

OHIO RIVER VALLEY WATER SANITATION COMMISSION

MINUTES

238th Commission Meeting
Embassy Suites RiverCenter
Covington, Kentucky
Thursday, February 8, 2024

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Attachment I: Non-Discrimination Grievance Policy

OHIO RIVER VALLEY WATER SANITATION COMMISSION

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**238th Commission Meeting
Embassy Suites RiverCenter
Covington, Kentucky
Thursday, February 8, 2024**

Chair John Hoopingarner, Presiding

Call to Order

Commission Chair Hoopingarner called the 238th meeting of the Ohio River Valley Water Sanitation Commission to order at 9:01 A.M., Thursday, February 8, 2024.

Executive Director Harrison led the Pledge of Allegiance.

Quorum Call

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

Report of the Audit Committee

A draft 2023 Independent Auditors' Report was electronically distributed to Commissioners attending the Commission meeting virtually and provided to in-person attendees today.

Clark, Schaefer, Hackett Certified Public Accountants performed a general-purpose financial audit for fiscal year ending June 30, 2023, which was their 7th consecutive audit performed.

Kerry Roe, of Clark Schaefer Hackett, met with the Audit Committee on Wednesday, February 7th, to present and discuss the audit findings with the Committee and respond to any questions or concerns. Audit Committee members include Commissioners Hoopingarner, Conroe, Miracle, Christmann, Bruce, and Harrison. Staff was represented by Richard Harrison, David Bailey and Joe Gilligan and Nick Guthier.

In the auditor's opinion as Kerry just reported, the general-purpose financial statements present fairly, in all material respects, the financial position of ORSANCO as of June 30, 2023. There were no internal control related findings or issues reported.

The audit report is an "unmodified" report.

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

With accounting staff changes on the horizon, for continuity and support for possible new staff, it appears appropriate and reasonable to retain Clark, Schaefer, Hackett & Co. to perform the June 30, 2024 audit. Therefore, the Committee requests authorization of the Commission to engage Clark, Schaefer, Hackett & Co. to perform the June 2024 financial audit. The June 30, 2023 audit was the seventh audit performed by Clark, Schaefer, Hackett & Co. The audit firm also periodically rotates the assigned audit manager to provide new oversight of the audit.

MOTION: Motion by Commissioner Hoopingarner, second by Commissioner Conroe and unanimously carried, to accept the Independent Auditor's Report and to authorize the engagement of Clark, Schaefer, Hackett & Co. to perform the June 30, 2024 financial audit.

Report of the Chair

Commission Chair Hoopingarner requested Executive Director Harrison assist with recognizing the staff members that reached milestone years of service and expressed appreciation to them.

Bridget Borrowdale – 5 years
Daniel Cleves – 5 years
Bridget Taylor – 5 years
Adam Scott – 10 years
Ryan Argo – 15 years
Stacey Cochran – 20 years
Jason Heath – 35 years

Commission Chair Hoopingarner recognized outgoing Commissioner Woodwell and presented the following resolution:

**RESOLUTION 1-24
RECOGNITION OF SERVICE
DAVITT WOODWELL**

- WHEREAS:** Davitt Woodwell has served as a Commissioner to the Ohio River Valley Water Sanitation Commission from 2018 to 2023 representing the Commonwealth of Pennsylvania, and
- WHEREAS:** Mr. Woodwell has provided faithful and diligent service to the Commission serving on numerous Committees including Audit, Congressional Liaison, Water Resources, and as Chair of the Ad Hoc Committee on Environmental Justice, and
- WHEREAS:** Mr. Woodwell actively worked to help advance the Commission’s goals, and
- WHEREAS:** Mr. Woodwell has earned the esteem and friendship of his fellow Commissioners, and
- WHEREAS:** Mr. Woodwell has devoted his career to protecting the precious natural resources of the Commonwealth of Pennsylvania;

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

ACTION: Motion by Commissioner John Hoopingarner, second by Commissioner George Elmaraghy and unanimously carried, to adopt Resolution 1-24 as presented.

Chair Hoopingarner then announced that during the Executive Session, they welcomed new Kentucky Commissioner Proxy Sarah Gaddis who was serving on behalf of Kentucky’s Cabinet Secretary Rebecca Goodman and officially welcomed her to the Commission. He also recognized and welcomed the new Watershed Organizations Advisory Committee’s Chair Heather Hulton VanTassel and thanked her for accepting the responsibility and thanked outgoing chair Chris Tavenor for his service and commended the committee for their ongoing rotation of leadership to provide new perspectives to the Commission from the Committee.

