MINUTES
231st Meeting of the Technical Committee
Embassy Suites RiverCenter
Covington, KY
February 7-8, 2023
Chair Scott Mandirola, Presiding

Call to Order

The 231st meeting of the ORSANCO Technical Committee was called to order by Chair Mandirola at 1:00 p.m. on Tuesday, February 7, 2023. All eight states, four federal agencies, and four advisory committees were represented (for Roster of Attendance see on page 15). Chair Mandirola welcomed all to ORSANCO's dual in-person and virtual meeting of the Technical Committee.

Minutes of 230th Committee Meeting

ACTION: Motion passed to accept the minutes of the 230th Technical Committee meeting.

Chief Engineer's Report

Director Harrison reported that staff is beginning the budget development season which will culminate with the Program and Finance Committee meeting in May. He reported that ORSANCO is interested in expanding the Commission's source water protection programs, initially to the headwaters of the Ohio River on the Allegheny and Monongahela Rivers. Staff is working on the Commission's 75th Anniversary celebration on June 27-29, in Cincinnati. He introduced Sarah Segars, a new ORSANCO staff member, as a Public Information and Outreach Specialist, is working on a special 75th anniversary State of the Ohio River publication. He mentioned a University of Cincinnati Senior Capstone project that is working on bacteria trends. He also mentioned that ORSANCO continues to work with the Ohio River Basin Alliance and others in preparing an Ohio River Basin Restoration Plan/Initiative that would outline the problems, and restoration initiatives and funding needed for the Ohio River Basin. Finally, he reported that ORSANCO has been included in a $160 million National Science Foundation grant application through the University of Cincinnati to develop a data driven model of the basin.

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, with Thomas More University, remarked that, since 1967, faculty and students at the Thomas More University Biology Field Station have been conducting fish surveys and other research projects focused on the water quality of the Ohio River. His presentation provided a summary of the fish data and a broader perspective on the state of the Ohio River with regards to designated uses. The Ohio River is one of the most diverse rivers in the country from an ecological perspective, and arguably one of the most resilient. It supports over 160 species of fish and other wildlife. Species richness has increased significantly over the past 40 plus years, along with pollution sensitive species. At the same time, misleading news headlines report that the Ohio River is the most polluted in the nation, based on a counting of pollutant mass reported through the EPA's toxic release inventory. In reality, the Ohio River supports a rich, abundant diversity of aquatic life, it is an abundant source of drinking water, and it provides safe recreational opportunities, under suitable conditions.

Biological Programs Update

Staff 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.

Source Water Protection Program & 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 (ODS) 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 the February 3, 2023 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 the Hypoxia Task Force has received funding through the Bipartisan Infrastructure Law (BIL) in the amount of $60 million to be applied over five years. ORSANCO, as the convener of the Ohio River Sub Basin Committee, is eligible to receive $400,000 which can be spent over three to four years. US EPA guidance for use of project funds is due out in early 2023. Funds are anticipated to be available starting in ORSANCO's FY24 fiscal year.

Review of Monitoring Programs

Staff reported that the Monitoring Strategy Review Committee met on August 19 and September 23 to review the 2013 Broad Scan survey monitoring design and results, discussed budget and options for repeating a survey in Federal FY23 utilizing Monitoring Initiative Grant Funding of approximately $66,000. TEC approved moving forward with this project at its last meeting. Only a small subset of water quality parameters contained in ORSANCO's Pollution Control Standards are included in routine monitoring programs. A survey of 104 parameters included in the PCS but not routine monitoring programs was completed in 2013. EDI cross-sectional sampling was completed for two rounds of sampling at 3 locations (upper, middle and lower river). There were no detections of any parameters in 2013. The objectives of this work are to determine if additional parameters should be included in routine monitoring programs.

The Monitoring Strategy Review Committee will be reconvened to address 305b Workgroup recommendations to update bacteria, PCBs, and dioxin data for use in Ohio River assessments. There is a need to prioritize updating bacteria data versus PCBs/dioxin data, then develop workplans and budgets beginning in FY24.

CSO Abatement Report and Bacteria Trends Analysis

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 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.

PFAS Monitoring In Kentucky

Melanie Arnold with the Kentucky Department for Environmental Protection, Division of Water, reported on various PFAS monitoring in the state. The Kentucky Department for Environmental Protection (DEP) began sampling in 2019 for per- and polyfluoroalkyl substances (PFAS) in order to characterize their occurrence and potential exposure concerns across the state. The 2019 study focused on finished drinking water at 81 community public drinking water treatment plants that included groundwater or surface water sources, as well as urban or rural land use influences. PFOS, PFOA, and GenX were the most frequently detected PFAS. In 2020, DEP sampled 40 surface water locations and detected PFAS at 36 of the sites. Again, PFOS and PFOA were detected most frequently. In 2021, DEP focused on potential exposures through fish consumption. DEP staff prioritized fish tissue sampling at sites from the 2020 study with higher concentrations of PFAS where fishing was promoted or known to occur. Target species included bass and bluegill for comparison purposes statewide, and samples were tested for 27 PFAS. Fifteen PFAS were detected in the 98 fish samples tested initially. PFOS was detected in every sample and at the highest concentrations, ranging from 0.31 to 50 parts per billion. PFOA was only detected once.

