

**OHIO RIVER VALLEY WATER SANITATION COMMISSION**

**MINUTES**

**223<sup>rd</sup> Commission Meeting  
Embassy Suites RiverCenter  
Covington, Kentucky  
Thursday, February 14, 2019**

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# OHIO RIVER VALLEY WATER SANITATION COMMISSION

## MINUTES

223<sup>rd</sup> Commission Meeting  
Embassy Suites RiverCenter  
Covington, Kentucky  
Thursday, February 14, 2019

**Chairman Ronald Potesta, Presiding**

### Call to Order

Chairman Potesta called the 223<sup>rd</sup> meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, February 14, 2019.

Chairman Potesta invited Commissioner Flannery to lead the Pledge of Allegiance.

### Quorum Call

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

### Comments by Guests

Summary provided in **Attachment I**

### Report of the Chairman

Chairman Potesta presented the following recognition of service resolutions:

#### **Resolution 1-19 Recognition of Service Craig Butler**

**WHEREAS:** Craig Butler has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2014 to 2019, representing the state of Ohio, and

**WHEREAS:** Mr. Butler has provided faithful and diligent service to the Commission, and

**WHEREAS:** Mr. Butler actively worked to help advance the Commission's goals, and

**WHEREAS:** Mr. Butler has earned the esteem and friendship of his fellow Commissioners, and

**WHEREAS:** Mr. Butler has devoted his career to protecting the precious natural resources of the State of Ohio, including serving as Director of the Ohio Environmental Protection Agency,

**NOW THEREFORE BE IT RESOLVED:** The Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude for Craig Butler's service, and wish him all the best in his future endeavors.

**Resolution 2-19**  
**Recognition of Service**  
**Alec Messina**

**WHEREAS:** Alec Messina has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2016 to 2019, representing the state of Illinois, and

**WHEREAS:** Mr. Messina has provided faithful and diligent service to the Commission, and

**WHEREAS:** Mr. Messina actively worked to help advance the Commission's goals, and

**WHEREAS:** Mr. Messina has earned the esteem and friendship of his fellow Commissioners, and

**WHEREAS:** Mr. Messina has devoted his career to protecting the precious natural resources of the State of Illinois, including serving as Director of the Illinois Environmental Protection Agency,

**NOW THEREFORE BE IT RESOLVED:** The Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude for Alec Messina's service, and wish him all the best in his future endeavors.

Chairman Potesta then recognized the following ORSANCO staff members for service milestones:

- Jason Heath – 30 years of service
- Stacey Cochran – 15 years of service
- Ryan Argo – 10 years of service

**Report of the Executive Director**

Executive Director Richard Harrison began by reporting that the Ohio River Basin Alliance (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.

This project will include \$200,000 of USACE funding, \$150,000 from the Kentucky Division of Water, and \$50,000 in in-kind contributions related to labor costs from ORSANCO and State stakeholders.

Mr. Harrison asked that the Commission consider approving the proposed assistance agreement because this agreement with ORSANCO must be approved by the ORBA Fiscal Sponsor (ORSANCO) on the behalf of ORBA.

**ACTION:** Motion by Commissioner Bruny, second by Commissioner Lovan and unanimously carried, to approve the Planning Assistance to States Agreement between the Department of the Army and the Ohio River Valley Water Sanitation Commission for the development of an Ohio River Basin-Wide Strategic Plan.

Mr. Harrison then introduced Dr. David Wicks President of River City Paddle Sports to provide a brief overview of their activities.

Dr. David Wicks provided an overview of the proposed development of the Ohio River Recreational Trail. This would be a National designation through the US Department of the Interior and would span 278 miles from Portsmouth, Ohio to Westport, KY. Their organization has expressed an interest in participating in the Ohio River Basin Association's (ORBA) development of an Ohio River Basin Strategy. Mr. Wicks indicated that it is their objective to work with all educators and stakeholders to provide education and promote awareness of and the positive aspects of the Ohio River, and support a strategic vision for the basin.

Executive Director Harrison continued by thanking Commissioners for their continued support. He then recognized staff for their excellent work and introduced new staff members Bridget Taylor, Bridget Borrowdale and Daniel Cleves.

Mr. Harrison then mentioned that ORSANCO and the Rotary Club will be co-hosting a team of six Russian scientists in September, interested in watershed management.

Mr. Harrison concluded by reporting that he had just received notification that USEPA had released its PFAS Action Plan.

### **Action on Minutes**

**ACTION:** Motion by Commissioner Pigott, second by Commissioner Duritsa and unanimously carried, that the minutes of the 222<sup>nd</sup> meeting of the Commission, be adopted as presented.

### **Report of the Audit Committee**

Commissioner Hoopingarner began by noting that a 2018 Independent Auditor's Report was provided to Commissioners in the meeting packet. He continued by reporting that Clark Schaefer Hackett, Certified Public Accountants, performed a general-purpose financial audit for fiscal year ending June 30, 2018. Kerry Roe, of Clark Schaefer Hackett, met with the Audit Committee on Wednesday, February 13<sup>th</sup>, to present and discuss the audit findings with the Committee and respond to any questions or concerns. He thanked Committee members, Commissioners Wilson, Kupke, Duritsa, and Potesta, for their participation.

