

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

231st Commission Meeting

Virtual Meeting

Thursday, October 7, 2021

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Thursday, October 8, 2020

Chair Michael Wilson, Presiding

Call to Order

Chair Wilson called the 231st meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, October 7, 2021.

Executive Director Harrison led the Pledge of Allegiance.

Quorum Call

Commissioner Pigott certified that a quorum was present (see Roster of Attendance, page 8). Commissioner Wilson welcomed Holly Christmann as a recently appointed Commissioner for the State of Ohio and Melanie Stein as Proxy for Commissioner Basil Seggos from the State of New York.

Report of the Chair

Commission Chair Wilson recognized past Chair Charles Duritsa and thanked him for his service as Chair during trying times of the pandemic, and Wilson expressed his appreciation for Mr. Duritsa returning to Cincinnati for this meeting.

Chair Wilson then presented the following recognitions:

RESOLUTION 3-21 RECOGNITION OF SERVICE CHARLES DURITSA

WHEREAS: Charles Duritsa has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2004 to 2021 as a Pennsylvania Commissioner, and

WHEREAS: Mr. Duritsa served as Commission Chair in 2011-2012 and 2020-2021, and

WHEREAS: Mr. Duritsa has provided faithful and diligent service to the Commission serving on numerous Committees including service as Chair of the Technical Committee, as well as others, and

WHEREAS: Mr. Duritsa actively worked to help advance the Commission's goals, and

WHEREAS: Mr. Duritsa has earned the esteem and friendship of his fellow Commissioners, and

WHEREAS: Mr. Duritsa has devoted his career to protecting the precious natural resources of the Commonwealth of Pennsylvania,

NOW THEREFORE BE IT RESOLVED: The Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude for Charles Duritsa's service and wish him all the best in his future endeavors.

ACTION: Motion by Commissioner Frevert, second by Commissioner Conroe and unanimously carried, to adopt Resolution 3-21 as presented.

Commissioner Wilson then presented Mr. Duritsa with a prototype of a commemorative fused-glass plate showing representation of the ORSANCO logo. The plate will be personalized for Mr. Duritsa and then sent to him.

Next, Chair Wilson welcomed Holly Christmann as the new Ohio Commissioner. Ms. Christmann has extensive experience in the Cincinnati region of the Ohio River valley. He also welcomed Melanie Stein as the new Proxy for Commissioner Seggos and related that Ms. Stein supervises water quality activities for western New York State.

Wilson reported that Dr. Sherri Mason's presentation on micro-plastics at the June meeting is available on the Commission's website for those wanting to review it.

Lastly, Chair Wilson expressed his interests in and concerns for ORSANCO as he begins his year as Chair. He mentioned that he is sustained by responding to challenges, concerns for family values, and thirst for learning. He has especially benefited during his career from having diverse mentors and living situations in several states across the USA and in other countries. He listed three primary goals for the year: a) do as well as previous Commission Chairs to maintain and improve ORSANCO with help from fellow commissioners, staff, and committees; b) help the Commission to develop guidance through a five-year strategic plan; and c) work to identify and avoid or mitigate potential or emerging contaminants.

Report of the Executive Director

Executive Director Harrison recognized Charles Duritsa who was incredible to work with and looks forward to working with Michael Wilson in the upcoming year. He reported that it has been difficult trying to find the proper balance with safety and getting required field work completed this year due to COVID. However, we have had a very successful field season due to our staff's great teamwork. We have welcomed three new team members over the past few months - Emilee Harmeling, who works on HABs, bimonthly monitoring and PFAS; Nick Guthier, accounting; and Nick Callahan, environmental education and outreach. We are very fortunate to have them join our team.

Executive Director Harrison reported that we are working diligently with the Ohio River Basin Alliance to develop our Ohio River Basin Restoration Strategy to be launched next year.

Action on Minutes

ACTION: Motion by Commissioner Pigott, second by Commissioner Frevert and unanimously carried, that the minutes of the 230th meeting of the Commission, be adopted as presented.

Report of the Treasurer

Commissioner Pigott reported that a detailed Treasurer's Report, updated through June 30, 2021, had been provided in agenda materials for this meeting.

The report indicates a balance of \$1,119,592 in accounts receivable due the Commission. The balance represents \$1,044,913 due from federal sources and \$74,679 due from other sources.

