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March 13, 1995

To interested parties,

In 1994 the Four Parties (Environment Canada, U.S. Environmental Protection Agency, Ontario Ministry of Environment and Energy, and New York State Department of Environmental Conservation) made a focused effort to seek public input about progress to date and possible new commitments for continued work on the Niagara River Toxics Management Plan (NRTMP). By sending a questionnaire, conducting a public workshop and inviting additional written comments, the Four Parties have received valuable input. This input is being considered as the Four Parties evaluate the Niagara River Toxic Management plan.

Enclosed please find two documents entitled, "Summary of Public Comments, February 1995" and "Questionnaire Summary, February, 1995." These two documents represent a summary of the input received. Verbatim notes from the workshop and the written submissions are also available upon request. Please see page one of the "Summary of Public Comments, February 1995" for contact information.

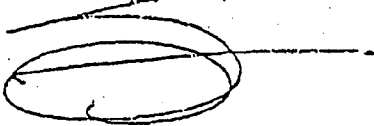
Following the December 8, 1994 public workshop, the Four Parties formed an ad hoc public involvement work group composed of six public members (three from each country) and four agency staff. A membership list has been enclosed for your information. The objective of this group is to develop recommendations about how to involve people in the NRTMP process, what communication tools would be most effective and how to enhance the role of public involvement in the NRTMP process. The ad hoc committee will prepare a report outlining recommendations to the Four Parties.

The Four Parties are currently developing a report that will respond to the input we have received. A section of that report will address the recommendations formed by the ad-hoc work group as well as the information in the public involvement summaries.

The Four Parties are interested in staying informed about your interest in the Niagara River Toxics Management Plan. Please fill out the enclosed self-addressed stamped post card.

We are pleased that recent efforts have generated such productive input about the NRTMP. We look forward to your continued participation.

Sincerely yours,



Sheila Willis
Niagara River Coordination Committee Member
Assistant Deputy Minister
Operations Division
Ontario Ministry of Environment and Energy



Environment
Canada

Environnement
Canada



Ontario Ministry
of the Environment
and Energy



New York State
Department of
Environmental
Conservation

NIAGARA RIVER AD HOC PUBLIC INVOLVEMENT WORKGROUP

CANADIAN

GUNTHER FUNK	CONSULTANT HYDROGEOLOGY
ROY ATAMANUK	LAWYER
BILL SOMERVILLE	CONCERNED CITIZEN
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AMERICAN

TIM HENDERSON	PRESIDENT, RESIDENTS ORGANIZED FOR LEWISTON- PORTER ENVIRONMENT
PATRICK GARRITY	ENVIRONMENTAL CHEMIST
TOM HERSEY	ERIE COUNTY DEPARTMENT OF ENVIRONMENTAL PLANNING/POLLUTION PREVENTION
MIKE BASILE	U.S. ENVIRONMENTAL PROTECTION AGENCY
MARNA GADOUA	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NIAGARA RIVER TOXICS MANAGEMENT PLAN (NRTMP)

QUESTIONNAIRE SUMMARY

February 1995



Environment
Canada

Environnement
Canada



Ontario Ministry
of the Environment
and Energy



New York State
Department of
Environmental
Conservation

Introduction:

The Four Parties (Environment Canada, United States Environmental Protection Agency, Ontario Ministry of Environment and Energy and New York State Department of Environmental Conservation) have reached a pivotal point in the implementation of the Niagara River Toxics Management Plan (NRTMP).

In September 1994, a questionnaire was distributed as an initial effort to gather public comments and suggestions on measuring/reporting progress and developing a future strategy for continued work on the river. The following is a summary of public responses to the five questions:

1. **What, in particular, should the Coordination Committee consider as they evaluate their success in reaching the 50% reduction of toxics loadings to the Niagara River?**
 - Emphasize pollution prevention
 - Assess adequacy of research and methods (validity & compatibility)
 - Use the most current information available to calculate baseline loadings
 - Use newly developed methods that demonstrate load reductions
 - Provide specific information about toxics reductions
 - Evaluate loadings from point sources; take into account dilutions
 - Develop a complete list of point & nonpoint sources of toxics
 - Evaluate improvements in ecology as well as toxics reductions
 - Establish uniform human health criteria
 - Prevent nonpoint source pollution; use a multi-media approach and educate the public
 - Prioritize/fund reductions of toxics having the most environmental benefit
 - Examine how the NRTMP and RAPs can work together to achieve toxics reductions
 - Include an estimate of the uncertainty of data in your evaluation

- Establish consistent approaches for data collection, analysis, and monitoring
2. **As the Niagara River Coordination Committee develops a future strategy for the Niagara River, what would you like them to consider or include?**
- Evaluate economic costs and benefits - continue restoration at the least cost
 - Coordinate efforts of the NRTMP and the Niagara River RAPs; consider an international RAP
 - Emphasize public involvement/outreach/education
 - Use a contaminant-specific approach; concentrate on one priority contaminant at a time
 - Use an ecosystem approach that considers downstream impacts
 - Expand the list of chemicals targeted for reductions
 - Consider including a goal of zero discharge
 - Establish human health risks based on the weight of evidence, persistence, bioavailability, and toxicity
 - Increase efforts to identify point & nonpoint source loadings by using standardized Geographic Information System (GIS)
 - Restore habitat by physical enhancement in addition to chemical reductions
 - Consider developing a review board to assess resources, goals, etc.
 - Continue agency monitoring to ensure reductions are maintained
3. **Please list any special concerns you have regarding the Niagara River Toxics Management Plan (NRTMP).**
- Force/enforce compliance with discharge limits
 - Place a priority on remediating hazardous waste sites (on both sides)
 - Fund programs to identify/remediate nonpoint sources