Sampling is ongoing to collect data to inform additional guidance relating to PFAS and fish consumption. In the meantime to lower potential health risks associated with PFAS, the KY Departments for Public Health, Environmental Protection, and Fish and Wildlife Resources recommend that citizens follow existing statewide fish consumption guidance for mercury and any site-specific advisories. Recent information from the US EPA indicates that infants and young children may be particularly sensitive to some health effects associated with PFAS. Sensitive populations may want to exercise additional caution in the interim.

In addition to ongoing fish tissue monitoring, DEP is conducting another round of monitoring at community drinking water treatment plants that were not included in the 2019 study.

Assessing PFAS Samplers on the Ohio River

Marc Mills with USEPA ORD in Cincinnati reported on a PFAS passive samplers study that was done in conjunction with ORSANCO's Ohio River ambient PFAS survey. EPA tested 3 passive sampler technologies deployed side-by-side at 15 of ORSANCO's ambient sampling sites. Objectives of the study were to evaluate the deployment method, compare results to ORSANCO's sampling results, and compare differences in the three technologies. The passive samplers are deployed for roughly six weeks. Comparison between passive samplers and composite water samples is still on-going. Passive samplers demonstrated an ability to detect more PFAS compounds (fewer non-detects) than direct analyses of water samples due to concentration of analytes over time. More sampling/partitioning rates are needed for additional PFAS to further expand the passive sampler analyte lists. Research is needed to understand the relationship between the passive samplers and the composition measured. Next steps include more side-by-side comparisons with more intensive grab sampling throughout the deployments.

Potential Project with WV Water Research Institute & USGS to Evaluate PFAS Sampling Methods

Staff reported on a potential project with the West Virginia Water Research Institute and utilizing USGS 104g grant funding, to evaluate PFAS sampling methods and distribution in a large water column (Ohio River). ORSANCO would be acting as a contractor to conduct cross-sectional and discrete water sampling at three sites during a higher and a lower flow event. The WVWRI expects to learn if the grant application is accepted in July.

Member Updates and Interstate Water Quality Issues

Illinois
Scott Twait reported the following:

Notice of Funding Opportunities (NOFO)
- Lead Service Lines (LSL). A draft LSL inventory is due by April 15, 2023, and the final LSL inventory is due April 15, 2024. The funding for Round 1 is $2 mil and the funding for Round 2 is $4 mil.
- Unsewered communities
  - Planning - $1 mil/year for 5 years
  - Construction - $20 mil/year for 5 years
- Green Infrastructure Grant Opportunities (GIGO)
  - $5 mil/year for 5 years

PFAS
- An RFP is being considered for developing an MCL for drinking water
- 3M – Cordova PFAS treatment has begun operations 24/7
- Illinois will be placing PFAS monitoring in NPDES permits
  - Modeled after EPA's memo
  - Will include major facilities and facilities that have a SIC code that has been identified as containing PFAS
- 3M – Cordova PFAS treatment has begun operations 24/7
  - RO, Ion Exchange, and granular activated carbon (GAC)
  - Phase 2 will include on-site regeneration for Ion Exchange and GAC

EJ Communities
- State money being used
  - Collection system for sanitary sewer - $10 mil
  - Looking into drinking water distribution systems - $10 mil

PFAS Community Water Supply (CWS) Sampling

PFAS CWS Sampling Project: On January 20, 2023, the Groundwater Section (GWS) received the draft PFAS sampling report from USGS for review. GWS is reviewing the report and has a meeting scheduled for discussion on the document and to propose any revision to USGS. The final publishing of the report is estimated from USGS to occur sometime before July 1, 2023.

Indiana
Brad Gavin reported on the following items:

Drinking Water PFAS Sampling

- No new information to report.
- All PFAS sample results will be posted on our IDEM website at https://www.in.gov/idem/resources/nonrule-policies/per-and-polyfluoroalkyl-substances-pfas/.

