

Meeting of the Policy Committee of the New York – New Jersey Harbor Estuary Program

October 4, 2007, 10:00 AM – 1:10 PM

Attendees:

Policy Committee Members or Alternates Present: Kathy Callahan, Tom Creamer, Angela Licata, Phyllis Reich, Jim Tierney, Chuck Warren, Jay Watson, Chris Zeppie

Management Committee Members or Alternates Present: Carter Craft, Boris Rukovits, Dennis Suszkowski, John Tavolaro, James Lodge, Jeff Myers, Bob Nyman, Rosalie Siegel, Kevin Bricke, Jeff Myers, John Tavolaro,

Presenter: Robin Landrek Miller. **Facilitator:** Bill Logue

Observers: Atef Ahmed, Hebenia Andreyko, Jeffrey Baker, Scott Douglas, Fran Dunwell, Kristin Giacalone, Howard Golub, Sheldon Lipke, Simon Litten, Bill Nurthen, Colleen Pagter, Manny Russ, Peter Sattler, Clay Sherman, Erin Woodward.

Materials handed out: 1) Agenda, 2) Policy Committee June 12 Meeting Summary, 3) Comprehensive Ecosystem Restoration Efforts in the NY/NY Harbor Estuary PowerPoint, 4) Results from the Contamination Assessment and Reduction Project PowerPoint, 5) Workshop flyers 6) Regional Sediment Management PowerPoint, and 7) Progress on Revisiting Targets and Goals and Priority Actions PowerPoint and materials.

Meeting Summary

Opening Remarks:

Kathy Callahan welcomed the Policy Committee members and others present and extended thanks to Dennis Suszkowski and the Hudson River Foundation for hosting the meeting. Bill Logue reviewed the work of the Policy Committee from the June 12 retreat where they focused on “program effectiveness” hearing presentations on the Long Island Sound Study, the Chesapeake Bay Program and the Harbor Estuary Program. At the retreat the Committee decided to ask the Management Committee to revisit the Targets and Goals and organizing themes and to articulate more clearly program priorities with associated costs and responsibilities.

Habitat Presentation and Discussion

Bob Nyman introduced the discussion by noting the history of habitat planning for HEP.

Dennis Suszkowski presented on the Target Ecosystem Characteristics (TEC) Report. He noted that the effort grew out of discussions from the NY/NJ Harbor Roundtable where broad support for restoration existed but feelings of frustration about funding and progress were also apparent. The goal was a comprehensive review through an open process to identify characteristics, habitat types and a scientific basis for restoration work and seamless integration with other programs. Mr. Suszkowski noted the project history which started with an initial workshop in 2005 with agency representatives and scientists

brainstorming target ecosystem characteristics. With the support of the Army Corps and Port Authority these were refined for use in the Comprehensive Restoration Plan and a TEC report that was finalized in early 2007. The dialogue has been very productive and the report has been favorably received.

Each of the 11 TECs specifies technical merit, policy and management relevance, necessary implementation information and measures of performance. The report is being presented in workshops with additional stakeholders for input and dialogue for incorporation into the Hudson-Raritan Restoration CRP and further implementation. He highlighted four TECs: oysters and oyster reefs, islands for waterbirds, reduction in toxic sediment contaminants and eelgrass beds. The initial and long-term targets, opportunities, science challenges and regulatory/policy were noted for each. For some additional next steps, research needs and pilot projects were also noted.

One important outcome of the report is the identification of clear next steps that can be initiated while other planning is being undertaken. Many of these next steps align well with HEP goals. Bob Nyman noted that HEP had \$150,000 in its budget that could be allocated for planning work with the TEC and Hudson River Foundation to scope pilot projects.

Individual Policy Committee members determined that they should identify potential resources that could be devoted to these projects and how these resources can be directed (for example through the Corps, Cooperative Extension, existing approved contractors of agencies and programs). Chris Zeppie postulated that the HRE CRP could fund demonstration and pilot programs as proof of feasibility studies. Tom Creamer said he would look into this. These early projects can provide valuable information about which entities and agencies have the capacity to accomplish projects. New York City through the Plan NYC has allocated funding for 2008 and would welcome partners for projects in Jamaica Bay. The Management Committee and TEC participants were encouraged to nominate and prioritize projects. The Policy Committee will handle decision making on projects through email.

Toxics Presentations and Discussion

Dennis Suszkowski presented the results from the Contamination Assessment and Reduction Project (CARP) which was undertaken to answer the question of which sources of contaminants need to be reduced or eliminated to render future dredged material clean. He noted that in the early 1990's the criteria for dredged material changed making ocean disposal at \$5-7/yd³ no longer feasible and the land disposal costs about ten times that amount. A missing element in planning was modeling and assessment that could assist in determining where contamination was from and how it was moving within the estuary. The project received approximately \$27 million through the Bi-State Dredging Agreement, HEP, Hudson River Foundation, the Army Corps and EPA.

Significant project accomplishments include:

- Identification and quantification of major sources of contaminants.
- Collection of large baseline set (750,000 measurements) for contaminants in sediment, water, biota and waste water.
- Development and calibration of models for contaminant movement with the ability to simulate component response matrices to see how load reductions will affect contaminants in water sediment and biota. An example given was the Hudson River PCBs Superfund Site dredging and remediation.

- A conference on the CARP Report will be held on November 29. Modeling reports, underlying data and modeling code are available online or by request.

