

Delta RMP Steering Committee Meeting

January 22, 2015

9:30 AM – 4:30 PM

Sacramento Regional County Sanitation District Building

Sunset Maple Room

10060 Goethe Road, Sacramento, CA 95827

Summary

Attendees:

Voting Steering Committee (and/or Alternate) members present¹:

Tim Vendlinski, Regulatory – Federal (USEPA)

Gregg Erickson, Coordinated Monitoring (Interagency Ecological Program)

Stephanie Reyna-Hiestand, Stormwater, Phase II Communities (City of Tracy)

Linda Dorn*, POTWs (Regional San)

Josie Tellers, POTWs (City of Davis)

Val Connor, Water Supply (SFCWA)

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

Adam Laputz*, Regulatory – State (Central Valley Water Board)

Erich Delmas, POTWs (City of Tracy)

Dave Tamayo, Stormwater, Phase I Communities (Sacramento County)

*Co-Chairs

Others present:

Brock Bernstein, Facilitator

Thomas Jabusch, SFEI-ASC

Brian Laurenson, LWA/Sacramento Stormwater Quality Partnership

Karen Ashby, LWA

¹ Name, Representation (Affiliation)

- Patrick Morris, Central Valley Water Board
- Stephen McCord, MEI
- Sam Safi, Regional San
- Joe Domagalski, USGS
- Rachel Kubiak, WPHA
- Dalia Fadl, City of Sacramento
- Linda Deanovic, UC Davis
- Phil Trowbridge, SFEI-ASC
- Selina Cole, Central Valley Water Board
- Brant Jorgensen, Pacific EcoRisk
- Melissa Turner, San Joaquin County and Delta Water Quality Coalition
- Paul Bedore, RBI
- On phone:*
- Debbie Webster, CVCWA

1.	<p>Introductions A quorum was established.</p>
2.	<p>Announcements from Committee Members Adam Laputz reported that the Central Valley Regional Water Board is in the process of reducing monitoring requirements in permits.</p> <p>Thomas Jabusch reported that the 2015 State of the Estuary Report (SOTER) would be released in fall. The TAC will be asked to review the water quality indicators for the Delta and provide comments. Review of the water quality indicators would be planned for the March meeting of the TAC. Linda Dorn asked that the SC also have an opportunity to review. By request, Thomas also brought the Delta RMP poster that was presented at the Bay-Delta Science Conference for interested SC members to view. Val requested the hardcopy of the Delta RMP poster. Sam requested a pdf version.</p> <p><i>OUTCOMES</i></p>

	<p>→ <u>Decisions/Action Items:</u></p> <ul style="list-style-type: none"> ⇒ ASC will provide draft SOTER indicators write-ups when they are ready to the TAC and SC for review and comment. ⇒ ASC will provide a pdf version of the Delta RMP poster to the SC.
<p>3.</p>	<p>Approve Agenda and Summary</p> <p>SC members requested for the agenda materials to come out earlier or be sent piecemeal as they become available. The agenda package should be emailed rather than posted to the website. This will prevent incorrect draft minutes from being publicly available. It will also alert representatives when documents are available. Mike Wackman noted that Ag did not commit \$200K to the program. That decision is up to the Regional Board. Linda Dorn requested that the summaries should better track votes, i.e. provide a record of who voted for what rather than a tally summary. Val Connor requested that the notes should clearly indicate action items, items in the parking lot, and provide a better record of decisions. Linda asked that more specifics be captured in meeting summaries. For example, the November 7 summary does not mention the discussion of <i>Hyalella</i> use for sediment toxicity. Val added that prior decisions about <i>Hyalella</i> would need to be better documented.</p> <p><i>OUTCOMES</i></p> <p>→ <u>Decisions/Action Items:</u></p> <ul style="list-style-type: none"> ⇒ Going forward, ASC will distribute the agenda package to the SC a minimum of 3 days in advance by email. If necessary, meeting materials will be emailed as soon as they are ready, rather than waiting for the entire package to be completed ⇒ Going forward, collect more detailed information when votes are taken, specifically how each representative votes. This will allow for more accurate vote tracking as well as provide a more complete and transparent record of decision ⇒ Going forward, record all decisions and review them at the end of each meeting ⇒ ASC will revise minutes of the last two Steering Committee meetings to correct inaccuracies. Steering Committee members will send their revisions to Thomas Jabusch by Friday, January 30. ASC will then email the revised minutes to the SC for final approval before being posted to the project website.
<p>4.</p>	<p>TAC updates</p> <p>Stephen McCord started with an overview of the January 6 TAC meeting, including</p>

