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TRANSCRIPT OF PROCEEDINGS

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ORSANCO PITTSBURGH PUBLIC HEARING

DoubleTree Hilton Green Tree  
500 Mansfield Avenue  
Pittsburgh, PA 15205  
Duquesne Room

Monday, April 1, 2019

6:00 p.m.

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ORSANCO Hearing Board:

Ron Potesta  
Chuck Duritsa  
Scott Mandirola

ORSANCO Representatives:

Richard Harrison, Executive Director  
Jason Heath, Director of Technical Programs  
Lisa Cochran, Communications Coordinator

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1 Illinois, Indiana, Kentucky, New York, Ohio,  
2 Pennsylvania, Virginia and West Virginia.

3           Following the enactment of the  
4 enabling legislation by each of the states and  
5 approval by the U.S. Congress, under Article I of  
6 the compact, each of the signatory states promises  
7 to take such action as is needed to maintain the  
8 waters of the compact remain in a safe and sanitary  
9 condition available for the use of public and  
10 industrial water supplies after reasonable treatment  
11 suitable for recreational usage, capable of  
12 maintaining fish and other aquatic life and free  
13 from unsightly odors and nuisances and adaptable to  
14 such use as may be legitimate.

15           This hearing's been called under the  
16 authority of Compact Article VI, which authorizes  
17 the Commission to adopt, prescribe and promulgate  
18 rules, regulations and standards for treatment or  
19 modification of sewage and industrial waste in such  
20 degree as may be necessary to meet the river quality  
21 objectives, which are specified in Article I of the  
22 compact.

23           On January 10th, 2018, this Commission  
24 published notice of its attempt to conduct a review  
25 of the pollution control standards. The pollution

1 control standards committee is proposing to revise  
2 its pollution control standards for discharges to  
3 the Ohio River. That is, the 2015 revision.

4 The purpose of this hearing is to  
5 receive comments on those proposed revisions in  
6 order to assist the Commission as it considers what  
7 actions it will take with respect to those proposed  
8 revisions. Let me emphasize that no final decisions  
9 will be made with respect to the proposal before  
10 you. Your comments will be an important element in  
11 forming the revision and is part of the  
12 decision-making process.

13 I would now like to call on ORSANCO's  
14 staff right now to Richard Harrison, the executive  
15 director, to provide a brief statement highlighting  
16 the proposed revision.

17 MR. HARRISON: Thank you, Mr. Chairman.  
18 And on behalf of the Commission, it's a pleasure to  
19 be here tonight. I want to first thank everyone for  
20 taking the time to come to the hearing and listen to  
21 our presentation and then also provide comments to  
22 the Commission.

23 So I'm going to go through a little  
24 bit of the -- kind of how we got to this point and  
25 really give some history for the review process. So

1 this has been a fairly lengthy review for this  
2 particular proposal.

3 My name is Richard Harrison, and I'm  
4 the executive director of the Commission. And then  
5 also, we'll be introducing here, shortly, Mr. Jason  
6 Heath, who is our technical programs director. So  
7 Jason takes care of all of our technical programs  
8 that we perform for the Commission.

9 And I'd just like to recognize our  
10 hearing board here again. We have Commissioner  
11 Chuck Duritsa with Pennsylvania; Commissioner Ron  
12 Potesta from West Virginia, who is also the  
13 Commission chairman, and Proxy Commissioner Scott  
14 Mandirola, also from West Virginia.

15 And again, the purpose of the public  
16 review is to solicit input from the public on  
17 proposed specific revisions to pollution control  
18 standards for discharges to the Ohio River Valley,  
19 the 2015 revision. So that is the pollution control  
20 standards that are currently in effect.

21 This particular hearing is to accept  
22 public statements on proposed specific revisions to  
23 pollution control standards for discharges to the  
24 Ohio River, 2015 revision. So we will be accepting  
25 comments for the record. We will not be responding

1 to that through this particular hearing. Again,  
2 this is just an outreach to accept comments on a  
3 particular proposal, and then Mr. Heath will be  
4 going through other mechanisms for comments to  
5 become part of the record.

6 So again, we're providing a brief  
7 presentation, and then we will be inviting you to  
8 make formal statements for the record. We do have a  
9 court reporter that is going to be transcribing all  
10 of the statements verbatim, and then we'll  
11 ultimately get that up on our website here and see  
12 if we can turn that around in the next few weeks.  
13 And then all hearing statements will be entered into  
14 the record. So please limit your statements to five  
15 minutes or less to allow all the participants to  
16 participate in tonight's hearing.

17 So who is ORSANCO Ohio River Valley  
18 Water Sanitation Commission? We were formed in 1948  
19 by the signing of our signatory compact by the  
20 governors of eight states. The compact was also  
21 approved by U.S. Congress. Our eight states that  
22 participated are Illinois, Indiana, Kentucky, New  
23 York, Ohio, Pennsylvania, Virginia, West Virginia,  
24 and then we also have participation by the federal  
25 government. So we have all six main states that are

1 part of the compact. In addition, we have Virginia  
2 and New York.

3 Our policy board, if you will, our  
4 board of directors, is made up of three  
5 commissioners appointed by the governors of each of  
6 the eight states as well as three federal  
7 commissioners appointed by the president, and this  
8 really makes up our policy decision-makers, and that  
9 is the group that will be presiding over the  
10 decision for the current update of our PCS,  
11 pollution control standards.

12 And our compact provides our mission;  
13 essentially, sets our authority and direction for  
14 the Commission and the staff as we go to implement  
15 the programs that we work with, particularly  
16 centered around the control of interstate water  
17 pollution.

18 So a little bit of background now.  
19 This has been a lengthy process. It actually began  
20 some four years ago, and it started with the  
21 appointment of an ad hoc committee to really step  
22 back and review ORSANCO's role in pollution control  
23 standards.

24 Typically, we will do a pollution  
25 control standards review on a triannual, or

1 every-three-year basis. So that's normally a  
2 process where we'll look at the industry criteria,  
3 see if any adjustments need to be made to those  
4 specific criteria.

5           what makes this review different is,  
6 it is a holistic review of our program, and it looks  
7 at some fundamental questions. And really, this  
8 started, again, through the appointment of an ad hoc  
9 committee, and the Commission stepped back and  
10 really asked the question whether our whole  
11 pollution control standards program had become  
12 largely redundant through the programs of our member  
13 states as well as US EPA as required by the Clean  
14 Water Act. And so this is a very different type of  
15 review, and a part of the reason is, it has been  
16 fairly lengthy in duration.

17           And so the ad hoc committee stepped  
18 back and really, really looked at several  
19 alternatives as to how to move forward. Those  
20 ranged from totally eliminating the program and  
21 everything about our pollution control standards and  
22 deferring totally to the Clean Water Act to  
23 essentially stepping up the program and really --  
24 aspects in between.

25           So there were five alternatives, and

1 in one of those alternatives is what was called  
2 alternative number two. And alternative number two  
3 would have effectively eliminated ORSANCO's  
4 criteria, numeric criteria. It would have kept some  
5 of the wastewater discharge requirements and would  
6 have eliminated the mixing-zones requirement. And  
7 so again, this is called expanded or referred  
8 alternative number two.

9 So the ad hoc committee brought that  
10 recommendation forward to the Commission at its  
11 October 2017 Commission meeting. And the Commission  
12 accepted the committee's recommendation and moved  
13 forward to initiate a public review.

14 Our public reviews are typically done  
15 in two steps. We will do an initial public review,  
16 where we'll let the public know, this is what the  
17 Commission is thinking; is there anything we're  
18 missing; is there any other comments that you might  
19 have that you would like to consider with this  
20 proposal.

21 And so the Commission completed its  
22 initial review, and that was done through a period  
23 between January 10th and February 24th of last year,  
24 2018. And it rose solicited comments on all five  
25 alternatives that were discussed by the ad hoc

1 committee, but also focused on expanding alternative  
2 number two, which would have effectively eliminated  
3 the criteria as the preferred alternative.

4           So without going, you know -- I won't  
5 read it verbatim, but we had a lot of input through  
6 that, you know, quite a bit of input that the  
7 Commission considered. But part of the proposal  
8 review really looked at some key goals that the  
9 Commission had. So at the Commission's June 2018  
10 commission meeting, the Commission authorized going  
11 into phase two of the process, and this was  
12 conducted by our pollution control standards  
13 committee.

14           As a commission of 8 states and 27  
15 commissioners, we utilize committees pretty  
16 extensively, and so one of those committees is our  
17 pollution control standards committee. And so that  
18 committee has really presided over the review, and  
19 its goal was to provide a recommendation to the  
20 Commission at the end of the comment period, of the  
21 two review periods.

22           And so the second review was conducted  
23 between June 26th and August 20th of 2018. We had  
24 one hearing on July 26th. So through that process,  
25 we had extensive comments. What really came through

1 are about 6,000 comments. You know, those are all  
2 details here. But ten were detailed in favor of the  
3 alternative, 38 were detailed not in favor of it,  
4 and about 5,700 comments from the general public  
5 came in opposed, also, to the alternative. We had a  
6 hearing similar to the hearing tonight. There were  
7 about 92 folks there, 48 commenters, and their  
8 comments were opposed to the proposal there that was  
9 open to public comment.

10 So the pollution control standards  
11 committee stepped back and really, you know, wanted  
12 to take a look at the significant amount of comments  
13 that came through there and really try to reach more  
14 of a consensus. Not all of the commissioners were  
15 in favor of the proposal, although the majority  
16 were.

17 So they really wanted to step back and  
18 take into account the newer comments and really  
19 review the record, and there was not time to  
20 sufficiently do that at our October 2018 commission  
21 meeting. So the committee asked the Commission for  
22 additional time to continue its deliberation, and  
23 that was granted by the Commission.

24 And so, really, after that October  
25 commission meeting, the pollution control standards

1 committee stepped back. And so based on the  
2 comments that we received -- and we want to reach  
3 more of a consensus of the Commission. We're going  
4 to step back and really think outside of the five  
5 alternatives that had come in. Is there a better  
6 way to do this? Is there something that we were  
7 missing to the original proposal?

