

A Brief Overview of the Relationship Between the Ohio River Valley Water Sanitation Commission and the Ohio River Basin Alliance

28 January 2025

Harry Stone, ORBA Past Chair

Summary of the ORSANCO - ORBA Relationship

Authorized by Congress in 1936 and established by an eight-state compact in 1948, the Ohio River Valley Water Sanitation Commission, along with its member states, has and continues to improve the water quality in the Ohio River Basin. The Ohio River Basin Alliance (ORBA) is an all-volunteer organization created to foster collaboration and consensus on the water resource priorities of the Ohio River Basin and to advocate to the US Congress for funding to address those priorities. While the collaborative goals being addressed by ORBA range from recreation and river navigation to water availability and healthy ecosystems, ORBA recognizes ORSANCO as the interstate organization addressing water quality in the Basin. As such, coordination and cooperation between ORBA and ORSANCO are critical; ORBA relies on the input from ORSANCO with respect to water quality challenges and seeks to be effective at communicating to Congress the funding needs to address the water quality challenges. To that end, ORSANCO has provided leadership in ORBA's efforts to develop a collaborative restoration plan for the Ohio River Basin that will provide a science based, stakeholder informed case to Congress to justify a geographically-targeted Ohio River Basin restoration initiative. Working together with the Ohio River Basin Congressional Caucus, ORBA and ORSANCO anticipate legislation that will authorize the Ohio River Basin to receive targeted funding for restoration. Such funding will be critical for the region, but also for ORSANCO as an organization seeking to further restore the water quality of the streams and river of the Ohio River Basin.

ORBA Formation - 2009

Erich Emery, U.S. Army Corps of Engineers, provided a description of the founding of the Ohio River Basin Alliance (ORBA) at the ORBA conference in Pittsburgh, PA, September 2012:

October 2009 – Ohio River Basin Summit

Co-Led by:

US Environmental Protection Agency

US Army Corps of Engineers

The Ohio River Valley Water Sanitation Commission (ORSANCO)

The Ohio River Basin Water Resources Association [Author's note: subsequently absorbed by ORSANCO]

Attendees: Over 100 stakeholders representing 43 different agencies and organizations.

Participants agreed that gathering together to roundtable on water resource issues within the Ohio River Basin is necessary to promote a sustainable water resources future.

That agreement of the participants led to the formation of the Ohio River Basin Alliance (ORBA) to meet the need for a collaborative forum that could help identify broad water resource priorities of the Ohio River Basin. ORBA was, and remains, an all-volunteer collaboration of, state, local and federal agencies, industry, academia, and not-for-profit organizations.

ORBA Early Years — 2010-2013

ORBA was led by a 7-person Steering Committee that included, for example, Jerry Schulte of ORSANCO. The ORBA Steering Committee and other volunteers planned and held eight conferences focused on bringing together a breadth of stakeholders to foster collaboration around water resource issues. Water resource issues included not only water quality, but water quantity, transportation, infrastructure, recreation, research, education, flooding, and more. The conferences were self-funded by registration fees and sponsorships.

Lacking staff, little was accomplished between conferences to address the priorities identified in the conference collaboration. A transition toward more effectiveness began in 2012, as describe by Erich Emery, U.S. Army Corps of Engineers, at the ORBA conference in Pittsburgh, PA, September 2012:

The Ohio River Basin Alliance (ORBA) is evolving from an event into an entity. [ORBA in 2012 now has:]

Steering Committee

Standing Work Groups

Guiding Principles, Vision, Mission and Purpose

Bylaws (recently approved)

Administrative Procedures (being developed)

[From the ORBA Bylaws:]

[ORBA's] Purpose is to communicate on water resources issues in the Basin with the goal of identifying key issues that resonate with the entire Alliance membership.

[ORBA's] Guiding Principles are to include everyone, leverage our resources and authorities, capitalize on existing collaborations, and do not impede or infringe on the mission of any other organization.

[ORBA's Initial Formal Working Groups:]

Water Availability & Management

Erich Emery, US Army Corps of Engineers

Restoration & Protection

John Stark, The Nature Conservancy

Sustainable Growth & Competitiveness

Dr. Harry Stone, Battelle

Enterprise & Infrastructure

Kari Mackenbach, URS Consultants, Inc.

ORBA Staffing and Formal Relationship with ORSANCO — 2016 - 2017

ORBA was blessed with many outstanding volunteers, including, for example, John Hoopingarner, then Executive Director, Muskingum Watershed Conservancy District and past Chair of ORSANCO, leading the Water Management & Availability Work Group. As noted, the lack of staff to carry on work between meetings severely limited ORBA's effectiveness. In 2015, Harry Stone, ORBA member since its inception, retired from Battelle and committed to serve as volunteer staff for ORBA. He became Chairperson of ORBA in 2016 and served as Chairperson or Vice Chairperson through 2022. Having staff enabled ORBA to become substantially more effective.