TAC recommendations on the FY2014-15 Workplan. The TAC agreed on technical grounds with the proposed workplan, which would a) pre-select the USGS laboratory for the pesticides and copper (Cu) analyses, b) pre-select the UC Davis Aquatic Toxicology Laboratory (ATL) for toxicity testing, and c) pre-select the pathogens laboratories based on the primary and secondary laboratories recommended by the pathogens subcommittee. The TAC also agreed with the schedule for completing the nutrient data synthesis and monitoring plan. Other key TAC recommendations were to a) clarify calendar/fiscal/design “years” by standardizing all program plans and budgets on the state fiscal year calendar, b) firm up the pesticides budget, and c) reconsider whether to start working on mercury for FY15-16.

Some SC members expressed concern that the RMP may not be adhering to the public contracting code. Val Connor questioned the advisability of sole sourcing some of the initial RMP tasks. There was some discussion of potential conflicts of interest that derive from the decision process used. Mike Wackman pointed out that SC representatives would need to report back to public boards and that any appearance of conflicts of interest is important to address, regardless of its legality. Dalia Fadhil expressed concern that the RMP would be using a RFP to select contractors for smaller budget items (e.g., field sample collection) but not for the larger USGS and ATL lab contracts. Val Connor commented that her concern was not the ATL contract. The ATL contract would be through the Regional Board’s existing SWAMP contract to fund toxicity testing. Steering Committee members recommended that the TAC and SC make more use of procedures such as members recusing themselves from decisions when there is the potential for conflicts of interest. SC members also agreed that using SWAMP funds in a contract with ATL was justified based on a) gaining access to \$200K, and b) because there is a mechanism in place based on an existing contract. Sole sourcing the pesticide analytical work to USGS could be justified on the basis of existing partnerships and their unique technical capabilities to analyze a large list of pesticides.

Mike Wackman asked about the pesticides included in the USGS lab’s list of analytes. The Irrigated Lands Regulatory Program (ILRP) develops a list of target pesticides with the Regional Board. The target pesticides for the Delta RMP should be coordinated with the ILRP list. Stephen reported that the TAC also wanted to cross check the USGS target list with the DPR pesticide list. Joe reported that the USGS California lab (Jim Orlando’s lab) uses a customized list of target pesticides

used in California. Val Connor raised concerns about the lag time to obtain data from the USGS and whether they could work quickly with the toxicity lab. Joe responded that the USGS lab could share data quickly if it is stamped “subject to revision”.

Stephen went on to explain that the TAC does not see a need to create a data management subcommittee at this point, because all the data management tools are already in place at SFEI-ASC. The TAC supports the use of the SFEI-ASC Regional Data Center (RDC) because it already has the data management procedures in place and would allow use of the full range of data access and visualization tools created by SFEI-ASC, including CD3 (cd3.sfei.org) which can be used to visualize and download all of the data collected by the Delta RMP. Val expressed concern about not using other RDCs and suggested that in addition to SFEI-ASC, the Central Valley RDC should be considered. Linda Dorn noted that POTWs use CIWQS (California Integrated Water Quality System) and that CIWQS currently does not provide a link to CEDEN, which would streamline data access and visualization. Val commented that the My Water Quality portals would be the go-to place for data access and visualization across different programs and agencies. Phil Trowbridge explained that the TAC discussed other RDC options but recommended the SFEI-ASC RDC because it would be inefficient to separate data management from data quality assurance by SFEI-ASC scientists. Furthermore, the My Water Quality portal does not have the functionality for users to download all the data. Brock Bernstein commented that the Delta RMP may want to fund tools that would allow data to be pulled from many different databases and portals, not just one.