Commissioner Hoopingarner then introduced Kerry Roe from the audit firm Clark Schaefer Hackett and invited Mr. Roe to provide a brief overview of the audit outcomes.

Mr. Roe thanked the Commission for the opportunity to present the audit report. He indicated that he had a good, detailed discussion with the Committee at Wednesday's meeting covering the financial statements and audit results. He noted that the audit process went very well, with excellent cooperation from management. There were no disagreements with management relating to accounting, reporting, or auditing matters, which is very important. Ultimately, the auditor's primary role is to express an opinion on the financial statements. It is the auditor's opinion that the financial statements are fairly presented in accordance with generally accepted accounting principles. The opinion is "unmodified" which is hoped for on an opinion for the financial statements. No significant deficiencies or material weaknesses over internal controls were reported. He concluded by stating that this is a very positive report with no audit findings or comments.

Commissioner Hoopingarner continued by reporting that, in the auditor's opinion, the general-purpose financial statements present fairly, in all material respects, the financial position of ORSANCO as of June 30, 2018. There were no internal control related findings or issues. The audit report is an "unmodified" report. Finally, he thanked staff for their diligent efforts resulting in the "unmodified" report.

**ACTION:** Motion by Commissioner Hoopingarner, second by Commissioner Wilson and unanimously carried, to accept the independent auditor's report as presented.

### **Report of the Treasurer**

Commissioner Duritsa reported that a Treasurer's report, updated through December 31, 2018, was provided in the meeting agenda packet.

This report, covering the mid-point of the current fiscal year indicates a balance of \$398,990 in accounts receivable due the Commission. This balance represents \$314,100 due from signatory states, \$21,074 due from Federal sources and \$63,816 due from other sources.

Additionally, the report indicates receipts of \$2,150,328 plus carryover of \$2,109,992 totaling \$4,260,320 through the end of December 2018. Of that amount, \$1,274,356 was expended on programs, leaving \$2,985,965 available for the continuation of ORSANCO's programs.

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

Commissioner Pigott, Committee Chairman, reported that the Technical Committee met over the last couple of days and covered 11 agenda items. Seven states, three federal agencies, and four advisory committees were represented. He thanked the outside speakers for their excellent presentations, including Chris Impellitteri with USEPA, Chris Niecht with USEPA, Pete Cinotto with USGS, and David Wicks with Ohio River Recreational Trail Committee. A summary of the meeting follows:

#### **Ohio River Recreational Trail**

Dr. David Wicks provided an Overview of the Ohio River Recreational Trail. This would be a National designation through the US Department of the Interior and would span 278 miles from Portsmouth, Ohio to Westport, KY. Their organization has expressed an interest in participating in the Ohio River Basin Association's (ORBA) development of an Ohio River Basin Strategy.

#### **EPA Office of Research and Development Update**

Chris Impellitteri with the USEPA Office of Research and Development, provided an overview of the USEPA Office of Research and Development's proposed research areas for 2019 through 2021. Those general research areas include watersheds, nutrients and HABs, and drinking water and wastewater treatment and infrastructure.

#### **USGS Super Gage Monitoring Network**

Pete Cinotto with the US Geological Survey, Kentucky Science Center, provided an overview of the USGS's Super Gage continuous monitoring network in the Ohio River Basin, which includes three mainstem and five major tributary fixed stations. They are also testing this system in a boat-mounted application that would allow for longitudinal river surveys.

#### **ORSANCO Biological Programs Update**

ORSANCO staff provided a summary of biological indicator results from the previous two field seasons. The 2017 fish and macroinvertebrate results indicate that New Cumberland, Meldahl, and Newburgh pools met their aquatic life use designation. Final assessments for the 2018 pools will not be available until the macroinvertebrate data are available in several months. Staff

reported on last year's successful National Rivers and Streams Assessment season in which 60 stream surveys were completed. The remaining 38 NRSA sites will be completed in 2019.

#### PFAS Study Proposal

Chris Impellitteri provided results of the USEPA's PFAS survey in the Parkersburg, WV area which included Ohio River monitoring. Elevated levels of PFAS compounds were observed. Pete Cinotto provided an overview of the USGS's planned 2019 survey of the Ohio River alluvial aquifer which will include sampling for PFAS compounds. Staff reported on results of the Commission's Technical Committee PFAS work group which is overseeing the design of an Ohio River PFAS survey. Design of this survey is ongoing with the goal to begin sampling this fall.

#### HABs Update

Chris Neicht with the USEPA Office of Research and Development in Cincinnati reported on their project to identify the conditions under which the 2015 Ohio River HABs event occurred. They are focusing on flow and temperature conditions that may have contributed to the HAB for the purposes of recognizing conditions in the future that might lead to another Ohio River HAB event. Staff provided an update on Ohio River HABs activities. ORSANCO has received 604(b) funds from West Virginia to support the USEPA's risk characterization tool, and from Indiana to install 2 HAB monitoring stations along the Indiana section of the Ohio River.

