

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**188th Commission Meeting
Crowne Plaza Albany
Albany, New York
Thursday, June 14, 2007**

Chairman T. Lee Servatius, Presiding

Call to Order

Chairman Servatius called the 188th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 AM on Thursday, June 14, 2007.

Commissioner Bruny led the Commission in the Pledge of Allegiance.

Quorum Call

Commissioner Flannery declared that a quorum was present (see Roster of Attendance, page 17).

Action on Minutes

ACTION: Motion by Commissioner Duritsa, second by Commissioner Eger and carried, that the minutes, as amended, of the 187th meeting of the Commission and of the February 8, 2007 Executive Session be adopted as presented.

Report of the Treasurer

Commissioner Flannery noted that an updated Treasurer's Report as of May 31, 2007 (Attachment 1) has been provided in the meeting folder.

The report indicates resources of \$4,889,068 through the end of May 2007. Of that amount \$3,042,629 was expended on programs, leaving \$1,846,439 available for the continuation of ORSANCO's 2007 fiscal year programs.

ACTION: Motion by Commissioner Flannery, second by Commissioner Morgan and carried, to accept the Treasurer's report as presented.

Report of the Pollution Control Standards Committee

Commissioner Flannery, Committee Chairman, reported that the Committee met on June 13th for the purpose of authorizing staff to act with respect to the recreation use and fish consumption study requested by the Commission. Commissioner Flannery outlined the following recommendations and requested the Commission's acceptance.

1. Authorize staff to negotiate a contract with Responsive Management to develop a contract for an Ohio River recreation use and fish consumption study.
2. If for any reason a contract cannot be negotiated with Responsive Management, staff is authorized to negotiate such a contract with Limnotech.

3. Such negotiations should take into account a possible extension of the study beyond the Ohio River's main stem if any member states are interested in such a study and are able to provide funding for the additional cost of that portion of the study.
4. A workshop should be held prior to the commencement of the study to bring all interested stakeholders in the study to receive their input.

ACTION: Motion by Commissioner Flannery, second by Commissioner Conroe and carried, to accept the Pollution Control Standards Committee report and associated recommendations as presented.

Report of the Chairman

Commissioner Servatius began by discussing the vastness and geographic diversity of the Ohio River Basin and the Commission's ongoing challenge to develop and implement effective solutions to the Basin's problems. Commissioner Servatius thanked the Commissioners and staff for their dedication and the work they have done to improve water quality in the Basin.

Commissioner Servatius mentioned that the results achieved this year, as summarized in the recently completed Annual Report, are attributed to staff efforts in carrying out the recommendations of the Commission.

Mr. Servatius discussed his focus on the importance of education this past year, particularly programs and activities involved with educating children. Mr. Servatius mentioned the River Watcher Program, ORSANCO Educational Foundation activities, River Sweep, and a number of other outreach activities as examples of the commitment to education and communication. It is important to maintain this level of commitment. However, it is important to identify, target and educate a broader, more appropriate audience. The Commission needs to expand its target audience.

Mr. Servatius mentioned the importance of continuing activities in areas such as mixing zones, blending, and wet weather issues which will all require a strong public education component directed to the appropriate audience.

Commissioner Servatius discussed the complex nature of current Commission activities mentioning that many past challenges and solutions were clearer and have been addressed. Current issues such as emerging contaminants appear to be more complex which may require changes in how the Commission conducts business to continue finding solutions for these complex challenges.

Mr. Servatius then noted the importance of planning, particularly the role of the Strategic Plan, and the importance of stakeholder involvement to help solve emerging issues and bring new ideas and approaches to the planning process.

Mr. Servatius concluded by discussing some plans for the upcoming 60th Commission Anniversary celebration. Mr. Servatius also mentioned six items which excite him about the Commission. These items include the Compact which is a solid, long lasting document; strong leadership of the Commission; Alan Vicory and Peter Tennant leading the staff and putting ideas into action; dedicated, involved Commissioners; staff; and the capabilities of the incoming Secretary/Treasurer.

Report of the Executive Director

Alan Vicory reported on continuing efforts to work as a facilitator to support the Big Sandy River Coalition in addressing that Basin's interstate issues. Representatives of the Kentucky, Virginia and West Virginia environmental agencies have drafted an interstate cooperative agreement on improving water quality conditions in the Basin. This agreement is currently being reviewed by the states and when completed, will be proposed to the Governors of the three states for signature, possibly in July. State agencies are already discussing a process for cooperative projects. This progress is a sign that ORSANCO can achieve positive results throughout the Basin through facilitation and collaboration.

Mr. Vicory reported that ORSANCO has been invited to participate in a workshop sponsored by the American Water Works Research Foundation (AWWARF) and the Water Environment Research Foundation (WERF) in August to establish a research agenda on topics involving source water protection and water quality improvement. Setting priorities for research will be an important outcome of this workshop.

