

# *Ohio River Valley Water Sanitation Commission*

## **POLLUTION CONTROL STANDARDS for Discharges to the Ohio River**

\_\_\_\_Revision

### *Notice of Requirements*

You are hereby notified that, having considered all the evidence presented at public hearings, the Ohio River Valley Water Sanitation Commission, at its regularly held meeting on\_\_\_\_, acting in accordance with and pursuant to the authority contained in Article VI of the Ohio River Valley Water Sanitation Compact, adopted and promulgated, subject to revision as changing conditions require, Pollution Control Standards Revision for the modification or treatment of all sewage from municipalities or other political subdivisions, public or private institutions, corporations or watercraft, and for the modification or treatment of all industrial wastes discharged or permitted to flow into the Ohio River from the point of confluence of the Allegheny and Monongahela Rivers at Pittsburgh, Pennsylvania, designated as Ohio River mile point 0.0 to Cairo Point, Illinois, located at the confluence of the Ohio and Mississippi Rivers, and being 981.0 miles downstream from Pittsburgh, Pennsylvania.

Under the terms and provisions of the Ohio River Valley Water Sanitation Compact, all sewage from municipalities or other political subdivisions, public or private institutions, corporations or watercraft and all industrial wastes discharged or permitted to flow into the Ohio River will be required to be modified or treated to the extent specified in the standards established as above set forth.

To the extent that Pollution Control Standards 2015 Revision, which were established by Commission action October 8, 2015, have been amended or restated by virtue of Pollution Control Standards\_\_\_\_, the Pollution Control Standards 2015 Revision, including any definitions and application procedures appended to or incorporated therein, are rescinded.



Richard Harrison, P.E.  
Executive Director and Chief Engineer

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### **CHAPTER 1: GENERAL PROVISIONS**

#### **1.1 AUTHORITY AND PURPOSE**

The Ohio River Valley Water Sanitation Compact (the Compact) was signed in 1948 by the Governors of the States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia, and West Virginia, following the consent of the United States Congress and enactment of the Compact into law by the legislatures of the eight states. The Compact created the Ohio River Valley Water Sanitation Commission (the Commission) as a body corporate with powers and duties set forth in it for the purpose of abating water pollution within the Compact District. Article I of the Compact mandates that all waters in the District be placed and maintained in a satisfactory, sanitary condition, available for certain beneficial uses. It is the mission of the Commission to ensure protection of these uses and to preserve the waters for other legitimate purposes.

The Compact grants the Commission authority to carry out its mission. Article VI states that “the guiding principle of this Compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters.” Minimum requirements for the treatment of sewage and industrial waste then are established in Article VI, as well as the authority of the Commission to require higher degrees of treatment where they are determined to be necessary after investigation, due notice, and hearing. Article VI concludes by authorizing the Commission to “adopt, prescribe, and promulgate rules, regulations and standards for administering and enforcing the provisions of this article.”

Article IX of the Compact grants the Commission authority to issue orders, after investigation and hearing, for the purpose of achieving compliance with its standards. Any court of general jurisdiction or any United States District Court in the signatory states may be used by the Commission in order to enforce such orders.

It is the policy of the Commission to rely on the member states for the primary enforcement of its standards. Each of the member states is authorized to do so under the legislation that enabled its membership in the Compact. Each of the member states is authorized to administer the federal/state National Pollutant Discharge Elimination System (NPDES) as established in Section 402 of the Federal Clean Water Act. The NPDES permits are therefore the primary means by which the Commission’s Standards are implemented and enforced.

Because all states are mandated by the federal Clean Water Act to adopt and submit for USEPA approval a program that addresses designated uses, free from mandates, wastewater discharge requirements, water quality standards, mixing zones, and more, the Commission has concluded that the requirements of the Compact are being satisfied by member state programs implementing the federal Clean Water Act. The Commission has also concluded that all of its member states are implementing programs approved under the federal Clean Water Act for the safe and satisfactory uses of the Ohio River as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, and that therefore the requirement of the Compact are being satisfied by member states through these programs.

Given the fact that all member states are implementing approved programs under the federal Clean Water Act, the Commission will discontinue the triennial review process of updating the PCS rules. By proceeding under this approach the Commission is confident that public will have the full and complete protection of the federal Clean Water Act and the oversight of USEPA and the states without the redundancy of the current PCS program.

The standards set forth in this document are intended to be the mandatory requirements to be applied to the Ohio River as established in the Compact.

