

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

230th Commission Meeting

Virtual Meeting

Thursday, June 10, 2021

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OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES **230th Commission Meeting** **Virtual Meeting** **Thursday, June 10, 2021**

Chairman Charles Duritsa, Presiding

Call to Order

Chairman Duritsa called the 230th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, June 10, 2021.

Executive Director Harrison led the Pledge of Allegiance.

Quorum Call

Commissioner Frevert certified that a quorum was present (see Roster of Attendance, page 9).

Report of the Chairman

Chairman Duritsa opened by commenting on the unusual nature of the past year due to Covid restrictions and protocols, forcing staff to work from home, which curtailed much of ORSANCO's important field work activities. However, he was proud of what was accomplished and the important work undertaken on trends assessments and planning for a PFAS survey, which is ready to start in the next week.

Chairman Duritsa commented that he is pleased that the October Commission meeting will be in-person in Pittsburgh. Although the virtual meetings have been effective, in-person meetings are important for better collaboration and discussion.

Chairman Duritsa concluded by thanking Executive Director Harrison and staff, as well as Commissioners, for the support and good work accomplished during his term as Commission Chairman.

Report of the Executive Director

Executive Director Harrison reported on a number of items:

He began by mentioning that the Technical Committee meeting held the past two days was very informative and effective, and the participation was excellent.

He continued by recognizing staff members Heather Mayfield and Lisa Cochran, who are leaving ORSANCO for other opportunities, and thanked them for their excellent, impactful work.

Mr. Harrison then reported on the upcoming PFAS survey and stated his appreciation for everyone's patience during the past year with the Covid restrictions in moving this project forward. The Technical Committee report will provide additional details. He also mentioned being proud of staff and partners to move this project forward.

Mr. Harrison then provided a brief update on ORBA activities. ORSANCO is particularly focused on the Abundant Clean Water Goal. The workgroup has been meeting, and Mr. Harrison invited anyone who might be interested in participating to let him know. The ultimate goal for the Plan, as it relates to ORSANCO and our member states, is to secure significant annual funding for an Ohio River Basin Restoration Strategy.

Mr. Harrison provided a status update on permit reviews for the meeting minutes. Staff received and reviewed seven NPDES permits (four draft, three final) to ensure compliance with provisions of ORSANCO's Pollution Control Standards and to ensure protection of the designated uses of the River. The reviews were completed in accordance with the established PCS Implementation Procedures.

Action on Minutes

ACTION: Motion by Commissioner Frevert, second by Commissioner Woodwell and unanimously carried, that the minutes of the 229th meeting of the Commission, be adopted as presented.

Report of the Treasurer

Commissioner Frevert reported that a detailed Treasurer's Report, updated through March 31, 2021, was provided in the agenda materials for this meeting.

The report indicates a balance of \$899,456 in accounts receivable due the Commission. The balance represents \$735,627 due from federal sources, and \$163,829 due from other sources.

Additionally, the report indicates receipts of \$3,069,663, plus carryover of \$2,893,536, totaling \$5,963,199 through the end of March 2021. Of that amount, \$1,984,561 was expended on programs, leaving \$3,978,638 available for the continuation of ORSANCO's programs.

Commissioner Frevert concluded by stating that the Commission remains in strong financial position and thanked Joe Gilligan for preparing the Report.

Report of the Technical Committee

Commissioner Pigott presented the following Technical Committee Report to the Commission:

Good morning Mr. Chairman, Commissioners, guests, and staff. The Technical Committee met virtually over the last couple of days. Eight states, four federal agencies, and five advisory committees were represented. A summary of the meeting follows:

PFAS Project Update

The Technical Committee was briefed on development of the Ohio River PFAS monitoring project to characterize ambient levels of PFAS compounds in the Ohio River. The work group last met on April 23 to discuss the selection of sites for discrete monitoring, finalization of sampling documents, and sampling schedule. Comments on the QAPP and sampling plan were received and incorporated into the documents, and additional comments subsequent to the April meeting were also incorporated. Three of the existing stations were selected for discrete sampling, in addition to the cross-sectional sampling, to provide some information on the distribution of PFAS in the water column. Results of a pre-survey quality assurance study indicated that blanks fell within an acceptable range to begin the survey. The first round of sampling is scheduled to begin next week on June 15 and will require six weeks to complete. The second round of sampling is tentatively scheduled to begin this fall.