Brock Bernstein commented that the Steering Committee would eventually need to decide how much discretion to give to SFEI-ASC as the implementing entity in terms of putting individual program elements out to bid. Other RMPs, such as the Bay RMP and the Southern California Stormwater Monitoring Coalition, are examples that the Delta RMP could follow.

Stephen also reminded the SC of the need to decide whether to keep him and Joe as TAC co-Chairs. He further advised edits to some inconsistent language in the Roles and Responsibilities document (“subcommittees”, not “subgroups”). He said that the TAC had decided to dissolve the constituent subcommittees, now that the program design has been completed, and will soon form a TIE subcommittee. The Steering Committee agreed with the decision to dissolve the TAC subcommittees

	<p>and form a TIE subcommittee. However, the Steering Committee did not make a decision about retaining Stephen and Joe as TAC Co-Chairs or the revised language in the Roles and Responsibilities document.</p> <p>In closing, Stephen reviewed the draft agenda items for the March TAC meeting (date TBD), which include:</p> <ul style="list-style-type: none"> • Pesticides analysis/toxicity QAPP • TIE Subcommittee • Nutrients Data Synthesis workplan • Data management plan • TAC chairing <p><i>OUTCOMES</i></p> <p>→ <u>Decisions/Action Items:</u></p> <ul style="list-style-type: none"> ⇒ Report back to the SC about whether the proposed contractors for the FY14-15 workplan would be in compliance with the State Contracting Manual and if there is any actual or apparent conflict of interest. In particular, ASC will check the appropriateness of contracting USGS for the pesticide analyses, high-frequency data analysis, and potentially field sampling. ⇒ Develop a brief description of procedures to avoid conflict of interest in future contracting decisions. ⇒ Start with current USGS California Lab list of pesticide analytes and modify as needed after cross checking with the DRP and ILRP lists. ⇒ The TAC will not set up a data management subcommittee at this time because SFEI-ASC data management procedures and capabilities are sufficient. ⇒ ASC will sign up members for a TIE subcommittee. ⇒ The TAC subcommittees are dissolved.
<p>5.</p>	<p>Decision on monitoring design</p> <p>The discussion started with general comments on the Monitoring Design document. Val Connor requested more time to review the document. She recommended proceeding with a tentative approval at the meeting, pending further review. Mike Wackman asked that the document contain an adaptive management schedule. Brock suggested adding a communications component that describes how the data will be reported and used. It was agreed that the Communications Plan, which will be completed in the spring, would contain this schedule for how data will be reported, interpreted, and communicated.</p>

The group then listed a number of changes that they would like to be made to the document (see list in the Decisions/Action Items section below). It was agreed that ASC would circulate the document again immediately after the meeting along with the list of requested changes and ask for any final comments from Steering Committee members.

Gregg Erickson advised to keep the budgets in the design summary simple (e.g., total cost to complete project, total time to complete, allocation of costs between fiscal years). The more detailed budgets should be in the annual Detailed Workplans. Val suggested developing an annual schedule that allows coordinating with various planning deadlines for other related programs. Participants agreed that the Monitoring Design document should provide the basis for planning the broad scope of the program, while the annual workplan provides more specific operational details, such as a detailed budget for subcontracting purposes.

