

SJR DO TMDL Steering Committee Notes
January 8, 2003 9 am - 12:30 pm
509 West Weber, Stockton CA
Draft Meeting Notes

Attending: Rod Atteberry (Neumiller/Port of Stockton), Doug Brewer (Jones and Stokes), Chris Foe (RWQCB), John Herrick (SDWA), Mark Gowdy (RWQCB), Mary Hildebrand (San Joaquin FB), Dan Hinrichs (DJH & City of Modesto), Jay Jahangiri (TRE), Bill Jennings (Delta Keeper/CSPA), G. Fred Lee (GFL & Assoc.), Debra Liebersbach (Turlock Irrigation District), Gary Litton (UOP), Barbara Marcotte (CALFED), Joe McGahan (Grassland Farmers), Lowell Ploss (SJRG), Tom Quasebarth (City of Modesto), Nigel Quinn (LBNL), Steve Ritchie (URS), Brian Smith (DWR-Fresno), Herb Stone (WID), Will Stringfellow (LBNL), Tom Trexler (Jones and Stokes), Kevin Wolf (facilitator and notes 530-758-4211, kjwolf@dcn.davis.ca.us)

Next Steering Committee meeting:

January 30, 2003 9 am - 12:30 pm
Neumiller and Beardsley, 509 West Weber, 5th Floor

Note: Steering Committees will be held on the fourth Thursday of the month except for this meeting in January.

Next Technical Advisory Committee meeting:

Not scheduled.

Next Executive Committee Meeting:

January 22, 2003 9 am - 11 am
Location and conference call in number: To be announced.

RWQCB Meeting on DO TMDL

March 13 or 14. Location and exact time to be announced.

A. Update on completion of 2001 Studies Final Reports

1. All 2001 Study Reports need to be finalized by the end of January in order to be referenced by Regional Board staff in the material they are presenting to the Board in March. Reports should be sent to G. Fred Lee and Kevin Wolf for posting to the website.
2. Fred needs these reports plus any write ups on 2002 data by January 25 so he can include them in the final version of his synthesis report. Fred will identify the new parts he is including in the update of the April 2002 Synthesis Report so that it will be easier to find the changed sections. With this new material, Fred will have the next version ready for review by February 14. Stakeholders will then have one week to make comments using page and line reference. The objective is to have the new synthesis report finalized by the end of February.

3. Note: Last week Peggy Lehman reported via email that her contract for the 2001 work has been finalized so she can begin work on finishing her report. She was not allowed to work on there report while the contract with DWR was in limbo. She now has until the end of June of complete it.

B. Planning and Coordination Team

1. Jones and Stokes (JSA), led by Doug Brewer has been working with CALFED and Regional Board staff and Lowell Ploss to create a more detailed set of task orders. AS the detailed work orders are completed, they will be available to Steering Committee members via Lowell. Let him know if you want to review them.
2. A contract for the DO TMDL Coordinator work can't be signed with JSA until State General Services signs the final RFQ contract with JSA. This is expected soon. JSA could be available to do work sometime within the next 2-8 weeks.
3. The Feasibility Study Proposal development process needs to be worked out in more detail in the Scope of Work so that JSA can also fully help with this need and timeline.
4. Bill Jennings raised concerns about a potential conflict of interest that JSA has because they work for the City of Stockton on their ammonia toxicity problem.
 - a. There was general agreement that it is good to put any potential conflict of interest concerns on the table for discussion and that stakeholders should feel that their concerns are addressed.
 - b. CALFED will do a legal review of potential conflict of interest. In a worst case scenario, the RFQ contract for the Coordinator work could be switched to CH2M Hill, the other RFQ CALFED contractor.
 - c. Doug Brewer will circulate the resumes and references of the proposed Coordination Team so that Steering Committee members will have more information to evaluate any conflict of interest or expertise issues. The quality, experience and balance of the team will be important to the evaluating how well the team will deal with potential conflicts.
 - d. A number of Steering Committee members noted that the Steering Committee, Regional Board and CALFED staff will all be involved in the direction and review of the Coordination Team's work. Transparency in meeting notes and open meetings will do a lot to alleviate concerns that a conflict of interest may skew how information is reported or direction taken. The Coordination team will not have power over decision making.
 - e. Some believe that just about any consulting company will have a conflict of interest if they have worked on Delta or San Joaquin related water issues.
 - f. The Steering Committee should do a six month and annual evaluation of the Coordination Team. Bias should be one of the criteria in the evaluation.

g. JSA will circulate resumes and references for the proposed Coordination Team members as well as the preliminary budget and latest draft task order.

h. Any concerns about conflict of interest or other aspects of the Coordination Team proposal should be sent to Lowell Ploss, Mark Gowdy and Barbara Marcotte.

