

**REGIONAL MONITORING PROGRAM FOR TRACE SUBSTANCES
STEERING COMMITTEE MEETING MINUTES
July 18th, 2005**

Members Present:

David Dwinell, US Army Corps of Engineers
Ellen Johnck, Bay Planning Coalition
Adam Olivieri, BASMAA
Dan Tafolla, Vallejo Sanitation and Flood Control
Chuck Weir, East Bay Dischargers Authority
Dyan Whyte, SFB RWQCB

Others Present:

Jim McGrath, formerly of Port of Oakland
Jodie Zaitlin, Port of Oakland
Mike Connor, SFEI
Jay Davis, SFEI
Meg Sedlak, SFEI

1. Introductions and Approval of Agenda and Minutes

After introductions, Chuck Weir opened the meeting and asked for comments on the March 2005 minutes (Item 1 Attachment 1). Meg Sedlak requested clarification on when the two percent increase in the budget would be implemented (e.g., 2006 or 2007). Mr Olivieri indicated it would occur in 2007. Minor editorial changes were requested. Pending the implementation of these changes, the minutes were approved.

Action item: Revise March minutes to show that two percent increase in budget to occur for years 2007, 2008, and 2009.

2. Committee Member Updates

There were no member updates

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

Meg Sedlak summarized the minutes from the TRC meeting on June 21, 2005 (Item 1 Attachment 2). Ms. Sedlak indicated that several requests had been made to the contingency fund, most notably a request by the South Bay Salt Pond Restoration Project (SBSP) for the RMP to partially fund a South Bay monitoring project. Steve Ritchie gave a short presentation to the TRC on the SBSP project, which is restoring approximately 15,000 acres of salt ponds to wetlands. Mr. Ritchie commented that this is one of the largest restoration projects in the US. Mr. Ritchie is preparing to embark on a

\$740,000 monitoring project this fall to determine the impact of wetland restoration on the bioavailability of mercury. There are several areas of mutual interest between the RMP and SBSP including: a better understanding of sediment dynamics in the South Bay; collection of basic water quality parameters (e.g., dissolved oxygen, suspended sediments, etc.); and collection of information about the impact of the project on mercury accumulation in the Bay food web. The TRC agreed that conceptually, it makes sense for the RMP to work with the SBSP; however, the Committee requested time to review the monitoring proposal and the long-term adaptive management plan. At present, Mr. Ritchie is requesting \$25,000 from the contingency fund. It was agreed that Steve Ritchie would meet with Mike Connor and Bruce Wolfe of the RWQCB to discuss the possibility that the SBSP would contribute to the RMP as part of its waste discharge requirement.

Several Committee members noted that the SBSP had originally been proposed for discussion at today's meeting. The Committee members felt that it was appropriate to remove this item from today's agenda because the technical merits of the project needed to be discussed and approved by the TRC. If the TRC finds technical merit in the project and approves it, the Steering Committee will address the issue.

Ms. Sedlak also noted that the joint meeting between the CEP/RMP was discussed at the June TRC meeting in the context of developing long-term priorities and strategies for the RMP. Long-term plans have been developed for the Sources Pathways and Loading and the Exposure and Effects work groups. A five-year plan will be developed for the Contaminant Fate Work Group. The TRC will have a joint meeting with the work groups to discuss the long-term plans and priorities. After this meeting, Jay Davis will develop a five-year plan for the RMP that ties workgroup studies to the RMP objectives and prioritizes activities to be conducted.

4. Information: Budget Status

Meg Sedlak presented an updated summary for the RMP Budget (Years 2003 – 2005) (Item 4 Attachment 1) and stated that there were no changes from the previous quarter for RMP years 2003 and 2004. Ms. Sedlak noted that Mirant Cooling has unpaid participant fees of approximately \$30,000 for 2003 and \$5,000 for 2004. Mirant is in bankruptcy. Ms. Sedlak indicated that Ellen Johnck had contacted Loch Lomand Marina regarding \$19,622 in unpaid fees and that the current owner Pat Smythe had indicated that he had no requirement in his permit to pay RMP fees. Meg Sedlak will follow up with the RWQCB.