Freshwater Plastic Pollution: An Overview

Dr. Sherri Mason, with Penn State Erie, presented an overview of Freshwater Plastic Pollution. Plastic production has exploded since its initial uses in the 1950's. 74% of plastics are discarded, 15% are incinerated, and 11% are recycled. She discussed the various sources and pathways of plastics into the environment. Sampling approaches and analytical methods were discussed. She went on to discuss the occurrence of plastics in the Great Lakes based on several studies, as well as the significant differences in the occurrence of plastics in the riverine environment. Dr. Mason talked about the occurrence in lake sediments and fish, as well as in human consumables. Finally, she discussed significant knowledge gaps such as atmospheric deposition, bioaccumulation, and human health effects. I [Commissioner Pigott] wish to thank Dr. Mason for her outstanding presentation, which left the committee with many issues to consider in the future.

Ohio River Basin Alliance Abundant Clean Water Objective Update

Director Harrison provided an update on the ORBA Abundant Clean Water Objective. The Abundant Clean Water Objective work group met last week for the second time to discuss establishment of leaders for each of the individual objectives and specific strategic actions for each of those objectives. The goal of the project is to develop a restoration initiative for the Ohio River Basin, which might lead to funding opportunities for states and other entities for implementation activities.

Biological Programs Update

Staff reviewed the results of the 2019 Smithland macro data with the Biological Water Quality Subcommittee following the February TEC meeting, which concluded that the data did not meet quality control standards. The group instead chose to assess Smithland Pool with only the fish index scores. The final report for all pools sampled in 2019 will be finalized shortly and published via ORSANCO's website. Trends analysis of PCBs in fish tissue is still awaiting return of 2019 & 2020 data. In the interim, staff continue to refine standardization methods and are currently confirming PCB quantification methods used by the various contract labs since the early 1980s. Similarly, macro analyses are awaiting the collection of new data. Collections in Hannibal pool will complete the dataset to be used in investigating potential nutrient criteria, while also providing additional insight into the effects of submerged aquatic vegetation on macro index scores. Staff plan to return to normal field efforts in 2021. Fixed station collections, fish tissue collections on behalf of IDEM, and pool surveys in Dashields, Hannibal, Markland, and McAlpine are all slated for completion. This effort is made possible due to a May update to field protocols that allows for multi-person boat crews of fully vaccinated staff. All biological staff, as well as the four seasonal biologists that arrive this week, meet that requirement and look forward to collecting data for presentation in October.

Source Water Protection Programs Update

Staff provided an overview of the ongoing activities associated with the Commission's Source Water Protection and Emergency Response programs. This included an update on the Organics Detection System detailing the operational status of the system, software upgrades, and ODS equipment replacement. The Committee was also briefed on the status of the continuous harmful algal bloom (HAB) monitoring stations and a review of current emergency response planning efforts.

Status of Abatement for Ohio River CSO Systems

Staff gave a presentation on implementation of the Nine Minimum Controls by combined sewer overflow (CSO) communities along the Ohio River. This update is provided to the Technical Committee annually. There are currently 48 Ohio River CSO communities. This is down from the previously reported 49 communities, as Vanceburg, KY, which has converted to stormwater outfalls and no longer has CSOs. Implementation has improved slightly over the past decade, with Ohio River CSO communities achieving 90 percent or greater implementation for all of the

Nine Minimum Controls except Pretreatment and Proper Operation & Maintenance. All 48 CSO communities have submitted their Long Term Control Plans (LTCPs). Forty-one of those plans have been approved.

Review of ORSANCO's Bimonthly/Clean Metals Monitoring Programs

Staff has been working with the mainstem states' TEC members to review and develop recommendations pertaining to ORSANCO's Bimonthly and Clean Metals monitoring programs. They submitted recommendations for these programs, staff assigned costs to each of the recommendations, and the work group met on December 15 to review the compiled comments and associated costs. They then submitted priorities on those recommendations on January 15. Another work group meeting was held March 15 to finalize recommendations and priorities. A draft report was provided with the agenda, which includes recommendations for additional monitoring parameters and 4 new stations. Recommendations were presented to the Program and Finance Committee and will be included in the proposed FY22 program and budget through the federal 106 grant. The report will also be attached to ORSANCO's monitoring strategy.

