

OHIO RIVER VALLEY WATER
SANITATION COMMISSION

PUBLIC HEARING

DATE: JULY 26, 2018

LOCATION: HOLIDAY INN CINCINNATI AIRPORT
1717 AIRPORT EXCHANGE BOULEVARD
ERLANGER, KENTUCKY 41018

1 ATTENDEES :

2

3 TOBY FREVERT

4 PETER GOODMAN

5 RONALD POTEESTA

6 THOMAS FITZGERALD

7 JASON HEATH

8 RICHARD HARRISON

9 LISA COCHRAN

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1 MR. FREVERT: It's now a little bit after
2 6:00, Thursday, July 26, 2018, and I hereby call the
3 hearing to order. I wish to welcome you all, and thank
4 you for attending. The hearing is being held to receive
5 comments on a proposed revision to the Ohio River Valley
6 Water Sanitation Commission's pollution control
7 standards for discharges to the Ohio River.

8 My name is Toby Frevert, and I'm an ORSANCO
9 commissioner representing the State of Illinois. I
10 currently serve as chairman of the pollution control
11 standards committee. With me today, comprising the rest
12 of the hearing panel, are two other commissioners that
13 hopefully will be joined shortly by a third
14 commissioner.

15 Peter Goodman, right there, who is commission
16 proxy for Lieutenant Governor Jenean Hampton,
17 representing Kentucky; Ron Potesta, commissioner from
18 West Virginia who is our current commission chairman;
19 and Tom Fitzgerald, a federal commissioner, is in
20 transit and will join us shortly.

21 The hearing was announced in a notice that was
22 published and distributed on June 26, 2018, pursuant to
23 the commission's bylaws, by the commission's website,
24 through 3,266 e-mails to interested parties, through 197
25 media outlets, and through 719 Ohio River committees.

1 A copy of the notice is in the information
2 package, which is available on the table at the outside
3 of the hearing room. A copy of that notice will be
4 entered into the record.

5 As I told the others, if you have a cell
6 phone, would you please mute it?

7 This hearing has been called under the
8 authority of the Ohio River Valley Water Sanitation
9 Commission.

10 That document was signed on June 30, 1948, by
11 the governors and their appointed representatives of the
12 states of Illinois, Indiana, Kentucky, New York, Ohio,
13 Pennsylvania, Virginia, and West Virginia, following
14 enactment of enabling legislation by each of the states
15 and approved by the United States Congress.

16 Under Article 1 of the compact, each of the
17 signatory states promises to take such action as is
18 needed to place and maintain the waters of the compact
19 district in a safe and sanitary condition available for
20 use as public industrial water supplies and after
21 reasonable treatment, suitable for recreational use, as
22 well as maintaining fish and other aquatic life free
23 from unsightly or malodorous nuisance and adaptable for
24 such other uses as may be legitimate.

25 That was pretty common terminology back in

1 1948.

2 The hearing has been called under the
3 authority of the compact Article 6, which authorizes the
4 commission to adopt, prescribe, and promulgate rules,
5 regulations, and standards for treatment or modification
6 of sewage and industrial waste to such degree as may be
7 necessary to meet the river quality objectives specified
8 in Article 1 after due notice and public hearing.

9 On January 10, 2018, this year, this
10 commission proposed notice of its intent to conduct a
11 review of its pollution control standards. The
12 commission's pollution control standards committee is
13 proposing to revise pollution control standards for the
14 Ohio River, discharges to the Ohio River. That's the
15 current 2015 version.

16 The purpose of this hearing is to receive
17 comments on those proposed revisions in order to assist
18 the commission as it considers what action it will take
19 with respect to those proposed revisions.

20 Let me emphasize that no final decision has
21 been made with respect to the proposal before you
22 comment.

23 Your comments will be an important element in
24 informing the commission and as part of the decision-
25 making process the commission will go through.

1 That's just some brief opening comments I
2 wanted to make, and at this time, I'd like to turn the
3 podium over to Richard Harrison, our executive director,
4 who's going to give you a little background and
5 presentation on the -- in the proposal.

6 Richard?

7 MR. HARRISON: Thank you, Commissioner
8 Frevert.

9 Also providing some brief comments is Mr.
10 Jason Heath, our director of technical programs. And on
11 -- again, on behalf of the commission, I want to welcome
12 everybody here tonight for this public hearing.

13 So I'll be providing some overview on -- on
14 the commission, really some background information on
15 the current process, where we are in the process, and
16 really how we -- we came to this -- this point through
17 this.

18 So the commission reviews its pollution
19 control standards on a three-year basis. As
20 Commissioner Frevert mentioned, that was last concluded
21 in October of 2015, so we are -- we are well within the
22 process as we speak here tonight.

23 And then as part of our process, we conduct
24 two public hearings -- or no. I'm sorry, two -- two
25 phases of the public review. So we are actually in the

1 -- in the second phase. We had an initial public
2 comment period that has concluded. That information is
3 all available on our website at www.ORSANCO.org, and we
4 really have -- have kept all of those records, again, on
5 our website.

6 And so, the purpose of this review is to
7 solicit specific comments and input from the folks here
8 tonight on the 2015 provision, or current version.

9 (SPEAKER GIVES POWERPOINT PRESENTATION)

10 At this point, I'm going to turn it over to Jason
11 Heath to talk a little bit more in detail about the --
12 the process here tonight, and then really -- really
13 closing out the remainder for the process as we really
14 go to the end of the comment period, which has been
15 extended to August 20th.

16 So I will turn it over to Mr. Heath. And
17 again, thanks for being here.

18 MR. HEATH: Thank you, Richard.

19 Of course folks that have indicated they want
20 to speak, we have nearly 40 folks that have indicated
21 they would like to speak, so I'll go through the hearing
22 procedures just very briefly. The remainder of this
23 presentation here will be ten minutes or so, and
24 following that, we'll get to the main purpose of the
25 hearing, is to receive comments from you folks.

1 (SPEAKER GIVES POWERPOINT PRESENTATION)

2 That concludes my part of the presentation.

3 MR. FREVERT: Thank you.

4 We're now going to proceed into the main part
5 of the hearing where we're going to receive comments
6 from various people. I've got, as of this point, 39
7 cards for people that have --

8 MR. HEATH: Forty-two.

9 MR. FREVERT: Forty-two cards of people
10 wanting to speak. In order to keep this orderly, we're
11 going to try to ask everybody to restrict your comments
12 to a maximum of five minutes. We'll time them, we'll
13 give you a four-minute warning, and at five minutes,
14 we'll tell you your time is up and ask you to wrap
15 things up.

16 One other thing: With 42 names here, I
17 guarantee you at least one of your names I'm probably
18 going to mispronounce. I apologize for that ahead of
19 time.

20 But knowing that, we're going to move forward
21 and let -- and let the citizens tell us what they want
22 to tell us at this point. And I'm going to start with
23 John Blair.

24 UNIDENTIFIED SPEAKER: Can I just ask you:
25 Did everyone introduce themselves who's from ORSANCO? I

1 came a little late, and I might have missed it.

2 MR. FREVERT: Yes. I'm Toby Frevert. I'm a
3 commissioner from Illinois. That's Peter Goodman. He's
4 a commissioner proxy from Kentucky. Ronald Potesta,
5 who's a commissioner from West Virginia.

6 UNIDENTIFIED SPEAKER: Okay. Thank you.

7 MR. FREVERT: And Tom Fitzgerald, a federal
8 commissioner, I believe is in transit and may join us
9 later.

10 JOHN BLAIR: Is there anybody from Indiana?

11 MR. FREVERT: There are no commissioners here
12 from Indiana. I believe some Indiana staff might be
13 present in the audience. I -- I'm going to start taking
14 comments now.

15 John? John Blair, is that you?

16 JOHN BLAIR: Yep.

17 MR. FREVERT: Welcome, John.

18 JOHN BLAIR: Thank you.

19 As he indicated -- I've got the Evansville
20 crud.

21 I'm sorry. Sometimes I have to clear my
22 throat because of all of the pollution that I have to
23 deal with in southwestern Indiana. It's been a chronic
24 condition for about ten years in my life now.

25 I run a group called Valley Watch. Our

1 purpose is to protect the public health and environment
2 of the lower Ohio River Valley. And that, of course, is
3 the reason why I'm here this evening.

4 You know, I kept hearing the word "revision"
5 used by Mr. Heath and -- and others tonight and, you
6 know, whenever you're going to wholesale eliminate
7 something, it's kind of a platitude, isn't it, to call
8 it a revision?

9 Well, welcome Tom. I'll wait until you get
10 seated.

11 MR. FITZGERALD: I can hear you.

12 JOHN BLAIR: I don't think this is a revision.
13 I think this is a -- an absolute butcher chop on one of
14 the things that I need most, drinking water out of this
15 river at mile 791.

16 I also saw on one of the slides that the
17 mission of ORSANCO is to control interstate water
18 pollution.

19 How in the hell are we going to control
20 interstate water pollution by eliminating the one common
21 set of standards that we have amongst the states?
22 That's not controlling interstate water pollution.
23 That's saying, "Let's do everything in a hodgepodge
24 manner and let all the states just pollute all they want
25 and we'll figure it out later."

1 It's not a revision. It's not controlling
2 interstate water pollution protection.

3 In the redline version, I really like this,
4 you know, and -- and even the -- the one table of
5 contents change was -- was pretty amazing. But looking
6 through this document, gosh, I'm surprised they had
7 enough red ink. You know, almost every line in this
8 whole document, mark it out, mark it out, we don't want
9 that anymore.

10 And we asked several of us, a number of groups
11 along the Ohio valley that are interested in water
12 quality and -- and other environmental issues, asked
13 earlier this month to have hearings elsewhere besides a
14 four -- a four-hour drive from the far reaches --
15 actually, it's probably a five-hour drive if you live in
16 Paducah.

17 And, you know, we asked for hearings someplace
18 on the lower part of the river. Cincinnati's not the
19 lower part of the river. Cincinnati's kind of
20 conveniently located in the middle. Why can't we have a
21 hearing in Evansville? I mean, the explanation in the
22 letter, and I -- I've talked to Mr. Harrison about this
23 earlier tonight, you know, it's -- I understand that
24 there's a time line that was decided sometime, I guess,
25 in late December or -- or whenever it was, in 2017, that

1 we had to maintain this guideline, this time line that
2 we -- that we have for these standards to be revoked.

3 But that doesn't make any sense to me.

4 Whenever you have something so important as the water
5 quality of five million people drinking it, that it has
6 to be so expediently done just for the convenience of a
7 bunch of people that get paid for being there. I don't
8 -- I don't understand that. I do not understand that,
9 and never will.

10 Expedience is not the way to set standards,
11 and it never will be. Good scientific knowledge is the
12 way to -- to set standards, and people should have a
13 right --

14 MR. FREVERT: Four minutes.

15 JOHN BLAIR: -- in Evansville, Indiana, and
16 Paducah, Kentucky, and anywhere else up and down this
17 river, to have the ability to speak their mind instead
18 of having -- having to drive a half a day to get here.

19 And last, in the 2006 wet water standards,
20 there was a hearing in Evansville -- oh, maybe that's
21 why we aren't having a hearing in Evansville this time,
22 because there were over 200 people that showed up.
23 There was a line from that hearing that was one of the
24 best lines I've ever heard in a hearing, and I bet I've
25 been to almost 2,000 hearings over the course of my

1 career.

2 There was a line, a guy said, "You know why
3 they turn on the lights at 2:00 a.m. in a bar? So you
4 won't lower your standards."

5 MR. FREVERT: Thank you, Mr. Blair.

6 Next, we have Betsy Bennett.

7 While you're coming up, Betsy, I -- I want to
8 make another comment to everybody: If those people who
9 want to speak have a written copy of their statement, we
10 would appreciate you leaving a copy of it with the
11 staff. Thank you.

12 Betsy?

13 BETSY BENNETT: My name is Betsy Bennett, and
14 I drove from Louisville tonight. I'm going to submit my
15 own written comments later, but I've been asked to read
16 comments from River Fields.

17 River Fields is a 60-year-old nonprofit
18 dedicated to the protection, preservation, and
19 enhancement of the natural and cultural resources in the
20 Ohio River around Louisville on both sides of the river.

21 River Fields is strongly opposed to the
22 following: Any lowering or revision of water quality
23 standards in the Ohio River, the limited time the public
24 has to comment on this proposed action, the reduced
25 number of public hearings for such an important public

1 health position, and the sense of urgency that has been
2 falsely used to fast track this position.

3 In an era when more is known daily about the
4 deleterious and unhealthy impact of certain chemicals
5 present in water quality, this is not the time to lower
6 standards. We believe this position does not align with
7 the original intent of the charter that established
8 ORSANCO and for which public dollars are invested
9 annually.

10 The executive director of River Fields severed
11 for years on the public interest advisory committee and
12 dedicated countless hours to upholding and executing the
13 highest possible standards. A written statement will be
14 submitted from River Fields before August 20th.

15 Thank you.

16 MR. FREVERT: Thank you, Betsy.

17 Next is Catherine Moberly.

18 CATHERINE MOBERLY: Thank you. My name's
19 Catherine Moberly, and I am from Louisville, Kentucky,
20 and I'm a kayaker. And I kayak together in groups of
21 two, of 25, or in the waterman series, which is --
22 races, kayak races, of large groups of people.

23 I kayak all of Kentucky, southern and central
24 Indiana, Tennessee, Ohio, feeder waterways of the Ohio
25 River, as well as Florida, the east coast states,

1 western United States, and the Great Lakes. In other
2 words, we travel to kayak, which means we're taking
3 tourist dollars with us.

4 So when we go kayaking, we spend money to eat,
5 we spend money on gas, we spend money on lodging, we go
6 shopping. We contribute to the local economy of places
7 we visit.

8 Many of us -- in Louisville, they started a
9 new park system called The Parklands of Floyds Fork.
10 And Floyds Fork is a creek in eastern Jefferson County,
11 and many of us no longer kayak there because it stinks.

12 Smells like sewage. And so, who wants to be
13 in that?

14 And as a result, I mean, when we kayak, we --
15 we generally go out to lunch afterwards, at the very
16 least, buy gas, go shopping, do whatever we do, but at
17 the very least, we eat. And no longer do we eat in
18 Jefferson County, and no longer do we buy our gas in
19 Jefferson County, because it's cheaper to buy outside of
20 the county and we're outside of the county.

21 So my concern is for my enjoyment of nature,
22 is that how much joy I get out of being in the cathedral
23 of nature. But I would think if you lower the
24 standards, then you're destroying local economies, and I
25 think that's unfortunate.

1 Thank you. And I will e-mail you.

2 MR. FREVERT: Thank you.

3 Next is Colleen Kaylin. Thank you all.

4 Colleen?

5 COLLEEN KAYLIN: Thank you. Can everyone hear
6 me?

7 My -- my name is Colleen Kaylin from
8 Frankfort, Kentucky. I retired in December from the
9 Kentucky Department For Public Health as the
10 epidemiologist in charge of environmental health impact.

11 One of my main focuses recently has been on
12 the impact of climate change in extreme weather on
13 public health, and climate has many impacts on water
14 quality and water security. And one of the things we've
15 seen is that virtually every major waterborne disease
16 outbreak in recent years has been preceded by an extreme
17 precipitation event.

