

# Memo


## Ohio River Valley Water Sanitation Commission

***SINCE 1948***  
*Improving Water Quality in the  
Ohio River for over 60 Years*

*5735 Kellogg Avenue  
Cincinnati, Ohio 45230  
Telephone: (513) 231-7719  
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**DATE:** January 24, 2019

**TO:** Commissioners/Proxies/All Attendees

**FROM:** Richard Harrison, Executive Director 

**SUBJECT:** Transmittal of Resource Materials and Schedule for 223<sup>rd</sup> Commission Meeting and 219<sup>th</sup> Technical Committee Meeting  
February 12-14, 2019, Covington, Kentucky

Enclosed for your information and preparation are the agendas, attachments and related resource documents for the upcoming 223<sup>rd</sup> Commission Meeting, as well as the 219<sup>th</sup> Technical Committee (TEC) Meeting to be held in Covington, Kentucky. The hotel address is 10 East RiverCenter Boulevard in Covington, Kentucky 41011; the telephone number is 859-261-8400. Taxi fare from the airport is approximately \$23. Executive Transportation runs transportation from the airport at a cost of \$22/one way or \$32/round trip. Overnight self-parking in the attached garage at the hotel is complimentary; valet parking is \$26 per night. Check-in time is 4:00 pm and check-out time is 12:00 pm. We have also included a brochure that includes a riverfront map and area attractions.

The Technical Committee (TEC) will meet starting at 1:00 p.m. on Tuesday, February 12, and conclude by 12:00 p.m. on Wednesday, February 13. The Schedule of Events provides for the Audit Committee to meet Wednesday, February 13 at 7:30 a.m. to review the FY18 Audit. Following a group lunch on Wednesday, the Commissioners and Proxies will meet in Executive Session at 1:15 p.m. The 223<sup>rd</sup> Commission meeting will be held on Thursday morning, February 14 at 9:00 a.m. Suggested attire is business-casual through Wednesday and business on Thursday. Please note that Covington is on Eastern Standard Time (EST).

Some additional background on the scheduled events and agenda items follow:

**Tuesday, February 12:**

12:00 Noon	Lunch will be available for members of the Technical Committee, the Public Information Advisory Committee, Commissioners who have arrived, guests and staff.
1:00 P.M.	Technical Committee Meeting – TEC’s meeting agenda includes: Development of Ohio River PFAS study, Results of Mercury Mass Balance Project, Biological and Source Water Protection Programs updates, Harmful Algal Bloom Update, and a status report on the Pollution Control Standards Review.

**Wednesday, February 13:**

7:30 A.M. Audit Committee members will meet to review ORSANCO's 2018 Audit.

8:30 A.M. Technical Committee Meeting continues.

12:00 Noon Lunch for Commissioners, TEC, guests and staff.

1:15 P.M. Executive Session of Commissioners – Commissioners/Proxies only

1:30 P.M. Public Information Advisory Committee Meeting

5:30 P.M. Chairman's Reception

**Thursday, February 14:**

9:00 A.M. 223<sup>rd</sup> Commission Meeting – Background information on some of the agenda items follows:

**Item 1** – The Chairman will be providing his report including recognition of Commissioner Craig Butler and Commissioner Alec Messina's service to ORSANCO, recognition of employees reaching 5 year employment milestones and an overview of ORSANCO activities since the October Commission meeting.

**Item 4** – A report by the Audit Committee Chairman, John Hoopingarner and ORSANCO's Auditor will be given on ORSANCO's FY18 Audit.

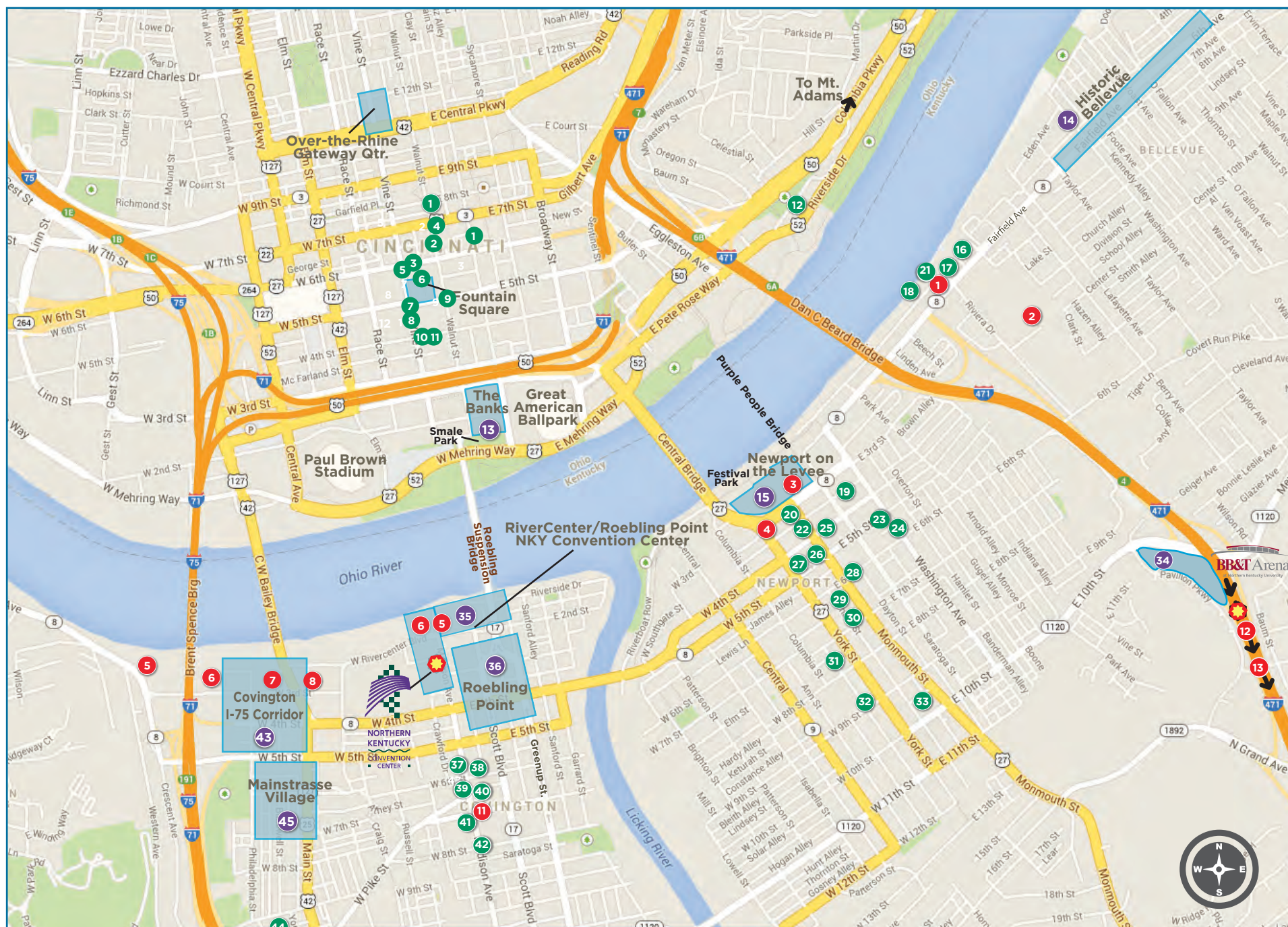
**Item 6** – A report by Technical Committee Chairman, Bruno Pigott will be given on outcomes of the February 12-13 Technical Committee Meeting.

**Item 7** – A report by Pollution Control Standards Committee member and Commissioner Proxy Scott Mandirola will be given.

**Item 8** – A report by Ad Hoc Committee on policy and Procedures Implementation Chairman, Doug Conroe on proposed Bylaws revisions and the Committee's overall progress.

We look forward to seeing you next month.





## DINING

### CINCINNATI DOWNTOWN Cincinnati, OH 45202

- 1 **Jeff Ruby's Steakhouse**  
700 Walnut St.
- 2 **Nicholson's Tavern & Pub**  
625 Walnut St.
- 3 **Boca & Sotto**  
114 E. Sixth St.
- 4 **Nada**  
600 Walnut St.
- 5 **Jean-Robert's Table**  
713 Vine St.
- 6 **Rock Bottom Restaurant & Brewery**  
10 Fountain Square
- 7 **Via Vite**  
520 Vine St.
- 8 **Palomino**  
505 Vine St.
- 9 **McCormick & Schmick's**  
21 E. Fifth St.
- 10 **Morton's of Chicago**  
441 Vine St.
- 11 **Boi Na Braza**  
441 Vine St.
- 12 **Montgomery Inn at the Boathouse**  
925 Riverside Dr.
- 13 **THE BANKS**  
E. Freedom Way  
Cincinnati, OH 45202
- Pies & Pints**
- Burger Fi**
- Jefferson Social**
- Condado Taco**
- Joella's Hot Chicken**
- Tin Roof**
- Yard House**
- Jimmy John's**
- Ruth's Chris Steakhouse**
- Moerlein Lager House**
- Taste of Belgium**

### 14 BELLEVUE HISTORIC DISTRICT

- Avenue Brew**  
310 Fairfield Ave.
- The Bellevue Bistro**  
313 Fairfield Ave.
- Mrs. Teapots**  
339 Fairfield Ave.
- Fessler's**  
343 Fairfield Ave.
- The Pretzel Place**  
411 Fairfield Ave.
- Siam Orchid Thai**  
511 Fairfield Ave.
- The Elusive Cow**  
519 Fairfield Ave.
- Purple Poulet**  
603 6th Ave.  
Dayton, KY 41074
- Trotta's Steak & Seafood**  
441 6th Ave.  
Dayton, KY 41074

### 15 NEWPORT ON THE LEVEE

- 1 Levee Way  
Newport, KY 41071
- Mitchell's Fish Market**
- Dewey's Pizza**
- Brothers Bar & Grill**
- Brio Tuscan Grille**
- Bar Louie**
- Cold Stone Creamery**
- Tom + Chee**
- Axis Alley**
- Five Guys Burgers and Fries**
- Gameworks**
- Greek Burrito**

### 16 Buckhead Mountain Grill

- 35 **Buckhead Mountain Grill**  
35 Fairfield Ave.  
Bellevue, KY 41073
- 17 **Joe's Crab Shack**  
25 Fairfield Ave.  
Bellevue, KY 41073
- 18 **Chart House**  
405 Riverboat Row  
Newport, KY 41071
- 19 **Hofbräuhaus Newport**  
200 E. Third St.  
Newport, KY 41071
- 20 **Strong's Brick Oven Pizzeria**  
336 Monmouth St.  
Newport, KY 41071
- 21 **Cancun Mexican Grill**  
401 Riverboat Row  
Newport, KY 41071
- 22 **Mad Mike's Burgers & Fries**  
342 Monmouth St.  
Newport, KY 41071
- 23 **Newberry Bros. Coffee & Prohibition Bourbon Bar**  
530 Washington Ave.  
Newport, KY 41071
- 24 **Pompilios**  
600 Washington Ave.  
Newport, KY 41071
- 25 **Press on Monmouth**  
421 Monmouth St.  
Newport, KY 41071
- 26 **Mokka & the Sunset Bar & Grill**  
500 Monmouth St.  
Newport, KY 41071
- 27 **Gangster Dueling Piano Bar**  
18 E. Fifth St.  
Newport, KY 41071
- 28 **Newport Pizza Co.**  
601 Monmouth St.  
Newport, KY 41071
- 29 **Pasquale's**  
630 Monmouth St.  
Newport, KY 41071

### 30 La Mexicana

- 30 **La Mexicana**  
642 Monmouth St.  
Newport, KY 41071
- 31 **Green Derby Kentucky Bistro**  
846 York St.  
Newport, KY 41071
- 32 **York Street Café**  
738 York St.  
Newport, KY 41071
- 33 **Lucy's on Monmouth**  
1004 Monmouth St.  
Newport, KY 41071
- 34 **NEWPORT PAVILLION**  
83-95 Carothers Rd.  
Newport, KY 41071
- Flip Daddy's**
- Buffalo Wild Wings**
- Panera Bread**
- Noodles & Company**
- Chipotle**
- Chick-fil-A**
- IHOP**
- New China Buffet**
- LaRosa's Pizzeria**
- Casual Chinese**
- Hot Head Burritos**
- Jersey Mikes**
- 35 **RIVERCENTER/CONVENTION CENTER**  
Covington, KY 41011
- 10 West @ the Marriott**
- Atrium Cafe & Bar**
- Biscuits to Burgers**
- FIRE**
- Butler's Pantry**
- The Gruff**
- Starbucks @ NKY Convention Center**
- Nick & Tony's Double Decker Cafe**

### 36 Roebling Point District

- Smoke Justis**  
302 Court Street
- Keystone Bar & Grill**  
313 Greenup St.
- Blinkers Tavern**  
318 Greenup St.
- Molly Malone's Irish Pub & Restaurant**  
112 E. Fourth St.
- Jimmy John's**  
627 Madison Ave.
- Nick & Tony's Double Decker Cafe**  
300 Madison Ave.
- Shans Jade Cafe**  
300 Madison Ave.
- Lil's Bagels**  
308 Greenup St.
- 37 **LaRosa's Pizzeria**  
417 Madison Ave.  
Covington, KY 41011
- 38 **Wabi Sabi**  
508 Madison Ave.  
Covington, KY 41011
- 39 **Riverside Korean**  
512 Madison Ave.  
Covington, KY 41011
- 40 **Kung Food AmerAsia**  
521 Madison Ave.  
Covington, KY 41011
- 41 **Agave & Rye**  
635 Madison Ave.  
Covington, KY 41011
- 42 **Inspirado**  
715 Madison Ave.  
Covington, KY 41011

### 43 Covington 1-75 Corridor

- Burgers & Crafts @ the Holiday Inn**  
600 W. Third St.
- Skyline Chili**  
617 W. Third St.
- Riverfront Pizza**  
617 W. Third St.
- Frisch's Big Boy**  
520 W. Fifth St.
- 18 Revolving Restaurant @ Radisson Hotel**  
668 W. Fifth St.
- The Fifth Lounge @ Radisson Hotel**  
668 W. Fifth St.
- Chipotle**  
501 W. Fourth St.
- Wendy's**  
410 Philadelphia St.
- McDonald's**  
302 Philadelphia St.
- Taco Bell**  
420 W. Fourth St.
- Burger King**  
316 Philadelphia St.
- White Castle**  
596 W. Third St.
- Popeye's**  
502 Main St.
- Waffle House**  
617 W. Third St.
- Gold Star**  
504 W. Fourth St.
- 44 **Wunderbar**  
1132 Lee St.  
Covington, KY 41011

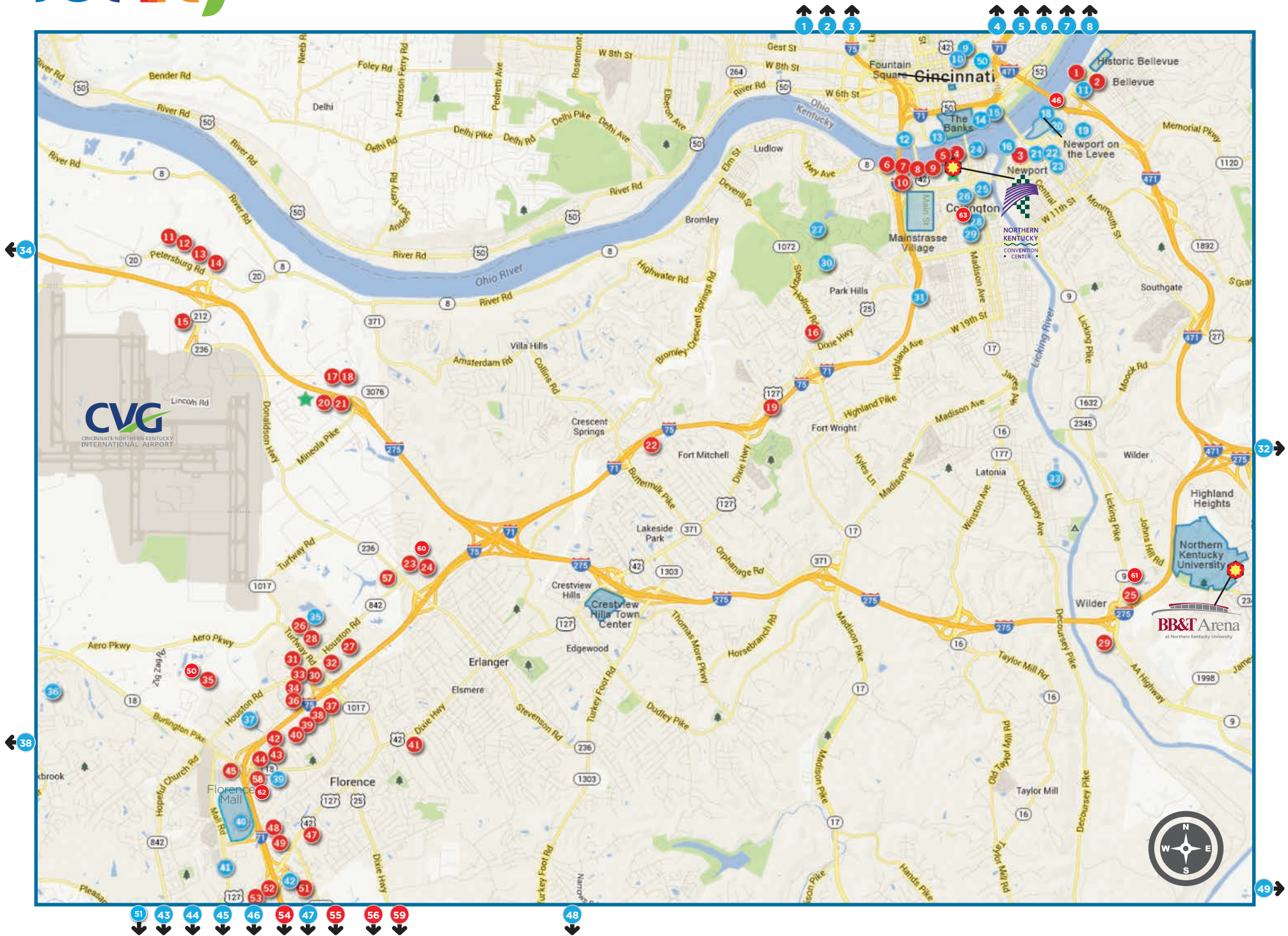
### 45 MAINSTRASSE VILLAGE

- Frida 602**  
602 Main St.
- Goodfellas Pizzeria**  
603 Main St.
- Mac's Pizza Pub**  
604 Main St.
- Pizza Tower**  
611 Main St.
- Commonwealth Bistro**  
621 Main St.
- Zola Pub & Grill**  
626 Main St.
- Old Kentucky Bourbon Bar**  
629 Main St.
- Strasse Haus**  
630 Main St.
- Crafts & Vine**  
642 Main St.
- Zazou Grill & Pub**  
502 W. Sixth St.
- Bouquet Restaurant & Wine Bar**  
519 Main St.
- Piper's Cafe**  
520 W. Sixth St.
- Otto's**  
521 Main St.
- Bourbon Haus 1841**  
522 Main St.
- Dee Felice Café**  
529 Main St.
- Lisse Steakhuis**  
530 Main St.
- Cock & Bull English Pub**  
601 Main St.
- Village Gasthaus**  
514 W. 6th St.