The relationship between ORBA and ORSANCO had been weak. Some questioned the need for ORBA and others were concerned ORBA was positioning for money or to be a regional commission. These views and misconceptions stained the ORBA/ORSANCO relationship.

Soon after becoming Executive Director of ORSANCO, Richard Harrison asked for a meeting with Harry Stone, ORBA Chairperson, and Ron Lovan, ORSANCO Chairman. Concerns were aired and opportunities for cooperation were explored. This began a strong relationship between Richard Harrison and Harry Stone that has made coordination and collaboration effective and beneficial for ORSANCO and ORBA.

The next clarification that was needed was how the U.S. Army Corps of Engineers (USACE) coordination and collaboration with ORBA and ORSANCO would be most effective and beneficial. Following are excerpts from the ORBA summary of a game-changing meeting of ORSANCO, ORBA and USACE:

April 12th [2017] a meeting was held in Huntington with USACE, ORSANCO, and ORBA. Attending were: COL Philip Secrist, COL Chris Beck, Bruce Scott ORSANCO Commissioner (KY); Ron Lovan, ORSANCO Chairman (KY); Ron Potesta, ORSANCO Secretary/Treasurer (WV); Stuart Bruny, ORSANCO Commissioner (OH); Richard Harrison, ORSANCO Executive Director; Sharon Bond, USACE, Chief, Planning Branch (Louisville District); Amy Franz, Planning Branch Chief (Huntington District), Cheryl Grimes, USACE; Brandon Brummett, USACE; Harry Stone, ORBA Chairperson; and Chuck Somerville, ORBA Vice-Chairperson.

COL Philip Secrist, Commander, Huntington District, U.S. Army Corps of Engineers, stated: "I believe there is a critical need for a forum to bring partners, organizations, stakeholders, local, state, and federal agencies to leverage resources and holistically seek progress of this region."

USACE expressed their two intents:

(1) Give the Ohio River Basin (ORB) a voice. This gap in the Ohio River Basin has resulted in an inability to get things done basin wide.

(2) With Federal resources in decline, smaller projects don't get attention unless there is a conglomerate sponsor for regional/national justification. A conglomerate nonfederal sponsor to communicate regional and national interest is needed and important.

Richard Harrison introduced himself as ORSANCO Executive Director for the past two years. He stated that he had found the basin relationships to be perplexing. Richard had requested the meeting with the USACE and ORBA to get clarity around the relationships. ORSANCO is exploring a more significant role in the ORBA basin wide

initiative. Richard was wanting to ensure a good understanding of USACE interests and how ORSANCO fits in to [sic] things.

Key commissioners in [sic] were in the meeting. This was the first meeting of this type with leadership of ORSANCO. Richard was seeking to ensure that the USACE was on board [with] ORSANCO pursuing a larger role. In response, COL Secrist indicated that the USACE would be good with ORSANCO and ORBA developing the approach.

ORSANCO expressed interest in their existing collaborations serving as a mechanism for water quality input to the high priority regional challenges and Ohio River Basin Strategy.

ORSANCO described their breadth of collaboration in the ORB [Ohio River Basin] with three Commissioners from each of eight states plus three Presidential appointees. They have strong collaboration around water quality and monitoring, but also have other areas where they facilitate collaboration, for example, their water resources committee. This work parallels some of ORBA's activities.

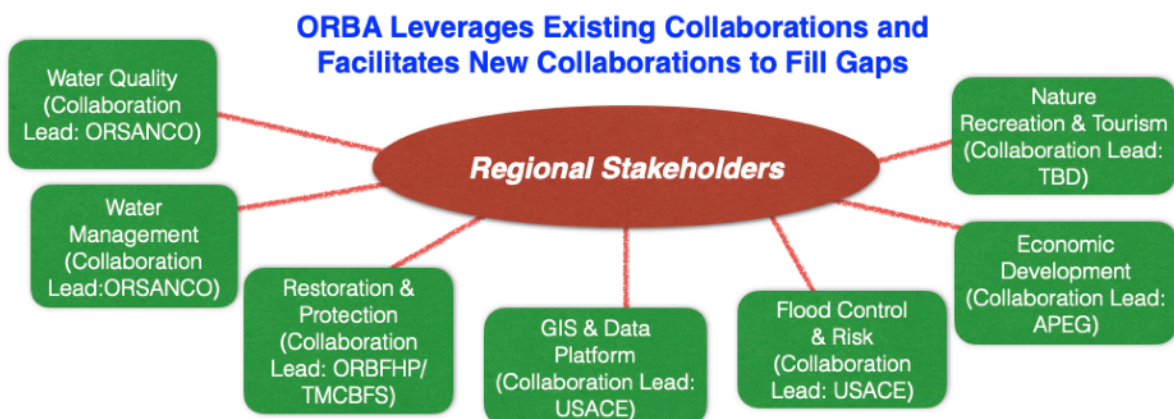
Consensus was that it is important to have unified perspective being expressed for the region. There was discussion about ORSANCO, USACE, and ORBA going in together to talk with legislators.

