

**SJR Dissolved Oxygen TMDL Steering Committee**  
**February 6, 2002 Meeting Notes**  
DRAFT 1

**Attendees:** Robert Ackner (Merced Irrigation District), Russ Brown (Jones and Stokes), David Cory (SJRECWA), Chris Foe (CVRWQCB), Sam Harader (CALFED) Delta Bay Program), Sharla Hardy (City of Stockton), John Herrick (SDWA), Mary Hildebrand (SJFB), Dan Hinrichs (DJH Engineering/City of Modesto), Bill Johnston (MID), Jeff Lafer\* (Jones and Stokes), G. Fred Lee (G. Fred Lee and Associates), Debbie Liebersbach (Turlock Irrigation District), Barbara Marcotte (CALFED Delta Bay Program), Paul Martin (Western United Dairymen), Bob Meleg (City of Modesto), Bob Murdoch (COS), Parviz Nader\* (DWR), Bill Paris (Oakdale I.D), Cindy Paulson\* (Brown and Caldwell), Steve Ritchie (URS Corp.), Tom Quasebarth (City of Modesto), Mike Schafer (City of Lodi), Warren Shannon (City of Manteca), Alice Tulloch (TE), Kevin Wolf (Facilitator [kjwolf@den.davis.ca.us](mailto:kjwolf@den.davis.ca.us), 530-758-4211)

\* These participants attend the afternoon session only.

**Next Meeting:**

March 6, 2002 (9:00 – 12:30) 2500 Navy Drive, Stockton

**Meeting Handouts:**

1. Aeration Report – Draft, Russ Brown
2. Tidal Dye Studies - Draft, Russ Brown
3. CALFED review of three Record of Decision updates involving the DO TMDL – Barbara Marcotte

**A. USACE Involvement**

1. Mary Hildebrand reviewed the progress made over the last month in gaining more involvement of the Army Corps of Engineers in the TMDL process.
  - a. Senator Machado's staff are waiting for us to set a meeting with him. It will be easier to do this if the meeting is in Sacramento. Mary, Herb Stone, Bob Murdoch and Chris Foe have all expressed an interest in attending. Mary will finalize the date of the meeting.
  - b. Congressman Condit's office said that the USACE should be able to attend the TMDL Steering Committee meetings without authorization and a funding source. His staff would like to meet on this issue and help us. Mary will take the lead in organizing this. It is unlikely that Senator Machado and Congressman Condit's staff will meet at the same time, so Mary will pursue separate meetings with both.

**B. Peer Review Issues**

1. Fred Lee reported on the current status of reports and data from the CALFED 2001 Principal Investigators.
  - a. Fred has not yet heard from Karl Jacobs if all the 2001 data has been sent for his staff to load to the IEP website. Peggy Lehman was having difficulties getting up DWR's continuous monitoring data. Fred will provide an update as soon as he hears from Karl.

b. The USGS has not turned in a report but appears to not need to meet the same requirements of the other Principal Investigators. Barbara Marcotte will talk to Sam Luoma with CALFED about how USGS can better share its information with the TMDL process and upcoming Peer Review. It is hoped that with Luoma's help, USGS will be able to prioritize this project and provide reports critical to the Peer Review process. Sam comes from the USGS and believes strongly in value of Peer Review to good science.

c. Barbara clarified that Principal Investigators who do not meet scheduled due dates for reports, data updates, deadlines for commenting on other PI reports and other dates in the timeline as outlined in their original contract, may not be eligible for new CALFED grants. CALFED wants this process to work and expects PIs to honor and meet their commitments.

d. CALFED and DWR have not yet finalized a contracts between their agencies, and not just with the TMDL. Thus Karl Jacobs, Paul Hutton and Peggy Lehman have been working without contract. Barbara though it should only take a few more weeks for the attorneys to conclude their agreement on a myriad of technical issues. DWR has encouraged these PIs to continue to meet our schedule, but it has been difficult making it as high a priority as project as ones which already have finalized contracts.