Commissioner Pigott thanked everyone who provided input to the recommendations above. He also stated that he was pleased that the PFAS survey, endorsed by the Technical Committee, was ready to move forward.

Report of the Program & Finance Committee

Committee Chairman, Commissioner Wilson, provided the following report:

The Program and Finance Committee conducted a virtual meeting on April 21, 2021. Seven member states including Kentucky, Ohio, Illinois, Indiana, West Virginia, New York, and Pennsylvania were represented, as well as the Federal Government.

Status of April 2020 Program & Finance Committee Recommendations

The Committee received an update on the status of recommendations that had been made by the Committee at its April 2020 meeting.

1. Recommended adoption of the FY21 program plan and balanced budget.
 - *Program plan and budget adopted by Commission action in June 2020.*
2. Recommended adoption of a 0% state funding increase for FY23.
 - *Recommendation adopted by Commission action and information provided to the states.*
3. Recommended setting the FY21 Defined Contribution Plan contribution at 5% of compensation.
 - *Recommendation adopted by Commission action in June 2020.*
4. Recommended postponing the Commission's Strategic Plan update until 2021.
 - *Recommendation approved by the Commission.*
5. Recommended that staff seek sponsorship funding for the mobile aquarium and develop protocols for sponsorship signage.
 - *Activity delayed due to Covid constraints.*
 - *This will be addressed as part of a more holistic fundraising strategy.*

FY22 Budget Message

Executive Director Richard Harrison provided a budget message overview focusing on the proposed FY22 balanced budget, five-year revenue and expenditure forecasts, carryover resources, and ongoing funding initiatives.

Fiscal Year 2022 Programs

The Committee received detailed presentations from managerial staff describing proposed program activities, focusing on program changes and the budget impacts of such changes.

Estimated Carryover Resources into FY22

Staff provided an overview of the estimated carryover resources of \$2,561,214, which includes unencumbered resources of \$1,384,236, restricted operating reserves of \$600,000, encumbered resources of \$173,771, and capital equipment \$403,207.

Proposed FY22 Budget

The Committee received a detailed budget presentation by staff covering resources and expenditures broken down by program area. Staff presented a total proposed program budget of \$3,545,811.

Capital Equipment Budget

Staff presented an overview of current capital assets and recommendations to better facilitate asset replacement and serve as a basis for a proposed Capital Budget for FY22.

Five-Year Moderate Forecast and Incremental Reductions

Executive Director Harrison presented detailed forecasts of projected revenues and expenditures through FY26. The forecasts show a trend of relatively flat funding with some increases in expenses, heightening attention to the need to continue identifying additional funding sources.

Recommended Levels of State Funding for Fiscal Year 2024

The Committee gave serious consideration and concluded that a 2.0% state funding increase be recommended for FY24.

Strategic Planning

Executive Director Harrison provided an update on ongoing strategic planning activities and proposed a completion date of June 2022 or sooner.

Committee Recommendations:

1. Committee recommends adoption of the FY22 program plan and balanced budget as presented.
2. Recommends adoption of a 2.0% state funding increase for FY24.
3. Recommends setting the FY22 Defined Contribution Plan voluntary contribution at 5% of compensation, consistent with the FY21 funding level.
4. The Committee agreed with a proposal from Commissioner Wilson to advance the Strategic Planning process by (Commissioner Wilson) drafting a Plan by September 1, 2021 or sooner for review by the Committee, then deciding on next steps to have the draft Plan available for consideration by the Commission in June 2022 or sooner.

ACTION: Motion by Commissioner Wilson, second by Commissioner Frevert and carried, to adopt Resolution 1-21 (**Attachment I**), approving the program plan and budget for FY22 as presented.

ACTION: Motion by Commissioner Conroe, second by Commissioner Woodwell, and carried (Federal Commissioner Fitzgerald abstaining, Proxy Summer Kunkel of Pennsylvania voting no), to adopt Resolution 2-21 (**Attachment II**), establishing state funding dues for FY24 as presented.