18 The forecast for the coming years is for more
19 frequent and more extreme weather events of all kind,
20 including heavy rainfall. In some parts of Kentucky, in
21 the extreme west, there are predictions of drought, but
22 I said this is not the time to be lowering our
23 monitoring of water quality and water security.

24 We need to increase the watchfulness over our
25 water quality because we will be seeing more infectious

1 disease outbreaks, more situations similar to the lead
2 poisoning in Flint, if we do not continue to monitor,
3 and consistently monitor, our water quality and our
4 water security.

5 That was the extent of my comment. Thank you.

6 MR. FREVERT: Thank you.

7 Next is Barbara Anderson.

8 BARBARA ANDERSON: My name is Barbara
9 Anderson, and I'm an advocate for the League of Women
10 Voters of Indiana, and the president of the South
11 Central Indiana League of Women Voters, which is located
12 in Jeffersonville.

13 We ask you, the commissioners of the Ohio
14 River Valley Water Sanitation Commission, to vote "no"
15 on eliminating numeric pollution limits and public input
16 from the pollution control standards for the Ohio River.

17 Although our organization may be primarily
18 known for voter service work, we also study issues. And
19 if a consensus is reached, we take action on those
20 issues.

21 Water quality has been a primary league focus
22 since the early 1960s. We commend the work that ORSANCO
23 has done throughout its 70-year history. We are,
24 however, very concerned about the current pollution
25 control standards review.

1 Some states do not have standards as high as
2 ORSANCO's and, unfortunately, Indiana, the one
3 I live in, is in that category. Over 100 standards are
4 either weak or missing in Indiana's regulation. Two
5 related points: From the perspective of fiscal and
6 regulatory efficiency, it makes sense to have consistent
7 scientifically determined numeric pollution limits
8 established and updated by ORSANCO rather than what it
9 would be likely to be more expensive overall and highly
10 variable results if it's done state by state.

11 Also, ORSANCO can provide a reasonable
12 protocol for addressing what any one state would
13 consider an out-of-state source of pollution.

14 In summary, please retain what would be
15 ORSANCO's important role in helping move our treasured
16 Ohio River out of the category of being one of the most
17 polluted rivers in the U.S. Do not eliminate numeric
18 pollution limits and public input from your control
19 standards.

20 On a more personal note, I grew up on this
21 river.

22 When I was 7 years old, I could play in Silver
23 Creek and see the bottom of it, and it was beautiful.
24 And I remember when I was 9, for the first time seeing
25 the sludge that backed up from the Ohio River. It's

1 been like that since.

2 Now, you can go fishing there and pull out any
3 kind of a deformed fish that you wish to have. If you
4 eat it, you're just foolish. It stinks. It's a river
5 that -- you know, it's our history. Lewis and Clark
6 founded us on that river. And for people to take this
7 and -- I mean, you are eliminating standards that are
8 very important to the very fiber. My granddaughters
9 will never know the magic of the river that I knew when
10 I was a little girl.

11 So we beg you, do your jobs. You're appointed
12 to protect our river, not to protect current efforts to
13 release standards that will make it easier to pollute.

14 Thank you.

15 MR. FREVERT: Next is Gwen Marshall.

16 BARBARA ANDERSON: And we've got to head back
17 to Louisville because I, too, think you need a meeting
18 in Indiana.

19 GWEN MARSHALL: Hi. My name is Gwen Marshall.

20 I'm from Cincinnati, so I had to figure out
21 how to get across the river in rush hour. So you guys,
22 at least you were on the right side.

23 I'm here representing the Hamilton County
24 Green Party. I'm a co-chair. I did turn in, like,
25 brief comments before, but I think I just did that as an

1 individual. And I don't have a written statement here
2 because I don't want to duplicate what people have
3 already said so far. I haven't disagreed with anything
4 people said from the audience, but I had questions about
5 things you folks said.

6 I'm reading from your chart. It said,
7 "Program areas. Regulatory. Establish Ohio River
8 pollution control standards." Yeah, I don't see how
9 that's going to work out.

10 "Water quality monitoring and assessment."

11 Again, I don't see how that's going to work
12 out with this document. And I think I could have
13 shortened your presentation on what's in there, because
14 you scratched everything out, and then you've added
15 something that says, "Because all states are mandated,
16 the commission has concluded that everything's being
17 satisfied by these state programs." And I'm going,
18 "Huh?" That's the part that doesn't add up to me.

19 And -- oh, and then it says you're going to
20 get rid of your every-three-year review, and that's what
21 you've added. And what you've left is definitions, and
22 what you haven't left is how to do anything about any
23 goals that we thought you were here to do in the first
24 place.

25 So that's why I've been against this change.

1 I don't want to have less control.

2 Now to a specific issue that I had in
3 Cincinnati.

4 I work with the Mill Creek. I'm in a group
5 called the Mill Creek Yacht Club. Just to be non-
6 confusing, there's 32 Mill Creeks in Cincinnati. It was
7 a development plan by -- the early guys got rid of the
8 name Mackatee Walrich. Sounded so, like, local.

9 So anyway, we had a bit of an issue this
10 winter.

11 It was the flooding that we had on February
12 28th, and it brought everything out of the creek, all
13 sorts of woody debris, plastics, bottles, tires,
14 grappling hooks that belong to the barrier dam. We
15 held that in place until the flooding went down in the
16 Ohio River. Then we let it go. It stayed stuck
17 together for three months.

18 I looked for help to get rid of that, to get
19 it cleaned out. I've even got a letter that was sent to
20 me by the Army Corps registered mail that said, "Sorry."
21 and I went to the Ohio River Co-op out of Cincinnati,
22 and they said, "No, we don't do that. We just do oil
23 and stuff like that."

24 So, yes, I checked with everybody. And then
25 the Mill Creek finally said, to heck with all of you,

1 and it was the night that they were doing that program
2 on water, it rained. And the Mill Creek flushed itself
3 out, and the last I heard, the big chunks of it were
4 down by the I-275 bridge.

5 So then you guys go out and you organize your
6 cleanups. Well, we had an idea. You could have gotten
7 it done a lot easier. So, no, I don't think people are
8 currently meeting our standards. I don't think the
9 state is -- the states are. I don't think the locals
10 are.

11 I think everyone's looking for the cheapest
12 way to get things done.

13 And in Cincinnati, we have a problem with
14 septic tanks, lots of them. I grew up in a septic-tank
15 neighborhood. So that stuff is not being inspected
16 enough, and it's coming into our creek, which then goes
17 into the river. And up at Cowan Lake, where I sail, I
18 learned from the park manager that we're getting rid of
19 the sewage treatment plant that we've got for the beach
20 because you have to have all of these monitoring
21 requirements, and in its place is going to be a septic
22 tank, which doesn't have to be monitored the same way.

23 So I'm not seeing this moving in the right
24 direction, and I think you guys need to keep your real
25 mission. You need to hold these people accountable in

1 these different states and let them know that we are
2 going to be making sure that you're not taking the
3 cheapest way out, causing more expense to everyone else.

4 Because, of course, Cincinnati gets its water
5 from above the city and dumps it out below. And
6 everyone's doing that, but we need to make sure they're
7 not hurting each other economically or our water
8 quality. And that's your job, and we appreciate you
9 continuing to do it.

10 MR. FREVERT: Thank you.

11 Next individual is -- I believe it's Sarah
12 Tansy.

13 ERA TANSY: It's Era. Close enough.

14 MR. FREVERT: I warned you I might not get all
15 of the pronunciations right.

16 ERA TANSY: That's all right. That's okay.

17 Hi. Can everyone hear me?

18 (All say yes.)

19 ERA TANSY: Great. Good evening. My name is
20 Era Tansy. I'm also from Cincinnati, and I drove also
21 over the bridge to get here. I get my drinking water
22 from the Ohio River. I'm a member of the Metro
23 Cincinnati Northern Kentucky Democratic Socialists of
24 America. The Democratic Socialists of America is an
25 organization of over 45,000 people across the United

1 States fighting against the capitalist system that
2 silences the voices of working people.

3 That's why I'm here today. Only a few years
4 after the water crises of Flint and Standing Rock, we
5 are on the verge of another nightmare in which
6 regulators are more interested in carrying out the wish
7 list of polluting industry than protecting the health of
8 the public.

9 Make no mistake -- make no mistake: The public
10 doesn't want this commission to abdicate its authority
11 and responsibility for setting regional unified
12 pollution control standards. Many of us want you to
13 make existing standards stronger. Over 97 percent of
14 the responses from the 900 pages -- and I know, because
15 I read every single one of those pages -- 900 pages of
16 first round public comments called on you to make
17 existing standards stronger.

18 We've been told that a majority of ORSANCO's
19 commissioners favor alternative two, a path towards
20 deregulation that happens to line up with the interests
21 and stated preferences of polluting industry. We've
22 been told that the federal Clean Water Act is sufficient
23 to clean up the river, but this is anything but
24 reassuring.

25 As Mary from West Virginia wrote to you on

1 February 22nd, "If state and EPA agency work is
2 adequate, then why do I keep reading that the Ohio River
3 is the most polluted inland waterway in the country?"

4 Ohio's -- Ohio's status as one of the dirtiest
5 rivers in the country can be directly traced to several
6 of the companies who have requested this commission to
7 gut pollution control standards.

8 Alcoa, AK Steel, American Electric Power,
9 Arsular Middle, First Energy, Duke Energy, and Jupiter
10 have all had dozens of Clean Water Act violations in the
11 last three years. The majority of the commission has
12 not acted in good faith. Your own reporting has found
13 over 100 pollutants for which you've issued standards
14 that are not found elsewhere within federal and state
15 guidelines.

16 It is outrageous, and many of my people here
17 have already said this today: It is outrageous that the
18 only public hearing during this comment period is
19 happening at an out-of-the-way hotel in the middle of
20 the work week. It suggests that the commission is not
21 interested in hearing from the public.

22 So we have to ask: Why is the majority of
23 ORSANCO leadership more interested in protecting
24 polluting industry than in protecting the five million
25 individuals who depend on the Ohio River for their

1 drinking water?

2 Could it be because half of the commissioners
3 have ties to polluting industry? They have either
4 worked directly in the mining and energy industries or
5 they've represented them as clients of their consulting
6 firms and law practices.

7 Commissioner Snavely of Kentucky retired from
8 Excel Mining. Commissioner Caperton of West Virginia
9 worked at Massey Energy. If you know that company, you
10 know it is a very bad company.

11 Commissioner Flannery of West Virginia is on
12 the National Coal Council. And Commissioner Potesta of
13 West Virginia has represented clients like DuPont, which
14 has been one of the worst polluters of our river.

15 This is not sound science or policymaking.
16 This is the fox guarding the henhouse door. If the
17 commission guts regional pollution control standards, it
18 is selling out the health and safety of everyone living
19 downstream from polluting industry for the ability of
20 corporations to make more money.

21 MR. FREVERT: I think -- excuse me, Gail
22 Hesse, I believe, is our next speaker.

23 GAIL HESSE: That's a hard act to follow.

24 Good evening. My name is Gail Hesse, and I'm
25 with the National Wildlife Federation. Prior to coming

1 to NWF, I had a 32-year career with the State of Ohio,
2 both with the water programs at Ohio EPA and then as
3 director of the Ohio Lake Erie Commission.

4 At NWF, we strongly oppose any retraction in
5 ORSANCO's role in the development and administration of
6 the PCS. We believe that the proposal is an abdication
7 of ORSANCO's responsibilities for the faithful
8 cooperation called for in Article 1 of the compact.

9 In brief, our concerns are -- are about
10 sanctioning a frame work that allows for conflicting
11 standards for the same section of river and the
12 complications that creates in preparing the 305B report
13 to U.S. EPA.

14 In addition to the confusion that it creates
15 for both the regulated community as well as the public
16 with regard to advisories, we are very concerned about
17 the lack of any criteria for selection of the proposed
18 alternative. We are also very concerned about the lack
19 of any cost-benefit analysis as a part of this review.

20 The tables released in February indicate there
21 are many gaps and inconsistencies among the states,
22 ORSANCO, and U.S. EPA, yet there is no information or
23 analysis as to why these discrepancies have been allowed
24 to persist for so long.

25 We understand the challenges that some states

1 have in promulgating water quality standards; however,
2 we have grave concern that the response to this
3 variability is to eliminate ORSANCO's role in the
4 standards program and defer to the states.

5 This may seem like an expedient approach to
6 the member states, but it represents a failure to invest
7 in the collaboration needed to think beyond
8 jurisdictional boundaries. The issue that needs to be
9 solved is not the role of ORSANCO but, rather, the lack
10 of adoption and implementation by the states of the PCS
11 into state standards.

12 The commission has allowed a culture of no
13 accountability for the member states to fulfill their
14 pledge to the compact. Forty years of water program
15 administration under the Clean Water Act has taught us
16 that we need to manage our water bodies as a -- as whole
17 systems within drainage boundaries, not jurisdictional
18 boundaries.

19 The commission has the mandate to manage the
20 Ohio River as a basin system, a unique role that was
21 forward thinking in 1948 and just as necessary today.
22 The compact compels the member states to act on behalf
23 of a water body beyond its jurisdictional waters, a
24 unique role that demands actions beyond parochial
25 interests.

1 Thank you.

2 MR. FREVERT: Eli Polaski.

3 ELI POLASKI: I'm not used to feeling like the
4 moderate in the room, but I had a long list of things I
5 wanted to say but, frankly, a lot of intelligent and
6 well-read women who knew more than me just blew
7 everything I said out of the water.

8 So I -- I guess I'm going to just make a
9 confession, and that's that I'm a very rude person. You
10 see, I came in here quite early, and I have a very
11 impolite habit of eavesdropping. As I was
12 eavesdropping, I heard the members of the commission
13 talk about how excited they were about hydrocarbon
14 reserves in Kentucky.

15 Now, to me it seems odd that 20 minutes before
16 a discussion on water policy, they are so focused on the
17 gamma ray laws and what they might or might not indicate
18 about the potential oil and coal reserves in Kentucky.

19 Now, it seems to me that perhaps water
20 regulators should be invested in the duty to develop
21 clean water for the citizens of the Ohio River Valley
22 and not enriching themselves and their friends.

23 And again, I am quite rude, and I continued
24 eavesdropping. And Pete Goodman got up to speak to
25 someone, and I believe, Pete, you said that water policy

1 shouldn't be driven by standards. You then said they
2 should be driven by, and I'm quoting, "other things."

3 What are they supposed to be driven by, Pete?

4 MR. FREVERT: You're supposed to make your
5 comments.

6 ELI POLASKI: I'm making my comments. Thank
7 you.

8 MR. FREVERT: Well --

9 ELI POLASKI: Now, I want to know what the
10 commission wants to replace these standards with,
11 because they have cut almost every standard. They have
12 cut the definitions. That PowerPoint slide said that
13 it's supposed to be defining and enforcing use of the
14 river.

15 It cuts what it defines as use of the river.

16 This is insanity, and I'm disgusted by your
17 behavior. I'm disgusted by the fact that you were
18 laughing as a woman talked about wishing her children
19 and grandchildren could see how clean the water was when
20 she was a child. You should be ashamed.

21 MR. FREVERT: I believe the name is Lou
22 Epstein.

23 Hello?

24 LOU EPSTEIN: Yeah.

25 MR. FREVERT: Did I pronounce your name

1 properly?

