

**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**

**December 2, 2011
9:30 AM**

COMMISSIONERS PRESENT

Steve Meyer (Chair) - *City of San Diego*
Kurt Berchtold (Vice-Chair) - *Santa Ana Regional Water Quality Control Board*
Janet Hashimoto - *US Environmental Protection Agency, Region IX*
Vicky Whitney - *State Water Resources Control Board*
Deborah Smith - *Los Angeles 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*
Ed Torres - *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*
Martha Sutula - *Principal Investigator*
Steve Steinberg - *Principal Investigator*
Karen Setty - *Science Writer*

OTHERS PRESENT

Tim Stebbins - *City of San Diego*
Joe Gully - *Sanitation Districts of Los Angeles County*
Dean Pasko - *Orange County Sanitation District*
Bruce Posthumus - *San Diego Regional Water Quality Control Board*
Art Coe - *Public*

Commission Chair Meyer called the meeting to order at 9:31 AM.

CONSENT AGENDA

- 1. Minutes of Meeting Held September 9, 2011**
- 2. Quarterly Financial Statement for the Period Ended September 30, 2011**
- 3. Quarterly Statement of Investments at September 30, 2011**
- 4. Minutes of CTAG Meeting Held August 11, 2011**

Commissioner Dojiri motioned to approve the consent items. The motion was seconded by Commissioner Maguin (Berchtold) and unanimously approved with Commissioner Hashimoto abstaining.

5. 2011 Financial Audit

Commissioner Maguin reported that the audit subcommittee met with the agency's auditor to review the 2011 audit and annual financial report. The auditor's independent findings found no deficiencies in the agency's internal controls or material weaknesses in its financial reporting. The subcommittee recommended the Commission approve the report.

Commissioner Dojiri motioned to approve the 2011 financial audit. The motion was seconded by Commissioner Skorpanich and unanimously approved, with Commissioner Hashimoto abstaining.

REGULAR AGENDA

6. Executive Director's Report

Executive Director Weisberg reported on SCCWRP's continuing high productivity. As an example, he described six national meetings that were held at SCCWRP over the last quarter and two more that were upcoming. Commissioner Meyer asked if the expert panel on brine discharge fate and effects, planned for December 8-9, will focus on physical oceanography. Weisberg and Steve Bay clarified it will, with a separate panel addressing toxicity and biological effects of brine discharges. A second example of SCCWRP's high productivity related to the 2011 Annual Report, which will contain 29 articles in contrast to a maximum of 22 in previous years.

Weisberg communicated that the Commissioner's Technical Advisory Group (CTAG) is in the process of inviting member agency staff (and guests from other agencies) to the January 26 SCCWRP Symposium. Next, he explained the Commission-requested briefing on coastal hypoxia will be presented at the March Commission meeting and will include some fresh findings. Lastly, he announced Commissioner Maguin is retiring and that this would be his last Commission meeting.

Commissioner Tesoro arrived at 9:45 AM.

7. CTAG Report

CTAG Chair Tim Stebbins reported on their November 3 meeting. This was the second meeting with the revised life cycle format, which includes short presentations on new

projects in the morning, midterm projects in the early afternoon and projects nearing completion in the late afternoon. CTAG selected their 2012 meeting dates, and will hold an additional fifth meeting with the San Francisco Estuary Institute's (SFEI's) Regional Monitoring Program Technical Review Committee on March 28 to discuss regional monitoring directions.

CTAG also reviewed three pending fact sheets and prepared a memo for the Commission summarizing their actions. The contaminants of emerging concern (CECs) fact sheet was recommended for Commission approval, and the integrated sediment quality assessment fact sheet was referred back to SCCWRP for revision. Stebbins expected the Commission would receive the sediment and a new microbial source identification fact sheet in March. Commissioners Hashimoto and Smith cautioned to avoid policy discussions in the fact sheets, and Stebbins noted this was discussed by CTAG. Steve Weisberg further explained the fact sheets are focused on communicating science, but may briefly mention how the science will be applied. Commissioners Skorpanich and Meyer agreed it was appropriate to succinctly acknowledge policy implications without taking a position or focusing on them. Stebbins concluded his report by conveying CTAG's recommendation for the Commission to approve the contracts.

