

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**234th Commission Meeting
Sheraton Pittsburgh Hotel at Station Square
Pittsburgh, Pennsylvania
Thursday, October 13, 2022**

<u>Reports</u>	<u>Page</u>
Chair	1
Executive Director	1
Action on Minutes	2
Treasurer	2
Technical Committee	2
Water Users Advisory Committee.....	3
Public Information Advisory Committee	4
Watershed Organizations Advisory Committee	5
Roster of Attendance	7

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Chair Toby Frevert, Presiding

Call to Order

Chair Frevert called the 234th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:01 A.M., Thursday, October 13, 2022.

Executive Director Harrison led the Pledge of Allegiance.

Quorum Call

Commissioner Flannery certified that a quorum was present (see Roster of Attendance, page 7).

Report of the Chair

Commission Chair Frevert welcomed new PA Commissioner Bruce Herschlag and Proxy Commissioner for Virginia Jeffrey Hurst. He then presented outgoing Chair Wilson with the ORSANCO flag set to recognize his service. Commissioner Wilson thanked everyone.

Report of the Executive Director

Executive Director Harrison thanked outgoing Chair Wilson. He thanked Chair Frevert for serving as the new Chair and looks forward to working with him on programs such as monitoring. Every chair has different priorities and serves the organization well. He thanked Melissa Mann for another great job on the annual report. Per our Compact, we are required to report an issue of our activities every year to the Governors and President. It serves as a great communications tool. We will distribute these to the Governors first before distributing to anyone.

The Ohio River Basin Alliance is progressing very well. He recognized Harry Stone, the chair of ORBA and Jordan Lubetkin. Craig Butler, a past Commissioner, will be taking over that role and we are working together to build a restoration plan for the Ohio River Basin. We are hoping to draft a plan by late winter. We conducted a number of listening sessions. Jordan has conducted probably 30 throughout the Basin. There is an environmental justice component to this that we are incorporating. It is very important that the states review that when the document is prepared to make sure it accurately reflects your priorities and captures the hard work that you are doing. There's several hundred folks involved. He mentioned he is very proud of the initiative we are working on with environmental justice. We have a committee made up of a number of Commissioners and others. Please let us know if you would like to be involved. We are hopeful this will be a river-wide priority for the Commission. Annette Shumard of ORSANCO will be taking a leading role and we want to do a great job of communicating our wonderful programs making sure we meet the needs of communities. I believe inclusion and understanding the needs of folks that use the river for its multiple uses will be a great charge for us.

Staff received and reviewed 9 NPDES permits (5 draft, 3 final, and 1 modification) to ensure compliance with provisions of the ORSANCO's Pollution Control Standards. The reviews were completed in accordance with the established PCS Implementation Procedures. The specific permits reviewed included:

1. Neville Chemicals Co. (PA0004979) at Ohio River Mile (ORM) 6.6
2. Fiesta Tableware Company (WV0004570) at ORM 45.5
3. Ohio Coatings Co. (OH0120588) at ORM 84.5
4. City of Paden (WV0020613) at ORM 133.2
5. City of St. Mary's (WV0020168) at ORM 155.1
6. Union-Williams PSD (WV0101443) at 166.8
7. Felman Production LLC (WV0000426) at 241
8. Sazerac Distillery, LLC (KY001031) at ORM 755.5
9. Electric Energy, Inc. – Joppa Energy Center (IL004171) at ORM 952

Action on Minutes

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

Report of the Treasurer

Commissioner Flannery reported that a detailed Treasurer's Report, updated through June 30, 2022, had been provided in agenda materials for this meeting.

The report indicates a balance of \$1,712,195 in accounts receivable due the Commission. The balance represents \$1,676,040 due from federal sources, and \$36,155 due from other sources.

Additionally, the report indicates receipts of \$3,524,964 plus carryover of \$3,757,782 totaling \$7,282,746 through the end of June 2022. Of that amount \$3,190,802 was expended on programs, leaving \$4,091,945 available for the continuation of ORSANCO's programs.

ACTION: Motion by Commissioner Conroe, second by George Elmaraghy and carried, to accept the Treasurer's report as presented.

Report of the Technical Committee

TEC Chair Scott Mandirola gave the following report:

The Technical Committee held its 230th meeting yesterday. All eight states, three federal agencies, and four advisory committees were represented. A summary of the meeting follows:

Ohio River Headwaters – Source Water Protection in Western Pennsylvania

Tom McCaffrey with PA DEP provided an overview of source water protection activities in Western Pennsylvania. There are over 40 drinking water utilities serving more than 2 million people in the Allegheny, Monongahela, Youghiogheny, Beaver and Shenango River basins, so source water protection is a vital activity. In addition, ORSANCO is investigating having a larger role in source water protection and emergency response in these areas.

