

PUBLIC INTEREST ADVISORY COMMITTEE (PIAC) MEETING
January 13, 2003, 2:30 to 4:30 PM, WHOI
FINAL MINUTES

ATTENDANCE

Members Present: Wayne Bergeron, Bays Legal Fund; Bruce Berman, SH/SB (alternate); Peter Borrelli, Center for Coastal Studies; and Steve Tucker, Cape Cod Commission (alternate).

Observers: Adrienne Appel, journalist; Cathy Coniaris, MADEP; Todd Callaghan, MCZM; Larry Davey; Winnie Donnelly, MADEP; Ben Kelly, Save the Harbor/Save the Bay; Matt Liebman, EPA; Steve Lipman, MADEP; Juan Mariscal, Narragansett Bay Commission; Mike Mickelson, MWRA; Sharon Pavignano, Narragansett Bay Commission; and Andrea Rex, MWRA.

SUMMARY OF ACTION ITEMS

1. PIAC approved the September 24, 2002 minutes with no amendments.
2. PIAC will schedule a conference call to discuss the outfall monitoring review workshop agendas once they are developed.
3. PIAC requested that workshop presenters provide a one paragraph summary and list of associated reports before the workshops.

MINUTES

B. Berman said that Patty Foley was unable to attend the meeting today and so she asked him to act as chair in her absence.

PUBLIC OUTREACH

B. Berman said that during the last PIAC conference call, participating members discussed public outreach for the monitoring review workshops. The group discussed ways to get information from the workshops to the public and Marianne Farrington suggested a web or radio broadcast. B. Berman has since looked into the possibility of hosting a public meeting and having it either broadcast on the Internet or local radio. A radio broadcast seems feasible and inexpensive and WATD in Marshfield is one radio station willing to do the broadcast. Hosting a webcast appears to be more difficult. W. Bergeron think that Marshfield is a good geographic mid-point between Boston and Cape Cod.

B. Berman asked the group if there were other topics that they would like to discuss at today's meeting. S. Tucker brought up his ongoing concern that OMSAP does not have a formal plan on how they would respond to significant exceedances and/or treatment plant upsets. He is concerned that there is not a more formal procedure outlined. He also mentioned that PIAC should be updated on the total suspended solids exceedances of last August. W. Bergeron said that he would like to discuss the absence of right whales on Stellwagen Bank and in Cape Cod Bay last year. **ACTION:** PIAC approved the September 24, 2002 minutes with no amendments.

REVIEW OF OMSAP MEETING

C. Coniaris summarized the OMSAP meeting [see January 2003 OMSAP minutes]. P. Borrelli noted that Cape Cod Bay is a critical habitat for right whales. They are expected to visit Cape Cod Bay and feed during the late winter/early spring, but did not do so in 2002 because their food (*Calanus*) was not there. He does not agree with Stormy Mayo's competing habitat theory (that right whales did not visit Cape Cod Bay because they found a substantial food resource elsewhere) because there is no evidence to support this theory. So far this early in 2003, no right whales have visited Cape Cod Bay. W. Bergeron cautioned that the right whales might have gone somewhere else, not because they found

more food there, but rather that their usual feeding area (Cape Cod Bay) had no food. He asked P. Borrelli if the *Calanus* numbers are normal so far this year. P. Borrelli replied yes, *Calanus* numbers are normal for this time of year.

P. Borrelli found it interesting that MWRA's proposed revisions to the outfall monitoring plan would save MWRA less than \$55K annually out of a \$4 million/year budget. B. Berman agreed and said that the PIAC members he has spoken to feel that these proposals are appropriate. He noted that the state's \$47 million rate support to MWRA was cut. Save the Harbor/Save the Bay has spoken to several mayors within the MWRA system and they seem to prefer facing this cut, as opposed to other cuts, because they would not need a Proposition 2 ½ override. He suggested perhaps PIAC draft a consensus letter stating that we do not want to see MWRA change its mission even though now monitoring is completely funded by rates. W. Bergeron agreed that these are difficult times and said that the Bays Legal Fund is ready to fight if major cuts in monitoring are proposed. Given the lack of *Calanus*, and the lack of right whales visiting Cape Cod Bay in 2002, this is not a time to cut back. He does not disagree with the cuts discussed today, but does not think that future proposals will be as simple. B. Berman added that, fiscal concerns aside, the success of this program is based on the scientific understanding of the system. W. Bergeron said that he would be comfortable with revisions to the monitoring as long as the decisions are science-based. He does not mind if MWRA finds a way to save money, as long as Cape Cod Bay is protected. P. Borrelli thinks that PIAC should keep an eye on this issue but feels that there is no need for PIAC to write a consensus letter at this point since there are no major cuts being proposed at this time. S. Tucker suggested that individual groups write letters on their own behalf.

