

Survey on Status of New York Area of Concern Remedial Action Plan Activities

NYSAOC Meeting

May 8, 2014

Area of Concern: St. Lawrence River at Massena AOC

Date of Completed Stage 2 RAP Document and Addendums: Spring 2012

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- 1) List the current beneficial use impairments in your RAP and summarize the activities underway and planned to restore each beneficial use and make progress towards AOC delisting. (This is a big picture or 10,000 ft view of the major actions needed to delist the AOC).

**Restrictions on fish and wildlife consumption** – Removal of this BUI is contingent upon the cleanup of contaminated sediments in the Grasse River, and on an updated assessment of contaminant levels in fish. EPA's decision on the clean-up plan for the Grasse River was selected in April, 2013. The strategy will be a combination of sediment removal and capping. Work planning may take a couple years and cleanup will take several more years with measureable improvement in PCB fish contamination seen after that. Unless there can be substantial improvement in the levels of contaminants in edible fish from within the AOC, this BUI may have to be designated "in recovery" to be able to desist the AOC.

With GLRI funding, DEC is conducting a study of Xenobiotics in Fish from New York's Great Lakes Waters to update the consumption advisory information. The St. Regis Mohawk Tribe assisted DEC staff with the fish collections from the AOC during the summer of 2013. The last time a comprehensive fish collection of edible fillets from around the whole AOC was over 20 years ago. The anticipated completion date for this project is 9/30/2014, and the BUI can be reassessed at this time.

In addition, the SRMT is investigating the status of several BUIs under a separate GLRI grant and this will include analysis of the levels of contaminants in the tissues of bird eggs, turtles, furbearers, and mussels. Analysis of results is currently being conducted.

Even with the xenobiotics studies ongoing, there may not be enough collections from all parts of the AOC to determine what the trends are in contaminants within fish and additional locations should be selected to provide a full picture. There was an extremely long time interval between collections and more collections on a regular basis will assist at demonstrating a positive trend at reduced contaminants in edible flesh of game fish. Exception to this is where Alcoa has been conducting annual edible fish fillet sampling in the Grasse River and power canal.

**Degradation of fish and wildlife populations** – The RAC wants to revisit Delisting Criteria and establish Endpoints, like has been done with the Habitat BUI. USGS studies of threatened and endangered fish species were done in the St Lawrence River and planned for the tributaries. After that information is evaluated, additional surveys are needed to assess fish populations where gaps exist. The St Regis Mohawk Tribe studies which are being completed this year will provide more information on wildlife.

The RAC has not settled on revision of the delisting criterion or establishing endpoints. That is ongoing, as is a list possible projects which will lead to delisting.

**Fish tumors or other deformities** – Ongoing studies will be completed this year, with results analyzed and reported to the RAC. This work is being done by the St Regis Mohawk Tribe, Environment Division under a GLRI grant. Results are expected to provide enough information for the RAC to decide to begin preparation of the delisting documentation later this year.

**Bird or animal deformities or reproduction problems** – Ongoing studies will be completed this year, with results analyzed and reported to the RAC. This work is being done by the St Regis Mohawk Tribe, Environment Division under a GLRI grant. Results are expected to provide enough information for the RAC to decide to begin preparation of the delisting documentation later this year.

**Degradation of benthos** – Investigation by USGS in 2012 is being evaluated currently will generate a report to be out later in 2014 once published. This information and mussel related studies will then be evaluated by the RAC to see if BUI delisting is appropriate. Complicating this BUI is the future cleanup of the Grasse River and expected impact on the benthos.

**Degradation of phytoplankton and zooplankton populations** - Investigation by USGS in 2011 provided information in a paper published in October 2012 was presented to the RAC which agreed to proceed with building of a BUI delisting document. Public meeting

and review was conducted in the fall of 2014 and expected to be adopted by DEC in spring of 2014 for delisting.

**Loss of fish and wildlife habitat** – Current development of a Habitat Strategy by a technical team has led to the possible updating of delisting criteria and development of a list of endpoints to be agreed on by the RAC. From there possible projects for funding will be identified. A comprehensive list of habitat improvement work is being done, including what exists for the pre and post monitoring of these projects.

