

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES 218th Meeting of the Technical Committee The Galt House Louisville, Kentucky October 2-3, 2018

Chairman Bruno Pigott, Presiding

Call to Order

The 218th meeting of the ORSANCO Technical Committee was called to order by Chairman Pigott at 1:00 pm on Tuesday, October 2, 2018. Six states, three federal agencies, and four Commission advisory committees were represented (for Roster of Attendance see on page 9).

Minutes of 217th Committee Meeting

ACTION: Motion passed to accept the minutes of the 217th Technical Committee meeting.

Chief Engineer's Report

Director Harrison first provided an update on the Ohio River Basin Alliance (ORBA). He noted that ORSANCO is the fiscal sponsor of ORBA. ORSANCO is collaborating with ORBA, KYDEP, and the Corp of Engineers to establish an Ohio River Basin Restoration Strategy which might ultimately culminate in the Ohio River Basin having national priority status similar to that of the Great Lakes and Chesapeake Bay initiatives. The project would be funded with KYDEP and Corps matching funds on a planning assistance to states project to raise awareness for the Ohio River Basin and communicate priorities for the basin. He reported that ORSANCO is partnering with USEPA ORD in Cincinnati, Chris Impellitteri and Marc Mills, to conduct a broad water quality survey of the Ohio River for PFAS compounds. More will be reported on this item later on the agenda. Finally, he thanks Bruce Whitteberry and Jenn Heymann for their organizations' funding contributions to support the Organics Detection System (ODS). To date, \$90,000 has been received, and staff will be working with industry partners in addition to water utilities to secure additional voluntary funding.

Bacteria Trends Assessment

Staff provided a Final Draft of the Bacteria Trends Report which compares bacteria levels in the six major combined sewer overflow communities (i.e. Pittsburgh, Wheeling, Huntington, Cincinnati, Louisville, and Evansville) beginning in the mid 1990's. Since that time, municipalities have invested significant resources to reduce the amount of untreated sanitary wastewater that is discharged to the Ohio River and its tributaries. Staff has undertaken a review of existing bacteria monitoring data to evaluate possible trends in bacteria concentrations over the past 20 years. This assessment includes: 1) evaluation of temporal trends in the six CSO communities, 2) comparison of upstream to downstream sites within CSO communities, and 3) evaluation of flow and precipitation to assess seasonality. Staff presented the findings of the assessment which includes:

1. The lowest bacteria concentrations among the six CSO communities sampled were found in Cincinnati and Huntington, while the highest levels were typically observed at the upper river sites (i.e. Pittsburgh and Wheeling).
2. Comparing upstream to downstream sites within CSO communities, the bacteria concentrations at the downstream sites were typically 2 to 4 times greater than the levels observed at sites on the upstream side of CSO communities with the exception at Pittsburgh.

3. Statistically significant decreasing trend over time was observed for bacteria levels in Pittsburgh and Huntington. The relationship of bacteria concentration over time was not statistically significant for the Wheeling, Cincinnati, or Louisville sampling locations.
4. Seasonally, bacteria levels are elevated in May, peak in June, and then steadily decline from July through October.
5. Bacteria concentrations steadily increase with flow and precipitation; however, a consistent pattern of decreasing median fecal coliform values by percentiles was seen over 2001-2015.

The Final Draft of the Bacteria Trends Report was endorsed by the Commission and will be placed on the ORSANCO website for public viewing.

Mercury Mass Balance Project

In 2015, an ad hoc committee on mercury developed a work plan to conduct a mass balance of mercury for the Ohio Basin focusing on Ohio River instream loads of mercury and the contributions of point source and atmospheric mercury loads from fifteen major watersheds to the Ohio River. The four main objectives of the project were: 1) Develop instream annual mercury mass loading for the Ohio River and fifteen major tributaries based on monthly sampling data at 19 monitoring locations; 2) Develop annual atmospheric mercury loads for the basin; 3) Develop annual point source mercury loads for the basin; 4) Develop a mass balance source apportionment of atmospheric and point sources for the basin.

ORSANCO contracted with Martin Risch (USGS retired) to complete the atmospheric component of the study because of his extensive experience and publications regarding atmospheric Hg deposition and Hg in the environment. Mr. Risch proceeded to present draft results of the atmospheric component of the study. Mr. Risch went into detail regarding the methodology and data used to develop annual atmospheric mass loads for the entire basin. This included estimates for both wet and dry deposition.