8                   And so following that meeting, the  
9 Commission met and developed a revised proposal for  
10 the Commission's consideration. And this proposal  
11 really brought together more of a consensus to  
12 listen to the public comments, and also,  
13 importantly, took into account the goals of the  
14 Commission.

15                   We had a Watershed Organisation's  
16 advisory committee. Several of the folks are here  
17 tonight. And we stepped back and worked with them  
18 as well as our other advisory committee and really  
19 tried to come up with a proposal that made sense in  
20 terms of the public comment and the Commission's  
21 needs.

22                   And so at the February Commission  
23 meeting this past February, the Commission voted to  
24 put forward a totally different proposal for public  
25 comment. This proposal would keep the pollution

1 control standards. It would take into account the  
2 needs of the commissions and the states and, again,  
3 was a totally different proposal. It recognizes  
4 that although member states may implement water  
5 quality standards differently, they all must  
6 maintain programs mandated by the federal Clean  
7 Water Act for water quality.

8 Our standards, the Commission's  
9 standards are largely derived by US EPA-recommended  
10 criteria as are the member states. So when we do  
11 our update, a lot of the changes we make in our  
12 standards are based on US EPA's most recent  
13 criteria, and that's what the member states do as  
14 well. And so we really try to take into account the  
15 comments, but also the needs of the Commission in  
16 coming up with the proposal.

17 To do that, just a little background  
18 on how the pollution control standards committee  
19 really went from October to February to come up with  
20 the proposal. I think it's helpful to look at the  
21 key tenets that were really kind of put out there to  
22 work through this. And first and foremost, we need  
23 to make sure that any proposal is consistent with  
24 the compact. So they really stepped back and looked  
25 at our compact -- it's on our website,

1 ORSANCO.org -- and really made sure that, you know,  
2 we are consistent with those requirements of the  
3 compact and then wanted to make sure that it's a  
4 cost-effective use of ORSANCO and state resources.

5           We have about 19 full-time employees  
6 at ORSANCO, and we have a lot of scientific work  
7 that we do, just a number of great programs, and so  
8 we wanted to make sure there was a good balance  
9 between what we do for our scientific monitoring in  
10 response to the Ohio River, as well as our work with  
11 permit review and then also with the state  
12 resources.

13           Effectively, the Commission is our  
14 member states. We are a collaboration of our eight  
15 member states agreeing to work together to take a  
16 collaborative review and view of making sure that  
17 the uses of the Ohio River, as the chairman read  
18 just a few moments ago, are being met. And so we  
19 really wanted to make sure that whatever proposal  
20 that we had, although it wouldn't be mandated to the  
21 states, it would make sure that the uses and the  
22 needs of the Ohio River are being met.

23           It's important to recognize that our  
24 criteria only apply to the mainstream Ohio River.  
25 The proposal that had been put out for public

1 comment, that process has already been used for all  
2 of the other interstate bodies of water within the  
3 compact district. Our standards only apply to the  
4 Ohio River. And the Ohio River is made up of --  
5 about 90 of its flow comes from the tributaries. So  
6 this process is a process that has actually been  
7 used for decades on the other interstate bodies of  
8 water within the compact area.

9           And then we wanted to make sure the  
10 proposal would preserve the PCS, to also be able to  
11 be used for future challenges, emerging contaminants  
12 concerning challenges from it. So it essentially  
13 went from a proposal that would effectively have  
14 eliminated the criteria to a proposal that would  
15 keep the criteria but would really focus on the end  
16 result of a permit, making sure that the end result  
17 of a permit achieved the water quality that we were  
18 looking for in the river, rather than our time being  
19 spent making sure that each individual state tried  
20 to use the exact same number.

21           So, you know, this is a substantially  
22 different proposal than anything that had been put  
23 forward prior to this, which is why we went out for  
24 an unprecedented third comment period. So, in a  
25 way, we've kind of gone into overtime with this

1 review. We're in a third review to make sure that  
2 we've done this very thoroughly.

3           So just a general statement about the  
4 proposal itself. In essence, this proposal would  
5 retain the Commission's pollution control standards  
6 we've adopted by the Commission. It would give the  
7 state the flexibility to use alternative criteria.  
8 They each have their own challenges within their  
9 programs, and they have to meet those, working with  
10 US EPA and interstate processes. So this would give  
11 that flexibility to them, but it would also make  
12 sure that any permit would be protective of the Ohio  
13 River designated uses, and that is really the end  
14 result of the impact of a permit on the river  
15 itself.

16           So at this point, I'm going to go  
17 ahead and turn it over to Mr. Heath. He'll be  
18 talking about the specifics of the proposal, how you  
19 can comment. And, again, just on behalf of the  
20 commission staff and the Commission, thank you so  
21 much for being here this evening.

22           Jason.

23           MR. HEATH: Good evening. I'm just going  
24 to go through and read these two sections verbatim.  
25 It really is the essence of the proposal for

1 revision, but there are some other revisions that I  
2 won't discuss here in the hearing. They're in the  
3 hard copy redline version. That's available out at  
4 the table. Is it's also available on our website.

5           So on page 2, the fourth paragraph of  
6 the redline version of the pollution control  
7 standards reads, It is recognized by the Commission  
8 that permitting water quality standards development  
9 processes of the individual states may vary as  
10 contemplated by the compact due to a number of  
11 factors, including the administration of the federal  
12 states' NPDS program as established in the federal  
13 Clean Water Act.

14           And then, again, the fourth paragraph  
15 continues on, It is recognized further by the  
16 Commission that each discharge permit issued  
17 pursuant to the Clean Water Act or other federal or  
18 state law may not contain requirements addressing  
19 one or more of the pollution control standards. The  
20 Commission in each signatory state have committed to  
21 implementation of discharge permit limitations that  
22 provide comparable use protection in achievement of  
23 the compact goals as provided by these standards.  
24 To that end, each signatory state will provide  
25 notice and an opportunity for comment to the

1 Commission of any proposed or draft discharge permit  
2 to the maintenance of the Ohio River.

3 So that paragraph there, those two  
4 sections in that paragraph there are pretty much the  
5 language that goes along with what Richard was  
6 talking about, to summarize the main part of the  
7 proposed revisions.

8 Now I will turn to the public review  
9 schedule. We opened up a 45-day public review on  
10 March 1st. We held informational webinars on  
11 March 12th and 14th, and then you can see the three  
12 public hearings that we are holding, obviously, the  
13 one in Pittsburgh tonight and then also in  
14 Evansville and Cincinnati. So we're trying to give  
15 geographical distribution so that folks from around  
16 the Ohio River can attend, if they like. The public  
17 review period closes on April 15th, so please submit  
18 your comments -- if you are going to submit comments  
19 in writing, please do that by April 15th, although,  
20 your comments tonight will also be part of the  
21 public record.

22 The public notification; we sent out a  
23 notice of the public review and these hearings, and  
24 we've got approximately 200 media outlets; we've got  
25 an e-mail distribution list of over 3,000 entities,

1 and then to all of the NPDS permitted discharges on  
2 the Ohio River, we sent written notice, because  
3 sometimes people change jobs and that kind of thing.

4 We have established a website to  
5 support this public review. If you Google ORSANCO  
6 and then go to the pollution control standards  
7 section, you will find all of the information to  
8 support this review.

9 How the public can comment; comments  
10 must be submitted in writing or by mail or e-mail to  
11 us by midnight of April 15th of this year.

12 Instructions on submitting comments are also on the  
13 website. We ask that e-mails be sent directly from  
14 the sender, and they go to our mailbox at  
15 pcs@orsanco.org. And we also ask to protect our IT  
16 system's integrity that you do not include  
17 attachments, and you can send by regular mail to our  
18 mailing address as well as, as I've said, today's  
19 comments will also part of the official record. And  
20 that's all I have.

21 MR. POTEESTA: Thank you, Jason.

22 We will now open the floor to  
23 statements on the proposed revision. I have a list  
24 of folks here that have signed up to speak. We'll  
25 go through that first, and then if there's others,

1 we will open that up as well.

2           It would be appreciated if you can  
3 submit any written comments of your statement,  
4 either now or in the remainder of the comment  
5 period. We'd like you to reintroduce yourself and,  
6 if appropriate, the organization that you represent.  
7 We'll try and keep this to five-minute  
8 presentations. I will be watching the clock here  
9 and signal you when we get to that time frame. And  
10 if you could, we'd obviously appreciate you bringing  
11 your comments to a close at that point.

12           We'll start here, and forgive me if I  
13 mispronounce your name. So correct me, and I'll try  
14 to correct myself. But the first speaker we have is  
15 Randi Pokladnik.

16           MR. HEATH: And we have a mic back here  
17 or you could use the microphone up there, whichever  
18 you prefer, if you have a loud enough voice to speak  
19 up.

20           MS. COCHRAN: I apologize for the  
21 interruption. May I request that you go up to the  
22 front. That's where the media would prefer.

23           MS. POKLADNIK: My name is Randi  
24 Pokladnik. I live in Uhrichsville, Ohio. I'm here  
25 to speak for my family and friends who live along

1 the Ohio River from Troy, Ohio, to Marietta, Ohio.

2 The Ohio River valley watershed is  
3 very fortunate to have had a multistate compact in  
4 place since 1948 which protects many uses of the  
5 river, including its use as the drinking water  
6 source for five million residents.

7 while I applaud the new revisions and  
8 that they will keep the pollution control standards  
9 in place and are far superior to the proposed option  
10 two of the PCS released in 2018, I would urge these  
11 standards not be made discretionary, but instead be  
12 mandatory.

13 Permit-by-permit review by states  
14 fails to hold states accountable, as it does not  
15 address equivalent levels of protection under  
16 ORSANCO. I realize ORSANCO has no authority to  
17 mandate or enforce standards and, today, does not  
18 address the monumental buildup of the petrochemical  
19 industry in Ohio River valley. However, the current  
20 uses of the Ohio River by both historical industries  
21 as well as the impact of petrochemical development  
22 will certainly have far-reaching effects on water  
23 quality.

