

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**224th Commission Meeting
Radisson Hotel Cincinnati Riverfront
Covington, Kentucky
Thursday, June 6, 2019**

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Chairman Ronald Potesta, Presiding

Call to Order

Chairman Potesta called the 224th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M. on Thursday, June 6, 2019.

Chairman Potesta led the Pledge of Allegiance.

Quorum Call

Commissioner Duritsa certified that a quorum was present (see Roster of Attendance, page 12).

Comments by Guests

Attachment I

Report of the Chairman

Chairman Potesta began by thanking Commissioners and staff for their support during his year as Chairman. He thanked all the organizations and citizens for their engagement and input on the issues considered by the Commission this past year.

Chairman Potesta highlighted some of the years' important activities, including the initiation of a PFSA study, work to complete a mercury study, proposed revisions to the Pollution Control Standards, and ongoing improvements to the Organics Detection System. He noted the importance of the initiative to seek broad support throughout the Basin to fund ORSANCO's critical activities. He also highlighted the Executive Director's continued work with the Ohio River Basin Alliance (ORBA) to develop an Ohio River Basin Restoration Strategy.

Chairman Potesta acknowledged the significant level of ongoing activities accomplished through the good work of a staff of 19 employees.

He concluded by again thanking everyone for a productive year.

Report of the Executive Director

Executive Director Richard Harrison began by saying that, as this is Chairman Potesta's final meeting as Chairman, it has been an honor to work with Chairman Potesta this past year. He also thanked the Commissioners for their support during this very busy and challenging year.

Mr. Harrison then acknowledged staff and all the good work accomplished the past year with a staff of 19.

Mr. Harrison provided an update on the activities of the Ohio River Basin Alliance (ORBA). ORBA has been working with the US Army Corp of Engineers (USACE) and the Kentucky Division of Water to develop a USACE Planning Assistance to the States (PAS) project to

develop an Ohio River Basin Restoration Strategy. This \$400,000 project will be managed by the USACE and will be a collaborative effort with numerous stakeholders including Ohio River Basin States. ORSANCO serves as fiscal sponsor of ORBA and will help facilitate the project component related to Ohio River Basin water quality, management, and availability. It is hoped that this initiative will help secure additional funding. A stakeholder kick-off webinar will be held on June 12, 2019 to discuss setting priorities and demonstrate that there is a basin wide coalition of stakeholders involved. Mr. Harrison asked that all stakeholders present at the meeting provide their email address to ORSANCO staff if they so choose, so that ORSANCO can add them to the stakeholder distribution list.

He noted that throughout the Technical Committee meeting over the past two days, a number of important source water protection program activities were highlighted. Examples included the initiation of work on PFAS, emerging contaminants monitoring, and ongoing HABS activities. He believes that the Ohio River has one of the strongest source water protection programs in the country and is an important ORSANCO priority.

Executive Director Harrison provided an overview of the recent activities undertaken by the Foundation for Ohio River Education (FORE), and acknowledged Heather Mayfield, Foundation Director, for her dedication and accomplishments by conducting numerous educational activities and supporting fundraising on ORSANCO's behalf.

Mr. Harrison concluded by noting that the 2019 River Sweep was scheduled for June 15th.

Action on Minutes

ACTION: Motion by Commissioner Pigott, second by Proxy Bruce Scott and unanimously carried, that the minutes of the 223rd meeting of the Commission, be adopted as presented.

Report of the Treasurer

Commissioner Duritsa reported that a Treasurer's report, updated through May 31, 2019, was provided in the meeting agenda packet.

This report indicates a balance of \$926,075 in accounts receivable due the Commission. This balance represents \$884,348 due from Federal sources and \$41,614 due from other sources.

Additionally, the report indicates receipts of \$3,153,805, plus carryover of \$2,109,992, totaling \$5,363,797 through the end of May 2019. Of that amount, \$2,631,053 was expended on programs, leaving \$2,732,744 available for the continuation of ORSANCO's programs.

ACTION: Motion by Commissioner Lovan, second by Commissioner Flannery and unanimously carried, to receive the Treasurer's Report as presented.

Report on the Ad Hoc Committee on Mercury Studies

Commissioner Bruny provided the following informational report:

I'm pleased to offer a brief update on our mercury studies of the Ohio River Basin. I'd like to begin by recognizing and thanking Commissioner Kupke for his tireless effort and able leadership of the Ad Hoc Committee on Mercury Studies. John (Kupke) was appointed chair of the Ad Hoc Committee on June 30, 2015 by then-Commission Chairman, Tom Easterly. John has done a great job the past four years working with staff, leading the committee, and providing several status reports to the Commission – to a point where we are nearing completion of a final

report that we hope to have before the Commission at our October 2019 meeting. Thank you, Commissioner Kupke, for your diligence and all the time and effort you devoted to our mercury studies.

You may recall that the Ad Hoc Committee recommended, early on, the development of a mercury mass balance and source apportionment estimation of mercury in the Ohio River. After completion of a background study of mercury in the Ohio River, it was decided to conduct three separate studies to best calculate the mass balance and source apportionment. These three studies included an atmospheric deposition component, an estimate of instream mercury loads from major tributaries to the Ohio River, and an estimate of point source loads to the Ohio River. These studies have been completed and draft reports written to summarize our findings. In assembling a final draft report, we have combined reports on the three studies into one report and added an introduction, summary, and conclusion. This draft report was sent to the Ad Hoc Committee members and the Technical Advisory Committee for review and comment on May 8, 2019. Review comments were due last Friday, May 31st. Thanks to those of you who have provided several very good comments so far. If you plan to provide comments, I would encourage you to submit them as soon as possible.

During the February TEC meeting, some state members expressed concern over the accuracy of some of the point source data. This data was extracted from US EPA's Enforcement Compliance and History online data set to calculate mercury loads using flow and concentration figures in the data. Staff has asked our state agencies to review this data to ensure its accuracy.

As mentioned, we plan to have the final report for your acceptance at our October meeting. Between now and then, staff will update and revise the report based on the comments received. The Ad Hoc and TEC committees will likely have another shot at it between now and then. If necessary, we will also have a conference call or meeting of the Ad Hoc Committee.

This completes the report of the Ad Hoc Committee on Mercury Studies.

Report of the Technical Committee

Commissioner Pigott, Committee Chairman, reported that the Technical Committee met over the last couple of days and covered 10 agenda items. Six states, three federal agencies, and six advisory committees were represented. He thanked our outside speakers for their excellent presentations, including Chris Nietch, John Hall, Marc Mills, Steve Allgeier (US EPA), and Rob Reash with the Power Industry. The following is a summary of the meeting:

Power Plant Entrainment Survival Studies

Rob Reash provided an overview of the power industry's efforts to address requirements under Section 316(b) of the Clean Water Act pertaining to fish entrainment.

HABs Update

Staff reported on the status of IN 604(b) grant-funded projects to install for HABs monitoring. The grants will support the installation of two continuous monitors for HABs, operating costs for two years, and the management of the continuous monitoring data.

Chris Nietch with the US EPA reported on a RARE grant project to identify and model conditions conducive to future HABs events. This project will inform ORSANCO as to when hydrologic conditions may be conducive to the formation of HABs.

Source Water Protection Programs

John Hall from the US EPA presented a proposal to conduct a tracer study on the Big Sandy and Ohio rivers utilizing silica-encapsulated short strand DNA. This innovative technique has the potential to provide critical time-of-travel information for calibrating Ohio River water quality models, including ORSANCO's spill model. Efforts will be coordinated with state agencies to ensure proper notifications and permissions are received prior to conducting the tracer study.