2 LOU EPSTEIN: Yeah. Good enough.

3 Hi. I'm Lou Epstein. Thank you for the
4 opportunity to speak before you today.

5 I'm representing a group called Shomrei Olam
6 Jewish Environmental Advocates of greater Cincinnati.

7 Where our main mission is to abdicate for the
8 Jewish community to take better care of the environment,
9 the issue of this water quality and this hearing came to
10 our attention.

11 Shomrei Olam means, roughly, guardians of the
12 Earth. In the earliest references of Adam and Eve and
13 the mandates that they had to tend and keep the garden,
14 we take a collective responsibility to protect our
15 natural resources that were here when we were brought
16 into this world and will survive our passing.

17 The question before us is: How will we treat
18 those resources while we are here? Clearly, now is not
19 the time to rely on others to do the work that has been
20 assigned to this commission and carried out for decades.

21 Relying on the EPA, and, in turn, the states,
22 to maintain and enforce high quality standards against a
23 backdrop of an administration that is intent on rolling
24 back as many protective regulations as possible is in no
25 way in the public interest.

1 Just last week, the EPA eased rules on
2 how coal ash waste is stored across the U.S. and, to
3 quote The

4 Washington Post, empower states to suspend
5 ground water monitoring in certain cases. Yeah, okay.
6 Read: Reduced enforcement. Cited ash ponds have
7 received another 1.5 years without remediation begging,
8 just begging, for ground water contamination.

9 Your own writings describe the alternatives --
10 describing the alternatives state that 50 percent of
11 your funding comes from the EPA, grant 106, to do the
12 work in alternatives three and four you're proposing not
13 to do. How will you continue to do the work necessary
14 to prepare your biannual 305B report describing the
15 state of the river quality for aquatic life, water
16 supply, and recreation?

17 In those same writings, it was also -- it was
18 -- it has already identified that there's a fair amount
19 of inconsistency of standards from state to state.

20 Abandoning the work of standards enforcement
21 monitoring will only allow a further drift amongst the
22 states, making the problem all the more intractable.

23 Today we are urging the commission to accept
24 the combination of alternatives three and four to
25 maintain the highest level of monitoring and oversight

1 possible.

2 There's a saying in our tradition that comes
3 from the sages of old. It is non-incumbent upon you to
4 finish the task, but neither are you free to absolve
5 yourself from it.

6 The importance of oversight of the Ohio River
7 is too important to abandon and hope that others will do
8 this important work.

9 Thank you.

10 MR. FREVERT: I'm just going to -- are you
11 ready?

12 Okay, now.

13 Indra Frank.

14 INDRA FRANK: Commissioners, thank you for the
15 opportunity to speak. My name is Indra Frank. I'm a
16 physician specialized in environmental health. I serve
17 as the director of environmental health and water policy
18 for the Hoosier Environmental Council.

19 The Hoosier Environmental Council is an
20 Indiana based not-for-profit that has been working on
21 Indiana's environmental issues since 1983. I'd like to
22 discuss two points about the proposal to eliminate
23 ORSANCO's pollution control standards: First, the
24 question of redundancy; and, second, the impact on
25 Indiana.

1 One of the primary justifications that we've
2 heard for the proposal to eliminate ORSANCO's pollution
3 control standards is that they are redundant and that
4 the Ohio River is adequately protected by the standards
5 developed by the states under the Clean Water Act.

6 There may be some chemicals for which the
7 state and ORSANCO standards are the same and, therefore,
8 redundant, but for many chemicals, there is not
9 redundancy.

10 The ORSANCO staff compiled data on the various
11 standards in a report titled, "Detailed Compilation of
12 ORSANCO PCS versus U.S. EPA and Main Stem States Water
13 Quality Standards." And in that report, if I stick just
14 with my home State of Indiana, there are 54 ORSANCO
15 standards that Indiana does not have at all, and 63
16 ORSANCO standards that are more protective than the
17 Indiana standards.

18 So there are more than 100 ORSANCO standards
19 that are not redundant for Indiana's stretch of the Ohio
20 River. If the commission goes ahead with this proposal,
21 it will significantly reduce protection of Indiana's
22 segment of the river.

23 There's also going to be a regulatory impact
24 and, potentially, costs for the State of Indiana if this
25 proposal goes forward. The Indiana Department of

1 Environmental Management staff currently rely on the
2 ORSANCO standards when writing discharge permits
3 regarding the Ohio River.

4 ORSANCO's pollution control standards are
5 directly incorporated into the Indiana Administrative
6 Code at 327 IAC 5-2 in section 10, which is
7 the section on NPDES water discharge permits. And in
8 that section, it includes the following language:

9 "Permits shall contain terms and conditions
10 that ensure compliance with the following requirements
11 as applicable."

12 And then one of those requirements, and I -- I
13 quote again, is: "Incorporate in accordance with section
14 301B1C of the Clean Water Act any more stringent
15 limitations, treatment standards, or schedules of
16 compliance requirements" schedule -- "established under
17 federal or state law or regulations, including those
18 adopted under interstate agreements or compacts, such as
19 the Ohio River Valley Water Sanitation Commission."

20 So ORSANCO's standards are directly cited in
21 Indiana's Administrative Code. If Indiana wishes to
22 restore full protection of the Ohio River after ORSANCO
23 eliminates standards, it will have to spend significant
24 time and money on the rule-making process to reestablish
25 those standards.

1 It's my understanding that the commission has
2 not yet studied in detail the impact to Indiana and the
3 other states of this kind of regulatory work if the
4 ORSANCO standards are discontinued. I encourage the
5 commission to study and understand these kinds of
6 repercussions prior to taking any such dramatic or
7 sweeping step.

8 I -- I support efficiency and removing
9 duplication where it exists, but there clearly isn't
10 duplication of all of ORSANCO's standards and,
11 therefore, it doesn't make any sense to eliminate all of
12 the standards, which is what is being proposed.

13 And I'd like to make another comment. Those
14 standards that are being proposed for elimination, think
15 about it. Those have been generated over the seven
16 decades of ORSANCO's existence by hosts of scientists
17 working for ORSANCO and going through a very careful
18 scientific process one chemical at a time to determine
19 what level of that chemical could exist in the river
20 without damaging either the health of the aquatic
21 organisms or human health.

22 So this body of standards is actually a
23 substantial piece of work over the -- those decades, and
24 I'd like to commend all of the present and former
25 ORSANCO scientists who helped put that body together.

1 MR. FREVERT: I believe the name is Geri
2 Krause.

3 GERI KRAUSE: My name is Geri Krause, and I am
4 a citizen of the City of Cincinnati. I speak here today
5 to urge ORSANCO to continue its original mission to set
6 uniform standards for a baseline pollutant level for
7 chemicals and heavy metals for all states along the Ohio
8 River and the Ohio River basin.

9 Of the five alternative options ORSANCO is
10 currently considering, alternative three and four best
11 incorporates ORSANCO's original mission, and we -- and
12 we want you to -- I want you to reject alternative two,
13 which would deregulate uniforms -- uniform standards and
14 leave pollution control standards in the hands of
15 individual states that touch the Ohio River.

16 Alternatives three and four would continue
17 establishment and coordination of the uniform standards
18 that would be applicable to all the states along the
19 Ohio River. The Ohio River is consistently ranked as
20 the most polluted river in the United States, even with
21 current ORSANCO pollution control standards.

22 Why would you want to further deregulate
23 pollution standards and further jeopardize the health
24 and safety of millions of people living along the Ohio
25 River and who, like me, a resident of Cincinnati,

1 receive their drinking water from the Ohio River? If
2 states up river from Ohio set less restrictive pollution
3 standards, I am effectively less protected from toxic
4 drinking water.

5 It has been said that ORSANCO's standards are
6 redundant to the federal Clean Water Act. Research has
7 proven that this is not true. There are at least 188
8 instances in which ORSANCO has set a standard for a
9 pollutant that neither a member state nor EPA has set a
10 standard for. Even when EPA or member states have set a
11 standard, often the ORSANCO standard for the pollutant
12 has been more stringent.

13 It has been said that those who have not
14 learned from history are condemned to repeat it. Think
15 Flint, Michigan. Think unintended consequences.

16 Thank you.

17 MR. FREVERT: Peter Titleman.

18 PETER TITLEMAN: My name is Peter Titleman. I
19 am a resident of Montgomery, Ohio, and my comments will
20 be very brief.

21 The reason that I requested to speak was to
22 support the comments made just previously by my
23 colleagues Geri Krause and Lou Epstein, but also in
24 listening to the testimony to support all of the
25 comments that have been made by the previous speakers.

1 Thank you.

2 MR. FREVERT: I believe next is Myron Krause.

3 MARVIN KRAUSE: My name is Marvin Krause. You
4 got a second chance.

5 MR. FREVERT: I learn.

6 MARVIN KRAUSE: It's nice to know that.

7 I'm Marvin Krause of Cincinnati, Ohio.

8 The quality of Ohio River water affected by
9 the eight states from its source to its junction with
10 the Mississippi River is only as high as required by its
11 weakest link, a principle recognized by the eight
12 ORSANCO states who have agreed to uniform standards for
13 all.

14 These standards reflect what is collectively
15 in the best interest of these eight states who are the
16 best judges of what's best for them, not other agencies
17 with different axes to grind. I support alternatives
18 three and four. Dilution of controls is not the
19 solution.

20 Thank you.

21 MR. FREVERT: I think the next -- David Savat?

22 DAVID SAVAT: Perfect.

23 MR. FREVERT: Did I pronounce that properly?

24 DAVID SAVAT: Perfect.

25 MR. FREVERT: Okay.

1 DAVID SAVAT: Outstanding. It's so rare to
2 hear my name pronounced correctly.

3 My name is Dave Savat. My remarks will be
4 brief.

5 I don't ever go to these kinds of hearings. I
6 don't go to city hall. I don't go to the state house.

7 I don't go to rallies. If my neighborhood
8 association is going to have a meeting, well, there
9 better be snacks.

10 This one came my way. I learned about it, and
11 I thought it rose to the level that I need to -- I need
12 to be here this afternoon, despite the traffic jams and
13 whatnot. And that is because -- well, I'm not here
14 representing any group and -- but I am representing
15 myself.

16 I'm a citizen. I'm a citizen who drinks
17 water.

18 My water doesn't come from upstate New York or
19 France or Fiji. It comes -- it doesn't come out of a
20 bottle. It comes out of the tap that the Cincinnati
21 Water Works provides for me. I drink that. I wash my
22 lettuce in that. I go to restaurants that do the same.
23 And it frightens me to think that the water quality
24 standards in my city, let alone folks downstream, would
25 diminish by one iota.

1 And I can't claim to know so much about the
2 alternatives one, two, three, four, five, but what I
3 have learned is that alternative two should be rejected.

4 Alternatives three and four should be
5 embraced.

6 Thank you.

7 MR. FREVERT: Chris Tabner.

8 CHRIS TABNER: Members of the Ohio River
9 Valley Water Sanitation Commission, my name is Chris
10 Tabner, and I'm here on behalf of the Ohio Environmental
11 Council to oppose the proposed amendments to the
12 pollution control standards. If it repeals the
13 substantive portions of the standards, ORSANCO will
14 abdicate its responsibility to ensure a clean Ohio River
15 and safe drinking water to the millions of people that
16 live within its watershed.

17 The Ohio Environmental Council is a state-wide
18 nonpartisan, nonprofit environmental and conservation
19 advocacy organization. We are committed to ensuring
20 clean water, air, and energy for all of Ohio's
21 residents. For well over half a century, ORSANCO has
22 provided robust protections, especially as it developed
23 its pollution control standards following the passage of
24 the Clean Water Act in the 1970s.

25 ORSANCO's efforts to repeal the substantive

1 portions of the pollution control standards flies in the
2 face of the commission's historical efforts to ensure
3 consistent and reliable pollution control throughout the
4 Ohio River.

5 As illustrated by ORSANCO's minority
6 report and the comments of numerous organizations,
7 ORSANCO'S pollution control standards provide numerous
8 numeric criteria not included in the water quality
9 standards of some of the states along the river. For
10 example, ORSANCO listed a pollution control standard for
11 the protection of aquatic life regarding lead that
12 mandates an acute limit of 64.6 micrograms per liter and
13 a chronic limit of 2.52 micrograms per liter.

14 The Ohio EPA developed a lead water quality
15 standard protective of aquatic life and dependent on the
16 hardness of the water, and the lowest value for aquatic
17 life protection put forth by Ohio EPA is 190 micrograms
18 per liter. If ORSANCO rescinds its pollution control
19 standards, the Ohio River will lose this greater
20 protection.

21 Additionally, ORSANCO prescribes more
22 stringent trichloroethylene standards than the Ohio EPA.

23 ORSANCO's pollution control standards list the
24 carcinogen -- carcinogenic limitation to protect health
25 at 2.5 micrograms per liter for trichloroethylene. The

1 Ohio EPA water quality standards specifically for the
2 Ohio River list a trichloroethylene outside a mixing
3 zone average of 5 micrograms per liter.

4 While potentially minor, these differences
5 between ORSANCO's pollution control standards and just
6 Ohio EPA's water quality standards represent the tip of
7 the iceberg of differences that exist between the
8 several member states of ORSANCO and the proposed repeal
9 standards. By repealing these standards, we lose all
10 hope of developing consistent standards for the entire
11 Ohio River.

12 Finally, ORSANCO's decision to repeal the
13 substantive sections of the pollution control standards
14 eliminates the potential collective power held within
15 this commission to protect the Ohio River from
16 contaminants that state agencies fail to regulate and
17 ORSANCO already fails to regulate, too.

18 For instance, the U.S. EPA continually waivers
19 in its responsibility to regulate PFAS, perfluoroalkyl
20 substances. There's thousands of them. And only a few
21 states throughout the Ohio River watershed have
22 individually taken steps to regulate PFAS.

23 PFAS represents a significant public health
24 concern for drinking water. ORSANCO could take
25 collective steps to provide water quality criteria for

1 all states within the watershed for PFAS, but the repeal
2 of the pollution control standards eliminates this
3 capability.

4 MR. FREVERT: Would you slow down for the
5 court reporter?

6 COURT REPORTER: I would just like you to
7 spell PFAS for me, the whole --

8 CHRIS TABNER: P-F-A-S.

9 COURT REPORTER: Well, no. Like --

10 CHRIS TABNER: Oh. Oh.

11 COURT REPORTER: -- the whole big word.

12 CHRIS TABNER: Yeah. Perfluoroalkyl
13 substances is P-R -- P-E-R-F-L-U-O-R-O-A-L-K-Y-L
14 substances.

15 COURT REPORTER: Thank you.

16 CHRIS TABNER: The OEC urges ORSANCO to
17 reconsider and rescind its proposed changes to the
18 pollution control standards. Instead, it should return
19 to the drawing board and pursue the regulatory frame
20 works considered under alternatives three and four, as
21 proposed by this commission last year, or whenever they
22 specifically proposed those alternatives.

23 We will submit more detailed written comments
24 prior to the now August 20th deadline, and we thank you
25 for your time in this public hearing today.

1 MR. FREVERT: Thank you, Chris. Thank you.
2 Linda Newman.

3 LINDA NEWMAN: To the members of the
4 commission, my name is Linda Newman. I'm a resident of
5 Highland Heights, Kentucky. I depend on the Ohio River
6 for life -- the water in the Ohio River for life.

