

## Delta RMP Steering Committee Meeting

October 12, 2012

North Natomas Library

### Draft Meeting Summary

**Attendees:**

*Steering Committee members present<sup>1</sup>:*

Anke Mueller-Solger, Interagency Ecological Program (IEP/DSC)

Brandon Nakagawa, Stormwater, Phase II Communities (County of San Joaquin)

Casey Wichert, POTWs (City of Brentwood)

Debbie Webster, POTWs (CVCWA)

Delia McGrath, Stormwater, Phase I Communities (City of Sacramento)

Erich Delmas, POTWs (City of Tracy)

Karen Schwinn, U.S. EPA (U.S. EPA Region 9)

Kenneth Landau, Central Valley Regional Water Board

Linda Dorn, POTWs (SRCSD)

Mike Wackman, Agriculture (Delta & San Joaquin County Water Quality Coalition)

Val Connor, State and Federal Water Contractors (SFWCA)

*Others present:*

Afiqur Khan, WPHA

Brian Laurenson, LWA

Brock Bernstein, Facilitator

Bruce Houdesheldt, SVWQC

Dee Dee Antipas, City of Stockton

Erin Foresman, U.S EPA

Jason Lofton, SRCSD

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<sup>1</sup> Name, Representation (Affiliation)

Karen Ashby, LWA

Meghan Sullivan, Central Valley Regional Water Board

Mike Mosley, USBR

Rainer Hoenicke, ASC

Stephanie Fong, Central Valley Regional Water Board

Stephen Clark, Pacific EcoRisk

Steve Blecker, DSP

Thomas Jabusch, ASC

Valentina Cabrera, U.S. EPA

Vyomini Pandya, SRCSD

## **1. Agenda Review and Meeting Format**

Based on the outcomes of previous discussions of the meeting materials by POTW stakeholders, Linda Dorn proposed changes to the agenda. For example, POTW members recommended that a chair and vice chair should not be selected until the SC knows what its decision-making processes should be, who can and should be a member, whether the committee should be permanent or not, what its general responsibilities and specific charter might be, etc. There was general agreement that the meeting should be used to agree on a decision-making process and clarifying the SC membership and criteria for adding and removing members. Accordingly, the remainder of the meeting was used to discuss and decide on foundation issues, the decision-making process, procedures for adding and removing Steering Committee seats and replacing members, terms, and the meeting schedule.

## **2. Key Decisions**

Notes

The group reviewed a draft document prepared by Delta RMP staff laying out options for key decisions the SC would need to consider. Several meeting participants raised questions about the purpose and format of the meeting and SC membership, resulting in a review and discussion of the outcomes of the August 15 stakeholder meeting and those of prior meetings. In response to specific questions, Brock Bernstein and Ken Landau reviewed agreements reached at prior stakeholder meetings (see Appendix A for detail). Ken also noted that nothing had been decided other than that the Regional Water Quality Control Board wants to see an RMP. One of the main reasons for requesting an RMP is that the Regional Water Board came to the conclusion that some questions are more effectively addressed by more coordinated monitoring (vs. going to individual dischargers and requesting special studies). However, there are studies that would need to be done to tackle some of the bigger issues that will need more funding than available. The question is going to be how to fund them. Mike Wackman suggested that the group should initially be looking at identifying efficiencies of scale. Anke Mueller-Solger suggested that the future Delta Science Plan might provide a framework for integrating the RMP with other efforts. Brandon Nakagawa noted that the policymakers he represents required three things to justify his attendance: “1) don’t coordinate your own funeral, 2) program participation needs to remain cost-neutral, and 3) participate only if it makes sense.” Ken Landau explained that the RMP would be a significant change to how the Regional Board does day-to-day business, which will not be easy to do for the agency. It signifies willingness to do something else than always “ratcheting it up.” He acknowledged that there are trust issues that have to be worked through. Debbie Webster and Linda Dorn proposed to consider the group present as the design group that will be charged with questions such as: how would the deciding group work? How would it function? With some agreement on these fundamental decisions about the governing body, the question can be asked whether there is enough structure to formalize it.

Attendees agreed to postpone discussion of potential new Steering Committee members until the Committee is better organized and has completed its discussion of management questions / strategic direction.