A status update was provided on ORSANCO's Source Water Protection Programs. Staff has recently participated in a number of emergency response preparedness exercises and other planning activities. Jamie Tsiominas was also introduced as the newest member of the ORSANCO technical staff. Jamie will play a lead role in maintaining the ODS monitoring network. An update was also provided on Phase 2 of the Contaminant Source Inventory Project which includes development of a GIS-based data management system to catalog potential contaminant threats and their associated risk to drinking water utilities.

Bruce Whitteberry, Chair of the Water Users Advisory Committee, presented the findings of the ODS Next Generation Work Group. This effort evaluated monitoring needs and system design options for the Organics Detection System. Mr. Whitteberry will provide additional details on the recommendations in his advisory committee report to the Commission.

PFAS Study Proposal

Staff presented options for site selection regarding the Ohio River PFAS study. TEC indicated that the systematic-probabilistic approach was appropriate for site selection. There was also discussion about whether selected sites that may be under the influence of discharges should be moved, and TEC's direction was that sites should only be moved when inside the regulatory mixing zone. Since the survey design needs to be in place prior to the next meeting, staff will provide monthly progress reports to keep TEC informed.

ASDWA Spill Risk Webinar

Steve Allgeier with the US EPA Office of Ground Water and Drinking Water provided an informative presentation on the risk of spills to drinking water sources. Mr. Allgeier detailed efforts to characterize potential risk of acute source water contamination, reviewed newly adopted provisions of the America's Water Infrastructure Act, and discussed current efforts on the Ohio River to inventory contamination threats.

Ohio River Basin Mercury Mass Balance Project

Staff presented draft preliminary results of the Ohio River Basin Mass Balance Project. A draft report was distributed to TEC and the Mercury Ad Hoc committee, and staff has received four sets of comments. Staff also provided state TEC members with all of their point source mercury data to ensure that the data obtained from the national ECHO database is accurate. Staff requested data reviews be completed by the end of June. A final draft report will be available for consideration at the October TEC meeting. TEC members were asked to submit comments on the draft report by the end of June.

2019 Review of Pollution Control Standards

TEC received a status report on a third public review of the Pollution Control Standards that was conducted in March and April.

Report of the Pollution Control Standards Committee

Commissioner Frevert, Committee Chairman, reported that the Commission initiated a lengthy Pollution Control Standards review process several years ago. The purpose was to revisit the Commission's relationship with the Compact States and how the Standards activities interface with the States who are the regulatory body and carry out the work.

During the summer of 2018, the Commission came out with a proposal referred to as Alternative 2, which was a significant backing away from the historical Standards. An open comment period as well as a public hearing were conducted. All comments were summarized, and the Pollution Control Standards Committee undertook a lengthy evaluation of the comments and proposal.

As an outcome of the evaluation, the Committee reconvened in November/December 2018 and drafted a second proposal which was intended to reflect the wishes of the Committee and respond to public comments received. This proposal was open for public comment on March 1, 2019, and three public hearings were conducted. All comments were summarized by staff. The Committee met on May 7, 2019 via conference call to review the proposal and discuss comments and possibly reach an agreement on a recommended proposal; however, it was concluded that such a recommendation lies with the full Commission body.

Committee Chairman Frevert stated that he could not offer a recommendation on behalf of the Pollution Control Standards Committee but would propose a recommendation as a Commissioner from Illinois.

Motion was made by Commissioner Frevert and seconded by Commissioner Bruny, to adopt the 2019 Proposed Revisions to the Pollution Control Standards for Discharges to the Ohio River as published on March 1, 2019.

Commissioner FitzGerald asked for clarification as to whether adoption of the proposal contemplated permit-specific review by Commission staff to ensure that permits issued by the two states that currently do not utilize ORSANCO's Standards would be as protective of the designated uses and public health, as if they had incorporated the Standards.

Commissioner Frevert indicated that he did not believe this specific requirement was contained in the proposal language. Commissioner FitzGerald believed that this was in fact part and parcel of the compromise and that everyone participating in the discussion was fully aware of this compromise. Without specific review, there is no accountability, and he would vigorously oppose the adoption of the proposal.

Commissioner Potesta stated that he believes that such language was included in the 2019 proposal.

Proxy Jennifer Orr-Greene proposed that the original motion be amended to include, "ORSANCO will conduct an evaluation of its current programs, including those contained in the March 1, 2019 proposed rules that involve implementation of the Pollution Control Standards and evaluation and protection of uses for any necessary scientific and/or policy modifications and to provide a report to Commissioners containing the results of this evaluation."

Commissioner Conroe provided a prepared statement for the record in opposition of the proposal (Attachment II).

Commissioner Pigott proposed the following action to amend the open motion.

ACTION: Motion by Commissioner Pigott, second by Proxy Jennifer Orr-Greene and carried (Commissioners Elmaraghy and Conroe voting no, Commissioner Paylor abstaining), to amend the open motion to include “ORSANCO will conduct an evaluation of its current programs, including those contained in the March 1, 2019 proposed rules that involve implementation of the Pollution Control Standards and evaluation and protection of uses for any necessary scientific and/or policy modifications and to provide a report to Commissioners containing the results of this evaluation.”

The open motion was amended and then acted on.

ACTION: Motion by Commissioner Frevert and seconded by Commissioner Bruny and carried (Commissioners Elmaraghy and Conroe voting no, Commissioner Paylor abstaining) to adopt the 2019 Proposed Revisions to the Pollution Control Standards for Discharges to the Ohio River and that ORSANCO will conduct an evaluation of its current programs, including those contained in the March 1, 2019 proposed rules that involve implementation of the Pollution Control Standards and evaluation and protection of uses for any necessary scientific and/or policy modifications and to provide a report to Commissioners containing the results of this evaluation.

Report of the Program and Finance Committee

Commissioner Kupke, Committee Chairman, reported that the Program and Finance Committee met on April 25, 2019. Six states and the Federal Government were represented.

Staff presented a balanced budget, with total expenditures in the amount of \$3,468,794, as well as program recommendations for consideration. A full-time equivalent staffing level of 19 employees is included in the proposed FY20 budget. A detailed report and recommendations were also provided in the agenda packet.

The Committee recommended four actions for Commission consideration:

Committee Recommendations:

1. The Committee recommends adoption of the FY20 program plan and balanced budget as presented.
2. The Committee recommends adoption of a 0% (or no) state funding increase for FY22. A two-year notification to ORSANCO member states is required.
3. The Committee recommends setting the FY20 Defined Contribution Plan voluntary contribution at 5% of compensation, consistent with the FY19 funding level.
4. The Committee recommends revisiting the Commission’s Strategic Plan. The Commission’s current Strategic Plan, revised in 2008, is now 11 years old amid a number of different programs and budget opportunities as well as challenges confronting the Commission.

To take action on these initiatives, the Program and Finance Committee recommends that the Commission consider four separate motions.

ACTION: Motion by Commissioner Kupke, second by Commissioner Bruny and unanimously carried, to adopt Resolution 3-19 (Attachment III) to approve the Program Plan and Budget for FY20.

ACTION: Motion by Commissioner Kupke, second by Commissioner Harrison and unanimously carried, to adopt Resolution 4-19 (Attachment IV) to establish FY22 State Funding levels.

ACTION: Motion by Commissioner Kupke, second by Commissioner Lovan and unanimously carried, to set the FY20 Defined Contribution Plan voluntary contribution at 5% of compensation, consistent with the FY19 funding level.

ACTION: Motion by Commissioner Kupke, second by Commissioner Duritsa and unanimously carried, recommending revisiting the Commission's Strategic Plan.

