

**OHIO RIVER VALLEY WATER SANITATION COMMISSION**

**MINUTES**

**219<sup>th</sup> Commission Meeting  
Sheraton Columbus Hotel at Capitol Square  
Columbus, Ohio  
Thursday, October 5, 2017**

<p><b>DRAFT October 12, 2017</b></p>
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**Chairman Stuart Bruny, Presiding**

**Call to Order**

Chairman Bruny called the 219<sup>th</sup> meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, October 5, 2017.

Chairman Bruny invited Ross Wales to lead the Pledge of Allegiance.

**Quorum Call**

Commissioner Kupke certified that a quorum was present (see Roster of Attendance, page 10).

**Additional Agenda Item**

**ACTION:** Motion by Commissioner Duritsa, second by Commissioner Elmaraghy and unanimously carried, to approve the addition of agenda item 7.a regarding a recommendation from the Ad Hoc Committee on Water Quality Standards Implementation.

**Report of the Chairman**

Chairman Bruny recognized outgoing Commission Chairman Ron Lovan for his service and presented him with a set of Commission flags.

Chairman Bruny then recognized legal counsel Ross Wales with the following resolution:

**RESOLUTION 8-17**

**RECOGNITION OF SERVICE**

**Ross Wales**

**WHEREAS,** Ross Wales has served as legal counsel to the Ohio River Valley Water Sanitation Commission since 2007, and

**WHEREAS,** Mr. Wales has consistently given his wise counsel, reflecting his full conceptual understanding of interstate compacts as a legal instrument for interstate cooperation, and of the history and operations of the Commission, and

**WHEREAS,** by his steady and gentlemanly style, his service to this Commission has, in turn, served as a steady influence to the continued march forward to cleaner streams in the Ohio Valley.

**NOW, THEREFORE, BE IT RESOLVED** that the Commissioners and staff of the Ohio River Valley Water Sanitation Commission extend their deep appreciation and esteem for his dedication and service, and extend their best wishes for a long, happy retirement and success in all his future endeavors.

**ACTION:** Motion by Commissioner Butler, second by Commissioner Hoopingarner and unanimously carried, to adopt Resolution 8-17 as presented.

Commission Chairman Bruny then continued his report (Attachment I) by welcoming everyone to Columbus, Ohio and provided a number of historical facts and interesting current details about the city. He also noted that Columbus developed the world's first water filtration plant in 1908 to filter and soften city water to battle typhoid.

Commissioner Bruny continued by stating that he is humbled and excited to serve as the Commission's 65<sup>th</sup> Chairman. The Commission previously met in Columbus ten years ago when Mr. Bruny, then a federal commissioner, previously served as Commission Chairman.

Chairman Bruny then shared a number of notable Commission accomplishments over the past ten years, noting that these were accomplished with dwindling staff and financial resources. He stated that these accomplishments would not have been possible without talented, dedicated staff. In addition, he recognized the many volunteers who help carry out the mission by serving on a multitude of committees. He then elaborated on the extensive committee structure and numbers of serving members.

Chairman Bruny noted that this year marks the 45<sup>th</sup> anniversary of the Clean Water Act and commented about the progress made during this time. As work continues on programs to maintain and improve water quality in the Ohio River, we must acknowledge and celebrate the significant improvements the River has undergone in the past 45 years. Current challenges are much different than they were even 15-20 years ago. It is very important for ORSANCO to keep up with these changing times. Research, monitoring programs, and regulatory outlook must be relevant to today and the future, and always based on sound science.

Chairman Bruny concluded with stating that he looks forward to working with Commissioners, committee members, and staff to address these issues.

### **Report of the Executive Director**

Executive Director Richard Harrison began his report by mentioning the staffing resource challenges facing ORSANCO over the previous several months, noting that everyone on staff has pulled together as a team to maintain program activities.

Mr. Harrison recognized Ryan Argo for his recent selection and promotion to Technical Programs Manager. This position was available due to Jeff Thomas accepting a new opportunity with EPRI. It is hoped that the technical position vacated by Ryan's promotion will be filled later this year. Mr. Harrison then recognized the ongoing good work of staff, in particular all the work that goes into coordinating the activities with Commission meeting set-up.

Mr. Harrison stated that it was an honor working with Chairman Lovan over the past year and is looking forward to working closely with incoming Chairman Bruny. He also recognized Ross Wales for his service, noting Ross' patience and ability to just make things work.

Mr. Harrison brought attention to the 2017 Annual Report included in the meeting packet. The report will not be generally distributed until it is sent to the Governors' offices. Mr. Harrison

requested that Commissioners let him know their preference regarding delivery of the report to their respective Governor.