Mr. Vicory directed Commissioners attention to several letters included in the meeting packet from children who recently visited ORSANCO's mobile aquarium and participated in educational activities. The contents of these letters are an example of the impact of the aquarium and related educational activities. Through these efforts we are helping to develop future stewards of the Ohio River.

Mr. Vicory reported that the 2006 Annual Report is available for distribution. Executive Committee members were asked to complete the post card provided to advise staff on how the Annual Report should be transmitted to the respective Governors. The Report will not be released for general distribution until it has been transmitted to the Governors.

Mr. Vicory concluded by mentioning that the Ohio River Sweep is scheduled for Saturday, June 16th. A number of press releases and media interviews are taking place this week. Mr. Vicory encouraged Commissioners to participate in the Sweep if possible.

Report of the Technical Committee

Commissioner Duritsa, Technical Committee Chairman reported that the ORSANCO Technical Committee held its 184th meeting on June 12-13, 2007. Seven member states were represented as well as three federal agencies and three Commission advisory committees.

Chief Engineer's Report

Alan Vicory briefed the Committee on several matters, including:

- ORSANCO has been invited to participate in a workshop sponsored by AWWARF and WERF to establish a research agenda on topics involving source water protection and water quality improvement.
- Continued development of an interstate agreement to protect the Big Sandy River.
- Commission co-sponsorship with US EPA of a workshop on CSO control technology, to be held in Cincinnati September 18.
- Continued detections of methylene chloride at ODS sites from Portsmouth to Louisville, and support of efforts by the Kentucky Division of Water to identify the source of the chemical.
- A reminder of this Saturday's Ohio River Sweep.

ORSANCO Program Planning

The Technical Committee's program guidance was followed in developing the proposed Commission program and budget for FY08. One omission was funding for a panel of experts to advise and provide technical assistance in the development of nutrient criteria for the Ohio River. The Technical Committee recommends that the Commission Chairman write a letter to US EPA requesting technical support for the development of Ohio River nutrient criteria.

Report of the Monitoring Strategy Subcommittee

The Monitoring Strategy Subcommittee is undertaking a review of the ORSANCO Strategy. The first step in the process is the determination of Data Quality Objectives. A set of questions for a survey of users of Ohio River monitoring data has been developed. Each member of the subcommittee will distribute the questions to persons in their agency who use ORSANCO data. The responses will be used to define Data Quality Objectives. This portion of the review is expected to be completed by October.

Report of the TMDL Task Force

The TMDL Task Force met to review existing information on the occurrence and possible sources of PCBs in the Ohio River. The Task Force adopted 12 recommendations that would lead to a better understanding of the situation and would allow development of a Total Maximum Daily Load. The Technical Committee commended the Task Force for the recommendations but requests that they be prioritized, and that a work plan for completing the top priority recommendations be prepared.

Report of the NPDES Subcommittee

The NPDES Subcommittee has held two conference calls since the last Technical Committee meeting. The Subcommittee is working on a protocol for mercury monitoring requirements for Ohio River coal fired power plants. The Subcommittee is also considering monitoring requirements for PCBs. A dialogue has been established with the Water Users Advisory Committee, with topics of discussion including notification of downstream water utilities when treatment bypasses or upsets occur, site locations of new wastewater treatment facilities, and ammonia limits to protect drinking water use.

Nutrient Reduction in New York

Peter Freehafer of New York DEC presented a report on his agency's nutrient reduction efforts under the Chesapeake Bay program. A phased approach has been adopted to reach the overall reduction goals.

Report of the Stream Criteria Subcommittee

The Stream Criteria Subcommittee met by conference call to discuss a number of issues. Several issues raised in the last review of the Commission Standards were not resolved but are under continuing review; these include criteria for selenium, mercury, and temperature. All of the member states are struggling to develop nutrient criteria. Several states have adopted criteria for *e coli* while others continue to use fecal coliform. US EPA efforts to develop "new" criteria for pathogens are not expected to yield results for at least five years.

Ohio River Temperature Criteria

The Temperature Criteria Work Group reached agreement on an approach to the development of revised temperature criteria for the Ohio River. Staff carried out the approach, arriving at a set of proposed criteria with the past week. The results will be reviewed by the Work Group, then by the Stream Criteria Subcommittee; they should be ready for Technical Committee action in October.

Report of the Fish Consumption Advisory Work Group

Staff has been working with representatives of the state health and environmental agencies to improve the consistency of consumption advisories for Ohio River fish. At the most recent meeting, representatives of the state fisheries agencies also participated. Their involvement was key, since those agencies typically issue the advisories. Considerable progress was made toward achieving a consistent protocol for issuing the advisories.

