



WATER QUALITY ADVISORY COMMITTEE MEETING  
OCTOBER 10, 2001

**ATTENDEES:**

NEW YORK STATE DEC	Alan Fuchs, Chief Estuary
DELAWARE DNREC	David Wolanski, Env. Scientist
U.S. EPA	Larry Merrill, Region III Wayne Jackson, Region II
DUPONT	Alfred Pagano, Env. Consultant
NEW JERSEY DEP	Steven Lubow
DELAWARE RIVERKEEPER NETWORK	Maya van Rossum, Riverkeeper
DRBC	Thomas Brand, Branch Head, Project Review Patricia McSparran, Water Resources Engineer Lance Miller, Acting Branch Head, Pl & Imp Jonathan Zangwill, Water Resources Planner

Meeting was called to order by Larry Merrill at 9:30 a.m. The agenda was reviewed and no changes were made. Minor changes to the July 11, 2001, minutes were recommended. The minutes were approved as amended.

**1. Uses & Criteria Subcommittee Report - Begin final review of revised standards Objectives:**

**I) Concur or modify the recommendations of the User and Criteria Subcommittee;**

**II) Review pages 1-36 of the 11/22/00 draft Water Quality Regulations; and**

**III) Determine remaining tasks and schedule to complete review and present final regulations to the Commissioners**

***I) Concur or modify the recommendations of the Uses and Criteria Subcommittee:***

- Lance Miller presented a summation of the briefing on radioactivity by Pat Gardner from the Bureau of Environmental Radiation. The Uses and Criteria Subcommittee is recommending at this point to put in the revised federal numbers for radioactivity (numbers in the current regulations are very old/out of date scientifically).
- Criteria involving drinking water for radio-nuclei given. A check will still be done on whether there is any source water radioactivity data available and what it reveals.
- Testing protocol for odor was looked at. Decision was made to collect the state narrative standards for odors and then draft appropriate language for DRBC, replacing numerical criterion that is currently in the regulations.
- Leave turbidity criteria the way it is. Additional studies are needed to look at the impact of

turbidity, and whether anything needs to be done.

- Need to identify what temperature data is available, then determine if a monthly average can be developed based on multiple years of data with possible maximum temperature per zone. Current regulations were discussed.
- DO for different zones were presented (handout given) including absolute minima. The Subcommittee wishes to look at what data is available from other 24-hour sites, which still needs to be done. Seasonal averages were presented. Patricia McSparran noted tables (4 & 7) showed all the criteria (what we already have in a zone). The Subcommittee will hold a meeting on November 27th.

## ***II) Review pages 1-36 of the 11/22/00 draft Water Quality Regulations***

The following were the results of the review of the draft Water Quality Regulations:

**Article 3.10:** The Plan requires that pollution originating within a signatory state shall not adversely affect water of the Basin, (*as defined in these regulations*, will be added)

**Article 3.20.3:** Regional Requirements (To be moved possibly to the Comp Plan)

**Article 3.30.2B:** A new framework will be drafted for this section. A definition will be given for an intermittent stream. Recreation will be more defined. Navigation will be removed.

**Article 330.3: Stream Quality Objectives A. Interstate Waters:** Change to *Shared Waters*. A definition will be given for shared waters.

Al Pagano suggested where appropriate the question of flexibility for the states where they may not have to accept the most stringent regulations if necessary because different waters may require different reviews. If most stringent is not required within a state then they would be able to use something else. The Committee should at least consider the degree of flexibility for the states within their own regulations.

Larry Merrill reported on the following action items:

1. Request for the next Water Quality Advisory Committee Meeting to have a map (river mile) that shows the standard for DO (timeframe given).
2. In terms of the framework section on uses, the question of when something can be drafted? (Comments before December 12th meeting). Patricia McSparran noted that it would be helpful if the other states inform her how they designate uses and criteria for intermittent streams (previous information submitted was very limited).
3. Larry Merrill asked Lance Miller to have requests sent out to the state contacts on this subject and then to allow 3 weeks for the drafting of a proposal.

LUNCH 12:00 p.m. - 12:45 p.m.

## ***III) Determine remaining tasks and schedule to complete review and present final regulations to the Commission***

Larry Merrill discussed time frames. The Uses & Criteria Subcommittee will meet in November. This Committee will meet December 12, 2001.

Discussion involved the Commission Meeting in February of 2002, and the timeframes imposed upon this Committee.

A response time of two weeks was given for comments. The staff will compile this information and then get a summary back out to the Committee by November 21, 2001.

**2. Petition for Special Protection Water Designation (White Paper attached) Objective: Discuss the White Paper and develop an initial position concerning the petition that can be discussed with Pennsylvania (if they cannot attend the meeting).**

At the July meeting there was a brief discussion of the petition that had been submitted by the Riverkeeper (Tracey Carluccio presented). The Committee had asked the staff to develop an issue paper related to the request, which has been done and distributed.

