

Draft Minutes

NYSDEC/NJDEP/EPA New York-New Jersey Harbor TMDL Oversight Meeting January 21, 2009

Participants:

Kevin Bricke, Wayne Jackson, Bob Nyman, Jeff Gratz, Phil DeGaetano, Phil O'Brien, Kerry Kirk Pflugh, Larry Baier, Rosella O'Connor,

Phone Participants:

Stan Cache, Dan Zeppenfeld, Barbara Hirst, Deb Hammond, Shadab Ahmad,

The meeting was convened at 10:00 at 290 Broadway in NYC and chaired by Kevin Bricke.

Jeff Gratz led the pathogens discussion. He discussed the availability and use of the Pathogens Allocation Tool (PAT). NYSDEC noted that while they are open to seeing the impacts of the various averaging periods and critical years, those decisions have not been made yet. NYSDEC also requested pie charts of the various loading categories for enterococcus and total and fecal coliform. **Nyman will request info from HydroQual.**

Phil O'Brien asked for clarification regarding the 30 day rainfall period in 2003 and how it might rank with other 30 day periods. He will discuss directly with HydroQual and the Pathogens Work Group.

Phil DeGaetano noted that for certain geographic areas with shared waters where loadings and impacts are intertwined, consideration should be given to assessing and discussing multiple areas at the same time.

Bob Nyman led the nutrients discussion. The outline for revision of the Technical Memos (including the Hackensack memo) was reviewed along with comments that had been submitted by NJDEP. In the Jan 2008 MS4 loadings paper, the assumption that there would be 0% carbon reduction from implementation current MS4 requirements was questioned. **Nyman will facilitate a discussion with the states, EPA and HydroQual to review the information used to make that recommendation.**

Barbara Hirst asked for clarification about how stormwater has been handled in the completed modeling runs. HydroQual will be asked for an explanation.

Information on the CSO pathogens pretreatment technologies used to make draft recommendations for carbon and nitrogen reduction will be distributed to the oversight group. The information and recommendations will be reviewed by the oversight group members.

At the request of NJDEP, Section 5 of the technical memo outline dealing with non-treatment options will be moved to the end of the outline to emphasis that treatment

options should be considered first. The option of in-stream aeration will be removed from the memo.

Regarding the Model Evaluation Group (MEG) for the review of the Najarian model for the Hackensack, it was noted that letters were sent to 3 of the previous MEG members inviting them to participate in the initial review of the Najarian work plan. **Other potential members will be considered to ensure that there are at least 3-4 members on the MEG.** Copies of the invitation letter and associated materials were distributed to the oversight group.

Phil D. asked if there had been any progress on defining incremental improvement benefits for dissolved oxygen. **Kevin B. said that Wayne J. would take the lead on this.** Deb Hammond and Scott Stoner would also be involved.

Rosella O'Connor led the first part of the toxics discussion. She said that the MEG for the CARP had raised last minute concerns about mercury sediment flux rates and methylation rates. **A draft 12 month work assignment developed to remedy the issues will be discussed by the Toxics Work Group prior to initiation.**

Wayne J. led the discussion on the site specific Bioaccumulation Factor work designed to help deal with differing state standards. The report from HydroQual was completed in December 2008 and is now available. These site specific BAFs would be plugged into the state methodologies to further assess which standards would be appropriate to use. **Wayne will seek to have a new chart produced that summarizes the information.** It was noted that NJDEP is considering options to expedite any needed changes in site specific criteria for toxics.

The meeting was adjourned at 12:05 PM. **Nyman will set up a conference call for late February to follow up on the action items.**