

**Minutes of the Regular Commission Meeting of the
Southern California Coastal Water Research Project Authority**

**Held at the offices of the Authority:
3535 Harbor Blvd., Costa Mesa, California 92626**

**June 3, 2011
9:30 AM**

COMMISSIONERS PRESENT

Sam Unger (Chair) - *Los Angeles Regional Water Quality Control Board*
Steve Meyer (Vice-Chair) - *City of San Diego*
Cindy Lin (for Alexis Strauss) - *US Environmental Protection Agency, Region IX*
Vicky Whitney - *State Water Resources Control Board*
Adam Fischer (for Kurt Berchtold) - *Santa Ana Regional Water Quality Control Board*
David Barker - *San Diego Regional Water Quality Control Board*
Mas Dojiri - *City of Los Angeles*
Steve Maguin - *Sanitation Districts of Los Angeles County*
Robert Ghirelli - *Orange County Sanitation District*
Gerhardt Hubner - *Ventura County Watershed Protection District*
Mark Pestrella - *Los Angeles County Department of Public Works*
Mary Anne Skorpanich - *County of Orange*
Cid Tesoro - *County of San Diego*

STAFF PRESENT

Stephen Weisberg - *Executive Director*
Bryan Nece - *Administrative Officer*
Wesley Beverlin - *Legal Counsel*
Ken Schiff - *Deputy Director*
Steve Bay - *Principal Investigator*
John Griffith - *Principal Investigator*
Keith Maruya - *Principal Investigator*
Eric Stein - *Principal Investigator*
Steve Steinberg - *Supervising Scientist*
Karen Setty - *Science Writer*

OTHERS PRESENT

Darrin Polhemus - *State Water Resources Control Board*
Tim Stebbins - *City of San Diego*
Dean Pasko - *Orange County Sanitation District*
Liz Whiteman - *Marine Protected Area Monitoring Enterprise*
Art Coe - *Retired*
Pete Michaels - *Retired*

Commission Chair Unger called the meeting to order at 9:32 AM.

CONSENT AGENDA

1. **Minutes of Meeting Held March 4, 2011**
2. **Quarterly Financial Statement for the Period Ended March 31, 2011**
3. **Quarterly Statement of Investments at March 31, 2011**
4. **Minutes of CTAG Meeting Held February 8, 2011**

Commission Chair Unger asked for comments on the consent agenda. Hearing none, Commissioner Ghirelli motioned to approve the items. The motion was seconded by Commissioner Dojiri and unanimously approved with Commissioner Lin abstaining.

REGULAR AGENDA

5. Executive Director's Report

Executive Director Weisberg announced two agency representative substitutions for the meeting: Cindy Lin was sitting in for Alexis Strauss, and Adam Fischer for Kurt Berchtold. In addition, he welcomed Vicky Whitney who was attending her first meeting as the new Commissioner from the State Water Resources Control Board.

Mark Pestrella arrived at 9:38 AM.

Weisberg began his Director's Report by showing a glider (an autonomous underwater vehicle) the National Oceanic and Atmospheric Administration loaned to SCCWRP for member agency staff training. The initial plan is to loan the glider to each of the POTWs for use in side-by-side deployment with their regular quarterly discharge plume surveys and then for special projects between quarterly surveys. Dr. Weisberg indicated that the glider contains all of the instrumentation presently on the CTDs used in their quarterly surveys, except for pH because that technology is too insensitive for most applications. He continued by talking about two initiatives to help develop better pH sensor technology. One was a workshop that SCCWRP would be hosting on July 6-7 to develop a west coast wide ocean acidification sensor network. The second is through the Alliance for Coastal Technologies, which is involved in evaluation of new pH sensor technology. Weisberg added that he was recently elected Chairman of the Board for the Alliance for Coastal Technologies.

Weisberg next updated the Commission on the US Environmental Protection Agency (EPA) National Beach Conference, which had been requested by Commissioner Skorpanich. He reported that the conference generally went well, with a strong scientific program, but many of the participants expressed frustration that EPA was not forthcoming in the plenary session talk about their plans for new criteria development. EPA was planning to hold a separate meeting in New Orleans on June 14 to describe their intentions. Several

Commissioners asked that Weisberg give an update at the September Commission meeting about what EPA presents at the New Orleans meeting.