Additionally, the report indicates receipts of \$3,499,518 plus carryover of \$2,893,536 totaling \$6,393,054 through the end of June 2021. Of that amount, \$3,008,369 was expended on programs, leaving \$3,384,686 available for the continuation of ORSANCO's programs.

Commissioner Pigott also added the following notes:

- 1) Through the end of the 2021 fiscal year, the Commission has recognized in excess of 100% of budgeted revenues. The Commission has received approximately \$144,000 of revenues from unbudgeted special projects (the EPRI WQ Trading Landowner Funding program). Expenditures in general are 83% of that budgeted. Expenditures are in total less than where we would normally expect due to the effects of the pandemic on the Commission's monitoring programs. Telephone and contractual services are the only two expense categories that are on pace to exceed budget. Telephone costs due to the increase in conference calling over budgeted in-person meetings, contractual services due to the additional EPRI program, and a reclassification of software from supplies to contractual services in the IDEM 604(b) Continuous Monitoring program.
- 2) The federal fiscal year 2021 106 program has been approved at the requested \$2,163,424 level. \$710,698 has yet to be funded by US EPA.
- 3) All member State funds due the Commission for fiscal year 2021 were received as of June 2021.
- 4) All member states have been billed for their fiscal year 2022 share of the Commission's budget. Illinois, Indiana, Kentucky, New York, Ohio, Virginia, & the first quarter from West Virginia have all been received totaling \$829,550.

Report of the Technical Committee

Commissioner Pigott reported that the Technical Committee met virtually for four hours. This meeting was abbreviated from the typical two-day format to allow for a virtual tour of the Shell Petrochemical facility along the Ohio River in the Pittsburgh area on Tuesday. Seven states, three federal agencies, and four advisory committees were represented. A summary of the meeting follows:

Ohio EPA's First Far-Field Nutrient TMDL (Western Lake Erie Basin)

Tiffani Kavalec with Ohio EPA gave a presentation on the agencies first far-field nutrient TMDL to address HAB impairments in Western Lake Erie from the Maumee River Basin. The TMDL stakeholder process involves development of a study plan, a biological and water quality report, a loading analysis plan that sets targets for needed pollutant reductions, preliminary modeling results, and a draft TMDL report. The near-field nutrients TMDLs completed or underway in the basin are not sufficient to eliminate HABs impairments in Western Lake Erie.

Ninety percent of the Maumee's phosphorus load is estimated to be from unregulated nonpoint sources, so projects aimed at nutrient load reductions will focus on these sources. A number of load projects are currently funded in Ohio's portion of the basin. Additionally, the Maumee Basin extends into Indiana and Michigan. OEPA is currently working on the Loading Analysis Plan phase of the project. They have developed a public website for the project.

PFAS Project Update

The Technical Committee was briefed on the status of the Ohio River PFAS monitoring project to characterize ambient levels of PFAS compounds in the Ohio River. Twenty Ohio River sites were selected using a probabilistic design and located outside of any regulatory mixing zones. Two rounds of sampling under different seasonal conditions will be completed. One site each on the Allegheny and Monongahela rivers were also sampled on behalf of the WV Water Research Institute. All sites are sampled using the USGS cross-sectional composited collection methodology. Three sites also include discrete sampling for the purposes of investigating how PFASs may be distributed in the Ohio River water column.

All samples are analyzed for 28 PFASs by a USEPA contract laboratory (Battelle Labs) using a DoD compliant analytical method. Equipment blanks were collected with every sample to identify any contamination. The first round of sampling was completed in June and July. Some broad observations based on the first round of preliminary data are:

- 5 of 28 PFAS were above the laboratory level of quantification (LOQ~5 PPT).
 - PFOA (8 sites)
 - HFPO-DA (GenX) (9 sites)
 - PFBA (1 site)
 - PFBS (3 sites)
 - PFPeA (5 sites)
- 12 of 28 PFAS were above the detection level.
- PFOA & GenX had the largest number of samples above LOQ.
- GenX had the highest value (32ppt).
- There were detections of 1 or more PFAS at every site.
- 9 discrete samples collected at 3 sites – in terms of PFAS distribution in the water column, initial results will be better assessed when combined with round two samples.
- Equipment blanks were collected with every sample, and 1 PFAS was detected at <1ppt at each of 2 sites. These are very good blank results.
- 4 sets of replicates all had good agreement.
- Preliminary data is subject to an external review prior to being considered final.
- 2 samples arrived at the lab out of temperature range. We did not repeat those samples based on EPA recommendation.