For 2005, approximately \$180,000 remains outstanding for participant fees. Caltrans owes approximately \$50,000; Marin Stormwater approximately \$50,000 and SF Dry Dock approximately \$46,000. Dyan Whyte previously indicated that Caltrans would be late with their fees. Sarah Lowe is following up with Marin Stormwater. Adam Oliveiri indicated that Marin Stormwater was changing regulatory authority over to the County

works and as a result, there might be some initial contracting issues. He indicated that the same individuals would be overseeing the program.

Expenses for 2005 are on track. Labor expenses were slightly lower than estimated (level of effort expended to date was 44 percent rather than 50 percent). Approximately \$1.4 million subcontracts have been written of an approved total of \$1.6 million. It is anticipated that the remaining \$200,000 of subcontracts will be written as part of the EEPS and Episodic toxicity projects. Direct costs are slightly above budget \$57,000 of an approved budget of \$93,000; however, many of the direct costs are incurred in the first half of the year (e.g., the annual meeting conference, the printing of the Pulse, etc.).

Mike Connor stated that SFEI and the RMP had recently been through a financial audit by an outside firm and that no significant issues had been identified by the auditor. Meg Sedlak provided a spreadsheet that compared the external auditor's findings with SFEI's accountant summary of liability and assets with the financial spreadsheets used by the RMP program. The three accounts were in agreement.

Lastly, Ms. Sedlak noted that in the process of invoicing participants for 2005-2006 fees it was noted that the base fees/load charges for the POTW sector are calculated based in part of the total number of RMP participants. This equation does not affect the amount paid by the industry sector but does affect the amount paid by each of the POTW participants. Ms. Sedlak asked whether the committee would like to see a more detailed presentation on fees, convene a subcommittee to look at the fee allocation, or leave the fee structure as it is. The Committee felt that it was not worth revisiting the fee structure. Several members indicated that in years past, other means for allocating fees had been explored including the toxicity of the chemicals discharged. Committee members did indicate that in the future, it may be necessary to re-examine the fee structure if major new participants (such as the South Bay Salt Pond Restoration Project) are added to the program.

Action item: Meg Sedlak to follow up with the RWQCB regarding unpaid participant fees for Loch Lomond Marina. Sarah Lowe to follow up with Marin Stormwater.

5. Discussion: Five-Year Review for 2008

Meg Sedlak prepared a memorandum outlining the previous Five-Year Program Reviews and the associated budgets. In 1997, approximately \$200,000 was spent for the program review. Several significant changes were made to the program as a result of this review including the redesign of the Status and Trends sampling program. In 2003, approximately \$25,000 was spent on the program review, in part because many of the recommendations of the 1997 review had just been implemented. Ms. Sedlak questioned the Committee as to how much should be set aside for the 2008 review.

Drs. Davis and Connor stated that the purpose of the review is to assess priorities and goals for the program and to assure that the program is technically sound and on the right course.

Several suggestions were made for the 2008 review. One strategy would be to have some of the invited experts that serve on the workgroups participate in the Review Panel. Another strategy could be a particular focus on the collection, management, and reporting of data and information. Adam Olivieri recommended that the Panel read the Five Year Plan for the RMP that will be developed as discussed under item 3.

Action items: Meg Sedlak and Jay Davisto develop a plan for the Program Review and the associated cost.

6. Discussion: Draft Monitoring Plan for 2006

Jay Davis handout the five-year budget projection and outlined the program elements for 2006. In addition to Status and Trends, major elements for the program include: the triennial fish sampling; EEPS; Mallard Island loads study; and the multi-box model. Dyan Whyte pointed out that the Mallard Island work was very similar to a Status and Trends project and asked when it might be incorporated into Status and Trends. Jay Davis indicated that there was no set process for incorporating pilot and special studies into Status and Trends. For example, at the end of 2008, EEPS will evaluate biological indicators to determine which will be incorporated into the Status and Trends program; however, he indicated that the panel is recommending that cormorants be included sooner. One important consideration is the frequency at which sampling needs to occur in these types of projects. Adam Olivieri recommended power analysis be performed to determine needed sampling frequencies in the context of explicitly articulated questions and information needs. Jim McGrath noted the importance of the Guadalupe work regarding the development of the TMDL for the Guadalupe River and suggested that it is time to consider including this study in the RMP. Jay Davis indicated that in addition to the RMP funds (approximately \$50,000), Lester McKee was trying to raise an additional \$300,000 for the Guadalupe project. Dyan Whyte recommended review of reports on pilot study elements in support of consideration of their inclusion in S&T.

