

TOXICS ADVISORY COMMITTEE

October 30, 2003

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
Dr. Anthony Aufdenkampe
Maya van Rossum

Industry
Larry Sandeen

Academia
Dr. David Velinsky

Public Health Interest
Not represented

New Jersey
Steven Lubow

Municipal
Dennis Blair

Agriculture
Ferdows Ali

New York
Not represented

Resources
Not represented

U.S. EPA
Denise Hakowski

Delaware River Basin Commission

Bob Tudor
Dr. Thomas Fikslin
Dr. Kenneth Najjar
Dr. Namsoo Suk
Dr. Ron MacGillivray
John Yagecic

Other Attendees

Bruce Aptowicz, Philadelphia Water Dept.
Dr. Rollie Hemmett, EPA Region II
Dr. Laurel Standley
Tom Healy, Philadelphia Water Dept.
Dr. Robert Hoke, DuPont
Roy Romano, Philadelphia Water Dept.
Dr. George van Rossum, Delaware
Riverkeeper Network
Dr. Steve Brown, Rohm & Haas
Tom Harlukowicz, PSEG
Bart Ruitter, DuPont
David Piller, Exelon
Dr. Joe Rogan, Exelon Power
Chris Jepson, BCM Engineers

Delaware Estuary Program

Peter Evans

I. Recommendations & Agreements

- Mr. Sandeen was made TAC Chair through December 2004.
- Dr. Hemmett was made TAC Vice Chair through December 2004.
- The TAC requested that the resolution creating the TAC be re-circulated to its members and interested parties.
- DRBC agreed to produce meeting minutes within 2 weeks of a TAC meeting, whenever possible.
- TAC members will send a brief e-mail describing if and how they coordinate with other stakeholders and policy makers in their category to jyagecic@drbc.state.nj.us

- Draft TAC minutes will be sent to the WQAC members to keep them informed of any criteria related TAC issues.
- Members requested that the full packet of proposed Water Quality revisions be provided to the TAC before going to public notice.
- The TAC Water Quality Criteria Subcommittee was charged with reviewing the toxics related criteria changes in the proposed revisions to the DRBC water quality criteria.
- TAC meetings will be held on the following dates in 2004. Additional meetings may be added as necessary:
 - January 28, 2004
 - March 31, 2004
 - June 9, 2004
 - September 15, 2004
 - November 17, 2004
- A significant block of time will be allotted during a future TAC meeting for a more detailed update on the Chronic Toxicity Workgroup activities.

II. Ongoing Issues

No ongoing issues outside the Agreements listed in the previous section were identified during this TAC meeting.

III. Call to Order

Meeting was called to order by Mr. Sandeen, Vice Chair of the Toxics Advisory Committee, at 9:40 am.

IV. Membership Issues

The group discussed the following TAC membership issues:

- Mr. App had been the TAC Chair for 2003, however, both he and his alternate, Ms. Davis, are no longer representatives to the TAC, leaving the TAC Chair position vacant. Mr. Sandeen is the Vice Chair. Mr. Lubow made a motion to appoint Mr. Sandeen as Chair through December 2004. Mr. Greene seconded the motion and the motion carried unanimously.
- Mr. Lubow made a motion to nominate Dr. Hemmett as TAC Vice Chair through December 2004. Mr. Blair seconded the motion and the motion carried unanimously. Upon completion of his term as Vice Chair, Dr. Hemmett will become TAC Chair in 2005.
- Denise Hakowski is the new EPA Representative.
- Dr. Anthony Aufdenkampe is a new Environmental / Watershed Representative.
- Mr. Ali is the alternate for the position of Agricultural Representative, however, the Agricultural Representative slot is vacant. Dr. Fikslin indicated that Mr. Ali should be

made the Agricultural Representative. DRBC will work with Mr. Ali to change his designation from alternate to representative.

- TAC representatives without alternates, including new appointees, are encouraged to identify alternates.

V. DELEP Update

Mr. Evans provided updates on recent and planned DELEP activities as follows:

- DELEP is working with Dr. Fikslin to prepare a budget and workplan for the Stage 2 PCB TMDL.
- A meeting of the DELEP Management Committee (also known as the Implementation Committee) is scheduled for December 16, 2003. The DELEP Policy Committee (also known as the Steering Committee) will meet during the first week of January 2004. DELEP anticipates increased emphasis on monitoring of habitat and living resources.
- DELEP is working on the 5-Year Monitoring Report framework, and hopes to have a draft by spring 2004.
- DELEP anticipates holding a science conference next year, and releasing a State of the Estuary Report next year also.

Mr. Ali asked how the state of the Estuary compared to 5 years ago. Mr. Evans indicated that DELEP is currently trying to update the indicators that would be needed to answer that question.

