

SJR DO TMDL Steering Committee Notes - Draft
February 27, 2003 9 am - 12:30 pm
Newmiller-Beardslee Offices, 509 West Weber, Stockton CA

Attending: Rod Atteberry (Neumiller/Port of Stockton), Doug Brewer (JSA), David Cory (SJRECWA), Hicham El Tal (Merced ID), Chris Foe (RWQCB), Mark Gowdy (RWQCB), Mary Hildebrand (San Joaquin FB), Dan Hinrichs (City of Modesto), Bill Jennings (DeltaKeeper), Bill Johnston (Modesto ID), Barbara Marcotte (CALFED), Joe McGahan (Grassland Farmers), Lowell Ploss (SJRGA), Steve Ritchie (URS), Jennifer Spaletta (SEWD), Ernie Taylor (DWR-San Joaquin District), Tom Trexler (JSA), Walter Ward (Modesto ID), Kevin Wolf (facilitator and notes 530-758-4211, kjwolf@dcn.davis.ca.us)

Next Meetings:

Steering Committee: March 27, 2003 9 am - 12:30 pm
Newmiller-Beardslee Offices, 509 West Weber, Stockton CA

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

Regional Board Meeting Review of DO TMDL: March 14, 2003
Likely some time in the morning. Final agenda time will be sent soon.
Location: The Regional Board Office on Routier Road in Sacramento.

A. Staff recommendation on load allocations

1. Mark Gowdy reviewed what staff will propose to the RWQCB for the TMDL load allocation. The details are described in the staff report which is on line at http://www.sjrtdl.org/regulations/rwqcb_march_2003/index.htm. Staff are proposing to divide the O2 deficit equally among three factors: loads, flows, and size of DWSC
 - a. Staff considers this the most logical and fair way to divide up responsibility.
 - b. Staff acknowledges that controlling any of these factors may not result in improved DO.
 - c. Staff believes that, over time, the implementation plan will help determine the effectiveness of improvements in any of these three areas.
2. Some Steering Committee members expressed concerns with the report's organization, emphasis, and recommendations
 - a. Some disliked splitting the load allocation in three equal parts and felt that this proposal could result in some stakeholders ending their participation in the Steering Committee.
 - b. Mary Hildebrand noted that an unequal distribution of load would be a problem for other stakeholders
 - c. Some believe that the report should start off covering the aeration plan and should emphasise how this might eliminate the need for further action and any load allocation.

Changes in the emphasis and organization of the report would reduce the negative response from some stakeholders.

d. Mark Gowdy said that this report will not change before the March 14 Board meeting, but it can change before June 2003 when it is turned over to the USEPA, and it also could change before June 2004 when the Basin Plan Amendment is scheduled to be completed.

3. Mark also clarified that a load allocation is required even if aeration solves the problem, and the load allocation is never used. The Toxic Hotspot Cleanup Plan requires the load allocation. Anything in the report and load allocation proposal can be changed in the future before a formal Board vote occurs in June 2004 on the Basin Plan Amendment. Mark thinks that Steering Committee progress over the next year towards executing a good implementation plan will help the Board be more flexible on the load allocation element of the TMDL.

4. This staff report will be released to the public and Regional Board members in the mailer that is sent out in preparation for the March 14 meeting.

5. On March 14, the Board will not be making a decision on staff's recommendation on the load allocation. Hopefully Board members will provide enough feedback so that everyone knows what they like and dislike about the proposal and how they might vote on these elements in the 2004 Basin Plan Amendment. This feedback will help staff determine what to advance during the BPA process that will begin in the summer of 2003.

6. DeltaKeeper agrees with the other stakeholders that the proposed South Delta Improvement Project (SDIP) needs to be held accountable for its potential impacts on D.O. The potential impacts of the SDIP on DO should be fully evaluated. Also, DWR should evaluate opportunities for how the SDIP could help increase flows through the DWSC and otherwise improve DO in the DWSC. DeltaKeeper says the environmental community wants to know how the SDIP will impact other water quality parameters throughout the delta as well.

a. Some suggested that the Steering Committee should talk to Congress members to get help ensuring that the SDIP will evaluate these concerns.

b. Updates on the SDIP and considerations for action will likely be a standard agenda item for future Steering Committee meetings until the issues are satisfactorily resolved.

