy, second by Commissioner Frevert and unanimously carried, to adopt Resolution 1-16 as presented.

Commissioner Frevert presented the following resolution:

**RESOLUTION 2-16
RECOGNITION OF SERVICE
PHILLIP C. MORGAN**

WHEREAS, Phillip C. Morgan has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 1990 to 2016, representing the State of Illinois, and

WHEREAS, Mr. Morgan has provided faithful and diligent service to the Commission serving on numerous Committees, serving as chair of several committees including long term service as Pension Committee Chairman, and

WHEREAS, Mr. Morgan served as Chairman of the Commission in 1998-99, and

WHEREAS, Mr. Morgan has earned the esteem and friendship of his fellow Commissioners, and

WHEREAS, Mr. Morgan has served the citizens of Danville, Illinois, as Director of the Danville Sanitary District,

Now therefore be it resolved, that the Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude for Mr. Morgan's long term service, and wish him all the best in his future endeavors

ACTION: Motion by Commissioner Frevert, second by Commissioner Kupke and unanimously carried, to adopt Resolution 2-16 as presented.

Report of the Executive Director

Executive Director Richard Harrison began by reporting that ORSANCO was recently invited to apply for a West Virginia 604-B grant to study contaminants in fish from the Kanawha and Monongahela Rivers in West Virginia. ORSANCO welcomes these types of opportunities from the states as part of ongoing funding initiatives.

Mr. Harrison then commented on the recent communication to Commissioners outlining the positive outcomes of an amendment to the ODS STAG grant. He noted the diligent staff teamwork involved in initiating this grant amendment. Remaining grant funds are able to support three years of equipment maintenance agreements which will have some positive impact on the budget.

Mr. Harrison then reported on cold weather monitoring activities. He noted that appropriate monitoring safety protocols have been developed and that cold weather suits have been purchased for staff. As an added safety precaution during cold weather, a third person has been added to the monitoring crew.

Mr. Harrison then directed attention to the Commissioner Resource Guide, which was made available to all Commissioners. This guide was originally developed for new Commissioner orientation but may also serve as a valuable resource for all Commissioners. This information is also available on the Commissioners' web portal and the paper copy will not be updated. He also noted the good work of staff to develop this guide. Mr. Harrison also noted that copies of the 2015 Version of the Pollution Control Standards were available.

Lastly, Mr. Harrison commented on the excellent ORSANCO staff and that everyone pitches in to support all program activities when needed.

Report of the Pension Committee

Commissioner Harrison reported that the Actuarial Report, compiled by Buck Consultants, indicated that the Pension Plan had assets with a market value of \$3,610,810 and a funded ratio of 74.3% as of July 1, 2015. This reflects a 4.8% funded ratio decrease over the previous year, primarily due to the required implementation of a new mortality table.

Fund assets are currently invested through PNC Institutional Investments, with a 50% stock and 50% bond allocation. The Pension Committee recommends continuing with this investment strategy.

The Committee will continue monitoring and reviewing the Plan. It appears to be prudent to consider the Pension Plan in the context of the overall financial health of ORSANCO over the next 2-3 years. The Committee will continue to monitor the unfunded liability trends very closely.

The Pension Committee will be preparing a request to the Program & Finance Committee regarding the recommended pension contribution, based upon a review of available funds and a review of the actuarial report, for the FY17 budget.

ACTION: Motion by Commissioner Harrison, second by Commissioner Lovan and carried, unanimously, to accept the report and recommendations of the Pension Committee.

Report of the Research Committee

Commissioner Frevert reported that the Committee met in January by conference call to discuss the Committee's status and recent inactivity. The primary discussion involved the Committee's by-laws and purpose of the Committee. A general consensus of Committee members is that this Committee may very well be redundant to the activities of other committees. Most identified research needs are already being vetted or accomplished through other committees. The Committee will continue considering its future and purpose for continued existence. He asked Commissioners to provide any input on this matter prior to the June Commission meeting. The Committee will provide a recommendation regarding the Committee's future at the June meeting.

