

**OHIO RIVER VALLEY WATER SANITATION COMMISSION**

**MINUTES**

**239<sup>th</sup> Commission Meeting  
The Galt House Hotel  
Louisville, Kentucky  
Thursday, June 13, 2024**

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### Call to Order

Chair Hoopingarner called the 239<sup>th</sup> meeting of the Ohio River Valley Water Sanitation Commission to order at 9:00 A.M., Thursday, June 13, 2024.

Executive Director Harrison led the Pledge of Allegiance.

### Quorum Call

Commissioner Harrison certified that a quorum was present (see Roster of Attendance, page 13).

### Report of the Chair

Chair Hoopingarner welcomed Thomas Branin from Virginia, our newest commissioner. Commissioner Branin is not present today so we will hopefully be able to welcome him in person at our next meeting. He then asked David Bailey, ORSANCO's Director of Administration and Human Resources to join him at the podium for the reading of a Resolution recognizing his outstanding service to ORSANCO and his retirement after over almost 25 years of service. He also expressed his sincere appreciation to all of ORSANCO's excellent staff. He then asked David Bailey to join him for the reading of the Resolution recognizing his service.

**ACTION:** Motion by Commissioner Conroe, second by Commissioner FitzGerald and unanimously carried, that Resolution 7-24, be adopted as presented.

Executive Director Harrison also provided a few remarks thanking David Bailey for everything he has done for him and the entire ORSANCO team. David Bailey thanked and expressed his appreciation to Commissioners and staff and wished everyone the best of luck and future success.

Chair Hoopingarner thanked Richard Harrison and staff for their support during his time as Chair of the Commission and had staff stand so the Commission and meeting attendees could give them a round of applause.

Chair Hoopingarner expressed that it has been a wonderful year serving as Chair and that he appreciates everyone's cooperation and understanding as we move through our busy agenda over the past year. One of the items we did early on was to appoint an Environmental Justice Committee and Holly Christmann was gracious to accept that leadership responsibility and made a report to our Executive Committee yesterday and he called upon Holly to make that report to the Commission today.

### Report of the Ad-Hoc Environmental Justice Committee

Commissioner Christmann gave the following Ad-Hoc Environmental Justice Committee report:

On June 29, 2023, ORSANCO Commission approved a motion for the ORSANCO Ad-Hoc Environmental Justice Committee to develop a set of recommendations to the Commission to implement Environmental Justice (EJ) activities throughout ORSANCO programs and to seek funding in order to support these activities.

This year, ORSANCO Chair John Hoopingarner re-appointed the ORSANCO Ad Hoc Environmental Justice (EJ) Committee on August 30, 2023 to help facilitate the Commission's June 29, 2023 directive. The Committee Charge asked the EJ Committee Chair to provide a report of the Committee's progress at the June 2024 Commission meeting including their recommendation on the need to continue the Committee's work beyond FY24 into FY25.

To facilitate this effort, staff have been working with the EJ Committee on the development of a proposed EJ Pilot program in the Greater Cincinnati region where ORSANCO is headquartered. This effort will optimize use of ORSANCO's limited resources while building on strong partnerships we have developed in the local region.

The following are bulleted summary highlights of the Committee's work over the past year:

- Built upon an ORSANCO EJ Conceptual Proposal that was shared with USEPA Headquarters and Ohio River Basin Region leadership in 2022/2023 – not awarded Developed a US EPA Thriving Communities grant application and emailed to the program coordinator – not accepted
- Applied for a State of Ohio Appalachian Community Grant Program – not awarded Developed ORSANCO Environmental Justice Program Organizational Structure Overview\*
- Developed ORSANCO EJ Statement of Work\*
- Developed ORSANCO EJ Pilot Program Concept\*
- Prepared a map using the US EPA EJ Screening Tool that highlights specific EJ communities within the Cincinnati area to be considered for a local pilot program\*
- Recruiting members for an ORSANCO EJ Advisory Council members to hold first meeting in summer of 2024
- Working on a plan to submit a proposal for an EPA Community Change Grant in fall 2024
- Working with EPA EJ Academy alumni on a contractual hourly basis to assist ORSANCO with applying for funding to implement proposed Cincinnati based EJ Pilot Program early 2025

The ORSANCO Ad-Hoc Environmental Justice Committee recommends that incoming Chair David Flannery consider re-appointing the Committee for an additional year. This will allow the Committee time to determine if its efforts to secure USEPA funding will be fruitful and how best to build upon the recommended pilot program that is being developed. Should the Commission secure meaningful funding for this effort, the Commission may wish to explore establishing the Environmental Justice Committee as a Standing Committee for FY26.

Chair Hoopingarner moved on with the continuation of his report. He then reported a difficult item to discuss and one he thought all the Commissioners were aware of already. Executive Director Harrison will be leaving ORSANCO October 31, 2024. Richard will have more in his report. Chair Hoopingarner was sorry to see it occur on his watch and certainly wanted to wish Richard all the best in his future endeavors as he progresses to the next step in his career. His resignation will require us to appoint a Selection Committee and a process to be adopted by that committee to replace Richard. With that in mind, in Executive Committee yesterday, we discussed this and are appointing David Flannery to lead this committee. He will be assisted by Joe Harrison, Jr., Doug Conroe, George Elmaraghy, Anne Vogel, Brian Rockensuess, Toby Frevert, Bruce Herschlag, and John Hoopingarner. We will begin our processes almost immediately. Commissioner Flannery mentioned that there will be an e-mail sent for scheduling the first discussion. We look forward to the opportunity to discuss Richard's replacement but it is with bittersweet emotion that we do that. Richard has provided outstanding leadership to ORSANCO and his work ethic is beyond reproach. He strives to keep us all informed very well about the activities and has developed a fine staff and we will be in good hands with the staff we have onboard.