## HOTELS

- 1 **Comfort Suites Newport**  
420 Riverboat Row  
Newport, KY 41071
- 2 **Holiday Inn Express & Suites Bellevue**  
109 Landmark Dr.  
Bellevue, KY 41073
- 3 **Aloft Newport on the Levee**  
201 E. 3rd St.  
Newport, KY 41071
- 4 **Hampton Inn & Suites Newport**  
222 York St.  
Newport, KY 41071
- 5 **Embassy Suites RiverCenter**  
10 E. RiverCenter Blvd.  
Covington, KY 41011
- 6 **Marriott RiverCenter**  
10 W. RiverCenter Blvd  
Covington, KY 41011
- 7 **Best Western Plus Riverfront**  
200 Crescent Ave.  
Covington, KY 41011
- 8 **Holiday Inn Cincinnati Riverfront**  
600 W. Third St.  
Covington, KY 41011
- 9 **Courtyard by Marriott Covington**  
500 W. Third St.  
Covington, KY 41011
- 10 **Radisson Hotel Cincinnati Riverfront**  
668 W. Fifth St.  
Covington, KY 41011
- 11 **Hotel Covington**  
638 Madison Ave.  
Covington, KY 41011
- 12 **Hampton Inn & Suites Wilder**  
10 Hampton Ln.  
Wilder, KY 41076
- 13 **Comfort Inn & Suites Wilder**  
10 Country Dr.  
Wilder, KY 41076
- 14 **Holiday Inn Express & Suites Wilder**  
8 Hampton Lane  
Wilder, KY 41076





## ATTRACTIONS

- |  |  |  |   |  |   |   |
|--|--|--|---|--|---|---|
| <p><b>1 American Sign Museum</b><br/>1330 Monmouth Ave.<br/>Cincinnati, OH 45225</p> <p><b>2 Cincinnati Museum Center at Union Terminal</b><br/>1301 Western Ave.<br/>Cincinnati, OH 45203</p> <p><b>3 Music Hall</b><br/>1241 Elm St.<br/>Cincinnati, OH 45202</p> <p><b>4 Kings Island</b><br/>6300 Kings Island Dr.<br/>Mason, OH 45039</p> <p><b>5 Cincinnati Zoo &amp; Botanical Garden</b><br/>3400 Vine St.<br/>Cincinnati, OH 45220</p> <p><b>6 Krohn Conservatory</b><br/>Eden Park Dr.<br/>Cincinnati, OH 45202</p> <p><b>7 Cincinnati Art Museum</b><br/>953 Eden Park Dr.<br/>Cincinnati, OH 45202</p> | <p><b>8 Cincinnati Playhouse in the Park</b><br/>962 Mt. Adams Circle<br/>Cincinnati, OH 45202</p> <p><b>9 Aronoff Center for the Arts</b><br/>650 Walnut St.<br/>Cincinnati, OH 45202</p> <p><b>10 Contemporary Arts Center</b><br/>44 E. Sixth St.<br/>Cincinnati, OH 45202</p> <p><b>11 New Riff Distilling</b><br/>1 Levee Way<br/>Newport, KY 41073</p> <p><b>12 Paul Brown Stadium Cincinnati Bengals</b><br/>6 Paul Brown Stadium<br/>Cincinnati, OH 45202</p> <p><b>13 National Underground Railroad Freedom Center</b><br/>50 E. Freedom Way<br/>Cincinnati, OH 45202</p> <p><b>14 Cincinnati Reds Hall of Fame &amp; Museum</b><br/>100 Joe Nuxhall Way<br/>Cincinnati, OH 45202</p> | <p><b>15 Great American Ballpark/Cincinnati Reds</b><br/>100 Joe Nuxhall Way<br/>Cincinnati, OH 45202</p> <p><b>16 BB Riverboats</b><br/>101 Riverboat Row<br/>Newport, KY 41071</p> <p><b>17 Dart Rush</b><br/>1 Levee Way<br/>Newport, KY 41071</p> <p><b>18 AMC Newport 20 Theatres</b><br/>1 Levee Way<br/>Newport, KY 41071</p> <p><b>19 East Row Historic District</b><br/>502 Washington Ave.<br/>Newport, KY 41071</p> <p><b>20 Newport Aquarium</b><br/>1 Aquarium Way<br/>Newport, KY 41071</p> <p><b>21 World Peace Bell</b><br/>425 York St.<br/>Newport, KY 41071</p> <p><b>22 Gangsters Gamblers &amp; Girls Historic Tour</b><br/>18 E. Fifth St.<br/>Newport, KY 41071</p> | <p><b>23 Monmouth Theatre</b><br/>636 Monmouth St.<br/>Newport, KY 41071</p> <p><b>24 Riverside Drive Historic District</b><br/>Riverside Dr.<br/>Covington, KY 41011</p> <p><b>25 Baker Hunt Art &amp; Cultural Center</b><br/>620 Greenup St.<br/>Covington, KY 41011</p> <p><b>26 Madison Theater</b><br/>730 Madison Ave.<br/>Covington, KY 41011</p> <p><b>27 Behringer-Crawford Museum</b><br/>1600 Montague Rd.<br/>Covington, KY 41011</p> <p><b>28 The Carnegie</b><br/>1028 Scott Blvd.<br/>Covington, KY 41011</p> <p><b>29 Cathedral Basilica of the Assumption</b><br/>1140 Madison Ave.<br/>Covington, KY 41011</p> | <p><b>30 Devou Park, Golf &amp; Tennis Club</b><br/>1344 Audubon Rd.<br/>Covington, KY 41011</p> <p><b>31 Garden of Hope</b><br/>699 Edgecliff Rd.<br/>Covington, KY 41014</p> <p><b>32 Coney Island &amp; Sunlite Pool</b><br/>6201 Kellogg Ave.<br/>Cincinnati, OH 45230</p> <p><b>33 Twin Oaks Golf &amp; Club</b><br/>450 E. 43rd St.<br/>Covington, KY 41015</p> <p><b>34 Creation Museum</b><br/>2800 Bullittsburg Church Rd.<br/>Petersburg, KY 41080</p> <p><b>35 Turfway Park</b><br/>7500 Turfway Rd.<br/>Florence, KY 41042</p> <p><b>36 Boone Links Golf</b><br/>19 Clubhouse Dr.<br/>Florence, KY 41042</p> <p><b>37 World of Golf</b><br/>7400 Woodspoint Dr.<br/>Florence, KY 41042</p> | <p><b>38 Dinsmore Homestead</b><br/>5656 Burlington Pike<br/>Burlington, KY 4100</p> <p><b>39 Florence Family Aquatic Center</b><br/>8200 Ewing Blvd.<br/>Florence, KY 41042</p> <p><b>40 Rave Cinemas Florence 14</b><br/>7860 Mall Rd.<br/>Florence, KY 41042</p> <p><b>41 Florence Antique Mall</b><br/>8145 Mall Rd.<br/>Florence, KY 41042</p> <p><b>42 UC Health Stadium Florence Freedom</b><br/>7950 Freedom Way<br/>Florence, KY 41042</p> <p><b>43 Kentucky Speedway</b><br/>5120 Sparta Pike<br/>Sparta, KY 41086</p> <p><b>44 Rabbit Hash</b><br/>10021 Lower River Rd.<br/>Rabbit Hash, KY 41005</p> | <p><b>45 Big Bone Lick State Park</b><br/>3380 Beaver Rd.<br/>Union, KY 41091</p> <p><b>46 Lassing Pointe Golf</b><br/>2266 Double Eagle Dr.<br/>Union, KY 41091</p> <p><b>47 Ark Encounter</b><br/>I-75 (exit 154)<br/>Williamstown, KY 41097</p> <p><b>48 The Golf Courses of Kenton County</b><br/>3908 Richardson Rd.<br/>Independence, KY 41051</p> <p><b>49 A.J. Jolly Golf Course</b><br/>11541 Alexandria Pike<br/>Alexandria, KY 41001</p> <p><b>50 JACK Casino</b><br/>1000 Broadway<br/>Cincinnati, OH 45202</p> <p><b>51 Boone County Distilling Co.</b><br/>10601 Toebben Dr.<br/>Independence, KY 41051</p> |
|--|--|--|---|--|---|---|

## HOTELS

- |  |  |   |   |  |   |   |
|--|--|---|---|--|---|---|
| <p><b>1 Comfort Suites Newport</b><br/>420 Riverboat Row<br/>Newport, KY 41071</p> <p><b>2 Holiday Inn Express &amp; Suites Bellevue</b><br/>110 Landmark Dr.<br/>Bellevue, KY 41073</p> <p><b>3 Hampton Inn &amp; Suites Newport</b><br/>275 Columbia St.<br/>Newport, KY 41071</p> <p><b>4 Embassy Suites RiverCenter</b><br/>10 E. RiverCenter Blvd.<br/>Covington, KY 41011</p> <p><b>5 Marriott RiverCenter</b><br/>10 W. RiverCenter Blvd.<br/>Covington, KY 41011</p> <p><b>6 Best Western Plus Cincinnati Riverfront</b><br/>200 Crescent Ave.<br/>Covington, KY 41011</p> <p><b>7 Extended Stay America Covington</b><br/>650 W. Third St.<br/>Covington, KY 41011</p> <p><b>8 Holiday Inn Cincinnati Riverfront</b><br/>600 W. Third St.<br/>Covington, KY 41011</p> | <p><b>9 Courtyard by Marriott Covington</b><br/>500 W. Third St.<br/>Covington, KY 41011</p> <p><b>10 Radisson Hotel Cincinnati Riverfront</b><br/>668 W. Fifth St.<br/>Covington, KY 41011</p> <p><b>11 Comfort Suites Cincinnati Airport</b><br/>775 Petersburg Rd.<br/>Hebron, KY 41048</p> <p><b>12 Hampton Inn Cincinnati Airport North</b><br/>755 Petersburg Rd.<br/>Hebron, KY 41048</p> <p><b>13 Country Inn &amp; Suites Cincinnati Airport</b><br/>759 Petersburg Rd.<br/>Hebron, KY 41048</p> <p><b>14 Marriott Cincinnati Airport</b><br/>2395 Progress Dr.<br/>Hebron, KY 41048</p> <p><b>15 Doubletree Cincinnati Airport</b><br/>2826 Terminal Dr.<br/>Hebron, KY 41048</p> <p><b>16 Lookout Motel</b><br/>1700 Dixie Hwy.<br/>Fort Wright, KY 41011</p> | <p><b>17 Quality Inn &amp; Suites Erlanger</b><br/>1805 Airport Exchange Blvd.<br/>Erlanger, KY 41018</p> <p><b>18 Holiday Inn Cincinnati Airport</b><br/>1717 Airport Exchange Blvd.<br/>Erlanger, KY 41018</p> <p><b>19 Days Inn Ft. Wright</b><br/>1937 Dixie Hwy.<br/>Fort Wright, KY 41011</p> <p><b>20 Residence Inn by Marriott Cincinnati Airport</b><br/>2811 Circleport Dr.<br/>Erlanger, KY 41018</p> <p><b>21 Courtyard by Marriott Cincinnati Airport</b><br/>3990 Olympic Blvd.<br/>Erlanger, KY 41018</p> <p><b>22 Super 8 Ft. Mitchell</b><br/>2350 Royal Dr.<br/>Fort Mitchell, KY 41017</p> <p><b>23 Red Roof Inn Cincinnati Airport Erlanger</b><br/>599 Donaldson Rd.<br/>Erlanger, KY 41018</p> <p><b>24 Wingate by Wyndham Airport</b><br/>605 Viox Rd.<br/>Erlanger, KY 41018</p> <p><b>25 Hampton Inn &amp; Suites Wilder</b><br/>10 Hampton Ln.<br/>Wilder, KY 41076</p> | <p><b>26 SpringHill Suites Cincinnati Airport</b><br/>7492 Turfway Rd.<br/>Florence, KY 41042</p> <p><b>27 Ashley Quarters Hotel</b><br/>4880 Houston Rd.<br/>Florence, KY 41042</p> <p><b>28 Comfort Inn Airport Florence</b><br/>7454 Turfway Rd.<br/>Florence, KY 41042</p> <p><b>29 Comfort Inn &amp; Suites Wilder</b><br/>10 Country Dr.<br/>Wilder, KY 41076</p> <p><b>30 Hilton Cincinnati Airport</b><br/>7373 Turfway Rd.<br/>Florence, KY 41042</p> <p><b>31 Hampton Inn Cincinnati Airport South</b><br/>7393 Turfway Rd.<br/>Florence, KY 41042</p> <p><b>32 Extended Stay America Florence</b><br/>7350 Turfway Rd.<br/>Florence, KY 41042</p> <p><b>33 Extended Stay America Cincinnati/Florence</b><br/>200 Meijer Dr.<br/>Florence, KY 41042</p> <p><b>34 Hyatt Place Cincinnati Airport</b><br/>300 Meijer Dr.<br/>Florence, KY 41042</p> | <p><b>35 Homewood Suites by Hilton Airport Florence</b><br/>1090 Vandercar Way<br/>Florence, KY 41042</p> <p><b>36 La Quinta Inn &amp; Suites Airport Florence</b><br/>350 Meijer Dr.<br/>Florence, KY 41042</p> <p><b>37 Quality Inn &amp; Suites</b><br/>30 Cavalier Ct.<br/>Florence, KY 41042</p> <p><b>38 Woodspring Suites</b><br/>40 Cavalier Blvd.<br/>Florence, KY 41042</p> <p><b>39 Courtyard by Marriott Airport South Florence</b><br/>46 Cavalier Blvd.<br/>Florence, KY 41042</p> <p><b>40 Days Inn Florence</b><br/>50 Cavalier Blvd.<br/>Florence, KY 41042</p> <p><b>41 Turfside Motel</b><br/>6501 Dixie Hwy.<br/>Florence, KY 41042</p> <p><b>42 Best Western Florence</b><br/>7821 Commerce Dr.<br/>Florence, KY 41042</p> <p><b>43 Motel 6 Florence</b><br/>7820 Commerce Dr.<br/>Florence, KY 41042</p> <p><b>44 Best Value Inn Florence</b><br/>7810 Commerce Dr.<br/>Florence, KY 41042</p> | <p><b>45 Stay Lodge of Florence</b><br/>8035 Action Blvd.<br/>Florence, KY 41042</p> <p><b>46 Aloft Newport on the Levee</b><br/>201 E. Third St.<br/>Newport, KY 41071</p> <p><b>47 Wildwood Inn</b><br/>7809 U.S. 42<br/>Florence, KY 41042</p> <p><b>48 Super 8 Florence</b><br/>7937 Dream St.<br/>Florence, KY 41042</p> <p><b>49 Rodeway Inn Florence</b><br/>7928 Dream St.<br/>Florence, KY 41042</p> <p><b>50 Comfort Suites Florence</b><br/>5905 Merchants St.<br/>Florence, KY 41042</p> <p><b>51 Holiday Inn Florence</b><br/>7905 Freedom Way<br/>Florence, KY 41042</p> <p><b>52 Baymont by Wyndham</b><br/>8050 Holiday Place<br/>Florence, KY 41042</p> <p><b>53 Travelodge Florence</b><br/>8075 Stellen Dr.<br/>Florence, KY 41042</p> | <p><b>54 Morgan's Frontier Inn</b><br/>8318 Dixie Hwy.<br/>Florence, KY 41042</p> <p><b>55 Holiday Inn Express &amp; Suites Richwood</b><br/>12928 Frogtown Connector Rd.<br/>Richwood, KY 41094</p> <p><b>56 Econo Lodge Richwood</b><br/>11165 Frontage Rd.<br/>Richwood, KY 41094</p> <p><b>57 Econo Lodge Erlanger</b><br/>633 Donaldson Dr.<br/>Erlanger, KY 41018</p> <p><b>58 Microtel Inn &amp; Suites</b><br/>7490 Woodspoint Dr.<br/>Florence, KY 41042</p> <p><b>59 Motel 6 Walton/Richwood</b><br/>164 Winning Colors Dr.<br/>Walton, KY 41094</p> <p><b>60 Country Inn &amp; Suites Erlanger</b><br/>630 Donaldson Rd.<br/>Erlanger, KY 41018</p> <p><b>61 Holiday Inn Express &amp; Suites Wilder</b><br/>8 Hampton Lane<br/>Wilder, KY 41076</p> <p><b>62 Home2 Suites Florence Airport</b><br/>7570 Woodspoint Dr.<br/>Florence, KY 41042</p> <p><b>63 Hotel Covington</b><br/>638 Madison Ave.<br/>Covington, KY 41011</p> |
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# OHIO RIVER VALLEY WATER SANITATION COMMISSION