Finally, Mr. Harrison noted that Commission lapel pins were available for those interested in having one.

### **Action on Minutes**

**ACTION:** Motion by Commissioner Duritsa, second by Commissioner Lovan and unanimously carried, that the minutes of the 218<sup>th</sup> meeting of the Commission, be adopted as presented.

### **Report of the Treasurer**

Commissioner Kupke reported that the Treasurer's report presented will address two reporting periods; first, the fiscal year 2017 budget, and second, the results of the first quarter of the current fiscal year 2018 budget. As indicated in the meeting packet, the Treasurer's report for these two periods is presented in both the short form and detailed spreadsheet format. This material is to be entered into the record of the meeting (Attachments II & III).

The 2017 fiscal year budget which ended June 30, 2017, totaled in round figures \$3.6 million. It is a pleasure to report that the actual revenues and expenditures over the past fiscal year finished within a couple percent of budget.

Second is a Treasurer's report through September 30, 2017, covering the first quarter of current fiscal year 2018. It indicates revenues and expenditures trending as budgeted and a total cash balance adequate to allow the continuation of programs into the next three quarters.

In summary, the Commission is in a solid, positive financial position through the first quarter of fiscal year 2018.

### **Report of the Technical Committee**

Commissioner Wilson, Committee Chairman, reported that the Committee met on October 3-4 and five states, three federal agencies, and four advisory committees were represented. He thanked outside speakers for their presentations: Rose Riley with the Corps of Engineers Pittsburgh District, and Jeanne VanBriesen with Carnegie Mellon University. A summary of outcomes are as follows:

#### **Summer 2017 Ohio River Water Quality Conditions**

Staff provided a summary of field activities and conditions during the 2017 field season. Precipitation and river flows tended to be above normal during the May through July period, were mixed above and below normal in August, and below normal in September. During 2017, water quality violations for iron, mercury, and bacteria were measured but were typical of what normally occurs. Sampling for the mercury mass balance project is wrapping up with the final sample to be collected in October. Dissolved oxygen and temperature conditions have been much better than typical this year, most probably attributed to moderate climate conditions this summer. Three intensive biological pool surveys were completed this field season, along with 18 fixed stations, 15 aquarium events, and 39 fish tissue samples.

#### **Biological Programs Update**

Staff reported on results of the Willow Island and Greenup Pool biological surveys completed in 2016. Both pools exhibited healthy biological communities. Staff is still waiting on lab results for the 2016 Cannelton Pool survey. Staff also reported on 2017 special studies. Biological

surveys were completed at five hydropower facilities to investigate potential impacts; however, results are not yet available. In addition, biological surveys were completed on six direct tributaries to the Ohio River, results for which are not yet available. Staff also completed temperature surveys on six tributaries in the Meldahl Pool at the request of Ohio EPA.

Staff completed a 604b project for West Virginia DEP this spring. The study involved collecting, analyzing, and reporting of 74 fish tissue samples on the Monongahela and Kanawha Rivers for contaminants in sport fish including PCBs, mercury, and dioxin. Study results will help WVDEP inform anglers regarding fish consumption, and the project also helped ORSANCO with its budget status.

#### Source Water Protection Program Update

Staff provided an update of ORSANCO's source water protection program. Staff reported on participation in a number of meetings aimed at emergency response coordination and source water protection. Staff has been involved in the development of a pilot project involving the Greater Cincinnati Water Works and Northern Kentucky Water District to develop a joint contaminants source inventory. This project is being funded by US EPA and utilizes WaterSuite, a cloud-based GIS data management system. Staff hopes to utilize results of the pilot and expand it to a source water protection program for the entire Ohio River.

Staff reported that the West Virginia American Water Elk River water treatment facility will be joining the Organics Detection System. They are doing this entirely at their own expense and have a comprehensive monitoring system. Staff then reported that the Water Users Advisory Committee has established a workgroup to begin considering alternatives for the next generation Organics Detection System.

Finally, a draft "Ohio River Interstate Spill Notification Plan" was presented which outlines how ORSANCO conducts spill notification and response on the Ohio River. This is a very important role that ORSANCO fills in protecting the drinking water for five million people. Comments on the plan have been received and incorporated, and there was a TEC motion to endorse the plan.

#### Monitoring Strategy

Staff has drafted a revision to its monitoring strategy which has been submitted to the US EPA for comment as part of its 106 grant requirements. The strategy will help ensure that ORSANCO delivers meaningful monitoring programs to the states and that its monitoring programs are being carried out to provide the most valuable information and in the most efficient means. It will also provide for the development of a basin-wide GIS database of all Ohio River Basin monitoring programs. After staff receives comments from Region 5, the strategy will be brought back to ORSANCO's Monitoring Strategy Subcommittee for further input. The strategy will then be implemented over a multi-year effort.

