

**TOXICS ADVISORY COMMITTEE**

February 12, 2003

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

**Delaware**  
Rick Greene

**Pennsylvania**  
William Goman

**Environmental / Watershed**  
Dr. Laurel Standley  
Mary Ellen Noble

**Industry**  
Larry Sandeen

**Academia**  
Not represented

**Public Health Interest**

**New Jersey**  
Steven Lubow

**Municipal**  
Dennis Blair

**Agriculture**  
Ferdows Ali

**New York**  
Not represented

**Resources**  
Tim Kubiak

**U.S. EPA**  
Charles App

**Delaware River Basin Commission**

Bob Tudor  
Pam Bush  
Dr. Thomas Fikslin  
Dr. Namsoo Suk  
Dr. Ron MacGillivray  
John Yagecic

**Other Attendees**

Brian Marsh, USFWS  
Sandra Brewer, USFWS  
Susan Shultz, EPA Region II  
Wayne Jackson, EPA Region II  
Steve Washburn, Environ  
Carol Ann Davis, EPA Region III  
Bruce Aptowicz, Philadelphia Water Dept.  
Tom Healy, Philadelphia Water Dept.  
Russ Furnari, PSEG  
David Piller, Exelon  
Dr. Charles Shorten, West Chester University  
Dr. Joe Rogan, Exelon Power  
Bart Ruitter, DuPont  
Steve Brown, Rohm & Haas  
Olushola Sodeko, Rutgers University  
David Katz, Philadelphia Water Dept.  
Bonita Moore, PADEP  
Chris Jepson, BCM Engineers  
Roy Romano, Philadelphia Water Dept.

**I. Recommendations & Agreements**

Recommendations and agreements are included, in the form of resolutions, in Attachment 2.

## **II. Call to Order**

Meeting was called to order by Dr. Standley, former Chair of the Toxics Advisory Committee, at 10:10 am. Local traffic congestion delayed the arrival of several participants. Dr. Standley ran the meeting while awaiting the arrival of the current Chair, Mr. App.

## **III. Membership Issues**

Dr. Standley introduced Dr. Charles Shorten of West Chester University as a possible candidate for Public Health Interest representative.

A new vice chair is needed. Mr. Ali nominated Mr. Sandeen to serve as vice chair. Mr. Sandeen indicated that he would confer with his employer and report at the next TAC meeting whether or not he would accept the nomination.

## **IV. Presentation on Concerns Regarding Proposed PCB Criteria**

Mr. Steve Washburn made a presentation on behalf of the Coalition, highlighting concerns regarding the proposed new PCB water quality standard. Mr. Washburn's presentation is included as Attachment 1.

## **V. Presentation of PCB Water Quality Criteria Subcommittee**

Dr. Fikslin presented the deliberations and recommendations of PCB Water Quality Criteria Subcommittee. A majority of the PCB Water Quality Criteria Subcommittee recommended a new Total PCB water quality criteria of 7.2 pg/L for Zones 2 through 5. Mr. Ruitter recommended that the Coalition make a minority opinion presentation to the commissioners when the PCB Criteria presentation was made. Mr. Greene commented that some direction was needed from state and federal policy makers regarding the appropriate risk target. Ms. Moore stated that Pennsylvania recommends that DRBC develop site specific wildlife criteria rather than automatically adopting New Jersey's proposed criteria. Mr. App recommended that the TAC put before the commissioners two different risk levels ( $10^{-6}$  and  $10^{-5}$ ) with all other variables being generally agreed upon by the TAC. During subsequent discussion, numerous motions were made and voted upon. The motions and voting record are included as Attachment 2.

## **VI. DELEP Update**

Mr. App updated the TAC on recent DELEP and EPA developments including the following:

- Mr. App provided copies of the DELEP newspaper insert, discussed at the last TAC meeting.
- DELEP would re-advertise the job announcement for a new director after having been unable to hire a candidate from the previous list.

## **VII. TMDL Strategy**

Dr. Fikslin informed the TAC that a TMDL strategy rollout meeting was being planned for spring. The strategy would include 2 stages, with Stage 1 TMDL's being required by December 2003 and Stage 2 TMDL's targeted for 2005.

## **VIII. Scheduling of Topics and Dates for Upcoming TAC Meetings**

- A meeting between the Expert Panel and TAC was confirmed for March 21, 2003.

## **IX. Public Comment**

No public comments were presented at this time.

## **X. Adjourned**

The meeting adjourned at 3:30 PM.

