

Delta RMP Steering Committee Meeting

March 27, 2015

9:30 AM – 3:45 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 present¹:

Tim Vendlinski (USEPA), Regulatory – Federal

Gregg Erickson (Interagency Ecological Program), Coordinated Monitoring

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

Linda Dorn* (Regional San), POTWs

Josie Tellers (City of Davis), POTWs

Val Connor (SFCWA), Water Supply

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

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

Erich Delmas (City of Tracy), POTWs

Dave Tamayo (Sacramento County)/Dalia Fadl (City of Sacramento), Stormwater, Phase I Communities

*Co-Chairs

Others present:

Brock Bernstein, Facilitator

Thomas Jabusch, SFEI-ASC

Brian Laurenson, LWA/Sacramento Stormwater Quality Partnership

Patrick Morris, Central Valley Water Board

¹ Name, Representation (Affiliation)



- Stephen McCord, MEI
- Joe Domagalski, USGS
- Rachel Kubiak, WPHA
- Phil Trowbridge, SFEI-ASC
- Selina Cole, Central Valley Water Board
- Melissa Turner, San Joaquin County and Delta Water Quality Coalition
- Paul Bedore, RBI
- Margaret Washko, City of Stockton
- Bruce Houdesheldt, Sacramento Water Quality Coalition
- Stephen Clark, Pacific EcoRisk
- Rosemarie Hartman, CDFW
- Tom Grovhoug, LWA
- On phone:*
- Debbie Webster, CVCWA
- Brant Jorgensen, Pacific EcoRisk
- Karen Ashby, LWA
- Hope McCaslin Taylor, LWA
- Vyomini Upadhyay, Regional San
- Dave Crane, CDFW

1.	Introductions A quorum was established.
2.	Announcements from Committee Members Adam Laputz informed the group that modifications to the Phase I Stormwater permits and some agricultural permits would be on the Regional Board agenda in April and June. Val Connor will be leaving SFCWA; Stephanie Fong will take her place on the SC. Selina Cole is in the process of revamping the Delta RMP website.
3.	Approve Agenda and Summary SC members agreed that it would be as a good standard practice to have a standing item for action item updates on the agenda. Phil Trowbridge explained that ASC would be switching over to an action item update using a stoplight format. Most action items from the last meeting were complete. However, some of the action items were delayed until later in the year to fit in with planned sequence of work.

	<p>Josie Tellers appreciated edits made to the January 22 summary but also pointed out that it didn't capture the meeting discussion on interlab comparability for the <i>Hyaella</i> water toxicity test and other details related to the conditional approval to use this test. Josie requested that the summary should highlight the issues that were discussed that would factor into the decision such as method validation and the need for a methodology for how to interpret the data. She added that method comparability would be a general issue that doesn't stop at the <i>Hyaella</i> test. Participants agreed that the program should budget for interlab studies in the next fiscal year.</p> <p>OUTCOMES</p> <p>→ <u>Decisions:</u></p> <ul style="list-style-type: none"> ⇒ An update on the status of agenda items should be part of the agenda for future meetings. <p>→ <u>Action Items:</u></p> <ul style="list-style-type: none"> ⇒ ASC will revise the minutes from the 1/22/15 SC meeting. The paragraph on <i>Hyaella</i> on page 7 and the second action item underneath it should show that there were concerns about the lab methodologies and interlaboratory comparability for the <i>Hyaella</i> test procedure in water (due April 30). – <i>Complete.</i>
<p>4.</p>	<p>TAC Updates</p> <p>Stephen McCord presented an overview of the March 12 TAC meetings, including a summary of recommendations for addressing SC concerns over the method, use, and interpretation of the <i>Hyaella azteca</i> toxicity test for the water column. The main requests by the SC for the TAC were to</p> <ol style="list-style-type: none"> a. Specify the <i>Hyaella</i> “strain” to be used b. Provide technical guidance on how to interpret <i>Hyaella</i> toxicity data, and c. Identify caveats to be put on the resulting data <p>Regarding the <i>Hyaella</i> “strain” to be used, Stephen explained that different clades of <i>Hyaella</i> exhibit a range of sensitivity and that those used in labs are generally exhibiting high sensitivity.</p> <p>With regard to interpretation, technical guidance from the TAC would be at the level of how data would be interpreted in a weight of evidence approach that would also look at the results of chemical analyses and Toxicity Identification</p>

Evaluations (TIEs), spatial extent, and other relevant information. In that context, *Hyalella* testing would provide one of several lines of evidence to indicate potential issues. Linda Dorn observed that questions about how to interpret the data would also come up with other data generated by the program. Tim Vendlinski noted that even though uncertainty should be reduced as much as possible, science by its nature will always have some degree of uncertainty.