S. Tucker noted that MWRA has begun proposing cuts in monitoring with only 2 years of post-discharge monitoring. He thinks that there should be at least 3-4 years of monitoring under the current plan so that we can be able to start to see trends. He does not think that any of the bioaccumulation studies should be cut. He also thinks that we should look into whether there are other things that should be monitored. B. Berman said that during the last PIAC conference call, members discussed the possibility of having P. Foley contact OMSAP members to see if there is anything additional that they would like to see monitored. S. Tucker thought that was a good idea. P. Borrelli thought that was what was supposed to come out of the workshops. As part of the review of the monitoring plan, OMSAP should not only look at what can be cut, but also whether there is anything missing from the monitoring plan. For example, he thinks that the review should include a look at whether nitrogen isotope monitoring should be added to the monitoring plan.

P. Borrelli thinks that the lobster discussion at the OMSAP meeting was interesting and noted that lobstermen are very important stakeholders. He disagreed with the comment that this is only a fisheries management issue and he does not think that the lobster monitoring should be cut, in fact, perhaps there should be additional lobster monitoring.

ACTION: B. Berman suggested that once the workshop agendas are developed, then PIAC will schedule a conference call to discuss public outreach to our constituencies. He also thinks that an effort should be made to make workshop proceedings available to the public.

P. Borrelli informed the group that the Center for Coastal Studies has a program called the Coastal Studies Initiative that has periodic forums, usually held at the MA Maritime Academy. A recent forum was about Stellwagen Bank. He said they would be willing to consider having a forum on outfall monitoring and the forum would include a free taping and broadcast. W. Bergeron liked that idea but

cautioned that presenters must be able to communicate complicated scientific issues to the public. P. Borrelli thinks that the 4 days of workshops can be condensed into a 1-hour presentation to the public.

ACTION: S. Tucker asked that workshop presenters provide a one paragraph summary and list of associated reports some time before the workshops. The other members present agreed.

B. Berman asked for an update on the total suspended solids exceedances associated with the Nyacol high-sulfate discharges last August. S. Lipman said that EPA has submitted a Request for Information pursuant to Section 308 of the Clean Water Act to MWRA. The letter requested information on three issues, the Nyacol discharges, a CSO overflow due to a gate failure at the Caruso Pump station in East Boston, and a hypochlorite discharge from the Commercial St. CSO facility when there was no CSO discharge. MWRA has submitted all of the requested information and MADEP has reviewed it. We are waiting to hear from EPA so that we can make a final decision on whether any enforcement action is necessary.

W. Bergeron noted that in 2002, the whale watch boats had to travel considerably farther out to find whales. He understands that the numbers of sand lance vary from year to year and that there are also other factors that affect whale distributions, but he is concerned about the low sand lance and *Calanus* numbers last year. He said that this should definitely be discussed if this happens again. P. Borrelli thinks we will be seeing more of these anomalies. There has been some work on this, including a paper on global warming and sand lance in the North Sea. The Center for Coastal Studies will begin looking at 20 years of NMFS trawl surveys to see if they can draw some conclusions on patterns of whale prey species. Sand lance appear to be very sensitive to temperature variations. Massachusetts and Cape Cod Bays are on a climatological border, so we may see tremendous changes due to global warming. He thinks that more research effort should be put into Massachusetts and Cape Cod Bays. We are seeing changes in the bays and we need more science so that we don't have to count on anecdotal information.