## **Report of the Executive Director**

Executive Director Harrison said one of the things he really enjoyed about ORSANCO is getting to learn from wonderful chairs each year. Each chair brings a little different vision and priorities and each year he grows in terms of his leadership ability. He expressed what an honor it has been working with Chair Hoopingarner and also thanked his outstanding staff. He said it was a tough decision to leave ORSANCO but he is very excited to be going back Northern Kentucky Water District where he served as Vice President of Production, Engineering and Distribution and will be going back on November 1<sup>st</sup> as their Vice President of Engineering and Distribution. He looks forward to spending his remaining years of his career with them. Although it is bittersweet because leaving ORSANCO has been a very difficult decision, it is also very exciting to begin a new challenge.

Some highlights the team is working on right now is EJ work which can be transformational for ORSANCO. We are trying to take an approach where we highlight the great activities that we perform and make sure we reach communities with EJ concerns. It's not changing what we do, our programs as we showed with the East Palestine train derailment response are very important to all communities.

He was grateful for the Roundtable that everyone participated in, and it was probably the most robust discussion in his tenure at ORSANCO. In Director Harrison's opinion, it is very important for ORSANCO's future to look at our role in a geographic restoration program. He was very grateful to everyone at ORBA and working with them over the past 8 years or so.

He and Sam Dinkins for the next few months will be trying to secure an ARISE grant to extend our source water protection efforts into the headwaters of the Ohio River. We are also very happy to be working with Ryan Argo and Ryan Hudson to try to secure a congressionally directed spending, aka earmark request, for \$1 million to develop a freshwater mussel survey and start inventorying mussels on the river. He's felt since his the start of his ORSANCO career that this has been a big gap in our program work. Fresh water mussels are wonderful indicators of pollution and treasured by a lot of folks and he is excited that Senator Capito and Senator Brown have put that forward the request for this funding for consideration by Congress. ORSANCO is doing a lot of impactful work and these types of efforts should only enhance this work.

Staff received and reviewed 7 NPDES permits (3 draft and 4 modifications) to ensure compliance with provisions of ORSANCO's Pollution Control Standards. The reviews were completed in accordance with the established PCS Implementation Procedures. No issues were identified with the permits reviewed which include the following:

- ADO Industries, Inc. (WV0004642) at Ohio River Mile 111.8
- American Municipal Power, Inc. (WV0116424) at ORM 160.9
- Mason County PSD (WV0086886) at ORM 260.3
- CSX Transportation Inc. (KY0000124) at ORM 327.5
- Indiana-Kentucky Electric Corporation – Clifty Creek (IN0001759) at ORM 560
- American Synthetic Rubber Company, LLC (KY0001589) at ORM 613.1
- SIGECO FB Culley Generating Station (IN0002259) at ORM 773.1

## **Action on Minutes**

**ACTION:** Motion by Commissioner Harrison, second by Commissioner FitzGerald and unanimously carried, that the minutes of the 238<sup>th</sup> meeting of the Commission, be adopted as presented.

## **Report of the Treasurer**

A revised Treasurer's report as of March 31, 2024 has been provided for this meeting.

The report indicates a balance of \$1,053,304 in accounts receivable due the Commission. The balance represents \$940,522 due from federal sources, \$37,775 due from signatory states, and \$75,007 due from other sources.

Additionally, the report indicates receipts of \$3,059,503 plus carryover of \$3,906,746 totaling \$6,966,249 through the end of March 2024. Of that amount \$3,091,674 was expended on programs, leaving \$3,874,575 available for the continuation of ORSANCO's programs.

**ACTION:** Motion by Commissioner Harrison, second by Commissioner Potesta and unanimously carried, that Resolution 5-24 to amend the Bylaws and Administrative Procedures, be adopted as presented.

## **Report of the Technical Committee**

The Technical Committee held its 235<sup>th</sup> meeting over the past two days. All eight states, all four federal agencies, and all six advisory committees were represented. A summary of the meeting follows:

### **Stream Impairment Compilation Map for the Ohio River Basin**

Staff has compiled maps and statistics of states' impairment data and combined them for the entire Ohio River Basin, including non-ORSANCO states. The data was collected from EPA's ATTAINS database, and reviewed by the states. This information will be valuable for the Ohio River Basin Restoration Initiative in demonstrating the need for funding for the Ohio Basin. Staff was asked to look at how the impairment maps would look if bacteria impairments were removed.

### **2024 Biennial Assessment of Ohio River Water Quality Conditions**

Staff provided a brief summary of the four Ohio River designated use assessments contained within the 2024 Biennial Report for the Ohio River for the period 2019 through 2023. These assessments are virtually unchanged from past assessments, with bacteria impairments of the recreational use for approximately two thirds of the river, and dioxin and PCBs impairments of the fish consumption use for the entire Ohio River. The final report was reviewed by the 305b workgroup and was submitted to the Technical committee for review and approval. The Technical Committee endorsed the report for public distribution pending minor changes based on very recent comments received.

### **Biological Programs Update**

Staff reviewed the final assessments for the New Cumberland and Cannelton pools surveyed in 2023. New Cumberland was found to be in full support of its Aquatic Life Use designation. The final assessment for Cannelton pool will remain as pending until an additional round of macroinvertebrate collections can be performed in 2025. Staff detailed plans to sample Montgomery and Newburgh pools in 2024 along with the remaining 45 NRSA events throughout the basin.

### **USEPA's National Rivers and Streams Assessment**

Sarah Lehmann with USEPA HQ, presented results of the 2018-19 National Rivers and Streams Assessment. This assessment is used to characterize water quality conditions for the nation's rivers and streams. The USEPA completes these surveys every five years, to facilitate national and large-scale watershed assessments. ORSANCO conducts the monitoring used in these assessments for over five percent of the 1,800 plus stations used in this national assessment. The data has been used for an Ohio River Basin assessment, which was also presented and compared to national results. The Ohio Basin compares similarly to the nation as a whole.