It was requested that Harry "draw a picture" of ORBA's role in collaboration and how funds would flow. A first cut was provided to ORBA leadership for comment. [See below.]

Richard and Harry were asked to meet and develop an approach for a strong relationship between ORSANCO and ORBA.

"Pictures" of ORBA's role in collaboration and how funds would flow follow.

Ohio River Basin Collaborative Regional Strategy Development

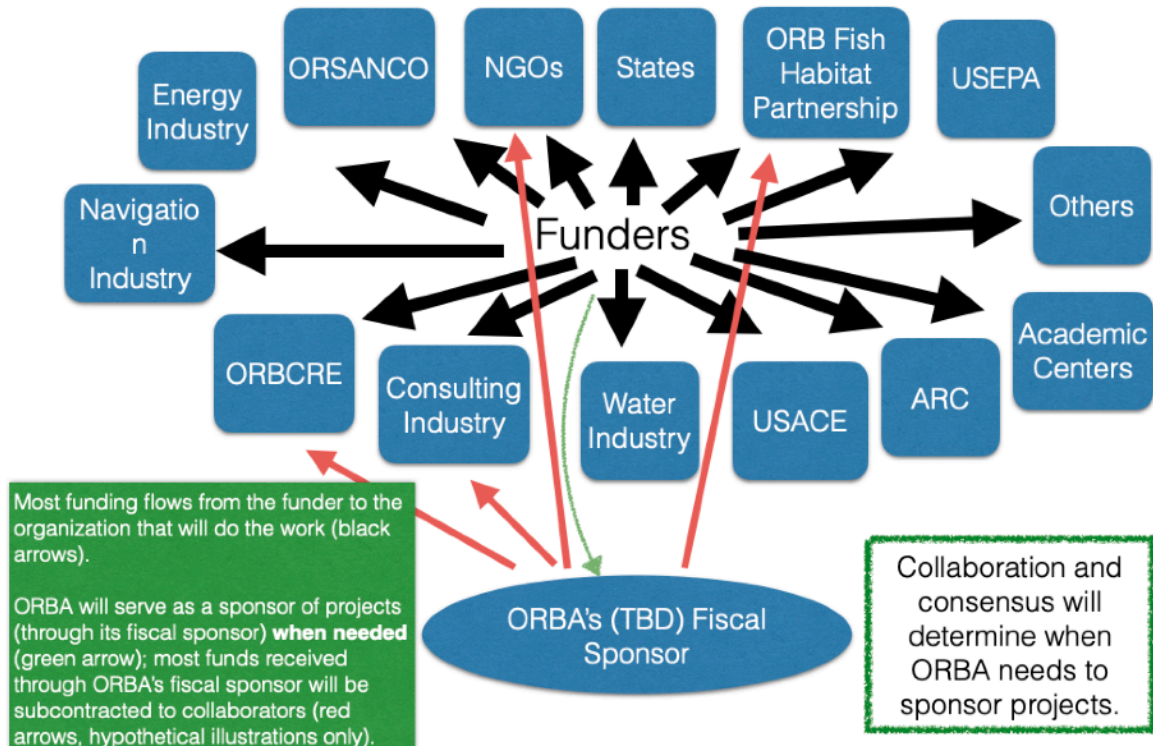


Ohio River Basin Collaborative Regional Strategy Development



Ohio River Basin Fund Flows for Regional Projects

*More flows are expected than illustrated by arrows; arrow size not intended to reflect amounts of funding.



Subsequent discussions between Harry Stone and Richard Harrison - and others - led to the development of a formal fiscal sponsorship agreement between ORSANCO and ORBA that became effective 28 September 2017. Key points of the agreement include:

- ORBA and ORSANCO are separate organizations that agree to cooperate to promote ORBA's goals: "(1) determine the Basin's priorities; (2) get the stakeholders to discuss and collaborate on issues; (3) inform the Ohio River Basin Caucus in the U.S. House of Representatives on critical issues; and (4) develop and deliver safety (sic) projects that further the goals."
- ORSANCO's Executive Director is an ex officio voting member of the ORBA decision-making body (formerly the Steering Committee, now the Board of Trustees). [Virtually all ORBA decisions are made by consensus, although there are provisions for a supermajority vote if consensus cannot be reached. This has never (or possibly rarely) been used by ORBA.]
- ORSANCO (or the Foundation for Ohio River Education, as appropriate) may act as fiscal sponsor for ORBA projects, i.e., offering legal status, accounting, financial oversight, and maintenance of financial records for projects that utilize the fiscal sponsorship arrangement.
- For ORSANCO to provide fiscal sponsorship for ORBA, the project must be consistent with ORSANCO's Compact entity status and tax exempt status.
- ORSANCO provides services to the Project to facilitate the submission of proposals and execute and manage contracts and subcontracts.
- ORSANCO shall hire and serve as the employer of ORBA Personnel (if any). [This provision has never been utilized. Subcontracts have been used.]
- ORSANCO is compensated 15% of net proceeds after Project expenses are paid.
- ORSANCO provides in-kind benefits (at its sole discretion) to support the relationship including: office space, business address, ORSANCO email address, access to computer network, use of copier, computers, and printers, telephone, and conference call services.