#### PFOA/PFOS Project Proposal

Staff presented a conceptual proposal to complete a follow-up survey of perflourinated compounds in the Ohio River. A survey of PFOA/PFOS was completed by ORSANCO in 2009-10. Since that time, the US EPA has issued updated drinking water health advisories, and staff has received a number of outside inquiries regarding current Ohio River conditions relating to PFOA/PFOS. The US EPA research facility in Cincinnati has offered to conduct all of the analyses and will be issuing a sample collection protocol this fall. This would be a low cost project for ORSANCO, probably around \$5,000 or less in direct costs. Staff will present a more detailed study plan to TEC in February.

### 2018 305b Assessment

Staff held a conference call with the 305b Subcommittee last week to discuss the approach and schedule for the 2018 Biennial Assessment of Ohio River Water Quality Conditions, otherwise known as the 305b report. ORSANCO completes this assessment every two years and provides it to the states for their use in their Integrated Listing Reports of waters requiring TMDLs. The states will meet on November 2 to review assessment methodologies for the Ohio River. Staff will complete draft assessments for the Ohio River by the end of the year for use by the states which will then be reviewed/approved by TEC at its February meeting.

### Bacteria Trends Assessment

Staff reported on a bacteria trends assessment for the Ohio River. ORSANCO has been collecting bacteria data on the Ohio River in the 6 largest CSO communities since the 1990s. Since 2000, samples have been collected upstream and downstream of the CSO systems. Interim results of the assessment indicate that bacteria levels downstream of the CSO communities have generally been improving over time, and that bacteria levels overall are improving at two locations. A written report will be forthcoming.

### 2017 HABs Season Debriefing

This year, ORSANCO operated two continuous monitors on the Ohio River for HABs, at Pike Island L&D and Meldahl L&D. In addition, ORSANCO has been collaborating with Marshall University which has established additional monitoring sites on the Ohio River in the Huntington/Ashland area. No HAB-related problems have been detected on the Ohio River so far this year. Students with the University of Cincinnati will be assisting ORSANCO in developing data assessment and reporting systems for the HAB monitoring data as part of their Senior Capstone Project. This will be at no cost to ORSANCO.

### Hydropower Development in the Upper Ohio River Basin

Rose Reilly with the Army Corps of Engineers Pittsburgh District reported on “Measures to Minimize Effects of Proposed Non-Federal Hydropower Development in the Upper Ohio River Basin Navigation System on Aquatic Resources.” At upper Ohio River Basin Corps navigation dams, there are currently five operating hydropower facilities and an additional 17 facilities that have been permitted but are not yet constructed and/or operating. There are additional facilities operating or permitted on reservoirs in the Pittsburgh District. There are concerns about possible impacts on aquatic life in the future from the cumulative impacts of all these projects. The Corps is considering implementation of an adaptive management plan to ensure protection of the resource in the future. Ms. Reilly indicated that ORSANCO could play an important role in biological monitoring to set a baseline as well as monitor for future impacts to the aquatic ecosystem.

### Drinking Water Impacts in the Upper Ohio River Due to Bromide Loads from Coal-Fired Power Plants

Jeanne VanBriesen with Carnegie Mellon presented on “Anthropogenic Surface Water Bromide Changes, Finished Water Health Risks, and Regulatory Control of Sources.” The study focused in the Upper Ohio Basin, including the Allegheny and Monongahela River systems. The study investigated the potential changes to surface water bromide levels based on discharges from coal-fired FGD wastewater and oil and gas wastewater treatment discharges and their downstream effect on drinking water treatment facilities. Increased bromide levels in source water can ultimately result in increased formation of brominated disinfection byproducts in finished water which are carcinogens. Additionally, brominated disinfection byproducts are the most toxic. Some wet FGD treatment processes add bromide for the removal of mercury from atmospheric emissions, which exacerbate the problem of bromides impacting surface water from

FGD wastewater discharges. The problem is worst-case during low river flows. Conclusions of the study were:

- Power plants with wet FGD and oil and gas produced water treatment facilities with surface discharges contribute to bromide concentrations in surface waters.
- Bromide addition for mercury control could represent a significant challenge for downstream drinking water plants.
- Spatiotemporal context matters. Dilution may be insufficient to protect downstream drinking water plants as bromide loads increase, especially under low-flow conditions.

