

*Ohio River Valley Water Sanitation Commission*

# **2019 Public Review of Pollution Control Standards for Discharges to the Ohio River**

*This presentation will start  
momentarily. Thank you  
for your patience.*





# Welcome!

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# Webinar Procedures

- The purpose of this webinar is to inform interested parties about proposed changes to the PCS and to answer questions.
- This webinar is not for the purposes of accepting comments for the record (see last bullet below).
- Presentation, then Q&A.
- All participants are muted.
- You may enter a question at any time:
  - Enter into "Public Chat" box at lower left corner.
  - We are not accepting comments for the record during this webinar.
- Comments for the record must be submitted in writing by mail or email by April 15. Instructions will be on ORSANCO's website at:  
[www.orsanco.org/programs/pollution-control-standards](http://www.orsanco.org/programs/pollution-control-standards)

# Purpose of this Public Review

- Purpose of this review is to solicit input from the public on proposed specific revisions to the Pollution Control Standards for Discharges to the Ohio River – 2015 Revision.

# Who is ORSANCO

- Formed in 1948 by signing of Compact by Governors of 8 states and was approved by the US Congress.
- IL, IN, KY, NY, OH, PA, VA, WV, Federal Govt.
- 3 Commissioners from each state and 3 federal Commissioners form ORSANCO's "Board of Directors". These are the decision-makers.
- The "Compact" provides ORSANCO's mission and authorities.
- Mission is control of interstate water pollution.

# Background

- The current review began with the appointment of a Commission Ad-Hoc Committee to review its role in water quality standards implementation on June 30, 2015.
- The Ad-Hoc Committee developed 5 alternatives for consideration.
- The Ad Hoc Committee recommended a preferred alternative #2.



# Background (cont.)

- At October 2017 Commission meeting, the Commission authorized PCS Committee to initiate a public review of all the alternatives, noting the preferred #2 as such.
- In brief, the preferred Alternative #2 would have eliminated criteria, mixing zone requirements, and most wastewater discharge requirements.
- 1<sup>st</sup> Public review held Jan. 10 thru Feb. 24 to solicit input on the 5 alternatives:
  - 783 -- "Third-Party" emails not in favor of Alternative#2.
  - 14 -- Detailed comments from entities not in favor of Alternative #2.
  - 17 -- Detailed comments from entities in favor of Alternative #2.

# Background (cont.)

- At the June 2018 Commission meeting, the Commission authorized PCS Committee to initiate a second public review of specific revisions to the standards based on Alternative #2.
- 2<sup>nd</sup> Public review held June 26 thru Aug 20, 2018 and hearing on July 26.
  - 10 detailed comments in favor of Alternative #2.
  - 38 detailed comments from entities not in favor of Alternative #2.
  - 5,728 comments from the general public not in favor of Alternative #2.
  - Hearing results – 92 attendees; 48 commenters all opposed to proposed revisions.



# Background (cont.)

- At the October 2018 meeting, the Commission deferred action on proposed revised standards to allow the PCS Committee additional time to consider public input.
- Following the meeting, the Pollution Control Standards Committee met and developed a revised proposal for the Commission's consideration.
- At the February 2019 Commission meeting, the Commission voted to put the revised proposal out for public comment.
- This proposal recognizes that although member states may implement water quality standards differently, they all must maintain programs mandated by the federal Clean Water Act to protect water quality.

# Key Tenants of PCS Committee Proposal

- 1) Any proposal should be consistent with the Compact;
- 2) Any proposal should provide for a cost effective use of ORSANCO and State resources;
- 3) Any proposal should provide for the PCS to be available for States to use if desired;
- 4) Any proposal should not be mandated to the States;
- 5) Any proposal should preserve the PCS to be available for specific main stem Ohio River problems that may arise in the future;
- 6) Any proposal should ensure that the uses identified in the Compact are maintained.

# General Statement of Proposal

- In essence, the new proposal, which retains the PCS, would allow states to use alternative criteria from those contained in ORSANCO's Pollution Control Standards in their NPDES permitting processes, so long as resulting permit requirements are protective of Ohio River designated uses.

# Specifics of Proposal

- **Pg. 2, 4<sup>th</sup> Paragraph.**
- It is recognized by the Commission that the permitting and water quality standards development processes of the individual states may vary, as contemplated by the Compact, due to a number of factors, including administration of the federal/state National Pollutant Discharge Elimination System (NPDES) as established in federal Clean Water Act (33 U.S.C. 1342).

# Specifics of Proposal (cont.)

- **Pg. 2, 4<sup>th</sup> Paragraph.**

- It is recognized further by the Commission that each discharge permit issued pursuant to the Clean Water Act or other federal or state law may not contain requirements addressing one or more of the Pollution Control Standards. The Commission, and each signatory state, have committed to implementation of discharge permit limitations that provide comparable use protection and achievement of the Compact goals as provided by these standards. To that end, each signatory state will provide notice and an opportunity for comment to the Commission of any proposed or draft discharge permit to the main stem of the Ohio River.

# Public Review Schedule

- 45-Day Public Review open March 1.
- Informational webinars on March 12 and March 14.
- Public Hearing in Pittsburgh – April 1, 6pm-8pm.
- Public Hearing in Evansville – April 4, 6pm-8pm.
- Public Hearing in Cincinnati – April 8, 6pm-8pm.
- Public Review period closes April 15.



# Public Notification

- Notice of Hearing sent to:
  - Approx. 200 media outlets.
  - 3379 citizens and ORSANCO affiliates.
  - 719 postcards send to permittees.
- Website has been established to support the public review:
- [www.orsanco.org/programs/pollution-control-standards](http://www.orsanco.org/programs/pollution-control-standards)

# Public Comment

- Comments must be submitted in writing by mail or email by midnight April 15, 2019.
- Instructions on submitting comments will be on website.
  - Email directly from sender to ORSANCO at [PCS@orsanco.org](mailto:PCS@orsanco.org).
  - No email attachments.
  - Mail to ORSANCO, 5735 Kellogg Ave, Cincinnati, OH 45230.
- Today's comments will not be part of the official record.
- All information/instructions at [www.orsanco.org/programs/pollution-control-standards](http://www.orsanco.org/programs/pollution-control-standards).

# Questions