

TOXICS ADVISORY COMMITTEE
APRIL 7, 2005

A meeting of the Toxics Advisory Committee was held at the Delaware River Basin Commission. Members or alternates present were:

Delaware Rick Greene	Academia Dr. David Velinsky	Agriculture Not represented
Pennsylvania Not represented	Public Health Interest Dr. Charles Shorten, West Chester Univ.	U.S. EPA Dr. Rollie Hemmett, Region II Denise Hakowski, Region III
Environmental/Watershed Mary Ellen Noble, Delaware Riverkeeper	New Jersey Not represented	Federal Fish & Wildlife Dr. Tim Kubiak, USFWS
Industry Larry Sandeen	Municipal Dennis Blair	New York Not represented
Delaware River Basin Commission Robert Tudor Dr. Thomas Fikslin Dr. Ron MacGillivray Daniel Liao John Yagecic Greg Cavallo Donna Gushue Danielle Kreeger	Other Attendees Tom Harlukowicz, PSEG Bruce Aptowicz, PWD Simeon Hahn, NOAA Roy Romano, Phila. Water Dept. Tom Healy, Phila. Water Dept.	Dr. Jeff Ashley, Phila Univ. J. Bart Ruitter, DuPont Diane Wehner, NOAA

I. Recommendations & Agreements

- Future meetings of the Expert Panel and the TAC will involve a meeting on the first day of the full TAC and Expert Panel to hear presentations from invited speakers and representatives of TAC interests. DRBC and Limno-Tech, Inc. staff will then caucus on the second day with the Expert Panel to establish the direction for the modeling effort.
- Dr. Fikslin and Bart Ruitter will discuss the issue of variances from DRBC criteria with the Water Quality Advisory Committee (WQAC) and the TAC recommendation that the WQAC deal with this issue. The paper on the development of human health water quality criteria for PCBs that will be presented at the TMDL conference in June will be distributed to the TAC in anticipation of action at the next meeting of the committee.

II. Call to Order

Dr. Hemmett the Toxics Advisory Committee chairperson called the meeting to order at 9:45 a.m.

III. Update on Meetings of Expert Panel and TAC

- Mr. Tudor reviewed his discussion with the Expert Panel regarding changing the meeting process between the Panel and the TAC. Mr. Tudor noted Mr. Sandeen's request to have observers at the meetings between the Expert Panel, DRBC, and Limno-Tech, Inc. The Expert Panel strongly expressed that they did not want to change the current procedure regarding attendees at the DRBC/Expert Panel/LTI meetings.
- Mr. Tudor noted that the plan now is to have a full day session of the TAC/Expert Panel on day one to allow for interaction and to allow the Expert Panel to hear what the different points of views are. A second day activity would be for the Expert Panel to caucus and then make recommendations for future work.

IV. Review of meeting minutes from January 18, 2005

Review of the January 18, 2005 minutes were deferred to the next meeting of the TAC.

V. DELEP Update – Delaware Estuary Science Conference 2005 (Dr. Kreeger) “The State of Science in the Delaware Estuary,” Sessions 1-7 January 10-12, 2005, Cape May, NJ “Linking Science and Management for the Delaware Estuary,” Session 8-11 May 10-11, Newark, DE

1. Dr. Kreeger explained why the Science Conference is being held. The second part of the Science Conference will be in May in Wilmington, Delaware.
2. Dr. Kreeger stated that she thinks it would be a good idea to repeat the science conference event every two years, so that the needs assessment that does come out of the synthesis from the Science Conference will be updated every two years
3. Dr. Kreeger stated that it has been more than 12 years since a Science Conference such as this was held. The conference was broken down into two steps. Dr. Kreeger noted the balance between the agencies and academia at the Science Conference noting the involved parties.
4. The goals for the meeting in May were discussed. Dr. Kreeger gave a short preview on the issues that will be addressed at the Science Conference in May.

VI. Assessing Flame Retardant Contamination in the Delaware River Estuary – Report of project recommended by TAC and funded by the DELEP (Dr. Ashley)

- See attachment of this presentation.

VII. Toxics Criteria Subcommittee Report on Revised PCB Criteria for Human Health (Dr. Fikslin)

1. Dr. Fikslin presented an update on the status of subcommittee. At the February 2003 TAC meeting, the subcommittee made a report to the TAC regarding the development of revised human health criteria. Discussion included wildlife criteria.

At the February 2003 meeting, the committee forwarded recommendations regarding the adoption of the revised human health criteria along with some recommendations regarding wildlife criteria to the Commission.

One of the changes that the TAC made from the subcommittee recommendations was regarding the use of 10^{-5} and 10^{-6} risk levels that are involved in calculating criteria. The Commission did act

on these resolutions (March 2003) which directed staff to go out and publicly participate the new criteria.

The Commission also directed the TAC to begin development of Delaware-specific wildlife criteria. Directions were also given to the DRBC's Executive Director to write a letter to EPA asking what criterion should be used for the Stage 1 TMDLs. The letter was sent and ultimately the Stage 1 TMDL was developed at EPA directions using the existing human health criteria.

Following the adoption of Stage 1 TMDL, the committee went back to further evaluate the numerical value of the human health criterion. Some updating of the data was done and an updated criterion of 16 pecograms per liter was obtained. Mr. Greene also performed a probabilistic analysis and noted that it converged basically on the same value.

The committee discussed extensively the concept of use attainability analyses and variance procedures. Since fish consumption is an existing use in the Delaware Estuary, use attainability analyses were put aside, and the committee discussed variances and whether DRBC should have variance language.