- Documented methods were used to combine national Hg-monitoring data with widely accepted spatial data.
- Calculated annual atmospheric Hg loads to 20 watersheds in the Ohio River Basin for 12 month study period.
- Combined transfer of wet Hg in precipitation and dry Hg to forest and non-forest land cover in the study area was 11,400 kg (21.6 micrograms per square meter).
- Methods and data were evaluated with several techniques and found to be reasonable and representative measures of atmospheric Hg loads during the prescribed study period.
- Findings are limited in accuracy by the density of Hg monitoring network sites.
- Results contribute to larger goal for ORSANCO to compute Hg mass balance and source apportionment for Ohio River.

Staff then presented draft instream annual mercury loads, calculated from monthly sampling data, against annual mercury atmospheric loads. Atmospheric loadings ranged from 414% to 1969% of the instream loadings. However, a significant limitation of the project is that the atmospheric loads are to the entire watershed, not only to waters of the watershed. This results in an overestimate of the contribution of atmospheric mercury to the waters of the basin. It is anticipated that all project results will be available by the February, 2019 TEC meeting.

Federal Mercury Study of the Hannibal Pool

Kathleen Patnode, U.S. Fish and Wildlife Service, presented selected preliminary findings of a federal study, Application of Mercury Stable Isotope Analysis for Determining Source Attribution of Mercury in the Ohio River. The project focused on the Hannibal Pool of the Ohio River and the Hanlin-Allied-Olin superfund site. USGS has newly acquired the analytical equipment to measure the stable isotopic fractionation of mercury. The highly specialized instrument used for this analysis (Multicollector Inductively Coupled Plasma-Mass Spectrometer or MC ICP-MS) has previously only been utilized within a handful of academic labs throughout North America. With the USGS now capable of this analysis, it opens an important door towards applying this powerful tool within a regulatory context. With the recent advances MC ICP-MS mercury source fingerprinting, source

apportioning of mercury can be performed at sites with multiple sources. This technique is especially promising at sites containing large relic mercury inventories from industrial sources that more than likely have a different mercury signature than current atmospheric mercury.

Project emphasis was on determining mercury source attributions for the Hannibal Pool of the Ohio River that will enable remedial and discharge reduction measures to be implemented. These data will form the foundation of a Natural Resource Damage Assessment. Following the implementation of regulatory actions, the Project Team will publish the study to demonstrate the broader applicability of this technique to mercury contaminated rivers. A final report with project results should be available in early 2019.

Biological Programs

2017 Draft Final Pool Assessments

Staff mentioned that the final 2017 biological pool assessments are complete and are awaiting review by the Biological Water Quality Subcommittee during their next meeting (subsequently scheduled for January 22nd and 23rd of 2019). The assessments were delayed due to late receipt of macroinvertebrate data from the analytical laboratory which occurred once the 2018 field season had commenced.

National Rivers and Streams Assessment (NRSA) Survey Progress Update

Staff gave an overview of the current status of NRSA events sampled on the behalf of the states of Pennsylvania, Ohio, West Virginia, and Kentucky. Of the total 99 events for which ORSANCO is responsible for sampling between 2017 and 2018, 60 events were completed. While this number falls just shy of the 68 schedule for 2018, this was a massive achievement given the lost time due to inclement weather events. Staff also provide a brief update on the availability of the NRSA data, noting that data from prior cycles are available online via USEPA, and that all fish data collected during 2018 is available via ORSANCO upon request.

2018 Biological Pools Assessments

Staff gave an overview of 2018 main stem activities centered in the two probabilistic pools of Emsworth and Pike Island. Electrofishing within the pools was completed in the month of July. Macroinvertebrate samplers were set and were scheduled for retrieval in the following weeks. Staff also mentioned that the annual collections of submerged aquatic vegetation, instream habitat, and two rounds of sestonic nutrients were successful. Additionally, staff added collections of water chemistry and sediment collections at all probabilistic sites (and a subset of the fixed stations thanks to funding from the USACE Louisville District) to maintain continuity with datasets that were used in the generation of the macroinvertebrate index. Lastly, staff detailed how ORSANCO biologists assisted PADEP and OEPA with targeted macroinvertebrate samplings in their respective pools.

