

**Roundtable Issues Forum
Hyatt Regency Cincinnati
Cincinnati, Ohio
Wednesday, February 9, 2011
1:30 – 4:30 PM**

Session 1

Ohio River Drinking Water Utilities Panel – The Challenge in Providing Safe and Reliable Drinking Water to 5 Million

Chairman Paul Tomes welcomed the participants in the round table, thanking Jack Wang and the Water Users Advisory Committee for their assistance in putting together an outstanding slate of speakers, topics and presentations. He noted that the topic today was in follow-up to the panel presented by former Chairman Jeff Eger regarding the challenges facing the wastewater industry. As former drinking water utility director, Chairman Tomes felt it appropriate that a similar roundtable discussion be convened to identify the challenges facing the drinking water industry and, similarly, the challenges facing the Commission in protecting this vital resource.

Chairman Tomes referenced Article I of the Compact as the basis for the Commission's concern for drinking water. He acknowledged the Commission's work in protecting the source of drinking water and how those activities align with the Safe Drinking Water Act and USEPA's source water protection initiative.

The Ohio River has served as a test bed or pilot water for some of the nation's water treatment technologies. Referred to as the father of water treatment in this country, George Warren Fuller worked at both Cincinnati and Louisville water companies where he pioneered some of the most advanced water treatment technologies still in use today and referred to in our standards as "reasonable treatment". Treatment technologies have continued to advance with the use of activated carbon, ultra violet radiation and bank infiltration.

Much of what drinking water utilities do is protecting the public health; and Ohio River drinking water utilities have worked hard, 24/7/365 to assure that the health of the public they serve is protected. It starts with source water protection, which can be an expanded role for the newly formed water resources committee, monitoring that source and extends through treatment and distribution.

Chairman Tomes then identified the slate of speakers and topics:

- Past, Present and Future Operations on the Ohio River – Joe Dinkel, Executive Director, West View Water Authority
- The Organics Detection System (ODS), Revamped for Continuous Operations – Jerry Schulte, Manager, Drinking Water Security and Emergency Response Programs, ORSANCO

- The Challenges Associated with the Ohio River as a Source Water (present and future) – Greg Heitzman, President, Louisville Water Company
- Overarching Issues Between the Safe Drinking Water Act and the Clean Water Act, Going Beyond “Reasonable” Treatment” – David Rager (recently retired Director, Cincinnati Water Works)

Mr. Dinkel’s presentation discussed the experience of the Ohio River for the past 45 years at Westview Water Utility located on the head of Neville Island at Ohio River mile 5. From a benzene release on the Monongahela River to the Ashland Oil spill of 1988, the Buckeye pipeline spill on the Allegheny River, and the rhodamine spill from Alcosan, Joe lauded the actions of the Commission and its response to each of these incidents, protecting drinking water intakes. Joe concluded his remarks with a comment regarding a new threat to drinking water utilities which is related to elevated levels of total dissolved solids and bromide that have recently been observed in the Ohio, Allegheny and Monongahela rivers. Joe expressed his confidence in the Commission’s ability to address these new contaminants.

Mr. Heitzman, President of Louisville Water Company provided background on Louisville Water Company, which started in 1854 and continues today with a 240 mgd plant utilizing two Ohio River sources, surface water and alluvial ground water. Alluvial groundwater is provided through a raney well and 4 bank infiltration wells. These wells are part of Louisville water’s multiple barrier approach to protecting water quality for consumers. Mr. Heitzman extolled the history of advances in water treatment in the Ohio River basin, stating that not only did Louisville and Cincinnati share the water treatment genius of George Warren Fuller, but he traveled widely during the late 19th and early 20th centuries, improving water treatment in major cities throughout the country. Another individual, William Jewell developed a method to produce chlorine using brine and electricity at Louisville water. One hundred years later, his technology is being used by Louisville for their on-site chlorine production.

Mr. Heitzman brought to the groups’ attention the recent focus that has been on new or emerging contaminants, and further identified the problem the industry faces with the ability to detect compounds at levels far below our understanding of their effects or impacts. One case in point concerning caffeine detections at 25 ppt in drinking water; an individual would need to drink 13.6 million glasses of water to equal the amount of caffeine contained in one cup of coffee.

