

**TOXICS ADVISORY COMMITTEE**  
**January 27, 2010**

A meeting of the Toxics Advisory Committee was held at the Delaware River Basin Commission  
Members or alternates present were:

**Delaware**  
Dr. Richard Greene

**Academia**  
Dr. David Velinsky

**Agriculture**  
Not represented

**Pennsylvania**  
James Newbold

**Public Health Interest**  
Not represented

**U.S. EPA**  
Dr. Rollie Hemmett, EPA Reg. II  
Denise Hakowski, EPA Reg. III

**New York**  
Not represented

**Industry**  
J. Bart Ruiter, DuPont

**Environmental/Watershed**  
Maya K. van Rossum

**New Jersey**  
Thomas Belton

**Federal Fish & Wildlife**  
Dr. Timothy Kubiak

**Environmental/Watershed**  
Not represented

**Municipal**  
Dr. Christopher Crockett, PWD

**Delaware River Basin  
Commission**  
Dr. Thomas Fikslin  
Dr. Ronald MacGillivray  
Dr. Namsoo Suk  
Dr. Feng Shi

**Other Attendees**  
Thomas Barron, PA DEP  
Dr. Steven Brown, Dow Chemical  
Bonita Moore, PA DEP  
Thomas Starosta, PA DEP

***Action Items***

- Toxics Criteria Subcommittee (TCS) will discuss comments on proposed aquatic life and human health criteria and make recommendations to the TAC.
- TCS will review development of wildlife criteria for PCB, DDT and mercury for use in the Delaware River Basin
- TCS will determine the basis for the differences between NJ and national marine criteria for ammonia.
- TAC will coordinate with Nutrient Criteria Subcommittee on ammonia criteria.
- DRBC staff will review literature and biosurvey data on presence of mussels in the Delaware River Basin and potentially the next most sensitive species.

***I. Call to Order***

Dr. Chris Crockett, Toxics Advisory Committee chairperson, called the meeting to order at 9:30 a.m.

***II. Roll Call***

### ***III. Announcements***

Dr. Thomas Fikslin announced that his Secretary, Donna Gushue passed away suddenly on November 12, 2009 and thanked those who expressed their kind words of sympathy.

Dr. Fikslin also announced that Richard Greene received his PhD from the University of Delaware in early November 2009.

### ***IV. Review of Meeting Minutes***

The TAC voted to accept and approve the June 24, 2009 meeting minutes. The October 28, 2009 minutes were approved with two minor revisions on Page 2, III. Update from Toxics Criteria Subcommittee ( MacGillivray and Fikslin ); the 5<sup>th</sup> bullet to read “TAC to provide recommendations to the Commissioners” and bullet 6 should read Federal “Register” not “Registry.”

### ***V. Membership Review***

Dr. Crockett announced that Larry Sandeen (Industry Rep.) has moved on. J. Bart Ruiter, DuPont (Sandeen’s Alternate) conveyed that he would like to remain as an alternate. Mr. Ruiter spoke of Russ Funari and that he had expressed interest in the past and also offered to speak to Tom Harlukowicz.

Dr. Crockett stated that discussion is required regarding the (Public Health) representative as Arthur Frank has not been in attendance and a replacement is needed. Dr. Crockett recommended if there is someone in the Public Health community that may be a good representative then we should put them forth.

Maya van Rossum indicated that she may know of potential environmental candidates from Camden, some of them are NGO’s, they are concerned about PCB issues from a Public Health & Safety perspective. Ms. van Rossum offered to investigate further. However, she questioned the definition of “Public Health.”

Dr. Richard Greene announced that Delaware also had a tragic loss that Peter Hanson, Delaware Alternate, had a massive heart attack.

Thomas Belton, (New Jersey) alternate for Jack Pflaumer reported that Mr. Pflaumer is being deployed to Afghanistan. It is not known when he will be deployed or for how long. Mr. Belton suggested that Deb Hammond be contacted to designate the primary lead.

Dr. Rollie Hemmett, EPA Region 2 announced that he is retiring and there will be a change for EPA Region 2.

Dr. MacGillivray stated that Anthony Aufdenkampe’s (Environmental Watershed) alternate has relocated to Massachusetts and advised that an alternate is also required for Agriculture as Ferdows Ali seems to be on long-term leave. Dr. MacGillivray asked Dr. Kubiak about his alternate, Dr. Kubiak’s alternate is Clay Stern.

Dr. Fikslin advised that a list of members for positions that need to be filled should be advanced to Carol Collier so that she could potentially request recommendations from the Commissioners.

#### ***VI. Toxics Criteria for Aquatic Life and Human Health***

Dr. Crockett and Dr. MacGillivray provided a synopsis of what was reported to the Commissioners at the Meeting on December 9, 2009 regarding Revised Water Quality Criteria for Aquatic Life and Human Health. TAC members had voted electronically on six motions approving four of the motions put forth, Motion 5 did not have enough votes and Motion 6 requires further discussion and clarification. (See PowerPoint file Criteria Vote Commission Meeting)

One of the next steps would be to prepare specific Notice Language and prepare a basis and background document for public comment. The Toxics Criteria Subcommittee will review comments received, parse out what is a policy issue from a technical issue and report their recommendations to the TAC.

All recommendations of the TAC and a comment and response document prepared by staff will go to the Commissioners and ultimately it will be their decision as to whether they want to proceed with any formal adoption.

#### ***VII. Ammonia Criteria***

Dr. Fikslin gave a PowerPoint presentation entitled Ammonia Criteria for the Interstate Waters of the Delaware River. Dr. Fikslin provided a brief overview of current regulations, in particular, Article 3 Water Quality Standards which does not include ambient or effluent requirements. The technical background was reviewed with regard to un-ionized and ammonium ion and the impacts of pH and temperature on the four most sensitive genera which are bivalves. (See PowerPoint File Ammonia Criteria for the Interstate Waters of the Delaware River)

The new data used in the criteria recommendations was based on available data as of February 2009, with acute and chronic criteria updated. There were many issues discussed regarding the need for uniformity in criteria for shared waters. It was recommended that EPA's formulas for both acute and chronic criteria for total ammonia be adopted. Marine criteria was reviewed and comparisons of Federal/State criteria were addressed.

Final recommendations were that:

1. the TSC should review the biosurvey data once it has been assembled,
2. an evaluation should be made regarding the basis of differences between New Jersey's and the national marine criteria and
3. that discussion of appropriate criteria be reviewed at the next meeting of the Toxics Criteria Subcommittee.

#### ***VIII. Meeting Adjournment***

The meeting was adjourned at 12:00 Noon.