2018 Ohio River Water Quality Conditions

Each October staff provides the Technical Committee with an overview of Ohio River water quality conditions observed during the preceding field season. The 2018 field sampling season saw above average precipitation and river flow conditions for most of the season with the exception of July which had near normal conditions. June and August were well above normal. September was exceptionally wet with precipitation exceeding twice the normal monthly average rainfall and three to five times the normal monthly flow for nearly the entire basin. Frequency of exceedances for the monthly geometric mean bacteria criterion (i.e. 130 CFU/100) ranged from 50% in Cincinnati, Louisville, and Evansville to 83% exceedance rate in Huntington. Dissolved oxygen (DO) levels remained above 5.0 mg/L throughout most of the summer with exception of a few instances where DO dropped below the threshold in September at Markland L&D and Smithland L&D. Water temperatures consistently remained below the temperature criteria throughout the field season river-wide. Mercury concentrations exceeded the applicable water quality criteria less frequently in 2017-2018 than in the previous year. Levels of iron were consistently higher in 2018 than the prior reporting period which may be attributed to the higher precipitation and flow conditions this year.

Development of Ohio River PFAS Survey

Staff presented an approach for developing a study plan for characterizing Ohio River ambient PFAS conditions of the Ohio River. Objectives of the study are to characterize present concentrations of PFAS compounds at multiple Ohio River locations for one high flow and one low flow event. Results of the study will be used to inform the states, USEPA, water utilities and other interested parties on Ohio River ambient conditions regarding PFAS compounds. The USEPA research lab in Cincinnati will be analyzing samples from approximately 20 Ohio River sites under two separate flow events. The current intent is to begin sampling in the summer/fall of 2019. It was agreed that TEC members would appoint representatives to participate in the development of a sampling plan.

Katie McKone with KYDOW presented three options for selecting Ohio River sampling sites using a probabilistic approach. She presented an overview of PFAS compounds and relevant state and federal guidelines. Three probabilistic design approaches were presented based on thirty to forty sites. Option 1 would provide information on the mean Ohio River concentrations of PFAS compounds in urban and non-urban settings and what portion of samples are above a particular threshold. Option 2 would determine mean concentrations in urban and non-urban settings, and Option 3 would determine a mean concentration of Ohio River PFAS compounds.

Source Water Protection Program Update

Staff provided an overview of the ongoing activities associated with the Commission's Source Water Protection programs. This update included an update on the Water Users Advisory Committee's discussion on planning efforts for the next generation of the Organics Detection System (ODS) and a status report on efforts to initiate a contaminant source inventory pilot project on the Ohio River. Jennifer Heymann also presented details of the West Virginia American Water Company's source water monitoring efforts at the Kanawha Valley Water Treatment Plant.

WV American Kanawha Valley Plant Source Water Monitoring Plan

West Virginia American Water (WVAW) is a regulated public water utility that serves approximately 530,000 people across the State of West Virginia. WVAW has a long-standing relationship with ORSANCO through the WVAW Huntington Water System and is a current member of the Water Users Advisory Committee and Organics Detection System (ODS) Workgroup. In 2017, the WVAW Kanawha Valley System became the newest member of the ORSANCO ODS. The Kanawha Valley System is the largest and most complex water system in West Virginia and serves over 200,000 people in portions of nine counties. The Kanawha Valley Treatment Plant (KVTP) has a rated capacity of 50 million gallons per day (MGD) and receives its source of supply from the Elk River, a tributary to the Kanawha River, which flows into the Ohio River.

WVAW has developed a comprehensive source water monitoring program that combines continuous water quality indicator monitoring with advanced organics analyses to optimize treatment operations and identify the presence of potential contaminants. The monitoring system capabilities at KVTP are the most advanced of any community water system in the West Virginia. The KVTP system components include:

- Analytical laboratory with gas chromatograph/mass spectrometer (GC/MS) and gas chromatograph/flame ionization detector (GC/FID) for volatiles, semi-volatiles, and diesel/oil range organics;
- Online process gas chromatograph for near real-time monitoring and alerts for volatile organic compounds;
- Online instrument panel for continuous real-time monitoring of water quality indicator parameters;
- Multi-parameter sondes for portable field monitoring; and
- Upstream gage recently installed in partnership with United States Geological Survey (USGS) to measure stream stage and velocity.

A design and permitting process is also underway to install in-stream monitoring buoys on the Elk River upstream of the KVTP.

The Kanawha Valley System source water monitoring components provide information that can be used along with other pieces of information to make operational decisions for water treatment. Source monitoring is an important part of WVAW's program and overall approach to provide reliable, quality drinking water to customers.

