



**SAN FRANCISCO ESTUARY INSTITUTE**

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**RMP Multi-Year Planning Workshop**

November 13, 2014

San Francisco Estuary Institute

**Meeting Summary**

Priority discussions for review are highlighted in yellow.

**Attendees**

| SC Member      | Affiliation                                   | Representing  | Present        |
|----------------|---|---------------|----------------|
| Jim Ervin      | City of San Jose                              | POTW-Large    | Yes            |
| Dan Tafolla    | Vallejo Sanitation and Flood Control District | POTW-Small    | Yes            |
| Karin North**  | City of Palo Alto                             | POTW-Medium   | Yes            |
| Adam Olivieri  | BASMAA / EOA, Inc.                            | Stormwater    | Yes            |
| Peter Carroll  | Tesoro Golden Eagle Refinery                  | Refineries    | Yes            |
| John Coleman   | Bay Planning Coalition                        | Dredgers      | Yes            |
| Rob Lawrence   | US Army Corps of Engineers                    | USACE         | Yes (by phone) |
| VACANT         |   | Industry      | NA             |
| David Frandsen | NRG Energy                                    | Cooling Water | Yes            |
| Tom Mumley*    | SFB Regional Water Quality Control Board      | Water Board   | Yes            |

\* Chair, \*\* Vice Chair

**Guests and Staff**

- Rod Miller (SFPUC)
- Luisa Valiela (EPA)
- Chris Sommers (EOA, Inc.)
- Karen Taberski (Water Board)
- Austin Perez (BPC)
- Jay Davis (SFEI)
- Phil Trowbridge (SFEI)
- Adam Wong (SFEI)
- Warner Chabot (SFEI)
- Lawrence Leung (SFEI)
- Dave Senn (SFEI)
- Lester McKee (SFEI)

## **I. Goals and Ground Rules [Tom Mumley]**

Tom Mumley began the meeting by stating the goals of reviewing the multi-year plan and setting short and long term priorities. He explained that typically this will relate to determining potential funding levels for pilot and small studies, specifically the 2016 pilot and special studies.

## **II. Action: Anticipated management decisions and policies, and related information needs [Tom Mumley]**

Discussion began by focusing on the Current and Anticipated Management Decisions, Policies and Actions by the Regulatory Agencies that Manage Bay Water Quality table found on page 6 of the draft Multi-Year Plan (MYP).

### **Biennial 303(d) List and 305(b) Report**

Tom Mumley explained that the schedule for updating the 303(d) list and 305(b) report will not be biennial for every region. The state will be split into three groups of regions, with each group only having to deliver an update every six years. Region 2 is part of the group that will update the 303(d) list in 2016 and 2022.

### **Legacy Pesticides (DDT, Dieldrin, Chlordane)**

Tom Mumley explained that the item within the table relates to reviewing a possible delisting of the legacy pesticides. Legacy pesticides were considered for delisting due to an updated OEHHA analysis, which indicated that they were no longer a significant risk. However, enough measured values are still above California Toxics Rule (CTR) thresholds that it appears that these pollutants cannot be delisted. Tom acknowledged that there are not any dials to turn to lower legacy pesticide loads and immediately improve conditions.

### **Sediment Quality Objectives and Hot Spots**

Sediment Quality Objectives and Sediment Contamination Hot Spots were listed on two different rows of this table in the past, but Tom Mumley explained that it was decided that they were too closely related and so they were merged. There are still hotspots that are listed and need attention. The Water Board had proposed that special studies monies be used to reassess Pacific Drydock in the Oakland Inner Harbor. It was considered a low priority by the TRC, and therefore was not funded by the RMP for 2015. The Water Board is directing SWAMP resources for the reanalysis of that site and others.

### **Mercury and PCBs**

Luisa Valiela wanted to clarify that there was work to be done before the listed dates for TMDL re-evaluation of 2018 (Mercury) and 2020 (PCBs). She was under the impression that the TMDL revisions were due earlier than those dates. Tom Mumley explained that originally the concept was for a 10 year review, which would have meant 2014/2016, but the decision was made to push that off until 2018/2020. He said that some of the dates within the table were facts, like the triennial review for copper and cyanide or the 303(d) list update. Other dates have fluidity and he was looking for stakeholder feedback. Adam Olivieri expressed a desire for a clearer idea of how the synthesis documents, integrated monitoring reports, and Clean Water for Clean Bay data were brought together to inform the date change decisions. Tom accepted the challenge on behalf of Water Board staff to produce a frame of reference document to

show where we are and where we are going for both PCBs and Mercury. Generally he thought that the date change was a result of workload issues, but agreed that there were other factors in play. He wanted to ensure that they were clear on what information would be used to do a robust review. He added that next year, there would be a better vetted PCB plan.