#### Ohio River Basin Mercury Mass Balance Project

Staff presented draft preliminary results of the Ohio River Basin Mass Balance Project. The Commission's Ad Hoc Mercury Committee will be convened in March to begin reviewing draft work products with the goal of having the project finalized by the October 2019 Commission meeting. Staff will be providing the states with the point source monitoring data for their review.

#### Source Water Protection Programs

Staff provided an overview of the ongoing activities associated with the Commission's Source Water Protection and Emergency Response programs. This included a review of the Commission's role in spill response and an update on the contaminant source inventory pilot project which seeks to develop a GIS database tool to assist water utilities in assessing potential water quality risks. A summary of the Water Users Advisory Committee's efforts to evaluate options and develop recommendations to the Commission concerning the replacement strategy for the next generation of the Organics Detection System were also presented.

#### 2018 Review of Pollution Control Standards

Staff provided an overview of the 2018 review of ORSANCO's pollution control standards. Further details were not provided since the Pollution Control Standards Committee will be providing a report in this agenda.

This concluded the Technical Committee's report.

#### **Report of the Pollution Control Standards Committee**

Scott Mandirola, proxy for Secretary Austin Caperton of West Virginia, provided the following report on behalf of the Committee.

At the Commission's October 4, 2018 meeting, PCS Committee Chairman Toby Frevert reported that the PCS Committee had not completed its review and asked the Commission for and was granted additional time to continue its review of public comments and to prepare its recommendation regarding the 2018 PCS Update to the Commission. To facilitate this effort, the PCS Committee designated a subcommittee.

The subcommittee members recognized that there is a disparity among the states in their implementation of ORSANCO's pollution control standards and developed a proposal that differs from any of the Commission's previous draft PCS proposals by utilizing several key tenets prepared by the subcommittee to help meet the Commission's objectives and to also take public and advisory committee comments into account. These key tenets included:

- 1) Any proposal should be consistent with the Compact;
- 2) Any proposal should provide for a cost effective use of ORSANCO and State resources;
- 3) Any proposal should provide for the PCS to be available for States to use if desired;
- 4) Any proposal should not be mandated to the States;
- 5) Any proposal should preserve the PCS to be available for specific mainstem Ohio River problems that may arise in the future;
- 6) Any proposal should ensure that the uses identified in the Compact are maintained.

The subcommittee forwarded the draft proposal to the PCS Committee for its consideration. The PCS Committee approved the subcommittee's recommended proposal and is recommending that this proposal be approved by the Commission because this proposal:

- 1) Recognizes that ORSANCO's PCS are best utilized to help maintain the uses detailed in ORSANCO's Compact.
- 2) Recognizes that states need the flexibility to implement individual water quality criteria that meet their programs' unique requirements required by the Clean Water Act and approved by the United States Environmental Protection Agency even if these individual criteria may vary from ORSANCO's PCS.
- 3) Considers the extensive public concerns and advisory committee input received on Expanded Alternative 2 through the initial and second 2018 PCS Update reviews while meeting the Commission's objectives.

Commissioner Flannery posed a procedural question. Since the proposal being advanced contemplates the states acting through such things as permit issuance but also includes reference to broader programs which may include statues and rules for states to implement those programs, if we proceed to public notice, and as a result of comments, it becomes necessary to include specific language regarding rules and statues in addition to permits, could this be done without going back to public notice?

The Commission's legal counsel, Aaron Herzig replied yes, and that the Commission has discretion over these issues. Public comment is designed for the Commission to hear from the public then make adjustments over time if it sees fit, unless in the Commission's judgement, the changes proposed are so substantial that the public couldn't reasonably have been expected to comment on them during the process.

Chairman Potesta then provided the following comments by Commissioner Fitzgerald for the record.

"Dear Commissioners and members of the public in attendance:

I apologize that a legislative emergency required that I leave Covington before today's meeting. The proposal that Scott will be presenting reflects a proposed compromise between those who believe that the Pollution Control Standards should be eliminated or should be made entirely discretionary, and those of us who believe that, having participated in the development of and having approved the adoption of the PCS, all Compact states should be implementing those standards.

The proposed language, which will go out for public comment, requires accountability where a state discharge permit does not include one or more PCS standards, to assure that the permits are as protective of the uses of the Ohio River and of human health, as if the permit incorporated the PCS standards. I support sending this alternative to the public and to ORSANCO's committees, for their review and comment, and appreciate this opportunity to make my views known."

Commissioner Pigott commented that the proposal underwent significant consideration after hearing public comment and, based on public input, and the continued efforts of the Committee, the current proposal is significantly different than the previous proposal.

**ACTION:** Motion by Scott Mandirola, second by Peter Goodmann and unanimously carried, to authorize the Committee to go to public comment on the PCS Committee's recommended changes to the Pollution Control Standards, and to invite public review and comment on the proposed modification.

Chairman Potesta noted that the proposed Standards and related information will be posted on ORSANCO's website for access. He also noted that the Commission's advisory committees would be invited to review the proposal, participate in a webinar, and provide comment in advance of the public comment period.

