



Delaware River Basin Commission

25 State Police Drive
 PO Box 7360
 West Trenton, New Jersey
 08628-0360
 Phone: (609) 883-9500 Fax: (609) 883-9522
 Web Site: <http://www.drbc.net>

Carol R. Collier
 Executive Director

Robert Tudor
 Deputy Executive Director

**MINUTES
 WATER QUALITY ADVISORY COMMITTEE
 FEBRUARY 8, 2011**

ATTENDEES:

Members: NYS DEC (via telephone) Scott Stoner	DE DNREC (via telephone) Dave Wolanski
NJ DEP Debra Hammond	PA DEP Thomas Barron (Committee Chair)
EPA Denise Hakowski, EPA, Region III Wayne Jackson, EPA, Region II (via telephone)	Academia Representative John Jackson, Stroud Water Res. Center
Environmental Organization Representatives Maya van Rossum, Delaware Riverkeeper	Regulated Community Representatives Alfred Pagano, E.I. DuPont J. Bart Ruiters, E.I. DuPont
National Park Service Allan Ambler	Local Watershed Organization Abigail Pattishall, Wildlands Conservancy (Alternate for Chris Kocher)
DRBC: Gregory Cavallo, Geologist Thomas Fikslin, Manager, Modeling, Monitoring, & Assessment Bob Limbeck, Watershed Scientist Ron MacGillivray, Enviro. Toxicologist Kenneth Najjar, Manager, Plan. & Info. Tech. Jessica Sanchez, Basin Planner Feng Shi, Water Resource Engineer/Modeler Erik Sildorff, Aquatic Biologist Namsoo Suk, Supervisor, Modeling John Yagecic, Supervisor, Stds. & Assmt.	Other Attendees: Kelly Anderson, Philadelphia Water Dept. Jason Cruz, Philadelphia Water Dept. John Muldourney, Philadelphia Water Dept. Eric Vowinkel, USGS-NJWSC Kirk White, USGS-PA

The meeting was called to order at 9:45 a.m. by Committee Chair, Thomas Barron.

Approval of Agenda

The DO Update was moved up on the Agenda before the Natural Gas Progress Report

Approval of Minutes

The Minutes of 8/3/10 were approved with the following changes:

First page under Other Attendees add that Heidi Biggs represents PADEP.

Page 2 change the word “Even” to “Event” in the name of the PowerPoint presentation; *Review of Low Dissolved Oxygen Water Quality (Event) in the Delaware Estuary, July 2010.*

Page 2 Under *Low Dissolved Oxygen Water Quality Event* there was a Task for DRBC staff to continue revisions to Zone 1 temperature criteria which was left over from the previous minutes and is to be removed.

Page 3 - Frac Flowback Water Analytical Results; 2nd paragraph change the wording from “data set water” and replace with “water for this data set.”

Page 3 - 4th paragraph, change uppercase “S” to lowercase for *VOCs*.

Nutrient Monitoring Progress Report

Erik Sildorff gave a PowerPoint presentation outlining the details of the upcoming point-source monitoring in the Delaware Estuary. The Water Quality Advisory Committee in September 2009 voted to recommend the interim protective measures. Point-source monitoring was one of the substantive recommendations in the interim protective measures that were presented to the Commissioners at the December 2009 Commission Meeting.

At the July 2010 Commission Meeting, a Resolution was presented to the Commissioners concerning point-source nutrient monitoring, with the resolution passing. The Commissioners had felt that some of the interim measures were recommendations for DRBC staff to work on in the background and no action was required by them. However, the Commissioners did agree that point-source monitoring was an appropriate step to take in terms of continuing the process towards nutrient related criteria for the Delaware Estuary.