ACTION: Motion by Commissioner Conroe, second by Commissioner Elmaraghy and carried, to accept the Committee recommendation setting the FY22 Defined Contribution Plan voluntary contribution at 5% of compensation, consistent with the FY21 funding level.

ACTION: Motion by Commissioner Pigott, second by Commissioner Kupke and carried, to accept the Committee recommendation to move forward with a proposal from Commissioner Wilson to advance the Strategic Planning Process by (Commissioner Wilson) drafting a Plan by September 1, 2021 or sooner, for review by the Program & Finance Committee, then deciding on next steps to have the draft Plan available for consideration by the Commission in June 2022 or sooner.

Report of the Nominating Committee

Commissioner Kupke, Committee Chairman, reported that the Committee recommends the following slate of officers for 2021-2022:

Chair: Michael Wilson of New York
Vice Chair: Toby Frevert of Illinois
Secretary/Treasurer: Bruno Pigott of Indiana

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

Report of the Water Users Advisory Committee (WUAC)

Bruce Whitteberry, Committee Chairman, presented the following report to the Commission:

The Water Users Advisory Committee (WUAC) last met on May 26 via video conference. Unfortunately, I was not able to attend, and the meeting was facilitated by Vice-Chair Chris Bobay.

Sam Dinkins provided an update on preparations for ORSANCO's PFAS Study, and the committee discussed the study timing and communication strategy. Sam also provided an update on ORSANCO's source water protection and emergency response activities.

Lila Ziolkowski provided an overview of spills data from 2018-2020.

None of the facilities in attendance reported any abnormal challenges or concerns with river conditions over the past few months except for Louisville Water Company, which has started treating for atrazine run-off. This is a recurring water quality issue in their part of the river.

On behalf of the committee, I invited Angie Rosser and Robin Blakeman from the Watershed Organizations Advisory Committee to attend this past Water Users Advisory Committee Meeting. The committee had a very beneficial discussion on information exchange and potential opportunities for collaboration. Angie and Robin gave an excellent overview of WOAC priorities and an update of industrial oil and gas facilities in the Basin. We appreciate their willingness to talk with our group.

Starting in July, My tenure as WUAC chair comes to an end, so this will be my last update to the Commission. Chris Bobay from Louisville Water Company will take over as Chair, and Erica Pauken with West Virginia American Water has graciously accepted the position of Vice-Chair. I look forward to Chris and Erica's leadership and fresh ideas. I have enjoyed my time as chair and look forward to staying involved with the Water Users Advisory Committee.

Closing on the best news of all - The Committee's next meeting is scheduled for September 21-22, and we plan to meet in person.

Report of the Watershed Organizations Advisory Committee (WOAC)

Angie Rosser, Committee Chair, presented the following report to the Commission:

1. Quarterly meeting: The committee met on May 28 and discussed:

- Vice-chair update:
 - WOAC's current vice-chair, Robin Blakeman, is leaving OVEC and will be stepping down as vice-chair as of 5/31.
 - Angie Rosser agrees to stay on as chair until a new vice-chair and leadership transition plan is in place.
- Strategic planning update: WOAC's strategic planning subcommittee met and laid out a process for a planning session to be scheduled in the upcoming quarter.
- PFAS update:
 - Chris Tavenor continued as WOAC's representative on ORSANCO's PFAS Committee.
 - Angie and Robin were guests on WUAC's recent meeting, which included a PFAS update from ORSANCO staff.
 - ORSANCO staff offered a presentation to WOAC. No major changes to the project were noted since last update.
- Member updates; areas of focus of watershed-wide included:
 - Climate, water quality, infrastructure
 - PFAS – testing, standards, biosolid issues
 - Ecosystem restoration plan research/evaluation
 - Environmental justice, water/waste water infrastructure, water affordability, septics in low-income communities
 - Mapping projects – proposed petrochem facilities, CAFOs
 - Potential conversion of recreation infrastructure to industrial sites
 - Pipelines – Falcon, MVP
 - State water quality standards
 - Regional restoration plan workgroups
 - Federal infrastructure package and Ohio River restoration

2. Presentation to Water Users Advisory Committee: WOAC leadership was invited to provide a presentation to WUAC focused on overlapping source water protection efforts and concerns, and included an overview of OVEC's mapping project featuring proposed petrochem related facilities in the Upper Ohio. Groups agreed to continue cross-communications and alert each other to comment opportunities on proposed facilities/permits.