### **Selenium**

Peter Carroll asked if the pending EPA Region 9 selenium water quality criteria belonged on the chart. Tom agreed that for completeness sake, it should be added. He thought that it might not be an issue because of the North Bay Selenium TMDL will likely be completed soon.

### **Dioxins**

Peter Carroll began the discussion by asking why the subtitle for this box was vague, and that it implied that there might be no delisting or no TMDL. Tom explained that the fact that the Bay can assimilate dioxin loads in the short term has made it reasonable for recent permits to not have numeric discharge limits for dioxin. He noted that a Dioxin TMDL, similar to the selenium work, could add flexibility by establishing wasteload allocations to dischargers, instead of relying on default calculations from the State implementation policy. There was further discussion that currently there is no push from EPA to act on dioxins, and if there was, the Water Board would be looking first for EPA to develop a national strategy. Peter clarified that all refineries do have numerical limits on their discharges, but it is based on TEQs and, at least at Tesoro, the TEQ values are 0.0 currently.

### **Pathogens**

Adam Olivieri asked to clarify the pathogens section, as he was under the impression the TMDL was just for indicators at Bay beaches. Tom said he would get additional information, but yes it was for Bay beach listings at Candlestick Point, Aquatic Park in San Mateo, China Camp in Marin, and a few others. The listings were an outgrowth of beach monitoring and each was unique, developed with local players.

### **Mercury and PCB (2)**

There was a quick point made by Luisa Valiela that a link should be shown between the 2018 and 2020 Mercury and PCB TMDL revisions and the 2015/2020 reissuances of the Municipal Regional Stormwater Permit. Tom agreed, and said that by the 2020 reissuance, hopefully the PCB and Mercury reviews are done, as the Mercury TMDL calls for municipalities to reduce loads by 50%, and that number needs a reality check. Adam Olivieri added there could also be a link shown to the POTW permit.

### **Action Items**

1. Phil
  - a. Update the Current and Anticipated Management Decisions, Policies and Actions table on page 6 of the draft MYP to reflect the feedback from the meeting.
2. Tom
  - a. The Water Board will produce a “frame of reference” document on where we are and where we are going with mercury and PCBs in the basin. The document will contain information on all that has been done (e.g., PCB Synthesis) and is planned to provide the information needed to revise the TMDLs for mercury and PCBs.

### **III. Information: Overview of existing plans and budgets, possible future direction, updated Multi-Year Plan [Phil Trowbridge]**

Phil began by providing an overview of spending within the RMP. He outlined that the two biggest items are Status and Trends monitoring and Special Studies. The S&T monitoring effort costs have seen reductions due to savings recently, allowing those monies to be spent elsewhere. There are plans for the most recent \$120k reduction to be used to fund margins work. Overall the S&T budget has stayed the same but the base work is now cheaper, in total it is around \$900k per year on average. Special Studies has been \$1.15 million on average per year, and that is the number used for future planning. Phil explained that the proposals for special studies funding in the MYP are greater than the \$1.15 million funding level, because demands are simply higher than available funding.

#### **Undesignated Funds**

Phil presented a graph of the RMP Undesignated Funds Balance from 2003 to 2015, explaining that in previous years these fund had been referred to as unencumbered funds. That term had been causing some confusion with the auditors, so the language was changed. Chris Sommers asked what happened in 2009, when the balance dropped by ~\$200k. Phil and Lawrence Leung explained that a monitoring shortfall from 2008 had to be replenished, and additionally there were monies used to fund the Dioxin Strategy. Tom said he appreciated the data in graphical form and hoped it allowed the Steering Committee (SC) to be better informed when there were future requests to use those funds.