Mr. Rager, former director of Greater Cincinnati Water Works, provided an historical overview of the nation’s water quality regulations and identified the intersections between the Clean Water Act and the Safe Drinking Water Act. While the Clean Water Act may well have had its origin in the Rivers and Harbors Act of 1899, the Safe Drinking Water Act came into its own with the transition from treatment technology development and application to source protection, the guiding principle being that it may be easier and more cost effective to keep contaminants out of the source water than it is to develop, implement and operate treatments to remove it. While the Clean Water Act has enjoyed national application, drinking water utilities have been had to deal with specific treatment issues on the local level.

Mr. Rager closed his discussion with the observation that at national meetings, drinking water and wastewater disciplines are now both beginning to talk about the management of water resources not from secular or parochial perspectives, but from a more holistic, water cycle approach. It will be through this management paradigm that we will truly see complete integration of these two important concepts and acts.

(All presentations can be found at www.orsanco.org/)

Following the presentations, Chairman Tomes stated that drinking water utilities are functioning way beyond the level of “reasonable treatment” in response to the quality demanded by rate payers and new regulations as found in the safe drinking water act.

Peter Tennant took the opportunity to acknowledge that, for all the credit Joe Dinkel has given ORSANCO, its staff and their actions during the many spill response events, he has understated the support that the utilities, particularly Westview, have provided over the years. As advanced as the organics detection system is, it is not about the technology, but the people, the relationships and the dedication they have to working together and helping each other that has made for the success of the program and the system.

Commissioner Morgan asked Dave Rager’s perspective regarding the potential reuse of municipal wastewater for potable purposes. Mr. Rager responded stating that due to the sheer volume of the Ohio River direct reuse will not be a viable option. In arid parts of the county, this may be viable, but not here. Australians have had to use this option due to incredibly severe droughts. In actuality, reuse is practiced in the Ohio valley as all water withdrawn from the Ohio River is generally returned via wastewater treatment plants discharging to the Ohio. So, while this may not be a direct use, it certainly is an indirect reuse of the resource.

In follow up to the comment on southwestern US water, Commissioner Flannery asked if the day will come when water is moved from the Ohio River basin to the arid southwest? And if so, how do we manage the resource and capture the economic value?

Mr. Rager responded stating there is serious thought in the southwest on just that issue. However, it will be the politics of water, not the physical constraints, that will be the hurdle. Should such come to fruition, one of the end results will be the movement of not only water, but jobs and people out of the ‘rust belt’ into the sun belt.

Mr. Vicory asked what could ORSANCO do to support or promote the opening and updating the Clean Water Act and Safe Drinking Water Acts to interconnect them to make them more capable of addressing today’s water problems?

Mr. Rager responded stating that industry leaders agree that water management needs to be addressed holistically and with respect to the water cycle. However, it will take some time for the concept to truly solidify to the point where this type of management practice and regulatory framework is developed and accepted.

Mr. Tomes brought the session to a close, thanking all of the presenters and participants.

Session 2

ORSANCO and Water Resources Management: Thinking the Issues and Implementing Actions Hierarchically

Commissioner Flannery, Chair of the Ad Hoc Committee on water resources, opened the second session of the Roundtable session. There were three documents on Commissioner Flannery's agenda to offer for discussion: a Model Legislation document; the Memorandum of Agreement and the language that could be used to amend the Compact.

Commissioner Flannery offered for discussion the Model Legislation document developed and issued by the Interstate Oil and Gas Compact Commission. This document had been developed in response to a request for a model program, complete with statutes and regulations, and would provide procedural guidance for carbon dioxide sequestration absent federal legislation. It was rolled out three years ago and is being implemented, by several states. If the Commission were to construct a similar document with the monies provided by the Pittsburgh funding organizations, what could that do for us and our desire to move forward into the water resources management arena? Commissioner Flannery suggested it could help by providing:

- A. Structure to the discussion making process
- B. Identify type of deliverable due the funding entities
- C. Be uses as document or reference for the states to adopt in whole or in part.

Developing a similar document would be a way to work within existing authorities, meet the needs of the Pittsburgh funding organizations for a deliverable, and move the process along.

Concerns regarding the contents of such a document were raised by several participants, indicating that their states would probably not support or agree to any document that would be overly prescriptive in authority to ORSANCO, i.e., authorize ORSANCO to implement a water withdrawal permitting program in their states.

Commissioner Flannery responded stating that he would not prejudge what ORSANCO's authorities would be or what would be contained in such a document, but that a command and control permitting authority or program administered by ORSANCO would be quite a stretch for the organization. Ultimately it would be a consensus based program, and at this time, he would not be able to characterize what that would be, but that it would be consensus based.

