

**REGIONAL MONITORING PROGRAM  
STEERING COMMITTEE MEETING  
MEETING MINUTES  
May 5<sup>th</sup>, 2010**

**Members Present:**

Dave Allen, USS POSCO  
Kevin Buchan, WSPA  
Trish Mulvey, SFEI Board of Directors  
Adam Olivieri, EOA/ BASMAA  
Dan Tafolla, Vallejo Sanitation and Flood Control District  
Dave Tucker, City of San Jose  
Chuck Weir, SFEI Board of Directors  
Ian Wren, Baykeeper

**Via conference call:**

Meg Sedlak, SFEI  
Tom Mumley, SFBRWQCB

**Others Present:**

Rachel Allen, SFEI  
Jay Davis, SFEI  
Rainer Hoenicke, SFEI  
Jen Hunt, SFEI  
Lawrence Leung, SFEI

**1) Approval of Agenda and Minutes, Update on Action Items**

Dave Tucker made a motion to approve the minutes from the January 19<sup>th</sup> 2010 Steering Committee (SC) meeting, which Adam Olivieri seconded. The minutes were approved. Kevin Buchan suggested that the SC review action items from the previous meeting, including sending a letter to SC members, encouraging their participation. Trish Mulvey mentioned that this letter should not oblige participation, and suggested that the request be framed more to solicit feedback from them, including why they don't currently attend, and what would entice them to attend more. Tom Mumley asked if there was a current roster of committee members, and alternates, from each represented sector. He also suggested that a clear process for voting be developed, so that if issues arise that need voting, like funding for special studies did in 2009, the manner is outlined. Jay Davis replied that the Pulse each year lists the official membership in the SC and the Technical Review Committee (TRC), however it does not have alternates.

Dave Tucker suggested that Kevin Buchan place calls to the absent committee members, and Rainer Hoenicke offered to work with Jay Davis to create appropriate questions for Kevin Buchan to pose.

**Action Items:**

- Review the roster of committee members, and appoint alternates where necessary
- Discuss a process for voting on issues
- Kevin Buchan to call committee members to encourage participation and solicit feedback, based on questions prepared by Rainer Hoenicke and Jay Davis.

**2) Committee Member Updates**

None of the committee members had updates.

**3) Technical Review Committee Meeting Summary**

At the March TRC meeting, the following items were discussed: Master Plan, Southern California Coastal Water Research Project (SCCWRP) Commission's Technical Advisory Group (CTAG)-TRC meeting; Special Study topics for 2011; and Factsheets. The Master Plan and CTAG meeting were included in the day's agenda. With regard to Special Study topics, the TRC discussed potential topics for 2011 special studies, which fed into the Master Planning workshop discussion on April 21, 2010. Due to the full agenda at this meeting, the SC will not discuss the recommendation from the Contaminant Fate Workgroup (CFWG) and TRC that funds be allocated to the modeling work for 2011, but be confirmed at the end of 2010. In this manner, the project can continue, but still receive SC and TRC oversight. This issue will be addressed at the next SC meeting. The TRC supported Jay Davis's plan for proceeding with factsheets, with triclosan and triclocarban as the first topic. This topic will be discussed further at the next SC meeting. Jay Davis reminded the group that the coring study report draft was recently completed, and will be distributed to the SC and the TRC. Jay Davis asked for comments on it, to be received by early June.

The TRC also concurred with the staff recommendation to cancel the analysis of extracts for diazinon and chlorpyrifos and that some of the funds be used to support RMP collaboration with the NOAA Emerging Contaminants (EC) Mussel Watch pilot study in the SF Bay. Tom Mumley supported the use of these funds for the EC activities but asked why the funds had not been returned to the reserve and a process developed for evaluating the EC work and placing it in the context of long-term plans. Jay Davis clarified that the timing of the release of pesticide funds and the request for fund for EC work was merely coincidental. He stated that the EC work presented a time-sensitive opportunity for the RMP to provide data on ECs that could be used by the NOAA Mussel Watch Program to inform their design for this year's California pilot study. The RMP EC work had evolved rapidly in the fall from a rather small pro bono project with AXYS to a much larger project that would help to direct the NOAA EC pilot study. He indicated that in part this was a result of the enhanced collaboration between SCCWRP and the RMP.

**Action Items:**

- Rachel Allen will distribute the coring report draft to the TRC and SC for comments, to be received back by early June.

#### **4) Budget Status**

Lawrence Leung reviewed the status of the budget, noting that it is on track for 2010. He stated that the Caltrans fees from 2008 and 2009 have been paid, and that all 2009 participant fees have been collected, except for Paradise Cay which is paying their invoice in increments. The 2005-2007 Caltrans fees will be received in two payments, one in June and one in October. Once the remaining fees are received, the reserve will have approximately \$423,000 of unencumbered funds.