24 Under the Energy and Policy Act of  
25 2005 (sic), oil and gas facilities are exempt from

1 most major environmental laws. This does not mean  
2 that they do not release toxic compounds and affect  
3 human health and the environment. This buildup will  
4 undoubtedly affect the drinking water of millions of  
5 residents and the aquatic ecosystems.

6           It is my understanding that, except  
7 for ORSANCO's monitoring of organic contaminants,  
8 there are no other agencies or facilities that have  
9 any programs in place to protect citizens from  
10 contaminants that will enter the river from  
11 watersheds that are currently being fracked.  
12 Additionally, the construction of shale's ethane  
13 cracker in Monaca, PA, and the possible planning of  
14 another ethane cracker in Belmont County will  
15 significantly increase the amount of pollution  
16 coming from well pads using high-pressure hydraulic  
17 fracking in the watersheds.

18           Peer-reviewed studies show that many  
19 chemicals released through the process of fracking  
20 and plastic production are carcinogenic,  
21 endocrine-disrupting, obesogenic and become  
22 persistent in the environment.

23           Without ORSANCO's organic detection  
24 system, there is no way to ensure that spills or  
25 nonpoint pollutants will be detected.

1                   In light of this, I have recommended  
2     that my extended family consider purchasing a  
3     state-of-the-art water filtration system to use for  
4     their residential drinking water.

5                   I urge that ORSANCO takes secure  
6     avenues and permanent long-term funding for the  
7     organic detection system. Additionally, in light of  
8     the petrochemical development buildup, the ODS  
9     system, along with other testing programs, should be  
10    expanded. These additions might include more CCMS  
11    systems along the river, more septic sites closer to  
12    regions affected by fracking and petrochemical  
13    facilities, keep triannual review in place every  
14    three years, conduct a nonpoint source study -- the  
15    last one was done in 2003 -- add the OC compounds  
16    that are found in fracking industries to the ODS  
17    analysis and companies adhere to chemical storage  
18    data.

19                  People along the Ohio River valley are  
20    counting on their water being safe for drinking. I  
21    am sure water consumers would be willing to pay a  
22    modest fee, such as \$10 per household, to support  
23    additional testing financially or ORSANCO might  
24    consider adding a per-point source help book for all  
25    industrial users of the river.

1 Thank you for taking my comments.

2 (Applause.)

3 MR. POTEESTA: Bob Donnan's the next  
4 registered speaker.

5 MR. DONNAN: Hi, commissioners. I really  
6 wish you were more like the Delaware River Basin  
7 Commission, where you'd actually have some control  
8 over the river instead of just doing some studies on  
9 fish and so forth.

10 So one of the two rivers that creates  
11 the Ohio is the Monongahela. Ten years ago after  
12 the frackers got ramped up here drilling and  
13 fracking, they were taking their wastewater to  
14 public treatment works, McKeesport, Clairton, just  
15 to name two of them. So what happened? People's  
16 water started to stink; the TDS increased; our  
17 Pennsylvania American water, when they chlorinated  
18 it, they were creating trihalomethanes. The limit  
19 is 80. At one point, they bumped 156 on  
20 trihalomethanes; one of them is chloroform.

21 And long story short, Pennsylvania was  
22 pretty impudent on the whole thing. Pennsylvania  
23 DEP was just about worthless, really. After a  
24 couple years, the EPA finally got involved, leaned  
25 on the DEP, and the DEP requested that the frackers

1 quit dumping their waste at these POTWs. They  
2 didn't tell them; they requested.

3           So any stepping back from water  
4 standards, especially for the Ohio River Basin is --  
5 I think it's foolhardy. We found out there's  
6 radium-226; it's water soluble. And the lady said  
7 you haven't done a study since 2003. Well, if  
8 that's the case, you've missed the whole hydraulic  
9 fracking industry. And we already have 1,700 wells  
10 out in Washington County. And it takes about  
11 four million gallons or more to frack each well with  
12 about one million gallons of that coming back as  
13 waste. So they're desperate to get rid of this  
14 stuff. That's the industry's biggest problem.

15           So it's commissions like yours that  
16 really need to stand in the way and hold them  
17 accountable, or you're going to have a situation  
18 similar to what we saw with the Mon river. So, you  
19 know, our water utility switched to chloramination,  
20 and, of course, that has its whole set of problems  
21 too with people on dialysis and people with fish  
22 tanks and so forth and so on.

23           So I'd encourage you to be a  
24 commission. Don't give the states any latitude.  
25 You don't know what Pennsylvania's going to do. You

1 don't know what west Virginia's going to do or Ohio,  
2 the three states that are producing most of this  
3 wastewater.

4                   okay. Thank you.

5                   (Applause.)

6                   MR. POTESA: The next speaker is Robert  
7 Reed.

8                   MR. REED: That's me. I'm a Buckeye from  
9 Ohio. Sure put a whooping on us there in the  
10 tournament.

11                   My name is Robert Reed from  
12 Bridgeport, Ohio. I was born in 1950 and have lived  
13 within a thousand feet of the Ohio River my whole  
14 life. My grandparents lived in wheeling on the  
15 island for years before that and endured many  
16 floods. My uncle died as a result of disease  
17 attributed to swimming in the river.

18                   As I grew up, I spent many hours on  
19 the bank of that river catching catfish and carp.  
20 The Ohio River was really in bad shape. It was  
21 basically a cesspool. At the turn of the last  
22 century, a large steel mill occupied the land a  
23 hundred fifty yards from my front door called the  
24 Ethno Standard. Our village wells are drilled  
25 through the brownfield that was left by the steel

1 mill. We all know the industrial history of the  
2 river valley and the legacy of toxic waste left  
3 behind.

4 I've been heartened by the comeback of  
5 aquatic life in the river, that I fear now, that all  
6 the games and more may be wiped away by a runaway  
7 push for petrochemical complexes being planned for  
8 the area.

9 The environmental rigs are under  
10 pressure by politics in the industry. Industry  
11 lobbyists have way too much influence over the  
12 process. And then when ex-oil company execs and  
13 lobbyists are appointed to head the EPA, it causes  
14 me great concern. The playing field is no longer  
15 level, if it ever was.

16 And in conclusion, I hope that ORSANCO  
17 implements rigorous standards to protect our river  
18 from the assault that is surely coming.

19 So I'm not totally familiar with all  
20 the things that are in here, but I hope whatever you  
21 do, that you take into consideration that there are  
22 so many sources of pollution in our valley, from up  
23 the Mon all the way down to Cincinnati and beyond,  
24 and especially in my county, we've got a lot of gas  
25 wells going in. So we are really subject to not

1 only all the pollution from those wells -- because  
2 every one of those wells has tanks on them, and  
3 under certain atmospheric conditions, you see the  
4 vapors coming right out of those tanks.

5                   We went on a tour recently where a gas  
6 well is being drilled or potentially going to be  
7 drilled. They've already made the gravel bed for it  
8 about a hundred yards away from the daycare center.  
9 Little kids are going to be playing on a playground,  
10 and this thing is going to be right down the hill  
11 from it. And I can't believe that anybody in their  
12 right mind would put a gas well right where these  
13 little kids are going to play. The vapors, the  
14 diesel and everything else are going to come right  
15 on that playground.

16                   And, you know, the same thing with the  
17 water, we're just -- we're playing with destruction  
18 here. I mean, we all want to be healthy. We all  
19 want to live a long life and have gray hair and be  
20 able to retire and do fun things. And if the cancer  
21 rate gets worse than what it is now, we're in for a  
22 rough road to hell. Thank you.

23                   MR. POTEESTA: Thank you. Next speaker is  
24 Nora Johnson.

25                   MS. JOHNSON: Good evening. My name is

1 Nora Johnson, and I live here in Pittsburgh. Thank  
2 you very much for giving us this opportunity to  
3 testify. This is such an important issue for the  
4 Ohio River Valley.

5 Consistently ranked as the most  
6 polluted river in the United States, the Ohio River  
7 provides drinking water to five million people.  
8 ORSANCO must reject the 2019 revisions to its  
9 pollution control standards. These revisions would  
10 eliminate the current mandate for states to adopt  
11 the pollution control standards. But standards that  
12 are uniform for all ORSANCO states are needed to  
13 improve Ohio River quality. Therefore, all states  
14 must be required to adopt one set of pollution  
15 control standards.

16 Standards maintained by one agency  
17 provide cost-effective management for Ohio River  
18 states, and one standard provides clarity for  
19 businesses who apply for permits to build along the  
20 river. The importance of clarity for riverside  
21 businesses is obvious when considering that stretch  
22 of the Ohio River along the southern border of the  
23 state of Ohio.

24 Just upstream from the border in  
25 Beaver County, Pennsylvania, an ethane cracker plant

1 is under construction, and it will produce billions  
2 of pounds of polyethylene plastic every year. Just  
3 a short distance downstream in Belmont County, Ohio,  
4 a second ethane cracker is in the permitting phase.  
5 Estimates of the potential frackable natural gas in  
6 the Marcellus Shale site suggest that as many as  
7 seven of these plastic factories could eventually be  
8 built along the river. These factories will require  
9 thousands of miles of pipeline crisscrossing the  
10 countryside and the towns to convey the fracked  
11 natural gas and the highly volatile gas liquids from  
12 wells to processing plants to cryogenic plants to  
13 the factories, themselves.

14 As we know from recent bitter  
15 experience, these pipelines leak and explode. Since  
16 ethane, a required component of many plastics, is  
17 heavier than air, it hugs the ground when released,  
18 and, because it is highly volatile, can cause an  
19 explosion if triggered by as small of a current as  
20 the use of a cell phone. Fire caused by such an  
21 explosion may take an extended length of time to  
22 extinguish, if it is extinguishable at all. Such  
23 disruption cannot fail to damage headwaters and  
24 affluent streams that flow into the Ohio River as  
25 well as cause other kinds of mayhem.