Watershed Assessment and Planning

- IDEM is still conducting monthly fixed station water quality sampling at 165 sites; and in November 2022, IDEM began sampling the Big Raccoon Creek watershed characterization study (tributary to the Wabash River). Watershed characterization projects are for Total Maximum Daily Load and non-point source monitoring studies. The next watershed characterization study is scheduled to begin in November 2023 and is in the Indian Creek watershed (tributary to the White River). IDEM completed sampling various sites around the State to see improvements from Watershed Management Plans and Best Management Practices

(Performance Monitoring projects). The 2023 site selection process is underway. Check out all of Indiana's Success Stories by visiting this U.S. EPA website.

- Harmful Algal Bloom analyses and reporting will be completed by sampling 21 beaches at 18 IN DNR sites and one state dog park lake. The sampling is scheduled to begin 2 weeks prior to Memorial Day weekend and end by Labor Day in September. IDEM is using the Cyanotoxin Automated Assay System (CAAS) which automates the ELISA method to analyze for total microcystin, cylindrospermopsin, saxitoxin, and anatoxin-a.
- Fish Tissue sampling will be conducted in the Upper Wabash basin in 2023 and in Lake Michigan proper. Fish tissues will be analyzed for contaminants like PCBs, mercury, lead, arsenic, selenium, and PFAS. IDEM collected samples from the Ohio River tributaries in 2020 and that data will be used to develop fish consumption guidelines in 2023.
- IDEM will conduct probabilistic monitoring in the Great Miami Basin in 2023. This includes sampling at 38 sites for water quality (3 events Spring, Summer, and Fall), *E. coli* (once a week for 5 consecutive weeks), diatoms, macroinvertebrate, and fish communities. IDEM is currently in the 5th cycle of probabilistic monitoring in the State of Indiana.
- Reference site sampling will continue in 2023. The goal is to sample 25 sites in various watersheds around the State (same parameters as probabilistic monitoring without *E. coli*).
- IDEM finished collecting data for the Coolwater IBI project (i.e., sampling 45/90 sites in 2022 and 45/90 sites in 2021 for water chemistry, macroinvertebrates and fish as well as thermologger data downloads). IDEM deployed temperature loggers at 90 sites around the State beginning in April 2021 and pulled all the loggers in November 2022. The project with U.S. EPA Region 5 and Tetra Tech will continue in 2023 and the beginning of 2024 to revise the macroinvertebrate and fish indices for coolwater streams with 2 years' worth of temperature data at stressed and reference coolwater streams. New indices and a final report are expected by the end of June 2024.
- In November 2023, a special project in the Blue River and Indian Creek watersheds will begin. The Blue River has special ecological significance, as it is the only river in Indiana that still supports the State Endangered Eastern Hellbender Salamander. This project will be designed to help support the Farmers Helping Hellbenders Initiative. The goal of the Initiative is to expand the use of agricultural best management practices, which will enhance Hellbender habitat by decreasing sedimentation in the Blue River system. IDEM will be collecting water chemistry data (including neonicotiniod pesticides in partnership with the State Chemist Office) and macroinvertebrate communities. The data collected during this project will be used for the following purposes: (1) Aquatic life use support decisions will include independent evaluations of biological and chemical data (2) Demonstrate improvements from previously restored areas in the watershed (3) Provide the Hellbender Partnership with information to support their restoration and reintroduction activities for the State endangered Eastern Hellbender Salamander.

NPDES Permits

Industrial Permits: IDEM issued NPDES permit renewals for the following 4 Ohio River power plants. These facilities are:

- Lawrenceburg Power
- A.B. Brown Generating Station -SIGECO
- F.B. Culley Generating Station - SIGECO
- Clifty Creek Generating Station-Indiana Kentucky Electric Corporation

All of these have cooling water intake structures regulated under Section 316(b) of the Clean Water Act. IDEM included conditions in each of these permits to address U.S. Fish and Wildlife Service concerns that the intakes at these facilities are harming endangered mussels.

Legislation

SB473: NPDES limits for discharges to the Ohio River. Provides that if a person draws water exclusively from the Ohio River, discharges wastewater exclusively to the Ohio River, and demonstrates to the department of environmental management that its use of the water does not increase the concentration of mercury in the water:

(1) technology-based or water quality-based effluent limitations for mercury in the National Pollutant Discharge Elimination System (NPDES) permit issued to the person are not enforceable; and (2) an NPDES permit newly issued to or renewed for the person must not contain technology-based or water quality-based effluent limitations for mercury.

Kentucky
Katie McKone reported the following:

KY Watershed Explorer went live, which has sub-viewers on the 319 Grant Reporter, Utilities (wastewater and drinking water), ground water/surface water viewer, and the Division's groundwater monitoring network. ORSANCO has completed all 3 rounds of sampling probabilistically selected sites within the Olmsted and JT Myers pools for metals. All data has been received from the lab and is considered final. We'll be coordinating additional monitoring efforts in Kentucky pools for the 2023 sampling season. Published Kentucky Division of Water's Drinking Water Sampling Plan Guidance on DOW Compliance Website. Should be public noticing the 2022 303(d) list soon, where the Ohio River assessments were updated using ORSANCO's data. Lastly, DOW staff continue participating in ORBA workgroups.