8. Contract Review

The Executive Director requested the Commission approve a resolution regarding the following contract that has been offered to the Authority:

- 1) County of San Diego (\$268,757)
Reference Watersheds Study

Commissioner Maguin motioned to approve the contract, and was seconded by Commissioner Dojiri. The motion was unanimously approved with Commissioner Hashimoto abstaining.

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.

- 2) County of Orange (\$175,000)
City of San Diego (through AMEC) (\$27,000)
Reference Watersheds Study
- 3) County of San Diego (\$95,000)
Microbial Source Identification
- 4) Aquatic Science Center (\$10,000)
Historical Ecology of Coastal Wetland Systems

- 5) UC Davis (\$3,600)
Training for California Rapid Assessment Method
- 6) California Department of Health Services (\$79,000)
Beach Watch

There were no objections to any of these contracts.

9. Joint Powers Agreement (JPA)

Commissioner Maguin reported the JPA subcommittee had discussed the JPA and in particular voting rights of associate members. They agreed to keep associate member dues the same, at one-quarter of full membership, and give each associate member a one-quarter vote when the new JPA goes into effect in 2013. Steve Weisberg added that the new JPA will change the agency's name to the "Southern California Coastal Waters Research Partnership", something that had been part of the last JPA but was removed following request for legal review of the name change implications. Commissioner Hashimoto announced the EPA's Commissioner, Alexis Straus, stepped down due to internal conflict of interest rules and should be replaced by the Associate Water Division Director in the new JPA. Weisberg indicated that he would make that change and Wesley Beverlin added that the new JPA includes language allowing changes to the Commission member positions by a two-thirds member vote. Commissioner Whitney asked if the Commission would become subject to the Brown Act, and Beverlin confirmed it always has been. Weisberg indicated the Commission will receive the revised JPA for consideration at their next meeting, prior to it being forwarded for signature.

10. Emerging Contaminants Coastal Effects

Steve Bay presented results from a large collaborative study of CEC occurrence and effects on marine flatfish. The Commission received a technical report on this topic and four related articles will be released in the SCCWRP Annual Report in January. The study found widespread occurrence of CECs in wastewater effluent, but at low levels. CECs were also found in fish tissue, again at low levels. Commissioner Skorpanich asked about mobility of hornyhead turbot, and Bay answered their range is in the tens of kilometers. Researchers found higher than expected levels of estradiol in male fish at all outfall sites, egg yolk proteins were found at low levels in most males, and cortisol was depressed. In response to a question from Commissioner Whitney, Bay explained the Dana Point reference site was selected based on the availability of fish and knowledge of its history and contamination issues. Though relatively clean, it is not pristine.

Only one biological response, thyroid hormone reduction, varied significantly between the reference site and outfalls. Researchers found no indication of higher level reproductive effects, consistent with the 2003 Bight Regional Monitoring findings. Few significant gene expression effects were found. In future studies, Bay anticipates further investigating normal baseline fish characteristics and developing an improved gene microarray.

11. Fact Sheet

Steve Weisberg reported SCCWRP had solicited feedback from the state's expert CEC panel stemming from the Commission's desire to ensure that the fact sheets need to present a balanced message. The panel provided a few wording changes but were pleased with the balance and technical merit. The Commission was given a revised version and asked to determine if it was ready to be printed. Commissioner Smith suggested changing the question "why the attention?" to "why the focus?". She also raised concern about the phrase "CEC effects are not widespread" based on generalization. She pointed out some hormonal effects are widespread. Weisberg suggested adding "population-level" or a similar connotation to modify the word "effects". Commissioner Hashimoto also raised concern about the example of pyrethroid pesticides, which unlike most other CECs do have documented effects. She suggested making the pesticide class more generic. Keith Maruya indicated there was still uncertainty surrounding pyrethroid pesticides, and Karen Setty suggested replacing the example rather than removing the entire class, since pesticides remain a relevant type of CECs.

