

SJR DO TMDL Steering Committee Notes - Draft 2
April 24, 2003
Offices of the RWQCB at Cal Center Dr in Sacramento

Attending: Paul Bowers (USACE), David Cory (SJRECWA), Mark Gowdy (RWQCB), Bill Johnston (Modesto ID), Paula Landis (DWR), G. Fred Lee (GF Lee and Associates), Barbara Marcotte (CALFED), Lee Mao (USBR), Joe McGahan (Grassland Farmers), Lowell Ploss (SJRG), Tom Trexler (JSA), Kevin Wolf (facilitator and notes 530-758-4211, kevin@wolfandassociates.com)

Next Meetings:

Steering Committee: May 22, 2003 9 am - 12:30 pm
Newmiller-Beardslee Offices, 509 West Weber, Stockton CA

Executive Committee: May 12, 2003 8:30 - 10:30 am
Conference call number will be announced with the agenda.

A. Unfinished business with 2001 PSP project

1. Gary Litton requested a no-cost funds transfer among the task budgets in his SJR Low-DO project 01-N61-04. The Steering Committee approved this request. Lowell will write the letter needed by NFWF in support.
2. G. Fred Lee reported that the City of Stockton has not turned in some of its quarterly progress reports and invoice for its 2001 matching funds (\$75,000) for its monitoring work in the DWSC. According to NFWF, the City must submit the missing quarterly progress reports and invoice by the end of May, or it will lose these funds.
3. The Steering Committee requests that Charlie Kratzer and the USGS provide a timeline for when their final report will be published. USGS is not funded through the NFWF contract and has a separate agreement with CALFED.
4. DWR also has a separate agreement with CALFED that does not run through the NFWF contract but still has a requirement to develop final reports.
 - a. Peggy Lehman's final report is expected in June 2003. It is unknown if or how this report will be reviewed. One idea is to include a review task in the upcoming work assignment for the aeration feasibility study. It will be useful for Peggy's report to provide the data and computations that she uses in her analysis so that it is possible for others to readily understand how she developed her conclusions.
5. The Steering Committee ****requests**** that all PIs tell us when their final reports will be completed and available from the website.

B. March 14 Regional Board Review

1. Mark Gowdy answered questions about the Board meeting's ramifications and meaning.

a. Mark explained that USEPA suggests that flow and DWSC morphology factors be handled as assumptions in the determination of load and waste load allocations for loads of oxygen demanding substances. There would need to be a discussion of why the assumptions are reasonable. The DO TMDL is phased and future data and conditions can change the load allocations and assumptions for flow and DWSC morphology.

b. The 1/3rd allocation each to morphology, loads, and flows is based on the fact that if any of the three factors were fixed, the problem would go away.

c. Regional Board staff plans on actively encouraging flow and DWSC stakeholders to participate in the implementation of a solution to the low dissolved oxygen impairment. Working out strategies. Regional Board staff is also investigating if and how it is possible for the State/Regional Boards to require evaluation and mitigation of impacts caused by the original construction of facilities like the DWSC and the State and Federal pumping projects.

2. Fred Lee noted that the USEPA has claimed that it has power to regulate flows for TMDLs. There was general agreement that such an effort by the USEPA in California would likely result in a lengthy court fight. It is not clear what "hook" the USEPA will use to force non-load contributors to participate.

3. Tom Trexler explained that the Port of Stockton will make a significant contribution to aeration of the DWSC if the EIR is accepted and its upcoming West Complex Facilities can be built.

a. The Port plans on producing more DO than is necessary to mitigate their dredging operations. They would make improvements to the existing jet aerator and possibly add new aerators to produce up to 250,000 lbs per year of oxygen in the DWSC.

C. Planning and Coordination Team

1. Barbara announced that all four work assignments have been approved. The Non-Aeration feasibility task came in at over \$50,000 and is being reviewed by General Services Administration which has ten days to return it to CALFED. It is expected to be approved. Work with Jones and Stokes has begun. A request was made for information on the general budget breakdown for each of the tasks.

2. The Work Assignments are on the web at <http://www.sjrtmdl.org/implementation/coordination/index.htm>. Start and completion dates have been modified and are as follows:

a. Assignment 4: Coordination, facilitation, outreach and education

Support Stakeholder Meetings - August 30, 2003 for all

Maintain Website

Public Education and Outreach

Needs Assessment for Long-term Stakeholder Assistance

b. Assignment 5: Aeration Project Study Plan -

Compile Data and Research - June 15, 2003

Develop Aeration Feasibility Study Plan - August 15, 2003
Develop Monitoring Plan - August 15, 2003

c. Assignment 6: Implementation Planning, Strategy, Timeline, and Roles

URS will be the lead on this assignment.

Develop Implementation Plan - June 15, 2003

Implementation Strategy - June 30, 2003

d. Assignment 7: Non-Aeration Feasibility Studies

Convene Workshops on Alternatives - August 31, 2003

Study Plan Development - August 31, 2003

3. There is a possibility that projects may have to complete their work before the end of the fiscal year as there will be a change in the fiscal authority with the advent of the Bay Delta Authority on June 30. Barbara will report on this as soon as she knows. In the meantime, Jones and Stokes and team will do as much as can be done as soon as possible.

4. A high priority for the next two months will be write new work assignments to ensure that work can continue after July 1.

a. Mark Gowdy is already working on the next steps for the aeration studies. This will take the project through design and construction of demonstration aerators. The delay in getting these work assignments signed may push back the installation of the demonstration aeration devices from August 2005 to Spring of 2006.

