

## Delta RMP Steering Committee Meeting

December 18, 2015

9:30 AM – 3:30 PM

**Central Valley Regional Board, 11020 Sun Center Drive #200, Rancho Cordova, CA**

**Board Room**

### Draft Summary

#### Attendees:

*Voting Steering Committee (and/or Alternate) members present<sup>1</sup>:*

Tim Vendlinski (USEPA), Regulatory – Federal

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

Linda Dorn\* (Regional San), POTWs

Josie Tellers (City of Davis), POTWs

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

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

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

Val Connor (AquaScience/SFWCA), Water Supply

Gregg Erickson (Interagency Ecological Program), Coordinated Monitoring

David Cory (Westside San Joaquin River Watershed Coalition), Agriculture

Debbie Webster (CVCWA), POTWs

Jeff Stuart (NMFS), Resource Agencies

Greg Gearheart (State Water Board), Regulatory – State

\*Co-Chairs

#### *Others present:*

Brock Bernstein, Facilitator

Thomas Jabusch, SFEI-ASC

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

Brian Laurenson, LWA (TAC)

Phil Trowbridge, SFEI-ASC

Tom Grovhoug, LWA

Michael Johnson, MLJ-LLC (TAC)

Stephen McCord, MEI (TAC co-Chair)

Sherill Hunn, City of Sacramento

Rachel Kubiak, WPHA

Meg Sedlak, SFEI-ASC

Sue McConnell, Central Valley Water Board

Karen Ashby, LWA (TAC)

Patrick Morris, Central Valley Water Board

Melissa Turner, MLJ-LLC

April DaSilva, DPR

	<b>Introductions and Review Agenda</b> A quorum was established. Item 8 – SC membership was moved up to right after lunch, so that new SC members could participate in decision items, starting with Item 7 - External review of Monitoring Design. Adam Laputz suggested that there should be no more detailed notes at future meetings; only decisions and action items should be captured. A decision on the notes was postponed and the group agreed that detailed notes would be prepared for the current meeting.
1.	<b>Discussion: Multi-Year Planning</b> Phil Trowbridge provided an overview of the multi-year planning process. The discussion was structured into four parts:  A. Review and update table of current and anticipated management decisions, B. Review and confirm Monitoring Design, particularly the assessment questions, C. Discuss budget projections and establish planning budgets for FY16/17, FY17/18, and FY18/19 that reflect priorities and available funds, and D. Discuss options and set revenue targets for FY16/17  <i>A. Review and update table of current and anticipated management decisions</i> The group reviewed a draft table summarizing current and anticipated management decisions. The table was a customized version of a table used by SFCWA. Val Connor requested that the Delta Flow Objectives should be added back

