

# INTERSTATE SANITATION COMMISSION

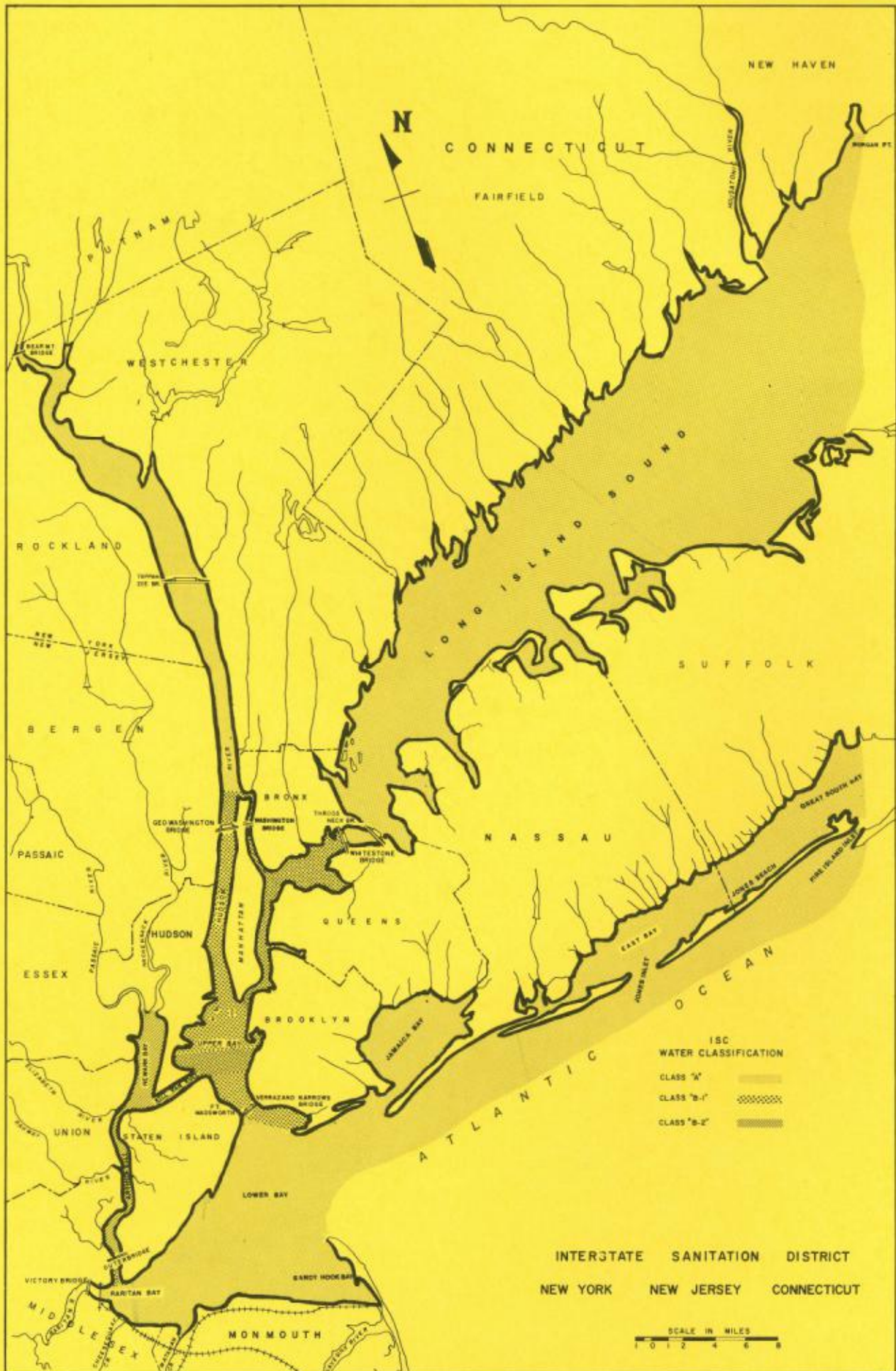
*A TRI-STATE ENVIRONMENTAL AGENCY*



1987

IN BRIEF

NEW YORK    NEW JERSEY    CONNECTICUT



ISC  
WATER CLASSIFICATION

- CLASS "A" [stippled box]
- CLASS "B-1" [cross-hatched box]
- CLASS "B-2" [solid black box]