Report of the Technical Committee

Commissioner Wilson, Committee Chairman, reported that The Technical Committee met on February 9-10. Seven states, three federal agencies, and four advisory committees were represented. The Committee covered 20 agenda items and heard from four outside speakers. A summary of outcomes follows:

Report of the Biological Subcommittee

The Biological Subcommittee recommended that three pools be assessed in 2016. This represents one less pool assessment than has been done historically, and that remaining resources be utilized to conduct special studies as the budget may allow, such as evaluating the effects of hydrilla, collecting water/sediment chemistry data at biological sites, revisits of sites to evaluate seasonality, targeted biological sampling, etc.

HABs/Nutrients

A draft HAB Response and Communications Plan will be revised and considered for approval by the Technical Committee at the June meeting. There were recommendations to consider sunlight and alkalinity in evaluating causes of the 2015 HAB event. In addition, staff has been in communication with US EPA Office of Research and Development regarding a collaborative effort in assessing the HAB data. Chris Imperitelli, with US EPA Office of Research and Development, reported to the Technical Committee on the agency's HAB research priorities.

Mercury

The Committee received a report of the Ad Hoc Mercury Committee. Staff updated the committee on the tributary and mainstem mercury surveys currently underway. Then Martin Risch provided an overview of his work on mercury in Indiana watersheds. Finally, Rob Reash, Chair of the Power Industry Advisory Committee, provided an overview of a project underway to investigate the bioavailability of mercury in the Ohio River and wastewater discharges.

Source Water Protection Programs

Staff provided an update on the status of the ODS renovation and reported on spills affecting the Ohio River and regional source water protection collaborations.

Report of NPDES Subcommittee

Paul Novak provided a report of the NPDES Subcommittee. Some of the important issues discussed during their recent call involved implementation of ORSANCO's new mixing zone regulation as well as tracking the status of Ohio River mixing zones. There was a recommendation that the subcommittee should begin addressing the issue of storm water permitting.

Prioritization of Standards Issues

Staff presented results of a prioritization exercise completed by TEC and the Commission regarding needed work for the 2018 standards revision. There were recommendations to remove the item listed to investigate shale gas discharges, to include cyanotoxins with nutrients criteria, and to combine aquatic life and human health considerations for chloride criteria.

2016 Ohio River 305(b) Assessment

Staff presented recommended 305b assessments for the Ohio River for 2016. The assessment results that were approved by TEC were almost identical to the previous 2014 assessment as follows:

- The entire Ohio River is fully supporting for aquatic life and public water supply.
- The entire Ohio River is impaired for fish consumption based on PCBs and dioxin.
- Approximately 2/3 of the Ohio River is impaired for the recreational use based on bacteria.

A draft report will be prepared based on these results for the June Committee meeting. The Committee also recommended developing work plans and budgets to update monitoring data for PCBs, dioxin, and bacteria.

Microplastics

The Committee received two excellent presentations on microplastics from Austin Baldwin, with the USGS, and Tim Hoellein, with Loyola University.

Commissioner Wilson thanked all of the outside speakers for their excellent presentations.

Program Recommendations

The Technical Committee developed a set of program recommendations for FY17 that will be reported to the Program and Finance Committee.

ACTION: Motion by Commissioner Wilson, second by Martha Clark Mettler and carried, unanimously, to accept the report of the Technical Committee.

Report of the Program & Finance Committee

Commissioner Lovan, Committee Chairman, reported that the Committee met on Tuesday, February 9th to discuss a number of topics in preparation for its April meeting.

The Committee discussed the current financial challenges of member states and possible implications. Staff provided a brief overview of FY16 financial status and discussed some projections for FY17.

The Committee discussed the positive outcomes of the ODS STAG grant amendment, which through the utilization of additional in-kind services, will cover the cost of equipment maintenance agreements for three years and should increase projected carryover funds into FY17.

The Committee reviewed the current restricted reserve funds policy and will consider amending at the April meeting. The Committee also discussed the pension plan's status and will work with the Program & Finance Committee regarding a proposed FY17 contribution.

The Committee discussed proposed content for the April meeting, including five-year budget forecasting and program plan prioritization. The Committee will continue working with staff to develop a program plan and budget for Commission consideration in June.

Report of the Ad Hoc Committee on Mercury Studies

Commissioner Kupke reported that the Ad Hoc Committee has continued to systematically and thoughtfully move toward a recommendation to the Commission on the scope and extent of additional mercury evaluations that would be beneficial for ORSANCO to undertake.