Weisberg next described steps SCCWRP was taking to continue development and demonstration of rapid beach monitoring methods. Two member agencies were planning to repeat the Orange County demonstration project in LA County during the upcoming summer, though the results will not be used to issue health warnings. SCCWRP will train participating staff the week of June 20, which other member agency personnel are welcome to attend. Commissioner Dojiri added he expected to see same-day notification of beach water quality in LA County in summer 2012, but was still engaged in discussion. Commissioner Ghirelli asked how far away California was from adopting the new method. Weisberg expected a rapid method to be approved by EPA in 2012, initially applied in other states in 2013, and in widespread use by 2020. He noted SCCWRP is also working to develop automated environmental sample processors that could perform the test *in situ*, to be deployed for pilot testing this summer. Weisberg continued by explaining the length of time to adoption in California was now more of a policy decision, rather than a technical limitation. SCCWRP had offered help to the California Department of Public Health with quality control, but a certification process and regular suppliers were still needed.

Commissioner Barker arrived at 9:50 AM.

Weisberg next presented an example project status dashboard that he and Commissioner Meyer conceptualized at the request of the Commission. It included a matrix showing whether projects were within budget and on time. Commissioner Maguin liked the approach, but asked to see on-track projects separated from rescoped ones. Commissioner Dojiri agreed the concept was effective. He requested an extra column for funders but decided to avoid this after Weisberg explained funders were listed in the Research Plan and would add complexity to the matrix. Weisberg agreed to prepare a full project dashboard handout for the next Commission meeting.

Lastly, Weisberg presented a performance assessment metric for SCCWRP's website involving Google rankings for various search terms that might be used by someone in a federal office in Washington DC when trying to obtain information on subject that SCCWRP works. The metric sought to determine if SCCWRP's website was prominent in such searches. Overall, he indicated that he was pleased with the outcome.

6. CTAG Report

Commission's Technical Advisory Group (CTAG) Chair Tim Stebbins reported on the CTAG meeting held May 19. They held a two-hour business meeting followed by a joint meeting with the San Francisco Estuary Institute's (SFEI's) Regional Monitoring Program (RMP) Technical Review Committee. In the joint meeting, Steve Weisberg and Jay Davis (the RMP Lead Scientist) gave program overviews, and then scientists from each agency discussed two topical areas: contaminants of emerging concern (CECs) and ecological effects. They conferred on the two organizations' fact sheets and decided to continue mutual review, but not aim for the same format or target audience. The group also decided to continue holding collaborative meetings in March of each year.

During the CTAG business meeting, CTAG's role and charter was discussed. Three main areas for improvement were identified: (1) increased opportunity for member agency staff to participate in SCCWRP project advisory committees, (2) earlier technical review of project work plans, and (3) communication of group recommendations to the Commission following each CTAG meeting. CTAG also planned to implement some logistical changes, such as (1) revising the meeting format, (2) making the joint SFEI meeting separate from regular quarterly meetings, and (3) exploring potential for remote single-topic or subgroup meetings.

On behalf of CTAG, Stebbins recommended the Commission approve new contracts, approve the revised Research Plan, and support continued joint meetings with SFEI. He also mentioned CTAG's revised schedule for the Clean Water Act thematic report, pushing it back about three months, and their general approval of the SCCWRP fact sheet format and content. The next CTAG meeting will be held August 11, and will be one hour longer than usual.

Commissioner Pestrella raised several questions about the joint meetings with SFEI. Stebbins and the Commissioners generally saw value in continuing to examine differences in approach, avoid duplication of effort, and promote face-to-face interaction. Commissioner Unger thanked CTAG for their self-assessment and asked about technical review issues. Stebbins and Commissioner Dojiri explained CTAG performs technical peer-review of finishing projects, but needs to have more interaction at earlier stages to better inform the methodology and approach. Commissioner Pestrella expressed some concern about the value of the Clean Water Act document and screening its messages. Steve Weisberg volunteered to give a more extensive report on this topic at a future Commission meeting. Lastly, Commissioner Meyer noted the Commissioners were responsible for getting information from their CTAG representatives, but he appreciated the effort to improve this process and suggested CTAG use a triage approach to prioritize topics for technical review.

7. Contract Review

As an informational item, the Executive Director presented contracts with a value of \$250,000 or less that the Authority has accepted or indicated a willingness to accept. While the governing agreement of SCCWRP requires no Commission action on these, they were presented to ensure the Authority's directions are consistent with the Commission's intentions.

