

OHIO RIVER VALLEY WATER SANITATION COMMISSION

**Roundtable Issues Forum
Embassy Suites Cincinnati-RiverCenter
Covington, Kentucky
Thursday, February 12, 2015**

Opening

Chairman Easterly called the Roundtable to order and welcomed new Commissioners Harrison and Kupke. He noted that the Roundtable would cover two issues, and that it was hoped that this could be completed by 2:45 in order to allow Commissioners to move to a different venue to meet in Executive Session. Chairman Easterly called on Commissioner Bruny, Chairman of the Pollution Control Standards Committee, to initiate the first topic.

Session I Review of ORSANCO Pollution Control Standards

Commissioner Bruny informed the Commissioners that the current review of the Commission Standards began last year with an open comment period. The Pollution Control Standards Committee has considered the comments received and has reached agreement on a number of proposed revisions. The next step in the process is for the Commission to accept the proposed revisions and authorize their presentation for public review. It is anticipated that a public hearing on the proposed revisions will be held this spring and that the Committee will present its recommendations for Commission adoption of revised Standards in October 2015.

Commissioner Bruny commended the members of the Pollution Control Standards Committee for their hard work on this review. He then asked Jason Heath to provide a summary of the Committee's recommendations.

Mr. Heath reported that the following changes to the current Standards are being proposed by the Pollution Control Standards Committee:

- Change to the Mixing Zone language to replace the October 16, 2015 deadline for elimination of mixing zones for Bioaccumulative Chemicals of Concern with the requirement that such mixing zones for existing facilities be eliminated as soon as practicable as determined by the permitting authority.
- Clarifies footnote D, Chapter 3.1, page 11, that "intakes" means "drinking water intakes."
- Adopt the USEPA's current recommended national criteria for ammonia for the protection of aquatic life which also includes the tables for mussels absent as contained in the USEPA's recommended criteria appendix "Site-Specific Criteria for Ammonia."
- Clarify that the temperature criterion for human health protection applies anywhere that human contact is likely, whether inside or outside of the mixing zone.
- Clarify that chapter 5.5.c requires notification of spills as well as upsets and bypasses of treatment facilities.

In addition, the notice for the Public Hearing will request input on the "not to exceed" component of the total mercury water quality criterion and on the need to specify duration and frequency for water quality criteria.

The proposal regarding mixing zones for Bioaccumulative Chemicals of Concern generated considerable discussion. It was agreed that the Public Notice might be amended to solicit comments on the need to include the prohibition of such mixing zones in the Standards.

A number of comments received in the review raised issues that could not be resolved in the available time. The Pollution Control Standards Committee recommends that those issues be carried over into the next review. In order to resolve those issues, certain information needs to be developed. It might not be possible to develop all the information needed to resolve all of the issues in time for the next review.

Commissioners were asked to identify priorities among the issues raised in order to assist staff in planning work activities for the upcoming years.

Mr. Heath informed the Commissioners that a public hearing will also be held on a proposed variance from the prohibition on mixing zones for bioaccumulative chemicals of concern for the mercury discharge by First Energy Corporation. The hearing would be held concurrently with the hearing on the proposed revisions to the Standards. The proposed variance is patterned after the previously-granted variance for Axiall in that it includes interim limits and requirements for specific actions to reduce the discharge of mercury.

Mr. Heath noted that two additional variance requests had been received from Mountain State Carbon and Valley Converting. These two requests will be reviewed by staff and the Pollution Control Standards Committee.

Session II Planning ORSANCO Activities for Fiscal Year 2016

Mr. Tennant presented background information on the Commission's established priorities for its programs. The general priorities that have been adopted by the Commission are:

1. Fulfill the requirements of the Ohio River Valley Water Sanitation Compact.
2. Meet the requirements of grants received.
3. Support the states in their efforts to meet their responsibilities under the Compact.

The specific tasks for the Commission under the Compact are to prepare an annual report of its activities, to adopt rules, regulations and standards to assure that wastes discharged in one state do not impair the waters of another state, and to study the pollution problems of the Compact District and make recommendations for their solution.

Under the Compact the states pledge faithful cooperation in the control of pollution and further pledge to place all interstate waters in a condition suitable to support the uses established in the Compact. In order to carry out their responsibilities, the states rely on ORSANCO to provide scientifically sound information on the quality of the Ohio River, current information on water quality conditions, and special studies to support water quality management decisions.

The general areas for the Commission programs include:

- Monitoring and Assessment
 - Routine
 - Special studies
 - Biological
- Standards
- Source Water Protection
 - Spill notification
- Public Information

Recommendations from the Technical Committee were:

1. For 2016 305(b) Report:
 - a. Inclusion of Ohio River Macroinvertebrate Index in annual assessments
 - b. Exclude 2015 fish & macro data from the 2016 305(b) report
 - due to lag time of not receiving 2015 macro data until early 2016
2. Maintain ability to incorporate targeted sites to mitigate “site clumping” within a pool
3. Considered and declined interest in conducting Lock Chamber surveys in 2015
4. Target 3 pools for 2015 fish and macroinvertebrate surveys (Montgomery, Racine, and John T. Myers)
 - a. *As time allows* - Conduct in-season revisit (an entire pool) to investigate index precision
 - b. Used available DO loggers to investigate *Hydrilla* and tributary influences
5. Carry out two mercury bioaccumulation studies
6. Standards Issues for next review

Commissioner Bruny suggested that efforts should be made to repeat sampling for PCBs and Dioxin to determine the current extent of impairment.

Mr. Tennant suggested that the Commission investigate the use of satellite data, which potentially could allow increased coverage of the waters of the Basin.

Commissioner Conroe stated that a decision needs to be made on the continuation of water resource activities. Commissioner Bruny added that a decision on the Commission’s role in the Ohio River Basin Water Quality Trading Program is also needed.

Commissioner Butler suggested that the Commission might augment the efforts of the states to provide small water utilities with monitoring support to anticipate Harmful Algae Blooms.

Commissioner Bruny asked if the termination of Washington Representation Services would place additional burdens on staff. Mr. Tennant replied that this could be the case, and that the decision would likely be revisited in the next year. Commissioner Butler suggested that the Commission might join with other groups such as the Great Lakes states in conducting simultaneous visits to Congressional offices.

Prepared by
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