Next Generation Organics Detection System

The last equipment renovation of the Organics Detection System (ODS) began in 2009. Given the age of some of the instrumentation in use, the Water Users' Advisory Committee (WUAC) established a work group to begin planning for the next generation of the system. The work group includes representatives from Louisville Water Company, Greater Cincinnati Water Works, Northern Kentucky Water District, WV American Water Company and USEPA. The work group is evaluating a number of factors including potential contaminants of concern, new instrument technologies, and monitoring system design options. Recent activities include conducting surveys of Ohio River water utilities to assess system needs, evaluating potential to expand organic compound analyte list, and developing a scoring matrix to prioritize locations for GC/MS instrument placement.

Contaminant Source Inventory Pilot Project

ORSANCO is working with representatives from US EPA, Greater Cincinnati Water Works (GCWW), Northern Kentucky Water District (NKWD) and Corona Environmental to complete a pilot project to evaluate the utility of Corona's WaterSuite software to inventory potential contaminant sources along the Ohio River. The initial geographic focus of the pilot project extends from the NKWD/GCWW water intakes upstream to Maysville, KY (approximately 60 miles). The project entails pulling potential source data from a host of federal, state, and possibly local databases into one standardized GIS-based data management system. Phase 2 objectives include 1) evaluating source water protection and emergency response priorities, 2) extending the geographic range to include the stretch of the Ohio River from Maysville to upstream of Portsmouth, OH, and 3) updating potential contaminant source datasets. These tasks are scheduled to be completed by summer 2019.

Member Updates and Interstate Water Quality Issues

United States Environmental Protection Agency

Scott Ireland reported that he is filling in at the TEC meeting for Linda Holst who is currently serving as the Region 5 Acting Water Division Director. He was asked about the status of the Ohio River Bacteria TMDL and reported that there is no new information at this time on the status of that project.

United States Geological Survey

Doug Chambers reported that the USGS has been conducting some groundwater studies in Ohio and West Virginia related to shale gas activity. Continuous monitoring is a priority for the USGS and their center for data analysis has some projects associated with that. They have some projects going to monitor for impacts from pipeline construction, and they are expanding projects related to urban water resources and storm water runoff. Regarding pipeline construction they are using continuous monitors upstream and downstream, pre-construction and then during construction for the routine continuous monitoring parameters. Their modeling and web-app development efforts in the VA-WV Science Center are looking at draught probability based on stream flow.

Watershed Organizations Advisory Committee (WOAC)

Angie Rosser reported that West Virginia has several major pipelines under construction with approximately 3000 stream crossings, and in response to their concerns, have trained approximately 500 citizens to conduct water quality monitoring and visual assessments. They are also concerned about petrochemical development and what impacts that might present for the river.

West Virginia

Scott Mandirola reported that WVDEP is conducting a triennial review of its water quality standards and discussed their final proposal for legislative review. Allowance for overlapping mixing zones is being put into the rule. Harmonic mean flow is being proposed for use with human health carcinogen criteria. They are updating human health criteria using EPA's recommendation but adjusted for West Virginia's fish consumption rates. They are proposing use of WER (water effects ratio) and BLM (biotic ligand model) on a site-specific basis. They are updating 401 conditions for the Corps nationwide permits and are currently responding to comments received. They have at least two enforcement actions underway and are working to develop SEPs (supplemental environmental projects) that might be directed towards ORSANCO's ODS (Organics Detection System). There is some C-8 and GenX stack sampling work underway associated with the Chemours facility in Parkersburg, with

analytical assistance from USEPA. With the amount of precipitation that has occurred this year, stormwater from pipeline construction activities has been a continuous issue.

Indiana

Eileen Hack reported that IDEM is conducting their second notice of rulemaking. Selenium criteria is a significant issue and they are waiting for selenium implementation guidance from USEPA to become finalized. They will not be proceeding with revised Aluminum criteria until more information becomes available. They are also not moving forward with revised Copper criteria until implementation guidance has been developed. They are planning to adopt USEPA's 2015 human health criteria recommendations as well as update their aquatic life and human health criteria methodologies. They are also considering updates to their recreational criteria. Regarding permitting, the ALCOA Warrick permit was recently public-noticed. They are undergoing a 316a thermal review and they may have some issues regarding ORSANCO's temperature criteria for human health protection (110 degF). They will also be modifying their travelling screens to meet 316b impingement/entrainment requirements. The Sabins Plastic permit has been renewed. The Vectren F.B. Culley station will be curtailing some of its processes. Regarding their draft 2018 impaired waters list, they have listed certain segments of the Ohio River as impaired for dioxins, E. coli, mercury and PCBs. They are working to assume the federal 404 water quality certification program.

Public Information Advisory Committee

Betsy Mallison reported that PIACO has revised their mission statement. They reviewed the ORSANCO PCS public review process and felt that it was very thorough. And finally, she reported that there are open positions on the committee.

