

Memo


Ohio River Valley Water Sanitation Commission

SINCE 1948
*Improving Water Quality in the
Ohio River for over 70 Years*

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DATE: September 17, 2020

TO: Commissioners/Proxies/All Attendees

FROM: Richard Harrison, Executive Director 

SUBJECT: Transmittal of Resource Materials and Schedule for 228th Commission Meeting and 224th Technical Committee Meeting
October 6-8, 2020

Enclosed for your information and preparation are the agendas, attachments and related resource documents for the upcoming 228th Commission Meeting, as well as the 224th Technical Committee (TEC) Meeting to be held virtually on October 6-8, 2020. These meetings will be web-based utilizing “GoToMeeting” as the virtual meeting platform. Participation instructions will be emailed to you prior to the meetings.

The Technical Committee (TEC) will hold a virtual three-hour meeting on Tuesday, October 6, starting at 1:00 pm and concluding at 4 pm. The Technical Committee will meet again Wednesday, October 7, starting at 9 am and concluding at noon. After a lunch break, Commissioners and Proxies will meet for Executive Session; there will not be a Roundtable meeting. The 228th Commission meeting will be held virtually on Thursday morning, October 8, at 9:00 a.m. (all times are ET).

Approximately one week prior to the virtual October meetings, Commissioners, Proxies, Technical Committee members, Advisory Committee members and interested parties receiving this agenda communication will automatically receive an email that includes detailed information and instructions on how to participate. Members of these groups are **not** required to register to attend in any way.

Members of the public and any other interested parties that are not already members of these groups will be required to register to attend before October 5th. To register, please visit www.orsanco.org/registration and submit the registration form. A link to register is also available on www.orsanco.org under the “News” section.

Some additional background on the scheduled events and agenda items follow:

Tuesday, October 6:

1:00 P.M.: - 4:00 P.M. Technical Committee Meeting – TEC’s agenda includes discussions concerning: current and future status of ORSANCO monitoring programs resulting from the COVID shutdown, Biological programs update, Source Water Protection program update, HAB’s Monitoring and Response Plan, TEC member reports, and an update will be provided on ORSANCO’s Bimonthly/Clean Metals Monitoring Programs.

Wednesday, October 7:

9:00 A.M: Technical Committee Meeting continues
12:00 P.M.: Lunch Break
1:30 P.M. Executive Session of Commissioners – Commissioners/Proxies only

Thursday, October 8:

9:00 A.M.: 228th Commission Meeting – Background on some of the agenda items follows:
Item 5 - A report by Technical Committee Chairman, Bruno Pigott will be given on outcomes of the October 8-9 Technical Committee Meeting.
Item 6 - A report by Pension Committee will be given by Committee Chairman Joseph Harrison.

We look forward to our virtual meeting next month.

OHIO RIVER VALLEY WATER SANITATION COMMISSION

SCHEDULE OF EVENTS

228th Commission Meeting
Virtual Meeting
October 6-8, 2020
(All Times ET)

DATE/TIME

FUNCTION

Tuesday, October 6, 2020:

1:00 P.M. – 4:00 P.M. TEC Meeting

Wednesday, October 7, 2020:

9:00 A.M. – Noon TEC Meeting – Continued

12:00 P.M. – 1:00 P.M. Break

1:30 P.M. – 3:00 P.M. Executive Session of Commissioners
(Commissioners/Proxies only)

Thursday, October 8, 2020:

9:00 A.M. Commission Meeting



228th Commission Meeting
Virtual Commission Meeting
Thursday, October 8, 2020
9:00 A.M. (ET)

Chairman Charles Duritsa, Presiding

COMMISSION MEETING AGENDA

PLEDGE OF ALLEGIANCE

QUORUM CALL – Commissioner Toby Frevert, Secretary/Treasurer

PUBLIC PARTICIPATION

- Introduction of Guests and Staff
 - Comments by Guests on Commission Agenda Items
-

COMMISSION ACTION ITEMS AND COMMITTEE REPORTS

1. Report of the Chairman – Commission Chairman Charles Duritsa
 - Recognition of outgoing Chairman John Kupke – Commission Chairman Charles Duritsa
 - Recognition of Past Commissioner Stuart Bruny – Commission Chairman Charles Duritsa
 - Recognition of Past Commissioner C. Ronald Lovan – Commission Chairman Charles Duritsa
 - Chairman comments – Commission Chairman Charles Duritsa
 2. Report of the Executive Director – Richard Harrison
 3. Action on Minutes of June 11, 2020 – Commissioner Toby Frevert, Secretary/Treasurer
 4. Report of the Treasurer – Commissioner Toby Frevert, Secretary/Treasurer
 5. Report and Recommendations; October 6-7, 2020 Technical Committee Meeting – Commissioner Bruno Pigott, Committee Chairman
 6. Report of the Pension Committee – Commissioner Joe Harrison, Jr., Committee Chairman
 7. Report of the Water Users Advisory Committee – Bruce Whitteberry, Committee Chairman
 8. Report of the Public Information Advisory Committee – Betsy Mallison, Committee Chairman
 9. Report of the Watershed Organizations Advisory Committee – Angie Rosser, Committee Chairman
-

OTHER BUSINESS

- Comments by Guests/Others
 - Upcoming Meetings
 - February 9-11, 2021
 - June 8-10, 2021
 - Adjourn
- Covington, Kentucky
Pittsburgh, Pennsylvania

Ohio River Valley Water Sanitation Commission
COMMISSION MEETING COMMUNICATION

Meeting Date: October 8, 2020	Subject: Report of the Chairman	Number: 1
Attachments: · None	Committee Type: <input type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input checked="" type="checkbox"/> N/A	Action Required: <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
Prepared by: Richard Harrison Presentation by: Chairman Charles Duritsa		

KEY CONSIDERATIONS:

- Chairman Charles Duritsa will recognize outgoing Chairman John Kupke.
- Chairman Charles Duritsa will be introducing a resolution recognizing Stuart Bruny for 18 years of service to ORSANCO as a Federal and State of Ohio Commissioner.
- Chairman Charles Duritsa will be introducing a resolution recognizing C. Ronald Lovan for 8 years of service to ORSANCO as a State of Kentucky Commissioner.
- Chairman Charles Duritsa will provide his Chairman's Report.

BUDGET/STAFF IMPLICATIONS:

- None

RECOMMENDATION:

- Chairman recognition is for information only.
- The Chairman recommends that the Commission **adopt Resolution 5-20 to recognize Stuart Bruny for 18 years of distinguished service to the Commission as a Federal and State of Ohio Commissioner.**
- The Chairman recommends that the Commission **adopt Resolution 6-20 to recognize Ron Lovan for 8 years of distinguished service to the Commission as a State of Kentucky Commissioner.**
- Chairman comments are for information only.

BACKGROUND/HISTORY:

- The Chairman presides at all meetings, appoints committees, signs all official orders or other official documents of the Commission, and performs all other duties appropriate to the office of the Chairman of the Commission.
- The Chairman serves as the Chairman of the Executive Committee and may participate in the deliberations of any committee created by the Commission.
- The Chairman's term of office is July 1 through June 30.

Ohio River Valley Water Sanitation Commission
COMMISSION MEETING COMMUNICATION

Meeting Date: October 8, 2020	Subject: Report of the Executive Director	Number: 2
Attachments: · None	Committee Type: <input type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input checked="" type="checkbox"/> N/A	Action Required: <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Motion
Prepared by: Richard Harrison		Presentation by: Executive Director Richard Harrison

KEY CONSIDERATIONS:

- The Executive Director will provide a report on ORSANCO activities since the June 11, 2020 ORSANCO Commission Meeting.

BUDGET/STAFF IMPLICATIONS:

- None

RECOMMENDATION:

- For information only

BACKGROUND/HISTORY:

- The Executive Director is the Chief Executive Officer of the Commission, and administrative head of the Commission staff.
- The Executive Director performs such duties including the signing of contracts as may be assigned by the Commission, the Chairman or the Executive Committee.

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**227th Commission Meeting
Virtual Meeting
Thursday, June 11, 2020**

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Roster of Attendance 12

Attachment I: Roll Call Vote Roster

Attachment II: Resolution 3-20 Program Plan and Budget for FY21

Attachment III: Resolution 4-20 State Funding Levels for FY23

Attachment IV: Comments by Guests

DRAFT
June 15, 2020

MINUTES
227th Commission Meeting
Virtual Meeting
Thursday, June 11, 2020

Chairman John Kupke, Presiding

Call to Order

Chairman Kupke called the 227th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, June 11, 2020.

Chairman Kupke led the Pledge of Allegiance.

Quorum Call

Commissioner Wilson certified that a quorum was present (see Roster of Attendance, page 12).

Report of the Chairman

Commission Chairman Kupke provided the following report:

“Good morning again. I’d like to briefly provide some personal introductory remarks regarding my chairmanship of our organization over this past year. Let me begin with a quotation:

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair. So wrote Charles Dickens in A Tale of Two Cities about upheaval during the French Revolution, which occurred 230 years ago.

For us, as I began my chairmanship almost a year ago, it was a time of looking ahead. The rough edges of the revised pollution control standards were being put in order; on the horizon was pending completion of our Ohio River Basin Mercury Loading Analysis; and we were on track to finally begin the important ambient water quality PFAS sampling program along the main stem. Plans were in place and rolling forward with the ORBA Planning and Assistance effort that carried the possibility of notable, additional long-term funding. We had also just initiated a concise, one-year effort directed toward revisiting ORSANCO’s strategic plan, which was last updated in 2008. And, of course, all these initiatives would be integrated within the framework of OSANCO’s ongoing, core water quality sampling and analysis, plus source water protection programs that are at the heart of the ORSANCO mission in fulfillment of our 1948 Compact.

Today I’m pleased to report these important activities mostly remain on course, albeit in many cases a notch or two behind the initial planned completion dates. Regrets I have a few, but they are offset by the clear blessings we have; those of our organization in totality from the staff, our Commissioners, our many advisors, all our stakeholders, and those engaged with Ohio River activities and concerns of every kind.

Yes, it has not been the best of times through this COVID-19 pandemic for too many, from the standpoint of health, income, and depleted relationships, have experienced the worst of times. However, OSANCO’s stewardship of the River went unabated, as key activities continued under different conditions and procedures. The staff continued to function, generally remotely, as a

team. Weekly staff meetings were conducted by phone and video conferencing. Likewise, committee activities were conducted remotely as social distancing requirements were maintained. The recommendations we will receive today from Commissioner Duritsa, as Chairman of the Program and Finance Committee, pertaining to next year's proposed programs and budget recommendations, were derived from a four-hour video conference, plus lots of staff planning. This important annual planning ritual this year was remotely attended by representatives of seven member states. We have clearly learned through imposed hardships of the COVID-19 experience that there are occasions where time and cost savings can be realized with effective, well-planned video conferencing. No, it will not replace face-to-face meetings where relationships are established that build trust and values that are essential for decision-making when meetings of all type are conducted remotely.

We now better understand that our experiences working remotely can, in many cases, still be accomplished as a team. Current technology in this area will continue to improve, as will our use of it. So, while the circumstances have caused some delays with several of our planned initiatives, we have not stood still and simply awaited the outcome of what still has not been resolved. I am pleased that our mercury loading report has been completed and will now be presented to the Commission. I am likewise pleased that we remain committed to completion of a strategic plan update, but we will temporarily defer this item until many of the existing virus-related health and economic concerns are better understood. I'm most pleased and thankful for ORSANCO staff and our member states water personnel and all others who have, during the pandemic, continued to exhibit their commitment and persistence in care of the Ohio River. From what has been accomplished, I am confident that we will emerge from the virus and other current concerns stronger and wiser, as a team that is dedicated to maintaining, and more importantly enhancing, water quality in the Ohio River Basin."

Report of the Executive Director

Executive Director Richard Harrison began by expressing his gratitude to Chairman Kupke for his leadership and guidance during this past challenging year. He also thanked the public for participating in the virtual meeting. He also acknowledged multiple members of the Watershed Organizations Advisory Committee (WOAC) participating on the call and noted how active this group remains.

Mr. Harrison then commented on the importance of working together with Commissioners, states, staff, and the public, particularly in these challenging times. ORSANCO was able to capitalize on these partnerships by working through HAB events, collaborating on field procedures during the pandemic, and maintaining effective communications. He thanked everyone for all they do for the Commissioners and staff.

Mr. Harrison provided a brief update on staff working from home during the pandemic as well as the field work that is being completed by individual staff members with no overnight travel.

Development of ORBA's Basin Wide Strategic Plan is nearing completion. Public comments received will be considered for inclusion in the Plan. Public participation is always welcome. Mr. Harrison plans to present the Plan to the Commission in October for consideration. Work will begin on implementation and funding of the Plan this fall and continue for several years. He thanked Commissioners for allowing ORSANCO to be a lead partner in this planning process.

Mr. Harrison then provided a brief update on NPDES permits. Last October, the Commission took action to adopt a permit implementation review process. In May, five permits were reviewed for compliance, three in draft form, one modified, and one final. He noted that a couple of mercury-related permits in West Virginia were impacted by the recent change to the Pollution Control Standards. He thanked West Virginia for working closely with ORSANCO to ensure

language regarding practicability contained in the Standards relating to protecting all designated uses. He also noted that West Virginia is working on a permit to provide the permitted party additional time to meet US EPA's ammonia criteria. There was no increase in chemical discharges due to these permits.

He closed by again thanking everyone participating in the virtual meeting.

Action on Minutes

ACTION: Motion by Commissioner Duritsa, second by Commissioner Lovan and unanimously carried, that the minutes of the 226th meeting of the Commission, be adopted as presented.

Report of the Treasurer

Commissioner Wilson reported that a detailed Treasurer's Report, updated through March 31, 2020, had been provided in agenda materials for this meeting.

The report indicates a balance of \$757,355 in accounts receivable due the Commission. The balance represents \$457,524 due from federal sources, \$184,600 due from state sources, and \$115,231 due from other sources.

Additionally, the report indicates receipts of \$2,818,799, plus carryover of \$2,602,205, totaling \$5,421,004 through the end of March 2020. Of that amount, \$2,443,551 was expended on programs, leaving \$2,977,453 available for the continuation of ORSANCO's programs.

Chairman Kupke followed up by indicating that ORSANCO will finish the fiscal year in a strong financial position in close adherence to the balanced budget.

Report of the Technical Committee

Commissioner Pigott first thanked Chairman Kupke for his steady, reasoned, and wise leadership during the past year.

Commissioner Pigott, Committee Chairman, then reported that the Technical Committee met virtually on June 10th. Six states, three federal agencies, and five advisory committees were represented. A summary of the meeting follows:

Chief Engineer's Report

Director Harrison provided an update on the Ohio River Basin Strategic Plan which is currently under review by many, including ORSANCO's various committees. He also reported that ORSANCO's Ohio River HABs Response and Communications Plan has been reviewed by the HABs Workgroup and will be sent to the Technical Committee for their review and comment.

