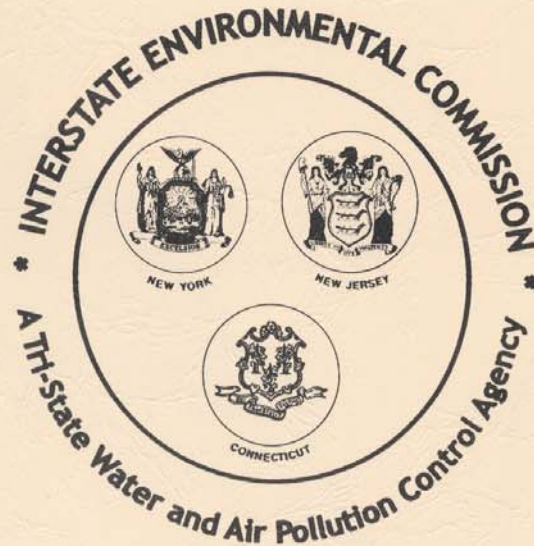


INTERSTATE ENVIRONMENTAL COMMISSION

A TRI-STATE WATER AND AIR POLLUTION CONTROL AGENCY



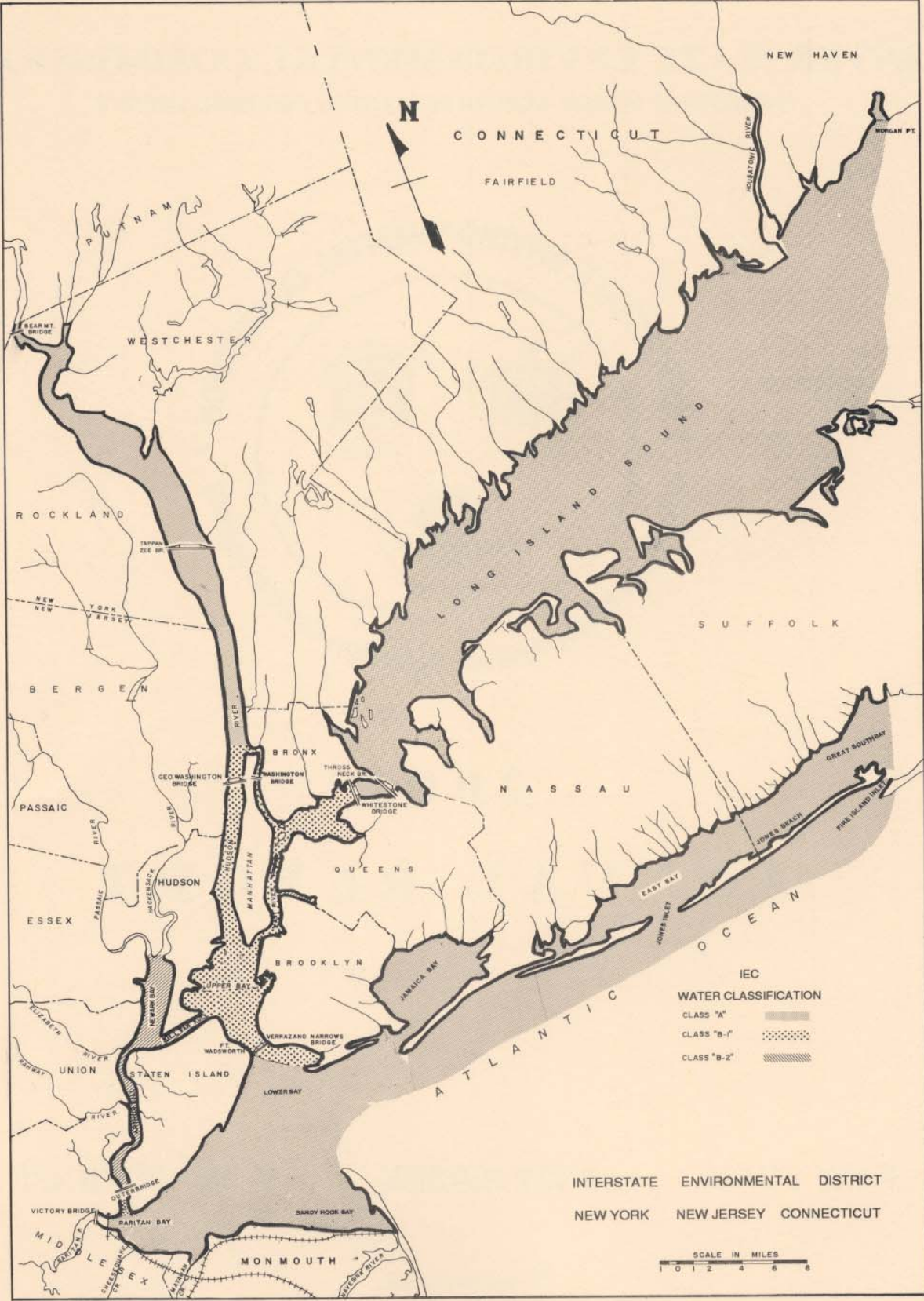
2001

ANNUAL REPORT

NEW YORK

NEW JERSEY

CONNECTICUT



INTERSTATE ENVIRONMENTAL COMMISSION

A TRI-STATE WATER AND AIR POLLUTION CONTROL AGENCY



2001

ANNUAL REPORT

OF THE

INTERSTATE ENVIRONMENTAL COMMISSION

Formerly the
INTERSTATE SANITATION COMMISSION

INTERSTATE ENVIRONMENTAL COMMISSION

A TRI-STATE WATER AND AIR POLLUTION CONTROL AGENCY

311 WEST 43rd STREET, SUITE 201 • NEW YORK, NY 10036

PHONE: 212-582-0390 FAX: (212) 581-5719 E-MAIL: iecmail@iec-nynjct.org

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January 24, 2002

The Honorable John G. Rowland
The Honorable James E. McGreevey
The Honorable George E. Pataki
and the Legislatures of the States of
Connecticut, New Jersey, and New York

Dear Governors:

The Interstate Environmental Commission respectfully submits its report for the year 2001

The members of the Commission are confident that with the continued support of the Governors and the members of the Legislatures, the Commission will maintain active and effective water and air pollution abatement programs.

Respectfully submitted,



For the State of Connecticut

Chairman

For the State of New Jersey



Vice Chair

For the State of New York



Vice Chair

formerly the
INTERSTATE SANITATION COMMISSION

INTERSTATE ENVIRONMENTAL COMMISSION

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Rose Trentman

**

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Howard Golub
Executive Secretary

Eileen D. Millett
Counsel

INTERSTATE ENVIRONMENTAL COMMISSION

STAFF

Howard Golub
Executive Director
and
Chief Engineer

Eileen D. Millett
General Counsel

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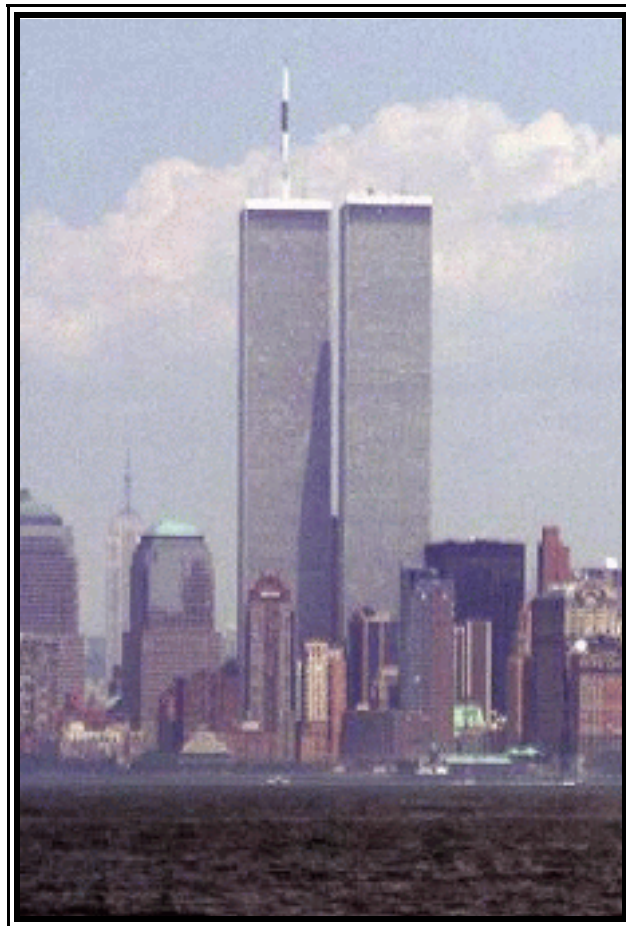
Part Time