## SCHEDULE OF EVENTS

223<sup>rd</sup> Commission Meeting  
Embassy Suites Cincinnati-RiverCenter  
Covington, Kentucky  
February 12-14, 2019

<u>DATE/TIME</u>	<u>FUNCTION</u>	<u>LOCATION</u>
<b><u>Tuesday, February 12, 2019:</u></b>		
12:00 P.M.	TEC Lunch	Atrium
1:00 P.M. – 5:00 P.M.	TEC Meeting	City View/Captains View
<b><u>Wednesday, February 13, 2019:</u></b>		
7:30 A.M.	Audit Committee Meeting	Weller
8:30 A.M.	TEC Meeting – Continued	City View/Captains View
12:00 P.M. – 1:00 P.M.	Lunch	Atrium
1:15 P.M.	Executive Session of Commissioners (Commissioners/Proxies only)	City View/Captains View
1:30 P.M.	PIACO Meeting	Weller
5:30 P.M.	Chairman’s Reception	Atrium
<b><u>Thursday, February 14, 2019:</u></b>		
9:00 A.M.	Commission Meeting	City View/Captains View





**223<sup>rd</sup> Commission Meeting**  
**Embassy Suites Cincinnati-RiverCenter**  
**Covington, Kentucky**  
**Thursday, February 14, 2019**  
**9:00 A.M.**

**Chairman Ronald Potesta, Presiding**

## **COMMISSION MEETING AGENDA**

### **PLEDGE OF ALLEGIANCE**

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**QUORUM CALL** – Commissioner Charles Duritsa, Secretary/Treasurer

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### **PUBLIC PARTICIPATION**

- Introduction of Guests and Staff
  - Comments by Guests on Commission Agenda Items
- 

### **COMMISSION ACTION ITEMS AND COMMITTEE REPORTS**

1. Report of the Chairman – Commission Chairman Ron Potesta
    - Recognition of Commissioner Craig Butler – Commission Chairman Ron Potesta
    - Recognition of Commissioner Alec Messina – Commission Chairman Ron Potesta
    - Recognition of Staff Reaching Five-Year Employment Milestones – Commission Chairman Ron Potesta
    - Chairman Comments – Commission Chairman Ron Potesta
  2. Report of the Executive Director – Richard Harrison
    - Consideration of United States Army Corp of Engineers Planning Assistance to States Agreement
    - Executive Director Comments
  3. Action on Minutes of October 4, 2018
  4. Report of the Audit Committee – Commissioner John Hoopingarner, Committee Chairman
  5. Report of the Treasurer – Commissioner Charles Duritsa, Secretary/Treasurer
  6. Report and Recommendations; February 12-13 Technical Committee Meeting – Commissioner Bruno Pigott, Committee Chairman
  7. Report of the Pollution Control Standards Committee – Scott Mandirola, Commissioner Proxy
  8. Report of the Ad Hoc Committee on Policy and Procedures Implementation – Commissioner Doug Conroe, Committee Chairman
  9. Report of the Water Users Advisory Committee – Bruce Whitteberry, Committee Chairman
  10. Report of the Public Information Advisory Committee – Betsy Mallison, Committee Chairman
  11. Report of the Watershed Organizations Advisory Committee – Richard Cogen, Committee Chairman
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### **OTHER BUSINESS**

- Comments by Guests/Others
- Upcoming Meetings
  - June 4-6, 2019 Richmond, Virginia
  - October 8-10, 2019 Indianapolis, Indiana
  - February 11-13, 2020 Covington, Kentucky
  - June 9-11, 2020 TBD
- Adjourn



**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report of the Chairman	<b>Number:</b> 1
<b>Attachments:</b> <ul style="list-style-type: none"> <li>· Resolution 1-19</li> <li>· Resolution 2-19</li> </ul>	<b>Committee Type:</b> <input type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input checked="" type="checkbox"/> N/A	<b>Action Required:</b> <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
<b>Prepared by:</b> Richard Harrison <b>Presentation by:</b> Chairman Ron Potesta		

**KEY CONSIDERATIONS:**

- Chairman Ron Potesta will introduce a resolution honoring Ohio Commissioner Craig Butler's service to ORSANCO.
- Chairman Ron Potesta will introduce a resolution honoring Illinois Commissioner Alec Messina's service to ORSANCO.
- Chairman Ron Potesta will be recognizing ORSANCO staff members who have reached five-year employment milestones including Jason Heath for 30 years of service, Stacey Cochran for 15 years of service and Ryan Argo for 10 years of dedicated service to ORSANCO.
- Chairman Ron Potesta will provide brief comments.

**BUDGET/STAFF IMPLICATIONS:**

- None

**RECOMMENDATION:**

- Staff recommends that the Commission **adopt Resolution 1-19 to recognize Ohio Commissioner Craig Butler for distinguished service to the Commission, its partners and the citizens of the Ohio River Basin.**
- Staff recommends that the Commission **adopt Resolution 2-19 to recognize Illinois Commissioner Alec Messina for distinguished service to the Commission, its partners and the citizens of the Ohio River Basin.**
- 
- Recognition of five-year milestones is for information only.
- Chairman comments are for information only.

**BACKGROUND/HISTORY:**

- The Chairman presides at all meetings, appoints committees, signs all official orders or other official documents of the Commission, and performs all other duties appropriate to the office of the Chairman of the Commission.
- The Chairman serves as the Chairman of the Executive Committee and may participate in the deliberations of any committee created by the Commission.
- The Chairman's term of office is July 1 through June 30.



**RESOLUTION 1-19**

**RECOGNITION OF SERVICE**

**CRAIG BUTLER**

**WHEREAS:** Craig Butler has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2014 to 2019, representing the state of Ohio, and

**WHEREAS:** Mr. Butler has provided faithful and diligent service to the Commission, and

**WHEREAS:** Mr. Butler actively worked to help advance the Commission's goals, and

**WHEREAS:** Mr. Butler has earned the esteem and friendship of his fellow Commissioners, and

**WHEREAS:** Mr. Butler has devoted his career to protecting the precious natural resources of the State of Ohio, including serving as Director of the Ohio Environmental Protection Agency,

**NOW THEREFORE BE IT RESOLVED:** The Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude for Craig Butler's service, and wish him all the best in his future endeavors.

Adopted by action of the Commissioners of the Ohio River Valley Water Sanitation Commission on this, the 14<sup>th</sup> day of February 2019.

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**Ronald Potesta, Chairman**



**RESOLUTION 2-19**

**RECOGNITION OF SERVICE**

**ALEC MESSINA**

**WHEREAS:** Alec Messina has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2016 to 2019, representing the state of Illinois, and

**WHEREAS:** Mr. Messina has provided faithful and diligent service to the Commission, and

**WHEREAS:** Mr. Messina actively worked to help advance the Commission's goals, and

**WHEREAS:** Mr. Messina has earned the esteem and friendship of his fellow Commissioners, and

**WHEREAS:** Mr. Messina has devoted his career to protecting the precious natural resources of the State of Illinois, including serving as Director of the Illinois Environmental Protection Agency,

**NOW THEREFORE BE IT RESOLVED:** The Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude for Alec Messina's service, and wish him all the best in his future endeavors.

Adopted by action of the Commissioners of the Ohio River Valley Water Sanitation Commission on this, the 14<sup>th</sup> day of February 2019.

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**Ronald Potesta, Chairman**

**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report of the Executive Director	<b>Number:</b> 2
<b>Attachments:</b> · Department of the Army & ORSANCO PAS Agreement	<b>Committee Type:</b> <input type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input checked="" type="checkbox"/> N/A	<b>Action Required:</b> <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
<b>Prepared by:</b> Richard Harrison <b>Presentation by:</b> Executive Director Richard Harrison		

**KEY CONSIDERATIONS:**

- ORSANCO is the Fiscal Sponsor for the Ohio River Basin Alliance (ORBA).
- ORBA has been working with the US Army Corp of Engineers (USACE) and the Kentucky Division of Water to develop a USACE Planning Assistance to States (PAS) project to develop an Ohio River Basin Restoration Strategy.
- This \$400,000 project will be managed by the USACE and will be a collaborative effort with numerous stakeholders including Ohio River Basin States to develop Ohio River Basin wide priorities that will be an integral part of an Ohio River Basin Restoration Strategy.
- ORSANCO will help facilitate the component related to Ohio River Basin Water Quality, Management and Availability.
- This effort will help build the foundation for working to secure USEPA geographic program grants for the Ohio River Basin on an annual basis.
- If approved by the Commission, the project is anticipated to begin in March or April of 2019 and take one year to complete.
- This agreement is being submitted for consideration to the ORSANCO Commission and if approved by the Commission, will be executed by the Commission's Executive Director and the USACE Louisville District Commander.
- Dr. David Wicks will be providing a brief overview of the Ohio River Recreation Trail project that is being developed and will fit in well with the recreation component of the Ohio River Basin Restoration Strategy.
- The Executive Director will also provide a summary of staff activities since the Commission's last meeting on October 4, 2018.

**BUDGET/STAFF IMPLICATIONS:**

- The USACE and ORBA \$400,000 PAS project will include \$200,000 of funding from the USACE, \$150,000 from the Kentucky Division of Water and will include \$50,000 of in-kind contributions related to labor costs from ORSANCO and State stakeholders.
- The \$400,000 PAS project cost will primarily provide support for USACE staff and travel costs to facilitate and prepare the final Ohio River Basin Restoration Strategy report.
- There will also be a minor amount of ORSANCO finance staff time devoted to PAS project management.

**RECOMMENDATION:**

- Staff recommends that the **Commission approve the Planning Assistance to States Agreement between the Department of the Army and the Ohio River Valley Water Sanitation Commission for the development of an Ohio River Basin-Wide Strategic Plan** because this agreement with ORSANCO must be approved by the ORBA Fiscal Sponsor (ORSANCO) on the behalf of ORBA.
- Executive Director comments are for information only.

**BACKGROUND/HISTORY:**

- The Executive Director is the Chief Executive Officer of the Commission, and administrative head of the Commission staff.
- The Executive Director performs such duties including the signing of contracts as may be assigned by the Commission, the Chairman or the Executive Committee.



AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
OHIO RIVER VALLEY WATER SANITATION COMMISSION  
FOR DEVELOPMENT OF AN OHIO RIVER BASIN-WIDE STRATEGIC PLAN

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the Department of the Army (hereinafter the “Government”), represented by the Commander and District Engineer, United States Army Engineer District, Louisville (hereinafter the “Commander and District Engineer”) and the Ohio River Valley Water Sanitation Commission (hereinafter the “Non-Federal Sponsor”), represented by Richard Harrison, Executive Director.

WITNESSETH, THAT:

WHEREAS, Section 22 of the Water Resources Development Act of 1974, as amended (42 U.S.C. 1962d-16) authorizes the Secretary of the Army, acting through the Chief of Engineers, to provide assistance in the preparation of a comprehensive water resources plan (hereinafter the “Plan”) to a State or non-Federal interest working with a State, and to establish and collect fees for the purpose of recovering 50 percent of the costs of such assistance except that Secretary may accept and expend non-Federal funds provided that are in excess of such fee; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

1. The Government shall develop the Plan, in coordination with the Non-Federal Sponsor, in accordance with the attached Scope of Work (Appendix A), and any modifications thereto, that specifies the scope, cost, and schedule for activities and tasks, including the Non-Federal Sponsor’s in-kind services.

2. The Non-Federal Sponsor shall provide 50 percent of the costs for developing the Plan in accordance with the provisions of this paragraph. As of the effective date of this Agreement, the costs of developing the Plan are projected to be \$400,000 with the Government’s share of such costs projected to be \$200,000, the Non-Federal Sponsor’s share of such costs projected to be \$200,000, which includes estimated credit in the amount of \$50,000 for in-kind services.

a. After considering the estimated amount of credit for in-kind services that will be afforded in accordance with paragraph 4, if any, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor for the initial fiscal year of development of the Plan, with a fiscal year beginning on October 1<sup>st</sup> and ending on September 30th of the following

year. No later than 15 calendar days after such notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government by delivering a check payable to “FAO, USAED, LOUISVILLE (H2)” to the Commander and District Engineer or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.

b. No later than August 1<sup>st</sup> prior to each subsequent fiscal year during development of the Plan, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor during that fiscal year. No later than September 1<sup>st</sup> prior to that fiscal year, the Non-Federal Sponsor shall provide the full amount of such required funds to the Government using one of the payment mechanisms specified in paragraph 2.a. above.

c. If the Government determines at any time that additional funds are needed from the Non-Federal Sponsor to cover the Non-Federal Sponsor’s costs of developing the Plan, the Government shall provide the Non-Federal Sponsor with written notice of the amount of additional funds required. Within 60 calendar days of such notice, the Non-Federal Sponsor shall provide the Government with the full amount of such additional funds.

d. Upon completion of the Plan and resolution of any relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. Should the final accounting determine that additional funds are required from the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of written notice from the Government, shall provide the Government with the full amount of such additional funds. Should the final accounting determine that the Non-Federal Sponsor has provided funds in excess of its required amount, the Government shall refund the excess amount, subject to the availability of funds. Such final accounting does not limit the Non-Federal Sponsor's responsibility to pay its share of costs, including contract claims or any other liability that may become known after the final accounting.

3. In addition to its required cost share, the Non-Federal Sponsor may determine that it is in its best interests to provide additional funds for development of the Plan. Additional funds provided under this paragraph and obligated by the Government are not included in calculating the Non-Federal Sponsor’s required cost share and are not eligible for credit or repayment.

4. The in-kind services includes those activities (including services, materials, supplies, or other in-kind services) that are required for development of the Plan and would otherwise have been undertaken by the Government and that are specified in the Scope of Work and performed or provided by the Non-Federal Sponsor after the effective date of this Agreement and in accordance with the Scope of Work. The Government shall credit towards the Non-Federal Sponsor’s share of costs, the costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in providing or performing in-kind services, including associated supervision and administration. Such



costs shall be subject to audit in accordance with paragraph 9 to determine reasonableness, allocability, and allowability, and crediting shall be in accordance with the following procedures, requirements, and limitations:

a. As in-kind services are completed and no later than 60 calendar day after such completion, the Non-Federal Sponsor shall provide the Government appropriate documentation, including invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees. Failure to provide such documentation in a timely manner may result in denial of credit. The amount of credit afforded for in-kind services shall not exceed the Non-Federal Sponsor's share of costs.

b. No credit shall be afforded for interest charges, or any adjustment to reflect changes in price levels between the time the in-kind services are completed and credit is afforded; for the value of in-kind services obtained at no cost to the Non-Federal Sponsor; or for costs that exceed the Government's estimate of the cost for such item if it had been performed by the Government.

5. The Non-Federal Sponsor shall not use Federal Program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Plan. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.

