

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

**235th Commission Meeting
Embassy Suites RiverCenter
Covington, Kentucky
Thursday, February 9, 2023**

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Chair Michael Wilson, Presiding

Call to Order

Commission Chair Wilson called the 235th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:02 A.M., Thursday, February 9, 2023. Commissioner Wilson is filling in for Commission Chair and Vice Chair who were unable to attend.

Executive Director Harrison led the Pledge of Allegiance.

Quorum Call

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

Report of the Chair

Commission Chair Wilson recognized outgoing Commissioner Stevenson and presented the following resolution:

RESOLUTION 1-23 RECOGNITION OF SERVICE LAURIE STEVENSON

WHEREAS: Laurie Stevenson has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2019 to 2023 representing the State of Ohio, and

WHEREAS: Ms. Stevenson has provided faithful and diligent service to the Commission serving on numerous Committees including Congressional Liaison, Executive, Personnel, Pollution Control Standards, and Program and Finance, and

WHEREAS: Ms. Stevenson actively worked to help advance the Commission's goals, and

WHEREAS: Ms. Stevenson has earned the esteem and friendship of her fellow Commissioners, and

WHEREAS: Ms. Stevenson has devoted her career to protecting the precious natural resources of the State of Ohio, including Director and deputy director for business relations of the Ohio Environmental Protection Agency;

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

ACTION: Motion by Commissioner Lyons, second by Commissioner Flannery and unanimously carried, to adopt Resolution 1-23 as presented.

Executive Director Harrison then recognized the staff members that reached milestones years of service and thanked them. This year there are 3 staff members.

Rob Tewes – 15

Lila Ziolkowski – 20

Greg Youngstrom – 20

Rob Tewes was recognized in person but the other two have been out all night doing emergency response. Director Harrison will report more on the work ORSANCO is doing to help protect our water utilities and work with our member states to better understand how the concentrations of this particular spill are impacting the Ohio River as a drinking water supply.

Chair Wilson then welcomed new Commissioner Anne Vogel, Director of Ohio EPA, to the Commission. He then introduced and welcomed the new Watersheds Advisory Organizations Committee chair, Chris Tavenor and thanked outgoing chair Angie Rosser for her many years of outstanding service.

Chair Wilson also wanted to mention that he appreciates the tremendous staff support to make everything happen smoothly. There were staff unable to attend because they are out doing great service collecting samples in a distant location in the watershed and in some cases traveling through the night. Their support is terrific and we appreciate it.

Report of the Executive Director

Executive Director Harrison thanked Chair Wilson for stepping in as Chair for this meeting and thanked Douglas Conroe for filling in as Audit Committee Chair.

He then offered an update on NPDES discharge permit reviews which is part of the PCS update that we share these as we do continue to review permits to make sure the end result of any discharge provides comparable use protection to the uses of the Ohio River using our standards.

- Moon Township Municipal Authority, Permit number PA0028801 at River Mile 9.32-Final
- Cleveland-Cliffs Weirton, LLC. Permit number WV0003336 at River Mile 62-Modification
- Parkersburg Utility Board, Permit number WV0023213 at River Mile 183.4. -Modification
- Village of Pomeroy, Permit number OH0021725 at River Mile 250.2-Draft
- Markland Hydroelectric Station, Permit number IN0064637 at River Mile 531.6-Draft
- Garrison-Quincy-KY-O-Heights (Garrison WWTP), Permit number KY0105422 at River Mile 368.2.-Draft
- TransMontaigne Operating Company, LP, Permit number KY0063274 at River Mile 475.6.-Draft
- Daramic, LLC, Permit number KY0101109 at River Mile 751.85-Final

Executive Director Harrison reported that they had a great Roundtable yesterday and is excited to have a Communications team together led by Annette Shumard. There was discussion about an exciting effort to expand our environmental education program across the river. He stated that someone will be contacting each state for their environmental educators to build a program that we can all develop together.

Executive Director Harrison reported that there was discussion about the importance of the restoration of the Ohio River Basin. We will be asking for the Commission's review of these draft documents as they get completed.

Executive Director Harrison reported that the office is working hard to prepare a balanced budget. He does expect, however, in the 5-year, we will be programming Ohio River basin restoration funds as we get to years 3 through 5.