Lawrence Leung also discussed the terms on the budget spreadsheet with the SFEI financial auditor, who indicated that they are appropriate. Trish Mulvey suggested that Adam Olivieri, Lawrence Leung and she meet to develop a uniform and consistent vocabulary for the RMP budget spreadsheet. Kevin Buchan clarified that the SC needs appropriate and descriptive terms that are understandable to them.

Meg Sedlak reminded the SC that the 2006 cores and 2008 sediment samples for dioxin analysis had been deferred last year due to a shortfall in dredger fees. Now that the reserve has been replenished, Ms. Sedlak asked the SC whether these funds (\$114,000) should be released for this work. Meg Sedlak recommended that the SC could fund the analyses of the cores, but delay the analysis of the 2008 sediment samples until the 2009 sediment dioxin results are received. At that point, with further information in hand, the issue can be readdressed. Dave Tucker motioned to move forward with the analysis of the cores from 2006, and keeping the 2008 sediment samples in the archives until further information is available. Adam Olivieri seconded the motion, and it was unanimously approved.

#### **Action Items:**

- Trish Mulvey, Adam Olivieri, and Lawrence Leung to meet to develop a consistent terminology to use for the budget and budget memoranda.

#### **5) SFEI Audit Committee**

Rainer Hoenicke informed the SC of the SFEI Board's plan to establish an independent audit committee, to look broadly at SFEI's financial practices and direct the annual SFEI audit. The committee will be chaired by the SFEI treasurer and consist of three other independent members. Since the RMP contributes a large portion of the SFEI budget, Rainer Hoenicke asked for recommendations from SC members for appropriate candidates to serve on this committee. The SFEI Board will meet on June 3, 2010, and the committee will be discussed at that point. Rainer Hoenicke asked for suggestions from the SC to bring to that meeting. The next financial audit of SFEI will occur in July.

SFEI Treasurer Chuck Weir described the duties of the committee members, which would include about two telephone conferences per year, to discuss and review the audit. Trish Mulvey mentioned that the first year would require more time, an estimated additional day, in order to become familiar with SFEI's financial and business practices. She suggested that a commitment of at least two years would be required from committee

members. Additionally, she mentioned that Dave Tucker would possibly become the new SFEI treasurer, taking over from Chuck Weir, with the assumption that Mr. Weir would be available as a mentor. Ms. Mulvey requested that potential committee members have financial or business practice experience to best help SFEI.

Adam Olivieri asked if an independent committee member would be covered under SFEI Board's liability insurance. Chuck Weir replied that no insurance is necessary, since the committee will simply be making recommendations to the SFEI board, and not actually controlling money. *(After the meeting, Rainer Hoenicke confirmed that committee members would be covered under SFEI's insurance policy with Lloyd's of London, Beazley Insurance Company.)*

Trish Mulvey and Dave Tucker asked that Rainer Hoenicke send out an email with an explicit request, including the required membership duration (at least 2 years, but not more than 4?), the expected time commitment, the type of participant desired, and useful experience. Adam Olivieri mentioned that since public, private, and non-profit institutions have different accounting rules, the committee members should be familiar with non-profits in order to be most helpful.

**Action Items:**

- Rainer Hoenicke will send an e-mail to SC members describing the audit committee membership request.

**6) Pulse Update**

Jay Davis informed the SC that of the five Pulse articles for 2010, three have been sent to the TRC and the SC for review. Comments on the articles are due on May 21st, and he asked that the SC members comment on them to whatever extent they can. Two more articles are expected soon. Because of time restraints, Jay Davis added that ideas for the 2011 Pulse would be discussed at the next SC meeting.

In response to Dave Tucker's question, Jay Davis stated that only 2 or 3 people each year consistently comment on the Pulse articles. Dave Tucker suggested that reviewing the Pulse articles be made part of the charge of TRC members. For the current year, however, SC members will speak with their TRC representatives to get their feedback on the Pulse articles.

Tom Mumley asked that the charge for the TRC members be clarified, and Kevin Buchan suggested that they look for technical flaws and obvious contradictions in policy, rather than performing a detailed commentary. Dave Tucker made a motion to make Pulse review part of the charge of the TRC, and Dan Tafolla seconded it.

For the current Pulse, Trish Mulvey asked that the SC members personally review the draft articles, and evaluate whether the articles convey why we should care about watersheds.

**Action Items:**

- SC members will speak with their TRC representatives to encourage their feedback on the Pulse articles.
- The SC will give the recommendation to the TRC that they review the Pulse for technical flaws and potential policy issues.