- 1) State of Washington (\$81,000)
Develop Benthic Community Indicators
- 2) UC Davis (\$15,000)
Training for Field Sampling of Stream Algae
- 3) UC Davis (\$11,300)
US Army Corps of Engineers (\$20,000)

Training for California Rapid Assessment Method

- 4) Santa Monica Bay Restoration Commission (\$20,000)
Bureau of Ocean Energy Management (\$2,000)
Rocky Intertidal Health Workshop
- 5) Larry Walker Associates (\$16,989)
Los Angeles River Watershed Copper Water Effects Ratio
- 6) Moss Landing Marine Laboratory/San Jose State (\$18,000)
Wetlands Support
- 7) State Water Resources Control Board (through Moss Landing Marine Laboratory/
San Jose State) (\$120,000)
SWAMP Special Studies
- 8) State Water Resources Control Board (through Moss Landing Marine Laboratory/
San Jose State) (\$50,000)
Depressional Wetlands Assessment
- 9) State Water Resources Control Board (through Moss Landing Marine Laboratory/
San Jose State) (\$50,000)
Algal IBI Development
- 10) State Water Resources Control Board (through Moss Landing Marine Laboratory/
San Jose State) (\$50,000)
Brine Discharge Review Panel
- 11) NOAA (through University of California, Santa Cruz) (\$220,000)
Ecology and Oceanography of Harmful Algal Blooms
- 12) EPA (through San Francisco Bay Estuary Institute) (\$50,000)
National Coastal Assessment

There were no objections to any of the contracts.

8. Adopt Fund Balance Policy

The Commission considered adoption of a fund balance policy to comply with the Government Accounting Standards Board Statement No. 54 regarding "Fund Balance Reporting and Governmental Fund Type Definitions". Commissioner Maguin stated that the Commission's Personnel and Finance Committee had reviewed this item, found it to be straightforward and recommended approval. Commissioner Maguin then motioned to adopt the fund balance policy. The motion was seconded by Commissioner Dojiri and unanimously approved with Commissioner Lin abstaining.

9. Fiscal Year 2011-2012 Research Plan and Budget

Steve Weisberg offered to forgo his Research Plan presentation due to time constraints. Commissioner Maguin indicated the Personnel and Finance Committee had reviewed the Research Plan and budget and recommended approval. Commissioner Ghirelli then motioned to approve the Research Plan and budget. The motion was seconded by Commissioner Meyer, and unanimously approved with Commissioner Lin abstaining.

10. Resolution Establishing Rules Governing Compensation, Benefits, and Personnel Policies and Procedures

Commissioner Maguin reported the Personnel and Finance Committee had reviewed the resolution and recommended Commission approval. The largest change to the new version was to match an additional 2% of the 403(b) employee retirement account contributions, on top of the current 2% match, and to create a three-year vesting program instead of the present immediate vesting. Commissioner Hubner asked about the fiscal impact of this change. Weisberg indicated that in the first year, there would be approximately a \$35,000 savings because of the delayed vesting, but in later years would increase cost by approximately \$70,000 if all employees chose full participation in this voluntary program. Commissioner Pestrella asked if SCCWRP's contribution to the 403(b) plan could be lowered in the future if needed, and Weisberg and Commissioner Maguin indicated the resolution is reviewed annually. Commissioner Hubner asked whether there were cost-of-living adjustments made to the salary schedule. Weisberg indicated there were not, but that the salary range for three positions had been adjusted based on recommendations from an external consultant that recently conducted a salary survey for the Personnel and Finance Committee. Commissioner Maguin motioned to approve of the resolution. The motion was seconded by Commissioner Pestrella, and unanimously approved with Commissioner Lin abstaining.

11. Toxicity Testing Protocols

Weisberg introduced this presentation by indicating that this was an informational briefing on the State Board's new toxicity statistical testing protocols that had been requested by the Commission and was not work that was being conducted by SCCWRP. Steve Bay gave the presentation, explaining how the State's new procedure involved more rigorous statistical testing that gives added importance to achieving good test precision. Bay added the State Board is working on a guidance document to clarify test result interpretation and that testing outcomes may or may not change under the new method depending on the variability in the test results.

In response to questions from the Commission, Bay added cost of implementing the new method may be lower since fewer dilutions are tested, although more replicates may be needed. He clarified the method was developed by USEPA using data from multiple laboratories, with Tetra Tech as the contractor and an independent review panel. Commissioner Whitney explained the issues and benefits, including reduction of false negatives, lowered cost of testing, and incentive for toxicity test performance improvement. Commissioner Dojiri reasoned that having a trigger to perform toxicity identification evaluation made more sense than a hard toxicity limit, and Darrin Polhemus responded those decisions were under the policy realm, separate from technical test

development. Commissioner Dojiri also asked how accurate the test was, and Steve Bay replied the method was designed so that a sample with a 10% effect level has a 95% chance of being found non-toxic, and that a sample near the 25% effect regulatory decision threshold has about a 75% chance of being found toxic. Samples with more than a 25% toxic effect will always be identified as toxic. Commissioner Whitney elaborated the gray area between 5-25% toxic effect level implies a need for additional testing, and Polhemus added the statistics are not 100% accurate but do improve on the current method of data evaluation.