ADJOURNED

MEETING HANDOUTS:

- Agenda
- January 2003 OMSAP/PIAC/IAAC membership lists
- September 2002 draft PIAC minutes
- MWRA information briefings and copies of presentations

Summary prepared by C. Coniaris. Post-meeting comments are included in [brackets]. All such comments have been inserted for clarification only. They do not, nor are they intended to, suggest that such insertions were part of the live meeting components and have been expressly set-off so as to avoid such inference.

PUBLIC INTEREST ADVISORY COMMITTEE (PIAC) MEETING
April 22, 2003, 10:30 to 12:30 PM, MADEP Boston
FINAL MINUTES

ATTENDANCE

Members Present: Patty Foley, Save the Harbor/Save the Bay, PIAC Chair; Bruce Berman, SH/SB (alternate); Peter Borrelli, Center for Coastal Studies; Joseph Favaloro MWRA Advisory Board; Sal Genovese Safer Waters in MA; Tara Nye, Association to Preserve Cape Cod; and Steve Tucker, Cape Cod Commission (alternate).

Observers: Todd Callahan, MCZM; Cathy Coniaris, MADEP; Winifred Donnelly, MADEP; Ben Kelly, SH/SB; Steve Lipman, MADEP; and Andrea Rex, MWRA.

SUMMARY OF ACTION ITEMS

1. PIAC approved January 13, 2003 minutes.
2. PIAC thinks that since OMSAP's recommended changes to the monitoring plan are based on sound science, they support the recommended modifications to the monitoring plan.
3. Patty Foley will contact Bill Adler of the MA Lobstermen Association to discuss their concerns and the MA Division of Marine Fisheries to see what data exist on the lobster catch around the outfall.
4. Sal Genovese will contact the Nahant lobsterman again to discuss his concerns.
5. PIAC will contact several whale watch boat operators to discuss whale distributions and the outfall.
6. PIAC would like to eventually contact the MWRA Advisory Board regarding recommended revisions to the monitoring plan.
7. Steve Tucker will contact Wayne Bergeron to discuss what extent he should represent Wayne at PIAC meetings.
8. PIAC will meet on Tuesday September 9, 2002, 10:30-12:30 at the MADEP conference room on the fifth floor to discuss all workshops held by OMSAP and to how to relate their recommendations on the monitoring to the public.
9. Win Donnelly will book a room and send the message out for the September meeting.

MINUTES

Welcome and Review of January PIAC Minutes

Patty Foley thanked the MWRA for their efforts to document the studies and explain them to PIAC. There is still much to be discussed in the next two OMSAP workshops. OMSAP will review water quality monitoring at the June 18-19 workshop benthic community/nutrient flux monitoring at the July workshop.

PIAC approved the minutes from the January 13, 2003 meeting.

Overview of April OMSAP Monitoring Review Workshop

Andrea Rex gave an overview of the proceedings and conclusions reached by OMSAP at the March 31-April 1 workshop (for more information, see Synopsis of Recommendations of OMSAP Monitoring Review Workshop). The four areas discussed and reviewed at the March/April workshop were: effluent monitoring, sediment contaminant studies, fish and shellfish monitoring, hardbottom community monitoring.

Bruce Berman asked if there was any logic in having the sediment contaminants and fish and shellfish monitored in the same year. Andrea Rex replied that it would not tell us much because there is a lag time between the accumulation of contaminants in the sediments and fish and shellfish bioaccumulation.

Preview of June OMSAP Meeting

Andrea Rex said that MWRA is now in the process of preparing for the June workshop. They are getting feedback from consultants about changing water column sampling and statistical analyses are showing that MWRA is over-sampling in the nearfield (21 stations, 17 times per year at five different depths). The MWRA is performing a statistical analysis to document levels of redundancy and determine which are the most representative stations and how many times to sample per year. MWRA also has other data available that may even be better than sampling by boat, e.g. USGS moorings and satellite data from NOAA. Remotely controlled sampling is another future potential option.

