

NY-NJ HEP Water Quality Workgroup Meeting Notes

Date: 3/14/2016

Time: 9:45 am – 12:45 pm

Attendees: Bridget McKenna (PVSC/NJHDG), Rob Buchanan (NYCWTA), Rick Winfield (EPA), Jim Lodge (HRF), Keith Mahoney (NYCDEP), Phil DeGaetano (NYSDEC), Jeff Myers (NYSDEC), Mick DeGraeve (GLEC/NJHDG), Dennis Suszkowski (HRF), Dan Van Abs (Rutgers), Sean Dixon (Riverkeeper), Judith Weis (Rutgers), Evelyn Powers (IEC), Marco Al-Ebus (NJDEP), Pilar Patterson (NJDEP), Michele Putnam (NJDEP), Chris Sturm (NJ Future), Andrea Leshak (NY/NJ Baykeeper), Rob Pirani (HEP) (on the phone).

1. Welcome, Introductions, History of Workgroup

- At least one representative from every invited group was present at this first workgroup meeting. *If participants feel that anyone is missing, please let us know.*
- We are targeting a 2nd meeting for April and we would like to have a 3rd workgroup meeting in May/early June after the listening sessions/public workshops. This workgroup will continue to meet regularly over the next year as HEP develops its 5-year Action Agenda.
- Participants discussed the history of the workgroup in the context of TMDL development and the need to move forward without having an ultimate TMDL goal on the horizon.

2. Overview of Action Agenda, Timeline and Purpose of the Workgroup

- Rob Pirani summarized the process and framework for HEP's Action Agenda and outlined the specific roles of the water quality workgroup and responsibilities moving forward. These include assisting with answering questions such as:
 - Identifying our top challenges and opportunities in the Estuary in terms of water quality improvement
 - Assessing the threats of climate change to the attainment of our water quality goals

3. State and Utility Updates and Preliminary Considerations for the Action Agenda

- NYSDEC – Jeff Myers
 - NYS focuses on uses, pollutants, and sources and what can be done about the sources.
 - The standards/criteria in the Harbor that are really the focus include DO, toxics, floatables, pathogens & nutrients. However the starting point should really be uses instead of standards.
 - A major focus has been pathogens. Pathogens used to be a wastewater treatment issue but now the issue is related to wet-weather & CSOs.
 - A major statewide issue is nutrients/algal blooms. This has become a concern.

- There is a lot of money being spent in New York City. Changing standards won't change the rate at which things happen. It is all about prioritizing budgets. Real water quality improvements are driven by funding and corrective actions.
- The watershed is large & a lot of toxics are coming into the watershed from outside of the core area. Managing and prioritizing water quality with all of the development and large population in this area is extremely challenging.
- NYCDEP - Keith Mahoney
 - The baseline budget for the CSO program is \$4.2 billion. Projects include:
 - Storage tanks, pumping stations, floatables control & other upgrades and controls
 - The Green Infrastructure program, which aims to manage 1 inch of rain over 10% of impervious area by 2030; 90% of rainfall is 1 inch or less and 1/3 of rain events typically generate a CSO event.
 - The City is on track to meet its 2016 goal of completing 1.5% of GI installations. A lot has been accomplished in the Bronx, although so far only bioswales have been built - none of the larger GI projects have been completed yet. An assessment report will be published in August.
 - DEP tried to target areas with numerous CSOs for GI first.
 - DEP began with the straightforward LTCPs first. The total cost is up for discussion with the state through the 2016 draft CSO order. No LTCPs have been approved yet. The draft CSO order is new and will eliminate the others.
 - Some of the LTCPs were more difficult than others, including the Hutchinson River LTCP. The decision was made to go with seasonal disinfection.
 - The fate of chlorine in receiving waters is being studied at a demo location in Spring Creek (Jamaica Bay). The science has come a long way and there are new monitoring technologies. Peracetic acid is an alternative to chlorine but it's not as effective on enterococcus, it's expensive and doesn't degrade as quickly.
 - DEP attempted to conduct flow monitoring at all CSOs and did sampling. Wet-weather sampling was conducted at outfalls. Open water sampling will be added.
 - Nitrogen reductions at WWTPs have been very successful. The plants have been performing very well. Two Jamaica plants were upgraded and 2 more are being designed and will be completed in 2020. The plants typically achieve above 95% removal for BOD & TSS.
- NJDEP - Pilar Patterson
 - NJDEP has individual permits for all permittees. The ownership in NJ is very fractured with 25 permittees. 9 are STPs & 16 are municipalities. They've encouraged STPs to take leadership roles for their communities, so they have 9 LTCPs under the STPs, instead of 25. All municipalities agreed to this.
 - There are 7 STPs in the Harbor area. PVSC has taken a leadership role.