New York
Melanie Wright reported the following:

DEC is finalizing New York State's PFAS package including the water quality guidance values that I shared last year and an implementation strategy. We will begin incorporating the guidance values into SPDESpermits in 50 priority industrial sectors once it is officially published. The details of our 2023-2024 State budget were released last week. DEC will be getting a bump in staffing as a result of the environmental Bond Act and some other environmental priorities. Our Regional Director has received approval to hire an Environmental Program Specialist who will act as a watershed coordinator for the Chautauqua Lake basin, among other duties. DEC and the New York State Environmental Facilities Corporation will be announcing our 2022 Water Quality Improvement Project and Non-Agricultural Nonpoint Source Planning Grant awards in the next few weeks. We had several applications for point source and non-point source projects in the Chautauqua Lake basin that we hope to fund.

Ohio
Melinda Harris reported on the following items:

Permitting for several large economic development projects in the Ohio River basin is a priority for the division.

- Intel Chip Manufacturing: Construction is beginning on the 1000-acre Intel mega-site outside of Columbus. Up to 8 chip making factories that will be built in phases. Phase 1 is for 2 fabrication factories and represents a $20 billion dollar Intel investment and 3000 Intel employees plus 7000 construction folks. The Intel site will discharge to the City of Columbus Southerly WWTP which discharges to the Scioto River in the ORB. A pretreatment permit issued by Columbus (which is an approved pretreatment program) will set any necessary limits to protect both the WWTP and the Scioto.

Ohio EPA is working with local communities to ensure water and wastewater services are available to support the residential, commercial and support industries expected to follow Intel's new site. Production expected to begin in 2025.

- Honda Electric Vehicle Battery factory: Construction is also beginning on the new Honda EV battery facility, located between Columbus and Dayton, Ohio. This 4.4-billion-dollar investment is expected to generate 2500 jobs for Honda, including increases at its other facilities. Water and wastewater services will be provided by Fayette County where the facility is being built. Both the WTP and the WWTP are being expanded to accommodate this growth. The WWTP discharges to a stream in the Scioto River basin (ORB). (FYI Rattlesnake Ck - Paint Ck - Scioto R).

Study planning for this summer's water quality survey work is underway. We will be in the Mad River watershed and Middle Scioto/Big Walnut/Walnut Creek watersheds. In addition, we will be conducting a probabilistic survey of headwater streams throughout the state for the first time. The project includes 150 sites from streams with drainage area of 1 to 3.1 square miles from each of the 5 ecoregion boundaries that Ohio EPA's biocriteria are based on. Sites were randomly chosen using U.S. EPA's R package. Biological, habitat and water chemistry samples will be collected at all sites. The plans for these surveys are expected to be released for stakeholder review and comment in March.

Additional water quality reports will be coming out as part of the TMDL development process including biological and water quality reports, loading analysis plans and preliminary modeling results. The sign up for our listserv to be notified of these reports is: listservs at: https://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage. There is an Ohio River basin specific list.

Released the 2022 Nutrient Mass Balance report in December 2022. New additions include the Hocking and Little Miami River watersheds. The report is available here:
https://epa.ohio.gov/static/Portals/35/documents/2022-NMB-Final.pdf

Began work on the 2024 Integrated Report with the Call for Data.

The public comment period of the Triennial Review of the Water Quality Standards closed at the end of January. We are currently reviewing comments and developing a report for U.S. EPA.

Pennsylvania
Kevin Halloran reported on the following:

1. Change in administration, waiting for advisory committee meetings and EQB meetings to begin again – likely sometime in March.
2. The Department is finalizing proposed rulemaking package for the 10th triennial review of water quality standards. Presentation of the proposed rulemaking to the Environmental Quality Board (EQB) is tentatively planned for the 1st quarter of 2023. The proposed rulemaking will include some revisions to human health criteria based on changes to exposure inputs and adoption of federal criteria for Cadmium, Carbaryl, and Tributyltin (TBT).
3. The Proposed Rulemaking for Manganese was published in the Pa Bulletin on July 25, 2020 (50 Pa.B. 3724). The proposed rulemaking was approved by the EQB, establishes 0.3 mg/L for human health. The Independent Regulatory Review Commission (IRRC) disapproved the rulemaking. Considering next steps.
4. 2022 Integrated report is posted on our website Draft 2022 Pennsylvania Integrated Water Quality Report (arcgis.com)
5. State Water Plan and Digital Water Atlas on website State Water Plan (pa.gov)
6. Final PFAS MCLs published January 14, 2023. PFOS 18 ppt and PFOA 14 ppt.