Erik Sildorff reached out to the Committee to solicit their assistance with a number of specific details on this point-source nutrient monitoring; many discussions took place and suggestions were given which resolved the following issues:

- ✓ BOD – each sample will be analyzed for BOD₅, CBOD₅, and CBOD₂₀; for a subset of facilities identified by DRBC staff, BOD_{ult} will also be required once per year (total of 2 samples: target winter 2011-2012 and summer 2012) along with the appropriate series of BOD tests (BOD₅, CBOD₅, CBOD₂₀) and nitrogen species (TKN, Ammonia, Nitrate, Nitrite); the details for the BOD_{ult} analyses will be finalized by a smaller WQAC working group
- ✓ Filtration – sufficient motivation exists for filtered effluent samples for Ammonia, Soluble Reactive Phosphorus (SRP), and Soluble Kjeldahl Nitrogen; for consistency, Nitrate and Nitrite will be run on whole water samples
- ✓ Ammonia – Ammonia analyses will be conducted on both a filtered sample and a whole water sample for all discharges

- ✓ Certification for parameters – labs will need to be accredited with either their respective state or NELAC, but the lab will not need to be certified for each parameter analyzed under this monitoring program; the use of labs certified for each parameter, however, will be designated in the electronic data submission with a data qualifier field

Task: DRBC staff to modify monitoring requirements for point-source facilities, monitoring to begin in July 2011

Task: Letters notifying dischargers will be sent by the end of February

Task: DRBC to solicit representatives from WQAC members for a BOD_{ult} working group

Task: DuPont to forward detailed review of point-source monitoring to all WQAC members

Dissolved Oxygen Update

Erik Sildorff provided a brief update on DO. A full analysis has not progressed as quickly as anticipated with both the continuous USGS data as well as the boat run data. DRBC conducted an extensive analysis of the USGS data to determine the timing of the DO sag, when it peaked and spatial extent of the current DO sag in the estuary. The boat run data has not been analyzed as of yet. DRBC is not ready to move ahead with any kind of criteria until the boat run data has been analyzed.

Task: DRBC to analyze boat run data

Natural Gas Progress Report

Tom Fikslin gave an update on Natural Gas developments. At the last meeting on 8/3/10, Pam Bush provided an update about the development of regulations and discussions with the Commissioners. At this time, the regulations are out for public comment. Comments are to be submitted by March 16th. DRBC is encouraging interested parties to electronically submit their comments through the web via Planning, Environment, Public Comment (PEPC) as arranged with the National Park Service. Paper submissions will also be accepted. Note: comments that are faxed, telephoned or emailed to either the individual Commissioners or DRBC Staff will not be included in the public record.

Public Hearings are proposed on Tuesday, Feb. 22nd in Honesdale, PA for Wayne County and another in Liberty, Sullivan County with afternoon and evening sessions. Another public meeting will be on Feb. 24th at the War Memorial, Trenton.

The regulations address natural gas development of Marcellus Shale and other formations. A new article is proposed to the regulations, Article 7, which would address natural gas development. The rule is actually focused on three separate areas; withdrawals, well pads and disposal. As of this time only a few exploratory wells have been drilled and no further approvals are anticipated until the adoption of these regulations.

The regulations depend on existing programs in New York and Pennsylvania for their expertise to regulate well construction and operations. Some of the requirements for the well pads are in addition to those requirements from the two states. The focus is to protect surface and groundwater supplies since a significant amount of water is required to hydraulically fracture the

wells. These regulations would apply not just to Marcellus Shale but all natural gas targeted formations.

The full text of the rule is available on the DRBC website.

Other Business

The WQAC also briefly discussed the need to continue reconciling the Designated Uses for Estuary Zones with the current existing uses.

Task: DRBC will correct an oversight in its 106 Grant work plan

A question was raised as to the status of the publication of the Water Quality Criteria for Toxicity. Tom Fikslin noted that it had not been published as of yet and that it is DRBC's intention to publish in the Federal Register first. It was also asked if it would be published in the State registers.

Task: DRBC to inform Committee on the status of the publication in the Federal and State registers.

Meeting Dates for 2011

DRBC staff to solicit 2011 meeting dates via a "Doodle" poll based on anticipated WQAC activities, late October to early November

Meeting Adjournment

Meeting adjourned at 12:50 pm. The next WQAC meeting to be determined.