

**DRAFT
TECHNICAL ISSUES COMMITTEE (TIC)
MEETING NOTES
12 DECEMBER 2006**

Meeting Attendees:

David Ceppos, Center for Collaborative Policy
Lenwood Hall, University of Maryland
Keith Larson, Turlock Irrigation District
Jim Atherstone, South San Joaquin Irrigation District
Maryam Khosravifard, Department of Food and Agriculture
G. Fred Lee, G. Fred Lee and Associates
Sandy Nurse, Sierra Foothill Laboratories
Joe McGahan, Westside Water Quality Coalition
Roberta Firoved, California Rice Commission
Melissa Turner, East SJWQC and SJ&Delta WQC
Krista Callinan, East SJWQC and SJ&Delta WQC
Claus Suverkropp, Kleinfelder and Associates
Marshall Lee, Department of Pesticide Regulation
Stephen Clark, Pacific Eco Risk

CVRWQC Board Members:

Karl E. Longley, CVRWQC Board Member
Dan Odenweller, CVRWQC Board Member

CVRWQCB Staff members:

Margie Lopez Read
William Croyle
Dania Huggins
Ken Landau
Susan Fregien
Stephanie Fong
Wendy Cohen
Karen Larsen
John Swanson
Melissa Morris

INTRODUCTIONS AND ANNOUNCEMENTS

17 under the 115 item, about more along range

18 scheduling into 2007 for issues in addition to the

19 MRP. So I'll go through the October meeting notes
20 as we normally do.

21 At 9:45 we are then going to dive into the
22 staff responses to recommendations. And so
23 regarding that you should have really the following
24 three documents. You should have a handout that is
25 titled Central Valley Water Board Staff Responses to

1 Technical Issues Committee Recommendations, which is
2 a stapled set of several pages. You should then
3 also have a smaller document, which looks similar in
4 tablet form which is titled Pacific EcoRisk
5 Response, the response that was provided by Stephen,
6 et al. And then lastly you should have a table that
7 is titled TIC Recommendations. So again, you should
8 have all that.

9 If you want to bundle all that together, we
10 will be using those materials towards that part of
11 the discussion. That is a very important discussion
12 that I know many of you are pending on and we've
13 been waiting to have for a couple months, to have a
14 focused discussion at this time of staff responses
15 to the TIC recommendations.

16 For those of you that did not generally attend
17 these meetings, I will very quickly reiterate our
18 general process, which is that the TIC has several
19 focus groups that are kind of broken out of it, and
20 those focus groups for the last several months have
21 spent a huge amount of time working on
22 recommendations that were from the Trigger Group,
23 the Sediment Group, on and on. Those

24 recommendations were brought to the full group for
25 discussion.

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1 We generally worked on what we call a
2 two-month, bimonthly process which is that the first
3 time a recommendation was brought to this group, it
4 would be brought forward for discussion. Everybody
5 would have an opportunity to weigh in on things.
6 After that, any recommendations or adjustments that
7 might need to be made to the recommendations were
8 played and it is redistributed for everybody to
9 consider. And then in a subsequent month the group
10 would then consider it again.

11 If the recommendation was deemed to be
12 appropriate and there was no opposition to it, at
13 that time I would call the question. This group
14 would identify there was no opposition, and it would
15 move forward to staff and the Board as a formal
16 recommendation from the TIC. If on that subsequent
17 discussion there were still issues that needed to a
18 addressed, we would continue discussion until such
19 time that the recommendation did meet approval -- I
20 should say a lack of opposition from all
21 participants -- at which point it would be elevated.

22 In some cases we were able to do that in a
23 two-month setting; in other cases it took us four,

24 five months to get through a particular

25 recommendation.

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1 Today's discussion, those of you that recall,
2 several months ago we were getting sort of iterative
3 responses back from staff on the recommendations,
4 and staff determined it would more effective to be
5 coming forward with a more cohesive and
6 comprehensive set of recommendations in a written
7 format at one time. That is what today's agenda
8 item is, and a very key item relative to the
9 long-term calendar and the MRP process.

10 We will then do a working lunch, a brown bag
11 lunch, from 11:30 to 12, talked about earlier. Then
12 we are going into another item that was provided to
13 you today, which is the Working Draft of the QAPP.
14 For scheduled reasons that I believe was addressed
15 in an E-mail that got sent out a few days ago from
16 Margie and will be addressed further today, I think
17 you all know by now that the Working Draft of the
18 MRP is not being provided to you today nor was it
19 sent out in advance. Rather there is a working
20 draft of the QAPP that we will be discussing that
21 later today.

22 There is another couple of items that were
23 provided at the request of one of the TIC members.

- 24 There is a most current version, marked-up version,
25 of Table 1 since there is a number of references

1 that we have made to it in recent months, and
2 meeting summaries and documents. You have that?

3 And lastly, to be addressed at the end of the
4 day, it is a page titled Possible Topics and
5 Schedule for the Technical Issues Committee, 2007.
6 This is a follow-up to the discussion at the October
7 meeting when we solicited ideas about what the TIC
8 might work on moving into the next calendar year.

9 Are there any suggestions that people would
10 like to make to the agenda?

11 Seeing none, we will proceed. I would also
12 like -- before we go any further, I would like to
13 ask that we did have another Board Member to arrive,
14 please identify yourself.

15 MR. ODENWELLER: Dan Odenweller.

16 MR. CEPPOS: Thank you, Dan.

17 Drawing your attention really quickly to the
18 meeting summary of October 26. Are there any
19 revisions that anybody would like to make to the
20 meeting summary of October 23?

21 Seeing none, we will adopt that meeting
22 summary as final for the project record.

23 Very quickly to go over the action items from

24 that meeting. Number one, the Board will provide
25 all staff comments to the TIC. We'll be doing that

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1 today.

2 Staff to prepare comments on the TIC
3 recommendations and advise on the probability. We
4 will be addressing that today.

5 Item three, staff will attempt to prepare a
6 working draft MRP. For reasons that were addressed
7 in the E-Mails a few days ago and will be addressed
8 in a few moments today, that was not able to get
9 completed today.

10 Item number four, we will be addressing that
11 today. That covers our most immediate action items.

12 Are there any other action items that folks
13 would like to address?

14 Seeing none, we'll move to the rest of the
15 agenda.

16 Margie, I am going to hand it over to you,
17 then, to talk through the two schedule documents.
18 You should have two other pages in front of you.
19 One titled Proposed Calendar of Activities and
20 Deadlines for Coalition Group MRP revision. That is
21 a table. And you should also have another file
22 titled Schedule for Stakeholder Input on Proposed
23 MRP Issues. They look like them. You should have

24 both of those in front of you as we move into the

25 next discussion.

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1 MS. LOPEZ READ: I would like to start out
2 -- I think I will start out with the sad news first;
3 that is, it doesn't -- once we put together these
4 schedules, based on the activity that needs to take
5 place between now and Board presentation, it looks
6 like that Board presentation of the MRP can't take
7 place until June. So that is the sad news in terms
8 of the fact that we all want to get this work done
9 right away. But the reality is, when you are
10 dealing with a stakeholder group and you are dealing
11 with public input, that just becomes a very
12 difficult process.

13 I think what the good news is that there is a
14 lot of opportunity between now and when we do post
15 the tentative that the TIC can continue to provide
16 input on some of the recommendations that, as we
17 will discuss later, still need some technical input.
18 So a lot of what is causing this scheduling is
19 related to having stakeholder input, which our
20 Executive Officer has directed us to make -- to
21 provide an opportunity to the stakeholders to
22 provide -- to discuss non-technical concerns about
23 the MRP. Again, in just a second I will talk about

24 that schedule.

25 And the other item that is really important is

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1 that some people in this room and staff certainly
2 feels that it's very important to discuss the
3 results of the first two years of the monitoring
4 program with the Board Members so that information
5 that is out there is fully informed about the
6 program and understands the process and how it is
7 working and where the data gaps are and what we need
8 to do to learn more.

9 Looking at the Board's calendar for that, that
10 cannot take place until March. And part of the
11 reason that that can't take place until March is
12 because the coalition members have specifically
13 expressed their desire to have the results from the
14 December report, which won't come in until the end
15 of this month, included in the monitoring workshop
16 to the Board. That comes in at the end of this
17 month. Staff needs time to review and prepare the
18 workshop. That puts the workshop in March. Between
19 those two items, that resulted in the schedule that
20 we have.

21 Dr. LEE: Fred Lee.

22 At this workshop will the staff prepare a
23 discussion of what they see in the data?

24 MS. LOPEZ READ: That is correct.

25 DR. LEE: Deficiencies?

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1 MS. LOPEZ READ: Yes.

2 DR. LEE: You will have that?

3 MS. LOPEZ READ: Yes. To be able to
4 include the December data we will need that time
5 and, believe me, we will be working hard to make
6 that schedule.

7 MR. CEPPOS: I am sorry to interrupt.
8 Along with Esther doing the actual transcript of the
9 meeting, is there another staff person that is also
10 keeping track of action items that we do?

11 MS. LOPEZ READ: Actually, all my staff
12 takes part in that, in between those.

13 MR. CEPPOS: Actually, I would like to
14 notate that as an action item, it gets built into
15 the meeting, the expectation that there is a staff
16 summary or analysis of the results.

