



**New York-New Jersey Harbor Estuary Program
POLICY COMMITTEE
Meeting Minutes
September 24, 1998 @ 290 Broadway, New York**

(DRAFT -- Dec 17, 1998)

Jeanne Fox convened the meeting at 10:10 a.m. and stated that Commissioner Shinn would not be able to make it because he was called away at the last minute for a NOX SIP Call meeting. Mary Gastrich sat in for Commissioner Shinn. Gene Flatow said that she was sitting in for Chuck Warren.

There were no changes suggested to the agenda.

1. The minutes of the December 11, 1997 HEP Policy Committee meeting that were distributed prior to the meeting were accepted without change.
2. An update on CARP was presented by Dennis Suszkowski. Dennis briefly described the Modeling Workshop that was held July 23-24, 1998. He referred to Tom Wakeman's charge to the group to show some results from the CARP within 18 months to be in time with the Water Resources Development Act (WRDA) 2000 appropriation. The logical next steps that came out of the work shop given the short schedule, are to support the Manhattan College toxics modeling effort and to closely coordinate the work with the TMDL work underway with the states and EPA.

Dr. Suszkowski then went on to say that the fundamental element of the CARP effort was sampling of sources and ambient environment for toxics. The funding for the work is coming from the Port Authority. New York is in the field and New Jersey is still preparing. There are still some issues that need to be worked out and will be addressed at the September 25th meeting. The SCRWG is trying to hold all the various efforts together and are considering the need for a formal structure. Dr. Suszkowski referred to a previous discussion that he had with Paul Gallay in which this need was discussed. Gene Flatow said that it was critical to get structure and coordination in this effort because we can't afford to lose it.

Paul Gallay described the NYS portion of the effort as a 3 part initiative involving sediment, water and biota costing \$12 million. An additional \$7 million will be allocated for enforcement and outreach for a total of \$19 million. He noted that Simon Litton had begun sampling the week before. He also stressed a tie-in with the TMDL work. The first outreach work to be undertaken by NYS will be to junkyard operators.

Howard Golub requested that ISC be involved in the SCRWG effort. He subsequently volunteered Roger Manners of ISC to participate. Dr. Suszkowski said that all interested parties were invited to attend and that ISC would be added to the list.

Mary Gastrich supported Mr. Gallay's comments. She described the NJ work plan and said that NJ will be in the field this fall.

N.G. Kaul said that the CARP effort was finally coming together and thanked Dennis for working with the states.

Gene Flatow reemphasized that everyone was invited to participate on the committee.

3. Bob Nyman reviewed the options for the HEP Program Office that were currently on the table, as described in the handouts. Kevin Bricke reiterated EPA would provide the director position, but that \$90,000 was still needed to support additional staff.

Jeanne Fox described the Long Island Sound and San Juan program offices and said these were visible to the public. She went on to say that the general public wasn't aware of HEP and that an office would help with that. Marc Matsil said that many people in the science and management world were aware of HEP through efforts such as the Landfill Restoration Symposium. Ms. Fox acknowledged that, but said the program needs to do a better job with the general public.

Kevin Bricke proposed that the PC endorse the EPA office as the option of choice. The program would need to seek funding over the next 3 months to fund the office. Bob Gaffoglio suggested that the \$90K could come from a sludge consent decree. Mr. Bricke agreed that if the funds were available in a Supplemental Environmental Project (SEP) fund, that they could possibly be used for the office. EPA and NYC will look into it.

Ms. Flatow said that an enormous amount of in-kind services are provided to support the program, especially from NYC. Very little of that is for communication. She continued that she is reluctant to seek a member budget item because the funds would come out of the Region 2 budget. Ms. Fox said that a newsletter was needed as well as other outreach because most of those outside the program aren't aware of it. Ms. Flatow said that money for printing is needed. Dr. Suszkowski suggested that since the states are getting most of the NEP funds, that they may reconsider refocusing the way they spend the money. N.G. Kaul agreed with the need for the office, but said that not all funds are the same, some are specifically for staff. If \$45K is taken from each of the current state HEP budgets, then the money would need to be made up for some where else.

Marcia Bystryn said that one way to raise funds is to form partnerships with corporations. Ms. Fox suggested that we use a foundation, such as HRF, to bring in the funds needed. Ms. Bystryn suggested that we look into the Rockefeller Brothers Fund. Ms. Flatow said that they are only interested in waterfront development. Ms. Fox suggested that fund-raising be put on the next MC agenda. It was agreed that before April 1, 1999, an EPA director would be identified and that HEP would seek the \$90K needed annually for the additional program support.

4. Jim Tripp gave an update on the DMMIWG proceedings. He said that the Dredged Material Management Plan (DMMP) was out as a working draft. The Corps gave a presentation to DMMIWG, but the group has no consensus opinion on it yet as it just came out. Formal release will be in December 1998. A joint presentation was given at a previous DMMIWG meeting by Maersk and Norfolk-Southern on the industry perspective of shipping in the harbor. Mr. Tripp continued by saying that the number one objective in the DMMP is sediment contamination reduction. Referring to the state toxics work plans for CARP, Mr. Tripp said that the states need to have comparable work plans with agreements on protocols, sites, etc. He added that there is some concern about having the data hold up in court. Mr. Bricke said that a letter was being drafted to indicate EPAs support for the methods.

