RMP
REGIONAL MONITORING PROGRAM
FOR WATER QUALITY IN THE SAN FRANCISCO BAY

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CHARTER:
Regional Monitoring Program for Water Quality in San Francisco Bay

Purpose, Organization and Governance

April 21, 2015

CHARTER

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1.0   Introduction and Background

1.1   Purpose

This Charter describes the purpose and function of the Regional Monitoring Program for Water Quality in San Francisco Bay (RMP). Established in 1993, the RMP is a collaborative effort between the San Francisco Estuary Institute, the California Regional Water Quality Control Board, San Francisco Bay Region, and the regulated discharger community.

1.2   Definitions

RMP or "the Program" means the Regional Monitoring Program for Water Quality in San Francisco Bay;

The "Regional Board" means Regional Water Quality Control Board, San Francisco Bay Region;

USEPA mean the U.S. Environmental Protection Agency, Region IX;

SFEI or "the Institute" means San Francisco Estuary Institute;

"Participants" means organizations that contribute to the RMP to satisfy a permit condition, the Regional Board, USEPA, and SFEI (see Appendix A);

"Participant Groups" means groups of similar types of Participants such as publicly owned treatment works (POTWs), dredgers, stormwater agencies, industrial dischargers, cooling water dischargers, and the individual regulatory agencies; and

"Representative" means a person who represents a particular Participant Group on a committee.

"Interested Parties" means organizations or individuals who have expressed an interest in the Program, such as non-governmental organizations, state agencies, federal agencies, and businesses, but are not Participants as defined above.

2.0   Guiding Principles of the Regional Monitoring Program

The overarching goal of the RMP is to collect data and communicate information about water quality in San Francisco Bay in support of management decisions. The RMP was created in 1993 through Regional Board Resolution No. 92-043 that directed the Executive Officer to implement a Regional Monitoring Plan in collaboration with permitted dischargers pursuant to California Water Code, Sections 13267, 13383, 13268, and 13385. The goal was to replace individual receiving water monitoring requirements for dischargers with a comprehensive Regional Monitoring Program.

The Program is guided by a Memorandum of Understanding (MOU) between the Regional Board and SFEI, first approved in 1996 and amended at various times since (see Appendix C of this Charter). Section VIII of the MOU states the roles and responsibilities of the Regional Board and SFEI in the implementation of the Program. Participating dischargers pay fees to the Program to comply with discharge permit requirements. The cost allocation schedule for Participants is described in Appendix B. The RMP provides an open forum for a wide range of Participant Groups and other Interested Parties to discuss contaminant issues, prioritize science needs, and monitor potential impacts of discharges on the Bay.

In support of the overarching goal described above, the following guiding principles define the intentions and expectations of RMP Participants. Implementation of the RMP will:
- Develop sound scientific information on water quality in the Bay;
- Prioritize funding decisions through collaborative discussions;
- Conduct decision-making in a transparent manner that consistently represents the diversity of RMP Participant interests;
- Utilize external science advisors for guidance and peer review;
- Maintain and make publicly available the data collected by the Program;
- Enhance public awareness and support by regularly communicating the status and trends of water quality in the Bay; and
- Coordinate with other monitoring and scientific studies in the Bay-Delta region to ensure efficiency.

3.0   Regional Monitoring Program Governance Structure

The RMP governance structure is comprised of a Steering Committee, Technical Review Committee and Workgroups. In addition, Strategy Teams are created to focus on specific program interests. SFEI serves as the Implementing Entity for the RMP. Figure 1 illustrates the RMP structure. The following sections describe the functions, roles, membership, and decision-making protocols of the various committees, workgroups, and teams in the RMP governance structure.

3.1   Steering Committee
The Steering Committee is a formal stakeholder body, structured to represent all of the RMP Participant Groups.

3.1.1   Steering Committee Role
The Steering Committee is the decision-making body for the RMP. All recommendations and information from various groups in the RMP governance structure ultimately flow to the Steering Committee to support its decision-making. Steering Committee meetings are held quarterly and in person. Meetings are open to the public. Notice is provided to non-participants through an Interested Parties mailing list. Steering Committee Representatives are responsible to communicate relevant RMP information to their respective constituent groups.

The Steering Committee agenda packet is posted on the RMP website no less than one week before the meeting. SFEI staff attend meetings to share information, but do not participate in decision-making. Decisions are made by designated Representatives only (see sections 3.1.2 and 3.4).

The primary tasks of the Steering Committee include:
- Provide a management perspective that guides the direction of the RMP;
- Consider and decide whether to approve Technical Review Committee recommendations;
- Approve an annual workplan and budget;
- Allocate funds for key program areas and special studies;
- Track overall progress of the RMP;
- Review RMP operations and peer review processes to ensure optimal performance; and
- Address other administrative, strategic planning and "big picture" issues as needed.

3.1.2   Steering Committee Representatives and Commitment
The Steering Committee should include Representatives from each of the following Participant Groups:
- 1 seat for Bay Area Clean Water Agencies (BACWA) Principal POTWs;
- 2 seats for BACWA Associate POTWs;
- 1 seat for Bay Area Stormwater Management Agencies Association (BASMAA) representing stormwater agencies;
- 1 seat for the Western States Petroleum Association representing industrial dischargers;
- 1 seat for Bay Planning Coalition representing dredgers;
- 1 seat for Cooling Water dischargers;
- 1 seat for the U.S. Army Corps of Engineers;
- 1 seat for the Regional Board.

The Steering Committee may add seats for other Participant Groups or adjust the number of seats for certain Participant Groups by using its decision-making procedures to change the Charter.

Each Participant Group selects their representative in a manner of their own choosing.

All Representatives work in partnership to fulfill their role on the Steering Committee. Representatives have no term limits and may continue to serve indefinitely with support of their Participant Group, unless removed as described in section 3.1.6.

Representatives are expected to read the agenda package and be prepared to discuss and act on recommendations from the Technical Review Committee as well as other issues related to the Steering Committee's primary tasks. Representatives are also expected to keep their Participant Group, as well as Technical Review Committee Representatives for their same Participant Group, informed about Steering Committee activities, decisions, and outcomes, and bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at meetings. Conference calls and use of web-based conferencing tools afford an alternative method for Representative attendance at meetings.