5. The Implementation Planning assignment will include determining each stakeholder's role and who will make decisions that will be necessary through the completion of the post 2004 Basin Plan Amendment.

6. Use of City of Turlock's Funds to help with the non-aeration feasibility studies

a. The Steering Committee would like to have the City of Turlock \$5000 contribution to DO work be used to expand the number of workshops that can be presented on the upcoming D.O. funding solicitation process proposal before it is finalized. The funds need to be encumbered by the end of June.

b. Kevin will check with Dan Madden to see if this would be an acceptable use of their funds.

c. The details will be developed over the next month in time for the Steering Committee's review and approval on their May 22 meeting.

7. Tom Trexler explained how he, as project manager, is directly responsible to Barbara and Mark and is insulated from other activities in Jones and Stokes that might overlap with the D.O. issues. He is working full time on this. There will be no bias from JSA or any of its subcontractors for or against any stakeholder.

D. Upstream Studies

1. The Upstream Studies proposal is before the scientific reviewers and is expected to be finished by May 16. Barbara will provide a list of reviewers and Kevin will set up a web link to the list of reviewers, their eventual summary and will post the comments sent by the public about the scientific review.

2. After the reviews are complete, a summary will be sent to the Bay Delta Authority, the RWQCB, and Ecosystem Restoration Program implementing agencies including DWR, DFG, NOAA Fisheries, and USFWS.

3. The public review process of the scientific review is not clear. Barbara will investigate and inform the Steering Committee of how this will work.

a. Is the public review required by CALFED? Is it desirable? What amount of time and effort is required?

b. Should a Steering Committee representative participate in the process of evaluating the reviews.

c. How can peer reviewer comments be addressed? Sometimes reviewers are off base, and if they had more information, they would change their review. The writers of the proposal should have an opportunity to make changes to or clarify the proposal to meet concerns of the reviewers. It is suggested that an interactive peer review would lead to higher quality reviews

4. Barbara hopes that a recommendation on the upstream proposal can be made to the Bay Delta Authority management group for their meeting in early June. It is possible that the management group could decide this on its own, or the issue may have to go to the Bay Delta Authority committee to make the final decision.

5. Barbara will provide a more detailed timeline for the upstream studies at the May Steering Committee meeting.

E. South Delta Improvement Project

1. Someone from Paul Marshall's office at DWR was unable to join us at the meeting to give an update on the South Delta Improvement Project and how they will address potential impacts on DO. Tom Trexler and Steering Committee members pitched in what they knew for the discussion that followed.

2. It is understood that the SDIP will only mitigate impacts on DO that occur with increased export pumping from 6680-8500 cfs at Clifton Court. The No Action alternative considers 6680 cfs pumping to be a given and impacts that occur at that level are the responsibility of past projects, not this new expansion. Impacts from the existing No Action pumping regime are generally understood but are not planned on being mitigated with this project.

3. Lowell is planning to meet with MWD with the State Water Project about the DO issues and will raise SDIP evaluation and mitigation concerns. He will let us know their response at the next meeting.

4. The SDIP Alternative descriptions should be coming soon along with the details of the No Action alternative. Different alternatives will have varying impacts on DO conditions.

5. Tom Trexler will be prepared to cover SDIP issues at the May Steering Committee meeting. Paula Landis is also attempting to get DWR to better incorporate DO into SDIP and can hopefully provide an update from DWR's position.

F. Existing Jet Aerator in the DWSC

1. If Port of Stockton's West Complex Project is approved, the Port will run aerators and add up to 250,000lbs of O₂ per year any time DO goes below 5.2. The concern they have is how and when to add the O₂ when in some years many times more than this amount of O₂ is needed to keep the conditions from falling below the standards. When should they run their aerators to provide the most additional benefits to the DWSC? The view was expressed that the aerators should be run at all times that the DO is less than the WQO of 6 or 5 mg/L, depending on time of year.

2. Paul Bowers reported that the transfer of their jet aerator to the Port is not expected to be completed until September 1. This ends the Steering Committee's hope that this could be done by June so help could be given to improve DO conditions over the summer.

3. Will the Port take on responsibility for locating any additional pilot project aerators and modifying the existing jet aerator to be more effective? If the West Complex goes forward, the answer is yes. If it doesn't, the answer is unknown.

G. DWSC Deepening (35' – 45')

1. Deepening of the DWSC from the Bay to around Antioch/Avon has already been authorized by Congress. Last year Congress appropriated \$1 million plus to advance the studies on deepening this section of the DWSC and creating a larger turning basin at the Benicia Bridge. The SF division of the Corps is responsible for these funds. The studies could lead to deepening the channel so that larger oil tankers can reach this area.

2. This deepening project is necessary in order for any deepening project to the Port of Stockton to be considered. Without some other entity paying for the lower part to be deepened, it will be financially very difficult for the Port's business to cover deepening all the way to Stockton. But if half is covered by these projects in Contra Costa county, then it makes it more likely that extending the channel depth, especially at only 40 feet deep, can be justified.

H. Steering Committee Chair and Vice Chair

1. The Steering Committee postponed making a decision on this until the roles and responsibilities of the SC and TAC were clarified. This will hopefully be done by the May 22 SC meeting.
2. There won't be a chair for the next Executive Committee conference call on May 12. Kevin and Tom will organize and facilitate the call which will be open to everyone.