Robin Miller of HydroQual presented on the application of the CARP model to assess contaminants. She noted that the CARP data and model outputs were compared to Federal and State enforceable and non-enforceable criteria and standards for water and biota for 39 chemicals or chemical classes. The findings of the modeling process indicate that for 11 of these chemicals or classes of chemicals no TMDL is likely, for 10 there is a likelihood of an uncertain or lower TMDL and for 18 a higher TMDL is likely and will require additional state and EPA review. Using examples from each TMDL category, Ms. Miller showed illustrative model plots compared with actual data to demonstrate accuracy and calibration.

Kevin Bricke of EPA presented on next steps for the Toxics Work Group. He noted that HEP has begun the process of using CARP data and modeling to manage toxics in the estuary. Necessary next steps include:

- Agreeing on standards.
 - Current standards differ between the states and don't take into account new knowledge. The Work Group will evaluate standards to improve consistency, ground them in science and identify interim targets to demonstrate progress.
- Agreeing on the list of problem toxics.
 - HydroQual has made preliminary identification of toxics and the list can be finalized once standards are agreed upon.
- Developing load reductions targets for the problem toxics.
 - The existing CARP model load response matrices will facilitate targeting of significant loads for reduction and quantification of load reductions. HEP will commission additional matrices to address all problem toxics.
- Agreeing on actions for short-term progress and meeting standards in the long-term.
 - A starting menu exists for HEP to consider and actions can be identified. New York Academy of Sciences industrial ecology approach to quantify the flow of toxics to the Harbor from air and water can complement other planned actions. A Toxics Implementation Sub-Work Group is being established.

Chuck Warren suggested that the attempt to arrive at consistent standards not slow down reduction efforts on items that were clearly above all standards such as PCBs. Robin Miller noted that the model was not a forensic tool about contaminant origins but to be used to fill in the gaps on field data to predict the impact of future remedial actions. One observer noted that a significant load of contaminants are rainfall induced, carrying material off of contaminated sites and into CSO and separate storm sewer systems. This creates a different set of problems from point sources. It was noted that loads from separate storm systems are frequently greater than combined sewer systems. He encouraged the Program to examine this issue further.

Regional Sediment Management

John Tavolaro gave a progress update on the Clean Sediment and Navigation Work Group. He made the following points:

- The reasons for creation of the Work Group include: Impacts of contaminated sediment, sediment deposition, multiple authorities and jurisdictions involved or lack of traditional jurisdiction to resolve issues, and a lack of a regional framework for addressing the issues.
- This situation necessitates a Regional Sediment Management Program to integrate activities within the estuary which have specific targets and goals to improve the ecosystem, public health and the economy. The program must be sustainable and have technical credibility and support.
- Progress to date of the Work Group: After formation the group identified major components (sediment quantity, sediment quality and dredged material), identified eight major objectives and 46 specific recommendations. Findings and recommendations are being drafted and should be complete early in 2008.
- Objectives include:
 - Sediment Quality – ensure new sediments are clean and remain clean, reduce direct exposure, and reduce transport of contaminants to other areas.
 - Sediment Quantity – ensure sufficient sediment for healthy ecosystems processes, reduce sediment deposition in shipping channels and births.
 - Dredged Materials – improve dredging operations and material management.

One area of insufficient sediment deposit is Jamaica Bay. A Management Committee member noted that if sea level rises, marshes will not receive needed sediment resulting in more wetland losses. It was noted that the modeling and knowledge of sediment transport was increasing and that the priorities and regulatory plan needed to be established with public and community outreach, advocacy for the Regional Sediment Management Plan. Another member noted that the Plan would require long-term commitment and action by HEP and its partners because the Work Group sunsets on release of its report. Another member noted that the implications and new way of doing business as a result of the new New York Environmental Conservation law Article 14 concerning Ecosystem Based Management would require new approaches to land use and HEP work. The Policy Committee asked the Regional Sediment Management Work Group to report back in 3 months if they were having difficulty reaching consensus and needed assistance or guidance.

Revisiting Targets and Goals and Priority Actions

Bob Nyman presented on the revised Targets and Goals. He noted that the Management Committee had reviewed similar documents from the Hudson River Estuary and the Long Island Sound Study and had arrived at a proposed direction for Policy Committee consideration and approval. The Targets and Goals will be reframed as an Action Plan to make clear what HEP wants to *do*. The goal is to make the document more understandable to the general public, more project oriented, identify responsible entities where possible and have measurable/ scheduled outcomes. Proposed organizing themes include Pollution, Habitat and Ecological Health, Public Access, Regional Sediment Management, and Public Education and Community Involvement. Using Habitat as an example he noted how each area will contain a goal, challenge, accomplishments to date and a list of priority actions with associated responsible entity and required funding to accomplish.

In discussion Policy Committee members agreed with the proposed framework and concept and asked that the organizing themes be redrafted in positive action oriented language. They agreed that actions

items were likely to be revisited every 1-2 years and should be specific wherever possible. The Management Committee was asked to have revised themes in 30 days and a full draft Action Plan before the next Policy Committee meeting.

Summary of Decisions:

- Within 60 days the Management Committee will nominate TEC related pilot projects, demonstrations or planning to be undertaken.
- If consensus is looking unlikely on the Regional Sediment Management Work Group Report within 3 months to seek assistance and guidance from the Policy Committee.
- Management Committee revise organizing themes within 30 days and provide a draft Action Plan by the next Policy Committee meeting.