17 MR. HALL: Lenwood Hall. Question about
18 the staff presentation of the coalition results.
19 Will the coalitions be able to see a predraft
20 version of the PowerPoint presentation between it's
21 actually presented?

22 MS. LOPEZ READ: I don't know if we have
23 time for that. You know, I don't know, Lenwood. We

24 can strive to make that happen.

25 MR. HALL: To make sure everybody is on

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1 the same page; it is important. You don't want to
2 present something and find out there may have been
3 some type of error.

4 MS. LOPEZ READ: I do know that some of
5 the information has already been prepared, and the
6 goal is already bring some of the information we
7 have already to coalitions and discuss it with them.
8 John Swanson was specifically working on one for the
9 Westside Coalition area, for example. So I think as
10 we do it, maybe we can make coalitions aware of
11 areas.

12 The other thing about that is we are not --
13 when we do this workshop we are talking coalitions
14 specifically. We are talking zones. So we have
15 divided the region into different zones which
16 encompass more than one coalition. But the emphasis
17 is on the watershed and how the program is working,
18 not on the coalition activity, per se.

19 MR. CEPPOS: Bill has his hand up. Let's
20 take the comment from Bill, and then I sort of
21 created this interruption. We'll take Bill's
22 comments, and I want to go let Margie continue
23 walking through things and then open the floor.

24 Bill.

25 MR. THOMAS: Margie, this is the first

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1 time we've heard anything about you reclassifying
2 the region into zones. When will we have the
3 opportunity to see what you are doing on that?

4 MS. LOPEZ READ: Well, as we -- I'm not
5 exactly sure what you mean.

6 MR. THOMAS: I am not sure what I mean. I
7 am responding to what you said that I thought was
8 pretty significant.

9 MS. LOPEZ READ: Well, what I can do is
10 provide a description of the intent of how we are
11 going to structure the workshop to the TIC. If
12 nothing else, if we can't actually do kind of a
13 discussion about it at a TIC meeting, I can at least
14 provide a breakdown of how we are structuring the
15 workshop, where the zones are, what topics.

16 MR. THOMAS: Yeah. I don't think we need
17 a meeting for that. I think you should get that
18 out. I mean, that sounds rather significant to me.
19 If you were breaking the right industry in half in
20 some way or bifurcating, you know, the Tulare Lake
21 and sticking them in with some other. I have some
22 anxiousness over that. Probably will be alleviated
23 when I saw it. We shouldn't be surprised at these

24 things.

25 MS. LOPEZ READ: I agree. I will say we

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1 had this discussion already. A group of us met in
2 Stockton. You'll remember that it was announced
3 that we were going to have a discussion about the
4 workshop. Some people were able to gather together.
5 John Meeker arranged a room for us.

6 Was that Stockton, Bill? So we talked about
7 that. But I will make --

8 MR. THOMAS: I know you had that meeting.
9 You only invited a few people. Nobody in the north,
10 nobody in the south. This is the first time I heard
11 anything about a zone.

12 MS. LOPEZ READ: I will be sure to make
13 that clear to --

14 DR. LONGLEY: Margie, Karl. Are your
15 zones based primarily on geography?

16 MS. LOPEZ READ: Yes.

17 MR. CROYLE: Margie, can I jump in?

18 MS. LOPEZ READ: Sure.

19 MR. CROYLE: Esther, Bill Croyle. First
20 of all, to respond to Bill's comments, and I guess
21 one of your comments, Margie, and you did kind of
22 catch up to it. To respond to the question. The
23 question is actually we were not presenting

24 coalition data. We were presenting all the data
25 that is being collected in the program. The four

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1 zones are the Sacramento Watershed, the Delta, the
2 San Joaquin and the Tulare Lake Basins; that is how
3 we've broken it down. And, actually, some of that
4 data is being used at some of the grower meetings
5 already. Only with the data that we have received
6 to date. Kelly and her staff have been using it in
7 the Glenn County and Butte County areas.

8 As an example of what staff already put
9 together to feed information to the Board. What we
10 are going to do is quickly update that information
11 that we have already processed in some kind of
12 graphic and things that people have already seen.
13 And certainly looking at the schedule here for the
14 agenda week is our drop deadline for producing our
15 staff report and those documents for the Board in
16 March, which is February 19th. So to the extent
17 that this process, as we move through the revisions,
18 proposed revisions, to the working draft of the MRP
19 and that kind of information, that first part,
20 February is the time crunch. To the extent that
21 information is being developed and completed and
22 getting out to others has to happen before the 19th
23 of February.

24 MR. CEPPOS: Let me expand on that
25 further, Bill. Just to jump ahead. It would seem

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1 that this would be reasonable to do, and we can talk
2 about a bit later. But comparing and looking to the
3 possible topics and schedule table for next year,
4 there is a proposed meeting, TIC meeting, for
5 February 13th. That takes place approximately one
6 week before your agenda week. It seems potentially
7 reasonable that at that TIC in February that there
8 would be an opportunity for staff to come forward
9 with some preliminary, if not more than preliminary,
10 background information about what you are going to
11 be proposing for the workshop. Is that a
12 potentially reasonable expectation? So we can
13 hopefully build that as an agenda item at the TIC
14 meeting in February.

15 MS. LOPEZ READ: Sounds reasonable.

16 Moving on, and Bill took us a little bit
17 clearly through the TIC process. What we think also
18 has an opportunity -- what this also provides us is
19 an opportunity for the TIC again to work on some of
20 input on some of the -- there is three
21 recommendations that staff is still feeling uneasy
22 about in terms of the absence of actual technical
23 guidelines in the process. We will talk a little

24 bit more about that later when we get to that agenda
25 item.

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1 The other piece that fits in this calendar
2 process is the stakeholders meetings. Again, that
3 we will be having to discuss primarily the non
4 technical issues or the issues that remain after the
5 TIC process is completed. We have come up with a
6 goal for the stakeholders meetings. And the purpose
7 of it is to allow opportunity for stakeholders to
8 create a forum that will -- to dialogue with Central
9 Valley Water Board staff about aspects of the
10 proposed MRP that have not been addressed with the
11 Technical Issues Committee.

12 So that is the intent of those meetings, and
13 there will be that opportunity. And at this point
14 in time we have four meeting dates. I know that the
15 January 9th meeting date will -- at least that one
16 will be held here in Sacramento.

17 And I sort of wanted to get your input and
18 your thoughts on it, if those meetings should be
19 moving around or if they should all be in
20 Sacramento. That is kind of open for suggestion and
21 discussion, and you don't have to say so now, but
22 please provide your input on that.

23 MR. CEPPOS: If I may also, Margie, just

24 to get a little further background on this. I think

25 Margie may be placed in a sensitive situation, given

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1 some decision making going on with the Board. As
2 neutral, I don't have to worry about that, frankly.

3 So several of you know that last year there
4 was a group that had been convened, being called the
5 Policy Group. And beyond that and prior to my
6 involvement with your group, there were some other
7 more public meetings that were held. I think the
8 Stockton meeting is an example of that.

9 There has been a move a foot of late to not be
10 referring to this as policy discussions and policy
11 group. Because, in truth, the only entity in this
12 entire discussion that is really vested in making
13 policy is the Board. Therefore, we are -- for
14 semantic purposes we are moving away from the word
15 "policy group." So this idea of stakeholder input
16 is sort of a new version and new consideration of
17 that.

18 The issues that are lined out here in that
19 table really are coming from a couple of sources.
20 There is information that was provided in an E-mail
21 to staff leadership on some ideas that were not
22 technical in nature that some stakeholders felt
23 needed to be addressed in the future. There were a

24 number of items in the October meeting a number of

25 you raised as being issues to be addressed, but that

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1 were not technical, but were still issues of concern
2 and related probably in meetings to integration of
3 technical issues or sequencing of discussions that
4 some of these non technical issues needed to be
5 discussed or addressed before some other technical
6 things were resolved. Just some sequence things
7 needed to be placed. That is what is reflected in
8 this proposed set of additional meetings on these
9 items. Just to give you all some background why
10 some names have changed and where these lists have
11 come from.

12 MR. CLARK: Stephen Clark. I have two
13 questions. One is at the last TIC meeting Ken
14 Landau had indicated he was open to some potential
15 changes in the reporting process, frequency and
16 timelines. I brought up a point that it was pretty
17 critical to have that addressed in the MRP because
18 there is a current reporting process in there. Is
19 that what is expected to be addressed under the
20 streamline reporting process?

21 MS. LOPEZ READ: Actually, I think it is
22 the timing of the various submittals. Does that
23 address what you are talking about?

24 MR. CLARK: We have not -- we haven't
25 changed, to the best of my recollection, any of the

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1 timelines, getting E-mail into the Board, and you
2 have your exceedance report, you have two biannual
3 reports. That hasn't been changed. And I think Ken
4 was insinuating or directly implied that staff was
5 overburdened with the amount of reporting and the
6 coalitions felt the same and was open to some
7 changes in that process. But it wasn't clear when,
8 how that was going to occur to me.