Commissioner Kupke concluded his report by acknowledging the thoughtfulness and thoroughness by ORSANCO staff in developing the budget and program plan.

Commissioner Elmaraghy requested clarification regarding funding allocated to Pollution Control Standards activities in FY20 and beyond. Executive Director Harrison reported that funds covering staff time for PCS work are included in the FY20 budget, and similar funds are allocated in the five-year forecast.

Report of the Nominating Committee

Commissioner Bruny, Committee Chairman, reported that the Committee recommends the following slate of officers for 2019-2020:

Chairman: John Kupke
Vice Chairman: Charles Duritsa
Secretary/Treasurer: Michael Wilson

ACTION: Motion by Commissioner Bruny, second by Commissioner FitzGerald and unanimously carried, to accept the slate of officers as recommended.

Report of the Water Users Advisory Committee (WUAC)

Bruce Whitteberry, Committee Chairman, provided the following Committee report:

For those in the audience who may not be familiar with the Water Users Advisory Committee (WUAC), it is an advisory committee of the Commission composed of drinking water utilities. Our purpose is to advise the Commission on matters associated with drinking water.

The Committee last met on May 14-15, 2019. ORSANCO staff gave updates on various programs and efforts of interest to the committee, including an update on the Pollution Control Standards proposal, on the work associated with Harmful Algal Blooms (HABs), preparations for the PFAS river survey, an operational update of the Organics Detection System (ODS), and Source Water Protection topics. The US EPA also provided a summary of their project to research the use of Short-Strand DNA as a river tracer.

Status reports from the utilities in attendance indicated no significant concerns or abnormal challenges with river quality over the past quarter. No significant spills were reported, and while

we wish it would stop raining, the rain has not caused any significant impacts to operations or water treatment.

The Committee would like to also provide the Commission with an update on the WUAC's work on recommendations for future upgrades to the ODS. As you know, the ODS is an important component to the protection of drinking water and other river uses in the event of an accidental spill or intentional industrial release into the river.

The ODS was implemented after a large discharge of carbon tetrachloride made its way into the river in 1977. At that time, frequent and regular monitoring for organic chemicals in the river was not in place. As a result, the chemical made its way into customers' drinking water. After that event, ORSANCO took the lead in developing a unique early warning monitoring system over the entire length of the river. That system, known as the Organics Detection System (ODS), monitors for these chemicals on a daily basis. Over the past four decades, ORSANCO and the drinking water utilities have cooperatively maintained this system which has served as one of the barriers between industrial contamination and the millions of people who rely on the river for their source of drinking water.

Various components of the monitoring system have been replaced over the years, and as we look into the future, older pieces of equipment will need to be replaced again. Due in part to the expense to purchase and maintain this equipment, various discussions have taken place regarding whether the monitoring system should be modified. It is important to ensure that the monitoring system is providing the most protection possible while working within the bounds of budgetary limitations, especially when new challenges such as emerging contaminants require more and not less focus on water quality.

To that end, the WUAC formed a workgroup to evaluate alternatives for the "Next Generation" ODS system. As you will recall, the workgroup is composed of a subset of WUAC members, ORSANCO staff, and representatives of the US EPA. The workgroup was tasked with evaluating and prioritizing potential contaminants of concern, evaluating available technologies to monitor for those highest priority threats, providing at least three monitoring designs, and recommending a preferred option.

Members of the workgroup presented the final results of their evaluation to the committee for their review and approval at our May meeting. The evaluation and recommendations are being documented in this report, which will be provided to the Commissioners upon its completion. I would like to provide an abbreviated summary of the evaluation and major recommendations. It is not feasible to design a monitoring system capable of analyzing for all threats to water quality, so the workgroup's first step was to evaluate potential contaminant sources and historic spill data. Based on this evaluation, several types of contaminants were identified. Of those, volatile and semi-volatile compounds were the contaminants with the highest potential to impact drinking water quality.

Based on that evaluation, we determined Volatile Organic Compounds (VOCs) should remain the focus of the ODS, with a desire to include Semi-Volatile Organic Compound (SVOC) monitoring in the future. The report outlines four monitoring configurations. Two of the configurations represent a reduction in monitoring capability and cost. While these options are not desirable due to decreased capabilities, they could be implemented if necessary.

A third configuration represents an increase in monitoring capabilities by providing SVOC monitoring at four sites in addition to the current monitoring of VOCs at 17 sites. SVOCs are more expensive and more complex to analyze. The committee understands this configuration is

probably not feasible at the current time given budget constraints, but SVOCs represent a significant risk based on the workgroup's review. Documenting this need will position the Commission to make informed decisions in the event additional funds become available.

The fourth alternative, which is the recommended alternative for continuing upgrades, is similar to the current system design. It includes a variety of GC/MS, GC/FIDs, and process GCs distributed according to a prioritization matrix described in the report. To minimize down-time during repair, the recommended option also includes a spare process GC, which can be used while another unit is under repair.

In addition to this recommended design, the workgroup identified additional VOCs which are not currently quantified in the monitoring program, but which can be included with existing equipment at very little cost.

The Committee recognizes that, while the recommended configuration is our preferred option at this time, the system does not address all risks. The committee will continue to periodically evaluate new technologies, as they become available, to ensure the monitoring system provides the best protection possible within budgetary and personnel constraints. As a starting point, we also recommend conducting trials of SVOC analyses at 2-3 sites with existing equipment. The purpose of this evaluation would be to better understand the cost, time, and complexities associated with river monitoring. This will allow more informed decisions about SVOC monitoring to be made in the future.

This concludes the update from the Water Users Advisory Committee.

Report of the Watershed Organizations Advisory Committee (WOAC)

Richard Cogen, Committee Chairman, began by thanking the citizens for taking their time to attend the meeting and provide comments. He also recognized ORSANCO staff for the public outreach provided during the lengthy PCS review process. There has been a gradual but steady progression in the effort to increase public awareness and involvement.

Since the last Commission meeting, the WOAC has had several conference calls and appreciated the opportunity to speak with ORSANCO staff and Commissioners regarding the now adopted proposal. Because of adherence to the Clean Water Act and many states adoption of ORSANCO Standards for decades, water quality has improved. However, challenges remain, including the introduction of new contaminants, now and in the future. Wildlife and some aquatic species have rebounded to some extent; however, due to water quality and habitat changes on the river, different species of fish, mussels, and macroinvertebrates have reacted differently. Some have rebounded while others have become threatened species of concern or gone extinct.

By voting to make adoption of the Pollution Control Standards voluntary, are Commissioners denying any positive impact of the adoption of the Standards or that the Standards work? Are Commissioners saying that this is as good as the river will ever get?

The WOAC proposed an improvement to the proposal wherein Standards adoption would remain mandatory but provide for reasonable exceptions that protect water quality and provide public transparency. They heard several reasons why the proposed changes were needed. One chief reason expressed related to staff costs for the program, and time could be better spent elsewhere. Yet, the dollars allocated are less than \$200,000. With a budget of several million dollars, repurposing this amount should not have much of an impact on work product versus the value of Standards work. They also heard the duplicity and redundancy argument. However, this is not the case for many Standards, as some states rely on ORSANCO's work to adopt the Standards

for their own. These reasons were not strong enough or sufficiently substantiated to support such an abrupt move away from Standards adoption that this proposal represents.

As expressed by the WOAC, the voluntary nature of the Standards adoption is concerning as to what Pandora's Box may be opened. They raise the concern over the potential for interstate policy conflicts and litigation, lack of transparency, a decreased likelihood for any uniform Standards, and what this could mean for any future improvements in water quality. Time will tell if this was the right or wrong decision for the river, citizens, and wildlife.

