

**Roundtable Issues Forum
Tropicana Executive Conference
Evansville, Indiana
Wednesday, June 11, 2014**

Roundtable Discussion Summary

Two topics were on the agenda for discussion for the Roundtable Issues Forum at the June meeting: A review of the Elk River response; and the Waters of the US rule.

Elk River Response Review

On January 9, 2014, approximately 10, 000 gallons of a coal washing compound called MCHM, methylcyclohexane methanol, was spilled to the Elk River 1.5 miles upstream of the drinking water intake and treatment plant that serves the city of Charleston, WV and 9 counties in central West Virginia. Due to the proximity of the discharge to the plant and the rapid rate at which the material entered the river, emergency treatment procedures implemented at the drinking water treatment plant were not able to remove all of the MCHM. With no alternate water source available, the only option was to continue treating as best they could and distributing that water to maintain fire fighting and sanitary services, but advising against consumption due to the presence of the MCHM in the drinking water. The MCHM would travel down the Elk River, to the Kanawha River and eventually reach the Ohio River, threatening Ohio River drinking water utilities. ORSANCO staff worked with state agency personnel and drinking water utilities to collect water samples, calibrate ODS equipment and develop time of travel estimates to protect downstream drinking water interests.

During the event, more than half of the Commission's technical staff participated in some aspect of the response. This raised some concern culminating in the question does the Commission want that level of dedication by staff to one event? The mitigating factor to this level of response lies in the frequency of such events, which is not more than once a year, and more on the lines of once every 5 years or so.

While communication of spill information is critical during such events, significant frustration was expressed due to the lack of information known about the health implications of the MCHM compound. Maintaining appropriate lines of communication with health departments was considered the best mechanism for obtaining such information, if and when needed.

Questions concerning staff participation in National Incident Management System (NIMS) the Incident Command System (ICS) and ORSANCO presence at the Unified Command were also posed. While staff does not have NIMS or ICS training, staff can, as appropriate, participate in the Unified Command where their expertise on the Ohio River and drinking water intake protection can be of value to a response. To further enhance the understanding of the ICS process, providing an overview of the ICS/Unified Command procedure to the drinking water utilities through the Commission's Water Users Advisor Committee was recommended.

It was agreed that the states and Commissioners need to have a better understanding of the range of activities undertaken by ORSANCO staff during spill response events. Staff was directed to develop an ORSANCO Emergency Response Protocol for review at the next TEC/Roundtable session.

In follow-up to the Elk River event, questions regarding above ground storage tank regulations were also discussed. Following the Floreff oil spill in Pennsylvania in 1988, the Commonwealth adopted requirements for the registration of all above ground storage tanks. West Virginia has followed suite following this event, proposing similar tank registration requirements similar to those of Pennsylvania. The status of the other basin states' above ground storage tank regulations was raised. It was suggested that the remaining Compact states provide a review of their current above ground storage tank regulations at the October meeting.

An additional issue concerning future funding for the Commission's Organics Detection System was also discussed. While no resolution to this issue was forthcoming from discussions, Chairman Frevert requested that responses to the questions posed by the Program and Finance Committee at their May meeting be crafted and presented to the Commission at the October meeting.

Those questions are:

What is needed?

Why do we need it?

Who will benefit from it?

What are the benefits?

What are the risks if the system (ODS) does not exist?

Follow-up questions include:

Identify potential [funding] sources

Identify all potential users

Governmental sources [agencies] for support

Private sector partners

Proposed Definition of the Waters of the US

The USEPA and US ACE have developed a proposed rule referred to as the Waters of the US, which seeks to define the scope of waters protected under the Clean Water Act. The implication of this rule/definition to states' programs is not well understood at this time. The proposed rule is open for comment until October 20, 2014. The question regarding submittal of comments by ORSANCO on this proposed rule was discussed. Given the lack of understanding concerning the impact to state programs, it was agreed that the Commission would not develop or provide comment on this proposed rule at this time, but that staff would follow developments and keep Commissioners informed.