The second round of sampling began on September 28. Two additional discrete sampling sites were selected with the hopes of obtaining additional information on the distribution of PFASs in the Ohio River water column. Staff hopes to be able to report final QA'd data from both rounds of sampling at the February TEC meeting.

Report of the 305b Workgroup

Staff provided an update on the 305b workgroup's review of current assessment methodologies for use in the upcoming 2022 Biennial Report. The workgroup met virtually in August to discuss comments provided by members and approve changes to the methodologies. Most comments and relative changes focused on incorporating USEPA guidance on assessment thresholds for toxic pollutants. This update affects the assessments of the Aquatic Life, Public Water Supply, and Fish Consumption uses, which now include separate thresholds for toxic and conventional pollutants. The Contact Recreation assessment methodology remains under review as workgroup members confirm staff's application of state *E. coli* criteria. West Virginia does not have an *E. coli* standard and has requested that ORSANCO resume collection of fecal coliform data from the stations in their waters; staff are currently assessing the feasibility of this request.

Lastly, the workgroup concluded that staff should postpone work towards a Harmful Algal Bloom (HAB) assessment methodology. Instead staff should continue to detail ORSANCO's HAB Management plan and document HAB occurrence in future 305b reports.

Report of the Pension Trust Committee

Commissioner Harrison reported a vacancy on the Pension Trust Committee which needs to be appointed by the Commissioners according to the Bylaws. The Committee met on September 22 and recommends Commissioner Spencer Bruce be appointed.

ACTION: Motion by Commissioner Harrison, second by Commissioner Conroe and unanimously carried, to appoint Commissioner Spencer Bruce to the Pension Trust Committee.

Report of the Water Users Advisory Committee (WUAC)

Committee Chair Bobay, Louisville Water, reported he is serving as the new Committee Chair for Water Users taking over for Bruce Whiteberry. He reported that the committee has a rich tradition of stakeholder engagement and collaboration of water systems along the main stem. In the current COVID era, there is a new generation of leadership in many water systems, so one priority will be focusing on stakeholder engagement. One of the few positives is the broader participation with all the virtual meetings. He looks forward to working collaboratively with other water systems along the Ohio River.

The committee met virtually on September 21. Many of the water systems are reporting challenges dealing with the new EPA Lead and Copper Rule revisions. In terms of the Ohio River and the watershed, one project that continues to be a focus is WaterSuite, the watershed mapping and source water protection utilization tool. The committee will continue to work on integration and utilization of that software and being able to map and inventory storage of hazardous chemicals within the Ohio River Basin and being able to respond appropriately. A big challenge with that is not having access to state hazardous material data. We continue to work closely with EPA and state officials to get access to make this tool more effective.

Spill procedures were discussed and Sam Dinkins of ORSANCO walked the committee through the notification procedures. There was encouraging discussion on how to improve these processes. Committee Chair Bobay underscored that this is a vital resource that ORSANCO provides to water systems. ORSANCO is usually the first or one of the first responders, so their communication and collaboration with water systems is of utmost importance to preserve the public health. ORSANCO also maintains a spill response directory which is updated annually.

With respect to water quality, it was a great year for those that monitor algal activity and HABs because conditions never became favorable for large blooms.

The next meeting will be January 25.

Report of the Public Information Advisory Committee

Committee Chair, Betsy Mallison, reported that the Committee conducted a virtual meeting on September 23, 2021.

The Committee welcomed Lily Jones, Communications Coordinator for the Pennsylvania Environmental Council, as a new Committee member.

Staff provided an update on ORSANCO staffing, reporting that over the past several months, the Foundation's Director and ORSANCO's Communication's Coordinator departed for other opportunities. In addition, Nick Callahan has joined staff as Environmental Education and Outreach Coordinator.

Staff provided an update on activities since the last meeting and reported that a more robust communications strategy will be developed as an outcome of current strategic planning activities.

Staff provided a detailed status of the 2021 River Sweep program, being conducted in a mini-Sweep format, indicating that this format has shown to be very successful this year. Feedback from sponsors and coordinators has been very positive. The Committee discussed ways to build on this year's success to enhance and promote this valuable program.