9 MS. LOPEZ READ: Right. You are correct,
10 Stephen, in streamlining of the reporting process.
11 So with that in mind, I mentioned earlier that we
12 want suggestions in terms of whether all these
13 meetings should be in Sacramento. But probably more
14 important than that is that at the first meeting we
15 hope to establish the list of all the topics that
16 people feel need to be addressed or they want to
17 discuss, anyway. And so if something is not
18 included in here somehow, let us now between now and
19 then and that would be great, if you can send an
20 E-mail to me.

21 MR. CLARK: My second question is under
22 the second from the bottom, the water quality
23 standards, limits and triggers. Those in the past

24 were not put into the MRP, with the exception of the

25 general it will be compared to water quality

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1 objectives. Those were in the tentative order.

2 Is there a plan by staff for the Regional
3 Board to begin to put water quality standards and
4 limits into the MRP now, or how is that going to pan
5 out?

6 MR. CROYLE: You want me to handle that?

7 MS. LOPEZ READ: Yes. I am not sure.

8 MR. CROYLE: Because the Board changed
9 water quality objectives to water quality standards
10 in the waiver when it was updated in June, it is
11 going to require certain kind of standards, limits
12 or triggers, depending on the approach that we all
13 take, to be identified either in the MRP itself or
14 in the MRP plans that come back from the coalition
15 groups.

16 I think that talk is on that list because I
17 think we need to talk through that process, what are
18 the pros and cons, levels of effort, who is doing
19 what and when, how fast certain work can be done.
20 Such as identifying beneficial uses, more specific
21 monitoring sites, and then which water quality
22 objectives are appropriate to protect those
23 beneficial uses. It's easy to say; might not be so

24 easy.

25 Ken is raising his hand.

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1 MR. LANDAU: Ken Landau.

2 The reason we are making that change is that
3 certainly some standards apply nationwide, statewide
4 regionwide. Others, particularly where we are
5 interpreting a narrative standard, vary a lot
6 depending on which water body you are in,
7 potentially. To try to do that in a board adopted
8 waiver is a Herculean task. By moving it down to
9 MRP or particularly into the individual plans from
10 the coalitions means we don't have to try to come up
11 with one document to cover the entire Central Valley
12 region.

13 MR. CEPPOS: I want to acknowledge Bill's
14 exceptional display of peripheral vision there. How
15 did you do that?

16 MR. CROYLE: Must be glare in my glasses.

17 MR. CEPPOS: Very impressive.

18 Before we move on, because Margie has put it
19 out there as a potential question, are there any
20 immediate thoughts that folks have regarding this,
21 whether these four proposed meetings should take
22 place in Sacramento or conversely moved throughout
23 the valley? Do folks have any opinion one way or

24 another at this time?

25 So, again, this is an action item. It is out

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1 there on the table as to hear feedback from folks to
2 that question, and also to take this sort of list of
3 items on the table and determine which one of them
4 might be addressed at which meeting or whether they
5 are all going to be addressed at all meetings.

6 Joe.

7 MR. MCGAHAN: Joe McGahan.

8 Is the desire to get stakeholders, is that,
9 like, coalition representatives like we are here or
10 more of a desire to get farmers, operators or, in my
11 case, the district managers? If we are trying to go
12 further, then it would probably be better to move
13 out.

14 MS. LOPEZ READ: We will public notice
15 these meetings once I am sure that the schedule's
16 confirmed. I don't know if we checked our EO's
17 calendar. We need to do a couple more things. It
18 will be public noticed. Those people on the list
19 certainly will be welcome to attend.

20 MR. CEPPOS: I think beyond that, Margie,
21 above and beyond that, what Joe is asking is: Who
22 are your target participants, the folks on the
23 ground, or more the leadership level people is more

24 the kind of strategic level people that in their

25 world, not your world, in their world are dealing

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1 with policy issues? Who is your target to be
2 involved in these discussions?

3 MS. LOPEZ READ: I think the stakeholders
4 is the best way to put it. We would like
5 representation from anybody who has an interest in
6 the monitoring and reporting program and might not
7 feel that they have an opportunity, if it's simply
8 presented at a board meeting, to have their say on
9 what it should look like. That includes
10 environmental groups, coalitions, individual
11 farmers, you know, citizens that live downstream,
12 anybody that has a stake in the monitoring and
13 reporting program.

14 MR. MCGAHAN: Since you're asking for
15 votes, I would say we ought to move it out into the
16 --

17 MS. LOPEZ READ: Scheduling the meeting in
18 different areas?

19 MR. MCGAHAN: Yeah.

20 MS. LOPEZ READ: Different zones.

21 MR. CEPPOS: Claus.

22 MR. SUVERKROPP: Claus Suverkropp.

23 Based on the list of proposed topics on here,

24 clearly not something you can discuss all of it at

25 every meeting and the move it around to different

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1 locations. Nor looking at the topics here, it
2 doesn't appear to be appropriate for general public
3 input, for people who weren't really familiar with
4 the program already. Based on the workload that is
5 at least proposed here, it seems like it is going to
6 have to be something with continuity that is going
7 to be a continuation of meetings. I don't know that
8 matters where the venue is, where that happens. It
9 does affect who your perspective audience is going
10 to be.

11 MS. LOPEZ READ: If I could just address
12 that a little bit. I understand what you are
13 saying. We don't want to get bogged down having to
14 go through the whole rationale and logic and
15 explanations each time, but on the other hand,
16 really, the most part of having these meetings is
17 getting a better understanding of what the public
18 concerns are. It's not going to be, as we have done
19 with the TIC, where we develop focused groups, come
20 up with recommendations about how it should be,
21 although if recommendations come out of that is
22 great.

23 It's mainly so that we have a better

- 24 understanding and the public has an opportunity to
- 25 express their thoughts about the MRP. We can work

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1 through some of that before it gets to the Board
2 meeting.

3 MR. CEPPOS: Sandy.

4 MS. NURSE: Sandy Nurse.

5 I am getting more confused. The purpose of
6 the meeting is to allow an opportunity for
7 stakeholders to create a forum that would allow the
8 stakeholders to dialogue about aspects of the
9 proposed MRP that have not been addressed through
10 the TIC here. Everything that is down here you are
11 saying has not been addressed through the TIC. So
12 the people who can come to these meeting, these are
13 the subjects; is that right?

14 MS. LOPEZ READ: Yeah.

15 MS. NURSE: Is that what it says?

16 MS. LOPEZ READ: Yes. Let me just give
17 you a breakdown about how we came up with the
18 topics. Maybe that will help.

19 When we started the TIC process about a year
20 ago, not quite almost a year ago, the members came
21 up with a list of different things that they did not
22 like about the MRP. Some of those were clearly not
23 technical issues. So we talked about them for a

24 little while and took them off the table. Examples

25 are signatory processes in the MRP, electronic data

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1 submittals, non technical.

2 So those -- we just took those. We set them
3 aside. We are putting them here in an opportunity
4 to get some feedback on it from the general public.

5 MS. NURSE: This is what we call the
6 policy at first, which we are no longer using that
7 word.

8 MS. LOPEZ READ: Then there is some other
9 things about the MRP that staff alone felt that
10 needed to be adjusted because there was language
11 that wasn't working or wasn't well understood or
12 inconsistency throughout the monitoring MRP or just
13 most recently with the Board's recent order about
14 management plans, a management plan requirement
15 which we will talk about a little bit more later.
16 That changed a whole lot of how things are done when
17 there is an exceedance.

18 There are things that staff alone also felt --
19 that is the other category, that staff felt some of
20 the language needed to be changed. We want to put
21 those out on the table and say, "Hey, these are
22 other things that we just need to fix."

23 And then I would say the third things are

24 issues that the TIC struggled to resolve, maybe, and

25 staff and TIC couldn't quite come to an

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1 understanding on them. So they still need to be
2 worked through. They require more input is a better
3 way to put it. So that is how these are there. It
4 is not necessarily intended to be a complete list by
5 any means, but that is where that came from.

6 Does that help?

7 MS. NURSE: Margie, this sounds like a
8 hair-brained idea. If these are very specific
9 topics that a stranger coming in, a farmer and
10 operator, a laboratory person coming in, they will
11 have no knowledge of this.

12 How is this going to move forward the impasse?
13 These things were taken out of the hands of the TIC.
14 There were some very important things that the lab
15 focus group, for example, wanted to talk about in
16 terms of PQLs and reporting limits. That was taken
17 to policy and taken out of the TIC's hands.

18 Now it is being put in the hands of -- if
19 somebody comes to the meeting and discusses it, how
20 does that move anything forward? Where is this
21 putting this? It went from technical to policy.
22 Now it's going to stakeholders, non technical. Is
23 this a waste of time? Are we going somewhere with

24 this?

25 MS. LOPEZ READ: Well, I'm hoping that is

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1 not going to be a waste of time, Sandy. I am hoping
2 that we are going to -- technical issues are one
3 thing. Technical people need an answer to technical
4 questions. But what we do need to have, and there
5 are other things that are very not technical, very
6 clearly a lot of things that are not technical. We
7 don't want to shut anybody out of the process of
8 having an opportunity to speak to that, and we also
9 want to gain a good understanding of that much so we
10 can work through things again before presented to
11 the Board.