- Because there are no real consent decrees from EPA, the LTCPs are implemented through permits instead. But EPA is still very much involved and workshops were held. The permits are being used as a model. The permits were issued last spring & they are all on the same schedule. The timeline is tight and the process is integrative - they meet on a weekly basis. There are no stays or time extensions on the permits. Once the LTCPs are submitted, the CSO permits will be up for renewal.
 - The goal is to have economically achievable LTCPs, therefore the projects will take many years to become operational. NJ permittees have to look at 7 different alternatives in their LTCPs and they need to put together teams for community involvement.
 - Because they're working so closely together with the permittees, the LTCPs will be turned around very quickly. A lot of GI projects are in the works. Some towns have taken on the initiative of sewer separation. Permittees will get credit for GI –they also get funding through the SRF. NJ is hiring a contractor to develop GI guidance.
 - All CSOs have floatables control & signage is called for in the permit; DMRs are required for all outfalls. All permittees are required to have webpages to show CSO affected waterbodies. They also have source characterization reports including GPS points for all outfalls.
 - So far there is 100% compliance on all permits. The water quality monitoring workplans were submitted and approved. The permittees will begin sampling in the spring.
 - System characterization plans will be completed shortly (approved in the next 2 months or so).
 - Public meetings will start next year (2017)
 - The MS4 issue is complicated. Separating sewers doesn't necessarily mean your water will be cleaner because of the stormwater component.
 - NJ isn't currently looking at modifying standards (which EPA allows) for rain events.
- PVSC/NJHDG – Bridget McKenna
 - The NJHDG includes 9 dischargers. The ambient water quality monitoring network is funded entirely by NJHDG and includes 33 monitoring locations. Four sites were added in 2014 that aren't impacted by CSOs & a few were removed on the Passaic. A full suite of parameters are measured.
 - Have a CSO baseline compliance sampling program
 - The SWEM model has been refined and a significant amount of calibration data is available
 - Continuous DO monitoring has been problematic, but the DO monitoring on PVSC's dock since 2014 through HRECOS has been successful.
 - PVSC is in their 3rd year contract with Rutgers for assessing the viability of GI in their territory.
 - PVSC also operates a skimmer vessel for floatables

4. EPA Review of Regional Water Quality and Impairments
 - Rick Winfield gave a preview of the “smashdown” list created by EPA for combining NY & NJ impairments, resulting in the “HEP 8”: Aesthetics, Biological Impairment, Chemical Contamination (Toxics), Dissolved Oxygen, Nutrients, Pathogens, pH and Temperature.
 - There are a number of different options for presenting the information to the public, through maps, pie charts and various bar charts, as well as at a broader scale for the Estuary as a whole or more focused on a specific watershed. NY and NJ use different tools for displaying their data in their integrated reports, and the best method of conveying the information will vary depending on if the data is presented at public workshops or is served out from the website.
 - EPA will present in more detail on impairments and regulatory status at the next meeting.

5. Follow-up, next steps, and items for the group to think about: *Please forward any thoughts or ideas on these topics to Ariane*
 - Some of the initial questions relating to both actions and workgroup process raised at this kick-off meeting include:
 - What are the best mechanisms to get where we want to be/What tools can we use?
 - What is the realistic goal?
 - What are the proper roles for groups and what is the value added of this group?
 - How do we keep moving forward and support each other?
 - Even if we are meeting standards, the full uses are not always there. For example for DO, should we be meeting the standard everywhere all of the time? What is good enough? At what point are we fully supporting the uses? When are we done?
 - How do we communicate what “impairment” is/means when we have different criteria? What criteria should we use - EPA’s or the states? *HEP should provide guidance for communication & coordination regarding criteria discussions.*
 - Management in NJ is really very different than it is in NY. NY & NJ’s approaches are slightly different, which is fine, but we need to have shared common goals in our shared waters.
 - What is happening with monitoring for pharmaceuticals? What about plastics? This is the next hurdle – what treatment is available for those contaminants? What is achievable? Once we can answer those questions EPA would start adopting criteria. But measuring something when you have no criteria to compare it against is not worthwhile. The Water Research Foundation is starting to do research on this and EPA also did a study. Some removal is happening at plants. EPA set PCB criteria but there’s currently no technology to achieve it. We don’t want to have the same situation with other contaminants. *HEP can play a research role in this.*
 - Should we aspire to have a unified database? The Academy of Natural Sciences in Philadelphia is constructing a unified database for the Delaware River Basin.
 - How do we get the public interested & convey some of the more subtle issues related to water quality? There are system-wide issues like PCBs. There are other specific issues like Hudson River

Park. There are opportunities to make investments in certain areas. Should we focus on projects that help the community?

- We should provide information to the public on water quality threats. Another opportunity is interpreting standards and uses language and ensuring the right language is used with the right audience and presented accurately.
- There's a gulf between funding and the standards in place. There is room for improvement in water quality criteria.
- Information exchange and data sharing is needed & desired by all and is an area where *HEP can add significant value*.

- NJ waterworks is coming up with best practices for public involvement – Chris Sturm can share these with NJDEP
- NJDEP can involve others from the Department that aren't in the permitting group on an as-needed basis
- The workgroup needs a chair, which needs to be discussed. Participants were asked to think about possible candidates.