

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**232nd Commission Meeting
Embassy Suites RiverCenter
Covington, Kentucky
Thursday, February 10, 2022**

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Chair Michael Wilson, Presiding

Call to Order

Commission Chair Wilson called the 232nd meeting of the Ohio River Valley Water Sanitation Commission to order at 9:02 A.M., Thursday, February 10, 2022.

Executive Director Harrison led the Pledge of Allegiance.

Quorum Call

Commissioner Frevert certified that a quorum was present (see Roster of Attendance, page 10).

Report of the Chair

Commission Chair Wilson presented the following ORSANCO staff service award and thanked him for his service.

Joe Gilligan – 30 Years of service

Joe Gilligan has reached 30 years of service handling the accounting and grants. Executive Director Harrison presented him with his service award. Commission Chair Wilson thanked him for his years of service.

Commission Chairman Wilson recognized two outgoing Commissioners and presented the following resolutions:

RESOLUTION 1-22 RECOGNITION OF SERVICE DAVID PAYLOR

WHEREAS: David Paylor has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2006 to 2022 as a Virginia Commissioner, and

WHEREAS: Mr. Paylor has provided faithful and diligent service to the Commission serving on numerous Committees, and

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

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

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

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

ACTION: Motion by Commission Chair Wilson, second by Commissioner Potesta and unanimously carried, to adopt Resolution 1-22 as presented.

Commission Chair Wilson presented the following resolution:

**RESOLUTION 2-22
RECOGNITION OF SERVICE
BRUNO PIGOTT**

WHEREAS: Bruno Pigott has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2017 to 2021 as a Indiana Commissioner, and

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

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

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

WHEREAS: Mr. Pigott has devoted his career to protecting the precious natural resources of the State of Indiana,

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

ACTION: Motion by Commission Chair Wilson, second by Commissioner Rockensuess and unanimously carried, to adopt Resolution 2-22 as presented.

Commission Chair Wilson then recognized two new Commissioners, Indiana Commissioner Brian Rockensuess and Pennsylvania Commissioner Michael Forbeck and thanked them for joining the Commission. He then thanked staff for another great meeting and all the work that is required. We forget sometimes how much work goes into setting up a meeting, particularly this meeting with the combined virtual and in-person attendance has required a lot of preparation.

Commission Chair Wilson then explained that Vice Chair Commissioner Toby Frevert will be acting as Treasurer to present the Treasurer's Report with no opposition expressed by the Commission.

Report of the Executive Director

Executive Director Harrison echoed what Commission Chair Wilson stated regarding Commissioner Paylor and Pigott. He has had the honor to work with them for 7 years.

He then thanked staff members Sam Dinkins, Lila Ziolkowski and Jaime Tsiominas for their hard work tracking a benzene release that was discovered utilizing our ODS. We have been tracking this around the clock since January 29 from Westview all the way to Huntington. It is a great example of how our ODS system helps support protecting the Ohio River as a drinking water and industrial water supply. We continue to work diligently to develop an Ohio River Restoration plan and initiative to secure funding support. There have been billions of dollars funded by Congress for geographical areas across the nation with none appropriated for the Ohio River Basin. This remains a high priority for ORSANCO and our states to try and secure that status and funding and we'll keep working through that.

He then noted that the Program and Finance Committee will be meet on April 28. Staff is working diligently to identify unfunded priorities that may be funded utilizing our unencumbered resources. One of these major projects is developing a database platform to replace our existing system that will no longer be supported and is not very user friendly. He then thanked staff for their hard work and support.

Action on Minutes

ACTION: Motion by Commissioner Flannery, second by Commissioner Elmaraghy and unanimously carried, that the minutes of the 231st meeting of the Commission, be adopted with minor revision as suggested.

Report of the Audit Committee

Commissioner Hoopingarner, Audit Committee Chairman, reported that a 2021 Independent Auditors' Report was electronically distributed to Commissioners and Proxies on February 10, 2022.