Report of the Audit Committee

Commissioner Douglas Conroe presented the report of the Audit Committee on behalf of the committee's Chair John Hoopingarner who was unable to attend. Commissioner Conroe reported that the final draft 2022 Independent Auditors' Report was electronically distributed to Commissioners attending the Commission meeting virtually and provided to in-person attendees today.

Clark, Schaefer, Hackett Certified Public Accountants performed a general-purpose financial audit for fiscal year ending June 30, 2022. Kerry Roe, of Clark Schaefer Hackett, met with the Audit Committee on Wednesday, February 8, to present and discuss the audit findings with the Committee and respond to any questions or concerns. Committee members, Commissioners Miracle, Christmann, Flannery, Harrison and myself participated. Staff was represented by Richard Harrison, David Bailey, Joe Gilligan and Nick Guthier.

Commissioner Conroe 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, 2022. There were no internal control related findings or issues reported.

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 2023 financial audit. The June 30, 2022 audit was the sixth 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. Continuing with the current audit firm will also be very beneficial in supporting the learning curve for ORSANCO's newest accounting staff member.

ACTION: Motion by Commissioner Conroe, second by Commissioner Wilson and carried, to accept the Independent Auditor's Report and to authorize the engagement of Clark, Schaefer, Hackett & Co. to perform the June 30, 2023 financial audit.

Action on Minutes

ACTION: Motion by Commissioner Flannery, second by Commissioner Conroe and unanimously carried, that the minutes of the 234th meeting of the Commission, be adopted.

Report of the Treasurer

Commissioner David Flannery reported that a detailed Treasurer's report as of December 31, 2022 has been provided in your agenda materials for this meeting.

The report indicates a balance of \$473,316 in accounts receivable due the Commission. The balance represents \$73,500 due from state sources \$346,530 due from federal sources, and \$53,286 due from other sources.

Additionally, the report indicates receipts of \$2,223,412 plus carryover of \$4,093,109 totaling \$6,316,521 through the end of December 2022. Of that amount \$1,738,869 was expended on programs, leaving \$4,577,651 available for the continuation of ORSANCO's programs.

Report of the Technical Committee

Commissioner Ronald Potesta gave the report of the Technical Committee for Committee Chair Scott Mandirola. The Technical Committee held its 231st meeting over the last two days. All eight states, four federal agencies, and four advisory committees were represented. A summary of the meeting follows:

Dispelling Myths and Misunderstandings about the Water Quality of the Ohio River: 50 years of Aquatic Research at the Thomas More University Biology Field Station

Dr. Chris Lorenz, Thomas More University presented on some of the myths and misunderstandings of the quality of the Ohio River. There has been a significant amount of bad press about the river being the most polluted in the nation, based on toxic release inventory data. On the other hand, scientific data shows good and improving aquatic communities and overall good water quality. Perception are important, and our scientists need to work on telling good stories about the Ohio River based on scientific data.

ORSANCO Biological Programs Update

Ryan Argo presented the current status of deliverables discussed with the Biological Water Quality Subcommittee during a January 25th virtual meeting. Members approved the 2022 fish surveys results from Belleville, John T. Myers, and Olmsted pools for use in pending pool assessments. Subcommittee members continue review of the draft PCB trends in Ohio River Fish Tissue report. Once their comments are incorporated, the report will be distributed to TEC members for review prior to the June TEC meeting. Staff also detailed a proposed process for recalibration of ORSANCO's biological indices along with plans for the upcoming field season, including the start of National Rivers and Streams surveys. The subcommittee plans to hold an in-person two day meeting in April to further discuss these topics and review pending 2022 macroinvertebrate results.

ORSANCO Source Water Protection and 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, 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 recent spill response activities including a train derailment in East Palestine, Ohio and a separate incident involving benzene detections on the Mahoning River which have been ongoing since February 2022.

Greg Youngstrom reported that the Hypoxia Task Force has received funding through the Bipartisan Infrastructure Law in the amount of \$60 million over 5 years. ORSANCO, as the convener of the Ohio River Sub Basin Committee is being offered \$400,000 which can be spent over 3-4 years. The guidance for projects is due out in early 2023. It is expected that the actual funding will come available next fiscal year (ORSANCO FY24).