During this week's meetings, specifically during the Technical Committee meeting, the Committee reviewed the strong diversity and capabilities of the group. The Committee was pleased to have a mercury paper presentation from Martin Risch, who has also recently joined the Committee. Mr. Risch is a research hydrologist from the USGS and is a highly published national expert on mercury in water environments. Commissioner Kupke also mentioned the excellent staff assistance for this undertaking.

Since its last meeting, the Committee held conference calls on November 4th and January 11th. Pursuant to the action items of those calls, the Committee has narrowed its focus and is concentrating on a recommendation of a mass balance approach within the watershed. This is intended to better define the magnitude of mercury entering the watershed and the broad quantity of its various sources.

It is currently the Committee's intention to provide the Commission with a recommendation at the June 2016 Commission meeting on what ORSANCO should do beyond its current activities to seek a better understanding of the complex mercury issues in the Ohio River.

Report of the Ad Hoc Committee to Discuss Formation of a Watershed Organizations Advisory Committee

Chairman Conroe reported that a petition requesting the formation of a Watershed Organizations Advisory Committee was received in June 2015. Subsequently, Commissioner Conroe reported at the October 2015 Commission meeting that much activity and discussion took place during the summer months considering this request. A draft resolution was then developed as an outcome of those activities. The Committee has further refined the resolution for bylaws revisions with legal counsel review. A motion for action on the proposed bylaws revisions (**Attachment I**) was then prepared for Commission consideration.

ACTION: Motion by Commissioner Wilson, second by Commissioner Elmaraghy and carried, unanimously, to adopt a resolution to amend the bylaws to create a Watershed Organizations Advisory Committee, to invite the participation of petitioners thereon, and to authorize the Executive Director to establish a Public Information Work Group.

Report of the Public Interest Advisory Committee

Betsy Mallison, Committee Chairman, reported that the Committee met on February 9, 2016 in Cincinnati. The Committee discussed its mission and the proposed formation of a Watershed Organizations Advisory Committee. The proposed workgroup of state public information officers was also discussed in the context of its working relationship with PIACO.

The Committee also discussed ORSANCO's communications initiatives, including the phased in web redesign project. It was noted that the River Facts/Conditions section of the public website is the most visited page. Staff provided an update on social media activities, congressional outreach strategies, and the work of the communications consultant.

The Committee recommended that the communications staff implement a scrolling banner on the website, as well as the addition of an interactive river map. They also recommended retaining the Facebook page and instituting a photo contest. Ohio River Sweep poster contest outreach strategies were also recommended. The Committee brainstormed ideas to reach out to congressional and state legislators and encouraged staff to continue work on core messages and talking points.

The Committee praised staff work on the creation of the public information officers' relationship and HAB issue messaging.

Report of the Water Users Advisory Committee

Bruce Whitteberry, Committee Chairman, reported that the Committee met on January 27-28. Bromide continues to be an issue of concern to drinking water utilities in relation to disinfection byproducts. The Committee received a presentation from US EPA staff summarizing recently published work regarding increased bladder risk from brominated disinfection byproducts. The report concluded that relatively small increases, particularly in brominated THMs, can lead to increased risk of bladder cancer. The utilities will continue to monitor bromide and collect data in an effort to better understand the levels in the Ohio River.

Ohio EPA staff provided an overview presentation centered on HABs. Much discussion took place regarding analytical methods, occurrence, and methods of detection. A summary of the draft Ohio EPA Harmful Algal Bloom (HAB) Rules was provided. The Committee members also shared their respective experiences on the HAB event. All utilities on the River were able to effectively treat for the toxins. Some utilities were prepared to, but not required to, utilize backup sources. Utilities effectively communicated with one another during this event and relied on ORSANCO's communications and sampling resources for needed data. Not a single utility detected toxins in finished water.

Finally, the Committee received staff presentations on the Pollution Control Standards, spills model, and a status update on the Organics Detection System (ODS) upgrades.

Recognition of Service

The following ORSANCO staff members were recognized for service milestones:

Sam Dinkins – 20 years

Tracey Edmonds – 20 years

Eben Hobbins – 15 years

Melissa Mann – 10 years

Travis Luncan – 10 years

Comments by Guests

Judy Peterson, representing Kentucky Waterways Alliance, thanked the Commissioners for taking action to approve the formation of the Watershed Organizations Advisory Committee. Ms. Peterson informed the Commission that the new Committee held its first meeting on February 10th and that she will serve as interim Committee chairperson.