Linda Dorn noted that the POTW stakeholders had prioritized resolving the question of how formal the decision-making process should be and suggested it as a starting point. The remainder of the discussion addressed several key decision points (#1-3) that were considered a priority:

### **#1. Decide decision making process**

#### Notes

The discussion addressed the formality of decision-making (informal vs. vote) and the mechanism for formal notices. Karen Ashby recommended to agendaize decisions, discussion points, etc. Rainer Hoenicke pointed out that ASC already has a template for the San Francisco Bay RMP that can be used. Ken Landau advised that the Sturgis Standard Code would be preferable to the Roberts Rules of Order as a formal decision-making process. Mike Wackman noted that decisions should be agendaized. He also pointed out that it is easier to take off an agenda item than to put it on. Attendees agreed that while the Delta RMP's main focus will be on producing high quality scientific information to help answer key management questions, the Steering Committee may at its discretion make policy recommendations based on the science; however, the regulatory agencies may recuse themselves from such recommendations to avoid any conflict of interest.

#### Decisions

- 2#1.1. Decisions will be made by general agreement, unless one or more Steering Committee members object, at which point the Chair will call for a vote
- 2#1.2. Meeting notices and other materials of broad, general interest will be distributed via the Lyris email list and posted on the project website (currently hosted by the Regional Board), with materials specifically intended for the Steering Committee

distributed via a separate email list to Steering Committee members and their alternates

2#1.3. Decisions can be made only for those items noticed on the meeting agenda, however...

2#1.4. Items not on the meeting agenda may be discussed at the discretion of the Chair and members should make every effort possible to provide advance notice of their intent to bring up a new item; however, any such discussion will require unanimous consent of the Steering Committee members present, i.e., any member can veto the discussion

2#1.5. No proxy voting will be allowed

2#1.6. Parties with multiple seats (specifically POTWs and stormwater at this point) may identify a small pool of alternates for their Steering Committee representatives, instead of designating a specific alternate for each representative. Alternatives should be well informed about the Delta RMP and the Steering Committee's issues and be prepared to participate effectively in meetings they attend

2#1.7. If voting is required, a simple majority of Steering Members present will be required for a decision

## **#2. Establish term for committee members**

### Notes

Ken Landau made a recommendation to establish a term of at least one year. Linda Dorn indicated her preference would be a term of two years. Mike Wackman suggested leaving it up to the discretion of the various entities to establish terms for their individual representatives. Debbie Webster suggested reconfirming SC members with the SC every 2 years. Anke Mueller-Solger suggested unlimited terms, leaving it up to the entities to decide on their representation, and to reconfirm members every 2 years.

### Decision

- 2#2.1. Steering Committee members shall serve at the discretion of the parties they represent (i.e., they may be removed at any time) and shall be explicitly reconfirmed every two years

### **#3. Quorum**

#### Notes

Debbie Webster made a proposal that there would need to be a quorum at a meeting to make decisions and to establish a quorum before decision-making as soon as people show up. Brock Bernstein suggested the following sequence: a) no meeting without notice, 2) no decision without it being on the agenda, 3) there needs to be a quorum to make decision, and 4) participants can continue to make decisions even if there is no more quorum. Debbie Webster suggested that a quorum should be 50% or over. Mike Wackman agreed with 50%, amended with a reference to ensure adequate representation of different entities. Brock Bernstein suggested 50% or more of the seats and 50% or more of the categories.

### Decision

- 2#3.1. The current Steering Committee membership is preliminary and this group will meet to continue defining governance issues and the program's basic strategic direction and management questions; subsequent to that, parties may decide to change their representatives on the Steering Committee
- 2#3.2. Decisions can be made only if a quorum is present, defined as 50% or more of the Steering Committee members and 50% or more of the categories
- 2#3.3. For the moment, categories are defined as POTWs, stormwater, regulatory agencies, agriculture, IEP, state and federal water contractors

- 2#3.4. A quorum may be established at any time during the meeting and, once established, will continue to exist for purposes of decision making even if the number of Steering Committee members present drops below the level defining a quorum (e.g., if one or members leave the meeting)
- 2#3.5. All Steering Committee meetings must be noticed, which will consist of email distribution of the meeting date, time, and agenda at least one week prior to the meeting
- 2#3.6. The Delta RMP's governance structure and process will not be defined by MOU but rather by a less formal set of agreements, such as those made at this meeting
- 2#3.7. Some decisions that are time sensitive or less significant can be made via email or phone conference, but only if these items have previously been discussed in a Steering Committee meeting

### **Additional decision points**

#### **Notes**

SC responsibilities will include deciding on a combination of issues regarding implementation and how to do the funding. There are different types of funding, including roughly 1) process support (e.g. ASC contract), 2) shifting and freeing up of resources, and 3) in-kind support (monitoring, data analysis, and assessment) and additional contributions (e.g. SFWCA support). Brock Bernstein explained that the SWAMP estimating framework was used to cost out contributions in the Los Angeles and San Gabriel Rivers Watershed RMPs. Linda Dorn pointed to a statewide effort underway to estimate cost of compliance. Brock Bernstein responded that the Delta RMP staff would continue figuring out cost estimates and at the same time the Regional Board needs to review requirements. The intent is to start the RMP at a cost-neutral place.