Based on the majority of public opinion in comments received, there is a public perception that ORSANCO is the agency to protect Ohio River water quality. While passage of the proposal will achieve the Commission's objective to move ORSANCO out of the Standards arena and move more fully into the sole function of monitoring and assessment, public support for its work has received a severe blow and its credibility damaged. Other agencies and states may appreciate the monitoring and assessment role, but that is of lesser interest to the public. While WOAC understands some of the motives of moving away from promulgating Standards, there will be a loss of public support and trust for ORSANCO's work, and there may be unintended consequences. The Committee is disappointed with the vote on the proposal but looks forward to continued dialog with Commissioners and staff on this matter as well as PFAS, ODS, and future issues.

Pollution Control Standards

Commissioner FitzGerald requested that the Commission consider appointing an Ad Hoc Committee to develop the protocols for implementation of the revised Pollution Control Standards. Commissioner Bruny suggested tasking the Pollution Control Standards Committee with developing the protocols. Commissioner FitzGerald feels that the Pollution Control Standards Committee is not empowered to develop such protocols. It was agreed that the Commission Chairman has the flexibility to appoint who will develop the protocols.

ACTION: Motion by Commissioner Fitzgerald, second by Commissioner Elmaraghy and unanimously carried, that the Commission Chairman appoint either an Ad Hoc Committee, the Pollutions Control Standards Committee, or sub-set of the Pollution Control Standards Committee, to develop protocols for implementation of the Revised 2019 Pollution Control Standards and report back to the Commission in October 2019 with recommendations.

Upcoming Meetings

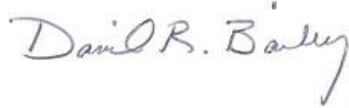
Chairman Potesta noted the following schedule for upcoming Commission meetings:

- October 8-10, 2019 – Richmond, Virginia
- February 11-13, 2020 – Indianapolis, Indiana
- June 9-11, 2020 – TBD

Adjournment

The 224th meeting of the Commission was adjourned at 11:25 A.M.

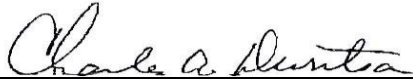
Prepared by:



Date: July 16, 2019

David Bailey
Director of Administration

Approved by:



Date: July 23, 2019

Charles Duritsa
Secretary/Treasurer

ROSTER OF ATTENDANCE
224th Commission Meeting
June 6, 2019

Commissioners

Illinois	Scott Twait (PROXY for Director John Kim) Toby Frevert
Indiana	Bruno Pigott John Kupke Joseph Harrison, Jr.
Kentucky	Ron Lovan Peter Goodmann (PROXY for Lt. Governor Janean Hampton) Bruce Scott (PROXY for Secretary Charles Snavelly)
New York	Mike Wilson Douglas Conroe
Ohio	Craig Butler (PROXY for Director Laurie Stevenson) Stuart Bruny John Hoopingarner
Pennsylvania	Charles Duritsa Jennifer Orr-Greene (PROXY for Secretary Patrick McDonnell) Davitt Woodwell
West Virginia	David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Austin Caperton)
Virginia	David Paylor
Federal	George Elmaraghy Tom FitzGerald
Legal Counsel	Aaron Herzig

Executive Director

Richard Harrison

Staff

David Bailey, Lisa Cochran, Stacey Cochran, Sam Dinkins, Tracey Edmonds, Joe Gilligan, Jason Heath, Bridget Taylor, Jamie Tsiominas, Lila Ziolkowski

Guests

Henry Connor	PIACO
Rich Cogan	WOAC
Jason Flickner	Lower Ohio River Waterkeepers
Sandra Summer	Sierra Club
Bill Rinehart	WVXU
Marie Kocoshis	League of Women Voters Cinti Area
Roberta Campbell	KFTC
Erich Emery	USACE
Heather Mayfield	FORE
Chris Tavenor	Ohio Environmental Council
Robin Blakeman	OVEC/WOAC
Bruce Whitteberry	GCWW
Jordan Lubetkin	National Wildlife Federation
D. Gary Reed	-
Elaine Wolter	Public Health Nurse Cincinnati
John Hirschfield	Westlake Chemical
A. Joyce Moeller	KFTC and NKJPC
John Kennedy	A and A Architects
Julia Fair	Cincinnati Enquirer
Rod Sommer	-
Joshua Kruer	Nature Was Here
Cheryl Johncox	Sierra Club
Loa Bennett	Sierra Club Earthcare
Maria Truitt	KFTC
Rya Vavelzer	WFPL
Nick Swartsall	City Boat
Amy Allen	Northern KY Sierra Club
Eira Tansey	-
Thomas Stager	-
Rachel Stultz	-

PUBLIC COMMENTS - JUNE 2019

Sandra Summer (Sierra Club) – Good morning. I appreciate you doing the pledge this morning, because the pledge is what this is all about today - justice and liberty for all of us. And as I look around your Commission, I see a lot of people who are kind of in my age range. We've lived through a lot, and [we] would like to live through a lot more, not for ourselves but for our grandchildren and the children to follow. And that has to do with water. And that has to do with my comments today. I live in Cincinnati, Ohio, and every day I see the Ohio River in its majestic glory of ever-changing colors. Yes, I have seen our muddy Ohio River gold at sunrise, blue on a cloudless day, silver with fog, jade green on a summer day, and sunset pink and orange at the eve of our day. Water is life as you know. Water is life-giving. Ask any NASA scientist, and they will always say that one main objective of planet exploration is finding water. Water from which life can spring on distant planets. The Ohio River is our source of life. The Ohio River is the source of life for wildlife, both in and out of the water. The Ohio River is the life source for the flora that grows along its shores. The Ohio River is life in its most basic form. We are lucky we are Ohio River rich. Other parts of America have had to divert rivers and streams to sustain life in otherwise desert areas. Other parts of America have experienced terrible droughts that have negatively affected lives, business, and nature itself. The Ohio River is a natural resource that we must protect from pollution, disease-born entities, chemicals, mining, and farm run-off, etcetera... and many other things that go into the river. The Ohio River is a natural resource that we must protect. It is our job as Americans and Ohio River residents to do all we can to protect the Ohio River. Each day, the ORSANCO family –FAMILY– has a moral obligation to all the other states in the FAMILY along the Ohio River. We are all in this together. What happens upstream from the Ohio River flows into the Ohio and then flows into the Mississippi and eventually into the ocean. It all matters. In fact, this tornado that we had in Ohio near the Dayton area, all that debris, mess - whatever - is flowing down into our streams, down the Great Miami and Little Miami, and guess what, ending up in the Ohio. So it's not just what comes down the Ohio, it's everything that flows into the Ohio as well. It matters...and ORSANCO, your actions and decisions must be for the greater good for us all along the Ohio River. In summary, ORSANCO Commissioners, you have the sacred job – sacred job – of being the Ohio River caregivers. ORSANCO Commissioners, you have [a] task to protect all of us who live along the Ohio River. ORSANCO Commissioners, you have a moral obligation to keep the Ohio River clean and safe. A healthy Ohio River ensures we live, prosper, and grow as a people who all depend on a healthy Ohio River. Water is life, our life, your life, your children's life, your grandchildren's life, your great-grandchildren's life; [it] is in your hands today. Thank you.