**Attachment 1**

**Presentation by Mr. Steve Washburn  
Regarding Proposed PCB Water Quality Criteria**

*Note: As of July 7, 2003 this attachment is available in hard copy only. Paper copies of this attachment are available from DRBC.*

**Attachment 2**

**Resolutions and Voting Record for  
Toxics Advisory Committee Meeting  
February 12, 2003**

1. **MOTION:** Ms. Mary Ellen Noble made the following motion: To recommend 70 year exposure duration for PCB water quality criteria.

*Dr. Laurel Standley seconded the motion.*

Individual voting was as follows:

<b>INTEREST GROUP</b>	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
State of Delaware	Mr. Richard W. Greene	X		
State of New Jersey	Mr. Steven P. Lubow	X		
State of New York	Absent	***	***	***
Commonwealth of Pennsylvania	Mr. William Goman	X		
U.S. Environmental Protection Agency	Mr. Charles App	X		
Industry representative	Mr. Lawrence Sandeen	X		
Municipal representative	Mr. Dennis Blair	X		
Environmental/Watershed representative	Ms. Mary Ellen Noble	X		
Environmental/Watershed representative	Dr. Laurel J. Standley	X		
Academic representative	Absent	***	***	***
Agriculture representative	Dr. Ferdows Ali	X		
Federal Fish & Wildlife Resource representative	Mr. Timothy Kubiak	X		
Public Health Interest representative	No representative at this time	***	****	***

**RESULTS:** Motion carried

YES VOTES = 10

NO VOTES = 0

ABSTAIN = 0

2. **MOTION:** *Mr. Steven Lubow made the following motion:* Use one BAF for Zones 2 through 5 for trophic level 3; use one BAF for Zones 2 through 5 for trophic level 4.  
*Mr. Charles App seconded the motion.*

Individual voting was as follows:

<b>INTEREST GROUP</b>	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
State of Delaware	Mr. Richard W. Greene	X		
State of New Jersey	Mr. Steven P. Lubow	X		
State of New York	Absent	***	***	***
Commonwealth of Pennsylvania	Mr. William Goman	X		
U.S. Environmental Protection Agency	Mr. Charles App	X		
Industry representative	Mr. Lawrence Sandeen	X		
Municipal representative	Mr. Dennis Blair	X		
Environmental/Watershed representative	Ms. Mary Ellen Noble	X		
Environmental/Watershed representative	Dr. Laurel J. Standley	X		
Academic representative	Absent	***	***	***
Agriculture representative	Dr. Ferdows Ali	X		
Federal Fish & Wildlife Resource representative	Mr. Timothy Kubiak	X		
Public Health Interest representative	No representative at this time	***	***	***

**RESULTS:** Motion carried

YES VOTES = 10

NO VOTES = 0

ABSTAIN = 0

3. **MOTION:** *Ms. Mary Ellen Noble made the following motion:* To recommend zero PCB reduction for trimming & cooking of fish.

*Dr. Laurel Standley seconded the motion.*

Individual voting was as follows:

<b>INTEREST GROUP</b>	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
State of Delaware	Mr. Richard W. Greene	X		
State of New Jersey	Mr. Steven P. Lubow	X		
State of New York	Absent	***	***	***
Commonwealth of Pennsylvania	Mr. William Goman			X
U.S. Environmental Protection Agency	Mr. Charles App	X		
Industry representative	Mr. Lawrence Sandeen		X	
Municipal representative	Mr. Dennis Blair	X		
Environmental/Watershed representative	Ms. Mary Ellen Noble	X		
Environmental/Watershed representative	Dr. Laurel J. Standley	X		
Academic representative	Absent	***	***	***
Agriculture representative	Dr. Ferdows Ali			X
Federal Fish & Wildlife Resource representative	Mr. Timothy Kubiak	X		
Public Health Interest representative	No representative at this time	***	***	***

**RESULTS:** Motion carried

YES VOTES = 7

NO VOTES = 1

ABSTAIN = 2



4. **MOTION:** *Dr. Laurel Standley made the following motion:* Utilize a risk level of  $10^{-6}$ .  
*Ms. Mary Ellen Noble seconded the motion.*

Individual voting was as follows:

<b>INTEREST GROUP</b>	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
State of Delaware	Mr. Richard W. Greene			X
State of New Jersey	Mr. Steven P. Lubow	X		
State of New York	Absent	***	***	***
Commonwealth of Pennsylvania	Mr. William Goman			X
U.S. Environmental Protection Agency	Mr. Charles App		X	
Industry representative	Mr. Lawrence Sandeen		X	
Municipal representative	Mr. Dennis Blair	X		
Environmental/Watershed representative	Ms. Mary Ellen Noble	X		
Environmental/Watershed representative	Dr. Laurel J. Standley	X		
Academic representative	Absent	***	***	***
Agriculture representative	Dr. Ferdows Ali		X	
Federal Fish & Wildlife Resource representative	Mr. Timothy Kubiak	X		
Public Health Interest representative	No representative at this time	***	***	***