Improving Ohio River Models

The Corps of Engineers, the NOAA River Forecast Center, and the USGS are working together to improve the hydrologic models used to forecast stream flow in the Ohio River and its tributaries. This modeling capability underlies all other types of river models, both quantity and quality, and is therefore of vital interest to ORSANCO. It was suggested that this effort should be included in discussions with the Ohio River Basin Commission.

Status of Ohio River Discharges

Each of the main stem states reported on discharges or other water quality concerns originating within their states. Summaries of the reports will be forwarded to the Pollution Control Standards Committee.

Gulf of Mexico Hypoxia

ORSANCO continues to coordinate activities of the Ohio River Sub Basin Committee formed to carry out the Action Plan to Reduce Hypoxia in the Gulf of Mexico. A review of the science that supported the 2001 Action Plan recently produced a draft report. That report calls for accelerated actions to reduce hypoxia, including greater reduction of nitrogen loadings (45 % rather than 30%) and a 40% reduction of phosphorus. The draft report also calls for stringent effluent limits on municipal treatment facilities (3 mg/L N, 0.3 mg/L P). The Ohio River Sub Basin Committee will comment on the draft; comments are encouraged by June 30.

The Gulf Hypoxia Task Force has expressed interest in meeting in Cincinnati in October. The Commission may wish to extend an invitation, specifying possible dates in order to avoid conflict with the October Commission meeting.

Interstate Water Quality Issues and Initiatives

States reported on instances in which they are working together to address interstate tributary issues. Reports included mine pools affecting Pennsylvania, West Virginia, Virginia and Kentucky waters as well as coordination of monitoring efforts in the Big Sandy River Basin by Kentucky, Virginia and West Virginia. Indiana has worked with Illinois and Ohio on Wabash River TMDLs.

Lake Cumberland/Wolf Creek Update

At the last TEC meeting, it was reported that the water level of Lake Cumberland had been lowered by 15 feet in order to reduce pressure on the Wolf Creek Dam and to allow repairs to be made. Since then, drought conditions have developed and the Corps of Engineers is faced with difficult water management decisions in order to meet obligations for water supply and water quality protection.

The Allegheny River – Presentation on New York’s Portion of the Basin

Mr. Palumbo presented a report on the New York portion of the Allegheny River Basin, and on efforts by the Department of Environmental Conservation to protect its water quality. Conditions are generally satisfactory within the basin. While 23 percent of the stream miles and 55 percent of the lake acres within the basin are listed as impaired, the vast majority of the impairments are minor, and uses are “threatened” rather than precluded. Primary sources of impairment within the basin are agriculture, construction activities, habitat modification (including invasive species), on site sewage disposal, and mineral extraction.

Development of Pathogen TMDL

The EPA contractor for development of the Ohio River pathogen TMDL is expected to submit a work plan and Quality Assurance plan for review by the TMDL work Group by the end of this month. ORSANCO will be conducting additional monitoring this summer to support this TMDL.

Wet Weather Issues

Technical Committee members participated in discussion by the Pollution Control Standards Committee regarding the selection of a contractor to conduct a study of Ohio River recreational use. The Technical Committee considered the role of the Wet Weather Work Group. It is believed that this group should meet again when the recreational use study is completed.

Staff presented a summary of the Wheeling area UAA study. The products from this study will be extremely useful to any community that attempts to develop alternative wet weather criteria as provided for in last year’s revisions to the ORSANCO Pollution Control Standards.

Comments by Advisory Committees

The Water Users report problems due to excessive algae growth, including taste and odor problems and filter clogging. Water utilities on the Allegheny River and Evansville report elevated levels of manganese.

The POTW Advisory Committee would like a chance to review the work plan for the pathogen TMDL. They are concerned that the wet weather initiative needs to include a stronger public education component.

The Power Industry Committee is facing two major issues – mercury discharges from facilities with scrubbers, and revised 316(b) regulations. Fish impingement studies conducted to address 316(b) might be the subject of a presentation to the Technical Committee.

ACTION: Motion by Commissioner Duritsa, second by George Elmaraghy and carried, to accept the Technical Committee report as presented.

Report of the Research Committee

Commissioner Duritsa reported that the Research Committee met via teleconference on May 8th. The call served as an introduction for several new members, including a new representative from academia and a new representative from the USGS. Additional objectives included a review of ongoing projects and discussion regarding future Committee needs. Prior to the meeting, staff prepared and distributed a progress report, which included a brief history of our Committee and a technical overview of ongoing projects.