	<p>to the table because they are important to SFCWA and a potential opportunity for the Delta RMP. The Flow Objectives are expected to result in changes to permits for water agencies and associated monitoring requirements. The SC requested several additional changes that are summarized under Action Items. There was some discussion about which pesticides should be a priority for monitoring, and questions about which constituents are priorities for monitoring from a regulatory perspective. Adam Laputz confirmed that there are large information gaps for pesticides and that the approved monitoring design is overall consistent with the Regional Board's highest priorities. Near-term management priorities include TMDLs for pyrethroids and methylmercury. There will be a review of the basin plan with regard to these constituents, and revisions will be made as needed by 2018. Participants discussed nutrient monitoring the Delta RMP is currently synthesizing existing data to begin addressing its own set of agreed-on assessment questions but not necessarily those of other efforts. There seemed to be agreement that modeling is needed as a tool, and that the Delta RMP cannot fund the whole effort. Adam requested that the group reconsider the <i>Hyalella</i> water toxicity test, pointing to the potential data gap in the RMP monitoring, which makes it challenging to evaluate in comparison to other programs, however, there were concerns expressed that the Southern California study was not able to show consistency among laboratories. Val Connor explained that SFCWA is funding an extensive monitoring study using <i>Hyalella</i> in the Cache Slough Complex, led by Profs. Don Weston and Thomas Young. (The study area overlaps with that of USGS' MeHg studies.) The Regional Board is also concerned that the absence of <i>Hyalella</i> toxicity testing will delay steps to narrow the list of target pesticides for monitoring. Josie Tellers suggested waiting until after the results from SCCRWP's Stormwater Toxicity Testing Interlab Comparison are available for review (results available in 2016). <i>Hyalella</i> methods are part of this study, but not the exclusive focus of it.</p> <p><b>OUTCOMES</b></p> <p>→ <b>Action Items:</b></p> <ul style="list-style-type: none"><li>⇒ Check and report back on status of Central Valley Diuron TMDL (Adam Laputz, by January 15). <i>Done</i>. Adam indicated that the CVWQCB would not be doing a TMDL for Diuron; instead, if necessary, control measures will be conducted through the Irrigated Lands Regulatory Program (<i>via e-mail</i>).</li><li>⇒ Update table of upcoming management decisions and send back out to the SC (Meg Sedlak, by April 25).<ul style="list-style-type: none"><li>→ Delete Central Valley Diuron TMDL from table</li></ul></li></ul>
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	<ul style="list-style-type: none"><li>→ Check status of State Water Board's proposed NNE policy for inland waters and updated as necessary</li><li>→ Change NNE-Delta to Delta Nutrient Research Plan</li><li>⇒ Send fact sheet on SFCWA-funded monitoring study in Cache Slough to SC. (Val Connor, by December 31) – <i>Done.</i></li></ul> <p><i>B. Review Monitoring Design</i></p> <p>The TAC requested an edit to pesticide assessment question #2: “What are the spatial/temporal distributions of concentrations of currently used pesticides identified as likely causes of observed toxicity or with the highest risk potential?”</p> <p>The discussion centered around two different views of this topic:</p> <ul style="list-style-type: none"><li>• The proposed change is consistent with the need to prioritize, allows for the use of prioritization models, and captures the concept of potential risk.</li><li>• The existing language already encompasses concepts; and the TAC needs to explain better why this change is needed and how potential risk will be evaluated.</li></ul> <p>There was general agreement about the need for prioritizing pesticides, but not all SC members were comfortable with the wording without more explanation of what “higher risk potential” means. The decision was to request more explanation for how the prioritization would be made. There was not unanimous agreement that the language needed to be sent back to the TAC. Val Connor commented that the additional process to resolve issues like these is a factor in the perceived high program management cost.