We have a new resolution that we need to present to the Commission regarding a non-discrimination grievance policy that needs to be adopted. Executive Director Harrison presented the information. We were informed late last week, and although certainly a practice at ORSANCO, that we need this policy to finalize our Gulf Hypoxia task force grant. If the Commission considers it favorably, adopting the resolution will give me the authorization to include the policy (Attachment I) within our book of policies and share with USEPA to meet this requirement for the grant.

RESOLUTION 2-24

MOTION TO ADOPT NON-DISCRIMINATION GRIEVANCE POLICY AS REQUIRED BY 40 C.F.R. PARTS 5 AND 7

WHEREAS, the Commission strives to be an organization that is free from unlawful discrimination; and

WHEREAS, the Commission has adopted policies to prevent unlawful discrimination in employment and employment practices; and

WHEREAS, the Commission, from time-to-time, applies for funding from the United States Environmental Protection Agency (“USEPA”), as well as other federal agencies; and

WHEREAS, 40 C.F.R. Parts 5 and 7 apply to an applicant or recipient of such federal funding; and

WHEREAS, the 40 C.F.R. Part 5 requires an education program funded by the USEPA to prohibit discrimination against any person on the basis of sex; and

WHEREAS, 40 C.F.R. § 5.130 - 5.140 require an applicant or recipient of such education funding to adopt and publish grievance procedures “for prompt and equitable resolution of student and employee complaints alleging” discrimination on the basis of sex; and

WHEREAS, 40 C.F.R. Part 7 requires an applicant or recipient of USEPA funding to prohibit discrimination against any person on the basis of race, color, national origin, age, handicap, or sex; and

WHEREAS, 40 C.F.R. § 7.90 requires an applicant or recipient of USEPA funding to “adopt grievance procedures that assure the prompt and fair resolution of complaints which allege a violation of this Part”; and

WHEREAS, 40 C.F.R. § 7.95 requires that an applicant or recipient “shall provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, age, or handicap in a program or activity receiving EPA assistance or, in programs or activities covered by section 13, on the basis of sex. Methods of notice must accommodate those with impaired vision or hearing. At a minimum, this notice must be posted in a prominent place in the recipient’s offices or facilities;” and

WHEREAS, the Commission intends to comply with 40 C.F.R. Parts 5 and 7 by, among other things, adopting a Non-Discrimination Grievance Policy that is available to any person who seeks to make a complaint regarding alleged unlawful discrimination in connection with ORSANCO’s operations or programs, and by disseminating that Non-Discrimination Grievance Policy as required by 40 C.F.R. Parts 5 and 7; and

WHEREAS, the proposed Non-Discrimination Grievance Policy, attached hereto as Exhibit A, has been reviewed by USEPA personnel, who indicated that the Non-Discrimination Grievance Policy “generally comport[s] with ... the regulatory requirement,”

IT IS THEREFORE HEREBY RESOLVED AS FOLLOWS:

1. The Non-Discrimination Grievance Policy, attached hereto as Exhibit A, shall become a Policy and Procedure of the Commission and shall be added to the Commission’s Policies and Procedures Manual;
2. ORSANCO shall publish the Non-Discrimination Grievance Policy in a prominent place in ORSANCO’s offices and on its website; and

3. ORSANCO shall disseminate the Non-Discrimination Grievance Policy in accordance with the requirements of 40 C.F.R. Parts 5 and 7; and
4. The Executive Director is authorized and empowered to take any and all actions the Executive Director deems necessary and proper to effectuate this Resolution and ensure that ORSANCO is in compliance with the requirements of 40 C.F.R. Parts 5 and 7, when such regulations are applicable to ORSANCO's activities.

ACTION: Motion by Commissioner John Hoopingarner, second by Commissioner John Kupke and unanimously carried, to adopt Resolution 2-24 as presented.

ACTION: Amended Motion by Commissioner John Hoopingarner, second by Commissioner Frevert to revise the contact information in the policy to Executive Director, and unanimously carried, to adopt Resolution 2-24.

Report of the Executive Director

Executive Director Harrison asked the staff to stand to receive a round of applause from the Commission. He expressed his appreciation for their hard work and all they do to make ORSANCO so successful.