Clark, Schaefer, Hackett Certified Public Accountants performed a general-purpose financial audit for fiscal year ending June 30, 2021. Kerry Roe, of Clark Schaefer Hackett, met with the Audit Committee on Wednesday, February 9, to present and discuss the audit findings with the Committee and respond to any questions or concerns. Committee members and Commissioners Hoopingarner, Conroe, Miracle, Wilson, Woodwell, and Christmann participated. Staff was represented by Richard Harrison, David Bailey, and Joe Gilligan.

Commissioner Hoopingarner then introduced Kerry Roe from the audit firm Clark Schaefer Hackett and invited Mr. Roe to provide a brief overview of the audit outcomes.

In the auditor's opinion, the general-purpose financial statements present fairly, in all material respects, the financial position of ORSANCO as of June 30, 2021. There were no internal control related findings or issues.

The audit report is an "unmodified" report.

The Commission's financial status remains fundamentally sound, with no specific concerns at this time.

The Committee also requests authorization of the Commission to engage Clark, Schaefer, Hackett & Co. to perform the June 2022 financial audit. The June 30, 2021 audit was the fifth audit performed by Clark, Schaefer, Hackett & Co. The Commission has authorized past auditors to perform up to eight audits due to the low risk nature and positive outcomes of the Commission's audits. The audit firm also periodically rotates the assigned audit manager to provide new oversight of the audit.

MOTION: Motion by Commissioner Hoopingarner, second by Commissioner Frevert and carried (Federal Commissioner Fitzgerald abstaining), to accept the Independent Auditor's Report and to authorize the engagement of Clark, Schaefer, Hackett & Co. to perform the June 30, 2022 financial audit.

Report of the Treasurer

Commissioner Frevert reported that a detailed Treasurer's Report, updated through December 31, 2021, was provided for this meeting.

The report indicates a balance of \$739,782 in accounts receivable due the Commission. The balance represents \$73,500 due from signatory states \$658,507 due from federal sources, and \$7,775 due from other sources.

Additionally, the report indicates receipts of \$2,183,599 plus carryover of \$3,757,782 totaling \$5,941,381 through the end of December 2021. Of that amount \$1,474,105 was expended on programs, leaving \$4,467,275 available for the continuation of ORSANCO's programs.

Report of the Technical Committee

Commissioner/Proxy Scott Mandirola, Committee Chairman, presented the following Technical Committee Report to the Commission.

The Technical Committee met in-person and virtually over the last couple of days. Eight states, three federal agencies, and four advisory committees were represented. A summary of the meeting follows:

2022 Biennial Assessment of Ohio River Water Quality Conditions

The 305(b) workgroup met virtually on December 15th of last year to review the Ohio River use attainment assessments performed on Ohio River data from 2016 through 2020. The assessments applied methodologies that had been reviewed and updated by workgroup members over the past year as detailed during the October TEC meeting. The draft assessments indicate that the entire river was in full support of both the aquatic life, public water supply uses, and fish consumption based on methylmercury concentrations in fish tissue. The entire river is designated as impaired for fish consumption based on levels of PCBs and dioxin in historical water quality samples, and approximately two-thirds of the river is impaired for the contact recreation use based on bacteria monitoring results. These assessments are almost identical to the 2020 assessments, with the exception of a few miles for contact recreation impairments due to bacteria. Staff also reported that the workgroup supports an effort to determine the feasibility of updating the historical datasets (e.g. PCB/Dioxins in fish tissue and bacteria longitudinal contact recreation surveys) and revisiting potential development of an assessment methodology for harmful algal blooms (HABs) when more guidance and data are available. Staff requested action on the 2022 assessments and will provide a draft 2022 Biennial Report prior to the June meeting.

Climate Change Presentation

Jim Noel with the National Weather Service Ohio River Forecast Center, presented their Climate Change Analysis for the Ohio River Basin and their update to the Ohio River Basin Climate Change Hydrology Project 2022. Mr. Noel with the National Weather Service Ohio River Forecast Center presented its climate change analysis and the predicted effects on stream flows in the Ohio River Basin.

