

**In the Matter Of:**

*OHIO RIVER VALLEY WATER SANITATION COMMISSION*

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**Evansville Hearing**

*April 04, 2019*

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1 OHIO RIVER VALLEY WATER SANITATION COMMISSION

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4 2019 PUBLIC REVIEW OF POLLUTION CONTROL

5 STANDARDS FOR DISCHARGES TO THE OHIO RIVER

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8 EVANSVILLE HEARING TO ACCEPT PUBLIC COMMENT

9

ON APRIL 4, 2019

10

AT THE HOUR OF 6:01 P.M.

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13 AT HOTEL TROPICANA EVANSVILLE

14

421 N.W. RIVERSIDE DRIVE

15

EXECUTIVE CONFERENCE CENTER

16

EVANSVILLE, INDIANA 47708

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A STENOGRAPHIC RECORD

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BY: SHERRY D. LENN, RPR

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APPEARANCES

HEARING BOARD:

Commissioner Joe Harrison, Jr. - Indiana  
Commissioner Ron Potesta - West Virginia  
Commissioner Toby Frevert - Illinois

STAFF:

Richard Harrison, P.E., Executive Director  
Jason Heath, P.E., BCEE, Director of Technical Programs  
Lisa Cochran, Communications Coordinator

1 MR. FREVERT: It's a little bit after  
2 6 o'clock. I'd like to call this hearing to order.  
3 My name is Toby Frevert. Before I go any further,  
4 I'd like to ask everybody in the room, if you have  
5 a cell phone, to please turn off the ringer, so put  
6 it on silent mode. Thank you all.

7 MR. POTESTA: Is your mic on?

8 MR. FREVERT: Pardon me?

9 MR. POTESTA: Is your mic on?

10 MR. FREVERT: I don't know. Is that better?

11 (A discussion was held off the record.)

12 MR. FREVERT: Let me start all over then.

13 It's a little bit after 6 o'clock, and we're now  
14 calling this hearing to order. This hearing is  
15 being held to receive comments on a proposed  
16 revision to the Ohio River Valley Water Sanitation  
17 Commission Pollution Control Standards for  
18 discharges to the Ohio River.

19 My time is Toby Frevert. I am on the  
20 Commission -- I'm on the ORSANCO Commission  
21 representing the state of Illinois. I currently  
22 serve as the chairman for the Commission's  
23 Pollution Control Standards Committee. That's the  
24 committee in charge of this review.

25 With me today comprising the remainder of the

1 hearing board for this hearing is Commissioner  
2 Joseph Harrison, Jr. representing Indiana and  
3 Commissioner Ron Potesta representing West  
4 Virginia.

5 The hearing was announced in a notice that was  
6 published and distributed on March 1, 2019,  
7 pursuant to the Commission's bylaws, via the  
8 Commission's website, through 3,266 e-mails to  
9 interested parties, to 197 media outlets, and to  
10 719 Ohio River permittees. A copy of the notice is  
11 available on the table at the entrance. A copy of  
12 that notice will be entered into the record.

13 The authority and purpose of our hearing: The  
14 hearing has been called under the authority of the  
15 Ohio River Valley Water Sanitation Compact. That  
16 document was signed on June 30th, 1948, by the  
17 Governors, and their appointed representatives, of  
18 the states of Illinois, Indiana, Kentucky,  
19 New York, Ohio, Pennsylvania, Virginia, and West  
20 Virginia, following enactment of enabling  
21 legislation by each of those states and approval by  
22 the United States Congress.

23 Under Article I of the Compact, each of the  
24 signatory states promises to take such action as is  
25 needed to place and maintain the waters of the

1 Compact District in a safe and sanitary condition,  
2 available for use as public and industrial water  
3 supplies after reasonable treatment, suitable for  
4 recreational usage, capable of maintaining fish and  
5 other aquatic life, free from unsightly and  
6 malodorous nuisance, and adaptable for such other  
7 uses as may be legitimate.

8 This hearing has been called under the  
9 authority of Compact Article VI which authorizes  
10 the Commission to adopt, prescribe, and promulgate  
11 rules, regulations, and standards for treatment or  
12 modification of sewage and industrial wastes to  
13 such degree as may be necessary to meet the river  
14 quality objectives specified in Article I, after  
15 due notice and public hearing.

16 On January 10th, 2018, this Commission  
17 published notice of its intent to conduct a review  
18 of its pollution control standards. The  
19 Commission's Pollution Control Standards Committee  
20 is proposing to revise its pollution control  
21 standards for discharges to the Ohio River via the  
22 current 2015 revision.

23 The purpose of this hearing is to receive  
24 comments on those proposed revisions in order to  
25 assist the Commission as it considers what action

1 it will take with respect to those proposed  
2 revisions. Let me emphasize that no final decision  
3 has been made with respect to the proposal before  
4 you for comment. Your comments will be an  
5 important element in informing the Commission as  
6 part of its decision-making process.

7 And with that, those are my introductory  
8 comments. We're going to have a brief staff  
9 presentation of the nature of what is being  
10 proposed for consideration today. And I believe  
11 Richard Harrison is in charge of that. Richard  
12 Harrison is our executive director.

13 MR. RICHARD HARRISON: Well, thanks everyone  
14 for being here this evening. We appreciate your  
15 participation in this process. What I'm going to  
16 try to do is give a little bit of background on  
17 ORSANCO, really how we -- how we got here, how we  
18 got to this point in this particular proposal. And  
19 so as executive director, I'm going to give a --  
20 kind of a high-level overview of the Commission and  
21 really -- really the particulars of this proposal  
22 and again from a high-level standpoint. And then  
23 Mr. Jason Heath, who is our director of technical  
24 programs, will get into kind of the nuts and bolts  
25 of the proposal and give you a little more detail

1 on this process that is a part of this particular  
2 review.

3 We've already introduced the board, but we  
4 have with us Commissioner Harrison, the  
5 commissioner from Indiana; Mr. Potesta who is our  
6 chairman of the Commission, a commissioner from  
7 West Virginia; and Commissioner Toby Frevert from  
8 Illinois who is the chairman of the Pollution  
9 Control Standards Committee. And that committee is  
10 the committee that is charged with really  
11 facilitating the review, conducting the review, and  
12 then ultimately formulating a recommendation to the  
13 Commission as to any potential proposal and what  
14 the next steps might be.

15 So again, and I realize some of this may be  
16 repetitive, but the purpose of this review is to  
17 solicit input from the public on proposed specific  
18 revisions to the Pollution Control Standards for  
19 Discharges to the Ohio River - 2015 Revision. We  
20 typically review our standards every three years on  
21 what's called a triennial review basis, and this is  
22 part of that process.

23 The purpose of the hearing is to accept public  
24 statements. The statements that you make this  
25 evening will be part of the record. We'll also



1 publish the transcript from the hearing tonight on  
2 our website probably in the next couple weeks or  
3 so. And so it's important that we get this as part  
4 of the record. However, it won't be a  
5 responsiveness type of hearing where we answer  
6 questions. This is just another part of our  
7 outreach to make sure that we've done a thorough  
8 job of running a transparent process and reaching  
9 out to the state culverts along the river.

10 So again, for this evening, the procedures,  
11 we're going to make a brief presentation. Then you  
12 all will be invited to make a comment for the  
13 record. Again, it will be covered here by this  
14 fine person (indicating) in making sure that your  
15 comments are part of the record verbatim, and then  
16 it will be part of the record that's reviewed by  
17 the Commission. So please limit your statements to  
18 five minutes so everyone has a chance to  
19 participate in this evening's proceedings.