3.1.3   Steering Committee Chair and Vice Chair
The diversity of tasks and decision-making that falls upon the Steering Committee necessitates effective agenda planning, facilitation, and Representative participation at any given meeting. To coordinate this process, the Steering Committee will select or reaffirm a Chair and Vice Chair, during the last meeting of the calendar year, using its decision-making procedures (see Section 3.4). The Chair and Vice Chair have no term limits and may continue to serve annual terms indefinitely with support of the Steering Committee.

Meeting agendas will be developed by SFEI staff in consultation with the Chair and Vice Chair of the Steering Committee. The Chair will facilitate each meeting. If the Chair is absent, the Vice Chair will facilitate the meeting. If both the Chair and Vice Chair are absent from a meeting without notice but there is a quorum, the Representatives present will select a temporary Chair for the meeting.

The Chair and Vice Chair are also responsible for maintaining consistent representation of RMP Participant Groups. This includes communication with existing Representatives to promote regular participation in RMP activities, to address when participation is lacking, and to ensure Representatives remain interested in being involved with the Program.

3.1.4 Steering Committee Alternates
To ensure continuity and broad Participant Group attendance at Steering Committee meetings, Representatives are encouraged, but not required, to use Alternates on an as-needed basis. Alternates must be identified by the Representative to the RMP Manager and the Steering Committee Chair and Vice Chair in advance of a given meeting, be fully briefed by the Representative, and be able to represent the interests of the Participant Group during the meeting. Alternates are expected to be informed on RMP activities by the Representative on an ongoing basis and be fully prepared to discuss agenda items and participate in decision-making. No items addressed at previous meetings will be revisited to accommodate an Alternate.

3.1.5 Steering Committee Representative Resignation and Replacement
Representatives may resign from the Steering Committee at their choosing. If this occurs, the Participant Group will be notified and will be requested to select a new Representative for the Group. The Representative will use the following steps to resign:
1. Provide written resignation communication (e.g., letter, email) to the Steering Committee Chair, Vice Chair and RMP Manager at SFEI; and
2. Notify the Representative's Participant Group.

3.1.6 Steering Committee Representative Removal

Representatives are expected to uphold their commitments to actively participate in all Steering Committee meetings, review all materials in a timely and thoughtful manner, and be prepared to provide input and participate in Committee decision-making. If a Representative does not fulfill these commitments, he/she can be removed from the Steering Committee and be replaced by another person from the same Participant Group. If warranted, a Representative will be removed through the following steps:
1. The Steering Committee Chair will contact the Representative in question to better understand why he/she may not be fulfilling their commitments (as reflected in 3.1.2).
2. The Representative in question (and organization) will be allowed time (as determined by the Chair) to resolve his/her participation challenge and fulfill his/her commitments to the process.

3. If after the prescribed period of time, the Representative in question does not resolve his/her participation challenges, the Chair will provide a removal recommendation to the Steering Committee for discussion.

4. The Steering Committee will use its decision-making procedures outlined in section 3.4 to remove the Representative and/or organization and to start Representative replacement steps.

3.1.7   Steering Committee Representative Recruitment

At times, the Steering Committee Chair, Vice Chair, or SFEI staff may need to assist in the recruitment of Representatives, particularly in the event that a Participant Group does not select a Representative or for any other reason a seat remains open. Under this scenario, the Chair, Vice Chair, and RMP Manager will seek out candidates who can represent the Participant Group and are familiar with the Program. If a potential candidate is found, the Chair, Vice Chair, or RMP Manager will present the candidate to the Participant Group. The Participants in this Group will decide whether or not this person will represent them on the Steering Committee.

3.2   Technical Review Committee

Similar to the Steering Committee, the Technical Review Committee is a formal stakeholder body, structured to represent the Program Participant Groups.

3.2.1   Technical Review Committee Role

The Technical Review Committee provides oversight of the technical content and quality of scientific investigations conducted for the RMP and serves as an advisory body and critical link for recommendations that emanate from Workgroups and Strategy Teams and advance to the Steering Committee. Representatives are expected to possess either technical expertise or management experience on the topics under consideration by the RMP.

The Technical Review Committee reviews special study proposals developed by the various Workgroups and Strategy Teams. Following a review of proposal pros, cons, and costs, the Technical Review Committee makes recommendations to the Steering Committee on which proposals should be funded. The Technical Review Committee also provides oversight for Status and Trends monitoring, reviews reports from completed studies, and reviews RMP communication products to technical accuracy.

Technical Review Committee meetings are held quarterly and in-person. SFEI staff attends Technical Review Committee meetings to provide information but does not participate in the making of recommendations. Meetings are open to the public. Notice is provided to non-members through the Interested Parties mailing list. The agenda packet is posted on the RMP website no less than one week before the meeting. Technical Review Committee Representatives are responsible to communicate relevant RMP information to their respective constituent groups.

3.2.2   *Technical Review Representatives and Commitment*

The Technical Review Committee consists of a diversity of technical specialists representing dischargers, regulatory agencies, and non-governmental organizations. To ensure a formalized connection between the Steering Committee and Technical Review Committee, it is desirable (but not required) that one Technical Review Committee Representative also sits on, or at least attends, the Steering Committee.

The Technical Review Committee has seats for Representatives from the following Participant Groups and other parties:

- 3 seats for POTWs, including 1 seat for South Bay dischargers;
- 1 seat for Bay Area Stormwater Management Agencies Association (BASMAA) representing stormwater agencies;
- 1 seat representing refineries;
- 1 seat representing industrial dischargers;
- 1 seat representing dredgers;
- 1 seat representing cooling water dischargers;
- 1 seat for the U.S. Army Corps of Engineers;
- 1 seat for the Regional Board;
- 1 seat for the U.S. Environmental Protection Agency, Region IX;
- 1 seat for the City and County of San Francisco;
- 1 seat for the City of San Jose; and
- 1 seat for a non-governmental organization that specializes in water quality in the Bay.

The Steering Committee may modify the number of seats on the Technical Review Committee by using its decision-making procedures to change the Charter.

Each Participant Group selects their Representative in a manner of their own choosing. The Representatives for the City and County of San Francisco and the City of San Jose are selected by those governments. The Representative from a non-governmental organization will be recruited from an organization that:
- Has focus on water quality issues in the bay;
- Maintains technical knowledge and understanding of RMP related topics/issues;
- Demonstrates a willingness to regularly participate in meetings and the process of making recommendations for Steering Committee consideration; and
- Has been involved in RMP activities or previously expressed interest to participate in the program.