1                   But gas leaks are not the only stress  
2 to the water of the Ohio River posed by the  
3 development of these ethane cracker plants. These  
4 factories, themselves, are permitted to discharge  
5 pollutants into the river. At the same time, the  
6 state of Ohio has a separate set of water quality  
7 standards for discharges into the Ohio River Valley  
8 which incorporate some, but not all, of the ORSANCO  
9 standards.

10                   It is this combination of the  
11 circumstances taking place in Ohio that makes clear  
12 the need for pollution control standards that are  
13 both adequate for water quality protection and  
14 uniform across the ORSANCO states.

15                   I support these guidelines: States  
16 will be required to adopt ORSANCO standards; states  
17 should be allowed to deviate from these standards  
18 for appropriate reasons; any deviation should be  
19 made public and requires public notice and input  
20 from, of course, ORSANCO and the public; ORSANCO  
21 will be required to produce a report every three  
22 years to assess state standards and prepare these  
23 standards to ORSANCO; this report will be available  
24 for the public to review; the proposal should  
25 require ORSANCO to update pollution control

1 standards at least once every three years; ORSANCO  
2 should continue to evaluate NPDES permits issued by  
3 states and develop an annual report to summarize the  
4 findings.

5 Thank you very much.

6 MR. POTEESTA: Thank you. The next  
7 speaker is Michele Fetting.

8 MS. FETTING: Thank you so much for being  
9 here and for holding this hearing. My name is  
10 Michele Fetting, and I'm the program manager of the  
11 Breathe Project here in Pittsburgh and a resident of  
12 Pittsburgh.

13 The Ohio River is a vital artery that  
14 runs through America; its basin connects Western New  
15 York with the Gulf of Mexico. New and expanded  
16 industrial operations threaten every wetland, every  
17 stream, every aquifer, private well, public  
18 treatment system and every drop of the Ohio River.  
19 This is happening in the face of powerful industry  
20 pressure to deflect any obstacle that prevents their  
21 operation from achieving maximum profit.

22 I ask ORSANCO commissioners to stand  
23 strong and to do more, including these five things:  
24 Number one, ORSANCO should maintain its pollution  
25 control standards. It should show the proposal and

1 require all states to utilize the ORSANCO standards  
2 when issuing discharge permits. These standards are  
3 the product of decades of deliberation and deemed  
4 necessary to protect the river. The Commission  
5 should not alter the standards by making them  
6 advisable to accommodate the two states, Ohio and  
7 Illinois, who do not utilize the standards or their  
8 equivalent. The 1948 ORSANCO compact agrees to  
9 enact any necessary legislation to maintain the  
10 waters of the Ohio River Basin and make them safe.  
11 Perhaps now is the time for this action.

12                   Number two, ORSANCO must consider new  
13 and future pollutants and radionuclides from the oil  
14 and gas and petrochemical industries. Our region is  
15 the target for a plastic hub that would extract our  
16 gas and turn it into plastic and ship our gas liquid  
17 overseas to markets in Europe and Asia. The 1948  
18 ORSANCO compact also pledges faithful cooperation in  
19 the control of future pollution in the Ohio River  
20 Basin. That future pollution is already here.  
21 There are tens of thousands of fracked wells in the  
22 Ohio River Basin, each one using millions of gallons  
23 of water that becomes radioactive and toxic.  
24 Fracking wastewater is illegally dumped and spilled  
25 and thrown on our roads and often in swimming pools.

1 Pipelines have leaked and exploded. The Appalachian  
2 storage hub would span over 400 square miles and  
3 store natural gas liquids directly under the Ohio  
4 River. Many petrochemical plants are planned in the  
5 shale facility about 30 miles away from here and is  
6 already well underway. ORSANCO does not consider  
7 pollutants from the oil and gas and petrochemical  
8 industries. It is critical that these are included  
9 in its pollution control standards. We will never  
10 know the full impact of new and future pollution  
11 activities if we are not testing for contaminants  
12 from these industries.

13           Number three, ORSANCO must consider  
14 the public health threats of water pollution in the  
15 Ohio River Basin. Our region is becoming a  
16 sacrifice zone and communities are suffering. In  
17 the Canon-McMillan School District, just 15 miles  
18 from where we sit tonight, there is an epidemic of  
19 Ewing's sarcoma, a rare childhood bone cancer. This  
20 is an area with more than a thousand wells drilled,  
21 and it also has a landfill that has accepted  
22 thousands of tons of radioactive drill cutting from  
23 gas well sites. Multiple academic studies have  
24 found higher rates of childhood cancers in areas  
25 where fracking is occurring. Pregnant women and

1 young children also bear the brunt of this industry.  
2 I will leave this shale, gas extraction and public  
3 health resource, that includes contaminants  
4 associated the with the oil and gas industry and the  
5 health impacts, with you so you can review what  
6 contaminants you might want to include (indicating).  
7 with 33 drinking water and sustained tanks that  
8 serve five million people, ORSANCO must consider the  
9 health impact of water pollution.

10           Number four, ORSANCO should create a  
11 more robust monitoring network and increase the  
12 number of monitoring sites in the Ohio River and its  
13 tributaries, given the buildup of oil and gas in the  
14 Ohio, the Allegheny, the Monongahela and other  
15 rivers in the basin and the fact that these wells do  
16 not have to abide by any major environmental  
17 regulations, we strongly advocate for adding  
18 additional sampling sites to the current organic  
19 detection system to allow for a better coverage, and  
20 earlier detection of spills and harmful pollution  
21 level increases.

22           And number five, ORSANCO should also  
23 advocate for the full disclosure of the secret  
24 ingredients in half of the fracking fluid that are  
25 exempt from the Clean Water Act through the

1 Halliburton loophole that was part of the 2005  
2 Bush/Cheney energy bill. There are chemicals posing  
3 risks to the Ohio River that we may not even know  
4 of. ORSANCO and its commissioners have the power to  
5 do more.

6 I especially call upon my own  
7 commissioners from Pennsylvania, Patrick McDonnell,  
8 Charles Duritsa and Davitt Woodwell to take the lead  
9 on strengthening ORSANCO and to use their extensive  
10 experience in environmental protection in  
11 Pennsylvania.

12 Everything that happens in the Ohio  
13 River Basin has an impact on the Mississippi River  
14 and the Gulf of Mexico. ORSANCO commissioners have  
15 a responsibility and an opportunity to make  
16 pollution control standards stronger and prevent  
17 further harm to the people, communities, environment  
18 and wildlife that live and thrive in the Ohio River  
19 valley and everywhere downstream. Thank you.

20 MR. POTESA: The next speaker is Terrie  
21 Baumgardner.

22 MS. BAUMGARDNER: Good evening. I thank  
23 you for allowing us to testify and for listening  
24 tonight, hopefully, to the voice of citizens who are  
25 concerned about what seems like an invasion here in

1 Southwestern Pennsylvania.

2 My name is Terrie Baumgardner. I live  
3 in Beaver, six miles from the shale petrochemical  
4 plant currently under construction along the Ohio  
5 River. This is the river that supplies drinking  
6 water for me and five million other people in the  
7 region. And as we know, it's already the dirtiest  
8 river in the country.

9 We need protection. Rivers do not  
10 know state boundaries. Thanks to lobbying,  
11 political lobbying from 5.2 million in 2017 along  
12 with Pennsylvania, my community will be the first  
13 target of the massive growth and expansion of the  
14 oil and gas industry. It will suffer from the  
15 impacts that these industries will have on the water  
16 we drink and the air we breathe. And we're not just  
17 talking about the petrochemical plant. We're  
18 talking about the feedstock; the fracking wells, the  
19 compressor stations, the cryogenic plants, the  
20 injection wells, the truck and rail transport and  
21 the diesel fumes and the picking operations and the  
22 pipelines. All of this will impact the water we  
23 drink and the air we breathe. The health of the  
24 people must be protected.

25 I urge ORSANCO to keep the existing

1 pollution control standards in place. I think we  
2 all know that voluntary and inconsistent standards  
3 do not work. It seems to me that what's being  
4 proposed here is a move backwards, when we need  
5 stronger protection, not less protection.

6           ORSANCO also needs to increase the  
7 number of monitoring sites and locations, especially  
8 those that are close to industrial activity. States  
9 should only be allowed to deviate from the standards  
10 by providing supporting scientific reasoning through  
11 a transparent public process. ORSANCO should  
12 continue its evaluation every three years with full,  
13 transparent public participation.

14           ORSANCO must begin monitoring for  
15 pollutants from the oil, gas and petrochemical  
16 industries, as major expansions will further  
17 threaten the water quality of the Ohio and its  
18 tributaries. ORSANCO must increase the number of  
19 monitoring sites on the Ohio River and on Ohio River  
20 tributaries. The petrochemical industry invading  
21 our region will increase the amount of plastic waste  
22 in our waters, oceans and environment. Humans have  
23 produced more plastic waste over the last ten years  
24 than during the entire last century, and I think we  
25 all have heard that there will be more plastic in

1 our oceans by 2050 than fish. I hope that we are  
2 all aware that microplastics are invading our  
3 bodies, and our tap water and bottled water are  
4 loaded with those microplastics.

5 As this invasion descends upon us, we  
6 need people to resist it, and I would hope that  
7 those people would include you. Thank you for your  
8 time.

9 MR. POTEESTA: Thank you. Our next  
10 speaker is Robin Blakeman.

11 MS. BLAKEMAN: My name is Robin Blakeman.  
12 I work with the Ohio Valley Environmental Coalition.  
13 And I just want to say thank you for having your  
14 hearing and for having it here. I know when I came  
15 in and I shook Richard's hand, and I said, well, I  
16 wish you would have been in Huntington.

17 But hearing all of you from the  
18 Pittsburgh area tonight, I'm very glad that you had  
19 this hearing here so that you could hear the  
20 concerns of those who are at ground zero for what we  
21 consider to be a perfect storm brewing on the Ohio  
22 River in terms of petrochemical buildout and what it  
23 might mean.