Commissioner Elmaraghy commented that his affirmative vote on the motion is to advance the proposal to public comment, but he does not support the proposal as written and looks forward to a transparent public comment process.

#### **Report of the Ad Hoc Committee on Policies and Procedures Implementation**

Commissioner Conroe, Committee Chairman, reported that the Committee's work is an evolving process and last fall the Committee continued working to review the Administrative Procedures, Bylaws and to codify policies formulated over years. In October 2018, the Commission took action to adopt the revised Staff Administrative Procedures. Today, the Ad Hoc Committee is reporting on phase two of this three phase initiative. The Committee has reviewed and updated the Commission's Bylaws to better reflect current day activities and committee structure.

Commissioner Conroe reported that the proposed revisions to the Commission Bylaws were distributed to Commissioners for review three weeks in advance of the Commission meeting as required by the existing Bylaws.

**ACTION:** Motion by Commissioner Conroe, second by Commissioner Harrison and unanimously carried, to adopt the February 14, 2019 revisions to the Bylaws as presented.

Commissioner Conroe concluded by noting that the Ad Hoc Committee will now focus on Commissioner Level Administrative Procedures and Commission policies, and report back in June. Given the uncertainty over Pollution Control Standards, no revisions to that section of the Bylaws were proposed at this time.

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

Bruce Whitteberry, Committee Chairman, reported that the Committee met on January 16-17, 2019. Bruce commented that the Committee is generally representative of solely water utilities and not the broader water user community.

Staff provided status updates on the mercury mass balance study and the 305-b assessment. The Committee discussed the ongoing Pollution Control Standards proposal and were pleased to see

all the public interest in this issue and appreciated that the Commission took time to consider the public input.

The Committee previously formed a work group to evaluate the needs of the Organics Detection System (ODS) and to provide periodic updates to the Committee. The work group will be providing recommendations to the Committee based on its evaluation of needs, equipment and cost.

The Committee also received a presentation for West Virginia American Water on the outcomes of a table top exercise regarding spills. Jason Heath provided an update on the PFAS work group activities.

He concluded by thanking the Commission for its support of the water utilities.

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

Betsy Mallison, Committee Chairman, reported that the Committee met on February 13, 2019 in Covington, Kentucky. She thanked the Commissioners for the opportunity for Committee members to attend the Technical Committee and Commission meetings.

The Committee received presentations by ORSANCO staff. Rob Tewes provided an overview of the Life below the Waterline mobile aquarium activities and discussed the program's need to seek appropriate funding sources. Greg Youngstrom provided an update on HABs and PFAS issues.

Public information staff provided several updates on communication, education and outreach activities. The Committee also discussed the Pollution Control Standards communications process and commended staff for its outreach and urged continued work for public comment opportunities.

The Committee recommends for consideration:

1. Staff create a marketing and outreach plan to identify additional funding sources for the Life below the Waterline program.
2. A PIACO member be included on the PFAS work group. It was suggested that Bill Boria be the appointed member.
3. When possible, include HAB education in the ORSANCO newsletter, and have staff investigate other paths for educational opportunities.

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

Richard Cogen, Committee Chairman, began by thanking the Commissioners for selecting the metropolitan location for the meeting to provide convenient access to those wanting to attend the meeting and provide comments. He further thanked Commissioners for the opportunity to formally and informally have open discussions with Commissioners and staff. He also commended staff for willingly giving their seats at the meeting to accommodate guests.

The Committee acknowledges the importance of the Organics Detection System (ODS) and believes it should be a priority for increased funding. Mr. Cogen then mentioned he was recovering from an injury and thanked the Watershed Organizations Advisory Committee members for their support during this time.

Mr. Cogen thanked all the public for attending the meeting and providing their comments to the Commission. He also thanked the Executive Director and staff for all their open

communications with Committee members. The Committee will continue to review proposals and provide feedback.

He concluded by commenting on Legal Counsel's input regarding adjustments to the PCS proposal based on future comments, indicating that any adjustments significant in nature should go out for public review and hearings. The risk and negative perception of not doing so far outweighs going back to additional public hearings.

**Comments by Guests**  
**Attachment II**

**Upcoming Meetings**

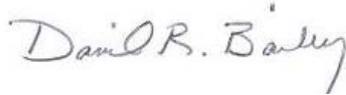
Chairman Potesta noted the following schedule for upcoming Commission meetings:

- June 4-6, 2019 – Richmond, Virginia
- October 8-10, 2019 – Indianapolis, Indiana
- February 11-13, 2020 – Covington, Kentucky

**Adjournment**

The 223<sup>rd</sup> meeting of the Commission was adjourned at 11:25 A.M.