Meeting participants expressed concerns over the TAC's recommendation to use *Hyaella azteca* for water column toxicity testing. The key issues are 1) the range of sensitivities among different *H. azteca* phenotypes, 2) how the lab toxicity testing results are going to be used, and 3) the lab methodologies and interlaboratory comparability for the *Hyaella* test procedure in water. Several SC members noted some local *H. azteca* wild populations might thrive in places where laboratory tests of water or sediment samples showed acute toxicity. Despite this, they said, there should be concern over effects on other species in the environment. Therefore, the SC agreed that toxicity testing conducted with *H. azteca* use sensitive strains. In terms of whether the finding of toxicity could lead to regulatory action, SC members pointed out that the presence of pyrethroid toxicity has already been established in the Delta and the Regional Water Board in response is developing TMDLs and water quality objectives for pyrethroids. However, others emphasized the need for a methodology for how to interpret the results. The third issue discussed were concerns over method comparability among labs and the absence of a standardized test protocol. The SC agreed to accept the TAC's recommendation to use *Hyaella* and asked the TAC for more technical guidance on how the data should be interpreted (incl. what type of caveats should be put on the data), which specific strain should be used, and provide more background about the lab methodologies discussion at the TAC level. Adam Laputz anticipated a need for follow-up studies, once the results are in.

OUTCOMES**→ Decisions/Action Items:**

- ⇒ The Steering Committee provisionally approved the Monitoring Design, for purposes of proceeding to implement the workplan for the remainder of fiscal year 14/15
- ⇒ The Steering Committee accepted the recommendation from the TAC to use *Hyalella* for water toxicity testing but asked the TAC to provide additional technical information about evaluating and interpreting the data and validating the lab methodologies and interlab comparability.
- ⇒ The TAC will provide the Steering Committee with recommendations regarding the *Hyalella* strain to be used, identify the scientific issues involved in interpreting and/or qualifying test results.
- ⇒ ASC will revise the Monitoring Design document as follows:
 - a. Add the USGS pesticide analyte list to the pesticide/toxicity program element
 - b. Make corrections to the RMP core sites map that were previously emailed to Thomas (Linda Dorn)
 - c. Update the due date on the nutrient synthesis program element to reflect the most current plan and synchronize the due everywhere it appears
 - d. Identify the specific forms of nutrients that will be the focus of the nutrient synthesis (e.g., which types of N)
 - e. Add a paragraph referring to another document, yet to be drafted by ASC, that defines the Delta RMP's process for data analysis and interpretation, reporting, and application of results to address the management questions (it was suggested this could be an expanded Communications Plan)
 - f. State that the program will standardize its planning and budgeting on the state fiscal year; make these changes to budget tables, and add language saying that the program will identify other programs' planning cycles to facilitate coordination. Include a simple 5-year budget on a fiscal year basis.
 - g. Note that the budget numbers in the design are estimates for planning purposes only and that the annual workplans will contain the detailed, operational budgets. However, the budgets in Table 4 should be consistent with the FY14-15 workplan and Table 4 should

	<p>have a footnote to direct the reader to the Annual Workplan budget.</p> <p>h. The budget figures in the design document will be higher-level, with more detailed information in the Annual Workplans</p> <ul style="list-style-type: none"> ⇒ ASC will send the Monitoring Design document (11/3/14 draft) and the list of identified changes to the Steering Committee mailing list, and ask participants to submit additional revisions by Friday, January 30 ⇒ ASC will talk with Gregg Erickson on how to present the budgets. ⇒ ASC and Brock Bernstein will convene conference calls, if there are conflicting comments that get to the core of the design and are high priority to resolve. ⇒ ASC will develop a new document that defines the Delta RMP’s process for data analysis, interpretation, and reporting, that would then lead into a program evaluation and feedback mechanism. This document should also contain an annual schedule for coordinating with deadlines of different organizations and monitoring programs that operate on a schedule other than the State FY (e.g. ILRP monitoring) as well as topics to cover in SC and TAC meetings. ⇒ Going forward, all documents will make a clear distinction between the Monitoring Design, which is the higher-level and longer-term description of the overall program, and the Annual Workplan, which is the more detailed document that guides implementation and budgeting.
<p>6.</p>	<p><i>Lunch break</i></p>
<p>7.</p>	<p>Decision on detailed workplan and budget</p> <p>The FY14-15 workplan covers proposed RMP activities through June. Thomas Jabusch initiated the discussion by highlighting key discussion points for consideration by the SC.</p> <p><i>Total proposed cost:</i> the proposed FY14-15 cost of \$322,250 is 32% less than the \$470K pledged by program participants, to be fiscally conservative. Stephanie Hiestand noted that the proposed 22% going towards overhead would be reasonable. Several SC members suggested factoring in additional ramp-up costs.</p> <p><i>Nutrient data synthesis:</i> The synthesis is needed to develop the monitoring plan. The proposal on the table was to approve \$35K for getting a synthesis of high frequency data started. Completion of the data synthesis is expected by March 2016 and of the monitoring plan by June 2016. Some SC members were concerned that parts of the data synthesis would be completed after the science workgroups</p>