Status of ORSANCO's Monitoring Programs Resulting from COVID-19 Shutdown

Staff provided a status of monitoring programs resulting from the COVID-19 shutdown. Currently, staff is conducting all field sampling that can be accomplished by one person and does not require overnight travel. That includes most of the bimonthly and clean metals, bacteria, and HABs monitoring sites. Biological/fish tissue sampling cannot be conducted until current protocols are loosened to allow boat sampling with multi-crew members, which would also apply to the PFAS survey, should we decide to proceed with that survey at some point, as well as the deployment of additional HABs monitors. The future challenge will be deciding when these restrictions can be eased. A deadline of August 10th would be necessary to allow multi-staff field operations in order to complete all biological field activities for this field season.

TEC members reported to the group on how their agencies are dealing with field activities. For the most part, it sounds like everyone is implementing similar restrictions on field work.

2020 Biennial Assessment of Ohio River Water Quality Conditions (305b Report)

The 2020 Biennial Assessment of Ohio River Water Quality Conditions Report, otherwise known as the Ohio River 305b Report, covers the timeframe of 2014-2018. TEC approved the individual use assessments at its February meeting, which were almost identical to the last several report cycles. The aquatic life and public water supply uses are designated as fully supporting. The contact recreation use is impaired for approximately 2/3 of the Ohio River, and the entire Ohio River is impaired for the fish consumption use. The Technical committee received the draft report with the agenda, which has been reviewed by the 305b workgroup and endorses its approval by the Commission.

Ohio River Basin Mercury Loading Analysis Project

Staff provided an overview of the mercury project. A draft report was distributed to TEC for review and comment at the February TEC meeting, as well as to the Ad-Hoc Committee on Mercury Studies. Hundreds of comments were received from multiple commenters, the report was revised, and distributed for review and comment again. Hundreds more comments were received, the report was revised again, and a Proposed Final Report has been distributed. Staff presented a summary of the main findings from the project. The Technical Committee passed a motion to endorse the report for the Commission's consideration.

The following final two agenda items were skipped due to time constraints: 1.) an update on the Ohio River PFAS sampling project development; and 2.) an overview of ORSANCO's technical programs highlights that were presented to the Program and Finance Committee at their April 29, 2020 Program & Finance Committee meeting. The presentations for these two agenda items will be posted to ORSANCO's website.

Report of the Ad Hoc Committee on Mercury Studies

Commissioner Bruny provided the following report:

“Mr. Chairman and members of the Commission: On behalf of the Ad-Hoc Committee on Mercury Studies, I'm pleased to offer a brief report on the status of our study. A considerable effort by our committee, Technical Committee members, and, of course, staff, since our February meeting, has resulted in a much-improved report that is worthy of your consideration today.

You may recall that a revised draft of the report was distributed at our Indianapolis meeting in February. We asked for review comments to be submitted by March 27th. We received over 300 comments and numerous edits on that draft from 11 commenters. Staff worked hard to produce another draft that was distributed on May 1st. The Ad-Hoc Committee and the Technical Committee held a conference call on May 6th to discuss the May 1st draft report. Committee members expressed a desire to complete another review and opportunity to provide additional comments. We received another 50-100 comments which have been largely addressed and/or incorporated into the report.

I'd like to thank members of the Ad-Hoc Committee and TEC for their meaningful, thoughtful and insightful comments and suggestions. It is evident that several reviewers spent a considerable amount of time reviewing the report. As mentioned earlier, this has resulted in an excellent report worthy of your consideration today. The Ad-Hoc Committee on Mercury Studies has voted to recommend to the Commission, approval of our report titled *Ohio River Basin Mercury Loading Analysis*. The Technical Committee discussed the report at their meeting yesterday, and Chairman Pigott has just reported to you his committee's endorsement.

I move that the Commission approve the Ohio River Basin Mercury Loading Analysis report.”

ACTION: Motion by Commissioner Bruny, second by Commissioner Potesta and carried, with Commissioner Lovan, Carey Johnson and Paul Miller of Kentucky abstaining, that the Ohio River Basin Mercury Loading Analysis Report, be approved as presented.

ACTION: Motion by Commissioner Bruny, second by Commissioner Pigott and carried, with Commissioner Lovan and Paul Miller of Kentucky abstaining, to sunset the Ad Hoc Committee on Mercury Studies.

Commissioner Pigott thanked Commissioner Bruny for his leadership during this lengthy and challenging study, as well as all those who worked on the study.

Commissioner Bruny thanked ORSANCO staff, in particular Richard Harrison, Jason Heath, and Bridget Taylor, for their long and hard work completing the study.

Report of the Program and Finance Committee

Commissioner Duritsa, Committee Chairman, reported that the Program & Finance Committee conducted a virtual meeting on April 29, 2020. Seven member states and the Federal Government were represented.

At the meeting, staff presented a balanced budget as well as program recommendations for consideration. The Committee received updates on Coronavirus program impacts, estimated carryover resources, strategic planning, and the five-year financial forecast. The Committee also considered state funding for fiscal year 2023.

Commissioner Duritsa noted that a detailed report and Committee recommendations were provided in the agenda packet.

Commissioner Duritsa then acknowledged and thanked staff for their excellent work in preparing the budget and the virtual meeting.

Commissioner Duritsa covered the following Committee recommendations for Commission consideration:

Committee Recommendations:

1. The adoption of the FY21 program plan and balanced budget as presented.
2. The adoption of a 0% state funding increase for fiscal year 2023.
3. Setting the FY21 Defined Contribution Plan voluntary contribution at 5% of compensation, consistent with the FY20 funding level.
4. Postponing the Strategic Plan update until 2021 due to uncertainty over the Coronavirus pandemic.
5. That staff should seek sponsorship funding for the mobile aquarium, focusing on outdoor adventure businesses, and develop protocols for sponsorship signage.

ACTION: Motion by Commissioner Duritsa, second by Commissioner Conroe and carried through a roll call vote (**Attachment I**) requested by Susan Kunkel of Pennsylvania, with Susan Kunkel abstaining, to adopt Resolution 3-20 (**Attachment II**), approving the program plan and budget for fiscal year 2021 as presented.

ACTION: Motion by Commissioner Duritsa, second by Commissioner Woodwell and carried, to adopt Resolution 4-20 (**Attachment III**), establishing state funding dues with a zero percent increase for FY23.

ACTION: Motion by Commissioner Duritsa, second by Commissioner Wilson and carried to accept Committee recommendations 3,4, and 5 as presented.

Report of the Nominating Committee

Commissioner Potesta, Committee Chairman, reported that the Committee recommends the following slate of officers for 2020-2021:

Chair: Charles Duritsa of Pennsylvania
Vice Chair: Michael Wilson of New York
Secretary/Treasurer: Toby Frevert of Illinois

ACTION: Motion by Commissioner Potesta, second by Commissioner Bruny and unanimously carried, to accept the slate of officers as recommended.

Report of the Water Users Advisory Committee (WUAC)

Bruce Whitteberry, Committee Chairman, reported that the Water Users Advisory Committee last met on May 20, 2020. Due to limitations related to the COVID-19 pandemic, the meeting was conducted via conference call. Approximately 13 utilities, representatives from the US EPA, and staff from ORSANCO attended the call.

ORSANCO staff provided a recap of the previous Technical Committee and Commission Meetings. Staff also provided an update on how the COVID-19 situation has impacted their programs' activities. On behalf of the utilities, I would like to thank ORSANCO and their staff for maintaining as many program activities as possible, especially the spill-reporting program and the ODS system. These are important and essential programs for the utilities.

The committee also discussed the ODS replacement strategy relative to the coming budget year. Sam Dinkins and other ORSANCO staff presented four options for consideration which would fit within the current budget allocation for next year:

1. Buy a replacement GC/FID and a CMS5000 unit
2. Buy two CMS5000 units
3. Purchase a full GC/MS unit
4. Purchase a portable GC/MS unit which could be used during spills

After discussing the various options, the committee supports and recommends option #2, to buy two CMS5000 units. One unit will be used to replace an aging unit which is "on its last legs". The second unit will be used as a floating unit which can be swapped with units needing repair. This will dramatically decrease downtime for CMS5000 sites because the CMS5000 units cannot be repaired in the field, but must be shipped back to the manufacturer. Option #2 is aligned with the recommendations from the ODS Next Generation Workgroup.

Lila Ziolkowski provided an update on the VOC analyte pilot project. Ten additional compounds were identified which could be added to the current quantifiable compounds list for the ODS system. The compounds were identified based on technical feasibility and whether they were from one of the following categories: compounds with drinking water Maximum Contaminant Levels, compounds from an Unregulated Contaminant Monitoring Rule list, or compounds with occurrence in previous spill reports. ORSANCO staff are currently working on protocols for effective testing.

Chris Bobay from Louisville Water Company requested additional standardization for the formatting of spill reports. The purpose of the standardization would be to allow each utility to more quickly assess whether a spill is a potential threat to their system. This standardization was supported by the other committee members. ORSANCO staff agreed, and will work to standardize the reports with the most vital information, including river mile near the top of the report.

Greg Youngstrom provided an update on harmful algal bloom (HAB) activities. Final updates to the communication and response plan are being completed. ORSANCO staff is also working with US EPA on refining the EPA's predictive model, based on the 2015 and 2019 HAB events. Funding for this project will run out in October. The model predominantly evaluates changes in river flow as the predictive tool.

Individual utilities provided updates for their systems. Overall river conditions have not been a problem for the utilities. As expected, much effort has focused on addressing the COVID-19 pandemic.

Historically, the term of the WUAC chairman has been two years, with the vice-chair taking over as chair at the end of that time. However, Whitteberry has been in the position of chair since 2014. He was pleased to say that Chris Bobay from Louisville Water Company has agreed to accept the position of vice-chair under the condition that Whitteberry remain chair for one more year. The committee agreed with this approach, and this will pave the way for new leadership within the committee.

The Committee's next meeting is scheduled for September 22nd, and they anticipate holding a virtual GoToMeeting.

Report of the Watershed Organizations Advisory Committee (WOAC)

Rich Cogen, Committee Chair, and Angie Rosser, Committee Co-Chair, both presented on behalf of the Committee.

Angie Rosser presented the following report:

The Watershed Organizations Advisory Committee held three meetings during this period. We spent time reviewing and discussing the Basin Strategy, and several of our members provided comments on that. We are looking to see that the healthy ecosystem and abundant water goal areas are prioritized. We have a member of our committee from the National Wildlife Federation who has stepped up to be the lead on the healthy ecosystems goal. We also expect to be heavily involved in the clean and abundant water goal and recommend that ORSANCO continue to take a lead in that goal area of the overall Basin Strategy.

We also responded to Commissioner Durista's request as Chairman of the Program & Finance Committee to respond to a set of survey questions regarding the ORSANCO Strategic Plan. We submitted, in writing, a collective response to those in early April via Richard Harrison. I have heard that process has been understandably delayed and will be picked up in 2021. A few themes that came out of the review of those questions is one that we see a real opportunity to align ORSANCO's purpose and functions with the Basin Strategy around our goal. We recognize what ORSANCO is doing very well in terms of monitoring and trends reports. We would like to see monitoring and data analysis lead to more discussion and action on regional solutions. We appreciate ORSANCO's commitment to protecting designated uses in a cooperative way, and there seems to be a need and an opportunity to look at how we can come up with solutions.

We have heard from the 305(b) report about non-attainment in terms of contact recreation and fish consumption. There is certainly an opportunity for this body to take a lead role in discussing how, as a region, and as a Basin, we can turn those around and look at recovering, restoring, and fully attaining those uses for the entire length of the river. We acknowledge that the permit reviews are very important and want to continue to understand how those are being considered and how ORSANCO, as a body, is looking collectively and cumulatively at permit reviews and approvals.

We recognize that some big challenges are ahead in terms of climate change and ORSANCO's role in looking at climate impact on the river and its ecosystem and also emerging contaminants as we see a potential for further industrialization of the river. The survey also asked about public engagement, and I just want to note an appreciation for the staff and the Commission for working hard on making this ORSANCO meeting and the TEC meeting into a virtual state. It certainly encourages and increases access for people throughout the Basin to participate, including our own WOAC members as well as members of the general public. We would encourage thinking about how to institutionalize this as an option even when hopefully soon we are able to be back together in a physical space.

We reported to the TEC Committee about repurposed barging facilities that all appear to be designed to involve the transportation management of liquid waste involved in unconventional oil and gas drilling or fracking. This appears to see the potential, for the first time, for fracking waste being barged up and down the river.

We provided in our written report that we need some more information about what we know and don't know about the proposed facilities and raised the concern and consideration for the TEC Committee, ORSANCO, and the states as those proposed facilities bring new concerns or considerations around spill response and source water protection.

You heard in our last report about the issue of baseline testing around microplastics, and we plan to continue to work through the TEC Committee to look at how we bring in resources or expertise to help orient us to the issue of microplastics. We need to be considering that testing methodologies are in place and that we employ conversation that will be continuing.

And finally, our members are aware, on the state and federal level, about budget concerns and financing, and this came up in the state updates yesterday; that before COVID, we had concerns, and in the context of COVID, bring a new set of concerns about budget shortfalls and cutbacks, and our members are concerned about the implications for the states' ability to meet their responsibilities and all the important things that the states do along with the federal agencies. We will be acutely attentive to what is happening in terms of funding on state and federal budgets and situating ourselves as advocates to make sure that appropriations are made to adequately staff and fund work that this body and the states do.

Rich Cogen provided the following remarks:

The two main items I want to leave you with today concern the pending ORBA Strategy document and Ohio River pollution, current and future.

First, the ORBA document: as related to Harry Stone and others at the public meetings, notwithstanding the existence of a restoration subcommittee, the primary and first focus of the strategy is commerce. This is evident from Harry's public interview comments, and commerce and transportation being the first enumerated paragraph listed in the document. This is disappointing since a majority of the goals and document substance relate to the Ohio River's environment. Thus, Ohio River Foundation and our partners will be increasing our advocacy to make sure that Ohio River Watershed restoration and water quality protection are no longer considered of lesser importance than commerce and transportation. With more than 5 million

people (and counting) depending on the river as a direct drinking water source, and millions more enjoying food and recreation that depend on the quality of this water source, it remains appalling that government focus continues to tilt heaviest in favor of bulk commodity transit and industrial users.

Which leads me to my second and final comment. This is regarding the NPDES program and non-point source pollution. The overarching goal of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. I think we all can agree that in many ways water quality has improved tremendously from the days when rivers were used as open sewers; however, as NPDES permits continue to be renewed and new ones issued for more or new chemical discharges, generally speaking, water quality improvement has plateaued and new chemical concerns are emerging. Whether we are talking about PFAS or nutrients or other chemicals, implementation of the Clean Water Act by US EPA and the states is failing to reduce the pollution load in the Ohio River. The result is a growing current and new chemical burden that is increasing pressure on downriver communities and water utilities to address safe drinking water concerns and costs. As an example, the poster child for decades of continued failure to address downriver consequences of Ohio River nutrient pollution is manifested by the dead zone in the Gulf of Mexico.

So, I hope at some point, agencies charged with NPDES implementation and permit issuance will take a hard look at how their respective programs are performing relative to the overarching goals of the Clean Water Act and make the necessary institutional changes to update their programs to be more responsive to 21st century realities and concerns.