Brock Bernstein then asked participants to think about what else there is “to spell out”. What kinds of decisions will the SC be tasked with? These will likely include the following: overall strategic direction including questions, make funding (major funding decisions), set basic terms of partnerships with other programs, deciding on general policies and procedures, reviewing and signing off on major product, and reviewing and deciding on major contracts. Delia McGrath added that the questions to tackle would need to include “What to do with the results?” and “What to do in the future?”

Attendees agreed that parties would identify alternates for their Steering Committee representative(s) by the time of the next meeting. Anke-Mueller Solger informed the group that Stephanie Spaar would be the IEP alternate.

### Decisions

- 2#\_.1. The Delta RMP’s governance structure and process will not be defined by MOU but rather by a less formal set of agreements, such as those made at this meeting

### **3. Future meeting schedule and next steps**

### Notes

The group agreed that the mission statement and questions would be discussed next time. Linda Dorn recommended that there would be no meetings on Fridays (because of City furloughs affecting some SC members) and establishing technical committees by spring. The group agreed to meeting monthly for 4 or more months (but no meeting in December). Delia McGrath recommended deciding on the meeting frequency. Attendees agreed that the Steering Committee will meet approximately monthly for the next several months: November 20,

January 23, February 27, March 27, with each meeting running from 9:00 AM to Noon. Linda Dorn and Debbie Webster suggested enabling remote participation.

Val Connor requested that in notes be included action items, decisions, and parking lot items.

Anke-Mueller Solger informed the group about upcoming meeting dates in spring: California Water and Environmental Modeling Forum (CWEMF, April 22-24) and the IEP workshop (April 24-26; <http://www.water.ca.gov/iep/>) at the Lake Natoma Inn in Folsom.

### Decisions

- 3.1. Meeting frequency will be once per month during the initial program development phase and quarterly after that
- 3.2. Remote participation in Steering Committee meetings will be allowed, where facilities are available, with the understanding that remote participation is less effective

### **4. Action Items**

- 4.1. Represented parties identify alternates for their Steering Committee representative(s) (November 20, 2012).
- 4.2. ASC staff will draft a list of the Steering Committee's core responsibilities and authorities, which include: Define the Delta RMP's goals and strategic direction, establish and/or review and authorize policies and procedures, review and authorize budgets, make decisions about funding and expenditures (including how funding is received and disbursed), establish and define goals for partnerships with other entities, create and manage partnerships with other programs, review and sign off on major products, manage the activities of the Stakeholder and Technical Advisory Committees and the implementing entity,

- review and authorize monitoring plans and technical policies (e.g., QA/QC, data management) (due: Nov 13, 2012)
- 4.3. ASC staff will draft a short Delta RMP mission statement based on language in earlier Delta RMP documents (due: Nov 13, 2012)
  - 4.4. Prepare agenda using the San Francisco Bay RMP template and send out by Nov 13.
  - 4.5. Agendize discussion of categories of Steering Committee members for next meeting (due: Nov 13, 2012)
  - 4.6. ASC staff will prepare working materials to support discussion of management questions at next meeting (due: Nov 13, 2012)
  - 4.7. ASC staff will contact dischargers they have previously interviewed to ask permission to share interview notes with Regional Board staff in order to support the Regional Board's permit-by-permit review of receiving monitoring requirements (due: Nov 13, 2012)
  - 4.8. ASC staff will develop options for the structure and roles of the Stakeholder and Technical Advisory Committees by the next meeting (due: Nov 13, 2012)
  - 4.9. Regional Board staff, ASC staff, and the permittees will continue to work on estimating the costs of current receiving water monitoring (due: Jan 2013)
  - 4.10. Regional Board staff will conduct a permit-by-permit review of receiving water monitoring requirements to determine which ones may have outlived their usefulness and/or may produce information that is relatively less important than new information at broader spatial scales (due: Jan 2013)
  - 4.11. The Steering Committee will track development of the Delta Science Plan and identify opportunities for the Delta RMP to participate in, interact with, and/or coordinate with the Plan's development process (continuous)