The PFOA and PFOS MCLs will apply to all 3,117 community, nontransient noncommunity, and bottled systems in PA. (1,905 community water systems, serving approximately 11.4 million; 1,096 nontransient noncommunity water systems serving approximately 507,000). Initial compliance monitoring serving a population of greater than 350 persons begins January 1, 2024; initial monitoring for water systems serving a population of less than or equal to 350 persons begins January 1, 2025. Initial monitoring will consist of 4 consecutive quarterly samples at each entry point.

For entry points at which a PFAS is detected at a level equal to or greater than its corresponding Minimum Reporting Level (MRL—The minimum quantitation limit that can practically and consistently be achieved, with 95% confidence, by capable analysts at 75% or more of laboratories using a specified analytical method) monitoring for the detected PFAS shall be conducted quarterly, beginning the quarter following the detection, until reduced monitoring is granted. DEP may decrease the quarterly monitoring requirement if it has determined that monitoring results are reliably and consistently below the MCL. DEP will not make this determination until the water system obtains results from a minimum of four consecutive

quarterly samples that are reliably and consistently below the MCL. For entry points at which a PFAS is not detected during initial monitoring, required monitoring for the PFAS not detected is reduced to one sample per entry point during each subsequent three year compliance period. For entry points at which a PFAS MCL is exceeded, monitoring for the exceeding PFAS shall be conducted quarterly, beginning the quarter following the exceedance. Quarterly monitoring shall continue until a minimum of four consecutive quarterly samples shows the system is reliably and consistently below the MCL. Approved treatment technologies for PFAS include granular activated carbon (GAC), ion exchange, and reverse osmosis. Systems conducting monitoring at entry points may apply for a use waiver for those entry points which have 3 consecutive years of quarterly or annual samples with no detection of PFAS. Sampling and analysis shall be according to the following approved methods and MRLs:

Contaminant	**Methods**	**MRL (ng/L)**
(i) PFOA	EPA 533, EPA 537.1, EPA 537 Version 1.1	5
(ii) PFOS	EPA 533, EPA 537.1, EPA 537 Version 1.1	5

7. ALCOSAN: continuing wet weather plan. The current capacity of 250 million gallons per day (mgd) will be increased to 480 mgd by the end of 2025 and to 600 mgd by the end of 2029. This additional capacity will help reduce the number of overflows caused by excess stormwater entering the system.
8. Shell: Full operations. Had some air violations related to start-up.

Virginia
Jeffrey Hurst reported the following:

Virginia has initiated a new state-wide PFAS monitoring program which includes 250 ambient surface water monitoring stations, twenty five of which lie in the Ohio River Basin, as well as 11 groundwater monitoring stations. They are awaiting approval of a new environmental justice policy. A bill requiring PFAS monitoring at all water supplies is under consideration by the General Assembly. A TMDL is under development for the Middle Fork Holston River which lies in the Ohio Basin.

West Virginia
Scott Mandirola reported the following:

<u>WV PFAS Study update</u>
USGS has final results for all 279 PWS, schools and daycare sites. We have 137 sites with levels above the EPA new health advisory of 0.004ppt for PFOA, 0.02ppt PFOS, 10ppt for Gen X and 2000ppt for PFBS. 37 systems have detected PFOA and PFOS above the practical detection limit and 100 sites between the MDL and PQL but above the new EPA HA. We contracted with USGS to test the finished water at all 37 sites above the PQL and that is complete, and results are being reviewed. Summary of PFAS Study based on new EPA Health Advisory 137 sites exceed the HA which is 49% of our drinking water intakes or 130 facilities.

PFOA - 29 sites had hits above the PQL (10%), 94 sites had hits above the MDL but less than the PQL (34%). Total=123 (44%). PFOS - 16 sites had hits above PQL (6%), 30 sites had hits above the MDL but less than PQL (11%), total=46 (16%). GEN X - 3 sites had hits above the PQL (1.1%) none above the HA, 26 sites had hits above the MDL but below the PQL (9%), total =29 (10%). PFBS - 12 sites had hits above the PQL (4.3%) none above HA, 64 sites had hits above the MDL but below the PQL (23%), total=76 (27%). 166 sites have hits above the MDL for PFOA, PFOS, PFBS or Gen X (59%). 48 sites had a hit above the MDL for a PFAS other than PFOA, PFOS, GEN X or PFBS. 214 sites had a hit of some PFAS above the MDL (77%)

<u>WQS Update</u>
The review for the next triennial review has begun for presentation to the 2024 legislative session. A workgroup to review the trout stream definition in the WQS rule has been formed and we have met twice and plan another meeting for this month. This subject is very controversial and of great interest to many stakeholders.
Legislative rules updates:

Reclamation of abandoned and dilapidated structures.
DMR Blasting rule to include quarry blasting in the cert requirement.
DAQ rule updates to meet federal updates.
DAQ rule to restructure the fees for tittle 5 permits (move away from emissions based fees).
Reclamation of Solar and Wind electricity generation facilities.
DEP Legislation
O&G funding bill being contemplated to bring back to full staff. 0.075% from severance tax and a tiered per well fee based on the amount of gas produced from a well per day.
Design Build authorization.
Other Legislation of interest
PFAS bill, this is not a DEP bill but we were consulted on the bill. This bill requires;

- DEP to write a PFAS action plan to identify and address sources of PFAS by July 1, 2024 for 37 sites
- DEP initiate a study to resample the finished water for 100 sites above MDL but below PQL and above the EPA HA by December 31, 2023
- DEP shall write a PFAS action plan to identify and address sources of PFAS for the public water system's raw water source for the 100 sites resampled above. First 50 plans by December 31, 2025 and the remaining by December 31, 2026.
- For each community water system for which a PFAS action plan is required the public water system is required to deliver a Consumer Confidence Report to its customers under the Safe Drinking Water Act that included the PFAS raw water and finished water sampling results, DEP's schedule for developing any required PFAS action plan, a summary of results from any completed PFAS action plan, information about how to obtain any completed PFAS action plan, and contact information for an appropriate person or office at DEP to which questions can be directed.
- By December 31, 2023, all facilities which manufacture, use, or have used PFAS chemicals in their production process since January 1, 2017, and which have been issued a WV NPDES permit since January 1, 2017, must report the use of these chemicals to the DEP. DEP is required to put quarterly monitoring on these discharges.
- After the USEPA establishes final water quality criteria under the Clean Water Act for any PFAS, DEP shall propose adopting such criteria by rule as part of the next regular legislative rulemaking cycle.

US Coast Guard
Dana Fleming reported the following:

The Coast Guard has been working with USEPA Regions 4 and 5 on subarea plans including the Cincinnati area, Louisville area, and a great rivers plan that includes the Ohio River further downstream from Louisville. They are also working on spill response plans which includes a GIS tool. They hosted a shoreline cleanup assessment techniques course with NOAA to provide training on evaluating necessary shoreline cleanup strategies resulting from spills. They are hosting a spill response course in Nashville to reach local responders in that area.

US Army Corps of Engineers
Erich Emery reported the following:

The Division office in Cincinnati is working with Dr. Patrick Ray, professor at the University of Cincinnati, to examine Ohio River low flow conditions over the last thirty years, to better understand flow augmentation from the Corps' reservoirs, and low flow modeling capabilities, and economic benefits of adding flow to the system. Mathew Shanks with the Corps planning division in Cincinnati is the new contact for the Ohio River Basin Alliance. They are revising drought contingency plans for4 the Ohio River. Nationally, they are working on operational plans for all of the Corps reservoirs.

United States Environmental Protection Agency
Dave Pfeifer reported the following:

PFAS

New Effluent Guidelines Program Plan 15: On January 20, EPA released the final Effluent Guidelines Program Plan 15 (Plan 15) which announces EPA's determination that revised Effluent Limitations Guidelines and Standards (ELGs) are warranted for reducing PFAS in leachate discharges from landfills. Plan 15 also announces several new and expanded studies:

- An expansion of the ongoing study of PFAS discharges from textile manufacturers
- A new study of publicly owned treatment works (POTW) influents to characterize the PFAS concentrations from industrial dischargers to POTWs and inform implementation of pretreatment programs to address them.

Plan 15 also provides updates on ongoing ELG rulemakings related to PFAS:

- Organic Chemicals, Plastics, & Synthetic Fibers Category: PFAS Manufacturers and Formulators
    - EPA sampled wastewater at a number of facilities in 2022 to characterize pollutants in raw wastewaters prior to treatment and document treatment performance
    - EPA intends to **publish a proposed rule in the spring of 2024** and intends to continue evaluating the need to develop regulations to address PFAS discharges from PFAS formulators/processors, pending resource availability
- Metal Finishing and Electroplating Categories
    - EPA intends to collect the data necessary to revise these ELGs, which will include con-ducting a survey of the industry and analyzing wastewater samples in the coming year, pending resource availability
    - EPA intends to publish a proposed rule by the end of 2024

Public Webinar on the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5): EPA will host two identical webinars on February 22 and 23 @1:30-3:30PM ET to provide public water systems (PWSs), States, and other interested stakeholders with information on accessing and communicating UCMR 5 monitoring results. The presentation will review the reporting requirements and data review functionality in EPA's web-based Safe Drinking Water Accession and Review System for applicable PWSs. The presentation will also discuss the plan for communicating results from small PWSs, how the public can access the UCMR 5 results, and provide additional resources developed by EPA and other stakeholders to communicate results. The number of webinar connections available is limited and will be offered on a first-come, first-served basis. Click here for more information on the meetings:

Click https://register.gotowebinar.com/register/4905478152314043229 to register for February 22,
or https://register.gotowebinar.com/register/8811438234406903135 to register for February 23.

