

**San Joaquin River Dissolved Oxygen TMDL
Steering Committee Meeting – Draft 1 Notes**
August 7, 2002

Attending: Morris Allen (City of Stockton), Rod Atteberry (Neumiller/Port of Stockton), Byron Buck (MWDSC), David Cory (SJRECWA), Jim Curtis (Kennedy Jenks), Hicham ElTal (Merced ID), Lee Gardiner (Port of Stockton Tenants Assoc.), Mark Gowdy (RWQCB), John Herrick (SDWA), Mary Hildebrand (SJFB), Dan Hinrichs (DJH & City of Modesto), Roger Hoffdahl (Corn Products International), Lisa Hunt (URS), Martin Jeppson (Calamco), Bill Johnston (Modesto Irrigation District), G. Fred Lee (GFL and Assoc.), Debra Liebersbach (TID), Joe McGahan (Grassland Farmers), Bob Murdoch (City of Stockton), Lowell Ploss (SJRG), Jennifer Spaletta (SEWD), Herb Stone (WID), Kevin Wolf (facilitator and notes 530-758-4211, kjwolf@dcn.davis.ca.us)

UPCOMING MEETINGS

Next Steering Committee Meeting: (Note change of date from first Wedn of month!)
September 11, 2002 9 am - 12:30 pm, 2500 Navy Drive, Stockton

Next Technical Sub-Committee meetings

September 10, 2002 - time and location TBA. Focus: Future DWSC monitoring and studies including a review Peer Review comments and Principal Investigators responses.

?September 17, 2002 - (Note: This date might change to better accommodate local stakeholders.)
Location: Somewhere in Los Banos. Time: All day starting with a morning briefing on the overall issues including the Strawman Analysis for local non-expert stakeholders. Focus: Upstream monitoring.

Next Executive Committee Conference Call.

August 28, 2002 - 8:30-10 am. Call number to be announced.

Handouts:

1. DRAFT - DO TMDL Interim Implementation Plan Development Strategic Flow Chart- Lowell Ploss
2. Letter from Steering Committee/Lowell Ploss to The Honorable John Duncan, Chairman on Water Resources and environment House Subcommittee on Transportation and Infrastructure. <http://www.sjrtmdl.org/legislation/federal/2002.htm>

A. Origin of Flows and Loads to the SJR upstream Lander Avenue

1. Hicham ElTal with the Merced Irrigation District reviewed maps and hydrology for this complicated area. He will send a copy of his presentation for posting on the web.
2. Overall, it was not clear where the load and flows were coming from. This area has multiple means by which tail water from one district is captured and reused by another in the area. The unincorporated lands near the river and the wildlife refuges are potential contributors to flows and loads. Drainage to the east of the East Side Canal does not reach the San Joaquin River but is diverted in the canal to the north.

3. The Steering Committee asked David Cory to organize a similar presentation for the hydrology that occurs upstream of the Merced on the west side of the river. He will attempt to have someone do this at the September or October Steering Committee meeting.

B. July 19th RWQCB Meeting

1. Mark Gowdy reviewed his impressions of the Board meeting and the direction that the staff received from that meeting.

- a. In general, the Regional Board supports aeration as part of the solution but some members are concerned that aeration should not be a sole solution in which the river is used as a "treatment plant." They don't want to see upstream increases in load being offset by increases in the amount of aeration that occurs.

- b. Board members want to see a load allocation as part of the TMDL. One of their reasons is that they believe it is required by the Clean Water Act.

- c. Some Board members want to see a load reduction of some sort included in the TMDL. What this would be and how it would work is unknown, especially if it involves load reductions that might actually benefit DO conditions in the DWSC.

- d. The Board chair expressed concern over how long Phase I lasts. Board member Cabaldon expressed concern over how long the interim performance goal would be in place. When the interim target is reached, why wouldn't the stakeholders pursue improving conditions in the DWSC so that DO would continue to improve during Phase I? Is the interim performance goal good enough? Should it be higher, maybe 4.0 and not 3.0?

2. The Steering Committee would like to improve its communication with the Board and individual board members. Proposals for doing this include:

- a. Host a workshop where board members can learn the complexity in identifying responsible parties and in developing load allocations and load reduction programs that would actually improve DO conditions in the DWSC.

- b. Use the executive officer reports to provide more detailed information to Board members.

- c. Investigate the option of having an internal peer review of the Board staff's reports on this process. This would be different from a peer review of the science that has already been done. This is more about the process that staff has been undergoing.

