

**TOXICS ADVISORY COMMITTEE**

February 24, 2004

A meeting of the Toxics Advisory Committee was held at the Delaware River Basin Commission in West Trenton, NJ. Members or alternates present were:

**Delaware**  
Rick Greene

**Pennsylvania**  
James Newbold

**Environmental / Watershed**  
Maya van Rossum  
Dr. Laurel Standley

**Industry**  
Larry Sandeen

**Academia**  
Dr. David Velinsky

**Public Health Interest**  
Dr. Chuck Shorten

**New Jersey**  
Steven Lubow

**Municipal**  
Dennis Blair

**Agriculture**  
Ferdows Ali

**New York**  
Not represented

**Resources**  
Brian Marsh

**U.S. EPA**  
Denise Hakowski  
Dr. Rollie Hemmett

**Delaware River Basin Commission**

Bob Tudor  
Dr. Thomas Fikslin  
Dr. Namsoo Suk  
Dr. Ron MacGillivray  
John Yagecic  
Greg Cavallo

**Other Attendees**

Dr. Tom Church, University of Delaware  
Tom Starosta, PADEP  
Tom Healy, Philadelphia Water Dept.  
Roy Romano, Philadelphia Water Dept.  
Mike Larkins, Paradigm Labs  
Matt Burns, Paradigm Labs  
Dr. Steve Brown, Rohm & Haas  
Tom Harlukowicz, PSEG  
Dr. Jeff Wetherington, DuPont  
Bart Ruitter, DuPont  
David Piller, Exelon  
Dr. Joe Rogan, Exelon Power

**Delaware Estuary Program**

Peter Evans

**I. Recommendations & Agreements**

No specific recommendations or agreements were identified.

**II. Call to Order**

Meeting was called to order by Mr. Sandeen, Chair of the Toxics Advisory Committee, at 9:45 am.

### **III. Meeting Minutes**

The TAC reviewed the minutes from the October 30, 2003 meeting. Mr. Blair made a motion to approve the minutes. Dr. Hemmett seconded the motion and the motion carried unanimously.

### **IV. DELEP Update and Funding Opportunity**

Mr. Evans presented information on the Delaware Estuary Program, including:

- DELEP's mission;
- Accomplishments during 2003, including an angler survey;
- A list of estuary indicators from 2001 and the indicators added in 2004
- EPA's indicators hierarchy linking indicators to strategies;
- DELEP's 2004 budget allocation; and
- An anticipated \$500,000 available in FY2005 for small grants.

Mr. Evans indicated that DELEP was actively seeking solicitations for projects to be funded in FY2005. Anticipated grants would be approximately \$10K with an approximate cap of \$25K per grant. Mr. Evans said that endorsement from one of the advisory committees might enhance the competitiveness of a grant proposal.

Mr. Sandeen asked that the angler survey be distributed to the TAC when available. Mr. Greene asked if DRBC anticipated applying for DELEP funding for any of the work items for the Stage 2 PCB TMDL. Dr. Fikslin replied that some carryover funding from Stage 1 would be applied to Stage 2, and that DELEP funding might be sought for other projects such as monitoring of estrogenic compounds.

The group agreed that grant proposals should be submitted to DRBC so that they could be distributed to the TAC before the March 31<sup>st</sup> meeting. The TAC would discuss the proposals at the next meeting to determine if one or more should be endorsed to DELEP.

### **V. Update on Chronic Toxicity Workgroup**

Dr. MacGillivray updated the TAC on the activities of the Workgroup on Chronic Toxicity Testing in the tidal Delaware River.

