

**REGIONAL MONITORING PROGRAM FOR TRACE SUBSTANCES
STEERING COMMITTEE MEETING MINUTES
April 17th, 2006**

Members Present:

Dave Allen, USS POSCO Industries
Kevin Buchan, WSPA
Beth Christian, RWQCB
Ellen Johnck, Bay Planning
Adam Olivieri, EOA
Brian Ross, USEPA
Chuck Weir, East Bay Dischargers Authority
Dyan Whyte, SFB RWQCB

Others Present:

Mike Connor, SFEI
Jay Davis, SFEI
Meg Sedlak, SFEI

1. Approval of Agenda and Minutes

Kevin Buchan opened the meeting and asked for comments on the January 2006 minutes. Meg Sedlak briefly outlined the status of several action items from the January meeting. With regard to the USGS sampling stations, Ellen Johnck had indicated that the members of the Bay Planning Coalition were very interested in continued funding of the Alcatraz site. Ms. Sedlak indicated that the Loch Lomond fees for 2004 had been written off per a recommendation from legal counsel at the RWQCB. Bruce Thompson has organized a benthic workshop for May 23rd at the RWQCB. Minor editorial clarifications were requested of the minutes and the minutes were approved. Mike Connor, Dyan Whyte, and Meg Sedlak had not met to discuss the outstanding CalTrans fees and means for getting this money to the RMP.

Action: Mike Connor, Dyan Whyte and Meg Sedlak to meet to discuss CalTrans fees.

2. Committee Member Updates

Dyan Whyte gave an update on Water Board TMDL activities. The Napa River TMDL for Pathogens will be considered for adoption on June 3rd /4th. The Hg TMDL is undergoing public comment. Documents related to the Hg TMDL are posted on the RWQCB web site.

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

Meg Sedlak summarized the minutes from the TRC meeting on March 29, 2006. Ms. Sedlak indicated that the major items were: a discussion of information needs for the Status and Trends (S&T) program from the RMP participants; a discussion of the 2007 Pilot and Special Studies (PS/SS); and a presentation of the results of the cormorant egg surveys in 2002 and 2004 and consideration of possible inclusion of this element in the 2006 program. Dyan Whyte asked whether the 2006 sport fish program would be eliminating species that were important for regulatory review and emphasized the need for the five species that are most popular for consumption, as indicated in the mercury TMDL. Jay Davis indicated that he would review this to confirm that none had been dropped.

Ms. Sedlak briefly described the 11 pilot and special study ideas that had been received to date. Approximately \$300,000 is available for PS/SSs in 2007.

A RMP technical report on the cormorant egg monitoring pilot has been circulated to the TRC. To date, this monitoring has occurred biennially (2002 and 2004) with sampling at three locations in the Estuary. The EEPS advisory panel has recommended that sampling occur triennially. Contaminants of interest include: PCBs, Hg, pesticides, PBDEs, and Se. Cormorants are important because they are piscivores that indicate exposure at the top of the food chain. The cost is estimated to be approximately \$50,000. The TRC and EEPS advisory panel are reviewing the recommendation to incorporate cormorants into S&T.

Action item: Jay Davis to confirm that the sport fish sampled meet the regulatory needs of the Water Board.

4. Information: Budget Status

Ms. Sedlak reviewed the RMP budget summary memorandum. The 2005 revenues exceeded the expenditures. Ms. Sedlak indicated that revenues were higher as a result of increased revenue from dredgers (\$108,000) and increased revenue from interest on RMP funds (the 2005 budget initially projected revenue of \$35,000 from interest; actual interest received was \$103,136). Expenditures were less than projected as a result of decreased labor costs (\$61,000 less than expected) and unspent funds that were set aside for episodic toxicity (~\$100,000). Several labor tasks were initiated late in 2005 (e.g., small fish project and the 2003 sport fish final report) and were not completed in 2005.