The group had a lengthy discussion about the *Hyalella* test on method applicability to water samples, reproducibility/repeatability between laboratories, QA/QC and data integrity. On the one hand, agencies need an indicator of effects on sensitive species and effects from certain pesticide groups. On the other hand, there were concerns about the current *Hyalella* methodology and how the results would be interpreted (both by the RMP and regulatory agencies). In particular, concerns were raised about high variability in the test results depending on how the test is run. There was strong interest in seeing the results of an interlaboratory comparability study for the *Hyalella* method that is being managed by SCCWRP. Ultimately, the group decided to postpone *Hyalella* testing until more of the questions about the lab method have been resolved through the SCCWRP interlaboratory comparability study, and to encourage the SWAMP contract laboratory for toxicity to participate in the study.

OUTCOMES

→ **Decisions:**

- ⇒ Reports from the TAC to the SC should clearly specify which recommendations were made by consensus and lay out issues and pros/cons that were discussed.
- ⇒ Toxicity testing using *Hyalella* will not be included in the FY14/15 monitoring. The funding that would have been used for FY14/15 monitoring will be diverted to the SCCWRP interlaboratory comparability study if ATL needs funding to participate. The Delta RMP will collect field samples for the interlaboratory comparability study if needed. No further discussion by TAC on *Hyalella* monitoring as part of the suite of tests to monitor until the interlaboratory testing is complete.

→ **Action Items:**

- ⇒ Patrick Morris will find out if the SWAMP contract with ATL can fund participation in the SCCWRP interlaboratory comparability study (due: April 30) - *Complete: the SWAMP contract can fund testing of samples as part of*

	<p><i>the interlab study. However, AHPL will participate at own expense.</i></p> <p>⇒ Plan one hour for the next SC meeting to brainstorm data interpretation as part of the communication plan</p>
<p>5.</p>	<p>Update: Monitoring Design Revisions</p> <p>Thomas Jabusch provided an update on the status of revisions to the monitoring design. A working draft of the monitoring design and a response to comments were included in the meeting package. Thomas suggested that the SC would continue to be able to provide input on these documents. Val Connor recommended that SC members provide any additional comments in a comment box added to the table so that ASC can efficiently process the comments, which would minimize cost to the program.</p> <p>Mike Wackman commented that changes to the management questions were made [in the TAC] from the last time they were reviewed by the SC. Thomas explained that the revised design including edited questions would be brought back for review to the TAC in May, and then to the SC.</p> <p>The SC agreed on building a program review into the FY15-16 workplan. RMPs typically have some sort of external peer review, in the form of a triennial or 5-year review. Roughly a \$40K budget would be required to fly experts in, or experts could be recruited locally. Tim Vendlinski suggested consulting with the Delta Stewardship Council, which has its Delta Independent Science Board (ISB) and Independent Science Panel, rather than having another structure. Brock Bernstein advised that the charge for the external review would need to be clearly defined. [NOTE: This discussion occurred during Agenda Item 10. It is recorded here since the information is more relevant to the Monitoring Design.]</p> <p>OUTCOMES</p> <p>→ Decisions:</p> <ul style="list-style-type: none"> ⇒ Any additional comments on the Monitoring Design should be submitted by adding them to the Response to Comments matrix prepared by ASC. <p>→ Action Items:</p> <ul style="list-style-type: none"> ⇒ Adam Laputz will share the decision-making flow chart with ASC (due: April 30) - <i>Complete: Linda Dorn has shared the flow chart with Thomas Jabusch.</i> ⇒ Schedule an agenda item to discuss and resolve any changes that were made by the TAC to the Management Questions on page 6 (Pesticide Table 1) of the revised Monitoring Design (Thomas Jabusch, by May 31).

