

## AB 982 Public Advisory Group

Meeting Held August 11, 2000  
Hearing Room, State Water Resources Control Board  
Sacramento, California

### Meeting Summary

August 11, 2000

**Welcome and Convene Meeting:** Co-chairs Craig Johns and Steve Fleischli (David Beckman's alternate) convened the meeting at 9:15 am and declared a quorum.

Co-Chair Fleischli noted that Greg Karras had announced his resignation and that Lynn Barris would assume his position on PAG. Craig Wilson noted that Karras should submit his resignation in writing to Ed Anton, Executive Director of the SWRCB.

**Summary of June 16, 2000 meeting:** Several amendments were made to the Summary, which was then approved by consensus. The revised Summary will be made available to PAG members.

**Proposal for a Comprehensive Surface Water Quality Monitoring Program – Update on the Scientific Advisory Group (SAG) meeting held on August 10, 2000:** Concerns were expressed by several members (from both caucuses) that their views are not being adequately captured by staff, especially those views that received consensus support. For example, PAG has reached consensus that the monitoring plan should be needs-driven (as opposed to budget-driven), i.e., a baseline analysis of all waters needs to occur, from which certain polluted waters are listed. This stands in contrast to the staff approach which, according to PAG, is to attend to known polluted waters based on current available funding. PAG argued that this approach will not result in the identification of clean or threatened waters. [The PAG has concerns about using the probability-based design in watersheds.](#)

The outcome of the discussion was an agreement reached by consensus that Vicki Conway and Leslie Mintz will write a letter to the Board expressing their concern that many of PAG's consensus items are not being taken seriously and requesting a meeting with the Board. The letter will also highlight areas where PAG has been successful in its efforts.

It was also agreed to by consensus that there should be space in the monitoring report (not the appendix) for specific PAG comments.

**Workplan to Organize the PAG Review of the SWRCB Activities:** A few revisions were made to the proposed workplan:

- On goal #3, it should read, “Provide timely written input...”
- On task #4 line one, replace “the final” with “another.” At the end of the sentence, add “Provide written comments.”
- Task #7 should receive high priority at the September meeting.

Also, it was acknowledged that PAG will need more meeting time to accomplish its goals of advising the SWRCB on the two reports to the Legislature in November. The following schedule changes were made:

- The September meeting (originally scheduled for 9/14 and 9/15) will now be a three day meeting, to be held on September 13, 14 and 15.

**Note: The September meeting will be in San Diego. A block of rooms is being held at the Bristol Hotel (619/232-6141).**

- The October meeting (originally scheduled, if needed, for 10/12 and 10/13) will now be a three day meeting to be held on October 18, 19 and 20<sup>1</sup>. This meeting will be held in Northern California, location to be determined.

Subcommittees were formed to write PAG sections for the two reports to the Legislature. The subcommittee to write the PAG section for the Structure and Effectiveness Monitoring report are: Dave Paradies, Donna Meyers, Linda Sheehan, Vicki Conway, Jim Scanlin and Mark Rentz. The subcommittee to write the PAG section for the Monitoring Structure and Effectiveness report are: Bobbi Larson, Tess Dunham, Dave Tucker, David Beckman, Bruce Resnik and Leslie Mintz.

**Presentation by EPA Staff (David Smith) on their “California TMDL Program Review:** David Smith indicated that California needs to embark on two “paradigm shifts” – (a) it needs to learn to develop and adopt TMDLs on schedule, and (b) it needs to do this within its budgetary means. Smith went on to identify several barriers that California should address, including:

1. Institutional Barriers:

- The Basin Plan approval process is inefficient (California has the most onerous TMDL process in the country).
- There’s a lack of accountability to get decisions made at the institutional level.
- There’s an open ended and imprecise commitment to watershed management to develop TMDLs.
- There’s uneven senior leadership commitment.

---

<sup>1</sup> After discussions with the PAG Co-Chairs, the meeting dates will be **October 25, 26, and 27**.

- Accountability systems are not in place – they must come from the top.
- It's good that California has acquired more funding, but funding is not the fundamental barrier – the main barrier is the inefficiency of the TMDL process.
- But clearly more funding for listing is needed.
- Efficient contracting mechanisms are not in place in order to spend “real money.”
- The State needs to figure out how to complete moderately complex TMDLs.
- The State has not allocated enough funding for the listing process.