Marie Kocoshis (League of Women Voters, Cincinnati area) – I am here to encourage you to keep your Pollution Control Standards mandatory. Voluntary will not do; if you leave it up to the states, you will have a patchwork of standards, and our river, the Ohio River, is at risk. I'd like to tell you a little bit about an incident that happened in 2014 which I think demonstrates why we need to have the Pollution Control Standards mandatory. On January 9th, Freedom Industries had a spill. I couldn't write the whole name down because it's about 18 consonants all together, but they say it's MCHM. Freedom Industries had a spill of over 10,000 pounds of this nasty chemical into the Elk River which flowed into the Kanawha River and then ultimately into the Ohio. This was not reported by West Virginia or Freedom Industries until it was discovered here by the Greater Cincinnati Water Works on January 14th. As far as I can tell from Wikipedia, they have not been penalized at all [Freedom Industries]. And I think what this says, and I don't mean to pick on West Virginia, this says that we couldn't count on West Virginia in this case, and then when it came down to our intake at the Greater Cincinnati Water Works, they were unable to treat that. That's an expense that the Greater Cincinnati Water

Works users had to pay, and they actually had to shut down the waterworks [intakes] for a day in January of 2014. So I think that we must keep these Pollution Control Standards that ORSANCO has for this and many other reasons. Thank you very much.

Cheryl Johncox (Sierra Club) – I am working in the state of Ohio and neighboring states to continue the progress that the Ohio River has made in recent years. About a month ago, we had news reports across the state of Ohio, Indiana, and other states [about] research that shows that fish species are coming back to the Ohio River, and we have a diversity increase. This is coming at a time when we know we are making progress, and this body is considering making the Pollution Control Standards voluntary. In the state of Ohio, the Ohio chapter has 30,000 members and over 100,000 members and supporters in the state of Ohio, and we are all unified in our message that mandatory standards must remain in place across the basin in order to protect the five million people who rely on the Ohio River for drinking water. Recently, we met with Governor DeWine's staff, and we heard from the Ohio Craft Brewer's Association, talking about the 3 billion dollars that the craft brewing industry brings to the state of Ohio, and how it would be debilitating to many of the small breweries if they were to have to finance additional clean water filtration systems. It would be in the \$300,000 range in order for them to be able to clean the water that they rely on because it takes clean water to make really good beer. And we have a lot to be proud of these small breweries that are popping along this region and along the Ohio River. We also heard from the Dominican Sisters of our moral obligation to care of all of God's creations as well as all the people that rely on the Ohio River for their drinking water. So we would ask you to please think about this not only from a prospective of biodiversity but from a prospective of working together in this Compact. We would also ask you to think about the people that live here, the industries that rely on the Ohio River for its great source of water, and all those industries that depend on [the river]; not just hearing from fossil fuel industries who I know have had some meetings with folks to try and discourage the keeping of these standards. These are NOT duplicative standards; there are many criteria and many parameters that states do not keep along the river. And we have this growing threat in the region of 24 petrochemical projects that are proposed for the Ohio River. We have additional huge impacts just on our doorstep. So on behalf of the Ohio Sierra Club, on behalf of the National Sierra Club, we ask you to please keep the Pollution Control Standards mandatory for states that are involved in the Commission. Thank you.

Loa Bennett (Sierra Club EarthCare) – I have been planted in Cincinnati through the will of the government, the powers that be. I am what has formed to me in my environment. If you release the Pollution Control Standards to anybody for any reason, basically profit, what do you think is going to happen to people looking a little bit more mutant than me? As I rode my bicycle across the bridge today, there was an individual that passed that half of his face was missing to a cancer tumor. This is getting more and more common. I hear that they are finding mutant fish in the river still...that we are responsible for the world that we create. Have you all seen Dr. Emoto's water crystal study? When you love and protect things, it becomes a beautiful crystalline pattern, but when we don't care – it becomes a cancerous growth. It's been proven that we are about 60% water, and water conducts electricity. Emotions are electrical impulses. It's been proven by science that all the waters of our body are connected to the greater water bodies of the environment. If we want peace and calm in our lives, we need to bring peace and calm to our waters. We've all heard the strange stories of people being sucked up by aliens. Well, you realize that happens every time we suck in water through our municipal supplies. There are myriads of creatures that are being sucked up and murdered for our gross consumption. And I think that you should all sustain your standards and increase them to prevent any further destruction on our environment. Our people, our plants, our animals, our

amphibians, in all forms – you have accepted responsibility to protect nature, to be true stewards of life, rather than choosing knowledge. We’ve chosen knowledge long enough, and we need to regain our solid footing on solid ground. If you choose the knowledge of industry, you’re on shifting sand, and you blow this earth apart. Thank you.

D. Gary Reed – I am not here on behalf of any organization. I live, my wife, my kids, my grandkids live in Northern Kentucky, so we drink the water that’s derived from the Ohio River. I would request that most folks here, that for those that have private service, law firms, engineering firms and so on, if you or your firms have clients that will benefit from making the water standards optional, then living in Cancer Valley in the Ohio River, I suggest and request that you remove yourselves as a conflict of interest. Thank you.

Roberta Campbell (KFTC) – I live here in Covington. I also teach Environmental Sociology over at the University of Cincinnati, so I’ve got a bit of a stake here. The main reason I am speaking right now is to make sure that you know that the city of Covington, the Covington Human Rights Commission, and the Kentuckians for the Commonwealth, especially the Northern Kentucky Chapter, oppose making the regulation of our water source, the Ohio River, voluntary. We want to keep those mandatory. Thank you very much.

Maria Truitt (KFTC) – I don’t have much to say, just a few questions to put things into perspective. My first question is, when did clean drinking water become an option when it is in basically everything that inhabits this earth? When did the small profit become more important than providing that basic drinking water for everyone in the Commonwealth? If you don’t listen to us today, you are losing your strength...because what power do all of you guys have without the support of your people and the people in this room today? So listen to us please if you want, but if you don’t, just know that we are not going to stop, and we are going to come back stronger and more powerful each time you deny us. Thank you.

Jordan Lubetkin (National Wildlife Foundation, Senior Communications Director, Great Lakes Office) – I want to thank ORSANCO for taking these comments today. The National Wildlife Federation strongly opposes the current proposal to make the Pollution Control Standards voluntary, and we urge the Commissioners to reject this proposal. The current proposal has been characterized both as a compromise and as offering flexibility, and I want to challenge both options. A compromise assumes that we are agreeing on a shared problem, and we need to come to a shared understanding of a solution. As I will explain later, I don’t think that’s the case. Similarly, when we talk about flexibility and finding solutions, the premise is that we are agreeing on a solution and offering different pathways to get there. And as I will explain later, we strongly disagree on this proposal as a solution. Making Pollution Control Standards voluntary is the next step, essentially, in eliminating them. We believe that the original vision to manage the Ohio River as one ecosystem still holds, and we urge you to maintain current clean water protection that benefit[s] people, fish, and wildlife. Regional pollution limits are the most effective, efficient, and fair way to prevent pollution in the Ohio River and to protect the drinking water, public health, jobs, recreation, and quality of life of the millions people who call the Ohio River Valley home. So the bottom line for us is this: with many of our cities and towns living with unsafe drinking water, now is not the time to scale back clean water enforcement and to walk away from our shared responsibility for the river. We need more, not less, protection for clean water. Before making any modifications to the Pollution Control Standards for the Ohio River, the states and the voting Commissioners on this body need to thoroughly