Steve Tucker said that it's important to look at effort, certainty, and expense. He asked if MWRA will propose several approaches to changing the monitoring plan. Andrea Rex said that they will.

PIAC Discussion of OMSAP Monitoring Review and Outreach to Inform the Public

Patty Foley asked the group to look over the list of proposed tactics for public outreach that had been discussed by PIAC at previous meetings.

Bruce Berman and Peter Borrelli agreed that it is important to note that if there were negative changes due to the outfall in the future, we would want to have the option/ability to monitor more extensively again. Peter Borrelli mentioned that lobstermen want lobster contaminant monitoring in the Plymouth/Scituate area. Sal Genovese said that one lobsterman from Nahant told him that he blames the outfall for the lack of lobsters and chemical burns on the tops of lobsters. He also said that they no longer fish around the outfall. Bruce Berman told the group that he has not seen a decrease in lobsters in that area and he thinks the concerns about chlorine from the outfall (which he thinks are unfounded) are based on the lobstermen's knowledge of the lobster burn that occurs when eggs are illegally removed from egg-bearing females using bleach. He noted that the MA Division of Marine Fisheries collects catch/landing data. Steve Tucker suggested that PIAC contact the Mass Lobstermen Association (MLA). There was some discussion about asking the MLA to write a letter relaying its concerns. Patty Foley will contact the state to see what data exist. Sal Genovese said he will contact the Nahant lobsterman again to discuss his concerns.

Steve Tucker thinks that it would be useful to show the whale watch industry that the lack of whales in Cape Cod Bay is not due to the outfall pipe. Last year the humpbacks were 50-75 miles away from their usual feeding grounds in the bay.

Steve Tucker thinks that PIAC concurs with the recommended changes to the monitoring plan because it is based on sound scientific data and not just a desire to cut monitoring. If MWRA left the monitoring plan without changes, then that would suggest that the MWRA was not looking at the data.

Peter Borrelli said that the Center for Coastal Studies is hosting a public forum as part of the Coastal Solutions Initiative on May 21, 2003. This will be a moderated event with a panel. Questions will be given to the panelists in advance. Local cable and WGBH are expected to broadcast. The problem is how to get people's attention when there is no emergency. PIAC discussed developing a distillation of the OMSAP workshops to publish in member groups' newsletters. PIAC represents thousands of folks and can use newsletters websites to relay the information. If there is low turnout, word about the proceedings will come about through groups like PIAC.

Joe Favaloro agreed that it's difficult to "hook" the public into attending these workshops. He would eventually like to bring this to an MWRA Advisory Board meeting. Bruce Berman agreed that it would be useful for PIAC to meet with the MWRA Advisory Board regarding recommended revisions to the monitoring plan.

Peter Borrelli said that PIAC is the public interest group because most people don't have time to attend meetings. He doesn't think it is discouraging if the public doesn't attend government sponsored meetings because the public expects their environmental groups to attend for them. It will be newsworthy if PIAC could come together and agree on the changes to the monitoring plan.

Andrea Rex noted that some of the toughest decisions on the monitoring are still ahead of us. PIAC decided to meet after the last OMSAP workshop to review the outcomes and produce a strategy for outreach. If PIAC was alarmed by any of the recommended changes, the strategy would be different and the timetable would be stepped up.

Next Meeting: Tuesday, September 9, 2003, 10:30 – 12:30 in the fifth floor conference room at MADEP.

Patty Foley asked if anyone has spoken to Wayne Bergeron and whether his schedule will remain prohibitive to him attending PIAC meetings. Steve Tucker agreed to contact Wayne Bergeron to discuss what extent he should represent Wayne at PIAC meetings.

ADJOURNED 12:30 PM

MEETING HANDOUTS:

- Agenda
- January 2003 draft PIAC minutes
- MWRA briefing packet and draft synopsis from March 31 – April 1 OMSAP workshop
- PIAC ideas for public outreach

Summary prepared by W. Donnelly. Post-meeting comments (if any) are included in [brackets]. All such comments have been inserted for clarification only. They do not, nor are they intended to, suggest that such insertions were part of the live meeting components and have been expressly set-off so as to avoid such inference.