In a February 2005 report to the Commission, the Research Committee recommended that the Commission actively pursue research related to Bacterial Source Tracking and Endocrine Disrupting Compounds (EDC's). Shortly thereafter, on behalf of the Research Committee, a study proposal was submitted to the ORSANCO/Ohio River Users Program, which, following approval by the Commission, provided \$60,000 to initiate a pilot study. The study, entitled Investigating the presence of and effects from Endocrine Disrupting Compounds (EDCs) within the Mainstem Ohio River was initiated in June of 2005 and evolved into a joint venture with the USEPA lab in Cincinnati. Estimates of in-kind services provided by EPA, including staff time and travel, genetic analysis and analytical services bring the total worth of the project to just over \$200,000.

Last month, the final results from over 200 fish samples submitted to a USGS lab for analysis were received by staff and the results are still being reviewed. Initial findings are rather inconclusive as to the magnitude of the impacts from EDCs, however, it is worth noting that this study did not reveal impacts of the magnitude that are currently being observed in other river basins here in the East.

In addition to EDCs, staff is now working jointly with researchers from the USGS and USEPA to initiate a Microbial Source Tracking (MST) project that would correlate E. coli with certain MST markers of human contamination. However, as discovered with the EDC project, the complex dynamics of the Ohio River make even the simplest research questions difficult to answer.

The Committee also discussed future needs. The Committee feels that a face-to-face meeting is necessary to enable the Committee to revisit the list of priorities and help staff develop strategies for future direction. As such, the Committee anticipates holding an additional conference call in the fall to help set the agenda, and then plan on meeting sometime early next winter (January, 2008).

ACTION: Motion by Commissioner Duritsa, second by Commissioner Hook and carried, to accept the Research Committee report as presented.

Report of the Ad Hoc 60th Anniversary Planning Committee

Commissioner Eger reported that work continues on planning the Commission's 60th Anniversary celebration activities. Several suggested ideas under consideration are:

Editorial Board Meeting

Alan Vicory, Commission Chairman and Commissioners from appropriate states would visit newspaper editorial boards in the major media markets along the Ohio River. Mr. Vicory would present the editorial board with accomplishments the Commission has made in the past 60 years and discuss Ohio River issues as they relate to the state or area. These would be scheduled in May 2008.

Celebration Luncheon

Plan a 60th anniversary celebration luncheon. The luncheon could possibly benefit the ORSANCO Educational Foundation and would be held in a central location following the June 2008 Commission meeting. Major donors would be recognized along with organizations that help promote efforts of the River. Congressional representatives could also be recognized. This luncheon may focus on the 10th anniversary of the signing of the agreement between ORSANCO and the Lake Biwa-Yoda Water Quality Preservation Organization.

Governors' Meeting

Arrange to meet with the Governors of each of the signatory states. Have the Governors sign a proclamation in honor of ORSANCO's 60th anniversary. A press conference could be scheduled around this event. In some cases, this may be scheduled with the editorial board visits.

Local Town/Coffee Hour Meetings

Arrange to meet with local citizens or civic organizations, and environmental groups to discuss environmental issues concerning the Ohio River. These meetings could be held in connection with local Rotary Clubs, Sierra Clubs, and watershed organizations. The idea would be to meet for about an hour, get some issues on the table and talk about those issues.

One-Day Conference

ORSANCO would sponsor a one-day conference where constituents would present papers on the Ohio River. These papers would focus on the resource and could include such topics as economic development, transportation, water quality, water supply or recreation. This conference would not be done in conjunction with a Commission meeting.

Commissioner Eger invited suggestions from Commissioners, as they may have them.

ACTION: Motion by Commissioner Bruny, second by Commissioner Hook and carried to accept the report of the Ad Hoc Planning Committee.

Report of the Congressional Liaison Committee

Commissioner Harrison, Committee Chairman, reported that work continues to acquire Congressional funding to replace the ageing Organics Detection System (ODS) and deferred to Alan Vicory to provide a status update.

Mr. Vicory reported that he accompanied a group of Commissioners on a trip to Washington, DC to begin the process of introducing the Commission's funding need to Congressional staffs. The group was well received and there appears to be a higher level of understanding of the functionality and importance of the ODS by Congressional staffs.

During a meeting with Senator Lugar's staff the idea of developing a parallel track emerged, targeting potential funding from both the Water Resources Development Act (WRDA) and the more traditional avenue of the Congressional appropriations process. Mr. Vicory reported that the ODS project is included in the Senate version of WRDA. Due to timing issues the ODS project is not in the House of Representatives side of WRDA.

The Committee asked Commissioners to send letters supporting the Senate's side of this provision and urging this funding be sustained during the conference committee process through to legislation. Mr. Vicory concluded by noting that efforts to acquire ODS funding will continue and emphasized the importance of upcoming visits to Washington, DC in July/August to further educate Congressional staffs to strengthen potential support for ODS funding.

Mr. Vicory then raised the issue of continuing to use this approach to securing funding on a year-to-year basis, stating that perhaps the Congressional caucus process might be a more appropriate long term solution.