In closing, I look forward to continuing to engage with you inside and outside ORSANCO in your official capacities to work towards a healthier Ohio River Watershed for current and future generations.

Additional Comments

Commissioner Conroe followed the WOAC report by commenting, “I want to thank Rich and express my appreciation to him for his service. It has been a challenge, and he has overcome every challenge, and his greatest achievement is that this committee has come to fruition with his guidance especially, and how he has worked with us, and it has become a good partnership.

The comments about ORBA at the opening ring home here very strongly. It's an issue that we're dealing with here in this area of western New York. My phone just rang, and I of course, did not answer it. But it was from a past executive who is currently active in areas, and he is all about economic development, and how we can manage this waterway here to promote economic development. And I know that is what he was calling about. Our challenge here is to get people to understand that people live in this area because of its natural resources, especially its water resources. And reinforcement of those, and priority to those, then results in good economic well-being, results in good commerce, results in more stable economies. That is a challenge we are facing, to get our political state leaders, departmental, official, and elected, to reinforce that priority, that making good environmental decisions and planning for good environment, reinforces everything else that they want and brings the taxes in that they want, and keeps the economic involvement going. I am sensitive to that, and I am hoping that Executive Director Harrison works on further refining that report, that that can be massaged better. In closing, I just want to mention that water is a precious protected has become a motto I have been saying to people. In this area, including the Ohio River, has the freshwater that much of the world does not have, and that, once polluted, we know how difficult it is to unpollute it or sometimes impossible. So we need to recognize that freshwater is so terribly critical to us and to the world's future. We really need to concentrate on that, and ORSANCO has done a fantastic job of that

over the years. I am very confident that ORSANCO will continue to work in that direction, but it is often easy to be assumed and forgotten. And I thank Rich for bringing that to our attention. Thank you.”

Comments by Guests **Attachment IV**

Additional Statement

Commissioner FitzGerald followed up the guest comments with this statement:

“Thank you Mr. Chairman, and thank you Richard.

First, I wanted to echo Commissioner Conroe’s statement of appreciation to Rich Cogen for his work with WOAC and to that committee for the work that they have done. I wanted to briefly address the issues raised by the commenters. I think that ORSANCO is uniquely situated to assist the Basin states in coordinating strategies to address the management of waste and wastewaters associated with the development of natural gas and natural gas liquids in the Marcellus and Utica Shale.

A brief example that Bruce Scott is intimately familiar with, is what happens when there is a lack of coordination. We had a situation that, in the interest of full disclosure, I am still representing the citizens regarding in a small rural community in eastern Kentucky, Estill County, where numerous loads of radioactive waste were shipped from West Virginia from a facility that was recycling wastewater generated from Marcellus and Utica operations in Pennsylvania and Ohio., The wastewater was recycled, and the solids were pulled out of that wastewater and shipped to a landfill in Kentucky in clear violation of our interstate low-level radioactive waste compact. And the lack of coordination between the two state agencies resulted in a problem that Estill County will have to manage for many years.

There is a significant disconnect between radium 226 contained in the waste, which has a half-life of 1500 years, and the 30-year foreclosure responsibility that each solid waste landfill has. So that is one example, and I could give you numerous examples, of the need to coordinate the management among the Basin states of wastes and wastewaters associated with the development of natural gas and other natural gas liquids from the Marcellus and Utica Shale.

So I would hope that the Technical Committee would put the issue of interstate coordination and interstate management of these oil and gas field Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) in wastewaters on the agenda for one of their upcoming meetings so that we could look at where there are data gaps, where there are monitoring gaps, where there are management gaps.

Kentucky, to its credit, and the oil and gas industry in Kentucky to their credit, when we became aware of the dumping of these many loads of TENORM waste in Kentucky, agreed to order the multi-year collaborative process that we have engaged in the oil and gas industry, and that we have engaged in Kentucky, to develop a set of regulations that comprehensively govern the management of TENORM associated with oil and gas waste, with both the issue of management and disposal in landfills of wastewater.

So with all of those issues, Kentucky has taken a pretty good shot at, as well as not allowing any fracking wastewater chemical identity to be held in confidence. Just to wrap up, I would hope that TEC would take up this issue because I think the commenter’s point regarding the need to

get ahead of what had been an emerging problem is a very sound and appropriate role for ORSANCO.

Thank you Richard, thank you Mr. Chairman, thank you Commissioners.”

Upcoming Meetings

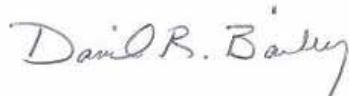
Chairman Kupke noted the following schedule for upcoming Commission meetings:

- October 6-8, 2020 – Wheeling, West Virginia
- February 9-11, 2021 – Covington, Kentucky
- June 8-10, 2021 – Pittsburgh, Pennsylvania

Adjournment

The 227th meeting of the Commission was adjourned at 10:56 A.M.

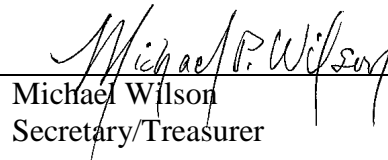
Prepared by:



David Bailey
Director of Administration

Date: June 17, 2020

Approved by:



Michael Wilson
Secretary/Treasurer

Date: July 3, 2020

ROSTER OF ATTENDANCE
227th Commission Meeting
June 11, 2020

Commissioners

Illinois	Scott Twait (PROXY for Director John Kim) Toby Frevert
Indiana	Bruno Pigott John Kupke Joseph Harrison, Jr.
Kentucky	Ron Lovan Carey Johnson (PROXY for Lt. Governor Jacqueline Coleman) Paul Miller (PROXY for Secretary Rebecca Goodman)
New York	Mike Wilson Douglas Conroe
Ohio	Laurie Stevenson John Hoopingarner Stuart Bruny
Pennsylvania	Charles Duritsa Davitt Woodwell Summer Kunkel (PROXY for Secretary Patrick McDonnell)
West Virginia	David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Austin Caperton)
Virginia	David Paylor
Federal	David Miracle George Elmaraghy Tom FitzGerald
Legal Counsel	Aaron Herzig

Executive Director

Richard Harrison

Staff

David Bailey, Jason Heath, Sam Dinkins, Joe Gilligan, Lisa Cochran, Ryan Argo, Adam Scott, Danny Cleves, Emilee Urich, Heather Mayfield, Lila Ziolkowski, Melissa Mann, Stacey Cochran, Tracey Edmonds

Guests

Angie Rosser – WOAC
Rich Cogen - WOAC
Bruce Whitteberry – WUAC
Betsy Mallison – PIACO
John Hirshfield – Westlake Chemical
Bruce Scott
Erich Emery – USACE
Jeff Thomas – EPRI
Jim Lazorchak – US EPA
Rhonda Manning – PA DEP
Tiffani Kavalec – Ohio EPA
Sarah Mardon
Christina Joiner
Indra Frank – Hoosier Environmental Council
Marissa Nortz – Steptoe & Johnson PLLC
Rachel Coffman – TSG Consulting
Robin Blakeman – Ohio Valley Environmental Coalition & WV Interfaith Power and Light
Beverly Reed – Concerned Ohio River Resident
John Heer – Fair Shake Environmental Legal Services
Randi Pokladnik – OVEC and WOAC
Alice Gerdeman – Congregation of Divine Providence
Alice Melendez
David Carpenter – ERM
Kelsey McNaul – The Climate reality Project
Michele Fetting – Breathe Project
Dianna Henslee – FirstEnergy
Dan Havallo – FirstEnergy
Martha Mettler – IDEM OWQ
Melissa Troutman – Earthworks
Jordan Lubetkin
Chris Tavenor
John Heer
Marissa Grace
Mary Joyce Moeller

OHIO RIVER VALLEY WATER SANITATION COMMISSION

Roll Call Vote

June 11, 2020

Motion/Action: Adopt the program plan and balanced budget for FY21 as presented.

Commissioner/Proxy	Yes	No	Abstain
Illinois			
Toby Frevert	x		
Scott Twait	x		
Indiana			
John Kupke	x		
Joseph Harrison	x		
Bruno Pigott	x		
Kentucky			
Ron Lovan	x		
Carey Johnson	x		
Paul Miller	x		
New York			
Doug Conroe	x		
Mike Wilson	x		
Ohio			
Stuart Bruny	x		
John Hoopingarner	x		
Lori Stevenson	x		
Pennsylvania			
Chuck Duritsa	x		
Davitt Woodwell	x		
Summer Kunkel			x
Virginia			
David Paylor	x		
West Virginia			
David Flannery	x		
Ron Potesta	x		
Scott Mandirola	x		
Federal			
Tom Fitzgerald	x		
George Elmaraghy	x		
David Miracle	x		

RESOLUTION 3-20**PROGRAM PLAN AND BUDGET FOR FISCAL YEAR 2021**

WHEREAS: The Commission has established the sum of \$1,439,700 as the amount of appropriations to be requested from the signatory states for fiscal year 2021; and

WHEREAS: Funds from the United States Government for approximately \$1,572,875 may be allocated to the Commission for fiscal year 2021; and

WHEREAS: Funds amounting to \$436,157 may be available from a variety of sources to support the Ohio River Sweep, ORSANCO/USGS Gaging Stations, Life Below the Waterline; and

WHEREAS: The Commission is anticipated to carry over resources of \$2,445,449 into the 2021 fiscal year.

NOW, THEREFORE, BE IT RESOLVED THAT: The 2021 Fiscal Year Program Plan for all activities and the budget contained therein and in support thereof be approved as presented.

BE IT FURTHER RESOLVED THAT: The Executive Director is hereby authorized to make application for funding as may be available from US EPA, for other Federal funding and funding from other sources as may become available.

BE IT FURTHER RESOLVED THAT: The expenditures in fiscal year 2021 be substantially within the framework of the following guidelines, which are made a part of this Resolution.

2021 FISCAL YEAR BUDGET

Payroll	\$1,234,586
Employee Benefits	697,498
Staff Travel	192,201
Commission Travel	100,275
Advisory Committees	20,077
Supplies	285,993
Telephone	13,157
Equipment Purchases	248,207
Utilities & Maintenance	21,000
Equipment Repairs & Maintenance	72,872
Contractual Services	487,866
Printing & Reproduction	9,900
Lab Fees & Delivery	<u>230,915</u>
Total Expenditure Budget	\$3,614,548

RESOLUTION 4-20

STATE FUNDING LEVEL FOR FY2023

BACKGROUND

The Commission has the responsibility of setting levels of state funding to support its programs. By policy, such state funding is to be established two years in advance to facilitate legislative/fiscal processes of the individual states. In developing its recommendations, the Program and Finance Committee relied, in part, on current and future budget information, the current rate of inflation and the current level of funds in the reserve account. The Program and Finance Committee was presented with alternative increases in the states' 2023 funding and agreed to recommend no increase in state funding for the 2023 fiscal year. The attached listing displays each state's proportional share of the Commission's budget for 2023 in comparison with their most recent funding levels.

ACTION REQUESTED OF THE COMMISSION

Authorize a level of state funding for FY2023 by means of the following Resolution "State Funding Level for 2023."

RESOLUTION 4-20

STATE FUNDING LEVEL FOR 2023

WHEREAS: Article V of the Compact provides that the Commission shall submit to the Governor of each state, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof;

NOW, THEREFORE, BE IT RESOLVED THAT: The sum of \$1,439,700 be budgeted for operating expenses of the Commission in the Fiscal Year July 1, 2022 to June 30, 2023. Such sum to be prorated among the signatory states in accordance with the provisions of Article X of the Compact.

**OHIO RIVER VALLEY WATER SANITATION COMMISSION
STATE FUNDING DISTRIBUTION INFORMATION**

	COMBINED SHARE (1)	ADOPTED FY2020	ADOPTED FY2021	ADOPTED FY2022	PROPOSED FY2023
<u>% INCREASE</u>		0.0%	0%	0%	0%
<u>STATE</u>					
ILLINOIS	4.92%	\$70,800	\$70,800	\$70,800	\$70,800
INDIANA	19.63%	\$282,600	\$282,600	\$282,600	\$282,600
KENTUCKY	22.28%	\$320,800	\$320,800	\$320,800	\$320,800
NEW YORK	0.98%	\$14,100	\$14,100	\$14,100	\$14,100
OHIO	26.00%	\$374,300	\$374,300	\$374,300	\$374,300
PENNSYLVANIA	12.44%	\$179,100	\$179,100	\$179,100	\$179,100
VIRGINIA	3.54%	\$51,000	\$51,000	\$51,000	\$51,000
WEST VIRGINIA	10.21%	\$147,000	\$147,000	\$147,000	\$147,000
TOTAL	100.00%	\$1,439,700	\$1,439,700	\$1,439,700	\$1,439,700

(1) THE COMBINED SHARE IS BASED ON ARTICLE X OF THE OHIO RIVER VALLEY WATER SANITATION COMPACT WHICH PROVIDES THAT THE ANNUAL BUDGET BE APPORTIONED TO THE MEMBER STATES ONE HALF IN PROPORTION TO THEIR RESPECTIVE POPULATION AND ONE-HALF IN PROPORTION TO THEIR RESPECTIVE LAND AREA WITHIN THE COMPACT DISTRICT. THE 2010 CENSUS DATA WAS USED FOR DETERMINING THE POPULATION RATIOS.

June 11, 2020 Commission Meeting

Comments by Guests

Bev Reed

I am a near life-long resident of Bridgeport, OH – a small town about 2 hours directly west of Columbus, along the Ohio River. I am also a community organizer and liaison with a citizens' advocacy organization, Concerned Ohio River Residents. We have been spreading the truth behind the downsides to the proposed PTT Global ethane cracker plant in Belmont County, OH for about a year and half. As if the cracker plant wasn't a big enough threat for quaint little Belmont County, we learned of the proposal of this barge docking facility that could be located in Martins Ferry.

This facility, if built, would be about 1 ½ miles from my home and about a mile from my town of Bridgeport's drinking water wells. This past April, we learned of the company named 4K Industrial. We learned that they would barge in waste from the oil and gas fields to be treated at the facility that already exists at the same location.

A 2017 Water Assessment from the Village of Bridgeport stated that we have a HIGH susceptibility to contamination of our water because of the lack of a protective layer of clay overlying the aquifer, the shallow depth (less than 25 feet below ground surface) of the aquifer, the presence of significant potential contamination in the protection area, and the presence of manmade contaminants in treated water. Bridgeport's water wells are about a mile DOWNSTREAM of the proposed barge dock facility. Martins Ferry's water wells are just upstream of the facility and their water treatment plant is literally right next door to the proposed barge dock location. Wheeling, WV water intake is just a few miles upstream, and they take their water directly from the river.

The 4K facility has open tanks of radioactive oil and gas waste and it has been in operation for a few years. We found ODNR inspection reports that showed the facility is already riddled with environmental problems that seem to be on-going. This does not make me feel very confident that they would do a good job managing even MORE waste.

