



Via email PCS@orsanco.org
ORSANCO
5735 Kellogg Avenue
Cincinnati, OH 45230

Re: OMA Comments on ORSANCO's Pollution Control Standards – triennial review

Dear Sir or Madam:

Pursuant to ORSANCO's recent public notice, The Ohio Manufacturers' Association (OMA) is hereby providing the Ohio River Valley Water Sanitation Commission (ORSANCO) with written comments in response to potential revisions to its Pollution Control Standards (PCS).

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents more than 1,400 manufacturers in every industry throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary and transparent environmental regulations that protect Ohio's citizens and resources.

The OMA would like to thank ORSANCO for the opportunity to comment as the Commission continues its review and evaluation of potential alternatives and revisions to the ORSANCO Pollution Control Standards – 2015 Revision (PCS). The OMA appreciates the role ORSANCO plays in helping protect and preserve water quality in the Ohio River and collecting and providing data and information for the river's many stakeholders. This comment period offers an important opportunity to review the role of ORSANCO in light of both regulatory developments and improvements in water quality in the Ohio River since ORSANCO's inception in 1948.

Summary of Comments

OMA has reviewed the five alternatives identified by the Commission and supports the adoption of Alternative 2 Expanded. We view this as the most sensible and cost-effective approach to achieve the goals of the ORSANCO Compact. Alternative 2 Expanded is appropriate and consistent with the mandates of the ORSANCO Compact.

When ORSANCO was created in 1948 the need for water quality improvements in the Ohio River was clear and prior to ORSANCO there was no effective regulatory framework to address this critical need. Since the creation of ORSANCO, there have been numerous changes to the regulatory system most notably the passage and enactment of the Clean Water Act and a comprehensive system of federal and state water quality programs and standards developed and implemented in all of the ORSANCO Compact states. As a result of these changes, there has been a dramatic improvement in the quality of the Ohio River, as well as its tributaries and other feeder streams.

Today all of the Compact States implement a federally-enforceable water quality program approved by the U.S. EPA. These programs have been effective in addressing each state's streams as aquatic habitats, as well as supporting their uses for recreation and drinking water.

The water quality goals of the Compact are being effectively addressed by the Clean Water Act and the PCS no longer provide the value and impact they once did. Today, the difference between the PCS and Clean Water Act standards can and do lead to confusion for the manufacturing community, and can create complications in the permitting process, where there is often no effective way to question or challenge the appropriateness or applicability of the underlying PCS in specific permitting situations. The more valuable role for ORSANCO today is to concentrate on its scientific and technical information gathering and research. This would allow ORSANCO to provide valuable information to the states in carrying out their obligations to preserve and protect water quality under the Clean Water Act. It would also help promote and coordinate consistency among the states in the Ohio River basin.

OMA believes that Alternative 2 Expanded is the best alternative outlined by the Commission. Alternative 2 Expanded maintains the beneficial uses of the Ohio River consistent with the mandates of the ORSANCO Compact, while at the same time removing the duplicative and resource intensive aspects of the PCS. Alternative 2 Expanded also allows ORSANCO to concentrate its resources on those tasks that it can best perform to help promote and preserve water quality in the Ohio River.

While the OMA appreciates the time and effort the Commission took in compiling these alternatives, the OMA cannot support Alternatives 3 or 4. Both of these options would consume significant amounts of time and resources, while creating duplicity and inconsistency, without likely achieving any real environmental benefit. Creating a more cumbersome regulatory regime for ORSANCO on top of the already stringent requirements of the Clean Water Act is inadvisable.

Alternative 5 which requires ORSANCO to maintain and update the PCS, but makes the standards essentially “voluntary” is an option the OMA cannot support. There is no justification for the expenses of maintaining the PCS if there is no overarching legal authority and no practical impact on water quality.

We again want to thank the Commission for the opportunity to provide comments. We look forward to working with the Commission throughout this review process, and appreciate the opportunity to convey our support for Alternative 2 Expanded. We look forward in participating in any future meetings or comment periods regarding the PCS as the Commission further evaluates the program.

Sincerely,



Rob Brundrett
Director, Public Policy Services