Commissioner Maguin thanked the State Board for their efforts and reported the State's original proposal for a single limit approach was now being adjusted to a multiple-limit approach, resolving his agency's main grievance. Polhemus and Commissioner Whitney indicated that a "test drive" of the new approach was upcoming. Commissioner Maguin asked to hear results from the test drive at a future Commission meeting, and Commissioner Pestrella seconded that policy-makers from stormwater and wastewater discharge agencies should be kept informed. Commission Chair Unger observed the issues were more policy-oriented, but agreed they should hear updates about this item at the next Commission meeting. Commissioner Maguin suggested SCCWRP remain prepared to field additional requests as implementation of the new procedure progresses.

12. Bight '08 Update

Due to time constraints, this item was tabled until the next meeting.

13. Marine Protected Area Monitoring Enterprise

Liz Whiteman, Executive Director of the Marine Protected Area (MPA) Monitoring Enterprise (MME), briefed the Commission on their upcoming activities in southern California. She explained the structure and goals of the MME, which follows behind the MPA process to monitor its effectiveness. The basic approach is to look at changes before and after the California implements the new MPAs, providing information to support regional reviews required every five years. MPA monitoring plans will eventually be developed for each region, along with a statewide plan. The north central regional plan is currently being piloted; 11 baseline monitoring projects are underway, working both independently and in concert. Whiteman envisioned a similar mosaic of different groups working in the south coast region. The comment period recently closed for the south coast plan, and the MME, Sea Grant, Ocean Protection Council (OPC), and Department of Fish & Game are currently reviewing 38 monitoring proposals.

Whiteman next discussed the MME's efforts to produce data standards and build a community platform for those involved in monitoring. It would link to existing databases and allow user customization, thereby fostering understanding and consensus. Lastly, Whiteman named several opportunities for collaboration with SCCWRP, including (1) comparing data from Bight '08 (before MPA implementation) to Bight '13 (after MPA implementation), (2) interacting with the State's Areas of Special Biological Significance monitoring process, (3) adding value to the data management and visualization tools, and (4) developing ecosystem condition assessment tools.

Commissioner Ghirelli asked about other goals beyond habitat, fish and water quality. Whiteman responded they were definitely going to monitor educational and socioeconomic outcomes of MPA implementation. Commissioner Maguin asked about long-term funding, and Whiteman clarified the MME had only secured funding for 4-6 years, making it important to link to ongoing regional monitoring programs. Commissioner Maguin then reported out based on discussion among the four discharger member agencies that their staff could not identify much common ground between the dischargers' core monitoring programs and the MME monitoring plan, but they felt the MME could interact with SCCWRP's collaborative Bight Regional Monitoring Program. Weisberg clarified that the goal was not to make decisions on modes of cooperation today, but to inform the Commission about SCCWRP's potential for interaction with the MME. Commissioner Meyer expressed some concern that the interaction could distract from SCCWRP's core mission, to which Weisberg gave an example of one interaction that would benefit both parties: developing a method to assess kelp bed health. Commissioners Unger and Skorpanich suggested discussing these types of targeted partnerships at future Commissions as they arose.

14. Fact Sheets

The Executive Director presented the schedule and list of topics for future fact sheets and the Commissioners discussed the agency's current draft fact sheet on CECs. Several Commissioners felt information stating the severity of the problem and its impact on the member agencies was missing. Several Commissioners also expressed differing interest in the section explaining new methods. Commissioner Unger and Meyer suggested setting aside a standing agenda item to discuss a new fact sheet at each meeting, and tabling the CEC fact sheet pending a review process discussion in September. Weisberg asked the Commission to provide comments in the interim, so SCCWRP could revise the CEC fact sheet before the next meeting.

15. Joint Powers Agreement

The Executive Director briefed the Commission on development of the next agency Joint Powers Agreement (JPA). The current JPA will expire in June 2013. He revisited discussion issues and outcomes from the last JPA renewal, including membership, associate membership, signatories, dues, the term, and the organization's name.

Commissioner Meyer motioned to form a JPA Committee composed of the Personnel and Finance Committee members, along with the Ventura County Watershed Protection District Commissioner, to develop recommendations for the next JPA. The motion was seconded by Commissioner Dojiri, and approved unanimously with Commissioner Lin abstaining. Weisberg agreed to coordinate the committee at the request of the Commission Chair.

16. Future Meeting Agenda Items

The Commission identified several items for future discussion:

- Clean Water Act document
- Fact sheets
- Bight '08

- Briefing on directions EPA is taking in developing their new beach water quality criteria.
- Update on test drive of the toxicity testing protocols the State Water Board is conducting.

17. Other Business and Communications

There was no other business.

18. Public Comments

There were no public comments.

19. Adjournment

The meeting was adjourned at 12:34 PM until the next Commission meeting on September 9, 2011.

Attest:

Bryan Nece

Secretary