12 But any of these recommendations that the TIC
13 puts forth is not something that is going to be
14 changed because somebody walked in out of the blue
15 and just talks to it. We will not be having a
16 formal recommendation process for this as we have
17 with the TIC. It is more of a hearing. It is more
18 of a hearing to gain an understanding.

19 DR. LONGLEY: Hearings are also intended
20 to be educational in nature. Part of the Board
21 process is that we keep it as public as we can.
22 There is a point in time where you have to make sure
23 that everybody else has a chance to come to the

24 table and talk. If they attempt to address the

25 technical issues, often times they do so not

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1 understanding those technical issues. Hence is
2 where education is supposed to take place. At the
3 same time you get gems. You are going to have to
4 take the gems and run with them.

5 But it's part of the process to ensure that we
6 go as far and as wide as possible. That is why I
7 was kind of interested where you plan to hold those.
8 The first one would logically be held here or
9 downtown. But the second or third or fourth ones, I
10 think you should go to Fresno or Visalia or
11 someplace like that. You probably should go north
12 on one of them. Because one of the big problems we
13 think -- this our fault in a sense.

14 I wish this Board had moved into the
15 communication age a lot faster, a lot more quickly
16 than it is. But it would be some advantage if
17 people could participate in a meeting here by
18 sitting in a room in Fresno, as an example, and had
19 two-way communications. We are not there yet. The
20 Air Board is, but we are not.

21 So because of that, we have to have physical
22 presence there. As an example, last week we had a
23 dairy hearing and we have to repeat the thing

24 tomorrow down in Fresno. It would have been nice if

25 we could have had the hearing all at one time.

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1 Folks come in and not had to travel up here, could
2 have gone to another location. Short of that, we
3 have to go do the physical thing.

4 MR. CEPPOS: Stephen had his hand up.
5 Claus, I don't know if you had something else you
6 want to add. I thought I saw your hand or body
7 language going up.

8 So we have Stephen and Bill.

9 MR. SUVERKROPP: No.

10 MR. CLARK: I think you have upwards of
11 six weeks scheduled there to tackle some issues that
12 I don't think you will get addressed in that window
13 time. You will receive comments.

14 It would seem to me that a productive way to
15 go about that would be, since these have been coined
16 as policy issues in the past for the most part, I
17 think some of them are, but most of them aren't,
18 that it would be prudent for Board staff to come
19 with not just a line item management plan
20 requirement, but some conceptual framework so that
21 the people understand this is where Regional Board
22 is perceiving we are going with this.

23 Otherwise you're going to have an

- 24 informational meeting on the 9th, a hearing. We are
- 25 going back over the next several weeks to get input

1 from these people. We had things we thought were
2 home run, easy solutions issues that took the better
3 part of four months to get through a technical
4 committee. I can't imagine some of those are going
5 to -- unless you are asking for input or going to
6 come to some collective resolution in the matter of
7 six weeks. So the plan to come forth with general
8 ideas on how Regional Board is planning on doing
9 these items, addressing these items?

10 MS. LOPEZ READ: Yeah. Sort of issues
11 statement of each one of these is a good way to put
12 it.

13 MR. CEPPOS: Bill.

14 MR. CROYLE: Now I've got two comments
15 now. Good question. But I want to actually go back
16 and recognize Sandy's comment. I'm actually a bit
17 concerned about what you said with regard to what
18 you believe the technical issues that was somehow
19 taken off the table by staff. 'Cause I hope that
20 wasn't the case. Because the TIC made, in my view
21 made the call on what they are going to work on. So
22 if the lab round table or group has perspective with
23 them and had an opportunity to flush that technical

24 issue out, then we need to figure out how to get

25 back to that issue. Because if the perspective was

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1 -- that somehow that was deemed a policy issue by
2 staff, I don't think that is, from my perspective,
3 that certainly wasn't the role of staff in this
4 process. Somewhere definitely recognized as a
5 policy issue or issues that needed a different form
6 to debate. I guess I want to make sure we get back
7 to that comment.

8 MS. NURSE: Back to PQLs, then. That was
9 immediately announced that it was policy.

10 MS. LOPEZ READ: And what about the PQLs,
11 what they are set at?

12 MS. NURSE: Yes.

13 MR. CROYLE: My thought is maybe that at a
14 break or lunch something we need to go back and dig
15 up history on that for clarity. If we have an
16 unresolved technical issue, we have to figure out
17 how to resolve it. And I guess I kind of flinched
18 on what I heard.

19 MS. LOPEZ READ: I hesitate to go there,
20 but I think that Sandy is right that that was taken
21 off because it was a policy consideration where that
22 is set, and it's based on the Basin Plan
23 requirements and where we need to -- what levels we

24 need to be able to see to know that we are meeting

25 based on that.

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1 MR. CROYLE: That is a policy issue versus
2 a technical issue that she has. So is it clear that
3 we resolve the technical issues related to that?

4 DR. LONGLEY: Sounds to me that policy
5 issue hasn't been fully explained to the groups so
6 you understand why that decision was made.

7 MS. LOPEZ READ: If nothing else, that is
8 for sure.

9 MR. CROYLE: Okay.

10 MS. LOPEZ READ: So why don't we talk at
11 the break and have some discussion on how we
12 proceed.

13 MR. CROYLE: But it sounds like we have to
14 have a group discussion and maybe these other forms
15 and as the technical issues arise we need to come
16 back to the lab round table or appropriate venue to
17 resolve that. I just want to make sure that that
18 connection or issue is addressed.

19 Getting back to Stephen's comments. You are
20 absolutely right, for this process to work as fast
21 as possible in the next six to eight weeks, before
22 the kind of final working draft is developed by us,
23 staff, that we have to come to these meetings

24 prepared to talk turkey, specifics, about our

25 concerns, your concerns. We have to have that

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1 flushed out in those venues. So the goal is to try
2 to get to the same page. If there is a decision the
3 Board needs to make, let's make sure we flush that
4 out, if nothing else have options that we can throw
5 to the Board for their view.

6 I think that the process, also in this
7 dialogue, that we can get as specific as possible.
8 So we need to come to the table with those
9 specifics, certainly using the original proposed MRP
10 as a starting point, a frame of a plan, and moving
11 forward as those issues have come up or resolved. I
12 think a good example is the management plan
13 requirement. That is a critical part of our
14 discussion today. Also, it is part of just the
15 Board's kind of changed how we do business. We
16 recognized that, as you mentioned Ken's comments at
17 the last meeting.

18 I think we can move quickly through that
19 process. There actually may still be some technical
20 issues buried in there, but my hope is that, to the
21 extent that this list and maybe there are some other
22 topics can be prioritized, that we have very
23 specific and constructive dialogue about any one of

24 those. Hopefully, all of them.

25 MR. CEPPOS: I want to clarify a couple

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1 things before we move ahead.

2 Sandy, you've identified PQL issues. Off the
3 top of your head were there any items that you felt
4 might be still holding out there that you felt
5 should have been addressed by the lab folks group?

6 MS. NURSE: It all comes back to the Table
7 1, PQLs and also some changes in methods and method
8 references, and I think those things should have
9 come back to the Lab Focus Group.

10 MR. CEPPOS: Okay. Obviously, we will
11 talk about this further during the break. I just
12 wanted to get that out in the public dialogue.
13 Perhaps springboarding off a bit off of what Stephen
14 talked about and, Bill, what you are talking about.
15 As I'm looking at this schedule here, I guess I will
16 pose the question, Bill, to you or Margie.

17 Is there a expectation or even the possibility
18 that issues uncovered, raised, however you want to
19 call it, through these four proposed broad meetings
20 might trigger new issues or refinement of issues by
21 the TIC? The reason I am asking that is that we
22 have a completion date of the stakeholders meetings
23 on February 20th and then one month later is the

- 24 target date to be distributing the working draft of
- 25 the MRP to the TIC.

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1 So what I am inquiring about, worst case
2 scenario, is that enough time to take any new issues
3 or items that might be generated out of those public
4 meetings, establish for dialogue and still try to
5 get results of that incorporated into a working
6 draft MRP if we have to reconvene one or more focus
7 groups?

8 DR. LONGLEY: I would think so because
9 this is just a workshop. When did you say in March?

10 MS. LOPEZ READ: Right, the Board workshop
11 in March.

12 DR. LONGLEY: That is workshop. That is
13 not decision time. So, you know, if we still have
14 issues in March, an issue out there that is red hot,
15 I think it can be identified and presented to the
16 Board in the workshop. And you are talking about
17 June, bringing it back to the Board for approval.
18 So probably sometime in latter May is the drop dead
19 date.

20 MR. CROYLE: This is actually -- this is
21 what I kind of see as, I want to say, informal, but
22 it's really an important process to get the
23 stakeholders involved as we rewrite the MRP at this

24 early stage. To the extent that you look at the

25 agenda or schedule that we have laid out here, there

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1 actually is a number of points that we can use new
2 information or the direction that comes out of these
3 kind of meetings, whether the TIC meeting or
4 additional stakeholder meetings. The goal is to get
5 as much as we can from this group and from the
6 stakeholder group, and it is probably going to end
7 up being the leadership or the coalitions and a few
8 others to come up with working drafts.