Power Industry Advisory Committee

Rob Reash provided an update on legislation affecting the power industry. It is anticipated that the USEPA will be re-proposing parts of the steam electric guidelines rule regarding treatment conditions for FGD wastewater and bottom ash transport water. Industry has provided USEPA with a large amount of wastewater treatment information and they continue to work towards the Nov. 2020 compliance deadline. The 316b rule is also currently under litigation and there is some contemplation of that rule applying also to hydroelectric facilities. A federal circuit court ruled that unintentional infiltration of pollutants from landfills does not meet the definition of conveyance of a pollutant and therefore does not need an NPDES permit. Regarding selenium criteria, the national industry group is in favor of states adopting the fish tissue criteria, but not the water quality criteria, and they have written an industry perspective on implementation of the selenium criteria which is available to all interested parties. Mr. Reash reported that a proposed AEP wind farm project spanning four hundred miles and multiple states was not approved by the state of Texas. He also offered to provide his recent paper on mercury to any interested party.

Ohio

Erin Sherer reported that OEPA has issued a statewide general permit for storm water from pipeline construction. Regarding the drinking water Consumer Confidence Rule, OEPA is no longer seeking partial delegation of that federal rule. They are planning to continue moving forward with their large river nutrient criteria proposal that was presented at the previous TEC meeting.

United States Army Corps of Engineers

Erich Emery reported that they are partnering with the University of Cincinnati on a ground-truthing project while flying a plane with hyperspectral imagery over two of their reservoir projects. Objectives of the project is to learn how satellite hyperspectral imagery can improve the situational awareness for their 83 reservoir projects in the Ohio Basin. They have developed new algorithms for using satellite imagery for phycocyanin, chlorophyll a, and turbidity. They are considering using these project results to apply for funding from NASA and the Office of Naval Research to develop cube satellites with hyperspectral imagery on a chip. The benefits of cube satellites is that they are inexpensive and easy to deploy thus potentially increasing the spatial and temporal coverage of hyperspectral satellite imagery.

Water Users Advisory Committee

Bruce Whitteberry reported that the committee met on Sept. 11-12. Ohio River water quality conditions have been generally good since the last TEC meeting, albeit turbidity levels have been higher due to an unusually wet summer. The USCG provided an overview on barge traffic and what information they have about commodities being transported on the river. The Hamilton County Local Emergency Planning Coordinator (LEPC) gave a presentation on what they do and how water utilities can better interact with LEPCs.

Pennsylvania

Jen Orr reported that the Governor recently established a PFAS action team to assist the state on this issue. They will be addressing monitoring at public water supplies as well as looking at toxilogical issues. They are reviewing pollution reduction programs for MS4 communities. There was widespread flooding throughout the state as Sept. was the second wettest month on record. They are on a manganese rider which would change the point of compliance for discharges from all points instream to at the point of water withdrawal. Pipelines are a big issue in PA, and in response the PADEP has established a Regional Permit Coordination Office. They recently sent a letter to FERC (Federal Energy Regulatory Commission) regarding permitting as relates to pipeline construction, timbering and impacts to wetlands. Regarding the Mariner East 2 pipeline case, a \$12 million penalty will be utilized for infrastructure and environmental improvement projects.

New York

Jeff Konsella reported that NY is in year three of a 5-year, \$2.5 billion appropriation of grants for water quality. Included in this year's funds are projects for HABs, surface water detection, nonpoint sources, and traditional drinking water and wastewater infrastructure. There are a number of project proposals within the Ohio Basin, including Chautauqua Lake, and those projects will be selected in the fall of this year.

Kentucky

Katie McKone reported that Kentucky is also conducting a triennial review of their water quality standards. They are considering aligning recreational standards with long term control policy decisions, but need to define how this process would look. In that regard, they received a commitment from EPA headquarters to discuss post-long term control plan permitting. They have decided to forego human health criteria during this review but convene workgroup to begin an evaluation for the future. They are still undecided on ammonia, but will probably push it back to next triennial review. Regarding permitting, their backlog has been eliminated and they are considering nutrients in permits using the Iowa approach which is a technology based approach. Regarding assessments/305(b), their plan is to do a 2018 / 2020 Combined Integrated Report to help get back on schedule. They are currently working on updates to assessment methodologies with a section that describes how ORSANCO's data is assessed. 2018 monitoring is beginning to wrap up for most programs and 2019 planning is beginning. They are always seeking input on where to monitor and invited attendees to provide any recommendations in this regard. They are considering legislation to require emergency action plans for all modern high hazard dams, include a fee for floodplain general permits, and draft legislation to convene a group to study generation of state and local funds to supplement water infrastructure funding. Regarding 404 permitting mitigation, they are working with the Corps to try to get pre-determined service areas for in lieu fees and banks. They are also working on finding approaches to mitigation in cases of severed mineral rights. The Kentucky Division of Water has identified \$150k to provide match for USACE's Planning Assistance to States grant for ORBA strategic planning. The statewide bacteria TMDL which was presented at the June TEC meeting will be submitted for approval by the end of the year. There was a lot of stakeholder engagement due to concerns about CSO community impacts. Peter Goodmann reported that there may be a significant reorganization to consolidate the drinking water program in one branch, and place dam safety, flood plain management and permitting and 401/404 permitting under the water resources branch.