Commissioner Potesta reported that Commissioner Flannery and he recently met with Governor Manchin of West Virginia to discuss strategies for ORSANCO funding. After some discussion, Governor Manchin quickly embraced the caucus concept. Governor Manchin agreed to write a letter to Senator Byrd, who has some input in the appropriations process, voicing his support and initiating contact between his and Senator Byrd's staffs. Commissioner Potesta also emphasized the fact that funds spent by ORSANCO on the Ohio River are funds that West Virginia does not have to expend.

Commissioner Komoroski proposed the possibility of recognizing Congressional and Senatorial support for ORSANCO in some manner during the Commission's 60th anniversary celebration.

Edward Ambrogio commented that the language provided in the excerpt regarding assistance does not appear to cover labor costs. Mr. Vicory responded that the language is customary and the intent is clear that funds are requested for the design, planning and installation of the ODS. Based on past experience, Mr. Vicory emphasized the need to stay on top of this funding issue and ensure that appropriated funds are not diverted to other uses.

Commissioner Duritsa suggested that the language be amended to reflect that ODS stations are deployed on Ohio River as well as several tributaries.

George Elmaraghy mentioned the role of ODS in source water protection and inquired if Homeland Security funds might be a potential source of funding assistance. Mr. Vicory responded that this avenue has been approached and support for ODS does not meet the current agenda for Homeland Security resources.

ACTION: Motion by Commissioner Hook, second by George Elmaraghy and carried (Edward Ambrogio abstaining) to accept the report of the Congressional Liaison Committee as presented.

Report of the Program & Finance Committee

Commissioner Bruny, Committee Chairman, reported that the Committee met on April 18-19, 2007. Six member states and the federal government were represented. Commissioner Bruny directed Commissioners attention to the detailed budget provided in the meeting packet and reported on the following items:

Status of FY07 Programs and Budget

Departure of three staff members and breakdown of equipment at the beginning of fiscal year 2007 presented serious obstacles to the completion of planned activities. Resources had to be diverted to field monitoring activities in order to complete all adopted program elements; this resulted in delays in other program areas. It appears that most of delays have been overcome, and program outputs will be completed by the end of the fiscal year.

Review of Commission Strategic Plan

The Committee viewed a presentation on the current Commission Strategic Plan and discussed the approach to be taken in its review. It was agreed that input from Commissioners should be utilized to produce a set of proposed revisions to the plan, and that the proposed revisions should be discussed with state agency staffs through a series of visits. It is envisioned that those visits will take place between June and October.

Indirect Cost Rate

US EPA has indicated that the Commission's Indirect Cost Rate needs to be reduced. A rate of 143% (down from 177%) has been used in the proposed FY08 budget. If US EPA should call for further reduction, there would be significant implications for the budget.

Prioritization of Technical Programs

Commissioners and Technical Committee members were sent a list of current technical programs and were asked to assess priorities among them. This proved to be a difficult exercise for those who responded (13 responses were received). Several of those who responded included comments to the effect that they were unfamiliar with many of the specific programs and were struck by the extent of current program activities. Programs rated as highest priority were the Organics Detection System, Development of Standards, and Assessment of Water Quality Conditions. Programs rated as lowest priority included Administration of the Commission Standards and several special monitoring activities.

Proposed Program and Budget for FY2008

Staff provided the Committee with a proposed budget prior to the meeting; that budget included proposed expenditures that exceeded available resources by approximately \$88,000. The Committee identified several areas where expenses might be reduced and directed staff to make specific reductions to bring the budget into balance. Staff has done so, with the largest reductions coming in the areas of staff travel and Washington representation.

Future Funding Needs

Staff alerted the Committee to the impending conclusion of two major grants from US EPA. Those grants are currently supporting several staff positions. The grant funds are expected to be available for two more years.

State Support for FY2010

After consideration of several alternatives, the Committee adopted a recommended level of state funding for FY2010 that would represent a 2% increase over the level adopted for FY2009. The vote on this recommendation was six in favor, two opposed.

Report of the Work Group on Committees

At the April, 2006 meeting of the Program and Finance Committee, a small work group of Committee members was tasked to address the question of Commission support of advisory committee activities. The work group recommended that the Commission provide funding based on recent costs for two meetings per year for the POTW, Public Interest, and Water Users Advisory Committees; those recommendations are reflected in the recommended budget for FY2008. The committees may wish to hold an additional meeting by reducing their meeting costs.

