

**OHIO RIVER VALLEY WATER SANITATION COMMISSION**

**MINUTES**

**227<sup>th</sup> Commission Meeting  
Virtual Meeting  
Thursday, June 11, 2020**

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**Attachment I: Roll Call Vote Roster**

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**MINUTES**  
**227<sup>th</sup> Commission Meeting**  
**Virtual Meeting**  
**Thursday, June 11, 2020**

**Chairman John Kupke, Presiding**

**Call to Order**

Chairman Kupke called the 227<sup>th</sup> 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 226<sup>th</sup> 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 10<sup>th</sup>. 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 Summer Kunkel of Pennsylvania, with Summer 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 21<sup>st</sup> 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**

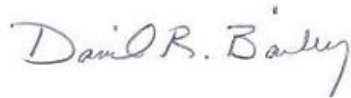
Chairman Kupke noted the following schedule for upcoming Commission meetings:

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

**Adjournment**

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

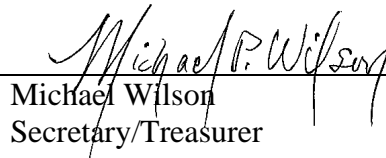
Prepared by:



\_\_\_\_\_  
David Bailey  
Director of Administration

Date: June 17, 2020

Approved by:



\_\_\_\_\_  
Michael Wilson  
Secretary/Treasurer

Date: July 3, 2020

**ROSTER OF ATTENDANCE**  
**227<sup>th</sup> 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 Paul Miller (PROXY for Lt. Governor Jacqueline Coleman) Carey Johnson (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.**

<b>Commissioner/Proxy</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Illinois</b>			
Toby Frevert	x		
Scott Twait	x		
<b>Indiana</b>			
John Kupke	x		
Joseph Harrison	x		
Bruno Pigott	x		
<b>Kentucky</b>			
Ron Lovan	x		
Carey Johnson	x		
Paul Miller	x		
<b>New York</b>			
Doug Conroe	x		
Mike Wilson	x		
<b>Ohio</b>			
Stuart Bruny	x		
John Hoopingarner	x		
Lori Stevenson	x		
<b>Pennsylvania</b>			
Chuck Duritsa	x		
Davitt Woodwell	x		
Summer Kunkel			x
<b>Virginia</b>			
David Paylor	x		
<b>West Virginia</b>			
David Flannery	x		
Ron Potesta	x		
Scott Mandirola	x		
<b>Federal</b>			
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
<b>TOTAL</b>	<b>100.00%</b>	<b>\$1,439,700</b>	<b>\$1,439,700</b>	<b>\$1,439,700</b>	<b>\$1,439,700</b>

(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](mailto: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.”