

TOXICS ADVISORY COMMITTEE

July 15, 2002

A meeting of the Toxics Advisory Committee was held at the Delaware River Basin Commission offices in West Trenton, NJ. Members or alternates present were:

Delaware
Rick Greene

Pennsylvania
James Newbold

Environmental / Watershed
Dr. Laurel Standley
Maya Van Rossum

Industry
Bart Ruiter

Academia
Dr. Thomas Church

Public Health Interest
Not represented

New Jersey
Steve Lubow

Municipal
Dennis Blair

Agriculture
Not Represented

New York
Not represented

Resources
Not Represented

U.S. EPA
Charles App

Delaware River Basin Commission
Dr. Thomas Fikslin
Dr. Namsoo Suk
Dr. Daniel Liao
John Yagecic

Other Attendees
Bruce Aptowicz, Philadelphia Water Dept.
Carol Ann Davis, EPA Region III
Dr. Roland Hemmett, EPA Region II
Gary Franklin, EnServ, Inc.
Chris Jepson, BCM Engineers
David Piller, Exelon Power
Jeff Ashley, Academy of Natural Sciences
Tom Healy, Philadelphia Water Dept.
Roy Romano, Philadelphia Water Dept.
Dr. Joe Rogan, Exelon Power
Tom Harlukowicz, PSEG

I. Recommendations & Agreements

- The TAC requested that the graphics from the fish tissue data compilation be provided to the TAC.
- The TAC agreed to ask Mr. Greene to present the fish tissue data compilation at the data workshop to be held in Fall 2002.
- The TAC agreed to wait for EPA's approval letter for the revised New Jersey lead criteria before recommending revision to DRBC's lead criteria.

II. Call to Order

Meeting was called to order by Dr. Standley, Chair of the Toxics Advisory Committee, at 9:40 a.m.

III. Membership Issues

Dr. Fikslin discussed several TAC membership issues. Specifically, as per the TAC procedures agreed on in 1999, the terms of Dr. Piasecki, Ms. Van Rossum, and Mr. Ruiter will expire this year. Dr. Fikslin said that Dr. Piasecki indicated that he does not wish to serve another term on the TAC, and made recommendations for his replacement. Mr. Ruiter similarly indicated that he did not intend to continue as a TAC member, but would still remain active as a participant in the TMDL process. Mr. Sandeen expressed an interest in serving as the Industrial representative to the TAC. Ms. Van Rossum will serve another term on the TAC.

Dr. Fikslin also indicated that Camden County expressed an interest in providing an alternate for the Municipal representative, and that Dr. Church was interested in continuing as the alternate for the Academia representative. As per the TAC procedures, nominations from the Commissioners and DELEP Steering Committee would be sought to fill the vacancies, and the DRBC Executive Director would make the final appointments.

Mr. Greene asked if a public health representative would be sought. Dr. Fikslin indicated that nominations would be welcomed.

IV. Approval of Meeting Minutes from March 18, 2002 and May 7, 2002

The TAC reviewed the March 18, 2002 meeting minutes. Changes to the March 18, 2002 minutes were recommended. A motion was made by Mr. Lubow to accept the minutes as amended. Mr. App seconded the motion and the motion carried unanimously.

The TAC reviewed the May 7, 2002 meeting minutes. Changes to the May 7, 2002 minutes were recommended. A motion was made by Mr. App to accept the minutes as amended. Mr. Newbold seconded the motion and the motion carried with 1 abstention.

V. DELEP Update

Mr. App updated the TAC on DELEP developments resulting from a June 14, 2002 meeting of the DELEP steering committee, including the following:

- Changes in leadership – Ms. Kineon has departed, and DELEP will begin a search for a new director. DELEP is expected to name an acting director to serve a term of approximately 3 months while the search for a permanent director commences.
- DELEP will hold its 4th annual “Experience the Estuary” event on September 19th.
- The “Coast Day” event will be held September 29th at the Fairmount Waterworks in Philadelphia.
- The DELEP steering committee expressed a desire for consistency in fish consumption advisories between the 3 estuary states (PA, NJ, and DE), or identification of impediments to consistent advisories.
- Fiscal Year 2003 Budget - EPA has allocated 510K to DELEP. This combined with contributions from other stakeholders brings the total DELEP FY03 budget to approximately 2 million. A portion of the PCB activities remain unfunded, despite having been designated critical needs. A conference call will be held in mid July to attempt to close the PCB budget deficit.

VI. Expert Panel Meeting Summary

Dr. Fikslin summarized the meeting between the Expert Panel and TAC held on June 27, 2002. As a result of the meeting, the Expert Panel recommended the following:

- Model the carbon in the system as a sorbent for PCBs;
- Implement a staged approach with selected products produced by Fall 2003 with other products to be produced post 2003.

A conference call will be scheduled with EPA to investigate the implications of the Expert Panel recommendations.

VII. Fish Consumption Advisories

Dr. Fikslin indicated that following preliminary data compilation efforts, the Fish Consumption Advisory Implementation Team was elevated in priority by DELEP. The first meeting of the Fish Consumption Advisory Implementation Team occurred in April, the 2nd meeting was held in May, and the 3rd meeting was scheduled for the following day (July 16, 2002). The Fish Consumption Advisory Implementation Team was exploring opportunities to develop consistent advisories among the estuary states by sharing data, and comparing approaches.

Mr. Greene indicated that the fish tissue data compilation had been completed and that he was awaiting a final review by the Fish Consumption Advisory Implementation Team.

The goal is to have the fish tissue data available on the web in August 2002. The data compilation would include data in spreadsheet format and related meta data.