**7) Annual Meeting**

Jay Davis reminded the SC that the 2010 Annual Meeting will be on October 5th, 2010. It was unfortunately noted at the meeting that this is the same week as WEFTEC, which may preclude some members from attending. Jay Davis stated that in keeping with the theme of the Pulse, it will be focused on linking the watersheds and the Bay. He asked the SC for recommendations for keynote speaker (s) and master of ceremonies. Jay provided the group with a handout for two potential speakers, Tom Schuler and Robert Pitt.

Tom Mumley suggested Tom Schueler, from the Chesapeake Stormwater Network (a non-profit focused on science, rather than advocacy), because he is a national expert who is reputed to be a good speaker. He has lots of hands on experience, and advocates many of the practices that local organizations implement already. Dr. Mumley also suggested Robert Pitt, from the University of Alabama, who works on understanding how pollutants get into stormwater, and John Sansalone at the University of Florida. Dave Tucker suggested contacting all speakers, to determine if they are available.

For the Pulse focused talks, Jay Davis mentioned that he would like Chris Sommers to present on the Davis et al. article. Other potential speakers, not represented on the Pulse, could be Jim Cloern addressing CASCADE, and water quality in the face of climate change, and Nicole David, on the results of the Mallard Island monitoring study. The Pulse sidebars could also provide topics for talks, such as Low Impact Development (LID), volunteer monitoring, and trash capture.

Dave Tucker suggested that one speaker could address these three items in 15 minutes each. He recommended that the speakers give a more broad overview., Trish Mulvey suggested that Laura Prickett of EOA, from the land use subgroup of the Watershed Management Initiative, could help frame things and suggest speakers.

Dave Tucker suggested that the SC ask Rainer Hoenicke to be the MC for the meeting or to provide introductory remarks. If Rainer declines the role of MC, we should check to see if Mike Connor would be interested.

Unfortunately, Adam Olivieri and Kevin Buchan indicated that they will not be able to attend the Annual Meeting.

**Action Items:**

- Ask Tom Schueler, Bob Pitt, and John Sansalone about their interest in speaking at the Annual Meeting
- Contact Laura Prickett to identify other potential speakers.
- Ask Rainer Hoenicke about providing introductory remarks or serving as Master of Ceremonies for the meeting.

### **8) RMP Master Planning Update**

Jay Davis informed the SC about the recent developments from the Master Planning Workshop, and provided summary tables. The workgroup, with Tom Mumley, created a list of anticipated management decisions, policies and actions, with related information needs, which will be incorporated into the Master Plan. Dave Tucker mentioned that the title of the tables should be changed to “Water Quality” from “Water Board”.

Jay Davis mentioned that two versions of the Master Plan will be created – one internal version, full of details, and one external version, restricted to about 10 pages in length, and publicly available.

The other tables describe the anticipated special studies to address the management information needs, including the projected budget, and prioritize them. The 2011 special study process remains consistent, with workgroups vetting proposals, and submitting them to the TRC for recommendations to the SC. However, the planning exercise gives the SC a chance to solicit proposals for specific information needs in future years. Jay Davis welcomes input from the SC on the planning process and the 2011 and beyond proposal recommendations. Trish Mulvey asked that the SC begin considering various findings scenarios from scientific studies, and use these possibilities to signal what sort of management actions would result. She admitted that this would be a difficult task, but that it could increase the power of research to influence management.

Kevin Buchan noted that information needs for refinery activities may not be captured in the table. For example, selenium was not represented in the projected special studies proposals, and that as the North Bay TMDL is developed, there may be information needs that the RMP could address. Kevin Buchan asked about the process for developing proposals, and mentioned that he was interested in talking with Jay Davis about potential needs of the refineries.

Adam Olivieri asked that trash monitoring be specified as in-Bay monitoring of microparticles, for clarification to the TRC.

Jay Davis then walked the committee through the summary tables. Mercury and PCBs are slated for information synthesis and conceptual model updates in 2011, to inform future special studies. Dave Tucker asked if the model update could wait, because the next TMDL for mercury is scheduled for 2015, so that it won't be repeated again at that time. Tom Mumley stated that the mercury review is important now because its findings will determine what needs to be studied before the next TMDL. Then the results from that work can affect the management decisions. Dave Tucker suggested that \$50,000 was

a large sum of money for this work. Jay Davis clarified that the sum was a placeholder suggested by Mike Connor, and would be more closely reviewed before being finalized.

Dave Tucker asked if the RMP was developing an Atmospheric Deposition Strategy, and Jay Davis stated that it was creating a workgroup for this.