ORSANCO Source Water Protection and Emergency Response Programs Update

Sam Dinkins provided an update of ORSANCO's Source Water Protection and Emergency Response programs. This included an update on the Organics Detection System detailing the operational status of the system, the purchase of a new gas chromatograph with mass spec, and progress to develop a data management and alert system for the ODS network. The Committee was also briefed on continued efforts to identify the source of a benzene release which was first detected in February by ORSANCO's Organics Detection System. Subsequent sampling detected benzene in the Mahoning River near Lowellville, OH; the specific source, however, has yet to be identified.

ORSANCO Biological Programs Update

Ryan Argo provided an update on ongoing 2022 field season activities including probabilistic surveys in Belleville, John T. Myers, and Olmsted pools along with targeted sampling in the open water portion of the Ohio River. Despite inclement weather and equipment delays, all electrofishing surveys are complete and retrieval of macroinvertebrate samplers in the three pools is currently underway. Staff will also continue to collect fish tissue composites for IDEM and water samples on behalf of KDOW during the remaining weeks of the field season. The PCB in fish tissue trends analysis, presented at past TEC meetings, is being prepared for journal submission. Staff also detailed efforts to digitize field forms, the addition of an ArcGIS Storymap to the biological programs website, and staff contributions to the draft Ohio River Basin Restoration Plan.

Broad Scan Survey of Unmonitored Parameters Contained in ORSANCO's Pollution Control Standards

The Technical Committee or their designees have met twice since the last TEC meeting to review and provide input on a broad scan survey that is planned to be completed in 2023. There are about 130 parameters with water quality criteria contained in ORSANCO's Pollution Control Standards. Only a small subset of these are included in ORSANCO's routine monitoring programs. The purpose of this survey is to determine if additional parameters should be added to ORSANCO's routine monitoring programs. In 2013, a sampling effort was completed to collect data on these unmonitored parameters, and at the time, they all came back as nondetects. The committee recommended that the 2013 survey be repeated, which would entail utilizing the EDI cross-section sampling methodology at three Ohio River locations during two rounds of sampling in the spring and summer of 2023, including analyses of most parameters contained in the PCS that are not routinely monitored. This effort has been included in the Commission's FY23 budget.

Report of the Water Users Advisory Committee (WUAC)

Committee Chair Bobay, Louisville Water, reported they met for a hybrid meeting on September 20 with both virtual and in-person.

WaterSuite Project

ORSANCO staff briefed the committee on the status of the WaterSuite project which is a source water protection tool that helps water users keep track of contaminant sources and better prepare for potential threats to water treatment. There are a number of committee members involved in this effort. The committee is focused on exploring options for how we increase access to this tool for water users throughout the basin. We are pleased that WaterSuite and ORSANCO have agreed to a year subscription to continue working on these efforts.

Organics Detection System

Scott Mandirola just briefed everyone on the Organics Detection System and ORSANCO staff also provided an update on the ODS system and the ongoing monitoring effort of the benzene incident in the upper basin reported earlier this year. Committee members appreciate the ongoing effort and support of ORSANCO to other agencies to further investigate potential contaminant sources. This type of surveillance effort really underscores the value of having a fully functional ODS network to ensure we have adequate monitoring resources throughout the basin. ORSANCO is committed to seeking sustainable funding for support of the ODS network.

PFAS Update

Committee members continue to track developments with state and federal PFAS monitoring studies as well as rule making efforts. EPA is accepting comments on the proposed CERCLA designation so we had some discussion about PFAS hazardous substance. We are expecting the new PFAS drinking water rule later this year anticipating ambient criteria possibly in 2024 so members are watching to see how states are progressing also on administering their water SRF funding for PFAS. There is not a lot of activity at this point in time but it will be interesting to see how water users are incorporating environmental justice initiatives into their project proposals.

The next committee meeting is scheduled for January 17.

Report of the Public Information Advisory Committee

Committee Chair, Betsy Mallison, reported that the Committee conducted a virtual meeting on October 4, 2022.

Staff provided a status update on the 2022 River Sweep season which runs through October and continued to be successful. There have been 120 events with 10 more to go before the season ends. ORSANCO will hold a season closing event on October 21 and staff from Ohio EPA, Toyota and others will participate. The committee agreed to hold a virtual work session in early December devoted specifically to discuss strategies to improve the program for next year. Some ideas for consideration include development of a more robust marketing plan, methods to increase sponsorships, strategic strategies to reach a broader audience to increase volunteer participation and increased communications and more direct engagement with state, county and local coordinators to better evaluate needs and provide support.

Staff also provided an overview on the outcome of ORSANCO's recent strategic planning process. The communications staff will be engaging PIACO members, state public information officers and numerous other partners as they develop the 5-year communications and education plan.

Staff also provided an overview of ORSANCO's environmental justice initiative including the work of the Commission's EJ committee and the staff in developing a concept paper which frames ORSANCO's direction to incorporate EJ in all of its programs. In particular, this initiative will generally focus on inclusion, communications and education.

The Committee historically holds 2 meetings a year – one in February being in person. Staff introduced the idea of holding additional ad hoc virtual meetings throughout the year to devote more time to specific topics. The Committee strongly supported this idea.