The Work Group also discussed the involvement of environmental interest groups in Commission activities, and concluded that a separate advisory committee for such groups should be considered. This would allow a cross section of such groups to participate. Subsequent discussions have raised the alternative of adding specific representatives of environmental groups to the Public Interest Advisory Committee (PIACO). The Program and Finance Committee reviewed the Commission Bylaws to determine if the established purpose of PIACO would accommodate the inclusion of environmental interest group representatives. The current Bylaws are very broad concerning PIACO's role. The Program and Finance Committee recommends that PIACO conduct a self assessment of its role and activities and expand on the current Bylaws language to better define its role. PIACO is also requested to recommend the specific interests that should be included in its membership in order to carry out its role.

Commissioner Potesta asked for clarification regarding the possibility of forming an advisory committee representing environmental groups. He indicated that PIACO represents the general public which should be inclusive of environmental interest groups. Commissioner Bruny responded that PIACO will assess its mission and membership with the end result of possibly adding members from the environmental community. Commissioner Potesta then commented that the Commission should have the ability to direct what PIACO's mission and membership makeup should be.

ACTION: Motion by Commissioner Bruny, second by Commissioner Easterly and carried to accept the report and recommendations of the Program & Finance Committee.

Commissioner Bruny presented the following resolution for adoption:

RESOLUTION 2-07

PROGRAM PLAN AND BUDGET FOR FISCAL YEAR 2008

WHEREAS: The Commission has established the sum of \$1,310,500 as the amount of appropriations to be requested from the signatory states for fiscal year 2008; and

WHEREAS: Funds from the United States Government for approximately \$2,593,589 may be allocated to the Commission for fiscal year 2008; and

WHEREAS: Funds amounting to \$238,647 may be available from a variety of sources to support the Ohio River Sweep, River Users, ORSANCO/USGS Gaging Stations, and Life Below the Waterline programs; and

WHEREAS: Funds amounting to \$36,000 may be available from miscellaneous sources; and

WHEREAS: The Commission is anticipated to carry over obligated resources of \$797,150 into the 2008 fiscal year.

NOW, THEREFORE, BE IT RESOLVED THAT: The 2008 Fiscal Year Program Plan for all activities and the budget contained therein and in support thereof be approved as presented.

BE IT FURTHER RESOLVED THAT: The Executive Director is hereby authorized to make application for funding as may be available from US EPA, for other Federal funding and funding from other sources as may become available.

BE IT FURTHER RESOLVED THAT: The expenditures in fiscal year 2008 be substantially within the framework of the following guidelines, which are made a part of this Resolution.

2008 FISCAL YEAR BUDGET

Payroll	\$1,337,599
Employee Benefits	443,799
Staff Travel	422,679
Commission Travel	95,495
Advisory Committees	57,325
Supplies	369,972
Telephone	27,600
Equipment Purchases	6,550
Mortgage, Utilities	112,464
Repairs & Maintenance	48,740
Contractual Services	489,300
Printing & Reproduction	25,600
Lab Fees & Delivery	<u>761,734</u>
Total Expenditure Budget	\$4,198,857

ACTION: Motion by Commissioner Bruny, second by George Elmaraghy and carried (Edward Ambrogio abstaining) to adopt Resolution 2-07 as presented.

Commissioner Bruny presented the following resolution for adoption:

RESOLUTION 3-07

STATE FUNDING LEVEL FOR 2010

WHEREAS: Article V of the Compact provides that the Commission shall submit to the Governor of each state, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof;

NOW, THEREFORE, BE IT RESOLVED THAT: The sum of \$1,390,000 be budgeted for operating expenses of the Commission in the Fiscal Year July 1, 2009 to June 30, 2010. Such sum to be prorated among the signatory states in accordance with the provisions of Article X of the Compact.

ACTION: Motion by Commissioner Bruny, second by Commissioner Duritsa and carried (Commissioner Easterly, Edward Ambrogio abstaining) to adopt Resolution 3-07 as presented.

Report of the Pension Committee

Commissioner Morgan, Committee Chairman, reported that in accordance with the procedures adopted by the Commission, the Pension Committee has reviewed rates of inflation and other factors pertinent to its consideration of an adjustment of payment benefits. The Committee recommends an increase of 2.0 percent to eligible retired employees, effective July 1, 2007.

The Pension Committee recommends the adoption of Amendment 10 to the Pension Plan as follows:

**Ohio River Valley Water Sanitation Commission
Employees' Pension Plan
Amendment Number 10
June 14, 2007**

Effective July 1, 2007, the Ohio River Valley Water Sanitation Commission amends its Employees' Pension Plan (restated effective July 1, 1998) to provide that the pension benefits being paid under the Plan (a) to a Pensioner living on such date whose benefits have been in pay status for at least 12 months, or (b) to the surviving spouse of a deceased Pensioner whose survivor benefits are in pay status on such date and have been in pay status for at least 12 months (including any period that benefits were in pay status to the Pensioner), shall be increased two (2.0) percent.