Commissioner Meyer expressed some concern about re-tooling the wording at this late stage, and Commissioner Maguin cautioned against adding technical jargon. Several Commissioners agreed the document was useful and would help them address public and media concerns. Commissioner Torres suggested waiting to release the fact sheet until the coastal ecosystems CEC panel issued its report in May or Mussel Watch results became available, but others felt it was more valuable at present. The Commission decided to move ahead with printing if the three areas of concern could be addressed to the satisfaction of the Commissioners and no further objections were raised to the revised version. Weisberg agreed to work with the Commissioners who had asked for the changes and to distribute a revised version to the Commission via email, releasing it only if there were no objections raised to the e-mailed version. With this caveat, Commissioner Pestrella motioned to approve the fact sheet. The motion was seconded by Commissioner Maguin and unanimously approved, with Commissioner Hashimoto abstaining.

For the integrated sediment quality assessment fact sheet, Weisberg explained that CTAG felt that the version they reviewed was too technical and asked that SCCWRP revise it for further review at their next meeting, before proceeding to the Commission for approval.

Commissioner Tesoro left at 11:20 AM.

12. CEDEN Project

Steve Steinberg presented a progress report on development of the California Environmental Data Exchange Network (CEDEN). He explained that while CEDEN will have many uses, its initial functionality will be to unify "readily available data" for the state's 303(d) listing and 305(b) reporting processes, and give all parties the same transparent access to data and analysis tools. CEDEN will also work in concert with other state databases so users only need to upload data once. Steinberg has increased CEDEN's focus on engaging more data providers, users, and partners while continuing work on data analysis tool development. User support takes the form of a central help desk, regional data centers, and data templates. Commissioner Hubner asked about quality assurance/quality

control (QA/QC) standards, and Steinberg explained CEDEN will accept all available data, but allow users to filter it based on the degree of QA/QC they require. In response to a question from Commissioner Skorpanich, Steinberg indicated the system is already being used for raw data downloads, and analytical tools will be made available beginning in the spring.

13. Toxicity Testing Protocols

Steve Bay gave a presentation responding to the Commission's request for SCCWRP to independently assess the false positive rate of the Water Board's new Test of Significant Toxicity (TST). He gave background describing how the test rewards low variability, such that high variability could result in a false positive. Based on currently available data from a 2001 US Environmental Protection Agency (EPA) study, the best estimate of the false positive rate for the test for which there was the most data was 8%. He also pointed out that even for this test, the sample size was only 25, meaning that the 95% confidence interval on the true rate ranges between 1-26%. He indicated that options for narrowing down this value, if desired by the Commission, included mining other existing datasets or collecting new data. One dataset specific to the new California method suggested a rate of less than 3% but did not use blank samples. New data could be collected in conjunction with an upcoming Stormwater Monitoring Coalition intercalibration exercise, but would require substantial added financial investment and participation.

When Commissioner Whitney asked about the likely cost of a new study, which Steve Weisberg guessed would range around \$200,000 depending on how many samples were to be processed and how many types of toxicity tests were to be included. Getting more data would likely require them to pay contract labs to participate. In response to a question from Commissioner Meyer, Bay indicated a large enough dataset would require multiple samples to be processed by at least 12 laboratories.

Weisberg asked the Commissioners how precisely they wanted to estimate the false positive rate and whether the expense of conducting a new study to add precision to the false positive rate estimate is warranted. Commissioners Hashimoto and Whitney explained that they already have substantial evidence showing the new method's advantages over the previous method and did not wish to delay consideration of the new policy. In contrast, Commissioner Maguin supported moving forward with a new study and encouraged involving as many laboratories as possible, ideally all of the certified labs in the state, to get the best possible answer. Commissioner Meyer also stated he was uncomfortable with the high statistical range and would like to obtain a clearer answer, especially considering the negative public perception of a false positive toxicity result.