B. Regional Board Meeting - March 14

1. At the present time, sixty minutes is allocated on the morning of March 14 for the DO TMDL issue to be heard by the Regional Board. With some luck, 90 minutes will be allocated. Mark's proposal is to spend 15 minute on the Steering Committee presentation, 15 minute on the staff report, and 30 minutes for other speakers and Board discussion.

The order could be:

a. Staff - Welcome, explain presentation agenda

b. SC presentation. Four speakers each covering a different aspect.

c. RB staff presentation on other elements including proposed load allocation.

d. CALFED (Dan Castleberry). Explain CALFED's role and support.

- e. Public comment.
- f. Board discussion.

2. The Steering Committee's presentation to the Board should include:

- a. Overview including phased approach - Lowell Ploss
- b. Aeration - Tom Trexler (JSA)
- c. Non-aeration study plan - To Be Decided
- d. Upstream monitoring - Joe McGahan
- e. Planning coordinator - Lowell Ploss

3. Lowell will help organize a conference call or meeting to do a dry run of the presentations. He will also help determine who should cover the non-aeration study plan.

4. CALFED presentation.

- a. Dan Castleberry will highlight major aspects of the letter that CALFED is writing.
- b. One of the areas he may attempt to explain is the role of the DWR in allocation of Prop. 13 funds. DWR is identified in Prop. 13 as the administering agency. CALFED and DWR have not yet finalized how they will work together given CALFED's new agency status. It is not certain how CALFED and DWR will administer the Prop. 13 funds.

c. It may also be valuable for Dan to review how the SWRCB will be allocating water quality funds as well. The State Board may take over environmental water quality programs that are now part of the CALFED Ecosystem Restoration Program. An assumption is that the Regional Board may want CALFED and the Steering Committee to explain how Prop. 13 funds will be made available in a timely manner.

Note: The CALFED ERP subcommittee is looking for more public members, especially in Agriculture.

d. In general, the Steering Committee needs a funding administrative agency that has the energy, strength, and creativity to move Prop. 13 funds into DO efforts in a timely and effective manner. It may be CALFED, DWR, SWRCB or another agency but one needs to step up to the plate and put in the resources needed to move the funding issues forward.

5. Letters of Intent to help with Aeration maintenance and operation costs.

a. Bill Paris drafted a Letter of Intent, which is on the website at

http://www.sjrtdml.org/regulations/rwqcb_march_2003/index.htm

b. Stakeholders should send their letters to Tom Pinkos, Regional Board Executive Officer, 3443 Routier Road, Suite A, Sacramento, CA 95827-3003. Send a PDF copy to Lowell Ploss and to the sjr-tmdl list.

c. The more letters that arrive before or on the 14th, the better. Right now, the Port of Stockton and the San Joaquin County Farm Bureau have signed letters. SEWD will likely sign on Tuesday March 4. SJRGA and SDWA may also sign before the 14th. We haven't heard from any cities but hope that some will be able to sign before the 14th. All supporting stakeholder organizations should sign as soon possible, even if after the 14th.

d. Signers can customize their Letter of Intent or can just sign the document as Bill Paris has drafted it. Letters ideally should be on the individual organizational letterhead.

C. Planning and Coordination Team

1. The CALFED RFQ with Jones and Stokes and CH2MHill provides each with a \$2.5 million contract to fund CALFED priority projects. If the proposed individual Work Assignments are less than \$50,000, they can move forward without General Services Administration review. If a discrete Work Assignment exceeds this amount, GSA needs to review it and is legally required to finish its review in ten working days. If the GSA finds that the Work Assignment doesn't meet guidelines, it will need to be redone to resolve the problems.

2. Four high priority, discreet Work Assignments have been developed, each under \$50,000. These could be approved for contract signing within the next two weeks. All the tasks are expected to be completed by July. Most are expected to be completed over the next three months. The tasks are:
 - a. Aeration pilot project scoping tasks.
 - b. Steering Committee support. Coordination, facilitation, website, education (brochure, newsletter)
 - c. Role definitions and implementation planning.
 - d. Non-aeration feasibility study Focused PSP preparation.