3. Should the Steering Committee present its own load allocations for sub-watersheds or should it have board staff develop a default load allocation and only develop an implementation plan and assurance package without a stakeholder-preferred load allocation identified?

- a. The Steering Committee is rethinking its initial position to not develop its own load allocation. There may be advantages in not having RWQCB staff be the only ones crafting such an important document.
- b. On which substances will loads be allocated? Oxygen demanding substances? Pounds day of O₂ that are missing from the DWSC? NH₃ from cities and sources close to the DWSC? All of the above?
- c. RWQCB staff won't finish developing their load allocation plan until after December. In the meantime they will participate with the Steering Committee in issue discussions, but are not inclined to show where they are headed with a load allocation before the January Board meeting.
- d. A load allocation does not necessarily mean that those regions allocated a Total Maximum Daily Load will actually have to reduce their loads to meet these targets if an aeration plan is in place that succeeds in meeting the interim DO objectives. If aeration fails, the load allocation becomes a default, fall back plan.

C. Interim Planning Coordinator

1. The National Fishery and Wildlife Foundation approved the sub-contract agreement between G. Fred Lee and URS for Task 5 of the extension of the CALFED 2001 Directed Action contract. Work officially begins on August 5 and the contract ends on October 31, 2002.
2. The scope of work is the same as was originally proposed. This and the contract are available on the website at <http://www.sjrtmdl.org/implementation/aeration/2003studies/index.htm>. The contract is focused on the development of an aeration and aeration monitoring proposal that can go out to bid in time for implementation in 2003.
3. The Steering Committee asked URS if the draft aeration proposal could be ready for review at its September meeting. Lisa Hunt said that this was a week sooner than their timeline, but URS will do its best to make this earlier timeline.
4. The Steering Committee is reconstituting the Technical Advisory Committee into Technical Subcommittees which focus on different issues and geographic areas.
 - a. The first subcommittee meeting will be on September 10. Tom Quasebarth will finalize the meeting time, location and agenda. The focus of this meeting will be to review the URS draft proposal for DWSC monitoring and associated aeration and Fred Lee's recommendations for additional studies in the DWSC for 2003. In addition, the meeting will review the Peer Reviewers' comments on these issues and the responses by the Principal Investigators. The subcommittee's recommendations will be reviewed at the September 11 Steering Committee meeting.
 - b. The second Technical subcommittee meeting will take place in Los Banos on Sept. 17 (or possibly later). The focus of this meeting will be on upstream monitoring. The meeting will start at 9 am. The exact location is not yet set. For more information, see D below.

D. Upstream monitoring for 2003

1. Regional Board staff believes that a 2003 upstream monitoring program will be a requirement as part of the Steering Committee's implementation plan due at the end of the 2002.

2. The Steering Committee will need to act quickly in order to put a monitoring program in place in 2003. The major hurdle will be gaining the funds through CALFED. It will help CALFED if the Steering Committee united around a single framework and plan for how they would like to see the funds administered and allocated.

3. The Steering Committee will follow one of its long standing principles of having local watershed stakeholders play a leadership role in the development of projects or programs that take place in their area. For this reason, and because any local monitoring program will be more effective if endorsed by the local stakeholders, the Steering Committee is organizing a special upstream monitoring technical committee meeting in Los Banos on September 17 (or later - TBA).

Note: After the Steering Committee meeting Kevin and Lowell proposed that the Sept. 17 (or later) meeting start with a review for the non-technical stakeholders on the DO TMDL process, the Strawman Analysis and the reasons why the upstream subwatersheds are thought to be significant contributors to the low dissolved oxygen conditions in the DWSC. After a one hour or so briefing, the rest of the day will be focused on developing a monitoring framework and road map that has enough detail that it can be sent to CALFED for a peer review. If there is time at the end of the day, it might be possible for a tour of the area.

4. There is interest by local Steering Committee members to investigate how DO related monitoring can assist them in their need to monitor other pollutants such as salt and boron. (Note: Les Grober with the RWQCB also supports pursuing an integrated monitoring program for the different TMDLs. He and other RWQCB staff will be at the Los Banos meeting to help with this.)

5. There is also support among the stakeholders (and the RWQCB) to have CALFED allow a local entity (e.g. the Westside drainage association for west side monitoring and SJRGA for east side monitoring) to be the fiscal agent for monitoring funds. To do this, the local entity would likely have to agree to follow protocols and procedures as established by CALFED including an open bidding process, peer review, etc. Barbara Marcotte is requested to help the Steering Committee understand what options are available for accessing Prop. 13 and other funds, including any options that involve the local water stakeholder organizations.