Jacques N. Khoury - Lab
Laura I. Silver - Legal

**DEDICATION
OF THE
2001 ANNUAL REPORT
OF THE
INTERSTATE ENVIRONMENTAL COMMISSION**

This 2001 Annual Report of the Interstate Environmental Commission is dedicated to the memory of those who lost their lives in the September 11th terrorist attacks on the World Trade Center, the Pentagon and in southwestern Pennsylvania, and to their families, friends and colleagues.

The Commission offers its most profound appreciation and respect for the heroic efforts of the police, firefighters, EMTs, health care workers, government officials and all others involved in the unprecedented response to the tragic events of September 11th.



*PHOTO COURTESY OF KATHY VICORY
TAKEN ON IEC'S BOAT INSPECTION TRIP ON AUGUST 1, 2001*

**STATEMENT OF THE CHAIRMAN
OF THE
INTERSTATE ENVIRONMENTAL COMMISSION**

As I complete my first year as Chairman of the IEC, I want to proudly report on the performance and accomplishments of our Commission during what has clearly been one of the most tumultuous and significant periods in the Commission's 65-year history.

During those hectic days following the terrorist attacks, I am, frankly, filled with pride to report that the Commission, superbly led by Executive Director Howard Golub and his excellent staff, was able to meet the challenge by swiftly and professionally making its services available, and by immediately supplying information on the locations of sewer outfalls in the affected area to aid in the monitoring of the runoff from lower Manhattan.

Although the tragedy of September 11th remains on all of our minds, the year was also marked by several events of particular importance to the environment. As part of our program to combat what is perhaps the single greatest remaining source of water pollution in the region, combined sewer overflows, we were one of the co-sponsors of a successful CSO/SSO Conference hosted by the New York and New England Water Environment Associations — a meeting of minds which helped bring the continuing problem into sharper focus.

In mid-June, just prior to the start of the 2001 bathing season, the Commission sponsored a timely and much needed regional conference on Bathing Beach Criteria in the tri-state Metropolitan Area, with the Center for Environmental Science of the College of Staten Island as a co-sponsor. The Commission was also a co-sponsor — along with New York's other interstate agencies — of the New York Water Environmental Association's Annual Legislative Forum which was held in Albany.

I am also pleased to note that our annual boat inspection trip covering areas of environmental concern — including the lower East River up to Roosevelt Island — attracted a record number of participants including legislators, environmental officials, members of the press and concerned citizens.

As Chairman of the sole interstate environmental agency in the tri-state area with both regulatory and enforcement powers, it is important to reaffirm the Commission's awareness of its responsibility to encourage and promote interstate environmental cooperation, and to remain fully informed on all matters and issues concerning the quality of interstate waters.

In that connection, for the 11th consecutive year, the Commission conducted its intensive sampling program in Long Island Sound, as well as played a major role as a member of the Management Committees and related work groups for both the Long Island Sound Study and the New York-New Jersey Harbor Estuary Program.

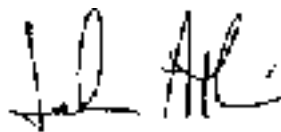
Additionally, it is noteworthy to report that on October 15, 2001, the New Jersey Department of Environmental Protection announced that an additional 5,425 acres in Raritan Bay — in the areas being sampled by the IEC — will soon be open for shellfish harvesting. This, I am proud to say, will add still more jobs and dollars to the region's economy.

In addition, the IEC's wide-ranging educational and outreach programs include the expanding relationships with our fellow interstate agencies to track issues of mutual interest on the administrative, policy and technical levels.

I also take particular pleasure in noting that as an expression of my home state's confidence in the Commission's work, the State of Connecticut has substantially increased its contribution to the funding of the IEC.

Space does not allow me to review the full scope of our water sampling, testing, regulatory and enforcement actions, but I am pleased that I can now refer you to the Commission's new website — www.iec-nynjct.org. It is still under construction, but it already offers a broad overview of the IEC's far-ranging programs and activities. In fact, this year's IEC Annual Report will be the first of many to appear on our website on a real time basis.