Prepared by:



Date: 2/20/2019

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

Approved by:



Date: 2/28/2019

\_\_\_\_\_  
Charles Duritsa  
Secretary/Treasurer

**ROSTER OF ATTENDANCE**  
**223<sup>rd</sup> Commission Meeting**  
**February 14, 2019**

**Commissioners**

Illinois	Sanjay Sofat (PROXY for Director John Kim)
Indiana	Bruno Pigott John Kupke Joseph Harrison, Jr.
Kentucky	Ron Lovan Peter Goodmann (PROXY for Lt. Governor Janean Hampton)
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	Melanie Davenport (PROXY for Director David Paylor)
Federal	George Elmaraghy
Legal Counsel	Aaron Herzig
<b><u>Executive Director</u></b>	Richard Harrison

**Staff**

David Bailey, Jason Heath, Sam Dinkins, Joe Gilligan, Lisa Cochran, Ryan Argo, Lila Ziolkowski, Stacey Cochran, Tracey Edmonds, Rob Tewes, Ryan Hudson, Bridget Borrowdale, Bridget Taylor, Greg Youngstrom, Daniel Cleves, Taylor Sasaak, Heather Mayfield

**Guests**

Betsy Mallison	PIACO	Henry Connor	PIACO
Bill Boria	PIACO	Nicki Hart	N/A
Harry Stone	ORBA	Megan Hunter	Fair Shake Legal Services
Ruth Bamberger	NKY Sierra Club	Sherry Carran	Banklick Watershed Council
David Wicks	River City Paddle Sports	Dave Newton	Kentuckians for the Commonwealth
Joe Gallenstein	Kentuckians for the Commonwealth	Don Bialosky	PA DEP

Peter W Rose	Greater Cincinnati DEM+DSA	Deborah Wesley	NKY Resident/Sierra Club
Carol Turpin Hurr	Frankfort	Kristy Meyer	OEC
Rich Cogan	WOAC	Judy Petersen	N/A
Ann Thompson	WVXU	JoAnn Schwartz	KFTC/NKY Justice & Peace
David Ratter	OKI	Paul Schwartz	KFTC
Chris Hall	MSDGC	Rachel Stultz	Sierra Club
Ward Wilson	KY Waterways Alliance	Diane Guenther	KFTC
Clair Laporte	Cincy Poor People's Campaign	Martha Flack	Kentuckians for the Commonwealth
Matt Wooten	SD1	Nancy Tierney	Kentuckians for the Commonwealth
Nick Swartsell	City Beat	Robin Blakeman	OVEC/WOAC
Amy Babey	USACE	Tanya Fogle	KFTC/KYPCC
Lidia Newman	Citizen	Tanya Stager	KFTC
Jon Loriman	Citizen	Thomas Stager	Citizen
Martin Marx	Democratic Socialists of America	Pamela Mullins	KY Citizen
Charlie Gonzales	Green Umbrella	Nathan Alley	Sierra Club
Nicole Clements	Banklick Watershed Council	Tom Navin	Glenmary Home Missionary
Jean Caudill	Person of Interest	Christine Carli	Citizen
Bryan Georgilis	Democratic Socialists of America	Jeff Hampton	Citizen
Amanda Stegemiller	Democratic Socialists of America	Virginia Johnson	KFTC
Alice Melendez	Extinction Rebellion	John Schroeder	N/A
Josh Eisenfeld	Fair Shake Legal Services	Angie Rosser	WV Rivers Coalition
Harry VonBusch	N/A	Suellyn Shupe	N/A
Mary McLeod	N/A	Tom Broomall	N/A
Mary Linberry	N/A	Paul Katz	DSA Cincinnati
Joshua Kruer	Citizen	Bruce Whitteberry	GCWW
Marie K Kocoskis	Sierra Club	Eira Tausey	DSA Cincinnati
Hayley Powell	Democratic Socialists of America	Justin Levy	N/A
Simon Powell	Democratic Socialists of America	Janet Snider	LWV
Logan Simmeing	Democratic Socialists of America	Hank Graddy	Sierra Club
Jason Flickner	Lower Ohio River Waterkeepers	Cheryl Johncox	Sierra Club
Kevin Hengehold	Democratic Socialists of America	Jerald M Messet	NKY Sierra Club
Sr. Mary Joyce Moeller	KFTC/NKY Justice & Peace Committee	Stan Nassano	Citizen
Paul Buelterman	NKY Sierra Club		

