

TOXICS ADVISORY COMMITTEE
March 18, 2002

A meeting of the Toxics Advisory Committee was held at DRBC 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 Ruitter

Academia
Dr. Michael Piasecki

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
Patricia McSparran
Ron MacGillivray
Bob Tudor

Other Attendees:

Dr. Joe Rogan, Exelon Power
Bruce Aptowicz, Philadelphia Water Dept.
Larry Sandeen, Rohm & Hass
Tom Healy, Phila. Water Dept.
Ray Wittekind Jr., Mattioni, Ltd.
Roy Romano, Phila. Water Dept.
Tom Church, University of Delaware
Kathy Libertz, EPA Region III
Tim Kubiak, USFWS
Gigi Mallepalle, NJDEP
Russ Furnari, PSEG
David J. Piller, Exelon Power
Gary Franklin, Env. Scientist
Dr. Steve Brown, Rohm & Haas
Dr. Roland Hemmett, EPA, Region II
Mary Beck, EPA Region III
Carol A. Young, PA DEP (via phone)
Wayne Jackson (via phone)

I. Recommendations & Agreements

The following recommendation and agreement was reached:

- The TAC agreed that the Water Quality Criteria Subcommittee should review the various proposed water quality criteria changes and produce recommendations for the full TAC to discuss.

II. Call to Order

Meeting was called to order by Dr. Standley at 9:30 a.m.

III. Approval of Meeting Minutes from February 20, 2002

The February 20, 2002 minutes were reviewed. Changes to the February 20, 2002 minutes were recommended. A motion was made by Mr. App to accept the minutes as amended. Mr. Piasecki seconded the motion and the motion carried.

IV. Water Quality Criteria Updates

Dr. Fikslin referred to the materials that were sent out in preparation for this TAC meeting. Sent first were the actions of the Toxics Advisory Committee meeting on the 20th, which included the following:

- **ACTION 1:** Adoption of a motion to revise the DRBC criteria for Copper, Cadmium, trivalent Chromium, Nickel, and Zinc for Zones 2-5 to reflect EPA's latest hardness based formulas. This motion passed with two members abstaining.
- **ACTION 2:** Revise the current acute aquatic life criteria for Mercury zones 2-5 to reflect the latest EPA recommendations. This motion also passed with two members abstaining.
- **ACTION 3:** Drop the current DRBC acute aquatic life criteria for selenium. The motion passed with three votes abstaining.

Dr. Fikslin reviewed the actions deferred from the last meeting. The remaining issues and discussions are summarized below.

Lead

As background, Dr. Fikslin reiterated that New Jersey adopted non-hardness-based values in January. DRBC currently has non-hardness-based values.

Mr. Jackson indicated he had discussed New Jersey's lead criteria with Mr. Delos. EPA is in the process of trying to revise the national lead criteria based on some updated studies. The timetable on the EPA revision is still unknown. Dr. Fikslin indicated that he has received the new information (draft lead criteria document and 3-4 studies). Dr. Fikslin explained hardness based relationships and the process involved with that assessment.

Ms. Young raised questions concerning DRBC's criteria being different than EPA's. PA is still using the hardness-based criteria. Dr. Fikslin reported that the issue regarding the hardness based criteria was fully discussed back in 1996, when DRBC decided not to go with the hardness based formula for technical reasons.

Mr. App discussed existing loadings, and if there was the need for further tightening of those loadings with the existing criteria. Suggestion by Mr. App was for DRBC and member states to write a letter to EPA headquarters highlighting the need to get the lead criteria finalized.

Mr. Ruiter discussed issues on the values of the Lead criteria and listing impairments. Ms. Van Rossum also commented/questioned this discussion. Mr. Greene and Dr. Fikslin offered possible solutions for Mr. Ruiter's issues.

Dr. Standley recommended that DRBC follow-up on the requested data, for presentation at a future TAC meeting. The TAC agreed to defer a vote on recommending adoption of New Jersey's criteria pending additional conversations with EPA Washington, and presentation of the lead data.

Carcinogens and Systemic Toxicants

The group reviewed a handout dated February 28, 2002 summarizing proposed changes to human health water quality criteria for carcinogens and systemic toxicants. Changes included revising criteria for parameters with new cancer potency factors or reference doses.

Mr. Ruiter discussed the fish consumption rates presently assumed relative to fish consumption advisories versus water quality standards. Mr. App presented a clarification for EPA Guidance on Fish Consumption Advisories and noted encouragement for local data to be developed. Several TAC members expressed concern that the Commissioners understand possible ramifications on their decisions involving these issues.

Mr. App requested that a written summary be presented on the above issues. Mr. App questioned Mr. Greene regarding Delaware's survey (cost and length of time). He also suggested that the subcommittee recommend that this be pursued as a priority activity. Dr. Fikslin discussed taking the approach of using site-specific data where we have it. Also, Dr. Fikslin noted that the TAC recommendations would be presented to the Commissioners.

In the afternoon session, Dr. Fikslin introduced a new member of the Toxics Advisory Committee, Tim Kubiak of the NJ Fish & Wildlife who will be Sandra Brewer's alternate.

The group resumed discussion of the charge to the Water Quality Criteria Subcommittee. The issues included the following:

1. CHARGE: Do we implement the Commission policy for those 4 carcinogens and 5 systemic toxics with new toxicological data? Mr. Lubow suggested writing the charge appropriately by explicitly expressing that DRBC would be implementing a policy that is already in place as opposed to revising the policy. As per the existing policy, since the toxicological data has changed, the criteria should be changed. This approach was agreed upon.