Dr. MacGillivray is the chair of the Workgroup which is tasked with characterizing the nature and extent of cumulative chronic toxicity in the estuary. Dr. MacGillivray summarized recent activities and developments including the following:

- The Workgroup met in November 2003 and February 2004;
- DRBC received comments on the Ambient Water Monitoring of the Delaware River for Chronic Toxicity QAPP for 2004 from workgroup members;
- DRBC recommended separating freshwater species testing (to be performed in 2004) from estuarine species testing to be conducted under different river flow conditions to capture different salinities at Zone 5 sites;

- Dr. David Russell, EPA Region III has recommended an EPA-ORD review of modified EPA method 1007 (estuarine species) to identify the best test species and conditions for testing of sites in Zone 5 with a salinity gradient between 0.5 to 10 ppt;
- Spatial and Temporal characterization of the river has been expanded in the 2004 sampling plan:
  - 14 sites to be tested with fresh water species
  - sampling in two seasons Spring river flow and Summer low flow
  - 5 sites to be tested with a full dilution series
  - sampling area RM 131 (Trenton) to RM 63 (N. Pea Patch Is.)
  - sampling at five mile intervals along the navigation channel at 0.6 depth water column depth.
  - Conductivity and salinity will be tracked
  - DRBC will re-submit revised QAPP to EPA Region III for approval of FW species testing.
- Next meeting of Chronic Toxicity Workgroup is scheduled for 3/23/04;
- DRBC staff will provide an overview of chronic toxicity in the estuary to the TAC.

Dr. Brown requested that the Workgroup be given the opportunity to see the proposed presentation and make comments/suggestions prior to presentation to the TAC.

Dr. Brown indicated that there are significant disagreements with the Workgroup regarding some very basic issues having to do with the DRBC's Ambient Chronic Toxicity Monitoring and Assessment Program. These disagreements relate especially to (1) the overall purpose of the Program and, therefore, to the sampling design needed to address the related goals; and (2) the potential use and misuse of data from this Program for regulatory purposes.

Mr. Lubow asked why ambient testing was being conducted at harmonic mean flow and if there was a tie in to human health criteria. Dr. MacGillivray indicated that harmonic mean flow satisfied lower salinity criteria without excessive dilution but that the testing was independent of any human health criteria.

Mr. Sandeen asked if there was a writeup on the goals of the testing. Dr. Fikslin said that the goals were included in the QAPP, which had been distributed to the workgroup. Dr. Brown said some of the goals described in the QAPP, such as those that focus on deriving a causal link between specific NPDES WET test results and ambient toxicity, go well beyond this purpose and the intent of the Commissioners, and beyond the capabilities of the science. Dr. Brown said that some on the Workgroup believe that the purpose of the Ambient Chronic Toxicity Monitoring and Assessment Program should be restricted to the evaluation of spatial and temporal status and trends associated with ambient toxicity, as this is the purpose that was articulated by the Commissioners in their Resolution.

Dr. MacGillivray indicated that the data would be used in the integrated assessment. The group discussed the appropriate feedback to the TAC and the need for information ahead

of TAC meetings, articulation of the specific purposes of the testing, and discussion of the limitations and assumptions.

## **VI. Proposed Changes to Water Quality Regulations**

Ms. McSparran presented proposed changes to the DRBC water quality regulations. DRBC is especially interested in TAC feedback on proposed changes to the allocations and monitoring requirements sections of Article 4 of the regulations.

Dr. Fikslin recalled that the Toxics regulations were adopted in 1996 by inserting new language into existing regulations. The current move to recodify the standards provides an opportunity to integrate the overall changes.

Ms. McSparran indicated that PDF versions of the proposed amended regs would be sent to the TAC for more detailed review. The group agreed to a goal of returning comments to DRBC within 2 weeks (by March 10, 2004). Comments would be considered and a revised version of the proposed regulations would be redistributed before the next TAC meeting.

Dr. Fikslin reminded the group that when toxics criteria were considered previously the TAC decided to defer action on lead until after a decision by EPA on New Jersey's proposed lead criteria. Since then, EPA has approved the NJ lead criteria. Mr. Lubow said he would send New Jersey's analysis of the lead criteria to the group. The group agreed to reconsider action on lead at the next TAC meeting.

## **VII. PCB TMDL Update**

Dr. Fikslin presented an update on the status of the PCB TMDL. Recent developments included the following:

- Establishment of the Stage 1 PCB TMDL by EPA in December 2003;
- Commission adoption of a resolution authorizing DRBC to require monitoring for PCBs and other toxic pollutants from both point and non-point sources;
- Development of draft PCB minimization plan templates which DRBC was coordinating with the states and EPA Regions 2 and 3; and
- Discussions with the states and EPA regarding DRBC's role in requiring, reviewing, and enforcing PCB waste minimization plans.