	<ul style="list-style-type: none"> ⇒ ASC will contact Val Connor at SFCWA to get documentation about previous work by SFCWA, USGS, and RB5 to develop target analyte lists for pesticides (Thomas, by April 30). ⇒ ASC will work with the TAC, ILRP, RB5, and ILRP Pesticide Advisory Group to come up with the recommended list of target pesticides for the FY15/16 workplan. The list will reside in the Monitoring Design (Thomas, by May 15). ⇒ ASC will develop a process for adaptively managing (reviewing and updating) the list of target pesticide analytes as part of the Communications Plan in FY15/16. This will include formalizing a decision tree for subsequent monitoring years that would guide decisions on what will continue to be monitored for and what will be excluded if non-detect (Thomas, by May 15). ⇒ ASC will develop a list of elements to be included in the Communications Plan (Thomas, by May 15). ⇒ Joe Domagalski will send ASC the final report from a recent USGS study of pesticides (by April 30). – <i>Complete</i>. ⇒ ASC will include an option for external science advisers or a program review in the FY15/16 workplan. ASC will research whether the Delta Science Program’s science panel can serve this role (Phil Trowbridge, by May 31).
<p>6.</p>	<p>Decision: Approve Phased Implementation of FY14/15 Workplan Based on Available Funding</p> <p>The purpose of the agenda item was to provide an update on the program finances and request approval of the FY14-15 workplan. Brock summarized the proposed budget and workplan to be approved as follows:</p> <ul style="list-style-type: none"> • Still the same program as described before; • Sole sourcing of all work plan elements • The workplan is only for the remainder of FY14-15. There is no workplan yet for FY15-16 but changes are to be expected. For instance, the proposed implementation of pesticide monitoring would be only between now and June • The Delta RMP is getting considerable matching funds from USGS for the proposed field and lab work <p>Val Connor commended ASC staff for taking all input and moving the workplan forward towards the next step. Stephanie Reyna-Hiestand made a motion to approve the workplan with the discussed changes, including</p> <ul style="list-style-type: none"> ○ Add text that resources that would be used for <i>Hyalella</i> be diverted to pay for interlab study participation.

	<ul style="list-style-type: none"> ○ Indicate USGS match amounts for the nutrient synthesis, field sampling, and pesticide chemical analyses <p>Adam Laputz seconded in motion. All were in favor except for Mike Wackman who abstained. Dalia Fadl voted in Dave Tamayo’s absence.</p> <p>OUTCOMES</p> <p>→ <u>Decisions:</u></p> <ul style="list-style-type: none"> ⇒ The FY14/15 Workplan, as amended during the meeting, was approved. Mike Wackman abstained. All other representatives present voted in favor. <p>→ <u>Action items:</u></p> <ul style="list-style-type: none"> ⇒ SC will revise the FY14/15 workplan as directed by the SC: (1) update Section 5 to be refer to the SCCWRP interlaboratory comparability study; (2) update the Vendor Selection Form for the USGS Pesticide Lab; and (3) update the Vendor Selection Form the USGS nutrient synthesis (Phil Trowbridge, by April 3). – <i>Complete.</i>
<p>7.</p>	<p>Lunch break</p>
<p>8.</p>	<p>Decision: Process for Selecting Future Contractors</p> <p>Phil Trowbridge presented an edited Financial Management Plan as the initial funding framework. The “Financial Management Plan” (FMP) is interim and different from a future Memorandum of Understanding (MoU), which would be in place by FY16-17. The revised FMP will include an appendix describing the process for selecting future contractors through a RFP process. SC members requested a few minor changes to the Delta RMP FMP as presented:</p> <ul style="list-style-type: none"> • For sole source contracts >50K, add “the SC must approve a vendor” • Change ASC to “implementing entity, currently ASC” <p>A motion to approve the FMP was passed.</p> <p>OUTCOMES</p> <p>→ <u>Decisions:</u></p> <ul style="list-style-type: none"> ⇒ The Delta RMP “Financial Management Plan”, as amended by the SC, was approved. Tim Vendlinski and Adam Laputz abstained. All other Representatives present voted in favor. <p>→ <u>Action Items:</u></p> <ul style="list-style-type: none"> ⇒ ASC will revise the Financial Management Plan as directed by the SC: (1) attach the process for RFPs; (2) require SC approval for sole source contracts; and (3) refer to the Implementing Entity generically (Phil