All Representatives work in partnership with each other and SFEI to fulfill their role on the Technical Review Committee. Representatives have no term limits and may continue to serve indefinitely with support of their Participant Group, unless removed as described in section 3.2.6.

Continuity of attendance at Technical Review Committee meetings by a balanced and representative array of Participant Groups is critical to produce informed and equitable recommendations. Representatives are expected to read the agenda package and adequately prepare for meetings in order to discuss agenda items and make recommendations for Steering Committee consideration. Representatives are also expected to keep their respective Participant Groups, as well as Steering Committee Representatives for the same Participant Group, informed about Technical Review Committee activities, decisions, and outcomes, and bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at meetings. Conference calls and use of web-based conferencing tools afford an alternate method for Representative attendance at meetings.

3.2.3   Technical Review Committee Chair
The number and type of agenda items to be considered at each Technical Review Committee meeting requires thoughtful agenda planning, preparation of information, facilitation, and Representative participation. To coordinate this process, the Technical Review Committee will, during the last meeting of the calendar year, select or reaffirm a Chair using its decision-making procedures (see Section 3.4). The Chair may continue to serve indefinitely with support of the Technical Review Committee.

Meeting agendas are developed by SFEI staff in consultation with the Chair. The Chair will facilitate each meeting. If the Chair will be absent, he/she will appoint a temporary Chair in advance of the meeting to provide facilitation. If the Chair is absent from a meeting without notice but there is a quorum, the Representatives present will select a temporary Chair for the meeting.

As needed or appropriate, the Chair will attend Steering Committee meetings to explain the rationale behind recommended projects and/or studies and to answer questions.

3.2.4   Technical Review Committee Alternates
To ensure continuity and broad Participant Group attendance at Technical Review Committee meetings, Representatives are encouraged, but not required, to use Alternates on an as-needed basis. Alternates must be identified by the Representative to the RMP Manager and the Technical Review Committee Chair in advance of a given meeting, be fully briefed by the Representative, and be able to represent the interests of the Participant Group during the meeting. Alternates are expected to be informed on RMP activities by the Representative on an ongoing basis and be fully prepared to discuss agenda items and participate in decision-making. No items addressed at previous meetings will be revisited to accommodate an Alternate.

3.2.5 Technical Review Committee Representative Resignation and Replacement
Representatives may resign from the Technical Review Committee at their choosing. If this occurs, the Participant Group will be notified and will be requested to select a new Representative for the Group. The Representative will use the following steps to resign:
1. Provide written resignation communication (e.g., letter, email) to the Steering Committee Chair, Vice Chair TRC Chair, and RMP Manager at SFEI; and
2. Notify the Representative's Participant Group.

3.2.6 Technical Review Committee Representative Removal
Representatives are expected to uphold their commitments to actively participate in all Technical Review Committee meetings, review all agenda materials in a timely and thoughtful manner, and be prepared to forge recommendations for Steering Committee consideration. If a Representative does not fulfill these commitments, he/she can be removed from the Technical Review Committee and be replaced by another person from the Participant Group. The Technical Review Committee will follow the protocols outlined in section 3.1.6 and gain the concurrence of the Steering Committee to remove Representatives.

3.2.7 Technical Review Committee Representative Recruitment
At times, the Technical Review Committee Chair or SFEI staff may need to assist in the recruitment of Representatives, particularly in the event that a Participant Group does not select a Representative or for any other reason a seat remains open. If recruitment is necessary, the Technical Review Committee will follow the protocols outlined in section 3.1.7 as closely as possible.

3.3   Workgroups and Strategy Teams
Various Workgroups and Strategy Teams report to the Technical Review Committee. The Workgroups and Strategy Teams serve as the basis of the "bottom up" planning process by meeting as needed to develop long-term RMP study plans that address high priority topics.

3.3.1 Role of Workgroups and Strategy Teams
Workgroups and Strategy Teams guide the planning and implementation of pilot and special studies. Specifically, the Workgroups and Strategy Teams make recommendations to the Technical Review Committee regarding research priorities and technical products of specific Program areas. Workgroups cover broad themes (e.g., Emerging Contaminants) whereas Strategy Teams focus on more specific topics (e.g., PCB Strategy). Workgroups also provide peer review for specific Program areas.

Workgroup and Strategy Team meetings are held as needed. Meetings are usually in person, but occasionally via teleconference. SFEI staff develops Workgroup and Strategy Team meeting agendas, prepares relevant materials, and facilitates the meetings. Meetings are open to the public and notice is provided to Interested Parties through the Interested Parties mailing list. The agenda packet is posted on the RMP website no less than one week

before the meeting. Conference calls and use of web-based conferencing tools afford an alternative method for attendance. Workgroup and Strategy Team Representatives are responsible to communicate relevant RMP information to their respective constituent groups.

As needed, Workgroup or Strategy Team Representatives may attend Technical Review Committee meetings to explain the rationale behind proposed projects and/or studies and to answer questions.

3.3.2 *Workgroup and Strategy Team Representatives and Commitment*

Workgroups consist of RMP Participant Group Representatives, invited scientists recognized as experts in their field (Science Advisors, see Section 3.3.3), SFEI staff, and Interested Parties. Strategy Teams consist of RMP Participant Group Representatives, local scientists, SFEI staff and Interested Parties.

Each RMP Participant Group may send Representatives at its own discretion based on interest in a particular Workgroup or Strategy Team topic. Workgroup and Strategy Team Representatives are expected to keep their respective Participant Groups informed about potential studies and research topics in order to bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at in-person meetings. Representatives are not required to have Alternates. Representatives who wish to resign will notify the RMP Manager via email. Participant Groups are encouraged to self-select replacements for Representatives that resign.

3.3.3 *Science Advisors*

An important component of the RMP planning and implementation process is robust, peer-reviewed science. RMP Workgroups include invited scientists that serve as external peer reviewers (Science Advisors). Science Advisors are individuals who possess expertise on topics applicable to the RMP. Each RMP science advisor is paid an annual honorarium. Science advisors have no personal interest or conflict of interest with studies performed under the RMP. Science Advisors are selected by SFEI in consultation with Steering Committee and Technical Review Committee Representatives that are knowledgeable in the subject area and then reported to the Technical Review Committee. The specific roles of Science Advisors include the following:

- Ensure objectivity and quality of RMP studies;
- Participate in Workgroup meetings and assist in the development of recommendations for pilot and special studies; and
- Provide input and peer review on workplans, progress of studies, and technical products.

