

NY-NJ Harbor TMDL Oversight Meeting  
290 Broadway, NY, NY  
March 31, 2005  
Minutes  
(Draft May 11, 2005)

The states and EPA met to begin providing oversight to the Harbor TMDL process. Participants included: Kevin Bricke, Bob Nyman, Felix Locicero, Wayne Jackson, Rosella O'Connor, Jim Olander, Matt Schoen, Al Fuchs, Phil O'Brien, Jeff Myers, Jim DeZolt, Phil DeGaetano, Jeff Reading, Barbara Hirst, Narinder Ahuja, and Debra Hammond.

The group discussed its role and how it would interact with the technical work groups. The group acknowledged that the work groups had done a good job in developing the technical tools, but that use of the models for regulatory work would greatly benefit from guidance of an oversight group. To avoid confusion, clear direction needs to be given to the technical work groups regarding what they are being charged to do. Bob Nyman was charged with developing a one-pager to describe the purpose of the oversight group (see attachment).

The group was made aware of a request by the regulated community to observe the proceedings of the oversight group. There was a general consensus that the group would grow too large and that participants should be limited to the states and EPA. However, to facilitate communication, summaries of the meetings will be made available, once the oversight group has had a chance to review them.

There was then a discussion about the existing HEP Targets and Goals and how they relate to what is technically and realistically achievable through the TMDL program. The HEP Targets and Goals can be found on the program's website [www.harborestuary.org](http://www.harborestuary.org) under the publications section.

The discussion then moved to the three main TMDL subject areas, pathogens, nutrients and toxic. After considerable discussion on the pathogens effort, the group recommended that two management questions be asked:

- 1) What are the current conditions as they relate to:
  - a) the geometric mean enterococcus standard of 35 (and statistics for alternative single sample maxima ranging from 104 to 500);
  - b) geometric mean for total coliform standard of 70 MPN/100 ml in NY and NJ shellfishing areas and the estimated 90<sup>th</sup> percentile less than 330 MPN/100 ml in NJ shellfish waters. Will also be able to assess fecal at levels of 200 and 400.
- 2) What would it take to meet these standards harbor-wide, within a useful management framework (e.g. by appropriate management zones).

The charge to the Pathogen Work Group (PWG) would be to work through the Hudson River Foundation to seek a proposal from the contractor as to how to most effectively and efficiently answer these initial management questions. After appropriate interaction between the PWG and the contractor, the PWG would present the proposal to the oversight group. It was noted that a modeling QAPP was required before much of the existing funding could be spent on modeling work.

With regard to nutrients and dissolved oxygen, NJDEP is pursuing their requested refinements of the SWEM model with the contractor. It needs to be clarified which modeling runs can be presented prior to completion of the refinements. Some information is available on current conditions and load reductions related to dissolved oxygen and it may only need post-processing to develop the information requested.

There was then discussion about whether the management zones would be the same for all the TMDLs. It was decided that the work groups should use consistent zones to the extent possible, unless it is technically inappropriate.

It was decided that the following two management questions should be asked:

- 1) What are the current conditions as they relate to NYS's version of the marine DO criteria? For the purposes of this effort, the NJ standard of never less than 5 would be used instead of NY's marine DO criteria for waters where it is technically appropriate (i.e. low salinity waters).
- 2) What would it take to meet these standards harbor-wide, within a useful management framework (e.g. by appropriate management zones)?

The charge to the Nutrients Work Group (NWG) would be to work through the Hudson River Foundation to seek a proposal from the contractor as to how to most effectively and efficiently answer these initial management questions. After appropriate interaction between the NWG and the contractor, the NWG would present the proposal to the oversight group. It was noted that a modeling QAPP was required before much of the existing funding could be spent on modeling work.

An update on the toxics modeling was then provided, based on the last CARP Management Committee meeting. It was suggested that the oversight group and the Toxics TMDL group may want a full briefing on CARP in the near future.

It was noted that the Interstate Environmental Commission had requested that they be a participant in the oversight group. The group will discuss it at its next meeting.

It was agreed that the oversight group should interact on a monthly basis either in person or via video conference. EPA will set up the next meeting. The meeting was concluded at 1:00.

## Harbor TMDL Oversight Group Purpose and Organization

### **Purpose:**

The purpose of the Harbor TMDL oversight group is to provide regulatory and policy guidance for the water quality assessment and subsequent management and regulatory actions for the waters of the New York-New Jersey Harbor, including development of Total Maximum Daily Loads (TMDLs) as necessary.

### **Background:**

Water quality assessment (pathogens, nutrients and toxics) has been underway for the Harbor for a number of years under the various work groups of the New York-New Jersey Harbor Estuary Program (HEP). These groups have broad representation and have focused on ensuring that appropriate and adequate data collection and mathematical modeling tools were developed. Now that these tools are nearly ready to be used, the states and EPA have agreed to meet or hold video conferences on a regular basis to provide guidance to the work groups on the use of these models. Initially, monthly interactions would be held.

### **Roles of Oversight and Technical Groups:**

The oversight group is responsible for making decisions on such things as: the overall approach to the assessment and any subsequent regulatory action; selecting appropriate standards and deciding where to apply them; identifying what management questions need to be answered; and providing clear written guidance to the work groups. This guidance will be provided through the HEP Program Director to the work group chairs. Oversight group members are responsible for ensuring that their representatives on the work groups understand the process and support the positions of the oversight group.

The technical work groups are responsible for working with the contractor to develop work plans, identifying the resources necessary to carry out the assessments, and working with the contractor to ensure that the products meet the needs of the oversight group. The technical work groups are also responsible for providing technical insight to the oversight group, as necessary and for briefing the HEP Management and Policy Committees on their work.

### **Organizations Participating in Oversight Group:**

The oversight group will be comprised of the following entities: New York State Department of Environmental Conservation, New Jersey Department of Environmental Protection, and the U.S. Environmental Protection Agency.

<b>Work Group</b>	<b>EPA</b>	<b>NYSDEC Rep</b>	<b>NJDEP Rep</b>
Pathogens	Jim Olander (chair)	TBD	TBD
Toxics	Rosella O'Connor (chair)	TBD	TBD
Nutrients	Matt Schoen (chair)	TBD	TBD

### **HEP Program Director:**

Bob Nyman