**PUBLIC INTEREST ADVISORY COMMITTEE (PIAC) MEETING
9/9/03, 10:30-11:30, Department of Environmental Protection
MINUTES**

ATTENDANCE

Members Present: Patty Foley, Save the Harbor/Save the Bay (chair); Bruce Berman, Save the Harbor/Bay (Alternate), Ed Bretschneider, Wastewater Advisory Committee; Joe Favaloro, MWRA Advisory Board; Tara Nye, Association to Preserve Cape Cod (Alternate, by phone);. Steve Tucker, Cape Cod Commission;

Observers: Cathy Coniaris, MADEP; Winifred Donnelly, MADEP; Wendy Leo, MWRA; Megan Lim, Save the Harbor/Save the Bay; Susan Redlich (MADEP), Larry Schafer.

SUMMARY OF ACTION ITEMS

1. Minutes From 4/22/03 approved. (Steve Tucker will be adding some post meeting comments.)
2. Group agreed that any discussions about changes in monitoring should be based on first data sets in order to ensure that the whole data universe will be taken into account.
3. Members agreed to put together an information packet for the public that would be available after the October OMSAP meeting. It would include: consensus letter (hopefully signed by all), a summary of the proposal revisions, and comments from group members.
4. PIAC will submit their consensus letter to EPA and DEP during the public comment period for MWRA's proposed revisions to the outfall monitoring.

MINUTES

Review of April 22, 2003 minutes

The minutes were approved. Steve Tucker will submit a post-meeting comment to clarify one of his statements in the April 22, 2003 minutes.

Overview of OMSAP's recommended changes

Cathy Coniaris reviewed the recommendations that OMSAP has made regarding revisions to MWRA's outfall monitoring plan: [See *OMSAP's Recommendations on Revisions to MWRA's Outfall Monitoring Program 2003* handout for details.]

PIAC discussion on OMSAP's recommended changes, PIAC comments on the proposed revisions and outreach to inform the public.

Members agreed that the group has not had big problems with the changes so far. There is a concern, however, that the group has about future changes. The group agrees that when planning any future changes, the changes should be based on original baseline MWRA data in order to avoid data diminution.

It was suggested that it is not good to collect data just to collect data and the changes are a good first step. Telemetry was discussed and the possibility that it can give us cheaper and better data.

The group discussed that since this project is so detailed, even the public policy portion of it can be confusing to the general public. However, it was mentioned that there may be a large number of people who would be upset if there was not enough public outreach. It is a tough balance to strike.

The group discussed putting together a press package to disseminate in order to explain why the monitoring needs to be continued. This will be after the OMSAP meeting in October. The letter from PIAC to OMSAP (hopefully, with all of PIAC signing on) will be included. There will be a chance for PIAC members to add their own thoughts at the end of the letter. Information from Cathy's handout will be added, too.

Various means of distributing the information were discussed. Some suggestions were: press conference, website, email newsletters, contacting the Mass. Marine Educators.

Cathy Coniaris reminded the group about the public process that the MWRA has to go through after the October OMSAP meeting. The MWRA will formally propose revisions and give public notice by publishing in the Environmental Monitor. EPA will send out a listserver message notifying the public of the proposed changes and the public comment period.

ADJOURNED

MEETING HANDOUTS:

- o Agenda
- o PIAC Monitoring Review Position Letter
- o Master List
- o Draft minutes of PIAC 4/22/03
- o Summary of OMSAP recommendations
- o Draft summary of 7/24/03 OMSAP workshop

Summary prepared by W. Donnelly. Post-meeting comments are included in [brackets]. All such comments have been inserted for clarification only. They do not, nor are they intended to, suggest that such insertions were part of the live meeting components and have been expressly set-off so as to avoid such inference.

**PUBLIC INTEREST ADVISORY COMMITTEE (PIAC) MEETING
November 4, 2003 Conference Call
MINUTES**

Attendance

Members Present: Patty Foley, Save the Harbor/Save the Bay (Chair); Bruce Berman (Save the Harbor/Save the Bay (Alternate) Sal Genovese (Safer Waters in Massachusetts); Tara Nye, Association to Preserve Cape Cod (Alternate), and Steve Tucker, Cape Cod Commission.

