

**REGIONAL MONITORING PROGRAM FOR WATER QUALITY  
STEERING COMMITTEE MEETING  
DRAFT MINUTES  
January 27th, 2009**

**Members Present:**

Adam Olivieri, EOA/BASMAA  
Dan Tafolla, Vallejo Sanitation and Flood Control District/Med. WWTPs  
Tom Mumley, SFB RWQCB

**Others Present:**

Rainer Hoenicke, SFEI  
Jay Davis, SFEI  
Lawrence Leung, SFEI  
Meg Sedlak, SFEI

**1. Approval of Agenda and SC Minutes**

As interim SC Chair, Adam Olivieri opened the meeting and asked for comments on the August 2008 minutes and on the October minutes. August minutes were not approved at the last meeting because the minutes were sent out late.

Ms. Sedlak stated that there were a number of action items on today's agenda and indicated that a number of individuals were unavailable due to unforeseen circumstances. As a result, there was not a quorum at the day's meeting. It was agreed that all items on the day's agenda be reviewed and motions made for approval contingent upon the remaining SC members approval. Ms. Sedlak indicated that she would send on an e-mail with the items to be approved after the meeting.

Tom Mumley indicated that he had had clarifications on the minutes regarding emerging contaminants and the multi-box model and after review of the minutes it appeared that his comments had been incorporated. Tom Mumley indicated that developing a strategy for emerging contaminants would be very important. In addition, with regard to the TRC minutes, he wanted to emphasize the importance of the multibox model in characterizing bay sediment transport.

Ms. Sedlak stated that SFEI and SCCWRP are in the process of coordinating a workshop in April (by invitation only) to develop a State strategy for addressing emerging contaminants. The purpose of the workshop is to develop a strategy for prioritizing emerging contaminants and to identify gaps in our current state of knowledge. She indicated at present that approximately 20 academics; four NGOs (e.g. NRDC, BayKeeper, etc); and six members from the regulated community (such as BACWA, BASMAA, Orange County, etc.) were attending. Although the workshop is by invitation only, the Committee asked that the goals of the workshop be sent out to the SC and TRC.

**Action item:** Send out meeting information to TRC and SC so that these committees are aware of the workshop even though the workshop is by invitation only.

## **2. Committee Member Updates**

Tom Mumley indicated that Region 5 was investigating potential ammonia toxicity in the Delta and potential sources. Region 5 contacted staff at Region 2 to coordinate efforts. UC Davis has conducted aquatic toxicity tests using *Hyallela* and is reporting significant toxicity in the Benicia area. Also, Dick Dugdale is suggesting an association between the Sacramento Regional WWTP discharge and effects on phytoplankton. Tom stated that any response by Region 2 to this issue would be conducted through the RMP and asked that this be brought up to the Exposure and Effects Workgroup (Toxicity Workgroup). He also stated that pyrethroids are a concern. TIEs conducted have found pyrethroids to be a cause of toxicity. The RMP should be tracking pyrethroids.

Meg Sedlak mentioned that the TRC is coordinating with the technical review committee for SCCWRP (referred to as CTAG) to have a joint meeting in May. One of the possible topics of discussion is sediment toxicity and developing strategies for better understanding what is causing sediment toxicity. Ms. Sedlak distributed a memorandum outlining several of the potential topics for discussion: emerging contaminants, sediment toxicity, QA/QC and benthic assessments. The SC thought that in addition to TRC members, SC representatives should attend as well. The Committee recommended making sure the venue for the event can accommodate a large audience, especially since the EC workshop has such a limited attendance. Adam Olivieri asked whether a summary document would be available from the April EC workshop. Ms. Sedlak indicated that she would recommend this at the next EC workshop planning meeting.

**Action item:** Develop a draft agenda for the joint meeting ASAP and distribute to the TRC and SC for input.

## **3. Information: Technical Review Committee (TRC) Meeting Summary**

Ms. Sedlak indicated that many of items for discussion on today's agenda were also discussed at the TRC meeting in December including the Annual Meeting, the Pulse, and Program Plan. The TRC approved the Detailed Workplan for 2009.

### **Information: SFEI Status**

Rainer Hoenicke presented the current financial status of the Institute. Approximately 40% of SFEI projects are suspended due to the state's stop-work order on bond-funded projects issued in December. The Institute has taken a number of steps to reduce expenditures and to increase revenue. Reduction in expenditures include: no salary increases for 2009; a deferral of health care expenditures; cessation of the 403 (b) employer match; and a reduction in direct costs. With regard to revenue, the Institute is, where possible, shifting employees to projects that remain open and identifying new funding opportunities for staff who cannot be moved to existing projects (as a result of the skill set required).