9 The working draft is a working draft. It will
10 be circulated for public comment. It is not yet
11 tentative. To the extent the TIC has meetings
12 scheduled, I kind of see we should have some dates
13 set up through this whole process, whether dealing
14 with MRP issues or some of these other issues that
15 are on the table throughout this process. We have
16 an opportunity to come back to the TIC and check in
17 and provide input as appropriate.

18 So I think where it starts getting a little
19 more fixed, but still subject to public comment is
20 which the tentative MRP, the MRP becomes tentative.
21 Then it is going through the kind of last formal
22 public review process. But --

23 DR. LONGLEY: There is comment at that

24 point. There will be comments at the workshop.

25 Board Members don't even know anything about this.

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1 There are maybe Board Members that haven't been
2 appointed yet. And so, yeah, you can get all kinds
3 of input as we go down the road on this. Join the
4 happy experiences that we have. That is the purpose
5 of a workshop is public comments.

6 MR. CEPPOS: Other comments? Feedback?

7 DR. LONGLEY: I would just like to say one
8 thing, though. So far as you folks have done some
9 very, very good work and have worked these issues
10 through. I wouldn't expect there to be a tremendous
11 amount of change, based upon what you've already
12 come up with. And it's certainly the kinds of
13 documentation you have developed, the rationale you
14 have developed for these things become part of the
15 response that are questions raised by others on
16 these particular items. It is not done that a lot
17 of the work suddenly we are going to chart a
18 different direction.

19 MR. CEPPOS: Any other comments?

20 Okay. Go ahead and close out this discussion.

21 MS. LOPEZ READ: I think that pretty much
22 handles it. I guess just to close, if there are any
23 topics in particular that fit in that stakeholder

24 discussion that people want to have included be sure

25 to let me know. Just send me an E-mail sometime

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1 within the next month or so and we will add it in.

2 And sometime during the break, those who want
3 to discuss about the PQL issue and feel that remains
4 unresolved, or any other issues that were pulled out
5 of that and shouldn't have been, let's talk and
6 let's figure out a way to get at it.

7 Again, as everybody is saying, Bill in
8 particular pointed out, there is a lot of
9 opportunity still in the TIC meetings to continue to
10 add any technical input.

11 MR. CEPPOS: Bill.

12 MR. CROYLE: One more comment. I am just
13 wondering to the extent that we should have some
14 tentative dates set up for future TIC meetings. We
15 can talk about that at the end of the day. I just
16 want to make sure we do that.

17 MR. CEPPOS: We do have tentative on the
18 table.

19 MS. LOPEZ READ: That actually is in the
20 rest of the agenda. But I think it would be
21 worthwhile to have a discussion in particular about
22 the PQL issue. And then if it is something that we
23 need to add to the calendar for a 2007 TIC meeting,

24 we can do that.

25 MR. CEPPOS: Given that it is always a

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1 little difficult to come into a meeting, just sit
2 down, hunker down for several hours, here is what I
3 want to do before we go into this next lengthy
4 discussion, everybody do a five-minute stand and
5 stretch. This is one of the longer breaks. Give
6 yourself a chance to stand and stretch. Everybody's
7 been sitting about an hour. We are about to dive
8 into a pretty comprehensive and lengthy discussion.
9 Give yourself a chance to take a five-minute break,
10 and I really mean five minutes. Call everybody in
11 five minutes.

12 (Break taken.)

13 MR. CEPPOS: Let's get started up again,
14 please. As we are getting started up here, about
15 the status of the lunch menus? Did those get
16 circulated around? Did anybody not get a chance to
17 look at the lunch menu and write down what they
18 wanted before we hand them off to Melissa?
19 Anybody else needs it? Folks can just kind of
20 -- let's send them in Wendy's direction since she is
21 closest to Melissa. Make sure you circle what you
22 want and you put your name on it so we know. Kind
23 of send those down the line to Wendy. She will hand

24 them off to Melissa and we will get going on those
25 orders.

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1 DR. LONGLEY: And Wendy will take care of
2 change.

3 MR. CEPPOS: Knowing Wendy's vast
4 independent wealth.

5 DR. LONGLEY: Wendy, you take care of
6 Board Members, don't you?

7 MR. CEPPOS: I assume that people were
8 paying somebody back.

9 MS. LOPEZ READ: The idea is everybody
10 goes and picks up their sandwiches. They are all
11 ready and pay.

12 MR. CEPPOS: Walk over there and get them.
13 I get it. Suddenly the facilitator is tuned into
14 what is going on. Always good.

15 Everybody clear on that. Melissa is going
16 take the order over, get the orders made. You are
17 going to go over there on your own and pay for them.
18 No, we will not be relying on Melissa's independent
19 wealth either.

20 MS. LOPEZ READ: Melissa is a stand in for
21 somebody who was going to do it in the first
22 place.

23 MR. CEPPOS: Last call on the lunch menu

24 orders. Going once. Going twice. Okay. You don't

25 need the money now. When we do the lunch break, you

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1 will head over there and your order will be there
2 waiting for you, and you will pay then. I'm sorry.
3 I misunderstood.

4 If the TIC meetings aren't complex enough.

5 DR. LONGLEY: Now that you covered the
6 most difficult item of the day.

7 MR. CEPPOS: Clearly, and the one that you
8 won't get the most hot under the collar about.

9 Let's move on ahead. So, again, you should
10 have in your position the items that I discussed a
11 little while ago. A couple of pages, single page
12 stapled, Response from Pacific EcoRisk, the larger
13 document with all the staff comments.

14 With that, I am going to hand it over to
15 Margie yet again.

16 MS. LOPEZ READ: You know, I think I would
17 like to harken back to something Dr. Longley said
18 earlier. That is how I would like to start out this
19 conversation. The TIC group has worked really hard
20 and really long and some members in particular, but
21 everybody actually really put in a lot of effort to
22 provide input and create these recommendations. I
23 really think that needs to be recognized. And part

24 of recognition of that I'm hoping is shown in the
25 facts of this table, which I put together just this

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1 morning. So it may have typos in it, may not be a
2 perfect table, but it does reflect the balance of
3 recommendations that staff feels that they can
4 support and put in the working draft of the MRP.

5 The table, the left-hand table as you are
6 looking at it, is supported by staff. Those are the
7 recommendations that as we looked at them they
8 looked good and they made sense. We feel we can
9 support it. And we are working on the wording to
10 put it into the MRP. And I included in that, just
11 to be complete and thorough, in the input that the
12 TIC has provided, the two on the bottom, previously
13 approved ones. One of which is already in the MRP.
14 We put it in the August '05 version of the MRP; that
15 is the TIC at 50 percent mortality and 50 percent
16 toxicity, and the Hyalella growth requirement which
17 is not required, and that was a Sediment Toxicity
18 Focus Group Recommendation.

19 If you look at the balance of those things,
20 where we are today, this group has done a lot of
21 good work.

22 So the middle column, and I would like to talk
23 a little about that. We can get into the

- 24 recommendations in as much detail as folks feel they
25 need within the time frame we have today. But just

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1 to give a little bit of background about the other
2 two columns. The one in the middle, recent Board
3 action regarding the management plan requirement,
4 that is a management plan that is required when two
5 exceedances occur within a three-year period. So
6 that is relatively new within the last two Board
7 meetings. That comes into play, it really will
8 change how we language three of the recommendations
9 which had to do with exceedances. They are
10 follow-up when there are exceedances.

11 Once you have a management plan a lot of
12 language that was in those recommendations needs to
13 be modified. And I think that we can probably use
14 some input from the TIC itself to say what should be
15 in a management plan, what would be the most
16 effective guidelines for creating a good management
17 plan. We have some ideas. We are already
18 implementing this requirement. Folks are putting
19 together management plans. Coalitions are putting
20 together management plans as we speak. But we can
21 always use more technical input on that.

22 That one will be different, that one we have
23 to work with. I hope you understand why. In

24 concept and everything the staff does agree fully

25 with the TIC recommendations. We just need to work

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1 together on that language.

2 The last column over is basically we need
3 additional technical input. So there is two of the
4 recommendations that really have to do with
5 coalitions will come up with a plan that addresses
6 their site, their coalition-specific issues. And
7 staff looked at these and really fully agree, and
8 all the arguments and concept of the fact that
9 someone in the Central Park Westside area is doing
10 is way different than Goose Lake in the northern
11 most part of the region up on the Oregon border
12 might need to do. So we agree with that in concept,
13 but there are -- what we are still lacking and
14 hoping for are some technical guidelines onto what
15 minimal criteria should be included in those
16 coalition-specific plans.

17 I know that for one of them in particular the
18 assessment we had called it assessment completeness,
19 but basically addresses the long term monitoring
20 strategy requirement. Mike Johnson agreed in
21 particular that that one needed more beefing up, and
22 he has agreed to do that. So for the time -- he
23 hasn't had the time to do that. And TSE, we need to

24 talk about that a little more.

25 Fortunately, our schedule says we have the

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1 time to work on this a little bit. Those are the
2 three that need a little bit more input.

3 Before we get into talking about individual
4 ones that folks might want to address or just those
5 three breakdowns of how we divided these up, clear?

