

AB 982 Public Advisory Group

Hyatt Regency Hotel, Carmel Room
1209 L Street
Sacramento, California

Meeting Summary

Wednesday, October 10, 2001

Convene Meeting: Co-Chairs Craig Johns and David Beckman opened the meeting at approximately 9:30 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 react to the TMDL Initiative/Action Plan that will form the basis of the Second Report to the Legislature.

Summary of the July 16-17, 2001 meeting: The summary was accepted with one change. A PAG member asked that when addenda are included with meeting summaries that authors' names be indicated. The author of the addendum (Leslie Mintz) was identified.

TMDL Initiative and Action Plan: Tom Howard, Deputy Director, and Tom Mumley, TMDL Program Manager, discussed their roles. Tom Howard stressed the Board's commitment to the TMDL program, noting that the Board has declared it to be its highest water quality activity. He stated that his role was to ensure the appropriate implementation of the TMDL program. The TMDL program will embrace a problem solving approach.

A reorganization of the Division of Water Quality (DWQ) is nearly complete. A new TMDL section will be formed in DWQ as one of six sections of the Division. Ken Harris will be the TMDL Section Chief. Tom Mumley, with the San Francisco Bay Regional Board, will be the TMDL Program Manager. Unit Chiefs will be Craig J. Wilson (Monitoring and TMDL Listing), Val Connor (Assessment and TMDL Support), and Paul Lillebo (Basin Planning).

Tom Mumley noted that the PAG has wanted a more clearly defined TMDL program and that the Board listened to this concern and responded with this reorganization plan. Tom Mumley emphasized the importance of good communication with PAG and mentioned that there is a lot of unfinished business that he looks forward to getting PAG's advice on.

PAG members expressed their appreciation for the way in which the Board and staff have responded to their concerns.

Tom Mumley gave an overview of the TMDL Initiative, noting that more detail would follow later in the meeting. Comments from PAG included:

- TMDL productivity: What can be expected? How will it be defined?
- Accountability: What specific products can be identified?
- Early implementation: Some environmental caucus members are concerned with “early off-ramps” that would prevent TMDLs from being completed.
- Stakeholders: Some environmental caucus members are concerned that more time for input is not always better; regulated caucus members pointed out that often really good ideas emerge from stakeholders and caution needs to be taken not to cut their input opportunities too short. The caucuses do not agree on the scope of stakeholder processes.
- TMDL definition: The Initiative and Action Plan appears to broaden the definition of a TMDL. It is appropriate to stay with the established definitions.
- “Clean water” as an overarching goal or vision: Both communities felt that this was missing from the Initiative.
- Prevention: We need to make sure that clean waters remain clean.
- Appreciation was expressed for the chart that showed PAG’s consensus points and where they show up in the TMDL Initiative.
- TMDL Program scope: It is not appropriate to implement the various water quality programs through the TMDL Program. Each effort needs to be independent.

PAG’s Interaction and Involvement with the TMDL Initiative and Action Plan;

Role of the PAG: Tom Mumley explained that of the nine strategies in the Initiative, the first five currently have specific actions. Actions on the remaining four are to be determined. Using handouts and a slide presentation, he reviewed each of the five strategies in detail, asking for PAG’s input.

I: TMDL Program Structure and Management

PAG comments included:

- Be clear about actual TMDL productivity, e.g., how many TMDLs are targeted to be completed, and by when.
- Look for ways to combine “reaches” in a water body as a way of possibly reducing the number of TMDLs that need to be developed.
- PAG’s role as suggested by staff is appropriate.

II: Information Management

PAG comments included:

- Need to make sure the TMDL database is available on the SWRCB website.
- Can staff say when the action plan will be posted on the website? (Staff will indicate this in the action plan).
- Need to make sure Regional Board members are educated and informed about the TMDL Program.

- Could staff put the Basin Planning Procedures Manual on the web?
- Look for ways to link the website with other existing databases.
- How will PAG's comments be included in the report to the legislature?
- PAG's role as suggested by staff is appropriate.