## 5. Parking Lot

- 5.1. Use of stakeholder group

- 5.2. Technical Advisory Committee (mission or charter, goals, structure, role, identify boundary)
- 5.3. Select Chair and Vice Chair

## Attachment A.

### Agreements From Prior Delta RMP Stakeholder Meetings

- A.1. Regional Water Board is putting “everything on the table” in terms of monitoring requirements in order to improve efficiency, coordination, and the ability to address important questions at larger spatial scales about water quality and whether management actions are having their intended effects
- A.2. Regional Water Board will use the Delta RMP design process and monitoring results to reconsider permit conditions, listings, and other regulatory elements
- A.3. Efficiency, coordination, and buy-in will be increased if the Delta RMP addresses questions and data needs that many parties have in common
- A.4. The geographical scope of the Delta RMP may extend somewhat beyond the legal definition of the Delta, depending on parties’ interests and opportunities to achieve the Delta RMP’s goals
- A.5. There is a common interest among the regulatory agencies and IEP in improving coordination and efficiency and they are willing to be as flexible as possible (given their own regulatory and management constraints) to help achieve these goals
- A.6. The Delta RMP should keep in mind the opportunity it has to influence monitoring and assessment requirements as other monitoring programs (e.g., IEP) review and revise their programs to address new flow objectives and other management / regulatory initiatives, such as the BDCP, are further developed
- A.7. The Delta Plan can serve as a framework for integrating Delta RMP with these other monitoring efforts

- A.8. The Regional Board's intent is that the Delta RMP be cost neutral relative to existing monitoring efforts, while recognizing that new State Water Board requirements may raise the baseline level of monitoring required

## **Attachment B.**

### **Expectations and Anxieties**

#### Expectations

*(SC responses to the question: "What does this need to be for you to consider this a success?")*

- B.1. Val Connor (State and Federal Water Contractors): better understanding of water quality in the Delta
- B.2. Linda Dorn (POTWs): to help other agencies and organizations with big decisions about what the Delta is supposed to be
- B.3. Anke Mueller-Solger (IEP): RMP needs to address very clear and important data gaps to be filled that are also important and useful to others
- B.4. Ken Landau (Central Valley Water Board): looking for good solid scientific information to inform Regional Board decisions
- B.5. Delia McGrath (Stormwater, Phase I Communities): opportunity to increase the level of concern for constituents that require a broader approach
- B.6. Brandon Nakagawa (Stormwater, Phase II Communities): better communication and more collaboration between regulators and the regulated community
- B.7. Karen Schwinn (U.S. EPA): would like to see baseline conditions characterized, scientifically credible, look into the future
- B.8. Mike Wackman (Agriculture): efficiencies (dollars & cents), well designed and interpreted studies
- B.9. Erich Delmas (POTWs): characterize trends in Delta, better understanding of specific subregional characteristics around Tracy area; improve understanding of background and baseline conditions

- B.10. Casey Wichert (POTWs): potentially a very good vehicle to improve understanding of Deltawide water quality conditions; success would be a better, holistic understanding of conditions and improved coordination and collaboration between agencies

### Anxieties

*(SC responses to the question: "What would make you leave the Delta RMP?")*

- B.11. Val Connor (State and Federal Water Contractors): if the program selected questions that added no value to existing studies
- B.12. Linda Dorn (POTWs): if this had the appearance of being just another burden on participants without any measurable benefits to the environment
- B.13. Anke Mueller-Solger (IEP): if there was little effort to fit the Delta RMP in with other efforts in and around the Delta
- B.14. Ken Landau (Central Valley Water Board): if it turns into simply a finger-pointing exercise
- B.15. Delia McGrath (Stormwater, Phase I Communities): if there is no direct tie to our concerns
- B.16. Brandon Nakagawa (Stormwater, Phase II Communities): if the process is derailed
- B.17. Mike Wackman (Agriculture): if it turns into a finger-pointing exercise or the studies are intended to confirm a predetermined outcome
- B.18. Erich Delmas (POTWs): if the studies and other efforts are futile and do not produce useful results
- B.19. Casey Wichert (POTWs): if the program's goals are not relevant to cities and/or are excessively costly