6 I think it might be easiest to start with the
7 ones that staff supported.

8 MR. CEPPOS: You want to describe the --
9 obviously, there is blue text that has been added.
10 You want to describe what is the significance of
11 what that is?

12 MS. LOPEZ READ: Sure. As Dave just
13 reminded -- first of all, on the table it has the
14 list of the recommendations for you, and then if you
15 go through the ones that are all supported by staff,
16 there is a few changes, necessary changes in the
17 recommendations themselves, that are new. Those are
18 additional language that staff -- based on what
19 staff comments were, that is additional language
20 that was added.

21 We really feel that it didn't change the
22 content or the intent of the recommendation at all.
23 So that is why I still have it supported by staff.

- 24 That includes follow-up activities when sediment
25 toxicity is found. And by activities I mean

1 analyses. So during the Hyalella test, when you
2 find toxicity, what laboratory follow-up takes
3 place. That is what that one is.

4 Another one, the next one is the Sediment
5 Toxicity Focus Group came up with a timing and
6 frequency recommendation for sediment toxicity
7 testing. Again, that is only language that was
8 added on that, that if there is inadequate sediment
9 at that particular monitoring site where you are
10 collecting water samples, then you need to find
11 another nearby site. I don't think that changes the
12 intent or content of the recommendation either.

13 By the way, if anyone has any objections or
14 wants to raise their hand --

15 MR. CEPPOS: I was going to check in with
16 you. I want to check in with you and the whole
17 group. Do you just want to do a brief summary
18 quickly, kind of walk people through all three and
19 do your color commentary and kind go back to the
20 beginning or do you want to go one by one?

21 My expectation is that some people are going
22 to have comments on each one of these. I just
23 wondered do you want to walk through all of them at

24 one time and come back to the top?

25 MS. LOPEZ READ: Maybe that is the best

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1 way, Dave, is to go through it once, in this set
2 anyway because I think this set is relatively
3 noncontroversial. We might do a different approach
4 for the other two.

5 MR. CEPPOS: Just to get everybody
6 grounded, Margie is going to walk you through their
7 first summary, their perspective, and go back up to
8 the top of the ones that are supported by staff, but
9 nonetheless do have adjustments. We are going to go
10 one by one and check in with you to make sure you
11 either concur or do not concur that the staff
12 adjustments don't change anything.

13 Let's kind of walk through them once and come
14 back to the top.

15 And, Claus, you had your hand up. We will
16 come back to you first when we do it.

17 MS. LOPEZ READ: So going to the next one,
18 then, is analytical methods used for chemistry
19 analysis. That is a Lab Round Table Focus Group
20 Recommendation that had to do with methods that were
21 on the specific list that was in our Table 1. And
22 there is an allowance for using a performance based
23 methodology, a procedure that SWAMP utilizes. That

24 again was one of the recommendations as to

25 incorporate that availability that SWAMP also

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1 utilizes.

2 The next one is Focus Group Recommendation 2.1
3 for Lab Round Table. That simply is saying that
4 this had to do with the data quality requirement for
5 things like spike recoveries, et cetera. That tends
6 to be pretty method specific, so simple sentence
7 language recommendation was suggested. And we will
8 be incorporating that sentence. And that basically
9 just says that what is prescribed in the specific
10 EPA method or methodology.

11 The next one is 2.2, Lab Round Table, and this
12 has to do with field duplicate results. And that
13 was -- basically there was an issue of what the
14 meaning of that relative percent difference, RPD,
15 value is for a lab duplicate and what its
16 implications are for the laboratories.

17 So that makes it clear that the RPD for a
18 field duplicate resides with field staff and the
19 recommendation is there.

20 DR. LONGLEY: My acronym dictionary in my
21 brain isn't too good this morning. RPD?

22 MS. LOPEZ READ: Relative percent
23 difference.

24 DR. LONGLEY: Makes sense.

25 MS. LOPEZ READ: I need to do that for

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1 Esther, anyways.

2 The next one is Lab Round Table No. 3, and
3 method blanks, some very specific issues related to
4 the fact that when a laboratory gets better and
5 better at detecting lower and lower. Some issues
6 arise. And some specific recommendations were put
7 forth for both metals and organics on this. I will
8 add that this was -- all of these were routed as
9 well to the SWAMP QA officer, and she very much
10 approved of this one as well.

11 MR. CLARK: Is that VanBuren or --

12 MS. LOPEZ READ: Recommendation 4.1 is
13 simple addition of Fenprothrin to the pyrethroids
14 testing, and that was just -- that was also really
15 noncontroversial, just because of the use in
16 agriculture.

17 MR. CLARK: I wonder if I could just ask a
18 point of clarification. Did all the round table
19 Focus Group items, with the exception of adding a
20 pesticide, go to Bev VanBuren for review?

21 MS. LOPEZ READ: Yes.

22 MR. CLARK: Thank you.

23 MS. LOPEZ READ: What has not -- yeah, it

24 has.

25 MR. CLARK: Including the one on field

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1 duplication?

2 MS. LOPEZ READ: What I was just about to
3 say is that with the QAPP that we have on the table
4 here and the original version, but that one has not.
5 It will be going another route, as that is still a
6 working draft. That has been incorporated, these
7 recommendations as well.

8 The next one is minimum monitoring
9 requirement. Just adding TOC when we are doing
10 sediment analyses. The addition of TOC. The one
11 change that staff did make on that is that we would
12 like to have the TOC analyses done whenever sediment
13 is collected. So not just when toxicity testing is
14 significant, because sometimes you are just testing
15 pesticides and the TOC information is valuable
16 regardless.

17 The next one is No. 1, Triggers Focus Group.
18 This the very first one that we worked through with
19 this TIC round; that is the follow-up sampling when
20 20 percent or greater mortality is indicated.

21 And finally, flow calculations. The
22 recommendation, the only added language was during
23 each specific monitoring event. To clarify the fact

- 24 that flow needs to be done every time you go out in
25 the field, not just once during the monitoring and

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1 the reporting.

2 Those are the ones that we considered to be
3 pretty much taken completely as the TIC intended.
4 And I guess now is the time where we have
5 discussion.

6 MR. CEPPOS: Let's just kind of order this
7 out. Let's start with the items that are supported
8 by staff, but still have some adjustments as made by
9 staff. We will go through all of those first, the
10 ones that Margie walked us through. Then we will
11 move to relatively stable, the potentially more
12 stickier ones that are going to require some more
13 additional work.

14 Let's start back, starting on Sediment
15 Toxicity Recommendation No. 1. Get a chance to look
16 through the proposed revisions or adjustments by
17 staff.

18 Any comments? Question5?

19 Claus, you had a comment on this one. You
20 had your hand up earlier. We will go to Claus and
21 then to Bill.

22 MR. SUVERKROPP: Claus Suverkropp.

23 I kind of have a practical consideration on

24 the last change on here, which is the two-day

25 initiation of the pesticide analyses for the

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1 follow-up on toxic samples. I realize that their
2 needs to be some time frame for that initiation
3 start up. I believe there is not a need for a
4 two-day turn around. The samples are frozen and
5 stable, and it just results in a headache for trying
6 to get the sample shipped out to the labs on time
7 and getting the labs to immediately break into their
8 flow of preparation and everything to get those
9 staples started right away when there isn't
10 practical need to do that.

11 So I would suggest that keeping everything
12 else the same is probably fine, but just make that a
13 five-day or something else that provides a little
14 practical buffer. There with no loss in technical
15 capabilities.

16 MR. CEPPOS: Stephen, are you doing an
17 amendment to this?

18 MR. CLARK: I concur that the dredge
19 material assessments which we're dealing with are
20 very much persistent organic contaminants,
21 organochlorides and things of that sort. These are
22 fairly persistent compounds. Once your sample's
23 frozen, you have upwards of six months to have the

24 analysis done. So I concur with Claus as long. As
25 the sample is stored properly, that should be

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1 appropriate.

2 A five- or seven-day window should be fine.

3 We would want to get that data as soon as possible

4 if it is going to help in the management plan. Two

5 days simply is not reasonable, to be able to force

6 the lab to stop their operations and get the

7 analysis done now.

8 MR. CEPPOS: Let me just do a point of

9 order on how I would like to handle things, using

10 this as an example. I discussed earlier this

11 morning a standard for us as we do. One meeting we

12 discuss and the next meeting we will finalize.

13 I am going to propose that we adjust that a

14 little bit, recognizing obviously that we have an

15 expanded timeline that we are dealing with, and

16 recognizing that this discussion today is not onto

17 itself making things hard and fast. It is allowing

18 for discussion, allowing for clarification on

19 things.

20 What I would like to do is, by example of the

21 issue Claus has raised, Claus has proposed a target

22 of five days. I am going to look to you all now and

23 just say: Is anybody currently opposed to that

24 proposed time frame? If not, I am going to

25 recommend that that be adjusted right now. That

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1 doesn't mean this onto itself is etched in stone,
2 never to be addressed again. There is obviously
3 additional meetings. I want to track things and not
4 have to have a decision discussion a month from now
5 on something like this.

6 So Claus brought forth an issue. He proposed
7 this item of two days be changed to five business.
8 Is there anybody who opposes that?