Also, we are not able to access information like, where the waste is coming from, how much waste is coming from and leaving the facility, and what all is in the waste. There is little to no oversight of these types of facilities. Because there is a lack of traceability, characterization and amounts catalogued, the public has little faith that we can even be protected from these types of facilities. Also, it is not clear who would oversee cleanup of a spill or accident. Plus, you would have the everyday accidental small spills that would inevitably take place during normal operations and handling.

Our organization was able to send over 1,500 petition signatures and comments to the U.S. Army Corps and U.S. Coast Guard in just one month's time once we learned about the barge proposals. The Army Corps is essentially passing the buck to the Coast Guard, even though we asked them to take a firmer stance on the unconventional waste like they did years ago when another company was trying to do the same thing. Now it is up to the Coast Guard to defend our water. But, with the current administration, I have my doubts. Also, the public is not able to access information on whether or not oil and gas waste has been or is currently being shipped on the river.

There is not just one barge dock proposed for the Ohio River, but 3. The millions of people who rely on this river deserve to be protected from these threats to our water. I request that you put radioactive isotopes on your list of "emerging pollutants" and that you follow the issue of the barge facilities closely. Building relationships with the Coast Guard and Army Corps around these issues would be advisable. The River must be maintained as a source of tap water, recreation, and biological diversity. If there is a spill, accident, or leak, this could be disastrous for the water quality. I would defer to Dr. Randi Pokladnik or Robin Blakeman for a list of what other pollutants should be monitored for. I am not an expert at what all is in fracking waste and as you know, the public can't even access what all is in the waste, but we do know some of the pollutants.

Sr. Alice Gerdeman, CDP
Congregation of Divine Providence
6008 Grand Vista
Cincinnati, OH 45213

Commission Members,

I am a Sisters of Divine Providence. Our headquarters in the United States is along the Ohio River in Melbourne, Kentucky. For over 90 years we have lived on, preserved and enjoyed the land. Until 8 years ago drank the clear, mineral rich water from artesian wells on our property. Unfortunately, the water became so polluted that treatment to make the water safe for drinking became prohibitive and we discontinued drinking it. Our former riverbank property, we placed it in a conservancy, has wetlands valuable to water control and the preservation of wildlife and plants. We spent a good deal of energy and money protecting and restoring this area so that we, our neighbors and everyone in the region can enjoy the beauty of nature trails and be educated about the wonders of the earth our God created for us to share.

Perhaps this will help you understand our concern about the proposal to ship radioactive gas and oil waste down the Ohio River. We know that spills happen in everyday operations. Nearly every year our area experiences flooding. As waters recede natural debris is left behind. So is garbage and any contaminates in the water. We don't need radioactive materials and oil waste added to the problem. And our studies show that the public doesn't always hear about the dangers posed by contamination. When we do the official position often is that nothing really dangerous happened. This is even said when there are extraordinary discharges or accidents. Radioactive materials and oil waste are dangerous. The danger is real.

All too frequently, as you well know, efforts are made to lower water quality standards and/or remove environmental regulations. There may be some short term economic advantage in lowering standards for some people. There is no long term advantage for any of us from damaged property, from expensive clean up, and health problems from contaminates. People suffer the effects of polluted water and destroyed land. Those people are us and our sisters and brothers. We are concerned and you should be, too.

We urge you not to permit the shipping of radioactive gas and oil waste on the Ohio River.

Thank you for considering our concerns. I know that many people have and will be sharing technical and scientific information. Please listen.

Peace and safety to you and those you care about.

Sr. Alice Gerdeman, CDP
alicegerdeman@gmail.com

Robin Blakeman

As a life-long resident of the Huntington/Tri-State (WV/OH/KY) area, I have depended upon the Ohio River for tap water supplies nearly all my life. For most of my life, I was unaware of the good work that ORSANCO did to maintain my and my family's water supply, but thank goodness that work was done. I continue to be grateful for the work that ORSANCO does - across a very large and diverse region - to maintain that tap water supply. Yet, I have increasing concerns about emerging pollutants from the oil, gas, and petrochemical industry - including toxic contaminants from waste products that might soon be shipped in large quantities on barges on the River.

I hope that the ORSANCO Commission, staff, and other committees - such as PIACO and the Water Users group - will find ways to address these issues quickly. The starting point could be to issue statements of concern over the barge facilities to US Army Corps. Those statements could include information about the fact that these barge facilities are being proposed at a very bad time - a time when our nation is dealing with multiple issues including a massive pandemic, which is obviously limiting ORSANCO and state regulators' ability to do usual water monitoring and fish tissue sampling. Adding additional potential contaminants - from spills or leaks on the barges, or when on or off-loading materials - could easily cause a catastrophic accident, which neither ORSANCO nor state regulatory agencies have the capacity to deal with at this time. At least, it seems so to me from comments made during the TEC meeting yesterday.

For the future, adding some of the emerging pollutants - such as microplastics, organic contaminants associated with O&G drilling and processing, and radioactive isotopes - to the list of contaminants that ORSANCO monitors would be highly advisable, because I think we haven't yet seen the apex of oil, gas and petrochemical build up in our region.

As an OVEC project coordinator and a faith leader in my area, I am very concerned about the health of the 5 million citizens who depend upon the Ohio River as their tap water source. On a personal level, that number includes my entire immediate family, and most of my friends and colleagues. Please take the emerging concerns mentioned here and on the fact sheet I helped to develop (and will attach here) seriously, and take all possible action to continue all the uses of our Ohio River.

Watershed Organizations Advisory Committee report to ORSANCO Commission 6/10/2020

Oil and Gas Well Waste Barge Facilities on the Ohio River

In short, there are currently three oil and gas well waste barge docks under permitting approval consideration by the Army Corps. The USCG may also have some jurisdiction over the actual contents of the barges in transit. It is unclear what entity would have responsibility for any spills - on land, or in the water - or barge accidents. We hope that the ORSANCO Commission and Tech committee, as well as the Water Users Advisory Committee, will take these facts under advisement. We encourage all concerned to take action to include the possibility of emerging pollutants from spills and barge accidents into plans for future water monitoring and spill response. Below you will find basic information on these facilities:

Locations and permit info:

Martins Ferry, OH: see attached

Marietta/Washington County, OH:

<https://www.lrh.usace.army.mil/Missions/Regulatory/Public-Notices/Article/2142164/lrh-2020-293-ohr/>

And, here's a pretty good summary of all three proposals: <https://www.kallanishenergy.com/2020/04/30/three-barge-terminals-for-drilling-wastes-proposed-along-ohio-river/>

Note: The public comment periods for all of these proposed facilities have expired, but some of our groups and concerned residents are still submitting comments to the US Army Corps. In the case of the Meigs County facility, public comment period expired before many of our network members were aware of the facilities; The Marietta/Washington County facility public comment period expired on May 6, 2020; citizens who issued comments are awaiting responses at the time this fact sheet was produced.

Update re: Martins Ferry proposed facility: US Army Corps have denied citizens' request for a public hearing.

Pollution/Spill response concerns:

- It is unclear who would have jurisdiction/responsibility for records keeping and spill response planning, and whether those entities have clear channels of communication about the contents of these barges.
- There is a lack of appropriate testing methods for radionuclides; some of this waste could be radioactive (especially if from the Marcellus and Utica shale fields).
- The Martins Ferry barge dock would be close to the Wheeling, WV water intake on the Ohio River and many communities up and down the river – such as Bridgeport - have shallow aquifers, susceptible to contamination from the river because they don't have a solid barrier protecting them from the river.
- USCG does not provide for any public notification, public comment period, or public records access on horizontal fracking related waste barges; they approve applications for this type of oil and gas waste on a “case by case” basis.
- Toxic contents of unconventional oil and gas drilling waste are not among the chemicals tested for at source water intakes, nor at ORSANCO testing stations. Common contaminants in fracking waste: chemical additives, such as ethylene glycol, naphthalene, and sulfuric acid - all toxic to human health; Metals and organic compounds - for example, barium is linked to gastrointestinal disturbances, muscle weakness, and paralysis; BTEX – benzene, toluene, ethylbenzene, xylene - for example, benzene is a carcinogen, and linked to blood disorders such as anemia, and toluene is linked to nervous system, kidney, and liver problems; salts or total dissolved solids - corrodes infrastructure, harms aquatic life and vegetation; NORM – naturally occurring radioactive materials, such as radium-226 and radium-228 - carcinogenic, linked to blood disorders. **(These isotopes are found in brine associated with the salt deposits in the Marcellus shale and are brought to the surface along with produced water during fracking).**
- Current drinking water treatment would probably be unable to filter out these contaminants if a spill occurred.
- Current standards for chemicals in fracking fluids, such as toluene, benzene and xylenes – established over 30 years ago - are NOT adequate to protect human health. Fracking waste contain TENORM (Technically enhanced radioactive materials) that can contain water soluble radium 226 and 228 according to a March 20, 2020 EPA post, in 120 pCi/gram. These radionuclides can only be removed by osmosis and ion exchange methods; neither technique is used by most public drinking water facilities in our region. **(The EPA has set a legal limit for Radium 226 and 228 combined at 5 picocuries per liter)**

- Levels of radium could be much higher because of inadequate testing methods. <https://www.sciencemag.org/news/2015/04/study-raises-questions-about-measuring-radioactivity-fracking-wastewater>

Thanks for taking my comments, and for allowing public participation in this meeting!

Alice Melendez
Paris, KY, Ohio River Basin

The current use assessment shows “fully supporting” for drinking water, but, in broad sampling by ORSANCO in 2015 radionuclides were found in the river. Water treatment/utilities do not, to my knowledge address radioactivity in any meaningful way. We all know that ingesting radioactivity is not good for our health. Recognizing that Naturally Occurring Radioactive Materials have always been a part of life on earth, it is critical to be cognizant that recent changes in human activities are vastly increasing the amount of radioactivity in our environment on the surface of the planet, *particularly* in the states of the Ohio River Basin and the ORSANCO compact where fracking has taken off.

It is our role as citizen advocates and as civil servants to force industry to behave in a way which protects the health of the people, while industry aims only to advance their private commercial and financial interests. Industry knows that they are poisoning us. Reflect on the following quotes from industry publications.

“Radioactivity is present in oil and gas and can be traced to cancer of the “bone and bone marrow.” *Certain Problems of Environmental Cancer in the Petroleum Industry; Shell Development Company May 2, 1950*

“Almost all materials of interest and use to the petroleum industry contain measurable quantities of radionuclides that reside finally in processing equipment, product streams, or waste.” *An Analysis of the Impact of the Regulation of 'Radionuclides' as a Hazardous Air Pollutant on the Petroleum Industry; American Petroleum Institute's Department of Medicine and Biology. 19 October 1982.*

“Radon contamination of natural gas is a worldwide problem, and particularly high concentrations of radon are reported in the US and Canada.” *NORM Contamination in the Petroleum Engineer's Journal of Petroleum Technology. Jan 1993*

Citizens are now aware as well. Consider the following:

“Across the United States, according to the US Geologic Survey, about 2.5 billion gallons of brine is produced a day. [This] brine contains heavy metals, toxic levels of salt, and radium. Radium flows with water, can travel with dust, and can be breathed or ingested into the human body. Because radium has a chemical make-up similar to calcium, once inside the body it accumulates in bones. EPA regards radium as so toxic that the agency's safe drinking water limit for the two most-prevalent radium isotopes combined is 5 picocuries per liter. Liquid waste containing above 60 picocuries per liter 'is defined as radioactive...' Radium in brine from the Marcellus in Pennsylvania has been recorded as high as 28,500” Justin Nobel author of *America's Radioactive Secret* in Rolling Stone 21 Jan 2020.

I would like to encourage ORSANCO to fill a gap in monitoring and advocacy for clean safe source water, in the area of radioactivity.

Michele Fetting
Breathe Project – Pittsburgh, PA

Thank you for the opportunity to speak. I'm grateful for your work.

The Ohio River is in Great Danger.

Even with 30 million pounds of toxic waste dumped in the river each year – it's not enough.

Industry wants more.

Gas and petrochemicals are introducing new pollutants to the river.

And now industry wants to transport and store toxic, radioactive fracking waste on the river --
Which does not belong anywhere near the drinking water of 5 million. Not to mention our fish
and wildlife.

I ask the ORSANCO Commissioners – what are you doing about this?

The **Ohio River** is the **most polluted** in the country.

Is this achievement a reflection on this body?

I ask you –

Are you utilizing every single authority you have to protect this river?

We have attended public meetings and focus groups.
Asking ORSANCO to hear our urgent concerns.
And more importantly asking ORSANCO to ACT.

The Ohio River is not immune from deep injection wells,
the spreading of brine on roads,
Radioactive leachate getting into our water
and the increasing threat of microplastics and more chemicals than ever before.

I ask ORSANCO to fulfill its responsibility under its 1948 Compact which AGREES to enact
any necessary legislation to maintain the waters of the Ohio River basin and make them safe.

The Ohio River is **OUR** River
And ORSANCO must fulfill its responsibility to protect it.
We need you more than ever.

I ask the commissioners to
DO MORE
FIGHT HARDER
And most importantly
HAVE THE COURAGE DO WHAT IS RIGHT.

The community will stand with you.
And fight alongside of you.

Please, incorporate stronger action into your new strategic plan.

Nora Johnson
6433 Nicholson Street
Pittsburgh, PA 15217
412/521-5091

Statement: ORSANCO Meeting, June 11, 2020

To arrive at a request of the ORSANCO Commission, I will work my way downstream, beginning in the Appalachian Mountains where the Ohio River rises. Starting in Johnstown, Laurelville, Somerset, and other towns heavily impacted by industry for generations, the Conemaugh River, Jacobs Creek, and the Casselman Rivers wind down to join the Allegheny, Youghiogheny and then the Monongahela Rivers. Peters Creek comes in from the west. The Allegheny and Monongahela meet at Pittsburgh, combining their waters to form the Ohio, the subject of today's meeting and so much concern on the part of the people who live on or near its banks.

We drink the waters of the Ohio River and its tributaries, and we care what is in that water. As we are learning, the Ohio watershed carries TENORM, Technically Enhanced Radioactive Material, which cannot be treated or removed by sewage plants.

TENORM is radioactive waste originating in frack wells. This is no accident: Marcellus Shale is rich in radioactivity, and every well that is drilled produces radioactive wastes. Some of the waste has gone to sewage treatment plants, imperiling their ability to cleanse our drinking water as well as contaminating it with radioactivity.

Now we hear that this frack waste will be collected and shipped on barges, and that there are plans to build a series of barge docks farther down the Ohio River from Pittsburgh, where the frack waste, liberally laced with radioactivity, will be transported, stored, and finally shipped down the Ohio even farther.

We are worried and know that our national and state governments have let us down many times, allowing polluters to imperil our health for generations to come, and we know that ORSANCO voted to hand over its own regulatory powers to those very states.

We need you, ORSANCO, to put your best efforts into protecting and cleaning up the Ohio River watershed: that is my request.

Thank you.