Review of Monitoring Programs

Jason Heath reported that the Technical Committee or their designees have met twice since to review the work plans for the broad scan survey of pollutants contained in the Commission's PCS but not routinely monitored for. 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. This project is being paid for with USEPA's Monitoring Initiative grant funding.

CSO Abatement Report and Bacteria Trends Analysis

Stacey Cochran 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 at its February meeting. There are currently 48 Ohio River CSO communities. 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-three of those plans have been approved. ORSANCO submitted a proposal for a Senior Capstone Project at the University of Cincinnati and was chosen. The University of Cincinnati Senior Environmental Engineers presented this Capstone Project-E.coli Data Modeling for the Ohio River Valley at the meeting. The Capstone students discussed which designs were chosen to help with the model development and also the Historical Trends Report.

Kentucky PFAS Fish Tissue Monitoring

Melanie Arnold, KYDOW, presented on Kentucky's PFAS fish contaminants project. Certain PFAS are commonly detected in fish tissue, however PFAS contaminant levels in fish are not driving new fish consumption advisories. The state has also completed PFAS studies for drinking water utilities and surface waters throughout the state.

Evaluation of Passive Sampler Technologies for PFAS Collection

Marc Mills, with USEPA, presented on a project to evaluate three different passive sampler technologies for PFAS analysis. Samplers were placed at 15 of ORSANCO's water quality PFAS monitoring locations in and around the same timeframe. Results from these samplers were compared against ORSANCO's water data. In some cases, there was good agreement between water data and passive sampler results. Because these passive samplers remain in the water for several weeks, they tended to show more detections than the water data. This sampling methodology shows promise for PFAS, but more evaluation is still needed.

Potential Project with WV Water Research Institute and USGS Evaluating PFAS Sampling Methods

Jason Heath reported that staff is working with the WV Water Research Institute and the USGS to develop a project proposal for USGS 104b grant funding to conduct additional discrete and cross sectional sampling for PFAS. The grant has a 50-50 matching requirement, so a portion of ORSANCO staff time would be covered to sample at two or three sites, with two rounds of sampling per year for two or three years. The grant has a period of Sept. 2023 to August 2026.

Report of the Water Users Advisory Committee (WUAC)

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

We commend ORSANCO for the response to the ongoing Mahoning benzene incident, in particular the recent round of monitoring and detections corresponding with increased flow. We appreciate the coordination with Ohio EPA and public water systems to investigate potential sources. We also commend ORSANCO for their response to the recent train derailment in East Palestine and the ongoing support and coordination of downstream drinking water systems who participate in the ODS monitoring network. We can't underscore enough the critical value of ORSANCO's spill response efforts and the vital role of a fully-operational ODS network. These incidents highlight that value and bring into sharp focus the need for sustainable resources to support these efforts.

The Water Users Advisory Committee (WUAC) met once since our last meeting, on January 17 and 18.

Source Water Protection

WV American Water and Louisville Water both presented on their source water protection and emergency response planning efforts. WV American shared lesson learned from their annual NIMS training exercise using a HAB incident. Louisville Water shared on their spill response measures as well as seasonal response to herbicide run-off, HABs, and algal-related taste and odor events. KY DOW shared about state source water protection efforts. We're encouraged by all the good work being reported by basin states and we invite state agencies to come and share with our Committee.

Organics Detection System

ORSANCO staff reports that the CMS unit at the Ashland site is up and running. A new GCMS will be installed at our Portsmouth site which will free up a GCFID for a new site. Work continues to expand the list of VOCs that we can calibrate for. We're also looking into sharing spill profile mixes to help train ODS analysts on detecting various types of spills.

PFAS Update

Committee members continue to track developments with state and federal PFAS monitoring studies and rule making efforts. We await the draft PFAS rule for drinking water. Committee members participated in a discussion with USEPA on the SDWA regulatory process and review of UCMR5 monitoring requirements, including PFAS methods and sampling considerations. We also took a first look at EPA's new PFAS Analytic Tools website. The Committee supports EPA's data collection and integration efforts. However, members expressed concerns with how this information could be used, or easily misused or misrepresented. Not a lot of activity to report with SRF funding around PFAS and emerging contaminants. Expect to see more activity over the next year.

The Committee's next meeting is scheduled for June 5 and 6.