There was a pretty strong interest expressed by the Commission to take a brief few hour canoe ride on the Ohio River at our Clifty Falls meeting in 2020 and then Covid happened and we went to virtual meetings. We have another opportunity right after the Commission meeting on June 13 in Louisville if there is still an interest. Mark Noll and David Wicks with Ohio River Way who do a lot of work to celebrate the Ohio River as a wonderful recreation resource have offered to meet us on the river bank in Louisville with their Voyageur canoes. We would have a boxed lunch and join them for a 2-hour canoe trip on the Ohio River.

The Ohio Restoration Plan is getting to a point where it's almost time to move the plan forward. We discussed this at our Roundtable meeting yesterday and he was grateful for the guidance given to the ORSANCO team. A draft of the plan is anticipated in early April. The Day on the Hill event will be held on May 16 in Washington, DC. More information will come. Last year we had great participation. A number of Kentucky officials participated in addition to the ORSANCO staff last year.

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

1. Brunot Island Power, LLC (PA0031933) at Ohio River Mile 1.9.
 - No issues identified
2. Sewickley Borough Water Authority (PA0217751) at ORM 11.2
 - No issues identified
3. Allegheny & Tsingshan, LLC (PA0005754) at ORM 37
 - No issues identified
4. City of Weirton Sanitary Board (WV0023108) at ORM 66.3
 - No issues identified
5. Mingo Junction Steel Works (WV0001058) at ORM 242.4
 - No issues identified
6. Buckeye Pipeline Company (INH056979 – general permit)
 - No issues identified

Action on Minutes

ACTION: Motion by Commissioner Harrison, second by Commissioner Toby Frevert and unanimously carried, that the minutes of the 237th meeting of the Commission, be adopted.

Report of the Treasurer

Commissioner Joe Harrison reported that a detailed Treasurer's report as of December 31, 2023 has been provided in your agenda materials for this meeting.

A Treasurer's report as of December 31, 2023 has been provided in your agenda materials for this meeting.

The report indicates a balance of \$964,868 in accounts receivable due the Commission. The balance represents \$835,468 due from federal sources, \$75,250 due from signatory states, and \$54,149 due from other sources.

Additionally, the report indicates receipts of \$2,733,274 plus carryover of \$3,906,746 totaling \$6,640,020 through the end of December 2023. Of that amount \$2,286,726 was expended on programs, leaving \$4,353,294 available for the continuation of ORSANCO's programs.

The Commission has not received the 2024 federal 106 award.

As of December 31, the Commission has \$3,619,730 in cash.

Report of the Technical Committee

Technical Committee Chair Scott Mandirola requested Commissioner Michael Wilson make the following report since he sat in as Technical Committee Chair this meeting for him. Commissioner Wilson reported the Technical Committee held its 234th meeting over the past two days. Seven states, two federal agencies, and four advisory committees were represented. A summary of the meeting follows:

Good morning Mr. Chairman, Commissioners, guests and staff. The Technical Committee held its 234th meeting over the past two days. All eight states, three federal agencies, and all advisory committees were represented. A summary of the meeting follows:

Great Lakes to Gulf: Tracking Nutrient Trends in the Mississippi River Basin

Dr. Alejandra Botero-Acosta, with National Great Rivers Research and Education Center, and Maxwell Burnette, with University of Illinois, presented on the following. The Great Lakes to Gulf Virtual Observatory (GLTG) is an interactive, geospatial application that provides user-friendly access to water quality information from the Mississippi River and its tributaries. This presentation showed the GLTG platform showcasing nitrogen trends and the other layers and data available. They also discussed the methodology of the trends analysis and highlight lessons learned from our work on nutrient trends analysis in the Mississippi River Basin. It is noted that for the most part, improving trends for nutrients (nitrogen) have been identified.

An Assessment of the Influence of Reservoirs on Ohio River Low Flow & a Discussion of the Benefits and Costs

Erich Emery provided an introduction to the following Corp of Engineers' study. Dr. Patrick Ray, Gaurav Atreya, and Tolulope Odunola, with the University of Cincinnati, presented on the following US Army Corps study. The US Army Corps of Engineers has teamed with engineers from the University of Cincinnati on a study of the influence of USACE reservoirs on Ohio River low flow. USACE reports to Congress on the value of flood damages avoided. This project aims to develop similar quantifications of services provided during periods of low flow, such as contaminant dilution, navigation passage, sewerage assimilation, water supply, and hydropower generation (among others).