INTERSTATE SANITATION DISTRICT  
NEW YORK NEW JERSEY CONNECTICUT

SCALE IN MILES  
0 1 2 4 6 8

# INTERSTATE SANITATION COMMISSION

A TRI-STATE ENVIRONMENTAL AGENCY

311 WEST 43rd STREET • NEW YORK, N.Y. 10036

## COMMISSIONERS

### NEW JERSEY

Frank A. Pecci  
Chairman  
Molly J. Coye, M.D., M.P.H.  
Richard T. Dewling, Ph.D.  
Lester H. Grubman  
Samuel P. Owen

### NEW YORK

Anthony T. Vaccarello  
Vice Chairman  
George Dumbach  
Treasurer  
David Axelrod, M.D.  
Donna B. Gerstle  
Thomas C. Jorling

### CONNECTICUT

John P. Clark  
Vice Chairman  
Frederick G. Adams, D.D.S.  
Leslie Carothers, Ph.D.  
Helen Carrozelli  
Joseph I. Lieberman

Director - Chief Engineer

Alan I. Mytelka, Ph.D.

1987

IN BRIEF

## INTERSTATE SANITATION COMMISSION

### 1987 IN BRIEF

Established in 1936 by federal mandate, the Interstate Sanitation Commission is a tri-state environmental agency funded by the States of New York, New Jersey and Connecticut. Its present structure consists of five gubernatorially-appointed Commissioners from each State with rotating chairman and vice-chairmanships.

As this structure suggests, the ISC's overall responsibility in protecting the environment is to view environmental matters within its District from a regional, impartial and unbiased perspective.

Many environmental improvements already are in place; others are to come about soon. However, much remains to be done to ensure the citizens of this region a quality of life that is environmentally safe and aesthetically appealing.

The Commission conducts a great number of programs to carry out its legislative mandates in water and air pollution. Topics of prime concern include enforcement to require compliance with ISC Regulations, toxics contamination in the region's waterways and in the ambient air, pollution from combined sewer overflows, adequacy of treatment facilities to handle flows from major building projects, opening areas for shellfishing and swimming, resource recovery facilities as a method of waste disposal, coordination of ISC's efforts with those of state and federal agencies, and response to the public.

This report is not designed as a compendium of all the projects and issues with which the Commission is involved, but rather a brief synopsis of some of ISC's interests and concerns regarding matters affecting the entire region.

#### ENFORCEMENT - WATER QUALITY

Over the past several years, the Commission has increased its enforcement efforts to ensure compliance with ISC Water Quality Regulations. It has also addressed the interstate aspect of appropriate major projects in the tri-state area resulting in air emissions. This year, the Commission adopted its own enforcement procedures which include provisions that regulate the initiation and conduct of enforcement proceedings for violations of ISC Regulations. ISC is committed to remaining aggressive in the area of enforcement and will take action against violators to safeguard the environment.

The Commission is charged with determining the adequacy of

treatment at the various municipal sewage treatment plants and at industries discharging into the District's waters. ISC performs sampling and analysis to determine if the discharges from these works meet the degree of purification established in the Compact and laws.

The Commission can and does resort to the courts to compel enforcement. In its role as an enforcement agency, the ISC has entered into litigation on two pollution abatement cases -- one, against the City of New York and a second, against seven Hudson County communities.

In October 1986, the Commission intervened in a lawsuit, originally filed by the Township of Woodbridge, New Jersey, after the City of New York had ignored previous Court Orders to build an enclosed barge unloading facility at the Fresh Kills Landfill in Staten Island. This enclosed facility would prevent debris, litter, and garbage from entering the waterways and washing up along the beaches in Woodbridge. In September 1987, the ISC and Woodbridge filed for Contempt of Court against the City in federal District Court; in October, the Judge ruled in favor of the plaintiffs. On December 7, 1987, the Commission and the other plaintiffs reached a settlement in their Contempt Citation against the City to remedy the littering of the waterways and beaches of Woodbridge, New Jersey and Staten Island. The agreement, which also will protect approximately 50 miles of the New Jersey coastline, provides for immediate actions and long-term solutions. The New Jersey Attorney General's office, the Township of Woodbridge, the New Jersey Department of Environmental Protection, Groups Against Garbage, and Save Our Shores are also parties to the agreement, which is expected to lessen or eliminate debris from the marine operations at the Fresh Kills Landfill and at marine transfer stations operated by the City.