7 I'm trying to understand how this could have
8 happened. How could there be a commission charged in
9 its compact to set standards for the Ohio River
10 pollution standards that is proposing formally that it
11 remove all such standards. I fear that, despite all of
12 the excellent arguments that have been made by the
13 speakers before me, that they will not be listened to,
14 that there is no rationality to this decision, or this
15 proposal wouldn't even be on -- be on the table.

16 I fear that we are being, despite the
17 formalities and indications to the contrary, a little
18 bit too polite in our forms of address. This is -- this
19 is putting our lives at risk. It is putting five
20 million people's lives at risk. This is abdicating your
21 responsibility.

22 If you go forward, members of the commission,
23 with alternative two, removing all standards, there must
24 be some way to sue you collectively and individually for
25 putting our lives at risk. There must be some way to

1 ask: Are you going to continue to meet and to pay
2 yourselves, to reimburse yourselves for your expenses,
3 while you overtly decide to do nothing, to not carry out
4 your very mission?

5 This is -- this is an abdication of your
6 appointed role, and as citizens we must hold you
7 accountable.

8 MR. FREVERT: Lon Coleman.

9 LON COLEMAN: My name is Lon Coleman. I got
10 five points.

11 I drink this water. I have a direct interest
12 in this water's quality. This is not some sort of
13 academic exercise on my part.

14 Number two: The Ohio River is very polluted,
15 and new pollution challenges are always at hand.

16 Number three: The Ohio River needs more
17 oversight, not abandonment organized as bureaucratic
18 scrutiny.

19 Number four: This organization has been in
20 existence for over 70 years, and their organizational
21 standards have been important and essential.

22 Number five: Why is this grand abandonment of
23 effective standards being considered now? Something is
24 very fishy.

25 That's it.

1 MR. FREVERT: It's now 7:20, and in
2 consideration of the audience and particularly the court
3 reporter, I'm going to ask for a ten-minute recess.
4 Give the reporter a little chance to catch her breath.

5 So please be back here in ten minutes, and
6 we'll carry on with the comments.

7 (OFF THE RECORD)

8 MR. FREVERT: Okay. According to my --
9 according to my phone, it's 7:30, and we're going to
10 reconvene the hearing. And take your seats as fast and
11 quietly as you can, and I'll call the next -- I'll call
12 the next comment when I get over to the table.

13 And that individual is Elaine Walter.

14 ELAINE WALTER: Hi. My name is Elaine Walter.

15 MR. FREVERT: Use the mic.

16 ELAINE WALTER: Hi. My name is Elaine Walter.

17 I was a -- I'm a retired public health nurse from the
18 city of Cincinnati. Yay, nurses. Come on. I did
19 hospice work. Started out when everybody died at home.
20 Hey, that's something that they no longer do.

21 Just want to say, I used to teach a -- a -- a
22 course about infection control, and if you remember back
23 in the day, in the 1800s, this beautiful city of
24 Cincinnati, we live here in a valley, and all pollution
25 would collect in this valley. The amount of typhoid.

1 Remember these words? Cholera. Remember
2 things like -- well, now we have things like Giardia and
3 all other sort of diseases that are carried in our
4 waters, and not to mention the rest of the pollution.

5 We also have a lot of airborne problems in our
6 city, too. So over -- over this time, we have gone from
7 being a highly polluted industrial city -- remember
8 Procter & Gamble? Remember the stockyards? And
9 regulations have taken us out of the dark ages and
10 brought us to where we are now.

11 We cannot go back. I ask you, gentlemen, our
12 lives are in your hands. If you turn your backs on us
13 now, where will we be in years to come? It is your
14 responsibility. We women do what we can, but it is your
15 responsibility to put the regulations and fight for
16 those regulations and fight for us so we can care for
17 our people.

18 MR. FREVERT: Gene Nightingale.

19 GENE NIGHTINGALE: Good evening. I'm Gene
20 Nightingale. I'm a concerned citizen. Live in Price
21 Hill. Look over the Ohio River Valley and get my
22 drinking water from that river. I just want to thank
23 all the speakers here tonight. You have excited me,
24 informed me. I feel like, God, I've got to really do my
25 homework -- more of my homework.

1 But I think more people need to be involved in
2 this, and more people need to be part of this debate. I
3 have -- I am -- I'm in the Sierra Club, and I'm a member
4 of the Green Umbrella, and I'm a -- I was a past
5 president of Women's City Club, and I'm on the league
6 board, and I belong to a lot of different environmental
7 organizations.

8 This is such an urgent, urgent issue. I think
9 more people need to know about it and be part of it.

10 I'm -- I intend to use all of my contacts to
11 bring this to the floor so we can have more programs on
12 it, so we can debate it publicly in -- in other forums,
13 other town halls. This is our -- our drinking water,
14 folks.

15 So I -- I need to understand more. I just
16 learned about this hearing from reading an article in
17 City Beat, and I saw Brewster Rhoads comment there, and
18 I wanted just to come here and agree with him.

19 I just -- I feel like we need to maintain the
20 historic role of ORSANCO as a champion of clean water
21 standards in Ohio River, which is our vital source of
22 our drinking water. And skipping -- this is no time to
23 stop these regulations, given the political climate, the
24 environmental climate, to stop and erode the regulations
25 that safeguard this high quality drinking water.

1 Even though it's somewhat endangered, we have
2 to constantly be on guard to keep it clean. This is --
3 we -- we keep it protected from these harmful pollutants
4 that more and more industry is beginning to put into our
5 -- our water.

6 So I just want to thank you all tonight, and
7 let's get to work. We have to -- we have to stop what
8 you're doing here.

9 I thank you very much for listening to us.
10 This is a good part of the process, but the process has
11 to continue. Thank you.

12 MR. FREVERT: Geri Geldon? Is Geri
13 Geldon in the room?

14 I'll set that aside for now.

15 Robin Blakeman.

16 ROBIN BLAKEMAN: Good evening. My name is
17 Robin Blakeman, and I work with the Ohio Valley
18 Environmental Coalition. We have been partnering with,
19 or trying to work with, ORSANCO for 30-plus years of
20 your 40-plus years of existence. Currently, I am the
21 OVEC rep on the ORSANCO watershed organization's
22 advisory committee, and as such, I know that we signed
23 onto the recent letter requesting an extension to the
24 comment period and two additional hearings.

25 We appreciate the ten-day extension on the

1 comment period; however, one public hearing, folks, is
2 not enough, as you can see from tonight. We need at
3 least two more, one in the upper part of the basin and
4 one in the lower part of the basin.

5 Please reconsider this even if it delays your
6 decision into the first of next year.

7 So we want to urge you, as strongly as
8 possible, to reject option two and to reconsider option
9 three and four plus some additional protections for the
10 river.

11 And I want to speak personally from my
12 experience as a nearly life-long resident of the Ohio
13 River Valley.

14 I appreciate the decades of work that ORSANCO
15 has done to make our river cleaner and safer. Many of
16 the ORSANCO standards go beyond what U.S. EPA and state
17 regulatory agencies require. Some of the information
18 published is essential to the operation of other public
19 agencies, such as our state, our West Virginia
20 Department of Natural Resources, which regularly shares
21 ORSANCO's fish consumption advisories on their website.

22 Now, here's a critical question for all of the
23 ORSANCO commissioners: Can we afford to lose
24 these important standards and this great source of
25 coordinated information about the entire Ohio River

1 watershed? I am concerned that we possibly might due to
2 the recent decision made by the ORSANCO commission.

3 I strongly disagree that state level pollution
4 control standards are adequate, and many questions arise
5 from the proposed changes, such as our West Virginia
6 Department of Environmental Protection enforcement
7 office is chronically understaffed.

8 This fact was acknowledged by DEP leaders at a
9 recent meeting I attended with other West Virginia
10 citizens who voluntarily monitor streams in the path of
11 the three major at least 36-inch diameter pipelines
12 being constructed in West Virginia. That's the
13 Mountaineer Xpress, the Atlantic Coast Pipeline, and the
14 Mountain Valley Pipeline.

15 These are all on head water streams of the
16 Ohio River. If DEP inspectors in West Virginia are
17 finding themselves stretched beyond maximum capacity
18 with the current pipeline monitoring, how are they going
19 to add monitoring of potential pollution on the Ohio
20 River?

21 It's impossible.

22 Several states rely on ORSANCO's uniform
23 standards set by representatives from all member states
24 in the Ohio River watershed and adopt them as their own.

25 If ORSANCO no longer sets these standards,

1 these states will have to expend the financial resources
2 to develop standards. Will any of the states coordinate
3 these same standards with their close neighbors and try
4 to ensure they are uniform along the course of the
5 entire watershed?

6 Why give up a system we know works? If all
7 Ohio river states have to develop their own standards,
8 then the situation can lead to interstate conflicts and
9 possibly litigation.

10 And I want to make two important points, and
11 I'll try to do so quickly.

12 ORSANCO has yet to place a high priority on
13 evaluating the effects of waste products and leaks from
14 unconventional oil and gas drilling industry, and I'm
15 upset tonight because I possibly heard a reason from the
16 man who overheard some commissioners talking.

17 Yet these pollutants are already causing more
18 harmful stuff to enter our watershed, and this will get
19 worse if the proposed Appalachian storage hub gets
20 built. This is a massive infrastructure along the Ohio
21 river. It's going to turn the Ohio River Valley into
22 cancer alley.

23 Who will be responsible for monitoring and
24 dealing with any leakage from this proposed mega
25 infrastructure project, which will span at least three

1 different Ohio River bordering states and, in some
2 cases, traverse underneath the river in caverns and
3 pipelines?

4 MR. FREVERT: Okay, your five minutes -- could
5 -- you can come back later when the others are through
6 if you want to add.

7 ROBIN BLAKEMAN: I'm not able to come back
8 later.

9 MR. FREVERT: Well, wrap it up, please.

10 ROBIN BLAKEMAN: It seems this kind of
11 cross-state monitoring is part of the mission of
12 ORSANCO, as stated on your website, and in this we agree
13 with statements made by federal commissioner Tom
14 Fitzgerald.

15 On a local and personal level -- and this is
16 the conclusion of my comments, I, as a West Virginia
17 resident who has dealt with our West Virginia DEP on
18 many issues, do not trust them. I do not trust them to
19 maintain a current level of water quality standards on
20 the Ohio River or any other waterway in my state. And I
21 know they do not have adequate staffing to send
22 enforcement officials to monitor the river, industrial
23 outflows, or anything else for current standards. They
24 aren't really able to keep up with the current amount of
25 pipeline construction going on, as I've said before.

1 So if ORSANCO leaves pollution control
2 criteria setting and monitoring up to the states, I
3 would bet there's a very low chance of West Virginia
4 officials maintaining standards that are adequate for
5 the river to remain at its current level of health.

6 There could be a catastrophic storm brewing
7 for those of us who live downstream. And I live in
8 Huntington, West Virginia, and so does the whole rest of
9 my family, and we get -- have -- all of our water comes
10 from the Ohio River.

11 Please reconsider your decision.

12 MR. FREVERT: Connie Male.

13 Did I pronounce that properly?

14 CONNIE MALE: You did. Thank you.

15 My name's Connie Male. I'm not with any
16 environmental group. I'm just a concerned citizen that
17 lives on the Ohio River. I drove up here from
18 Huntington, West Virginia, so it would be great if you
19 had these meetings a little closer.

20 I grew up near Belpre, Ohio, and I'm also a
21 former resident of Marietta, Ohio. I now live in the
22 Huntington, West Virginia tristate area. This means
23 that all my life, I have been dependent upon the Ohio
24 River for my tap water.

25 I oppose the current ORSANCO commission's

1 tentative pollution control standards decision. I am
2 aware that since the 1940s, the Ohio River Valley
3 sanitary commission, or ORSANCO, has set pollution
4 standard -- pollution control standards for discharges
5 into the Ohio River. Some of these standards go beyond
6 what U.S. EPA and state regulatory agencies require.

7 I am also aware that ORSANCO met in June and
8 decided to the extent that all member states are
9 operating under programs appropriate for implementation
10 of the federal Clean Water Act, the commission may
11 conclude that it need not continue the triennial review
12 process related to the water quality criteria and
13 related provisions of the pollution control standards.

14 I strongly disagree that state level pollution
15 control standards are adequate for the following
16 reasons: Several states rely on ORSANCO's uniform
17 standards set by representatives from all member states
18 in the Ohio River watershed and adopt them as their own.

19 If ORSANCO no longer sets these standards,
20 those states will have to expend the financial resources
21 to develop standards. If all Ohio River states have to
22 develop their own standards, then the situation can lead
23 to interstate conflicts when an up river state has
24 weaker standards that lead to increased pollution
25 treatment costs for a down river state.

1 This would inevitably lead to litigation among
2 the states and problems with communication and
3 enforcement of pollution standards. And waste products
4 and leaks from the fracking industry are causing more
5 harmful pollutants to enter the watershed by the day,
6 and this will get worse if the proposed Appalachian
7 storage hub gets built.

8 And in conclusion, according to ORSANCO's own
9 statistics, five million people, including me and my
10 family, rely upon water sourced from the Ohio River for
11 our tap water. We need that water to remain as
12 protected and well monitored as possible. If ORSANCO
13 stops their pollution control standards setting and
14 review processes, I am truly afraid that the quality of
15 our tap water will be degraded to the point it is
16 unhealthy for human consumption. This would be
17 devastating to me and my family. Please protect our
18 water.

19 MR. FREVERT: Jay O'Reilly, I believe it is.

20 JAY O'REILLY: Thank you.

21 Good evening. I'm Professor Jim O'Reilly, but
22 I begin with the disclaimer: I'm not speaking for my
23 city council, City of Wyoming. I'm not speaking for the
24 executive committee of the Ohio-Kentucky-Indiana
25 Regional Council of Governments. I'm not speaking for

1 the executive committee of the First Suburbs Consortium.

2 I'm not speaking for the College of Medicine
3 at the University of Cincinnati where I teach. And I'm
4 not speaking for Thomson Reuters, which has been
5 publishing my textbooks on federal and state
6 environmental issues since the 1970s.

7 These are my own views as an individual: Let's
8 not retreat. Let's not retreat. I wrote opposition to
9 alternative two, the abandonment of the historic mission
10 of ORSANCO for uniform water quality norms in the river
11 basin. The defense of the existing standards of quality
12 will greatly matter to many people who could not fit
13 into this room this evening.

14 Look ahead, please. Look ahead at the
15 alternative.

16 In the committee meetings, in state
17 legislatures, and in the hallways outside those
18 committee meetings, there will be persons who are very
19 well known to the elected officials for the funding that
20 they're giving to their election campaigns. Those
21 persons will say, you know, state rep, we shouldn't do
22 this. Or, you know, state rep, we ought to adopt a
23 lower number.

24 I'm not indicting any legislator, and I'm not
25 indicting any particular state, but I'm saying, ORSANCO

1 was the bulwark against being sold out for 30 pieces of
2 silver. Frankly, the standards -- and if we remove that
3 standard, we professors use big language, desuetude the
4 conscious decision not to enforce, not to protect. It's
5 a real loss to those downstream.