A request was made to carry over the 2005 labor funds over as specific line items in the 2006 budget and to carry over the unspent subcontracts and direct cost as unallocated revenue. Ms. Sedlak presented a revised 2006 budget with the increase revenue from unspent 2005 funds (i.e., \$61,394 unspent labor, \$135,638 in unallocated subcontract funds, and \$3,914 in unspent direct costs). Projected revenue for 2006 is \$3,519,507.

Ms. Sedlak then presented to the Committee the new line item expenditures from the budget that was presented in January 2006. Ms. Sedlak showed \$61,000 to complete 2005 carryover tasks, \$50,000 for the power analyses for Status and Trends, and \$50,000 for replenishing the contingency funds that were spent to sample the high flows in January. Jay Davis stated that the request for funds for the power analyses was made by the TRC as part of the review of the Status and Trends program. Ms. Whyte questioned why there was a line item for manuscript writing; Jay Davis and Meg Sedlak clarified that this was associated with specific tasks. Meg Sedlak will update the Detailed Workplan for 2006 to specifically indicate which tasks will include manuscript preparation.

Chuck Weir indicated that episodic toxicity might be tied to application of pesticides and runoff. Mr. Weir was interested in correlating the applications of pesticide to water quality. Meg Sedlak stated that Pesticide Action Network North America (PANNA) was developing a database of water quality and pesticide application. Chuck Weir asked that RMP staff follow-up on this.

A motion for approval of the revised 2006 budget was made by Chuck Weir; seconded by Adam Olivieri and the revised 2006 budget was approved by the Committee.

Ms. Sedlak reviewed outstanding fees for 2006, 2005, and 2004. Outstanding invoices for 2006 total \$296,457 and included EBDA (\$113K), South Bayside (\$27K), Phillips 66 (\$47K) and Caltrans (\$70K). Outstanding participant fees for 2005 totaled approximately \$60K, largely due to Caltrans (\$35K) and City of Vallejo Marina (\$21K). SFEI is working with the Vallejo Marina to obtain the fees. With regard to 2004, Ms. Sedlak indicated that based on legal counsel with the RWQCB, Loch Lomond Marina fees were written off in the first quarter of 2006 (\$19,622). As a result of the bankruptcy settlement, stock was received for the 2004 Mirant fees owed (\$4,519). RMP will sell these shares and the revenues will be used to offset the fees.

Adam Olivieri suggested that the Program consider an alternative way of accounting in which each year is treated separately. This item will be revisited at the next Committee meeting.

Action items: Meg Sedlak to investigate PANNA's pesticide application/water quality monitoring data base and provide the Steering Committee with an update. Meg Sedlak will update the Detailed Workplan for 2006 to specifically indicate which tasks will include manuscript preparation.

5. Action: Discussion of Short-term Investment of RMP fees

Mike Connor stated that RMP fees are currently held in a Local Agency Investment Fund (LAIF). In effort to identify means for squeezing more dollars out of the Program, he suggested that a portion of the RMP fees be placed in Certificates of Deposit managed by Wells Fargo Brokerage Services (WFBS), which depending on the interest rates offered by LAIF and WFBS might result in an increase in revenue to the program of \$15,000 to

\$30,000. Dr. Connor explained that the financial risk with WFBS was slightly higher than the LAIF; however, the financial committee generally considers CDs to be one of the safest securities.

The Committee was in agreement that this was a sensible way to increase Program revenues. Ellen Johnck motioned for approval; Chuck Weir seconded and the motion passed.

6. Information: Pulse Outline and Annual Meeting

Jay Davis presented a revised outline of the Pulse. There was some discussion of the article on Hg in Hair. Jay indicated that this topic provides important context for interpreting the exposures that occur through consumption of Bay sport fish. He indicated that the item would be written in a balanced manner but if the Committee did not find it appropriate that it could be easily dropped.