	<p>Trowbridge, by April 3). – <i>Items 2 and 3 are complete. The RFP process has been revised but needs TAC and SC review at the next meetings before being attached as guidance to the Financial Management Plan.</i></p>
<p>9.</p>	<p>Decision: Adequate Participation</p> <p>The adequate participation document is intended to define program participants and criteria for participation. One of the existing models is the SCCWRP, which has an important role as a forum for regulators and dischargers. Three Regional Boards, the major stormwater programs, and POTWs vote on SCCWRP’s budget. EPA Region 9 does not vote on SCCWRP’s budget. The Bay RMP follows a similar model. The Regional Board has a seat on both the SC and Technical Review Committee (TRC) and EPA is also represented on the TRC.</p> <p>The SC agreed that the adequate participation document would need to be more comprehensive to define all types of participants, not only permittees. Brock Bernstein advised framing the document in a forward-looking way. Once other parties see that the program is working and the benefits become more apparent, they might want to join. He also advised that groups such as the IEP and EPA provide the SC with more legitimacy, which will help in attracting additional resources.</p> <p>There was also discussion about whether some “pay to play” aspect should be factored in when voting is concerned.</p> <p>The discussion moved to concern over conflicts of interests when making funding recommendations, specifically at the TAC level.</p> <p>Participants agreed on the need to actively manage the avoidance of conflicts of interest by making procedures more consistent. This would include appropriately dealing with minority opinions. The SC agreed to start having SC members to attend TAC meetings and observe and intervene if there are problems. Gregg Erickson noted that the IEP has similar procedures built in to ensure due process and that he attends all levels of IEP committee meetings for that purpose. Val Connor reminded the group about conflict of interest rules that prevent organizations from bidding on RFPs that they helped to develop.</p> <p>The group rejected a suggestion that the TAC should be composed of technical experts solely based on their subject expertise rather than as a representative from</p>

	<p>a Delta RMP participant. Several SC members commented that they relied heavily on consultants to provide technical input to processes, because they do not have their own staff scientists with the required expertise.</p> <p>OUTCOMES</p> <p>→ <u>Action Items:</u></p> <ul style="list-style-type: none"> ⇒ Linda Dorn and Patrick Morris will consult with a smaller group to revise the Adequate Participation language and will bring it back to the SC at the next meeting. Meanwhile, SC members will send comments to Adam Laputz and Linda Dorn. ⇒ SC co-Chairs to attend TAC meetings ⇒ Tim Vendlinski will attend the April 22 TAC meeting. – <i>Complete.</i>
<p>10.</p>	<p>Decision: TAC co-Chairs</p> <p>The main decision on the table was whether to retain Stephen McCord as a TAC co-Chair. The 2-year term of Stephen and Joe Domagalski as the initial TAC co-Chairs is coming to an end in June. Stephen is currently funded by Regional San. However, the cost is not represented in the program budget. The alternative option proposed would be that TAC chairing would be an in-kind service by TAC participants. A hybrid solution would be to appoint ASC to coordinate the TAC and Stephen to facilitate. Tim Vendlinski advised that the lack of a facilitator at this development stage might result in a lapse in performance by the TAC. There was a discussion about adding a line item in the program budget to fund the TAC chair in the future</p> <p>OUTCOMES</p> <p>→ <u>Decisions:</u></p> <ul style="list-style-type: none"> ⇒ Stephen McCord and Joe Domagalski should continue as TAC Co-Chairs until June 30, 2015. Regional San will pay Stephen McCord. ⇒ The Delta RMP “Committee Roles” document as presented at the 3/27/15 meeting was approved. Val Connor (SFCWA) abstained. All other representatives present voted in favor. <p>→ <u>Action Items:</u></p> <ul style="list-style-type: none"> ⇒ ASC will work with Stephen McCord and Joe Domagalski on options for TAC Co-Chairs in FY15/16. The three options are (1) to continue with Stephen and Joe as Co-Chairs providing coordination and leadership; (2) to have ASC provide coordination and Stephen and Joe provide leadership; and (3) to have ASC provide coordination with an unpaid Chair. The value of the in-kind service by the unpaid Chair should be part of the calculation (by May

	31).
11.	<p>Plus/Delta, set dates and agenda topics for upcoming meetings</p> <p>Plus: Delta RMP Record of Decision spreadsheet, sending out action items and decisions, having enough time on the agenda to discuss items thoroughly, materials came out well in advance.</p> <p><i>OUTCOMES</i></p> <p>→ <i>Decisions:</i></p> <ul style="list-style-type: none"> ⇒ The date, time, and agenda for all SC and TAC meetings should be publicly noticed when these meetings are scheduled. <p>→ <i>Action items:</i></p> <ul style="list-style-type: none"> ⇒ ASC will make sure the TAC website is up to date and ensure that the April 22 TAC meeting is publicly noticed (by April 8). ⇒ Selina Cole will update the Delta RMP website and publicly notice the TAC meeting via the Delta Water Quality lyrics list (by April 10). – <i>Complete.</i> ⇒ ASC will send out a list of Decisions and Action Items from the 3/27/15 meeting by 4/3/15. – <i>Complete.</i> ⇒ ASC will send a doodle poll for the next SC meeting. The meeting must be before 6/16/15 and may need to be even sooner depending the time needed for any RFPs that may be needed. The scheduling of the SC and TAC meetings will be coordinated – <i>Complete.</i> ⇒ Provide notification for all SC and TAC meetings 14 days in advance.