



Delaware River Basin Commission

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Steven J. Tambini, P.E.
Executive Director

Minutes

Water Quality Advisory Committee

December 3, 2020

Members & Alternates:

NYS DEC

Jason Fagel

EPA

Kuo-Liang Lai

Wayne Jackson

NJDEP

Frank Klapinski

Environmental

Maya van Rossum (DRN)

Regulated Community Industrial

Bart Ruitter (Chemours)

Kimberly Long (Exelon)

DNREC

David Wolanski

PADEP

Tom Barron

Academia/Science

John Jackson (Stroud)

Local Watershed Organizations

Gail Farmer

Regulated Community Municipal

Jay Cruz (PWD)

National Park Service

Richard Evans

Other Attendees:

Steve Tambini (DRBC)

John Yagecic (DRBC)

Namsoo Suk (DRBC)

Ron MacGillivray (DRBC)

Elba Deck (DRBC)

Li Zheng (DRBC)

Elaine Panuccio (DRBC)

Kristen Bowman Kavanagh (DRBC)

Steve Doughty (DRBC)

Tom Amidon (DRBC)

Kinman Leung (PWD)

Kelly Anderson (PWD)

Molly Hesson (Sage Services)

Alex Ridyard (PWD)

Bill Richardson (EPA)

Emily Nering (EPA)

Evelyn MacKnight (EPA)

Brent Gaylord (EPA)

Greg Voigt (EPA)

Denise Hakowski (EPA)

Lisa Humber (Maritime Exchange)

Jim Smullen (CDM Smith)

Christopher Main (DNREC)

Gerald Kauffman (University of Delaware)

Jean Malafronte (ANDRIS Consulting)

Jeff Hoffman (NJGWS)

Len Gipson (CCMUA)

David Burke (PADEP)

Summer Kunkel (PADEP)

Hoss Liaghat (PADEP)

Gary Walters (PADEP)

Rodney McAllister (PADEP)

Steven Unger (PADEP)

Michelle Moses (PADEP)

Biswarup Guha (NJDEP)

Steve Seeberger (NJDEP)

Helen Pang (NJDEP)

Marco Alebus (NJDEP)

Brenda Gotanda (Manko Gold Katcher & Fox)

Meg McGuire (Delaware Currents)

Eloise Gibby (Greeley and Hansen)

Nancy Lawler (MWA)

Peter Lupinacci (Trenton Sewer Utility)

Preston Luitweiler (WRADRB)

Skelly Holmbeck (WRADRB)

Erik Silldorff (DRN)

Gregory Wacik (USACE)
Josh Furgeson
Justin Lyon (Kimley Horn)
Randall Detra
Ben Lorson
Erica Fleisig
Charlie Hurst
Christa Reeves (MWA)
Mike Sweeney
Stephen Williams
Don Hamilton (NPS)
Irene Fitzgerald (DELCORA)
Ellen Kohler (UMD)
GCUA
James Ray

Eileen Althouse (CDM Smith)
Karl Russek (UPenn Water Center)
Swati Hegde (UPenn Water Center)
Sheila Eyster (USFW)
Steve Jandoli (American Littoral Society)
Michael Dillon (Manko Gold Katcher & Fox)
Abby Jones (Penn Future)
Verna Harrison (Verna Harrison Associates)
Melissa Muroff (Delaware County)
Tim Dillingham (American Littoral Society)
Colleen Walters (River Network)
Melanie Murphy (PWD)
Matthew Kundrat (PADEP)

3 additional participants were unidentified.

Welcome and Call to Order

The meeting was called to order at approximately 9:35 PM by Frank Klapinski, held with remote attendance only, using GoToMeeting and call-in capabilities.

Review of WQAC Minutes from July 28, 2020

Draft minutes from the meeting on July 28, 2020 were provided by email previously. Maya van Rossum commented on language in the draft minutes describing feedback on existing uses relative to recreational uses. The description was modified addressing the comment. Maya van Rossum motioned to accept the minutes as amended. Rich Evans seconded the motion. There were no objections and the motion passed. The final minutes are available on the DRBC web site at <https://www.nj.gov/drbc/library/documents/WQAC/072820/minutes.pdf>

Chair

Frank Klapinski's term as chair expired and a new chair was needed. Based on sequence of prior chairs, DRBC contacted Tom Barron, who agreed to serve if elected. Bart Ruiter made a motion to appoint Tom Barron as Chair of the Water Quality Advisory Committee and John Jackson seconded the nomination. The motion passed unanimously and Tom Barron was elected Chair of the Water Quality Advisory Committee.

1,4-Dioxane

John Yagecic noted that 1,4-dioxane had recently been detected in the Delaware River. He indicated that DRBC intended to give a presentation on what was known and actions being taken at the January 2021 Toxics Advisory Committee (TAC).

UDEL Presentation on DO Evaluation

Dr. Gerald Kauffman of the University of Delaware presented the methodology for an upcoming project entitled "Evaluation of the technical, economic, and social impacts associated with updating major wastewater treatment infrastructure to address aquatic life uses and values for the Delaware Estuary." The slides from Dr. Kauffman's presentation are posted on the DRBC web site at:

https://www.nj.gov/drbc/library/documents/WQAC/120320/Kauffman_UDel_WaterResourcesCtr_StudyUpdate.pdf

Kauffman proposed the formation of a stakeholder advisory committee to provide feedback during preparation of the evaluation. The goals of the report included 1) provide additional evaluation of wastewater rates to pay for ammonia reduction 2) examine Federal / state / nonprofit finance programs to fund load reductions 3) quantify economic benefits of improved water quality including in areas such as recreation, boating, fishing, wildlife-viewing, property value, and other uses.