6. In carrying out its obligations under this Agreement, the Non-Federal Sponsor shall comply with all the requirements of applicable Federal laws and implementing regulations, including, but not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto.

7. Upon 30 calendar days written notice to the other party, either party may elect, without penalty, to suspend or terminate further development of the Plan. Any suspension or termination shall not relieve the parties of liability for any obligation incurred.

8. As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

9. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to costs and expenses

for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

a. The Government may conduct, or arrange for the conduct of, audits of the Plan. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government's costs of audits for the Plan shall not be included in the shared costs of the Plan, but shall be included in calculating the overall Federal cost of the Plan.

b. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the request of the Non-Federal Sponsor, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor's activities under this Agreement. The costs of non-Federal audits shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

10. In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

11. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by certified mail, with return receipt, as shown below. A party may change the recipient or address for such communications by giving written notice to the other party in the manner provided in this paragraph.

If to the Non-Federal Sponsor:

Richard Harrison, Executive Director  
Ohio River Valley Water Sanitation Commission  
5735 Kellogg Avenue  
Cincinnati, Ohio 45230

If to the Government:

Commander and District Engineer  
United States Army Engineer District, Louisville  
600 Dr. Martin Luther King, Jr. Place  
Louisville, Kentucky 40202

12. To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

13. Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the Commander and District Engineer.

DEPARTMENT OF THE ARMY

OHIO RIVER VALLEY WATER  
SANITATION COMMISSION

BY: \_\_\_\_\_  
Antoinette R. Gant  
Colonel, Corps of Engineers  
Commander and District Engineer

BY: \_\_\_\_\_  
Richard Harrison  
Executive Director  
Ohio River Valley Water  
Sanitation Commission

DATE:

DATE:



**CERTIFICATE OF AUTHORITY**

I, \_\_\_\_\_, do hereby certify that I am the principal legal authority of the Ohio River Valley Water Sanitation Commission that the Ohio River Valley Water Sanitation Commission is a legally constituted non-profit entity incorporated under the applicable laws of each of the member states, as a non-profit organization, exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501); that the Ohio River Valley Water Sanitation Commission has the full authority and legal capability to perform the terms of the Agreement between the Department of the Army and Ohio River Valley Water Sanitation Commission in connection with the Development of an Ohio River Basin-Wide Strategic Plan, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of the Agreement, as required by Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b); and that the person who executed the Agreement on behalf of the Ohio River Valley Water Sanitation Commission acted within his corporate authority.

IN WITNESS WHEREOF, I have made and executed this certification this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**NON-FEDERAL SPONSOR'S  
SELF-CERTIFICATION OF FINANCIAL CAPABILITY  
FOR AGREEMENTS**

I, \_\_\_\_\_, do hereby certify that I am the Chief Financial Officer [OR TITLE OF EQUIVALENT OFFICIAL] of the Ohio River Valley Water Sanitation Commission (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the Development of an Ohio River Basin-Wide Strategic Plan and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the Agreement Between the Department of the Army and Ohio River Valley Water Sanitation Commission for Development of an Ohio River Basin-Wide Strategic Plan.

IN WITNESS WHEREOF, I have made and executed this certification this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

## CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

OHIO RIVER VALLEY WATER SANITATION COMMISSION

BY: \_\_\_\_\_  
Richard Harrison  
Executive Director  
Ohio River Valley Water Sanitation Commission

DATE:



# Appendix A

## **Scope of Work for the ORSANCO-USACE Development of an Ohio River Basin-Wide Strategy**

### Project Description

#### **Background:**

ORSANCO, the US Army Corps of Engineers (USACE), the US Environmental Protection Agency (EPA) co-led a 2009 Ohio River Basin Summit with a key message: a collaborative action-oriented strategy with collaborative mechanisms for implementation is a needed foundation in the Ohio River Basin. In December, 2009, the USACE released the Ohio River Basin Comprehensive Reconnaissance Report that included three basin-wide systems plans. One of these was to assess the prospects of a collaborative forum inclusive of states, Federal agencies, and the public. This need was reiterated in the USACE/ Great Lakes and Ohio River Division 2016 Ten Year Regional Outlook: “A key mission element is an overarching [Ohio River Basin] strategy that defines goals for the system and integrates ongoing initiatives into a comprehensive plan that guides decision making and stakeholder engagement.”

Since its formation in 2009 in response to the Summit’s message, the Ohio River Basin Alliance’s (ORBA) mission has been “*to maintain a successful collaboration that will recommend strategies and coordinate actions to address complex water resource challenges and priorities with a unified voice.*” Many of the "puzzle pieces" providing the foundation for such a basin-wide strategy are already in place. ORBA, for example, provides a forum to explore important issues in the Basin and opportunities to address them in a collaborative manner. Approximately annually since 2009, ORBA summits bring representatives together from many regional collaborations focused on various aspects needed for a basin-wide strategy (Ohio River Basin Water Sanitation Commission for water quality; Silver Jackets for flood risk management; Ohio River Fish Habitat Partnership; Ohio River Fisheries Management Team; Ohio River Consortium for Research and Education; and USEPA Hypoxia for harmful algal blooms), along with a breadth of other organizations (e.g., USACE, USGS, basin state agencies, The Nature Conservancy, river navigation organizations, academia, development organizations, and watershed and conservation groups).

#### **Objectives:**

The Ohio River Basin Alliance proposes to complete Phase 1 of a collaborative development of an Ohio River Basin-wide Strategy, modeled after similar efforts, e.g., Federal Great Lakes Restoration Initiative, that have achieved notable success in many other major river basins. Our proposed project entails a collaborative, multi-state effort to create a “blueprint” that presents goals, objectives and actions for general improvements in economic health, ecological well-being, and quality of life for residents throughout the Basin. A crosswalk of elements in state water management plans, where completed, are covered by the eight goals adopted by ORBA as a starting point for the strategy. These goals include six that were developed collaboratively by ORBA’s participation in the America’s Watershed Initiative, with the addition of two goals developed collaboratively by ORBA to address research and education and climate change

adaptation. Thus, the proposed Basin-wide strategy is expected to align well and be supportive of the state water management plans. The objectives of this study are:

- (1) Identify collaborative organizations engaging states for aspects of water resources management in the Ohio River Basin.
- (2) Identify existing documentation of challenges, priorities, and strategies developed by existing collaborative organizations in Objective 1.
- (3) Identify and fill gaps in collaboration with respect to water resources management using focus groups.
- (4) Develop an action plan to meld priorities and strategies from various collaborations into a comprehensive, consensus-based Ohio River Basin-wide strategy.

**Scope:**

Proposed steps under this Planning Assistance to States initiative are as follows:

1. *Team Organization* - Identify assign roles and responsibilities, and negotiate subcontracts. (Month 1) **USACE**
2. *Project Scoping* - Prepare a detailed description of project purpose, goals and objectives, process, intended outcomes, deliverables and timelines. (Month 1) **USACE**
3. *Project Controls* - Develop a Project Execution Plan, Quality Management Plan, Budget and Timeline Review protocol, and Progress Reporting procedures. (Month 1) **USACE**
4. *Stakeholder Engagement* - Identify the array of state collaborations, interested individuals and organizations and determine their role in the Strategy development. (Month 2 and ongoing thereafter) **USACE and Non-Federal Sponsor**
5. *Literature Search and Review* - Assemble and analyze all relevant documents to inform the development of the Strategy with special focus on existing Ohio River collaborations and their priorities and strategies. (Months 2-4) **Non-Federal Sponsor**
6. *Regional Leader Interviews* - Access the experiences, opinions and ideas of selected regional leaders nationwide (i.e., basin commissions and similar institutions) to generate “best practices” and “lessons learned”. (Months 3-5) **Non-Federal Sponsor**
7. *Summit Focused on the Gathering Input for the Strategy* - Plan and execute a Summit in 2019 at which the approach will be presented and insight will be gained on priorities and challenges via facilitated working group discussions. (Months 4-6) **Non-Federal Sponsor**
8. *Engagement with Existing Collaborations* - Draw from the array of state and/or private sector collaborations within the Basin to receive input on the content and implementation of the Strategy. (Months 4-9) **USACE and Non-Federal Sponsor**
9. *Formation and Conduct of Focus Groups* - Where aspects of a comprehensive water management strategy lack a dedicated regional collaboration, or where existing collaborations lack sufficient geographic breadth, form and conduct focus groups to receive input on the content and implementation of the strategy. (Months 4-9) **Non-Federal Sponsor**

*10. Development of Foundational Documents* - Provide three primary deliverables: (1) a detailed compilation of regional collaborations, the breadth of states involved in each collaboration, authorities, and formal priorities and strategies that have been received from each collaboration; (2) priorities and strategies arising from focus groups used to fill strategic gaps; and (3) an action plan to complete a consensus-based Basin-wide strategy. (Months 10-12)

**USACE and Non-Federal Sponsor**

Phase 2, to be completed subsequent to the proposed PAS, is envisioned to include the following additional steps:

*11. Execute the Action Plan* - Carry out action plan to complete a consensus-based Basin-wide strategy.

*12. Development of Strategy Documents* - Provide a consensus-based “path forward” featuring three primary deliverables: an Ohio River Basin-wide Strategy (for signature by multiple partners); recommended institutions/arrangements to advance the Strategy; and a Scope of Work for implementation. (Months 13 - 18)

*10. Summit Focused on the Ohio River Basin Sustainability Strategy* - Present the Strategy at the ORBA Summit with a focus on implementation of recommendations via facilitated working group discussions. (Months 14-18)

*11. Strategy Signatures and Initial Implementation* - Secure signatures (i.e., public, private sector) and initiate implementation to include promoting the Strategy at major state/regional/national conferences. (Months 19-24)

Facilities:

Our proposed Ohio River Basin Sustainability Strategy project, by its very nature, is a highly collaborative activity that will draw on the expertise of participants throughout the Ohio River Basin. Collaboration will take the form of focus groups, one-on-one interviews, annual ORBA Summits, and other meetings - all of which will take place at different venues in Basin locations. ORBA will secure facilities, wherever possible, at public and private institutions where the host entity will provide facilities as an “in-kind” project contribution.

Estimated Project Start Date: March 1, 2019 Project End Date: February 28, 2020

Total Projected Budget: \$400,000 (including in-kind contributions) USACE Amount: \$200,000



Estimated key milestone dates and schedule - Duration begins upon receipt of Federal funds.

60 Days – Contract Award  
180 Days – Data Collection  
270 days - Draft Report  
300 days - Review Period  
360 days - Final Report

Estimated costs:

Contract management - \$15,000  
Identification of master plan inputs – \$350,000  
Report preparation and review - \$35,000

**Ohio River Valley Water Sanitation Commission  
COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Adoption of October 4, 2018 Commission Meeting Minutes	<b>Number:</b> 3
<b>Attachments:</b> <ul style="list-style-type: none"><li>· October 4, 2018 Commission Meeting Minutes</li></ul>	<b>Committee Type:</b> <input type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input checked="" type="checkbox"/> N/A	<b>Action Required:</b> <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
<b>Prepared by:</b> David Bailey		<b>Presentation by:</b> Commission Secretary/Treasurer Duritsa

**KEY CONSIDERATIONS:**

- The draft minutes of the October 4, 2018 Commission meeting were drafted by staff and reviewed in draft form by Commission Secretary/Treasurer Duritsa and made available on the Commissioner Web portal.
- The minutes were subsequently distributed to Commissioners on January 24, 2018.

**BUDGET/STAFF IMPLICATIONS:**

N/A

**RECOMMENDATION:**

- The Secretary/Treasurer recommends **adoption of the October 4, 2018 Commission meeting minutes as presented** because they reflect the proceedings of the meeting.

**BACKGROUND/HISTORY:**

N/A

**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report of the Audit Committee	<b>Number:</b> 4
<b>Attachments:</b> · None	<b>Committee Type:</b> <input checked="" type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	<b>Action Required:</b> <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
<b>Prepared by:</b> David Bailey		<b>Presentation by:</b> Commissioner John Hoopingarner, Chairman

**KEY CONSIDERATIONS:**

- A single audit is being performed by Clark Schaefer Hackett for period ending June 30, 2018.
- The audit director from Clark, Schaefer will present the audit findings to the Audit Committee on February 13, 2019 and provided an opportunity to discuss the findings.
- The audit director will present an overview of the audit to Commissioners at the February 14<sup>th</sup> meeting.
- The Audit Committee will report on the audit and outcomes of its February 13<sup>th</sup> meeting at the February 14, 2019 Commission meeting.

**BUDGET/STAFF IMPLICATIONS:**

- None

**RECOMMENDATION:**

- Any Audit Committee recommendations from the February 13, 2019 meeting that need to be approved by the Commission will be presented at the Thursday, February 14, 2019 Commission meeting.

**BACKGROUND/HISTORY:**

- The Audit Committee shall be composed of at least three Commissioners. It shall review the outside auditor's year-end report and shall present it to the Commission. It shall have authority to conduct an audit of all books and accounts of the Commission at any time. The Audit Committee, at the regularly scheduled meeting of the Commission immediately prior to the beginning of each new fiscal year, shall present for approval by the Commission a recommendation for designation of a certified public accountant to serve as outside auditor for the next fiscal year.
- Current Committee members include Commissioners John Hoopingarner (Chairman), Charles Duritsa, Michael Wilson, John Kupke, and Lou Ann Jessee Wallace.

**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report of the Treasurer	<b>Number:</b> 5
<b>Attachments:</b> · Treasurer's Report as of September 30, 2018	<b>Committee Type:</b> <input type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input checked="" type="checkbox"/> N/A	<b>Action Required:</b> <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Motion
<b>Prepared by:</b> Joe Gilligan		<b>Presentation by:</b> Secretary/Treasurer Charles Duritsa

**KEY CONSIDERATIONS:**

- ORSANCO's Comptroller compiles Fiscal Year to Date ORSANCO financial data in both short form and in detailed spreadsheet format to be presented to the Commission.
- The Treasurer's Report as of September 30, 2018 indicates that the Commission has accounts receivable totaling \$1,667,106 at the end of September 2018.
- The receipts of \$2,028,465 plus the carryover of \$2,109,992 totals \$4,138,457 through the end of September 2018. Of that amount, \$699,071 was expended on programs, leaving resources of \$3,439,386 available for the continuation of ORSANCO's programs.

**BUDGET/STAFF IMPLICATIONS:**

- The Treasurer's Report provides a financial snapshot for the period covered in the report.

**RECOMMENDATION:**

- Information Only

**BACKGROUND/HISTORY:**

- The Treasurer has custody of all funds of the Commission and makes reports to Program & Finance and to the Commission.
- The Program & Finance Committee met on April 19, 2018 to review staff's recommend budget for FY19.
- The Commission adopted the Program & Finance Committee's recommendation to approve the FY19 budget at its June 7, 2018 Commission Meeting.



# Memo

## Ohio River Valley Water Sanitation Commission

***SINCE 1948***  
*Improving Water Quality in the  
Ohio River for over 60 Years*

*5735 Kellogg Avenue  
Cincinnati, Ohio 45230  
Telephone: (513) 231-7719  
Fax: (513) 231-7761*

**Agenda Item 5  
223<sup>rd</sup> Commission Meeting  
February 14, 2019**

**DATE:** January 24, 2019  
**TO:** Commissioners  
**FROM:** Charles Duritsa  
**SUBJECT:** Treasurer's Report as of September 30, 2018

The Treasurer's Report is presented in both the short form and the detailed spreadsheet format.

The report indicates that the Commission has accounts receivable totaling \$1,667,106 at the end of September 2018. The balance in accounts receivable is detailed as follows:

Federal Sources	\$804,533	106 Grant
Signatory States	\$282,600	Indiana
	240,600	Kentucky
	179,100	Pennsylvania
	<u>110,250</u>	West Virginia
	\$812,550	
Other Sources	\$49,789	Ohio River Sweep
	<u>234</u>	Foundation for Ohio River Education
	\$50,023	

The receipts of \$2,028,465 plus the carryover of \$2,109,992 equals \$4,138,457 through the end of September 2018. Of that amount, \$699,071 was expended on programs, leaving resources of \$3,439,386 available for the continuation of ORSANCO's programs.