C. Phase I Timeline (2003-2008?) and Feasibility Studies for Long-term Solutions

1. Bill Jennings is concerned that no progress will be made in any improvement in DO conditions except through aeration until 2008. The environmental community wants to have the “low hanging fruit” of load reductions and other options harvested as soon as possible. They are also concerned that increased discharges from increased urban growth will occur, along with more diversions of water that would otherwise reach the San Joaquin River. Both of these actions will exacerbate the low D.O. problems.

a. There was some discussion on how to identify and implement easy-to-achieve load reductions. The effectiveness of BMPs, Efficient Water Management Measures (EWMPs), and other management measures need to be evaluated. In December G. Fred Lee completed a review of the water quality improvements of different BMPs and concluded that there is little quantitative research on BMPs in San Joaquin conditions that lead to quantifiable downstream improvements in water quality.

b. The upstream monitoring program will help stakeholders determine what upstream implementation efforts will be effective. Until it is completed, accurate information for analyzing load reduction alternatives will be missing.

c. Bill says that the environmental groups want to have non-aeration alternatives as seriously considered as aeration. This will take investing in analysis and research. If this happens, environmental groups likely won't oppose the aeration evaluation even though Prop. 13 wording seems to restrict funding to reduction in discharges.

d. Non-aeration alternatives will also have to be evaluated for NEPA/CEQA.

2. In June of 2004, the Regional Board is expected to determine a new Basin Plan Amendment for dissolved oxygen that will include an implementation plan. At the March 13-14, 2003 Board meeting, the Steering Committee is expected to present its implementation plan. This plan will be reviewed by the Board and if accepted, developed over the next year as part of the Basin Plan Amendment process. If the Steering Committee's plan is not accepted, Board staff will develop a proposed implementation plan through the BPA process.

a. A top concern of RB staff and many stakeholders is to evaluate how other BMPs/TMDLs will affect DO and vice versa. As different plans for pollutant load reductions are enacted in the watershed, how will one load reduction plan positively or negatively impact another. The Steering Committee wants load reduction alternatives to

evaluate integrated pollutant loading options including the negative impacts some management measures may have on different clean water objectives.

b. Important to gaining Board confidence that the Steering Committee's plan will advance as it is laid out will be a letter from CALFED to the Regional Board that commits funding for a Focused PSP process on the alternatives.

3. Will an integrated plan for multiple pollutant evaluations create delays in developing the DO implementation plan? We need a detailed plan for how the next 12 months can unfold to do the various tasks involved in creating an integrated plan.

a. Will there be other funding sources for an integrated plan or will Prop. 13 DO funds be diluted into studies that don't directly help DO? Prop. 50 and other initiative funds could be made available for such an integrated plan.

4. A request for ideas and suggestions for what should be evaluated in a long term feasibility study plan beginning in February.

a. Kevin will circulate a draft evaluation form for review and finalization at the January 22 Executive Committee meeting. The timeline and process will be reviewed and finalized at the Jan. 30 Steering Committee meeting.

b. Barbara will find out if CALFED can help in circulating the notice of the public process through its lists. Through Judith Buethe Public Relations, the Steering Committee has a complete list of groups and media outlets in the watershed.

c. The notification of the public process will also go out by email. Kevin will help do this.

d. This effort has been called a "scoping" process as it will be similar to that which occurs at the start of a NEPA or CEQA review except it will not actually be the Scoping for the Programmatic EIR/EIS that is expected to begin in 2007. We may need a new word other than "scoping" so as to not confuse the public. Suggestions?

e. Regional Board staff will talk to their legal council to find out how to make this public process as effective as possible yet not impair future CEQA processes.