Adam Olivieri suggested that the TRC review the master plan, with a specific time frame for response.

**Action Items:**

- Seek TRC input on the Master Plan.
- Kevin Buchan and Jay Davis to discuss potential information needs from the refineries (e.g., North Bay Selenium TMDL).

**9) CTAG-TRC meeting**

Jay Davis mentioned that the joint CTAG-TRC meeting is scheduled for May 11, at the East Bay MUD administrative building, and will focus on stormwater with updates on Emerging Contaminants and Sediment Quality. Attendance is expected at 30, so far, with about 15 people from Southern California (CTAG).

**10) Compensation Comparison**

Rainer Hoenicke presented a comparison of SFEI compensation packages to the state of California, the federal government, and SCCWRP. He concluded that the entry-level SFEI employees are paid at lower levels than state employees of similar positions, while senior level staff are paid at higher rates. He also noted that the state employees he chose to compare SFEI staff to were the science track and that this track is considerably lower than the engineering and geology tracks. Given the discrepancy, he plans to continue to bring entry-level staff compensation up to comparable levels, once the current salary freeze is removed. An increase in staff salaries, without a corresponding increase in RMP fees, would result in a decrease in the amount of work the RMP is able to perform.

Jay Davis presented the effect various rate increases would have on the funds available for special studies in future years.

Dave Tucker asked that a specific plan and timeline for salary adjustments be presented to the SFEI Board, so that the RMP can determine what revenues are needed to keep pace with the salary increases. To ensure that the comparison is appropriate, he asked that the entire compensation package be included, rather than simple salaries. He also noted that the City of San Jose employees took a 10% cut in pay, and that current financial times are not conducive to salary increases.

There was a question as to whether the ranges presented were hypothetical. Trish Mulvey noted that many SFEI entry level staff do in fact receive the minimum salary

noted in the salary range, in contrast with some organizations. Kevin Buchan suggested that SFEI could attract and retain higher quality staff by adjusting the salary level.

**Action Item:**

- Prepare a plan and timeline for salary adjustments, to present to the SFEI Board and the SC.

**11) Analysis of Carryover Tasks and Deliverables Update**

Jay Davis presented a new format for comparing deliverables and carryover projects, which condenses and simplifies the “scorecard”. He discussed carryover projects with staff, to set realistic timelines for projects. He noted that while the amount of carryover work has increased, SFEI is taking steps to address the current workload, and it should decrease by 2011 and beyond.

Some reasons for delaying projects include:

- Subcontractor delays in deliverables
- Staff getting additional projects and more work, which requires a shift in time lines, referred to as “competing priorities”

Jay Davis noted that both John Oram and Susan Klosterhaus are especially busy, in part the result of unexpected projects, such as the NOAA Mussel Watch pilot study, and the high demand for their respective areas of expertise. However, SFEI will soon be hiring Jon Leatherbarrow to work with John Oram and Lester McKee, which will ease the workload on them. Dr. Davis predicts that by the end of 2010 the work will be mostly caught up, and that 2011 will have fewer carryover projects.

Kevin Buchan noted that only a couple of the projects were over budget, and that this presentation format is very useful. Adam Olivieri asked about the effect that the over budget projects (e.g., the coring report and the brominated flame retardants project) would have on the RMP budget, and Meg Sedlak replied that the funds were already taken care of, with no impact on the budget as a whole.

Tom Mumley suggested that the RMP consider steps to avoid carryovers, such as reassigning or contracting out projects that are late. Dave Tucker suggested that extremely late projects be reconsidered before continuing with them, in case they are no longer priorities. Trish Mulvey mentioned that SFEI as a whole is working on incorporating this oversight technique, so that the SFEI Fiscal and Admin Committee can address it.

Jay Davis mentioned that he will continue to present this new version of the deliverables scorecard to the SC. Tom Mumley suggested that the TRC look at carryover projects when there are technical issues associated with them, so that they can help consider alternatives and assess their technical merit. Chuck Weir mentioned that the budget impact of delayed projects also needs to be assessed, as well as the quality of the information, its timeliness, and the people working on it.

Kevin Buchan asked if the contracts have a “30 day notice” clause, in case the RMP wants to stop funding a certain project. Dave Tucker suggested that the RMP stakeholders be considered customers, rather than funders, in order to give sufficient weight to projects, so they are not delayed due to “competing priorities”. Trish Mulvey pointed out, however, that sometimes the RMP may be the source of the additional projects, causing the “competing priorities”. Adam Olivieri asked that the precise reason for project delay be listed on the spreadsheet, including mistakes such as selection of an unrealistic deadline.