for the Delta Nutrient Research Plan have completed their work. Brock Bernstein suggested that the real deadline for providing data would be in 2018, when the Regional Water Board decides whether to proceed with the development of nutrient objectives. The proposal for getting the high-frequency nutrients data synthesis started was accepted. SC members agreed that they were in fact committing \$35k in this FY and \$35 in next FY for a total product.

Pathogens: The RMP will pay for analyses of ambient samples, data management, and reporting. The total cost of for additional laboratory analyses for the first full calendar year of monitoring is \$72k. The pro-rated 6-month budget of \$18K covers the additional laboratory analysis cost for the first three months (25%) of ambient sampling (April-June).

Current Use Pesticides. The proposed workplan is based on contracting with USGS for the chemical analyses and the UC Davis Aquatic Toxicology Laboratory (ATL) for toxicity testing. Patrick Morris explained that the Regional Board has restrictions on how SWAMP funds can be used and that the only existing contract appropriate for the RMP's purposes is the contract with the ATL for toxicity. However, he would investigate whether using the funds for pesticide analyses would be a possibility. Val Connor commented that the RMP should make a commitment to ATL in the first program phase to ensure consistency of analysis results. The SC selected ATL to conduct toxicity testing based on the constraints on use of SWAMP funds and the presence of an existing contractual arrangement. However, several SC members were concerned about selecting the USGS lab for the pesticide analyses on a sole source basis but agreed that USGS' unique technical capabilities and expertise justify a sole source contract. Provisional USGS lab results can be turned around in a week. Gregg Erickson commented that the TAC should not make any recommendations about selection of contractors in order to avoid the potential for conflict of interest and to avoid infringing on the Steering Committee's role.

Field sampling. The SC agreed that an RFP for field sampling is not cost effective, because the task is too small (\$14.2K). The Bay RMP's threshold for a RFP is \$50K. Mike Wackman suggested that it would be cheapest to contract the sampling to someone located in the Delta for the sampling. The key would be to find the right person/crew for doing the sampling.

OUTCOMES

→ Decisions:

- ⇒ The Steering Committee approved the fiscal year 14-15 workplan for nutrients, specifically the allocation of \$35,000 to the startup of the high frequency data analysis, with the understanding that this work element will be completed in fiscal year 15/16. The Steering Committee requested that a sole-source justification for the USGS contract be prepared and added to the workplan. The Steering Committee generally agreed that there was sufficient justification to contract with USGS on a sole source basis due to the USGS' unique expertise, specialized experience, and access to unpublished sensor data.
- ⇒ The Steering Committee approved the FY14–15 workplan for pathogens, with the understanding that this work element will be completed in FY15–16. The Steering Committee requested a more formal sole-source justification for the pathogen labs in the workplan.
- ⇒ The Steering Committee approved the FY14–15 workplan for pesticides and toxicity, with the understanding that this work element will be completed in the subsequent fiscal year and with the budget will be reduced by \$4,500 since a RFP process for field sample collection will not be needed. The Steering Committee requested that sole-source justifications for the USGS lab contract and ATL toxicity contract be prepared and added to the workplan. The Steering Committee generally agreed that there was sufficient justification to contract with USGS on a sole source basis due to the USGS' unique technical capability to monitor a large list of pesticides. The Steering Committee generally agreed that there was sufficient justification to contract with ATL on a sole source basis due to the existing SWAMP contract with ATL for these services, which will allow the Delta RMP to access \$200,000 in SWAMP funds.
- ⇒ The Steering Committee agreed that toxicity testing continue to be conducted by ATL at least through the FY15-16, because of the negative impacts of switching laboratories in the middle of a sampling season.
- ⇒ The Steering Committee agreed that the full design for pesticide/toxicity monitoring should be implemented for 3 months in fiscal year 14/15 even though funding to implement that design in fiscal year 15/16 may not be authorized
- ⇒ The Steering Committee agreed that ASC may contract the field sampling element of the pesticide/toxicity workplan without an RFP process because of the small size of the contract