In 1986, the U.S. EPA reopened litigation against seven Hudson County, New Jersey communities to require upgrading of their sewage treatment plants to secondary treatment. The Commission intervened as a party plaintiff in 1986 to ensure that the discharges from the upgraded plants would meet the more stringent ISC requirements -- particularly those for six hour periods. The negotiations are producing tangible results and the ISC is optimistic that settlements can be reached with all defendants and a trial can be avoided.

#### TOXICS IN THE WATER AND AIR

In this highly urbanized and industrialized region, it is probable that significant amounts of toxic materials are present which are unhealthy and cause adverse environmental effects. The data for toxic contaminants is inadequate both for the region's waterways and airshed. To remedy this, the Commission will undertake sampling and analysis, with the aid of its recently-ac-

quired gas chromatograph/mass spectrophotometer, in both the water and air.

Toxics, as other pollutants, must be studied from a multi-media standpoint. For example, solving a water pollution problem should not create an air pollution problem. In this region, the waterways are either interstate -- shared by two states -- or the waters from one state affect the waters of the neighboring state. Similar considerations apply to air pollution. These are the basic premises the Commission follows regarding toxics and other pollutants.

ISC's three member States are all involved in developing toxics control programs for implementation within the next five years, as per the Clean Water Act amendments of 1987. Although the States are using different approaches to develop toxics standards, the Commission has been and will continue to act as a coordinator to ensure compatibility of standards among the States, as well as with standards that ISC may adopt.

In the area of air toxics, the Commission is preparing to sample and analyze airborne toxic pollutants -- especially during odor episodes and periods of air stagnation. Background levels will also be measured. This program will aid in identifying and quantifying the airborne toxic pollutants in the region. With this information, which the Commission will share with the air pollution enforcement agencies in the region, the probability of tracing a pollutant to its source will be increased. Clearly, this will lead to a healthier environment throughout the region.

#### RESOURCE RECOVERY FACILITIES

Landfills -- presently the predominant means of disposal for the tens of thousands of tons of solid wastes generated in this region daily -- are becoming extinct and present environmental problems. Alternate methods of disposal must be environmentally acceptable to all media, i.e. land, water and air. Within this region, and the nation as a whole, resource recovery facilities are coming to the forefront as the methodology for solid waste disposal.

The Commission has established a clear-cut presence in this region where the nation's largest concentration of resource recovery facilities are planned for construction and operation during the next ten years.

The Commission's participation in siting and permitting proceedings of the various projects in the region has taken three different forms:

(1) Reviewing environmental impact statements of projects to determine whether interstate considerations have been ad-

dressed;

(2) Conducting meetings with representatives of New York, New Jersey, and Connecticut to review plans and progress in the construction of individual facilities; and

(3) Notifying resource recovery facility authorities within the ISC District of considerations the Commission has outlined as essential to regional planning.

Among the public hearings to site and permit resource recovery facilities in which the Commission has participated, the Brooklyn Navy Yard is a particular project that the Commission has been following closely since 1984 because this is the prototype for many facilities planned by the City of New York.

The ISC has stated its position at the Legislative Public Hearing and gained party status in the administrative hearing that is part of the New York State Department of Environmental Conservation permitting process. The Commission is scheduled to present expert testimony at this hearing in the near future.

Of the many issues the ISC has considered, there are several the Commission believes require greater emphasis: cumulative impact of multiple resource recovery facilities, use of pollutant source emission standards in air permits, stack testing of a resource recovery facility soon after normal operation is achieved, ash disposal in a secure landfill, a recycling/source separation program, and pretreatment of any wastewater introduced into a municipal sewer system.

In general, the Commission favors pollutant source emission standards for resource recovery facilities which are based on best available technology. Source emission standards are preferred over ambient air standards because they focus more directly on the pollution generated by a source. Ambient air standards, while mindful of public health, are difficult to enforce.

#### OPENING WATERS FOR SHELLFISHING AND SWIMMING

It is a primary goal of the Commission to have the waters of the District available for the uses for which they are classified. Although the individual states, not the Commission, designate the areas acceptable for shellfish harvesting, the ISC is acting to ensure that the greatest area possible is available for shellfishing. On July 1, 1986, ISC's year-round disinfection regulation for discharges to District waters became effective. The Commission, in cooperation with the State environmental departments, has been performing intensive sampling surveys to generate the information required by the States to make a determination if seasonally-opened shellfish areas can have the harvesting season extended and if presently closed areas can be opened.