The National Weather Service Ohio River Forecast Center working with USACE, USGS, EPA, other federal and local partners delivered the Ohio River Basin Climate Change (ORBCC) project in 2017 which was funded and supported by USACE. The data used for this project included the Coupled Model Intercomparison Project data version 3 (CMIP3). There have been two version updates since then and he discussed the differences and any impacts since CMIP3 to the Ohio Valley.

Status Update for the Source Water Contaminant Threat Inventory on the Ohio and Allegheny Rivers

Steve Allgeier with the USEPA, Office of Research and Development in Cincinnati, provided a status update for the source water contaminant threat inventory on the Ohio and Allegheny rivers. In 2017, U.S. EPA launched a project in partnership with ORSANCO and several public water systems that use the Ohio River as a source to develop a comprehensive inventory of source water contamination threats. The inventory includes a segment of the Ohio River, and major tributaries, beginning at the intake for Louisville Water and extending 25 miles upstream of the intake for Huntington WV. In 2020, U.S. EPA extended this inventory to include the Lower Allegheny River, from Pittsburgh to New Kensington. The project is currently in its final year and will conclude on June 30, 2022.

Source Water Protection & Emergency Response 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 instrument repair and maintenance. The Committee was also briefed on recent Emergency Response Program activities including the completion of an annual update to the Emergency Response Directory and a discussion regarding a number of recent notable spill events. Staff also discussed the recent ODS detections of benzene, toluene, and styrene in the upper river which have been ongoing.

Biological Programs Update

The Biological Water Quality Subcommittee met virtually on January 19th to review the prior year's biological surveys in Dashiels, Hannibal, Markland, and McAlpine pools. The unqualified fish index scores from the surveys revealed that all four pools were in "Good" condition. The subcommittee approved these fish results for inclusion in the pending pool assessments while they await the return of the 2021 macroinvertebrate data. Once those data are received the subcommittee will review and consider them for inclusion in the final assessments as well. Staff provided updates on successful fish tissue collections from the four pools performed in support of fish consumption advisories, 305(b) assessments, and a five-year grant with IDEM. The collections made on behalf of IDEM will be used by their staff to re-evaluate listed Ohio River segments and investigate PFAS levels in fish tissue. Additionally, concerning PFAS, staff reported that the subcommittee recommended adding analyses of perfluorinated compounds to all future ORSANCO Ohio River fish tissue collections.

Aquatic Biologist Daniel Cleves detailed an approach to evaluate temporal trends in PCB fish tissue concentrations. Mr. Cleves explained how variations in fish length, tissue lipid content, analytical method, and laboratory can serve to obscure any potential temporal trend. The methods he detailed to address inherent biases and maximize the utility of ORSANCO's large fish tissue dataset were approved by the subcommittee, which also supported finalizing the analyses and preparing the results for later review. The subcommittee discussed sampling plans for the 2022 field season, recommending surveys in Belleville, John T. Myers, and Olmsted pools.

Additionally they supported the survey of probabilistic sites in the unimpounded section below Olmsted Locks & Dam. These sites will assist staff in the calibration of biotic indices and provide state partners with necessary biological data from this unique section of the Ohio River.

Lastly, the subcommittee supported ORSANCO staff's continued participation in USEPA's National Rivers and Streams Assessments (NRSA), recognizing that this may affect concurrent Ohio River activities.

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 (~ 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 – not much stands out in terms of PFAS distribution in the water column.
- Equipment blanks were collected with every sample, and 1 PFAS was detected at <1ppt at each of 2 sites. So 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 was completed towards the end of October. Flows for the most part were significantly lower during the second round of sampling. In general, the number of detections and values above the level of quantification were lower during the second round of sampling. Observations as follows:

- 5 of 28 PFAS were above the laboratory level of quantification (~ 5 PPT).
 - PFOS (1 site)
 - PFOA (6 sites)
 - HFPO-DA (GenX) (3 sites)
 - PFBA (7 site)
 - 6:2FTS (1 site)*

- 9 of 28 PFAS were above the detection level.
- PFOA & PFBA had the largest number of samples above LOQ.
- 6:2FTS had the highest value (28ppt)*. If not, then GenX at 12PPT.
- There were detections of 1 or more PFAS at every site. PFOS at all sites.
- 14 sites had one or more PFAS above the LOQ.
- 9 discrete samples collected at each of 5 sites – nothing stands out in terms of PFAS distribution in the water column.