IN WITNESS WHEREOF, THE OHIO RIVER VALLEY WATER SANITATION COMMISSION has caused this instrument to be executed on this 14th day of June 2007.

ACTION: Motion by Commissioner Morgan, second by Commissioner Eger and carried (Edward Ambrogio abstaining) to adopt Amendment Number 10 as presented.

Report of the Water Users Advisory Committee (WUAC)

David Peters, Committee Chairman, reported that the Committee met via teleconference with the NPDES Sub-Committee to open joint dialog regarding continuing concerns with the Pollution Control Standards.

The group discussed notification to water utilities of spills and discharges by permit holders. Notification will allow water utilities to plan ahead for alternate water treatment. The Water Users Advisory Committee will submit a more formal request to the NPDES Sub-Committee with the hope that this recommendation will be presented to the Technical Committee for resolution of this concern.

The next area of concern is the Commission's ammonia criteria. Ammonia directly affects water treatment operations, in particular, their ability to properly disinfect when using chlorine. The Committee proposes limiting the amount of ammonia that can be in the Ohio River at a water utility intake. A survey will be conducted of Ohio River water users to determine how much ammonia they are capable of treating based on their individual plants' design and chlorine feed rates.

The Committee also requested that, as part of their utilities source water protection plans, they would be able to review new NPDES permits being issued upstream of their intakes.

Mr. Peters reported that the Committee members toured US EPA's Breidenbach Research Center in Cincinnati and provided an opportunity to further discuss source water protection issues including the differences that exist between the Clean Water Act and Safe Drinking Water Act.

Mr. Peters concluded his report by mentioning the continuing high algae levels which challenge treatment operations. The problem is partly due to drought conditions in the Basin. Also mentioned were the unexplained changes in manganese concentrations observed on the Allegheny River and the Ohio in Evansville, Indiana. The reason for these changes has not yet been identified.

ACTION: Motion by Commissioner Tomes, second by Commissioner Hook and carried, to accept the report of the Water Users Advisory Committee as presented.

Report of the Publicly Owned Wastewater Treatment Works (POTW) Advisory Committee

Mr. Mike Apgar, Chairman of the POTW Advisory Committee, reported that the Committee met June 5-6 in Cincinnati. Mr. Apgar expressed the Committee's willingness to conduct nutrient sampling requested by the NPDES Sub-Committee, supports a holistic approach to examining all contaminants and recognizes the need to collect critical data prior to developing a TMDL. Mr. Apgar informed the Commission that prior to conducting nutrient sampling, the Committee would require direction from the NPDES Sub-committee on the specific data they require. The Committee looks forward to working cooperatively on this TMDL development process.

Mr. Apgar reported that the Committee applauds ORSANCO's recognition that additional research needs to be conducted prior to moving forward a PCB TMDL. The Committee suggests that a complete and comprehensive study, that includes all components of the water cycle, be conducted prior to drawing any conclusions that might lead to the development of a TMDL. The Committee also recognizes that much more study needs to be conducted with regards to sediment and atmospheric deposition prior to drawing any meaningful conclusions.

Mr. Apgar advised that the Committee requests the opportunity to review and make comments on the work plan for the development of a bacteria TMDL. The Committee complimented the Commission on moving this TMDL forward and would like to have an opportunity to review this work and offer comments. The Committee applauds the approach of collecting additional data before developing the TMDL. The committee also suggested developing this TMDL in conjunction with the Commission's efforts in establishing a Wet Weather Water Quality Standard as these two important initiatives have the potential of impacting one another.

Mr. Apgar mentioned the three areas identified by the Commission requiring additional work for the development of Wet Weather Water Quality Standards. These include characterization of recreational use of the Ohio River, shoring up the pathogen criteria and the need for increased public education on the issues involved. The Committee supports the recreational use study currently under development and additionally suggests that the Wheeling area UAA study be utilized, as it is a valuable tool in shoring up the pathogen criteria. In addition, the Committee recommends that the Wet Weather Work Group remain solvent and that it be utilized to review the recreational use study plan prior to implementation, use the Wheeling UAA to shore up the pathogen criteria and formally establish a public education plan.

Mr. Apgar reported that public utility members continually struggle with the issue of public education and the critical importance of such education during times of change. As such, Mr. Apgar recommended that the Commission's wet weather initiative should include a strong public education component during the formal development of a work plan.

In closing, Mr. Apgar said that the Committee looks forward to our continued involvement with the great work of the Commission and we will make ourselves available to help the Commission in any way it can to accomplish these important initiatives.

ACTION: Motion by Commissioner Potesta, second by Ron Schwartz and carried to accept the report of the Publicly Owned Wastewater Treatment Works (POTW) Advisory Committee.