Ms. Peterson concluded by stating that the Committee looks forward to working with the Commission and hopefully will lead to better understanding and respect.

Upcoming Meetings

Chairman Conroe noted the following schedule for upcoming Commission meetings:

- June 7-9, 2016 Pittsburgh, Pennsylvania
- October 2016 TBD

Adjournment

ACTION: Motion by Commissioner Frevert, second by Commissioner Duritsa and carried unanimously, to adjourn the 214th meeting of the Commission at 10:15 A.M.

Prepared by:

David R. Bailey

Date: February 17, 2016

David Bailey
Director of Administration

Approved by:

Stuart Bruny

Date: February 24, 2016

Stuart Bruny
Secretary/Treasurer

ROSTER OF ATTENDANCE
214th Commission Meeting
February 11, 2016

Commissioners

Illinois	Toby Frevert
Indiana	Martha Clark Mettler (PROXY for Commissioner Carol Comer) John Kupke Joseph Harrison, Jr.
Kentucky	Ron Lovan Peter Goodmann (PROXY for Lt. Governor Hampton)
New York	Douglas Conroe Mike Wilson
Ohio	Craig Butler John Hoopingarner
Pennsylvania	Charles Duritsa Kelly Heffner (PROXY for Secretary John Quigley)
Virginia	Melanie Davenport (PROXY for David Paylor) Lou Wallace
West Virginia	David Flannery Ron Potesta
Federal	George Elmaraghy
Legal Counsel	Ross Wales

Executive Director

Richard Harrison

Guests

Betsy Mallison – PIACO; Bruce Whitteberry – WUAC; Erich Emery – USACE; Tiffani Kavalec – OEPA; Rich Cogen – Ohio River Foundation; Judy Peterson – PIACO; Debora Roth – OEPA; Joby Jackson – OEPA; Joe Laplevic – First Energy; Erin Baird – Indiana Wildlife federation; Jennifer Mihills – National Wildlife Federation; Jess Dexter – ELPC; Madeline Fleisher – ELPC; Angie Rosser – West Virginia Rivers Coalition; Albert Ettinger – Illinois Chapter Sierra Club; Rob Walters – Three Rivers Waterkeeper; Rabon Blakeman – Ohio Valley Environmental Coalition; Heather Mayfield – FORE; Patrick Frambes – Barnes Dennig

Staff

David Bailey, Jason Heath, Sam Dinkins, Jerry Schulte, Jeff Thomas, Joe Gilligan, Lisa Cochran, Rob Tewes, Ryan Argo, Melissa Mann, Eben Hobbins, Tracey Edmonds, Travis Luncan

RESOLUTION 3-16

MOTION TO AMEND THE BYLAWS TO INVITE THE PARTICIPATION OF A NEW COMMITTEE AND TO AUTHORIZE THE ESTABLISHMENT OF A NEW PUBLIC INFORMATION WORK GROUP

WHEREAS, The Commission has received a petition from fifteen watershed-oriented citizen-based stakeholder groups seeking a Commission “invitation to form a new advisory committee to represent the interests of the many nonprofit organizations (and their members) in the Ohio River Basin;” and

WHEREAS, the petition has been reviewed with ORSANCO’s Public Interest Advisory Committee (PIACO), the Commission’s Executive Committee and the Commission itself along with a special Ad Hoc Committee that was established to further consider the matter; and

WHEREAS, the Article XII.C.2 of the Commission’s Bylaws provides for the establishment of advisory Industry Action Committees upon the Commission’s invitation; and

WHEREAS, specific consideration has been given regarding creation of the requested committee and how it might interface with the Commission and PIACO, including specifically how it will not be duplicative of PIACO’s membership and role, said consideration resulting in a determination that it will not be a duplication of input or role and that it will provide a mechanism for an emerging stakeholder group to provide input to the Commission; and

WHEREAS, minor proposed changes to the Bylaws have been considered and have been deemed to be appropriate in order to improve upon advisory committees’ roles and relationship to the Commission; and

WHEREAS, spill incidents and the recent Harmful Algal Bloom conditions on the Ohio River have amplified the need for a multi-state coordinated public information program, and the resultant collaboration of involved public information agencies has proven to be beneficial to the public’s welfare;