and unambiguously answer the question of how proposed changes help improve the water quality for the millions of people in the region. If that question cannot be answered affirmatively, it is imperative that ORSANCO put the brakes on its attempt of 60 years of cooperative regional oversight of the river. We believe that the proposal is flawed for many reasons, including the lack of information about how it will be implemented. For instance, there is no provision for public review of any alternatives for the PCS. There is no information about how ORSANCO ensures compliance with beneficial uses. The proposal does not address many requirement or protocols for states to include a science-based justification for alternatives to the PCS. And there are no provisions for how processes or procedures will be followed should the state[s] propose standards in areas that conflict with regionally-adopted beneficial uses. Additionally, ORSANCO's lack of transparency has frankly been troubling. ORSANCO has failed to provide Ohio River communities with responses for the thousands of comments that have been provided over three rounds of public reviews. And all the deliberations of the Commissioners have been conducted in closed-door sessions. All told, the millions of people who have a vested stake in this decision have been kept in the dark. This is simply not acceptable for a decision of this magnitude. I want to emphasize that we rely squarely on this body to have an iron-clad guarantee that changes to ORSANCO's pollution reduction agreement is in the best interest of the 5 million people who depend on the Ohio River for their drinking water, for their jobs, and for their way of life. Unfortunately, no justification has been provided as to why a state-by-state approach is preferred and will be an improvement on the existing Pollution Control Standards. No data has been provided to describe if and how the current proposal will benefit the Ohio River, and no announcements have been provided to assure citizens that the current proposal will not in fact weaken clean water protection. As for any scientific justification for the proposed abandonment of regional pollution control standards, one can only presume that the current proposal being offered will make it easier for states to go their own way and to actually skirt Pollution Control Standards. Now we understand that meeting pollution reduction standards can be difficult, but that is no reason to jettison the collective responsibility to maintain the health of the river. We reject the premise that if states cannot meet the standards, they can just delete the standards. Everyone has to do their fair share, and that means playing by the same set of rules to ensure that downstream communities do not get pollution from upstream communities. Weakening Pollution Control Standards can only raise the bottom of which the entire region loses. We are especially concerned about communities with higher rates of poverty and those communities with higher rates of people of color, communities that have historically borne the brunt of environmental degradation and environmental injustice. We believe that everyone deserves the right to clean, safe, and affordable water, and we believe that collectively, we can put forth conditions to accomplish that. So we urge the states and the voting Commissioners here today to stand up for the health of the Ohio River, to stand up for clean drinking water, and to stand up for the health of our communities and to reject this misguided proposal. We urge you to stand with the overwhelming majority of the people in the region who have spoken out loudly for stronger, not weaker, clean water protections, and we urge you to think boldly and bravely about how to leverage this visionary, cooperative Compact to harness the region's collective knowledge, vision, innovation, resources, and power to advance solutions that help the region attain its water quality goals; so that one day the Ohio River can be known as the cleanest working river in the United States. Thank you.

Robin Blakeman (OVEC/WOAC) – I first want to say thanks to the ORSANCO staff. I have never met a more helpful and continual group of people than who I have interacted with than the ORSANCO staff, so thank you, for all of your staff and for all that you do. I appreciate that. One thing that most of you don't know that ORSANCO staff recently did was collect up a whole bunch of coloring books and activity books and send them my way so that I can pass them out at events and things like that. So it's wonderful to have that interaction, and I really,

really appreciate it. This is a body that I enjoy interacting with, and I can't say that about a whole lot of other places. I do want to make a couple of comments about a couple of things, briefly. First, related to the ODS and other monitoring systems, I would like to strongly encourage you to keep what you have in place now and expand those programs, not diminish them. These are vitally important for my community in Huntington, West Virginia and beyond. And I would like to again encourage that there be a priority set on adding a new monitoring station system in between where the Kanawha River flows into the Ohio and Huntington. We really don't have that stretch of river covered right now, and that is vitally important to those of us who live in the Huntington and Tristate area, which is about 50,000 - 55,000 people in terms of any spill reporting. So, in terms of the PCS, this proposal that is on the table is far better than option 2. We don't want go backwards, and that would be an incredible slide backwards. However, I have come to agree with those who say that the voluntary nature of the Standards is not acceptable. If this current Pollution Control Standards proposal is adopted, I would encourage you to put some benchmarks in it that will improve it, and will add that in the mandatory nature of the standards. Work for consensus among all states to agree to those standards, and improve those standards, don't diminish them. Again, as you have heard many people say, our children and our grandchildren depend on those standards, and so please maintain them. Keep what you're doing. Thank you.

Elaine Wolter (Retired Public Health Nurse, City of Cincinnati) – I just wanted to say first of all how important clean water is to all the people of Cincinnati. For our children, [for clean] drinking water, we need you to continue to do what you're doing with your oversight. I am also privileged to live within viewing distance of our beautiful Ohio, and I see the petrochemical barges going up the river and down the river. Energy in West Virginia is there, it's going to be bigger; it's a juggernaut. And the thought that there might be petrochemicals in our waters, in the headwaters of the Ohio River, gives me pause. We need a strong coalition to be able to take on what is coming to this area. And I think all of us, in our little ways, we need to work together. Thank you.

Sister Mary Joyce Moeller (KFTC & NKJPC) – The NKJPC are behind me when I say, and I have spoken to you before, and I don't want to repeat all the things that have been said, but the bottom line is, we hope you hold onto the mandatory standards and make them stronger and continue the good work that ORSANCO has been doing since 1948. First of all, I was asked to read this resolution from the city of Dayton, Kentucky. My connection is that our sisters have taught in the elementary schools in that city for many, many years going way, way back. And we still have a sister living and working there who told me she was going to be here today, but she got held up so she asked if I would read this resolution, it's short, by the city of Dayton, Kentucky, supporting the Ohio River Valley Water Sanitation Commission. And it says:

Whereas, the ORSANCO Sanitation Commission was established, June 30, 1948, to control and abate pollution in the Ohio River; and whereas, ORSANCO is an interstate Commission representing the federal government and eight states including the Commonwealth of Kentucky; and whereas, ORSANCO operates programs to improve water quality in the Ohio River and its tributaries; and whereas, these programs include setting wastewater discharge standards, performing biological assessments, monitoring for chemical and physical properties of waterways, conducting surveys and studies; and whereas, ORSANCO is an interstate Commission representing eight states and the federal government, including the Commonwealth of Kentucky. And now, therefore, be it resolved by the city of Dayton, Kentucky, that the city of Dayton, Kentucky express its support for the programs and activities of ORSANCO, to improve the water quality of the Ohio River and its tributaries, so adopted this fourth day of June, 2019.

And it's signed by the mayor Ben Baker. Now I just want to say a few words personally...that I

know you are paving a direction when you think of this issue. When you read, or maybe you've heard, testimony at the public hearings, you read the online testimonies - overwhelmingly, the people you represent want ORSANCO to stand strong, want all the states to work together for the welfare of all the citizens of these eight states, for our country. And actually, not only for the welfare of the eight states that are part of the Compact, but also people in the United States all down the Mississippi River and into the Gulf, all the people that fish, and all the people on the seas and on these waters, and the farmland along the rivers; you know, they are all affected by the decision that you make. I don't know if you have made it already or are making it today. They are all affected...so your decision is affecting so many people. And I know you've heard the scientific facts for your decision one way or the other, you've heard input from the business sector, from the industrial sector, the corporations who want to build plants along the river, and they say, oh we'll provide so many jobs and economic growth for our cities; it would be just such an economic boom. But really in your decision-making, you really have to weigh the, yes, it may help economically, for today, but what's going to happen tomorrow and year after year in the future for children, grandchildren as it has been mentioned? At what cost to the health and the welfare of the people and the ecosystem, animal, fish life, bird life, everything that depends upon water - everything depends upon water. The one element we definitely cannot live without. And also I know you have political forces behind you. You are appointed by the governors and the federal government, and you have to answer to these people. And sadly to say, politics pull us in this direction and that direction. And it has to be very difficult. Do you make a decision that you think maybe one that your governor doesn't want you to make? Or the people in the federal government? Or people in the EPA? Or whomever? You know, you really have to stand up for what you believe and what's really, really in your heart. And so I just say today...you know, I pray. Listen to what's really in your heart, what really you think is best. We are our brother's keepers, and we are responsible for our neighbors...and our neighbors [include] everyone, not just the person living next to you. Everyone, we are called by our Creator to be accountable for each other. We're not an island here in Kentucky and in all the states in which you live. So, I pray that you listen and you make the best decision. I know it's difficult for you and thank you very, very much for all that you do. And I have copies of this resolution which I will give to Mr. FitzGerald to pass out to you all. Thank you very much.

