

AB 982 Public Advisory Group

Radisson Hotel
500 Leisure Lane
Sacramento, California

Meeting Summary

Monday, April 8, 2002

Convene Meeting: Co-Chairs Craig Johns and David Beckman opened the meeting at 9:10 a.m. and declared a quorum.

Introductions: Steve Ekstrom, PAG facilitator, asked members to introduce themselves. He also noted that the primary purpose of this meeting was for PAG to comment on staff's draft report on the 2002 Section 303(d) list, to offer advice on listing/de-listing policy development, and to comment on the proposed outline of the report to the legislature.

Summary of the February 15, 2002 meeting: The summary was accepted as presented, with the exception of the wording of the de-listing consensus item on page 3. Of concern to the regulated community was the wording "for the right reasons." It was agreed that this wording would be addressed under item 5 of the agenda, "Concepts for the Listing/De-listing Policy."

Update on the 2002 Section 303(d) List. Craig J. Wilson gave a brief presentation on the 3-volume draft report, noting that approximately 200 water bodies were added and approximately 70 were removed. Craig also noted there were three public hearings scheduled: May 23 (primary focus will be Regions 1, 2, and 3), May 24 (primary focus will be Regions 5 and 6), and May 30 (primary focus will be Regions 4, 7, 8, and 9). The May 23 and 24 meetings will be at the Cal/EPA Building in Sacramento; the May 30 meeting will be at the Double Tree Hotel/Ontario Airport. It is anticipated that there will be a workshop in September 2002 with the Water Board taking action on the report in the same month.

Comments from the PAG included:

- Can individuals examine the administrative record? Response: yes, see Vol. 1, page 7 for details.
- Can new information be introduced at the hearings? The PAG discussed this issue and agreed on the following consensus point:

Consensus point: The members of the PAG believe that applicable law and good public policy require the State Board to consider all relevant information in making decisions with respect to the 2002 Section 303(d) list of impaired waters. For that reason, the PAG strongly urges the State Board to accept and reasonably consider such information that may be presented to the State Board on or before the public hearings scheduled in May 2002. (NOTE: the co-chairs will write a letter to the Board expressing this point.)

- Regarding temperature, there seem to be inconsistencies with how certain water bodies are treated – some are on the watch list, some are listed.
- Staff are encouraged to use maps so the public can see where the impaired water bodies are.
- How can one determine the reach on each listing? Response: that's determined during the TMDL process.

Staff were thanked for their hard work on the draft report.

New Co-chair: David Beckman announced that he will no longer serve as the Co-chair for the environmental caucus, and that Linda Sheehan will assume Co-chair responsibilities. David was thanked for his service, and Linda was welcomed.

Concepts for the Listing/De-listing Policy: This item was continued from the February meeting. Craig Wilson reviewed the items covered at that meeting.

Policy Scope

No additional comments were made.

Listing Concepts

No additional comments were made.

De-listing Concepts

At this point the de-listing consensus item from February was revisited at the request of the regulated caucus. It should be noted that the environmental caucus continued to support the original language, which read, "Assuming a water body is listed for the right reasons, it should not be de-listed before water quality standards are achieved." The regulated caucus had two concerns: (1) "for the right reasons" should be reworded; (2) a water body should be de-listed once an implementation plan is adopted, not when water quality is achieved. The environment caucus believed a water body should remain on the list after an implementation plan is adopted, as this will keep the focus of the public and regulators on the water body.

There was much discussion and it was agreed that the item will not be treated as a consensus point. Assuming water bodies are appropriately listed, the PAG did agree that impaired waters should remain on the list until an implementation plan is adopted. The PAG also agreed that impaired water bodies should be de-listed once water quality standards are achieved. It's the period of time between the adoption of an implementation

plan and achieving water quality standards where the PAG was unable to reach agreement. The regulated caucus felt a water body should be de-listed after an implementation plan is adopted, while the environmental caucus felt a water body should remain on the list until water quality standards are achieved.

Weight of Evidence

Craig Wilson described a variety of factors that influence 303(d) listing and de-listing. The topics discussed were (1) the binomial model used by Florida for assessing if standards are met, (2) the assumptions of the model (such as temporal independence and randomness), (3) data quality, (4) spatial and temporal sample representativeness, and (5) the use of qualitative information in listing decisions.

Comments from PAG included:

- The policy should include an opportunity for the State to revisit old standards and beneficial uses that are no longer valid and/or appropriate.
- The data used to support beach closures should be used to list water bodies and not the beach closure itself.
- A Weight of Evidence approach should include an analysis of multiple lines of evidence.
- Photographs should be used in conjunction with other lines of evidence and information.
- If you attempt to quantify non-numeric information, the best professional judgment gets lost.
- The Florida binomial model should be one tool in the toolbox for determining if a water body should be listed.

The outcome of the discussion was that staff will develop a proposal for the PAG and distribute it in draft prior to the next meeting.

Watch List

There was much discussion on the concept of the watch list. Its purpose was unclear to the PAG, and the term “watch list” was unacceptable. Suggested alternative names included: “action list,” “additional monitoring list,” and “secondary list.”

Staff will develop a proposal for PAG to consider at the next meeting that will include the purpose of the list, criteria for getting on the list, and how the list would be used. Staff will also propose a different name for the watch list.

Content of the Legislative Report: Laura Sharpe noted that the report must be completed by September 30, 2002 so the Board has ample time to consider it before forwarding it to the Governor’s office by November 30, 2002. Laura then asked the PAG what they thought the report should include. The following comments were made:

- On TMDLs completed, show which have implementation plans.
- Discuss inter-agency relationships.

- When discussing 303(d) listing, cite some of the issues PAG has been dealing with.
- Add maps to show where monitoring is occurring.
- Provide an assessment of the cost of TMDL development, i.e., estimate the number of TMDLs that can be done with current funding.
- Provide a flowchart of the TMDL process.
- In the monitoring section, show where gaps are, and where monitoring is not occurring.
- In the budget section, show the federal contribution and contribution from other sources, e.g., bond money.

Staff were asked to create a timeline for the development and submittal of the report, specifically showing where PAG input will occur.

Additional agenda item – SWAMP update: staff were asked to provide an update on SWAMP. The following was stated:

- There will be small cuts this year, mostly out of contracts.
- 2nd year work plans are done.
- 3rd year draft work plans are due from the Regional Boards by 6/30/02.
- The statewide quality assurance plan is almost complete.
- SWIM II is not ready yet but SWAMP will store data in a database being developed with the Department of Fish and Game.

Wrap-up and Next Steps: It was agreed that the next meeting of the PAG will be on July 23, 2002 in Sacramento.

Public Comment: Members of the public were invited to address the PAG.

Adjournment: The meeting was adjourned by the Co-Chairs at 3:40 p.m.