Looking back on this year marked by unspeakable tragedy, on behalf of the IEC Commissioners and staff, I want to make it clear that our resolve remains strong. We approach the future with a renewed sense of commitment to our overall mission — that of protecting the integrity of our environment.

A handwritten signature in black ink, appearing to read "John Atkin". The signature is stylized and somewhat cursive, with the first name "John" and the last name "Atkin" clearly distinguishable.

John Atkin
Chairman

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I. EXECUTIVE SUMMARY

Like all Americans, we share in America's sorrow resulting from the terrorist attacks in New York City, Washington, D.C. and Pennsylvania. The Commission is proud to be a part of a nation that is demonstrating tremendous unity and determination as we return to work, resume our travels and carry on with our day-to-day lives. As always, we must adapt to adverse conditions, but rely on good science and sound engineering to maintain and rebuild. The Metropolitan Area is truly a water world containing a world class harbor that is able to support commercial and recreational industries.

With positive changes in the ecosystem, it makes sense to make appropriate changes in the day-to-day focus of water pollution control. Over the years, many of the area's environmental and health departments changed their names to better reflect their missions. Due to its interstate nature and jurisdiction, to change the name of the Commission takes the adoption of appropriate legislation in the three member states, followed by the Consent of Congress. On October 27, 2000, the President of the United States signed the Bill containing the language that changed the name of this agency from the Interstate Sanitation Commission to the *Interstate Environmental Commission (IEC)*. The new name more accurately reflects the Commission's mandates, mission and responsibilities that embrace a broad range of programs and activities that include air pollution, public involvement and education, and toxics. However, the IEC's continuing emphasis is on water quality — an area in which the Commission is a regulatory and enforcement agency. This annual report, along with other information, will soon be available on the Commission's recently launched website — www.iec-nynjct.org.

In the 1920s, the Tri-State Treaty Commission recommended the establishment of a body to control and abate water pollution. Following their recommendation, the Tri-State Compact establishing the District and the Commission was enacted in 1936, with the Consent of Congress. The Commission initially consisted of the States of New York and New Jersey; the State of Connecticut joined the Commission in 1941. As its structure suggests, the Commission has an overall responsibility of protecting the environment by viewing the District from a regional, impartial and unbiased perspective. Whereas each state deals with issues within its own political borders, the Commission can and does cross state lines. The Commission strives to harmonize water quality standards, regulations and requirements throughout its District. The IEC's work over the last 65 years has resulted in much of the compatibility that exists throughout the Region.

Over the years, the Commission's environmental programs and actions have greatly contributed to the improvements in the region's waterways. Milestones reached during the last two decades include the denial of applications for waivers from secondary treatment and the adoption of the year-round disinfection requirements which was instrumental in opening thousands of acres of shellfish beds year-round rather than only in the summer months. For the past several summer seasons, tri-state residents and tourists have suffered far fewer beach closings due to elevated levels of coliform bacteria. During 2000 and 2001, there were no beach closure days caused by floatables or medical debris. In an effort to eliminate or, at a minimum, lessen the impacts from planned

sewage bypasses, in 1997, the Commission amended its regulations to require mandatory notification to the IEC of planned sewage bypasses. Additionally, in conjunction with its three states' environmental and health departments, US EPA and NYC DEP, the Commission coordinated and spearheaded the effort to have a computer model developed to predict the impacts of unplanned sewage bypasses on area beaches and shellfish beds. As part of this effort, regional notification protocols were developed and have been in place since the 1998 bathing season and have proved to be extremely effective. This is truly a regional success story.

In 2000, the Commission issued its Strategic Plan which contains a series of goals and strategies that will address the issues facing the Region in the 21st Century. The IEC is in a unique position to take the lead on regional issues because, as an interstate agency, the Commission views the Region as an environmental entity and IEC can cross state boundaries in an impartial and unbiased manner. The mission of the IEC is to protect and enhance environmental quality through cooperation, regulation, coordination, and mutual dialogue between government and citizens in the tri-state Region. The Commission is unique to the Region, but the environmental problems faced each day are not. By interacting with other interstate commissions, challenges and successes are being shared to better address specific mandates.