Jon Zangwill presented the basic structure for the White Paper:

- An overview of what the petition is requesting DRBC to do in relation to designating the lower Delaware River as special protection waters.
- Discussion of what is the current activity in terms of work on the lower Delaware River for establishing existing water quality, (being as the special protection waters have an anti-degradation policy that relies upon the definition of the existing water quality in that reach of the river).
- Presents an overview of the lower Delaware River Monitoring Program currently underway to define existing quality in the year 2005. Discussion included what's been done to date and what is planned to be done through 2005.
- Issues relating to making a special protection water designation for the lower Delaware River. Water quality has not yet been defined. Other issues were given.
- Table of programs that have water quality data that has been collected for the relevant portion of the lower Delaware River.

Lance Miller explained that the Water Quality Advisory Committee has been assigned by the Commissioners to evaluate the petition and then submitting recommendations to them. Maya van Rossum noted benefits/positives for making this designation.

Lance Miller reported that a chart is being produced showing the treatment plants within this area and what their current flow is versus design capacity. Review and discussion involved solutions/alternatives.

Lance Miller then presented the decision sequences involving these special protection waters including:

1. Defining existing water quality (and what this decision involves).
2. Designation (and what is involved with this aspect).

A suggestion was given to look at previous history from DRBC involving defining existing water quality.

Tom Brand gave his opinion as to defining existing water quality now, as well as looking towards the future. A more broad protective water quality criteria policy (project by project/site specific) was explained.

Larry Merrill thanked the DRBC staff for their help with the "White Paper." A re-draft paper will be sent by the middle of next month. Then a conference call prior to the next meeting will be scheduled for input/comments.

**3. Update on Comprehensive Water Resources Plan - Report on October 1st Watershed Advisory Council Meeting**

**Objective: Update the Committee Council meeting and get feedback on appropriateness of proposed assignment of goals/objectives to the WQAC**

A council meeting was held on October 1, 2001.

- Key result areas (goals and objectives) were reviewed and modifications made. The document was given back to the Council for written responses.

- Committee approved public meetings to obtain public input on the document. Three public meetings are being scheduled for mid-November.
- Council will meet on December 4th and 5th to work on the finalizing this document.
- An issue the Council is working on is the policy on inter/intra-basin watershed transfers.
- Importance for the Advisory Committees to get ready for their potential next assignment from the Commissioners.
- If the Council completes its work in December, they will send to the Commissioners a document with their interim goals and objectives. The Commissioners would hopefully accept that document (with modifications if they feel it is necessary). These would then become the interim goals and objectives that would start the next phase of this Comprehensive Plan Process.
- The Council will recommend to the Commissioners which Advisory Committees will be responsible for developing strategies. The Commissioners can take that advice from the Council (or can modify), then a series of assignments will be made to the Advisory Committees noting which strategies will be developed by each committee.
- Presently in the process of receiving feedback from the Advisory Committees.
- Water Quality Advisory Committee would have one needed responsibility which is "Improve Coordination and Cooperation in Interstate Management of the Delaware River Basin." The objectives in this area are:

- (1) Dealing with consistency in water quality standards;
- (2) consistency of fish advisories (monitoring and reporting in the basin/getting data into a common database i.e. STORET) so that information is available;
- (3) the portion of the first key result area (Managing the Quality and Quantity) where this Committee would be a support to the Water Management Advisory Committee would be for the 2nd, 3rd and 4th goals.

- Support services will be available for developing management strategies either by consultant or DRBC staff.
- Process for the Commissioners in February is to make assignments, between February 2002 and the end of October 2002 (when the actual management strategies will be developed). Then go through a review process of a year for refining/getting feedback of the management strategies between the Advisory Committees and the Council itself. Then have another round of public meetings with the actual develop of the Comprehensive Plan by the end of 2003.
- Any comments on this can be sent to Lance Miller and Sara (Resolve). Public meetings will be scheduled for November 8, 14 and 15.

A suggestion was given for a two-day meeting of this Committee (review only standards issues) if needed. Dates given were January 9th and 10th.

#### **\*Continuation of the review of the Draft Water Quality Regulations\***

Alan Fuchs commented on page 7, section D (non-point sources) is now under the heading of Shared Waters. Since the Special Protection Waters include portions of the intrastate tributaries, Lance Miller commented that (3.30.3A) needs to be antidegradation (1) would be General and (2) would be Special Protection Waters.

Al Pagano commented on page 16 (4. a.) Estuarine Aquatic Life Objectives for Toxic Pollutants, in that it is somewhat limited and increasing the potential flexibility and not limiting to two issues. To make regulations current and up-to-date

Maya van Rossum commented on page 4 (A1) allowing change is justifiable as a result of necessary economic or social development. Maya suggested "in the public interest." Out of Basin transfers should be discussed further. Other comments included: page 6 the policies related to waste water treatment facilities only apply to direct discharges only and neglect discharges located directly upstream; she suggested that the Commission


includes the public in the creation of a watershed management plan referenced on page 9. Consideration of the concept of regulating flow as a water quality issue in the next draft; page 28 "As a guideline," is too flexible.

Wayne Jackson commented that the antidegradation case started at tier 2 and there is no mention of tier 1 and to restructure this based on the 3 tier bases as much as possible, and try to address tier 1 "existing uses" up front.

All comments should be e-mailed within two weeks.

#### 4. Adjourn

The meeting was adjourned at 2:35 p.m.



*Questions?*  
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