## 2. Scheduling the Peer Review and selecting the Peer Reviewers.

a. Each selected Peer Reviewer is being paid for a 5-day commitment; two days to prepare, two days at the Peer Review, and one day to write up their report. For this work, each Peer Reviewer will be provided \$5000 plus travel and expenses. It may be possible that CALFED can find other sources to pay for this part of the Peer Review. This would free up money to pay for URS's involvement.

b. Fred reviewed who CALFED selected as the priority peer reviewers. These scientists and experts were selected from lists that were provided to CALFED from the TAC and from the agricultural interests. Background on the six priority scientists can be found at [http://www.sjrtmdl.org/technical/2001\\_studies/peer\\_post/peer\\_review\\_01.pdf](http://www.sjrtmdl.org/technical/2001_studies/peer_post/peer_review_01.pdf) The preferred reviewers were recognized as experts in their fields with knowledge of the Delta or similar types of ecosystems.

c. The Steering Committee expressed concern that Dr. Alan Jassby would not likely be able to attend the peer review in person and that he would write an assessment as he did for the peer review that occurred in 2000. Without attending the meeting how would he know of the give and take and discussion that occurred among the peer reviewers and TAC? The SC would prefer that all peer reviewers attend the Peer Review.

## 3. Peer Review and TAC Scheduling Issues

a. The January TAC meeting was cancelled because only one Principal Investigator was prepared to present at the January meeting. The February meeting was rescheduled from the second to the third Tuesday of the month because the PIs needed more time to prepare their comments on the reports from other PIs. Also Kevin would not be available on February 12 and was needed to take notes. The meeting was reschedule to February 19.

b. Steering Committee and TAC members requested that the TAC meetings return to the second Tuesday of the month. Kevin said he would do his best to meet that request.

c. The longer it takes to hold the Peer Review, the more difficult it will become to gain funding for additional studies to be done during the summer and fall of 2002. Without further studies, there will be less confidence in some aspects of the load allocation and implementation plan.

#### 4. Next Steps for the Peer Review

a. The Steering Committee authorized the Executive Committee to make any decision regarding the Peer Review that is necessary between Steering Committee meetings.

b. The PIs need to review each other's reports and should circulate their comments via the website before the TAC meeting on February 19.

c. CALFED is attempting find funds to have Steve Richie and URS help with the Peer Review process. Fred has been organizing the Peer Review with pro bono time because he did not budget for sufficient funds to pay for his own time in setting up the Peer Review. The Steering Committee is grateful for the unpaid work Fred has been providing and members expressed a desire that CALFED find funds to cover these costs.

#### **D. Issues involving the Record of Decision (ROD) on DO TMDL**

1. Barbara explained that CALFED was in the process of reviewing and updating the ROD. Three items in the ROD are relevant to the DO TMDL. Patrick Wright required that the Steering Committee review proposed date changes before CALFED made the updates.

2. ROD #50 stated that all science and studies needed to make the TMDL decision would be concluded by Dec 2001. After discussions with Chris, CALFED proposed to change it to the summer of 2003, which is the time, the RWQCB is expected to have made its decision on the TMDL allocation of responsibility. The Steering Committee supported this date change but requested that the wording be changed so that only the science "needed to finalize the Phase I investigations" needs to be concluded at that time. The Steering Committee is concerned that CALFED not limit future expenditure of funds that will likely be needed to better understand the sources, causes and implementation options. The SC requested that CALFED include in the preamble to the DO related ROD decisions that they all would follow adaptive management principles. Ongoing monitoring, research and evaluation will be needed to adaptively manage the complex issues involved in the causes and sources of the DO problem.

4. Barbara clarified that CALFED will formally adopt new ROD amendments including these three on the low DO in the DWSC.

#### **E. Regional Board Presentation**

1. Various Steering Committee members provided their impressions on the six-month review and the Regional Board's response.

a. Given the amount of time expended on this issue and comments by Board members and staff, it is clear that this is a high priority for the Board.

b. The Board is glad that our Plan of Action states we will attempt to deliver the required product by their December 2002 deadline.

c. A number of Board members indicated that they expect some amount of load reduction will be included in the implementation plan.

d. From comments of some Board members, it appears unlikely that they will provide any more permits for the Port of Stockton or the US Army Corp of Engineers to do any more maintenance dredging or deepening of the Port and the DWSC until the DO problem is solved or they are participating in the solution.

2. The Board wants the Steering Committee to report back to them in six months in July 2002. At that time they would like us to provide some preliminary cost estimates for solving the problem. We should be able to this in part by using the aeration and recirculation reports that are already available.

3. The agricultural community is concerned that the Board may link the DO TMDL to the upcoming changes in the ag waiver for pollution discharge that is expected to occur at the end of 2002.

4. Some Steering Committee members who attended the Board meeting felt that the Board would restrict the expansion of discharge rights of NPDES regulated dischargers until there is a solution to the DO problem.

