



**Delaware River Basin Commission**

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**Carol R. Collier**  
 Executive Director

**Robert Tudor**  
 Deputy Executive Director

**SUMMARY MINUTES  
 WATER QUALITY ADVISORY COMMITTEE  
 MAY 31, 2013**

**ATTENDEES:**

<b>Members:</b> <b>NYS DEC</b> Scott Stoner <i>(via telephone)</i>	<b>DE DNREC</b> Dave Wolanski
<b>NJ DEP</b> Debra Hammond	<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 <i>(via telephone)</i>	<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	<b>Local Watershed Organization</b> Abigail Pattishall, Wildlands Conservancy (Alternate for Chris Kocher)
<b>DRBC:</b> Tom Fikslin, Manager, Mod. Mon. & Assess. Ronald MacGillivray, Envir. Toxicologist Ken Najjar, Manager, Plan. & Info. Tech. Erik Silldorff, Aquatic Biologist Namsoo Suk, Supervisor, Modeling Bob Tudor, Deputy Executive Director John Yagecic, Supervisor, Standards	<b>Other Attendees:</b> Jen Adkins, Partnership Del. Estuary <i>(via telephone)</i> Jason Cruz, PWD John DeFriece, DE-DNREC <i>(via telephone)</i> Jack Gibs, USGS-NJ Leonard Gipson, PWD Brenda Gotanda, Manko-Gold-Katcher-Fox Biswarup Guha, NJDEP Mike Hoffman, USEPA <i>(via telephone)</i> Tim Jones, USEPA <i>(via telephone)</i> Josef Kardos, PWD Al Korndoerfer Frank Klapinski, NJDEP Jen Merrill, U. Del. & Del. SeaGrant Angela Padeletti, Partnership Delaware Estuary Helen Pang, NJDEP Bart Ruiten, E.I. DuPont Andy Thuman, HDR/HydroQual

### **1. Approval of Minutes**

The Minutes for the December 2012 WQAC were not yet ready for review and approval; this action was deferred to the next WQAC meeting.

### **2. Organization**

Colleen Arnold had been serving as WQAC chair, but has left her position at the City of Wilmington. Denise Hakowski had been serving as vice-chair, and thus was slated to move into the chair position for WQAC; Denise has been reassigned within EPA, however, and no longer serves on the WQAC. Discussion followed on the rotation among WQAC members for chair, and the ability of various members to serve in this capacity. Maya van Rossum was nominated as chair, and Dave Wolanski was nominated as vice-chair, with subsequent votes on their appointments:

1. Maya van Rossum was voted into Chair of the WQAC through June 2014
2. Dave Wolanski was voted into Vice-Chair of the WQAC through June 2014

### **3. Modeling Expert Panel Meeting of 12/12 & 12/13/2012**

Two weeks prior to the meeting, DRBC distributed a document entitled “Meeting Summary & Recommendations” from the December 12<sup>th</sup> and 13<sup>th</sup>, 2012, meeting of the Modeling Expert Panel. Namsoo Suk briefly summarized the highlights from this document and the recommendations from the Modeling Expert Panel. There were a number of discussions about the meeting and recommendations, including the use of a 1-D screening model, the data range for modeling efforts, monitoring (air & water) to support models, and the need for dynamic loads in allocation procedures. DRBC and PWD also held a separate meeting to discuss the estuary modeling being conducted by the different groups. The WQAC asked if PWD would present a brief summary of their modeling efforts at the next WQAC meeting.

**Action Item: PWD to present summary of estuary modeling efforts at next WQAC meeting**

### **4. Draft Nutrient Criteria Plan**

Two weeks prior to the meeting, DRBC distributed a draft of the “Delaware Estuary & Delaware River Nutrient Criteria Plan.” Erik Silldorff first provided an overview of the emphases for the tidal Delaware Estuary within this draft plan, with many ensuing discussions. Among the topics discussed were:

- the distinction between ammonia as a nutrient and ammonia as a component of BOD
- the possible interaction between revised ammonia criteria and the efforts on D.O. and nutrients for the estuary

- the initial focus on Highest Attainable Use and revised D.O. criteria as a part of the plan, which was generally supported by WQAC members
- the longer-term emphasis on effects-based criteria for the Estuary

**Action Item: Request a presentation by Lisa Huff (EPA) on the revised ammonia criteria recommendations**

Erik Silldorff then provided a brief overview of the non-tidal Delaware River components within the draft plan. Subsequent discussions focused on transient effects from nutrients, how the draft plan addresses tributaries such as those covered by SPW regulations, and the value of tech-based limits for point source facilities.

**Action Item: Comments on the draft Nutrient Criteria Plan should be submitted to DRBC by August 1, 2013**

### **5. Ecological Endpoints Expert Panel**

Erik Silldorff expanded on earlier discussions of an additional Expert Panel that DRBC sees as critical toward completing the Nutrient Criteria Plan. Specifically, this Ecological Endpoints Expert Panel would help evaluate from among the multitude of ecological components within the estuary which could be monitored to evaluate the health and status of the Estuary, particularly with respect to the nutrient regime (see Task E-2.b of the draft plan). Discussions of this idea included the merits of learning from the Chesapeake Bay experiences, the interactions with the Partnership for the Delaware Estuary and their Science & Technical Advisory Committee, and the broad expertise that could be drawn on from researchers and practitioners working in the Delaware Estuary.

**Action Item: Send nominations for candidates to DRBC, along with a narrative of their expertise and hopefully a CV/resume**

### **6. Existing Aquatic Life Uses of the Delaware Estuary**

On March 5, 2013, the Delaware Riverkeeper Network, the Delaware River Shad Fisherman's Association, and the Lehigh River Stocking Association submitted a petition to the DRBC to immediately upgrade the "designated uses" in the estuary and upgrade the "stream quality objectives" to support the designated uses. This petition was distributed to the WQAC members two weeks prior to the meeting. Maya van Rossum gave background information and a summary of this petition. This was followed by extensive discussions on the existing conditions within the estuary and the process going forward for evaluating the "uses" of the named zones within the estuary. The role of permitting relative to an established "existing use" versus a formal "designated use" was discussed. Also discussed was the process and level of support needed to establish that an "existing use" was higher than a "designated use" (it was noted that both EPA and the Basin States have established procedures for evaluating the "existing use"). Finally, the timing and sequencing of "use" upgrades relative to criteria upgrades for D.O. were raised. In the end, there was broad agreement within the WQAC that the petition had merit, with data supporting the idea that the "existing use" currently is higher than the listed "designated

use” for Zones 3, 4, and upper 5, although the Committee did not agree on or establish that “existing use.” Instead, the Committee identified a two-phase approach to address the use and criteria question, starting with a formal process to establish the “existing use” followed by a second step to evaluate water quality criteria to ensure they protect for the higher “existing use” established in phase one.

Meeting Adjourned @ 1:10 pm.