Report of the Public Information Programs Advisory Committee

Betsy Mallison Bialosky, Committee Chair, reported that the following:

PIACO met virtually on January 27 and will meet in person at the June Commission meeting.

The committee was introduced to the new public information and outreach specialist, Sarah Segars. We discussed the plans and provided input on the 75th ORSANCO anniversary meeting. Many members of this committee are helping with the event including our Mike Huff from West Virginia who is producing a special video and our Ben Pedigo who will provide some entertainment during the event.

Work on the River Sweep continues and the group discussed its excellent marketing plan and made suggestions and changes to its timeline. The staff discussed the successes of last year's Sweep. During COVID, the River Sweep moved away from the one-day mega event to doing smaller events throughout the season. It is the same approach we are taking this year and is well-received because of its flexibility.

The events across our member states will begin in March and run through October. Staff continues to reach out to potential sponsors and ORSANCO has received confirmations from many already. Kickoff events are scheduled in four states with site coordinators and Commissioners in April and May. We are already receiving inquiries from groups wanting to sign up for a cleanup. ORSANCO forged a partnership with the Art Academy in Cincinnati who designed this year's River Sweep shirt.

We received an update on the \$8,000 repair work done on the aquarium which will be on display at the 75th anniversary meeting. We also received an update on the FORE education and outreach program that reached more than 3,000 individuals in 65 programs. ORSANCO currently has 31 programs and events scheduled with a predicted reach of 1,200 individuals scheduled for 2023, but this will increase as the program progresses through the year.

Lastly, the committee provided input into ORSANCO's five-year strategic plan.

Report of the Watershed Organizations Advisory Committee (WOAC)

Chris Tavenor, Committee Chair, started his report by noting he has big shoes to fill replacing Angie Rosser and appreciates the opportunity to attend the Technical Committee meeting and WOAC members are particularly excited about the potential of the Ohio River Basin Restoration Plan to create a unified vision for the future of the Ohio River. The Ohio River deserves the recognition for the great river that it is and especially through federal funding similar to what the Great Lakes receive. Also to echo the comment of the Water Users Advisory Committee, it has been great to hear about ORSANCO's excellent support of the response to the Ohio train derailment over these past few days in coordination with Ohio EPA. He then presented the following report to the Commission.

1. **Quarterly meeting.** The committee met on January 24 with the following agenda items:
 - Vice Chair Nomination – Heather Hulton VanTassel (Three Rivers Waterkeeper) nominated and confirmed as Committee Vice Chair. Chris Tavenor (Ohio Environmental Council) is now Chair of the committee.
 - ORSANCO Updates from Richard Harrison
 - EJ & PFAS Committee WOAC Member Updates
 - Items for WOAC's February report & General Member Updates

2. **Restoration Plan Listening Sessions:** National Wildlife Federation is nearing completion of its listening sessions throughout the Ohio River Basin. While they don't have final data from those meetings, they do have some preliminary insights to share. Participants have heavily emphasized the need for pollution prevention and workforce development, and the need for consistent, authentic community engagement regarding water issues. They don't want government agencies to just "check the box" when it comes to community engagement; people want to be truly consulted, with the potential to have actual decision-making power on issues that impact their lives.
3. **Environmental Justice advisory committee.** We continue to commend ORSANCO for initiating the EJ committee, and seeking long-term funding for its work. Our Vice Chair, Heather Hulton VanTassel, continues as WOAC's representative on the committee. First, we recommend ORSANCO define their role in EJ efforts. As ORSANCO continues to explore environmental justice, we also encourage staff and commissioners to consider how its role as a regional organization can help distribute dollars from the US EPA and similar federal resources to communities throughout the watershed. In particular, we encourage ORSANCO to lean into the values of the White House's [Justice40 Initiative](#), which seeks to ensure at least 40% of federal dollars "flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution." Finally, we encourage ORSANCO to consider utilizing a third-party consultant (with expertise in EJ work) to develop environmental justice principles internally for ORSANCO as well as externally. A third-party facilitator of environmental justice conversations will help ensure opportunities for growth are not missed.
4. **Engaging with new opportunities for federal funding and integrating federal policy throughout the Ohio River Basin.** Though we are sure many states are already doing this, we encourage all member states of ORSANCO to take full advantage of new funding opportunities made available by the Inflation Reduction Act, Infrastructure Investment and Jobs Act, and American Rescue Plan, and other federal funding mechanisms. The Infrastructure Investment and Jobs Act, in particular, features a lot of \$\$ in drinking water and wastewater infrastructure, mining reclamation, acid mine drainage treatment, and well plugging. These acts also make available dollars for states to support environmental justice work at the local level. State environmental protection agencies, as well as ORSANCO, are well situated to distribute those dollars to the local level to the communities that need them most.