Kelsey McNaul

“My name is Kelsey McNaul, and I am a regional organizer for the Climate Reality project. I co-lead work on our petrochemical opposition campaign in the Ohio River Valley, including the states of PA, WV, OH, and KY. The regional basis of my work particularly piques my interest in this meeting because, aside from national legislation, ORSANCO is one of the only multi-state bodies I can address in my work around the Ohio River. I worry for the commission's position as a friend to the petrochemical industry, rather than a champion for Ohio Valley communities. The economic writing on the wall indicates a decline in the oil/gas/petrochemical industry, meanwhile, grassroots resistance to this industry is strong. Supporting the petrochemical industry, and dangerous activities associated with it such as the barging of toxic and radioactive oil and gas waste on the Ohio River will put ORSANCO on the wrong side of history for this region. For the Ohio Valley to prosper, we must protect the Ohio River from the dangerous impacts of oil, gas, petrochemicals, and plastics.”

Memo

Ohio River Valley Water Sanitation Commission

SINCE 1948

*Improving Water Quality in the
Ohio River for over 70 Years*

5735 Kellogg Avenue

Cincinnati, Ohio 45230

Telephone: (513) 231-7719

Fax: (513) 231-7761

**Agenda Item 4
228th Commission Meeting
October 8, 2020**

DATE: September 17, 2020
TO: Commissioners
FROM: Toby Frevert
SUBJECT: Treasurer's Report as of June 30, 2020

The Treasurer's Report is presented in both the short form and the detailed spreadsheet format.

The report indicates that the Commission has accounts receivable totaling \$1,405,587 at the end of June 2020. The balance in accounts receivable is detailed as follows:

Federal Sources	\$981,030	106 Grant
	52,172	Ohio EPA Ohio River WQ Study
	29,160	WV 604(b) HABs
	15,359	MPG Review of Bimonthly & Clean Metals Monitoring
	<u>163,808</u>	IDEM 604(b) Continuous Monitoring
	\$1,241,529	
Other Sources	\$97,384	Ohio River Sweep
	65,982	ORBA Basin Wide Strategy Plan
	<u>692</u>	Foundation for Ohio River Education
	\$164,058	

The receipts of \$3,657,494 plus the carryover of \$2,602,205 equals \$6,259,699 through the end of June 2020. Of that amount, \$3,361,753 was expended on programs, leaving resources of \$2,897,946 available for the continuation of ORSANCO's programs.

The Ohio River Valley Water Sanitation Commission Treasurer's Report

Through June 30, 2020

<u>RESOURCES</u>	Carryover @ 7-1-19	Earned Income	Total	FY20 Budget	% Budget	Resources @ 06/30/20
Carryover July 1, 2019						
Restricted Operating Reserve Funds	\$600,000		\$600,000	\$600,000		\$600,000
Building & Equipment Capital Account	\$142,000	\$19,700	\$161,700	\$142,000		\$142,000
ODS Equipment Capital Account	\$356,414	\$0	\$356,414	\$356,414		\$356,414
Restricted Program Funds	\$203,685	\$0	\$203,685	\$163,771		\$188,468
Unrestricted Funds	\$1,300,106	\$0	\$1,300,106	\$926,319		\$1,611,064
Prepaid Expense	\$0		\$0			
States		\$1,439,700	\$1,439,700	\$1,439,700		
US EPA						
106 Grant Federal FY 19		\$404,444	\$404,444	\$404,444		
106 Grant Federal FY 20		\$981,618	\$981,618	\$1,192,756		
Other Federal Grant Programs						
WV 604(b) HABs Risk Characterization Tool		\$0	\$0	\$0		
IDEM 604(b) Continuous Monitoring		\$96,808	\$96,808	\$75,547		
WV Ohio River PFAS Study		\$48,827	\$48,827	\$40,000		
Ohio EPA Ohio River PFAS Study		\$52,172	\$52,172	\$52,000		
Multipurpose Grant Program		\$15,359	\$15,359	\$64,830		
Non-Federal Projects						
Ohio River Sweep (FORE)		\$97,384	\$97,384	\$112,592		
Ohio River Basin Alliance		\$149,999	\$149,999	\$0		
Ohio River Sourcewater Protection		\$180,000	\$180,000	\$150,000		
Other Non-Federal Projects		\$145,208	\$145,208	\$165,000		
Other Income		\$26,275	\$26,275	\$21,000		
Total Resources	<u>\$2,602,205</u>	<u>\$3,657,494</u>	<u>\$6,259,699</u>	<u>\$5,906,373</u>	106.0%	<u>\$2,897,946</u>
<u>EXPENDITURES</u>						
Personnel Expenses			\$1,888,412	\$1,916,646	98.5%	
Travel			\$175,181	\$328,174	53.4%	
Supplies			\$254,952	\$249,844	102.0%	
Telephone			\$18,459	\$13,157	140.3%	
Equipment			\$90,455	\$62,919	143.8%	
Office & Utilities			\$21,451	\$59,092	36.3%	
Equipment Repairs & Maintenance			\$53,698	\$73,920	72.6%	
Contractual Services			\$670,449	\$542,312	123.6%	
Printing & Reproduction			\$4,190	\$6,550	64.0%	
Lab Fees & Deliveries			\$184,506	\$216,310	85.3%	
Total Expenses			<u>\$3,361,753</u>	<u>\$3,468,924</u>	<u>96.9%</u>	
<u>RESOURCES AVAILABLE</u>			<u>\$2,897,946</u>			

OHIO RIVER VALLEY WATER SANITATION COMMISSION
 COMBINED STATEMENT OF REVENUES AND EXPENSES
 AND AVAILABLE RESOURCES - ALL FUNDS
 Through June 30, 2020

RESOURCES	ORSANCO GENERAL ACCOUNT	Internal WPC	106 WPC	EMAP RARE Small Grant	Marathon Petroleum Emerg Resp	Stream Gauge Transfer	River Users	WV OH River PFAS
Carryover on July 1, 2019	\$0.00	\$0	\$0.00	\$0.00	\$0	\$3,584	\$83,771	\$0
Prepaid Maintenance		\$0						
INCOME								
State Funding	\$1,439,700							
PA DEP								
Other Program Funding	\$2,197.23	\$0			\$0	\$131,030	\$0	\$0
U.S. EPA			\$1,386,062	\$0				\$48,827
In-Kind Services								
Transfer of River Users Funds to Programs							\$0	
Transfer of State Funds to Programs	(\$1,245,348)	\$776,428	\$373,275	\$0			\$0	\$0
Transfer of Other Funds to Programs		\$73,985						\$0
Transfer of Funds Encumbered for PP Maintenance								
Miscellaneous	\$0							
Interest								
Fines and Settlements		\$0						
Total Resources	\$196,550	\$850,413	\$1,759,337	\$0	\$0	\$134,614	\$83,771	\$48,827
ACCOUNTS RECEIVABLE								
USEPA			\$981,658	(\$628)	\$0			\$0
Signatory States	\$0							
Other Program Funding		\$0				\$0		\$0
TOTAL RESOURCES LESS A/R	\$196,550	\$850,413	\$777,679	\$628	\$0	\$134,614	\$83,771	\$48,827
EXPENDITURES								
Payroll	\$329,994.92	\$278,635	\$520,653	\$0	\$0	\$0	\$0	\$12,993
Employee Benefits	\$142,033	\$169,048	\$315,880	\$0	\$0	\$0	\$0	\$8,098
Staff Travel	\$9,404	\$16,993	\$53,377	\$0	\$0	\$0	\$0	\$3,943
Commission Travel	\$75,691	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Advisory Committee Travel	\$3,173	\$287	\$1,211	\$0	\$0	\$0	\$0	\$0
Associations & Memberships	\$13,534	\$3,625	\$204	\$0	\$0	\$0	\$0	\$0
Supplies	\$40,135	\$59,608	\$36,166	\$0	\$0	\$5	\$0	\$2,346
Telephone	\$14,202	\$2,001	\$2,024	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment Lease	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rent	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Utilities	\$21,451	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment Maintenance	\$20,224	\$1,669	\$8,488	\$0	\$0	\$0	\$0	\$0
Facility Maintenance	\$23,317	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Vehicle, Building, Equipment Insurance	\$40,662	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Shipping & Delivery	\$2,775	\$389	\$13,798	\$0	\$0	\$0	\$0	\$4
Reproduction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Printing	\$3,245	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Contractual Services	\$61,769	\$97,231	\$97,803	\$0	\$0	\$132,760	\$0	\$0
Lab Analysis	\$0	\$2,340	\$151,802	\$0	\$0	\$0	\$0	\$0
Legal & Accounting Fees	\$64,348	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Educational	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL DIRECT EXPENSES	\$865,959	\$631,827	\$1,201,406	\$0	\$0	\$132,765	\$0	\$27,384
IN-KIND SERVICE								
INDIRECT EXPENSE ALLOCATION	(\$954,093)	\$298,586	\$557,932	\$0	\$0	\$0	\$0	\$16,205
TOTAL DIRECT & INDIRECT EXPENSES	(\$88,134)	\$930,413	\$1,759,337	\$0	\$0	\$132,765	\$0	\$43,589
Balance before Transfers & Adjustments	\$284,683	(\$80,000)	\$0	\$0	\$0	\$1,849	\$83,771	\$5,238
Prepaid Maintenance	\$0							
Interfund Transfer	(\$284,683)	\$80,000				\$0		
BALANCE - Resources - Expenses	\$0	\$0	\$0	\$0	\$0	\$1,849	\$83,771	\$5,238

OHIO RIVER VALLEY WATER SANITATION COMMISSION
 COMBINED STATEMENT OF REVENUES AND EXPENSES
 AND AVAILABLE RESOURCES - ALL FUNDS
 Through June 30, 2020

RESOURCES	ORSANCO OH River PFAS	OH OH River PFAS	Review of Bi-monthly & Clean Metals	WV 604(b) HABs Characterization	IDEM 604(b) Continuous Monitoring	Mercury MB Effort	Ohio River Source Water Protection	Sweep	Foundation for Ohio River Education	Ohio River Basin Alliance
Carryover on July 1, 2019	\$0	\$0	\$0	\$0	\$0	\$0	\$80,000	\$2	\$0	\$12,035
Prepaid Maintenance										
INCOME										
State Funding										
PA DEP										
Other Program Funding	\$0						\$180,000	\$97,384	\$692	\$149,999
U.S. EPA		\$52,172	\$15,359	\$0	\$96,808					
In-Kind Services										
Transfer of River Users Funds to Programs										
Transfer of State Funds to Programs	\$11,592	\$2,421	\$0	\$1,409	\$13,496	\$1,106	\$0	\$0	\$0	(\$5,135)
Transfer of Other Funds to Programs							(\$73,985)			
Funds Encumbered for Prepaid Maintenance										
Miscellaneous										
Interest										
Fines and Settlements							\$0			
Total Resources	\$11,592	\$54,593	\$15,359	\$1,409	\$110,304	\$1,106	\$186,015	\$97,386	\$692	\$156,899
ACCOUNTS RECEIVABLE										
USEPA		\$52,172	\$15,359	\$29,160	\$163,808					
Signatory States										
Other Program Funding		\$0	\$0				\$0	\$97,384	\$692	\$65,982
TOTAL RESOURCES LESS A/R	\$11,592	\$2,421	\$0	(\$27,751)	(\$53,504)	\$1,106	\$186,015	\$2	\$0	\$90,917
EXPENDITURES										
Payroll	\$4,038	\$19,019	\$5,351	\$491	\$15,369	\$0	\$0	\$20,477	\$0	\$0
Employee Benefits	\$2,517	\$11,853	\$3,335	\$306	\$9,578	\$0	\$0	\$12,423	\$0	\$0
Staff Travel	\$0	\$0	\$0	\$0	\$4,813	\$0	\$0	\$0	\$47	\$1,799
Commission Travel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Advisory Committee Travel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Associations & Memberships	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Supplies	\$0	\$0	\$0	\$0	\$4,179	\$0	\$11,766	\$39,622	\$5	\$0
Telephone	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$233	\$0
Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment Lease	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rent	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Utilities	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment Maintenance	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Facility Maintenance	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Vehicle, Building, Equipment Insurance	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Shipping & Delivery	\$0	\$0	\$0	\$0	\$43	\$106	\$0	\$1,975	\$0	\$0
Reproduction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Printing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$945	\$0	\$0
Contractual Services	\$0	\$0	\$0	\$0	\$45,884	\$1,000	\$14,248	\$0	\$406	\$155,000
Lab Analysis	\$0	\$0	\$0	\$0	\$11,272	\$0	\$0	\$0	\$0	\$0
Legal & Accounting Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Educational	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL DIRECT EXPENSES	\$6,555	\$30,872	\$8,685	\$797	\$91,137	\$1,106	\$26,015	\$75,443	\$692	\$156,899
IN-KIND SERVICE										
INDIRECT EXPENSE ALLOCATION	\$5,037	\$23,721	\$6,674	\$612	\$19,168	\$0	\$0	\$21,943	\$0	\$0
TOTAL DIRECT & INDIRECT EXPENSES	\$11,592	\$54,593	\$15,359	\$1,409	\$110,304	\$1,106	\$26,015	\$97,386	\$692	\$156,899
Balance before Transfers & Adjustments	\$0	(\$0)	\$0	(\$0)	(\$0)	\$0	\$160,000	(\$0)	\$0	(\$0)
Prepaid Maintenance										
Interfund Transfer							(\$80,000)			
BALANCE - Resources - Expenses	\$0	(\$0)	\$0	(\$0)	(\$0)	\$0	\$80,000	(\$0)	\$0	(\$0)

**OHIO RIVER VALLEY WATER SANITATION COMMISSION
COMBINED STATEMENT OF REVENUES AND EXPENSES
AND AVAILABLE RESOURCES - ALL FUNDS
Through June 30, 2020**