24 So please, pay attention to them. And  
25 I'm a little off script right now in terms of my

1 comments, but I even wonder if you, ORSANCO staff  
2 and commissioners, if you're staying around this  
3 area, if you might be able to take a tour with some  
4 of them tomorrow or at least find the resources  
5 online that a lot of our folks -- friends here in  
6 Pennsylvania have in terms of that Beaver cracker  
7 plant. It's pretty intimidating. I'd encourage you  
8 to do that.

9                   Back to my written comments. OVEC is  
10 a member of the ORSANCO Watershed Organization's  
11 advisory committee, and as such, we have been  
12 following this issue for three years and sincerely  
13 appreciate the hard work that has gone into the  
14 formation of the current pollution control standards  
15 proposal by the ORSANCO staff and the commissioners  
16 who are here and those who are not here.

17                   Therefore, we want to support this new  
18 proposal and thank you for the improvement in it to  
19 keep the pollution control standards intact. We  
20 also want to state our concern that the current  
21 proposal makes standards discretionary, weakening  
22 their intent to protect the integrity of the Ohio  
23 River's valuable natural resources.

24                   while standards and existing permits  
25 may not be able to be removed due to

1 anti-backsliding provisions, new permits, however,  
2 might not take the PCS into consideration. And my  
3 fear is that this will happen in West Virginia where  
4 we have used the ORSANCO standards in the past. The  
5 current proposal provides a permit-by-permit review  
6 of standards by the states that reserve the uses of  
7 the river. But there needs to be accountability of  
8 equivalent levels of protection.

9           ORSANCO alleges no single standard is  
10 applicable due to variable factors. But it is  
11 important that ORSANCO establish baseline uniform  
12 reference discharge standards and mechanisms for  
13 holding states accountable. Although ORSANCO's role  
14 will not change in developing standards, all member  
15 states should be strongly advised that these  
16 standards represent the best means of maintaining  
17 the designated uses of the river.

18           The river and watershed need nutrient  
19 criteria and standards. By revising the PCS to only  
20 apply to entity discharging sewage or industrial  
21 waste, ORSANCO avoids this responsibility. If this  
22 is the intent, ORSANCO should be working with  
23 watershed states to create such parameters similar  
24 to efforts on the Great Lakes and the Chesapeake  
25 Bay.

1                   Predating the Clean Water Act, the  
2 states in the compact took it into their own hands  
3 to protect the integrity of the Ohio River and made  
4 a commitment to protecting the special uses of the  
5 river, and this is why we have a river that we can't  
6 use for drinking water today. We believe that all  
7 the states that are members of this compact should  
8 adopt and implement ORSANCO's pollution control  
9 standards, but we accept this proposal, this option  
10 as an interim measure.

11                   This current pollution control  
12 standards option is acceptable under the following  
13 conditions:

14                   A, ORSANCO works toward requiring that  
15 all states adopt and implement the PCS or  
16 equivalent.

17                   B, states are only allowed to deviate  
18 from PCS for good scientific reason or based on  
19 sound and verifiable social and economic  
20 justification.

21                   C, policies and procedures are  
22 developed to respond if a state proposes to deviate  
23 from the PCS, i.e., that state needs to inform the  
24 other states, provide public notice of its intention  
25 to deviate from the PCS and why and allow for the

1 public and other states to comment on the proposal.  
2 The notice and opportunity for staff review should  
3 occur prior to the commencement of the public notice  
4 and comment process under the state's NPDES program  
5 and establish hermination regarding whether the  
6 draft permit provides comparable-use protection, and  
7 achievement of compact goals should be placed into  
8 the record at the time that the draft permit is  
9 public-noticed and the public comment period begins.

10 D, official policies and procedures  
11 are developed to continue to monitor for deviation  
12 from ORSANCO standards and are ready for public  
13 distribution and implementation by the October  
14 commission meeting.

15 E, ORSANCO should maintain the  
16 triannual review process. Developing a report  
17 available to the public every three years to compare  
18 with US ETA criteria and ORSANCO PCS with each  
19 state's standards for all the parameters is a very  
20 valuable process and should not be extended to  
21 longer intervals between reports. In addition to  
22 the permit-by-permit review, ORSANCO staff should  
23 review and comment on the differences between the  
24 PCS standards and the water quality standards of  
25 each state during their triannual review process.

1 And each state not utilizing the ORSANCO PCS or the  
2 equivalent standard should be obligated to justify  
3 the decision not to adopt each of the PCS into the  
4 state water quality regulations.

5 F, ORSANCO should continue to perform  
6 all the essential functions, find stable financing  
7 for current staff levels and seek funding for  
8 additional staffing in order to make sure all permit  
9 reviews, research and water monitoring can be done  
10 in the same time frames as currently are happening.

11 Our additional concerns arise from  
12 similar situations of buildup of oil and gas  
13 infrastructure, and I won't go into the details of  
14 those; they're detailed here.

15 But I want to conclude by saying that  
16 we would strongly advocate for additional  
17 water-sampling sites when something becomes  
18 available. We believe we need an effective early  
19 warning system far enough upstream of each course  
20 water intake to allow for notification of residents, and  
21 we do not believe that that exists now. And part of  
22 that is due to our experience in Huntington, where I  
23 reside with most of my immediate family and where  
24 OVEC's office is located. When the 2014 MCA  
25 pollutant plume event occurred, we were not notified

1 of that plume despite the fact that ORSANCO used  
2 Huntington as a testing site for the contents of  
3 that plume and then intakes downstream from there  
4 were closed. So we need additional testing sites  
5 upstream of Huntington, preferably, in between Point  
6 Pleasant or Gallipolis in Huntington was the place  
7 specifically requested.

8 Thank you for your time and I'll leave  
9 these comments.

10 (Applause.)

11 MR. POTEESTA: Thank you. The next  
12 speaker is Connie Mayle.

13 MS. MAYLE: Thank you for getting my name  
14 right. Hello, my name is Connie Mayle. Along with  
15 most of my family, I have lived, worked and  
16 recreated in towns along the Ohio River almost all  
17 my life. I currently live and work in Huntington,  
18 West Virginia, but have resided in Belpre and  
19 Marietta, Ohio, and Williamstown, West Virginia, all  
20 of those being along the Ohio River.

21 I was present in the Cincinnati area  
22 last summer to give my comments on the previous  
23 proposed standards, which terrified me in terms of  
24 what the lack of ORSANCO standards would mean to my  
25 entire family. I have reviewed the new pollution

1 control standards and am glad to see that they  
2 maintain the ORSANCO standards. I am, however,  
3 concerned about language in the new proposed  
4 standard which seems to give states discretion in  
5 implementation of these standards.

6 I think the following measures need to  
7 be put into place in order to make sure that my  
8 family and I can continue to rely upon the water we  
9 use in our homes and to not be afraid it will make  
10 us sick or cause other issues in our homes.

11 Here are the additional steps I think  
12 need to be put into place as ORSANCO works towards  
13 requiring all states to adopt and implement the  
14 pollution control standards, or PCS, or equivalent:

15 Number one, states are only allowed to  
16 deviate from PCS for good, scientific reasons or  
17 based on social and economic justification.

18 Number two, policies and procedures  
19 are developed to respond if a state proposes to  
20 deviate from PCS, i.e., that state needs to inform  
21 the other states, provide public notice of its  
22 intention to deviate from PCS and why, and allow for  
23 the public and other states to comment on the  
24 proposal.

25 Number three, policies and procedures

1 are developed to continue to monitor for deviations  
2 from ORSANCO standards and are ready for  
3 implementation by their October commission meeting.

4           Number four, ORSANCO should maintain  
5 the triannual review process, developing a report  
6 available to the public every three years to compare  
7 with US EPA criteria and PCS with each state's  
8 standards for all parameters.

9           Number five, ORSANCO should continue  
10 to perform permit reviews and seek funding for  
11 additional staffing in order to make sure such  
12 reviews can be done and in as timely a manner as  
13 possible.

14           And number six, ORSANCO should seek  
15 funding to install additional water monitoring  
16 equipment. I do not feel that there is enough of  
17 that in the Ohio River in between Point Pleasant,  
18 West Virginia, and Huntington, West Virginia.

19           Again, thank you for my time.

20           MR. MANDIROLA: Thank you. The next  
21 speaker is Josh Eisenfeld.

22           MR. EISENFELD: I just want to say thank  
23 you for giving us the time and the forum for this  
24 discussion. My name is Josh Eisenfeld. I represent  
25 Fair Shake Environmental Legal Services, who

1 represent and defend residents along the Ohio River  
2 Basin. I'm also a lifelong resident of the Ohio  
3 River Valley myself.

4 I'd like to start with a reminder of  
5 why ORSANCO developed its pollution control  
6 standards by reading a segment of the original 1948  
7 compact preamble. It states -- and I'll paraphrase  
8 to save some time -- the growth in industrial  
9 activity within the Ohio River Basin has resulted,  
10 in recent years, an increasingly serious pollution  
11 of the waters and streams within said drainage  
12 basin, constituting a great menace to health,  
13 welfare and recreational facilities of the people  
14 living in such basin and occasioning in great  
15 economic loss. The control of future pollution and  
16 the evadement (sic) of existing pollution in the  
17 waters of the Ohio River Basin are of prime  
18 importance to the people thereof and can be best  
19 accomplished with the cooperation of states situated  
20 therein and by and through with a joint or common  
21 agency.

22 These words are as true today as they  
23 were in 1948. In fact, according to your own  
24 reports on climate change in the Ohio River Valley,  
25 the situation may still be getting worse, as river

1 temperatures increase and flow rates continue to  
2 rise. Therefore, we still have not seen the  
3 progression that ORSANCO seeks to achieve with  
4 pollution control standards.

5           We should be discussing ways to  
6 increase the pollution control standards efficacy,  
7 not reduce its power and provide obvious holes for  
8 states to lower their own standards and create a  
9 race to the bottom in order to attract industry. It  
10 will provide a red carpet for the petrochemical  
11 industry to take hold of the Ohio River Valley  
12 without resident consent, and they're ones that bear  
13 the burden.

14           I don't have any direct comments or  
15 suggestions, but I would say that I would support  
16 either the -- OVEC's suggestions or Breathe  
17 Project's suggestions.