20 So who -- who is ORSANCO? I think it's worth  
21 just taking a few minutes and talking about who we  
22 are and who we're not. I think there's been a --  
23 this is a complicated process. And the Commission  
24 has realized this, that really talking about  
25 pollution control standards is complex. And so we

1 were -- we were brought together or formed through  
2 -- through collaboration of eight states, and we  
3 mentioned the states already. But as part of  
4 putting together the Compact, the policy board of  
5 the Commission or the government structure was also  
6 covered in the Compact. And that includes three  
7 commissioners from each of the member states as  
8 well as three federal commissioners appointed by  
9 the President. And so this essentially forms our  
10 policy board, if you will.

11 And we also have, and as I mentioned, the  
12 Federal Government involved in this. And so the  
13 Compact, which was really culminated through  
14 probably 15 years of negotiation, was finalized in  
15 June of 1948. So our organization has been in  
16 place for a little more than 70 years.

17 Our broad mission is the control of interstate  
18 water pollution. I think it's important to step  
19 back a little bit and reflect on the fact that  
20 ORSANCO is an organization that came together by  
21 the states agreeing to work together. And they  
22 felt that by working together on complicated  
23 interstate bodies of water within the basin, that  
24 would be an effective way to move forward to  
25 approve water quality.

1           Back in the -- in the thirties, essentially  
2 all wastewater discharge was just direct discharge  
3 into the river. The river was, in a lot of ways,  
4 an open sewer. So when you think about how far  
5 we've come, I think it's a testament to the effect  
6 of this -- of this collaboration of -- of the  
7 states to really improve the water quality of the  
8 Ohio River.

9           ORSANCO has a lot of great monitoring  
10 programs. We are involved in source water  
11 protection. Anytime there's a spill that affects  
12 the river, ORSANCO is going to be involved in some  
13 fashion. So we take a lot of pride on working with  
14 the 30 drinking water utilities that provide a  
15 service to approximately 5 million folks within the  
16 basin. So that's a big part of what we do. We are  
17 monitoring each of the pools of the river. So we  
18 have decades of data that we can have trend  
19 information for the water quality to show  
20 improvements in the river and show challenges. Not  
21 everything is improved.

22           We have biological programs where we measure  
23 the fish health and the macroinvertebrates, which  
24 is another technical term for bugs, and so these  
25 are indicators of water quality. And that's a lot

1 of our focus. We have public outreach programs.  
2 So with a staff of 19 employees we do a lot of  
3 great work. And then working with the standards  
4 program is also part of the Commission's work and  
5 the Commission capacity.

6 So to talk a little bit about the current  
7 review, this began in June 30th, 2015. And I'd say  
8 it even goes back further. It goes back to June of  
9 2014 or actually December of 2014. And there was  
10 an appointment of an ad hoc committee of  
11 commissioners to really look at our goal in  
12 pollution control standards.

13 There have been recent challenges in the some  
14 of the states for creating ORSANCO standards. And  
15 so through that process the Commission stepped back  
16 and determined it was time to do a holistic review.  
17 This is about the third or fourth holistic review  
18 we've done in ORSANCO's 70 years. And so this was,  
19 you know, a little more than our normal three-year  
20 update where we were just looking at individual  
21 criteria. And so the ad hoc committee worked  
22 together for a pretty significant period of time  
23 and developed five alternatives. Those  
24 alternatives raised were from basically eliminating  
25 the entire program, saying that the program is

1 redundant and is no longer needed -- with the  
2 states' work and the US EPA's Federal Clean Water  
3 Act, this is not a good use of our resources -- to  
4 an alternative that would have been really stepping  
5 up ORSANCO's work in the standards. So, you know,  
6 there was a range of alternatives. And the  
7 Committee landed on what has been called preferred  
8 or expanded Alternative #2 that would essentially  
9 eliminate the criteria portion of ORSANCO's  
10 standards.

11 ORSANCO's standards only apply to the Ohio  
12 River. And so when you think of the Ohio River,  
13 about 90 percent of the Ohio River's flow is made  
14 up of the major tributaries. Well, those  
15 tributaries are already managed by the US EPA and  
16 the states' programs. ORSANCO's criteria have  
17 again been only implemented for the Ohio River. So  
18 I think it's important to recognize that what was  
19 being proposed originally was not something new.  
20 It's something that's already been, you know,  
21 utilized for most of the -- for all of the  
22 interstate bodies of water within the Ohio River  
23 basin with the exception of the Ohio River. And so  
24 through this process the idea of sunseting the  
25 criteria but keeping a component of the standards

1 was the preferred proposal of the  
2 ad hoc committee and also the Commission.

3 We conduct a two-step process, so it's a very  
4 thorough process. The first step is to say this is  
5 what the Commission's thinking. So we put out that  
6 alternative along with the other four alternatives  
7 for public comment. And so that comment period was  
8 roughly late winter or spring -- early spring of  
9 last year. And then once that was accomplished,  
10 the comments were reviewed by the Commission and  
11 the Pollution Control Standards Committee, and it  
12 was determined that we should go ahead and go out  
13 for specific comments on the same proposal, again  
14 the proposal that would have effectively eliminated  
15 ORSANCO's numeric criteria. And so through that  
16 process we started another review period. And so  
17 that included a hearing, webinars, and through that  
18 process we got about 6,000 comments, mostly wanting  
19 ORSANCO to keep the criteria. And so through that  
20 process Commissioner Frevert and the Pollution  
21 Control Standards Committee really stepped back.

22 And so at our October Commission meeting, when  
23 this was technically scheduled to possibly take  
24 action to move forward with the proposed  
25 alternative, the Committee asked for more time, and

1 the Commission granted more time to really step  
2 back. So what the Commission ended up doing is  
3 really stepping back and giving the Committee the  
4 flexibility to come up with a completely new  
5 proposal. And so that's what they did. The  
6 Committee listened to the comments that had been  
7 received, worked closely -- we had a number of  
8 advisory committees that worked with the  
9 Commission. One of those is the watershed  
10 organizations committee, which is folks like Sierra  
11 Club, West Virginia Rivers Coalition. There's  
12 hundreds of watershed groups within the basin, and  
13 a number of those are involved with ORSANCO, and so  
14 we worked together. We worked with the drinking  
15 water utilities and wastewater utilities industry  
16 and really tried to come up with a proposal that  
17 met the Commission's goals but also took into  
18 account comments that had come in.

19 So what's being put forward with this  
20 proposal, I jokingly say we're going into overtime,  
21 because normally we would have a two-step proposal  
22 and that would be it. We are now in a third step  
23 because effectively the Commission and the  
24 Committee has come up with a totally new proposal.  
25 And it's only right to just go out for public

1 comments if it's different than what had been  
2 originally proposed. So that's where we are.

3 And so the Commission, in its February  
4 Commission meeting, voted to advance this  
5 particular revision called the 2019 Pollution  
6 Control Standards Revision to public comments. So  
7 we are at the second public hearing. We're going  
8 to have another one Monday in northern  
9 Kentucky/Cincinnati. And the particular -- this  
10 particular review will close on April 15th. And so  
11 through this process, I just want to note that the  
12 proposal recognizes that states need additional  
13 flexibility and that the pollution control  
14 standards are important as it relates to  
15 maintaining the designated uses.