ORBA Projects Fiscally Sponsored by ORSANCO

Beginning in 2017, each ORBA Summit has used ORSANCO's fiscal sponsorship arrangement for which ORSANCO receives a fee of 15% of net proceeds.

In 2019 ORBA used the fiscal sponsorship arrangement for a \$400,000 project entitled, "Ohio River Valley Water Sanitation Commission for Development of an Ohio River Basin-Wide Strategic Plan." Harry Stone (ORBA) served as the Customer Representative. USACE brought in \$200,000 and the Commonwealth of Kentucky contributed \$150,000. The remaining \$50,000 was in-kind support from ORSANCO staff. [It is worth noting that Dr. Stone contributed a substantial level of effort to the project, but because he was volunteering it could not be counted as project match, except for a period when ORBA, through ORSANCO, contracted his services.]

The output from this project was the *Plan for the Ohio River Basin 2020 - 2025*. The plan established high level objectives and strategies across six goals:

- Abundant Clean Water
- Healthy and Projective Ecosystems
- Knowledge and Education to Inform Decisions
- Nations Most Valuable River Transportation and Commerce Corridor
- Reliable Flood Risk Management
- World-class Nature-based Recreation Opportunities

ORBA established working groups for each goal to pursue the objectives and strategies. The Working Group Lead for Abundant Clean Water was Richard Harrison, ORSANCO's Executive Director.

Ohio River Basin Restoration Plan — Now

Both the Abundant Clean Water and the Healthy Ecosystems working groups have a strategy that includes securing funding for an Ohio River Basin Restoration Initiative, as stated in the *Plan: securing funding to initiate a federal geographic program for the restoration of the Ohio River Basin that is appropriate to the need identified by the states, federal agencies (...), conservation organization and other stakeholders.*

To this end, the two working groups have joined forces to develop a restoration strategy for the Ohio River Basin as a basis for securing a federal geographic restoration program for the Ohio River Basin with federal funding for the priorities of the Basin. Jordan Lubetkin, Director of Ohio River Restoration for the National Wildlife Federation (NWF), has secured substantial financial support from NWF to solicit stakeholder input throughout the Basin and to hire a contractor craft a credible collaborative restoration plan from the input of task groups. More than 200 people have been involved in the data-gathering and writing of this plan. ORSANCO, with leadership from Richard Harrison and substantial staff efforts, has led collaborations that have developed the water quality and availability portions of the plan.

With early leadership from ORSANCO and recent coordinated efforts of ORBA, ORSANCO, and the ORBA membership, the bipartisan Ohio River Basin Congressional Caucus in growing in numbers and interest in the ecological restoration challenges that have been identified. On December 16, 2024 the Caucus leadership introduce *H.R. 10432 - Ohio River Basin Restoration Program Act* to address the need for an Ohio River Basin geographic restoration initiative that was targeted in the *Plan for the Ohio River Basin* for 2025. While the bill did not pass in 2024, it will be reintroduced in 2025. It is expected that funding through the initiative will address the challenges that ORBA has identified both for the Basin as a whole and for ORSANCO priorities as the commission addressing water issues in the Basin.

Concluding Comments

ORSANCO was one of the three organizations that in 2009 held a summit that called for the creation of an organization that could facilitate collaboration and help identify and communicate water resource related challenges in the Ohio River Basin. ORBA was the organization that was created for this purpose. ORSANCO has held key ORBA leadership positions over the years, and, since 2017, is the sole stakeholder ex officio member of the Board of Directors. Being consensus based, a single Board member has considerable power to shape decisions.

ORBA now has about 500 members. While each organization represented has their own focus and interest, collaboration has resulted in a consensus restoration plan that we anticipate will be supported by a broad coalition in the Basin and will be instrumental in filling high priority funding gaps. ORSANCO has identified funding through a restoration initiative as critical for its continued effectiveness. ORBA is enthusiastically advocating for a federal geographic program for the Ohio River Basin that will address ORSANCO's priorities as well as other priorities of the Basin.

The relationship between ORSANCO and ORBA has proven to be essential and effective. We look forward to continuing our coordinated efforts to address the priorities of the Ohio River Basin.