

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**222nd Commission Meeting
Adventures on the Gorge
Lansing, West Virginia
Thursday, October 4, 2018**

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Chairman Ronald Potesta, Presiding

Call to Order

Chairman Potesta called the 222nd meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, October 4, 2018.

Comments by Guests

John Stark, Director, Freshwater Conservation, the Nature Conservancy – Ohio, presented a prepared statement, concluding that the Conservancy appreciates the leadership of ORSANCO to address the water quality and quantity issues along the Ohio River and urged the Commission to retain the Pollution Control Standards review and regulation process in some form rather than eliminate this role.

Quorum Call

Commissioner Duritsa certified that a quorum was present (see Roster of Attendance, page 8).

Report of the Chairman

Chairman Potesta welcomed everyone to West Virginia and stated that he is honored to serve as Commission Chairman. He continued by commenting that the proceedings over the past few days have reinforced his opinion that every Commissioner has the best interests of the Ohio River at heart and have differing perspectives on how to best achieve these interests. Bringing these differing perspectives together is why the Commission's deliberations are important and effective.

Report of the Executive Director

Executive Director Richard Harrison began by acknowledging that working with Commissioner Bruny as Chairman the past year was an honor.

He then recognized Lisa Cochran for the successful 2018 River Sweep and acknowledged the valuable support of all the partners and sponsors in this effort.

He continued by reporting on ORBA activities, and thanked the Commonwealth of Kentucky for providing matching funds to support work to map Basin priorities with the Army Corps of Engineers. Hopefully, this work will elevate the Basin to a national priority for funding.

Mr. Harrison recognized the good work of staff. He highlighted the efforts of staff undertaking the extensive NRSA project fieldwork and the progress on developing partnerships with water utilities on source water protection. He believes that source water protection, as well as HABS and nutrients work, is the next frontier for ORSANCO. He also recognized the utilities for their support in operating the Organics Detection System.

He then reported on a phone conversation initiated by a British Columbia environmental consulting firm. The government of Vietnam is working on an Inter-territory Compact, and the consulting firm reached out to ORSANCO as an example of working with a number of states and partners. This international recognition is an honor to ORSANCO.

Mr. Harrison concluded by bringing attention to the 2018 Annual Report provided in the meeting packet. He indicated that he will follow-up with Commissioners to confirm their preference in submitting the report to their respective governors.

Action on Minutes

ACTION: Motion by Commissioner Frevert, second by Commissioner Pigott and unanimously carried, that the minutes of the 221st meeting of the Commission, be adopted as presented.

Report of the Treasurer

Commissioner Duritsa reported that a Treasurer's report as of August 31, 2018 was provided as additional materials for this meeting.

The report indicates a balance of \$1,628,591 in accounts receivable due the Commission as of August 31, 2018. The balance represents \$766,304 due from Federal sources, \$812,550 due from State sources, and \$49,737 due from other sources.

Additionally, the report indicates receipts of \$1,893,354 plus carryover of \$2,051,592 totaling \$3,944,946 through the end of August 2018. Of that amount, \$474,335 was expended on programs, leaving \$3,470,612 available for the continuation of ORSANCO's programs.

Report of the Technical Committee

Commissioner Pigott, Committee Chairman, reported that the Technical Committee met on October 2-4 and covered 11 agenda items. Six states, three federal agencies, and four advisory committees were represented. He thanked the outside speakers for their excellent presentations, including Jennifer Heymann with the American Water Company, Katie McKone with the Kentucky Division of Water, Kathleen Patnode with the U.S. Fish & Wildlife Service, and Martin Risch, contractor to ORSANCO and retired from the U.S. Geological Service. A summary of selected meeting outcomes are as follows:

Bacteria Trends Assessment

Stacey Cochran, ORSANCO staff, presented results of an assessment of trends on ORSANCO's contact recreation bacteria monitoring data collected around the 6 largest CSO communities on the Ohio River since 2001. The assessment shows that bacteria levels have generally been decreasing over time. This is great news and might be attributed to the efforts resulting from Ohio River CSO communities implementing their long-term control plans. A draft report was distributed to TEC at the June meeting and comments were received and incorporated. TEC endorsed the final draft that was included with this meeting agenda which means it will be publicly available on the Commission's website.