#### Mercury Speciation and Bioavailability of Mercury in the Ohio River

Rob Reash, with American Electric Power Company, presented on “Mercury Speciation and Bioavailability in Power Plant Wastewater and Ambient Ohio River Samples.” He has presented on this to TEC previously but this was his final report. Total mercury is composed of bioavailable and non-bioavailable mercury. Of concern is the bioavailable portion only; however, regulations tend to focus on total mercury.

Ambient, wastewater, and mixing zone samples were analyzed for total, methyl, and inorganic bioavailable mercury at and around four power plants. Effluent samples included treated FGD wastewater. Conclusions of the study were:

- 1) Median concentrations of all Hg species were marginally higher in wastewater and mixing zone samples; however, the median concentration of THg in wastewater samples was < 12 ng/L.
- 2) The median % MeHg was highest in ambient river samples, but this was < 2% which is consistent with ORSANCO monitoring data.
- 3) The median % bioavailable Hg ranged from 8% (ambient river) to 29% (mixing zone). Thus, the median bioavailable fraction of THg for all samples was < 30%.

#### Report of the Pension Committee

Commissioner Harrison, Committee Chairman, reported that in June 2017, the Commission amended the Defined Benefit Pension Plan to not allow new entrants after July 1, 2017. The Committee continued to work with staff to develop a Defined Contribution Plan for staff hired after July 1, 2017 to present to the Commission for consideration.

Commissioner Harrison noted that a proposed Summary Plan Description and an Adopting Resolution were provided for review in the agenda packet and summarized the Committee’s following recommendations:

1. The Pension Trust Committee recommends that the Commission adopt Resolution 9-17 (Attachment IV), which approves the establishment of a Defined Contribution Plan effective October 5, 2017.
2. The Pension Trust Committee recommends that the Commission approve amending the Administrative Procedures reflecting this change.
3. The Pension Trust Committee recommends that the Commission approve a contribution rate of 5% of base compensation for eligible employees for the remainder of fiscal year 2018.

**ACTION:** Motion by Commissioner Harrison, second by Commissioner Hoopingarner and unanimously carried, to adopt Resolution 9-17, which approves the establishment of a Defined Contribution Plan effective October 5, 2017.

**ACTION:** Motion by Commissioner Harrison, second by Jennifer Orr and unanimously carried, to approve amending the Administrative Procedures reflecting this change.

**ACTION:** Motion by Commissioner Harrison, second by Commissioner Frevert and unanimously carried, to approve a contribution rate of 5% of base compensation for eligible employees for the remainder of fiscal year 2018.

### **Report of the Program & Finance Committee**

Commissioner Potesta, Committee Chairman, reported that the Program and Finance Committee held an interim meeting on October 3, 2017.

Staff provided an update on the FY18 Federal Budget and any known impacts to ORSANCO. As of now, it appears that ORSANCO's 106 Grant funding will remain at the FY17 level with no proposed material reduction. Staff will continue monitoring the Federal Budget process.

The Committee reviewed several ongoing efforts to secure additional funding for ORSANCO programs. Efforts include funding from the National Rivers and Streams Assessment (NRSA), securing funding for the Source Water Protection Program, as well as other opportunities including ORBA and 604b.

The Committee discussed the future status of the Organics Detection System (ODS), noting that the Sub-Committee to the Water Users Advisory Committee is investigating the best future utilization of the system.

### **Report of the Ad Hoc Committee on Water Quality Standards Implementation**

Commissioner Duritsa, Ad Hoc Committee Chairman, presented the following motion for consideration.

**ACTION:** Motion by Commissioner Duritsa, second by Commissioner Frevert and carried (Commissioner Elmaraghy opposing), that the Commission authorize the Pollution Control Standards Committee to advance the Ad Hoc Committee's recommendation as contained in the Alternative #2 expanded document titled "Review of ORSANCO's Pollution Control Standards" to effectively eliminate ORSANCO's Pollution Control Standards, and to additionally invite outside comment on the various alternatives that were also contained in the "Water Quality Standards Implementation Advisory Committee Input Request."

Commissioner FitzGerald presented the following motion for consideration.

**ACTION:** Motion by Commissioner FitzGerald, second by Commissioner Duritsa and unanimously carried, that the Commission refer the Report of the Ad Hoc Committee on Water Quality Standards to the Pollution Control Standards Committee in order to invite public comment on the alternatives evaluated by the Ad Hoc Committee, the Committee Report and Recommendation, and the comments provided by the Advisory Committees on the alternatives, which are appended to the Ad Hoc Committee Report.



### **Report of the Water Users Advisory Committee (WUAC)**

Bruce Whiteberry, Committee Chairman, reported that the Committee met on September 19-20 in Northern Kentucky.