#### **Special Studies Multi-Year Plan**

Jay Davis presented a draft of the MYP, with the intention of incorporating comments into a final draft for approval at the next SC meeting. Adam Olivieri relayed that his project managers liked being able to see the document, and wished it was more easily accessible from the website. Jay explained that the plan was deliberately difficult to find on the website, in that the document was not intended for a broad audience, but that SFEI would explore ways of making it more readily available to stakeholders. The group agreed to have comments back to Jay by December 15, 2014, and that the final version would be ready for the meeting in January. Before moving on, Chris wanted to make sure people knew that the projected numbers were soft numbers representing needs, but with large error bars. Karin suggested that there be a stronger visual cue (e.g., italics) for forecasted numbers (2016 and on). Chris pointed out that special studies originally only comprised around 17% of the overall budget, and that number was now up to 32%. This indicated a growing need while the whole pot of money had not grown very much.

#### **Action Items**

1. SFEI Staff
  - a. Make the MYP available on the website more easily. Make sure stakeholders have the actual URL of the document and direct links to important documents.
2. SC Members
  - a. Have review comments in by December 15th - this is to be based on the current document, with the knowledge that there is cleanup that is in progress already
3. Jay
  - a. Have new version of the MYP ready for the January SC meeting (by Jan 1).
4. Phil
  - a. Update the RMP Special Studies 2013-2018 table on Page 13 to make it clearer that 2016-2018 numbers are estimates.

## **IV. Specific program priorities for 2016 and general priorities for 2017-2020 [Tom Mumley]**

### **Nutrients**

David Senn introduced the subject of RMP funding of Nutrients work by explaining that there is now a Nutrients Steering Committee that is guiding Bay wide work. Additionally, expenditures in this arena are not just from the RMP, but also from the Watershed Nutrients Permit. He said that needs for funding were growing, but that did not presume that those needs would all be met by the RMP. Currently, \$880k comes from the Watershed Nutrient Permit, and \$500k comes from RMP funding, and additional sources of revenue are being pursued. Tom added that the Nutrients program is in a transition phase. With the formation of the Nutrient Steering Committee, things will be much clearer next year. The Science Plan that David Senn is working on will give the details of proposed studies along with cost estimates. The proposals contained in the Science Plan were not constrained by funding possibilities, though the actual implementation of those proposals obviously will be.

Adam Olivieri made a point about the timelines for data needs. The dates of regulatory drivers that were covered earlier in the meeting would serve as deadlines for which special studies work needed to be done, and when. If the dates from Management Decisions, Policies, and Actions table were flexible, then the deliverables would become more doable. Local agencies are constrained and are not able to easily increase funding for these projects. Tom Mumley explained that the goal is to have nutrients standards established in 10 years, though depending on when you set the start date, and what you see as the end product, there is some flexibility in the actual end date. A Basin Plan amendment is one possible option, but a standards action could possibly be delayed if there is close coordination on the reissuance of the Watershed Nutrients Permit. The variables of time and effort allow for some flexibility, but the Water Board wants to be able to make a very informed decision in 10 years.

David Senn added that the numbers represented nonspecific needs for funding for nutrients work. Tom clarified that these numbers are not meant as locked earmarks, and Jay Davis said that these numbers were meant to represent funding levels up to which the RMP would consider funding special studies.

### **Small Tributary Loading Studies**

Jay Davis and Lester McKee began by explaining that the wet weather studies are moving in a new direction. This year there will be a reconnaissance study with an emphasis on contaminant concentrations on suspended particles. Additionally there will be some work on the spreadsheet model and a trends strategy. Lester explained that the wet weather studies funded by the RMP had been focusing on Questions 1 through 3 from the Municipal Regional Permit (MRP) up until this point. SFEI has been doing work on Question 4, but with outside grant funding (EPA for instance). With a static level of funding from the RMP, the implication would be a decreased level of work on Questions 1 through 3 moving forward in order to do some of the Question 4 work, or a necessity of increased funding. The numbers out in 2018 and 2019 are even less certain due to the renewal of the MRP, and the changes in funding distribution or level that would come with it.

### **Discussion of Nutrients and STLS funding**

Karin raised the issue that the MYP shows an increasing funding need for nutrients but a flat budget for stormwater (STLS). This could give the wrong impression to dischargers about the programs priorities.

Tom agreed that it was unwise to show an increase in the proposed nutrients budget; it sent the incorrect message that there was a prioritization of nutrients over STLS. The group agreed to set the funding level at \$500k for both nutrient and STLS, with the agreement that that number would not represent a hard cap on the total level of funding for proposals that the SC would hear for either program. SFEI will send out a revised MYP to be reviewed for the January meeting.