3. While these short term Work Assignments are undertaken, longer term Task Orders will be developed and presented to CALFED and the GSA as soon as possible. There are concerns that the limited (\$5 million total) funds available through the RFQ process will be allocated soon, and the DO TMDL process may not be able to utilize this contracting process for longer term support. This may be true, but there is a reasonable chance that funds will still be available late this spring and early summer. Also, it is possible that the RFQ contracts can be enhanced with additional funding authority. One of the first deliverables in each Work Assignment will be the development of the longer term tasks. For example, the most immediate task of the Pilot Aeration project is to layout the work plan and tasks for the longer term Aeration effort. Collectively the longer term Tasks will help develop the components of the 2004 Basin Plan Amendment.

4. The Steering Committee should be prepared to go to Senator Machado if problems arise in how Prop. 13 funds are made available for the longer term work that will need to start as soon as these short term Work Assignments are completed. Hopefully Senator Machado's help will not need to be requested. This option will be considered at future SC meetings.

D. Developing Non-aeration Feasibility Studies

1. Mark Gowdy took the notes from the Feb. 13 Ad Hoc Committee meeting and turned them into a draft Work Assignment for CALFED. (See http://www.sjrtmdl.org/implementation/2003_psp/index.htm.)

2. The first thing the Work Assignment will develop is a detailed timeline and work plan for the next four months leading to a Peer Review (which is separately funded) and three

public workshops before a Focused PSP is released for applications in September. Key elements of the project include:

- a. Use the Synthesis Report and other background material to "organize a summary of hypotheses on the linkages between various contributing factors in the watershed and the dissolved oxygen impairment" for different water year types and at differing times of the year.
- b. "... define the modeling that may still be needed to evaluate on a watershed scale how various proposed mitigation measures would perform."
- c. "... draft discussion documents, hold public workshops to solicit public input, and incorporate public input into a draft document."

3. All non-aeration alternatives will be included in the conceptual model.

4. After a peer review of the conceptual model and hypotheses goes through a CALFED organized peer review, it will be presented to stakeholders in three regional meetings. Other opportunities for stakeholder review will also be considered. This review will also help notify potential applicants of the pending Focused PSP funding opportunity.

5. The Focused PSP could utilize the \$5 million of Prop. 13 funds that are in the Governor's 2003 budget for the DO issue. It could also lead to tapping into Prop. 50 and other funds.

6. CALFED is creating a standing science review panel for DO issues. Some of these peer reviewers will have participated in the 2002 Peer Review. CALFED will fund this peer review outside of the RFQ contract

7. Modeling may be an important part of this Focused PSP process, especially if the modeling component in the Upstream Monitoring Proposal is not funded and if the Hydroqual modeling proposal dies, like it seems to be doing.

E. Upstream Studies

1. On February 25, the Westside Drainage Authority voted to support and be the lead agency for the Upstream Studies.

2. The DO TMDL Steering Committee voted to send a letter of support for the Upstream Studies to CALFED. Lowell Ploss will be responsible for the letter.

3. Concern was raised that the Steering Committee has not seen the rewrite of the January draft monitoring plan. Chris Foe and G. Fred Lee had raised serious issues about the efficacy of the plan and its ability to meet certain goals and objectives. The sense of the Steering Committee, which was reflected in its vote of support is that Will Stringfellow, Nigel Quinn and the team that is writing the proposal will address these concerns in their rewrite. This will then go to an independent peer review where any concerns they have will be evaluated. Chris and Fred's comments as well as others will be provided to the peer reviewers in an appendix. Finally, after the peer review is complete, the public will have a 30 day opportunity to review the proposal. There is confidence by most Steering

Committee members that this process will result in an upstream studies program that satisfies significant concerns by all parties.

4. If all goes well, the Upstream Studies proposal will be turned into CALFED before the March 14 Regional Board meeting. It then goes to the peer review and then to the CALFED selection panel. The Steering Committee requested that CALFED include Chris Foe or another Regional Board staff member on the selection panel.

F. Jet Aerator

1. The Port of Stockton and the US Army Corp of Engineers have an oral agreement to have the Port take over the jet aerator with the Corp paying the same as they have in the past towards maintenance and operation. The next step is to move this agreement through the Corp's legal office. At the present time, neither the Port nor the Corp believes that the Steering Committee needs to take any action to help make get this agreement finalized.
2. The Steering Committee will keep this item on their agenda until a signed agreement is in place.