16 And so when you look at our Compact -- and  
17 I'll try to wrap this up -- our Compact focuses on  
18 the meeting of designated uses. The Compact  
19 actually says no one standard is -- is considered  
20 appropriate for all sections of the Compact  
21 district. So our Compact focuses on making sure  
22 the designated uses are being met. And again, we  
23 mentioned drinking water, recreation, aquatic life,  
24 fish consumption. And so that is the primary  
25 function. And so the -- this proposal would use



1 the pollution control standards at that benchmark.  
2 And it would be consistent across the river to  
3 making sure that the uses are being achieved. We  
4 would make -- we would continue reviewing permits,  
5 but we would focus on -- in our review, we would  
6 focus on the impact of a specific permit on the  
7 water quality of the river. We would use our  
8 science, our data for each pool, and we can -- we  
9 can determine then, based on the highest possible  
10 flows coming from that discharge, is it going to be  
11 impactful for the river. And so that's why this is  
12 very different than the other proposal.

13 And so there were some key tenets that were  
14 put together with this proposal: One is that it be  
15 consistent with the Compact, and that's really a  
16 key part of this. It should be providing a cost  
17 effective use of ORSANCO and state resources. You  
18 know, we are the states in a lot of ways. And so  
19 since our resources come from the states and US EPA  
20 largely, we need to make sure that we're using  
21 these resources wisely. And in a lot of ways this  
22 allows us to focus on our strength in science. We  
23 are unparalleled in science; in biological  
24 assessment and monitoring source water production.  
25 It allows the states to focus their resources on

1 the enforcement of standards and permitting and US  
2 EPA. So that was a big part of this.

3 Any proposal should not be mandated to the  
4 states. The states need flexibility because it's a  
5 big difference in coming up with standards and  
6 actually implementing them through programs.

7 That's a very sensitive process. So this gives  
8 states flexibility to use the criteria that they  
9 develop with US EPA. And then again -- and, you  
10 know, I know we keep mentioning this, but any  
11 proposal would ensure that the uses in the Compact  
12 are maintained. And then also, importantly, future  
13 contaminants of concern. This would maintain the  
14 Pollution Control Standards to be available to be  
15 able to be utilized for emergent contaminants of  
16 concern. So really this is very different than  
17 what we talked about -- I know some of you were at  
18 our last hearing of that proposal. So I just  
19 wanted to, you know, work through that process.  
20 And I'm going backwards.

21 A general statement of proposal: In essence,  
22 this proposal would retain the pollution control  
23 standards, again for the prime function of making  
24 sure the uses of the river are being met. It would  
25 allow states to have the flexibility to use

1 alternative criteria as long as the permits that  
2 are part of their process are protective of the  
3 Ohio River designated uses. And that's where staff  
4 will continue to review permits.

5 So just -- that's a lot of information. You  
6 know, I'm going to turn it over to Mr. Heath right  
7 now to go into more of the details of the proposal  
8 and how you can participate in the process as we  
9 step forward. Jason.

10 MR. JASON HEATH: Thank you. Good evening.  
11 So I am going to pretty much read verbatim the most  
12 significant changes to the standards. There are  
13 some other changes, and I would encourage you to  
14 either visit our website, or we have a hard copy  
15 out there of the red-line version which will show  
16 you all of the exact changes being made to the  
17 standards.

18 But on page two of the red-line version,  
19 fourth paragraph, "It is recognized by the  
20 Commission that the permitting and water quality  
21 standards development processes of the individual  
22 states may vary, as contemplated by the Compact,  
23 due to a number of factors, including  
24 administration of the federal/state National  
25 Pollutant Discharge Elimination System as

1 established in federal Clean Water Act."

2 And then the fourth paragraph of the second  
3 page goes on to say -- and I think this is probably  
4 the meat of the most significant change -- "It is  
5 recognized further by the Commission that each  
6 discharge permit issued pursuant to the Clean Water  
7 Act or other federal or state law may not contain  
8 requirements addressing one or more of the  
9 Pollution Control Standards. The Commission, and  
10 each signatory state, have committed to  
11 implementation of discharge permit limitations that  
12 provide comparable use protection and achievement  
13 of the Compact goals as provided by these  
14 standards. To that end, each signatory state will  
15 provide notice and an opportunity for comment to  
16 the Commission of any proposed or draft discharge  
17 permit to the main stem of the Ohio River." So  
18 those two sections of paragraph four are pretty  
19 much what Richard was talking about when he  
20 summarized on -- on that last line.

21 So to go into more of the administrative  
22 aspects, the public review schedule, we opened the  
23 45-day public review on March 1st. We held  
24 informational webinars on March 12th and 14. The  
25 purpose of those webinars was not to take comment

1 but to take questions and answer questions from the  
2 public. And then the three hearings that we're  
3 holding, we held one on Monday evening in  
4 Pittsburgh and then tonight's hearing, and then  
5 we'll be holding one in Cincinnati on this coming  
6 Monday. And then the public review will close on  
7 April 15.

8 So public notification -- I think Richard  
9 covered this already. We sent the notice of these  
10 hearings in the public review process out to  
11 approximately 200 media outlets, over 3,000  
12 citizens by e-mail, and then over 700 postcards  
13 were sent through regular mail to each of the ten  
14 discharges on the Ohio River. We do have a website  
15 that's established that has all of these materials  
16 on there. I would encourage you to visit it. All  
17 the directions for submitting comments are there as  
18 well as the revised standards.

19 So how do you make public comment? Number  
20 one, we have a court reporter here, and so if you  
21 make comment tonight, it will become part of the  
22 official record. But in addition to that, you may  
23 submit comments in writing by mail or e-mail by the  
24 end of April 15. Instructions are on the website  
25 for submitting comments, but basically e-mail would

1 be our -- our most-desired means for receiving  
2 comments. It just makes it a little easier for us  
3 to manage. But we also do get hard copy through  
4 the mail. If you do send comments by e-mail,  
5 please do not add an attachment to your e-mail or  
6 my IT person is going to be coming to me with a  
7 problem. He's just trying to protect the integrity  
8 of our data systems. And then by mail to -- to our  
9 address. With that, I think we're done with the  
10 presentation.

11 MR. FREVERT: Thank you, Jason. I've got to  
12 -- let me grab the microphone. We're going to move  
13 into the part of the hearing now where the  
14 individuals that came to the hearing prepared to  
15 comment are going to have the opportunity to  
16 comment. I would ask that as you come up, you  
17 speak at this podium (indicating). And then please  
18 remember we're transcribing this, so speak clearly  
19 into the microphone so the court reporter can hear  
20 it well. And I've got between 10 and 15 people  
21 that have announced a desire to speak. So I'm  
22 going to ask you all to limit yourself to five  
23 minutes initially, and if -- if there's something  
24 -- when we're through with it, if people still want  
25 to comment more, we'll have the opportunity to do

1 that. To keep things orderly, let's start with a  
2 five-minute time limit. And if you're Jean Webb,  
3 you're right up.

4 MR. RICHARD HARRISON: Toby, I'll just add if  
5 you have a specific document you want to leave with  
6 us, just give them to me, and I'll make sure we get  
7 them uploaded.

8 JEAN WEBB: Hello. My name is Jean Webb. I'm  
9 a resident of Evansville, Indiana, and volunteer  
10 with the Southwest Indiana Sierra Club Network.  
11 Our territory includes nine counties, five of which  
12 lie on the Ohio River.

13 Thank you for coming to Evansville to hear our  
14 concerns. The Ohio River is our drinking water  
15 source. Our community is one of the furthest  
16 communities downriver of the Compact member states.  
17 Thus we are the recipients of the pollution from  
18 the upriver states and most of Indiana. The  
19 pollution standards are critical to us.