Pollution Control Standards Update

Staff provided an overview of the status of review of the pollution control standards. In June of 2015, the Commission established an ad hoc committee to review its role in water quality standards. The ad hoc committee developed a set of five alternatives for its future role in standards, along with a preferred alternative and a minority report. The preferred alternative essentially removes all criteria and mixing zone requirements from the standards. The minority report discusses the downside of the preferred alternative and suggests that an enhanced role by ORSANCO in harmonizing states' implementation of standards for the Ohio River is needed.

In October, 2017, the Commission authorized its Pollution Control Standards Committee to open an initial public comment period on the five alternatives under consideration. The public comment period opened on January 10 and concluded on February 24. Staff made its normal public notifications of the public comment period and held two informational webinars. Staff discussed in greater detail each of the five alternatives along with the preferred alternative, the minority report, and the mock-up of the pollution control standards based on the preferred alternative. A second public review period was held June 26 through August 20, 2018, with a formal hearing on July 26 to receive input on specific revisions to the standards. Comments received during the second public review included: 10 detailed comments in favor of the proposed revisions, 38 detailed comments opposed to the proposed revisions, and 5,728 comments from the general public, almost all through third-party emails, were opposed to the proposed revisions. All information and comments have been placed on the Commission's website.

Angie Rosser remarked that the watershed organizations were concerned about the lack of a responsiveness summary regarding public comments received during the first public review period for the standards. Chairman Pigott responded that it might be premature to respond to public comments while the Commission is still considering what action might be taken and that the Commission is carefully considering all comments received. Ms. Rosser remarked that it is evident from the comments that the public is opposed to the current proposal for revisions to the standards, and she urged the Commission to work towards more consensus. Ms. Rosser submitted a statement for the record from Rich Cogen, Chairman of the Watershed Organizations Advisory Committee (attached).

Comments by Guests

Heather Davis with the National Wildlife Federation indicated that they support the Commission tabling the current proposal at this time until further consideration of public comments is completed.

Robin Blakeman with the Ohio Valley Environmental Coalition indicated that they a member of the Watershed Organizations Advisory Committee and they support Angie Rosser's comments. She submitted written comments from three entities and asked that they be entered into the record (attached).

Jason Flickner with the Lower Ohio River Waterkeepers indicated that 6,500 public comments were submitted on the standards proposal which reflects the importance of this issue to the public.

Adjournment

The 218th meeting of the ORSANCO Technical Committee was adjourned by Chairman Pigott at 11:55 am on Wednesday, October 3, 2018.

Approved:



Bruno Pigott, Commissioner

Prepared by Jason Heath, P.E., BCEE with contributions from Ryan Argo, Sam Dinkins, and Stacey Cochran.
(Recording of proceedings available at Commission Headquarters)
PowerPoint presentations from this meeting are available on the Commission website at www.orsanco.org.

Roster of Attendance

Technical Committee

Chairman	Commissioner Bruno Pigott
Illinois	Not present
Indiana	Eileen Hack
Kentucky	Katie McKone
New York	Jeff Konsella
Ohio	Erin Sherer
Pennsylvania	Jennifer Orr
Virginia	Not present
West Virginia	Scott Mandirola
US Army Corps of Engineers	Erich Emery
US Environmental Protection Agency	Scott Ireland
US Geological Survey	Donna Francy
Power Industry Advisory Committee	Rob Reash
Public Interest Advisory Committee	Betsy Mallison
Water Users Advisory Committee	Bruce Whitteberry
Watershed Organizations Advisory Committee	Angie Rosser
ORSANCO Chief Engineer	Richard Harrison
Staff Liaison	Jason Heath

Commissioners/Proxies

Stuart Bruny, Craig Butler, Doug Conroe, Charles Duritsa, George Elmaraghy, David Flannery, Toby Frevert, Peter Goodmann (proxy), Aaron Herzig (Counsel), John Hoopingarner, John Kupke, Ron Lovan, Scott Mandirola (proxy), Jennifer Orr (proxy), Bruno Pigott, Ron Potesta, Mike Wilson and Davitt Woodall.