## **1.2 DEFINITIONS**

- A. “Compact,” as used in these regulations, means the Ohio River Valley Water Sanitation Compact and is an agreement entered into by and between the states of Indiana, West Virginia, Ohio, New York, Illinois, Kentucky, Pennsylvania, and Virginia, which pledges each to the other of the signatory states faithful cooperation in the control of existing and future pollution of the waters in the Ohio River Basin. This Compact created the Ohio River Valley Water Sanitation Commission.
- B. “Industrial Wastes” means any liquid, gaseous, or solid materials, waste substances or combination thereof other than cooling water as herein defined, resulting from any process or operation including storage and transportation, manufacturing, commercial, agricultural, and government operations.
- C. The “Ohio River,” as used in these regulations, extends from the point of confluence of the Allegheny and Monongahela rivers at Pittsburgh, Pennsylvania, designated as Ohio River mile point 0.0 to Cairo Point, Illinois, located at the confluence of the Ohio and Mississippi Rivers, 981.0 miles downstream from Pittsburgh.
- D. “Ohio River Valley Water Sanitation Commission” (the Commission) means a body corporate created by authority of the Compact and is the operating agency established to implement the Compact. It consists of three representatives of each signatory state and three representatives of the federal government.

- E. “Other Wastes” means any waste other than sewage, cooling water, residues from potable water treatment plants, industrial wastes or toxic wastes which, if discharged to the Ohio River, could cause or contribute to any violations of these regulations, or of any water quality standards of any signatory state, or which may be deleterious to the designated uses. Other wastes include, but are not limited to: garbage, refuse, decayed wood, sawdust, shavings, bark and other wood debris and residues resulting from secondary processing, sand, lime cinders, ashes, offal, night soil, silt, oil, tar, dyestuffs, acids, chemicals, heat or other materials and substances not sewage or industrial wastes which may cause or might reasonably be expected to cause or contribute to the pollution of the Ohio River.
- F. “Pollution” means the human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of the waters of the Ohio River.
- G. “Reasonable Treatment” means, for the purposes of these standards, the conventional drinking water treatment processes of mixing, flocculation, sedimentation, filtration, and disinfection.
- H. “Sewage” means water-carried human or animal wastes from such sources as residences; industrial, commercial, or government establishments; public or private institutions; or other places. For the purposes of these standards, the mixture of sewage with industrial wastes, toxic wastes, or other wastes, shall be subject to treatment requirements for those types of wastes, but shall also be regarded as sewage.
- I. “Substantially Complete Removal” means removal to the lowest practicable level attainable with current technology.
- J. “Toxic Wastes” means wastes containing substances or combinations of substances in concentrations which might reasonably be expected to cause death, disease, behavioral abnormalities, genetic mutations, physiological malfunctions, including those in reproduction, or physical deformations in fish, other aquatic life, wildlife, livestock, or humans.
- K. “Wastewater” means sewage and/or industrial wastes as herein defined.

### **1.3 GENERAL CONDITIONS**

The Ohio River shall be free from unsightly or malodorous nuisances due to floating solids or sludge deposits.

### **1.4 LIMITATIONS**

Nothing contained in these regulations shall be construed to limit the powers of any state signatory to the Compact to promulgate more stringent criteria, conditions, and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

## **1.5 SEVERABILITY CLAUSE**

Should any one or more of the Pollution Control Standards hereby established or should any one or more provisions of the regulations herein contained be held or determined to be invalid, illegal or unenforceable, for any reason whatsoever, all other standards and other provisions shall remain effective.

## **CHAPTER 2: DESIGNATED USES**

### **2.1 USES AS ESTABLISHED BY THE OHIO RIVER VALLEY WATER SANITATION COMPACT**

The Ohio River, as hereinbefore defined, has been designated by the Compact as available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, and adaptable to such other uses as may be legitimate.

## **CHAPTER 3: WASTEWATER DISCHARGE REQUIREMENTS**

### **3.1 GENERAL**

- A. No discharge of sewage, industrial wastes, toxic wastes, other wastes, cooling water or residues from potable water treatment plants shall cause or contribute to a violation of these wastewater discharge requirements, or preclude the attainment of any designated use of the main stem waters of the Ohio River.

### **3.2 SEWAGE**

- A. MINIMUM LEVEL OF TREATMENT:

Sewage shall be treated prior to discharge, to meet the following effluent limitations in addition to the requirements of Chapter 3.1.

- 1. Settleable and Suspended Solids

Treatment shall provide for substantially complete removal of settleable solids, and the removal of not less than forty-five percent of the total suspended solids.

### **3.3 ANALYTICAL METHODS**

Tests or analytical determinations establish compliance or non-compliance with the Wastewater Discharge Requirements established herein shall be made in accordance with

accepted procedures such as those contained in the: (a) latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association (APHA), American Water Works Association (AWWA), and Water Environment Federation (WEF); (b) Annual Book of ASTM Standards, Part 31 – Water, by the American Society for Testing and Materials; (c) Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136) by the U.S. EPA; or (d) by such other methods as are approved by the Commission as equal or superior to or not available within methods in documents listed above, provided such other test methods are available to the public.

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