The staff continues to fulfill IEC's technical and administrative responsibilities within the limitations imposed by the current resources. It is encouraging that the ambient and effluent water quality sampling programs were somewhat increased this year, however, more needs to be done. Also, except for the Staten Island odor complaint answering service and limited investigations, the air pollution programs remain at a minimum level.

The objectives of the Commission's programs are to address specific environmental deficiencies and/or to assure compliance with the Tri-State Compact and the Commission's Water Quality Regulations. The programs are designed for gathering the information necessary for enforcement actions, opening waters for commercial and recreational shellfishing, opening waters for swimming, developing water quality and/or effluent criteria, and other needs that may arise.

Public involvement, education and outreach programs remain a high Commission priority. In addition to its day-to-day activities, the Commission regularly testifies at public hearings and meetings on various issues of concern, and lectures at local schools, colleges and to community groups on subjects dealing with coastal pollution, oceanography, habitat, living marine resources, monitoring and data collection and analysis, and related Commission activities. During the past twelve years, the Commission has been a sponsor for Our World Underwater which gives young scholars the opportunity to get nationwide exposure to diverse organizations involved with the marine environment. Over the past nine years, law student internships have been awarded in conjunction with Pro Bono Students America/New York and New Jersey. For the third year, Commission staff have served as mentors for The River Project's Marine Biology Internship Program. The Commission regularly meets with and discusses issues of mutual concern with five similar interstate agencies concerned with water issues. During 2001, the Commission co-sponsored legislative and technical forums in Albany and Tarrytown, New York.

This report provides a record of the water and air pollution activities of the Interstate Environmental Commission for the period December 2000 through November 2001. To address the environmental problems within its area of jurisdiction, the Commission has focused on technical assistance, enforcement, engineering, planning, laboratory analysis, ambient and effluent water quality monitoring, statistical analysis, coordination, oversight and public outreach and education.

WATER POLLUTION

The Commission's water pollution abatement programs continue to focus on the effective coordination of approaches to regional problems. Opening additional areas for swimming and shellfishing remains a high Commission priority. The IEC's programs include enforcement, minimization of the effects of combined sewers and storm sewers, participation in the National Estuary Program, control of floatables, compliance monitoring, pretreatment of industrial wastes, toxics contamination, sludge disposal, dredged material disposal, and monitoring the ambient waters — especially with regard to opening new areas for swimming and shellfishing.

Throughout the District, planning and construction is under way to provide water pollution control and abatement from municipal and industrial wastewaters discharging into the IEC's District waters. It is estimated that over \$8.408 billion has been allocated by municipalities and bond act dispersements in the District for projects recently completed, in progress, and planned for the future.

For the fourth consecutive year, the Commission took the lead and coordinated the efforts of the Regional Bypass Work Group which is comprised of 16 federal, interstate, state, county and local agencies. The Work Group maintained notification protocols to inform each other of unplanned bypasses and, based upon modeling software especially developed to predict the effects of those bypasses, determined if area beaches and shellfish beds should be closed to protect the health of the public. During the calendar year ending November 16th, a combination of 102 raw sewage, illegal connections, treatment reductions, fuel oil, and sludge bypasses occurred, some of which resulted in closures.

The Commission's involvement in several legal actions continued this past year. Those actions are detailed in the Legal Activities section of this report and are highlighted as follows:

- continued participation as an amicus curiae (friend of court) in a New York State case alleging that the City of New York violated several treatment facility permits when it exceeded limitations of nitrogen discharges,
- continued involvement and oversight of the Consent Orders designed to prevent debris from escaping from the Fresh Kills Landfill located on Staten Island, and
- filing necessary papers and currently awaiting a court scheduling of a permittee's appeal of a determination favorable to the Commission that the IEC's Regulations must be included in a NJPDES permit.