# The Ohio River Valley Water Sanitation Commission Treasurer's Report

*Through September 30, 2018*

<u>RESOURCES</u>	Carryover @ 7-1-18	Earned Income	Total	FY19 Budget	% Budget	Resources @ 9/30/2018
Carryover July 1, 2018						
Restricted Reserve Funds	\$600,000		\$600,000	\$992,000		\$600,000
Building & Equipment Capital Account	\$142,000		\$142,000			\$142,000
ODS Equipment Capital	\$250,000		\$250,000			\$256,414
Restricted Program Funds	\$108,850		\$108,850	\$135,758		\$274,872
Unrestricted Funds	\$957,155		\$957,155	\$902,550		\$2,166,099
Prepaid Expense	\$51,987		\$51,987			
States		\$1,439,700	\$1,439,700	\$1,439,700		
US EPA						
106 Grant Federal FY 18		\$354,322	\$354,322			
106 Grant Federal FY 19		\$77,065	\$77,065	\$1,725,200		
Other Federal Grant Programs						
WV 604(b) Development of a HABs Tool		\$0	\$0	\$30,000		
Non-Federal Projects						
Ohio River Sweep (FORE)		\$15,385	\$15,385	\$112,553		
Ohio River Basin Alliance		\$3,489	\$3,489	\$0		
Ohio River Sourcewater Protection		\$90,000	\$90,000	\$116,000		
Other Non-Federal Projects		\$41,509	\$41,509	\$178,544		
Other Income		\$6,994	\$6,994	\$7,000		
<b>Total Resources</b>	<b>\$2,109,992</b>	<b>\$2,028,465</b>	<b>\$4,138,457</b>	<b>\$5,639,305</b>	<b>73.4%</b>	<b>\$3,439,386</b>
 <u>EXPENDITURES</u>						
Personnel Expenses			\$366,855	\$1,904,330	19.3%	
Travel			\$73,424	\$312,755	23.5%	
Supplies			\$42,799	\$251,624	17.0%	
Telephone			\$3,900	\$14,417	27.1%	
Equipment			\$0	\$34,000	0.0%	
Office & Utilities			\$4,580	\$59,092	7.8%	
Equipment Repairs & Maintenance			\$10,280	\$70,241	14.6%	
Contractual Services			\$154,820	\$611,778	25.3%	
Printing & Reproduction			\$2,628	\$6,550	40.1%	
Lab Fees & Deliveries			\$39,784	\$181,147	22.0%	
<b>Total Expenses</b>			<b>\$699,071</b>	<b>\$3,445,934</b>	<b>20.3%</b>	
<b>RESOURCES AVAILABLE</b>			<b>\$3,439,386</b>			

**OHIO RIVER VALLEY WATER SANITATION COMMISSION  
 COMBINED STATEMENT OF REVENUES AND EXPENSES  
 AND AVAILABLE RESOURCES - ALL FUNDS  
 Through September 30, 2018**

RESOURCES	ORSANCO GENERAL ACCOUNT	Internal WPC	106 WPC	Marathon Petroleum Emerg Resp	Stream Gauge Transfer	River Users
Carryover on July 1, 2018	\$0.00	\$0	\$0.00	\$6,414	\$11,359	\$83,771
Prepaid Maintenance		\$51,987				
<b>INCOME</b>						
State Funding	\$1,439,700					
PA DEP						
Other Program Funding		\$0		\$0	\$0	\$0
U.S. EPA			\$431,387			
In-Kind Services						
Transfer of River Users Funds to Programs						\$0
Transfer of State Funds to Programs	(\$314,198)	\$182,218	\$119,086			\$0
Transfer of Other Funds to Programs				(\$6,414)		
Transfer of Funds Encumbered for PP Maintenance						
Miscellaneous	\$0					
Interest						
Fines and Settlements		\$0				
<b>Total Resources</b>	<b>\$1,125,502</b>	<b>\$234,205</b>	<b>\$550,473</b>	<b>\$0</b>	<b>\$11,359</b>	<b>\$83,771</b>
<b>ACCOUNTS RECEIVABLE</b>						
USEPA						
Signatory States	\$812,550		\$804,533	\$0		
Other Program Funding		\$0			\$0	
<b>TOTAL RESOURCES LESS A/R</b>	<b>\$312,952</b>	<b>\$234,205</b>	<b>(\$254,060)</b>	<b>\$0</b>	<b>\$11,359</b>	<b>\$83,771</b>
<b>EXPENDITURES</b>						
Payroll	\$83,385	\$43,655	\$143,405	\$0	\$0	\$0
Employee Benefits	(\$29,892)	\$26,485	\$87,004	\$0	\$0	\$0
Staff Travel	\$5,119	\$1,561	\$56,339	\$0	\$0	\$0
Commission Travel	\$3,252	\$0	\$1,201	\$0	\$0	\$0
Advisory Committee Travel	\$1,407	\$0	\$0	\$0	\$0	\$0
Associations & Memberships	\$1,845	\$0	\$0	\$0	\$0	\$0
Supplies	\$4,454	\$6,569	\$5,091	\$0	\$0	\$0
Telephone	\$2,881	\$321	\$698	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Equipment Lease	\$0	\$0	\$0	\$0	\$0	\$0
Rent	\$0	\$0	\$0	\$0	\$0	\$0
Utilities	\$4,580	\$0	\$0	\$0	\$0	\$0
Equipment Maintenance	\$1,410	\$863	\$3,663	\$0	\$0	\$0
Facility Maintenance	\$3,962	\$0	\$0	\$0	\$0	\$0
Vehicle, Building, Equipment Insurance	\$22,628	\$0	\$0	\$0	\$0	\$0
Shipping & Delivery	\$5	\$277	\$5,200	\$0	\$0	\$0
Reproduction	\$0	\$0	\$0	\$0	\$0	\$0
Printing	\$2,628	\$0	\$0	\$0	\$0	\$0
Contractual Services	\$11,582	\$55,308	\$60,299	\$0	\$0	\$0
Lab Analysis	\$0	\$399	\$33,900	\$0	\$0	\$0
Legal & Accounting Fees	\$13,303	\$0	\$0	\$0	\$0	\$0
Educational	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL DIRECT EXPENSES</b>	<b>\$132,551</b>	<b>\$135,438</b>	<b>\$396,799</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>IN-KIND SERVICE</b>						
<b>INDIRECT EXPENSE ALLOCATION</b>	<b>(\$208,999)</b>	<b>\$46,781</b>	<b>\$153,673</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL DIRECT &amp; INDIRECT EXPENSES</b>	<b>(\$76,448)</b>	<b>\$182,218</b>	<b>\$550,473</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Balance before Transfers & Adjustments	\$1,201,950	\$51,987	\$0	\$0	\$11,359	\$83,771
Prepaid Maintenance	\$0					
Interfund Transfer	(\$1,201,950)					
<b>BALANCE - Resources - Expenses</b>	<b>\$0</b>	<b>\$51,987</b>	<b>\$0</b>	<b>\$0</b>	<b>\$11,359</b>	<b>\$83,771</b>

**OHIO RIVER VALLEY WATER SANITATION COMMISSION  
 COMBINED STATEMENT OF REVENUES AND EXPENSES  
 AND AVAILABLE RESOURCES - ALL FUNDS  
 Through September 30, 2018**

RESOURCES	Mercury MB Effort	Ohio River Source Water Protection	Sweep	Foundation for Ohio River Education	Ohio River Basin Alliance	Life Below The Waterline
Carryover on July 1, 2016	\$0	\$0	\$0	\$0	\$7,306	\$0
Prepaid Maintenance						
<b>INCOME</b>						
State Funding						
PA DEP						
Other Program Funding		\$90,000	\$15,385	\$109	\$3,489	\$41,400
U.S. EPA						
In-Kind Services						
Transfer of River Users Funds to Programs						
Transfer of State Funds to Programs	\$12,894	\$0	\$0	\$0	\$0	\$0
Transfer of Other Funds to Programs						\$0
Funds Encumbered for Prepaid Maintenance						
Miscellaneous						
Interest						
Fines and Settlements		\$0				\$0
<b>Total Resources</b>	<b>\$12,894</b>	<b>\$90,000</b>	<b>\$15,385</b>	<b>\$109</b>	<b>\$10,795</b>	<b>\$41,400</b>
<b>ACCOUNTS RECEIVABLE</b>						
USEPA						
Signatory States						
Other Program Funding		\$0	\$49,789	\$234		
<b>TOTAL RESOURCES LESS A/R</b>	<b>\$12,894</b>	<b>\$90,000</b>	<b>(\$34,404)</b>	<b>(\$125)</b>	<b>\$10,795</b>	<b>\$41,400</b>
<b>EXPENDITURES</b>						
Payroll	\$0	\$0	\$4,995	\$0	\$0	\$2,979
Employee Benefits	\$0	\$0	\$3,031	\$0	\$0	\$1,807
Staff Travel	\$0	\$0	\$10	\$0	\$0	\$4,536
Commission Travel	\$0	\$0	\$0	\$0	\$0	\$0
Advisory Committee Travel	\$0	\$0	\$0	\$0	\$0	\$0
Associations & Memberships	\$0	\$0	\$0	\$0	\$0	\$0
Supplies	\$0	\$0	\$1,994	\$7	\$0	\$211
Telephone	\$0	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Equipment Lease	\$0	\$0	\$0	\$0	\$0	\$0
Rent	\$0	\$0	\$0	\$0	\$0	\$0
Utilities	\$0	\$0	\$0	\$0	\$0	\$0
Equipment Maintenance	\$0	\$0	\$0	\$0	\$0	\$382
Facility Maintenance	\$0	\$0	\$0	\$0	\$0	\$0
Vehicle, Building, Equipment Insurance	\$0	\$0	\$0	\$0	\$0	\$0
Shipping & Delivery	\$0	\$0	\$4	\$0	\$0	\$0
Reproduction	\$0	\$0	\$0	\$0	\$0	\$0
Printing	\$0	\$0	\$0	\$0	\$0	\$0
Contractual Services	\$12,894	\$0	\$0	\$102	\$1,002	\$330
Lab Analysis	\$0	\$0	\$0	\$0	\$0	\$0
Legal & Accounting Fees	\$0	\$0	\$0	\$0	\$0	\$0
Educational	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL DIRECT EXPENSES</b>	<b>\$12,894</b>	<b>\$0</b>	<b>\$10,033</b>	<b>\$109</b>	<b>\$1,002</b>	<b>\$10,245</b>
<b>IN-KIND SERVICE</b>						
<b>INDIRECT EXPENSE ALLOCATION</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,353</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,193</b>
<b>TOTAL DIRECT &amp; INDIRECT EXPENSES</b>	<b>\$12,894</b>	<b>\$0</b>	<b>\$15,385</b>	<b>\$109</b>	<b>\$1,002</b>	<b>\$13,438</b>
Balance before Transfers & Adjustments	\$0	\$90,000	(\$0)	\$0	\$9,793	\$27,963
Prepaid Maintenance						
Interfund Transfer						\$0
<b>BALANCE - Resources - Expenses</b>	<b>\$0</b>	<b>\$90,000</b>	<b>(\$0)</b>	<b>\$0</b>	<b>\$9,793</b>	<b>\$27,963</b>

OHIO RIVER VALLEY WATER SANITATION COMMISSION  
 COMBINED STATEMENT OF REVENUES AND EXPENSES  
 AND AVAILABLE RESOURCES - ALL FUNDS  
 Through September 30, 2018

RESOURCES	Total		Restricted Operating	Reserve Funds		Total Activities
	Restricted Program Funds	Unrestricted Funds		Building & Equipment	ODS Equipment Replacement	
Carryover on July 1, 2017	\$108,850	\$957,155	\$600,000	\$142,000	\$250,000	\$2,058,005
Prepaid Maintenance	\$51,987					\$51,987
<b>INCOME</b>						
State Funding	\$1,439,700					\$1,439,700
PA DEP	\$0					\$0
Other Program Funding	\$150,383					\$150,383
U.S. EPA	\$431,387					\$431,387
In-Kind Services	\$0					\$0
Transfer of River Users Funds to Programs	\$0					\$0
Transfer of State Funds to Programs	\$0					\$0
Transfer of Other Funds to Programs	(\$6,414)				\$6,414	\$0
Funds Encumbered for Prepaid Maintenance	\$0					\$0
Miscellaneous	\$0					\$0
Interest	\$0	\$6,994				\$6,994
Fines and Settlements	\$0					\$0
<b>Total Resources</b>	<b>\$2,175,893</b>	<b>\$964,149</b>	<b>\$600,000</b>	<b>\$142,000</b>	<b>\$256,414</b>	<b>\$4,138,457</b>
<b>ACCOUNTS RECEIVABLE</b>						
USEPA	\$804,533					\$804,533
Signatory States	\$812,550					\$812,550
Other Program Funding	\$50,023					\$50,023
<b>TOTAL RESOURCES LESS A/R</b>	<b>\$508,787</b>	<b>\$964,149</b>	<b>\$600,000</b>	<b>\$142,000</b>	<b>\$256,414</b>	<b>\$2,471,351</b>
<b>EXPENDITURES</b>						
Payroll	\$278,419	\$0				\$278,419
Employee Benefits	\$88,436	\$0				\$88,436
Staff Travel	\$67,564	\$0				\$67,564
Commission Travel	\$4,453	\$0				\$4,453
Advisory Committee Travel	\$1,407	\$0				\$1,407
Associations & Memberships	\$1,845	\$0				\$1,845
Supplies	\$18,326	\$0				\$18,326
Telephone	\$3,900	\$0				\$3,900
Equipment	\$0	\$0				\$0
Equipment Lease	\$0	\$0				\$0
Rent	\$0	\$0				\$0
Utilities	\$4,580	\$0				\$4,580
Equipment Maintenance	\$6,318	\$0				\$6,318
Facility Maintenance	\$3,962	\$0				\$3,962
Vehicle, Building, Equipment Insurance	\$22,628	\$0				\$22,628
Shipping & Delivery	\$5,486	\$0				\$5,486
Reproduction	\$0	\$0				\$0
Printing	\$2,628	\$0				\$2,628
Contractual Services	\$141,517	\$0				\$141,517
Lab Analysis	\$34,299	\$0				\$34,299
Legal & Accounting Fees	\$13,303	\$0				\$13,303
Educational	\$0	\$0				\$0
<b>TOTAL DIRECT EXPENSES</b>	<b>\$699,071</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$699,071</b>
IN-KIND SERVICE	\$0	\$0				\$0
INDIRECT EXPENSE ALLOCATION	(\$0)	\$0				(\$0)
<b>TOTAL DIRECT &amp; INDIRECT EXPENSES</b>	<b>\$699,071</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$699,071</b>
Balance before Transfers & Adjustments	\$1,476,822	\$964,149	\$600,000	\$142,000	\$256,414	\$3,439,386
Prepaid Maintenance	\$0	\$0				\$0
Interfund Transfer	(\$1,201,950)	\$1,201,950				\$0
<b>BALANCE - Resources - Expenses</b>	<b>\$274,872</b>	<b>\$2,166,099</b>	<b>\$600,000</b>	<b>\$142,000</b>	<b>\$256,414</b>	<b>\$3,439,386</b>



**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report and Recommendations; February 12-13, 2019 Technical Committee Meeting	<b>Number:</b> 6
<b>Attachments:</b> · See Technical Agenda Materials	<b>Committee Type:</b> <input checked="" type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	<b>Action Required:</b> <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
<b>Prepared by:</b> Jason Heath		<b>Presentation by:</b> Committee Chairman Bruno Pigott

**KEY CONSIDERATIONS:**

- The Commission Technical Committee (TEC) will conduct its 219<sup>th</sup> meeting on February 12-13, 2019, prior to the February 14, 2019 Commission meeting in Covington, Kentucky.
- The meeting agenda includes: Development of Ohio River PFAS study, Results of Mercury Mass Balance Project, Biological and Source Water Protection Programs updates, Harmful Algal Bloom Update, and a status report on the Pollution Control Standards Review.
- Committee Chairman Pigott will provide a report of the TEC meeting at the Thursday, February 14, 2019 Commission meeting.

**BUDGET/STAFF IMPLICATIONS:**

- The Technical Committee reviews technical programs and makes recommendations to the Commission to be considered during the Program and Finance Committee's Program and Budget development process.
- The Commission has staff time to perform Committee liaison work and to facilitate the meetings and work of the Committee's Workgroups and Subcommittees.

**RECOMMENDATION:**

- Any TEC recommendations from the February 12-13, 2019 Committee meeting that need to be approved by the Commission will be presented at the Thursday, February 14, 2019 Commission Meeting.

**BACKGROUND/HISTORY:**

- The Technical Committee (TEC) serves as the technical arm of the Commission and studies, discusses and evaluates technical questions of concern or interest to the Commission.
- It is composed of a Chairman, who is a Commissioner appointed by the Commission Chairman with one member from each of the signatory states as designated by the Commissioners of each state. TEC includes a member designated by the United States Commissioners to represent federal interests. Up to three additional members may be appointed by the Commission Chairman.
- The Chief Engineer of the Commission, Chair of the Public Information Advisory Committee, Chemical Industry Advisory Committee, Power Industry Advisory Committee, Publicly Owned Wastewater Treatment Works Advisory Committee, Watershed Organizations Advisory Committee and Water Users Advisory Committee are ex officio, non-voting members of TEC.
- TEC has established workgroups and subcommittees to assist with Committee activities including: 305b Coordinators Workgroup, Biological Subcommittee, Emergency Response Coordinators Workgroup, Fish Consumption Advisory Workgroup, HABs Workgroup, Monitoring Strategy Subcommittee, NPDES Subcommittee, ODS Operators Workgroup, Source Water Assessment Workgroup; Stream Criteria Subcommittee, and TMDL Coordinators Workgroup.