20 We ask that ORSANCO, number one, maintain the  
21 pollution control standards. These standards have  
22 been determined to be necessary and appropriate for  
23 improving the health of the river and maintaining  
24 water quality. The pollution control standards for  
25 ORSANCO are appreciated and needed.

1           Number two, maintain the requirement that all  
2 states in the Compact revise their state water  
3 quality standards and permitting programs to  
4 utilize the ORSANCO standards when issuing  
5 discharge permits into the Ohio River. Currently  
6 citizens are able to use the Compact pollution  
7 control standards to pressure water quality  
8 agencies and elected officials to do more to  
9 protect the Ohio River and our drinking water. If  
10 the pollution control standards become voluntary,  
11 they would lose their significance during these  
12 grass root efforts for water quality.

13           In the sad event that we do not obtain these  
14 two asks, the Sierra Club state chapters will be  
15 offering alternative asks. Our local chapter  
16 endorses the more extended written comments from  
17 the Hoosier chapter Sierra Club. And lastly, we  
18 request that ORSANCO set nutrient standards for the  
19 Ohio River, similar to efforts on the Great Lakes  
20 and Chesapeake Bay.

21           ORSANCO has provided an essential service to  
22 our country for over 70 years. We thank you, and  
23 we ask that that leadership service continue.

24 Thank you.

25           MR. FREVERT: Thank you, ma'am. If you have a



1 written copy of that statement you could leave with  
2 us, we'd appreciate it. And for the rest of the  
3 individuals, if your comments are in writing, if  
4 you could leave it with us, we would appreciate  
5 that.

6 The next up is John Webb -- John Blair. I'm  
7 sorry. John Webb is a tennis buddy of mine back in  
8 Illinois.

9 JOHN BLAIR: Thank you, Mr. Frevert. I had  
10 the opportunity to speak first at the hearing in  
11 Erlanger last July 26th. And I have to say that my  
12 comments then were more of an angry tone than they  
13 are going to be tonight. I couldn't believe that  
14 there was an effort afoot to eliminate the  
15 standards entirely.

16 There are some things that I think that need  
17 to be said, however, and one of them goes back to  
18 the statement that was read awhile ago about --  
19 that it says states should maintain the waters of  
20 said basin in satisfactory sanitary condition  
21 available for safe and satisfactory use as public  
22 and industrial water supplies after reasonable  
23 treatment suitable for recreational usage, capable  
24 of maintaining fish and other aquatic life, free  
25 from unsightly and melodious nuisances due to

1 floating solids or sludge deposits and adaptable to  
2 such other uses as may be legitimate.

3 One of the things I want to address is these  
4 standards don't seem to address anything about  
5 algae blooms or nutrients, and I -- I think that  
6 it's -- after what happened two years ago in the  
7 Ohio River during the summer, that -- that the  
8 issue of nutrients is a significant issue that  
9 needs to be addressed. And it needs to be  
10 addressed fairly quickly. I'm a boater in the Ohio  
11 River. I have allowed my children that are now  
12 grown -- they survived -- to swim in the Ohio  
13 River. I know that in the -- since 1975 when I  
14 first became aware of the Ohio River and the first  
15 time that I ever became immersed in the Ohio River,  
16 it's so much cleaner than it was. And, you know,  
17 you guys are -- you guys and everybody else, the  
18 NGOs and the EPA and -- and others, have done a  
19 great deal to -- to make that river a better place  
20 not only for recreation but also for drinking.

21 It's just vitally important. You can go out  
22 here on some days in July and August and see  
23 literally hundreds of recreational boats lining the  
24 river all the way from French Island to -- down to  
25 old dam 48 and -- I mean, hundreds and hundreds of

1 boats, which almost are thousands of people that  
2 use the river recreationally. So it's more than  
3 drinking. But drinking is certainly a big part of  
4 -- of the thing too. And when each state can  
5 declare their own variances, pretty much, and only  
6 have to file with you that they're doing that, you  
7 know, I don't know that that really does the job  
8 that needs to be done. I -- I think that it's  
9 probably a better idea to have unified standards  
10 across the way.

11 And I understand the idea that, you know, the  
12 depth of the water, the volume of the water and all  
13 that vary from the source of the river in -- in  
14 Pittsburgh to the -- where it -- the mouth of it is  
15 with the Mississippi at Cairo, but -- I guess it's  
16 called Cairo. But nevertheless, we have to drink  
17 whatever is put in the water in West Virginia, in  
18 New York, in Virginia. That's ultimately going to  
19 find its way here. And, yes, I understand that it  
20 will be somewhat diluted by the time it gets here.  
21 If it's put in, say, in Pittsburgh, that particular  
22 amount of pollution will not impact, you know, my  
23 drinking water a great deal, but the cumulative  
24 aspect of all those emissions that are -- that are  
25 being put into the river are significant. And our

1 water treatment plant is a good water treatment  
2 plant here in Evansville, and I -- I drink  
3 Evansville water regularly. I -- I have a filter  
4 on my faucet. But, you know, I want to be able to  
5 depend upon that, and I want to be able to depend  
6 upon it well.

7 So I think that the -- the issues that I would  
8 mainly like to say in the minute that I have left  
9 is nutrients, nutrients, nutrients. I don't want  
10 to go out there next summer and find green --  
11 blue-green algae floating all around me that I will  
12 be reluctant to even put my finger into. So  
13 nutrients are a big issue that need to be addressed  
14 and also maintaining the standards -- not just  
15 maintaining them but improving upon them. You  
16 know, for Lord's sake, it's 2019. We need to make  
17 progress instead of regress. Thank you.

18 MR. FREVERT: Thank you, Mr. Blair. Next up  
19 is William Bowens.

20 WILLIAM BOWENS: Hello. Yeah, I'm William  
21 Bowens. My comments are going to be a lot more  
22 brief than I usually am because I'm new to this. I  
23 don't really know a lot of these -- I didn't read  
24 into the standards like John did, apparently.

25 But I just moved here a few years ago to

1 Evansville kind of by happenstance. I thought it  
2 was kind of lame when I got here. But I've since  
3 become very involved in my community, active in,  
4 you know, politics/activism. I'm a student at USI.  
5 I will graduate and go to grad school, hopefully.  
6 But then after that, I'd like to come back here  
7 with all of those qualifications and keep fighting.

8 I -- I think that, you know, as a young person  
9 here, I'm very concerned about changes that are  
10 going to be taking place over the next few decades  
11 with climate change. And I think -- I find the  
12 future very unpredictable in terms of state and  
13 federal powers. And I feel like an intrastate, if  
14 I'm using that word correctly, you know, group like  
15 ORSANCO is extremely important. We need as many  
16 different cooperating groups around the world,  
17 around the country, around the state, anything, to  
18 continue partnering with each other to continue to  
19 strengthen our environmental regulations and our  
20 partnerships in these -- in these matters.