Report of the ORSANCO Educational Foundation (OEF)

Commissioner Servatius reported that the OEF Board of Trustees adopted a resolution in January authorizing the Commission to appoint two members to the OEF Board. The appointed individuals, representing the Commission's interests, will not be currently serving as ORSANCO Commissioners.

ACTION: Motion by Commissioner Tomes, second by Commissioner Duritsa and carried to appoint Mr. Thomas Heekin and Mr. Gordon Garner as Commission representatives to the OEF Board of Trustees effective July 1, 2007.

Commissioner Servatius proposed that the OEF Board of Trustees consider changing its By-Laws permitting the Commission to appoint a total of three individuals to the Board of Trustees, rather than two individuals. The appointees shall not be current Commissioners and will serve three year terms on a rotating basis.

ACTION: Motion by Commissioner Easterly, second by Commissioner Wright and carried to recommend the OEF Board of Trustees that it consider changing the Foundation's By-Laws permitting the Commission to appoint a total of three individuals to the Board of Trustees, rather than two individuals. The appointees shall not be current Commissioners and will serve three year terms on a rotating basis.

Ron Riecken, Foundation Chairman, reported that Jeanne Ison has decided to resign as Executive Director of the Educational Foundation. David Bailey has agreed to serve as Acting Executive Director.

Mr. Riecken reported on successes in the educational area of the Foundation, noting that the high school program is well established and various schools are beginning to use the program on an annual basis as an integral part of their science curriculum. Interest in program participation continues to grow.

Mr. Riecken reported that the PA Denny is traveling to a Charleston, West Virginia ship yard for major repairs. A recent Coast Guard inspection found a number of potentially costly repairs which are required prior to receiving a Certificate of Inspection. Funding for these repairs remains a concern. Several events aboard the Denny have been rescheduled.

Mr. Riecken reported that the 2007 River Sweep has received approximately \$140K in sponsorships to fund the event and that press coverage has been good.

Mr. Riecken reported that the Board of Trustees has three new members:

- Mariann Quinn of Duke Energy
- Reed Coen of Frisbie Machine
- Scott Lubansky of Professional Fundraisers

Mr. Riecken concluded by mentioning the critical importance of fundraising and asked Commissioners to pass on any potential funding source leads they might identify to a Board member.

Report of the Personnel Committee

Commissioner Tomes, Committee Chairman, reported that at the Commission’s request, the Personnel Committee developed a formal process to guide the Commission in its annual review of the Executive Director. The proposed process was reviewed and discussed at the Executive Conference of Commissioners Wednesday afternoon.

ACTION: Motion by Commissioner Tomes, second by Commissioner Conroe and carried to adopt and implement the Executive Director’s annual performance review process as presented.

Report of the Nominating Committee

Commissioner Hook reported that the Committee recommends the following slate of officers for 2007-2008:

Chair - Stuart Bruny
Vice Chair - David Flannery
Secretary/Treasurer - Jeff Eger

ACTION: Motion by Commissioner Hook, second by Commissioner Morgan and carried, to accept the recommendations of the Nominating Committee to elect the slate of officers for 2007-2008 as presented.

Upcoming Meetings

Chairman Servatius noted the following schedule for upcoming Commission meetings:

- October 9-11, 2007 Columbus Ohio
- February 2008 Cincinnati Ohio

Adjournment

The 188th Commission meeting was adjourned at 11:00A.M.

Prepared by:

_____ Date: _____
David Bailey
Director of Administration
& Human resources

Approved by:

_____ Date: _____
David Flannery
Secretary/Treasurer

ROSTER OF ATTENDANCE
188th Commission Meeting
June 14, 2007

Commissioners

Illinois	Toby Frevert (PROXY for Douglas Scott) Phillip Morgan
Indiana	Thomas Easterly Joseph Harrison
Kentucky	Jeffrey Eger Lloyd Cress (PROXY for Teresa Hill)
New York	Jerry Palumbo (PROXY for Pete Grannis) Douglas Conroe T. Lee Servatius
Ohio	Amy Wright Paul Tomes George Elmaraghy (PROXY for Christopher Korleski)
Pennsylvania	Charles Duritsa Melvin Hook Ron Schwartz (PROXY for Kathleen McGinty)
Virginia	
West Virginia	David Flannery Ron Potesta Randy Sovic (PROXY for Stephanie Timmermeyer)
Federal	Stuart Bruny Kenneth Komoroski Edward Ambrogio (PROXY for Donald Welsh)

Legal Counsel

Ross Wales

Executive Director

Alan Vicory

Guests

Ron Riecken – Chairman, Public Interest Advisory Committee, David Peters – Water Users Advisory Committee, Mike Apgar – Chairman, POTW Advisory Committee

Staff

David Bailey, Jason Heath, , Peter Tennant, Joseph Gilligan, Tracey Edmonds, Erich Emery, Jerry Schulte