9 Seeing no opposition, we will go ahead and
10 make that adjustment. And when I am asking for that
11 opposition again, because this is now a discussion
12 that inherently is a dialogue between stakeholders
13 and staff. I am looking to staff, different than
14 how we have normally done things. If staff was
15 opposed to a proposal relative to these
16 recommendations, now is the time to speak up and
17 let's get that dialogue going.

18 Bill, do you have your hand up?

19 MR. CROYLE: I am glad you --

20 MR. CEPPOS: I am coming to you next,

21 Bill. Now I meant Bill Croyle.

22 MR. CROYLE: I appreciate the
23 clarification. So I understand that we need no

24 weigh in. I want to weigh in. Something like this

25 is pretty easy to resolve.

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1 MR. CEPPOS: I want to have that dialogue
2 today.

3 So seeing no opposition, we are going to
4 propose that that adjustment be made.

5 Bill Thomas.

6 MR. THOMAS: That was the same issue.

7 MR. CEPPOS: Great.

8 Stephen.

9 MR. CLARK: I have another item on this.

10 It actually ties into the TOC footnote for sediments
11 a little later on Round Table 4.2. I think, and
12 correct me if I am wrong, John, John Swanson, but I
13 think -- excuse me, Stephen Clark. It was our
14 perspective when we were going through this
15 particular problem statement that sediment analyses
16 would be a follow-up tool that would be used for
17 samples that are toxic. However, it appears from
18 this recommendation that, since TOC and grain size
19 are asked to be analyzed on all samples and Table 1
20 has some pyrethroids at the bottom for sediment,
21 that Regional Board expectation is that we are doing
22 pyrethroids on all sediment samples? Otherwise
23 you're doing TOC and grain size and you don't have

24 the pesticides, it's pointless.

25 I am a little confused about -- that doesn't

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1 seem to mesh with what I think the focus group had
2 resolved.

3 MS. LOPEZ READ: I think it will be
4 helpful if I answer that one a little bit.

5 MR. CROYLE: Versus Dave?

6 MS. LOPEZ READ: Table 1 is on the table
7 in this room, so to speak, because one of the
8 members here asked me to put it there. That table
9 is essentially from an MRP in August. It was a
10 draft that we started working from when we started
11 talking. So that one implies that pyrethroids are
12 automatic with every sediment test, period. That is
13 not necessarily the intent of what is going to be
14 coming out in the working draft MRP that you are
15 going to see.

16 MR. CLARK: So --

17 MS. LOPEZ READ: And I don't foresee that
18 at this point in time.

19 MR. CLARK: -- if it is not required on
20 all sediment analyses, then the only TOC is going to
21 give you is what?

22 MS. LOPEZ READ: So then the other answer
23 is that TOC, it was felt by staff that TOC and grain

24 size gave information about the adequacy of the
25 sediment sample that is being collected. There is

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1 certain conditions and criteria of the sample that
2 you have to collect --

3 MR. CLARK: So assuring that people
4 haven't collected sand.

5 MS. LOPEZ READ: Right.

6 MR. CLARK: That is not clarified in
7 there. That makes a little more sense.

8 MR. CEPPOS: Let's go to Lenwood - I want
9 to check something with Esther. Recognizing you're
10 doing a transcript for this, is it problematic if
11 people are sort of in normal dialogue where they
12 step over each other sometimes?

13 THE COURT REPORTER: I will speak up if it
14 is a problem.

15 DR. LONGLEY: Esther is known to speak up
16 quite decisively.

17 MR. CEPPOS: I have noticed that.

18 Lenwood, go ahead.

19 MR. HALL: I want to make sure I
20 understand because I was involved in this process,
21 too. The recommendation one, if you go to where you
22 have the bold sentence: All sediment samples must
23 be analyzed for TOC and grain size.

24 It was my recollection that what we meant to
25 say here is all sediment samples showing

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1 statistically significant toxicity would be analyzed
2 for those data. Correct?

3 MS. LOPEZ READ: That bold is the change
4 that's staff made.

5 MR. HALL: Let's make that addition in
6 that bold so it is clear. Do you understand what I
7 saying?

8 MS. LOPEZ READ: I guess not, Lenwood.

9 MR. HALL: Go to the sentence that you
10 have bolded. It says: All sediment samples must be
11 analyzed for TOC and grain size. What I think we
12 mean to say here is: All sediment samples showing
13 statistically significant toxicity should be
14 analyzed for TOC and grain size.

15 MS. LOPEZ READ: That is the change that
16 staff did make. Anytime a sediment sample is
17 collected for toxicity, regardless of the results,
18 automatically run TOC and grain size.

19 MR. HALL: Even if it is not toxic, you do
20 TOC and grain size?

21 MS. LOPEZ READ: Right.

22 MR. CLARK: That is the staff change.

23 MR. HALL: That wasn't clear.

24 MS. LOPEZ READ: I can clarify in the
25 response language.

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1 MR. CEPPOS: Let's go to Dan for a moment,
2 then I want to come back to Lenwood to see if there
3 was an issue.

4 MR. ODENWELLER: It seems to me the first
5 sentence in that section, sediment samples that show
6 statistically significant toxicity will require
7 chemical analysis of the same sample and so on,
8 needs to be adjusted to reflect the change, or does
9 it?

10 MR. CROYLE: I think for clarity purposes
11 it probably does.

12 DR. LONGLEY: How would you change it?

13 MR. CROYLE: I guess --

14 MR. CEPPOS: So the clarifying issue here,
15 so everybody is clear, is that staff is recommending
16 that the qualifier, and that qualifier being
17 statistically significant, staff is recommending
18 that that qualifier no longer be a variable --

19 MS. LOPEZ READ: No.

20 MR. CEPPOS: -- in this recommendation?

21 MS. LOPEZ READ: No, I'm sorry. That is
22 not what I think. The intent of this was to address
23 the issue of how do you find out what's causing the

24 toxicity, and there are no approved TIEs. There are
25 all these other issues associated with investigating

1 what caused the toxicity.

2 I think that the one change that would help is
3 that when compared to the -- in that first sentence,
4 the control will require pesticide analysis, the
5 idea was these are the pesticides we will test for
6 when toxicity is significant. And the issue TOC and
7 grain size is in the blend because prior to now it
8 was not in Table 1 as analyses, and you can't
9 adequately interpret the pesticide results unless
10 you have that information.

11 So the two are sort of blended, but the focus
12 of the recommendation itself was about pesticide
13 analyses. And I am talking too long and you want to
14 say something.

15 MR. CEPPOS: It is like watching you guys
16 in the old west, hands on the guns. I am going to
17 be the marshal. And let's go to Claus first and
18 then to Stephen next.

19 MR. SUVERKROPP: I think I have the same
20 recommendation of a bunch of people, sort of to
21 solve that let's just move that new staff language
22 regarding TOC and grain size to the head of that,
23 change that so that reads first, the conditional

24 element only applies to pesticides in toxic samples.

25 Then I think it will be clear; it doesn't change the

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1 intent of the sentence, anyways.

2 MR. CEPPOS: Don't make that change yet.

3 Let's go to Stephen.

4 MR. CLARK: This is a follow-up activities
5 recommendation. This is for follow-up activity,
6 what do you do if a sample is toxic. If you want
7 TOC and grain size for all sediment samples, put it
8 in Table 1.

9 Now, I will say that grain size alone will let
10 you know if the proper type of sample is collected;
11 it will give you distribution of particle size. If
12 it is all sand, you will know that. TOC is used to
13 be able to interpret your bioavailability by linking
14 that to pesticide data.

15 It was my recommendation and wanting to
16 confirm if people were collecting the proper type of
17 samples. With grain size requirements in here for
18 sediment and have TOC and pesticide in this
19 recommendation. Those two are used together. That
20 will be my recommendation.

21 MR. CEPPOS: I want to get back to Claus.
22 How do you feel about that?

23 MR. SUVERKROPP: TOC isn't needed to

24 interpret the adequacy of the sample because it is

25 covered by grain size. I would agree with that.

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1 MR. CEPPOS: So there is a proposal on the
2 table here. Why don't you go ahead and restate it
3 one more time, Stephen.

4 MR. CLARK: Move grain size to Table 1 and
5 that is the Table 1 with the unloadable PQL list.
6 And the follow-up steps would be to include the
7 pyrethroid pesticides and TOC on any sample that was
8 statistically significant and had a greater than 20
9 percent reduction.

10 MR. CEPPOS: Any questions on that before
11 I ask --

12 MS. TURNER: Melissa Turner.

13 I was just curious if there was a specific
14 grain size method. I know there is a couple when
15 looking at sediment. Is that something the Regional
16 Board is going to say, I have to use one specific
17 type of grain size testing?

18 MR. CEPPOS: That is a question to the
19 Board or Board staff.

20 MS. TURNER: If Stephen can clarify that
21 or specific ones that you are familiar with.

22 MR. CLARK: I believe -- did we not submit
23 some grain size information?

24 MR. SWANSON: There were a couple
25 different methods.

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1 MR. CLARK: You mean method information?

2 MR. SWANSON: Yeah.

3 MR. CLARK: We pulled some of those during
4 our conversations.

5 MR. SWANSON: We may have spoken about it.

6 I think there is a SIP method and a laser method.

7 To answer Melissa's question, we have to probably

8 put a method in Table 1 or an option of two

9 different methods.