GUEST COMMENTS - FEBRUARY 2019 COMMISSION MEETING

1. Marie Kocoskis – I represent the Miami group of the Sierra Club. Please do not abandon the mission to provide clean and safe drinking water for the citizens of Ohio. Thank you.
2. Christine Carli – I recently read a headline in the newspaper that said that ORSANCO would move to eliminate its water quality standards for the Ohio River, and I had to read it three times because I kept thinking I got it wrong. From what I understood about ORSANCO is that your job is to protect our river. I reread the article, read some more articles, and made some phone calls to try to inform myself as much as I could. And today, it appears as though you really are thinking of eliminating the water quality standards on the river.
3. Mary Love – I have been involved with water quality in Kentucky and West Virginia for over 12 years. The Ohio is consistently ranked as the most polluted river in the country, with an estimated 30 million pounds of toxic chemicals [being] dumped illegally into the river. I do have experience with those folks in Kentucky and West Virginia, and ORSANCO has been doing a much better job of protecting the Ohio River all over the place. According to your own research, your agency regulates 188 chemicals that EPA and other states do not. You also regulate 252 chemicals more stringently than the EPA and other states. The primary issue, as I see it, is the cumulative effect of downstream communities that draw their drinking water from the river.  
Those of us that live downstream will suffer the most. I plead with you today that you continue to do your good work and keep your authority on this issue. Thank you for your time and serious consideration.
4. Kevin Hengehold - Please protect our drinking water and keep regulating the Ohio River.
5. Nancy Tierney – I'd like to pay tribute to the work of ORSANCO in protecting the Ohio River and the five million of us served by it. ORSANCO is a model organization, and how can one state along the river regulate its own water? In Louisville, we take great pride in the filtration and quality of fresh water. Mainly I want to celebrate our Ohio River. I've lived in the Great Lakes region and on the west coast, and while Lake Michigan and the Pacific Ocean are wonderful bodies of water, they can't compare to living in a river town. Pittsburgh, Cincinnati, and Louisville are prime examples of river towns that embrace the river from transportation, fishing, recreation, and, of course, as our drinking water. I urge you to maintain and strive to expand our Pollution Control Standards. Clean water is vital to our community. Work with many communities and organizations to ensure we provide high quality of water. Thank you.
6. Stan Nassano – We are an interconnected society and a complex society, most people take everything for granted. In this building right now, there are systems for maintaining our protection. This building is maintained to keep us safe, and most people don't even realize that. With fire protection systems, there is a process. I used to be a fire inspector, and I inspected this building, and it has always passed with flying colors. They always kept their records up-to-date, and everything was by the books. With buildings that did not do such a good job, it was our job to enforce what was already there, but we had the building enforced to code. And now I am asking you guys to please keep protecting the public; that is what the public needs. We need your help in this. People think that they don't drink the water, but do you shower? There is a lot of exposure that people don't realize, and you are talking about stuff that doesn't show up. I am also a cancer survivor,

and as a firefighter, we have a high rate of cancer. People ask how you get it, and there are a lot of reasons, including toxins. Chemicals in the river...that's not good. Thank you.

7. Martin Marx – Last year, the ORSANCO board was considering a handful of proposals and gutting a portion of the Pollution Control Standards. The argument that some of the Commission has made is that the role of ORSANCO in protecting drinking water is a redundant one; that the states and the federal government, with the Clean Water Act, have all the regulatory control that they needed to keep our drinking water safe. But federal regulation by itself was not sufficient in preventing the crisis in Flint, Michigan where hundreds of thousands of people are still without clean drinking water. And the effects of what years of contaminated water, the negative effects on the people for many more years to come. As commentators today have pointed out, ORSANCO has guidelines for hundreds of pollutants that have ORSANCO standards or no standards at all. Because even in spite of the good work that this body has done, the Ohio River is still the most polluted river in this country. Leaving something so vital for so many millions of people to the individual states can have serious repercussions downstream of upstream states that relax their individual standards. We must do better...and by leaving things as they are, we cannot retreat from the progress that has been made. It is absolutely vital to this body as a whole to [not only] continue the work that ORSANCO has done but also to strengthen it for ourselves and for future generations.
8. Harry VonBusch – Finding out that the Ohio River is one of the most polluted rivers does appear a lot on the internet. We have to remember the jobs across the river, and on this side as well, that are here because of the river. I do appreciate the staff who has been as informative as they can be, but I have to tell you, that as a prior public official, I'm a little dismayed by the fact that you don't know what you will be voting on today. It gives me a lot of anxiety, and I would appreciate it if you could be as forthcoming as you could be so that we know what you're doing. I know the staff is doing what they can. Thank you.
9. Peter Rose – My name is Peter Rose, I live in Clifton, and I am a Democrat. The main point to me is that we cannot trust the states, and I beg you not to give any power to the states. Thank you.
10. Joshua Kruer – My name is Joshua, and I grew up in Northern Kentucky. We need to protect our environment. People may think that I'm a tree-hugger. The environment was once primarily a Republican concern. Cherish our natural resources for your children and your children's children. Be a good steward and make sure that the spirit of this nation continues. We are making a decision for everyone who lives downstream. This decision affects everyone, including your children. We will have to answer to our children with what happens to our water.
11. Sr. Mary Joyce Moeller – We do support and encourage you to continue strong pollution control of standards for the Ohio River, and we also want you to continue your role of coordinating standards with all the states that belong to ORSANCO along the Ohio River to improve that coordination and improve your skills in protecting the river. I know ORSANCO has proposed eliminating your role in enforcing Pollution Control Standards. In your first comment period, most comments opposed eliminating this role. Know that there are states along the river that are underfunded and don't have the money or the staff, and they look to ORSANCO to help them. Also, you feel that your regulations are redundant and that the states have their own regulations, but we know that the EPA already has issued hundreds of permits to industries along the river so that they can dump pollutants into the river. Over the past year or two, the Clean Water Act has increasingly not been enforced. The EPA is behind their schedule in updating drinking water standards as required by the Safe Drinking Water Act. Our acting EPA administrator just revealed a

program to adopt mercury and air toxin standards so coal-fired power plants and other industries can put toxins directly into our air and water. These are very upsetting, concerning things happening in our world today. We need people like you to fight for the health of our community for clean water. I know business is always an interest in the bottom-line and profit margins, making big salaries for CEOs, and having valuable stocks for stockholders. Recently, I read an article in the Northern Kentucky Tribune written by the President of the Northern Kentucky Chamber of Commerce, [Brent Cooper]. He says that many leading organizations in our area are imploring leaders to embrace the health of our community. Keeping our Ohio River water [safe], which provides drinking water, is a justice issue. Justice for all is a life issue. It's a moral issue. We need water that protects basic human rights. We encourage you to hold onto your role and to establish pollution standards that are enforceable, that are stronger than the minimum requirements of the states and the EPA. As Mr. Cooper said, you need to listen. Please listen to our remarks this morning. Thank you very much.