- Increase public awareness/support/involvement (especially local governments)
- Examine the relevance of 50% reduction to ecosystem protection
- Base future NRTMP goals on scientific reasoning
- Fund continued research in Canada and the United States
- Use pollution prevention methods to reduce toxics
- Measure success by achieving acceptable chemical concentrations in the river
- Develop consistent protocols for the collection/analysis of data
- Assess frequency of monitoring
- Have dischargers monitor and report results; regulatory agencies can coordinate activities

4. **How would you like to participate in additional discussions about the future of the Niagara River?**

Attend public meetings and/or workshops	Provide input via questionnaires	Host a discussion	Other
19	17	3	3

5. **Please indicate your preference for receiving information about the public meeting.**

Send materials/planning to attend	Send materials/will not be attending	Don't send materials/will not be attending
18	5	3

NIAGARA RIVER TOXICS MANAGEMENT PLAN (NRTMP)

SUMMARY OF PUBLIC COMMENTS from:

NRTMP Public Workshop - December 1994
Written submissions - November 1994 to January 1995

* * *

February 1995



Environment
Canada

Environnement
Canada



Ontario

Ontario Ministry
of the Environment
and Energy



New York State
Department of
Environmental
Conservation

SUMMARY OF PUBLIC COMMENTS

INTRODUCTION:

A public workshop was held December 8, 1994 in Niagara Falls, Ontario. The workshop was well attended and discussions focussed on three main categories: NRTMP Goals, Technical Issues; and Communications/Outreach. An *Issues for Discussion* document was developed to facilitate discussions at the workshop and to solicit input from those who were not able to attend.

This document summarizes the input received from the workshop and from written comments. The summary is organized to reflect the three main categories of the *Issues for Discussion* document. Within each category are suggestions that the public would like the Four Parties to consider or include under the NRTMP.

Detailed plenary and breakout session notes from the December 1994 workshop are available upon request by contacting Mike Basile, U.S. Environmental Protection Agency at 716-285-8842, and/or Rick Day, Ontario Ministry of Environment and Energy at 905-521-7641.

I NRTMP GOALS:

Workshop participants felt the Niagara River Declaration of Intent (DOI) should include the following goals:

- o Develop consistent protocol for data information collection
- o Develop more specific goals i.e., - sites, point sources, impairments
- o Achieve water quality that does not require fish consumption advisories
- o Achieve zero discharge/virtual elimination
- o Adopt IJC recommendations that are applicable
- o Concentrate on actions: progress will become evident in the health of the ecosystem
- o As a minimum, have toxic substances eliminated from use, generation and release (Canada-Ontario Agreement is a good starting point)
- o Reduce nonpoint sources and use of toxics in industry
- o Remove/remediate toxic dump sites

- o Be sure the actions will be useful before spending scarce resources
- o Establish partnerships between industry, government and the public
- o Enact legislation, especially to phase out the 18 chemicals
- o Improve the performance and retention capabilities of Waste Water Treatment Plants (i.e., wet weather/combined sewer overflows)
- o Prioritize agency actions - use leverage to get others involved and industry to discharge below compliance levels
- o Create a unit with members from the Four Parties that does not have to deal with "politics"
- o Nominate the Niagara River as a "Heritage River"
- o Ensure future goals are measurable, definable and meaningful and include cost/ benefit rationales
- o Review NRTMP goals and objectives biennially by third party external review board
- o Change focus to identifying and remediating nonpoint sources
- o Focus attention on pollution prevention, not end of pipe

II TECHNICAL ISSUES:

i Data Gaps

Workshop participants identified the following data gaps that need to be addressed or considered:

- o Account for nonpoint sources, look into air sources
- o Review historical use of area by industry
- o Review species diversity through food chain analysis
- o Identify targets and then design an analysis
- o Provide data for all substances

- o Ask industry to conduct "one time" sampling of specific parameters as part of their regular sampling, in order to fill important data gaps
- o Use site and project specific data obtained from remediation works to measure progress
- o Use a simple new way of looking at existing data to measure decrease in loadings (i.e., use the mean of the observed concentration, and assume the analytical error is random and unbiased)
- o Have New York Department of Environmental Conservation compile a list of all permitted loadings by using the State Permitting Discharge Elimination System permits

ii Chemicals

In general, the participants felt that the list of chemicals needed to be expanded and the assessment procedure of these chemicals required further refinement. Specific suggestions include:

- o Expand the list of chemicals
- o Pick measurable chemicals that can serve as indicators of overall reductions
- o Look at families rather than individual chemicals, also look at synergistic effects of several chemicals together
- o Connect specific chemical markers at specific sites
- o Develop a water pollution index, similar to an air pollution index
- o Focus on 50% decrease from point and nonpoint sources, then measure other indicators
- o Focus on finding new ways to remove toxics beyond containment
- o Do risk assessments
- o Look for a range of potential reductions, rather than try for exact quantification of loadings
- o Test water to ensure set of chemicals is declining
- o Reduce need for pesticides

- o Do not allow banned substances to be allowed to be discharged to River (i.e., PCBs, DDT)
- o Address the relative impact of biological and physical forces as compared to chemical impacts (chemical impacts pose relatively minor impacts on aquatic ecosystem)

iii Monitoring

In general, participants would like to see more monitoring done by the Four Parties. Specific suggestions include:

- o Use common analytical methodologies or protocols; need accurate and consistent measuring systems
 - share data
 - do cooperative analyses
 - cooperate on fish advisories
- o Use biomonitoring as a way to monitor progress
(get a biomonitoring baseline - e.g., mussels can be an alternate to up/downstream monitoring)
- o Monitor at sources
 - measure before and after
 - spot monitor the gorge face; watch for toxic leaching
 - measure chemicals from different sites along the river
 - use chemical markers
- o Measure indicators of health (i.e., biological/ecological health of the River)
- o Do deep well monitoring and groundwater flow for non-aqueous phase liquid (NAPL)
- o Do core sampling
- o Continue, but improve fish tissue sampling
- o Strengthen Upstream/Downstream monitoring - difficult to understand
- o Establish a safe level of contaminants in the River system
- o Establish one common methodology prior to monitoring
- o Don't get caught up in numbers; just cleanup the River

- o Retain technical advisory groups
- o Conduct radionuclide monitoring

III COMMUNICATIONS / OUTREACH ISSUES:

i Linkages

Workshop participants felt that there are opportunities to link the NRTMP with other Lakewide Management Plans, as well as RAPs. These linkages could occur at a number of different levels such as:

- o Encourage partnerships between government/industry/public
- o Apply consistent strategies to both sides of the River
- o Facilitate communication among all AOCs and LaMPs (in addition to the IJC) to foster better working relationships
- o Acknowledge the explicit link between NRTMP and the Niagara River RAPs by agreeing on use impairments, and actions to restore ecological integrity
- o Need centralized group to provide common thread and avoid duplication (IJC was suggested because of non-biased role)
- o Work together and develop strategies to get others involved
- o Improve the Niagara River first before widening the scope of the NRTMP
- o Improve coordination of approvals between government departments and other agencies
- o Create linkages with naturalist organizations which may be gathering data on specific species/populations
- o Ensure everyone cleans up their segment and this will ensure that problems are eventually resolved across an entire watershed
- o Keep a narrow focus in order to keep projects manageable and thereby set reasonable goals

ii Public Involvement

In general, participants liked the workshop format and provided the following suggestions for improving public involvement:

- o Prepare a written public involvement plan/participation strategy
- o Provide written updates
- o Use the workshop format for public meetings
- o Improve communication (e.g., communicate with ethnic populations, use internet, newsletters, connect to universities)
- o Work on telling/sharing evidence of improvements of the River
- o Share information and encourage more direct citizen participation
- o Need an aggressive public education program
- o Create citizen linkages
- o Talk to the public about margin of error
- o Educate the public about:
 - lifestyle changes, non-point source impacts
 - oil dumping
- o Provide contact information to media so that people know how to get involved
- o Provide hazardous waste collections for homeowners
- o Establish a trouble hot-line for reporting violations
- o Provide a comprehensive summary of information and materials
- o Involve schools in monitoring and adopting streams and tributaries through "Save Our Streams" and NYSDEC Take Credit Program
- o Initiate community stewardship projects
- o Reroute resources for workshops/seminars to public education campaign

- o Keep workshop format because it allows interest groups to share concerns and positions
- o Make local governments and community groups a more active part of the strategy

iii Reporting Information/Progress

A number of suggestions were provided on improving the way the Four Parties report information and progress:

- o Issue a "big picture" report; use meaningful language; separate out data and summarize in a user friendly way for the public; avoid technical jargon and acronyms
- o Issue reports that identify all dischargers, chemicals and quantities
- o Address IJC issues (use the same language)
- o Explain things explicitly by
 - Reporting what is and is not known
 - Explaining/identifying reasons for problems
 - Acknowledging methodological differences between agencies
 - Siting the source of agency information
- o Issue periodic one-page fact sheets to a wider distribution of people
- o Report in different languages (e.g., First Nations people, Spanish)
- o Do a wider distribution of the meeting notices and send announcements of meetings earlier
- o Emphasize successes - failures are also important to acknowledge
- o Do not include plant closures as part of the reporting on loadings reduction, as this implies a false achievement
- o Correct errors in estimates of loadings from U.S. point sources, so as not to overstate the success of the program following remediation of specific U.S. point sources
- o Distribute information updates on Internet

- o Provide list of remediated sites by 1996 and estimate possible theoretical reduction in loadings
- o Report relative impact of Niagara sources versus Lake Erie sources