

NY-NJ HEP Water Quality Workgroup Meeting Notes

Date: 9/19/2017

Time: 10:30 am –2:30 pm

Attendees: Phil DeGaetano (Chair), Jason Fagel (NYSDEC), Greg Alber (PVSC/NJHDG), Mick DeGraeve (GLEC/NJHDG), Keith Mahoney (NYCDEP), Rick Winfield (EPA), Rosella O’Connor (EPA, phone), Brent Gaylor (EPA, phone), Wayne Jackson (EPA, phone), Evelyn Powers (IEC), Rob Pirani (HEP), Isabelle Stinnette (HEP), Ariane Giudicelli (HEP), Dennis Suszkowski (HRF), Dan Van Abs (Rutgers, phone), Chrissy Remein (Riverkeeper), Debbie Mans (NY/NJ Baykeeper, phone), Rob Buchanan (NYCWTA), Clay Sherman (NJDEP, phone), Marco Al-Ebus (NJDEP), Teresa Guloy (NJDEP), Roop Guha (NJDEP), Joshua Lefkowitz (NYCDOHMH), Amanda Levy (NYCDOHMH), Judith Weis (Rutgers).

1. Welcome, Introductions and Overview of the Agenda
2. State Water Use Designations and Standards (Action Item WQ-A-2)
 - Presentation by Phil DeGaetano:
 - HEP should advance conversations between the states to lead to greater consistency in standards for shared waterbodies. This topic is complex and complicated, but the issues and concerns raised during these discussions should ideally translate to rule-making by that states. Because NY and NJ are in the middle of their LTCP permit process, the larger context of this discussion matters to long-term planning efforts. This action item also links to another action item – WQ-B-3 – Synthesize information on LTCP/CSO controls and MS4 permit implementation to determine the effects on shared waters.
 - Generally speaking, the EPA regulations form the basis of what the states are required to do, but careful analysis of the state regulations and wordings within is often required to fully understand the use designations. This is exemplified by the case of the “fishing” designation, which does not necessarily mean that the fish are safe for consumption, but rather that the waterbodies are supportive of survival and reproduction.
 - NJ’s class SC is comparable to NY’s class SA (open waters), although the wording is not identical. There are some differences in designated uses for pathogens as to what primary and secondary contact means. The definition between primary and secondary contact is murky and bathing regions are very protective whereas open waters are not. It is therefore harder to have advisory levels for the open waters. Advisories are only based on swimming and DOH (swimming beaches) and DEC (non-swimming beaches) administer their programs differently.
 - NY adopted fecal coliform (FC) standards with a geomean of 200, while NJ has a geomean of 770 for SE2 waters. There is therefore a significant difference in some

shared waters. DO differences in shared waters are perhaps not as dramatic as pathogens.

- EPA encourages the use of a 30-day geometric mean (with 5 samples within the 30 days) for pathogens. While daily sampling would be an ideal scenario to work towards, the constraints of manpower and funding are real.
- NYCDOH uses wet-weather and models to forecast potential advisories. The Beach Action Value (BAV) of 60 is a low threshold that is difficult to meet, and this can cause frequent advisories. This in turn causes public concern, which needs to be considered carefully during these discussions. Public education is very much needed and the departments do not have the resources to address this.
- The instances for when the use of the 30-day vs. 90-day geometric mean is acceptable should depend on the application (for example, if NPS vs. CSOs are the primary culprit) and this is something that EPA should further define.

❖ Potential next steps on this topic for this group include:

- *Defining specific/most pressing items to discuss in a future meeting*
- *Focusing in on a particular waterbody to begin with*
- *Having a report-out from the various agencies*
- *Discussing the rationale of using FC vs. Entero*

3. Joint Harbor-Wide Water Quality Report (Action Item WQ-D-1)

- Presentation by Ariane Giudicelli:
 - HEP coordinated and funded two bi-state reports, published in 2008 and 2011. Both reports looked at Entero and DO data collected by NJHDG and NYCDEP (see presentation for full background info). HEP plans to release a new joint report in 2018. Questions posed to the group include:
 - Who will our target audience be? This will help inform the format, scope and presentation of the report
 - What parameters should we cover? Should we consider expanding beyond pathogens & DO?
 - What data sources should we incorporate? Should we look at newer programs like HRECOS?
 - What are our analyses/presentation options?
 - Keeping in mind that our budget is very limited, should this be an online only report? Could we have limited printed reports and/or printed factsheets/summaries?
 - Thoughts from the group:

- HEP needs to consider this report in the context of the State of the Estuary report. What is appropriate for the SOE report vs. the WQ report? There are potential stories to tell for trends in fish advisories (such as with PCBs, dioxin and mercury) and beach closures, but this may be more of the purview of the SOE report.
- The NYCDEP Harbor Survey reports are available online (up to 2016), but there is no interpretation of the data. PVSC has not produced reports in a while, but recent data is available through STORET.
- The report should be more technical and ideally will be useful for students as well as academics. We could engage the National Science Teachers Association and National Marine Educators Association to distribute this to their members.
- The data focus needs to be bi-state and should convey a simple message. If we start adding on parameters, the message will get muddled. We should therefore focus in on DO and pathogens, while expanding to other data sources such as HRECOS.
- Although the focus should be DO and pathogens, we could also provide some summary information on other parameters such as HABs, microplastics and contaminants of emerging concern, as these are of interest to the public, keeping in mind that communicating what is happening may be difficult for some parameters.
- We should consider if we want to engage and collaborate with the HREP to also tackle the upper river.
- We need to consider the reliability of data for this report and decide if we also want to promote citizen science and include citizen science data.
- Translation to other languages such as Mandarin and Spanish could potentially be useful. We could consider having short summary sheets only in these other languages for budget purposes.
- It would also be useful to have a report/summary on ongoing projects in the Harbor, but this may be more appropriate for a separate report for a specific audience.

4. Climate Vulnerability Assessment Survey:

- Presentation by Rob Pirani:
 - The methodology was developed by EPA headquarters. All of the National Estuary Programs are required to do this. Funding for this effort was provided by EPA.
 - HEP worked with an advisory committee to identify and narrow down a number of future stressors and risks. The draft report identifies 5 specific stressors and 17 specific risks.
 - Partners are being asked to prioritize risks in terms of consequence, likelihood and spatial extent.

- HEP could potentially convene a workshop to discuss the highest priority issues

Please complete the survey at: https://www.surveymonkey.com/r/HEP_Climate to help us prioritize the risks.

5. Additional items, next steps, topics for future meetings and items for the group to think about:
Please forward any thoughts or ideas on these topics to Ariane

- Status of CARP II (Jim Lodge):
 - The project started roughly 6 months ago and the hope is to be in the field by the end of the year. The project is looking at 10-15 year projections for dredge material in navigational channels. The focus is USACE data from channels that are rapidly accumulating sediments. They are close to identifying regions for collecting data
 - There may be opportunities to comment on the workplan but the turnaround time will likely be short.
 - Sampling efforts are still being ironed out and the modeling effort details will be figured out next year
- GLEC is wrapping up the DO report and currently addressing final responses to comments and making final edits.
- Future agenda topics could include:
 - A pathogens discussion on standards, the issue of duration/seasonal geomans and STVs. This could be a discussion with EPA first and then discussed with this workgroup later on.
 - Communication of CSO events
 - Integration of citizen science into our programs and a report out from the CAC on citizen science in the Harbor