VI. Constituency Issues

Mr. Yagecic indicated that DRBC has an interest in knowing if and how TAC members are coordinating with broader constituencies, and if they view that as their role. If coordination with a constituency is not a TAC role, DRBC may need to examine other efforts to reach other stakeholders and policy makers. Mr. Yagecic asked voting TAC members to articulate if and how constituency coordination was being performed.

A few members described the activities they perform in coordinating with other stakeholders in their stakeholder category. Several members questioned whether constituency representation was part of the original TAC charge. Some members indicated that their positions may differ from those of other stakeholders in the same category. Mr. Blair indicated that small municipalities may need a separate representative.

The group agreed that draft meeting minutes could be a means of informing other stakeholders about the activities of the TAC, if minutes could be distributed within a week or two of the meeting, instead of being provided at the following meeting. DRBC agreed to produce meeting minutes within 2 weeks of a TAC meeting, whenever possible.

The group suggested that draft TAC minutes should be e-mailed to the wider list of interested parties, along with a link to the DRBC TAC web pages, including contact information for voting members and alternates. Large PDF files should not be e-mailed. Members recommended performing maintenance on the TAC e-mail list by asking those interested in continuing to receive TAC e-mail to respond if they wished to remain on the list.

Members agreed to send a brief e-mail description of their constituency coordination to Mr. Yagecic, rather than discuss the topic at the TAC meeting.

VII. Basin Security

Mr. Yagecic distributed a project proposal for modeling transport and fate of a contaminant release. Mr. Yagecic recommended that any comments or suggestions on the proposal be forwarded to him.

VIII. Water Quality Criteria Update

Dr. MacGillivray distributed and discussed a schedule to update DRBC Water Quality Criteria for toxic pollutants based on new data and procedures (Attachment 1).

Several members indicated that better communication between the TAC and Water Quality Advisory Committee (WQAC) would be beneficial. Mr. Lubow requested that the TAC inform the WQAC about items to go before the commissioners before the commission meetings. Members agreed that draft TAC minutes should be provided to the WQAC, but again stressed that minutes would need to be available within a week or two to meaningfully inform the WQAC.

Members requested that the full packet of proposed Water Quality revisions be provided to the TAC before going to public notice.

Mr. Lubow made a motion to charge the TAC Water Quality Criteria Subcommittee with reviewing the toxics related criteria changes in the proposed revisions to the DRBC water quality criteria. Mr. Newbold seconded the motion and the motion passed unanimously.

IX. Future TAC meetings

The TAC selected 5 meeting dates in 2004. Other dates may be added as needed. The selected dates are as follows:

January 28, 2004
March 31, 2004
June 9, 2004
September 15, 2004
November 17, 2004

The group expressed interest in having the TAC meetings at alternate locations, possibly including the PWD Northeast Treatment Plant, the Philadelphia Water Works, the Academy of Natural Sciences, and Exelon. Contacts for those facilities were asked to find out about availability.

X. PCB TMDL Update

Dr. Fikslin provided an update on the Stage 1 PCB TMDL. Public meetings were held on September 22, 2003 in Wilmington, DE, on September 24, 2003 in Trenton, NJ, and on September 25, 2003 in Conshohocken, PA. A public hearing was held on October 16, 2003 at the Independence Visitor Center in Philadelphia, PA. The comment period ended October 21, 2003. DRBC and EPA are reviewing the comments and preparing responses.

XI. IAC Update

The first meeting of the Implementation Advisory Committee (IAC) was held on October 21st and 22nd, 2003. A meeting agenda and IAC member list and contact information were distributed. The TAC and IAC should both work toward develop a matrix outlining which issues would be addressed by the TAC and which issues would be addressed by the IAC. Minutes from the first IAC meeting would be distributed to the TAC upon completion.

XII. Chronic Toxicity Workgroup Update

Dr. MacGillivray updated the TAC on the activities of the Chronic Toxicity Workgroup. A Chronic Toxicity Workgroup meeting is scheduled for November 25, 2003. A list of the current members of the Chronic Toxicity Workgroup is enclosed as Attachment 2.

EPA is reviewing a draft QAPP. Freshwater and estuarine testing were separated because there are fewer issues with the use of the freshwater species than the saltwater species in using Whole Effluent Toxicity Tests (WET) for receiving or ambient waters. Scheduled sampling and freshwater species testing for Fall 2003 were cancelled due to high river flow. Sampling and testing is planned for the summer of 2004 using freshwater species in the tests and other testing recommended by the Workgroup

The members agreed that a significant block of time should be allotted during a future TAC meeting for a more detailed update on the workgroup activities. Items to be covered should include:

- Identify problem;
- Charge of workgroup;
- Review existing data;
- Interpretation of data;

- Methodologies;
- Integration and assessment;
- Overview; and
- Resources.