	<ul style="list-style-type: none"> ⇒ The Steering Committee agreed that the relative allocation of effort among program elements (e.g., nutrients, pesticides, mercury, and pathogens) and all program costs will be revisited as part of discussion of the FY 15-16 workplan ⇒ The Steering Committee approved the FY 14-15 budget for administration, governance, and communications. <p>→ Action items:</p> <ul style="list-style-type: none"> ⇒ ASC will add sole source justifications to the fiscal year 14/15 Annual Workplan ⇒ ASC will follow up with Gregg to find out if there is an existing contract between ASC, DWR, and USGS (ASC) ⇒ Since a RFP for sampling will not be required, ASC will subtract the budget amount of \$4,500 from pesticide/toxicity budget ⇒ Patrick Morris will investigate whether SWAMP funds can be used for other purposes, such as pesticides analyses, in subsequent years ⇒ ASC will prepare a process for fiscal year 15/16 and onwards to ensure that selection of contractors complies with the public contracting code and avoids any actual or apparent conflict of interest. This should include criteria for sole source (e.g., unique technical expertise, no choice because they are the “owners” of needed data), existing contractual relationship, request for qualifications, request for proposal. The TAC should not participate in the process of selecting contractors; however, the TAC may provide criteria to be used in the selection process. Steering Committee members will assist ASC in identifying existing contract vehicles that could be used to conduct program elements.
<p>8.</p>	<p>Decision on framework/mechanism for funding mechanism</p> <p>Phil Trowbridge presented the draft financial management plan (FMP) that would enable ASC to invoice participants, until a long-term funding vehicle is in place. Dave Tamayo indicated that the financial management agreement would help; however, the County of Sacramento couldn’t pay an invoice, because only the POTWs have so far received permit amendments. Therefore, he would prefer a regular contract that would not require specific board approval. Val Connor stated that SFCWA would need a regular contract for the first phase. Program contributions to be expected from Stormwater Phase II communities and agriculture are still uncertain. Stephanie Hiestand noted that she would want financial management plan language to avoid the circumstance of increasing fees for an individual entity, if someone else does not participate. Moving forward, SC members would prefer a multi-year MoU. The Steering Committee did not take any</p>

	<p>action on the draft FMP.</p> <p><i>OUTCOMES</i></p> <p>→ <i>Decisions/Action Items:</i></p> <ul style="list-style-type: none"> ⇒ ASC shall implement appropriate funding mechanisms (e.g., invoice, contract) as needed to meet the needs of different Delta RMP members ⇒ ASC will assist the Steering Committee in developing a longer-term funding mechanism (e.g., MOU) that will lower administrative costs and provide a more formal basis for participation ⇒ Val Connor will review the Financial Management Plan with SFWCA’s attorney.
<p>9.</p>	<p>Next meeting</p> <p><i>OUTCOMES</i></p> <p>→ <i>Action items:</i></p> <ul style="list-style-type: none"> ⇒ ASC will send out a doodle poll for the next SC meeting by January 30 <p>→ <i>Parking Lot Items for Future Meetings:</i></p> <ul style="list-style-type: none"> ⇒ Develop a policy that sets a threshold amount below which no RFP would be required (ASC) ⇒ SFCWA’s overhead limit policy