### **Mercury**

Tom Mumley explained that the \$0 funding level shown in the MYP for all years was a reflection of no additional studies being projected. The RMP did sponsor a workshop on mercury in wetlands. There are still questions to ask and ongoing monitoring needs, but they are beyond the RMP for now. Chris Sommers pointed out that because mercury is a driver for small tributaries, there is still work being done there. It is also part of RMP S&T monitoring.

### **PCBs**

Jay Davis introduced the new path that the PCB Strategy is moving down, in conjunction with STLS, looking to identify high leverage watersheds with monitoring in the Bay margins areas where these watersheds discharge. Five top target watersheds will be selected, with the first having conceptual model and mass balance work done in 2015. Monitoring efforts will be designed to be inexpensive, starting at one site in 2016. That effort would ramp up to all five in 2018/2019, and would represent an ongoing expense.

There was then a discussion about the balance between the targeted PCB sampling in the margins and the randomized margins work funded through S&T. Chris Sommers asked whether the targeted approach might inform stakeholders more quickly. Tom Mumley added that the two efforts were not exclusive of each other, and that he also shared concerns that the randomized sampling did not account for our existing knowledge. Phil Trowbridge asked where the discussions about the targeted and randomized sampling could be unified. The group agreed that it would be on the agenda for the next TRC meeting, though it might be brought to an ad hoc workgroup after that. The group had no issues with the proposed funding level for PCBs at this time.

### **Dioxins**

The only remaining item is the Dioxins Synthesis, which has been pushed back to 2016.

### **Emerging Contaminants**

Contaminants of Emerging Concern (CECs) have been nominally funded at \$100k each year. In 2014 that number was bumped up using undesignated funds. There were no firm plans presented for the next few years, but the funding level was kept the same. Tom Mumley shared that Becky Sutton at SFEI is working crafting a new long-term plan for CECs, and that the needs will be much larger than the numbers presented. When her work is done, it will be possible to be much more specific about needs for prioritized work.

### **Exposures and Effects**

Jay Davis explained that sediment benthos and toxicity work was postponed for now. The \$45k funding proposed for exposures and effects work would be used to study hotspots of sediment contamination.

## **Selenium**

Jay Davis explained that a simplified Selenium Strategy is being implemented. Tissue plug sampling of sturgeon was piloted this year, and will become an ongoing monitoring effort with low sampling costs because it is piggybacked on specimen tagging efforts by CDFW. Other sampling avenues are being explored, including egg collection from the water column and fin ray analysis that could potentially provide multi-decadal data. Both are in early stages. Tom Mumley talked about the TMDL being a mechanism to provide regulatory certainty for the dischargers while also providing protection for the Bay. The long term and ongoing RMP data would serve as a backstop to identify any trends.

## **Ocean Acidification**

Phil Trowbridge explained that the initial approach for the Bay would be a synthesis to determine what we have in the current databases. Simple pH data is too noisy. The goal will be to look at ratios of other acidification parameters such as hardness, alkalinity, pCO<sub>2</sub> to calculate aragonite saturation states. Jim Ervin shared that, even accounting for large error bars, over many decades their (City of San Jose) data showed pH moving up. Nothing has been proposed yet, but Phil is working on a proposal for the TRC. Tom Mumley expressed the need to present more than an exploration of whether acidification could happen, to include the potential impacts as well.

## **Action Items**

1. SFEI Staff (Dave/Jay/Phil)
  - a. Amend tables on pages 13, 18 and 19 to reflect MYP discussion.
  - b. Add an item to TRC agenda to discuss a how to synthesize the following related projects: PCB Strategy, PCB Conceptual Model, Bay Margins Sediment Monitoring, PCB Priority Margin Unit Conceptual Model (and monitoring eventually), and regulatory drivers (MRP). The TRC can create an ad hoc subcommittee to work on this issue if needed.
  - c. Research the potential impacts of ocean acidification on the Bay and prepare a special study proposal for the TRC to consider.
  - d. Track the adoption of CEC guidance by the State Water Board and determine if there will be any funding allocated to implementation.

## **V. Summary, Action Items, Adjourn Planning Session**

Phil Trowbridge asked if there was any opposition to a summary of the meeting being posted online. It was agreed to make that decision part of SC business for January.

## **Action Items**

1. Phil
  - a. Distribute the MYP Workshop meeting summary to the SC in January and ask for approval. Even though the SC does not include everyone who was present at the MYP workshop, the SC is the appropriate body to approve the summary.
  - b. Past meeting summaries are valuable and should be posted on the RMP website.