Staff

Ryan Argo, Dave Bailey, Lisa Cochran, Stacey Cochran, Sam Dinkins, Joe Gilligan, Richard Harrison, Jason Heath, and Bridget Taylor.

Guests

Robin Blakeman	WOAC
Cheri Budzynski	Shumaker
Heather Davis	National Wildlife Federation
Jason Flickner	WOAC
Jennifer Heymann	West Virginia American Water
Jon Jarvis	West Virginia American Water
Kathleen Patnode	USFWS
Martin Risch	USGS (retired)
Sarah Snodgrass	West Virginia American Water
Harry Stone	Ohio River Basin Association

ATTACHMENTS

October 2-4, 2018 -- ORSANCO Commission meeting and TEC meeting

Statement of Rich Cogen, Chair; ORSANCO Watershed Organization Advisory Subcommittee;
Executive Director, Ohio River Foundation

Colleagues, Commissioners, and fellow committee members,

I'm sorry that I cannot join you today, but a head injury leaves me highly sensitive to light and sound. I am recovering, but slowly.

Regarding the matter of this meeting, I have a brief statement on behalf of the subcommittee. I will not cover items and details that I'm sure others will be addressing, and have addressed, regarding facts and specific claims asserted in support of the controversial proposal. Instead my comments will address the broader negative policy implications of a vote in favor of the subject proposal.

Proposal 2 is not appropriate nor ready for consideration. It is perplexing that ORSANCO, a data and science driven agency, is considering a proposal that appears to have not been thoroughly researched or vetted. Many of the proposal's supporting claims appear to be based upon assertions by a few state representatives, and appear in several instances to be refutable. Thus, this drastic policy change appears to be driven by more by policy preferences than facts and by only a few states, rather than all states.

Where some, but not all...I reiterate, not all, member states have alleged and unverified problems with ORSANCO standards issuance practices, the course of action should be investigation, accommodation, negotiation, and compromise. Not, evisceration of existing powers that effectively kills an entire core program that enables ORSANCO to help control Ohio River Pollution as mandated in the multi-state Compact. Without these powers ORSANCO becomes a shell of its former self, and merely a monitoring and research organization.

Lastly, ORSANCO votes typically are decided by simple majority and impact a single pollutant or class of pollutants or affect a company or industry. However, unlike votes pertaining to criteria or standards guidance, this controversial proposal is so severe and absolute it strips away ORSANCO's entire ability to issue standards guidance which several states still rely on. The pending decision impacts every state and 25 million people. It should be unanimous and not carry by a simple majority.

Perhaps a solution exists among one of the other proposals, as some commissioners are now considering, Perhaps it's a re-combination of elements of the current proposals. But, we argue, controversial proposal 2 is not the solution.

In conclusion, we recommend and request that the commissioners reject this controversial proposal and instead work hard as a deliberative body to address the grievances and concerns of the relevant states to arrive at a more reasonable solution.

Thank you for your consideration of this important matter.

Rich Cogen



September 26, 2018

Ohio River Valley Water Sanitation Commission
5735 Kellogg Avenue
Cincinnati, OH 45230

**VIA EMAIL TO PCS@orsanco.org
AND REGULAR MAIL**

Dear Commissioners,

We are writing on behalf of the Board of Directors of the Waterfront Development Corporation (WDC) regarding the Ohio River Valley Water Sanitation Commission's (ORSANCO) proposed revisions to the Pollution Control Standards for the Ohio River.

WDC develops, operates, and maintains Waterfront Park, an 85-acre riverfront greenway with recreational and entertainment facilities linking Louisville's residents and visitors with the Ohio River. Waterfront Park hosts 2.2 million people annually, with 1.1 million visitors attending one of the 150+ events held at the park every year. Several events, including the Special Olympics Polar Plunge, Ironman Triathlon and the Dragon Boat Festival, entail contact recreation on the Ohio River as an integral component of the event. Waterfront Park generates \$40 million annually in economic impacts, supports over 700 jobs, and has sparked over \$1 billion in investment in the surrounding area, enabling a sustainable future for the Ohio River waterfront and downtown Louisville.