WOTUS
"WATERS OF THE UNITED STATES"
TOP LINE MESSAGING

- On December 30, 2022, the agencies announced the final "Revised Definition of 'Waters of the United States'" rule
- The rule published on January 18, 2023, and will be effective on March 20, 2023
- **Familiar** – The final rule's definition is founded on the familiar pre-2015 definition of "waters of the United States," with updates to reflect existing Supreme Court decisions, the science, and the agencies' technical expertise.
    - The agencies have been implementing the pre-2015 regulatory regime for decades, except for the short periods when the 2015 Clean Water Rule and the 2020 Navigable Waters Protection Rule were in effect.
    - This rule increases clarity by streamlining and restructuring the regulatory text of the definition of "waters of the United States" and providing implementation guidance on issues such as making case-specific determinations under the final rule and the applicability of exclusions.
    - The final rule includes the longstanding categories for:
        - (1) traditional navigable waters, the territorial seas, and interstate waters;
        - (2) jurisdictional impoundments of "waters of the United States";
        - (3) jurisdictional tributaries;
        - (4) jurisdictional adjacent wetlands; and
        - (5) intrastate lakes and ponds, streams, or wetlands not identified in categories (1) through (4) that meet the rule's jurisdictional criteria.

- **For ag-** Of particular interest to the agricultural community:
    - The rule defines prior converted cropland consistent with the USDA definition, which should be familiar to farmers.
    - Excluding prior converted cropland promotes allowing farmers to use land for farming on their own timetable—for example, farmers no longer have to manipulate the land or justify idling the land in order to retain the exclusion so long as it is available for agricultural commodity production.
    - The final rule also codifies several exclusions from the definition of "waters of the United States" in the regulatory text relevant to farmers for waters and features that were found to be generally non-jurisdictional under the pre-2015 regulatory regime, such as an exclusion for certain artificially irrigated areas.
- Also of note is that the definition of "waters of the United States" does not affect the permit exemptions that are available for discharges associated with many farming activities.
- **Regarding concerns that the rule's case-specific approach to determining Clean Water Act jurisdiction, particularly under the significant nexus standard, is too uncertain and leaves too much discretion in the hands of individual Corps personnel**

Because of the factual nature of the jurisdictional inquiry, any standard—including the 2020 rule's definition of "waters of the United States"—requires some case-specific factual determinations. By codifying which functions will be assessed and which factors will be considered, the new final rule puts guardrails around how jurisdictional decisions are made.

For more information, please visit EPA's waters of the U.S. website at, https://www.epa.gov/wotus and the "Revising the Definition of WOTUS" link in particular: https://www.epa.gov/wotus/revising-definition-waters-united-states .

- EPA's website provides an overview fact sheet and a general agricultural fact sheet.

I want to highlight the landowners fact sheet as a particularly useful resource. The fact sheet is based on a section in the preamble that goes step by step through the process landowners can follow to determine if a Clean Water Act permit is required for an activity on their land.

Gulf Hypoxia

Talking points on Hypoxia cooperative agreements action 1/26/23

- New funding through the Bipartisan Infrastructure Law will enable states to support water quality improvements directed through the Gulf Hypoxia Program.
- This funding will allow EPA to invest in strategies to improve water quality in the Mississippi River/Atchafalaya River Basin and the Gulf of Mexico and reduce the hypoxia zone in the northern Gulf.
- Partnerships will provide farmers and urban communities with a more resilient landscape and improved local water quality as they have the support they need to implement watershed plans and expand business plans to include conservation systems.
- There is a fax sheet which may be beneficial for interested parties and can be found at: https://www.epa.gov/system/files/documents/2022-06/BIL%20Two%20Pager%20-%206-8-22_508.pdf

State topics

- The Bipartisan Infrastructure Law provides a total of $60 million for actions that support the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force's Gulf Hypoxia Action Plan, with approximately $9 million to $12 million per year for five years for states.
- There are 12 states in 4 regions eligible for funding related to the Gulf Hypoxia Program. Region 5 has 5 states (Michigan being the only state outside the basin) who will be receiving cooperative agreements.
- All 5 state cooperative agreements have been awarded in FY 22. Notice is being given to states to send in the amended grant application for the next round of funding which need to be awarded by March 2.
- EPA anticipates awarding two grants per State, incrementally funded over FYs 22–25, over a time period of the State's choosing, but not to exceed five years.