#### **F. Involving Cities in the DO TMDL Stakeholder Process**

1. Cities in the watershed were not sent an announcement of the public comment period for the Plan of Action. (Neither were some of the environmental organizations.) For these reasons, the public comment due date was expended to March 1. Judith Buehe will send out the notices.

2. Steering Committee members reported that they felt cities without NPDES permits and those without a desire to discharge to the river in the future were not going to be effected by the TMDL and thus were not interested in participating. This led to a discussion on how to best inform them that fall rains and storm water runoff was a possible important source of load for October and November violations of the DO standard. The SC did not conclude this discussion but postponed it until there was more information. Fred stated that it is unlikely this information would come from the Peer Review process because the 2001 and past studies did not investigate this issue. The Peer Review may provide more direction on how important this issue is to gaining a complete understanding of important sources and causes of low DO conditions during the fall in different types of water years

#### **G. Fiscal Agent and Coordinator for CALFED and Prop. 13 Funded DO Studies**

1. There is \$5 million in the Governor's 2002-2003 budget. This reduces the pressure that the \$5 million in the 2001 budget needs to be encumbered by June 30 of this year. Money not spent in 2001 will return to the Prop. 13 DO account.

2. CALFED has considered setting up a separate long-term fiscal agent for issues involving funding in the San Joaquin watershed, especially around the DO problem. They are presently not going to continue this effort for a number of reasons:

a. It takes a lot of time to go through the process and CALFED attorneys are cautious about some of the issues involving a fiscal agent, which means it would take more CALFED staff time. Staff has too much to do, and Barbara Marcotte feels there are other priorities in the DO issue that would be a better use of her time.

b. It is likely that the National Fish and Wildlife Foundation will be able to be the fiscal agent in the next round of funding. They did excellent work for us in 2001 and charge a very low administrative cost.

3. To have NFWF continue as the fiscal agent, it will likely be necessary to have a major contractor who manages all the subcontractors and lessens the amount of paper work that NFWF needs to do on this project. This may require that future projects be competed for by consulting and engineering firms large enough to handle the finances of multi-million dollar contracts and multiple subcontractors.

4. It will also be important to hire a coordinator to organize all the different components of the funding projects and help the Steering Committee with the load allocation and implementation planning needs. Whoever helps organize the RFPs for funding will not likely be able to also be a contender for the large contracts to study sources, causes and implementation options.

5. The Steering Committee needs to develop a scope of work for a focused solicitation of the coordinator. Bill Johnston will take the lead on this. No date was set for when a coordinator could be solicited and funded, but the sooner the scope of work is approved, the better.

6. The decision date for which applicants will be funded from the fall 2001 CALFED PSP has been delayed from a March timeline until May or June. This will make it difficult for the Steering Committee supported watershed and BMP projects to begin on a timeline where the information they will provide will be available to the stakeholders before the end of 2002. (CALFED's revised schedule for this PSP is on their website.)

#### **H. Strawman Process Issues**

1. At their February 19 meeting, the TAC will agree on the process and timeline by which Strawman Analysis will be reviewed.

2. A second draft of Strawman Analysis will be included in the Peer Review. Their critique will be evaluated by the TAC and Steering Committee.

3. Currently there is a 30-day comment period for the first draft of the Strawman Analysis with comments due by March 5 and a final draft redone by Chris Foe on March 15.

4. Chris will also meet with stakeholder groups to provide a separate explanation and review of the information and analysis that is incorporated in the Strawman Analysis.

### **I. Aeration Committee Update**

1. Russ Brown distribute his draft report on the aeration options that Jones and Stokes was funded to do in the CALFED 2001 studies.

a. The highlight of his report was the potential low cost of an aeration option, which pushes the surface water to the bottom of the DWSC. In the afternoons in the summer the surface of the DWSC has a high amount of dissolved oxygen. A fan type system has been used over the last decade to send this water to the bottom. This project does not use much energy nor require much maintenance costs. It also does not cause as much problems for fish through entrainment as is caused by other aeration methods.

b. Russ also reported that the jet aerators used by the USACE are not as effective at putting air into the water as was original promised.

### **J. Dissolved Oxygen Substances Committee**

1. Dan Hinrich is the new Committee Chair with the departure of Tom Hickmann to Oregon.

2. Dan will work on rewriting the last draft of the committee's report based on comments from stakeholders.

### **K. Recirculation Committee**

1. Mary Hildebrand said that the Recirculation committee would be meeting soon and would have more information to share with the Steering Committee at their March meeting.