### Ohio EPA's New Programs: WaterReuse Ohio and Regional Water Studies

Tiffani Kavalec with Ohio EPA presented on Ohio EPA's new programs, including WaterReuse and Regional Water Studies. Ohio is experiencing significant economic and population growth which has prompted Ohio EPA to contract a 15-county Central Ohio Regional water study to help guide their local governments on future water demands and assist the state on permitting and funding decisions. In addition, it is projected that water demand may exceed water supply. In response, Ohio joined the WaterReuse National Organization and became the 11<sup>th</sup> state chapter and first in the Midwest. This Ohio Chapter will form subcommittees to develop reuse guidelines and provide a clear path forward for treated wastewater effluent to be delivered through purple pipe as a new and desired water source for many data centers and industry who have recycled water sustainability goals. Ohio is planning to conduct the additional four Regional Water Studies over the next couple of years.

### Broad Scan Survey Results

The BroadScan Survey was a repeat effort of the survey that was completed in 2013 to examine ambient river water for priority pollutants not routinely monitored under ORSANCO's core programs. This initiative was established to ensure that current monitoring strategies are sufficient to reflect ambient water quality conditions of concern. PFAS was also included in the 2023 survey. Results indicate that the majority of pollutants analyzed were not present in the samples collected, but low levels of PCB's, asbestos, dioxin, radionuclides were present in some samples. A recommendation to consider incorporating those pollutants into core ORSANCO monitoring programs will be included in a revised monitoring strategy and presented to the Monitoring Strategy Committee for consideration. The draft report was endorsed by the Technical Committee for public release.

### Ohio River Drought Contingency Planning

The US Army Corps of Engineers is updating their Drought Contingency Plan for the Ohio River. James Schray, USACE Huntington District, is developing water usage operating priorities for this plan, and is seeking input from Ohio Basin stakeholders including the Technical Committee. It involves priorities that the Army Corps would use in releases from its 80 plus reservoirs in the Ohio Basin to address drought issues. An email with their proposed drought operating priorities was sent to TEC on April 4, requesting preliminary input by May 15. Mr. Schray asked for additional comments from the Technical Committee by the end of this month if possible.

### Status of Real-Time Bacteria Monitoring Pilot Project

Stacey Cochran presented an update on the status of the real-time Bacteria Monitoring Pilot Project. This project began at the start of the Contact Recreation Season which was April 2, 2024 and will continue through the end of the season which is October 29, 2024. This pilot project is a comparison study of the real-time Proteus instrument and the Colilert Method. This study is funded by a WV 604b grant and a summary report of this data will be generated after the season has ended.

### Source Water Protection Programs Update

Staff provided an overview of the ongoing activities associated with the Commission's Source Water Protection and Emergency Response programs. ORSANCO is excited to welcome Alexis Brandenburg as a new member to the Technical Programs staff. She is an Environmental Scientist and will split time working with the Organics Detection System (ODS) and the Hypoxia Task Force nutrient monitoring project.

Updates concerning several Organics Detection System monitoring stations were provided. Installation of a new GC/MS at the Parkersburg, WV (Chemours) station has been delayed due to host site construction. Staff also noted the gas chromatograph unit at the Thomas More University Field Station, located upstream of Cincinnati and Northern Kentucky water systems, is now operational, with additional enhancements pending.

Brief updates were also provided on discussions to potentially extend ORSANCO's source water protection activities to the upper Ohio River tributary basins and recent staff engagements with emergency response agencies and other stakeholders. In addition, ORSANCO received a notice of award through Sen. Sherrod Brown's office for Congressionally Directed Spending funds totaling \$687,500 for ODS equipment replacement and enhancements.

### Cumberland River Compact

Mekayle Houghton, Executive Director, Cumberland River Compact, discussed the organization's background, programs, priorities, and water quality of the Cumberland River. They are an independent, nonprofit entity. The Cumberland River has a high level of biodiversity. The top causes of impairment include pathogens, nutrients, siltation, and habitat alteration. The Compact's core programs include education and engagement, restoration, urban waters, and working lands. It is recognized that nonpoint sources are the most significant pollution, that all are part of the problem, and all need to be part of the solution. Tree planting is one example of the organization's programs, including a campaign to plant 500,000 trees in one county by 2050.

### Tennessee's Nutrient Reduction Update

Karina Bynum, Tennessee Dept. of Environmental Conservation (TDEC), provided information on their initiatives for reducing nutrient pollution, including updates to the Tennessee Nutrient Framework, the efforts of the Tennessee Nutrient Taskforce, and scaling up the Tennessee Wastewater Treatment Plant Optimization Program aimed at low-cost biological nutrient removal at municipal wastewater treatment facilities. TDEC has identified 4,450 miles of streams impaired for nutrients, out of 60,000 total stream miles. TN's nutrient reduction framework in 2015, with a nutrients taskforce established in 2019. The stakeholder taskforce is under the Dept. of Agriculture, and includes several working groups - Goals & Metrics - Data & Monitoring, BMPs & Pilots for Urban Runoff, Municipal Wastewater, Agriculture, and nature-based solutions, and Communication & Outreach. They are currently developing a roadmap for updating TN's Nutrient Reduction Framework.

**ACTION:** Motion by Commissioner Conroe, second by Commissioner FitzGerald and unanimously carried, to publish the report, as presented.

### Report of the Personnel Committee

Personnel Chair George Elmaraghy reported on the following:

The Personnel Committee is proposing a revision to the Commission's salary table.

ORSANCO attempts to update the salary schedule every 3 to 5 years by completing an external salary survey to benchmark positions and compensation with local market data, Compact states data, and other relevant organizations such as utilities and interstate commissions.

A revised salary table was approved by the Commission in June 2022. The Committee is proposing adjusting the ranges in the current table by 3% to help minimize the magnitude of changes that will possibly need to be made in the next full scale update. In addition, as inflation continuing to impact salaries, the Committee would like to gradually increase the ranges each year. The proposed FY25 range table, adjusted by 3%, was provided in advance of the meeting for consideration and posted on the Commissioner Web Portal.