Mercury

Regarding the basin-wide mercury mass balance project, Martin Risch presented results of an analysis of atmospheric mercury loadings to 20 major watersheds in the Ohio Basin. Results of that project are in line with the available literature. Staff presented a status of the overall mass balance project and how the atmospheric component compared to instream loading values. Remaining tasks to complete are the point source mercury loadings and a final draft report,

targeted for February but no later than June. TEC was asked to review the atmospheric report and provide comments back to ORSANCO by the end of February.

Then Kathleen Patnode with the U.S. Fish & Wildlife Service presented interim draft results of a federal study to evaluate impacts from mercury sources in the Hannibal Pool of the Ohio River, and in particular, impacts from the Hanlin-Allied-Olin superfund site. Another important objective of the study was to evaluate the use of mercury isotope analyses in evaluating sources of mercury. A wide number of different biota were evaluated in the project, and reports are forthcoming.

ORSANCO Biological Programs Update

Ryan Argo presented an overview of ORSANCO's 2018 biological field activities and sampling for the U.S. EPA's National Rivers and Streams Assessment. This year, they completed 57 sampling events in KY, OH, and PA, with an additional 37 sampling events to be completed in 2019. Thanks to Ryan and staff for their great efforts on this project which has contributed greatly to ORSANCO's budget outlook. The U.S. EPA reached out to ORSANCO to ask about interest in completing an Ohio River Basin assessment with the 2018-19 data. The TEC Committee states were asked to let ORSANCO know by the end of October if there are any concerns with EPA completing this assessment.

Source Water Protection Programs

Jennifer Heymann with the American Water Company presented an overview of their intensive source water monitoring program at the Kanawha Valley drinking water treatment facility on the Elk River in Charleston. This facility is part of ORSANCO's Organics Detection System. This state-of-the-art monitoring program will be considered in ORSANCO's current evaluation for the next generation ODS monitoring network.

Sam Dinkins then provided an update of the ODS renovation evaluation. A work group of the Water Users Advisory Committee is working on this project. A survey of Ohio River water utilities was completed to define desired ODS system enhancements. An expanded set of volatile organic compounds may be doable at no increased costs. Costs for various options for the next generation ODS network are being considered, and a recommendation for the next generation ODS network may be forthcoming from the Water Users Advisory Committee at the February Technical Committee meeting.

Sam then provided an update of the contaminant source inventory pilot project funded by USEPA and using WaterSuite software. This project is developing a contaminant source inventory for the Maysville, KY to Cincinnati reach of the Ohio River. It is being funded by USEPA, and they have expressed a strong interest in expanding the project upstream to Portsmouth. Results of this project are anticipated for spring 2019.

2018 Summer Water Quality Conditions

Precipitation throughout the basin was generally above average this year. As a result, Ohio River flows were above long-term averages throughout the 2018 monitoring season. In general, Ohio River water quality conditions were typical. Violations of criteria for contact recreation based on fecal coliform and *E. coli* bacteria were typical, as were water quality criteria violations for total iron and mercury. Water temperature and dissolved oxygen conditions on the Ohio River were good all summer.

PFAS Study Proposal

Staff presented a generalized study proposal for a survey of PFASs in the Ohio River. The study proposal outlined many questions that need to be answered and proposed that a steering group of

representatives assigned by the TEC members be formed to answer the many important questions necessary to develop a detailed survey design and work plan. Katie McKone presented some options for a survey design, and these will be taken into consideration by the steering group. The Technical Committee endorsed moving forward with the study, and TEC members were asked to designate a representative for the steering group by the end of October at the latest.

ACTION: Motion by Commissioner Frevert, second by Commissioner Conroe and unanimously carried, to move forward with the proposed PFAS study and to form a steering group of representatives recommended by Technical Committee members.