</p> <p>Val Connor presented the idea of doing a power analysis to assess the Delta RMP Monitoring Design. SFCWA would fund the effort as a no-cost in-kind contribution. Val indicated that she had received a preliminary proposal to conduct a power analysis and was willing to share it once it was finalized. The group agreed that there is value in a power analysis and that it would be more a matter of when than whether it should be done (e.g., when is there sufficient data such that it could be used to inform the power analyses?). The group did not reach any conclusions whether SFCWA proposal should be pursued. There is a lot of overlap with the External Review of the Monitoring Design. The planning subcommittee for the External Review will further discuss the idea.</p>
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	<p><i>OUTCOMES</i></p> <p>→ <b><u>Decisions:</u></b></p> <ul style="list-style-type: none"><li>⇒ The SC agreed in general that prioritizing pesticides for monitoring is a good idea but would like the TAC to provide more details about how “risk potential” would be determined.</li></ul> <p>→ <b><u>Action Items:</u></b></p> <ul style="list-style-type: none"><li>⇒ Respond to the SC’s questions regarding how “risk potential” would be determined for prioritizing target current use pesticides for monitoring (TAC, by April 25).</li><li>⇒ Add SFCWA’s proposal for a power analysis to the agenda for the External Review Planning Subcommittee meeting in January. (Phil Trowbridge, by December 31). – <i>Done</i>.</li></ul> <p><i>C. Multi-Year Planning Budgets</i></p> <p>The purpose of this discussion was to set planning budgets and revenue for the next 3-5 years. Projected costs to implement the Monitoring Design were presented. The costs exceed even the highest revenue option. A few budget items were discussed, mostly with regard to FY16/17. The group did not make any decisions about how to prioritize funding but did approve a total revenue target for the FY16/17.</p> <ul style="list-style-type: none"><li>• Pulse of the Delta: There was some concern about the projected cost of this report and some questioned the purpose of the report. However, several people responded that it would be important to have a summary document for multiple reasons (e.g., dispersing information in easy to understand graphics, fundraising, etc.). The discussion was postponed with the agreement that the monitoring should be on solid footing first and more data would need to be collected before planning a budget for outreach.</li><li>• Pesticides: Pesticide monitoring is the largest portion of the budget. There was general support for reducing costs by prioritizing target analytes and/or toxicity tests. The Program will complete the planned two years of monitoring before changing the design.</li><li>• Pathogens: the group discussed the need to set aside funds for potential follow-up studies, should Basin Plan trigger values for <i>Cryptosporidium</i> be exceeded.</li><li>• Modeling: Debbie Webster requested that a budget line item be added for modeling beginning in FY18/19.</li></ul>
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- Mercury: Prop 1 funding for mercury monitoring is still unknown. If this proposal is not funded, the Program should apply for more Prop 1 support for pesticides/toxicity testing, nutrients, or modeling.
- Several people indicated that the RMP cannot expand/change without having a few years of data collected to inform the process.
- Program Management: PM costs seem high to some; however, the Delta RMP is more than a sole source project for one entity, and program management as discussed encompasses governance and communications. The governance tasks are considerable and probably underfunded now. In addition, as the program grows, it is likely that the contract/financial management element will need to scale with the size of the overall program. Several individuals noted that inefficiencies in the process such as pushing back on decisions that have been made results in an increase in program management cost.
- Expert honoraria: Phil Trowbridge suggested that having external experts engaged in the program would be a very valuable investment and that honoraria should be included in future budgets. Bay RMP stakeholders have found that the input provided by external experts provides a large value to the program at a relatively small cost.