It was mentioned that the Department of Water Resources was able to obtain exemptions for select projects. The ASC Board may be able to assist with waivers. There is an ASC Board meeting on the 28<sup>th</sup>.

Adam Olivieri suggested that SFEI investigate the Supplemental Environmental Project (SEP) list maintained by the Water Board. SEPs are funded by enforcement actions and the subsequent fines that are levied. Tom Mumley concurred that this would be a good option and that the RMP and SFEI should develop a list of projects that could potentially be conducted. Mr. Mumley indicated that the Cleanup and Abatement Fund is another potential source of funds, and that a policy may be adopted whereby approximately 50% of the funds could be set aside for each regional board in which the fine occurred. (*Note: After the meeting, the State Board decided not to allow the 50% policy.*) Adam suggested that a subgroup of the TRC work to develop a list of projects and then to circulate this list to BASMAA and BACWA for their comments and support. Tom indicated that projects that had widespread support were more likely to be funded.

Tom encouraged SFEI to develop a list of projects that could be conducted quickly as well as a list of projects that were more long-term. Proposals that have been vetted and are supported by stakeholders will have better chances of getting funded. The contact for SEP projects is Carol Thornton at SFEP. Tom recommended that the RMP projects be consistent with the strategy documents that have been developed such as dioxin and modeling strategy. Tom Mumley indicated that the budget for these projects could be as small as a couple of thousand of dollars and as large as a half million dollars. Jay Davis stated that development of these lists would be incorporated into the RMP planning process.

**Action item:** Develop a list of projects suitable for SEP funding as part of the RMP planning process.

## **5. Discussion: RMP Budget Status 2008 and Line-item Budget 2009**

Ms. Sedlak reviewed the RMP budget summary memorandum. For 2008, all participants have been invoiced and with the exception of the Caltrans fees (\$73,110), all have paid. Ms. Sedlak indicated that the prior year's fees from Caltrans totaling \$175,717 have also not been paid. Ms. Sedlak is continuing to work with the Water Board staff to obtain this funding. Included in the memorandum was a table indicating that the prior fees from Caltrans totaling \$175,717 have been paid to the Water Board and SFEI is working with the Board to obtain these fees from them. Tom Mumley was very confident that these funds will come through. In addition, the 2008 and 2009 fees will be obtained through the Aquatic Science Center.

Ms. Sedlak indicated that the 2008 budget closed out underbudget for labor (\$142,000) and at slightly overbudget for direct costs. With one exception, all of the subcontracts have been written and signed. One contract with Dr. Kelley of CSU-Long Beach needs to be signed; once signed the subcontract budget will be zero-ed out.

Ms. Sedlak stated that a number of 2008 tasks had not been completed and she was requesting carryover funds from 2008 to 2009 for this work. Ms. Sedlak requested \$95,000; however because of the revenue shortfall (Caltrans), only \$59,413 was presently available.

Ms. Sedlak also indicated that there was a shortfall in revenue for the 2009 budget of approximately \$85,630 as a result of a shortfall on participant fees and a reduction in interest on RMP funds. *(After the meeting, Ms. Sedlak was contacted by Water Board staff who indicated that there was an additional \$10,292 shortfall due to overestimation of dredge volumes for Conoco Phillips in 2008 and 2009).* Ms. Sedlak outlined several options for closing this shortfall, including deferment of work or cancellation of work. Ms. Sedlak stated that the reserve was at approximately \$58,000 and therefore insufficient to cover the shortfall.

Ms. Sedlak explained that 2009 work for dioxin could be deferred to the second or third quarter when it is anticipated that the CalTrans fees will be received. If the 2008 analyses were deferred and this funding transferred back to the reserve (\$114,000), there would be sufficient funds to cover the shortfall. Once the outstanding Caltrans fees are received, the reserve would be sufficient to pay for the 2008 dioxin work.

Ms. Sedlak indicated that this would not necessarily result in a delay of the work because at present the RMP is evaluating method detection limits through a small pro bono project that AXYS is conducting, analyzing three sediment samples from the 2008 cruise to assure that the method is robust. In addition, a QAPP for the project is currently being prepared. Ms. Sedlak indicated that it was likely that these two projects would be completed in the second quarter.

Adam Olivieri made a motion that the 2008 dioxin funds be returned to the reserve and used to bridge the shortfall. Dan Tafolla seconded. Tom Mumley and Dave Tucker (in absentia) also indicated their support for the motion. Adam recommended that this information be summarized in a short e-mail and sent to the remaining members for their approval.