Kentucky Communities Are Embracing Their Local Waterways and Basin Coordinators Have a Seat at the Table

Many communities across Kentucky are looking for opportunities to develop outdoor recreation and are looking towards their local creeks as part of this effort. This gives Basin Coordinators from Kentucky Division of Water a unique opportunity to be involved in these conversations at the community-level by helping with watershed management plans, developing flood mitigation strategies, and working to reduce nonpoint source (NPS) pollution runoff. One example is Maysville, Kentucky, and according to Mayor

Debra Cotterill, “We’ve had our backs to the creek for too long, and now it’s time to turn around and face it.” As part of this investment effort, Maysville is currently focusing on Limestone Creek and working on multiple endeavors to restore the creek to its historic, natural beauty. In this presentation, Brian Storz with the Kentucky Division of Water, Licking River Basin Coordinator, discussed the role of Basin Coordinators, our liaison activities between local communities and the state, and specifically, the Maysville Limestone Creek revitalization efforts.

2024 Biennial Assessment of Ohio River Water Quality Conditions (2018-2022)

The 305b workgroup met on January 25th to review the 2024 draft Biennial Assessment of Ohio River Water Quality Conditions (305b Report). ORSANCO continues to employ the weight of evidence approach when applying the accepted methodologies to these assessments, while recognizing that some states use independent application of criteria. The workgroup reviewed and approved the assessments of the four defined uses; Aquatic Life, Contact Recreation, Public Water Supply and Fish Consumption. The 2024 designated impaired river miles for each use were consistent with the 2022 Biennial Assessment previously endorsed by TEC. Staff will be preparing a report based on the assessments that were presented, and will also reconvene the 305b Workgroup to discuss addressing inconsistencies between ORSANCO and states’ assessments for the Ohio River.

PCBs Trends in Fish Tissue

Staff provided a summary of a temporal trends analysis of PCB concentrations in Ohio River Channel Catfish tissue. The analyses completed over the prior years demonstrate that PCB concentrations and associated "Do Not Eat" consumption advisories have decreased in Channel Catfish over the last 30 years. The draft report details the methods and conclusions further and has been reviewed by the BWQSC members and colleagues. TEC was asked to provide comments on the draft report prior to submission to a peer-reviewed journal.

Broad Scan Survey Interim Results

Staff presented an overview of the 2023 BroadScan Survey (BSS) preliminary results. The 2023 BSS was a repeat effort of a survey completed in 2012 and was requested by Commission member states to examine ambient river water under differing flow conditions, for priority pollutants not routinely monitored under ORSANCO core programs. Findings will be included in FY2024 Monitoring strategy document and a draft report of Final Report of Findings prepared for the June 2024 TEC meeting.

ORSANCO’s Contact Recreation/Bacteria Trends and Monitoring Project

Staff reported on the Contact Recreation/ Bacteria Monitoring program sampling efforts and also the historical dataset that is available and used to produce the Bacteria Trends Report. Staff presented an update to the 2018 Bacteria Trends report which spans over 2001-2022 and focuses on *E.coli* Geometric Mean at all historical sites. Precipitation data was also included as a recommendation from the October Technical Meeting. A side-by-side comparison study of the Colilert Method and real-time Proteus Instrument will begin April 2, 2024 and continue through the end of the season which is October 29, 2024. This study is funded by a WV 604b grant and a summary report of this data will be generated after the season has ended. Staff will be preparing a report based on trends analyses presented at the meeting.

Waterbody Impairment Compilation Maps for the Ohio 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. This information will be valuable for the Ohio River Basin Restoration Initiative. Staff asked TEC to review the information for accuracy before it is made public. Staff will also make similar requests of the non-ORSANCO states in the basin, and report back at the next TEC meeting.

ORSANCO’s Response to the E. Palestine Derailment Using EPA’s River Spill Model

US EPA has periodically provided funding since the 1990’s for the development and updates of an Ohio River spill time-of-travel model. Staff gave a presentation on the use of this model during the response to the February 2023 East Palestine train derailment incident. ORSANCO utilized the Ohio River spill model to predict spill plume transport and provide drinking water utilities and response agencies plume travel-time estimates throughout the response.

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. This included an update on an active period for the Organics Detection System Program which included instrumentation upgrades at three monitoring stations and relocating the Maysville site to the Thomas More University Field Station. Brief updates were also provided on discussions to potentially extend ORSANCO's source water protection activities to the upper Ohio River tributary basins and a follow-up to the chronic benzene detections observed in the Beaver River watershed.