#### *D. FY16/17 Revenue*

Several options for the FY16/17 revenue were presented:

- Option A: Minimum required by Permits. Same as FY15/16 minus extra contributions by POTWs (\$65,111). Assuming SWAMP funding returns to \$200,000/yr.
- Option B: Same as FY15/16. Assuming SWAMP funding returns to \$200,000/yr.
- Option C: Increase contributions from all categories at inflation rate (2.5%).
- Option D: Some other allocation to be developed by the Steering Committee.

Option B represents the current funding level. Phil asked for approval for Option C due to the reality of inflation. He added that smoothed, inflation based cost increases would be prudent because they would prevent larger step increases in the future. A majority of SC members supported Option C; however, Val Connor indicated that SFCWA funding for FY 2015/2016 (\$100k) was currently under review

	<p>and that she could not commit now to a contribution of \$100k for FY2016/2017, particularly if the drought continues. Therefore the approved revenue target for FY16/17 is \$948,000. This target increases the contributions from each Participant Group by 2.5% from FY15/16 to keep up with inflation. The vote was 6 in favor (Dave Tamayo, David Corey, Linda Dorn, Debbie Webster, Josie Tellers, Adam Laputz), 2 opposed (Mike Wackman, Stephanie Hiestand), and 1 abstained (Val Connor). Mike and Stephanie voted against this proposal because they did not support a 2.5% increase and could not guarantee that the extra funds would be available. Phil thanked the group for setting the revenue target for FY 16/17 and called it a major accomplishment.</p> <p><i>OUTCOMES</i></p> <p>→ <b><u>Decisions:</u></b></p> <ul style="list-style-type: none"> <li>⇒ The budget for FY16/17 is \$948,000. This target increases the contributions from each Participant Group by 2.5% from FY15/16 to keep up with inflation. The target does not include the \$100,000 that may be contributed by SFCWA. Moved by Dave Tamayo. Seconded: Adam Laputz. Approved: 6-2-1.</li> </ul> <p>→ <b><u>Action Items:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Develop a Cost Allocation Schedule for SC approval that divides the \$948,000 revenue target for FY16/17 between the Participant Groups. (Phil Trowbridge and Meg Sedlak, by April 25, 2016)</li> </ul>
	<p><b>Lunch Break</b></p> <p>Just after breaking for lunch, Brock Bernstein announced that Tim Vendlinski would be retiring from EPA and stepping down as the EPA SC representative. Participants thanked Tim for his contributions, and Tim expressed appreciation for the collaborative efforts of the group. EPA is still in the process of identifying a replacement for Tim on the SC.</p>
8.	<p><b>Decision: Steering Committee Membership</b></p> <p>The decisions on the table were to a) accept NMFS' offer to have Melanie Okoro and Jeff Stuart fill the vacant seat for Resource Agencies, and b) add additional seats on the SC for the State Water Board and Stormwater Phase IIs. There was some discussion about how to decide on changes to the SC Membership. Brock Bernstein suggested the following principles: a) having multiple expertise and a balanced group that has different perspectives to filter through, b) evaluating if there are other perspectives that should be represented, and c) following up by formalizing current recommendations for how to make changes in the Charter.</p>

	<p>The votes for the representation of Resource Agencies and the additional seat for the Regional Board were unanimous.</p> <p>The additional stormwater Phase II seat was approved. Adam Laputz was supportive of adding another stormwater seat along with broader participation by Phase IIs. The Regional Board wants to see Phase IIs contribute to the RMP rather than doing their own monitoring. Linda Dorn requested that the representative for the additional stormwater seat be identified.</p> <p><b>OUTCOMES</b></p> <p>→ <b><u>Decisions:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Accept offer from NMFS to have Melanie Okoro (Primary) and Jeff Stuart (Alternate) fill the vacant seat for Resource Agencies.</li> <li>⇒ Add two new seats to the Steering Committee: one for Regulatory Agencies - State (the State Water Board's SWAMP program will be asked to fill this seat) and one for Phase II stormwater agencies. Greg Gearhart will fill the seat for the Regulatory Agencies. Someone to represent medium to smaller Phase II municipal agencies will fill the new stormwater seat.</li> </ul> <p>→ <b><u>Action Items:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Update roster and mailing list with new SC members (Thomas Jabusch, by December 31, 2015) – <i>Done</i>.</li> <li>⇒ Recruit an appropriate representative to fill the new stormwater seat on the SC (Stephanie Hiestand, by April 25, 2016)</li> </ul>
3.	<p><b>Decision: Approve Meeting Summary from October 23, 2015</b>  The SC voted to approve the October 23 Meeting Summary.</p> <p><b>OUTCOMES</b></p> <p>→ <b><u>Decisions:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Approve meeting summary from October 23, 2015, without changes.</li> </ul> <p>→ <b><u>Action Items:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Finalize meeting summary from December 18, 2015 (Thomas Jabusch, by April 25, 2016).</li> </ul>
4.	<p><b>Decision: Approve Communications Plan and Program Planning Overview</b>  The Communications Plan and Program Planning Overview were approved with a few amendments made at the meeting. ASC staff clarified that the sensor synthesis would be coming in January as a Delta RMP report (which was not specifically</p>

