



**Delaware River Basin Commission**

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**Steven J. Tambini, P.E.**

Executive Director

**MINUTES  
WATER QUALITY ADVISORY COMMITTEE  
NOVEMBER 13, 2014**

**ATTENDEES:**

<b>NYS DEC</b> Scott Stoner & Phil DeGaetano <i>(via telephone)</i>	<b>DE DNREC</b> Dave Wolanski <b>**Chair of WQAC**</b>
<b>NJ DEP</b> Frank Klapinski	<b>PA DEP</b> Tom Barron <i>(via telephone)</i>
<b>EPA</b> Wayne Jackson, EPA, Region II <i>(via telephone)</i> Kuo-Liang Lai, EPA, Region III	<b>Academia Representative</b> John Jackson, Stroud Water Research Center
<b>Environmental Organization Representatives</b> Maya van Rossum, Delaware Riverkeeper	<b>Regulated Community Representatives</b> Al Pagano, E.I. DuPont Bryan Lennon, City of Wilmington
<b>National Park Service</b> Al Ambler <i>(via telephone)</i>	<b>Local Watershed Organization</b> Abby Pattishall, Wildlands Conservancy
<b>DRBC:</b> Tom Fikslin, Manager, Mod. Mon. & Assess. Ken Najjar, Manager, Planning & IT Erik Silldorff, Aquatic Biologist Namsoo Suk, Supervisor, Modeling Steve Tambini, Executive Director John Yagecic, Supervisor, Standards	<b>Other Attendees:</b> Jason Cruz, PWD Jeff Fisher, USGS Brenda Gotanda, Manko-Gold Leah Lowrie, DSM Nutritional Product Cynthia McManus, DuPont Chambers Works Angela Padeletti, Part. Del. Estuary <i>(via telephone)</i> Peter Sharpe, National Park Service <i>(via telephone)</i> Eric Vowinkel, Rutgers Univ. Jeremy Young, Eurofins Lancaster Labs

**1. Approval of Minutes**

The minutes for the May 2013 WQAC meeting and the September 2013 WQAC meeting were reviewed and approved. Discussions for the May 2013 minutes included a review of the different state methodologies for “Existing Use” consideration and approval.

**2. Announcements & Updates**

Philadelphia Water Department conducted a dye tracer study in the estuary during August 2014 in support of their modeling efforts for the Delaware Estuary. Jason Cruz gave a brief update on the field work and early results from this study.

### **3. WOAC Policy for Presentations & Handouts**

As a follow-up from the September 2013 WQAC meeting, the Committee discussed the options and need for a policy on web posting for all presentations, handouts, and supporting materials used at the WQAC meetings. The options used by other organizations were reviewed, and the sensitivity of some presenters to having their ideas and/or results immediately available on the web was highlighted. As a public meeting, however, the Committee generally felt that all materials were essentially publicly available if presented at these public WQAC meetings. The DRBC typically seeks to maintain a high degree of transparency, and web posting of all materials would be consistent with such an approach. However, it was clear that DRBC and the Committee did not seek to capture complete transcripts from each meeting, in part because of time and expense required for transcripts. One option that received favorable review was a policy that a presenter could request an exemption from the web posting requirement, and that Committee members would vote on granting such an exemption. In the end, the Committee requested that DRBC staff attempt a first draft of a policy which captured the main points of this discussion for review by the full Committee at the next WQAC meeting.

**Action Item:** The Committee requested that DRBC staff develop a statement on the public availability of handouts, presentations, and supporting materials presented at the WQAC meetings. This statement should summarize the consensus of the Committee during today's discussion, and will then be presented to the Committee for consideration at the next meeting.

### **4. Update on Nutrients**

DRBC staff provided a brief update on the status of the Nutrient Criteria Plan and progress on nutrient related work tasks. The revised Nutrient Criteria Plan was submitted to the USEPA in December 2013, and there was discussion on how USEPA staff would proceed based on this submission (revised plan available on DRBC's website at [www.state.nj.us/drbc/quality/conventional/nutrients/](http://www.state.nj.us/drbc/quality/conventional/nutrients/)). DRBC also discussed the progress on the 2-year point source monitoring requirement for facilities in the Delaware Estuary, with the BOD-ultimate testing remaining the largest outstanding item for that work. It was anticipated that technical and financial arrangements for the BOD-ultimate testing would soon be finalized so that the 20 facilities required to test for BOD-ultimate would be able to sample either Winter-2015 and Summer-2015, or Summer-2015 and Winter 2016.

### **5. "Existing Use" Evaluation**

Erik Silldorff from the DRBC gave a summary presentation on DRBC's efforts to evaluate the "Existing Use" for Zones 3, 4, and 5 of the Delaware Estuary (presentation and supporting materials available on DRBC's website at [www.state.nj.us/drbc/about/advisory/quality/](http://www.state.nj.us/drbc/about/advisory/quality/)). The presentation described the methodology for DRBC's evaluation and the preliminary results of this evaluation. Overall, data collected since 2000 indicated that "propagation" by one or more fish species was documented in all estuary zones. However, the data did not support the attainment of the full use of "maintenance and propagation" because of weak or inconsistent evidence for successful reproduction by one or more species in each of Zones 3, 4, and 5.

Additional steps in the “Existing Use” evaluation were then highlighted, including soliciting feedback from the Delaware River Basin Fish & Wildlife Management Cooperative.

DRBC’s presentation stimulated much discussion. In addition to questions on data, methods, and terminology, the expected spawning and rearing activity in each zone was highlighted as a data need to put the current results into context. The Committee requested that such expectations be articulated in the DRBC report. The evaluation of additional uses, such as “fish passage”, was also discussed in light of the current “Existing Use” evaluation. DRBC’s recommendation that the current evaluation be vetted through the Delaware River Basin Fish & Wildlife Management Cooperative was well received, with a request that such discussions be open to WQAC members, as well. The Committee generally felt the “Existing Use” evaluation was ready to move forward and felt a DRBC summary report was warranted, although it was emphasized that any report should narrowly focus on evaluating the “Existing Use” alone. DRBC staff expected a summary report to be available before the next WQAC meeting, which would be submitted to Committee members and other stakeholders prior to the next meeting. Finally, the next steps for the WQAC and DRBC after completion of the “Existing Use” evaluation were discussed, including the need and value to revise DRBC’s water quality regulations on either “Designated Use” and/or dissolved oxygen criteria. These next steps were expected to be a main topic for discussion at the next WQAC meeting.

**Action Item: The Committee recommended that DRBC formalize its data review regarding the “Existing Use” for Zones 3, 4, and upper Zone 5 for the Delaware Estuary, with a report summarizing the methods, results, and recommendations.**

#### **6. Schedule for Next Meeting**

Based on the 2 to 4 month timeline to complete the “Existing Use” report, the Committee felt that a February or March meeting would be valuable to evaluate both the “Existing Use” and the appropriate follow-up steps. DRBC staff will identify suitable dates via email.

Meeting Adjourned @ 3:45 pm.