ORSANCO Biological Programs Update

The BWQSC met on January 17th to review 2023 survey results and recalibration of the biological indices. Biological staff members presented the recalibrated fish and macroinvertebrate indices that were approved by the subcommittee for use in the assessment of future pool survey data. Staff also detailed potential projects for the coming year including investigating functional diversity measures, expanding contaminants tracking to include lower trophic levels, and continued efforts relative to nutrient criteria. The subcommittee will meet again in the spring to prioritize these projects, approve the 2023 pool assessments, and finalize plans for the 2024 field season.

Monitoring Strategy Update

Staff provided an update on the work of the Monitoring Strategy Subcommittee. They will be meeting next week to address a number of monitoring issues that will culminate in a revised monitoring strategy document this fall aimed at providing future direction for ORSANCO's monitoring programs. Staff requested input from TEC on the current set of monitoring issues being addressed.

Report of the Water Users Advisory Committee (WUAC)

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

Our committee last met virtually on January 12, 2024.

River Update

Facilities report no major issues on the river. Seasonal transition underway. After several months of low flow, early January rains brought higher flows and significant bed scour, resulting in much higher bacteria loads.

ODS Network

ORSANCO staff continue to work diligently to support GC installations at the Chemours Facility and the Thomas More University Field Station. Two used GCMS instruments from Pittsburg and Louisville were donated to ORSANCO with the hope they can be repurposed to existing stations within the ODS network. ORSANCO staff plan to implement proficiency testing to improve data confidence and QA/QC.

We are actively recruiting participants for the Next Generation ODS work group. Hoping to have our first kick-off meeting in the next few months to review the current network model, do some initial gap analysis, and discuss various options going forward. Will have more to report in future meetings.

Spill Response/Preparedness

This week marks the anniversary of the Ohio River response to the East Palestine train derailment. Spill response/preparedness training continues to be an emphasis for our Committee. ORSANCO staff did a demonstration of the web-based RSMS spill travel model with discussion of model assumptions and limitations. The current model has served us well for many years, with timely and accurate estimates of time of travel and arrival at water intakes. The Committee is interested in future model development to better account for different spill types and dispersion/decay factors.

West Virginia American Water conducted a tabletop training exercise at their Huntington facility. The training scenario centered around an incident involving a tanker truck release of 3,000 gallons of diesel to a storm drain that went directly to the river immediately upstream of the city's water intake. A summary of the training was shared with Committee members and prompted a good discussion on the tabletop process, training objectives and injects, and initial observations.

Regulatory Updates

On the regulatory front, many water systems just finished up the first year of UCMR5 PFAS and lithium monitoring. Most of that data has been published online to EPA's UCMR5 Data Finder. 25% of PWS detected Lithium above the health-based levels. 15% of PWSs reporting PFOS above the proposed MCL and 12% reporting PFOA levels above the proposed MCL.

Public comment periods recently closed for the proposed PFAS rule and the Lead and Copper Rule Improvements (LCRI). Committee members have been working closely to submit comments. Final rules for both are expected later this year. 2021 Lead and Copper Rule Revisions (LCRR) will be enforceable in October 2024. States and water systems are busy with implementation of LCRR and will now have to pivot to LCRI. Many systems are actively working with their States to submit project proposals, hoping to secure federal funding for treatment and distribution infrastructure improvements to comply with these rules.

Source Water Protection

Last week, committee members submitted comments on the proposed new outfall for the Chemours facility, requesting effluent limits be set for all six regulated PFAS, and that limits be based on either the most recent drinking water HALs or the proposed drinking water MCLs.

As reported in previous meetings, several committee members joined up to intervene in the NPDES permit appeal process for APG Polytech in 2021. A final settlement was reached in late 2023 that will uphold 1,4-dioxane permit limits and set a clear timeline for compliance. This is a big win for Ohio River water quality and source water protection. We expect to see significant reductions in river dioxane levels (an order of magnitude).