Tribal topics

- The BIL also provided funding for the first time to authorized tribes in the basin who have 319, 106 or GAP programs to be eligible to receive funding.
- There are 21 eligible tribes in 4 regions. Region 5 has 14 eligible tribes in the basin.
- Funding for each tribe is estimated to range from $150k to $500k, over 5 years. This is dependent on the land mass within the basin and TAS status of 319, 106 and GAP program, and how many tribes apply among other factors.
- The region is working with the tribes to submit project plans. HQ has requested draft plans be submitted to them for first review. The region will follow-up with additional comments if needed. The region will award funds and provide continuing technical support to the tribes as we do for states.

Power Industry Advisory Committee

Cheri Budzynski reported that OMB has started a review of the supplemental ELG rules which should be released for public comment in 60-90 days. The USEPA is planning to issue a direct final rule extending the deadline for utilities to notify regulators that they plan to shut down by 2028. Based on this, they are anticipating a more stringent final ELG rule, thus giving the utilities additional time to consider shutting down. They have also been submitting demonstrations to allow extensions to the CCR rule, many of which are being denied.

Watershed Organization Advisory Committee

Chris Tavenor reported the following:

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.

Water Users Advisory Committee
Chris Bobay reported the following:

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.

<u>Source Water Protection</u>
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.

<u>Organics Detection System</u>
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.

<u>PFAS Update</u>
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.

PIACO

Betsy Mallison Bialosky reported 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.

Adjournment

The 230th meeting of the ORSANCO Technical Committee was adjourned by Chair Mandirola at 11:56 a.m. on Wednesday, October 12, 2022.

Approved:

Scott Mandirola

Roster of Attendance

Technical Committee

Chairman	Commissioner Scott Mandirola
Illinois	Scott Twait
Indiana	Brad Gavin/Gabrielle Ghreichi
Kentucky	Katie McKone
New York	Melanie Wright (virtual)
Ohio	Melinda Harris
Pennsylvania	Kevin Halloran (virtual)
Virginia	Jeffrey Hurst
West Virginia	Scott Mandirola
US Army Corps of Engineers	Erich Emery
US Coast Guard	Dana Fleming
US Environmental Protection Agency	David Pfeifer (virtual)
US Geological Survey	Jeff Frey
Chemical Industry Advisory Committee	Not present
Power Industry Advisory Committee	Cheri Budzynski
Public Interest Advisory Committee	Betsy Mallison Bialosky (virtual)
POTW Advisory Committee	Not present
Water Users Advisory Committee	Chris Bobay
Watershed Organizations Advisory Committee	Chris Tavenor
ORSANCO Chief Engineer	Richard Harrison
Staff Liaison	Jason Heath

Commissioners/Proxies

Douglas Conroe, George Elmaraghy, David Flannery, Carey Johnson (virtual), Tiffani Kavalec, John Lyons (virtual), Ron Potesta, Brian Rockensuess, Anne Vogel, Mike Wilson

Staff

Ryan Argo, Bridget Borrowdale (virtual), Nick Callahan, Daniel Cleves, Stacey Cochran, Sam Dinkins, Tracey Edmonds (virtual), Nick Guthier, Emilee Harmeling, Richard Harrison, Jason Heath, Ryan Hudson, Adam Scott, Sarah Segars (virtual), Annette Shumard, Bridget Taylor, Rob Tewes, Jamie Tsiominas, Greg Youngstrom, Lila Ziolkowski

Guests

Christopher Lorentz	Thomas More University
Marc Mills	USEPA
Melanie Arnold	KY Division of Water
Molly Jo Stanley	OEC
Kylie Johnson	OEC
Rosalie Misleh	University of Cincinnati MWM Team
Luke Prather	University of Cincinnati MWM Team
Nick Noble	University of Cincinnati MWM Team
David Charles	University of Cincinnati MWM Team
Jeff Thomas	EPRI
Peter Goodmann (virtual)	Louisville Water Company
John Hirschfield (virtual)	Westlake
Casey Korbini (virtual)	WVDEP
Jordan Lubetkin (virtual)	National Wildlife Federation
Tom McCaffrey (virtual)	PADEP
Paul McMurray (virtual)	IDEM
Angie Rosser (virtual)	WV Rivers
Lauren Salvato (virtual)	UMRBA
Eliza Siefert (virtual)	WV Water Research Institute
Rachel Spirnak (virtual)	WV Water Research Institute
Nicole Trimblay (virtual)	Louisville Water
Jit Weir (virtual)	IDEM
John Wathen (virtual)	USEPA
Bruce Whitteberry	Greater Cincinnati Water Works
Robert Zucker (virtual)	