Commissioner Bruny suggested that while drafting something like model legislation makes sense, it might be premature to pursue the development of such until more is known about the scope of water resource management authorities and responsibilities that would be assumed by the Commission. He suggested the development of a white paper first that articulates some or all of the concepts or authorities, then moving forward perhaps with model legislation.

Commissioner Nally suggested starting with the 8 points presented at the morning's water resource meeting that could be undertaken within existing authorities. He stated that the next two years would be quite busy in Ohio with other legislation, and that such a document from the Commission would probably not be among those to receive consideration.

Concern was raised by Legal Counsel Ross Wales, regarding the desirability of drafting model legislation and if this was being driven by the perceived need to fulfill some funding requirement for a deliverable.

Discussion then turned toward the need to provide a deliverable to the funding partners; what it would be and what it would contain.

Commissioner Duritsa suggested that it could be as simple as being paid to deliberate what role ORSANCO would have in water resource management.

Ron Schwartz echoed Commissioner Duritsa's suggestion saying that the funders are willing to fund the Commission to study and define what ORSANCO's role would be in the water resource arena. That it could be something as simple as developing a feasibility or scoping study that would be the deliverable and would satisfy the funders.

Discussion then turned to the potential scope of ORSANCO's authorities. Executive Director Vicory suggested that as a regional water quality entity, the Commission's authority in water resources should also be regional in scope and that a document should be developed that, at minimum, articulates the regional approach concept.

Commissioner Duritsa also commented that the funders expressed interest in the Commission engaging other non-profit foundations outside of Pittsburgh that would help underwrite this basin-wide initiative.

Director Vicory indicated that he knows of some in Cincinnati, and maybe in Louisville as well.

Legal Council Wales suggested that a soft deliverable such as a feasibility study would answer the question to what extent ORSANCO will be involved in water resources in the future. It could be an agreement in principle, but the exact details would still be unknown. The need exists, however, to know what our constituencies want and are willing to have ORSANCO involved with in water resource management, and that such a document could also be a deliverable in itself.

Commission Chairman Tomes asked how the Commission (Commissioners) would feel if the funders would form their own group to service western PA's water resource needs (as opposed to ORSANCO)?

Commissioner Duritsa said that a Monongahela River based "commission" already exists, such as it is. And that development of a more formal commission with such authorities is a concern.

Commissioner Morgan stated that it is important to develop a strategy. He does not have a problem with individual states having specific components they would have the Commission work on, but the Commission needs to be the leader in the regionalization strategy with an appropriate overview on the resources and to be the forum where such issues can be discussed.

Randy Sovic stated the same dialogue happened 30 – 40 years ago within the organization regarding water quality, and it is still evolving, still coalescing even today.

Commissioner Flannery stated that the discussion regarding Model Legislation should probably be tabled inasmuch as there did not seem to be strong endorsement for this more aggressive approach and to allow the water resources committee to further the discussion as warranted.

Commissioner Flanner then brought forth the second issue, the Memorandum of Understanding. Commissioner Flannery suggested he personally had three reasons for wanting to see the MOU advanced to the Governors of each state for consideration and potential signature. If accepted or approved:

- 1) It would provide a level of comfort knowing that the governors agree that ORSANCO should engage in water resource management,
- 2) That support for the development of funding mechanisms could more successfully reach back to the states,
- 3) If we can't get the MOU signed, that sends a message that any attempts at amending the Compact would not be successful.

As such, Commissioner Flannery recommended advancing the MOU to governors.

Ron Schwartz agreed, but questioned if we were premature in doing so if we don't know what we are proposing as authorities or responsibilities for the Commission? Aren't we putting the cart before horse? Committee should have a better fleshed out MOU after June meeting or the October meeting which could then be considered to be presented to the governors.

Legal Council Wales suggested that the MOU be used as an example of what ORSANCO could do in Water resources and that it would be used to get the Commission's foot in the door, so to speak, on this issue, and not draft or intend for it to be signed.

Commissioner Morgan suggested that it would need to go before and receive the support of the DNRs and that it could then be jointly presented to the Governors.

Commissioner Frevert stated that the MOU needs the endorsement of water resource agencies before going to governor. But it first needs to be developed and approved by the Water Resources Committee.

It was agreed that the MOU should be presented to the Water Resources Committee for evaluation.

Commissioner Flannery then presented the final document for consideration, which was the language that could be used in extending the Commission authority in water resource management through amendment of the Compact. However, since there was clearly no intent of pursuing Compact amendment at this time, he suggested not to proceed at this time with any discussion on the issue.

Chairman Tomes thanked all for their participation and presentations.