Observers: Cathy Coniaris (MADEP), Winifred Donnelly (MADEP), Matt Liebman (EPA) and Andrea Rex (MWRA).

MINUTES

Review of September 9, 2003 minutes

Minutes were approved with a comment by S. Tucker that the Cape Cod Commission is not supporting all of the changes to the ambient monitoring plan.

Flounder lesions

Andrea Rex gave a synopsis of a report given by Michael Moore at the last OMSAP meeting regarding lesions discovered on the blind side of flounders during the April 2003 flounder sampling survey. NMFS and MADMF have also sampled flounder with similar lesions. Skin lesions on flatfish are common, not well understood, and may be caused by a combination of stressors. These lesions seem to occur in the spring and are not observed in the fall. MWRA will add a special study to the ambient monitoring plan that includes working with the other agencies to develop a lesion identification protocol, and conducting additional sampling and laboratory analyses to try to identify the cause and extent of the lesions. MWRA will be meeting with NMFS, MADMF, and Michael Moore in a couple of weeks.

PIAC members would like this flounder lesion meeting open to everyone. M. Liebman replied that Jack Schwartz from MADMF is hosting the meeting and would like to keep it small to focus on development of the lesion identification protocol. S. Genovese said that Northeastern University (NEU) has a research vessel that drags in western Mass Bay and Broad Sound. He offered to have NEU help with sampling. A. Rex said that they could share the identification protocol with NEU when it is completed. T. Nye asked about sampling in the spring of 2004. A. Rex said that they will sample and will work with the other agencies to make sure that there is good coverage. S. Tucker suggested putting observers on commercial fishing vessels as a way of broadening the sampling. A. Rex thought that was a good idea and that MWRA will ask the fisheries agencies if this would be possible.

B. Berman asked if the skin lesions coincided with an increase in liver tumors. A. Rex replied no. B. Berman said that he wishes there was a procedure in place to bring unusual observations like this to our attention sooner. PIAC has a responsibility to tell OMSAP and the public how we feel and six months is too long to wait for information. A. Rex replied that MWRA waited for Michael Moore's report to better understand what was going on. It took him a while to compile all of the information and try to figure out what was going on. P. Foley asked if there was a public health issue with the flounder lesions. A. Rex replied that Michael Moore said no. She noted that when MWRA conducts its ambient monitoring, they record unusual observations such as large algae blooms and ctenophore

blooms and these events are reported. We do not know if these flounder lesions are due to a high population of flounder, a new disease, or some other factor. T. Nye cautioned that we need to be careful what we tell the public because we don't really understand what is going on.

Implementing strategies discussed at September PIAC meeting

P. Foley said that at the September PIAC meeting, members supported the proposed changes to the ambient monitoring plan. She asked the group if they felt the proposed changes should go forward given the uncertainty regarding the flounder lesions. B. Berman thinks yes, but there needs to be increased attention to flounder monitoring immediately. There also should be flexibility in addressing problems as they arise. We need to say that the review of the ambient monitoring program went forward successfully but we should also be able to discuss monitoring results in a timely fashion.

P. Foley reminded the group that at the September PIAC meeting, the group discussed drafting a letter, attaching a summary of the monitoring revisions, and distributing it to the public. The letter would note that the monitoring review was necessary, OMSAP's review was done with integrity, and though PIAC didn't agree with everything, the process worked. It was also suggested to write a similar letter to OMSAP. Now we need to work to roll these out. B. Berman thinks that the press will only be interested in the flounder lesions and not the changes to the ambient monitoring plan. P. Foley set-up a PIAC conference call for November 14th at 4:00 PM [later postponed].

ADJOURNED

Summary prepared by W. Donnelly and C. Coniaris. Post-meeting comments are included in [brackets]. All such comments have been inserted for clarification only. They do not, nor are they intended to, suggest that such insertions were part of the live meeting components and have been expressly set-off so as to avoid such inference.