**Action Items:**

- Jay Davis will bring carryover items to the TRC as appropriate.
- Continue to develop procedures for assessing and correcting delayed projects.

**12) RMP fees for 2011 and beyond**

Dave Tucker and Adam Olivieri stated that wastewater treatment plants and stormwater agencies could not support a fee increase in 2011.

Trish Mulvey and Adam Olivieri determined that a recommendation for 2012 fees would be most useful to the stormwater agencies in the fall of 2010, and recommended holding the planning workshop and fee discussion in the fall of 2010. Dave Tucker suggested that having a plan for SFEI salary adjustments at that time would make it easier to take them into account.

Trish Mulvey asked if someone would determine why the US Army Corps of Engineers (USACE) has never increased their fee from \$250,000 since 1993. Tom Mumley pointed out that the Water Board does not have regulatory authority over the USACE, and that the funds are on recurring threat of being pulled, but he will address the issue in internal Water Board discussions. Rainer Hoenicke mentioned that Ellen Johnck has offered to raise the issue with USACE.

Dave Tucker motioned to have a 0% fee increase in 2011, with Adam Olivieri seconded. The motion was approved.

**Action Items:**

- Ellen Johnck will discuss fee increases with the USACE, and Tom Mumley will discuss it with the Water Board.
- Jay Davis and the SC will consider scheduling the next planning workshop and fee discussion for the Fall of 2010.

#	Action Items – May 2010	Who?	When?	Status 8/4/2010
1.	Review the roster of committee members, and appoint alternates where necessary	SC members, TRC members	By August SC meeting	
2.	Discuss a process for voting on issues	SC members	August SC meeting	Staff recommends not discussing this.
3.	Call committee members to encourage participation and solicit feedback, based on the questions prepared by Rainer Hoenicke and Jay Davis.	Kevin Buchan	By August SC meeting	
4.	Distribute the coring report draft to the TRC and SC for comments, to be received back by early June.	Rachel Allen, SC members	Comments received by June 7 <sup>th</sup>	Distributed to TRC and SC on May 7 <sup>th</sup>
5.	Develop a set of accounting terms that can be used to discuss the RMP budget and reserves.	Trish Mulvey, Adam Olivieri and Lawrence Leung	By August SC meeting	
6.	Send an email to SC members describing the audit committee membership request.	Rainer Hoenicke	May	Completed.
7.	Speak with TRC representatives to get their feedback on the Pulse articles.	SC members	May	Completed
8.	Ask Tom Schueler, Bob Pitt, and John Sansalone about their interest in speaking at the Annual Meeting	Jay Davis	June	Completed
9.	Contact Laura Prickett to identify other potential speakers for the Annual Meeting	Jay Davis	June	Not completed. Clarification needed from the SC.
10	Ask Rainer Hoenicke if he would like to provide introductory remarks or be the Master of Ceremonies for the Annual Meeting.	Jay Davis	June	Completed
11.	Seek TRC input on the Master Plan.	Jay Davis	By August SC	Completed – but no feedback received

			meeting	
12.	Identify information needs for the Refineries (e.g., need from the Se TMDL).	Kevin Buchan	June	Completed
13.	Prepare a plan and timeline for salary adjustments, to present to the SFEI Board and the SC.	Rainer Hoenicke	By August SC meeting	Completed
14.	Discuss fee increases with the USACE	Ellen Johnck	By August SC meeting	
15.	Discuss fee increases for the USACE with the Water Board.	Tom Mumley	By August SC meeting	
16.	Discuss scheduling the next planning workshop and fee discussion for the fall of 2010.	Jay Davis and the SC	August SC meeting	To be completed today

#	Action Items – January 2010	Who?	When?	Status 8/4/2010
1.	Prepare a communications plan for the fact sheets that addresses the purpose, audience, and updates necessary for factsheets	Jay Davis	March TRC meeting	Discussed at March TRC meeting – to be discussed by SC at the August meeting
2.	Review the EC report of the State Panel on Recycled Water and incorporate this information in our EC fact sheets.	Susan Klosterhaus	Ongoing	The draft EC Recycled Water policy report is now available. This information will be incorporated into our EC products.
3.	Proceed with the fact sheets pilot in 2010	Jay Davis, staff	2010	In progress, first topic: triclosan and triclocarban. Pending input from the SC.
4.	Explore modifying the SEP process so that it might help fund high priority studies identified in RMP planning	Tom Mumley, BACWA, and Trish Mulvey	After Jan SC meeting	Pending Mumley discussion of options with SWRCB staff
5.	Develop a Strategy for Status and Trends	Meg Sedlak	Fall 2010	Pending