



Delaware River Basin Commission

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Carol R. Collier
 Executive Director

Robert Tudor
 Deputy Executive Director

**MINUTES (FINAL)
 WATER QUALITY ADVISORY COMMITTEE
 MARCH 30, 2009**

ATTENDEES:

NY Not in attendance	DE DNREC (via telephone) Dave Wolanski, Environmental Scientist
EPA Denise Hakowski, EPA Region III Izabela Wojtenko, EPA Region II (Alternate)	PA DEP Thomas Barron
NJ DEP Debra Hammond, Water Quality Standards & Assmt.	Academia Representative John Jackson, Stroud Water Res. Cntr.
Environmental Organization Representatives Maya van Rossum, Riverkeeper (not in attendance) Tracy Carluccio, Riverkeeper (Alternate)	Regulated Community Representatives Alfred Pagano, DuPont, Env. Consultant (Chair) Bart Ruitter, DuPont Consultant (Alternate) Mary Neutz, City of Wilmington (Alternate-via telephone)
National Park Service Allan Ambler, Biologist	Local Watershed Organization Chris Kocher, Wildlands Conservancy (not in attendance)
DRBC Jessica Sanchez, River Basin Planner John Yagecic, Supervisor, Stds. & Assmt. Kenneth Najjar, Head, Plan & Information Tech. Thomas Fikslin, Head, Modeling & Monitoring Assmt. Bob Limbeck, Watershed Scientist, Stds. & Assmt. Robert Tudor, Deputy Executive Director Ed Santoro, Monitoring Coordinator, Stds. & Assmt Erik Silldorff, Aquatic Biologist, Stds. & Assmt. Ron MacGillivray, Environmental Toxicologist	Other Attendees: Jason Cruz, Philadelphia Water Gregg Rackin, Del. River. Greenway Jack Gibbs, USGS

The meeting was called to order at 9:45 am by Al Pagano (Chair).

Approval of Minutes

The minutes from the October 28, 2008 meeting were approved by the WQAC with the following corrections:

- Thomas Barron of Pennsylvania to be added to the list of participants via teleconference
- National Park Service is a new member category and is not an Environmental Organization member representative

Administrative Update (Kenneth Najjar/Jessica Sanchez)

- 1) Kenneth Najjar explained to the WQAC that some minor revisions were made to the Water Quality Revisions 3-Year Plan. Al Pagano asked whether or not the schedule still meets with DRBC's timeline, to which the answer was yes.
- 2) In order to remain on the above discussed schedule, tentative dates for the next three WQAC meetings were established as follows:
 - Tuesday, June 23, 2009
 - Tuesday, September 15, 2009
 - Tuesday, November 17, 2009
- 3) It was also noted that in June 2009, the Chair position will change to Dave Wolanski, of Delaware. As chair, Mr. Wolanski will be asked to provide a WQAC update to the Commissioner's at the September 23, 2009 meeting.
- 4) At the June 2009 meeting, the WQAC will adopt bi-laws and operation procedures for the committee. This information will be sent to the members via e-mail before the meeting date.

Action: Send information to WQAC. Also post member information on DRBC website.

DRBC Commissioner Direction on Policy Issues (C. Collier)

Carol Collier explained to the WQAC that there was a Commissioner's retreat in January 2009. The topic of the retreat related to figuring out the best way DRBC can work with the states. A main topic of discussion among the attendees was differentiating shared waters from stacked waters. The following was discussed.

- Shared Waters – looking first at toxics, then conventional pollutants for common criteria, nutrients would be reviewed down the road
- Stacked Interstate Waters – DRBC criterion are not needed, but DRBC still has a role on these streams, such as implementation
- Basin-wide Standards – eliminate basin-wide criteria, keep TDS standards in place and evaluate with the states
- Regionalization – concern that we need to plan regionally

Water Quality Criteria Presentation (Erik Silldorff)

Erik Silldorff (DRBC; Modeling, Monitoring, and Assessment Branch) gave a powerpoint presentation (handout was distributed) on the review and revision of pH criteria for the Delaware River Interstate Waters. DRBC currently has simple limits of 6.0 to 8.5 (non-tidal Zone 1) or 6.5 to 8.5 (tidal Zones 2-6) for pH conditions. Violations of the 8.5 upper limits are seen routinely in the non-tidal river, and have been seen since 1969, at least. These represent periods of high primary production for both the low-nutrient and high-nutrient zones of the river. A comparison to basin-State criteria and EPA recommendations indicates the lower threshold of 6.0 is generally not consistent with the typical lower threshold of 6.5. The upper threshold of 8.5 is consistent with 3 states, but PA and EPA have a 9.0 upper threshold. In addition, some states have a narrative component to the criteria that considers excursions outside the numeric range acceptable if they can be identified as natural conditions (DE highlighted; NJ and PA indicated their regulations also have such provisions). A brief summary of pH criteria development since the 1930s was then provided as background, including the known effects at different pH endpoints.

