

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.