Report of the Public Information Programs Advisory Committee

Betsy Mallison Bialosky, Committee Chair, gave the following report:

PIACO met yesterday and received updates on FORE program outreach including the aquarium, River Sweep and the education program. In 2023, there were 121 River Sweeps with more than 4,500 volunteers who picked up 902 tires and 85 tons of garbage. The RiverWatchers education program is in 7 schools and the riverboat education program reached 547 students. We discussed the 5 year communication and public involvement strategic plan which is currently being developed. The education and outreach communication plan is done. We also discussed a new marketing plan for the River Sweep season which begins March 1 and runs through October 31. We met our new member, Sara Sgantas, and we also have a new member from Pennsylvania we are excited about. We reviewed the social media footprint of ORSANCO on Facebook and Instagram and would encourage all of you to become a follower. ORSANCO and FORE will cohost a conservation job fair February 13 from 3 to 7 pm at the Cincinnati Museum Center. Again, we would encourage anyone to attend.

Report of the Watershed Organizations Advisory Committee (WOAC)

Heather Hulton VanTassel, Committee Chair, started her report.

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

We recognize and commend ORSANCO's efforts in understanding novel and emerging contaminants. We commend ORSANCO for taking the lead, and we encourage these efforts around emerging contaminants, such as ORSANCO's work with PFAS. When it comes to water quality monitoring emerging contaminants, our groups are interested in learning more about what data ORSANCO is collecting or plans to collect on microplastics and/or nanoplastics. It would seem like an appropriate fit for ORSANCO to analyze the grab samples it is already collecting as a part of its monitoring work. As more studies show the ubiquity of plastics in our waterways, we would like to recommend ORSANCO work towards being at the forefront of thinking and creating solutions about how to monitor for microplastics and reduce exposure as an emerging contaminant. This is particularly important as the Ohio River is a major home to plastic producers and plastic pollution sources.

The watershed organization's advisory committee would also like to make recommendations regarding the Environmental Justice work of ORSANCO. First, we thank ORSANCO for the efforts and consideration that has gone into working towards expanding education efforts in communities that are disproportionately experiencing environmental harm. Education is important, and that work is key to long-term relationship building with communities. We must also recognize that EJ work is not just education in outreach, rather the education should be coupled with sharing possible actions that community members can take to help correct issues that continue to allow environmental harm to their communities.

In addition, it is our understanding that much of the environmental justice work the U.S. EPA is funding right now is through the lens of the Justice 40 initiative, where at least 40 percent of the benefits of the funding goes to disadvantaged communities. Any environmental justice work should be designed so the financial benefits of the program directly support those impacted communities, which requires programs that go beyond just education and outreach and helps communities access funds. Taking this lens into account could increase chances of ORSANCO receiving funds.

There are some areas that the advisory group believes ORSANCO is positioned to go beyond watershed education: 1) internally evaluate the infrastructure improvements planned to assure EJ communities are prioritized, 2) offer solutions and actionable steps to community members to address and mitigate known water quality issues in their communities and 3) increase monitoring efforts in EJ communities. As ORSANCO's efforts grow in EJ work, prioritizing an internal DEI staff person with expertise in addressing EJ issues should be considered.

We understand that these recommendations take resources and staff time. These recommendations that we shared are for consideration as ORSANCO grows their monitoring efforts and EJ work. Again, we thank you for the time and opportunity to hear from watershed organizations.

Report of the Publicly Owned Wastewater Treatment Works Advisory Committee

Reese Johnson, Committee Chair, reported that the POTW Advisory Committee met at ORSANCO on January 25 (hybrid) with 16 participants representing 7 utilities and ORSANCO. At that meeting, the committee learned about ORSANCO's River Sweep Program and discussed ways to expand those activities in concert with wastewater utilities' activities, and most importantly stormwater management utilities. Jason Heath updated the committee on the ongoing work to update ORSANCO's Monitoring Strategy. They also got a look at the new Proteus sensor that ORSANCO will be piloting this year. He presented the information he shared with the TEC last meeting on the Cincinnati Smart Sewers. Lastly, the meeting provided an opportunity for MSD of Greater Cincinnati and SD1 of Northern Kentucky to rejuvenate their MOU around sharing water quality data to support modeling of the shared piece of the Ohio River.

Report of the Chemical Industry Advisory Committee

Kathy Beckett, Committee Chair, gave the following report:

The Chemical Industry Advisory Committee met in January and is in its formative stages. We have a robust e-mail and contact reach that includes approximately 40 individuals who were alerted about today's meeting so they could begin to engage and learn about the issues of importance that you are engaged in and expects in the next meeting the Committee will have a more substantive report and response to issues that are important to our group relative to the good work of the Commission.

