



**New York-New Jersey Harbor Estuary Program
TOXICS WORK GROUP
Meeting Minutes
January 31, 2001 @ Hudson River Foundation**

(DRAFT February 22, 2001)

Bob Nyman convened the meeting at 10:15.

Rosella O'Connor handed out a draft TMDL schedule for toxics and explained that it is based, in part, on the CARP model schedule. The contractor is yet to be selected. Tier 1 of the modeling will be for preliminary assessment and Tier 2 will be for the development of TMDLs in 2005-2006. Mick DeGraeve asked about waterbodies that may be inappropriately listed on the 303(d) list. Rosella responded that any additional listing or delisting would take place through the process for the next 303(d) list in 2002.

Ms. O'Connor continued that appropriate endpoints need to be developed through a new TMDL workgroup. EPA volunteered to chair the group and would like open membership. Names for the committee should be submitted to Ms. O'Connor.

Dennis Suszkowski gave an update on the CARP contracting process. He said there were legal issues that still needed to be worked through, but that he hoped a decision would be reached soon.

Ms. O'Connor handed out an EPA fact sheet on water quality criterion for methyl mercury.

Beau Ranheim and Veronica Hurst provided an update on the plans for volatile organic sampling of surface waters in the harbor in February. A first round of sampling had taken place in February 2000. In that effort, there were no samples with concentrations above water quality criteria. However, because some of the samples were compromised, those areas will be resampled as will the areas where detections were made.

Mark Riess provided an overview of tributyl tin (TBT) as an emerging issue in the harbor. He said that the EPA Dredging Team was prompted by the peer review to look at additional contaminants in bioassays. It may become part of future evaluations. Mr. Riess presented data that compared residues of TBT within the Historic Area Remediation Site (HARS) and outside. He indicated that the values were approximately double within the HARS. High levels of TBT were found in blue mussels in the harbor with the highest areas in the Raritan and Upper Harbor areas. (500-600 ppb).

Lab studies have shown effects beginning in the range of 250ppb.

The Corps announced that they are considering funding an effort to collect new sediment data throughout the harbor to look at additional potential contaminants of concern, including alkylated PAHs. It was not clear if the Navy or international ships still uses TBT.

Simon Litton said that he knew of a couple of chemicals that should be considered in the future by the TWG. Polybrominated diphenyl ethers are used as fire retardants in plastics. There is increasing production of them and they strongly bioaccumulate. These chemicals have been banned in Europe.

Mr. Litton added that polychlorinated naphthalenes were used extensively during World War II as a wax on wooden decks of ships as a flame retardant. These compounds have dioxin-like properties.

He continued that not a lot was going on with track-down in New York, though there were a couple of interesting findings. In one instance, TOPS data showed that some high concentrations of PCBs were dominated by a single congener (IUPAC #11). This congener was also not part of any aroclor mixtures. It was found to be associated with a dye intermediate known as diaroxyde yellow used in plastics and printing. The dye is very common in use today. According to Mr. Simon, under TOSCA, limits on inadvertently generated PCBs are waived, as is the case with this dye. He said the TOSCA rule is based on old methodologies from 1984. At one particular manufacturing plant, whose identity DEC would not disclose, the discharge goes to a municipal treatment plant. Other PCBs are also associated with pigment manufacture. Concentrations at the pigment plant outfall were approximately 6000ng/l while concentrations at the treatment plant influent were in the 500ng/l range. Of that 500ng/l, approximately 60% was estimated to be from the pigment. The highest sediment concentrations of this particular congener (IUPAC #11, also known as 3,3' dichlorobiphenyl) occur in the Passaic and seem to be associated with IUPAC #77 PCB, a very toxic congener.

Mr. Simon then described an investigation of dissolved mercury in landfill leachate from the Fresh Kills landfill. He said that effluent from the leachate treatment facility was in the 50 ng/l range. Leachate from all the NYC landfills is estimated at 40 MGD, with Fresh Kills accounting for about 1 MGD. It is not clear how the total load from landfills compares with other sources. Discussion then turned to cultural uses of mercury by certain groups in the metropolitan area and how this may be a significant source of mercury to the environment.

It was noted that Chandler Rowel is still working on his update on trackdown.

Kevin Quinn said that there may be environmental justice issues associated with mercury. He said that track down work is limited by budget and priorities, but that reducing sources was important. As far as steps that can be taken to address elevated discharges from POTWs, the municipality has the discharge permit, therefore, they are responsible for what they discharge to the environment. DEC has the ability to fine dischargers found to be out of compliance. Mr. Quinn said that DEC's preference for dealing with identified sources is to first attempt to work cooperatively utilizing compliance assistance, and as a last resort to take the violator to court.

Tom Belton said that it was important to get the appropriate people from within the state environmental departments involved with assessment and enforcement early in the process.

There appears to be a need within both states to develop a clear organizational structure for assessing and then dealing with possible discharge violations or NPS loadings identified through the trackdown process.

Bob Nyman reviewed the table of toxics of concern that had been developed by the TWG. This list had been revised over the past couple of years based on more recent data. He explained that it would be desirable to get formal recognition of the revised list by the Management Committee. The question was raised as to whether or not organotins should be added to the list. Peter Jones and others expressed concern that a lot of work and review had gone into revising the list and that a new chemical should be adequately reviewed by the TWG before any decisions are made. Mr. Nyman agreed to ask Mark Riess if he would be willing to put together a white paper on the subject for discussion at the next meeting. The group also agreed that it would be appropriate for Tom Belton to present the current list to the Management Committee for consideration.

Gary Buchannan provided a brief update on the NJ Mercury Task Force. He said that the draft report is being revised and should be finalized by the summer. He said that it discussed some sites in the Harbor, including Troy Chemical. Emissions from steel plants that recycle used cars was cited as a significant source of atmospheric mercury.

Bob Hazen and others from NJDEP provided an overview of an effort to estimate the contribution of hazardous waste sites bounded by tidal waters. He said that there was an overwhelming amount of data, but that much of it was collected for other purposes. Making sense of that data is the challenge. He noted that due to a statute of limitations issue, approximately 300 DEP staff were dedicated for three months to inputting information into a remediation priority system. Simple equations are used to estimate loads over time from both surface and groundwater. Dan Kehne provided a handout. It was noted that the effects from tide on groundwater could be significant and that further research is needed.

Bob Nyman described the process that HEP is currently undergoing to identify workplan and budget needs. He said that ideally, the tracking report would be used, but that it was not yet complete. Tom Belton suggested a couple of topics for inclusion: one regarded TMDL endpoints for PCBs based on hazard and ingestion rates and the other was a study on how fish consumption studies are done.

Topics for the next meeting, scheduled for March 9th, include: further work on the issues identification; an update from John Defina on his GIS work; further discussion of the Niagara River toxics program and how it could be adopted to the Harbor; and presentation of a white paper on TBT.

The meeting was then adjourned.