21 You know, and like was said, I can't imagine  
22 -- well, I can imagine why someone would want to  
23 get rid of these standards. It's probably a bunch  
24 of, you know, rich people who don't mind, you know,  
25 just discharging things into the river to make

1 profits. And then, of course, most regular folks,  
2 you know, we would rather have, you know,  
3 regulations of our water. It seems kind of  
4 obvious. But -- but I'm not here as -- I just want  
5 to say, as a young person, I'm learning about these  
6 standards. I'm learning a lot more with my degrees  
7 of other matters, but I'm committed to this  
8 community. I love this community. I love nature.  
9 I love the river, and I love children, yet unborn,  
10 who are going to have -- probably want to drink out  
11 of the river in 20,  
12 30 years. So I'm just letting you know that I -- I  
13 wholeheartedly support, you know, maintaining the  
14 -- I mean, this is an organization that's  
15 apparently been here for 70 years. So why would we  
16 get rid of it? I have no idea. You know, we need  
17 to continue it, strengthen it. And I'm just going  
18 to let you know I'm going to be here, and I'm going  
19 to continue to take part in these things. And I  
20 can assure you that there will be other young  
21 people that I'll drag here, if I have to, to do  
22 that. Thank you.

23 MR. FREVERT: Next up we have Carol Schaefer.

24 CAROL SCHAEFER: Hi. I'm Carol Schaefer, and  
25 I live in Newburgh -- historic Newburgh right on

1 the riverfront. And I am on town council, and I'm  
2 also on the tourism commission for Warrick County.  
3 I've been a boater as well for many years, so a  
4 love of the river runs deep.

5 I really do understand where you're coming  
6 from with what your mission is, what you're --  
7 you're thinking about changing. I really do  
8 understand that. But I think that the critical  
9 point that we need to focus on is that if we make  
10 these voluntary, we don't have the consistency. As  
11 the others have spoken, we get what everybody else  
12 discharges, and it just goes on down. So I really  
13 wholeheartedly hope that you will continue to  
14 maintain a strict, wholesome standard that is  
15 consistent throughout.

16 And I will also point out that if you haven't  
17 been on the riverfront after a flood, it's trash.  
18 It is -- it is a horrible sight, and many of us get  
19 out there and pick it up and then it just comes  
20 right back up. So while we're also talking about  
21 quality standards in terms of chemically, we also  
22 have a lot of trash in the -- in the Ohio River  
23 that we need to be concerned about. So that's all  
24 I have. Thank you.

25 MR. FREVERT: Thank you. Can you hear all

1 right then? We normally don't comment, but I just  
2 want to add that ORSANCO has more or less pioneered  
3 river cleanup to address trash. And we do an  
4 annual cleanup. And we have a venue here in  
5 Evansville. So thank you for that comment. Next  
6 up is Summer Graves.

7 SUMMER GRAVES: Hi. Thank you for your time.  
8 As stated earlier, you guys know that this  
9 committee protects the water for 5 million people,  
10 and that's a lot of people.

11 My name is Summer Graves. I currently live in  
12 Bowling Green, Kentucky. But from 2013 to 2016 I  
13 lived here in Evansville, actually two blocks away  
14 from where we are right now. And when I left here,  
15 I left behind a lot of friends and loved ones who  
16 the pollution control standards in question today  
17 definitely directly impact as well as me now in  
18 Bowling Green, Kentucky.

19 I know that my loved ones in this community  
20 will be negatively impacted if things are changed,  
21 and I just don't agree. Even in the three years  
22 that I lived here in downtown Evansville, I was  
23 subjected to several periods of boil advisories,  
24 and I would hate to think that if these changes  
25 were made, that this would become more frequent --



1 a more frequent issue. I would hate to think that  
2 my friends who live here would have to boil their  
3 water even more than they already do at times.

4 It doesn't really make sense to me that these  
5 eight states would have flexibility. I don't  
6 understand why we wouldn't just have them all  
7 working together to make sure that these standards  
8 are the highest possible. Because if three or four  
9 states decided that they wanted to dump coal ash  
10 into the river and the other states opposed to  
11 that, the opposing states would still have to deal  
12 with the negative impact from the states who  
13 decided to dump into the river. So it's still  
14 going to directly impact all of the states even if  
15 they have different opinions or standards about  
16 this.

17 I hope that you will hear me when I suggest  
18 that all of our states should be working together  
19 in making sure that this water is as clean as we  
20 can possibly keep it for us and also the  
21 surrounding and impacted wildlife. Again, as  
22 stated before, this is 5 million people's drinking  
23 water, and that's a lot of people. So that's  
24 really important.

25 And we do thank you for your 70 years of hard

1 work making sure that this water is clean and  
2 drinkable for us. For the sake of myself, my  
3 friends, surrounding impacted civilians and  
4 wildlife, I strongly feel that these pollution  
5 standards are absolutely necessary for our safety  
6 and wellness. And as my dad would say, if it ain't  
7 broke, don't fix it. Thank you.

8 MR. FREVERT: Thank you. Next up is Melinda  
9 Mitchell.

10 MELINDA MITCHELL: Hello. My name is Melinda  
11 Mitchell. I live right upstream in Newburgh.  
12 Carol Schaefer is a town council member, and I  
13 greatly appreciate her comments.

14 The statement that was made early on was that  
15 you guys were formed to work together -- the states  
16 to work together. And it sounds like at this point  
17 you're kind of wanting to turn things -- or  
18 considering turning things as a patchwork of states  
19 making their own decisions. I don't think that's  
20 wise. I mean, separating each state to make their  
21 decisions affects especially us that are  
22 downstream.

23 In Warrick County, the cancer rate is the  
24 highest in the nation for breast cancer. We drink  
25 the water from the Ohio River every single day. We

1 bathe in it. We cook with it, make coffee out of  
2 it, everything that we -- water is what we need to  
3 sustain life. We are dying in Warrick County.  
4 Making things weaker as far as standards would  
5 impact us at a point and our country's bad  
6 decisions will wreak havoc on us. It already is.  
7 We don't know exactly why we're getting the cancer,  
8 but water has to be number one because we all have  
9 that in our system.

10 In 2008 I canoed from Leavenworth, Indiana, to  
11 Newburgh. I saw the effects of plastics and all  
12 the pollution. I made sure -- because I had to  
13 bathe in the river every single night, I made sure  
14 that I bathed upstream from every single town  
15 because I was terrified of what was downstream.

16 We've got AK Steel that is the number one  
17 worst polluter on the whole river. That's right  
18 upstream from us. Making things weaker is -- I  
19 just can't even imagine you guys even considering  
20 this again. I thought the last round and you guys  
21 backed -- backed away, I was like there's hope, and  
22 then like here we go again. So we need you guys to  
23 step up.

24 Two years ago, I know that you guys organized  
25 the Ohio River Sweep, which is fabulous. Newburgh

1 had kind of dropped the ball on that. So two years  
2 ago I took it upon myself, and I did get four other  
3 volunteers to help me clean the riverfront along  
4 Newburgh. But we need you guys to keep up the  
5 standards that you guys have set. It has played a  
6 vital role in -- in helping our -- all the states  
7 along the river, helping our future generations.  
8 And you've been doing this since 1948, 70 years.  
9 You guys have probably saved so many people from  
10 what could be worse, because it was worse. So I'd  
11 like you guys to not just keep your standards, but  
12 maybe improve on them.

13 So thank you for your time. Thanks for coming  
14 to Evansville too. That was a long drive the last  
15 time. Thank you.

16 MR. FREVERT: Thank you. Is Sarah West in the  
17 house?

18 SARAH WEST: Hello. My name is Sarah West.  
19 I'm from Bowling Green, Kentucky. And I am a human  
20 being as are all of us sitting in this room. We're  
21 all inhabitants of this planet. In the recent  
22 past, especially in the past five years to a  
23 decade, there's been a lot of inclusive  
24 conversations and dialogue surrounding topics of  
25 intersectionality in our society. Usually these

1 are centered around race and LGBT rights and other  
2 important topics, but these conversations are  
3 extremely important for us as human beings to have.  
4 But we can also apply the same tactic of  
5 intersectionality to the interests of all who are  
6 concerned, that is to say, all human beings' lives.  
7 And we can approach how we deal with sustainable  
8 water practices more efficiently, and we can work  
9 together to achieve the goals of the many and not  
10 just of the few.