Some participants expressed concern regarding previous interpretation and presentation of chronic toxicity data, and about test methodologies. Several participants suggested that the workgroup would benefit from having a research / academic representative and a Fish and Wildlife Service (FWS) representative. Several members questioned whether sufficient monetary resources would ever be made available to determine the nature and extent of ambient chronic toxicity in the estuary. Mr. Greene suggested that it may be appropriate for DRBC, EPA, and State representatives to approach congressional delegates about appropriating sufficient resources, as has been done in other locations such as Chesapeake bay. The TAC agreed that the work of the Chronic Toxicity Workgroup should continue.

XIII. Subcommittee and Workgroup Updates

The group identified four subcommittees / workgroups that were active or recently active:

- Chronic Toxicity Workgroup;
- Water Quality Criteria Subcommittee;
- TMDL Policies and Procedures Subcommittee; and
- Tidewater Non-Point Source Subcommittee.

Mr. Sandeen suggested that the subcommittees needed to restate their original charge, and provide regular updates at the TAC meetings. If subcommittees had completed their mission, they should be retired.

Mr. Sandeen stated a need for a subcommittee to evaluate data management, data sharing, and data quality. The group discussed this proposal and suggested that Mr. Sandeen prepare a description of the charge of the proposed subcommittee to be discussed more fully at the next TAC meeting.

Mr. Blair suggested that a subcommittee also review the methodologies for estimating loadings from each of the source categories used in the Stage 1 PCB TMDL. Participants recommended that the Tidewater Non-point source subcommittee could be expanded or changed to serve that role, since they were already involved in estimating loads from the two largest loading categories. Mr. Blair will prepare a description of the new charge for a loadings subcommittee to be considered at the next TAC meeting.

XIV. Upcoming Toxics Issues

Dr. Fikslin reviewed Toxics issues which DRBC and the TAC would likely be considering in the next several years:

- DRBC anticipates preparation of the Stage 2 PCB TMDL, as well as TMDLs for chlorinated pesticides and mercury for the estuary. DRBC will update the TAC during the 2nd quarter of 2004 on the likely schedule for a chlorinated pesticides TMDL;
- TMDLs in the non-tidal river for PCBs and chlorinated pesticides are anticipated;
- Mr. Lubow indicated that, after having reviewed the comments on the proposed NJ wildlife criteria, NJ will re-propose the wildlife criteria for PCBs, mercury, and DDT with new implementation methodologies, within 6 months;

Dr. Fikslin indicated that PCBs are a priority for DELEP as articulated by the Policy Committee, and that the Comprehensive Conservation Management Plan (CCMP) includes recommendations for toxics including:

- Adoption of criteria for Zone 6; and
- Development of consistent fish consumption advisories for the 3 estuary states.

XV. Public Comment

No public comments were presented at this time.

XVI. Adjourned

Mr. Lubow motioned to adjourn the meeting. Dr. Velinsky seconded and the motion carried unanimously. The meeting adjourned at 3:06 pm.

Attachment 1

Schedule to update the DRBC Water Quality Criteria for toxic pollutants based on new data and procedures.

2004

- Complete review of and update of 10 metals [copper, zinc, cadmium, chromium (trivalent), nickel, silver, lead, mercury and aluminum] for acute and chronic criteria.
- Revise human health criteria for metals and organic chemicals (revised cancer potency factor or reference dose)
 - Carcinogens (chlordanes, 1,3- dichloropropene, and N-Nitrosomethylamine)
 - Systemics (beryllium, chromium (+3), chromium (+6), chlordanes, 1,3-dichloropropene and vinyl chloride)
- Adopt PCB criteria in Zones 2 – 5 and Zone 6 using EPA 2000 Methodology for Human Health Criteria

2005

- Review and update criteria for all chemicals in Zones 2 – 5 and Zone 6.
- Adopt PCB criteria in Zone 1E (mouth of Lehigh River to Trenton).

2006

- Adopt revised criteria for all chemicals in Zone 1.
- Adopt PCB criteria in Zone 1A-D.

Note:

This schedule allows time for collection of data on fish consumption in Zone 1. If site specific data is not generated, the national default value of 17.5 g/day will be used.

Attachment 2

Current Members of the Chronic Toxicity Workgroup

Chronic Toxicity Workgroup has been formed and the next meeting is scheduled for November 25, 2003

Members of Workgroup On Chronic Toxicity Testing Of Ambient Waters Of The Tidal Delaware River

New Jersey

Betty Jane Boros-Russo

Pennsylvania

Mike Boyer

Municipal

Linda O'Donnell (PWD)

USEPA Region II

Jim Ferretti

USEPA Region III

Brian P. Trulear

EPA-ORD

Dr. David E. Russell

Industry

Dr. Steve Brown (Rohm and Haas Co.)

Dr. Bob Hoke (DuPont, Haskell Lab)

Bioassay Labs

Chris Nally (AAT)

Robert Martino (QC)

DRBC

Dr. Tom Fikslin

Dr. Ron MacGillivray

Delaware

Rick Greene