Kimberly Long asked if UDEL would be conducting a true cost/benefit analysis and recommended that EPA's Economic Guidance for Water Quality Standards be consulted. Ellen Kohler of the Environmental Finance Center at the University of Maryland indicated that individual utilities would have facility specific factors that impact rates so it may be more important to just outline basic ideas. Bart Ruiter asked if the study would determine impact on low, middle, and high income families separately or would different income classes be grouped together. Ellen Kohler asked if UDEL planned to involve advisors on the benefit side or just the cost side of the work. Jerry Kauffman indicated that advisors would be welcome for both parts of the analysis.

Kimberly Long questioned whether the UDEL effort was responsive to Resolution 2017-4 indicating that willingness to pay evaluations could be speculative and subjective. John Yagecic indicated that meeting the requirements of Resolution 2017-4 was DRBC Staff's responsibility. Bart Ruiter commented that the UDEL focus seemed to emphasize benefits rather than costs.

Biswarup Guha asked if it would be possible to incorporate Environmental Justice (EJ) into the analysis or relate the analysis to the EJ communities. Delaware Riverkeeper Network (DRN) is performing a separate study and Maya van Rossum indicated that EJ would be included in that study.

Rich Evans noted that Atlantic sturgeon are a federally endangered species with "critical habitat" in the Delaware Estuary and asked how the dissolved oxygen requirement for successful propagation of Atlantic sturgeon would factor into the cost benefit analysis. Jerry Kauffman indicated that it would be factored in perhaps as a comparison of a standard based on economics versus a standard based on biology and noted that DRBC was working on fisheries evaluation of dissolved oxygen.

Frank Klapinski inquired about the proposed timeframe of March 2021 for drafting the document. Jay Cruz noted that it would be challenging to convene a subcommittee and gather the cost information so quickly. Ellen Kohler agreed that the timeline would be challenging and noted the importance of stakeholder support for the methodology. Jerry Kauffman expressed interest in having a stakeholder advisory committee that included dischargers, interested public,

the environmental community, and the recreational community. Jim Smullen of CDM Smith stated that changing the standard by changing the designation of the use is subject to the socioeconomic analysis as prescribed in the federal guidance for performing a Use Attainability Analysis. Maya van Rossum disagreed with the statement.

Returning to the River Project

Karl Russek and Andy Kricun of the Water Center at the University of Pennsylvania Tim Dillingham of the American Littoral Society presented on a project entitled “A Roadmap for the Delaware.” The presentation is posted on the DRBC web site at https://www.nj.gov/drbc/library/documents/WQAC/120320/WaterCenterPenn_RoadmapDelawareRiver.pdf

The Roadmap for the Delaware is an independent, science-based feasibility study on improving water quality to achieve swimmable waters for a 27-mile stretch of the Delaware River at Philadelphia, Camden, and Chester. Through the project, the presenters are seeking to understand the current state of knowledge in the study area and identify significant gaps, and to understand the likely timing and extent of improvements from large ongoing investments by utilities. The presenters also sought to identify opportunities and associated costs for additional targeted WQ improvements, and equitable access. The presenters provided the project outline and challenges, and demonstrated an interactive data viewer.

Tim Dillingham described a stakeholder engagement process to expand the circle of engagement and to promote fair and equitable opportunities for increased recreation.

Review of 2020 bacteria data

John Yagecic of DRBC presented results of 2020 monitoring of bacteria data collected as part of the ongoing evaluation of recreational uses. Slides are posted on the DRBC web site at: https://www.nj.gov/drbc/library/documents/WQAC/120320/Yagecic_Review2020BacteriaData.pdf

DRBC conducted a special monitoring study in 2019 and 2020 to assess water quality in areas that are currently designated for secondary contact recreation. DRBC collected near-shore samples for bacteria (E. Coli, Fecal Coliform, and Enterococci) from locations in Zone 3 and the upper portion of Zone 4 during the summers of 2019 and 2020, at several locations where primary or secondary contact recreation was observed or anticipated and where access was readily available. All locations sampled are within the portion of the river designated for recreation—secondary contact, where primary contact recreation is not supported by the data and is not recommended for health and safety reasons.

Results of the monitoring were compared to existing DRBC criteria, which include geometric mean values for Enterococci and Fecal Coliform supportive of secondary contact recreation, and EPA nationally recommended criteria, which include geometric mean values and statistical threshold values (STV). Although 2020 was a drier summer than 2019, results were not substantially improved. Overall, both existing DRBC secondary contact and EPA nationally recommended primary contact criteria were not met in Zones 3 and upper Zone 4. However, results were highly variable site to site and day to day. Results suggest that some locations could be closer than others to achieving criteria that support primary contact recreation.

Jay Cruz disagreed with comparison of the STV value to individual sample results and recommended that the STV be compared with the 10th percentile of the data.

Recreational Use Discussion

John Yagecic presented slides intended to stimulate discussion among the WQAC related to potential options surrounding recreational uses. The slides are posted on the DRBC web site at: https://www.nj.gov/drbc/library/documents/WQAC/120320/Yagecic_RecreationalUsesWQACfeedback.pdf

Maya van Rossum indicated that there is a legal obligation to protect contact recreation because people are recreating in the water. Tom Barron stated that 101(a) uses must be supported unless a UAA demonstrates it is not feasible. John Jackson indicated that there are places and times when WQ is safe for swimming and people are in fact recreating. He suggested that we collectively do not want signage banning recreation or law enforcement preventing recreation, and that the WQAC must identify a path forward and identify a roadmap.

Maya van Rossum indicated that Environmental Justice (EJ) elements needs to be included in prioritization of WQ improvement efforts.

Adjournment

The meeting was adjourned at approximately 2 PM.