Upcoming Meetings

Chairman Duritsa noted the following schedule for upcoming Commission meetings:

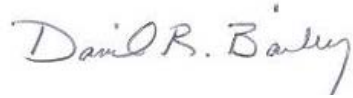
- October 5-7, 2021 – Pittsburgh, PA
- February 8-10, 2022 – Covington, KY
- June 2022 – TBD

In closing, Chairman Duritsa announced that this would be his last Commission meeting as a Commissioner after serving for over 20 years, and thanked Commissioners, staff, and the public for their support.

Adjournment

The 230th meeting of the Commission was adjourned at 9:50 A.M.

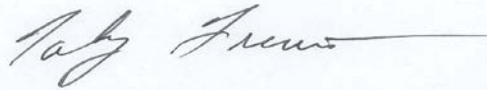
Prepared by:



Date: June 16, 2021

David Bailey
Director of Administration

Approved by:



Date: June 22, 2021

Toby Frevert
Secretary/Treasurer

ROSTER OF ATTENDANCE
230th Commission Meeting
June 10, 2021

Commissioners

| | |
|---------------|--|
| Illinois | Scott Twait (PROXY for Director John Kim) Toby Frevert |
| Indiana | Bruno Pigott John Kupke Joseph Harrison, Jr. |
| Kentucky | John Lyons (PROXY for Lt. Governor Jacqueline Coleman) Carey Johnson (PROXY for Secretary Rebecca Goodman) Spencer Bruce |
| New York | Mike Wilson Douglas Conroe |
| Ohio | Laurie Stevenson John Hoopingarner |
| Pennsylvania | Charles Duritsa Davitt Woodwell Summer Kunkel (PROXY for Secretary Patrick McDonnell) |
| West Virginia | David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Harold Ward) |
| Virginia | David Paylor Lou Ann Wallace |
| 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, Lila Ziolkowski, Melissa Mann, Stacey Cochran, Tracey Edmonds, Greg Youngstrom

Guests

Angie Rosser, Betsy Mallison, Bruce Whitteberry, John Hirschfield, Lisa Eikenburg, Tiffani Kavalec

RESOLUTION 1-21

PROGRAM PLAN AND BUDGET FOR FISCAL YEAR 2022

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 2022; and

WHEREAS: Funds from the United States Government for approximately \$1,715,030 may be allocated to the Commission for fiscal year 2022; and

WHEREAS: Funds amounting to \$499,583 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 \$2,561,214 into the 2022 fiscal year.

NOW, THEREFORE, BE IT RESOLVED THAT: The 2022 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 2022 be substantially within the framework of the following guidelines, which are made a part of this Resolution.

2022 FISCAL YEAR BUDGET

| | |
|---------------------------------|----------------|
| Payroll | \$1,358,894 |
| Employee Benefits | 710,468 |
| Staff Travel | 188,581 |
| Commission Travel | 94,275 |
| Advisory Committees | 11,540 |
| Supplies | 279,896 |
| Telephone | 11,064 |
| Equipment Purchases | 168,500 |
| Utilities & Maintenance | 59,092 |
| Equipment Repairs & Maintenance | 79,532 |
| Printing & Reproduction | 12,850 |
| Lab Fees and Delivery | 281,758 |
| Contractual Services | <u>457,660</u> |
| Total Expenditure Budget | \$3,676,219 |

RESOLUTION 2-21

STATE FUNDING LEVEL FOR FY2024

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' 2024 funding and agreed to recommend a 2% increase in state funding for the 2024 fiscal year. The attached listing displays each state's proportional share of the Commission's budget for 2024 in comparison with their most recent funding levels.

ACTION REQUESTED OF THE COMMISSION

Authorize a level of state funding for FY2024 by means of the following Resolution "State Funding Level for 2024."

RESOLUTION 2-21

STATE FUNDING LEVEL FOR 2024

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 \$1,468,600 be budgeted for operating expenses of the Commission in the Fiscal Year July 1, 2023 to June 30, 2024 Such sum to be prorated among the signatory states in accordance with the provisions of Article X of the Compact.