In summary, the Committee supports staff moving forward with the following activities:

1. The Committee supports developing a broad-based plan for River Sweep using a mini-sweep approach throughout the watershed and focusing on efforts to increase media attention, and identifying a particular day, such as World Rivers Day, for special Sweep promotion.
2. Continue partnering with ORBA on mutually beneficial projects such as the Discussion Series and the Economic Valuation study.
3. Explore strategies to increase social media presence.

Report of the Watershed Organizations Advisory Committee (WOAC)

Angie Rosser, Committee Chair, thanked Charles Duritsa for his 17 years of service. She then presented the following report:

- 1. Quarterly meeting.** The committee met on September 29 and discussed:
 - ORSANCO updates from Richard Harrison
 - WOAC leadership succession
 - WOAC strategic planning
 - Items for WOAC's October report
- 2. ORSANCO Strategic Plan.** WOAC is interested in reviewing and providing further input into, as appropriate, ORSANCO's strategic plan. We are particularly interested in how the triennial reviews of the PCS will be handled, and how issues of climate and environmental justice will be included in the plan. We recommend that ORSANCO adopt community engagement processes that reach communities most impacted by environmental harms in a proactive manner. WOAC can provide examples and detail of how such efforts could be designed.
- 3. Infrastructure Investments.** Some WOAC members are heavily involved in advocating for strong investments in the region currently being considered by Congress in the bipartisan infrastructure bill and budget reconciliation process. We see transformational opportunities for these investments to improve the health of the river and benefit surrounding communities. We recommend that ORSANCO actively support these investments and prepare to play an important role in prioritization and implementation in a way that has maximum impact on restoring and protecting the river.

- 4. State Roll-backs of Clean Water Protections:** WOAC members are concerned about basin states rolling back clean water protections. Indiana passed legislation weakening protections for wetlands and Ohio is considering legislation to strip protections for ephemeral streams. We oppose such actions and urge ORSANCO to take an active role in educating policymakers on the importance of strong protections for streams and wetlands to water quality and to the overall restoration of the Ohio River basin ecosystem.

Comments by Guests

Davitt Woodwell thanked Charles Duritsa for everything he has done. Tom FitzGerald also thanked Charles Duritsa.


Upcoming Meetings


Chair Wilson noted the following schedule for upcoming Commission meetings:

- February 8-10, 2022 – Covington, Kentucky
- June 14-16, 2022 – Wheeling, West Virginia
- October 11-13, 2022 – Pittsburgh, Pennsylvania

Adjournment

The 231st meeting of the Commission was adjourned at 10:02 A.M.

Prepared by:  Date: October 7, 2021
Tracey Edmonds
Administrative Assistant to the Executive Director

Approved by:  Date: December 20, 2021
Michael Wilson
Chair

ROSTER OF ATTENDANCE
231st Commission Meeting
October 7, 2021

Commissioners

Illinois	Scott Twait (PROXY for Director John Kim) Toby Frevert
Indiana	Bruno Pigott John Kupke Joseph Harrison, Jr.
Kentucky	Spencer Bruce John Lyons (PROXY for Lt. Governor Jacqueline Coleman) Carey Johnson (PROXY for Secretary Rebecca Goodman)
New York	Mike Wilson Douglas Conroe
Ohio	Tiffani Kavalec (PROXY for Director Laurie Stevenson) John Hoopingarner Holly Christmann
Pennsylvania	Davitt Woodwell Kevin Halloran (PROXY for Secretary Patrick McDonnell)
West Virginia	David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Harold Ward)
Virginia	Not Present
Federal	David Miracle George Elmaraghy Tom FitzGerald
Legal Counsel	Aaron Herzig

Executive Director

Richard Harrison

Staff

David Bailey, Nick Callahan, Sam Dinkins, Joe Gilligan, Nick Guthier, Jason Heath, Lila Ziolkowski, Melissa Mann, Tracey Edmonds, Adam Scott, Bridget Taylor, Jamie Tsiominas

Guests

Chris Bobay – WUAC
Charles Duritsa
John Hirshfield – Westlake Chemical
Lily Jones – PA Environmental Council
Betsy Mallison – PIACO
Kristina Peacock-Jones – PADEP
Angie Rosser – WOAC