At the TAC's request, Mr. Greene summarized some apparent trends observable in the data, including:

- An apparent decrease in PCB concentrations in Striped Bass from the early 1990's to the present. Such a decrease is not apparent for channel catfish and white perch over the 1990s but is evident when viewed over a longer time frame.;
- For striped bass, PCB concentrations were higher near the urbanized part of the Estuary than down in the Bay for any particular year considered. This would seem to indicate that the striped bass receive greater PCB exposure in the urbanized portion of the Estuary. ;
- No discernable change in fish tissue mercury levels during 30 years of monitoring. Furthermore, these levels are well below the FDA action level of 1 ppm.

The TAC requested that the graphics from the data compilation be provided to the TAC. The TAC agreed to ask Mr. Greene to present the data compilation at the data workshop to be held in Fall 2002.

Mr. Greene discussed the differences between Fish Consumption Advisories and Water Quality Criteria. Mr. Greene indicated that the common connection between fish tissue concentrations, health advisories and water quality criteria is the Bioaccumulation Factor (BAF). However, an advisory is a risk management tool used to limit the public's exposure to contaminants in fish until a waterbody can be cleaned up, while water quality criteria represent the regulatory limit or goal for the cleanup. Advisories and criteria are not typically set at the same risk level. A typical risk level for an advisory, for example, would be a 10^{-5} increased cancer risk as an aggregate of all chemicals, while criteria may utilize a 10^{-6} increased cancer risk for an individual chemical or class of chemicals.

VIII. Subcommittee Status and Goal Statements

The Chair of each subcommittee presented the status of that subcommittee's efforts, and its goal, in the hopes of assigning outstanding technical issues to the various subcommittees for resolution. The status and goals are summarized below:

TMDL Policies and Procedures Subcommittee. Dr. Fikslin indicated that this subcommittee's goal is to review policies and procedures relating to developing TMDL's. Currently this subcommittee lacks a chairperson.

Non-Point Source (NPS) Tidewater Subcommittee. Mr. Blair presented an overview of the goal of this subcommittee and recounted the discussions to date. The group discussed whether or not non-point source monitoring could be incorporated into the PCB TMDL in the time remaining. Mr. Yagecic handed out the subcommittee's framework document.

Wasteload Allocation (WLA) Subcommittee. In the absence of Dr. Piasecki, several members of the Wasteload Allocation Subcommittee recounted the activities of that subcommittee to date. Discussions seemed to indicate that many issues remain unresolved. There was also an apparent disagreement regarding whether or not the subcommittee had been charged with developing WLA's, and what would happen if the subcommittee was unable to develop WLA's. Mr. Lubow indicated that DRBC already had procedures in place for developing WLA's, and that the subcommittee should only be investigating possible alternatives. In the absence of specific recommended changes, the current procedures would remain. The TAC anticipated a presentation in the near future by an economist regarding economic impacts of various WLA strategies and ruling by EPA on WLA's. Dr. Standley recommended that the WLA Subcommittee suspend activities until after the presentation and EPA ruling.

The group reviewed several of the outstanding issues, and assigned issues to be addressed as follows:

<i>Issue</i>	<i>Method for Addressing</i>
How should flagged data be interpreted and used?	To be referred to Expert Panel and specifically to Dale Rushneck.
Utilization of congener data (will congeners, homologs, or total PCBs be modeled). How will DRBC assess and address the differences between different analytical methods.	To be referred to Expert Panel in consultation with Limno-Tech.
Access to the data sets	To be addressed and presented by DRBC.
Identify and quantify Non-point PCB sources	To be addressed by NPS Tidewater Subcommittee and research by Subcommittee and TAC members.
What criteria will be used to determine need for additional point discharge sampling?	To be addressed by DRBC in consultation with Limno-Tech. Letters forthcoming shortly.
How will the boundary loadings of the model be set during calculation of the TMDL, WLA's, and LA's?	As per the current Policies and Procedures, tributaries would be set to the applicable water quality standard to calculate the TMDL, WLA's, and LA's. Some members voiced concerns that if the tribs were set to water quality standards, there would be no capacity for dischargers. This issue is to be further addressed by the TMDL Policies and Procedures subcommittee.
What is the minimum performance standard for analysis?	As per the current Policies and Procedures, the PQL is the current minimum performance standard. This issue should be further addressed by the TMDL Policies and Procedures subcommittee.
What portion of the TMDL will be assigned to WLA's and what portion will be assigned to LA's?	To be addressed by Policies and Procedures subcommittee in consultation with EPA.

IX. Lead Data

Dr. Fikslin presented a plot of lead data compared to existing and proposed chronic aquatic lead criteria. Although occasional sporadic exceedences of the proposed criteria were noted, the majority of the data points fell below both the existing and proposed criteria. It was noted that the chronic criteria is actually a 4-day average, so the direct comparison between individual data points and the criteria, while telling, was not a determination that criteria had or had not been exceeded.

The group discussed whether the TAC should now recommend acceptance of the new chronic aquatic criteria for lead. Mr. Lubow recommended waiting for EPA's approval letter for the revised New Jersey lead criteria, which was the basis for the proposed new DRBC lead criteria. The TAC agreed to wait for EPA's approval letter for the revised New Jersey lead criteria before recommending revision to DRBC's lead criteria.

X. Scheduling of Topics and Dates for Upcoming TAC Meetings

A meeting between the Expert Panel and TAC was confirmed for August 22, 2002.

XI. Public Comment

No public comments were presented at this time.

XII. Adjourned

Mr. Lubow motioned to adjourn. Mr. App seconded the motion. The motion carried, and the meeting was adjourned at 3:37 p.m.