

**HIGHLIGHTS OF THE OCTOBER 28, 2009
PATHOGEN WORKGROUP MEETING**

MEETING NOTES:

- **ATTENDEES INCLUDED:** USEPA, NYSDEC, NJDEP, NYCDEP, NJ Dischargers, & contractors as well via phone NRDC and the River Keeper.
- NYSDEC – Did not back off its position. NYSDEC does not support TMDLs being established based on the current Enterococci primary contact criteria. They support the use of a 30 day max for waters with bathing beaches but a seasonal average everywhere else. Based on this approach WQS are met in all NYS waters.
- NYCDEP – Agreed with NYSDEC’s approach. Reduction of pathogens will be achieved by the Consent Decree and Long Term CSO Strategies.
- NJDEP – Continues to support the 30 max for all NJ waters where it can be met and is willing to use EPA proposed approach or discuss how to establish criteria for the waters where the 30 day max can not be met.
- NJHDG – Agreed with NYSDEC’s approach. Sheldon L. asked what EPA meant by ‘affordable’ and supported not going beyond a seasonal average since it is considered sufficient to protect primary contact.
- NYSDEC, NYCDEP, & NJHDG – Asked that a table be developed identifying the cost of meeting: a 30 day max average; the highest attainable reduction (based on reductions identified in Long Term CSO Strategies); and a seasonal average. The States and their dischargers agreed to work towards the development of such a table.
- NRDC – (Larry Levine) suggested that kayaking should be considered primary contact recreation.

NEXT STEPS:

- Prepare the Cost Table for the NY Harbor Oversight Workgroup
- Convene a meeting of the NY Harbor Oversight Workgroup to discuss the Costs Table and alternative approaches to those proposed by EPA
- If consensus can not be reached at the next NY Harbor Oversight Workgroup the issues should be elevated.

SUMMARY: Consensus will not be reached at the Pathogen Workgroup level and will most likely not be achieved at the NY Harbor Oversight Workgroup level.

PATHOGENS WORKGROUP MEETING

Oct. 28, 2009				
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