RESOURCES	Life Below The Waterline	Total Restricted Program Funds	Unrestricted Funds	Restricted Operating	Reserve Funds Building & Equipment	Reserve Funds ODS Equipment Replacement	Total Activities
Carryover on July 1, 2019	\$24,293	\$203,685	\$1,300,106	\$600,000	\$142,000	\$356,414	\$2,602,205
Prepaid Maintenance		\$0					\$0
INCOME							
State Funding		\$1,439,700					\$1,439,700
PA DEP		\$0					\$0
Other Program Funding	\$11,288	\$572,591				\$0	\$572,591
U.S. EPA		\$1,599,228					\$1,599,228
In-Kind Services		\$0					\$0
Transfer of River Users Funds to Programs		\$0					\$0
Transfer of State Funds to Programs	\$0	(\$70,755)			\$70,755		(\$0)
Transfer of Other Funds to Programs	\$0	\$0					\$0
Funds Encumbered for Prepaid Maintenance		\$0					\$0
Miscellaneous		\$0			\$19,700		\$19,700
Interest		\$0	\$26,275				\$26,275
Fines and Settlements	\$0	\$0					\$0
Total Resources	\$35,581	\$3,744,449	\$1,326,381	\$600,000	\$232,455	\$356,414	\$6,259,699
ACCOUNTS RECEIVABLE							
USEPA		\$1,241,529					\$1,241,529
Signatory States		\$0					\$0
Other Program Funding	\$0	\$164,058					\$164,058
TOTAL RESOURCES LESS A/R	\$35,581	\$2,338,862	\$1,326,381	\$600,000	\$232,455	\$356,414	\$4,854,112
EXPENDITURES							
Payroll	\$3,934	\$1,210,956	\$0	\$0	\$0	\$0	\$1,210,956
Employee Benefits	\$2,387	\$677,457	\$0	\$0	\$0	\$0	\$677,457
Staff Travel	\$4,422	\$94,818	\$0	\$0	\$0	\$0	\$94,818
Commission Travel	\$0	\$75,691	\$0	\$0	\$0	\$0	\$75,691
Advisory Committee Travel	\$0	\$4,672	\$0	\$0	\$0	\$0	\$4,672
Associations & Memberships	\$0	\$17,463	\$0	\$0	\$0	\$0	\$17,463
Supplies	\$212	\$194,044	\$0	\$0	\$0	\$0	\$194,044
Telephone	\$0	\$18,459	\$0	\$0	\$0	\$0	\$18,459
Equipment	\$0	\$0	\$0	\$0	\$90,455	\$0	\$90,455
Equipment Lease	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rent	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Utilities	\$0	\$21,451	\$0	\$0	\$0	\$0	\$21,451
Equipment Maintenance	\$0	\$30,381	\$0	\$0	\$0	\$0	\$30,381
Facility Maintenance	\$0	\$23,317	\$0	\$0	\$0	\$0	\$23,317
Vehicle, Building, Equipment Insurance	\$2,783	\$43,445	\$0	\$0	\$0	\$0	\$43,445
Shipping & Delivery	\$0	\$19,092	\$0	\$0	\$0	\$0	\$19,092
Reproduction	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Printing	\$0	\$4,190	\$0	\$0	\$0	\$0	\$4,190
Contractual Services	\$0	\$606,101	\$0	\$0	\$0	\$0	\$606,101
Lab Analysis	\$0	\$165,414	\$0	\$0	\$0	\$0	\$165,414
Legal & Accounting Fees	\$0	\$64,348	\$0	\$0	\$0	\$0	\$64,348
Educational	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL DIRECT EXPENSES	\$13,737	\$3,271,298	\$0	\$0	\$90,455	\$0	\$3,361,753
IN-KIND SERVICE		\$0	\$0				
INDIRECT EXPENSE ALLOCATION	\$4,216	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL DIRECT & INDIRECT EXPENSES	\$17,953	\$3,271,298	\$0	\$0	\$90,455	\$0	\$3,361,753
Balance before Transfers & Adjustments	\$17,628	\$473,151	\$1,326,381	\$600,000	\$142,000	\$356,414	\$2,897,946
Prepaid Maintenance		\$0	\$0				
Interfund Transfer	\$0	(\$284,683)	\$284,683		\$0	\$0	\$0
BALANCE - Resources - Expenses	\$17,628	\$188,468	\$1,611,064	\$600,000	\$142,000	\$356,414	\$2,897,946

Ohio River Valley Water Sanitation Commission
COMMISSION MEETING COMMUNICATION

Meeting Date: October 8, 2020	Subject: Report and Recommendations; June 10, 2020 Technical Committee Meeting	Number: 5
Attachments: · TEC Agenda	Committee Type: <input checked="" type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	Action Required: <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Motion
Prepared by: Jason Heath Presentation by: Committee Chairman Bruno Pigott		

KEY CONSIDERATIONS:

- The Commission Technical Committee (TEC) will conduct its 224th meeting virtually, on October 6 and October 7, 2020, prior to the October 8, 2020 virtual Commission meeting.
- The meeting agenda includes: Current and future status of ORSANCO monitoring programs resulting from the COVID shutdown, Biological programs update, Source Water Protection program update, HABs Monitoring and Response Plan update as well as an demonstration of the Ohio River HABs Shiny App model and predictive results, TEC member reports, and an update will be provided on ORSANCO's Bimonthly/Clean Metals Monitoring Programs.
- Committee Chairman Pigott will provide a report of the TEC meeting at the October 8, 2020 Commission meeting.

BUDGET/STAFF IMPLICATIONS:

- The Technical Committee reviews technical programs and makes recommendations to the Commission to be considered during the Program and Finance Committee's Program and Budget development process.
- The Commission has staff time to perform Committee liaison work and to facilitate the meetings and work of the Committee's Workgroups and Subcommittees.

RECOMMENDATION:

- Any TEC recommendations from the October 6 and 7, 2020 TEC meeting that need to be approved by the Commission will be presented at the October 8, 2020 Commission Meeting.

BACKGROUND/HISTORY:

- The Technical Committee (TEC) serves as the technical arm of the Commission and studies, discusses and evaluates technical questions of concern or interest to the Commission.
- It is composed of a Chairman, who is a Commissioner appointed by the Commission Chairman with one member from each of the signatory states as designated by the Commissioners of each state. TEC includes a member designated by the United States Commissioners to represent federal interests. Up to three additional members may be appointed by the Commission Chairman.
- The Chief Engineer of the Commission is an ex officio voting member of TEC and the Chair of the Public Information Advisory Committee, Chemical Industry Advisory Committee, Power Industry Advisory Committee, Publicly Owned Wastewater Treatment Works Advisory Committee, Watershed Organizations Advisory Committee and Water Users Advisory Committee are ex officio, non-voting members of TEC.
- TEC has established workgroups and subcommittees to assist with Committee activities including: 305b Coordinators Workgroup, Biological Subcommittee, Emergency Response Coordinators Workgroup, Fish Consumption Advisory Workgroup, HABs Workgroup, Monitoring Strategy Subcommittee, NPDES Subcommittee, ODS Operators Workgroup, Source Water Assessment Workgroup; Stream Criteria Subcommittee, and TMDL Coordinators Workgroup.

Report of the Pension Committee

The Pension Committee continues to work with staff to review the Pension Plan and monitor the investment portfolio to provide ongoing recommendations to sustain the Plan in a cost effective manner.

The Committee has worked closely with PNC Institutional Advisors, the Plan's fund investment manager, to implement more robust monthly reporting as well as quarterly review discussions with the Committee.

July 1, 2020 Actuarial Valuation Report

The Report, compiled by Buck Consultants, indicates Plan assets of \$4,342,864 with a total funded ratio of 69.42% compared to a 2019 69.68% funded ratio. The Report also indicates an unfunded liability of \$1,913,228.

Recommendation to Amend the 2015 Edition of the Pension Plan

Staff has continued to work with ORSANCO's pension legal counsel and actuarial consultant to review the Plan and recommend revisions based on IRS, DOL and new pension legislation as required.

Minor language in the Plan has been revised to comply with basic provisions of the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act). The changes include:

- Update actuarial assumptions in the Plan.
- Amend late retirement benefit calculation.
- Incorporate update mortality table.

Resolution 7-20: Amendment No. 2 to the 2015 Edition of the Ohio River Valley Water Sanitation Commission Employees' Pension Plan (**Attachment 2**), as well as a marked up Summary Plan Description (**Attachment 3**) are attached for your review. The Committee will be requesting adoption of Resolution 7-20, approving the Plan language revisions as presented.

Recommendation to Adopt Updated Pension Investment Policy Statement

As an outcome of last year's process to interview additional investment advisors, the need to draft a more robust investment policy statement (IPS) became apparent. The IPS, in its current form, has been in effect for a couple of decades and doesn't provide sufficient scope for current investment management controls.

The current IPS sets the portfolio investment allocation at 50% equities and 50% fixed, but could fluctuate within a range of 60%-40% prior to rebalancing.

Staff worked with PNC Advisors to draft an updated, more detailed IPS incorporating, but not limited to, the following:

- Setting the target allocation at 60% equities and 40% fixed, with a fluctuation range of 65% - 35% to better capitalize on future equity returns.
- Implementing monthly investment performance summary reports.
- Implementing quarterly review calls with the Pension Committee.
- Reporting changes in fund managers to ORSANCO Management.
- Better define the asset classes to be governed by the IPS.

The Committee will be requesting adoption of the Draft Investment Policy Statement (**Attachment 4**) as presented.

RESOLUTION 7-20

**Amendment No.2 to the 2015 Edition of the Ohio River Valley Water Sanitation
Commission Employees' Pension Plan**

CERTIFICATE OF CORPORATE RESOLUTION

The undersigned Secretary of Ohio River Valley Water Sanitation Commission ("ORSANCO") hereby certifies that the following resolutions were duly adopted by the Commissioners on October 8, 2020:

WHEREAS, ORSANCO sponsors the Ohio River Valley Water Sanitation Commission Employees' Pension Plan, which was last amended and restated effective as of July 1, 2015 (the "Plan") and was subsequently amendment by Amendment No. 1; and

WHEREAS, ORSANCO has reserved the authority to amend the Plan; and

WHEREAS, ORSANCO wishes to amend the Plan effective July 1, 2020 to (i) update the Plan's actuarial assumptions, and (ii) amend the late retirement benefit provision so as to ensure any late retirement benefit satisfies the requirements of Code Sections 411(a)(2) and 401(a)(9)(C)(iii);

NOW THEREFORE BE IT RESOLVED, that effective as of July 1, 2020, Amendment No. 2 to the 2015 Edition of the Plan is hereby adopted and approved in substantially the form attached hereto, with such changes therein as may be approved by the Executive Director of ORSANCO which approval shall be conclusively evidenced by the signature of the Executive Director to a copy of such Amendment; and further

RESOLVED, that the Executive Director shall be, and hereby is, authorized and directed to take such action and to make, execute, deliver and file or cause to be made, executed, delivered, or filed such notices, agreements, documents, payments, applications, instruments, and certificates, and to take such other and further actions, as he may deem to be proper, necessary, desirable or appropriate to effectuate the purpose and intent of the foregoing resolutions, the authority for taking of such action and the making, execution, delivery or filing of such notices, agreements, documents, payments, applications, instruments or certificates to be conclusively evidenced thereby; and further

RESOLVED, that all actions heretofore taken by the Executive Director, or any other officer, employee, or agent of ORSANCO in connection with the subject matter of the foregoing resolutions and recitals be, and hereby are ratified, approved, and confirmed in all respects as the acts and deeds of ORSANCO.

The undersigned further certifies that attached hereto is a true copy of the Amendment approved and adopted in the foregoing resolutions.

OHIO RIVER VALLEY WATER SANITATION COMMISSION

By: _____
Commissioner Toby Frevert, Secretary

Date: _____

**SUMMARY PLAN DESCRIPTION
FOR THE
OHIO RIVER VALLEY WATER SANITATION
COMMISSION EMPLOYEES' PENSION PLAN**

This Summary Plan Description explains the most important features of the OHIO RIVER VALLEY WATER SANITATION COMMISSION EMPLOYEES' PENSION PLAN, effective as of July 1, 2020~~15~~. READ this booklet, SHARE its contents with other members of your family, and KEEP it for future reference. BUT NOTE: THIS IS A SUMMARY ONLY. In all cases, it is the actual Plan documents that control participants' rights and benefits. If you would like to see the Plan documents, copies are available.

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I. Eligibility to Participate

The Ohio River Valley Water Sanitation Commission Employees' Pension Plan (the "Plan") covers all Eligible Employees of Ohio River Valley Water Sanitation Commission ("ORSANCO" or "The Employer"). ~~An Eligible Employee is any person who was an employee of ORSANCO and a participant in the Plan on June 30, 2017, and who remains continuously employed by ORSANCO after that date. The Plan was closed to new and renewed participation effective as of June 30, 2017. Any individual who was not an active employee of ORSANCO participating in the Plan as of June 30, 2017 shall not be eligible to participate in the Plan and any individual who ceases to be an employee of ORSANCO after that date shall not be eligible to again participate if he or she later is rehired. An Eligible Employee is an employee who (1) has reached age 21, (2) has been given credit for at least one full year of Continuous Service with ORSANCO, and (3) has had his or her first Hour of Service with ORSANCO at least 12 months prior to the Entry Date.~~

~~The Plan Entry Dates are July 1 and January 1 of each year. For example, an employee who is over age 21, who is hired on December 1, 2014, and who works at least 20 hours per week for an entire year will become a participant on January 1, 2016. Each such employee automatically will become a participant on that Entry Date.~~

II. Computation of Service

A. *Continuous Service.* "Continuous Service" is the time of service used under the Plan to determine eligibility and vesting rights. Each employee's

Continuous Service is counted beginning with the day on which the employee first performed an Hour of Service (explained below). One year of Continuous Service is counted for each 12-month period beginning on the date of hire or an anniversary of that date (called an "anniversary year") during which the employee has at least 1,000 Hours of Service. If the employee has an anniversary year with less than 1,000 Hours of Service, the employee will not earn a year of Continuous Service for that period, even if he or she was a participant in the Plan and an employee during the entire period. Any period preceding a Break in Service is excluded from Continuous Service.

B. *Hours of Service.* For eligibility and vesting purposes: Hours of Service are counted for eligible salaried employees on the basis of 10 hours per day, up to a maximum of 45 hours per week, for time paid by ORSANCO; and for eligible non-salaried employees, Hours of Service are counted one hour for each hour paid by ORSANCO. For these purposes, Hours of Service are counted for employees not only for working time but also for paid time off, including paid vacation time, paid holidays, paid jury or military duty, paid sick leave, and paid leave of absence. Hours will not be counted for an employee in excess of 501 hours for any time during which the employee was not actively performing work duties with ORSANCO.

An employee who is on a Child Care Leave (absence due to pregnancy, birth or adoption of a child, or caring for a child immediately after birth or adoption) will have Hours of Service counted according to his or her normal work schedule, up to a maximum of 501 Hours of Service. After 501 hours, no more hours will be counted for that Child Care Leave.

For any other nonpaid leave of absence, 10 Hours of Service will be counted per week, to the same maximum of 501 hours per year.

In all circumstances, Hours of Service are counted as required by Federal regulations.

C. Break in Service. A non-vested employee suffers a Break in Service if he or she has 5 or more consecutive anniversary years in each of which the employee has worked fewer than 501 Hours of Service. If an employee has a Break in Service, all prior Continuous and Credited Service is canceled. If the employee is vested before the interruption in service, no Break in Service will occur to cancel prior service.

D. Credited Service. "Credited Service" is the factor used directly in the calculation of pension benefits. It consists of only service time as an active Eligible Employee with ORSANCO or while in disability status, rounded, if necessary, to the next higher 1/12th of a year. Credited Service does not include any service preceding a Break in Service. If the Plan terminates, certain other special rules may apply.

E. Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"). If you are a veteran and you are reemployed under USERRA, your qualified military service may be considered service with the Employer. If you believe this law may affect you, please contact the Committee for more details.

III. Vesting -- 5 Years

Vesting under this Plan happens after a participant completes 5 full years of Continuous Service, not counting any service before a Break in Service. If a participant's employment with ORSANCO terminates for any reason before Normal

Retirement Date and before vesting, all of the participant's benefits and service will be forfeited as soon as a Break in Service occurs.

IN SHORT, you need 5 years of Continuous Service in order to protect your benefits under this Plan. If you do not have 5 years of Continuous Service and your employment with ORSANCO ceases before age 65 (for whatever reason, including death), neither you nor your beneficiaries are entitled to any benefits under this Plan.

