

MEETING/PHONE CONVERSATION NOTES
for Tim Stevens -- TMDL Unit

Date of Meeting/Conversation: 10/26/01

Date Notes Prepared: 10/29/01

Date Notes Printed: October 31, 2001

With: Region 3 RWQCB Meeting Phone:
Item 16 -- Recommended 303(d) List (Angela Carpenter, presenter)

Location: San Luis Obispo

Others Present: Lisa McCann, RWQCB staff

REGION 3
BOARD MEETING
NOTES

Purpose of Meeting/Conversation

- To listen to staff presentation and hear any comments.

Conversation Points

- staff presentation (Angela) (we will eventually have a copy of staff report)
 - this, today, is a recommendation to the Board; the final decision will be made at the State Board (October 2002)
 - (SW)AMP played an important role in RWQCB staff's evaluation
 - "Weight of Evidence" approach used
 - used 50% exceedence level where possible/appropriate, along with other evidence (other RWQCBs using from 10% to 90% levels)
 - Board Member question: Why 50%? He could see where if you have exceedence, say for bacteria, 5 out of 12 months, the situation (for human health) could be very bad.
 - Answer: the 50% criterion is not the only source of info.
 - Chairman: At recent chairman's meeting the message was "don't list."
 - Response by R. Briggs: He understood the message to be, "do what you need to do, but don't be cavalier."
 - 100 water bodies listed currently
 - 35 proposed for new listing
 - 3 proposed for de-listing
 - 1 clarification (SLO Creek)
 - new item, not in draft proposed list: Santa Maria River Estuary for organochlorine pesticides
 - Comments:
 - Environmental Defense Center
 - South Coast Watershed Alliance
 - USEPA--RWQCB/SWRCB list may change after work with USEPA staff
 - Southern California Alliance of POTWs
 - Lompeco Watershed Conservancy
 - add Zanto Creek to list (staff disagrees)
 - do not delist San Lorenzo River estuary for sediments (staff disagrees for following reasons:

- original listing based on sediment in tributaries, therefore must be sediment in estuary
- instead, primary problem is probably breaching the sand bar
- delisting is consistent with NAS recommendations
- a 2-year study is in progress to assess the estuary
- recommendation to Board: approve proposed list w/1 new addition (Santa Maria estuary for organochlorine pesticides)
 - Mr. Bowker: is this a "living" list?
Answer: yes
 - Bowker: reliability issue
Answer: Other information will be trigger for additional investigation
 - Mr. Daniels: How are unlisted tributaries handled?
Answer: TMDL is watershed based. Tributaries will be regulated as well as listed waters.
Daniels: What is "monitored assessment"? (didn't hear answer)
- Commenter 1--Jessica Alstat, Santa Barbara Channel Keeper: South Coast TMDL development is needed before 2006. Urge that staff include tributaries.
 - Daniels: Which tributaries are needed?
Answer: Mission Creek; Aroyo ___ Creek for bacteria
 - Roger Briggs: QA plan. Data that will change staff's recommendation. Goleta Slough data nothing new.
- Commenter #2--Jodie Fredianni, Citizens for Responsible Forest Management: Also urging more comprehensive listing.
 - Chairman: How to deal with this problem?
Answer (Mark Angelo): Forest Practices Rules--anything upstream that can contribute sediment has to be included in the TMDL.
Chairman: But what if practices continue between now and when TMDL is implemented? Problems will get much worse.
Answer (Jennifer Soloway, staff counsel): Region 1 has MAA to deal with this.
Chairman: But why not just list the tributaries?
Answer (Lisa McCann): extra work w/o useful payoff
Daniels: May have to consider listing tribs if CDF doesn't respect WQ. Can the Board still add the tribs to the list?
Answer (Roger Briggs): Yes, but should have reasons laid out for doing so.
- CDF is not enforcing their own laws/regs.
 - Daniels: Which tribs should go on list?
Answer (Fredianni): Tribs to San Lorenzo River, or all tribs on west side that are impacted.
Briggs: What more is needed in order to make new recommendations (for listing)?
Answer (Angelo): Not much more.
Briggs: Perhaps State Board staff should comment? (Request that TPS approach and testify.)
- TPS: Concerning the technical aspects discussed, State Board staff defers to RWQCB staff expertise. Concerning the logistics of making the changes discussed, be aware of two things:
 - The State Board needs RWQCB info asap for two reasons: the 2003 List which is still due (within out internal, State time schedule) by April 2002 (not October); and the 303(d) list policy due for adoption by January 2003.
 - Other RWQCBs are going to be supplying information later than October 15th

(e.g., January 2002).

Daniels: Will you allow us to provide the information a month or two after the deadline?

Answer (TPS): Unfortunately I don't have the authority to answer.

Soloway: Could you check with State Board authorities?

Answer: Yes. <Call to Tom Howard.>

Chairman: <Upon TPS's return> What was the result?

Answer (TPS and Lisa McCann): TH said yes. He also said that April was the State Board deadline, but that info would go to USEPA in October.

- The RWQCB approved the staff recommendation with the provision that additional tributaries would be examined and added, as appropriate, within the coming weeks.

Problems

- TH answer may add to list/policy scheduling difficulties

Followup/Products Required

- Caution to staff attending other RWQCB meetings.