7. Discussion: Agenda for Annual Meeting

Jay Davis presented a tentative outline of speakers for the annual meeting in September. The theme for the meeting is Adapting Monitoring to Changing Management Needs. Dr. Davis indicated that the meeting would address emerging contaminants and he proposed the following speakers/topics: Don Weston (pyrethroids), Jim Cloern (changes in water quality in the Bay), Daniel Oros (PBDEs), Jay Davis (PCBs), Fred Hetzel (PCB TMDL). A suggestion was made that under the panel discussion of RMP Status and Trends Monitoring that the following individuals be included on the panel: Bridgette DeShields, Dave Tucker, Ellen Johnck, Karen Taberski, and Chris Sommers.

Chuck Weir indicated that he was particularly interested in emerging contaminants and how to avoid future legacy contaminants. A suggestion was made that Kelly Moran speak at the meeting on the topic of pollution prevention.

Dyan Whyte thought that the session regarding redesigning the S&T program might be a little dry for the end of the day.

8. Information: Discussion of Projected Future Loss of Dredging Fees

Brian Ross and Beth Christian gave a presentation on the reduction of dredging disposal in-Bay and its financial implications to the RMP. The long-term management goal for the Bay is to reduce the amount of dredged material disposal in the Bay to approximately 1.2 million cubic yards per year. In 2005, the annual amount of material dredged from the Bay was approximately 3.4 million cubic yards.

Brian and Beth noted that although it appeared that the intent of the new dredger fees implemented in February 2005 was to give small volume dredgers a break through the use of a sliding fee scale, in fact because the dredging occurs infrequently, the volume is typically greater than the highest sliding fee structure (i.e., greater than 55,000 cubic

yards) and the dredger is assessed at the highest fee, 0.4 cent per cubic yard. There was some discussion of this issue. It was suggested that the small dredgers be invoiced annually; however, this had been proposed and none of the dredgers were interested in pursuing this. Mike Connor noted that the small dischargers were often the ones who resulted in substantial RMP administrative costs as they were frequently delinquent on fees.

Brian and Beth noted that much of the material dredged in the Bay would likely go to upland disposal as part of wetland restoration projects (e.g., Hamilton air field site) or ocean disposal. Brian stated that the Hamilton site would receive 25 million cubic yards over 15 years and as a result in-Bay disposal at sites SF-10 and SF-9 would largely cease. It is possible that the upland disposal projects could be billed as in-Bay disposal; however, available funds from the Army Corps might be limited.

There was some discussion of having the wetland restoration projects contribute to the RMP as the environmental issues associated with these projects are strongly linked to the Bay (e.g., methylation of mercury that occurs in wetlands).

Mike Connor suggested that Shelah Sweatt, Beth Christian, Dyan Whyte, Ellen Johnck, Meg Sedlak, and he meet to discuss this issue.

Action: Meg Sedlak to organize a meeting with Shelah Sweatt, David Dwinelle, Beth Christian, Dyan Whyte, Ellen Johnck, and Mike Connor to discuss how to address the revenue shortfall associated with reduced in-bay disposal.

9. Action: Maintenance of a Reserve for the RMP

Meg Sedlak proposed that the RMP maintain a small portion of its funding in a reserve pool to cushion unexpected financial shortfalls that may occur as a result of shortfalls in revenue (e.g., shortfalls in dredger fees, decreases in interest rates), changes in program elements, or difficulties in transferring state funds to the RMP. Ms. Sedlak proposed \$200,000 in reserve for discussion purposes. She noted that surpluses remain from 2003, 2004, and 2005 totaling approximately \$146,000. Surpluses in future years would be added to the fund until it reached \$200,000.

Steering Committee members approved the maintenance of a \$200,000 reserve.

10. Information: Program Update

Meg Sedlak handed out the Scorecard and noted that a major deliverable this quarter had been completion of SPLWG reports. The date for the next SC meeting was tentatively scheduled for July 17th, 2006. Committee members also proposed the following dates for future SC meetings October 16th and January 15th.

The meeting was adjourned at 3:00 pm.