**ACTION:** Motion by Commissioner Elmaraghy, second by Commissioner Rockensuess and unanimously carried, that the new salary table effective July 1, 2024, be adopted as presented.

## **Report of the Program & Finance Committee**

Committee Chair, Commissioner Flannery, provided the following report:

The Program and Finance Committee met in-person and virtually on April 17, 2024. Eight member states including Kentucky, Ohio, Illinois, Indiana, Virginia, West Virginia, New York, and Pennsylvania were represented, as well as the Federal Government.

### **Status of May 2023 Program & Finance Committee Recommendations**

The Committee received an update on the status of recommendations that had been made by the Committee at its May 2023 meeting.

1. Recommended adoption of the FY24 program plan and balanced budget.
  - *Commission adopted resolution 2-23 to approve the Program Plan and Budget for FY24.*
2. Recommended adoption of a 2% state funding increase for FY26.
  - *Commission Adopted Resolution 3-23 establishing a 2% state funding increase for FY26.*
3. Recommended setting the FY24 Defined Contribution Plan discretionary contribution at 6% of compensation.
  - *Recommendation adopted by Commission action.*

### **FY25 Budget Message**

Executive Director Richard Harrison provided a budget message overview focusing on the proposed FY25 balanced budget, five-year revenue and expenditure forecasts, carryover resources, and ongoing funding initiatives.

### **Fiscal Year 2025 Programs**

The Committee received detailed presentations from managerial staff describing proposed program activities, focusing on program changes and the budget impacts of such changes.

### **Estimated Carryover Resources into FY25**

Staff provided an overview of the estimated carryover resources of \$3,741,557, which includes unencumbered resources of \$2,520,044, restricted operating reserves of \$600,000, encumbered resources of \$180,114, and capital equipment \$441,399.

### **Proposed FY25 Budget**

The Committee received a detailed budget presentation by staff covering resources and expenditures broken down by program area. Staff presented a total proposed program budget of \$4,604,329.

### **Capital Equipment Budget**

Staff presented an overview of current capital assets and recommendations to better facilitate asset replacement and serve as a basis for a proposed Capital Budget for FY25.

### **Five-Year Moderate Forecast**

Executive Director Harrison presented detailed forecasts of projected revenues and expenditures through FY29. The forecasts show a trend of relatively flat funding with some increases in expenses, heightening attention to the need to continue identifying additional funding sources.

### **Recommended Levels of State Funding for Fiscal Year 2027**

The Committee gave serious consideration and concluded that a 3.0% state funding increase be recommended for FY27.



## **Committee Recommendations**

### **Each of these will be presented as Motions for Commission vote:**

1. Recommend adoption of the FY25 program plan and balanced budget as presented.
2. Recommend adoption of a 3% state funding increase for fiscal year 2027.
3. Recommend setting ORSANCO's FY25 Defined Contribution Plan discretionary contribution at 6% of compensation.

Committee Chair Flannery presented these recommendations as motions for consideration.

**ACTION:** Motion by Commissioner Flannery, second by Commissioner Elmaraghy and carried, to adopt **Resolution 3-24 (Attachment 1)**, approving the program plan and budget for FY25 as presented.

**ACTION:** Motion by Commissioner Flannery, second by Commissioner Wilson, and carried, to adopt **Resolution 4-24 (Attachment 2)**, establishing a 3% state funding dues increase for FY27 as presented.

**ACTION:** Motion by Commissioner Flannery, second by Commissioner Kupke, and carried, to accept the Committee recommendation setting the FY25 Defined Contribution Plan voluntary contribution at 6% of compensation, consistent with the FY25 funding level.

### **Ohio River Users Advisory Committee Dissolvement**

Commissioner Flannery, Committee Chair, reported on the following:

When I was asked to chair this committee last year, I began to look into it and concluded that this Committee has not met for a number of years. Upon further investigation by staff understood there was some \$83,000 in funding that had gone into this committee's effort that was being held in reserve account. We have investigated and it does not look like there is a need for an independent committee as other committees address those issues. Therefore, it is Commissioner Flannery's recommendation that we dissolve the committee and \$83,771 be reprogrammed and dedicated to the Organics Detection System replacement fund. Commissioner FitzGerald raised the question if it the funding came from an external source that had expectations on how the funds were to be used. Executive Director Harrison spoke to counsel and there was no specific use requirement for the funding and that this was still in the spirit of reinvesting in the Ohio River.

**ACTION:** Motion by Commissioner Flannery, second by Commissioner Frevert and unanimously carried, to adopt Resolution 6-24 to amend the Bylaws and dissolve the Ohio River Users Advisory Committee and reprogram the \$83,771 to the Organics Detection System replacement fund as recommended.

### **Report of the Pension Committee**

Pension Trust Committee members, including the staff member, are appointed by vote of the full Commission due to the Committee's fiduciary nature.

The Committee needs to replace current staff member David Bailey, who served in this role Committee for more than 20 years, due to his upcoming retirement.

The Pension Trust Committee recommends that the Commission appoint Jennifer Coldiron to the Pension Trust Committee because the ORSANCO Bylaws specify that members to this Committee shall be appointed by the Commission.

**ACTION:** Motion by Commissioner Harrison, second by Commissioner Potesta and unanimously carried, to appoint Jennifer Coldiron to the Pension Trust Committee as presented.

**Report of the Nominating Committee**

Commissioner Frevert, Committee Chair, reported that the Committee recommends the following slate of officers for 2024-2025:

Chair: David Flannery of West Virginia  
Vice Chair: Joseph Harrison, Jr. of Indiana  
Secretary/Treasurer: Douglas Conroe of New York

**ACTION:** Motion by Commissioner FitzGerald, second by Commissioner Elmaraghy and unanimously carried, to accept the slate of officers as recommended.

**Report of the Water Users Advisory Committee (WUAC)**

Nicole Tremblay gave the following report:

The Water Users committee last met on May 21 and 22, 2024.