6. Any proposed monitoring plan will have to undergo a peer review under CALFED's direction before it can go out to bid. The Steering Committee hopes that enough work can be done beforehand that the meeting in Los Banos can produce a framework/plan worthy of undergoing peer review.

7. To move the process forward in a timely manner, the Steering Committee asked Chris Foe to allow Fred Lee to send his draft "road map" for upstream monitoring directly to the stakeholders via the sjr-tmdl. In general, the Steering Committee would like to have draft proposals and

documents by Fred and others not have to go through a review before being allowed to be seen by the Steering Committee.

8. Fred's draft road map for upstream monitoring will be reviewed by anyone interested in it. (An announcement of its web location will be sent as soon as it is on line.) Comments should be shared with everyone via the sjr-tmdl listserv so that improvements can be made in the proposal before the Los Banos meeting. The Steering Committee asked Fred to include a proposal for what constituents would be measured and how often sampling should occur. The more detailed the proposal, the more helpful it will be in spurring reaction, counter proposals, discussion and consensus. Ideally, a widely reviewed and discussed monitoring framework can be developed beforehand via email and finalized at the Los Banos meeting.

E. Assurance package

1. Lowell Ploss reviewed the notes from the July 22 subcommittee meeting on this issue (see http://www.sjrtmdl.org/assurance/meeting_notes_jul22.pdf).

2. Joe McGahan with Grasslands Farmers asked if the assurance package would allow their stakeholders to shut off all loads that reach the SJR and thus be exempted from having to contribute funds to O&M for the aeration and DWSC monitoring program. They are evaluating a shut off of all loads reaching the river as a possible solution to their other load reduction requirements. Joe believes that stakeholders in his area will not want to contribute funds to pay for downstream aeration when that money could help them ensure that they are not contributing any loads to the SJR. In general, the Steering Committee supported providing flexibility in how different stakeholders could meet their fair share of assurance package costs.

3. A critical decision will have to be made soon in order to advance the Assurance Package. The Steering Committee needs to determine who will hold the permits for and run the pilot aeration project. Will it be the Port of Stockton, the SJRGA, or any other stakeholder organization that is willing to accept this responsibility?

4. Another key question is who will help guide future studies involving the Assurance Package - the Steering Committee or just the stakeholder organizations that participate in the assurance package? What role does the Steering Committee want to take in Phase I of the implementation plan? Should only those signing the assurance agreement oversee the aeration pilot project and associated monitoring?

5. Who will put together the material that is turned into the Regional Board in December? The Steering Committee won't have funds for a long term implementation coordinator until the end of the year and will need to cover these tasks without outside assistance. This will be discussed at the next Executive Committee meeting with a proposal prepared for the September SC meeting.

6. Mark Gowdy will investigate what specifically needs to be presented at the January Regional Board meeting and what the Board's process will be. What can the Steering Committee expect from the Board in terms of acceptance, rejection, or direction?. The SC would like to have Board state whether their assurance package is acceptable or not.

7. Final approval of the Phase I implementation plan and assurance package will be set when the Board incorporates it into the 2004 Basin Plan Amendment.

8. The assurance package should have an exit clause. If the Regional Board takes action against any signer of the document for DO related problems, this signer should not have to continue paying towards the annual costs of aeration and monitoring.

9. The O&M costs of aeration and monitoring needs to be determined. How and when this will be finalized was not determined. It may go before the new technical subcommittee for their input. Fred noted that the peer reviewers recommended that Carl Chen be funded to run the model he developed on the 39 DWSC data points from 2001 monitoring. If his model came close to matching what occurred in 2001, the model would be good enough to help the stakeholders determine cost parameters for aeration in different water years. It is not known how funding can be provided for Carl to do this work.

F. Authorization and Appropriation Legislation in Congress.

1. The federal Water Resources Development Act appropriation legislation and a separate authorization bill could move to conference committee as soon as Congress gets back from its August recess. It is also a significant chance that Congress will not pass these bills this year.

2. Letters in support to elected officials are always beneficial. All stakeholders are encouraged to send letters on their own stationary. The information about who to write to and what to say can be found on the website at <http://www.sjrtmdl.org/legislation/federal/2002.htm> Also in that folder can be found the Steering Committee's letter to Congress in support of including funds for USACE pilot aeration efforts in the DWSC.

G. Long Term Planning Coordinator

1. The Scope of Work for the long term planning coordinator needs to be drafted and reviewed by the Steering Committee and then sent to CALFED.

2. The Executive Committee will work on developing this proposal for review in September.