Chris Tavenor (Attorney, Ohio Environmental Council) – Thank you again for giving us the opportunity to speak before the Commission. I just have two brief comments. First, I want to thank the Commission for going forward with the PFAS study for the entire Ohio River. I think it's a great thing to do to try and figure out the water quality of these emerging contaminants in the Ohio River, especially given all the problems with all those chemicals naturally. So it's great that it's moving forward. And I think that's juxtaposed against the decision under consideration today for the Pollution Control Standards. The Ohio Environmental Council opposes the decision to adopt voluntary Pollution Control Standards rather than mandatory. And I've submitted comments multiple times throughout the comment period. I just want to emphasize that if you decide to go forward with the voluntary nature of the Pollution Control Standards, please consider including an option that provides, that requires the states to back up their decision not to adopt the Pollution Control Standards. If a state chooses to go their own way and develop different numbers, require them to say, hey, this is why our numbers are going to work better for our portion of the Ohio River. Without that objective justification, the public isn't going to know why they are making that decision, and so without that sort of clear, reporting requirement, we, the Ohio Environmental Council, opposes the voluntary nature of these Pollution Control Standards. Thank you.

Joshua Kruer (Nature Was Here) – I am a teacher here in the region, and I've lived here my whole life. My sisters live here, my mom lives here, and so I am here representing them and

representing our children, because this decision is going to be most felt by our kids. We might see some of those effects...I mean, I don't know how old everyone is here in the room, but I'm 28 years old. I'm probably not going to be too impacted, but I'm here representing my younger sisters and the children that I teach. The EPA and the federal government can pick up [the] sort of slack, [and] the state governments can pick up the slack, for that sort of redundancy that was mentioned in the statement by ORSANCO. I want to talk about that because the EPA was recently appointed and sort of controlled by a coal industry lobbyist, and I think that's a distinct conflict of interest. And I think that's represented across the state government as well if you look into AK Steel and how they impact our local government. Now, there is also a discrepancy in that ORSANCO identified over 188 chemical compounds that are detrimental to our health and our drinking water. And those are not covered by any other regulatory body. So I encourage you, please, dear God, to maintain not only what you're doing now, but to improve what you're doing. There is much room for improvement. I don't know if anyone knows this, but there are fracking industries being built and going into place upriver. There are already dozens, but there are more being built. I know that because I have seen testimony from farmers and community members in West Virginia. They bring this to a court, and they can light their water on fire. And we're all drinking clear water here today, but I assure you that that is not to be taken for granted. I've been standing up, and I've seen our government change, [and] women and children speaking up peacefully and prayerfully for clean water. I'm a little bit jaded on this process too because I have been to these sort of community, public hearings, and every single meeting I went to, the community spoke out. Everything they had to say was against the state even going in, and of course, they still went in. And we are claiming to listen here today. I encourage you to actually listen and to be open to changing your mind. Because every one of these meetings I went to, that was the overwhelming consensus...that you are not only necessary, but you need to improve your role. For example, I not only teach kids K-5, but I teach high school. And I work with high school students teaching environmental sustainability. And Ohio in particular has a lot of room for improvement with its water quality. Since its inception of the Clean Water Act we've been in violation, in particular with our sewer districts. So I don't know if anyone knows this, but we have a combined sewer overflow system. Now, that means that every time it rains, the gear in our water treatment is overflow, and so that means all of our raw sewage is going directly into our Ohio River. I don't know if anyone knows that, but it used to be about 14 million gallons a year...14 million gallons a year. Now it's about eight, so it has improved...but you are highly necessary, I assure you. I don't know how much more we need to say. I think that we have made it quite clear, that you are valued and you are necessary...and that we need you. Our children need you. And so I want to end by just saying one last thing. So, Teddy Roosevelt, a staunch Republican, was quoted as saying, "Here is your country, cherish these natural wonders. Cherish these natural resources. Cherish the history and romance as sacred heritage for your children, and your children's children. Do not let selfish men or greedy interests skim the country of its beauty, its riches, and its romance." See, I am a firm believer of the Ohio. I believe that we have been given the Garden of Eden, that God is our Creator. And if you, too, believe, that we can give this great gift, would you not want to take care of it, no matter what? Thank you.

COMMISSIONER CONROE COMMENTS

THE DELIBERATIONS THAT HAVE OCCURRED IN THE VARIOUS VENUES OVER WHETHER OR NOT TO CHANGE OUR ROLE IN REGARD TO THE POLLUTION CONTROL STANDARDS HAVE WEIGHED HEAVILY ON MY MIND DURING THE PROCESS. I RECOGNIZE THAT CHANGE IS IMPORTANT FOR BEING ABLE TO MOVE FORWARD. THE QUESTION IN MY MIND IS HOW MUCH CHANGE IS APPROPRIATE?

REPRESENTING A NON-MAIN STEM BASIN STATE AFFORDS ME THE ABILITY TO VIEW THE MATTER FROM A WIDER PERSPECTIVE AS CONTRASTED TO BEING ONE WHO HAS AN IRON IN THE FIRE TO BE AFFECTED.

AT THE SAME TIME MY HOMETOWN CONDITIONS ARE NOT MUCH DIFFERENT FROM MAIN STEM CONDITIONS. I'M FROM THE RUST BELT THAT IS HAVING TO RE-TOOL ITSELF TO SURVIVE. I SEE THE SAME CONDITIONS ON THE MAIN STEM ALTHOUGH IN GENERAL I DO NOT SEE THE SAME HIGH LEVEL OF RE-TOOLING THAT I SEE AT HOME. I SEE LESS AND IN TERMS OF ENVIRONMENTAL GOVERNMENTAL PROACTIVITY I SEE STATUS QUO. I SEE SINCERE AND CARING ENVIRONMENTAL OFFICIALS WHO ARE HAMSTRUNG BY FISCAL CUTBACKS AND STAFF REDUCTIONS ALONG WITH FACING HEAVY PRESSURE FROM THE REGULATED COMMUNITY TO LIGHTEN UP, PRESSURE THAT ALSO IMPACTS THE POLITICAL PROCESS TO WHICH THEY MUST REPORT. STATUS QUO THEN BECOMES SAFE. UNFORTUNATELY STATUS QUO ALSO MEANS MOVING BACKWARDS AS THE REST OF THE WORLD PROGRESSES.