**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report of the Pollution Control Standards Committee	<b>Number:</b> 7
<b>Attachments:</b> · None	<b>Committee Type:</b> <input checked="" type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	<b>Action Required:</b> <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
<b>Prepared by:</b> Jason Heath <b>Presentation by:</b> Commissioner Proxy Mandirola for PCS Chairman Frevert		

**KEY CONSIDERATIONS:**

- At the October 4, 2018 Commission meeting, the Commission granted the PCS Committee additional time to more fully consider all of the public comments received during the public review of the standards.
- The PCS Committee met on October 20, 2018, and appointed a subcommittee to facilitate a review of the public record and development of a recommendation to the full PCS Committee.
- The subcommittee roster includes Craig Butler, Tom FitzGerald, Peter Goodmann, Scott Mandirola, Jen Orr, and Bruno Pigott, with PCS Committee Chairman Frevert facilitating and participation by Commission Chairman Potesta.
- The PCS subcommittee met on Nov. 2, Nov. 8, Nov. 15, and in person on Nov. 30, and a draft proposal was developed
- The full PCS Committee met on Dec. 14 to review the subcommittee's draft proposal and it was agreed that some additional revisions were still needed. Those revisions were completed and distributed for review to the full PCS Committee on Jan 10.
- A recommendation for revisions to the Pollution Control Standards may be forthcoming from the PCS Committee to the Commission at its February regularly scheduled meeting.

**BUDGET/STAFF IMPLICATIONS:**

- None.

**RECOMMENDATION:**

- A committee report will be presented at the February 14<sup>th</sup> Commission meeting.

**BACKGROUND/HISTORY:**

- The Pollution Control Standards Committee shall be comprised of six or more members with at least one Commissioner from each of the six states bordering the Ohio River, with the Chairman of the Technical Committee, the Executive Director and Legal Counsel as ex officio non-voting members.
- It shall review the Commission's Pollution Control Standards on a triennial basis and may review specific standards as needed. It shall report its findings to the Commission and recommend actions pursuant to Article VI of the Compact and the Commission's Water Pollution Control Standards and provide reports and recommendations to the Commission as appropriate.
- Current Committee members include Commissioners Toby Frevert IL (Chairman), John Kupke IN, Lt. Governor Jenean Hampton (Peter Goodmann) KY, Douglas E. Conroe NY, Craig Butler (Tiffani Kavalec) OH, Patrick McDonnell (Jennifer Orr or Rhonda Manning) PA, David Paylor (Melanie Davenport) VA, Austin Caperton (Scott Mandirola), Tom FitzGerald and George Elmaraghy, Federal, and Ex Officio members – Bruno Pigott, Technical Committee Chairman, Aaron Herzig, Commission Legal Counsel, Richard Harrison, Executive Director, Ron Potesta, Commission Chairman

**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject: Report of the Ad Hoc Committee on Policies and Procedures Implementation</b>	<b>Number:</b> 8
<b>Attachments:</b> <ul style="list-style-type: none"> <li>· Committee Charge</li> <li>· Resolution 3-19</li> <li>· Proposed Bylaws Revisions</li> </ul>	<b>Committee Type:</b> <input type="checkbox"/> Standing <input type="checkbox"/> Advisory <input checked="" type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	<b>Action Required:</b> <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
<b>Prepared by:</b> Richard Harrison <b>Presentation by:</b> Commissioner Doug Conroe, Chairman		

**KEY CONSIDERATIONS:**

- On July 23, 2018, ORSANCO Chairman, Ron Potesta, established the Ad Hoc Committee on Policies and Procedures Implementation to implement the recommendations of the ORSANCO Ad-Hoc Committee on Policies and Procedures that were approved by the Commission at its June 7, 2018 Commission Meeting.
- The Ad-Hoc Committee recommendations for implementation to the Commission will be made in phases, with a substantial completion by the June, 2019 Commission meeting
- The first phase included the recommendation and approval by the Commission, at its October 4, 2018 meeting, of the 2018 Staff Administrative Procedures.
- The Ad Hoc Committee is recommending that the Commission's Bylaws be amended and approved at its February 14, 2019 Commission Meeting. There may be some additional amendments to the Bylaws that will be recommended at a future meeting depending on the outcome of the 2018 Pollution Control Standards Review.
- The proposed amendment to the Bylaws includes revisions that are organizational; reflect current Commission Governance; or add revisions to reflect Commission action that has occurred since the Bylaws were last revised on February 9, 2017.
- The remaining Ad Hoc Committee recommendations are anticipated to be ready for consideration by the Commission at its June 6, 2019 Commission meeting.

**BUDGET/STAFF IMPLICATIONS:**

- None.

**RECOMMENDATION:**

- The Committee recommends that the Commission **adopt the proposed revisions to the Bylaws** because these revisions reflect the Ad Hoc Committee on Policies and Procedures Implementation recommendations to the Bylaws to more accurately reflect the current governance of the Commission.

**BACKGROUND/HISTORY:**

- The Commission Bylaws adopted February 9, 2017 authorizes the Chairman as he may deem necessary or as the Commission may, from time to time, direct to appoint Ad hoc Committees with duties and functions assigned to them as created. The appointment shall include the task to be performed and the time frame for its completion. Members of ad hoc committees may be Commissioners, their proxies or others, when appropriate.
- On July 23, 2018 Commission Chairman, Ron Potesta appointed the Ad Hoc Committee on Policies and Procedures.
- The members of the Ad Hoc Committee on Policies and Procedures include: Commissioners Doug Conroe, NY (Chairman), Lt. Governor Jenean Hampton (Peter Goodmann) KY, John Hoopingarner, OH, Secretary Patrick McDonnell (Jennifer Orr) PA, David Flannery WV.



**Ad Hoc Committee on Policies and Procedures Implementation  
Committee Charge  
7/23/2018**

Good morning ORSANCO Commissioners and Proxies:

As recently discussed at our June 6<sup>th</sup> Executive Session, I am appointing the following members to the ORSANCO Ad-Hoc Committee on Policies and Procedures Implementation:

Chair:

New York Commissioner Doug Conroe

Members:

Kentucky Commissioner Proxy Peter Goodmann

Ohio Commissioner John Hoopingarner

Pennsylvania Commissioner Proxy Jennifer Orr

West Virginia Commissioner David Flannery

The Ad Hoc Committee on Policies and Procedures Implementation (Ad Hoc Committee) is generally charged with implementing the recommendations of the ORSANCO Ad-Hoc Committee on Policies and Procedures that were approved by the Commission at its June 7, 2018 Commission Meeting through completion of the following tasks:

- 1) Organize existing Commission governance documents including relevant Technical Committee actions approved by the Commission, that were not repealed through Resolution 3-18, into the proper policy and procedure format utilizing the Commission approved governance document category definitions and protocols;
- 2) Draft policy and procedures that are needed to close governance document gaps identified by the Ad Hoc Committee;
- 3) Recommend revisions to Commission governance documents including the Commission Bylaws, Administrative Procedures and develop a draft Policy Manual to reflect Ad Hoc Committee recommendations and to bring these documents up to date;
- 4) Recommend a future policy and procedure review schedule to help ensure Commission governance documents remain relevant, legally compliant and are updated in a timely manner;

The anticipated time frame for completion of the above task is:

- 1) Progress report to Commission at the October, 2018 Executive Session including any recommended Commission action;
- 2) Progress report to Commission at February, 2019 Executive Session including any recommended Commission action;

3) Final report to Commission at the June, 2019 Executive Session including any recommended remaining Commission action.

Please join me in thanking these Commissioners and Proxies for agreeing to serve ORSANCO on this important governance review.

Sincerely,

Ronald R. Potesta  
Commission Chairman

# OHIO RIVER VALLEY WATER SANITATION COMMISSION

Agenda Item 8 Attachment  
223<sup>rd</sup> Commission Meeting  
February 14, 2019

## **RESOLUTION 3-19**

### **MOTION TO AMEND THE BYLAWS**

**WHEREAS**, the Ad Hoc Committee on Policies and Procedures was formed on July 24, 2017 to (1) inventory ORSANCO's existing governance documents; (2) develop definitions to efficiently and effectively categorize existing governance documents; (3) develop protocols for properly naming and categorizing governance documents created hereafter; (4) review and properly categorize existing governance documents; (5) develop a recommendation to the Commission regarding the continued relevance of existing governance documents; and (6) identify gaps in governance documents and recommend a course of action to close those gaps; and

**WHEREAS**, the Commission adopted Resolution 3-18 approving certain recommendations of the Ad Hoc Committee on Policies and Procedures; and

**WHEREAS**, Chairman Potesta on July 23, 2018 established the Ad Hoc Committee on Policies and Procedures Implementation (the "Committee") to implement those certain recommendations of the Ad Hoc Committee on Policies and Procedures, including reviewing the Bylaws and proposing amendments to the Bylaws to better reflect the current organizational and governance structure of the Commission and reflect Commission action since the Bylaws were last revised on February 9, 2017; and

**WHEREAS**, the Committee has reviewed the Bylaws and recommends amendments to the Bylaws to better reflect the current organizational and governance structure of the Commission and reflect Commission action since the Bylaws were last revised on February 9, 2017;

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

- The Bylaws hereby are amended as shown in the attached document titled "Proposed Revisions February 2019," incorporated herein by reference, which shows deletions struck through in blue text (~~blue~~) and insertions printed in red (**red**).
- For reference, the amendments include:
  - Article V.F is deleted and is replaced by new Article VII.



- The Articles following new Article VII are renumbered accordingly (e.g., former Article VII is renumbered Article VIII).
- Insertions and deletions in the following sections: Articles V, VI, renumbered Article XII (formerly Article XI), renumbered Article XII (formerly Article XI), and renumbered Article XVI (formerly Article XV).
- Appendix A, “Rules of Procedure for Public Hearings,” is deleted because it was incorporated into Commission Policies by Resolution 3-18.

**AND FURTHER IT IS MOVED THAT:**

The Committee may continue its work as directed by the Chairman and may propose additional amendments to the Bylaws at future Commission meetings.

# OHIO RIVER VALLEY WATER SANITATION COMMISSION

## **BYLAWS**

Ohio River Valley Water Sanitation Commission  
5735 Kellogg Avenue  
Cincinnati, Ohio 45230  
Phone: 513-231-7719  
Fax: 513-231-7761

~~Adopted February 9, 2017~~ Proposed Revisions February 2019

### **I. NAME**

The name of this body is the Ohio River Valley Water Sanitation Commission, hereinafter referred to as “the Commission”.

### **II. OBJECT**

The object of the Commission is to administer and enforce the provisions of the Ohio River Valley Water Sanitation Compact, hereinafter referred to as “the Compact”.

### **III. FISCAL YEAR**

The fiscal year of the Commission shall begin on July 1 and close on June 30.

### **IV. MEMBERSHIP**

The Commission shall consist of three Commissioners from each state signatory to the Compact, and three Commissioners representing the United States Government, all of whom shall be appointed in the manner provided for in Article IV of the Compact and shall have the qualifications therein specified.

A proxy for any Commissioner will be recognized only to the extent authorized by appropriate legislation of the state represented by that Commissioner or, in the case of a Commissioner representing the United States Government, to the extent authorized by appropriate resolution of Congress.

Written evidence of the authority of any proxy shall be presented to the Secretary or to the Chairman of the Commission prior to any meeting, and shall thereafter be delivered to the Treasurer to serve as authority for reimbursement of expenses of the proxy in attending the meeting.

Each Commissioner shall transmit to the Executive Director for filing at the office of the Commission a copy of his/her appointment or reappointment. Each new appointment and each reappointment shall be announced by the Secretary at the first Commission meeting following the date thereof, and shall be made a part of the record of the meeting.

V. **OFFICERS, THEIR ELECTION, TENURE AND DUTIES**

The officers of the Commission shall be a Chairman, Vice-Chairman, Secretary, Treasurer and Executive Director. The Chairman, ~~and~~ Vice-Chairman, ~~Secretary and Treasurer~~ shall be elected from among the members of the Commission, but no other officer need be so qualified. ~~The Secretary and Treasurer office may be filled by a single member of the Commission as a dual role.~~ Neither the Chairman, Vice-Chairman, ~~not~~ Secretary nor ~~Treasurer~~ shall receive compensation for the performance of the duties of those officers.

The Chairman, Vice-Chairman, Secretary and Treasurer shall hold office for a term of one year, or until their respective successors have been elected and qualified. Each officer shall take office as of July 1 after his or her election. The Executive Director shall hold office at the pleasure of the Commission; subject to whatever terms and conditions the Commission may from time to time prescribe.

The election of all officers of the Commission, with the exception of the Executive Director, shall be held at the meeting of the Commission immediately preceding the July 1 of each year. Prior to that meeting the Chairman shall appoint a Nominating Committee, consisting of three Commissioners, at least one of whom shall be past-Chairman to prepare and present to the Commission a list of candidates for the offices to be filled, as hereinabove provided, but nothing herein contained shall prevent additional nominations for such offices to be made from the floor at the time of election.

In the event of the death of any duly elected officer or in the event of a finding by the Commission or by the Executive Committee that any such officer has become disabled to the degree that the office must be declared to be vacant, the vacancy created by either eventuality shall be filled through designation, by appropriate action of the Commission or the Executive Committee, of a successor who shall serve until the next regular election of officers.

A. **THE CHAIRMAN**

The Chairman shall preside at all meetings, appoint committees, sign all official orders or other official documents of the Commission, and perform all other duties appropriate to the office of the Chairman of the Commission. The Chairman shall also serve as the Chairman of the Executive Committee and may participate in the deliberations of any committee created by the Commission.

B. **THE VICE-CHAIRMAN**

The Vice-Chairman shall perform the duties of the Chairman in the event the office of Chairman is vacant, or the Chairman is unable to perform the duties by reason of illness, disability or absence. ~~The Vice-Chairman shall also serve as the Chairman of the Program and Finance Committee.~~ The Vice-Chairman shall be a member of the Executive Committee. Upon the death of or resignation of the Chairman, the Vice-Chairman shall succeed to the chairmanship for the remainder of the unexpired term of the Chairman, and a new Vice-Chairman shall be elected by nomination from the floor at the next regular meeting. In the event the offices of the Chairman and Vice-Chairman are both vacant, or in the event the Chairman and Vice-Chairman are unable to perform their duties by

reason of illness, disability or absence, the most recent past-Chairman available shall become, ex-officio, the Acting Chairman of the Commission and shall perform the duties of the Chairman until the Chairman or the Vice-Chairman becomes available or until the vacancy has been filled by an election.

C. THE SECRETARY

The Secretary shall certify the existence of a quorum at any meeting and certify representation by proxy and record votes when necessary. The Secretary shall perform such other duties as shall be assigned by the Commission or the Executive Committee.

D. THE TREASURER

The Treasurer, ~~with the support of the Comptroller~~, shall have custody of all funds of the Commission and, subject to the limitations hereinafter provided, shall establish and maintain such account or accounts for the deposit of such funds as he may deem to be necessary or convenient to the efficient operation of the Commission, shall invest, until needed, any funds not required for immediate use or disbursement, shall disburse the Commission funds and shall otherwise handle and manage them. ~~The Treasurer shall submit quarterly financial reports to the Program and Finance Committee with the fiscal year end report to be an audited report and distributed to all Commissioners.~~ The Treasurer shall provide a financial status report to the Commission at each Commission meeting and will serve as an ex officio member of the Audit Committee to facilitate the completion of the Commission's annual audit. In the event of the non-availability or temporary incapacity of the Treasurer, any of the foregoing functions of that office may be performed by an ~~Assistant~~ Acting Treasurer specifically designated by action of the Commission.

E. THE EXECUTIVE DIRECTOR

The Executive Director shall be the Chief Executive Officer of the Commission, and administrative head of the Commission staff. The Executive Director shall perform such duties including the signing of contracts as may be assigned by the Commission, the Chairman or the Executive Committee. In the event the Executive Director is unable to perform the position's duties for any reason, the Chairman, with the concurrence of the Executive Committee, shall designate a person to serve on an interim basis until such time as the Director becomes available or until a successor shall have been appointed. In the event of the absence of the Executive Director any of the foregoing functions of that office may be performed by an Acting Executive Director specifically designated by appropriate action of the Commission.

F. ~~THE LEGAL COUNSEL~~

~~The Legal Counsel to the Commission shall be the legal advisor of the Commission and shall furnish to the Commission and to the Executive Director such opinions, advice and counsel as shall, from time to time, be required. Legal Counsel shall represent the Commission in legal matters and hearings as directed by the Commission and shall, from time to time, perform such other duties as shall be assigned by the Commission. Compensation to be paid to the Legal Counsel shall be set from time to time by the Commission.~~

**VI. ADDITIONAL STAFF**

The Executive Director shall name and appoint such additional consultants and employees as may be authorized in the Commission's approved budget ~~by the Commission~~ and designate their duties and tenure and under whose supervision and direction they shall serve. It is the policy of this Commission to assure equal opportunity for all applicants and employees. In furtherance of this policy, the Commission will not discriminate and will take affirmative action to ensure that applicants for employment, and employees, are treated without regard to their race, color, religion, gender, sexual preference, national origin, age, handicapping condition, marital status, political affiliation, or any other status protected under applicable federal, state or local laws governing nondiscrimination in employment.