2018 Review of Pollution Control Standards

Staff provided an overview of the 2018 review of ORSANCO's Pollution Control Standards. Pollution Control Standards Committee Chairman Frevert is on the agenda to give a more detailed report.

Report of the Personnel Committee

Committee Chairman Elmaraghy reported that in June 2018, the Commission accepted the recommendation of the Ad Hoc Committee on Policies and Procedures to separate the 2017 version of the Administrative Procedures into two sections. One section covers the staff-related procedures and the second covers Commissioner-level procedures.

Personnel Committee met via conference call on August 21, 2018 to consider proposed changes to the Staff Administrative Procedures and Salary Range Structure.

The Personnel Committee worked with staff to update the Staff Administrative Procedures which cover employment, benefits, and staff related policies and procedures, to ensure these Procedures reflect current practices and are legally compliant, to simplify the Procedures, and to better clarify the Executive Director's authorities within the Procedures.

The Committee also worked with staff to undertake a comprehensive review of ORSANCO's salary range structure which had not been materially modified in over 15 years. An external survey was conducted to benchmark ORSANCO's positions to the greatest extent possible. A banded-range approach was taken in developing the recommended compensation ranges to provide a more orderly and effective structure.

A detailed copy of the proposed revisions to the Staff Administrative Procedures, as well as the proposed salary range structure, was provided to Commissioners in advance of the Commission meeting and can also be found on the Commissioners' secured web portal.

ACTION: Motion by Commissioner Elmaraghy, second by Commissioner Lovan and unanimously carried, to adopt the 2018 version of the Staff Administrative Procedures and the 2018 Salary Range Table as presented.

Report of the Pollution Control Standards Committee

Commissioner Frevert, Committee Chairman, reported that in June 2018, the Commission approved the advancement of proposed modifications to the Pollution Control Standards and assigned the task of moving forward with the process for a second public notice and a public hearing. The public hearing was held on July 26 in Northern Kentucky. Attendance at the hearing was good. It took about one month to receive the hearing transcript to get the final comments closed for the record.

The Committee had two conference call meetings in September to review and discuss the hearing outcomes. The Committee has not yet completed its deliberations. The Committee assures the Commission that it is taking its charge seriously and moving forward to producing a recommendation. A specific action regarding this matter is not available and will not be made at the current meeting. The Committee will do its best to provide a recommendation in advance of the February Commission meeting.

ACTION: Motion by Commissioner Flannery, second by Commissioner Pigott and unanimously carried, to accept the report of the Pollution Control Standards Committee as presented.

Commissioner Elmaraghy acknowledged and thanked all those who took time to provide comments and attend meetings regarding the proposed revisions to the Pollution Control Standards.

Report of the Water Users Advisory Committee (WUAC)

Bruce Whitteberry, Committee Chairman, reported that the Committee met on September 11-12.

Staff provided updates on the several programs including HABs monitoring, bacteria trends assessment, and source water protection activities. Staff also provided an update on current Organics Detection System activities.

The Committee also received an update on the progress of the ODS Next-generation Workgroup. Mr. Whitteberry reported that the ODS Workgroup is making progress and will continue its research to identify the needs of the next generation of the system. He noted that there is still much work to complete prior to making a recommendation.

A representative of the Hamilton County Local Emergency Planning Committee provided a presentation on the role and composition of LAPCs, how utilities can interact with LAPCs, and how these efforts can benefit source water protection.

Jim Armstrong of the United States Coast Guard, provided an overview of the Coast Guard's role on the river and some of their capabilities.

Mr. Whitteberry then updated the Commission on an upcoming research project involving a dye study on the River, to be conducted in October, as part of their source water protection program. The objective is to better understand flow dynamics. Greater Cincinnati Water Works, Northern Kentucky Water District, and ORSANCO will participate in the study.

He concluded by thanking the Commission and staff for their continued support. The water utilities view ORSANCO's role as vital to the protection and betterment of this valuable resource.