11 We can maintain our systems of water by  
12 keeping all pollutants and toxins out of every  
13 section the system exists in to ensure everyone  
14 using the system has clean water.

15 As one of billions of vessels in this planet  
16 made up of mostly of this organic chemical  
17 compound, water, I cannot think of a more important  
18 system to be maintained and faithfully regulated.

19 It's easy to forget the lives of the future in  
20 place of the life we are living in this present  
21 moment. But the young ones who will be and are  
22 already affected by our poor pollution habits,  
23 collectively as a society, the blame falls on all  
24 of us to stand up and fight for what is right. So  
25 they need to be shown a better example than my

1 generation and previous generations were. They  
2 need to know what they are working toward and the  
3 best practices they can use to maintain efficient  
4 structures of clean energy and water for the  
5 future.

6 And ORSANCO, as far as I have recently learned  
7 about, has a great history of progressing their  
8 practices in improving the systems by which we care  
9 for our water, but there's always room for  
10 improvement. And there are always new challenges  
11 that continue to arise that need fresh strategies  
12 to keep improving regulatory practices.

13 All of our water systems and communities are  
14 connected. There needs to be a united and not  
15 segregated set of regulations for controlling what  
16 goes into these waters. There needs to be a  
17 unified presence in the form of the eight states  
18 that make up ORSANCO to stand up for the rights of  
19 communities of people using this water that is so  
20 vital to human life in the present and in the  
21 future. Thanks.

22 MR. FREVERT: Joseph Nickolick.

23 JOSEPH NICKOLICK: Thank you for being here.  
24 You can't hear it too much that we want you to be a  
25 watchdog, not a lapdog. And if you have voluntary

1 standards, you're going to be a lapdog, and there's  
2 no watching it whatsoever. We want you to make  
3 compliance mandatory and keep it that way. You  
4 need to hear that until it's second nature.

5 So that's the nuts and bolts of what almost  
6 everyone here is saying, that we want progressive  
7 standards and improvement constantly. Make a list,  
8 and target what's going to be 2020, what's going to  
9 be 2025 or 2022 and what can we do to improve the  
10 conditions so that -- it will never be pristine,  
11 but we can sure approach it. It is the lifeblood  
12 of our nation. Without water and without rivers,  
13 it's a serious problem. And the more the glaciers  
14 and the water sources are succumbing to global  
15 warming, the more important this is going to be.  
16 And as this whatever occurs, it is going to  
17 increase the need for water quality. So I'm asking  
18 and encouraging you to do everything humanly  
19 possible to elevate the water quality. Thank you.

20 MR. FREVERT: Thank you. Brian Holtz.

21 BRIAN HOLTZ: Good evening. My name is Brian  
22 Holtz. I'm with the City of Evansville, and I'm  
23 here on behalf of Mayor Winnecke, the Mayor of  
24 Evansville, and would like to read a statement from  
25 him.

1           On behalf of the City of Evansville, it is my  
2 pleasure to present this letter of opinion  
3 regarding ORSANCO's proposed revisions to the  
4 pollution control standards for discharges into the  
5 Ohio River.

6           The City of Evansville believes that ORSANCO  
7 should abandon the thought of revising the  
8 standards currently in place and improve the  
9 current criteria. Modifying existing standards,  
10 that has the potential to place downstream  
11 communities in peril if all states along the Ohio  
12 River are not adhering to consistent pollution  
13 control standards. Weakening the objectives of the  
14 current pollution control standards will not ensure  
15 the highest water quality possible along the entire  
16 length of the Ohio River. In fact, for my  
17 constituents who deserve the best water quality  
18 available, the overall standards should actually be  
19 strengthened and more protective, especially for  
20 nutrients such as phosphorus and nitrates.

21           Pollution control standards along the  
22 magnificent Ohio River should be more than merely  
23 guidelines open to multiple interpretations from  
24 state to state. The standards should not be  
25 voluntary. Ideally all states along the river



1 would modify their quality and permitting controls  
2 in order that ORSANCO standards can be employed.

3 As I referenced in my previous communication  
4 to this body last August, ORSANCO has provided  
5 invaluable support to the City of Evansville, to  
6 the water and utility services relating to the  
7 water quality for many decades. That assistance is  
8 appreciated both by the professional staff of our  
9 utility and by our greater local community.

10 I am grateful for the opportunity to represent  
11 the feelings of the City of Evansville in this  
12 matter. Thank you for your thoughtful  
13 consideration. Sincerely, Lloyd Winnecke, Mayor of  
14 the City of Evansville.

15 MR. FREVERT: Thank you, Mr. Holtz. Susan and  
16 Steve Harp. It looks like Susan is the spokesman.

17 SUSAN HARP: Always. Not always. My name is  
18 Susan Harp. I am a volunteer with many  
19 organizations within the community, number one  
20 being Keep Evansville Beautiful and United  
21 Neighborhoods of Evansville. I also worked with  
22 Keep Sevier Beautiful in Tennessee, which is in the  
23 Great Smoky Mountains.

24 This issue of water pollution has been number  
25 one with me for many years. My husband and I have

1 three and a half lovely acres along Pigeon Creek.  
2 And I know when we first built our home there, his  
3 grandfather was like oh, you can't build there; it  
4 smells and it's dirty. We wanted to prove him  
5 wrong. This became such an issue with me that I  
6 wrote a children's book. And in this book the very  
7 first thing that the children read -- or I read to  
8 them is that Eby and her daddy go down to the Ohio  
9 River. She sees the sticks floating, and she's a  
10 Labrador retriever, so she wants to jump in, but  
11 then all of a sudden something shiny bobs up and  
12 down in front of her nose. It's a tin can. And  
13 you let the kids guess what it might be, and then  
14 you turn the page and you see cans floating  
15 everywhere. The children gasp, and that's the  
16 reaction we want from children when we do these  
17 classroom presentations. We want them to know that  
18 what goes in the tributaries like Pigeon Creek can  
19 go into the Ohio, into the Mississippi and end up  
20 in the ocean.

21 Through my work with Keep Evansville Beautiful  
22 and Keep America Beautiful and Keep Tennessee  
23 Beautiful, we know we have participated in cleanups  
24 after cleanups. We've done every ORSANCO cleanup,  
25 and we thank you for providing that to our

1 community. We look forward to it every year. But  
2 we feel like that people upstream must be held as  
3 accountable as we are here, if not maybe more so in  
4 my opinion.

5 We have friends in Pittsburgh who, through all  
6 this environmental work I've done, she frequently  
7 sends me texts; okay, we had a bad something happen  
8 up here; it's headed your way. You know, there's  
9 something floating down the river; it's headed your  
10 way. So we think that it's very, very important  
11 that you keep the standards as strict as possible  
12 because we're downstream, and we don't want to be  
13 like the great ocean patch. We don't want, you  
14 know, our -- our portion down here. We've got to  
15 stop it somewhere, and we've got to do everything  
16 we can. We always leave the children and their  
17 families with a saying that we don't inherit the  
18 earth from our ancestors; we borrow it from our  
19 children in the future. So we want to make sure  
20 that our future provides clean water. Thank you.