6 I want you to remember that China is investing
7 heavily in the Appalachian storage hub. Read my
8 textbook, "The Law of Fracking." Look at natural gas
9 fracking and what's going to be done in the Ohio River
10 Valley, Pennsylvania, West Virginia, and Ohio, for that
11 use of the fracking material. Look at that and say,
12 hmm, why would we want to get rid of ORSANCO's standards
13 and lower standards?

14 Could it be that in the 2020s, the Ohio
15 River's going to get better? Let's think about that.

16 So writing my 51st textbook has been a real
17 understanding for me. I look specifically at the
18 question in the draft whether redundancy is present.

19 Redundancy is not. I look at the risk that
20 the giant chemical facilities will be a problem, and
21 they will be.

22 China is going to be investing heavily in West
23 Virginia, in Pennsylvania, and the like. The Yangtze
24 River is the model they're following. It's yellow not
25 because of nature. I strongly descent from the argument

1 that region 4 of U.S. EPA would do the job. They won't
2 have the staffing. They won't have the travel budget.

3 They won't have the laboratory capacity to act
4 in place of ORSANCO's standards.

5 Scott Pruitt left a legacy in the U.S. EPA.
6 Many of those enforcement efforts have been emasculated.
7 Why would we in Ohio care about this? Because we are
8 cut off. Since 1788, when the Continental Congress
9 reached the northwest ordinance compromise, Ohio has not
10 been able to police any of the waters below the historic
11 high water mark on the north side of the Ohio River.

12 So we in Ohio cannot speak against what West
13 Virginia or Kentucky or Pennsylvania might dump into the
14 river. We are not going to be able to substitute Ohio
15 for those other states. I think the loss of region 5's
16 capability is particularly relevant when region 5 -- I'm
17 sorry, region -- region 4. Region 5 in Chicago, which
18 governs Ohio, region 3, which governs Pennsylvania, are
19 not going to have the clout to step in and do what Ohio
20 EPA might be willing to do. But U.S. EPA's just going
21 to be understaffed.

22 So I want to apologize to -- to Shakespeare
23 for -- for using his language. He said in the Julius
24 Cesar, "I've come here to bury Cesar, not to praise him.

25 The evil that men do is remembered after their

1 deaths, but the good is often buried with them. It
2 might as well be the same with Cesar."

3 Well, uniform quality standards created
4 effectively over many years and carefully monitored are
5 being buried for what reason? For what good? What is
6 the consequence? The good -- yes, sir. The good that
7 ORSANCO has been doing should be applauded. The loss of
8 this alternative -- or alternative two, the loss should
9 be questioned.

10 Those of you who will be drinking what China
11 will be putting out from the Appalachian storage hub
12 should think seriously about talking to your state
13 legislator before your state legislator gets money from
14 the people representing the China development.

15 So I urge you, and I urge ORSANCO, not to bury
16 the good that you've done, to use alternatives three and
17 four. Remember that the financial wizards from
18 Shanghai, who will be funding the next level of fracking
19 in our river, are already looking out their windows in
20 Shanghai at a yellow river full of chemicals streaming
21 by. This is not a faint issue. This is a local issue,
22 and this is a regional issue. This is an issue of great
23 concern.

24 So let's learn from China. Let's not go to
25 the Yangtze model. Let's maintain strong local

1 precautions against environmental degradation. There is
2 not redundancy here. There is desuetude, abandonment.

3 Thank you for your attention.

4 MR. FREVERT: John Gauge.

5 JOHN GAUGE: Thank you.

6 I have a commitment to brevity, so I'm going
7 to say, first of all, I wore my peace seeker t-shirt to
8 remind us of somebody who made a lifelong commitment to
9 the quality of the Hudson River. And it's one thing I
10 want to keep in front of us all the time.

11 And I just -- in thinking about this, I
12 applaud your commitment and your temerity to speak
13 boldly and truthfully. Thank you. We stand together.

14 I think that maybe perhaps some day, once we
15 have poisoned ourselves and the planet and there's no
16 longer any life there, that perhaps at that point,
17 Mother Earth might begin to heal herself, but I hope
18 that doesn't come to be.

19 I was watching a news reel of a flash flood,
20 and in awe of houses and cars flowing down, and I
21 thought of this poem called "Flash Flood." "The
22 irrepressible force of water sweeps aside artifacts of
23 civilization.

24 Our lust for power and control reduced to
25 flotsam.

1 Disregarding all boundaries and predictable
2 behaviors, swift currents strip away the engineering of
3 modern minds in blatant mockery of our pretension. My
4 one consoling consideration of this apocalyptic
5 cleansing is its undeniable prophecy that one day, our
6 destructive prowess will become its own debris, and
7 Earth will shed herself of human will and calculation
8 and be free."

9 MR. FREVERT: Melanie Phillips.

10 MELANIE PHILLIPS: Hi. Thank you for this
11 opportunity. My name is Melanie Phillips. I live and
12 work in the area. I didn't plan on speaking tonight,
13 and I want to just say I agree with everything that
14 everyone has said. I did want to add some personal
15 comments.

16 You know, in my 39 years -- I'm sorry -- I
17 have been privileged enough to never have to worry about
18 the quality of my drinking water. Sorry. Just by
19 proposing alternative two, you have completely eroded my
20 trust, and I may never trust again that this commission
21 has my best interest at heart. With -- coupled with the
22 daily attacks on Clean Water Act and the upheaval at the
23 EPA, it doesn't matter what your original intent was. I
24 will never have peace of mind again.

25 Also, I am a veteran, and being near the water

1 is some of the only peace of mind that I have. Please
2 take care of it.

3 MR. FREVERT: Melinda Mitchell.

4 MELINDA MITCHELL: Hello. I'm Melinda
5 Mitchell.

6 I'm not in -- just a regular old person. Not
7 involved in any foundation, group, or anything like
8 that. I live in a small town along the Ohio River, in
9 Newburgh, Indiana, right outside of Evansville, for you
10 that have travelled, what, four hours, I think, to get
11 here. I hope you guys consider having a meeting closer.
12 That would be nice.

13 There's almost 800 people that it seems like
14 have spoken in behalf of you guys not making any
15 changes.

16 Obviously, there's a lot of heart and passion
17 in this group of people that's here. Last night one of
18 our local TV channels said that the cancer rate in
19 Warrick County, which I live in, is the highest in the
20 area, and the closer that you live to the river, the
21 higher the chance that you have cancer.

22 There are four women in my neighborhood that
23 have cancer right now that are dying. I live three
24 houses from the Ohio River, so that is very concerning.
25 In fact, what you guys are proposing, it would be nice

1 if you increased what you're doing. It's -- to
2 eliminate is disheartening for -- for all of us that get
3 our water from the Ohio River.

4 I'm right downstream from AK Steel and Alcoa,
5 which AK Steel's the number one polluter on the Ohio
6 river. I don't understand why they're not being
7 stopped. I do appreciate you guys monitoring everything
8 that's coming downstream from -- from them.

9 Ten years ago, I had a opportunity from
10 Leavenworth, Indiana, to Newburgh, Indiana, to canoe
11 down the river. I was warned by everyone, don't do
12 that. The river's too polluted. And certainly don't
13 get into the water. And if you do have to get in the
14 water, make sure you're upstream from the cities because
15 of all the pollution downstream.

16 I took jugs of water to bathe myself. It was
17 a ten-day trip. I saw things on the river, pollution
18 firsthand. I was devastated by the lack of people
19 caring.

20 In 1997, the Ohio River flooded. I had just
21 moved into the -- or to the house that I live in, in the
22 town of Newburgh. I took photographs of the river
23 because I was just in -- in awe of how high it got.

24 There was little to no trash. It was amazing.
25 There wasn't, like, plastic everywhere.

1 Two years ago, the town of Newburgh, in June,
2 the whole riverfront was just plastic trash everywhere,
3 so I reached out to a few people. I've got a little
4 local -- my hometown Newburgh, Indiana Facebook page.
5 And I asked people to help me go down there every Monday
6 night to pick up trash.

7 I got four other people to help me. Every
8 single Monday night through the month of June, I went
9 down there. If other people didn't show up -- the first
10 two times, no one showed up. I was just down there
11 bagging trash, dragging it up for the town of Newburgh
12 to -- to pick it up.

13 And it was disheartening, and I remember just
14 bawling because I felt all alone, and all I wanted to do
15 was get that riverbank clean for the Fourth of July
16 celebration that we have. So -- and I went to the town
17 council, and I couldn't get anybody to help, but I was
18 like, "Screw them." I'm going to do it myself. Like I
19 said, I got four -- four other people to help in that
20 month time frame.

21 And we got it all cleaned up. It looked
22 beautiful. Had one town council member say thank you to
23 me. The next year, the town, which was this -- this
24 year, the Ohio River sweep took place, and we
25 participated in it. And we got I can't even remember

1 how many tons of trash, and there were about 60
2 something people that showed up because of your
3 organization and dedication, and we made a difference.

4 We need to do that more than once a year, but
5 you guys have played such an important role in helping
6 us and informing us. Please, please don't step away
7 from that. We -- we need you now more than we've ever
8 needed anybody.

9 This is our river. This is our life. This is
10 our home. And I just -- don't give up on us, please.

11 Just don't walk away from us. And I just hope
12 that right now you're not using us as a bunch of monkeys
13 to dance around and entertain you and that we're not
14 here just for a show.

15 We mean this, and -- and we love everything
16 that your organization has done over the years. I mean,
17 you guys have been a blessing to us, so please, please
18 keep it up. Please.

19 MR. FREVERT: Thank you.

20 MELINDA MITCHELL: And have a meeting in
21 Evansville.

22 MR. FREVERT: Thank you.

23 Sarah Hoffman.

24 SARAH HOFFMAN: I've been told I can cut to
25 the chase like a knife, so maintain the highest

1 standards possible for our river, the Ohio River. I am
2 a resident. I'm a registered nurse. I work with people
3 who cannot speak for themselves. So we need you to
4 maintain the standards. Reject number two.

5 MR. FREVERT: Mary Shartman, I believe it is.

6 MARY SHARTMAN: Hi. My name is Mary Shartman.

7 I'm also a member of Democratic Socialists of
8 America, and I'm here today to speak not so much to the
9 commissioners here, because I honestly don't believe
10 that you-all are listening to us, and I'm here to speak
11 to you, the people.

12 This is our shared resource. This is our
13 river.

14 This is our water. We need it to live. And I
15 guess I do have a question I would ask the commissioners
16 here, and I know you won't answer because that's not
17 what this is: Who do you work for? How would you even
18 think it is appropriate to lessen the standards of our
19 water that we get to drink?

20 And it's obvious, and we heard who you work
21 for.

22 You work for the industries that want to see
23 our river as a place to dump their waste because it's a
24 -- it flows right by. They can just dump it in, and
25 it's cheap, and it goes away, and they don't have to

1 deal with it. And it's -- so I would like to ask the
2 people here: Who rejects the alternative two? Who
3 rejects alternative two?

4 And for the record, basically everyone in the
5 room has raised their hand to say that they reject
6 alternative two, and they stand for having regulations
7 of our water for our health and safety. And, yeah,
8 everyone has spoken to what really matters to me, and
9 they've shared their experiences with the river and the
10 need for us, as a public, to come together.

11 And the work that we need to do will happen
12 outside this room. We are here kind of doing the dance.

13 As -- as the presentation earlier showed, they
14 -- they checked all the boxes. This is a pro forma
15 event that we are at today. And we need to really
16 organize so that we can hold these people accountable.

17 They are selling out all of the work that the
18 scientists and the workers of ORSANCO have done for the
19 past 70 years, and we cannot allow that. Those
20 scientists and workers have worked for us, and the
21 commissioners here have shown that they are not working
22 for us.

23 So let's talk about how we hold them
24 accountable and how we increase the standards of our
25 water, our shared resource.

1 Thank you.

2 MR. FREVERT: Joseph Lipari.

3 JOSEPH LIPARI: Hi. I don't represent anybody
4 either. I'm just a retired person who has lived in
5 Cincinnati for 30 years and drinks the Ohio River water.

6 Several months ago, I was diagnosed with
7 Parkinson's disease, which is a progressive muscle
8 disease which is chronic and incurable. Right now, my
9 symptoms are mild, but evidently, it's a chronic disease
10 that doesn't go away and gets worse over the years.

11 I just -- when I was diagnosed, I did some
12 research and discovered that there are two ways to get
13 Parkinson's disease. One is through hereditary. Well,
14 turns out that there is zero incidence of -- of
15 Parkinson's disease in my family.

16 The other way is through environmental toxins.

17 So my only question is: Did I get it through
18 the air?

19 Did I get it through the water? Did I get it
20 through contact with my skin? What -- what exactly
21 caused it?

22 In any case, so I don't know that, but I do
23 know that we should be increasing standards and
24 strictness, not decreasing them.

25 And so that's what I have to say.

1 MR. FREVERT: Lynn Hamilton.

2 LYNN HAMILTON: Hi. I'm Lynn Hamilton. I
3 live in Louisville, Kentucky, and I do want to thank you
4 for having this hearing so that we can discuss this and
5 for respecting the Democratic process.

6 At the same time, I was a little surprised
7 that we're -- okay. I was very surprised that we're
8 having a meeting to discuss whether it's okay to pollute
9 the Ohio River some more. I thought that it was
10 generally understood that a civilized community wants to
11 have clean water and will take reasonable action to get
12 clean water.

13 And so, I was really expecting to have a
14 hearing about how we're going to clean up the Ohio River
15 and -- and not this hearing. And I'm the publisher of
16 the AnimalRightsChannel.com, so I'm eventually going to
17 have to also say something about wildlife that depends
18 on the Ohio River.

19 I don't think anyone in this room wants to
20 live on the Ganges. The -- we -- we have the luxury of
21 living in a really wealthy place with a tax base and the
22 technology, and we have a choice about whether to have
23 clean rivers or not. And so, it seems pretty self-
24 evident that we do want to have clean rivers, because we
25 can. We can have them. If we have the will, we can

1 step up. We can use our technology to clean up -- clean
2 up our rivers.

3 So that's what I would like us to do. We
4 don't have to live like a third world country where our
5 only recourse for disposing of our waste is to dump it
6 in the river. We don't do that, and we don't have to do
7 that.

8 Americans want clean drinking water. I think
9 that much has been clear from this meeting. We also
10 want to fish in our rivers, and we want to be able to
11 swim in our rivers and kayak in our rivers. I heard all
12 of these things tonight.

13 And, yes, we also want to view wildlife. A
14 quick Google search shows that according to the United
15 States Fish and Wildlife Service, this is just a short
16 and very incomplete list of animals that rely on the
17 Ohio River.

18 That would be fish, turtles, minks, otters, a
19 variety of waterfall -- water fowl, and migratory birds.

20 And these animals don't just exist for our
21 entertainment. In many cases, they descend -- are
22 descended from animals that were here before we were
23 and, therefore, we have no right to make ourselves the
24 only inhabitants of the Ohio valley.

25 MR. FREVERT: Thank you.

1 Joel Worth.

2 JOEL WORTH: Good evening. I'm Joel Worth
3 from Louisville. I wasn't going to speak tonight, but
4 my wife signed me up without me knowing it. I don't
5 want to speak, but the more I heard, I said, I got to
6 say something.