There is much resistance within the RAC to changing the delisting criteria. Concerns that we are drifting away from an ecosystem based approach to looking at habitat impairments and focusing mostly on man-made impairments and their resolutions.

- 2) Which BUIs will be proposed by your RAC and public noticed for re-designation to “not impaired” in 2013? In 2014? In 2015 and beyond

Fill out the following table FY Target and Status (e.g. Approval of Delisting submittal to EPA, Public notice of Delisting issued, Assessment in progress, Further assessment needed, etc.)

<b>FY Target</b>	<b>BENEFICIAL USE IMPAIRMENTS</b>	<b>Status (Actions Required)</b>
<b>2020+</b>	Restrictions on fish and wildlife consumption	Progress needs to be seen
	Tainting of fish and wildlife flavor	Not impaired
<b>2016</b>	Degradation of fish and wildlife populations	Delisting criteria need to be updated, endpoints identified, information evaluated to see if further assessment is needed
<b>2015</b>	Fish tumors or other deformities	Assessment in Progress, then analysis and reporting
<b>2015</b>	Bird or animal deformities or reproduction problems	Assessment in Progress, then analysis and reporting
<b>2015</b>	Degradation of benthos	Analysis in progress, report writing, RAC needs to agree to delisting then compiling of delisting reports
	Restriction on dredging activities	Not impaired
	Eutrophication or undesirable algae	Not impaired
	Restrictions on drinking water consumption, or taste and odor problems	Not impaired
	Beach closings	Not impaired
	Degradation of aesthetics	Not impaired
	Added costs to agriculture or industry	Not impaired
<b>2014</b>	Degradation of phytoplankton and zooplankton populations	Report finalizing and delisting submittal
<b>2017 +</b>	Loss of fish and wildlife habitat	Habitat Strategy being undertaken, Delisting criteria need to be updated, endpoints identified, and Habitat improvement projects need to be identified

- 3) Based on your current progress and planned activities, what is your best estimate of the year when your RAC would be ready to proceed with a final Stage 3 Area of Recovery designation or AOC delisting document?

Stage 3 delisting or designation as an Area of Recovery is quite a few years out, beyond 2020. Uncertainty on how cleanup of the Grasse River will proceed and what the remediation efforts will do to the habitat and fish and wildlife consumption BUIs in the short term will make efforts for BUI delisting, at least as where the Grasse River is concerned, not justifiable.

- 4) When does your current RAP capacity grant funding run out? What will be your future RAP capacity needs by year with estimated dollar amount to accomplish BUI removal and AOC delisting targets described in questions 2 and 3 above?

RAC coordination for the SLR at Massena AOC is not covered under an existing capacity grant. The "Coordination of the Niagara River and St. Lawrence River at Massena Areas of Concern" grant runs through 2014 and provides up to 20 % of the salary of the Massena RAP coordinator. In addition, there are two GLRI capacity building grants in place relating to RAC involvement. The St. Regis Mohawk Tribe Participation in LaMP/RAP process grant also wraps up on 9/30/2014.

As more BUIs are ready for delisting the work and time commitment intensifies. Gathering together the study reports, coordinating with technical experts, putting together a BUI delisting package and working through the RAC are all huge undertakings. And then to see the AOC delisting through to completion will require a person whose primary responsibility is following through with the AOC delisting process. The experience of the St Lawrence River AOC at Cornwall is that this requires a full time staff person. An AOC coordinator through a capacity building grant should be a full time employee hired at the equivalent of a state grade 18 or 21. That salary including fringe benefits would be in the range of \$80,000 to \$100,000 per year. With the expectation of 2 BUIs ready for the delisting process in 2015, a full time RAP coordinator would be needed in place during 2014 and the position funded each year until the AOC is delisted, beyond 2020.

- 5) What barriers (policy, funding, technical, other?) are RAP Coordinators encountering to tracking BUI activities and progress towards removal?

Pulling together the needed documentation and writing up delisting reporting requires time and staff who are skilled at preparing these types of reports. There are several BUI related activities going on at any one time, through habitat improvement projects, related studies and cleanup activities. These are being accomplished by industry, agencies, and colleges. Collecting and coordinating the related information is a huge time commitment.