Upcoming Meetings

Chair Hoopingarner noted the following schedule for upcoming Commission meetings:

- June 11-13, 2024 – Louisville, Kentucky
- October 8-10, 2024 – Charleston, West Virginia
- February 11-13, 2025 – TBD

Adjournment

The 238th meeting of the Commission was adjourned at 10:11 A.M.

Minutes approved by:

A handwritten signature in blue ink, appearing to read "J Harrison, Jr.", with a stylized, cursive script.

Joseph Harrison, Jr., Secretary/Treasurer

Prepared by Tracey Edmonds

ROSTER OF ATTENDANCE
238th Commission Meeting
February 8, 2024

Commissioners

Illinois	Scott Twait (PROXY for Director John Kim)
Indiana	Brian Rockensuess Joseph Harrison, Jr. John Kupke
Kentucky	John Lyons (PROXY for Lt. Governor Jacqueline Coleman) - virtual Sarah Gaddis (PROXY for Secretary Rebecca Goodman) - virtual Spencer Bruce - virtual
New York	Mike Wilson Douglas Conroe Damianos Skaros (PROXY for Basil Seggos) - virtual
Ohio	Anne Vogel John Hoopingarner Holly Christmann
Pennsylvania	Bevin Ann Buchheister (PROXY for Interim Acting Secretary Jessica Shirley) - virtual
West Virginia	David Flannery Ron Potesta Scott Mandirola (PROXY for Secretary Harold Ward)
Virginia	Jeff Hurst (PROXY for Director Michael Rolband)
Federal	George Elmaraghy Tom FitzGerald - virtual David Miracle
Legal Counsel	Aaron Herzig

Executive Director

Richard Harrison

Staff

Ryan Argo, David Bailey (virtual), Alexis Brandenburg, Bridget Borrowdale, Daniel Cleves (virtual), Stacey Cochran, Sam Dinkins, Tracey Edmonds (virtual), Joe Gilligan, Nick Guthier, Emilee Harmeling (virtual), Jason Heath, Ryan Hudson, Adam Scott, Sarah Segars (virtual), Annette Shumard, Bridget Taylor, Rob Tewes, Jamie Tsiominas, Lila Ziolkowski

Guests

Kathy Beckett	Chemical Industry Advisory Committee
Betsy Mallison Bialosky	PIACO
Don Bialosky	
Chris Bobay	WUAC
Bill Boria	PIACO
Lisa Cochran	Ohio EPA
Reese Johnson	POTW
Heather Hulton VanTassel	WOAC
Tiffani Kavalec	Ohio EPA
Annalisa Rocca	OEC
Kerry Roe	Clark Schaefer Hackett
Sue Weaver (virtual)	PADEP

OHIO RIVER VALLEY WATER SANITATION COMMISSION

Non-Discrimination Grievance Policy

ORSANCO does not discriminate on the basis of sex, race, color, gender, sexual orientation, religion, national origin, age, gender identity or expression, veteran status, political affiliation, disability or any other trait or characteristic protected by law.

ORSANCO does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights. ORSANCO values the confidentiality of those who report complains of discrimination. The contact of a filed complaint will remain confidential to the greatest extent practical, although certain information from the complaint may need to be shared to allow a thorough investigation of the complaint. All information related to a complaint must be treated as private information by ORSANCO staff. ORSANCO staff are prohibited from sharing information about complaints with unauthorized parties. It is the responsibility of ORSANCO staff to maintain the integrity of complaint proceedings.

Complaint Procedure

ORSANCO adopts the following grievance procedures in order to assure the prompt and fair resolution of complaints that allege a violation by ORSANCO of 40 C.F.R., Parts 5 and 7:

A complaint should be submitted to the ORSANCO Non-Discrimination Coordinator within 180 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. The complaint, in the preferred language of the complainant, can be e-mailed to info@orsanco.org, called in through the office number at 513-231-7719, or mailed to ORSANCO Non-Discrimination Coordinator:

Non-Discrimination Coordinator
Executive Director
ORSANCO
5735 Kellogg Avenue
Cincinnati, OH 45230
Email: rharrison@orsanco.org

A complaint must be in writing, contain the name and address of the person filing it and/or the identified representative. The complaint must state the date of the occurrence and the problem or action alleged to be discriminatory and the remedy or relief sought. The complaint shall specify with as much detail as possible:

1. The actions or inactions by ORSANCO that support an alleged violation of 40 C.F.R., Parts 5 and 7;
2. The alleged discrimination that did or will result from such actions or inactions;
3. The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and

4. The basis for why the action is believed to be discriminatory, and if possible, identify the sections of 40 C.F.R., Parts 5 and 7, that were allegedly violated.

