

NY-NJ Harbor TMDL Oversight Meeting
290 Broadway, NY, NY
June 22, 2005
Minutes
(Final)

Participants included: Kevin Bricke, Bob Nyman, Wayne Jackson, Rosella O'Connor, Matt Schoen, Antony Tseng, Phil O'Brien, Jeff Myers, Jim DeZolt, Dick Draper, Phil DeGaetano, Jeff Reading, Barbara Hirst, Narinder Ahuja, Debra Hammond, and Kerry Kirk-Pflugh.

Minutes from the March 31, 2005 meeting were approved as written. Kevin Bricke noted that NYCDEP and IEC had each expressed a desire to participate in the oversight meetings. The group agreed to maintain its current membership for the time being since the states and/or EPA have the responsibility for establishing, it is appropriate for the states and/or EPA to provide guidance to HEP on the attributes of appropriate TMDLs. All TMDL development will be accomplished through the HEP workgroups which include NYC and IEC representation.

Jim Olander could not make the meeting, so Bob Nyman provided an update on the Pathogens Work Group (PWG). He said that the PWG and NWG conducted conference calls in early May to respond to the oversight group's request for scoping an approach for initial modeling work. The request from the group was discussed by the PWG and NWG and formed into a one page draft scope. This scope was then passed to HRF which in turn engaged HydroQual. HydroQual will prepare a letter scope for each work group for \$2k each. Additional time/revisions will be billed for. The PWG met on June 21st to review the status of the modeling work and to discuss the baseline conditions. A number of management questions were raised and will be refined and presented to the oversight group for consideration. Recommendation/ questions will include things like: which capital projects should be considered in baseline calculations; how are end-of-pipe standards to be implemented, and to what extent should the Bight be included? A four member MEG has been established and they are scheduling their first meeting for later this summer. Pathogens QAPP comments have been submitted to HydroQual and they are working on revising it. There was interest expressed by NYCDEP in updating the Regional Bypass model. IEC will convene the bypass group to scope out what kinds of upgrades would be desirable and how much it would cost. The next PWG meeting was scheduled for August 16th.

The oversight group discussed what constituted a baseline and it was suggested that there be a joint meeting of the oversight group with the Pathogens and Nutrients Work Groups before final decisions are made on this matter.

Matt Schoen gave a quick update on the Nutrients Work Group (NWG). He noted the language update suggested for item #2 for both the NWG and PWG. The suggestion was to add the words, "If the above standards can be met" at the beginning of item 2. The

oversight group accepted the recommended language update. He also noted that Mick DeGraeve asked about scheduling. This was to be discussed later in the meeting.

Rosella O'Connor provided an overview of the toxics work. She said that the calibration of CARP would be done by the end of the summer and that a simplified interface would be made available. She said there was a MEG meeting in May 2005 at which some comments were generated, but the overall project was proceeding well. It was suggested that there also be a joint meeting with the oversight group and the Toxics Work Group to have a technical session.

Mr. Nyman also provided an update on the status and nature of the HydroQual contract and funding to support TMDLs. He said that he and Mr. Schoen met with HRF and HydroQual on June 16th to discuss the contracting mechanism. Up to now, HEP had been asking HydroQual to scope out the broad modeling program and costs were determined, by task, up front. A new mechanism is being put into place that will allow more flexibility and cost accountability. Requests will be made by technical work groups for tasks as they arise and HRF will work with HydroQual to refine individual scopes of work with associated cost estimates.

Kevin Bricke introduced the Proposed Approach to Respond to the Policy Committee Request for Revised TMDL Schedules (attached). He discussed the Long Island Sound and Chesapeake Bay "plans" that were developed before the TMDLs were established. He said that the next step would be to charge the work groups with developing those plans. Dick Draper said that financing is a big piece of the effort. It was noted that the Chesapeake approach was more of a "TMDL avoidance" strategy. The key is that the water quality calculations can be done without going through the TMDL process. If reductions are driven by standards on the books, then TMDLs could be done right away. There was some discussion about Use Attainability Assessments (UAAs) and it was noted that they could be part of the plan. The group agreed to the three components of the draft approach, but said only the first component would be pursued at this time.

The plan needs an implementation component as well. Flexibility was provided in the nitrogen trading program for Connecticut and the "bubble" in New York.

Norinder Ahuja requested that the group acknowledge that the May 2006 date is no longer operable. The group agreed, but said that a new schedule needs to be developed by the end of the year.

Phil DeGaetano said the plan should show real environmental improvement, while considering costs. Jeff Reading said toxics are very different, citing the PCB issue in the Delaware. It was agreed that for the next meeting, there would be a presentation on the Phase 1 Delaware PCB TMDL. Mr. Reading continued and said that the due date for the NJCSO information is February 2007, and he asked how that would sync with the TMDL work. The response was that the group would deal with that information when it became available.

There was then discussion about costs for various technologies. Mr. DeGaetano said that LISS spent about \$100k to get the information for some dischargers. Plant specific estimates will vary widely. More generic estimates are needed to start with, and then let the dischargers refine those numbers as necessary.

Nyman was then tasked with item #1 on the Proposed Approach – working with work groups, HRF, and contractor to develop work plan and schedule for TMDLs.

The next meeting was scheduled for September 13th.

Proposed Approach to Respond to HEP Policy Committee Request for Revised TMDL Schedules

(Draft June 16, 2005)

1. Task Nyman to work with the 3 work groups addressing TMDLs, HRF, and its contractor HydroQual, to develop a workplan and schedule to produce load reduction plans and associated TMDL support documentation to achieve, where practicable, water quality standards consistent with the fishable/swimmable goals of the Clean Water Act.
2. Proceed to establish TMDLs for those pollutants and segments where the appropriate water quality standards are currently in place.
3. Proceed to establish new water quality standards for the remaining pollutants/segments; proceed to establish TMDLs for those segments upon establishment of the appropriate water quality standards.