18           MR. POTEESTA: Thank you. The next  
19 speaker is Bev Reed.

20           MS. REED: Thank you for the opportunity  
21 to comment. My name's Bev. I live in Bridgeport,  
22 Ohio, directly across the Ohio River from Wheeling,  
23 West Virginia. My small town is directly situated  
24 along the Ohio River. It's about 60 or so miles  
25 southwest of here. I can look out of my living room

1 window and see the river. There are a few ways in  
2 which these pollution control standards might affect  
3 me because of this proposal. The residential water  
4 in our town comes from wells near the Ohio River.  
5 Any weakening of the pollution control standards can  
6 potentially impact the health of anyone who uses  
7 water from the river or from wells near the river.

8           Also, I recreate on the river. My  
9 uncle owns what is called a Sea Cycle. It's  
10 basically a watercraft that has pedal-power drive  
11 units. It's the perfect way to enjoy the river  
12 while getting some exercise. When we were out, I  
13 had the opportunity to swim in the river when my  
14 uncle and I would park our sea bikes. However, I  
15 would never dream of doing that, as I am too afraid  
16 of catching an illness from it.

17           The Ohio River has a terrible  
18 reputation, and for good reason. My entire life,  
19 people have warned against swimming in the river or  
20 eating anything out of it. Weakening of the  
21 pollution control standards is the last thing that  
22 this river needs.

23           In 2015, the US EPA reported that the  
24 Ohio River was the most polluted river in the U.S.  
25 for the seventh year in a row. I don't know if it

1 still holds that title today. However, with a  
2 proposed petrochemical buildout of this region, the  
3 Ohio River will become even more of a dumping ground  
4 for industrial facilities that will tout our  
5 landscape, depending on how much of the proposed  
6 industry actually comes here. My water will be  
7 affected by the shale cracker plant if it goes on  
8 line along with any other petrochemical industrial  
9 facility that might pop up along the river.

10 If the proposed cracker plant facility  
11 in Ohio is built, people south of it will be  
12 affected by it along with the shale facility  
13 pollution.

14 I respectfully request that ORSANCO  
15 takes the petrochemical buildout into consideration  
16 when making its decisions about whether it mandates  
17 states to abide by the pollution control standards.  
18 They should be mandated. They should not be  
19 voluntary. The fact that ORSANCO will require  
20 states to either follow its pollution control  
21 standards or demonstrate equivalency seems more  
22 complicated than simply mandating them. If ORSANCO  
23 wanted states to demonstrate equivalency anyway, why  
24 not simply require states to abide by them? This  
25 aspect of the proposal seems redundant and

1 unnecessary. I'm not sure what the motivating force  
2 behind this part of the proposal is; however, it  
3 does not feel like the right thing to do, given the  
4 proposed and current petrochemical buildout of the  
5 region and the fact that the Ohio River is so  
6 damaged already.

7                   Water is sacred and necessary for many  
8 forms of life, not just humans. At this point in  
9 human evolution, we should be looking for ways in  
10 which we can protect our vital elements, such as air  
11 and water, since many humans are more concerned  
12 about their level of income than doing the most to  
13 decrease the risk of harm to others.

14                   Thank you.

15                   (Applause.)

16                   MR. POTEITA: Thank you. The next  
17 speaker is Gail Neustadt.

18                   MS. NEUSTADT: Don't fall. I call it my  
19 cane movement. My name's Gail Neustadt. I live in  
20 Collier, not far from here. I'm not along the Ohio  
21 River. I grew up in Cleveland, so my experience  
22 with water has been Lake Erie, and now it's the  
23 three rivers. I want to thank you all for holding  
24 this meeting. The Mon river, for you -- you've  
25 really worked so hard on all of this. What I'm

1 going to say is very simplistic compared to what my  
2 colleagues have said, because they know a whole lot  
3 more than I do.

4                   But I'm going to give it a try,  
5 particularly because -- and this is the first time  
6 I've shared this with people -- where I live, some  
7 people think it's Camelot. And yet, we had  
8 unrestricted dumping about five, six years ago, and  
9 it was dumping of what, I believe, was frack fluid.  
10 When everything was unregulated, we had trucks  
11 coming next to a playground on a beautiful meadow  
12 that had an area for landfill, and they were calling  
13 it clean.

14                   A group of us that insisted that this  
15 be tested found high levels of arsenic, and we kind  
16 of thought this was what was being dumped. Because  
17 at the time, they just didn't know where to put the  
18 wastewater, so they were taking it out to Ohio, they  
19 were putting it in injection wells. And then Ohio  
20 had many earthquakes, so they stopped that. So at  
21 night, these unmarked trucks were coming and  
22 dumping. I developed granulomatous disease. I was  
23 told by my doctor that this was not uncommon for  
24 people who grew up in the Ohio valley region. I've  
25 had other chest x-rays; I've never had that before.

1 I was found to have very high levels of barium in my  
2 blood. No one could figure out what was going on,  
3 so I just connected the dots. As soon as we found  
4 that there was arsenic in this dump and in this  
5 landfill, it got paved over, and my coughing and  
6 pneumonia stopped. So I'm just connecting the dots  
7 in my head.

8                   what I'm going to say has been said  
9 already, but it deserves repeating, I think. So  
10 again, thank you, and thank you for holding this  
11 evening's public meeting right here, the first one  
12 in the river city. It's significant that this is  
13 the first of three taking place in Pittsburgh, home  
14 to the confluence of the Ohio River, which starts at  
15 the Allegheny and Mon and then flows southwesternly  
16 (sic) all the way, as we have said, to the mouth of  
17 the Mississippi. But it starts here. So whatever  
18 we're doing here and as it moves towards Beaver and  
19 when it picks up in Beaver, it's taken everywhere  
20 else. It's not the other way around. It's flowing,  
21 so it's starting here. So not only does the Ohio  
22 River flow through six states with a drainage basin  
23 that includes parts of 15 states, it's also the  
24 source of drinking water, as we have said  
25 repeatedly, for three million people.

1                   I had to ask myself why ORSANCO, which  
2 was established in 1948, was not considering  
3 relaxing any of its requirements when the Commission  
4 is to control and evade pollution in the Ohio River  
5 Basin. In fact, stated on their website, quote,  
6 ORSANCO and its member states have cooperated --  
7 thank you very much -- to improve water quality in  
8 the Ohio River Basin, ensuring the river can be used  
9 for drinking, industrial supplies and recreational  
10 purposes and can support a healthy and diverse  
11 aquatic community, end of quote. Accordingly,  
12 ORSANCO operates, again, quote, monitoring programs  
13 to check for pollutants and toxins that may  
14 interfere with specific uses of the river.

15                   But the once-beautiful Ohio River, so  
16 named by the Seneca tribe, is no longer beautiful,  
17 and, according to ORSANCO, the Ohio River is ranked  
18 one of the most polluted rivers in the United  
19 States.

20                   Given this information, I had to ask  
21 myself, why would they want to relax rather than  
22 tighten standards. So I Googled the organization  
23 and found a listing of what is called nonpoint  
24 sources, which has been named this evening, of  
25 pollution, which include urban runoff, agricultural

1 activities at abandoned mines as being the major  
2 causes of pollution. Something seemed to be  
3 missing. Could that something be radioactivity,  
4 arsenic as well as unknown chemicals found in  
5 polluted water from the fracking industry, which has  
6 been known to dump its polluted wastewater into our  
7 rivers and streams for the past ten years?  
8 Additionally, it is expected that the Falcon  
9 Pipeline would run through 3 Ohio counties, 46 miles  
10 in the state as well as through Pennsylvania and  
11 West Virginia, transporting ethane necessary to fuel  
12 the cracker plant.

13           It might be April Fool's Day, but I  
14 don't think any of us here have been fooled. With  
15 the recent buildout of the shale petrochemical plant  
16 in Beaver County along with the anticipated Falcon  
17 Pipeline, might the relaxation of ORSANCO, not  
18 intentionally -- but it might be a way to further  
19 the gas and oil industry's path to way more  
20 unnecessary plastic and greater pollution for all.  
21 If all ORSANCO states are not equally administered,  
22 then one or more of the states have the potential to  
23 cause harm to the others.

24           At this juncture, it is imperative  
25 that as many regulations, checks and balances and

1 thoughtful planning be continued, enhanced and  
2 adhered to.

3 Thanks. Thanks so much.

4 (Applause.)

5 MR. POTESTA: Thank you. The next  
6 speaker is John Stolz.

7 MR. STOLZ: I'd like to thank ORSANCO for  
8 having this meeting. I had previously commented on  
9 the last round, and I'm so glad that you're having  
10 these hearings. My name is John Stolz. I'm a  
11 professor of biology at Duquesne University. I'm  
12 also the director of the center for environmental  
13 research and education. I've been funded over the  
14 last six years to look into and research  
15 water-quality issues in Southwestern Pennsylvania,  
16 and I'm a member of the Three Rivers QUEST, which is  
17 an organization or consortium of academics through  
18 the University of West Virginia that are regularly  
19 monitoring water quality upon several sites, many  
20 sites on the Mon, the AI and the Upper Ohio.

21 As someone who has researched  
22 water-quality issues for many years now, I'm  
23 expressing my concern with ORSANCO's plans to  
24 dramatically modify their vigilant monitoring of the  
25 Ohio River Basin.

1                   ORSANCO has the unique role in  
2    assessing the water quality of the Ohio River, as it  
3    passes from its origin at the confluence of the  
4    Allegheny and Monongahela Rivers in Pittsburgh to  
5    its confluence with the Mississippi River. It is  
6    the only authority that engages all of the states  
7    within the watershed and monitors the health of the  
8    river. The Ohio River Basin touches many states and  
9    is the source of both drinking water and water for  
10   industry.