I WANT TO SEE THE GEM THAT IS THE MAIN STEM MOVE FORWARD. I BELIEVE THAT HAVING MEANINGFUL RIVER-WIDE REQUIRED STANDARDS IS AN IMPORTANT TOOL TO INCLUDE IN THE TOOLBOX OF WAYS TO MOVE FORWARD. AT MINIMUM IT MITIGATES AGAINST THE HOLD-BACK IMPACTS THAT STATE STATUS QUO SITUATIONS ARE PRODUCING. PROGRESS HAS OCCURRED ON THE MAIN STEM BECAUSE OF ORSANCO'S STANDARDS AND CAN CONTINUE FURTHER VIA THE STANDARDS. I'VE SAT AT THE ORSANCO TABLE AND HEARD MULTIPLE TIMES THAT ORSANCO'S STANDARDS HAVE ALLOWED THE STATE AGENCIES TO DO WHAT THEY WANTED TO DO BUT COULD NOT OTHERWISE PUT FORWARD BECAUSE OF LOCAL POLITICS.

I SEE THE INCONSISTENCIES THAT CONTINUE TO EXIST BETWEEN THE STATES. WHY DOES THE OAR ON THE RIGHT SIDE OF MY ROWBOAT STILL OFTEN HAVE TO DIP IN WATERS THAT ARE REGULATED AND DESIGNATED DIFFERENTLY THAN THE OAR ON MY LEFT SIDE TOUCHES? ISN'T IT THE SAME WATER?

THE ARGUMENT THAT WE ARE HEARING IS THAT USEPA IS THE CRUTCH THAT WILL ASSURE PROTECTION. BALDERDASH! OR AS WE SAY IN WNY: BUFFALO CHIPS! EVERYONE WHO OBSERVES WHAT HAS BEEN HAPPENING IN WASHINGTON SEES THAT THE CRUTCH IS BROKEN AND MENDING APPEARS NOWHERE IN SIGHT. EVEN IF CURRENT STANDARDS REMAIN, THE LIKELIHOOD FOR NEEDED IMPROVEMENT LOOKS TO BE NIL. ORSANCO NEEDS TO RETAIN ITS ABILITY TO MEANINGFULLY DIFFER WITH EPA. SOMETHING THAT IT HAS DONE IN THE PAST. THE RIVER IS TOO IMPORTANT TO PUT IN WASHINGTON'S HANDS.

BUT THEN ONE SAYS HEY, THERE IS THE CLEAN WATER ACT. WELL, LOOK AGAIN AT WASHINGTON AND SEE THE ATTACKS THAT ARE OCCURRING ON IT.

SOME OFFICIALS SAY THAT THE STATES KNOW WHAT IS BEST FOR THEMSELVES. WELL, THOSE OFFICIALS DO SIT AT THE ORSANCO TABLE AND CAN GIVE THAT INPUT THERE TOO AND JOIN WITH THE OTHER STATES TO MOVE WHAT IS BEST FORWARD. WE HAVE TALKED ABOUT KEEPING THAT FLEXIBILITY. AND, EACH STATE CAN ALWAYS ADOPT A MORE STRINGENT STANDARD. ORSANCO'S STANDARDS HAVE ALWAYS BEEN ADOPTED WITH THE INVOLVEMENT OF ALL STATES AND USEPA.

NO HARM HAS BEEN DEMONSTRATED BY CONTINUING WITH THE STANDARDS AS THEY EXIST. NOR HAVE ANY OF THE ACTUAL PERMIT WRITERS COMPLAINED TO ORSANCO ABOUT HAVING TO DEAL WITH THE STANDARDS. THE PUBLIC, ON THE OTHER HAND, HAS EXPRESSED SIGNIFICANT RATIONAL CONCERN AS TO THE HARM THAT MIGHT RESULT IF THE STANDARDS ARE DONE AWAY WITH OR MADE VOLUNTARY.

AND, IT IS OBSERVED THAT IT HAS BEEN A MINORITY OF MAIN STEM STATES THAT HAVE PUSHED THIS PROPOSAL FORWARD. THE PCS COMMITTEE AND THE COMMISSION ITSELF REMAINS SPLIT ON THE MATTER. IS THIS THE WAY TO MOVE FORWARD ON SUCH AN IMPORTANT MATTER? I THINK NOT.

THERE ARE THOSE THAT SAY THAT CONTINUING TO NOT TAKE AN ACTION IS NOT APPROPRIATE. I DISAGREE. NOT TAKING AN ACTION IS ACTUALLY TAKING AN ACTION. IT IS AN ACTION TO RETAIN THE STANDARDS AND STANDARD MAKING PROCESS.

I DO NOT DISPUTE THAT CHANGES TO THE STANDARDS SYSTEM CAN BE IN ORDER. WE HAVE LEARNED MUCH FROM THIS PROCESS THAT WE CAN INCORPORATE GOING FORWARD. LET'S NOT FIX A WHEEL THAT IS NOT BROKEN OR THROW THE BABY OUT WITH THE BATH WATER. HAVING ORSANCO MEANINGFULLY MANAGING OHIO RIVER STANDARDS IS VITALLY IMPORTANT TO THE RIVER'S FUTURE.

I ENCOURAGE MY FELLOW COMMISSIONERS TO VOTE AGAINST MAKING CHANGES TO THE STANDARDS AS HAVE BEEN PUT FORTH AND TO INSTEAD COLLABORATE TO IMPLEMENT ADJUSTMENTS TO THE STANDARDS PROCESS AS MIGHT BE APPROPRIATE.

THANK YOU.

RESOLUTION 3-19

PROGRAM PLAN AND BUDGET FOR FISCAL YEAR 2020

WHEREAS: The Commission has established the sum of \$1,439,700 as the amount of appropriations to be requested from the signatory states for fiscal year 2020; and

WHEREAS: Funds from the United States Government for approximately \$1,764,785 may be allocated to the Commission for fiscal year 2020; and

WHEREAS: Funds amounting to \$448,705 may be available from a variety of sources to support the Ohio River Sweep, ORSANCO/USGS Gaging Stations, Life Below the Waterline; and

WHEREAS: The Commission is anticipated to carry over resources of \$2,372,900 into the 2020 fiscal year.

NOW, THEREFORE, BE IT RESOLVED THAT: The 2020 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 2020 be substantially within the framework of the following guidelines, which are made a part of this Resolution.

2020 FISCAL YEAR BUDGET

Payroll	\$1,202,847
Employee Benefits	712,871
Staff Travel	207,925
Commission Travel	100,275
Advisory Committees	21,081
Supplies	249,536
Telephone	13,157
Equipment Purchases	62,919
Utilities & Maintenance	59,092
Equipment Repairs & Maintenance	73,920
Contractual Services	542,312
Printing & Reproduction	6,550
Lab Fees & Delivery	<u>216,310</u>
Total Expenditure Budget	\$3,468,794

RESOLUTION 4-19

STATE FUNDING LEVEL FOR FY2022

BACKGROUND

The Commission has the responsibility of setting levels of state funding to support its programs. By policy, such state funding is to be established two years in advance to facilitate legislative/fiscal processes of the individual states. In developing its recommendations, the Program and Finance Committee relied, in part, on current and future budget information, the current rate of inflation and the current level of funds in the reserve account. The Program and Finance Committee was presented with alternative increases in the states' 2022 funding and agreed to recommend no increase in state funding for the 2022 fiscal year. The attached listing displays each state's proportional share of the Commission's budget for 2022 in comparison with their most recent funding levels.

ACTION REQUESTED OF THE COMMISSION

Authorize a level of state funding for FY2022 by means of the following Resolution "State Funding Level for 2022."

RESOLUTION

STATE FUNDING LEVEL FOR 2022

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 \$1,439,700 be budgeted for operating expenses of the Commission in the Fiscal Year July 1, 2021 to June 30, 2022. Such sum to be prorated among the signatory states in accordance with the provisions of Article X of the Compact.