**VII. THE LEGAL COUNSEL**

The Legal Counsel to the Commission shall be the legal advisor of the Commission and shall furnish to the Commission and to the Executive Director such opinions, advice and counsel as shall, from time to time, be required. Legal Counsel shall represent the Commission in legal matters and hearings as directed by the Commission and shall, from time to time, perform such other duties as shall be assigned by the Commission. Compensation to be paid to the Legal Counsel shall be set from time to time by the Commission.

The Executive Director is authorized to engage Conflict legal Counsel to provide legal service to the Commission for matters where the Commission's primary Legal Counsel is unable to do so because of conflict of interest.

**~~VI.~~VIII. MEETINGS**

Regular meetings of the Commission shall be held on the second Thursday of February, June and October, or at such time as may be designated by the Chairman. The agenda for each regular meeting of the Commission shall be mailed to members of the Commission not later than three weeks prior to the date of the meeting. Additional items may be placed on the agenda with the consent of a majority of the Commissioners present at any meeting.

Special meetings may be called at any time and place by the Chairman, or in his absence or non-availability, by the Vice-Chairman or Acting Chairman, and shall be called at the request of a majority of the Commissioners of at least three states, or by a majority of the Executive Committee.

Notice of special meetings shall be given by telephone or electronic means at least five days prior to the date of the meeting, or by mail at least seven days prior to the date of the meeting. The subject matter to be discussed or acted upon at a special meeting of the Commission shall

be set forth in the call for the meeting and no other subjects may be considered at such meeting except by the unanimous consent of those present.

Meetings of the Commission shall be open to the public except that the Commission reserves the right to hold executive sessions at the direction of the Chairman for discussion of internal matters or such matters as in the judgement of the Commission call for such consideration. Executive sessions shall be attended only by Commissioners and their duly authorized proxies, except that the Chairman may, at his discretion, invite members of the staff or others to attend for all or any portion of an executive session.

Minutes shall be taken of all meetings of the Commission and, upon adoption by the Commission, shall be retained as the official record of Commission actions. Audio recordings of meetings shall be retained for not less than three years after the meeting date.

#### **VIII.IX. QUORUM**

One or more Commissioners or their properly constituted proxies from a majority of the signatory states shall constitute a quorum for the transaction of business.

#### **IX.X. VOTING**

Voting shall be done by voice vote, except that, upon demand of any member, a roll call shall be made and this vote recorded upon any motion, resolution or other action. The affirmative vote of at least a majority of the Commissioners present at any meeting shall be necessary for the adoption of any motion, resolution or amendment, or for any other action of the Commission, except as governed by Article IX of the Compact. Action under Article IX of the Compact shall be taken only by a roll call vote.

#### **XI. OPERATING FUNDS**

The amount of money to be required for the operation of the Commission for any fiscal year shall be recommended by the Commission for approval by the Governors, and shall be provided by the signatory states as set forth in Article X of the Compact.

Not later than six weeks prior to the meeting of the Commission immediately preceding July of each year, the Executive Director shall submit an operating budget for the next fiscal year to the Program and Finance Committee for review. The Program and Finance Committee shall present its recommendations for the operating budget to the Executive Director for direct transmission to members of the Commission not less than three weeks prior to the meeting of the Commission immediately preceding July first.

Except for the maintenance of a petty cash fund at the offices of the Commission in the amount necessary to cover incidental expenses, but not in excess of the sum of \$200, all funds of the Commission shall be deposited in a checking, savings or investment account or accounts, as the Treasurer may deem to be necessary or convenient for the efficient operation of the Commission, in a national bank or national banking association having adequate deposit insurance to protect, fully, any such account; provided, however, that, to the extent the operations of the Commission will not be impaired, any Commission funds not required for immediate use or disbursement may be invested, until needed, in short-term United States Government securities, as selected by the Treasurer, either by direct purchase or by acquisition through and deposit in a book account established and maintained with any



depository of the Commission's funds.

## ~~XI.~~ **XII. WITHDRAWAL OF FUNDS**

All vouchers for withdrawal of funds from any deposit account of the Commission must be approved for payment by the Executive Director or in his absence the ~~Deputy Executive Director or the~~ Director of Administration. All checks, drafts or other documents for the withdrawal of any of Commission funds or letter of credit transfers shall be signed by any two of the following: the Treasurer; the ~~Assistant Treasurer~~ Comptroller; the Chairman of the Program and Finance Committee; the Executive Director; ~~the Deputy Executive Director;~~ or the Director of Administration, all of whom shall be covered by a suitable fidelity bond.

Disbursements of funds shall be made in accordance with budgets adopted by the Commission or in accordance with other actions or other directions of the Commission authorizing expenditures; provided that requests for expenditures not so covered may be submitted to the Commission for approval, or, in an emergency, to the Executive Committee for approval by a majority of its membership.

The Commission Chairman and the Commission Secretary are each designated as authorizing officials for the purpose of certifying the authority of the above-designated signatories to sign draws against letters of credit.

An annual audit of the Commission's financial records shall be made as of the close of the fiscal year of the Commission by certified public accountants approved by the Commission.

## ~~XII.~~ **XIII.COMMITTEES**

There shall be three categories of committees for the Commission, i.e. standing committees, ad hoc committees, and advisory committees. Unless otherwise herein provided, all members of committees shall be normally appointed annually by the Chairman of the Commission but shall serve until replaced or until the committee on which they may be serving is duly discharged. The Commission Chairman shall also designate the chairman for each standing and special committee, and designate a temporary chairman in the event a committee chairman is absent. Each advisory committee shall be responsible for naming its chairman. In order to fulfill its responsibilities, any committee may establish such subcommittees, work groups or task groups as may be deemed appropriate **with the approval of the Commission Chairman. Members of subcommittees, work groups or task groups may include any person who has appropriate subject expertise relevant to the Committee's work.-** In the case where an established subcommittee requests reimbursement of travel expenses not authorized within the adopted budget, such reimbursement must be approved by the Commission Chairman. All committees shall report directly to the Commission. Committees, subcommittees, work groups or task groups shall not be authorized to act or to speak on behalf of the Commission unless expressly conferred.

**The Executive Director is hereby authorized to establish Scientific Work Groups on an as needed basis that shall be comprised of individual scientists with expertise in areas where the Commission, its Committees, the Executive Director or staff need better information to make better decisions. Except as set forth in the following sentence, members of the Work Group shall serve on a voluntary and as needed basis and shall work directly with the appropriate**

Committee or staff members, under the coordination and direction of the Executive Director.

~~A.~~ Standing committees, with duties and functions as hereinafter set forth, shall be: Executive Committee, Audit Committee, Nominating Committee, Program and Finance Committee, Pension Trust Committee, Personnel Committee, Pollution Control Standards Committee, Technical Committee, Congressional Liaison Committee, and Water Resources Committee. Except as hereinafter specified, all members of standing committees shall be duly appointed Commissioners or their proxies, pursuant to the legislative authorizations of the respective signatory states. ~~Subcommittees or work groups may be formed by Standing Committees to carry out specific functions with the approval of a majority of the Commissioners.~~

1. Executive Committee. The Executive Committee shall consist of one Commissioner from each state, to be designated by the Commissioners from such state; one Commissioner of the United States, to be designated by the Commissioners representing the United States; the Commission Chairman, the Commission Vice-Chairman and the immediate past-Chairman of the Commission. The Secretary may be an ex officio non-voting member. Either of the other Commissioners from any state or the United States may serve as an alternate in the absence or disability of the designated member of the Executive Committee at any of its meetings. A member of the Executive Committee may not be represented by proxy, except as authorized by laws of his state, or in the case of the representative of the United States, except in accordance with federal law. The Executive Committee, during the interim between regular or special meetings of the Commission, shall act for the Commission within limits from time to time established by the Commissions and shall make recommendations to the Commission with respect to changes in policies and strategies for implementation of program components as it may deem to be required or desirable under changing conditions and circumstances, and shall evaluate emerging issues and, as appropriate, assign responsibility for addressing them to appropriate Commission Committees or Subcommittees. In instances of Executive Committee action involving implementation of a Consent Decree or other similar order entered into by the Commission pursuant to its enforcement authority as provided in Article IX of the Compact, the Executive Committee, for purposes of such action, shall be expanded as necessary to include all three of the Commissioners from the state from which the discharge occurs; and any such Executive Committee action may be taken only with the assent of a majority of such state's Commissioners. Actions of the Executive Committee may be taken by mail, facsimile, electronically or by telephone conference, confirmed by mail, facsimile, or electronically.
2. Audit Committee. The Audit Committee shall be composed of at least three Commissioners in addition to the Commission's Treasurer, who will serve as an ex officio member of the Audit Committee. ~~It~~The Audit Committee shall review the outside auditor's year-end report and shall present it to the commission. It shall have authority to conduct an audit of all books and accounts of the Commission at any time. The Audit Committee, at the regularly scheduled meeting of the Commission

immediately prior to the beginning of each new fiscal year, shall present for approval by the Commission a recommendation for designation of a certified public accountant to serve as outside auditor for the next fiscal year.

3. Nominating Committee. The Nominating Committee shall consist of three Commissioners; at least one of whom shall be a past-Chairman of the Commission. It shall prepare and present to the Commission at the meeting held immediately prior to July 1 of each year a slate of candidates for the offices to be filled as hereinabove provided. Nothing herein contained shall prevent additional nominations of candidates for such offices.
4. Program and Finance Committee. The Program and Finance Committee shall be composed of at least ~~three~~ ~~one~~ Commissioners, or their duly appointed proxies, from each signatory state and the federal government, and the Chairman of the Technical Committee, the Executive Director, and the Treasurer as ex officio non-voting members. It shall review the Commission's programs and shall make recommendations with respect to the annual operating budget of the Commission. It shall prepare for the Commission's ratification and submission to the Governors of the signatory states for approval the amount of appropriations necessary to be made by the states to carry on the work and objectives of the Ohio River Valley Water Sanitation Commission.
5. Pension Trust Committee. There shall be a Pension Plan for employees of the Commission as established by the Commission on October 2, 1951, and as revised October 1, 1974 and October 1, 1985. Its affairs shall be managed by a Pension Trust Committee, which shall consist of not less than three members who shall be appointed from time to time by the Commission to serve at the pleasure of the Commission. One Pension Trust Committee member shall be from the Commission staff. The Committee shall annually assess the need for an inflationary increase to the pensions of retired employees. If an increase is recommended to the Commission said recommendations shall be made so that it will allow the increase to become effective on July 1 of the same calendar year. Inflationary increases shall apply to retirees, or their survivors, that are currently receiving pension payments, and who have received pension payments for at least twelve months.
6. Personnel Committee. The Personnel Committee shall consist of at least three Commissioners. With the assistance of the Executive Director, it shall ~~prepare for approval by the Commission,~~ maintain a salary table for the Commission employees, showing ranges for various classes. From time to time, it shall ~~propose increases~~ ~~make changes~~ in salary ranges as may be warranted and, otherwise, shall monitor and assist in the administration of personnel matters as established by the Commission's Administrative Procedures.
7. Pollution Control Standards Committee. The Pollution Control

Standards Committee shall be comprised of six or more members with at least one Commissioner from each of the six states bordering the Ohio River, with the Chairman of the Technical Committee, the Executive Director and Legal Counsel as ex officio non-voting members. It shall review the Commission's Pollution Control Standards on a triennial basis and may review specific standards as needed. It shall report its findings to the Commission and recommend actions pursuant to Article VI of the Compact. Further, the committee shall meet as necessary to review instances of significant non-compliance with the Compact and the Commission's Water Pollution Control Standards and provide reports and recommendations to the Commission as appropriate. At minimum, prior to the regular October Commission meeting each year, the Pollution Control Standards Committee will review an annual Summary report of the previous (fiscal) year's activities of non-compliance wastewater dischargers and provide recommendations to the Commission for appropriate action.

8. Technical Committee. The Technical Committee (TEC) shall serve as the technical arm of the Commission and shall study, discuss and evaluate technical questions of concern or interest to the Commission. It shall be composed of a chairman, who is a Commissioner and who is appointed by the Chairman of the Commission, together with one member from each of the signatory states as designated by the Commissioners of each state; preferably, this person should be an employee of the technical staff serving the state's water pollution control agency and may or may not be a Commissioner or a proxy of a Commissioner. The Technical Committee shall also include a member designated by the United States Commissioners to represent federal interests. To provide special scientific or technical input to the committee, up to three additional members, none of whom need be Commissioners or proxies, may be appointed by the Commission Chairman. The Chief Engineer of the Commission shall be, ex officio, a member of the Technical Committee and the Chairperson of the Public Information Advisory Committee, Chemical Industry Advisory Committee, Power Industry Advisory Committee, Publicly Owned Treatment Works Committee, Watershed Organizations Advisory Committee, and Water Users Advisory Committee shall be, ex officio, a non-voting members of the Technical Committee. The Chairman or an appropriately designated member of any technical subcommittee, any special work group or any advisory committee, formed from time to time pursuant to the provisions of these Bylaws, may be invited by the Chairman of the Technical Committee to attend any meeting at which it is anticipated that matters of particular interest to them may be discussed. Members of the Technical Committee and its subcommittees or work groups may be reimbursed for their expenses incurred in attending meetings authorized by the Technical Committee and approved by the Commission.
9. Congressional Liaison Committee. The Congressional Liaison Committee shall be composed of at least nine Commissioners, including

one Federal Commissioner and one Commissioner from each of the Compact states. The Committee shall define and lead those activities serving to educate Congressional representatives from the Compact District and other appropriate individuals concerning the Compact and its objectives, and the programs, concerns and resource needs of the Commission.

10. Water Resources Committee. The Water Resource Committee shall serve to provide counsel and direction to the Commission and shall study, discuss and evaluate water resource issues of concern or interest to the Commission and Basin states. It shall be composed of a chairman, who is a Commissioner and is appointed by the Chairman of the Commission. The Committee shall include one member designated by and who is an employee of the agency in each of the signatory states that has primary responsibility for water quantity management and water resource protection for such state. The membership of the Water Resources Committee shall be open to a representative from each of the non-signatory states within the Ohio River Basin, as approved by the Commission. The Water Resources Committee shall also include members representing the US Army Corps of Engineers and US Geological Survey and other federal water resource agencies identified by the Committee and approved by the Chairman of the Commission. Up to three additional members may be appointed by the Chairman of the Commission. The Chief Engineer of the Commission shall be, ex officio, a member of the Water Resources Committee. The Chairman of the Technical Committee or designee shall be, ex officio, a non-voting member of the Water Resources Committee. The Chairman or an appropriately designated member of any technical subcommittee, any special work group or any advisory committee, formed from time to time pursuant to the provisions of these By-laws, may be invited by the Chairman of the Water Resources Committee to attend any meeting at which it is anticipated that matters of particular interest to them may be discussed. Members of the Water Resources Committee and its subcommittees or work groups shall not be reimbursed for their expenses incurred in attending meetings unless authorized by the Commission.
  
11. ORSANCO/Ohio River Users Program Advisory Committee. An ORSANCO/ Ohio River Users Advisory Committee, comprised of representatives of industries, utilities, and other river interests, and of Commissioners, shall provide advice and guidance to the Commission on the operation and administration of the ORSANCO/Ohio River Users Program, review and make recommendations regarding the scientific merit and relevancy of proposed studies, and monitor the progress of ongoing studies. The Committee shall be comprised of no more than twelve members, including two Commissioners, seven from river interests, and a representative from the Water Users Advisory

Committee, the Publically Owned Treatment Works (POTW) Advisory Committee and the Power Industry Advisory Committee as appointed by the respective Committee Chairman. Members who are Commissioners and those representing river interests are appointed by the Commission. Further, members representing river interests are to be appointed for three year terms with the availability for one term reappointment. The Chairman of the Commission and the Executive Director shall be ex officio, members of the Committee. The Committee shall meet at least annually. The Commission shall not normally assume any expense for meeting attendance of Advisory Committee members. However, the Chairman of the Commission may authorize reimbursement of expenses for a Committee member on a case-by-case basis.

~~B~~.A. AD HOC COMMITTEES

Ad hoc committees with duties and functions assigned to them as created may be appointed by the Chairman as he may deem necessary or as the Commission may, from time to time, direct. The appointment shall include the task to be performed and the time frame for its completion. Members of ad hoc committees may be Commissioners, their proxies or others, when appropriate.