	<p>addressed in the schedule included in the Communications Plan) and that the flowchart describing the follow-up process between the RMP and the Regional Board would be included in the Charter. Participants requested that provisional data be labeled “internal distribution only - do not cite”. David Corey expressed concern over the long lag time from data collection until final release of the pesticide data, since they are also used as TMDL compliance data. Adam Laputz responded that the Regional Board would work through these issues.</p> <p><i>OUTCOMES</i></p> <p>→ <b><u>Decisions:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Approve Communications Plan as amended at the December 18, 2015, meeting. Moved by Val Connor. Seconded: Gregg Erickson. Approved: 10-0-1.</li> <li>⇒ Approve Program Planning Overview as amended at the December 18, 2015, meeting. Moved by Linda Dorn. Seconded: Stephanie Hiestand. Approved: 9-0-2.</li> </ul> <p>→ <b><u>Action Items:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Arrange a call between Greg Gearheart and ASC data management staff regarding State Board data management policies, CD3, and the Estuaries Portal (Meg Sedlak, by April 25).</li> <li>⇒ Revise and finalize the Communications Plan and Program Planning Overview (Thomas Jabusch, by April 25). <i>Done.</i></li> <li>⇒ Follow up with TMDL staff about federal requirements so that compliance data issues for Vernalis compliance point can be resolved (Adam Laputz, by April 25).</li> </ul>
5.	<p><b>Information/Decision: TAC Meeting Summary and Monitoring Update</b></p> <p>The TAC co-chairs provided an update on the TAC Meeting and monitoring. Both ongoing monitoring efforts (pesticides and pathogens) are proceeding without major issues. Pesticide monitoring has not yet detected toxicity at levels triggering the need for a TIE. A revised workplan for the upcoming Nutrient Synthesis task was presented for approval. The revised workplan follows a 2-step process: (1) reconvening the nutrient subcommittee to review existing synthesis documents and to develop no regrets nutrient monitoring tasks to be implemented in FY16/17, and (2) to develop the longer-term strategy later in the fall when all the planned white papers are finalized. There was general consensus to adopt this two-step planning process.</p>

	<p><b>OUTCOMES</b></p> <p>→ <b><u>Decisions:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Approved revised workplan for FY15/16 Nutrient Synthesis task by consensus.</li> </ul>
6.	<p><b>Information: Delta RMP Financial Update</b></p> <p>Phil Trowbridge provided a financial update on the FY14/15 and FY15/16 budgets. Excess revenue (\$51,903) from FY14/15 was added to the Undesignated Funds Reserve. Gregg Erickson commented that it would be helpful to have a reserve for things such as methods development or improvement.</p> <p>As part of the update, Phil Trowbridge also provided a list of coordination activities authorized by the Bay RMP Steering Committee that benefit the Delta RMP, including a) information exchange between the two RMPs via the Pulse and directly by staff participating in both programs, b) data management infrastructure and visualization tools development, and c) Bay RMP sampling stations in the Sacramento and San Joaquin rivers that provide piggybacking opportunities. The background of this discussion is that some Phase IIs in East Contra Costa County are located in Region 5 but the county as a whole wants to continue to participate in the Bay RMP, because it is more efficient to them than having some entities participate in the Bay RMP and others in the Delta RMP. There was some support for further exploring the Bay RMP bivalve sampling but general reluctance to go forward with the current arrangement without having funds more clearly directed at the Delta RMP's priorities. The group agreed to have further discussions with the Bay RMP to focus the effort onto shared priorities.</p>
7.	<p><b>OUTCOMES</b></p> <p>→ <b><u>Action Items:</u></b></p> <ul style="list-style-type: none"> <li>⇒ Arrange a call between Adam Laputz, Greg Gearhart, and Tom Mumley to discuss coordination between the RMPs. (Meg Sedlak, by April 25)</li> <li>⇒ Discuss whether there is any value in testing bivalve samples collected by the Bay RMP for parameters of interest to the Delta RMP. (TAC, by April 25).</li> </ul> <p><b>Information: External review of Monitoring Design by the Delta Science Program</b></p> <p>The discussion focused on the proposed scope of the external review. The two overarching questions for the review were proposed to be:</p> <ol style="list-style-type: none"> <li>1. Are the target parameters and monitoring design adequate to answer the management and assessment questions in a reasonable amount of time?</li> <li>2. With limited funding, what scientific criteria should the Program consider</li> </ol>