As an organization that has dedicated the past 30 years to reclaiming the Ohio River waterfront for the people, WDC strongly opposes ORSANCO's proposal to eliminate all numeric standards and the most protective provisions contained in the Pollution Control Standards. The proposed changes would result in degraded water quality conditions, compromise the public's desire to be near the Ohio River and ability to safely contact the water, which would be devastating to Waterfront Park, the downtown business district, and quality of life in our community.

We at WDC have immense respect for ORSANCO and the work it has done over the past 70 years to facilitate steady improvements in the Ohio River. We ask that you continue to ensure ORSANCO's original mission that "pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters."

Sincerely,

David K. Karem
President/Director

Deborah Bilitski
Vice President/Deputy Director

cc: Governor Matt Bevin
Lieutenant Governor Jenean Hampton
Ronald Loran, P.E., President/CEO, Northern Kentucky Water District
Charles G. Snively, Kentucky Energy and Environment Cabinet

Louisville Waterfront Development Corporation
129 East River Road Louisville, Kentucky 40202
(502) 574-3768 Fax (502) 574-4111 www.louisvillewaterfront.com





Mayor Steve Williams
City of Huntington

September 26, 2018

To whom it may concern,

I am writing on behalf of the City of Huntington, West Virginia, where approximately 48,000 of the Ohio River's 5 million tap water consumers reside, to express opposition to the ORSANCO Commission's proposed action which will eliminate ORSANCO's pollution control standards setting and monitoring roles within the Ohio River watershed.

We in Huntington appreciate ORSANCO's support for maintaining our Ohio River water quality, and we do not believe that ORSANCO pollution control standards currently in place constitute an unnecessary regulatory burden. Rather, they provide certainty for regulated entities while also providing protection for water consumers and recreational users along the entire length of the Ohio River.

Huntington is located at a critical point on the Ohio River, where three states share borders within the banks of the river. Therefore, we recognize the need for cross-state coordination and monitoring of pollution control standards, which can only be provided by an interstate compact such as ORSANCO.

Just as in the past decades of ORSANCO's existence (since the 1940s), Huntington's future economic and human health depend greatly upon the health of the Ohio River's water quality.

Sincerely,

Steve Williams
Mayor, City of Huntington

cityofhuntington.com

P.O. Box 1659 | Huntington, WV 25717 | p 304.696.5540 | f 304.696.4493



CITY OF EVANSVILLE

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OFFICE OF THE MAYOR
LLOYD WINNECKE

August 20, 2018
ORSANCO
5735 Kellogg Avenue
Cincinnati, OH 45230

ATTN: PCS Comments

To Whom It May Concern:

I am writing on behalf of the City of Evansville expressing opposition to the proposal of eliminating pollution control standards for the Ohio River. Frankly, ORSANCO has provided invaluable support to the Evansville Water and Sewer Utility relating to water quality for several decades. The citizens of Evansville are grateful for that support.

ORSANCO has the unique role of ensuring that all states (and polluters) in the Ohio River watershed are held to the same standards. It seems that the elimination of water quality criteria developed for the Ohio River by ORSANCO could well be detrimental to the river, and the watershed as a whole.

I understand that one of the reasons cited for the consideration of discontinuing the triennial review process of updating the PCS rules is to eliminate redundancies that overlap with federal and state regulations. I find it interesting, however, that there are more than 180 instances where ORSANCO's rules are not redundant to state and federal regulations.

As mayor, there is nothing more frustrating than dealing with conflicting or duplicative federal regulation. However, we believe that the standards in place do not constitute an unnecessary regulatory burden, and rather provide certainty for regulated entities along the length of the Ohio River, while also providing protection of designated uses.

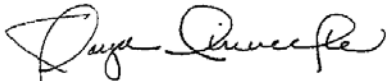
In addition to providing drinking water to 5 million people, the Ohio River is known as a "working river" because of the hundreds of industrial and wastewater treatment plants along its 981-mile route. Evansville is located at Ohio River mile marker 791, well downstream from the river's origin. Therefore, upstream water quality is very important to our city. The Ohio River is an amazing asset for Evansville. It serves as our water source, but also as a vital recreational venue and picturesque front door. Eliminating ORSANCO regulations could be a negative game changer for our community.



The City of Evansville recommends and encourages ORSANCO to continue to oversee Ohio River Pollution Control Standards to ensure the highest water quality possible.

Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Winnecke". The signature is fluid and cursive, with the first name "Lloyd" and last name "Winnecke" clearly distinguishable.

Lloyd Winnecke, Mayor
City of Evansville