21 MR. FREVERT: Barton Heath.

22 BARTON HEATH: Hi. I have a similar feeling  
23 as the rest of the people who've had to address  
24 you. My experience with polluted waters, I grew up  
25 in New York State on the Hudson River just north of

1 where "Sully," Sullenger, landed that plane on the  
2 river. And I was very happy that people didn't  
3 have to jump off of the wing of the plane into the  
4 water.

5       When I grew up in the sixties, we used to go  
6 to the state park on the Hudson River. And the  
7 river that my mom used to swim in as a child was  
8 degrading little by little. We couldn't eat the --  
9 first it started with the shellfish, and then it  
10 started with the bonefish, and eventually all  
11 fishing was halted. And although we weren't  
12 allowed to swim, we did have access to a small ski  
13 boat, and we would ski on the river.

14       The river just north of us near the gypsum  
15 plant where the water would outflow from the gypsum  
16 plant, the water smelled like vomit. If you were  
17 skiing and you fell in the water, it was best to  
18 make sure your mouth was closed. And when the --  
19 when you were waiting for the towboat to come back,  
20 you were wise to also keep your eyes open, and if  
21 you saw any floaters coming towards you that we  
22 referred to as brown trout, you were best to splash  
23 the water and guide them around you.

24       This -- it's a -- it's a disgusting story, but  
25 the -- that was probably about 1972 when we were

1 skiing on the river. My friends had been skiing on  
2 the river earlier than that, and they told me that  
3 this was good now, that it had been worse earlier  
4 than that.

5 In '72 they started cleaning up the river.  
6 And before that they were actually cleaning it up  
7 on their own. But their first order of business  
8 was to stop the outflows of the river and sewers  
9 being run off from city streets, chemical plants,  
10 and such were -- were what they started with. And  
11 the scientists at that time weren't familiar with  
12 cleaning up water. They were used to just letting  
13 it go. And they estimated it would take 25 years  
14 by just those steps at preventing the -- the  
15 pollution. It only took seven years to really  
16 start improving the river. And I would hate to see  
17 it get to where it was on the Pyoka River in  
18 Cleveland where the -- if you Google it on the web,  
19 you can see the pictures of the iconic fire along  
20 the river where the river was burning in 1953. It  
21 also burned again in 1969. And then it burned 13  
22 times since the 1860s.

23 So the efforts to clean up the river are  
24 continual. They need to be continued and -- and  
25 increased. There are people that think you ought

1 to be able to just dump this stuff in the water,  
2 and I would call them extremists, and they would  
3 consider us to be extremists. And I don't mind  
4 that; I'm proud of it. The current administration  
5 has a no-holds-barred limit, anything goes, and I  
6 think that we need to be on the other side of this  
7 issue.

8       Also, what they said about nutrients in this  
9 area, the intergovernmental panel from the UN --  
10 United Nations has said we're going to receive a  
11 lot more rain in this area. That's going to mean a  
12 lot more water sitting on the ground, the farm  
13 fields, in our cities on the streets draining  
14 pollutants back out into the river when those go  
15 out there, and they will be saturating on our land  
16 for a much longer time. I think that's another  
17 thing that needs to be taken into account. Thank  
18 you for your time.

19       MR. FREVERT: Jan Schrader.

20       JAN SCHRADER: Good evening. I'd like to  
21 thank you all for being here and coming to  
22 Evansville as well. And also thank you for the  
23 river sweeps that you've done through the years. I  
24 think that makes a huge difference, and thank you  
25 very much. Also, thank you for taking into

1 consideration the comments that were made  
2 previously and have caused you to say that you will  
3 keep the standards. I appreciate that.

4 I do live -- I live in Newburgh, Indiana, on  
5 the river as well, and I know how important our  
6 river is to us. I've got about four points to  
7 make.

8 I disagree with allowing the states to deviate  
9 from the standards or develop their own standards.  
10 If states are allowed to deviate from  
11 scientifically data driven standards meant to  
12 prevent pollution, it's the same as saying that the  
13 standards are optional. And optional standards  
14 weaken the protection to a river that gives  
15 drinking water to 5 million people.

16 I'm glad to see that -- or hear that you are  
17 interested in keeping with the Compact, and I  
18 appreciate your putting all that stuff out on your  
19 website about this kind of stuff.

20 So I went out and read it all -- not all of  
21 it, but a lot of it. And the things that the  
22 Compact talks about are saying that the control of  
23 future pollution and abatement of existing  
24 pollution in the waters of said basin are of prime  
25 importance to the people thereof and can best be

1 accomplished through the cooperation of the states  
2 situated therein by and through a joint common  
3 agency which is ORSANCO. And according to Article  
4 VI of the Compact, the Commission is hereby  
5 authorized to adopt, prescribe, and promulgate  
6 rules, regulations and standards for administering  
7 and enforcing the provisions of this article. So  
8 if you're doing the standards, the states need to  
9 adhere to them. They shouldn't be voluntary.

10 I also noticed in the proposal that you have,  
11 there is a mechanism, it looks to me, for being  
12 flexible with states that want to vary from the  
13 standards, and it's in 1.6. There's a process  
14 whereby they can -- I believe they can say that  
15 they have a problem with adhering to that. They  
16 include specific reasons for the variance,  
17 information on the alternatives to be considered,  
18 and a demonstration that water quality criteria  
19 would be maintained. It looks like this is in the  
20 new proposal as well, but if they're not being held  
21 to the standards, it doesn't look to me that  
22 they'll ever have to kind of justify why they can't  
23 meet the standards or what they're going to do to  
24 get there. So again, it looks like you've got a  
25 mechanism to be flexible, and to just not say that



1 the standards need to be adhered to isn't even  
2 necessary. Maybe that's my incorrect  
3 interpretation of the -- of the proposal, but  
4 that's kind of how I look at it. Excuse me.

5 And I have a question. There were some  
6 requirements in the 2015 version on potable water  
7 residues in Section 5.6, on cooling water discharge  
8 and additives in Section 5.7, and on discharge of  
9 other wastes in Section 5.8, and I didn't see those  
10 in the 2019 online version. I don't know if you  
11 had meant to eliminate those requirements or if  
12 that didn't show up online or what, but I would ask  
13 that -- you know, why were those not included in  
14 the latest version? Excuse me.

15 And the webinar that you had, that was very  
16 good too. I watched that. It mentions that the  
17 member states must maintain programs mandated by  
18 the Federal Clean Water Act to protect water  
19 quality. However, the current federal  
20 administration has been working steadily to  
21 eliminate environmental protection such as those  
22 included in the Clean Water Act. We need ORSANCO  
23 standards now more than ever, and we need them not  
24 to be optional. Thank you very much.

25 MR. FREVERT: Thank you. Can you all hear me?

1 That concludes the comments from the people that  
2 identified themselves earlier as wanting to make a  
3 comment. So I think we're getting close to the  
4 end, but I want to make sure that everybody in the  
5 room that has something to say and didn't get a  
6 chance to speak or someone wants to supplement  
7 their earlier comments, this is a chance for you to  
8 do it before we -- and I want to thank you all for  
9 your patience and participation. John Blair, do  
10 you have more?

11 JOHN BLAIR: Yeah, just briefly.

12 MR. FREVERT: Try to keep it brief again,  
13 please.

14 JOHN BLAIR: This is John Blair, and I'm  
15 representing Valley Watch. Our purpose is protect  
16 the public health and environment of the lower Ohio  
17 River Valley.