Report of the Watershed Organizations Advisory Committee (WOAC)

Angie Rosser, Committee Chair, presented the following report:

1. **Quarterly meeting.** The committee met on September 20 with the following agenda items:
 - ORSANCO updates from Richard Harrison
 - PFAS committee update
 - EJ committee update
 - Restoration plan updates
 - Items for WOAC's October report
 - Prep for officer elections at next quarterly meeting
 - Member updates
2. **PFAS sampling.** We appreciate and congratulate ORSANCO for its completion of its initial PFAS sampling project. We encourage ORSANCO continue its PFAS Workgroup. We recommend ORSANCO take a basin wide look at surface and ground water data, where there may be gaps, and coordinated strategies for filling those data gaps. We also support ORSANCO moving ahead with fish tissue sampling and potentially other exposure pathways, as well as discuss its role in assisting states and water utilities with plans of actions in response to the updated EPA health advisories. We encourage ORSANCO to make intentional efforts to include tribes in its information sharing around PFAS data and further study.
3. **Environmental Justice advisory committee.** We commend ORSANCO for initiating the EJ committee, and seeking long-term funding for its work. Heather Hulton VanTassel continues as WOAC's representative on the committee. We encourage ORSANCO to include frontline communities in its conversations and decision-making about how to approach its EJ work. We urge ORSANCO to integrate the work of the committee into the basin restoration plan.
4. **Restoration Plan listening sessions.** NWF worked with WOAC to complete a series of community listening sessions to gather input into the basin restoration plan. We strongly encourage ORSANCO to support the integration of input from these listening sessions, as well as from input from tribes.
5. **WOAC leadership transition.** Starting in January 2023, Chris Tavenor with Ohio Environmental Council will serve as WOAC Chair.

Chair Frevert wanted to cover one more item. As Director Harrison mentioned, Chair Frevert's priority he asked him to address during his chairmanship is to conduct a reasonably hardy review of the monitoring programs and look for ways to improve efficiency and free up more time to do the data management. WV Commissioner Ronald Potesta will assist in this process and there may be opportunities for you and your staff to participate.

Comments by Guests

Commissioner Woodwell thanked everyone for coming to Pittsburgh.

Upcoming Meetings

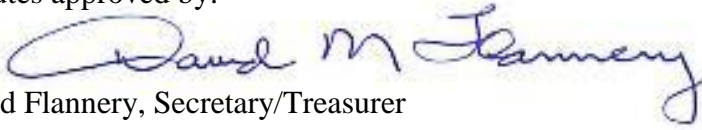
Chair Frevert noted the following schedule for upcoming Commission meetings:

- February 7-9, 2023 – Covington, Kentucky
- June 27-29, 2023 – Cincinnati, Ohio
- October 2023 – TBD

Adjournment

The 234th meeting of the Commission was adjourned at 9:35 A.M.

Minutes approved by:

A handwritten signature in blue ink that reads "David M. Flannery". The signature is written in a cursive style with a large initial 'D' and 'F'.

David Flannery, Secretary/Treasurer

Prepared by Tracey Edmonds

ROSTER OF ATTENDANCE
234th Commission Meeting
October 13, 2022

Commissioners

Illinois	Scott Twait (PROXY for Director John Kim) Toby Frevert
Indiana	Brian Rockensuess (Martha Clark Mettler – virtual) John Kupke (virtual) Joseph Harrison, Jr. (virtual)
Kentucky	Spencer Bruce (virtual) John Lyons (PROXY for Lt. Governor Jacqueline Coleman) Carey Johnson (PROXY for Secretary Rebecca Goodman)
New York	Mike Wilson Douglas Conroe Melanie Wright (PROXY for Basil Seggos)
Ohio	Tiffani Kavalec (PROXY for Director Laurie Stevenson – virtual) John Hoopingarner Holly Christmann (virtual)
Pennsylvania	Kevin Halloran (PROXY for Secretary Patrick McDonnell) Davitt Woodwell Bruce Herschlag
West Virginia	David Flannery Scott Mandirola (PROXY for Secretary Harold Ward)
Virginia	Jeffrey Hurst (PROXY for Director Michael Rolband)
Federal	David Miracle George Elmaraghy Tom FitzGerald (virtual)
Legal Counsel	Aaron Herzig

Executive Director

Richard Harrison

Staff

Ryan Argo, David Bailey (virtual), Stacey Cochran (virtual), Sam Dinkins, Joe Gilligan (virtual), Emilee Harmeling (virtual), Jason Heath, Melissa Mann (virtual), Tracey Edmonds (virtual), Adam Scott, Annette Shumard, Bridget Taylor (virtual), Jamie Tsiominas (virtual), Greg Youngstrom (virtual), Lila Ziolkowski (virtual)

Guests

Chris Bobay – WUAC (virtual)
Betsy Mallison – PIACO
Angie Rosser – WOAC
Bill Boria – PIACO
Josiah Frey (virtual)
Charles Duritsa (virtual)
Susan Weaver – PADEP (virtual)