IV. Normal Retirement Benefit

The Normal Retirement Date under this Plan is age 65, or, if later, the 5th anniversary of the participant's commencement of current participation in the Plan. If an employee retires on his or her Normal Retirement Date while this Plan is in effect, he or she will be entitled to receive a monthly pension, which is the product of the number of years of Credited Service times 2% of his or her Final Average Monthly Earnings. For purposes of the benefit formula, "Final Average Monthly Earnings" are the average monthly base earnings received for service as an employee of ORSANCO during the 5 consecutive Plan Years that those earnings are highest. Base earnings do not include bonuses, commissions, overtime payments, expense reimbursements, employee plan benefits, or any other compensation which is not treated as base pay. Federal law limits the maximum earnings that can be considered for any employee to \$2865,000 per year (adjusted for cost-of-living changes).

An unmarried participant who retires on his or her Normal Retirement Date will receive a monthly pension benefit beginning as of the first of the month following that date. A participant who is married at the time of retirement shall receive his or her

pension in the form of an actuarially reduced Qualified Joint and 100% Survivor Annuity unless waived in writing by the participant and his or her spouse. See Section IX, "Forms of Payment" for information regarding payment options available under this Plan.

At some high compensation levels, there may be certain maximum benefit limitations imposed by Federal law.

V. Late Retirement Benefit

A participant who continues to work beyond his or her Normal Retirement Date will be entitled to receive at retirement the greater of (i) his or her monthly pension benefit calculated using his or her actual Credited Service times 2% of his or her Final Average Monthly Earnings, and (ii) an actuarially increased monthly pension from that calculated in Section IV, above, provided this Plan was in effect on his or her Normal Retirement Date. Benefit payments will begin at retirement. In all events, benefits for a participant whose employment with ORSANCO has ended will commence no later than ~~or, if earlier,~~ April 1 of the calendar year following the calendar year in which the participant attains age ~~72~~^{70½}.

VI. Early Retirement Benefit

While this Plan is in effect, a participant who terminates employment after attaining age 55 and completing at least 10 full years of Continuous Service will be eligible for an early retirement benefit. The participant's monthly benefit at age 65 will be calculated using the benefit formula described in Section IV, above, based upon the applicable employment and benefit factors as they exist for purposes of the Plan at the time of early retirement. If the participant elects to have his or her pension commence

before age 65, it will be reduced in the following manner for each year (prorated for any fraction of a whole year) by which the starting date precedes the first of the month following the participant's 65th birthday:

<u>Participant's Age At Commencement</u>	<u>Reduction Percentage</u>
Age 55	50%
Age 56	46 $\frac{2}{3}$ %
Age 57	43 $\frac{1}{3}$ %
Age 58	40%
Age 59	36 $\frac{2}{3}$ %
Age 60	33 $\frac{1}{3}$ %
Age 61	26 $\frac{2}{3}$ %
Age 62	20%
Age 63	13 $\frac{1}{3}$ %
Age 64	6 $\frac{2}{3}$ %
Age 65	0%

VII. Disability Status

While this Plan is in effect, a participant who has been given credit for at least 5 full years of Credited Service and who thereafter, while still an Eligible Employee, suffers a total and permanent disability (determined by the Pension Committee) -- unless the disability arose from military service or was the result of an illegal act, or self-inflicted injury or sickness, or the chronic or excessive use of intoxicants, drugs or narcotics -- will be considered to be in "Disability Status" during the period covered under an Employer disability plan, but not beyond age 65 (or earlier commencement of benefits under the Plan). In "Disability Status," the participant will continue to accrue benefits under the Plan.

The Pension Committee has the right from time to time to demand evidence of disability, including an examination by a physician appointed by the Committee. If a participant fails or refuses to submit such evidence (or to submit to such an examination) the Committee may rule the participant does not have, or no longer has, a total and permanent disability.

VIII. Other Termination Benefits and In-Service Distributions

To be vested, a participant must complete at least 5 years of Continuous Service. The future retirement benefit of a participant who terminates employment after 5 years of Continuous Service before becoming eligible for retirement is calculated using the benefit formula set forth in Section IV, above, based upon the applicable employment and benefit factors as they exist for purposes of the Plan at the time of termination of employment. Subject to the rules regarding Plan termination, the full monthly amount of this benefit can be paid beginning at 65.

If the present value of a participant's benefit is \$5,000 or less, distribution of the value of his or her vested benefit will be made in lump-sum as soon as is administratively practicable following termination of employment. If such value is greater than \$1,000 but less than \$5,000 and if the participant does not direct the Plan Administrator whether to make the distribution to him or her directly or to an IRA or retirement plan selected by the participant, then the distribution, when made, will be rolled over into an IRA that will be established by the Plan Administrator in the participant's name. If the present value of a participant's benefit exceeds \$5,000, -such benefit may be made as described in IX., below.

A vested, terminated participant who has completed at least 5 full years of Continuous Service before termination of employment may elect to have the pension commence after attaining age 55. In that case the pension will be reduced in the same manner described in Section VI, for each year (prorated for any fraction of a whole year) by which the starting date precedes the first of the month following that individual's 65th birthday.

A fully vested participant who earns less than the Internal Revenue Services' highly compensated employee limit for the preceding year (\$1320,000 for 2020~~15~~), who has attained at least age 62, and who is Semi-Retired (defined below) may elect to commence receiving his or her pension benefits even though he or she is still working. Such benefits will be calculated as described in IV., V., or VI. above, as applicable, and benefit payments will commence as of the first day of the first administratively practicable calendar month in the calendar year next following such Semi-Retired participant's election to commence the payment of benefits, or such earlier time as the Plan Committee in its sole discretion, determines is administratively practicable. For this purpose, "Semi-Retired" means the participant's work schedule has been permanently reduced such that the participant is expected to work less than 1,000 hours on an annual basis for so long as such employment continues. Neither this provision nor any other provision of the Plan shall be construed as conferring any rights upon any participant or any other person for a continuation of employment, nor shall it be construed as conferring any rights to employment in a certain employment position, nor shall it be construed as limiting in any way ORSANCO's right to discharge any participant or other employee.

IX. Forms of Payment

A. *Basic and Standard Forms.* The basic form of pension payment under this Plan for an unmarried participant is the 10-Year Certain Form. The 10-Year Certain Form pays a monthly pension for the lifetime of the pensioner with a guaranteed minimum of 120 monthly payments. The final payment is made in the month in which the pensioner dies; but if fewer than 120 monthly payments have been made, the

remainder of the guaranteed payments will be made to the participant's designated beneficiary.

The standard form of payment to a participant who is married (for at least one year) when the pension commences is an actuarially reduced "Qualified Joint and 100% Survivor Annuity". That form of pension is paid to the pensioner for life. After the pensioner's death, his or her spouse continues to receive, for the remainder of the spouse's life, 100% of the monthly pension benefit the pensioner had been receiving. (A person who becomes married to the pensioner after the pension begins is not entitled to any survivorship benefits under the Plan.)

B. *Alternative Forms.* Subject to Federal requirements relating to the consent of a spouse (see C., below) and to the extent the present value of a participant's benefit exceeds \$5,000 at the benefit commencement date, (see VIII, above), alternate forms of payment are available for participants who do not want the basic or standard annuities described above. The alternatives, which must be elected in writing prior to retirement and which are all adjusted to have the same actuarial value, are:

Life Only Form. The Life Only Form is payable monthly for the lifetime of the pensioner, ending with the month in which the pensioner dies.

20-Year Certain Form. The 20-Year Certain Form pays a monthly pension for the lifetime of the pensioner with a guaranteed minimum of 240 monthly payments. The final payment is made in the month in which the pensioner dies; but if fewer than 240 monthly payments have been made, the remainder of the guaranteed payments will be made to the participant's designated beneficiary.

Qualified Joint and Survivor Annuity. There are three Qualified Joint and Survivor Annuities permitted under the Plan. The first is the Qualified Joint and 100% Survivor Annuity which is described in A above. The second is the Qualified Joint and 50% Survivor Annuity, which provides 75% of the monthly pension benefit of the participant to his or her

surviving spouse after the participant's death for the remainder of the spouse's life. The third is the Qualified Joint and 75% Summary Annuity, which provides 75% of the monthly pension benefit of the participant to his or her surviving spouse after the participant's death for the remainder of the spouse's life. (A person who becomes married to the pensioner after the pension begins is not entitled to any survivorship benefits under the Plan.)

Lump Sum. If the present value of a participant's benefit exceeds \$5,000 but does not exceed \$15,000 the participant may elect, subject to the spousal consent requirements, to elect to receive the lump-sum actuarially equivalent value of his or her benefits.

No lump sum is available if the actuarially equivalent present value of the participant's benefit exceeds \$15,000

Because all forms of payment are adjusted actuarially to be equal to the basic form, the actual monthly amount for each payment option will be different. In some instances the availability of longer term-certain options is restricted by Federal law.

C. Spousal Consent Requirements. If a participant or former participant is married when benefits are to begin and the value of such benefits exceeds \$5,000 and he or she wishes to have those benefits paid in any form other than a Qualified Joint and 100% Survivor Annuity, the participant's spouse must consent in writing to the alternative form. **Such consent must be made specifically within the 180 day period prior to the pension commencement date, and must be notarized or be witnessed by a Plan representative.** Election forms and Spousal Consent forms will be provided by the Pension Committee.

X. Death Benefits

Subject to the rules regarding Plan termination, explained in Section XIV, the following are the only death benefits payable under this Plan. For these purposes

the word "Married" does not include a person who has been married for less than one (1) year.

Married Survivor 100% Pension. If a Married vested participant or Married vested former participant should die before benefits have commenced under this Plan, that participant's pension will be calculated using the benefit formula in Section IV, based upon the applicable employment and benefit factors as they exist for purposes of the Plan at death, with the actuarial adjustments for a "Qualified Joint and 100% Survivor Annuity" and with the applicable early payment reduction described in Part VI, or Part VIII, for commencement of payments between what would have been that participant's 55th and 65th birthdays. The participant's surviving spouse can then receive the 100% survivor annuity portion of that pension, starting at the earliest date on which the participant or former participant could have elected his or her own benefits to start if death had not occurred. With spousal consent this Married Survivor 100% Pension can be waived by a participant.

XI. Plan Funding

The Plan is funded entirely by contributions made by ORSANCO. The amount of the contributions is calculated each year by an actuary, who estimates the amount needed for that year based on benefits earned, the cost of funding past service, and the investment results of the Pension Fund assets. Participants are not permitted to make contributions to the Plan.

XII. Attachment of Plan Funds by Creditors

It is intended that no benefits under this Plan may be taken by a creditor; and no participant may use his or her benefits as collateral for a loan. However, Federal law allows Plan benefits to be assigned to a participant's former spouse if required by a Qualified Domestic Relations Order ("QDRO"). A participant who is in the process of a divorce should consult with his or her attorney regarding the possible division and assignment of benefits payable under this Plan. A participant or beneficiary

who wishes to obtain a copy of the procedures governing QDRO determinations may obtain one copy per year, without charge, from the Committee.

XIII. Claims Procedure and the Plan Committee

The administration of the Plan is handled by a Pension Committee appointed by ORSANCO. The Committee is responsible for making all decisions regarding eligibility and payment of benefits under this Plan.

All claims for benefits should be made to the Committee. If the Committee determines any individual who has claimed a right to receive benefits is not entitled to receive all or any part of the benefits claimed, it shall inform the claimant by certified mail of its decision and the reasons for the decision. The claimant then has 60 days to submit to the Committee by certified or registered mail any further information. If, upon receipt of this further information, the Committee determines the claimant is not entitled to the benefits claimed, the claimant or his or her representative shall be permitted to appear before the Committee and personally present the claim. The Committee shall render its final decision with the specific reasons for the decision in writing and shall send it to the claimant by certified mail within 60 days of any such appearance.

A claimant may not commence legal action with regard to a claim for benefits until exhaustion of the Plan's administrative claims procedure. No such legal action may be brought in any venue located outside of the State of Ohio, and no such legal action may be brought after the earlier of the (i) expiration of six (6) months from the date the Committee renders its final decision on the claim, (ii) expiration of two (2) years after the claimant knew or reasonably should have known the principal facts on which the claim is based.

XIV. Employer's Right to Amend or Terminate the Plan

A. *Amendment.* ORSANCO may amend the Plan from time to time for any reason. Any amendment made to the Plan will be binding on all applicable participants. However, no amendment to the Plan may (i) increase the duties or the liabilities of the Trustee without the Trustee's written consent, (ii) cause any assets of the Trust Fund to revert to or be used or enjoyed by the Employer or provide for the use of the Trust Fund for any purpose other than for the exclusive benefit of participants and beneficiaries of the Plan, unless otherwise allowed by law, (iii) decrease the benefits or account balance of any participant or beneficiary that accrued under the Plan before the amendment was made or to which he or she is entitled for contributions already made or (iv) eliminate or reduce any early retirement benefit or optional form of benefit under the Plan for benefits attributable to service performed or contributions made before the amendment was made, unless otherwise allowed by law.

B. *Termination.* ORSANCO expects to continue the Plan indefinitely, but it has reserved the right to discontinue contributions and terminate the Plan at any time for any reason. In the event of a termination, each participant who is an Eligible Employee on the termination date immediately will become 100% vested in the benefits earned up to that date to the extent they are funded. There will be no further contributions or increase in benefits, but Pension Fund assets will continue to be held and invested until the date distributed.

The benefits earned under this Plan are payable solely from the Pension Fund. Neither ORSANCO nor the Pension Committee nor the Trustee guarantees the Pension Fund, or its investments, or that it will be sufficient to pay all benefits earned

under this Plan. If the Plan is terminated and the Pension Fund assets are not sufficient to pay all benefits, no one having or claiming a benefit under this Plan may require ORSANCO to pay that benefit or to pay any additional contributions into the Pension Fund.

If the Pension Fund is sufficient to pay all benefits earned under the Plan prior to its termination, any surplus will be returned to ORSANCO.

XV. Non Duplication of Benefits

If for the same period of service more than one benefit is payable under this Plan alone, or under this Plan and another qualified defined benefit pension plan or agreement to which ORSANCO contributes or has contributed, benefits under this Plan will be adjusted to eliminate that duplication.

XVI. Missing Persons

It is each participant's, former participant's, surviving spouse's and beneficiary's responsibility to keep ORSANCO informed of his or her current mailing address. If anyone entitled to benefits under this Plan fails to do so, those benefits may be stopped until such time as such individual makes proper application therefor.

XVII. General Information

A. *Name of the Plan (Plan Number 001):*

Ohio River Valley Water Sanitation Commission Employees'
Pension Plan

B. *Name, Address and Phone of Employer:*

Ohio River Valley Water Sanitation Commission
5735 Kellogg Avenue

Cincinnati, Ohio 45228
(513) 231-7719

C. *Employer Identification Number:*

31-6000421

D. *Plan Type:*

Defined Benefit Pension Plan

E. *Name, Address and Phone of Plan Administrator:*

Pension Committee
5735 Kellogg Avenue
Cincinnati, Ohio 45228
(513) 231-7719

F. *Name, Address, and Phone of Trustee:*

PNC Bank
201 East Fifth Street
Cincinnati, Ohio 45202-
513-651-8033

G. *Service of Process:*

Notices, forms and legal process concerning the Plan may be served on and delivered to the Employer or the Pension Committee.