**EPA Site Visit**

Working with our friends at EPA, Greg Carroll and Tom Speth, we were fortunate to organize a tour for 20 committee members and ORSANCO staff. We spent the afternoon touring EPA's Andrew W Breidenbach Environmental Research Center and discussing current research topics with EPA staff. The Drinking Water Pilot Plant consisted of a full Home Plumbing System with various pipe materials and fixtures. PFAS treatment is a major focus for EPA right now. We visited the labs for Small Scale Stirring Tests, Column Tests, and Membrane Experiments. We also visited analytical labs for lead and PFAS monitoring. Ongoing validation and improvement of PFAS analytical methods will be critical for water systems going forward under the new PFAS Rule. We also visited the Pb Pipe Forensics Laboratory where we got to see corrosion control studies, pipe loop studies, and historical research on pipe scales from pipes harvested from all over the country.

**River Update**

Day two of our meeting focused on regular business. Facilities report no major issues on the river. Seasonal transition is underway. Spring run-off brought our first detections of atrazine this year. Atrazine is an agricultural herbicide. Atrazine is a regulated drinking water contaminant that requires routine monitoring and treatment. Some Water Users also reported a significant nuisance odor event due to heavy run-off in April.

**ODS Network**

ORSANCO staff reported that 15 of 16 ODS sites were operational (working to resolve a clogging issue with the GC unit at Pittsburg). The GC installation at the Chemours (site 17) is on pause until gas lines can be installed. Donated GCMS instruments from Pittsburg and Louisville have been repurposed or parted out to support existing network installations. The Redhawk project to improve database management and alert notifications is progressing. ORSANCO updated the Committee on the status of congressional funds for improvements to the ODS network.

The Committee decided to forego convening a separate workgroup to develop NextGen ODS recommendations, but instead, has decided to keep this as a top priority for the Committee's regular business. We began the process of assessing gaps in both network coverage and capacity, looking at best-most-practical options for moving forward. We discussed the need to expand our analytes list, upgrade/replace older assets, and invest in portable GC units that can be deployed during incident response. More to come on this topic.

### Source Water Protection

Sam Dinkins discussed a recent EPA webinar that included details of the river modeling effort in response to the East Palestine (OH) train derailment. GCWW reports that APG Polytech effluent limits for 1,4-dioxane are expected to be implemented by mid-July. Expected to see 100-fold reduction.

### Facility Updates

PA American Water is installing 42 new YSI sondes to improve source water monitoring and emergency response. USACE is removing locks and dam at mile 23 of the Monongahela. Evansville Water has completed 60% design on a new WWTP. Paducah Water has completed preliminary study and assessment of GAC treatment for PFAS removal. Louisville has completed its research of PAC treatment for PFAS removal.

### Regulatory Updates

The final PFAS Rule was published to the Federal Register on April 26th. EPA maintained the Hazard Index framework from the proposed rule, as well as individual MCLs for PFOA, PFOS, PFHxS, PFNA, and GenX. Water systems have until June of 2027 to complete initial monitoring and until April 2029 to implement PFAS treatment and comply with the new MCLs. For systems that completed UCMR5 monitoring in 2023, data are now being public noticed in their Consumer Confidence Reports which are published annually by July 1. The second year of UCMR5 monitoring is underway. Data are published online to EPA's UCMR5 Data Finder.

Still awaiting the final Lead and Copper Rule Improvements. Many Committee members are working hard to implement LCRR which is enforceable in October. Water systems are required to submit an inventory of pipe materials (regardless of ownership) for all service lines connected to the distribution system. Systems must also notify all customers with lead, galvanized, or unknown pipe materials by October.

### Next Meeting

The Committee will meet again on September 17 and 18 if anyone would like to join us.

### **Report of the Public Information Advisory Committee**

Betsy Mallison, Committee Chair, presented the following report to the Commission:

PIACO met on May 1 virtually to brainstorm our strategic communication plan. We identified strengths and potential weaknesses and threats, as well as potential plan goals. These communication goals may include perception of the Ohio River, joint messaging, social media, podcast, easily digestible interviews.

We met our new members from Pennsylvania and Ohio and they jumped right in to help with the plan.

Staff is meeting with all of the public information staff of all of the member states. These meetings are instrumental in learning what the states' priorities are and to get to know them. These relationships are crucial during big crisis events like the East Palestine derailment.

PIACO thanks Dave Bailey for his guidance and attention over PIACO's many years.

## **Report of the Watershed Organizations Advisory Committee (WOAC)**

Heather Hulton VanTassel, Committee Chair, presented the following report to the Commission:

Thank you for the time and consideration when it comes to hearing from the Watershed Organizations across the Ohio River Basin.

We would like to share some updates relevant to this commission. We applaud WVDEP in their recent effort towards PFAS reduction efforts. WVDEP has convened work to achieve the goals of an EPA awarded Environmental Justice Government-to-Government Grant addressing PFAS contamination in WV communities. In 2022, USGS published a report for a statewide study led by WVDEP and WV Department of Health and Human Resources that found PFAS levels in 136 communities that exceed limits established by EPA Drinking Water Health Advisories for four PFAS (PFOA, PFOS, PFBS and HFPO-DA/Gen-X). These funds will support work mandated by the 2023 PFAS Protection Act and are being performed in tandem with West Virginia Rivers Coalition (lead CBO) and 19 partner organizations. This grant funds WVDEP to work with civic groups, local businesses, water utilities, county health departments and other stakeholders to design and implement community driven PFAS Action Plans that will outline steps to remediate contamination sources and protect drinking water quality. The first 12 Action Plans will be complete by the end of 2024.

We also thank ORSANCO for taking the lead on understanding the PFAS contamination across the basin and implications for future improvements on this emerging issue. We recommend that ORSANCO conduct similar investigations on microplastics in our source water as an additional emerging contaminant based on recent scientific studies connecting microplastics to negative health impacts.