Science Advisors shall serve for 5-year terms. There is no limit to the number of terms that an Advisor may serve. A Science Advisor may resign at any time by notifying the RMP Manager.

3.3.4 Workgroup and Strategy Team Chairs

No Workgroup or Strategy Team has an elected Chair. SFEI Senior Scientists prepare the meeting agenda and materials. The RMP Manager or Lead Scientist facilitates Workgroup and Strategy Team meetings except when the Workgroup or Team is making formal recommendations and the facilitation process in Section 3.4.3.2 should be followed. This arrangement allows the SFEI Senior Scientists with expertise in the topic area to focus on technical presentations and discussion during the course of the meeting, rather than facilitating the discussion.

3.3.5 Nutrient Management Strategy

In 2012, the Regional Board published the San Francisco Bay Nutrient Management Strategy[1] (NMS). Nutrient research studies began in 2013 with partial funding from the RMP and are expected to continue for at least a decade. In 2014, a governance process for the NMS was established and documented in a charter. Multiple funding sources will be pooled to support the ongoing nutrient research including: RMP funds, funds mandated by a Bay-wide nutrient permit[2], the Regional Board, and other entities. As laid out in its charter, the NMS Steering Committee (NSC) will provide oversight for all nutrient studies completed with these pooled funds. Given that the RMP will likely contribute funds to nutrient research for at least a decade, it is important to outline how the RMP committees will interact with the NSC.

There are several connections between the RMP and the NSC. First, there should be at least one member of the NSC that also serves on the RMP Steering Committee. Second, the NMS Nutrient Technical Workgroup will serve as the forum through which RMP stakeholders can provide technical input on NMS work products, funding priorities, or other issues being considered by the NSC. Finally, both the RMP and NSC will monitor how RMP funds are spent for nutrient research.

The following steps aim to clarify the roles of the two programs when RMP funds are contributed to fund NMS studies:

1. Each year, RMP Participants set the approximate funding level for future, nutrient-related special studies.

2. Following its own charter, the NSC determines the best use of the potentially available RMP funds for studying nutrients in the Bay.

3. The NSC communicates the overall priorities and recommends nutrient projects with clearly defined deliverables to the RMP Technical Review Committee so that these studies can be included in the suite of special studies recommended to the RMP Steering Committee. If there are insufficient RMP funds available for all the nutrient

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[1] http://sfbaynutrients.sfei.org/sites/default/files/Nutrient_Strategy%20November%202012.pdf
[2] Funds originating from the Bay Area Clean Water Agencies

studies, the RMP will request that the NSC modify the specific proposals to match the available funds. RMP funds assigned to nutrient special studies will remain in the RMP account at the Institute but be encumbered for the specific studies.

4.   Oversight of the RMP-funded nutrient studies will be the responsibility of the NSC. However, the RMP will receive progress reports prepared for the NSC, which will address both NMS and RMP reporting needs for deliverables. The RMP Steering Committee and Technical Review Committee Representatives will also be included on the mailing list when the deliverables are released for comments and when the deliverables are complete.

The NSC and the RMP Steering Committee may interact regarding nutrients for other reasons besides allocating RMP funds for nutrient-related studies. For example, the NSC may recommend changes to the RMP Status & Trends Monitoring Program. If the NSC has such recommendations, an item will be placed on the agenda for the Steering Committee or Technical Review Committee (whichever is more appropriate) for discussion at the next regularly scheduled meeting.

3.4   Decision-Making

In general, all RMP committees work towards consensus as a fundamental principle. The consensus-seeking decision method described in this section is most applicable, though not exclusive, to the RMP Steering Committee. Consensus is desirable, though not required, at the Technical Review Committee, Workgroups, and Strategy Teams. Varying levels of time and effort are expected to reach consensus with the highest degree of effort required by the Steering Committee.

3.4.1   Definition of Consensus
Consensus means that all Representatives on the committee support a decision or recommendation, and believe that a majority of their respective constituents do as well. In reaching consensus some Representatives may strongly endorse a particular decision or recommendation while others may accept it as "workable." Others may only be able to "live with it." Still others may choose to "stand aside" by verbally noting a disagreement yet allowing the group to reach consensus without them. Any of these actions still constitutes consensus.

3.4.2   Definition of a Quorum
A quorum is recommended, though not required, for Steering Committee and Technical Review Committee meetings to proceed. A quorum is a minimum of one-half of Steering Committee Representatives or Technical Review Committee Representatives present at their respective meetings, or attending via teleconference (vacant seats do not count in the quorum calculation). If a quorum is not achieved, the Steering Committee or Technical Review Committee meetings proceed and preliminary decisions (Steering Committee) or recommendations (Technical Review Committee) are made. Then, the procedures for

making decisions or recommendations between meetings (Section 3.4.5) are followed to propose the preliminary decision or recommendation to the full committee and reach a formal decision or recommendation.

3.4.3   Consensus-Seeking Decision Method

The RMP consensus decision method is based on the principle of "consensus with accountability." Consensus with accountability requires all RMP Representatives to try to reach consensus, while at all times supporting and expressing their self-interest. In the event a Representative must reject a proposal, that Representative is expected to provide an amendment to the proposal or an alternative proposal that attempts to achieve their interest and interests of other Representatives.

At all times, Representatives will ensure they are providing input commensurate to their prescribed role and reflective of the constituency they represent. In general, all RMP committees, groups, and teams will explore agenda topics and attempt to reach consensus decisions or recommendations using the following steps:
- Facilitate open discussion and dialogue on key agenda items;
- Weigh pros and cons of proposals and/or recommendations being discussed;
- Give minority opinion due consideration; and
- Take time needed to get to consensus.

3.4.3.1 Steering Committee Decisions

For items requiring Steering Committee decisions, the item in question will be presented and discussed. After discussion is completed, any Steering Committee Representative may make a motion for a decision, followed by a second, followed by a poll of those in favor and not in favor. If there is consensus, or lack thereof, it is noted verbally at the meeting and memorialized in the meeting summary. In the absence of consensus, the Steering Committee with a quorum will vote on a motion (see Section 3.4.4). Attendees who are not Representatives may participate in discussions, but do not weigh in on final decisions (see Section 3.4.6).