Mr. Lubow stated that New Jersey defers to any DRBC criteria formally adopted by the commission and NJ has variance language in their regulations. Dr. Fikslin noted that EPA has recently approved Delaware's water quality standards and that Delaware also has a clause in their water quality standards deferring to DRBC Criteria (NJ and DE are the only states that defer to the DRBC Criteria; PA uses the more stringent of DRBC and PA standards).

DRBC staff noted they believe some type of variance language needs to be incorporated in their regulations to address situations where a state would receive a variance request from a discharger for a water quality-based limit based on the DRBC Criteria. The subcommittee agreed with this position and Mr. Ruiter, a subcommittee member agreed to draft some language regarding variance procedures as part of a motion. Dr. Fikslin also stated that he would meet with Commission counsel regarding the language.

2. At present, the subcommittee has drafted motions regarding both the numerical value of a revised criterion, as well as some language regarding variances. A basis and background document is needed to proceed to the public participation phase. Dr. Fikslin, Mr. Greene, and Dr. MacGillivray have prepared a paper that will be presented at the TMDL conference in June on development of human health water quality criteria for PCBs based upon the 2000 methodology. A copy of this report will be transmitted to TAC members.

3. Dr. Fikslin stated that the technical issues regarding the numerical value of the criterion are essentially complete with the remaining issue being whether variance language should be included with any adoption of the new criteria. Dr. Fikslin noted that the Water Quality Advisory Committee is currently reviewing and updating the DRBC regulations.

4. Dr. Fikslin noted that the Water Quality Advisory Committee (WQAC) would be meeting next week. If the TAC wants to give the issue of variance to the WQAC, DRBC staff should go to their meeting, say this is what the TAC is going to recommend, and then get a response that can be reported back to the TAC. The subcommittee should then make a motion regarding the numerical value that the TAC can consider at their next meeting.

5. There were no objections from the TAC regarding Tom and Bart going to the WQAC with the recommendation that the WQAC take up this issue. Dr. Fikslin noted an option for the WQAC would be to take it individually to the commissioners or incorporate it as part of the entire package that is going forward. This decision is up to the WQAC.

6. Dr. Hemmett asked if there were any objections to the statement that, "We as the TAC believe that the WQAC should take up the issue of variances". No objections were noted.

7. Dr. Fikslin stated that the wildlife criteria discussion at the last subcommittee meeting will follow the direction of the commission to begin to evaluate the wildlife formula and the various parameters that it contains.

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VIII. Loadings Subcommittee Update on Tributary Monitoring (Mr. Blair)

1. A draft spreadsheet (Attachment 2) was given out to the TAC. It was noted that this sheet needs to be reviewed/revise by some of the subcommittee members, and then it will be re-sent to the TAC in a final form. This sheet represents the Loading Subcommittee's work in which they reviewed the existing data on the tributaries.
2. The subcommittee will make recommendations in terms of additional sampling of the tributaries that were sampled in Stage 1, as well as tributaries that are in Zone 6 that will need to be sampled for that TMDL and additional tributaries that were not covered in Stage 1.
3. The subcommittee recommended that an attempt be made to get a least one more sampling event on all of these tributaries. In some cases, the subcommittee is recommending more than one because they are recommending both a wet and dry sample. The number of new samples is ~33 that will be collected in Phase 2. Additional details on the sampling were requested.
4. The Mantua Creek is in a class by itself on the spreadsheet, because just above the point of sampling is the Exxon Mobile (Lail) Property which NJ has identified as a potentially significant source of PCBs. In addition, as part of Phase 2, the subcommittee is recommending that additional samples be collected from that site.
5. Mr. Yagecic discussed the sampling of the Exxon Mobile property. The subcommittee is looking for feedback from the TAC today on the tributaries that are included here and the relative priority of those tributaries. The TAC was asked if there was any feedback on this issue, otherwise the subcommittee is looking to finalize their recommendations.
6. The subcommittee recommended ~33 samples. The Data Quality Subcommittee recommended that there be a blank for each one of these samples, so there will actually be 66 samples. The subject of the funding to complete this work was discussed. Mr. Greene noted that Delaware is ready to begin with the tributaries in Delaware (shaded tributaries). Dr. Fikslin explained DRBC's current available funding involving sampling.

IX. Chronic Toxicity Report on Candidate Test Species Selection (Dr. MacGillivray)

An updated was presented on the Chronic Toxicity Workgroup, which included:

1. Sampling is tentatively set for June to test the fresh water species, if flow conditions are correct.
2. The QAPP for the low salinity tolerant species has been submitted to the EPA.
3. Another funding proposal has been submitted to the PA Sea Grant Program for the pilot studies. Related to the pilot studies, the subcommittee is working on using the amphipod, *Hyaella azteca* in a 10-day water only test. A SOP is being written that can be attached to the QAPP.
4. Preliminary data on the mysid acclimation from Chris Nally at AAT, Inc. was discussed at the last Chronic Toxicity Workgroup meeting. The workgroup is continuing to work on developing candidate species that can be used in the tidal range of the river.
5. Dr. Fikslin added that the data essentially identified a salinity, which appears to get good results for the mysid (acclimated to 10 parts per thousand from 25 parts per thousand), and standard reference toxicant tests at 10 ppt is the next set of tests to be done.
6. Dr. MacGillivray noted that once finished the mysid data will be presented to the TAC.

XI. Meeting Adjournment

The next meeting of the TAC will be held on June 2, 2005, at 9:30 p.m. The meeting was adjourned at 2:10 p.m.