We look forward to helping advocate for the Ohio River Basin Restoration Plan and federal designation as a collective. We thought that this year's ORBA day on the hill had more traction, had positive interactions with Members of Congress, and we look forward to continuing to push these efforts forward.

We recommend that surveys regarding availability are conducted prior to scheduling meetings where WOAC members are expected to be present. We also recommend that anything needed for review or oversight of the Watershed Advisory Committee have adequate time to review and comment on. Our group is still reviewing the EJ Committee's pilot project. However, we thank ORSANCO for taking the necessary steps to work towards environmental justice with relation to ORSANCO'S scope of work and will continue to support these efforts.

## **Report of the POTW Advisory Committee**

Reese Johnson, Committee Chair, gave the following report:

The POTW Advisory Committee held a hybrid meeting on Thursday, May 23<sup>rd</sup> at ORSANCO headquarters with representatives of 5 POTWs on the Ohio participating and ORSANCO staff in attendance. Our topics included:

1. Stacey Cochran, ORSANCO, gave us an update on their ongoing pilot with the PROTEUS water quality sensor. It is a new technology to quickly measure BOD, so many POTWs are interested in its performance.
2. Erich Emery, USACE, presented to us the presentation he gave to TEC last February regarding his Low Flow Study of the Ohio, asking for POTW partners to help by responding to what the potential impacts would be to them. Louisville MSD and MSD of Greater Cincinnati volunteered and were following up offline.

3. Open discussion centered on PFAS. Several POTWs are doing voluntary monitoring at various points (influent, effluent, solids). Really good transfer of information regarding movement on the federal level, including the list of WWTPs being considered for PFAS sampling next year, and the benefit of PFAS reporting on the Toxic Release Inventory, which will help us know where in our watersheds would be good places to start.
4. Next meeting we will be discussing the recent USEPA guidance on CSOs, particularly for communities post-LTCP.

### **Report of the Chemical Advisory Committee**

Kathy Beckett, Committee Chair, gave the following report:

The Chemical Advisory Committee met on May 1. The agenda was to review the particulars from the February meeting so we could begin to brief industry representatives on several topics for the Commission. We invited Jason Heath and others from the ORSANCO staff to join in that briefing and discussion. Among the issues of importance and well received was the work of the Commission to look at climate impacts, PFAS and emergency response which is clearly an issue that we applaud the efforts of the Commission, and finally environmental justice is always important.

### **Upcoming Meetings**

Chair Frevert noted the following schedule for upcoming Commission meetings:

- October 8-10, 2024 – Charleston, West Virginia
- February 11-13, 2025 – Covington, Kentucky
- June 10-12, 2025 – Morgantown, West Virginia

### **Adjournment**

The 239<sup>th</sup> meeting of the Commission was adjourned at 10:15 A.M.

Minutes approved by:



Joe Harrison, Jr., Secretary/Treasurer

Prepared by Tracey Edmonds

**ROSTER OF ATTENDANCE**  
**239<sup>th</sup> Commission Meeting**  
**June 13, 2024**

**Commissioners**

Illinois	Scott Twait (PROXY for Director John Kim) Toby Frevert
Indiana	Brian Rockensuess John Kupke Joseph Harrison, Jr.
Kentucky	John Lyons (PROXY for Lt. Governor Jacqueline Coleman) Sarah Gaddis (PROXY for Secretary Rebecca Goodman)
New York	Michael Wilson Douglas Conroe Damianos Skaros (PROXY for Commissioner Basil Seggos)
Ohio	Anne Vogel John Hoopingarner Holly Christmann
Pennsylvania	Sue Weaver (PROXY for Secretary Jessica Shirley) Bruce Herschlag
West Virginia	David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Harold Ward)
Virginia	Jeffrey Hurst Lou Wallace
Federal	David Miracle George Elmaraghy Tom FitzGerald
Legal Counsel	Aaron Herzig

**Executive Director**      Richard Harrison

**Staff**

Ryan Argo, David Bailey, Jenny Coldiron, Sam Dinkins, Tracey Edmonds, Jason Heath, Joe Gilligan, Nick Guthier, Adam Scott, Sarah Segars, Annette Shumard, Lila Ziolkowski

**Guests**

Betsy Mallison Bialosky, Tiffani Kavalec, Samantha Phillips Beers, Rayna Laiosa, Heather Hulton VanTassel, Nicole Tremblay, Bruce Whitteberry, Pamela Mullins, Erich Emery, Reese Johnson, Kathy Beckett

**RESOLUTION 3-24**

**PROGRAM PLAN AND BUDGET FOR FISCAL YEAR 2025**

**WHEREAS:** The Commission has established the sum of \$1,497,900 as the amount of appropriations to be requested from the signatory states for fiscal year 2025; and

**WHEREAS:** Funds from the United States Government for approximately \$2,006,266 may be allocated to the Commission for fiscal year 2025; and

**WHEREAS:** Funds amounting to \$504,074 may be available from a variety of sources to support the Ohio River Sweep, ORSANCO/USGS Gaging Stations, Life Below the Waterline; and

**WHEREAS:** The Commission is anticipated to carry over resources of \$3,741,557 into the 2025 fiscal year.

**NOW, THEREFORE, BE IT RESOLVED THAT:** The 2025 Fiscal Year Program Plan for all activities and the budget contained therein and in support thereof be approved as presented.

**BE IT FURTHER RESOLVED THAT:** The Executive Director is hereby authorized to make application for funding as may be available from US EPA, for other Federal funding and funding from other sources as may become available.

**BE IT FURTHER RESOLVED THAT:** The expenditures in fiscal year 2025 be substantially within the framework of the following guidelines, which are made a part of this Resolution.