11                   The current plans, as currently  
12    proposed, would undermine the effectiveness of  
13    ORSANCO, as ORSANCO standards are critical when one  
14    considers the industries that are exempt from EPA  
15    oversight. For example, as has been mentioned  
16    before, hydraulic fracking is exempt from the Safe  
17    Drinking Water Act due to the 2005 Energy Policy Act  
18    and there's significant activity for it in the three  
19    states here; Pennsylvania, Ohio and West Virginia.  
20    Further, the extensive development of the  
21    petrochemical industry, as you have heard already,  
22    plans for Western Pennsylvania, Eastern Ohio and  
23    West Virginia pose a new and abridging challenge to  
24    the Ohio River Basin.

25                   I'll just give a couple of examples.

1 One of them just happened early last year. There  
2 was a blowout at a well in Barnesville, Ohio, that  
3 lasted over three weeks before they could control  
4 it. Interestingly enough, it happened in the  
5 Captina watershed, which is one of the -- it's known  
6 for its -- as a certified high quality of watershed  
7 in Ohio.

8                   The other thing is, as mentioned  
9 before, that Pennsylvania had experimented with this  
10 idea of allowing the wastewater from the fracking  
11 operation to be treated at municipal wastewater  
12 treatment plants, and we later discovered that it  
13 was definitely affecting the water quality in the  
14 three rivers with increased bromide and organics,  
15 which was then, subsequently, having an issue with  
16 the drinking water facilities, which we're then  
17 dealing with trihalomethanes as a result of that.

18                   well, even though we stopped that  
19 practice, we're still getting bromide and organics  
20 into the three rivers by another mechanism;  
21 Pennsylvania's currently allowing drinking water --  
22 I'm sorry, drilling wastes and sludges to landfill  
23 to a point of 80 percent per day. And as a result,  
24 this is affecting the composition of the leachate,  
25 which is often -- in 2015, the state of Pennsylvania

1 authorized a bill that allows this leachate to be  
2 treated at municipal wastewater treatment plants and  
3 discharged into the rivers of the Ohio.

4                   So do not underestimate the importance  
5 of your jobs to protect the water quality of Ohio  
6 River and the fact that you would engage all the  
7 states that these waters pass through. There are  
8 over 108 provisions in the ORSANCO regulations that  
9 are not covered by the EPA. Thus, the waters of the  
10 Ohio are at risk if ORSANCO does not fully enforce  
11 the PCS. Healthy waters are good for the  
12 environment. The people who rely on its quality and  
13 the economy of the states it passes through are  
14 counting on you. Thank you very much.

15                   (Appause.)

16                   MR. POTEESTA: The next speaker is Kurt  
17 Limbach.

18                   MR. LIMBACH: Hello. My name is Kurt  
19 Limbach. I'm from Bolivar, PA. I want to thank the  
20 Commission for giving us the time to have a public  
21 hearing on this matter. I'm also here to represent  
22 two organizations that I'm on the board of. One is  
23 Mountain Watershed Association. We have almost  
24 2,500 members, mostly in western Pennsylvania, and  
25 then Tubmill Trout Club, which has over 300 members.

1 I was first exposed to the  
2 unconventional gas industry when they came to the  
3 pristine valley where my farm is in Westmoreland  
4 County in 2011. Tubmill Creek bisects my farm, and  
5 according to folks at the Western Pennsylvania  
6 Conservancy, it's one of the highest quality waters  
7 in Western PA for water quality and biodiversity.  
8 And I watched Echo Energy come and drill within 30  
9 feet of a high-quality stream in spite of residents  
10 like myself asking, since they had 600 acres, could  
11 they move their well a little further away.

12 Both wells had such impact to the  
13 stream. I watched Echo Energy turn this beautiful  
14 stream red, yellow, gray and brown. I watched  
15 neighbors get sick and lose their water. Also  
16 experienced in Pittsburgh the change in water  
17 quality with fracking waste being dumped directly  
18 into the rivers. I don't drink Pittsburgh water  
19 anymore. As Mr. Stolz has said, that situation  
20 really hasn't changed. So -- and we're going to  
21 continue to have this unregulated industry.

22 Now, part of this thing is the jobs  
23 that are promised to the people in the Ohio Valley.  
24 These industries employed nobody. There's 152,000  
25 people in the entire United States in the oil and

1 gas industry, and that includes onshore and offshore  
2 in Alaska. There's 85,000 people working in our  
3 local hospital system at UPMC. So this is not a job  
4 provider for the local community. It's to destroy  
5 the environment which we live in.

6           Now, I have two experiences in two  
7 different watersheds. I live in the Conemaugh  
8 watershed, but I do a lot of work in the Yough  
9 watershed. The Yough is a pristine watershed, and  
10 it has a dynamic ecotourism and recreation industry  
11 producing hundreds of millions of dollars of benefit  
12 for people in Fayette County. The Conemaugh is a  
13 dead river, produces no benefits for its community,  
14 very little economic benefit other than a place for  
15 frack water and also coal mine discharge and coal  
16 power plant discharges. That's the only use that  
17 the locals get out of this river.

18           We don't want to see the Ohio turn  
19 into just another sewer for somebody that doesn't  
20 even live here. We want to see this pristine  
21 waterway that drives economic activity of recreation  
22 and tourism for the demands of people who live along  
23 it. And to play with fire with five million  
24 people's drinking water for a few jobs and some  
25 outsiders getting rich is just a gross insult to the

1 whole community in the area.

2                   Now, we appreciate the hearings, and I  
3 know you guys need funding to hold these hearings,  
4 and I wish you had enough funding that you could  
5 hold a hearing for every single community that has  
6 to withdraw drinking water out of the Ohio. They  
7 all deserve hearings, because they're the ones who  
8 are really going to be impacted if there's problems  
9 with this petrochemical buildout. And I want to,  
10 again, urge you to consider the comments of these  
11 other folks saying that you need to consider these  
12 new pollutants and their potentialities to really  
13 impact negatively the Ohio River like we saw the Mon  
14 get impacted by fracking waste.

15                   This needs to be monitored. We need  
16 you guys to be our knights in shining armor and  
17 protect us. So we need not to go back on standards  
18 and not to make them voluntary. We saw how that  
19 worked with spilling wastewater here. They  
20 continued to run it through municipal waste  
21 treatment systems even though they were asked not to  
22 do it. But they do what's convenient and what  
23 benefits the bottom line. And this is the bottom  
24 line of an industry that, according to the New York  
25 Times, has lost \$240 billion and never made a cent,

1 and we're getting subjected to this, this massive  
2 amount of losing money that taxpayers are going to  
3 be on the book for at some point.

4           But I appreciate the time, and I also  
5 want to echo the other comments other people made.  
6 We need far more monitoring points. You can't have  
7 too many places where you're monitoring the river.  
8 This is a vast river, and there are variances in  
9 slight distances because of the current, rainfall,  
10 the way the discharges work. So you really need  
11 multiple points of monitoring to really have an  
12 accurate picture of what's going on. And so we  
13 would certainly appreciate if you guys would push  
14 for that.

15           I want to thank you for your time. I  
16 don't have my comments in writing. I didn't have  
17 much notice. This was off the cuff, but I'll give  
18 you my cards that represent the two organizations  
19 I'm with, and I will try to make a synopsis of what  
20 I said and add it to the public record for you guys.  
21 But we certainly appreciate the hearings. But we  
22 need to go forward with water quality protection,  
23 not backwards. We've seen the public damage in  
24 Pennsylvania; 40 percent of our streams are dead  
25 permanently -- that's forever -- from mine acid.

1 Now, part of the things the Tubmill watershed does,  
2 we rely on acid remediation. We know it's possible  
3 to help treat this water and make it clean again.  
4 But the problem is that we have to treat it in  
5 geological perpetuity. Do we want to be creating  
6 more problems like this that my children and their  
7 children have to face?

8                   Now, I want to talk about plastic. We  
9 don't need more plastic. There is no demand for  
10 increase in plastic in America in the next ten  
11 years. This is to go overseas. We have two states,  
12 major states, that just banned single-use plastic,  
13 California and New York. Now, I urge people -- we  
14 have these really great eagles along the Allegheny  
15 River, two babies that are up there in a nest, and  
16 you can watch them on camera; they got two babies in  
17 there. Right now, there's a big piece of black  
18 plastic garbage bag in their nest. I mean, if this  
19 doesn't highlight the issue, you know, I don't know  
20 what does. So we don't need to facilitate for  
21 foreigners. It doesn't provide any jobs to the  
22 community, and that's going to eliminate jobs and  
23 recreation and tourism.

24                   So thank you for your time, and here  
25 are my cards.

1 (Applause.)

2 MR. POTEESTA: Thank you. I have Terrie  
3 Baumgardner again. Did you want to speak twice,  
4 ma'am?

5 MS. BAUMGARDNER: No, I'm sorry.

6 MR. POTEESTA: That's all right. Okay.  
7 Those are all the speakers that have signed up. If  
8 anyone else would like to speak at this time, you  
9 can certainly come to this mic and introduce  
10 yourself.

11 MR. POLLARD: Yes, sir. My apologies.  
12 I'm won't be able to provide any written comments at  
13 the time except for little scribbles. My name is  
14 Flynn Pollard. I live in Dormont just up the road.  
15 I grew up in Southern West Virginia, but I've lived  
16 here my entire life, pretty much, except for a few  
17 beautiful years spent in the State of California.  
18 But I'm back here because the issues here really  
19 matter to me. And I want to say, yes, thank you, to  
20 the Commission, for hosting this hearing, but also,  
21 thank you to all of you who have come here to engage  
22 with this topic. I mean, the power of a group of  
23 citizens getting together and stating their  
24 concerns; I mean, that's what runs America. That's  
25 what's ran America for entire history. So thank you

1 for doing your civic duty.

2 we've heard a lot about threats to  
3 public health, threats to our environment and what  
4 those threats will mean for our community. I think  
5 that argument is really important and that the  
6 collection of issues that have been brought up  
7 tonight are incredibly powerful. But if I'm honest,  
8 my scope of American politics, whether it's the  
9 federal, the state or the community level, has  
10 suggested to me that a lot of smart engaged people  
11 talking about real threats doesn't always accomplish  
12 anything, unfortunately, because there are other  
13 concerns, other issues that our representatives want  
14 to hear about, and so I want to make, potentially, a  
15 different argument than what we've already heard.

