

October, 12, 2009

Jean Chruscicki  
TMDL Program Specialist  
US EPA Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

RE: Response to January 2009 Kickoff Meeting Ohio River TMDL Most  
Frequently Asked Questions

Dear Ms. Chruscicki,

The ORSANCO POTW Advisory Committee met on October 8<sup>th</sup> and 9<sup>th</sup>, 2009. Your Responses to the Most Frequently Asked Questions, pertaining to the Bacteria TMDL public meetings held in January 2009, were discussed during our meeting. As the Chairman of the Advisory Committee, I have been asked to share our collective thoughts on the development of the TMDL.

While we have reservations and concerns with your response to several of the questions, we were encouraged with your response to question twenty one relating to involving special interest groups. In your response you mention involving members of the committee in "first draft reviews rather than in later stages". As a primary and significant stakeholder, we believe our input to be valuable and we are looking forward to our involvement. As such, we would ask that you provide a some measure of detail as to what "first draft reviews" entails. Our desire would be involvement as the TMDL is being developed rather than providing comment after the product or integral components of the final product are complete. Your response appears to provide this opportunity. Could you please provide a little detail as to how you plan to involve stakeholders?

As all members of the industry are aware, the US EPA is doing a great deal of bacteria research that will culminate with significant EPA guidance due to be complete in 2012. We have been told your completion date is scheduled for sometime in 2011. Would it not be prudent to take advantage of any new data or new guidance that may materialize as a result of this national effort? In addition, completed bacteria data sets, associated with the numerous Long Term Control Plan's initiated by sanitary utilities, should be available by 2012. We believe utilizing complete data rather than utilizing the fragmented and incomplete bacteria data you requested last year would increase the quality of the final TMDL product. Have you thought about modifying the bacteria TMDL schedule to take advantage of this opportunity?

In closing, we look forward to working with you. Your response can be forwarded to my email mapgar@sd1.org and I can be reached by phone on (859) 578-7457.

Sincerely,

Mike Apgar

A handwritten signature in black ink, appearing to read "Michael E. Apgar".

Chairman / ORSANCO POTW Advisory Committee

Cc: POTW Advisory Committee Members  
ORSANCO Staff  
ORSANCO Commissioners