**Action item:** Summarize this motion and related information and distribute to the full Committee via email for their approval.

## **6. Action: 2010 Fees**

Ms. Sedlak handed out a memo regarding potential fee increases. She indicated that historically the RMP fees have averaged approximately 2% since 2003 and the CPI has also averaged 2%. CPI for 2008 was very low (0.1%) in part due to the substantial decrease in energy costs. She indicated that a prior memo developed in 2005 had recommended using the CPI. Ms. Sedlak indicated that the RMP could contain labor costs to the 0.1% CPI; however, the subcontractors (logistics and fieldwork) might not be able to contain their costs to the 0.1% increase. She also indicated that when the laboratories increased their fees, it was typically in the range of 10 to 15%.

All of the SC members present and Dave Tucker indicated that although this year presented substantial financial hardships for their agencies, they would support continuing to increase RMP fees by 2% per year. Dave thought that this increase is needed for managing the program. Tom Mumley also expressed a concern that the reserve is being whittled away. A motion to increase fees for 2010 by 2% was made by Dan Tafolla and seconded by Adam Olivieri.

A request was made by the SC to place the discussion of fees on the October SC meeting agenda and to discuss special information needs that may need to be addressed in 2010.

**Action item:** Place the discussion of fees on the October SC meeting agenda and to discuss special information needs that may need to be addressed in 2010

## **7. Pulse**

Jay Davis presented an update on the status of current articles for the Pulse. Articles for the Pulse include Sediment Quality Objectives (Chris Beegan et. al); Sediment as a Valuable Resource (Ellen Johnck et al); Sediment Coring with a focus on mercury (Don Yee et al.); Decreasing Sediment Supply (Schoellhamer et al.); and Patterns in Erosion and Deposition (Jaffe et al.). Draft articles are due April 23<sup>rd</sup>.

Tom Mumley indicated that Region 2 hasn't yet developed a policy on the SQOs and that Jay should work with him to identify an author to help to contribute to the SQO article. Ellen Johnck is thinking about focusing the article on case studies (e.g. dredging of Redwood City port for reuse on an adjacent wetland). The article should describe BCDC's sediment plan. Brian Baird with the State Resources Agency is also a good person to tap for the article.

There was discussion that Jay needed to write a broader overview article to show how the different topics covered in the Pulse fit together, and to briefly describe important topics that are not covered. The overview article could include the regulatory context, and set up policy questions. Tom indicated that he would be happy to assist Jay in the development of this article.

Jay also gave an update on the RMP strategies. The Mercury and Dioxin strategies have been completed. The Small Tributary strategy will be drafted for the February 20<sup>th</sup> meeting. The Modeling strategy will be drafted and reviewed by the Contaminant Fate Workgroup at their February 6 meeting, and the PCB strategy will be drafted in advance of the March TRC meeting.

## **8. Annual Meeting**

The SC members stated their support for holding the Annual Meeting on October 6<sup>th</sup> at the Oakland Museum. *(SFEI staff learned after the SC meeting that this venue is not available due to renovations. We are currently looking for an alternate venue in downtown Oakland.)*

As in past years, the lead authors for the Pulse would be speaking at the meeting with the exception of Dave Schoellhamer who spoke in 2008. Jay Davis indicated that he was interested in identifying an MC with the departure of Mike Connor to EBDA. There was also some discussion of suitable keynote speakers. Adam Olivieri suggested a "big picture" speaker who might discuss broader topics such as the impacts of global climate change on sediment resources or earthquakes and levee failure on sediment inflow to the Bay. This topic will be revisited at the April SC meeting.

**9. Information: Program Update**

Ms. Sedlak noted that a number of workgroup meetings were scheduled in the next couple of months and in particular the Contaminant Fate workgroup meeting and Annual mercury meeting.

<b>Action Item</b>	<b>Who?</b>	<b>Status</b>
Goals of the Emerging Contaminant workshop (sponsored by SFEI and SCCWRP) to be sent out to the SC and TRC.	Meg Sedlak	
Invite SC representatives to SCCWRP TRC/CTAG meeting. Determine whether a summary document of the April EC meeting will be available for the May meeting	Meg Sedlak	
Develop a list of short term and longer term projects to be funded through SEP using the existing RMP strategies. TRC to review and comment on list.	Meg Sedlak and Jay Davis	
Discussion 2010 fees on the October SC meeting agenda and information needs	Meg Sedlak	

The date for the next meeting will be determined shortly.