



New York - New Jersey
Harbor Estuary Program

CITIZENS ADVISORY COMMITTEE

of the New York – New Jersey
Harbor Estuary Program

www.HarborEstuary.org

To: Regional Administrator Judith Enck, U.S. Environmental Protection Agency, Region 2
Harbor Estuary Program Policy Committee

From: Harbor Estuary Program Citizens Advisory Committee
Roland Lewis, Metropolitan Waterfront Alliance and Michelle Doran-McBean, Future City,
Inc., Co-Chairs

Re: EPA Resolution on Pathogens TMDL

Date: April 6, 2010

Citizen participation is critical to the New York-New Jersey Harbor Estuary Program's (HEP) success both because public support of environmental programs is necessary for their implementation and because HEP promotes partnerships with non-profit citizens groups as an efficient mechanism for accomplishing many of the Comprehensive Conservation and Management Plan (CCMP) actions. The main mechanism for citizen input into the program is the Citizens Advisory Committee (CAC).

During our March 11, 2010 meeting, CAC members received a presentation on the status of the Pathogens Total Maximum Daily Load (TMDL) for the NY-NJ Harbor Estuary from Larry Levine, Natural Resources Defense Council. During the presentation, Mr. Levine explained the concerns with New York and New Jersey moving forward with the use of a seasonal average (May 15 – September 15) bacteria level to measure water quality standards compliance, as the water quality objective of the Pathogens TMDL. Using a standard based on a seasonal average would allow both states to claim "compliance" with water quality standards for primary contact coastal recreation waters, "with no to moderate load reductions"¹ – despite the fact that New York City discharges some 27 billion gallons of combined sewer overflow (CSO) in an average year and the waters on the New Jersey side are closed to direct shellfish harvesting.

Setting the appropriate standard for the Pathogens TMDL is critical to the long-term health of both the Harbor and the public.

Based on the presentation and subsequent discussion, **CAC members voted to approve a resolution urging the United States Environmental Protection Agency, Region 2 to insist on a standard at least as stringent as a 30-day geometric mean as the basis for the NY-NJ Harbor Estuary Pathogens TMDL during our March 11, 2010 meeting.**

Sincerely,

Michelle Doran-McBean, Future City, Inc., NJ HEP CAC Co-Chair
Roland Lewis, Metropolitan Waterfront Alliance, NY HEP CAC Co-Chair

¹ USEPA Region 2, Harbor Estuary Program, Straw Proposal, Proposed Water Quality Standards Framework for Pathogens to Protect Primary Contact Recreation in the Open Waters of the New York/New Jersey Harbor (October 2009)(provided to Pathogens Work Group)

Citizens Advisory Committee Co-Chairs

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