2. CHARGE: Fish consumption rate(s). What is the recommended consumption rate(s) for Zone 1, Zones 2-5, and Zone 6? Are different consumption rates acceptable within and between different zones?
3. CHARGE: What is the recommended order of preference for fish consumption rates (i.e. sites specific data, default value)? Is there an order of preference that everyone can agree on? If not, then have a minority/majority opinion.

The Fish Consumption Advisory Implementation Team will meet in April to discuss Fish Advisories. Mr. App and Dr. Fikslin discussed who should be involved in making these recommendations. Mr. Ruitter raised the issues of water quality standards and fish consumption advisories. Per Dr. Fikslin, he will distribute the web-site for EPA Fish Monitoring and Advisory Guidance Documents.

Mr. Greene will give a Power Point presentation on “Similarities and Differences Between Water Quality Criteria and Fish Advisories” at the next TAC meeting. Any questions can be e-mail to Mr. Greene. These issues will be discussed further at the next meeting of the TAC.

Mr. App suggested having EPA’s Region III Water Quality Standards Coordinator meet with their Fish Consumption Advisory Person and ask them to look at Mr. Greene’s paper and maybe put together some EPA recommendations if they can.

V. PCB Model Assistance

A conference call was held on the preceding Thursday with the Expert Panel to solicit suggestions as to who would be appropriate for the PCB Model Assistance. The Expert Panel recommended consulting companies and consultants including Limno Tech, Hydroqual, QEA Inc, and Tetra Tec. Dr. Fikslin reported that a formal IRP approach by the Commission would be required to use any of these consultant companies, as well as details involved with using a consulting company.

In terms of individuals, the Expert Panel’s recommendations included Kevin Farley, Joseph Depinto, James Martin, Dominic DiToro, John Connelly, and Doug Endicott. A brief summation was given for each of these individuals. If a party were interested, they would then submit a mini proposal on their assistance in this effort.

The Expert Panel noted their role in the future is going to be strategic. Their involvement will be to set the guidelines and guide the process without getting involved in daily activities. They recommended that future meetings should be two days to allow full consideration of both technical and stakeholder issues. The first day should be with staff and the consultant, to examine modeling details. The second day would include the full TAC and involve issues such as criteria and the modeling effort to date. The Panel commented on the need for feedback from the stakeholders.

Dr. Fikslin also presented the need for interaction between the consultant and staff. Timeframes were discussed. A discussion ensued involving hiring an individual consultant versus hiring a consulting company. Contracting conflicts were presented.

Mr. Blair explained the contract that his organization has with HydroQual and the possibilities/benefits that could be developed. The suggestion was made for legal review of this contract.

Dr. Fikslin discussed DRBC's past experience with a contract with a consulting firm that was brought before the Commission for failure to perform on time. He also reported that DRBC has implemented the Expert Panel's recommendations and does have a WASP based model. Mr. App recommended that DRBC should have the appropriate personnel converse with Philadelphia Water Department regarding the contractual issues.

VI. Tidewater Non-Point Source Subcommittee Update

Mr. Blair noted that this committee met for the first time. Discussions were wide ranging but began to focus in on understanding the areas that are being talking about.

Mr. Blair noted that DRBC is monitoring 18-20 tributaries, but they needed to know what the rest of the areas are. They have been charged with looking into this matter and coming up with the actual areas. They will be doing some GIS work and dividing that into what would be CSO areas and what would be areas below the gauging point. Issues of what would be on tributaries that weren't being monitored at all.

In addition, Mr. Blair stated that Philadelphia will be forthcoming with their CSO areas, and will be bringing the information to the next meeting. Discussion included different types of techniques that can be used to determine loadings from these areas.

VII. Data Adequacy Subcommittee Proposal

Mr. Sandeen stated that there is no clear policy for how to handle all the data issues. There is a need to ensure that everyone is working on the same set of information, and a need to know the validity of the data and the meta-data describing the data.

Mr. Sandeen explained the purpose of the Data Adequacy Subcommittee proposal was to provide some specific types of tasks the Subcommittee would address. This idea was discussed in the past, but never developed. Mr. Ruitter recommended that the subcommittee be formed on data quality. He believes that there are going to be issues regarding how the data is treated.

Mr. Sandeen noted this process would aid the staff in performing their jobs. Right now DRBC is starting to sort through data. Getting all the data in and getting it in a format that is useable has been difficult.

Dr. Fikslin noted that DRBC now has its Storet System operational in submitting data to EPA. DRBC now has the template ability to know exactly how the data needs to come in to get into their Storet. The decision being considered by DRBC in-house is exactly what direction DRBC might want to go with data. Dr. Fikslin noted he will be talking to Batelle next week on these issues. Dr. Fikslin will present more information on this topic at the next meeting.

Mr. Ruitter asked if anyone had a question on whether a subcommittee should not be formed. This topic also will be discussed at the next meeting.

VIII. Scheduling of Topics and Dates for Upcoming Meetings

Upcoming TAC meeting dates of May 7, 2002 and June 12, 2002 were tentatively selected.

The TMDL Technical Policies and Procedure subcommittee will meet March 25, 2002.

IX. Public Comments

Questions involved the writing of a scope of work for the criteria needed for developing the mini-proposals, as well as time constraints and cost. Dr. Fikslin responded.

X. Adjourn

Dr. Hemmett motioned to adjourn. The motion was seconded by Mr. Blair. The motion carried, and the meeting was adjourned at 4:00 p.m.