Report of the Public Information Advisory Committee (PIACO)

Betsy Mallison, Committee Chairman, reported that the Committee met via conference call on September 12.

The Committee revised its mission statement and objectives to better reflect the Committee's mission of focusing on public information activities, rather than public interest.

The Committee reviewed the overall communication process for the Pollution Control Standards review and found the process to be very thorough.

The Committee will continue to work with staff to consider additional outreach tools.

Ms. Mallison informed the Commission of several open Committee memberships and will follow-up with Commissioners for possible recommendations.

Report of the Watershed Organizations Advisory Committee (WOAC)

Angie Rosser, representing the Committee, commented that the Committee's meetings over the past year have been focused on the proposed revisions to the Pollution Control Standards. She noted that the collegial nature of the Commission helps position it to do this important work on the complex threats to the River.

The Committee is pleased that deliberation on the proposed revisions will continue. This is an indication that the Commission is taking this issue very seriously. Continuing deliberations send a strong message to the public. People who use the river and those who are members of the Committee, as well as the Commission, are deeply concerned over the river's future. There is a fear of going backwards, which needs to be avoided. The Commission is at pivotal point to determine how to be relevant and bring value to the states, as well as having a vision for recovering and protecting the River. The role of Pollution Control Standards within the bigger picture needs to be evaluated.

The Committee offers to continue to engage in the dialog around this issue. This could be through the Pollution Control Standards Committee or some other forum. The Committee would also like the opportunity to share the work and analysis the Committee has available and take the opportunity to learn together. This week has shown that when we get together we can have productive, meaningful conversations on these issues and reach common goals. It is very clear from these meetings that the states and everyone involved care about the River and are committed to the future of a healthy Ohio River.

Comments by Guests

Heather Davis, of the National Wildlife Federation, thanked the Pollution Control Standards Committee for listening to the all the comments and recommendations provided. Obviously, the Federation is interested in the health and protection of the Ohio River, as well as all watersheds. The Federation is also interested in elevating the profile of the river which may lead to additional funding opportunities.

Robin Blakeman, of the Ohio Valley Environmental Coalition, thanked the Commission for "being heard," which she believes doesn't happen much these days. She mentioned that she took her time to travel to the public hearing.

Sam Yurick, of the Kanawha Valley Democratic Socialists of America, commented that the Pollution Control Standards need to remain in place. Citizens need to be protected, and the generational impacts of these decisions need to be seriously considered.

Upcoming Meetings

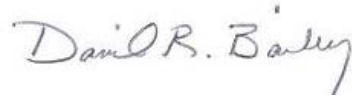
Chairman Potesta noted the following schedule for upcoming Commission meetings:

- February 12-14, 2019 Covington, Kentucky
- June 4-6, 2019 Richmond, Virginia

Adjournment

The 222nd meeting of the Commission was adjourned at 9:45 A.M.

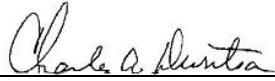
Prepared by:



Date: October 10, 2018

David Bailey
Director of Administration

Approved by:



Date: October 25, 2018

Charles Duritsa
Secretary/Treasurer

ROSTER OF ATTENDANCE
222nd Commission Meeting
October 4, 2018

Commissioners

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

Executive Director

Richard Harrison

Guests

Bruce Whitteberry – WUAC; Angie Rosser – WOAC Committee; John Stark – Nature Conservancy; Autumn Crowe – WV Rivers Coalition; Kathleen Tyner – WV Rivers Coalition; Matt Kearns – WV Rivers Coalition; Carol Davey – Ohio Environmental Council; Chris Tavenos – Ohio Environmental Council; Erich Emery – USACE; Betsy Mallison – PIACO; Sam Yurick – Kanawha Valley DSA; Heather Davis – National Wildlife Federation; Jason Flickner – Lower Ohio River Watershed; Robin Blakeman – Ohio Valley Environmental Coalition

Staff

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