The Committee received an update from US EPA on the upcoming pilot project involving ORSANCO, Greater Cincinnati Water Works, and Northern Kentucky Water District to develop a joint regional contaminants source inventory.

Staff provided updates on program activities including source water protection, emergency response, and operations of the Organics Detection System, as well as the draft spill notification plan.

Limnotech provided a presentation on big data and analytical approaches offered which may be beneficial to utilities.

The Committee discussed the next generation of the Organics Detection System. The Committee approved the formation of a workgroup to evaluate the needs of drinking water suppliers and provide the Commission with prioritized recommendations.

### **Report of the Public Information Programs Advisory Committee**

Betsy Mallison, Committee Chairman, reported that the Committee met by conference call on September 21, 2017.

The Committee reviewed a number of outreach and website items, including the new GIS map of sampling locations. The committee made the following recommendations:

1. Post existing GIS Maps, created for Biological reports, on ORSANCO's website.
2. Pennsylvania DEP and Kentucky DEP use "Story Maps" to provide an edgy look to news and human interest stories. The Committee recommends ORSANCO use the same technique to help tell its story.
3. Finally, the Committee discussed the promotion of the aquarium – one of ORSANCO's jewels. The Committee recommends exploration of options to develop a funding or sponsorship program to help sustain the aquarium.

### **Report of the Watershed Organizations Advisory Committee (WOAC)**

Rich Cogen, Committee Chairman, stated that based upon the Standards consideration, the Committee has had an exchange of emails, and it is the concerted opinion that the removal of that responsibility by ORSANCO concerning Standards writing is of great concern to the watershed organizations. They also feel it is an abrogation of responsibility under the Compact. It opens up the possibility of confusion, not just by water users but by the public, due to a common water body that the different states are discharging or have industries that are discharging to the Ohio River. He noted concerns about inconsistent regulation as well as an increase in litigation. The Committee is concerned about opening this "can of worms" but will participate in any continued dialogue, although they are very concerned about this path.

### **Upcoming Meetings**

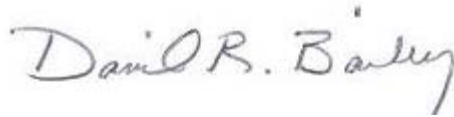
Chairman Bruny noted the following schedule for upcoming Commission meetings:

- February 7-9, 2018 (Wednesday-Friday) Covington, Kentucky
- June 5-7, 2018 Louisville, Kentucky
- October 2-4, 2018 TBD

**Adjournment**

**ACTION:** Motion by Commissioner Harrison, second by Commissioner Frevert and unanimously carried, to adjourn the 219<sup>th</sup> meeting of the Commission at 10:05AM.

Prepared by:



Date: \_\_\_\_\_

\_\_\_\_\_  
David Bailey  
Director of Administration

Approved by:



Date: \_\_\_\_\_

\_\_\_\_\_  
John Kupke  
Secretary/Treasurer

**ROSTER OF ATTENDANCE**  
**219<sup>th</sup> Commission Meeting**  
**October 5, 2017**

**Commissioners**

Illinois	Toby Frevert
Indiana	Bruno Pigott John Kupke Joseph Harrison, Jr.
Kentucky	Ron Lovan Peter Goodmann (PROXY for Lt. Governor Hampton)
New York	Mike Wilson
Ohio	Craig Butler Stuart Bruny John Hoopingarner
Pennsylvania	Charles Duritsa Jennifer Orr (PROXY for Secretary Patrick McDonnell)
Virginia	David Paylor
West Virginia	David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Austin Caperton)
Federal	George Elmaraghy Tom FitzGerald
Legal Counsel	Ross Wales

**Executive Director**

Richard Harrison

**Guests**

Betsy Mallison – PIACO; Erich Emery – USACE; Rich Cogen –  
WOAC; Aaron Herzig – Taft; Bruce Whitteberry - WUAC

**Staff**

David Bailey, Jason Heath, Sam Dinkins, Joe Gilligan, Lisa  
Cochran, Ryan Argo

## **October 5, 2017 Chairman's Report**

Good morning again and welcome to Columbus Ohio. Most of you know that Columbus is Ohio's state capital and the largest city in Ohio....population about 860,000 in the city and about 2 million in the metro area. Columbus is the 14th largest city in the US, and was founded in 1812 at the confluence of the Olentangy and Scioto Rivers and thus, we are in the compact district of the Ohio River Basin.

Columbus hosts two major league professional sports teams. The Columbus Blue Jackets of the National Hockey League and the Columbus Crew SC of Major League Soccer who play at Mapfre Stadium; the first soccer specific stadium built in the United States for a major league soccer team. Columbus is also home to the Columbus Clippers, a triple- A affiliate of the Cleveland Indians. Our lack of a franchise in the NBA, NFL or Major League Baseball is more than made up for by The Ohio State University Buckeyes whose football and basketball teams compete nationally year in and out.