12. Jerry Messet – I am above all a grandfather, and I have grandchildren that love to play and work, associate with water, kayak, and fish. There are several hundred of us that volunteer and strive to maintain the water quality of the Licking River, and we don't want to see it turn into a sewer. I think you ought to help protect it more. Thank you very much.
13. Lidia Newman – You have heard overwhelming opposition to making your regulations voluntary. I'd like to state my bewilderment at the idea that you aren't needed because the states are doing a good enough job. I hope these are good questions that continue to be raised, and if you do take these steps, I do hope that it will not be over; to make sure that we have a regulatory agency and that ORSANCO [will] continue to carry out its mission to protect the river.
14. Carol Turpin Hurr – I am 68, and I have traveled around the United States a lot, and I remember going through Huntington, West Virginia. I don't know how many of you have ever been through there, but it was the chemical capital of the Appalachian Mountains. The river was the color of mud, and you could not tell where the river ended and land began. I also remember traveling in South Carolina, and we got kind of turned around along the riverbank, and I remember the color of the river was black from the pollution that was dumped into the river. Or about the time I went to Copper Hill, Tennessee in about 1975. There was a copper mining operation there, and they melted the copper there on-site, in in the valley where the copper was mined, it looked like red dirt. I am passionate about this; my degree is in environmental education [with a] biology education minor. I am qualified to know the importance of clean water, clean air, and uncontaminated soil. I worked for the quality of air in Frankfort, Kentucky. I can tell you numerous stories of childhood cancer during that time. I will give Marathon Oil credit: the air was clear and it was good when I traveled through there. They have made progress, and I would like to keep it. I will tell you that there is no such thing as 100% trying to clean up water or trying to clean up what is left in the water, but what we can do is bring it down to the level of what we are going to be exposed to at that ground level in mother nature. Biologically, we are able to tolerate that; most of it, not all of it. I do know that people will die unless we get this ship turned around. We can't afford to let our drinking water go; we really can't. Cities and states around here have such an important role, and I implore you to keep up the good work. That's all I have to say.
15. Jon Loriman – I am asking all the members of the Commission to please not be a weasel. Everyone in this room knows the mechanics behind these moves, and again, I am asking you not to be a weasel. I am asking you not to abandon your responsibility to protect the

public, just as a favor to large industries and rich people trying to take advantage of the same poor. Please don't be a weasel.

16. Alice Melendez – I was born and raised in Kentucky and in the Ohio River Valley, and I know what the cancer rates are like and what the water pollution control[s] are for. We have been making the river better and cleaner for decades, and I don't want to see our Ohio River decline for a relatively smaller number of jobs and economic development.
17. Suelyn Shupe – ORSANCO has done a good job of educating and research, but they are not people who can enforce the standards. I want to commend them for the work that they've done, and I am hoping that you all will recognize that work on behalf of the rest of us. Thank you.
18. Virginia Johnson – I just have [a] personal observation, and looking around, I am dismayed that I don't see more women up here. I mean, it is just a poor representation of the population, and I want to see more women on this board. Thank you.
19. Nathan Alley – First, I would like to reiterate pretty much everything that you have heard this morning in all the comments that have asked not to eliminate the Pollution Control Standards. Please consider alternatives 3 and 4. I would like to leave you with some comments, because even as I was driving here this morning, I was thinking about the Clean Water Act. I am sure you all know the history of our environmental laws. Back when ORSANCO was established, it was also a precursor to the Clean Water Act that we have today. While we fully support the Clean Water Act, the elimination of pollution in our waterways still has not happened. We need organizations like ORSANCO to be active on the Ohio River. Yesterday during the Technical Advisory Committee Meeting, we heard about monitoring in the river. When a spill occurs, we do everything we can to find out what is released in the river and to clean it up. But no one organization can do all of the work necessary to protect the drinking water for millions of people. Therefore, the idea that your actions are somehow redundant is completely false, and I would encourage you to think about what you are doing and forget this idea that the Clean Water Act is [just] a creation from the 1970's.
20. Judy Petersen – Many of you know me, as I have been coming to the Commission meetings for about 15 years now. I am a member of the Public Information Advisory Committee, [and] I am a member of the Watershed Organizations Advisory Committee. First of all, I just wanted to say thank you for hearing the public concerns, thank you for taking a step back, and I hope that you will continue your efforts with the public to protect the Ohio River now and in the future. My term on PIACO ends after the June meeting, and I will not be renewing it; I will no longer be a member of PIACO at the end of this term. I have enjoyed getting to know many of you, and I do believe that you have the best interests of the Ohio River in mind, and I hope that you will keep that foremost in your thoughts and in your hearts. Finally, thank you to all members of the public for coming out today and for consistently coming for these proposals and public comment periods, the public hearing, and for being here today. I hope the public will remain engaged, review the proposals, keep an open mind, but do comment on it and consider its future. Thank you so much.
21. Eira Tausey – One of the things I find a little bit confusing about the motion that was just passed was that I heard a phrase about public comment, but I didn't hear details. So I am correct that the details of that have not been set out yet? One of the things that I would strongly like to urge is that the last public hearing, people had to come from hours away because it was basically in the middle of the river area. I would like to strongly urge the Commission to have multiple hearings. This is your job, but most of us have to take time off work to be here today. You need to make this as easy and accessible for comment by

