OHIO RIVER VALLEY
WATER SANITATION COMMISSION
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TESTIMONY OF RICHARD B. HARRISON, P. E.

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OHIO RIVER VALLEY WATER SANITATION COMMISSION

BEFORE THE
U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

REGARDING
PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT IN THE WAKE OF THE NORFOLK SOUTHERN TRAIN DERAILMENT AND CHEMICAL RELEASE IN EAST PALESTINE, OHIO

March 9, 2023

Good morning, Chairman Carper, Ranking Member Capito, and Members of the Committee. My name is Richard Harrison; I am the Executive Director and Chief Engineer of the Ohio River Valley Water Sanitation Commission (ORSANCO). ORSANCO is an interstate commission that carries out our compact signed by eight states – Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia and West Virginia – with approval by the United States Congress and participation by the federal government. Since its inception in 1948, ORSANCO has worked to improve and protect the water quality of the interstate waters of the Ohio River Basin.

Article 1 of ORSANCO's Compact states that "Each of the signatory States pledges to each of the other signatory States faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers, streams and water in the Ohio River basin which flow through, into or border upon any of such signatory States, and in order to effect such object, agrees to enact any necessary legislation to enable each such State to place and maintain the waters of said basin in a satisfactory sanitary condition, available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits, and adaptable to such other uses as may be legitimate." ORSANCO completes significant water quality work to support its Compact.

I appreciate the opportunity to testify before this Committee today regarding ORSANCO's efforts, as part of an exceptional partnership, to respond to the East Palestine Train Derailment and its downstream impact on the Ohio River. ORSANCO's Compact specifies the protection of the interstate waters of the Ohio River Basin as a safe and suitable public and industrial water supply after reasonable treatment. This is a critical service that ORSANCO provides to the 30 Ohio River surface drinking water utilities that supply the millions of customers they serve.

ORSANCO's ability to excel in this type of response is only possible through the combined efforts of our partners including the Ohio River drinking water utilities; our member states and their governors; the United States Environmental Protection Agency (USEPA); the United States Army Corps of Engineers (USACE); and other federal and local partners. I must highlight Ohio Governor DeWine, Ohio Environmental Protection Agency, and USEPA Region V for their on-scene leadership in this particular response, and the Greater Cincinnati Water Works (GCWW) who provided critical, laboratory analysis for numerous samples on a 24/7 basis.

ORSANCO has an extraordinary team of 22 professionals and a total annual budget of $3.9 million, which is below our 2003 budget level. We receive federal funding of $1.4 million from a USEPA Clean Water Act, Section 106 Grant. Section 106 Grant funding has remained stagnant over the past 13 years. I am proud of the strong value our organization provides to our many partners that was most recently demonstrated through our successful response to the diluted chemical spill remnants of this event that reached the Ohio River.

The foundation of ORSANCO's chemical spill response is our staff's coordination with our partners, utilizing ORSANCO's Organics Detection System (ODS). The ODS includes 16 scientific laboratory instruments owned and maintained by ORSANCO and operated primarily by our Ohio River drinking water utilities. This system provided the early warning that chemicals from the derailment had reached the Ohio River.

The ODS has subsequently provided over 40,000 screening level test results for 30 volatile organic chemicals (VOCs). Over 130 special samples of the Ohio River were collected by ORSANCO scientists and analyzed by Greater Cincinnati Water Works laboratory. The proximity of the leading edge of the diluted spill remnants was tracked by ORSANCO's Time-of-Travel Computer Model and confirmed by daily sampling completed by ORSANCO scientists. This information proved invaluable to our partners.

N-Butyl Acrylate, 2-Ethyl-hexanol and 2-Ethylhexyl-acrylate were detected through ORSANCO's initial sampling efforts from the Little Beaver Creek, the tributary below East Palestine that feeds the Ohio River near the Ohio and Pennsylvania state border. As a result, we were able to calibrate six of our more sophisticated ODS stations to quantify any detections of these chemicals that may be found in the diluted spill remnants.

The Agency of Toxic Substances and Disease Registry (ATSDR) provided invaluable, timely provisional health guidance screening levels for these chemicals to determine what level might pose a health risk to finished drinking water. There is no drinking water maximum contaminant level (MCL) for these and many other chemicals that are stored or transported near the Ohio River. These screening levels were 560 parts per billion (ppb) for n-butyl-acrylate; 500 ppb for 2-Ethylhexy-acrylate; and 200 ppb for 2-ethyl-hexanol. Our highest Ohio River detection for n-butyl-acrylate was 4.3 ppb and the analysis results for the other two chemicals were all below 1 ppb. The ATSDR health screening levels and ORSANCO's ODS and special sampling data analysis provided the scientific foundation for our conclusion that there were no Ohio River detections at any levels approaching a concern to public health. This information was tabulated, posted on ORSANCO's website and communicated to the public.

ORSANCO's ability to provide this high level of chemical spill response is dependent upon our ability to secure sustainable funding through the fiscal 2024 federal appropriations process. This includes the Organics Detection System. If the recent accident has taught us anything, it is that we depend on this system, and our capable staff and partners, to successfully respond to threats to our drinking water supply. The current ODS equipment was last funded by Congress in 2009 and needs replacement at an approximate cost of $4.7 million. In short, ORSANCO needs additional sustainable federal investment to be able to provide the level of service our partners have come to expect and rely upon.

Please find enclosed exhibit A, which is the sampling map and data results table from the East Palestine Train Derailment chemical spill event. Also please find enclosed exhibit B, which is a report titled "Occurrence of Releases with the Potential to Impact Sources of Drinking Water" provided to ORSANCO" by Steven C. Allgeier with USEPA's Office of Ground Water and Drinking Water, Water Security Division that provides relevant information related to my testimony. This report provides supporting details about the high frequency of chemical spills in the Ohio River Basin that helps demonstrate who ORSANCO's Spill Monitoring and Response program utilizing its Organic Detection System is so critical.