Columbus is home to the Battelle Memorial Institute, the world's largest private research and development foundation, Chemical Abstracts Service, the world's largest clearinghouse of chemical information and NetJets, the world's largest fractional ownership of a jet aircraft fleet. Fortune 500 companies Nationwide Insurance, American Electric Power, L Brands, Big Lots and Cardinal Health are headquartered in Columbus, as well as Wendy's, Donatos Pizza, Bob Evans, Max & Ermas, White Castle and Red Roof Inn.

Columbus developed the world's first water filtration plant in 1908 to filter and soften city water to battle typhoid. Today Columbus is served by 3 water treatment facilities and 2 large wastewater treatment plants that discharge to the Scioto River.

Like many standing here before you, I am both excited and humbled to be your 65th chairman.... to say it is an honor and a privilege is an understatement. I can only hope that, during my term, I can provide leadership that rises to the standard of excellence for which ORSANCO is so widely known.

The last time a commission meeting was held in Columbus was 10 years ago next week.... October 11, 2007, and before that in 1989. Ironically 10 years ago, I was also your new chairman, then as a federal commissioner, and our meeting was held in this same hotel, then known as the Hyatt on Capitol Square, in this same room known as the Legislative Room. According to the Roster of Attendance for that meeting, only 3 of you commissioners here today attended that meeting as Commissioners 10 years ago. There has been a lot of changes in the past 10 years. Since that time when the first iPhone was introduced, many commissioners have come and gone, we've had 2 new Executive Directors and a lost less staff. Our resources have dwindled as well.

Despite these changes and dwindling staff and resources, ORSANCO has made much progress on activities associated with studying the Ohio River, protecting the Ohio River and educating the public about the Ohio River. Please allow me to share some of our accomplishments in the last 10 years. We have completed a major upgrade to the ODS, we played an active role in the Gulf of Mexico Hypoxia Task Force, we've partnered with the Electric Power Research Institute, three of our member states, and other stakeholders to develop the world's largest water quality trading program for nutrients, we've worked on TMDL's for PCB's and pathogens, we've done 2 or 3 different mercury studies, we developed the modified Ohio River Fish Index in 2008 and

the Ohio River Macroinvertebrate Index in 2012, we formed a Water Resources Committee and did some preliminary water resource characterization studies in an effort to determine what role ORSANCO might play in water resources, we made revisions to our PCS 5 times over the last 10 years, we conducted broad scan monitoring of 113 pollutants not typically monitored for in the Ohio River in 2014, we completed a 3 year study of the lower Wabash River for nutrients, we've seen increasing numbers of algae blooms and experienced a major harmful algae bloom on the mainstem in 2015 that we are still studying and learning about, we organized and developed an Ohio River Congressional caucus to assist with our efforts in the nation's capital; we abolished the Water Quality Review Committee and the Research Committee and added the Watershed Organizations Advisory Committee, and resurrected the Chemical Industry Advisory Committee to our important group of Commission advisory committees. We continued our nationally recognized Ohio River Sweep - 28th time this past June, and our public outreach and education programs are reaching more people through the Foundation for Ohio River Education, Life Below the Waterline and the River Watchers program. All of this above and beyond the routine monitoring, ODS maintenance, spill response, data crunching, report writing and preparing for commission meetings and many many committee meetings. As you all well know none of this is possible without the great effort of our talented and dedicated staff. Last year - nice touch - Chairman Lovan during our October meeting in Owensboro recognized staff for the hard work on behalf of ORSANCO. I remember he had each of them stand individually, and tell a little bit about what they do in their jobs, and thanked them personally for their efforts. Thanks again to staff for all that you do....it's very much appreciated and doesn't go unrecognized.

Beyond staff there are many others that help ORSANCO accomplish the multitude of things we do.... and I'm referring to our standing committees, advisory committees, Ad-hoc committees, workgroups, and sub committees. We are extremely fortunate to have so many volunteers with such diverse backgrounds and expertise to help us carry out our mission. These committees and workgroups are a key component of ORSANCO's success and an excellent example of successful stakeholder involvement. Depending on how you count them, we have:

11 standing committees  
6 advisory committees  
3 ad-hoc committees  
4 sub committees and  
9 different workgroups

for a total of 33 committees and workgroups, populated by nearly 270 individuals from our state agencies, water and wastewater utilities, watershed organizations, business and industry, USEPA and other federal agencies. I would like to thank all of these folks for the time and effort they give ORSANCO, for their expertise, guidance and input they offer to commission programs. I also extend a special thanks to those of you chairing committees this year.... all of us know it's a little different chairing a committee than being a member of a committee. I'd like to recognize our committee chairs for 2017/18. Beginning with commission Vice Chairman Potesta

- Ron also chairs the Program & Finance and River Users Committees
- Secretary/Treasurer Kupke chairs the Ad-hoc Committee on Mercury Studies
- Commissioner Hoopingarner chairs the Audit and Water Resources Committees
- Commissioner Harrison chairs our Pension Trust Committee
- Commissioner Frevert chairs the Pollution Control Standards Committee
- Commissioner Duritsa chairs the Ad-hoc Committee on Standards Implementation.
- Commissioner Wilson chairs our Technical Committee
- Commissioner Conroe chairs the Ad-hoc Committee on Policy & Procedures
- Commissioner Elmaraghy chairs the Personnel Committee

- Commissioner Flannery chairs our Congressional Liaison Committee
- Commissioner Lovan chairs our nominating Committee

Thanks to each of you for your above and beyond service as standing and Ad-hoc committee chairs.

I'd also like to recognize and thank our Advisory Committee chairs. Although I don't appoint these chairs, I sincerely appreciate their service to the commission

- Water Users Advisory Committee - Bruce Whitteberry, Chairman
- POTW Advisory Committee - Alex Novak, Chairman
- PIACO - Betsy Mallison, Chairwoman
- Watershed Organization Advisory Committee - Rich Cogen, Chairman
- Power Industry Advisory Committee - Rob Reash, Chairman
- Chemical Industry Advisory Committee - Dean Cordle, Chairman
- Thanks to each of you and your committees for your guidance, advice and input to ORSANCO programs.

As your chairman this year, I don't plan to unveil any major initiatives, new projects or changes in direction of the commission. Looking at our agenda, it appears that our plate is full and our resource cupboard is bare....or at the least not well stocked. Rather, I see us working on several ongoing projects initiated under the very able leadership of former Chairs Easterly, Conroe and Lovan. In addition to the routine day to day tasks conducted by staff, we have the important work of 3 Ad-hoc committees to complete....our mercury mass balance study of the mainstream, a major review of our governance documents, including the bylaws, administrative procedures and commission policies, and also addressing forthcoming recommendations of the standards implementation ad-hoc committee. We are scheduled for a triennial review of our pollution control standards in 2018. It will be very important to continue to keep close watch on our budget and continue to seek sustainable funding alternatives.... during a particularly difficult financial period for government agencies. Additional funding for ODS upgrades and replacement is critical to the ongoing operation of the system. We must optimize the ODS and evaluate the merits of the alternative contaminant detection system we heard about at the June meeting. Our evolving role with the Ohio River Basin Alliance will become more defined, as we are now the fiscal sponsor, and hope to play a major role in anchoring the water quality and water resources leg of this initiative. Whatever the role might be ORSANCO needs to be at the table as the premier water quality organization of the Ohio River Basin. I'd like to thank Dr. Harry Stone and Colonel Secrist for attending our Roundtable Session yesterday to further enlighten the Commission about ORBA.

Our other important programs addressing Source Water Protection, Nutrient Criteria, Biological assessments, submerged Aquatic Vegetation, and Harmful Algae Blooms must continue. Further, we will undertake sampling for the NRSA over the next two years. Just as important, our public information, education and outreach efforts are critical to ORSANCO success. Again, our plate seems full.

It's hard to believe, but this year marks the 45th anniversary of the Clean Water Act. What progress we've made! As we work on these programs to maintain and improve water quality in the Ohio River we must also realize and acknowledge the significant improvements the river has undergone in the past 45 years. The Ohio River is no longer an open sewer. Environmental protection is much different today than 45 years ago. Our challenges today are much different than they were even 15-20 years ago, and certainly 45 years ago. Our state and federal legislators, government agencies, and even the general public, look at environmental protection much different today. Improving the environment was perhaps the number one priority in the US in the early 1970's. Today in 2017, I would guess, it's not. We have seen evidence of that

over the past several years with decreasing regulatory budgets. Today, we have many competing demands and financial burdens on society, and I'm sure we did in the early 70's, but we should ask ourselves, as responsible environmental professionals, given the vast improvements to environmental quality, how much more is the public willing to support, when many other societal issues seem more prominent today?? I'm not suggesting we should backslide, or that we don't have lots of work to do. We must continue to work to maintain the river's designated uses, to address impairments we've identified and to protect our public water supplies.