Quality assurance results have been very good for both rounds of sampling.

MOTION: Motion by Commissioner Lyons, second by Commissioner Flannery to approve the 305b Report.

Commissioner Frevert wanted to comment and make sure everyone understands the PFAS Study the data is still going through final quality review and do not have an estimated date of completion, probably a month or two. We are not in a position to release it yet until the final QA/QC is complete. Commissioner Flannery wanted to confirm the release did not need Commission approval and who would be releasing the data and wanted to empower someone to make that call. It was determined the Executive Director will make that call after consulting with staff and Tech Chair. Commissioner Frevert mentioned that EPA is involved and will need to be involved in making the decision.

Report of the Nominating Committee

Commissioner Ronald Potesta filled in for Commissioner and Committee Chair John Kupke. He reported that with Bruno Pigott's resignation, the Nominating Committee recommends John Hoopingarner for the open Secretary/Treasurer.

MOTION: Motion by Commissioner Potesta, second by Commissioner Frevert and carried, to accept the Nominating Committee's Recommendation for Commissioner John Hoopingarner filling the position of Secretary/Treasurer for the remaining period.

Report of the Water Users Advisory Committee (WUAC)

Chris Bobay, Committee Chair, presented the following report to the Commission:

The Water Users Advisory Committee last met on January 25 via video conference. The committee member facility reports were all very positive. Several facilities reported on various source water projects planned and underway for 2022. Cincinnati and Louisville both report higher than normal river TOC levels. Jamie Tsiominas gave an update on the Organics Detection System and reviewed protocols for detection and reporting. This report was very timely as we got to see the ODS network in full effect over the past week with the benzene detections in West View and Wheeling, West Virginia. Sam Dinkins also reported that ORSANCO staff has completed round 2 of the PFAS monitoring study. We hope to have results available in the next few months. Committee members are eager to see the results. It's not yet clear how states are going to administer the funding from the Infrastructure Investment and Jobs Act which addresses both lead and PFAS and other emerging contaminants. We are hopeful that EPA's reporting SRN state revolving guidance will come later this month as we're looking for guidance in that direction. The remainder of the meeting was spent reviewing the river spills that occurred since our last meeting and highlighting some of the notification and response efforts associated with those. This type of after action review process will continue to be a priority for this Committee. ORSANCO staff are in the process of updating the Emergency Response Directory which is very critical for those type of response efforts. Copies will be made available to committee members when it is published. The next meeting is scheduled for May 17, 2022, and will continue to meet virtually.

Report of the Public Information Programs Advisory Committee

The Committee conducted a virtual meeting on January 19, 2022. Staff provided an update on ORSANCO staffing, reporting that resumes for the Communications & Environmental Education Manager position are currently being reviewed. Staff is hopeful that the position will be filled in the next month or so.

Staff also 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 and the addition of a communications manager.

Staff provided a detailed status of the 2021 River Sweep results as well as work in progress for the 2022 Sweep. Sponsors and coordinators have been very receptive to the new flexible format of conducting river clean-up events April through October.

Staff conducted a survey of Sweep coordinators to measure their support for the new format and identify ways that staff can better support their participation.

The Committee discussed at length ways to build on this year's success to enhance and promote this valuable program. Some new ideas for consideration include:

- Develop a promotional campaign establishing April 30th as "Ohio River Day" and setting this day as a kickoff for the 2022 Sweep season. This might include a request to the states for a proclamation of "Ohio River Day."
- Promote more media attention to these clean-up activities.
- Develop a strategy to promote the Sweep to the mayors of small River communities.
- Consider how to increase awareness and engagement of legislative representatives in the Basin.