DRBC recommendations were then presented along with “pros” and “cons” for each recommendation. First, the DRBC recommended raising the Zone 1A-1E lower threshold from 6.0 to 6.5. Second, the DRBC recommended keeping the upper threshold at 8.5 for all Zones. Finally, the DRBC recommended adding a narrative statement about “natural conditions” for all Zones similar to the language used by the states. Multiple alternatives to each recommendation were then described and discussed.

The WQAC provided comments and feedback throughout the presentation. These included conditions in Zone 2, revised NJ pH criteria in the coastal plain streams outside the Pinelands, and the application of state and DRBC criteria in tidal tributaries. The alternative of revising the upper threshold to 9.0 at least in Zone 1E was discussed since high pH values are seen regularly, but DRBC staff cautioned that elevated nutrient concentrations in this zone may contribute to the high pH swings and thus it is not clear whether such high values at this frequency are expected under natural conditions. The implications of adding a narrative component for “natural conditions” also received considerable discussion.

Motion: WQAC recommends changing pH criteria in WQ zone 1 from 6.0 to 6.5 and adding a narrative statement regarding natural conditions for all interstate zones (1 through 6). Existing criteria (pH of 6.5 to 8.5) should be retained for zones 2 through 6.

[Motion passed unanimously]

Action: DRBC prepares exact revision for review by WQAC and then action through criteria revision process.

BioCriteria Subcommittee Update (Bob Limbeck)

The biocriteria information will be used for the 305b assessment. The Integrated List methodology will be published by end of May 2009 for review.

Nutrient Management Subcommittee (Erik Silldorff)

A Nutrient Management Subcommittee (NMSC) meeting was held February 19, 2009. The NMSC discussed a means of approaching nutrient management and interim protective measures. There is a known issue with low D.O. criteria in zones 3, 4, and 5, not supportive of the designated use. It was presented to the WQAC that D.O. was likely linked to nutrient issues in the estuary. The NMSC concluded that D.O. criteria needs review and revision before nutrient criteria for the estuary can be developed. EPA agreed that the timeline in DRBC's 3-Year Water Quality Revisions Plan could be revisited if the subcommittee was taking responsibility for assessment of D.O. The EPA doesn't want nitrogen criteria to be established based on incorrect D.O. criteria.

There was discussion about a eutrophication model and the need to do model development, D.O. criteria development, and nutrient criteria development in parallel tracks. There was general agreement that a model, while time-consuming, is necessary; although at least one WQAC member indicated that the model should be done first.

It was agreed that the NMSC should focus on the development of an expert panel and strict timeline for D.O. criteria revision. EPA recommended that the nutrient plan should be revised; DRBC agreed that we are entering the planned timeframe for revisions.

Interim Protective Measures

A handout of an array of interim protection measures was distributed and discussed. The WQAC suggested making a distinction between actual and permitted flows when looking at "hold-the-load" options.

Action: The NMSC will report on interim protective measures by 2nd WQAC meeting in 2009. The next NMSC meeting is April 15, 2009.

Special Protection Waters Update (Kenneth Najjar)

Guidance Manual - Changes have been made to the manual to reflect new rules. Another revision is due to be submitted this week. Our goal is to have copies distributed to the states and EPA.

Best Demonstrable Technology – A handout was distributed showing possible revised language for the DRBC Water Code 3.10.3.A.2.d.5&6. Currently there are 16 to 18 point source dischargers affected by the regulations.

Stormwater Best Management Practices – A handout was distributed with revised language for section 3.10.3.A.2.e.1 of the Water Code – Control of Non-Point Sources.

Ken Najjar suggested a review of states activities in this area be conducted so efforts are not duplicated in development of a manual. The committee stated states have their own manuals, and it is not necessary for DRBC to develop one. Tracy Carluccio stated programs need to be developed. There are plenty of manuals available, but there needs to be a program to control NPS pollution through permitting.

Action: Discuss ordinances with Project Review. Possibly form a work group.

Meeting Adjournment

Meeting adjourned at 3:30 pm. The next WQAC meeting is **June 23, 2009** @ 9:30 am at the DRBC offices in Trenton, NJ.

The meeting handouts will be attached as part of the permanent meeting record.