Action items: Bring the issue of inclusion of the Mallard Island and Guadalupe River studies to the TRC for consideration.

7. Discussion: Feedback on the Annual Meeting and Pulse

Meg Sedlak stated that this year's annual meeting had the highest number of registered participants (222) and highest number of no shows (43). A total of 191 attendees were present. Approximately 25 percent of the surveys were returned – the best survey response ever. Survey results suggested that participants were generally happy with the event, the newsletter, the Pulse, and the Annual Monitoring Results. A general comment was that more time was needed for questions and answers.

Meg Sedlak queried Committee members for feedback on the Annual Meeting and Pulse. The Committee liked the Oakland Museum and the space it provided for informal discussions among participants. They also liked Lawrence Hall of Science. Both the RWQCB auditorium and the CalTrans building were not great sites because the auditorium doesn't allow food or a place for informal interactions and the CalTrans building has no outdoor space and is extremely security conscious.

Ellen Johnck thought that the Annual Meeting might be a forum for the LTMS to conduct outreach. She mentioned that the Puget Sound has a one to two day meeting for reviewing long term dredging strategies in the Sound.

Committee members requested that the RMP pick a date, noting that State of the Estuary is in early October.

Dyan Whyte noted that the Regional Board members read the Pulse and like it. The Committee did not consider the length of the Pulse to be a problem, recognizing that it is long because of the graphics and that readers don't have to read the entire thing. Ellen Johnck liked the new trend summary graphics.

Action Item: Jay Davis to pick a date in early September for the Annual Meeting

8. Action: Review of Memorandum on RMP Planning and Decision-Making Process

Meg Sedlak presented the revised Memorandum on RMP Planning and Decision-Making Process. Committee members felt that the revised memo gave too much power to a single entity and thereby preventing the Committee from making any decision. Committee members stated consensus did not necessarily mean unanimity.

Ms. Sedlak proposed that she work with Dyan Whyte and Kevin Buchan to develop a revised memorandum.

Action item: Meg Sedlak to work with Dyan Whyte and Kevin Buchan to revise the memorandum. Memorandum to be presented at next SC meeting.

9. Information: Exposure and Effects Pilot Study (EEPS)

Meg Sedlak gave a brief presentation on the goals of EEPS. Ellen Johnck noted that EEPS information may influence discussions in the dredging arena, and recommended that Dave Woodberry, Corey Johnson, or Gary Stern be asked to participate.

Action item: Jay Davis to contact Dave Woodberry to involve NOAA Fisheries into EEPS.

10. Information: Program Update

Meg Sedlak indicated that several documents including the Pulse and Annual Monitoring Results had been completed this quarter. Jay Davis indicated that as a result of funding cuts, the USGS is re-evaluating the stations that it monitors for suspended sediment. Recently, a meeting with the US Army Corps of Engineers, the RMP, the RWQCB, and the USGS was held to determine which stations in the Bay should be maintained. The RMP proposed funding four fixed stations in the Bay (Mallard, Benicia, Point San Pablo, and Dumbarton Bridge) and two temporary stations that could be moved from year to year (one at Hamilton and one to be decided). The RMP proposed discarding one of the temporary stations in the near term and using this money to fund a sediment flux station at Dumbarton. Jim McGrath supported this concept, noting that real time flux measurements would be valuable for assessing impacts of dredging activities. Steve Ritchie of the SBSP indicated that this information would be useful to the SBSP and that they would consider funding a portion of the costs for this station.

The meeting was adjourned at 2:45 pm.