~~C~~.B. ADVISORY COMMITTEES

Advisory committees, with duties and functions assigned to them as created, may be appointed by the Chairman, as he may deem necessary, or as the Commission may, from time to time, direct for the purpose of advising the Commission with respect to Commission programs or matters of public interest. The Commission Chairman or Commission shall establish the overall composition of each committee. Appointment for membership will be made by the Chairman of the Commission. A provision may be made, with the approval of the Commission, for alternate members. Appointment for alternate membership will be made by the Chairman of the Commission. A designated alternate, serving in the absence of an official member, shall have the same privileges as a regular member. Under unusual circumstances, the Commission Chairman may make additional appointments for a prescribed period of time, but not to exceed one year. ~~Industry action committees~~ **Special Interests Stakeholder Advisory Committees**, formed at the invitation of the Commission, shall be responsible for appointment of their membership and organization. Members of advisory committees need not be Commissioners or proxies.

1. Water Users Advisory Committee. A Water Users Advisory Committee comprised of companies or agencies which operate water treatment plants shall supply the Commission with data as a part of a basin wide water quality monitoring system, and shall advise and provide input to the Commission on matters relating to water treatment. The appointed representatives of such of these companies or agencies as may be designated by the Chairman of the Commission, shall meet from time to time as approved by the Commission and shall serve on a voluntary basis and shall be reimbursed by the Commission for expenses incurred by them in attending meetings of this committee or, upon invitation of the Chairman, for attending meetings of the Commission or the Technical Committee.

2. Special Interests Stakeholder Advisory Committees. Special interests stakeholder advisory committees formed at the invitation and approval of the Commission to provide participation by special interest stakeholders representing industry sectors and environmental organizations in the Commission program of regional pollution control. Such committees shall invite a representative of the Commission to attend their meetings and provide advice to the Commission in the public interest. ~~With the exception of the expense for participating in the Technical Committee and Commission group meals, The~~ Commission shall not assume any expense for meeting attendance of special interests stakeholder advisory committee members, ~~also including expense for attendance at Commission meetings and Technical Committee meetings.~~
3. Public Information Advisory Committee. A Public Information Advisory Committee, composed of citizens residing in the Compact states, shall advise the Commission on Commission programs, outreach, procedures and communication methods. The Commission Chairman annually shall appoint members of this committee, including when possible a member from each signatory state and at least three (3) at large members. ~~The Commission Chairman may reach out to Commissioners from each signatory state to request suggestions for their states member.~~ These members, shall serve on a voluntary basis and be reimbursed by the Commission, for their expenses in attending meeting of their committee as budgeted by the Commission, and upon invitation of the Commission Chairman, meetings of the Commission and the Technical Committee.
4. Publicly Owned Wastewater Treatment Works Advisory Committee. A Publicly Owned Wastewater Treatment Works Advisory Committee comprised of representatives of wastewater treatment departments or districts or other public agencies, shall supply the Commission with data as a part of a basinwide water quality monitoring system and shall advise and provide input to the Commission on matters relating to wastewater treatment. The appointed representatives of such of these agencies, as may be designated by the Chairman of the Commission, shall meet from time to time as approved by the Commission, shall serve on a voluntary basis and shall be reimbursed by the Commission for expenses incurred by them in attending meetings of this committee or, upon invitation of the Chairman, attending meetings of the Commission or the Technical Committee.

#### ~~XIII.~~ XIVPUBLIC HEARINGS

Public Hearings may be held upon all matters requiring public consideration, and except as hereinafter otherwise provided, shall be held upon any matter upon the request of the Commissioners from each of not less than two states.

Public hearings authorized by Article VI of the Ohio River Valley Water Sanitation Compact, shall be held whenever, after full investigation by the Commission into the necessity for such a hearing, the Commission by a majority vote of the Commissioners present at a meeting duly held, shall direct, or, without a meeting whenever, after full investigation by the Commission



into the necessity for such a hearing, the Commission by a majority of Commissioners then appointed and qualified under the provisions of the Compact may direct in writing.

Public hearings authorized by Article IX of the Compact shall be held whenever, after full investigation by the Commission, the Commission by a majority vote of the Commissioners present at a meeting duly held, shall direct. Public hearings shall be called and carried out in accordance with the "Rules of Procedure for Public Hearings" (Appendix A) adopted by the Commission.

**XIV. XV AUTHORITY**

The rules contained in "Robert's Rules of Order Revised" shall govern this organization in all cases to which they are applicable, and in which they are not inconsistent with these Bylaws.

**XV. XVI STANDING RULES POLICIES AND ADMINISTRATIVE PROCEDURES**

Such ~~standing rules~~ Policies and Administrative procedures as may be necessary for guidance in policies and procedures peculiar to this organization may be adopted, and such standing ~~rules~~ policies and procedures may be amended, rescinded or suspended by a two-thirds vote at any meeting of the Commission.

**XVI. XVII INDEMNIFICATION**

Each person who is or was a Commissioner or officer of the Commission (including the heirs, executors, administrators or estate of such person) shall be indemnified by the Commission, to the full extent permitted by the laws of the states signatory to the Compact and of the United States which are applicable to such person, for the amount of any judgement or the amount paid in settlement of any civil liability, together with those ordinary and reasonable attorney's fees, court costs and other litigation expenses incurred in the defense of such action or claim incurred by him in his capacity as such a Commissioner or officer, or arising out of his status as such a Commissioner or officer (including serving at the request of the Commission as a director, trustee officer, employee or agent of another entity), provided that such Commissioner or officer acted in good faith and under a reasonable belief that his actions were lawful. The Commission may, but shall not be obligated to, maintain insurance, at its expense, to protect itself and any such person against any such liability, cost or expense.

**XVII. XVIII BYLAWS AMENDMENTS**

These Bylaws, or any article, section or subdivision thereof, may be amended or added to or repealed at any regular meeting or at any special meeting of the Commission by a two-thirds vote of those present, provided notice in writing of the proposed amendment, addition or repeal shall have been mailed to each member of the Commission at least three weeks before the meeting.

## RULES OF PROCEDURE FOR PUBLIC HEARINGS

Revised October 2014

### I. Purpose and Scope of Public Hearings

#### A. Hearings Under Article VI

By the language of Article VI of the Ohio River Valley Water Sanitation Compact, hereinafter referred to as “the Compact”, the Ohio River Valley Water Sanitation Commission, hereinafter referred to as “the Commission”, is empowered to conduct public hearings with regard to either of the following matters:

1. What, if any, degree of treatment, higher than that stipulated in Article VI must, in specified instances, be given to sewage discharged or permitted to flow into interstate portions of the Ohio River and its tributary waters in order to protect public health and to preserve those waters for legitimate purposes.
2. What degree of modification or treatment must be given to industrial wastes discharged or permitted to flow into interstate portions of the Ohio River and its tributary waters in order to protect public health and to preserve those waters for legitimate purposes.

#### B. Hearings Under Article IX

By the language of Article IX of the Ohio River Valley Water Sanitation Compact, the Ohio River Valley Water Sanitation Commission is empowered to conduct public hearings upon the basis of which it may subsequently order any municipality, corporation, person or other entity to discontinue, in whole or in part, or to modify, treat or otherwise dispose of any discharge of sewage of industrial waste permitted to flow into interstate portions of the Ohio River or its tributary waters.

### II. When Hearings are to be Held

- A. Public hearings authorized by Article VI of the Ohio River Valley Water Sanitation Compact, shall be held whenever, after a full investigation by

~~the Commission into the necessity therefore, the Commissioners may direct, by a vote of a majority of those present at a meeting duly held; or, without a meeting, whenever, after a full investigation by the Commission into the necessity therefore, the Commissioners may direct, by a vote, in writing, of a majority of those then appointed, qualified and acting under the provisions of the Compact. Pursuant to the authorities established in Article VI, the Commission has promulgated Pollution Control Standards for discharges to the Ohio River. Any proposed revisions to these Standards shall be presented at one or more public hearings prior to their consideration for adoption by the Commission.~~

~~B. Public hearings authorized by Article IX of the Ohio River Valley Water Sanitation Compact, shall be held whenever, after full investigation by the Commission into the necessity therefore, the Commissioners may direct by a majority vote of those present at a meeting duly held.~~

### ~~III. Notice of Hearings~~

#### ~~A. Forms~~

~~Notice of any hearings held under authority of either Article VI or of Article IX of the Compact, shall be issued over the signature of the Chairman of the Commission in substantially the form attached hereto, incorporated herein and marked "Exhibit A".~~

#### ~~B. Publication and Distribution~~

~~Not less than thirty (30) days prior to the date of any such hearing, notice thereof shall be published and distributed, in the form above specified, as follows:~~

- ~~1. In instances when an issue involves only a specific location/entity, publication as a paid advertisement in at least one newspaper of general circulation servicing the community that is affected by said hearing. Notice shall also be sent via first class postal service mail or e-mail to all entities that are the formal subject of said hearing.~~
- ~~2. In instances involving revision to the Commission's Pollution Control Standards, notification shall be provided to affected and interested parties through available effective means including posting on the Commission web site, written notification to federal, state, and local agencies as well as identified wastewater dischargers and water users, email notification to all parties who have requested same, and such other means as might become available~~
- ~~3. Such other and additional publication and distribution as the Chairman of the Commission may consider necessary and desirable in~~

~~order to insure adequate notification to parties who may be interested in or affected by the subject matter of the hearing.~~

#### IV. Conduct of Hearings

##### A. Hearing Board

- ~~1. Each hearing held under authority of Article VI shall be conducted, as a legislative hearing, by a Hearing Board, the size and composition of which shall be designated by the Commission concurrently with its action directing that the hearings be held. The Hearing Board shall select a presiding officer for the hearing from among its membership. For a hearing held to consider revisions to the Commission's Pollution Control Standards, the Pollution Control Standards Committee shall serve as the Hearing Board.~~
- ~~2. Each hearing held under authority of Article IX shall be conducted by a Hearing Board, the size and composition of which shall be designated by the Commission concurrently with its action directing that the hearing be held. The Hearing Board shall select a presiding officer for the hearing from among its membership.~~

##### B. Proceedings at Hearings

- ~~1. The presiding officer shall open the hearing by reading aloud the Notice of Hearing and the pertinent provisions of the Compact, under authority of which the hearing is being held. In addition, the presiding officer shall make such explanatory remarks as he may deem necessary in order to state clearly the purpose and scope of the hearing.~~
- ~~2. The presiding officer shall then announce that all present who may desire to do so will be given a full opportunity to express their views and opinions with regard to the subject matter of the hearing and will be given full opportunity to present any testimony or evidence which may be relevant and materials to the subject matter of the hearing, but the Board shall be empowered to exclude immaterial or unduly repetitious evidence. Brief oral summaries and submission of written statements shall be encouraged.~~
- ~~3. Witnesses shall than be called in such order as the presiding officer may direct for the purpose of giving testimony or expressing their views or opinions with regard to the subject matter of the hearing.~~

- ~~4. Witnesses giving testimony in the course of the hearing under authority of Article IX shall be subject to cross-examination by or on behalf of interested parties present to whatever extent the presiding officer may deem warranted in order to insure a full and complete inquiry into the subject matter of the hearing.~~
- ~~5. The presiding officer in his discretion may continue the hearing from time to time for the purpose of giving any interested party the opportunity to present additional evidence or testimony relevant and material to the subject matter of the hearing; and, subject to such conditions as he may see fit to impose, may order that the record of any hearing may remain open for the insertion of written additional testimony.~~
- ~~6. A complete transcript of the proceedings had at any such hearing shall be made and preserved by the Hearing Board which shall include a copy of the Notice of Hearing, a list of the persons notified, together with a statement of such other manner of publication of notice as was given and a list of all interested persons or parties attending the hearing.~~
- ~~7. The Board shall have the authority to order the inclusion in the record of the hearing, wither physically or by reference, a copy or copies of any statute, report or document which may be referred to by any witness.~~

~~V. Report and Recommendations of Hearing Board~~

- ~~A. As soon as practicable after the completion of any hearing held under authority of Article VI or Article IX of the Compact, the Hearing Board shall carefully review all testimony, views or opinions which may have been presented at the hearing and shall prepare for submission to the Commission such an evaluation of the evidence, testimony and comments presented at the hearing, as its members may deem to be appropriate, together with its recommendations with regard to the subject matter of the hearing. Copies of the record of the proceedings and the recommendations of the Hearing Board shall be transmitted to the Commission for its review and final action.~~
- ~~B. Final action based upon any hearing held under authority of Article VI of the Compact may be taken by the Commission upon a majority vote of Commissioners present at any meeting duly held at which a quorum is present.~~
- ~~C. No order based upon a hearing held under authority of Article IX of the Compact shall be issued by the Commission unless and until authorized at a~~

~~meeting duly held, at which a quorum is present, by the affirmative vote of at least a majority of the Commissioners from each of not less than a majority of the states which are signatories to the Compact and by the affirmative vote of not less than a majority of the Commissioners from the state in which the municipality, corporation, person or other entity against which such order may be directed, is located.~~

~~VI. — Docketing and Maintenance of Records~~

- ~~A. — The Secretary of the Commission is authorized and directed to establish and maintain separate permanent dockets in which shall be maintained memoranda of any action of the Commission taken in the exercise of any of the authority granted to it under Article VI or Article IX of the Ohio River Valley Water Sanitation Compact.~~
  
- ~~B. — The Secretary of the Commission is hereby directed to maintain a permanent file covering each action taken by the Commission pursuant to any of the authority contained in either Article VI or Article IX of the Compact, which file shall include the original or certified copies of all papers, reports, affidavits, notices, transcripts of proceedings and other documents pertaining to the hearing held with regard hereto.~~

~~VII. — Amendments~~

~~These rules may from time to time be amended by appropriate action of the Commission.~~

**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report of the Water Users Advisory Committee	<b>Number:</b> 9
<b>Attachments:</b> · None	<b>Committee Type:</b> <input type="checkbox"/> Standing <input checked="" type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	<b>Action Required:</b> <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Motion
<b>Prepared by:</b> Sam Dinkins		<b>Presentation by:</b> Committee Chairman Bruce Whitteberry

**KEY CONSIDERATIONS:**

- The Water Users Advisory Committee met on January 16-17, 2019.
- The Report of the Committee shall be provided at the February 14, 2019 Commission Meeting.

**BUDGET/STAFF IMPLICATIONS:**

- Travel related expenses to support committee meetings are covered by the Commission.
- The Commission has staff time to support Water Users Advisory Committee liaison work.

**RECOMMENDATION:**

- Information Only

**BACKGROUND/HISTORY:**

- The Water Users Advisory Committee provides input to the Commission on matters related to water treatment.
- Appointed representatives to the Committee are designated by the Chairman of the Commission from companies or agencies which operate water treatment plants.
- The Chairman of this Committee serves as a representative to ORSANCO's Technical Committee and the Ohio River Users Program Advisory Committee.

**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14 , 2019	<b>Subject:</b> Report of the Public Information Advisory Committee	<b>Number:</b> 10
<b>Attachments:</b> · None	<b>Committee Type:</b> <input type="checkbox"/> Standing <input checked="" type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	<b>Action Required:</b> <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Motion
<b>Prepared by:</b> David Bailey		<b>Presentation by:</b> Committee Chairman Betsy Mallison

**KEY CONSIDERATIONS:**

- A Report of the Committee's February 13 meeting shall be provided at the February 14, 2019 Commission Meeting.

**BUDGET/STAFF IMPLICATIONS:**

- The Commission covers travel, lodging, and meeting expenses incurred for Advisory Committee Members.
- The Commission has staff time to serve as liaison to the Committee and to help provide support to the Committee as needed.

**RECOMMENDATION:**

- For Information Only

**BACKGROUND/HISTORY:**

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



**Ohio River Valley Water Sanitation Commission**  
**COMMISSION MEETING COMMUNICATION**

<b>Meeting Date:</b> February 14, 2019	<b>Subject:</b> Report of the Watershed Organizations Advisory Committee	<b>Number:</b> 11
<b>Attachments:</b> · None	<b>Committee Type:</b> <input type="checkbox"/> Standing <input checked="" type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	<b>Action Required:</b> <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Motion
<b>Prepared by:</b> Richard Harrison <b>Presentation by:</b> Committee Chairman Rich Cogen		

**KEY CONSIDERATIONS:**

- The Report of the Committee shall be provided at the February 14, 2019 Commission Meeting.

**BUDGET/STAFF IMPLICATIONS:**

- The Commission does not assume any meeting expenses incurred for Special Interests Stakeholder Advisory Committee Members.
- The Commission has staff time to serve as liaison to the Committee and to help provide support to the Committee as needed.

**RECOMMENDATION:**

- For Information Only

**BACKGROUND/HISTORY:**

- The Watershed Organizations Advisory Committee is a Special Interests Stakeholder Advisory Committee to the Commission formed to provide advice to the Commission for its program of regional pollution control.
- The Committee was established through Commission action at its February 11, 2016 Commission Meeting.
- The Committee is responsible for appointment of their membership and organization.