	<p>when deciding how to distribute limited resources?</p> <p>The SC supported the external review and the approach overall, but requested that the planning subcommittee meet again to further revise the charge for the review.</p> <p><b>OUTCOMES</b></p> <p>→ <b>Action Items:</b></p> <ul style="list-style-type: none"> <li>⇒ Revise scope of work for External Review with comments received at the December 18, 2015 meeting. (Phil Trowbridge, by December 31, 2015) – <i>Done</i>.</li> <li>⇒ Schedule a call of the External Review Planning Subcommittee in January. Participants: Linda Dorn, Adam Laputz, Dave Tamayo, Val Connor, David Cory, Gregg Erickson, Sam Harader, Stephen McCord, and Joe Domagalski. (Phil Trowbridge, by December 31, 2015)</li> </ul>
9.	<p><b>Decision: Adequate Participation Concepts</b></p> <p>A decision on the draft Adequate Participation Concepts was postponed. SC co-Chairs and staff are still in the process of drafting language to discern adequate participation criteria for permittees and those of other participants. However, the group agreed in principle that SC members that do not contribute financially to the Program cannot vote on budget issues. The group agreed that both the State Board and the Regional Board contribute financially through the SWAMP funds and, therefore, can vote on budget issues. The representatives from USEPA and NOAA cannot vote on budget issues due to federal ethics rules. The representative from Coordinated Monitoring will not vote on budget issues.</p> <p><b>OUTCOMES</b></p> <p>→ <b>Action Items:</b></p> <ul style="list-style-type: none"> <li>⇒ Distribute revised language for Adequate Participation criteria (Linda Dorn, by December 31, 2015) – <i>Done</i>.</li> </ul>
10.	<p><b>Discussion: Status of Deliverables, Action Items and Upcoming Meetings</b></p> <p>Val Connor provided an update on the Revenue subcommittee. The committee is compiling a timeline table of solicitations that will then be prioritized. Next, the SC would provide additional input for other opportunities. The committee is also looking for potential allies that could lobby for state or federal legislation that could support the Delta RMP. The group appreciated the work of this volunteer subcommittee.</p>

	<p>Val Connor also convened a finance subcommittee that includes Mike Wackman (agriculture), Dave Tamayo (stormwater), Linda Dorn (POTWs), and Adam Laputz. Phil Trowbridge participates to answer questions. Next steps will include the separation of duties among subcommittee participants and the gathering of information (e.g. budget plans).</p> <p><i>OUTCOMES</i></p> <p>→ <b>Action Items:</b></p> <ul style="list-style-type: none"> <li>⇒ Send the draft Charter and MOA to the SC in electronic format (these documents were distributed at the meeting in hard-copy format). (Thomas Jabusch, by December 31, 2015) – <i>Done</i>.</li> <li>⇒ Schedule another meeting of the Revenue Subcommittee to develop a 1-page description of the mission of this committee. Participants: Val Connor, Linda Dorn, and Gregg Erickson (Val Connor, by April 26).</li> <li>⇒ Schedule another meeting of the Financial Subcommittee and develop a 1-page description of the mission of this committee. Participants: Val Connor, Dave Tamayo, Linda Dorn, Mike Wackman, and Adam Laputz (Val Connor, by April 25).</li> </ul>
11.	<p><b>Discussion: Status of Deliverables, Action Items and Upcoming Meetings</b></p> <p>Phil Trowbridge reviewed the status of deliverables and summarized the action items from the meeting. There were no comments.</p>
12.	<p><b>Plus/Delta, set dates and agenda topics for upcoming meetings</b></p> <p><i>OUTCOMES</i></p> <p>→ <b>Action items:</b></p> <ul style="list-style-type: none"> <li>⇒ Send a calendar invite for the next SC meeting on April 26, 2016 from 9:30 am to 3:30 pm. The meeting will be at the Regional Board offices in Rancho Cordova. (Thomas Jabusch, by December 31, 2015) <i>Updated:</i> Send doodle poll for an alternate date, set next meeting date, reserve room, and send invitations to the SC (Meg Sedlak, by January 15, 2015).</li> </ul>