There will be topics each month from April to October, designed to highlight the River Sweep.

As always, if you have any leads on sponsorship funding for the Sweep program please contact staff. Sponsorship funding covers the cost of shirts, bags, gloves and staff support

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 January 31 and discussed:
 - WOAC vice-chair election: Chris Tavenor with the Ohio Environmental Council was elected to vice-chair.
 - Items for WOAC's February report
 - ORSANCO updates from Richard Harrison
 - WOAC strategic planning
 - Member updates
- 2. Maximizing impact of infrastructure investments.** We see transformational opportunities presented by the recently passed Infrastructure Investment and Jobs Act and the Biden Administration's Environmental Justice and Justice40 initiatives to improve the health of the river and benefit surrounding communities. We recommend that ORSANCO play an important role in prioritization and cross-state coordination around implementation in a way that has maximum impact on restoring and protecting the river.

3. **State roll-backs of clean water protections:** WOAC members remain concerned about basin states rolling back clean water protections. We 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.
4. **50th Anniversary of the Clean Water Act.** WOAC members are planning events this year to mark the CWA's 50th anniversary. We see it as an opportunity for ORSANCO to engage the public in reflection on the influence the CWA has had on improving the river's water quality, as well recommendations for addressing its limitations in realizing a fully restored Ohio River.

Angie also mentioned their support for the special projects under consideration by the Programs and Finance Committee, and for the work around the Basin Restoration Plan/Initiative.

Upcoming Meetings


Chair Wilson noted the following schedule for upcoming Commission meetings:

- June 14-16, 2022 – Wheeling, West Virginia
- October 11-13, 2022 – Pittsburgh, Pennsylvania
- February 7-9, 2023 – Covington, KY

Adjournment

The 232nd meeting of the Commission was adjourned at 10:16 A.M.


Prepared by:



Tracey Edmonds
Administrative Assistant to the Executive Director

Date: March 2, 2022

Approved by:



John Hoopingarner
Secretary/Treasurer

Date: June 16, 2022

ROSTER OF ATTENDANCE
232nd Commission Meeting
February 10, 2022

Commissioners

Illinois	Scott Twait (PROXY for Director John Kim) Toby Frevert
Indiana	Brian Rockensuess - virtual John Kupke - virtual Joseph Harrison, Jr.
Kentucky	John Lyons (PROXY for Lt. Governor Jacqueline Coleman) Carey Johnson (PROXY for Secretary Rebecca Goodman) - virtual Spencer Bruce - virtual
New York	Mike Wilson Douglas Conroe – virtual Melanie Stein (PROXY for Commissioner Basil Seggos) - virtual
Ohio	Laurie Stevenson - virtual John Hoopingarner Holly Christmann
Pennsylvania	Davitt Woodwell - virtual Kristina Peacock-Jones (PROXY for Secretary Patrick McDonnell) virtual
West Virginia	David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Harold Ward)
Virginia	Melanie Davenport (PROXY for Director Michael Rolband)
Federal	George Elmaraghy Tom FitzGerald - virtual
Legal Counsel	Aaron Herzig

Executive Director

Richard Harrison

Staff

David Bailey, Jason Heath, Sam Dinkins, Joe Gilligan, Ryan Argo, Adam Scott, Daniel Cleves (virtual), Melissa Mann (virtual), Stacey Cochran (virtual), Tracey Edmonds, Bridget Taylor (virtual), Rob Tewes (virtual), Greg Youngstrom (virtual), Lila Ziolkowski (virtual)

Guests

Robin Blakeman (virtual), Chris Bobay (virtual), Brian Chalfant (virtual), Chuck Duritsa (virtual), John Hirschfield (virtual), Tiffani Kavalec (virtual), Betsy Mallison (virtual), Bruno Pigott (virtual), Roy Powers (virtual), Kerry Roe, Angie Rosser