7 And I'm a common sense guy, okay? We can live
8 without oil. We can live without natural gas. We can
9 live without coal. But no humans or any living thing
10 cannot live without clean water. And I would like to
11 see at least one of you guys drinking tap water.

12 MR. FREVERT: Bill Cahallan.

13 BILL CAHALLAN: I handed my piece in earlier
14 before the meeting. It's Bill Cahallan, actually.

15 That's a common --

16 MR. FREVERT: Apologize.

17 MR. CAHALLAN: That's a common
18 mispronunciation all my life.

19 I've lived in east Price Hill, Cincinnati, for
20 30 years and have seen the Ohio River on my way in and
21 out almost every day. Of course, my drinking, bathing,
22 and dishwashing water comes from the river. In other
23 words, my life comes from the river, as someone said
24 earlier.

25 And much of it has probably flowed through

1 landscapes and streams of many upstream states on its
2 way to the river and to me.

3 Since the 1980s, I have had an Ohio River
4 watershed map from ORSANCO on my wall at home and have
5 always seen your cooperative interstate regulation of
6 our water quality as a great bridge. You have helped
7 overcome competition among states as we deal with water
8 pollution impact from industry and power plants.

9 Now all that is threatened by the attempt of
10 many ORSANCO commissioners, not all, not all have deep
11 ties to industry, I guess, to back off from your
12 historic protective regulatory role and to leave things
13 to individual states and to the ever faltering
14 Trump-directed EPA. I have no confidence in that as a
15 backup anymore.

16 As someone said earlier, let's not let the
17 foxes guard the henhouse. Please continue protecting
18 the drinking water source for all Ohio River watershed
19 citizens by reversing this weakening of ORSANCO's
20 historic role. We're all part of this majestic
21 watershed landscape. We all live downstream.

22 MR. FREVERT: Mary O'Connell.

23 MARY O'CONNELL: My name is Mary O'Connell.
24 I'm here with the Democratic Socialists of America. A
25 lot of people have made some comments that I will

1 probably repeat, but I don't care, because I want to go
2 on record with mine.

3 In the face of tremendous opposition from the
4 public, environmental and scientific communities, the
5 commission is trying to expedite an agenda designed to
6 line the pockets of the wealthy, one that will grossly
7 reduce and eliminate pollution regulations for the Ohio
8 River and put five million people at risk.

9 The very idea of this points to the grim but
10 very real fact that the commission does not want to act
11 in the interests of the people and is certainly not
12 interested in the health of the future. Everyone here,
13 including the commissioners, should not be asking
14 themselves: What if our water becomes undrinkable, what
15 if our air becomes un-breathable, but when this will
16 happen.

17 We all know about and are seeing and are
18 experiencing climate change every day. Our future, our
19 children's futures are doomed if we let moneyed
20 interests and greed expedite it even more. We simply
21 don't have time to entertain anything less than active
22 aggressive change to improve our river. And ORSANCO'S
23 proposal, which is incredibly short-sighted and
24 selfishly dismissive of our future, to say the least, is
25 a waste of our time.

1 MR. FREVERT: Nathan Alley.

2 NATHAN ALLEY: Good evening, and thank you for
3 this opportunity to speak. My name is Nathan Alley. I
4 live in Cincinnati. I work on policy and legislation
5 for the Ohio chapter of the Sierra Club, and tonight I'm
6 speaking on behalf of our more than 22,000 members.

7 I want to agree with everything that folks
8 have said tonight, and I'm going to get into that in
9 just a moment, but I would actually like to start by
10 thanking you-all for being here tonight. Obviously, not
11 the entire commission is here.

12 You've taken the time to hear some pretty
13 fired-up comments and some frustration about what's
14 potentially going to happen with the Ohio River. I know
15 not everybody at the -- the dais there necessarily
16 agrees with that recommendation, so I want to thank you
17 for being here and for listening to us tonight.

18 The Sierra Club Ohio Chapter stands with our
19 brothers and sisters in Indiana and Kentucky, and the
20 other five member states of ORSANCO, in asking you,
21 urging you, to adopt some combination of alternatives
22 three and four and to reject alternative two. You've
23 heard this before.

24 We are adamantly opposed to any efforts to
25 weaken or eliminate standards that protect public health

1 and the environment in the Ohio River Valley.

2 I want to point something out: ORSANCO was
3 established by a interstate compact in 1948. 1948 was
4 also the year that the federal Water Pollution Control
5 Act was established. Now, you may know that that was
6 the precursor to what we now call the Clean Water Act.

7 It was amended in 1972 somewhat significantly,
8 and now we call it the Clean Water Act.

9 When ORSANCO was created, I'm going to quote
10 here, its mission was "to control the future pollution
11 and the abatement of existing pollution in the waters of
12 the basin, which are of prime importance to the people
13 thereof and can best be accomplished through the
14 cooperation of the states and by and through a joint or
15 common agency; i.e. ORSANCO."

16 When the Clean Water Act was essentially
17 created in 1972, it included a goal, the national goal,
18 to eliminate the discharge of pollutants into any
19 habitable water in the country by 1985.

20 Okay. It's 2018. There's still a lot of
21 pollution entering the Ohio River. Now, the Clean Water
22 Act has done a tremendous job. The states have done
23 some things. Nothing in the last 70 years has suggested
24 that their efforts are redundant. I can really think of
25 only one thing that's massively changed in the last 70

1 years, and that is that we currently have an
2 administration who's goal is to dismantle every
3 environmental protection that we have in this country.

4 Now, I'm not saying that you are necessarily a
5 product of that administration, but there seems to be an
6 opportunity for dischargers to game this system in this
7 current moment in time.

8 Don't do it. Please stand up. Please do the
9 role that you were appointed to play and protect our
10 water quality in every way that you have at your
11 disposal. One of the most important ways is to
12 establish the water pollution control standards that
13 interact with and enhance what the states are already
14 doing to protect us in coordination with federal EPA.

15 Congress understood that federal EPA is not
16 alone in this effort. Creating things like the citizens
17 due provision, which is explicitly there so that the
18 public can file lawsuits when the Ohio -- or federal EPA
19 doesn't have the capacity or resources to do so.

20 The states can't do it all. EPA can't do it
21 all.

22 We have to row together. So please, between
23 now and October, do some soul searching. Talk to the
24 folks who appointed you, listen to the people in this
25 room and the probably hundreds, if not thousands, of

1 comments you're going to receive between now and August
2 20, and do the right thing.

3 Thank you very much.

4 MR. FREVERT: Thank you.

5 Jason Flickner.

6 THE COURT: Hi. (coughs) excuse me. I am
7 Jason Flickner. I am the director of the new Lower Ohio
8 River Waterkeeper Organization. Some of you may know
9 who Waterkeeper Alliance is, and I have long comments
10 prepared that I'm going to forego about Waterkeeper
11 Alliance's legal department analyzing this decision.

12 What I'm going to talk about is where I live,
13 which is in New Albany, Indiana. And when rain falls,
14 it falls in my back yard, and I am the top of the
15 watershed. And it trickles down into Falling Run Creek,
16 which goes directly into the Ohio River.

17 That back yard was my grandfather's home, and
18 I've taken over that home, which means I will be there
19 permanently for the rest of my life. And I'm starting
20 this waterkeeper organization because I am sick of
21 living next to the most polluted river in the United
22 States of America.

23 We are operating this organization with \$500
24 in the bank, and I spent \$189 of it today to produce the
25 posters that you'll see outside, the display that

1 ORSANCO's standards are important, and they are not
2 redundant.

3 And what I will do with the remainder money
4 that I have in my bank account and the money that I will
5 be given to build this organization, is working every
6 single day to prove that ORSANCO's standards are not
7 redundant. And if this is passed, I'll work every
8 single day to make sure every single ORSANCO standard is
9 adopted by the states of Kentucky and Indiana.

10 Thank you very much.

11 MR. FREVERT: Debra Simms.

12 DEBRA SIMMS: Hello. My name is Debra Simms.
13 I am a member of CUFA. CUFA is Communities United For
14 Action. What CUFA does, they give a voice to moderate
15 and low income people. I'm going to speak today.

16 Cincinnati had a problem. We have been paying
17 into a sewer system, Metropolitan Sewer District, to get
18 our sewer system fixed, our 150-year-old sewer system.

19 We started having flooding, what they call the
20 hundred year floods, the hundred year rains. And a lot
21 of people, basements, yards, got flooded, and some
22 people got sick.

23 And they lost their furnaces. They lost their
24 -- their things that they had, keepsakes that they had
25 in their basements. They lost these things. And CUFA

1 had to be fighting. We've been fighting to help these
2 people get some money back so they can relive their
3 lives again.

4 But it's a hard battle because the City of
5 Cincinnati owns the water, and Metropolitan Sewer
6 District is owned by the county. So they don't want to
7 talk. They don't want to come together and solve the
8 problem, because we want to be able, the people of
9 Cincinnati and Hamilton County, to be able to monitor
10 because they lost \$65 million, and we don't know where
11 it went.

12 So we want to be able to monitor this. Now I
13 come here today. I don't have a -- a -- a paper ready
14 or anything to say, you know, written out. Now you tell
15 me you're going to deregulate the river? This is the
16 only place we can get our water from. We're already
17 fighting a battle. Now we got to fight another battle?

18 We shouldn't have to. This should not be.
19 Let's get this straight. We need the regulations.
20 There are companies -- we know there are companies all
21 along the river, and if we don't watch them, they're
22 going to pollute our water. This is the way we live.
23 We cannot live without water. Our children cannot live.
24 Our -- our grandchildren cannot live. We cannot afford
25 this to happen.

1 So I'm telling you, I'm asking you, I'm
2 begging you, please don't deregulate. Keep up with what
3 you're doing. In fact, get some more restrictions so we
4 won't have a dirty river.

5 Thank you.

6 MR. FREVERT: Shannon Isaacs.

7 SHANNON ISAACS: Good evening, and thank you
8 all for the opportunity to speak about this really
9 important issue. I'll keep this fairly brief.

10 I'm here to speak out in opposition of the
11 deregulation of the Ohio River. It's an issue that I
12 think is a deep concern, and I have three major reasons
13 that I think are really critical.

14 The first of all is that this is -- when we're
15 talking about deregulating pollution, we're talking
16 about the living space for billions of living things. I
17 think life on Earth matters. I think that every living
18 thing matters. And we're talking about these living
19 things. They're not just -- you know, they're not just
20 nothing. You know, this is billions of living things.

21 Secondly, so many medical advances come from
22 plant life and from ecosystems. When we're talking
23 about safeguarding ecosystems, we're talking about
24 safeguarding the future of medical research. Critical
25 medicines, from aspirin to codeine to Tamiflu to quinine

1 are all plant-based medicines.

2 These medical pieces come from our ecosystems.

3 They come from our preserved ecosystems. I
4 want to live in a world, and I know you-all do too,
5 where my children do not have to face the same diseases
6 that we're facing today, where medical research
7 continues to move forward.

8 And, finally, what we have seen globally is
9 the geopolitical role of water is critical to the
10 greater Cincinnati area and to your areas, as well. We
11 are seeing places that are running out of water. We are
12 seeing this in South Africa. We're seeing this in
13 Phoenix, Arizona, where they're really struggling.

14 And what does this mean? And it doesn't mean
15 that much today in Cincinnati. It's not that critical.

16 But as this continues as a global trend, our
17 significance as a region, and our ability to attract
18 businesses, our ability to function, our ability to
19 provide basic services, our -- our importance as a
20 region is dependent and will be enhanced by having clean
21 water, by having a clean Ohio River.

22 So I think that's an important piece of what
23 it means to be in Ohio and what the role of Cincinnati,
24 Ohio, and of the -- of the region as a whole will be
25 looking in the future as people are having to move due

1 to reduced water and due to climate change.

2 So really I just have three points.

3 One: Living things matter. Two: The future
4 of medical research matters. The future of our children
5 and the future of our elderly and the future of our sick
6 matter. And -- and three: The geopolitical role of
7 clean water is critical to this region, and ten years
8 down the line, 20 years down the line, we will not be
9 sorry that we have a cleaner water.

10 Thank you.

11 MR. FREVERT: I'm going to have to apologize
12 in advance because I'm not sure I can pronounce the next
13 name properly. It's Randi Pokladnik, Pokladnik.

14 RANDI POKLADNIK: Okay. That wasn't too bad.
15 My name is Dr. Randi Pokladnik, and I have my Ph.D. in
16 environmental studies, and I have a bachelor's degree in
17 chemistry, and my family and all of my extended family
18 live in small communities all along the Ohio River.

19 I was born and raised in Toronto, Ohio. We
20 actually could walk to the Ohio River. I have family in
21 Follansbee, West Virginia, Wellsburg, friends in
22 Wheeling, friends in Shadyside, all the way down to
23 Marietta. I have friends and family along that region.

24 My husband and I came over five and a half
25 hours from Uhrichsville, Ohio, to talk today about this

1 issue, and I'll try to make it brief.

2 When I was a child, the Ohio River was very
3 dirty. I was born in 1955, so I was before -- born
4 before all the laws came into effect. And by the time I
5 was a teenager and ready to choose a profession and
6 college, I decided to go into environmental engineering.

7 And at that time, if you fell in the Ohio
8 River, there's a good chance you were going to get sick
9 and come out with an oil slick on your head.

10 Now, it has improved, and some of the mills
11 that have been along the Ohio River shut down, but I see
12 something coming down the road that scares me to death,
13 and it's the oil and gas industry. Already it's
14 affected so many communities, and you heard people talk
15 about it today.

16 And -- and these are not your grandfather's
17 pollutants. These are things like organic chlorinated
18 hydrocarbons that get into the fat tissue of humans and
19 other species and cause endocrine disruption, and these
20 are things that we should be very aware of and very
21 scared of because they can wreck havoc with the
22 endocrine system in small minute quantities.

23 So do we need ORSANCO? We -- you bet you we
24 do.

25 We need them more now than ever before. And a

1 lot of these compounds have to be tested using a gas
2 chromatograph, mass spectrometer, and I don't trust that
3 the states would have the capability of doing this,
4 purchasing the equipment, training the people to
5 actually use the equipment and interpreting the results
6 that they get once they do the testing.

7 When I was young, I had a professor in
8 college, and he was one of my first chemistry teachers.
9 And he said, "You can't live in a toilet and expect to
10 be healthy." And I feel like right now, that's what
11 we're doing, given that the Ohio River is the most
12 dirtiest river in the United States.

13 And it could get a lot dirtier, and things
14 could get a lot worse, and the cancer rates could spike.
15 I lost both my parents to cancer. It's not a fun way to
16 die, not that any way is fun, but this is something that
17 we have to think about for future generations. What do
18 we want this river valley to look like, and -- and what
19 do we want to give to our children as a legacy?

20 I -- I just find it disturbing that nobody
21 from industry showed up here today. So I'm hoping that
22 it's not a done deal. I'm hoping that this is not like
23 one of the other people that spoke said, a dog and pony
24 show so it just looks like token participation by the
25 public, but in the end, they've already dotted the Is

1 and crossed the Ts, and it's a go for -- for option
2 number two.

3 So I would urge you to go back and talk to
4 your legal politicians, write the governor, write
5 anybody that you can about how you oppose this -- this
6 option two. And, you know, as far as I'm concerned, I
7 think this is something that we need to get on because
8 this is our lives, and -- and we're risking our lives if
9 we let options two go in.