D. Pilot Aeration.

1. At the present time, the Aeration Studies are expected to go through the JSA contract. They intend to subcontract to HDR engineering. Doug Brewer will circulate their credentials for this type of work. The Steering Committee can review this and make a determination if they are acceptable at the January 30 meeting.

2. If the JSA contract is delayed or HDR is unacceptable, the pilot aeration work can go through the CH2M Hill contract.

3. Anyone who wants to evaluate the final work plan and contract for this work should contact Lowell.

4. The transfer of the jet aerator for USACE to the Port of Stockton has not yet been completed. Rod Atteberry with the Port is optimistic that the remaining paper work to complete the verbal agreement will not take long. The Steering Committee will continue to have this item on the agenda until the paper work is finalized.

Note: Rod explained that the Programmatic EIR for West Port Complex is being done and will be available by February for public comment and review. He will post a note to the sjr-tmdl list when it is out for public comment.

E. Upstream Monitoring

1. Will Stringfellow, Lisa Hunt and others have been putting in a lot of work developing the upstream monitoring proposal. The technical draft is now on the website at http://www.sjrtdml.org/implementation/monitor_eval/upstream/index.htm. Chris Foe's comments are also there. Will expects to have the draft budget available early the week of January 13 for review. He is working on this without pay and needs to do the writing around his other work requirements. All comments on the proposal should be sent to the sjr-tmdl list and Kevin will post them on the website.

2. The Westside Drainage Authority is expected to be the fiscal agent on the project will review the proposal at their January 28 meeting in Los Banos. They may be able to vote to support it at that meeting. SJRGA is not the lead agency but is coordinating (subcontracting) much of the eastside monitoring. It will review and hopefully be able to vote to support the proposal and an MOU with the Westside Drainage Authority at their February 5 meeting.

3. Bill Jennings raised concerns about a possible conflict of interest with dischargers studying the effects of their own discharge. After the discussion, much of the concern was alleviated.

a. The universities and academics will be doing most of the field work, setting up the studies and doing the evaluation.

b. Data will be made available to everyone as soon as it has gone through QA/QC.

c. The Drainage Authority is primarily the fiscal agent.

d. The Regional Board is committed to an unbiased process and is involved in process to make this happen

e. There is a precedent for dischargers involved in monitoring. The Grassland Bypass Project has been successfully monitoring its discharges.

f. The Regional Board routinely requires dischargers to do monitoring and

provide that information to the Regional Board.

F. RWQCB Review of our Phase I Implementation Plan

1. Lowell drafted a cover letter to accompany the material that the Steering Committee will be sending to the Regional Board. Board staff want this letter and all material by the end of the month.

a. The second draft of his letter will be on the website at <http://www.sjrtmdl.org/regulations/index.htm>.

b. Comments on the letter should be sent to Lowell ASAP

c. The Executive Committee meeting on January 22 will review and finalize the letter.

2. Lowell thinks that the individual water districts will want to review the implementation plan before supporting it. What is it committing them to do?

3. The Regional Board is expected have a conceptual discussion of the package at the March meeting. If they do not like it, they will direct staff to prepare another proposal.

4. Board staff will circulate their draft load reduction strategies as soon as they have something in writing.

5. Notice of preparation for the 2004 Basin Plan Amendment will begin in July or August

6. Chris Foe suggested that it could be worthwhile for the irrigation districts and the environmental community to meet and work out a mutually agreed upon interim implementation plan before the Board meeting.

G. Assurance Package

1. Bill Paris is working on the Letter of Intent that would be accompanied by the draft Assurance Package MOU. Rod has offered to help review the Letter.

2. It is not known how many entities will be able to sign the letter before the March Board meeting.

H. 2003 Steering Committee meetings.

1. The Port of Stockton and their Neumiller and Beardsley law firm are offering the use of their office meeting room for the next six months. The Steering Committee is appreciative and thanked them for their hospitality. The meeting room has a nice view and is comfortable.

2. The best Steering Committee meeting dates for everyone in the room and for those who answered by email is the fourth Thursday of the month in the morning. Because we cannot wait until the end of February for the next meeting, the next SC meeting is

scheduled for the fifth Thursday of January. Starting in February, meetings will occur on the fourth Thursday.