3.4.3.2 Technical Review Committee Recommendations

For approval of administrative decisions (see Section 3.4.4), the Technical Review Committee may express consensus through a simple, informal poll.

For substantive decisions (see Section 3.4.4), the item in question will be presented and discussed among seated Technical Review Committee Representatives.

After discussion is completed, consensus recommendations are made without a formal process or a vote. If recommendations do not reflect broad Representative input due to lack of attendance at a meeting, those not in attendance will be afforded an opportunity to weigh in on preliminary recommendations per the protocols that guide recommendation-making in between meetings (Section 3.4.5). Members of the public

attending the meeting can participate in discussions, but do not weigh in on recommendations (see Section 3.4.6).

In the event that Technical Review Committee Representatives cannot come to consensus on a recommendation or set of recommendations, majority and minority opinions will be noted verbally at the meeting and described in detail, with attribution of seated Representative viewpoints (see Section 3.5), in the meeting summary. The Technical Review Committee Chair will coordinate with the RMP Manager to ensure that the meeting summary adequately documents majority and minority viewpoints of the seated representatives, and will utilize the meeting summary as the primary tool to communicate Technical Review Committee discussions to the Steering Committee.

3.4.3.2 Workgroup and Strategy Team Recommendations
For approval of administrative decisions (see Section 3.4.4), the Workgroups and Strategy Teams may express consensus through a simple, informal poll.

Workgroups and Strategy Teams make recommendations to the Technical Review Committee regarding use of RMP funds for proposed pilot and special studies. Before these recommendations are made, all the Principal Investigators of the proposed studies and anyone with a conflict of interest are asked to leave the meeting to allow for free discussion of the merits of the proposals. One of the Workgroup members is assigned the duty to facilitate this portion of the meeting. The RMP Manager, RMP Lead Scientist, and a RMP staff person remain to provide information and take notes. After the Principal Investigators have left the meeting, Workgroup and Strategy Team recommendations are made by consensus if possible. In the event that consensus cannot be reached, majority and minority opinions will be noted verbally at the meeting and described in detail, without attribution, in the meeting summary. The RMP Manager will utilize the meeting summary as the primary tool to communicate Workgroup or Strategy Team recommendations to the Technical Review Committee.

3.4.4   Steering Committee Voting Decision Method
In the absence of consensus, the Steering Committee with a quorum will vote on a motion. For administrative decisions (defined below), the motion will pass if 50% or greater of the Representatives in attendance vote for it. For Substantive Decisions (defined below), the motion will pass if 67% or greater of the Representatives in attendance vote for it.

- Administrative Decisions. Administrative decisions are about the day-to-day activities (including but not limited to logistics, meeting dates and times, agenda revisions, schedules, etc.).
- Substantive Decisions. Substantive decisions concern financial and programmatic issues (including but not limited to budgets, contracts, policies, changes to the Charter, removal of Representatives, etc.)

In the absence of consensus, all other committees, workgroups and teams will simply document majority and minority viewpoints, verbally at the meeting and in the subsequent meeting summary, rather than voting in order to make a recommendation.

3.4.5 Decision-Making in Between Meetings

Decisions or recommendations in between meetings for any committee, workgroup, or team will be made either by email or, if warranted, by conference call.

For decisions or recommendations by email, the RMP Manager will present the Representatives with a motion and use a poll to determine if there is consensus. If one half of the Representatives reply, there will be a quorum for the decision or recommendation. If needed, the voting decision method from Section 3.4.4 will be used for the Steering Committee to take a formal vote on the motion. The number of Representatives that reply will be considered the number of attendees for calculating percentages of the vote.

Any Representative or the RMP Manager may request a conference call to make a decision or recommendation between meetings. Decisions or recommendations made by conference call would follow the same procedures as an in-person meeting. Criteria by which to forgo an email decision or recommendation in favor of a conference call may include the following:

- Inability to make a decision or recommendation via email;
- Complexity of topic or length of email; and
- Conference call request by a Representative or SFEI staff.

Decisions or recommendations made in between meetings will be reported by the RMP Manager and discussed by the committee at the following meeting. This practice allows for reconsideration of the decision if warranted and feasible. The decision or recommendation will be documented in the summary of that meeting.

3.4.6 Decision-Making and Public Engagement

For major decisions or recommendations by any RMP committee, workgroup, or team, public input is desirable and beneficial. The Institute will maintain a calendar of RMP events and a broad-based list of Interested Parties to support communication with Participant Groups and the wider public. If there is significant public input at a meeting, the Chair, Vice Chair, or temporary Chair will use the following basic approach to ensure effective discussion by the RMP group and appropriate feedback from the public.

- The meeting agenda with substantive decisions or recommendations will be distributed to Interested Parties no less than one week in advance so that the RMP committee, workgroup, or team and public know such a decision or recommendation is pending.
- The Chair, Vice Chair or temporary Chair will move the committee, workgroup, or team into discussion about the decision or recommendation topic and will begin with discussion by the Representatives only.

- When the committee, workgroup, or team Representatives have completed all the discussion they wish to have, the Chair, Vice Chair or temporary Chair will open the floor for public comment. Public comment will then ensue.
- When all Representatives of the public that wish to speak have spoken, the facilitator will check with the committee, team, or workgroup Representatives to see if they have any questions of the public. If so, Representatives will engage with the appropriate members of the public to discuss an item related to the pending decision or recommendation.
- When this/these discussions are complete, the Chair, Vice Chair or temporary Chair will bring the attention of the committee, workgroup, or team back to their decision or recommendation task. The Chair, Vice Chair or temporary Chair will clearly read the motion to ensure the committee, workgroup, or team knows what they are considering. The committee, workgroup, or team will then conduct decision-making and recommendation-making using the method described above.

3.5   Record Keeping

SFEI staff prepares summaries for all Steering Committee, Technical Review Committee, Workgroup, and Strategy Team meetings. As noted above, decisions, recommendations, and majority/minority viewpoints on substantive issues at any RMP meeting will be noted verbally at the meeting and subsequently memorialized in the appropriate summary. Any RMP Representatives holding a minority viewpoint will have the opportunity to coordinate with SFEI staff to ensure accurate representation of said viewpoint. In general, summaries will include the following:

- Attendees;
- Decisions or recommendations made;
- Action items;
- Pros, cons, and rationale behind proposals and decisions; and
- Documentation of majority/minority viewpoints on decisions or recommendations.