16 So, again, my notes are scribbled  
17 here, but looking at it from an economic commission,  
18 there's a few things I think we really need to draw  
19 on when we're thinking about investments in this  
20 area that's related to the production of plastics.  
21 Okay?

22 Now, the European Union, you know, the  
23 GDP of the collective European Union is roughly  
24 \$18.8 trillion. Now, that's a big number, but I  
25 think the bigger number for me is that that's about

1 22 percent of global GDP. So almost a quarter of  
2 all economic activity, in a sense, is happening in  
3 the European Union. All right. Roughly 55.3  
4 percent of EU GDP is related specifically to private  
5 consumption. So that is households purchasing goods  
6 and services, people purchasing goods and services,  
7 businesses purchasing/trading goods and services.  
8 All of that 55.3 percent of almost a quarter of the  
9 entire global community. Okay?

10 I don't have an exact number on how  
11 much private consumption has something to do with  
12 plastics, but plastics is a pretty large collection  
13 of commodities; right? Yeah, I'm sure we all  
14 have -- I've got plastic on me all over the place;  
15 right? About half of those commodities related to  
16 plastic are packaging; single-use plastics, in other  
17 words. So we can guess the production of plastics  
18 coming out of this investment -- collection of  
19 investments, a lot of it's probably going to go to  
20 single-use plastics.

21 well, the European Union, again, about  
22 a quarter of our global economy, has made a move.  
23 In October of last year, the European Union's  
24 parliament voted 571 to 53 in favor of banning  
25 single-use plastics for all 28 EU countries by 2021.

1 Now, some of that might be affected by Brexit, but  
2 that's another conversation. Okay. They also  
3 passed the greatest -- they wanted to work towards  
4 the reduction of all other uses of plastics, so not  
5 single-use, but all other-use plastics by 25 percent  
6 by 2025. Okay. That's one group. All right.

7                   India, population, roughly, 1.3-ish,  
8 1.35 billion -- my guess -- about 10 percent of  
9 global GDP is coming from India. They will be  
10 banning single-use plastics by 2022. All right.  
11 China, a population of about 1.4 billion; GDP about  
12 18.5 percent of global GDP. They have already  
13 reported a 66 percent drop in the use of plastic  
14 bags over the last several years; that's a major  
15 single-use plastic. Multiple provinces in China are  
16 already banning single-use plastics. We have reason  
17 to believe that it could happen at the, you know --  
18 I don't know if "federal" is the proper word for the  
19 Chinese government, but that level in China, not  
20 just provinces. And the United States have already  
21 brought up -- California and New York are moving to  
22 ban single-use plastics. California has 12 percent  
23 of the U.S. population, 16 percent of the U.S.  
24 GDP -- has moved to ban single-use plastics by 2030.  
25 New York, 8 percent of U.S. GDP, 6 percent of the

1 U.S. population, banning single-use plastics.

2 Now, moving it back to this area, I  
3 find it considerably unlikely that shifts in natural  
4 resource management policies around the Ohio River  
5 just coincidentally happened around the same time as  
6 the investments made in activities that are going to  
7 pollute said river.

8 Now, y'all are under a lot of  
9 pressure. You're under pressure from a group of  
10 engaged citizens, environmentalists, people  
11 concerned about public health. You're under  
12 pressure from state government. You're under  
13 pressure from industry. It's your job. You are  
14 public officials. Your job is to be under pressure;  
15 right? As natural resource managers, you are tasked  
16 with, you know, in a sense, assessing and policing  
17 proper use to this river.

18 Let me finish up real quick. All  
19 right. I understand that the narrative that  
20 suggests jobs and growth cannot be managed and  
21 purported alongside the environment is really  
22 popular around here, but large portions of the  
23 global economy are rejecting that narrative. That's  
24 happening in the United States. It's happening  
25 around the world. Are we going to make investments

1 that are set to fail, that also give us cancer, that  
2 also destroy an ecosystem that our children like to  
3 play in, that also lead this region down the path  
4 that it's been on for quite some time of sticking  
5 their heads in the sand and refusing to change with  
6 the rest of the world. You have the opportunity,  
7 with the rulemaking that your commission presides  
8 over, to either help or hinder this region in its  
9 progress towards the future. I'm asking that you  
10 help. Thank you.

11 (Applause.)

12 MR. POTEESTA: Thank you. Yes, ma'am.

13 MS. BROWN: I'd like to speak.

14 MR. POTEESTA: Sure.

15 MS. BROWN: Thank you all for allowing us  
16 this forum. My name is Lisa Brown. I'm the  
17 executive director of watersheds of South  
18 Pittsburgh, and we steward two of the most impaired  
19 streams in Allegheny County, Streets Run and Saw  
20 Mill Run watersheds. Both of those streams flow  
21 into the Ohio, and I have to say that what I see  
22 every day along those streams is heartbreaking. And  
23 it's heartbreaking because it's a hundred years of  
24 abuse going back to mining, going back to land use,  
25 going back to -- now I have, basically, streams that

1 are actually quite pretty, but they're surrounded by  
2 disinvestment.

3                   And so when we talk about the economy  
4 and we talk about the economy of water, one of the  
5 things that strikes me so often is that we neglect  
6 our watersheds and our rivers and our streams, what  
7 we end up with is, essentially, blight. No one  
8 wants to live in a blighted neighborhood, a blighted  
9 area, a blighted watershed. And if you want to talk  
10 about economics, the areas around my stream are  
11 all -- both of my streams are some of the most  
12 undervalued properties in Allegheny County, and I  
13 think that could be said of most of our impaired  
14 streams, that all of the property along them is  
15 undervalued, and it's undervalued because what it's  
16 next to is ugly, stinky and polluted.

17                   And if we want to talk about the  
18 investments to make in water and water resources, we  
19 should be talking about making investments and  
20 improving water quality and making sure that  
21 everyone is held to the same standard, to making  
22 sure that all the states participate in improving  
23 the water quality in the Ohio River, because our  
24 water is essential to our lives, and it's also  
25 essential to our economic growth.

1                   So I implore you to really reconsider  
2 some of the things that were talked about today. I  
3 don't want to go into everything, but I think that  
4 most of the people here really express some very,  
5 very solid strategies for moving forward on  
6 improving the situation with the Ohio River. Thank  
7 you.

8                   MR. POTESTA: Thank you.

9                   Yes, sir. Do you want to speak?

10                  FR. ZIEBARTH: My name is Father Michael  
11 Ziebarth. Yes, I'm a priest, but at the moment, I  
12 speak for myself, and myself alone.

13                  My parish is basically the county. It  
14 goes right along the river. I've been there for  
15 about five years. I can't see the river from my  
16 window because I look at West Virginia from the  
17 river (sic). The -- your website tells me that  
18 there are 160 species of fish living in the Ohio  
19 River, and I've never met anybody who would be  
20 willing to eat one of them.

21                  Tremendous things have been done to  
22 improve the river over the course of the last 80  
23 years, but we still don't eat the fish, and I'm told  
24 that it's one of the most polluted rivers in the  
25 country.

1                   If I understood the initial  
2 presentations properly, the primary concern of these  
3 discussions -- and thank you very much for providing  
4 the forum -- seems to hinge on whether or not to  
5 adjust the function of ORSANCO in relation to the  
6 individual states and how much should be delegated  
7 to the states rather than a consistent  
8 river-systemwide application.

9                   I would say I doubt that delegating  
10 out this kind of responsibility will improve the  
11 quality of the water of the river. We seem to see  
12 just the opposite. And to the specific matter that  
13 I understand this forum to be, I would speak to  
14 maintain the existing long-established community  
15 standard of the entire river drainage of ORSANCO. I  
16 would speak against delegating it out because the  
17 states don't seem to always be careful about it.

18                   Water is our life. The  
19 industry-productive jobs are essential. But I don't  
20 think we can trust, from experience, the industries  
21 and the companies to police themselves.

22                   I will speak to one item not involving  
23 the petrochemical industry. We know it for a long  
24 time, Parkersburg. And in the 20 years I've led  
25 litigation over CA contamination out of the Teflon

1 plant. It was going on for decades before it went  
2 to court. It went to court as a civil litigation,  
3 not by any regulation. The company was mortified.  
4 It changed itself into new names to duck its  
5 responsibility. It's still fighting liability after  
6 20 years. All the other industries along the way,  
7 whether it be shale or PTT out of Bangkok, Korea and  
8 China -- that wants to build a cracking plant (sic)  
9 in my parish. You need to keep an eye on things.

10 At least the regulations that you now  
11 have -- and I don't understand any of the  
12 regulations being dropped that you already have in  
13 more pages than I can read of hexachlorobenzene.  
14 But there probably are a few more regulations that  
15 you might want to consider with all the new  
16 pollutions that have been -- new contaminants that  
17 have been invented since ORSANCO came into existence  
18 in 1948. And there will be accidents if you let  
19 them.

20 (Cell phone rings.)

21 FR. ZIEBARTH: Is that telling me my  
22 time's up?

23 MR. POTESTA: Finish, please.

24 FR. ZIEBARTH: Because the professor's  
25 quite right. They had a well-control incident in

1 Belmont County, and I could stand on the hill a mile  
2 and a half away watching the plume of radioactive  
3 grime 200 feet in the air, and if I looked to my  
4 left, I saw the Ohio River Valley; it was that  
5 close. Accidents happen. If you build it,  
6 accidents will happen.

7 Please, please, please protect the  
8 river. Make it better than it is. Let their  
9 children eat the fish they catch in it. Thank you.

10 MR. POTEESTA: Thank you. Is there anyone  
11 else that would like to make a comment?

12 Thank you very much for your  
13 attendance and for your comments and for your  
14 consideration of the proposed proposal. We  
15 appreciate the input, and all is recorded.

16 The hearing is closed. Thank you very  
17 much.

18 (Whereupon, the above-entitled matter was  
19 concluded at 7:45 p.m.)

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C E R T I F I C A T E

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I hereby certify that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me on the hearing of the within cause and that this is a correct transcript of the same.

Krista Gush,  
Professional Court Reporter

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