**2025 FISCAL YEAR BUDGET**

Payroll	\$1,642,542
Employee Benefits	956,555
Staff Travel	216,891
Commission Travel	91,672
Advisory Committees	12,542
Supplies	285,557
Telephone	13,008
Equipment Purchases	99,000
Utilities & Maintenance	23,880
Equipment Repairs & Maintenance	92,812
Printing & Reproduction	9,400
Lab Fees and Delivery	310,108
Contractual Services	<u>850,362</u>
Total Expenditure Budget	\$4,604,329

**RESOLUTION 4-24**

**STATE FUNDING LEVEL FOR FY2027**

**BACKGROUND**

The Commission has the responsibility of setting levels of state funding to support its programs. By policy, such state funding is to be established two years in advance to facilitate legislative/fiscal processes of the individual states. In developing its recommendations, the Program and Finance Committee relied, in part, on current and future budget information, the current rate of inflation and the current level of funds in the reserve account. The Program and Finance Committee was presented with alternative increases in the states' 2027 funding and agreed to recommend a 3% increase in state funding for the 2027 fiscal year. The attached listing displays each state's proportional share of the Commission's budget for 2027 in comparison with their most recent funding levels.

**ACTION REQUESTED OF THE COMMISSION**

Authorize a level of state funding for FY2027 by means of the following Resolution "State Funding Level for 2027."

**RESOLUTION 4-24**

**STATE FUNDING LEVEL FOR 2027**

**WHEREAS:** Article V of the Compact provides that the Commission shall submit to the Governor of each state, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof;

**NOW, THEREFORE, BE IT RESOLVED THAT:** The sum of \$1,573,840 be budgeted for operating expenses of the Commission in the Fiscal Year July 1, 2026 to June 30, 2027 Such sum to be prorated among the signatory states in accordance with the provisions of Article X of the Compact.



**RESOLUTION 5-24**

**MOTION TO AMEND THE BYLAWS AND ADMINISTRATIVE PROCEDURES**

**WHEREAS**, the Executive Director has determined that it is necessary and appropriate for ORSANCO to employ a Director of Finance and Administration; and

**WHEREAS**, the Executive Director, in conjunction with ORSANCO staff, has reviewed certain ORSANCO Bylaws and Administrative Procedures and recommends that those Bylaws and Administrative Procedures should be updated to improve the efficiency of the financial management of ORSANCO, and to facilitate the ability of the Director of Finance and Administration to carry out her duties; and

**WHEREAS**, the Executive Director, in conjunction with ORSANCO staff, recommends increasing certain procurement threshold amounts to adjust for modern economic conditions and improve the efficient financial management of ORSANCO; and

**WHEREAS**, the Commission finds that the Executive Director’s recommendation is well-taken and should be implemented,

**IT IS THEREFORE HEREBY MOVED AND RESOLVED AS FOLLOWS:**

- The Bylaws are amended as follows:
  - The first paragraph of Article IV, titled “Membership”, D “The Treasurer” is amended to state as follows. Words struck through in blue (~~blue~~) are deleted; words underlined in red (red) are inserted:

“The Treasurer, with the support of the ~~Comptroller~~ Director of Finance and Administration, shall have custody of all funds of the Commission and, subject to the limitations hereinafter provided, shall establish and maintain such account or accounts for the deposit of such funds as he may deem to be necessary or convenient to the efficient operation of the Commission, shall invest, until needed, any funds not required for immediate use or disbursement, shall disburse the Commission funds and shall otherwise handle and manage them.
  - The first paragraph of Article XII, titled “Withdrawal of Funds”, is amended to state as follows. Words struck through in blue (~~blue~~) are deleted; words underlined in red (red) are inserted:

“All vouchers for withdrawal of funds from any deposit account of the Commission must be approved for payment by the Executive Director or in his/her absence the Director of Finance & Administration. All checks, drafts or other documents for the withdrawal of any of Commission funds or letter of credit transfers shall be signed by any two of the following: the Treasurer; ~~the Comptroller~~; the Chairman of the Program and Finance Committee; the Executive Director; ~~or the Director of Administration~~; the Director of Finance and Administration, or one additional staff member chosen by the Executive Director, all of whom shall be covered by a suitable fidelity bond.”
- Administrative Procedure 3.20, titled “Procurement Procedures,” is amended as follows. Words struck through in blue (~~blue~~) are deleted; words underlined in red (red) are inserted:
  - The first paragraph of the section titled “General Statement,” is amended to state as follows:

“A Commission Purchase Order, signed by a Program Manager or Executive Director and approved by the ~~Comptroller~~ Director of Finance and Administration, is required for the procurement of all equipment, supplies and services. Purchase orders are reviewed by the ~~Comptroller~~ Director of Finance and Administration to ensure adherence to grant specifications and the Commission’s fiscal year budget.”

- Section 3, “Procurement Methods,” of the section titled “Purchase of Materials, Supplies, Equipment or Contractual Services,” is amended to state as follows:

### “3. Procurement Methods

#### Micro-Purchase:

- Purchases of ~~\$3,000~~ \$10,000 (threshold subject to future adjustments) or less, do not require competition or a cost/price analysis, but must be distributed equitably among qualified suppliers
- Micro-purchases may be awarded without soliciting competitive quotations
- Acquisition that, in the aggregate, does not exceed the micro-purchase threshold of ~~\$3,000~~ \$10,000
- When traveling on Commission business, micro-purchases may be made using a personal credit card and reimbursed via an expenses report with receipts attached

#### Small Purchase Procedure:

- Greater than micro-purchases, not to exceed the Simplified Acquisition Threshold of ~~\$150,000~~ \$250,000 (threshold subject to future adjustments)
- Price or rate quotations must be obtained from a minimum of two qualified sources
- Documentation of rate quotations must be retained

#### Procurements Greater Than the Simplified Acquisition Threshold

- Procurements greater than ~~\$150,000~~ \$250,000
- RFP will be distributed to qualified sources and posted on the Commission’s website
- A minimum of three qualified sources is required
- A written method for conducting evaluations and for selecting recipients is required and retained
- Qualifications based procurement can be used for professional services

#### Noncompetitive Proposals

- Justification is required for any lack of competition in procurements greater than the small purchase threshold of ~~\$150,000~~ \$250,000
- Available only through a single source
- Public exigency or emergency will not permit delay required for competition
- Awarding agency has expressly authorized a noncompetitive process
- After solicitation of a number of sources, competition is deemed inadequate
- Written approval required by the Executive Director

- The second paragraph of the section titled “Receiving Report/Invoice,” is amended to state as follows:

“Upon receiving an invoice for products or services, the proper individual will review the invoice for accuracy and approve the invoice for payment by the ~~Comptroller~~ Director of Finance and Administration.”