In addition, we know the U.S. EPA recently rolled out its new definition for the Waters of the United States, and we hope ORSANCO's member states are considering closely how the new rule impacts the waters connected with the Ohio River and will integrate the new definition directly into their own administrative codes. The U.S. EPA has also made clear that it will be issuing its water regulations for PFAS very soon. We encourage ORSANCO and its member states to implement PFAS regulations, for both drinking water and surface water, as quickly as possible in accordance with federal rules and guidance, of the state has not already done so.

We also know many states have already conducted extensive PFAS testing, especially for drinking water, which is absolutely necessary work to tackle the PFAS problem.

ORSANCO's recent ambient water quality study on PFAS for the Ohio River demonstrates the benefit of robust surface water testing for PFAS. We hope state agencies, who haven't done comprehensive surface water or groundwater testing yet, will consider conducting similar tests, especially for the Ohio River's tributaries.

5. Other Member Updates

- The Ohio Environmental Council and other environmental organizations are advocating for the Big and Little Darby Creeks, which flow into the Scioto River and on to the Ohio River, to be designated as Outstanding National Resource Waters.
- West Virginia Rivers Coalition helped found two new watershed groups in 2022 - Friends of Hurricane Creek and the Wheeling Creek Watershed Alliance. Both were awarded mini-grants from WVRC and are filing for 501c3 status in 2023, with aid from Fair Shake Environmental Legal Services.

Upcoming Meetings

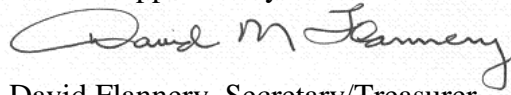
Chair Wilson noted the following schedule for upcoming Commission meetings:

- June 27-29, 2023 (75th Anniversary) – Cincinnati, Ohio
- October 10-12, 2023 – Columbus, Ohio
- February 6-8, 2024 – Covington, Kentucky
- June 11-13, 2024 – Louisville, Kentucky

Adjournment

The 235th meeting of the Commission was adjourned at 10:11 A.M.

Minutes approved by:



David Flannery, Secretary/Treasurer

Prepared by Tracey Edmonds

ROSTER OF ATTENDANCE
235th Commission Meeting
February 9, 2023

Commissioners

Illinois	Scott Twait (PROXY for Director John Kim)
Indiana	Brian Rockensuess 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
Ohio	Anne Vogel Holly Christmann
Pennsylvania	Kevin Halloran (PROXY for Secretary Richard Negrin) - virtual Bruce Hershlag- virtual
West Virginia	David Flannery Ron Potesta
Virginia	Jeff Hurst (PROXY for Director Michael Rolband)
Federal	George Elmaraghy Tom FitzGerald - virtual David Miracle - virtual
Legal Counsel	Aaron Herzig

Executive Director

Richard Harrison

Staff

David Bailey (virtual), Jason Heath, Joe Gilligan, Ryan Argo, Bridget Borrowdale, Daniel Cleves, Tracey Edmonds, Nick Guthier, Emilee Harmeling (virtual), Ryan Hudson, Adam Scott, Sarah Segars (virtual), Annette Shumard, Rob Tewes

Guests

Chris Bobay	WUAC
Bill Boria (virtual)	PIACO
Charles Duritsa (virtual)	
Erich Emery (virtual)	USACE
John Hirschfield (virtual)	Westlake
Kylie Johnson	OEC
Tiffani Kavalec	Ohio EPA
Betsy Mallison (virtual)	PIACO
Paul McMurray (virtual)	IDEM
Kerry Roe	Clark Schaefer Hackett
Jo Stanley	OEC
Chris Tavenor	OEC
Susan Weaver (virtual)	PADEP
Bruce Whitteberry (virtual)	GCWW