It is expected that Technical Review Committee meeting summaries will have the most level of detail, including attribution of Representative viewpoints on proposed recommendations. Steering Committee meeting summaries may follow the same general approach but have significantly less detail than Technical Review Committee meeting summaries. Workgroup meeting summaries will be similar to those for the Technical Review Committee except that comments during the anonymous review session will not be attributed to individuals.

3.6   RMP Implementing Entity

SFEI is the Implementing Entity for the RMP. In this capacity SFEI largely plays a facilitative and operational role for a stakeholder-driven process that prioritizes key questions and associated scientific investigations. Operating in this context SFEI helps identify stakeholder information needs, develops scientific workplans that address these needs, and then implements these plans. SFEI is also the fiduciary agent for RMP stakeholder funds. The SFEI Board does not provide direct oversight of the RMP but does approve the yearly RMP Workplan.

3.6.1 SFEI Roles and Responsibilities

Specific SFEI staff roles and responsibilities include, but are not limited to, the following:

- Provide fiscal, contractual, and programmatic administration;
- Conduct or cause to be conducted long-term monitoring of the Bay and implement special studies based on Technical Review Committee recommendations and subsequent Steering Committee approval;
- Organize and staff meetings of the Steering and Technical Review Committees, Workgroups, and Strategy Teams;
    - Prepare and disseminate information packages, meeting agendas, and announcements to all committees, workgroups, teams, and Interested Parties no less than one week before meetings, and post materials on relevant Program web pages;
    - Coordinate between-meeting decision-making (via email or teleconference) with all committees, workgroups, and teams on an as needed basis;
    - Prepare and disseminate all committee, workgroup, and team meeting summaries and post on the RMP webpage and other venues as appropriate.
- Coordinate with other agencies or organizations which monitor the water quality of the San Francisco Bay;
- Report on progress in executing annual workplan on a quarterly basis;
- Produce an annual report which provides analysis and interpretation of the results of the Program;
- Make all data available for public review;
- Ensure that thorough technical review of reports are conducted, and that reports are made available to the public; and
- Organize an annual meeting of the Program Participants for the purpose of review of the Program results.

3.7   Program Review

Periodically, with no fixed schedule, a Program Review of the RMP should be conducted. The Program Reviews are performed by experts in estuarine monitoring and management who are not associated with the RMP. The Steering Committee convenes these experts and provides them with a set of charge questions regarding how well the Program is achieving its mission. The specific charge questions for any given Program Review will depend on the priorities of the Steering Committee at the time. The reviewers report back to the Steering Committee with their findings.

Program Reviews for the RMP were performed in 1997 and 2003.

4.0 Charter Revisions

The Steering Committee, as the primary decision-making body of the RMP, may amend this Charter by following the consensus decision method described in section 3.4 above. Charter amendments may be proposed by Steering Committee or Technical Review Committee Representatives, or SFEI staff, either during or between meetings. Any proposed amendments will be placed on the Steering Committee meeting agenda for discussion and possible action, or decided through email or conference call communication if feasible and appropriate.

Figure 1. Governance Structure of the Regional Monitoring Program

Governance Structure for the
Regional Monitoring Program for Water Quality in San Francisco Bay
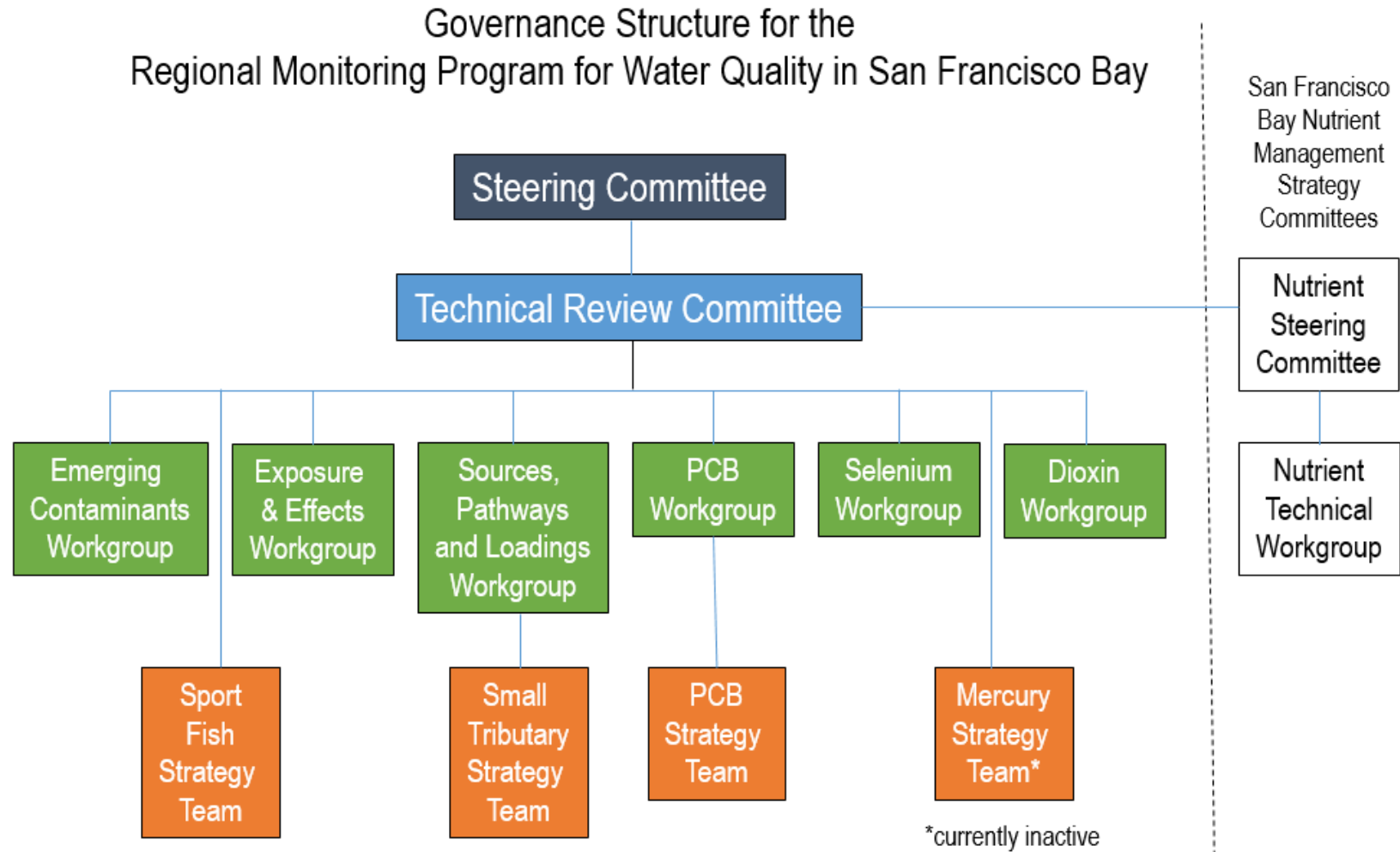
Appendix A
RMP Participants