**RESULTS:** Motion failed to carry.

YES VOTES = 5

NO VOTES = 3

ABSTAIN = 2

5. **MOTION:** *Dr. Laurel Standley made the following motion:* Put forth to the Commissioners both  $10^{-6}$  and  $10^{-5}$  risk levels with the ramifications of the risk levels indicated (including subsistence fisherman, existing regulations, consistency with other regulatory programs including fish consumption advisories, environmental justice, volatilization and export to other sensitive regions and species).

*Mr. Lawrence Sandeen seconded the motion.*

Individual voting was as follows:

<b>INTEREST GROUP</b>	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
State of Delaware	Mr. Richard W. Greene	X		
State of New Jersey	Mr. Steven P. Lubow		X	
State of New York	Absent	***	***	***
Commonwealth of Pennsylvania	Mr. William Goman			X
U.S. Environmental Protection Agency	Mr. Charles App	X		
Industry representative	Mr. Lawrence Sandeen	X		
Municipal representative	Mr. Dennis Blair	X		
Environmental/Watershed representative	Ms. Mary Ellen Noble			X
Environmental/Watershed representative	Dr. Laurel J. Standley	X		
Academic representative	Absent	***	***	***
Agriculture representative	Dr. Ferdows Ali	X		
Federal Fish & Wildlife Resource representative	Mr. Timothy Kubiak	X		
Public Health Interest representative	No representative at this time	***	***	***

**RESULTS:** Motion carried

YES VOTES = 7

NO VOTES = 1

ABSTAIN = 2

**6. MOTION: Mr. Timothy Kubiak made the following motion:** The commission should adopt the NJ state-wide water quality criterion for total PCBs for the Delaware Estuary for the protection of wildlife following adoption by NJ. Refinement of the criterion based upon site-specific data could then proceed.

**Mr. Steven Lubow seconded the motion.**

Individual voting was as follows:

<b>INTEREST GROUP</b>	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
State of Delaware	Mr. Richard W. Greene	X		
State of New Jersey	Mr. Steven P. Lubow	X		
State of New York		***	***	***
Commonwealth of Pennsylvania	Mr. William Goman			X
U.S. Environmental Protection Agency	Mr. Charles App	X		
Industry representative	Mr. Lawrence Sandeen		X	
Municipal representative	Mr. Dennis Blair			X
Environmental/Watershed representative	Ms. Mary Ellen Noble	X		
Environmental/Watershed representative	Dr. Laurel J. Standley	X		
Academic representative	Absent	***	***	***
Agriculture representative	Dr. Ferdows Ali			X
Federal Fish & Wildlife Resource representative	Mr. Timothy Kubiak	X		
Public Health Interest representative	No representative at this time	***	***	***

**RESULTS:** Motion carried

YES VOTES = 6

NO VOTES = 1

ABSTAIN = 3

**7. MOTION: Mr. Richard Greene made the following motion:** The Commission should adopt the NJ state-wide water quality criterion for total PCBs for the Delaware Estuary (Zones 2 through 6) for the protection of wildlife following adoption by NJ. Refinement of the criterion based upon site-specific data could then proceed.  
**Dr. Laurel Standley seconded the motion.**

Individual voting is as follows:

<b>INTEREST GROUP</b>	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
State of Delaware	Mr. Richard W. Greene	X		
State of New Jersey	Mr. Steven P. Lubow	X		
State of New York	Absent	***	***	***
Commonwealth of Pennsylvania	Mr. William Goman			X
U.S. Environmental Protection Agency	Mr. Charles App	X		
Industry representative	Mr. Lawrence Sandeen		X	
Municipal representative	Mr. Dennis Blair			X
Environmental/Watershed representative	Ms. Mary Ellen Noble	X		
Environmental/Watershed representative	Dr. Laurel J. Standley	X		
Academic representative	Absent	***	***	***
Agriculture representative	Dr. Ferdows Ali			X
Federal Fish & Wildlife Resource representative	Mr. Timothy Kubiak	X		
Public Health Interest representative	No representative at this time	***	***	***

**RESULTS:** Motion carried

YES VOTES = 6

NO VOTES = 1

ABSTAIN = 3

Note: Motion 7 supercedes Motion 6