18 I do know that nobody -- everybody that spoke  
19 tonight, I put a checkmark next to their name, and  
20 they were all saying that the standards should, at  
21 the minimum, be maintained, and most of them were  
22 saying make them better, you know. And nobody  
23 seemed to care for giving -- giving the states the  
24 flexibility to -- to abandon the standards,  
25 essentially. And I'm not sure that that's what

1 these standards actually say. But I've been around  
2 this environmental kind of regulation for long  
3 enough to know that lawyers can make a big  
4 difference.

5       Regarding the -- and I don't know that this  
6 applies to this or not, but the triennial review, I  
7 know that ORSANCO is running short on -- well,  
8 maybe not short -- at this point on money to  
9 operate. But, you know, if they -- I would be  
10 personally okay if the standards were reviewed not  
11 every three years but maybe every five years or  
12 even -- even longer except with one caveat, and  
13 that would be that ORSANCO would be flexible to  
14 address new challenges.

15       You know, nobody -- nobody knew in 1997 that  
16 AK Steel was going to be putting 25 million pounds  
17 of nitrates into our drinking water. Nobody --  
18 nobody knew that. The state gave them permission  
19 to do that, I would assume. They're doing it, and  
20 they're not getting into trouble for it. But, you  
21 know, again, you need the flex- -- you need the  
22 flexibility to be able to address those challenges  
23 as they come up.

24       Like the blue-green algae challenge, it's a --  
25 it's a major challenge that has to be addressed.

1 It has to be addressed for drinking and  
2 recreational. And I'm sure that the aquatic life  
3 that's in there doesn't want to get snuffed out by  
4 having blue-green algae on the surface and blocking  
5 sunlight and so forth.

6 So enforcement is another aspect, too, and I  
7 know that you don't have any budget for  
8 enforcement. You can jawbone a little bit, but,  
9 you know, I think that maybe whenever you go to EPA  
10 for -- for whatever grant funding you're trying to  
11 get, that maybe you ought to address having --  
12 having some ability to enforce the standards that  
13 you're setting.

14 Again, I've dealt with these different  
15 agencies in mostly Kentucky and Indiana, but  
16 somewhat in Illinois for about 40 years now, and I  
17 would -- some of them I wouldn't trust any farther  
18 than I can throw them, and I realize that's cliché,  
19 but, you know, they -- they -- Indiana, when Mitch  
20 Daniels became governor, eliminated the compliance  
21 and enforcement division of IDEM and so -- and left  
22 it up to every branch to do enforcement. But, you  
23 know, watching -- looking back in history, if there  
24 is a violation, it's always EPA Region 5 that comes  
25 in instead of IDEM. IDEM's whole philosophy is to

1 -- they say that they want to work with the  
2 polluter to get compliance. And I understand that,  
3 but, you know, some of them ignore IDEM in that  
4 effort. So, you know, it's -- it's just important  
5 to have some kind of enforcement mechanism that  
6 people can rely on to fall back to. And then last  
7 I'm just going to say nature bats last.

8 MR. FREVERT: Thank you all. I appreciate you  
9 coming tonight. I just want to remind you that --  
10 you have one more comment?

11 MARYANN WATSON: Yes. I did not register.

12 PAMELA TINSLEY: I didn't either, but I want  
13 to say something.

14 MR. FREVERT: Sure. State your name, and come  
15 to the microphone so we can get it transcribed.

16 MARYANN WATSON: My name is Maryann Watson.  
17 That's M-a-r-y-a-n-n, all one word, and I'm from  
18 Mt. Vernon. I'll speak up a little bit here for  
19 Posey County. I've used this comment in several  
20 other environmental-related meetings I've attended,  
21 about the people seem to be very proud about  
22 meeting certain standards. And my question always  
23 is, is there anything wrong with excelling or  
24 exceeding or going beyond the standards. If you  
25 have children, any of you, and they are capable of

1 doing A and B work, do you accept Cs? I think we  
2 can do better than just meeting some standards that  
3 have been set. I'd like to see -- I'd like to see  
4 southern Indiana, Posey County in particular, to  
5 exceed and do better than maybe some other  
6 counties. Thank you.

7 MR. FREVERT: Thank you.

8 PAMELA TINSLEY: My name is Pamela Tinsley,  
9 and I'm a lifetime resident of Evansville. And I  
10 think that most of you probably know that our city  
11 is trying to improve itself so much. We have a med  
12 school. We have a lot of different things coming  
13 into Evansville. And I don't think that the Ohio  
14 River has always been a focal point, but it's  
15 becoming more of one. We have air shows. We have  
16 a lot of recreation. If you ever come here on the  
17 weekend in the summer, you can't hardly get a boat  
18 in the water; there are so many people. And people  
19 fish along the Ohio River all the time. So to me  
20 an update doesn't mean degrade it. It means look  
21 at it and make sure that it's doing what it's  
22 supposed to do, and if it isn't, you improve it.  
23 So if you're going to update, don't go backwards;  
24 always go forward. Thank you.

25 MR. FREVERT: Thank you. Yes, ma'am.

1           CONNIE WHITMAN: Hi. Thank you. My name is  
2 Connie Whitman, and I'm running for Mayor of  
3 Evansville. I moved here from Henderson 20 years  
4 ago. And I said to myself, well, now I'm going to  
5 have to start buying bottled water. And that's  
6 what I've done the last 20 years because Henderson  
7 didn't get their water out of the Ohio River and  
8 Evansville did and that worried me.

9           I think a lot has been done, and I think you  
10 all have done good work on your standards. And I  
11 really appreciate your hard work and what you try  
12 to do and what the Commission does, but I worry so  
13 much about water quality that one of my declared  
14 platform planks of my campaign is to build a steam  
15 distillation plant and bottle it in glass and sell  
16 that water in stores or deliver it to homes. I'm  
17 that worried about water quality. In fact, I think  
18 that all dumping into the river should be  
19 prohibited. That would take care of most of it.  
20 It wouldn't take care of everything, but it would  
21 take care of most of it.

22           And I think relaxing standards is not a good  
23 idea. Everybody's already said that tonight and  
24 said it better than I did, but I just think that  
25 mandatory standards and progressive standards

1 should be the only kind that you consider, that  
2 voluntary is probably not going to be good enough.  
3 Thank you.

4 MR. FREVERT: Thank you. Is there anyone  
5 else? Well, I want to thank you all for coming  
6 tonight. I appreciate your polite behavior to the  
7 commissioners we have here. I want to remind you  
8 that that there's one more hearing next Monday  
9 night in the Cincinnati area, and the record stays  
10 open until April 15 to accept written comments and  
11 e-mailed comments. So if you have more to say,  
12 that's your opportunity. According to my clock,  
13 it's now 7:18. And seeing no further comments, I  
14 want to declare the hearing closed for tonight.  
15 Thank you all, and travel home safely.

16 (Hearing was adjourned at 7:18 p.m.)  
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1 STATE OF INDIANA )  
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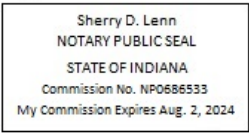
I, Sherry D. Lenn, RPR, and Notary Public in and for said county and state, do hereby certify that the Evansville Hearing to Accept Public Comment was taken at the time and place heretofore mentioned between 6:01 p.m. and 7:18 p.m.;

That said hearing was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of said hearing;

I do further certify that I am a disinterested person in this cause of action; that I am not a relative of the attorneys for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 16th day of April, 2019.

*Sherry D. Lenn*



Job No. 137951

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