H. *Plan Year:*

The Plan Year is the 12-month period ending June 30.

I. *Effective Date:*

The original effective date of the Plan was October 1, 1974.

INVESTMENT POLICY STATEMENT

DRAFT

60% EQUITY / 40% FIXED

OHIO RIVER VALLEY WATER SANITATION COMMISSION (ORSANCO)
DEFINED BENEFIT PLAN

July 1, 2020

The PNC Financial Services Group, Inc. ("PNC") uses the marketing name PNC Institutional Advisory Solutions® for discretionary investment management, trustee, and other related services conducted by its subsidiary, PNC Bank, National Association ("PNC Bank"), which is a **Member FDIC**. Standalone custody, escrow, and directed trustee services; FDIC-insured banking products and services; and lending of funds are also provided through PNC Bank. PNC does not provide legal, tax, or accounting advice unless, with respect to tax advice, PNC Bank has entered into a written tax services agreement. PNC does not provide services in any jurisdiction in which it is not authorized to conduct business. PNC Bank is not registered as a municipal advisor under the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Act"). Investment management and related products and services provided to a "municipal entity" or "obligated person" regarding "proceeds of municipal securities" (as such terms are defined in the Act) will be provided by PNC Capital Advisors, LLC, a wholly-owned subsidiary of PNC Bank and SEC registered investment adviser.

"PNC Institutional Advisory Solutions" is a registered service mark of The PNC Financial Services Group, Inc.

Investments: Not FDIC Insured. No Bank Guarantee. May Lose Value.

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Governance

This Investment Policy Statement ("IPS") serves as a strategic guide in the planning and implementation of an investment program for the ORSANCO Defined Benefit Plan (the "Plan"), which is sponsored by the Ohio River Valley Water Sanitation Commission (the "Plan Sponsor"). The Plan Sponsor has delegated authority over the Plan's investments to PNC Institutional Asset Management (the "Investment Advisor").

I. Purpose and Scope

This IPS seeks to establish the expectations of the Plan Sponsor with respect to the management of Plan assets.

This IPS is intended to:

- Define the assets to be governed by the IPS and allocation of duties among the Plan Sponsor, and the Investment Advisor with respect to such assets.
- Establish reasonable objectives for performance of investments.
- Establish the appropriate target allocation and the parameters around restricted security types and asset classes.
- Establish an appropriate benchmark for the evaluation of Plan asset investment performance and risk management.
- Establish expectations for investment and money managers, securities guidelines, and for the monitoring of the selected managers.
- Provide a basis for risk management and the evaluation of the investment performance of the Plan's assets at the Investment Advisor level.
- Encourage effective communication between all parties involved in the oversight, management and operation of the Plan.
- Establish the Plan Sponsor's expectations regarding reports to be delivered by the Investment Advisor and the frequency of meetings with the Investment Advisor.

Further, this IPS is intended to provide investment objectives that are sufficiently specific to be meaningful, but adequately flexible to be practicable. The objectives in this IPS are designed to

establish a philosophy to guide the Plan Sponsor toward the desired policies and performance in management of the Plan's assets.

II. Definition of Duties

Position	General Responsibility	Specific Tasks
Plan Sponsor	Overall fiduciary responsibility for the Plan coordinates investment activities, institutional direction, and strategic initiatives	<ul style="list-style-type: none"> - Authorizes and approves changes to the IPS - Confirms strategic asset allocations - Delegates fiduciary responsibility as appropriate - Maintains oversight responsibility of the investment portfolio - Coordinates periodic asset allocation review - Reviews and recommends revisions to the IPS - Reviews Plan transactions and holdings - Retains/dismisses custodian(s) and Investment Advisor
Investment Advisor	Plan fiduciary under ERISA section 3(38); supports the Plan Sponsor in the development and execution of investment strategy	<ul style="list-style-type: none"> - Helps construct / revise the IPS - Manages Plan assets in accordance with the IPS - Recommends asset classes and asset allocation ranges / targets - Seeks return within acceptable risk parameters - Provides capital markets / asset class information as needed - Rebalances investments, as appropriate - Generates desired performance reports - Selects investment and money managers to manage Plan assets
Trustee / Custodian Bank	Safeguards Plan assets	<ul style="list-style-type: none"> - Administers the distribution of any trust assets to beneficiaries or other parties as directed by the Plan Sponsor - Controls access to assets - Settles trades - Collects investment income and principal - Collects and disseminates Plan statements - Provides book of record, audit, and tax information

The Plan Sponsor will be responsible for adopting the Plan's investment strategy and overall Plan asset management, as set forth in this IPS. The Investment Advisor is responsible for recommending an investment strategy to the Plan Sponsor and, once adopted, the management and implementation of the selected strategy.

Objectives and Constraints

III. Statement of Goals

- ❖ The primary goal of the investment program is to grow the Plan's assets. The investments should be managed with a long-term perspective, focusing on maximizing returns with a reasonable amount of risk. The investments should seek to achieve returns that meet or exceed the actuarial rate of interest while minimizing volatility of asset returns. The current actuarial rate of interest as of the date of this IPS is 7.5%* and is reviewed and monitored by the Plan Sponsor as a measure of long-term growth of the assets.

IV. Risk Tolerance

The Plan's time horizon, and several other factors, suggest collectively some interim fluctuations in market value and rates of return may be tolerated in order to achieve the longer-term objectives. Diversification of the Plan assets will be employed in order to minimize the risk of large losses in the Plan.

V. Liquidity Requirements

The Plan's asset allocation will be developed and managed with consideration of liquidity requirements, which include benefit payments to Plan participants and beneficiaries and administrative expenses. Sufficient liquid investments should be maintained to help achieve cash availability in order to cover ongoing distributions.

VI. Unique Circumstances

No unique Circumstances have been identified.

- ❖ **Actuarial rate of interest may be modified in the future by recommendation of the Pension Committee to the Commission.**

Portfolio Parameters

VII. Strategic Asset Allocation and Benchmarks

The Plan Sponsor believes that the most significant decision impacting the ability of the Plan to meet its objectives is asset allocation. With that in mind, and based on the investment objectives and risk tolerances stated herein, the following asset mix targets and ranges are considered appropriate:

Asset Class	Minimum	Target	Maximum	Evaluative Index
Global Equity	55	60	65	65% Russell 3000 Index, 35% MSCI ACWI Ex USA Index
U.S. Equity	30	36	55	Russell 3000 Index
Large Cap	15	20	30	Russell 1000 Index
Mid Cap	5	10	20	Russell Mid Cap Index
Small Cap	5	6	15	Russell 2000 Index
Non-U.S. Equity	10	21	35	MSCI ACWI Ex USA Index
Developed	10	17	30	MSCI EAFE Index
Emerging	0	4	15	MSCI EM Index
Global/Equity Other	0	3	20	Weighted Equity Index/Other
Global Fixed Income	35	40	55	BloomBarCap U.S. Agg. Bond Index
Domestic	10	30	40	BloomBarCap U.S. Agg. Bond Index
International/Emerging	0	5	15	BloomBarCap Global Agg. Bond Index
Other	0	5	10	BloomBarCap U.S. Agg. Bond Index/Other
Alternatives	0	0	10	HFRX Global Hedge Fund Index
Hedge Funds	0	0	10	HFRX Global Hedge Fund Index/Other
Cash & Equivalents	0	0	10	Citigroup 90 T-Bill

It is the responsibility of the Investment Advisor to monitor asset allocations and to make adjustments to the Portfolio, as necessary, to achieve on-going allocation consistency with the guidelines for the Portfolio set forth in this IPS. It is the responsibility of the Plan Sponsor to monitor asset target allocations with respect to the Plan as a whole to maintain compliance with the objectives set forth in this IPS.

VIII. Selection and Retention Criteria for Investments

The Investment Manager will have discretion to manage the Portfolio subject to the restrictions and limitations in this IPS.

Investment funds and managers should be selected by the Investment Advisor using criteria including, but not limited to, the following:

- The investment style and discipline of the proposed manager.
- Past performance, considered relative to benchmarks having the same investment objective – consideration shall be given to both rankings over various time frames and consistency of performance.
- The historical volatility and downside risk of each proposed investment.
- The size of the organization as measured by the amount of assets under management with respect to the investment style under consideration.
- Experience of the organization as measured by the tenure of the professionals with respect to the investment style under consideration.

The Investment Advisor should monitor selected managers it retains for consistent investment process, performance, and risk including but not limited to key man and operational risks.

The Investment Advisor selection of managers with active mandates should be predicated on whether or not they fulfill the purpose for which they were selected. If the purpose is:

- risk management, the manager should be evaluated as to how well downside protection is provided and at what cost to upside participation;
- security selection, the manager should be evaluated relative to an appropriate benchmark.

The Investment Advisor should monitor active managers to determine whether or not value is added relative to the intention or to a passive mandate. If the Investment Advisor and Plan Sponsor determine that it is not, a passive investment vehicle may be selected for that part of the allocation.

IX. Types of Securities

The Plan Sponsor recognizes that risk and volatility is present with all types of investments and, in performing their fiduciary duty for the Plan, they should avoid high levels of relative risk. To this end, the Plan Sponsor should ensure that the Plan manages risk appropriately through diversification by asset class, sector, industry and issuer limits, maturity limits and, to the extent possible, management style.

Restricted Investments:

The limitations and restrictions in this section shall be implemented and monitored by the Plan Sponsor with respect to the Plan as a whole and by the Investment Manager. With the exception of being within approved investment vehicles, direct exposure to the following strategies and types of securities is prohibited:

- oil and gas wells;
- interest only securities;
- warrants;
- principal only securities;
- margin trading; and,
- inverse floating rate securities.

Risk Management

X. Control Procedures

Review and Evaluation of Investment Objectives

The achievement of the investment objectives in this IPS shall be reviewed at least on a semi-annual basis by the Plan Sponsor. This review will focus on the continued feasibility of achieving the objectives and the continued appropriateness of this IPS. It is not expected that this IPS will change frequently. In particular, short-term changes in the financial markets should not require an adjustment in the IPS.

Review and Evaluation of Investment Manager

The Plan Sponsor should meet periodically with the Investment Advisor. Additionally, with or without the Investment Advisor, the Plan Sponsor will review investment results on an established basis.

These reviews will focus on:

- The Investment Manager's adherence to this IPS.
- Comparison of the Investment Manager's results to the benchmark established for its Portfolio.
- Material changes in the Investment Manager's investment philosophy or changes in personnel managing the Plan's assets.

Termination of the Investment Manager should be considered under the following circumstances:

- Deviation from this IPS.
- Deviation substantially from the Investment Manager's investment disciplines and process.
- Identification by the Plan Sponsor of a material problem or concern regarding the Investment Manager.

XI. Performance Objectives

The Plan's investment performance will be reviewed at least annually, with long-term emphasis placed on results achieved over a full market cycle (typically five-to-ten year period). This IPS should be reviewed periodically and adjusted, if necessary, after consultation with the Plan Sponsor. Investment Advisor performance will be measured against this IPS.

With regard to performance benchmarking, the Plan's investment performance will be measured against a few relevant benchmarks intended to provide perspective regarding the portfolios performance relative to a policy benchmark, consisting of a blend of market indices weighted by the targeted strategic allocation proposed for the Plan. In an effort evaluate the Plans performance over both the short and long-term the Plan's returns will also be compared to a Tactical blended benchmark and an Absolute Benchmark as outlined below.

Policy Benchmark: - Market

The Plan's investment performance should attempt to exceed the relative target benchmark stated below, over a full market cycle (5-10 Years):

- 39% Russell 3000 Index, 21% MSCI ACWI Ex. USA Index, 40% Bloomberg Barclays Capital Aggregate Bond Index

Tactical/Style Blended Benchmark: - Short-term

In an effort to help evaluate shorter-term tactical asset allocation decisions the Plan's investment performance will be compared to a tactical/style blended benchmark that represent the short-term tactical asset allocation decisions in a portfolio.

Absolute Benchmark: - Long-term

The Plan investments should seek to achieve returns that meet or exceed the actuarial rate of return of 7.5%. Benchmark is useful for evaluating the Plan over the longer-term, but limited in usefulness over shorter-term time periods.

Client Service

XII. Communication

The Investment Manager is responsible for frequent and open communication with the Plan Sponsor on all material matters pertaining to the investments in its Portfolio.

The Investment Manager should promptly notify the Plan Sponsor of changes in market conditions that may materially impact the Plan.

The Plan Sponsor will promptly notify the Investment Advisor of any changes in the Plan or the IPS that may impact the Investment Manager's performance or duties under this IPS.

XIII. Reporting

The Investment Manager will provide comparative performance evaluation reports on at least an annual basis for its portfolio. The Investment Advisor and/or Custodian will forward to the Plan Sponsor, as they become available, quarterly reports containing the portfolio's activity and asset holdings at book and market values.

Acknowledgment of IPS

XIV. Adoption of Investment Policy Statement

The Plan Sponsor certifies that this Investment Policy Statement was adopted by the Plan's Plan Sponsor on _____.

OHIO RIVER VALLEY WATER SANITATION COMMISSION - DEFINED BENEFIT PLAN

By: _____

Name: _____

Title: _____

XV. Acknowledgement By Investment Manager

The Investment Manager named below acknowledges receipt of the Investment Policy Statement for the ORSANCO Defined Benefit Plan, dated _____. In the event any of the terms of the Investment Policy Statement conflict with the terms and conditions of the client agreement entered into between the Plan Sponsor and the Investment Manager the terms of the client agreement shall govern.

PNC BANK, NATIONAL ASSOCIATION

Date

Signature

Ohio River Valley Water Sanitation Commission
COMMISSION MEETING COMMUNICATION

Meeting Date: October 8, 2020	Subject: Report of the Watershed Organizations Advisory Committee	Number: 9
Attachments: · None	Committee Type: <input checked="" type="checkbox"/> Standing <input type="checkbox"/> Advisory <input type="checkbox"/> Ad-Hoc <input type="checkbox"/> N/A	Action Required: <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Motion
Prepared by: Richard Harrison Presentation by: Committee Chair Angie Rosser		

KEY CONSIDERATIONS:

- The Report of the Committee shall be provided at the October 8, 2020 Commission Meeting.

BUDGET/STAFF IMPLICATIONS:

- The Commission does not assume any meeting expenses incurred for Special Interests Stakeholder Advisory Committee Members.
- The Commission has staff time to serve as liaison to the Committee and to help provide support to the Committee as needed.

RECOMMENDATION:

- Information Only

BACKGROUND/HISTORY:

- The Watershed Organizations Advisory Committee is a Special Interests Stakeholder Advisory Committee to the Commission formed to provide advice to the Commission for its program of regional pollution control.
- The Committee was established through Commission action at its February 11, 2016 Commission Meeting.
- The Committee is responsible for appointment of their membership and organization.