It's very important for ORSANCO to keep up with these changing times... not only keep up, but work to forecast and stay ahead of the curve. Our research, monitoring programs and regulatory outlook must be relevant to today and the future, and always based on sound science. Our challenges during the next 45 years will be much different in the water environment arena.

I look forward to working with all of you during the next year as we address these issues. I'm proud to be your colleague and humbled to be your chairman. Thank you for your passion and commitment to ORSANCO.

# Memo

## Ohio River Valley Water Sanitation Commission

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

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

**Agenda Item 4**  
**219<sup>th</sup> Commission Meeting**  
**October 5, 2017**

**DATE:** September 14, 2017  
**TO:** Commissioners  
**FROM:** John Kupke  
**SUBJECT:** Treasurer's Report as of June 30, 2017

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

The report indicates that the Commission has accounts receivable totaling \$435,712 at the end of June 2017. The balance in accounts receivable is detailed as follows:

Federal Sources	\$340,744	106 Grant
	<u>35,012</u>	WV 604(b) Contaminants in Fish Tissue
	\$375,756	
Other Sources	\$59,841	Ohio River Sweep
	<u>115</u>	Foundation for Ohio River Education
	\$59,956	

The receipts of \$3,076,354 plus the carryover of \$2,236,380 equals \$5,312,734 through the end of June 2017. Of that amount, \$3,473,272 was expended on programs, leaving resources of \$1,839,462 available for the continuation of ORSANCO's programs.



# Memo

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**Agenda Item 4**  
**219<sup>th</sup> Commission Meeting**  
**October 5, 2017**

**DATE:** October 5, 2017  
**TO:** Commissioners  
**FROM:** John Kupke  
**SUBJECT:** Treasurer's Report as of September 30, 2017

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

The report indicates that the Commission has accounts receivable totaling \$1,337,200 at the end of September 2017. The balance in accounts receivable is detailed as follows:

Signatory States	\$237,000	Kentucky
	176,500	Pennsylvania
	<u>108,600</u>	West Virginia
	\$522,100	
Federal Sources	\$703,322	106 Grant
	<u>35,012</u>	WV 604(b) Contaminants in Fish Tissue
	\$778,612	
Other Sources	\$76,502	Ohio River Sweep
	<u>264</u>	Foundation for Ohio River Education
	\$76,766	

The receipts of \$1,663,056 plus the carryover of \$1,987,112 equals \$3,650,168 through the end of September 2017. Of that amount, \$659,727 was expended on programs, leaving resources of \$2,990,441 available for the continuation of ORSANCO's programs.

**RESOLUTION 9-17**

**Amendment to 457 Deferred Compensation Plan**

**CERTIFICATE OF CORPORATE RESOLUTION**

The undersigned Secretary of Ohio River Valley Water Sanitation Commission (“ORSANCO”) hereby certifies that the following resolutions were duly adopted by the Commissioners on October 5, 2017:

WHEREAS, ORSANCO sponsors the Ohio River Valley Water Sanitation Commission Deferred Compensation Plan, which was originally adopted effective as of January 1, 1989, as subsequently amended (the “Plan”); and

WHEREAS, ORSANCO has reserved the authority to amend the Plan; and

WHEREAS, ORSANCO wishes to amend and restate the Plan effective October 5, 2017 (i) incorporate all amendments to the Plan since the last restatement, and (ii) add a discretionary employer contribution feature to the Plan under which allocations only will be made to those participants who are ineligible to participate in the ORSANCO Employees’ Pension Plan;

NOW THEREFORE BE IT RESOLVED, that effective as of October 5, 2017 the amended and restated Plan document (composed of a basic plan document and Adoption Agreement) is hereby adopted and approved in substantially the form attached here to, with such changes therein as may be approved by the Executive Director of ORSANCO which approval shall be conclusively evidenced by the signature of the Executive Director to a copy of the Adoption Agreement portion of such Plan; and further

RESOLVED, that that the Executive Director shall be, and hereby is, authorized and directed to take such action and to make, execute, deliver and file or cause to be made, executed, delivered, or filed such agreements, documents, payments, applications, instruments, and certificates, and to take such other and further actions, as he may deem to be proper, necessary, desirable or appropriate to effectuate the purpose and intent of the foregoing resolutions, the authority for taking of such action and the making, execution, delivery or filing of such agreements, documents, payments, applications, instruments or certificates to be conclusively evidenced thereby; and further

RESOLVED, that all actions heretofore taken by the Executive Director, or any other officer, employee, or agent of ORSANCO in connection with the subject matter of the foregoing resolutions and recitals be, and hereby are ratified, approved, and confirmed in all respects as the acts and deeds of ORSANCO.