the public. I would also like to ask for the Commission to extend the comment period, and I urge you to go ahead and have multiple hearings. Please have at least three distributed throughout the Ohio River area so people do not have to take more time out of their lives to advocate for healthy and clean water.

22. Jerry Messet – I spent 40 years in law enforcement, and I am a grandfather. At the time of Richard Nixon, our rivers were literally on fire! He had the foresight and the backbone to help clean up our water, and we have made major progress. There have been setbacks, but there has been progress, so let's not step back too far, and keep an eye on our youth. Thank you.
23. Robin Blakeman – Thank you to everyone; we feel that this is a Commission that is approachable. I also want to thank everyone in this room for their public comment, and that other people have concerns that I share. I would like to raise the issue of the need for multiple public hearings. I have driven to Cincinnati many times for multiple public hearings, and I would appreciate hearings in multiple places. So thank you, and I look forward to seeing that for our proposals.
24. Betty Kerker – What I wanted to bring to you today is a little bit about who comes to us and when they come to us. People come to us when they when they have suffered an environmental loss. And it is typically done by industry, which is often the case. But it is also the case that the government has not protected them. And what I wanted to point out is that the people who are coming to us are angrier at their government for not protecting them than they are at the polluter. And I think the reason for that is the authority that the state has to do something, to prevent that environmental harm or to retract that environmental harm. And I am sure that you know where I am going with this in terms of the authority. I just want to emphasize the importance that you take that authority seriously and use it to deal with environmental protection for the people who are suffering real environmental harm. I think that using that authority looks like enforceable standards that the states are implementing, not with suggestions that they can deal with in a day. Also, as an attorney, we are dealing with that web of regulations on the Ohio River that is complicated and there are holes, and people's lives fall through those holes. Entire waterbodies fall through those holes. So ORSANCO has a unique authority specific to the Ohio River, and I want to encourage you to truly use that authority and not make choices that are relinquishing the very important authority that you need to carry out. I also want to emphasize with the multiple hearings that it is critical that the public has true access to where the environmental decisions that affect their daily lives are being made. Lastly, I encourage you to do the work and to look to our neighbors, to what the Delaware River Basin Commission is doing, and how effectively they have been able to act, and truly serve their charge, and I ask you to do the same. Thank you.
25. Sherry Carran - The Banklick is the largest watershed in Kenton County, and I just want to thank you all for revising your standards, and I want to commend you for the public input process. We all know that there is a lot of public input, and you offer a lot of opportunities for public input. You honestly have meaningful public input. I know that is never easy, and it takes a lot of time and effort, but we really appreciate it. Public comment has really set the standard, and I hope you will continue to do that and even push it a little further. I know it is not easy to have limited resources to do things that you want to do. I guess I would ask for the people who are making comments, and who have commented in the past, that when it comes time for ORSANCO to request or to ask for more financial resources, that we can also put that out for public comment to request for funds...because I do believe that you are a valuable resource to the Ohio River and to the community. We look toward you to give us a heads-up when there is an issue, and we

[our organization] work[s] with the Division of Water. Please know that we will work with you to do what is best, and we realize that you need support; and when you need support, call on us. So thank you very much.

Cheryl Johncox – I thank you for the opportunity to comment and tell you a bit about what I can share with you today. It started out with a phone call from someone who was overcome by a fracking pool and was knocked unconscious, and lost the feeling in his arms and legs. He now has an acute reaction to exposure to fracking pollution in his home. Then I talked to a health commissioner in West Virginia who told me that he remembers when he was younger, growing up on the river, that he would be swimming with feces right next to him, and the only thing he caught in this river were the carp and the minnow. And [now] how he is amazed at the life that has returned to this river. There is a Kentucky and Ohio campaign [with several organizations], and I heard the outrage about what it's like when government agencies can't protect you. We heard people's frustration, in places like Flint, Michigan and cancer alley in Virginia, that processes aren't being put into place to fight those toxic exposures. I think about all the people who could recreate on the river...if we just do a better job, how it could make a difference in so many people's lives. We need multiple public hearings so folks have the opportunity to participate because all the people here are privileged to be here, that we are able to take a vacation day or holiday to come and talk about [the] water. There are so many people who are so appalled at what has happened today, and I hope that you will make a decision to protect the public community.