Dr. Fikslin briefed the TAC on the status of the Stage 2 PCB TMDL including the following:

- Continuation of modeling tasks including benchmarking the decadal scale simulations, performance of sensitivity analyses on short term calibration, and code development for mass balance component analysis; and
- Planning of additional data collection.

Dr. Fikslin highlighted the schedule and budget for completion of the Stage 2 PCB TMDL. Dr. Fikslin indicated a scheduled completion date of December 2006 for development of additional homolog models and coordination of a TMDL for Zone 6. The scheduled completion assumes complete funding, however, and there are significant funding shortfalls including a shortfall for the current fiscal year. Funding shortfalls will require an extension of the schedule.

Mr. Cavallo presented a framework for collection of additional data from NPDES dischargers. Mr. Cavallo presented a review of the original sampling request and resultant data set and a comparison of Coefficient of Variation (CV) for 8082A, 1668A, and resubmitted 1668A data. DRBC proposes to require use of Method 1668A for all samples for all 209 congeners. Analysis of all 209 congeners allows for better characterization of homologs, detection of inadvertent congeners, facilitation of trackdown, and consistency among different labs.

Mr. Cavallo presented the targeted data collection:

- Discharges that represent 90% of the cumulative flow for the calibration period will be required to provide additional analyses to achieve a target of 10 samples (5 wet weather and 5 dry weather), using Method 1668A for all 209 congeners; and
- Remaining discharges which comprise the remaining 10% of cumulative flow will be required to provide additional analyses to achieve a target of 6 samples (3 wet weather and 3 dry weather), using Method 1668A for all 209 congeners.
- Non-Contact cooling water discharges will be subject to the sample requirements for the ~10% cumulative flow discharges. For those dischargers who wish to apply for intake credits, a proposed statistical analysis must be submitted to the DRBC for review. If the analysis indicates that there is no net addition of PCBs to the waste stream, then a wasteload allocation will not be developed for that discharge. For those dischargers who do not wish to apply for intake credits, DRBC may utilize existing effluent concentrations in determining a wasteload allocation.

Mr. Cavallo indicated that DRBC anticipates sending out sampling request letters in April of 2004.

### **VIII. Subcommittee Updates**

Mr. Blair briefed the TAC on the activities of a subcommittee formerly known as the Tidewater Non-Point Source subcommittee. Based on recommendations of the TAC and IAC, the Tidewater Non-Point Source subcommittee revised its charter to expand its focus to loadings from all source categories. To reflect its new mission, the subcommittee will now be known as the Loadings Subcommittee. The new charter and membership list were distributed to the TAC. Mr. Yagecic indicated that the Loadings Subcommittee was interested in identifying a representative from the Environmental / Watershed constituency. Ms. Van Rossum said that subcommittee agendas and minutes should be distributed to all TAC members, so that members could provide input at the subcommittee level for specific issues.

Mr. Sandeen distributed a charter for a new proposed Data Quality Subcommittee and matrix describing which tasks would be considered by the Data Quality Subcommittee and which would be considered by the Loadings Subcommittee. The new Data Quality subcommittee would establish a framework for collection of data to characterize loads, pathways, and ambient concentrations of a given pollutant. The group discussed the charter and matrix. Mr. Sandeen agreed to make revisions and redistribute the charter and matrix. The group discussed membership of the proposed subcommittee and expressed the need for representatives from the states and from the Environmental / Watershed constituency.

### **IX. Integrated Assessment Methodology**

Due to the lack of available time, the scheduled Integrated Assessment Methodology presentation was postponed. DRBC agreed to send out the slides to the TAC.

### **X. Public Comment**

No public comments were presented at this time.

### **XI. Adjourned**

Ms. Van Rossum motioned to adjourn the meeting. Mr. Newbold seconded and the motion carried unanimously. The meeting adjourned at 3:30 pm.