

Draft Action Items from

**NYSDEC/NJDEP/EPA New York-New Jersey Harbor TMDL Oversight Meeting
July 27, 2010**

Participants:

Kevin Bricke, Wayne Jackson, Bob Nyman, Rosella O'Connor, Felix Locicero, Phil DeGaetano, Lorraine Holdridge, Phil O'Brien, Leslie McGeorge, Marco Alebus, Stan Stephansen, Charlie Dujardin, Robin Miller.

Phone Participants:

Barbara Hirst, Deb Hammond, Shadab Ahmad, Bob Connell, Kerry Kirk Pflugh, Julie Nguyen,

Pathogens

Charlie Dujardin gave a presentation entitled *Pathogen Strategies, Technical Work Supporting TMDL Development in the NY/NJ Harbor Estuary*. The presentation is posted on the pathogens page of the HEP website at www.harborestuary.org.

Action Items that resulted from the presentation and discussion included:

- Wayne Jackson and Deb Hammond will clarify the NJ fecal coliform and enterococcus standards and whether the geometric mean is associated with a specific time period (i.e. 30 days, seasonal, etc).
- It was clarified that the discussion of 30 day vs. seasonal geometric mean for enterococcus that resulted in letter from the EPA Regional Administrator to the States was intended to address *open waters* such as the Hudson, and not small tributaries such as the Gowanus Canal.
- For the shellfish analysis that was on slide #12 in the Powerpoint presentation, NJDEP requested that the impacts of stormwater and CSO be broken out by state source for each management zone. This will help NJDEP decide if they would like to pursue additional waters for a direct harvest designation. Charlie Dujardin will decide the best way to present the information.
- NJDEP will also decide if they are interested in the potential for direct harvest in the Hudson River as well.
- It was clarified that the July 22, 2010 Kerry Kirk Pflugh email stating NJDEPs position on application of the geometric mean for enterococcus is the position of the Commissioner.

Nutrients

Robin Miller provided a presentation on the *Status of NY/NJ harbor Nutrient/DO TMDL Plan*. The presentation is available on the HEP website.

Action Items that resulted from the presentation and discussion included:

- Nyman will look into how the new air Transport Rule that replaces CAIR is being applied to the Chesapeake Bay.
- The current load reduction plan presented at the meeting calls for the capping of all nitrogen sources at their current levels. NJDEP needs to verify their position on this regarding the Raritan and Passaic Rivers.
- Bricke will produce a 1-2 page paper on trading or other options that would allow for flexibility in implementing the TMDL plan.
- Nyman will post the loadings tables and presentations on the HEP website and send a link to the oversight group.
- The State and EPA will review the nutrient reduction plan presented by HydroQual and send specific comments to Nyman by August 27th. The comments must identify any specific reductions that should be modified or deleted from the plan and why. Nyman will share all comments with others.
- NYSDEC raised a question as to whether a TMDL would be developed for the whole harbor or for separate areas. This will be discussed further at the next OG meeting.
- The Jamaica Bay consent order information that is currently being used by HydroQual needs to be updated with the latest information from NYSDEC.

Toxics

Rosella O'Connor provided a brief update. She said that the MEG to address mercury needs to be reconvened. She said that the benzo-a-pyrene criterion in NY has been updated. This new criterion now puts that contaminant in the same category as the other toxics in terms of very high levels of reduction that is necessary. HydroQual is also working on the TMDL reports and expects to have them completed by September 30th.

The next Oversight Group meeting will be scheduled for the first half of September.

Follow-ups and comments should be completed by August 27th.

The meeting was then adjourned.