Steve Weisberg indicated hesitancy to move forward with this study because it was more expensive than a typical internally funded project and would require delaying other internally-funded projects, but outlined three conditions under which he felt it would represent a wise investment: (1) a large number of the member agency laboratories agreed to participate at their own cost, (2) an indication the data would be used for decision-making, and (3) consensus of need among multiple member agencies and sectors. Several Commissioners suggested that the need for the study would depend on how the state's

policy deals with a positive toxicity result, to which Commissioner Whitney replied that the revised draft policy includes testing additional replicates before classifying a positive result as a violation. She also thought it necessary for the Commissioners to have their staff review SCCWRP's potential study design before considering whether to proceed with an additional study. Commissioner Dojiri indicated that if the new protocol including addressing positive results with additional testing rather than a violation based on a single sample, his agency would likely not feel need for a new study. Commissioner Torres added his agency would not be greatly impacted by a new study, though he could understand the potential for negative public reaction to false positive test results.

Weisberg was asked how soon such a study could be conducted, to which he responded that the study could be implemented next summer with results available in about a year. Commissioner Maguin motioned to have SCCWRP prepare two items for presentation at the next Commission meeting: 1) A draft study design, and associated cost, for a potential study to more precisely estimate false positive error rates, and 2) An analysis of how the false positive rate would be affected by the repeated sampling protocols the State is considering. The motion was seconded by Commissioner Meyer, who also asked to hear about how the repeated sampling affects the false negative rate. The motion was unanimously approved, with Commissioner Hashimoto abstaining.

Commissioner Hubner left at 12:25 PM.

14. Bight '08 Update

Ken Schiff presented an update on the Bight '08 Regional Monitoring Program. He indicated that the Areas of Special Biological Significance report has already been issued and the Coastal Ecology synthesis report will be released prior to the SCCWRP Symposium in January. The Rocky Reef study component is complete and the Coastal Wetlands and Estuaries component should be finished in the next few months. The Offshore Water Quality and Shoreline Microbiology components were initially stalled due to funding freezes, but have hurried to catch up. Planning is beginning for the future Bight Regional Monitoring Program via the joint March CTAG-SFEI meeting and a separate follow-up CTAG meeting.

Schiff asked how the Commission would like to be briefed on the Bight '08 results, potentially in a special all-day meeting or a series of regular Commission meetings. Commissioners Meyer and Pestrella asked to receive a written packet with executive summaries from each of the Bight '08 components, and Commissioner Torres felt an 8-10 page synopsis of the Bight program's costs and benefits and remaining key questions would be valuable. Several Commissioners suggested holding a Bight briefing and discussion at the June Commission meeting, with an extended meeting time and a shorter than typical period for general business in the morning. This was agreed on and Weisberg observed the timing would be perfect in terms of the overall planning process.

15. Future Meeting Agenda Items

The following items were identified for the March Commission meeting:

- Coastal hypoxia briefing

- Ocean acidification update
- Toxicity testing investigation update
- Source identification study results

The June Commission meeting will focus on Bight '08 results and future planning.

16. Other Business and Communications

Commission Chair Meyer thanked Commissioner Maguin for his leadership and excellent service to the Commission.

17. Public Comments

Joe Gully announced the Society of Environmental Toxicology and Chemistry will hold its annual meeting in Long Beach November 11-15, 2012, and hopes to boost local participation. Gully and several SCCWRP staff members are on planning committees and will issue a call for CTAG to propose special sessions and symposia.

18. Adjournment

The meeting was adjourned at 12:40 PM until the next Commission meeting on March 2, 2012.

Attest:
Bryan Nece
Secretary