POTW Dischargers
Central Contra Costa Sanitary District*
Central Marin Sanitation Agency
City of Benicia
City of Burlingame
City of Calistoga
City of Millbrae
City of Palo Alto
City of Petaluma
City of Pinole/Hercules
City of St. Helena
City and County of San Francisco, PUC*
City of San Jose*
City of San Mateo
City of South San Francisco/San Bruno
City of Sunnyvale
Delta Diablo Sanitation District
East Bay Dischargers Authority*
East Bay Municipal Utility District*
Fairfield-Suisun Sewer District
Las Gallinas Valley Sanitation District
Marin County Sanitary District #5, Tiburon
Mountain View Sanitary District
Napa Sanitation District
Novato Sanitation District
Rodeo Sanitary District
San Francisco International Airport
Sausalito/Marin City Sanitation District
Sewerage Agency of Southern Marin
Silicon Valley Clean Water
Sonoma County Water Agency
Town of Yountville
Union Sanitary District
U.S. Navy, Treasure Island
Vallejo Sanitation & Flood Control District
West County Wastewater Dist., Richmond

*Asterisk indicates BACWA Principals

Stormwater
Alameda Clean Water Program
Caltrans
City and County of San Francisco
Contra Costa Clean Water Program
Fairfield-Suisun Urban Runoff Management Program
Marin County Stormwater Pollution Prevention Prog.
Santa Clara Valley Urban Runoff Poll. Prevention Prog.
San Mateo Countywide Water Poll. Prevention Program
Vallejo Sanitation & Flood Control District

Dredgers*
Port of San Francisco
Port of Oakland
Chevron Richmond Long Wharf Terminal
Valero Refinery Terminal
Phillips 66 Rodeo Terminal
U.S. Army Corps of Engineers
*The dredgers listed pay an annual fee to the RMP.
There are also smaller dredgers who pay a fee to
the RMP intermittently for specific dredging projects.

Industrial Dischargers
Chevron Products Company
Phillips 66
Shell Martinez Refining Company
Tesoro Golden Eagle Refinery
Valero Refining Company
C&H Sugar Company
Crockett Cogeneration
Eco Services
USS - POSCO Industries

Cooling Water Dischargers
Pittsburg Power Plant

Regulatory Agencies
SF Bay Regional Water Quality Control Board
U.S. Environmental Protection Agency, Region IX

Appendix B
Allocation of Costs for the Regional Monitoring Program

Since at least 1996, the total cost of the Program has been set by the Steering Committee and divided up between the Participant Groups using the following percentages:

Participant Group	Percent of Total Program Cost
Publicly Owned Treatment Works	44%
Stormwater Agencies	23.5%
Dredgers	17.5%
Refineries and Industrial Dischargers	11%
Cooling Water Dischargers	4%

Each Participant Group uses a formula of its own choosing to divide up its cost allocation between the Participants in the Group.

The formula used by a Group must be flexible enough to account for Participants joining and leaving the Program. The formula for a Group may be changed by the Group at any time so long as the Group as a whole contributes the full cost allocation to the Program.

If all the Participants in a Participant group leave the Program, the Steering Committee will discuss and use its decision-making procedures to determine how best to allocate fees among the remaining Participants.

This cost allocation schedule is current as of 2015.

APPENDIX C
RMP Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

between the

SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

and the

SAN FRANCISCO ESTUARY INSTITUTE

concerning the implementation of the

REGIONAL MONITORING PROGRAM FOR TRACE SUBSTANCES

This Memorandum of Understanding is made and entered into by the San Francisco Bay Regional Water Quality Control Board (the Board) and the San Francisco Estuary Institute (the Institute). The purpose of this Memorandum is to document the relationship between the Board and the Institute as it pertains to the implementation of the Regional Monitoring Program for Trace Substances (the Program) adopted by the Board on April 18, 1992. It outlines the responsibilities of both parties, and establishes a process for oversight and management of the Program.

I. BACKGROUND

Beginning in 1989, the Board has been conducting pilot studies to develop a long-term multimedia monitoring program for the San Francisco Estuary. The Board has been conducting the pilot studies using funds from the Bay Protection and Toxic Cleanup Program, Basin Planning Program, and grants from the U.S. Environmental Protection Agency. During State Fiscal Year (FY) 1991-1992 the Board conducted a pilot regional monitoring program that included the monitoring of chemical concentrations in water, sediment, and tissues and the measurement of toxicity in water and sediments throughout the San Francisco Estuary. The Board continued its monitoring and research efforts in FY 1992-1993.

On April 15, 1992, the Board adopted Resolution 92-043 endorsing in concept the Regional Monitoring Program and instructing the Board's Executive Officer to begin implementation. The Board's Executive Officer requested the participation of 48 permit holders to implement the baseline portions of the Program. The 48 permit holders began collectively implementing the Program through the Institute in 1992, and funded the first year of monitoring (1993). In 1993, 15 additional permit holders were added to the program, and paid for the RMP in 1994 and subsequent monitoring years.

The San Francisco Estuary Project (SFEP), a State/Federal cooperative endeavor, conducted a Regional Monitoring Workshop in 1991 to begin identifying long-term program elements of the strategy including institutional arrangements and research needs. Subsequently, SFEP has developed a Regional Monitoring Strategy in which the SFEI was named as one of the organizations responsible for coordinating and overseeing the implementation of the Strategy.

II.   DEFINITIONS

In this document the following terms shall have the following meanings:

(a)   <u>Board</u> shall mean the California Regional Water Quality Control Board, San Francisco Bay Region.

(b)   <u>Institute</u> shall mean the San Francisco Estuary Institute or its successor.

(c)   <u>Program</u> shall mean the Regional Monitoring Program for Toxic Pollutants as adopted by the Board, currently referred to as the Regional Monitoring Program for Trace Substances.