- Administrative Procedure 3.50, titled “Funds Investment Policy,” is amended as follows. Words struck through in blue (~~blue~~) are deleted; words underlined in red (red) are inserted:

- The section titled, “General Statement,” is amended to state as follows:

“The Commission’s Funds Investment Controls are designed to ensure the prudent management of Commission funds pursuant to Ohio Revised Code 135.18, and to maintain the availability of operating and capital funds when needed.

The following objectives are applied in the management of the Commission’s funds pursuant to Commission Bylaws sections V.d and XII:

1. Liquidity: Funds remain sufficiently liquid to enable the ~~Comptroller/Assistant Treasurer~~ ORSANCO to meet reasonably anticipated operating requirements.
2. Safety: Investment of funds are undertaken in a manner consistent with State law, which seeks to ensure the preservation of public funds.
3. Income: ~~The Comptroller~~ ORSANCO strives to achieve a fair and safe rate of return taking into account cash flow requirements.
4. Diversification: Funds should be diversified to the extent possible within multiple financial institutions in order to avoid potential losses.
5. Bank Accounts: Relationships with banks are managed in order to secure adequate services while minimizing costs.”

- The section titled, “Authority,” is amended to state as follows:

“The Treasurer, with support of the ~~Comptroller~~ Director of Finance and Administration, shall have custody of all funds of the Commission and, subject to the limitations hereinafter provided, shall establish and maintain such account or accounts for the deposit of such funds as he may deem to be necessary or convenient to the efficient operation of the Commission, shall invest, until needed, any funds not required for immediate use or disbursement, shall disburse the Commission funds and shall otherwise handle and manage them. The Treasurer shall provide a financial status report to the Commission at each Commission meeting and will serve as an ex officio of the Audit Committee to facilitate the completion of the Commission’s annual audit. In the event of the non-availability or temporary incapacity of the Treasurer, any of the foregoing functions of that office may be performed by an Acting Treasurer specifically designated by action of the Commission.”

- The section titled, “Withdrawal of Funds,” is amended to state as follows:

“All vouchers for withdrawal of funds from any deposit account of the Commission must be approved for payment by the Executive Director or in his absence the Director of Administration. All checks, drafts or other documents for the withdrawal of any of Commission funds or letter of credit transfers shall be signed by any two of the following: the Treasurer; the Chairman of the Program and Finance Committee; the Executive Director; the ~~Director of Administration~~ Director of Finance and Administration, or ~~the Comptroller~~ one additional staff member chosen by the Executive Director, all of whom shall be covered by a suitable fidelity bond.”

- The section titled, “Reporting,” is amended to state as follows:

“The ~~Comptroller~~ Director of Finance and Administration reports and maintains records of all investments and deposits.”

- The Executive Director shall cause publication of the Bylaws and Administrative Procedures reflecting the amendments approved in this Resolution.

**RESOLUTION 6-24**

**MOTION TO AMEND THE BYLAWS**

**WHEREAS**, the Ohio River Users Program Advisory Committee (the “Committee”) was established to provide advice and guidance to the Commission regarding the scientific merit and relevance of proposed studies and then to potential provide funding to assist with those programs;

**WHEREAS**, Committee is not active and has not met in several years; and

**WHEREAS**, ORSANCO staff, in conjunction with the Committee Chair, Commissioner Flannery, has considered the appropriate next steps for the Committee and found that the Committee has served its purpose and is no longer needed, and therefore recommends that the Committee be dissolved and that the remaining funds allocated to the Committee be reallocated to the ODS Replacement Fund; and

**WHEREAS**, the Commission finds that the Committee has served its purposes and is no longer needed, and that it is appropriate to reallocate the Committee’s remaining funds to the ODS Replacement Fund,

**IT IS THEREFORE HEREBY MOVED AND RESOLVED AS FOLLOWS:**

- The Bylaws are amended as follows: Article XIII, Paragraph B, Section 5, titled “ORSANCO/Ohio River Users Program Advisory Committee,” of the Commission Bylaws is deleted and shall be of no further force or effect (the “Amendment”).
- The Executive Director is empowered and authorized to cause any funds allocated to the Committee (approximately \$83,771) to be reallocated to the ODS Replacement Fund.
- The Executive Director shall cause publication of the Bylaws reflecting the Amendment.

**RESOLUTION 7-24**

**RECOGNITION OF SERVICE**

**David Bailey**

**WHEREAS**, David Bailey has provided dedicated service from October 11, 1999 to June 30, 2024 to the Ohio River Valley Water Sanitation Commission, and

**WHEREAS**, it is the intention of the Commission to recognize David Bailey for his distinguished record of service and his effective use of knowledge and experience to commendably and to the very best of his ability serve the Commission, its partners and citizens of the Ohio River Basin, and

**WHEREAS**, during his 24-year career, David contributed greatly to many Administrative programs and initiatives including, but not limited to: overseeing financial operations; IT Services: external communications efforts: building maintenance and human resources administration of the Commission, and

**WHEREAS**, David also serves as President and Treasurer of ORSANCO's supporting Foundation for Ohio River Education and has served admirably during the Foundation's formation and ongoing outreach efforts, and

**WHEREAS**, David has earned the esteem and friendship of Commissioners, numerous committee members, and his fellow staff members, and

**Now therefore be it resolved**, that the Commissioners of the Ohio River Valley Water Sanitation Commission express their heartfelt gratitude to David Bailey for his dedicated service, and extends best wishes to David for success in all his future endeavors.