III: TMDL Toolbox and Guidelines

Tom Mumley explained that he intends to form workgroups that will specialize in various TMDLs (e.g., pathogens, habitat impairment, metals, pesticides, hydrocarbons, trash, and dissolved oxygen). These workgroups can be resources to any Region as they develop their TMDLs.

PAG comments included:

- Concern about using TMDL "templates." (Tom explained that this was not a shortcut approach but a way of learning from best practices; it is not intended to be a "one-size-fits-all" approach).
- Look for cross-cutting issues and produce guidelines.
- Be clear about how stakeholder input will be used to review workgroup products.
- When will workgroups be formed, and who will be on them? (Tom responded that members will be named in about one month, and in about two months their work plans will be identified).
- In addition to the suggested PAG role of advice and comment, it was suggested that PAG could also serve as a sounding board as staff work through the challenges and issues.
- PAG's role as suggested by staff is appropriate.

IV: Outreach, Communication and Participation

Tom Mumley explained that the intent of stakeholder participation is not necessarily to achieve consensus, but that there's a spectrum of ways stakeholders can be involved (e.g., facilitated meetings, councils, providing testimony, public forums, etc.). There are criteria that could help define appropriate input methodologies.

PAG comments included:

- Let stakeholders know about timeframes.
- How will processes for any particular TMDL be determined? (Tom's response: it's an art; start at the lowest level of participation and work up, as needed; share experience).
- It would be useful if staff could describe factors to be considered when deciding on a stakeholder process, with some examples.
- Perhaps "stakeholder process" should be one of the tools in the TMDL toolbox and guidelines.
- There needs to be emphasis on helping rural regions get more stakeholders involved.
- Perhaps work groups could recommend viable stakeholder processes according to their particular pollutant.

- Regions should make a commitment to reaching out the environmental justice community.
- PAG's role as suggested by staff is appropriate.

V. Early implementation

Tom Mumley explained that early implementation is a way of engaging parties early, perhaps even by giving notice of the intent to develop a TMDL. The intent is to get awareness "on the table" early, and to use incentive-based solutions.

PAG comments included:

- Don't let early implementation cause delays.
- Perhaps the title of this strategy is not accurate, as it implies starting action on a TMDL early, before it's even developed; maybe a better title would be something like, "Pre-TMDL Action."
- Could "early implementation" apply to non-point sources? (staff believes it could).
- PAG's role as suggested by staff is appropriate.

Update on the Section 303(d) Listing Scheduled for 2002; Listing Policy: Val Connor, Chief of Assessment and the TMDL Support Unit, gave a presentation on the schedule for 2002. No questions were asked by PAG.

TMDLs in California: Diazinon in Urban Creeks: Bill Johnson gave a presentation on how diazinon is being treated in urban creeks. He pointed out that as diazinon is being phased out other pesticides are being emphasized and that they could be harmful to water quality. Discussion followed, one area of contention being the relationship between the Water Boards' and the Department of Pesticide Regulation.

PAG's Role Relative to the SWRCB's Report to the Legislature: Tom Howard explained that the draft report is not written yet because staff wanted PAG's input on the Initiative/Action Plan first. He asked what role PAG wanted to play. After discussion the following was agreed to:

1. Staff will prepare a draft report by the end of October, and will immediately mail it to PAG members.
2. The co-chairs will form a subcommittee that will prepare PAG's comments on the draft report.
3. By November 7 the co-chairs will give staff a status report on the subcommittee's progress.
4. Comments to the SWRCB from PAG will be submitted by November 21.

Wrap-up and Next Steps:

February 15, 2002

Final version

Regarding the five-strategies/action plans that were reviewed today, PAG should get any additional input to Tom Mumley by October 19th. Tom can be reached at (510) 622-2395, (916) 341-5627, or tem@rb2.swrcb.ca.gov.

Regarding the four other strategies (Monitoring and Assessment, Basin Planning, TMDL Implementation, and Budget Development and Management) PAG will have opportunities to comment as the action plans are developed.

The **next PAG meeting** will be on January 15, 2002 in Sacramento, specific location to be determined. The primary agenda for the meeting will be listing and de-listing Policy.

Public Comment: No one from the public chose to address the PAG.

Adjournment: The meeting was adjourned by the Co-Chairs at 3:50 p.m.