Preliminary results in the Atlantic Ocean off the Rockaways and in Raritan/Sandy Hook Bay are encouraging. However, sampling is ongoing and sufficient data have not yet been collected to reach a decision.

In 1986, the Commission and the States of New York and New Jersey upgraded a portion of the Hudson River to "swimmable/fishable." The area is that portion of the Hudson River from its confluence with the Harlem River north to the New Jersey/New York border. After preliminary sampling and comparison of the results to the swimming standards, the Commission is optimistic that beaches along the Hudson River can be opened for swimming -- possibly as early as 1989. ISC will conduct intensive surveys in these waters in 1988. If the results are satisfactory, the Commission will make recommendations to the responsible agencies that, based on water quality criteria, the beaches be opened for swimming. In the event that the waters are not found acceptable for swimming, the Commission will look at ameliorating sources of pollution, such as combined sewer overflows, so the waters can meet their best intended uses.

#### AIR POLLUTION

The Commission continues to receive, respond to and investigate air pollution complaints throughout the District. In the heavily industrialized portion along the New York-New Jersey border -- the source of more citizen complaints than any other area within the ISC's jurisdiction -- the Commission maintains a field office and a 24-hour answering service on Staten Island.

For the 12-month period ending September 30, 1987, the Commission received 954 air pollution complaints -- a decrease of nearly 75% from the 3,475 complaints received in the previous 12-month period. Although this improvement is encouraging, the general public should not have to tolerate any conditions that interfere with health, comfort and the enjoyment of living. The Commission's continued presence as an investigatory body is essential. Follow-up and prosecution by those agencies having enforcement jurisdiction -- ISC does not have this power in air pollution -- is necessary for further air quality improvements. Along with these programs, the Commission's air toxics sampling project, described elsewhere in this report, will aid in pinpointing sources of pollution.

This year, ISC brought together the environmental and health representatives from New Jersey, New York, Connecticut, and the U.S. EPA to discuss a new procedure developed by New Jersey for advising the public of unhealthy ozone occurrences and to review the High Air Pollution Alert and Warning System -- for which the Commission is the regional coordinator -- in light of the new procedure. The study of ozone health effects to generate health criteria and the review of meteorological data for improved pre-



dictions are also topics of discussion. The group's target for completion of an ozone alert system and related criteria is May 1988, for implementation during the summer -- the season when ozone levels in the region are at their peak.

#### MEETINGS, COMMUNICATIONS AND APPEARANCES WITH THE MEDIA AND BEFORE PUBLIC AND LEGISLATIVE GROUPS

Within the past year, the ISC has firmly established itself as a source of reference and information on a broad spectrum of environmental matters relating to water quality and air pollution. Newspapers throughout the ISC District, along with television and radio stations, have been in communication with the Commission in connection with perspectives, opinions and recommendations from a tri-state point of view.

In recent months, the ISC has offered testimony and comments before legislative and various other groups and at technical meetings and conferences. Some of those before which the Commission has appeared include:

- \* A bi-state (New York/New Jersey) hearing before the New York State Assembly Standing Committee on Corporations, Authorities and Commissions; New York State Assembly Subcommittee on Interstate Cooperation; New York State Assembly Standing Committee on Environmental Conservation; and the New Jersey State Senate Special Committee to Study Coastal and Ocean Pollution
- \* The Long Island Sound Congressional Caucus
- \* Committee on Environmental Protection of the City Council of New York City
- \* First National Regulatory Agency Workshop on Municipal Solid Waste Combustion
- \* Ground Water Monitoring Workshop
- \* New York State Hazardous Waste Task Force
- \* Conference on Solid Waste Management and Materials Policy
- \* Association of State and Interstate Water Pollution Control Administrators
- \* Air Pollution Control Association
- \* Water Pollution Control Federation
- \* Chairmanship of the Public Involvement Coordination Group of the Dredged Material Disposal Management Plan for the Port of New York and New Jersey
- \* Jamaica Bay Task Force
- \* New York Academy of Sciences

The Commission offers an overview that transcends state boundaries -- just as water and air pollution are oblivious to legal borders. It is important that the broadest possible cross section of the public be made aware of the situation and adjust to thinking of this region as a whole. This will open the door to creating a healthier environment for the entire tri-state region.