The Commission continues its commitment and active involvement with the Long Island Sound Study (LISS) and the New York-New Jersey Harbor Estuary Program (HEP). IEC continued to actively participate on the Management Committees for both of these National Estuary Programs and on various work groups for these studies. With the Comprehensive Conservation and Management Plans (CCMPs) for the LISS and the HEP in place, IEC is actively involved with the work groups that are dealing with total maximum daily loads (TMDLs) for nutrients, toxics and pathogens. The Commission attended, as well as assisted in the decision making process for public involvement events and products such as newsletters and fact sheets. The implementation processes under way are due, in part, to both the New York and New Jersey environmental bond acts which have earmarked significant resources to the HEP and LISS for a variety of pollution control and abatement projects, habitat restoration and research. In addition, the Commission has been involved with implementation teams, research proposal committees and interactions with citizen advisory committees.

IEC is continually updating its region-wide inventory of development projects within the District; this effort is presently in its fourteenth year. Among other things, this inventory contains estimates of the amount of sewage that will be generated by proposed projects. This information has been invaluable in determining whether the infrastructure — the sewage treatment plants and the sewer systems — has the capacity to accept additional wastewater from the construction of residential and mixed-use buildings, as well as hotels, marinas and recreational facilities.

IEC coordinates its compliance monitoring program with the three states' environmental departments, as well as with US EPA. This program consists of the Commission regularly sampling waste discharges from municipal and industrial permittees throughout the District. Using the IEC research vessel, the R/V Natale Colosi, the Commission again participated in a multi-agency intensive survey in Long Island Sound to continue to document dissolved oxygen conditions. This was IEC's eleventh consecutive year as a participant in this important project. The Long Island Sound surveys were enhanced in 1998 with additional collection of water quality samples that allowed the Nassau County Health Department to identify phytoplankton species. Concurrently, water quality samples were collected at the request of NYS DEC, Marine Resources, to determine the presence of a toxic dinoflagellate, *Pfiesteria piscicida*. For the sixth year in a row, at the request of NJ DEP, during the winter and spring of 2000-2001, the Commission collected water quality samples needed by NJ DEP to check the sanitary conditions of the shellfish waters of western Raritan Bay. In support of the HEP Pathogen Work Group, IEC completed a series of 44 ambient water quality surveys of the entire New York-New Jersey Harbor Complex. These and other sampling programs are detailed in this report.

The IEC laboratory has been located on the campus of the College of Staten Island (CSI) since late 1993. In addition to its day-to-day operations, IEC's laboratory personnel continue to collaborate with CSI on environmental projects of mutual concern. The IEC laboratory is certified by New York State and New Jersey, and has continued to participate in the US EPA's Water Pollution Laboratory Evaluation Program and Water Supply Microbiology Performance Evaluation Study. The laboratory has also been accepted into the National Environmental Laboratory Accreditation Program.

IEC's library holdings and archives continue to be updated and provide an accessible regional depository of water and air quality related subjects. The Commission's current and historical holdings have been sought and made available to the academic community, consulting engineering firms, attorneys, environmental and public awareness groups, government agencies across the nation, and international entities.

AIR POLLUTION

The Commission's air pollution monitoring and response programs remain at a reduced level, including IEC's Staten Island field office remaining closed as has been the case since mid-1989. The Commission's 24-hour-a-day, 7-day-a-week answering service (718-761-5677) remains active and IEC personnel investigate as many complaints as its resources will allow. IEC also forwards complaints to the appropriate enforcement and health agencies.

During the 12-month period from October 2000 through September 2001, the Commission received 15 air pollution complaints — a decrease of 16.7% over the previous 12 months. As has been the pattern, all of the calls originated from Staten Island. This year, the Commission received more than three complaints from two neighborhoods, New Brighton and Sunset Hills, during the reporting period. Citizen complaints have proven to be an invaluable source of firsthand information about poor air quality. Accurate odor descriptions could lead to the discovery of the emissions sources. The majority of the odors reported were undescrivable.

IEC continued its role as coordinator of the High Air Pollution Alert and Warning System for the New Jersey-New York-Connecticut Air Quality Control Region; conditions during the past year did not warrant activation of the system.

The Commission again participated in the Ozone Health Message System to alert the public of unhealthy ambient air conditions. Based on information received from its member states, the Commission disseminated 38 health messages — 26 for ozone and 12 for fine particulates — between May 3rd and September 24th to the appropriate government environmental and health agencies throughout the region.



*PHOTO COURTESY OF KATHY VICORY
TAKEN ON IEC'S BOAT INSPECTION TRIP ON AUGUST 1, 2001*