## 2. Technical Barriers

- TMDLs are complex, but don't expect expert, brilliant science because in many cases it doesn't exist. There's not time or resources for “cutting edge” science.
- TMDLs are basically an engineering exercise and sometimes TMDLs will have to be completed without full understanding.
- There are great limitations in the amounts and kinds of data available for listing and TMDL development.

Smith offered the following recommendations:

- Recognize improvements that have been made.
- Underscore the urgency for decision-making, e.g., listing. The State needs to set and follow clear decision processes in order to be more predictable. The State should avoid making up the process as we go.
- Determine early in the TMDL process how much stakeholder input is needed.
- California needs to educate/inform Board Members better so there is better policy leadership.
- Develop tighter accountability mechanisms so that money is spent wisely and with fewer delays.
- Provide adequate training for new staff.

- Streamline the decision-making process (e.g., the Basin Planning process is tedious). Perhaps the State should use a process for developing TMDLs that is similar to the NPDES permitting process.
- Don't overreach, i.e., don't try to fix problems that other programs are responsible for.
- Do not complicate the listing process
- Do not expect water quality standards to result from TMDLs.
- Do not precede all TMDL development with confirmation work especially those associated with TMDLs required by consent decree.
- Do not recommend a detailed stakeholder process.
- Be realistic about the level of science that can be used in TMDLs.

Smith concluded by saying that the EPA has no plans to do TMDLs in California. While it holds that option it feels California is heading in the right direction.

Discussion with PAG followed Smith's comments.

**Draft Staff Report on the Structure and Effectiveness of the State's Water Quality Program as it Relates to Implementation of Clean Water Act Section 303(d):** PAG members' comments on the draft report included:

- The report is still more of an outline than a report.
- There should be more emphasis on effectiveness and next steps, and less emphasis on structure.
- It appears that there's a reluctance to commit to a course of action – the tone should reflect ownership and commitment.
- Be candid about the goal of the program, and honest about what's wrong with the current program. Be introspective. Include more evaluation.
- Why aren't PAG consensus reports conspicuously written into the report? Suggestion: look at the report and insert in the appropriate places PAG's consensus points.
- There could be a more logical structure to the report, emphasizing the main subjects: structure, effectiveness/evaluation, and next steps.

Two decisions were reached: (1) as soon as possible staff will issue another draft to PAG; PAG members will turnaround their comments in two days; the next iteration of the

report, incorporation of PAG's comments, will be available for the September meeting, and (2) Leslie Mintz and Tess Dunham will write a letter to the SWRCB indicating where they think PAG's consensus items could be inserted and will suggest a different structure for the report.

**Continued discussion of Issues Related to TMDLs:** Guided by the workplan adopted earlier in the meeting, selected topics were discussed. The PAG showed their level of agreement by a show of hands of the members present. The facilitator estimated the level of agreement.

### Role of Science in Preparing TMDLs

There was consensus agreement that the State Board and Regional Boards need an efficient process for the acquisition and retention of necessary scientific and technical expertise.

#### 1. High agreement

- Adaptive management is a mechanism to allow additional "science" to enter the system or process.
- There needs to be a sound base of information in decision making.

~~—We do not need ultimate science, just adequate science.~~

- "SWAT Teams" of scientists may help make scientific information more available.

#### 2. Moderate agreement

- Use best science readily available.
- Zero discharge may not solve perceived problems.

~~—If we do not understand science well enough, discharging should not be allowed.~~

#### 3. Low Agreement

- New science should be developed to the extent deadlines are met.
- Assess what science is being used.

#### 4. Other issues

- We do not need ultimate science, just adequate science.

- If we do not understand science well enough, discharging should not be allowed.

### Public and stakeholder participation in the development of TMDLs

There was consensus agreement to the following statement: “Publish schedules for the start of stakeholder opportunities or process.”

#### 1. High Agreement

The public/stakeholders should be involved at the scoping stage of TMDL development.

#### 2. Moderate Agreement

- Cannot do TMDLs without stakeholder opportunity.
- Need opportunity to present information into stakeholder opportunity.

**Public Forum:** Members of the public were asked to comment. None chose to do so.

**Adjourn:** The meeting was adjourned at 4:30 p.m..