The ORSANCO Non-Discrimination Coordinator (or their designee) will acknowledge receipt of the grievance within 5 days and shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The ORSANCO Non-Discrimination Coordinator will maintain the files and records of ORSANCO relating to such grievances. To the extent possible, and in accordance with applicable law, the ORSANCO Non-Discrimination Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.

1. ORSANCO's Non-Discrimination Coordinator is responsible for making information available to non-employees regarding rights to services, aids, benefits, and participation without regard to sex, race, color, national origin, age, gender, disability, sexual orientation, or marital status. ORSANCO's Non-Discrimination Coordinator will periodically evaluate the effectiveness of ORSANCO's efforts to offer such services, aids, benefits and participation opportunities when feasible.
2. ORSANCO's Non-Discrimination Coordinator is responsible for ensuring that intimidation and retaliation against any person or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with any such rights, is prohibited and that claims of intimidation and retaliation will be handled promptly if they occur.
3. ORSANCO's Non-Discrimination Coordinator will coordinate or facilitate training efforts for ORSANCO staff regarding the ORSANCO's obligations to comply with nondiscrimination statutes, and policies and procedures.
4. ORSANCO's Non-Discrimination Coordinator will track all complaints filed against ORSANCO under this policy or with the EPA and shall review all complaints on a semiannual basis to identify and address any patterns or systemic problems. ORSANCO's Non-Discrimination Coordinator will also ensure that complainants are updated on the progress of their discrimination complaints filed with ORSANCO, if requested. ORSANCO's Non-Discrimination Coordinator will promptly inform the complainant as to any determinations made.
5. ORSANCO's Non-Discrimination Coordinator is responsible for providing notice of this policy and carrying out the process, as prescribed by this policy, of the investigation of non-employee complaints. ORSANCO's Non-Discrimination Coordinator may delegate an investigation to another investigator or designee, if necessary, on a case-by-case basis.

The ORSANCO Non-Discrimination Coordinator will issue a written decision on the complaint, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies. The written decision will include whether discrimination is found and the description of the investigation process.

ORSANCO Discrimination Complaint and Compliance/Review Grievance Procedure

ORSANCO assures that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to the ORSANCO Non-Discrimination Grievance Policy and Procedures in the same manner as other claims of discrimination.

The person filing the complaint may appeal the decision of the ORSANCO Non-Discrimination Coordinator by writing to the ORSANCO Board of Commissioners within 15 days of receiving the ORSANCO Non-Discrimination Coordinator's decision. The ORSANCO Board of Commissioners shall issue a written decision in response to the appeal no later than 60 days after its filing.

The availability and use of this complaint procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of sex, race, color, national origin, disability, age, gender or retaliation, in court or with the U.S. Environmental Protection Agency, External Civil Rights Compliance Office. A person can file a complaint of discrimination electronically by writing to TitleVI_Complaints@epa.gov or by mail or phone at:

U.S. EPA Office of External Civil Rights Compliance

Office of General Counsel

Mail Code 2310A

1200 Pennsylvania Avenue N.W.

Washington, D.C. 20460

PHONE: (202) 564-3316

The availability and use of this complaint procedure does not prevent a person from filing a complaint of discrimination on the basis of sex, race, color, national origin, disability, age, gender, sexual orientation, gender identity or expression, or marital status with the Ohio Civil Rights Commission at 1-888-278-7101 or <https://civ.ohio.gov/how-to-file-a-charge>.

ORSANCO will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided free auxiliary aids and services or language assistance services, respectively, if needed, to participate in this complaint process. Such arrangements may include, but are not limited to:

ORSANCO:

Providing persons with disabilities equal opportunity to participate in or benefit from our programs, services, and activities, including:

1. Reasonable modifications to have equal opportunities to participate in or benefit from our programs, services, and activities;
2. Free auxiliary aids and services to people with disabilities to communicate effectively with us, such as:
 - a. Qualified sign language interpreters
 - b. Written information in other formats (large print, audio, accessible electronic formats)

Providing free language assistance services to people with limited English proficiency, such as:

1. Qualified interpreters
2. Translated vital documents and other information

The ORSANCO Non-Discrimination Coordinator will be responsible for such arrangements when they are requested.