10 So -- so don't let this be -- if they vote for
11 it, don't let this be your stopping point. Keep pushing
12 for something better because we deserve it, and our
13 grand kids, too.

14 Thank you.

15 MR. FREVERT: Jonathan Woods. Jonathan Woods?

16 I'll set that aside, and maybe he'll come
17 back.

18 Hank Graddy? Graddy? Grady?

19 MR. FREVERT: Graddy. Is Hank in the room?
20 I'm struggling with these names.

21 HANK GRADDY: Good evening. My name is Hank
22 Graddy. I am from Midway, Kentucky, so I drove from
23 central Kentucky to be here tonight, and I want to begin
24 by thanking ORSANCO for holding this public hearing. I
25 think the last time I was here -- last time that I knew

1 of a ORSANCO public hearing that mattered to me, I think
2 I may have been in this room, or in this building.

3 And I want to express a long-term appreciation
4 for the opportunity that I -- that I've had to work with
5 ORSANCO. And I want to thank ORSANCO for its history
6 and for what it has accomplished.

7 I am chair of the Sierra Club, Cumberland
8 Chapter Water Committee. I have served on the ORSANCO
9 watershed organization advisory committee, the WOAC,
10 since it was established. We submitted comments on
11 behalf of the Cumberland Chapter in February, and I'm
12 resubmitting them today. I'm not going to read them,
13 but I want to highlight some of the points and the
14 comments we made then.

15 In summary, we believe that setting Ohio River
16 pollution control standards is the most important work
17 that ORSANCO does. If the ORSANCO board adopts the
18 alternative two, to stop setting pollution control
19 standards for the Ohio River, such action may call into
20 question the purpose of ORSANCO.

21 Now, I am mindful of the role of monitoring
22 and the role of education, and a number of other aspects
23 of water pollution management, and ORSANCO performed
24 some of those, maybe all of them, some other entities.

25 But ORSANCO is in a unique position to do

1 something that no one else can do, and that is set water
2 quality standards for the Ohio River. And that is what
3 you have done, and because you are uniquely in a
4 position to do it, I urge you to keep doing it.

5 Now, I have worked with ORSANCO, ORSANCO
6 supported watershed watch in Kentucky monitoring efforts
7 in the past when ORSANCO had funding to do it. And I
8 have worked with ORSANCO in other respects. ORSANCO is
9 -- spoken at conferences that I've held about the dead
10 zone in New Orleans, and I consider ORSANCO to be a
11 great ally in my efforts on behalf of the Sierra Club to
12 improve water quality. And I think this proposal is a
13 unfortunate step backwards.

14 I want to talk for a minute about some things
15 that have come tonight, redundancy. God gave us two
16 eyes and one mouth, and some say that is because God is
17 trying to get us to listen twice as much as we speak.

18 Some people don't seem to understand that, but
19 I believe that there was an intent to give us two ears
20 and two lungs and two of some other organs, and there's
21 nothing wrong with that plan.

22 It is, frankly, good planning. It's
23 engineering design. We put two pilots in an airplane, a
24 commercial airplane. We do that for a reason.
25 Redundancy is sometimes extremely good policy. I am a

1 lawyer, and we have two court systems in this nation.
2 We have a federal and a state court system.

3 Few people argue that we are over justiced,
4 that we should remove some of the justice. We need for
5 both of those systems to work as well or better than
6 they're currently working. And I look at ORSANCO and
7 its relationship to the states and the EPA as a similar
8 system, where we benefit from EPA doing some national
9 science and providing guidance that helps us set
10 standards and, in some cases, promulgating standards,
11 and we benefit from state efforts to set standards, but
12 we also desperately need ORSANCO's standard setting.

13 In my written comments, I refer to my friends,
14 Bruce Scott and Peter Goodman. I -- I call them
15 friends. I think they would call me friends, as well as
16 Tom Fitzgerald. And I've known Bruce and Peter for a
17 long time. As far as I know, Peter has spent his entire
18 professional life working for the division of water,
19 from the ground water department through director of the
20 division of water.

21 And I believe that he is very committed to
22 improving water quality across the Commonwealth. I know
23 the same thing about Bruce Scott. I'm not here to
24 criticize them. Frankly, I'm here to begin the job of
25 trying to persuade them to change their vote to support

1 options four or five.

2 We should be here tonight, but we should be
3 talking about setting new trade standards for the Ohio
4 River and not talking about removing those standards.

5 I'd like to tender an article in circle of
6 blue, "More Evidence that Nitrate Cancer Risk in
7 Drinking Water," with my comments.

8 Thank you very much. Those are my comments.

9 MR. FREVERT: Cara Cooper.

10 CARA COOPER: Hi. Good evening. I think I
11 might be the last to go, so --

12 MR. FREVERT: No, no, no, no, no.

13 CARA COOPER: No? Really? Sorry I got your
14 hopes up.

15 I work with the Kentucky Student Environmental
16 Coalition. We're a network of young people all across
17 the State of Kentucky. We have 1,800 members. And
18 there's not much I could say that hasn't already been
19 said. I do think that it is interesting to note that of
20 all the hearings I've been to, this was the first time
21 that we haven't had industry folks in the room.

22 I think that that's something worth noting.
23 And it definitely makes me afraid that maybe this
24 doesn't actually matter.

25 Like I said, there's not much that I can say

1 that hasn't been said, but I do want to say that when
2 making this decision, I hope that you-all will think
3 about what your mothers would say. Think about what
4 your granny would say. Think about what you will tell
5 your children; what you will tell your grandchildren.

6 You know, I work with a lot of folks who are
7 14 to 30, and when we look around at what's happening in
8 the world, what's happening in our country, it's not a
9 very pretty picture. It's not a very hopeful future.

10 And, you know, I think that we're getting
11 really sick and tired of begging people to stop killing
12 us.

13 We shouldn't have to be here. We shouldn't
14 have to be in this room. We shouldn't have to be asking
15 you to please not poison our water. I mean, it's just
16 absurd to think that you would even offer that as an
17 option. You know, sometimes I just wonder how you sleep
18 at night, because I can't sleep at night thinking about
19 what the future holds.

20 You know, I think about wanting to have
21 children some day, and my friends, think about wanting
22 to have children some day and we're honestly asking
23 ourselves, is that even fair? Is it even fair to bring
24 a child into a world where there are industries that are
25 buying our politicians, when there are industries that

1 are deciding whether we get to breathe clean air or
2 drink clean water?

3 And I shouldn't have to be asking myself, is
4 it fair to bring a child into this world? You know, I
5 have friends who are -- are literally choosing not to
6 have children, not because they don't want to be
7 parents, but because the world is a scary freaking place
8 right now, and we can't even trust our regulators to do
9 the right thing.

10 I'm asking you, please, please stop making us
11 beg for clean water. You have an important job to do.
12 If you don't like your job, quit. Someone will do your
13 job for you. Please, like so many have asked already
14 tonight, just do the right thing. You know what the
15 right thing is. Do the right thing.

16 MR. FREVERT: Jennifer Warner. Excuse me,
17 Warner.

18 JENNIFER WARNER: Hi. My name's Jen Warner.
19 I didn't have any intention of speaking tonight, but I
20 worked in environmental protection four years ago, and I
21 worked for a utility 30 years ago, and for the last 20
22 years, I've had a small business in the tourism
23 industry.

24 I want to, first of all, encourage you-all to
25 do not change any of the existing regulations. They

1 need to be made stronger. Lots of people have made that
2 case tonight, and it is very true and very obvious.
3 Much more needs to be done. Look at the goals that were
4 set when ORSANCO was set up, and follow those goals,
5 rather than try to gut it.

6 With my experience in industry, I can tell you
7 that all of these industries have been planning for
8 years to meet these standards. It's not something they
9 -- they say, oh, gee, this standard has been here for 15
10 years. I guess we better plan to meet it tomorrow, and
11 that's going to cost us whatever.

12 This is a long-range plan. And the money's
13 already budgeted. Gutting all these standards is just
14 going to mean all kinds of people are going to have
15 different jobs, and the executives and the board members
16 of these corporations are going to get great big fat
17 bonuses.

18 The current political climate is to gut all
19 regulations and provide more money for big business.

20 That doesn't work for those -- for any of us.
21 We've got to live on this earth.

22 Do any of you have children? Do any of you
23 have grandchildren? I'm 62 years old, and I debated
24 whether it was -- whether I should have a child 23 years
25 ago because of the situation that the Earth was facing.

1 And I have one now. And when we moved to Cincinnati, a
2 month after we moved to Cincinnati, I spent three days
3 in children's hospital with her because she couldn't
4 breathe the air.

5 If you have ever sat with your child, with any
6 child, with any family member, watching them fight to
7 breathe, you would not be gutting pollution standards.

8 Your position seems to be simple greed, and
9 that's the current climate, and I am disgusted by it.

10 My dad was an elected Republican for 28 years
11 back when being Republican meant you were fiscally
12 responsible and you cared about people. He authored an
13 education program in Indiana that was exemplary for the
14 nation.

15 That wouldn't be done by a Republican in this
16 day and age, and it's disgusting.

17 Think about your future generations. Behave
18 responsibly. Be adults. That's what's missing in the
19 world today. Be responsible adults. We all have to
20 live in this region and are served by the Ohio River.

21 Please take care of it.

22 MR. FREVERT: Martin Marks.

23 MARTIN MARKS: Good evening. My name's Martin
24 Marks. I live in Milford, Ohio. I work in the City of
25 Cincinnati where most of the drinking water, I think all

1 of it really, comes from the Ohio River. My friends and
2 family live in the city of Cincinnati. They depend on
3 the Ohio River for their drinking water, for the water
4 they bathe in, for the water they need to survive.

5 At a time where catastrophes like Flint,
6 Michigan, and Standing Rock are allowed to occur,
7 pollution is allowed to run rampant, it is vital now
8 more than ever that we strengthen environmental
9 protections, not eliminate them.

10 The Ohio River is considered one of the
11 dirtiest rivers in the country, so it is no surprise
12 that 97 percent of commenters during the first public
13 commenting period opposed option two. What's more,
14 these regulations are hardly redundant or pointless.
15 Your own reports have found over 100 pollutants where
16 ORSANCO has issued regulations on which the federal and
17 member state governments have issued no such guidelines.

18 There are also over 250 instances where
19 ORSANCO guidelines are 10 percent -- up to 10 percent
20 stronger than the preexisting ones. To eliminate these
21 regulations will do more than just create dangerous gaps
22 in protection. It'll actively harm more than anything
23 else.

24 It is often the case that we find that the
25 human rights we take for granted, such as clean drinking

1 water, are under threat by forces, who through their own
2 self-interest, endanger the rights of the majority,
3 often in the pursuit of profit.

4 What I have found is some of these proposals
5 on the table reflect that observation wholesale.

6 Alternative two seems to be where this
7 commission is leaning, and it seeks to eliminate the
8 environmental protections five million people depend on
9 for continued access to clean drinking water.

10 Culprits of extreme pollution, like AK Steel,
11 Alcoa, First Energy, and Duke Energy stand to gain a lot
12 from the repeal of these regulations. Coincidentally,
13 some of the members of this commission have worked for
14 or on behalf of industry organizations. I'm sure this
15 has been brought up. But it's very important to
16 remember that these folks have made money for these
17 industries.

18 For instance, Commissioner Snavely from
19 Kentucky has retired from the industrious career at
20 Excel Mining.

21 Commissioner Caperton, from West Virginia,
22 previously worked for Massey Energy. Commissioner
23 Flannery, of West Virginia, is a member of the National
24 Coal Council.

25 And the esteemed commission chair, Mr.

1 Potesta, has represented clients such as DuPont, whose
2 track record of environmental disregard is, frankly,
3 appalling.

4 If this -- if this commission pursues
5 alternative two, it'll be a demonstration of corruption
6 in action that threaten the lives of millions of people
7 for years to come.

8 The eyes of five million people are upon you.
9 Make the right call.

10 MR. FREVERT: Steve Meyers.

11 STEVE MEYERS: My name's Steve Meyers. I'm a
12 native of Cincinnati. I was born here. Did my
13 undergraduate and graduate degrees at the University of
14 Cincinnati. Played sports at University of Cincinnati.

15 I was very fortunate to be born in and raised
16 in Milford, Ohio. We have a national and scenic river
17 there, the Little Miami and the East Fork of the Little
18 Miami. They are tributaries of the Ohio River, as is
19 the Great Miami, the Hocking, the Scioto, et cetera.

20 We have some of the best fresh water rivers in
21 the United States of America in Ohio. And I've learned
22 a lot. Over the years, my son and daughter started an
23 environmental club at Milford High School that paid for
24 itself by collecting cans and paper and things like
25 that.

1 My daughter's an environmental scientist
2 battling the longhorn beetle and the emerald ash borer,
3 which, unfortunately, is centrally located at East Fork
4 State Park, partial named after Bill Harsha, our former
5 congressman. And I have attended some seminars,
6 including ones put on by Professor O'Reilly over there.

7 I would highly recommend that anybody that has
8 the opportunity, to do that. He's an awesome author, an
9 awesome expert on environmental law and environmental
10 issues, and I was very impressed.

11 So, my kids made it through college. She was
12 at Transylvania and UK doing sports and studying
13 environmental science. My son went to OU. He, in turn,
14 with the city manager of Cincinnati, one of the city --
15 or one of the county commissioners in Hamilton County
16 and also one of the U.S. Senators from Ohio, met all
17 these people and was talked into running for office back
18 in 2012.

19 My background's in HR, human resources, the
20 people side of business, and I worked for some pretty
21 big companies along the way. I've seen good, and I've
22 seen bad. And I'm working on a doctorate degree to --
23 to finalize and go back and teach what's going on that
24 I've experienced.

25 What I would like to say is that in -- in

1 Milford, we have some of the best water around the area.

2 When there were droughts, Indian Hill would
3 come in and pipe water in over to their facilities that
4 they needed.

5 We had a natural aquifer there. We also, at
6 one point in time, had a site designated as a Superfund
7 site in

8 Milford, due to a dry cleaning operation that had
9 leached some chemicals out into one of the wells.

10 Milford since took action, brought in some
11 current technology to help deal with that about 15 years
12 ago, and it -- it -- it's so unfortunate that that was
13 the only Superfund site named in Clermont County,
14 because one of my -- one of my plans was for increased
15 jobs in the area, especially the counties from east of
16 Hamilton County all the way through Scioto County, are
17 among the poorest in the State of Ohio.

18 We have in Clermont County, in Jackson
19 Township, the highest topographical area in Clermont
20 County, a one billion gallon toxic waste dump. Not many
21 people know about that, and those that did some have
22 forgotten it.

23 It's called CECOS. I put a media dossier
24 together with articles from 1984 to current, articles
25 that have been written about this. The chemicals in

1 CECOS were generated by all kinds of companies; General
2 Electric, General Motors, Procter & Gamble, et cetera,
3 et cetera.

4 Back when it was first started, my family were
5 builders. My six uncles, dad, World War II veterans,
6 built homes. My great-grandfather was one of the
7 original designers and builders of Mariemont. They
8 would take organic waste up there when it was an open
9 dump, and you went in, you -- you measured -- you know,
10 you got your pickup truck measured, and you dump what
11 you dumped, and you paid what you paid.