Mr. Tripp continued that the Superfund work is not going along very quickly at the Passaic and Hudson PCB sites. He felt that the cost for dredging should be partially borne by the Superfund parties that caused the contamination and that tort law was a better approach to recovering costs. Paul Gally said that Natural Resources Damage Assessment could include dredging but that an appropriate PCB congener list was needed for fingerprinting.

He also said that he was not satisfied with the entombment at the Diamond Alkali site. Ms. Fox said that that was just an interim measure.

Mr. Tripp also mentioned contaminant reduction projects and suggested that the Adopt the Arthur Kill project from a couple of years ago be looked at again and that it may fit into EPAs XL format. Ms. Fox said that she would like an XL project.

Mr. Tripp said that there were currently three or four major disposal options for dredged material. There was concern raised by Mr. Tripp about possible low levels of contaminants remaining in material, even after soil washing.

On a different front, Mr. Tripp suggested that the program should be announcing major efforts through a joint press conference. Possible topics include the 45' channel, freight movement in Union County, and sediment contaminant reduction. Ms. Flatow said that Mr. Tripps leadership has been important in raising the visibility of port issues.

5. Marc Matsil thanked all the people who have participated in the Habitat work group and its sub-committees. He said that the Jamaica Bay issues map would be printed next month and that the Landfill Restoration symposium had a lot of international coverage.

The memo from Jeanne Fox to the PC members concerning the NJ habitat sites list was discussed. Mr. Bricke said that the language would be inserted into the tables. John Tavolaro said that the Corps will submit language as well and that additional sites may be addressed. Mr. Bricke read the three point motion that was used when the NY site list was adopted.

Mary Gastrich said there was concern about some of the sites about contamination and ownership. She also noted that responsibility for some of the sites has shifted. She said that NJ supports the list in concept, but requests time for further review. Mr. Bricke noted that the regulatory process must

be played out. Ms. Flatow commended EPA for how this was handled. She added that the Corps is considering not using nation-wide permits in some instances and that she wants to discuss the bonding process for other items in New York. Mr. Bricke encouraged the Corps and NJDEP to send a letter similar to the EPA letter. Dr. Gastrich said she would follow-up. Mr. Matsil encouraged people to look closely at the list.

Bernie Blum said that number 15 on the list should be lot cleaning and mosquito control and that it hasn't been handled well. He wants to review NYCDEP program and treatment of Jamaica Bay and Arverne. He would like items to be discussed at a future meeting. Mr. Blum handed in copies of newspaper articles and letters. Ms. Fox asked that they be distributed to the MC and habitat work group. Ms. Flatow said that a report on the area was in process. She said there was a large infusion of rats and mosquitos in the area that posed health issues that are not appropriate for HEP to handle.

Ms. Flatow added that she wanted HEP to be given the opportunity to be able to review NYS bonding proposals. N.G. Kaul said that next year the PC would be given that opportunity.

6. Bob Nyman gave an overview of the HEP status reports that will be coming due next year. The Biennial review is due to EPA HQ on April 1, 1999. It is a self assessment document in which specific questions must be answered about the progress of the program. EPA HQ uses this document to determine if the program has made adequate progress to warrant continued funding. The second report that is being targeted for completion by April 1 is the HEP Annual Report. Mr. Nyman will convene the PC reps in January to begin preparation of these documents. In addition, the tracking summary document is to be sent out to the PC reps for updating. This document will be used in part to provide information to the Biennial and Annual reports. The third report is the State of the Estuary Report. This will focus on environmental indicators. HEP funding will enable HRF to complete the portion of the report addressing the human health indicators. As part of that project, HRF will devise a plan for addressing the remaining indicators. It was suggested that SEP funds from NYC could also be used to fund part of the State of the Estuary report. NYC will look into it.

Ms. Fox suggested that there be a comprehensive review of committee structure and function.

7. Mr. Nyman gave a quick overview of the Atmospheric Deposition Policy Committee meeting that took place on August 13th. He will condense the information from the flip charts produced at the end of that meeting and distribute them. It was requested that the next MC meeting include discussion on the next steps for HEP on atmospheric deposition.

8. Other items: Howard Golub said that the current reformulation negotiations for the CWA Section 106 funds may result in significant cuts to some states in the Northeast. Kevin Bricke said that he would get a copy of a letter to Ms. Flatow concerning the Section 106 issue.

Mr. Golub went on describe a success story that resulted from a collaboration between EPA, the states and NYC. A modeling tool was developed that allows operators to assess if particular beaches or shellfish areas will be affected if there is a sewage spill in a specific area. The tool will allow for early warning and would likely allow for the avoidance of some health problems. There

was also a communication protocol established to get the word out.

New York City DEP will be sponsoring a nitrogen tour on December 16th. The next meeting of the MC will be on December 15th. The next PC meeting will be in early March. Ms. Flatow said that there would be a biodiversity conference on January 22nd at the American Museum of Natural History.

The meeting was adjourned at 1:00 p.m.