(d)   <u>Implementation Plan</u> shall mean the detailed plan for implementing the baseline portion of the Program by the Institute.

(e)   <u>Program Participants</u> shall mean those entities that the Board has required to participate in the Program, and that have agreed to satisfy this requirement through participating in a joint effort through the Institute.

(f)   <u>Cost Allocation Schedule</u> shall mean the document, developed by the program participants, that documents the amount that each category of participants will contribute to the execution of the Implementation Plan.

(g)   <u>Program Plan</u> means the plan by which the Program is carried out, and which includes the Implementation Plan, the Cost Allocation Schedule, this MOU, and other relevant documents.

III.   EFFECTIVE DATE OF AGREEMENT

The effective date of this MOU is January 1, 1996.

IV.   STATEMENT OF WORK

The work carried out under this MOU involves a baseline program for the monitoring of trace substances in the San Francisco Estuary. It includes chemical analysis of ambient water, sediment and tissue, and toxicity tests of ambient waters and sediment at 16 fixed stations, or subsets of those stations, throughout the Estuary. In addition, a variety of pilot studies to test new program elements and special studies to improve program design or the interpretability of results, are conducted.

V.   PROGRAM MANAGEMENT

The Board will hold the Institute responsible for ensuring that the Implementation Plan is executed in a technically sound manner, and for cost-effective expenditure of funds provided by program participants. The Board is committed to working with the Institute to ensure that the Implementation Plan is technically sound and is executed in a cost-effective manner.

The Institute shall not be responsible for financial participation by individual participants. Designating program participants, working with participants to establish equitable allocation of costs, and ensuring their participation, will remain solely the responsibility of the Board.

VI. ALLOCATION OF COSTS AND FULFILLMENT OF PERMITTEE OBLIGATIONS

The cost of this Program shall be set annually by the Executive Officer of the Board after consultation with the program participants. Each program participant shall pay a portion of those costs, according to discharger category. The Board shall assign each participant to a discharger category and shall determine the amount to be paid by each participant. The final cost allocation formula shall be provided in the Implementation Plan. The Board shall consider each program participant that provides funding in the required amount to the Institute to have fulfilled its obligation under section 13267 of the California Water Code. The Institute will inform the Board on a quarterly basis of which program participants are contributing financially in the Program.

In the event that there are excess funds at the conclusion of the year of execution of the Implementation Plan, they shall be applied to subsequent years of implementation. In the event that funds are insufficient to carry out the full Implementation Plan, including the reasonable management costs of the Institute, the Institute shall propose amendments to the Implementation Plan such that it can be implemented within the budget, or propose to use other sources of funds, such as interest or matching funds, to complete the program.

VII. COMMITTEES

The Board and the Institute will form a Steering Committee to work on such issues as allocation of future program costs, selection criteria for contractors, participation in proposal review and selection, review of progress, and evaluation of the effectiveness of the program on a periodic basis. Program participants will be represented on the Steering Committee by at least one per discharger category.

The Board and the Institute will form a Program Technical Review Committee to periodically review program design and program results.

VIII. RESPONSIBILITIES OF SIGNATORIES

It shall be the responsibility of the Board to:

1. Approve the Implementation Plan and any subsequent amendments. The Board will notify the Institute in writing regarding approval of the Implementation Plan including any amendments made by the Board.

2. Select the dischargers that must participate in the Program, and notify them of their responsibilities.

3. Document any concerns it may have regarding the progress of work to the Institute and other members of the Steering Committee throughout the year.

4. Share results of related monitoring and research carried out by the Board in a timely fashion, and provide access to all available data collected in such efforts.

5. Review and comment on the draft annual report and approve a final report in a timely manner.

6. Make any additional requirements for future efforts known to the participants at least three months prior to the time at which they must be implemented.

7. Take the results and experience of the effort of the first and subsequent years of work into account prior to imposing new requirements.

8. Identify and notify additional permitted dischargers of their responsibility to participate in the program, and inform the Institute and current participants of additional dischargers to be included.

It shall be the responsibility of the Institute to:

1. Enter into agreements with participants such that they can be invoiced for their share of program costs.

2. Set up a separate account for such funds, and use it to pay for program costs.

3. Contract for services required by the Implementation Plan.

4. Manage contracts entered into to fulfill the Implementation Plan.

5. Organize and staff meetings of the Steering and Program Technical Review Committees as needed.

6. Coordinate with all other agencies or organizations which monitor the water quality of the Estuary.

7. Report to the Board on the progress in executing the Implementation Plan on a quarterly basis.

8. Produce an annual report which provides analysis and interpretation of the results of the Program. Data upon which the report is based will be made available for public review.

9. Ensure that thorough technical review of the report is conducted, and that the report is made available to the public.

10. Organize an annual meeting of the program participants for the purpose of review of the Program results.

IX. DURATION OF AGREEMENT

It is anticipated by the signatories that the Program will be of long-term duration, and that this agreement or a similar agreement will be in effect for many years. This agreement was originally entered into by the Board and the Institute on July 1, 1992 with an expiration date of December 31, 1993. On December 23, 1993, through written notification by the Board, the expiration date was extended to December 31, 1995. This agreement will now expire, unless reenacted, on December 31, 1997 . This agreement may be reenacted for periods of one to three years at any time after December 31, 1996.

X. AMENDMENTS TO THE AGREEMENT

This agreement may be modified only by written amendment to this agreement and signed by both parties. Whenever this agreement is modified, the Institute shall inform all program participants in a timely fashion.

XI. FINANCIAL RECORDS AND ACCOUNTING

The Institute shall set up an account for funds received for the purpose of execution of the Implementation Plan. The Institute shall keep adequate financial records of all transactions relating to the execution of the Implementation Plan. The Institute will report quarterly to the Board on the financial status of the RMP account. The report will include the status of payments from each participant, payments made to subcontractors, and amounts used to reimburse the Institute for time and materials expended according to the Implementation Plan. All participants in the Program shall have access to financial records regarding this account. Financial records shall be audited on an annual basis. Receipts and expenditures shall be detailed in an annual report on the Program which shall be provided to each participant.

FOR THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION:

Loretta Barsamian, Executive Officer

DATE: _April 17, 1996_

FOR THE SAN FRANCISCO ESTUARY INSTITUTE:

Margaret Johnston, Executive Director

DATE: _March 19, 1996_