



Proposed Changes To Ohio River Pollution Standards Up For ORSANCO Vote

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Following through on a proposal first considered in 2015, the Ohio River Valley Water Sanitation Commission (ORSANCO) is nearing an October 4, 2018, vote on whether to remove portions of its Pollution Control Standards in its 2018 review of these rules. Based on the comments received on the proposal, the vote may be controversial.

If successful, the vote will result in the removal of numeric Pollution Control Standards from ORSANCO's rules applicable to eight states along the river. At present, ORSANCO is considering the [comments received on the proposal](#), having stressed in announcing it that the body had not made any final decisions regarding the proposal and that support for the proposal was not unanimous.

As a regional water quality control body, ORSANCO – whose leadership includes representatives from eight Ohio River states (IL, IN, KY, NY, OH, PA, VA, and WV) – has a full plate of [programs](#) designed to monitor and improve the health of the Ohio River. Among these is the [Pollution Control Standards](#) program, through which ORSANCO sets standards for acceptable levels of water quality in the Ohio River within its jurisdiction.

These standards are in addition to water quality standards set by the Ohio River states through their individual state programs. When seeking permits for discharging into the Ohio River, sources are required to comply with their state's standards in addition to the ORSANCO standards. However, every

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state program must ensure that its own standards – independent of the ORSANCO requirements – are fully protective of the designated uses of the Ohio River and meet minimum federal water quality standards.

ORSANCO explains the proposal is a way to eliminate duplication of water quality control efforts, and instead defer to the U.S. EPA, Clean Water Act, and state regulatory programs to ensure the River's water quality. If adopted, the move could streamline time-consuming regulatory processes.

At the close of the comment period on the proposal, ORSANCO received nearly 7,000 pages of comment on the [proposed language](#) – with a large number of them opposed to the proposal, many raising concerns about whether there would be an effect on water quality. It remains unclear whether the opposition will have an effect on the ultimate decision by the ORSANCO Commissioners as to whether to adopt the proposal.

A [recent article](#) in the Indiana Lawyer, featuring comments from the B&T Environmental Law team, takes a closer look at the different opinions in Indiana regarding the ORSANCO proposal.