12 But it was all organics then. Then they found
13 out that Clermont County clay compacts real easy, and it
14 compacts real thoroughly. So then they got the bright
15 idea of dumping some liquid waste in there, and that
16 went for several years until -- there are two creeks
17 surrounding the 230-acre site that were starting to
18 experience fish kills.

19 There was pink liquid that was being released
20 through the ground into the creeks, and it caused quite
21 a stir. So some of the articles in here, one from 1984
22 is from The New York Times. It made the national scene.

23 Another one from The Los Angeles times. And
24 we have a lot from the local papers.

25 But the point -- I'm good. Thank you -- the

1 point I'm trying to make here is that nobody has done
2 anything about this. So I -- I did a lot of research on
3 Fernald, the radioactive problem that we had over in
4 Ross, Ohio. That was -- was named a Superfund site. It
5 was by -- by the U.S. Congress, who are the ones that
6 have to do that. And we -- we lack such leadership in
7 our congressional representatives. They're a bunch of
8 lickspittles. They do nothing for the people that elect
9 them there, okay?

10 So I was talked into running, so I ran. I
11 didn't win, but I won the debates and took a big hunk
12 out of my opponent's derriere. So they want me to run
13 again. I'm going to run again. The problem that we
14 have in CECOS is not if but when. When they finally
15 started to shore up the 19 football field size pits that
16 are filled with PCBs, heavy metals, phenols, any kind of
17 liquid you can think of, every year this stuff
18 chemically reacts with -- with itself, and it percolates
19 some up to the top, some to the point, about 300,000
20 gallons, that they have to take out west and destroy it
21 with 5,000 degree heat.

22 Now, they've done nothing about CECOS, and
23 they -- they finally got to the point that they lined
24 the pits that they were building with 2 foot thick
25 rubber bladders. That stuff is setting up there

1 underneath the ground, and it's not a matter of if but
2 when. These bladders were designed to last 45 to 50
3 years. Well, we're currently about year 35 right now,
4 and the clock is ticking.

5 Now, think about this: It's surrounded by two
6 creeks. Above Williamsburg, these creeks feed into the
7 East Fork River, that then feeds into East Fork Harsha
8 Lake, which is the largest aquifer in Clermont County
9 and largest drinking source in Clermont County, which
10 eventually feeds into the Ohio River.

11 Now, as part of an --

12 MR. FREVERT: Steve --

13 STEVE MEYERS: What's that?

14 MR. FREVERT: -- if you want to come back and
15 finish after we finish the other --

16 STEVE MEYERS: Okay.

17 MR. FREVERT: -- guests, that's fine.

18 STEVE MEYERS: All right.

19 MR. FREVERT: Unless it's close.

20 STEVE MEYERS: It's close. It's close.

21 MR. FREVERT: We'll give you more opportunity,
22 but I don't want to go too --

23 STEVE MEYERS: I got you. I got you.

24 We -- we formed a ValleyViewCampus.org. Go on
25 and look at it. We have bald eagle, we have beavers, we

1 have all kinds of natural hiking trails out in Milford,
2 Ohio. It's on a site of the Gatch Farm, which dates
3 back to 1797. And we're fighting desperately to keep
4 that pristine, because it's on the East Fork River.

5 Right up river, we have a uniform company that
6 runs a cleaning part of their business that has large
7 80,000 gallon -- I would describe it like a concrete
8 truck mixer. They wash the uniforms, and all that stuff
9 goes in the local -- local water, you know, after
10 they've dumped it.

11 So what I would say to everybody is, take a
12 look at CECOS. I'm going to give this to the committee
13 here.

14 They've done nothing about it. It's not been
15 designated as a Superfund site. If it were, it would be
16 like what happened in Fernald, a \$2 billion site that
17 gainfully employed about 20,000 people over 20 years in
18 jobs ranging from 15 to \$65 an hour, to remediate that
19 site.

20 That's what we need to do.

21 MR. FREVERT: Thank you.

22 STEVE MEYERS: Thank you.

23 MR. FREVERT: Marie Enonley.

24 MARIE ENONLEY: Good evening, everyone. I
25 imagine at this point everyone is getting a little bit

1 tired, so I'm going to start with some wise words.

2 "Nature is party to all our deals and
3 delusions, and she has more votes, a longer memory, and
4 a steeper sense of justice than we do." Does anyone
5 recognize those words? Those words were written by
6 Wendell Berry, a native Kentuckian that seems apropos
7 for today. He was, in fact, the first living writer
8 adopted into the Kentucky Writers Hall of Fame, so that
9 indicates to me that a lot of people thought his words
10 were worth reading, repeating, and considering.

11 He also advocated solving for pattern -- for -
12 - solving for pattern, which means finding solutions
13 that solve multiple issues while minimizing the creation
14 of new problems. I think one can argue that going
15 backwards in time with our standards may lead to some
16 unintended consequences because the world is changing.

17 There are more people, more pollutants,
18 different types of pollutants, and we all know that the
19 law often doesn't keep up with changing technology. As
20 a former science teacher, right? We didn't think at
21 first of having rules for cell phones in the classroom
22 that are a distraction because we didn't know what
23 problems they would cause.

24 That may seem like a trivial example, but
25 that's something everyone can relate to. So if, you

1 know, listening to environmentalist words isn't your cup
2 of tea, if you disdain tree huggers, I will also quote
3 Peter Drucker, somebody who business people look up to,
4 read, and revere.

5 He said -- it's a tribute, actually,
6 originally to Deming, but he promulgated the words --
7 "If you cannot measure it, you cannot improve it. You
8 cannot manage what you cannot measure. Also, the best
9 way to predict the future is to create it."

10 Many people have spoken about some dire
11 predictions if there are changes. I hope we're not
12 interested in creating a world worse than one that we
13 were given.

14 Furthermore, if we want to look beyond our
15 region, in 2010, the UN general assembly recognized
16 access to safe and clean drinking water and sanitation
17 as a basic human right. So this is globally
18 acknowledged.

19 Furthermore, a World Health Organization study
20 in 2012 calculated that for every dollar invested in
21 sanitation, there was a return of \$5.50, in lower health
22 costs, more productivity, and fewer premature deaths.

23 That sounds pretty compelling to me.

24 Again, like investing in early childhood care
25 in preschools, right, is worth it in the long term. So

1 my understanding is that ORSANCO stands for the Ohio
2 River Valley Water Sanitation Commission, and its goal
3 is to ensure that the Ohio River is safe for drinking,
4 fishing, and recreation.

5 Many people have spoken about drinking
6 already.

7 I am not a -- fond of fishing myself, so I
8 will speak just briefly about recreation.

9 I actually grew up in New Jersey, so we had
10 the mighty Atlantic Ocean to visit. I'll be honest,
11 when I first came to Cincinnati, I looked at the Ohio
12 River and said, (sounding), this is the water I get to hang
13 out by?

14 Didn't quite cut it compared to the ocean.

15 However, over the decades that I've been here,
16 I've grown a fondness for it, especially as the area on
17 the north side of the river, as well as the south, has
18 been improved with all sorts of recreation attractions.

19 So it seems to me if the river gets smelly,
20 stinky, and otherwise unpleasant, that that investment
21 of beautifying and enriching our riverside to make it an
22 attractive place to visit is not going to be money well
23 spent.

24 Again, you know what your mission is. I'm
25 here because when my grandchildren ask me, where were

1 you when the shit hit the river, so to speak, what did
2 you do? There are other people tonight that have other
3 obligations that might say, well, it's not my job, but
4 it is your job.

5 Thank you very much.

6 MR. FREVERT: Rich Cogan.

7 RICH COGAN: Good evening. My name is Rich
8 Cogan. I'm executive director of Ohio River Foundation.

9 We're a regional conservation organization
10 based in Cincinnati, and we represent the 25 million or
11 so people that live in the watershed.

12 First, I want to thank the commission for
13 having this hearing. It's always a pleasure to -- to
14 visit with you as well as to provide an opportunity for
15 the public to be involved and provide comment on
16 anything that ORSANCO does. I want to thank the guests
17 who are still here for their perseverance and staying
18 till 9:00.

19 I did make a -- a bet that it was going to go
20 till 9:00, and I think I won that bet.

21 But I want to thank you all, especially I
22 heard some very eloquent explanations as to why people
23 think adoption of alternative two is not the right
24 course.

25 Also, I want the commission to understand that

1 while the capacity of the room was met, that these
2 people represent the 25 million people who could not be
3 here, that the number of organizations that were
4 represented as far as speakers are concerned only
5 numbered about ten organizations.

6 So of the others that were here, the 85 or so
7 guests, the rest were just, as one person said, a
8 regular person. But the importance of a regular person
9 should not be understated.

10 As far as the hearings are concerned, there
11 was a, I'll admit, a late ask for additional hearings in
12 addition to this hearing. However, the attendees at
13 this hearing I think illustrate the importance that
14 people hold their water quality in the Ohio River. The
15 attendees primarily, I believe, if not everyone, was
16 only from Indiana, Ohio, and Kentucky, and West
17 Virginia. There was nobody from Pennsylvania or
18 Illinois, as well as Virginia's also one of the basin
19 states. And New York. Thank you.

20 So I ask ORSANCO to take that in
21 consideration as far as their time line is concerned. I
22 know that they are trying to rush to an October 4th or
23 6th meeting deadline for consideration of alternative
24 two, but perhaps holding additional hearings is in the
25 best interest of the watershed and not the procedures of

1 ORSANCO.

2 Furthermore, as far as ORSANCO's decision
3 concerning alternative two, and stepping back from its
4 responsibility for writing water quality standards for
5 the Ohio River, I know that it is uncomfortable for
6 ORSANCO. Being a regulator and a regulatory body and
7 being in politics can be difficult and uncomfortable.

8 Adopting positions that the public may object
9 to and voice their objections.

10 We saw that several years ago when the issue
11 about contact recreation was debated, and ORSANCO
12 stepped back from that particular position. This one is
13 a lot more serious, whether it is a budgetary decision
14 or a political decision, especially if it is a budgetary
15 decision.

16 Look at the rest of the ORSANCO budget. What
17 is the core mission of ORSANCO? Is it monitoring and
18 research and not control of pollution? I believe in
19 looking at the compact. Control of pollution is
20 paramount. Not saying that monitoring research is not
21 important, but control of pollution should be paramount.

22 The vital function of ORSANCO is to push for
23 uniform standards across all the basin states. If it
24 needs to spend more of its budget on those particular
25 items and functions, then so be it. And perhaps some of

1 the other programs need to go away.

2 Finally, you will receive my written comments
3 as you have from the rest of the watershed organization
4 advisory committee members, and I implore you to reject
5 alternative two.

6 Thank you.

7 MR. FREVERT: Thank you, Rich.

8 That concludes the -- the list of people who
9 had indicated earlier on they want to comment, but
10 before I close the hearing, I want to make sure
11 everybody understands if there's anybody in the room
12 that still wants to make a comment, we'd be willing to
13 receive that.

14 Yes. Come on up.

15 MELANIE PHILLIPS: Can I add to my comment?

16 MR. FREVERT: Certainly.

17 MELANIE PHILLIPS: Okay. I really appreciate
18 it.

19 I promise not to get emotional.

20 I touched on the issue of veterans' issues. I
21 am a service-connected disabled veteran. I just wanted
22 to tell you briefly about -- I'm one of about 108,000 in
23 the State of Ohio. I'm a member of TRR Cincinnati. If
24 you're not familiar, it's Team River Runner, which is a
25 nonprofit group, and I just want to briefly read what

1 they do.

2 They give active duty service members and
3 veterans an opportunity to find health healing and
4 challenges through whitewater boating and other paddling
5 sports. The benefits of TRR have much to do with
6 creating a social network and support system, as they do
7 with learning water sports skills that provide lifestyle
8 that seems lost due to injury.

9 And it also includes -- encourages family
10 members to participate, which is good for veterans. So
11 I do want you to consider the needs of disabled veterans
12 and water sports.

13 Thank you.

14 MR. FREVERT: Before you leave, I want to make
15 sure the court reporter got your name the second --

16 MELANIE PHILLIPS: Oh, I'm sorry. Melanie
17 Phillips.

18 MR. FREVERT: Thank you.

19 Yes, sir. You have one more comment?

20 JOHN BLAIR: Yeah, I have a short one.

21 MR. FREVERT: And repeat your name, please.

22 JOHN BLAIR: Yes, I will. My name is John
23 Blair.

24 I'm with the organization Valley Watch.

25 Before I became an environmental health

1 advocate, I -- my issue that I was mostly a public
2 citizen about was civil liberties. And -- and civil
3 liberties depend upon democracy in so many ways. Well,
4 democracy. The comments that were put up on the screen
5 awhile ago that you received in the first round were 797
6 to 17.

7 Tonight, I don't know how many people spoke,
8 but it was 100 percent that said that they didn't want
9 alternative two. That's the bottom line.

10 JASON FLICKNER: Yeah, I'm Jason Flickner.
11 I'm going to add to my comments. (coughs) Excuse me.

12 I am the director of the Lower Ohio River
13 Waterkeeper. In 2006, I had the pleasure of working for
14 Judy Peterson at the Kentucky Waterways Alliance when we
15 defeated ORSANCO's proposal to adopt wet weather
16 standards. And we're not going to get into what wet
17 weather standards were in 2006, but I'm going to tell
18 you what we're going to do from now on to defeat this.

19 ORSANCO's deadline -- we asked ORSANCO to
20 extend the deadline a minimum of 30 days and add two
21 more comments -- or two more public hearings. They
22 refused to do the public hearings, which is fine. I
23 understand the time line. They extended the comment
24 period to ten days to make it 55 days total. So it's
25 now October 20th.

1 That day is pretty much arbitrary -- August
2 20th.

3 I'm sorry.

4 After August 20th -- all of these
5 commissioners are appointed by the governor, so they are
6 doing what the governor tells them to do. So after
7 August 20th, we are going to start writing to the
8 governor, and we're going to tell the governor to stop
9 this proposal. We have to make a stink with the
10 governor's office. That's the only way this is going to
11 happen.

12 The other thing we're going to do is kind of
13 rough up ORSANCO in the media. We're going to continue
14 to get letters to the editor, and we're going to
15 continue to get articles about this pretty much -- I
16 understand what ORSANCO's trying to do here. ORSANCO
17 wants to get out of the business of controversy.

18 By removing the criteria, you're out of the
19 business of controversy. You want to be an
20 environmental organization, and that's all great, but I
21 don't think that bowing to industry is the way to become
22 an environmental organization.

23 Write the governor.

24 MR. FREVERT: I -- I don't see any indication
25 that anybody else has further comments to make, so at

1 this time, which is 9:13, I'm going to call the hearing
2 to a close. Thank you all for attending.

3 (HEARING CONCLUDED AT 9:13 P.M.)

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1 CERTIFICATE OF REPORTER

2 STATE OF OHIO

3

4 I do hereby certify that the foregoing transcript was
5 taken on the date, and at the time and place set out on
6 the Title page hereof; and that the said matter was
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10 all to the best of my skill and ability. I certify that
11 I am not a relative or employee of either counsel, and
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14

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16 RACHEL MONAHAN, COURT REPORTER / NOTARY

17 MY COMMISSION EXPIRES ON: 04/16/2020

18 SUBMITTED ON: 08/08/2018

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