IT IS THEREFORE HEREBY MOVED THAT THE COMMISSION BYLAWS BE AMENDED AS FOLLOWS:

- That Article XII.A.9 be replaced in its entirety to read:

9. Technical Committee. The Technical Committee (TEC) shall serve as the technical arm of the Commission and shall study, discuss and evaluate technical questions of concern or interest to the Commission. It shall be composed of a chairman, who is a Commissioner and who is appointed by the Chairman of the Commission, together with one member from each of the signatory states as designated by the Commissioners of each state; preferably, this person should be an employee of the technical staff serving the state’s water pollution control agency and may or may not be a Commissioner or a proxy of a Commissioner. The Technical Committee shall also include a member designated by the United States Commissioners to represent federal interests. To provide special scientific

or technical input to the committee, up to three additional members, none of whom need be Commissioners or proxies, may be appointed by the Commission Chairman. The Chief Engineer of the Commission shall be, ex officio, a member of the Technical Committee and the Chairperson of the Public Information Advisory Committee, Chemical Industry Advisory Committee, Power Industry Advisory Committee, Publicly Owned Treatment Works Committee, Watershed Organizations Advisory Committee, and ~~the~~ Water Users Advisory Committee shall be, ex officio, ~~a~~-non-voting members of the Technical Committee. The Chairman or an appropriately designated member of any technical subcommittee, any special work group or any advisory committee, formed from time to time pursuant to the provisions of these Bylaws, may be invited by the Chairman of the Technical Committee to attend any meeting at which it is anticipated that matters of particular interest to them may be discussed. Members of the Technical Committee and its subcommittees or work groups may be reimbursed for their expenses incurred in attending meetings authorized by the Technical Committee and approved by the Commission.

- That Article XII.C.2. be replaced in its entirety to read:

2. Special Interests Stakeholder Advisory Industry—Action Committees. Special interests stakeholder advisory industry-action committees formed at the invitation and approval of the Commission to provide ~~industrial~~ participation by special interest stakeholders representing industry sectors and environmental organizations in the Commission program of regional pollution control. Such committees shall invite a representative of the Commission to attend their meetings and provide advice to the Commission in the public interest. The Commission shall not assume any expense for meeting attendance of special interests stakeholder advisory industry-action committee members.

- That Article XII.C.3. be replaced in its entirety to read:

3. Public Interest Information Advisory Committee. A Public ~~Interest~~-Information Advisory Committee, composed of citizens residing in the Compact states, shall advise the Commission on Commission programs, outreach, procedures and communication methods. The Commission Chairman annually shall appoint the members of this committee, including when possible a member from each signatory state and at least three (3) at large members. These members, ~~who shall~~ serve on a voluntary basis and shall be reimbursed by the Commission for their expenses in attending meetings of their committee as budgeted by the Commission; ~~and~~, upon invitation of the Chairman, meetings of the Commission ~~and~~ the Technical Committee.

AND FURTHER IT IS MOVED THAT:

The petitioners are hereby invited to formally form a Watershed Organizations Advisory Committee, within the parameters of Bylaws Article XII.C.2., as herein amended, in advisory service to the Commission and its Technical Committee. The Watershed Organizations

Advisory Committee shall be principally comprised of representatives of citizen-based environmentally-focused nonprofit water-related entities that exist within the Ohio River Basin and its signatory states. The Commission will consider the committee to be an environmentally-oriented stakeholder advocacy group that will provide a focused citizen's conservation and wildlife perspective to Commission deliberations and technical program formulation in furtherance of appropriate Ohio River management.

AND LASTLY IT IS MOVED THAT:

The Executive Director is hereby authorized to establish a Public Information Work Group that shall be comprised of public information personnel from the signatory ORSANCO-affiliated states agencies, USEPA Region 5 and other public information-related professionals as the Executive Director from time to time might deem to be appropriate. Members of the Work Group shall serve on a voluntary basis and shall work directly with and under the coordination of the Commission's Public Information Staff and shall regularly report on its activities to the Public Information Advisory Committee. The Work Group shall strive to facilitate a coordinated press and web-based release of ORSANCO-involved incident public information releases amongst the member states and USEPA in addition to advising the Public Information Staff on public information concerns of the signatory states and USEPA.