10 MR. CEPPOS: So there is sort of a

11 trailing amendment there that is to Stephen's

12 proposal which is along moving that to Table 1, you

13 have to come back in and apply a couple of options

14 of methods. That is a to do.

15 MS. LOPEZ READ: I want to make sure I

16 captured Stephen's recommendation here. And so far

17 I only have five business days.

18 MR. CROYLE: Margie, I wouldn't try to

19 make that change there. I guess what I think we

20 should do is we need to highlight in yellow or

21 something if that is what we are talking about

22 doing. This is going to get really complicated.

23 You don't have Table 1 in front of you. And I think

24 that part of this is fortunate we have Esther and we
25 have other people taking notes to make sure that we

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1 clarify that and record that and make sure that that
2 gets done.

3 From my point of view, I'm a little more
4 worried about that part than trying to get it
5 straight on the screen. When you factor in Table 1,
6 it is going to be --

7 MS. LOPEZ READ: Makes sense.

8 MR. CEPPOS: I agree.

9 Stephen, you have your hand up. We go back to
10 Stephen. I want to check if anybody is opposed to
11 the proposal on the table.

12 Stephen.

13 MR. CLARK: It is a question that it is
14 related but unrelated to the proposal so I will
15 wait.

16 MR. CEPPOS: The proposal is to move the
17 grain size issues to Table 1 with the caveat that
18 there will also have to be added to Table I options
19 of methodologies, and then to keep the TOC language
20 relative to pesticides which we did in this
21 description.

22 Is anybody opposed to that?

23 MR. CROYLE: I disagree. I think it is

24 critical that we have TOC and the grain size at the
25 time of sediment sample.

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1 Margie, you're smiling, but I need you to
2 weigh in. The issues that we have in here, we are
3 talking about significant toxicity. We have other
4 kinds of toxicity, too. What we are trying to do
5 here without running all the chemistry is to get a
6 better handle on what we are looking at. TOC seems
7 to be one of those critical elements when we are
8 looking at it's kind of toxic, how much organic
9 material is there. That is part of trying to assess
10 the sample and trying to assess how we are doing
11 with the toxicity test.

12 If I'm off-base, then weigh in.

13 MR. CLARK: Why do you mean kind of toxic?

14 MR. CROYLE: Significant toxicity triggers
15 more work.

16 MR. CLARK: Significant toxicity is
17 toxicity is -- statistics is either it is toxic or
18 it is not. Statistically significant is added there
19 to make sure everybody understands that we are not
20 talking about theoretical significant. I think it
21 is significant; you don't think it is. This is
22 statistically significant; therefore, it is toxic.
23 Therefore, anything that is not statistically

24 significant is not toxic by definition.

25 MR. CROYLE: To the extent that we see

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1 changes in the sample with regard to toxicity --

2 MR. CLARK: Changes in survival that is
3 not toxic, that is what you are asking for, in
4 essence. If it is not toxic to do TOC analyses, to
5 look at if you are seeing a 10 percent difference
6 from the control that is not significant. I'm still
7 not understanding the --

8 MS. LOPEZ READ: My sense of this is that
9 it is going to back to the characterization of the
10 sample that is being collected. I have received the
11 comments and I tend to agree that TOC, in addition
12 to grain size, gives us really good information
13 about the adequacy of the sample we are collecting
14 and it characterizes --

15 MR. CLARK: TOC will drive
16 bioavailability.

17 MS. LOPEZ READ: Just to let me finish.
18 If this is something that needs continued
19 discussion, we can continue to discuss it. But the
20 other piece of that, too, is that it is one of those
21 things that if you don't get it logged in and do the
22 things right away, sometimes it gets lost in the
23 process at some laboratories.

- 24 So just as a matter of simplifying or
- 25 streamlining what is being requested. It is not an

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1 expensive test. Why not do it up front?

2 MR. CEPPOS: So before we go back to
3 Stephen, Bill has his hand up. I want to pose a
4 question. Bill Thomas has his hand up. I want to
5 pose a question back to staff, Bill Croyle and
6 Margie, to take one more sweep through clarifying
7 what it is you are looking to get here, and if we
8 can't get this discussion resolved, we will table
9 it.

10 We will go to Bill Thomas first.

11 MR. THOMAS: We had talked through all the
12 focus groups and we have talked with the TIC the
13 importance of doing the TOC was only linked to where
14 there was toxicity. It seems like all of a sudden
15 now after having that settled throughout that we are
16 raising a different view here for the first time. I
17 think the grain size, as Stephen outlined it, you
18 know, you indicated there was perhaps some merit in
19 that and I think I probably can understand that, and
20 it's probably not a big economic consequence to put
21 that, as discussed, in Table 1. But it seems like
22 the TOC thing is something other than that.

23 MR. CEPPOS: I am going to pose the

24 question back to Bill Croyle first to maybe try to

25 get some clarity on this.

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1 Try to state or restate, if you feel you
2 already did so, exactly what it is you are looking
3 to get achieved by this proposal that is currently
4 not achieved. What I am trying to get out there so
5 you can clarify what it is you're all looking to get
6 achieved so people like Stephen, who are looking
7 quizzical, are getting a better understanding of
8 what you are trying to get accomplished by this
9 adoption.

10 Stephen, I need you to be hearing this, what I
11 am asking Bill to take another step at clarifying
12 what it is staff is looking for. So you hopefully
13 get a better understanding, not necessarily that
14 you'll agree, but get a better understanding.

15 Bill first -- let's go to Bill first and Fred
16 had his hand up and Lenwood.

17 Bill Croyle.

18 MR. CROYLE: I'm going to go back to the
19 conversation we've had internally with regard to
20 trying to characterize the sediment samples that are
21 being taken and the toxicity, whether it is
22 significant or not, that is being measured.

23 So the TOC and grain size is part of assessing

24 that sampling effort and to address is that the

25 right kind of sample to take and is it going to

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1 represent a certain kind of environment that we are
2 trying to take that snapshot in time.

3 So realizing it is a critical part to
4 assessing, when we get to the part that is
5 significant, that you will be looking at pesticides.

6 MR. CEPPOS: Margie wants to add to it,
7 and then Fred and Lenwood.

8 MS. LOPEZ READ: I guess there are two
9 things I want to say. One is that, one, it's
10 possible that I misunderstood the intent. I thought
11 the main intent of this recommendation was regarding
12 what pesticides should be analyzed after toxicity is
13 found. And I guess now what I am learning is that
14 there was really another piece of that that is
15 apparently important, is the TOC grain size issue
16 and whether that is being run or not. That is one
17 thing, if their needs to be more discussion about
18 the relevance of those tests or whatever there is an
19 opportunity for the TIC to do that. But I will
20 agree with Bill that that does provide
21 characterization of the sample that is being
22 collected. We have a lot better feel if the sample
23 was -- the type of sample that we want to see

24 coalitions collecting. Because where you collect

25 water samples is not always the best site for

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1 sediment samples. We want to have more information
2 about that.

3 The other piece of that is what we are doing
4 with regard to sediment is pretty minimal. One
5 thing that concerns me is the fact we are doing
6 three species tests for water. And so that is not
7 complete, doesn't include chronic. There are all
8 kinds of other things you can be looking at, but at
9 least it is three species. And with sediment we are
10 looking at one. I can't -- one of these things that
11 nags at me is that maybe it isn't telling us the
12 full story of toxicity that resides in sediment.

13 I think any other information that we can get
14 that can help us put together a more complete
15 assessment later would be helpful. Again, I'll go
16 back to that this is something that if I struck the
17 wrong piano key on that, the TOC is really
18 interested in that piece of the recommendation, then
19 let's open it up again and have more discussion.

20 MR. CEPPOS: Here is what I want to do. I
21 want to go to Fred and Lenwood since they had their
22 hand up. Then I want to triage this and make a
23 quick assessment whether it looks like it can get

24 resolved in the next few minutes or whether we need

25 to go ahead and table it. Because I don't want to

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1 spin on this one and lose the opportunity to address
2 the other one.

3 Fred and Lenwood and then staff.

4 DR. LEE: Fred Lee.

5 TOC and grain size issue is bigger than
6 toxicity. Ultimately we interrupt the sediment data
7 with respect to bioavailability, organochloride
8 pesticides, PCBs, et cetera, you will want to know
9 that information. High TOC sediments greatly reduce
10 the bioavailability and simply eliminate the
11 potential bioaccumulation under surface conditions.
12 You want that information independent of whether the
13 sediments are toxic.

14 MR. CLARK: If you have the associated
15 chemistry data.

16 DR. LEE: I don't know what you are going
17 to do. My recommendation is if you measure the fish
18 and you've go DTT and you have chlorinate and other
19 things in the issue, then you are going to want to
20 know what's in the sediments, and you are going to
21 want to know TOC associated with that information.

22 MR. CEPPOS: Let's go to Lenwood.

23 MR. HALL: I think we can resolve this.

- 24 What I would propose, first thing is we don't want
- 25 to have a conflict between Sediment Focus

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1 Recommendation No. 1 and Table Focus Group
2 Recommendation No. 4.2. Right now they seem to be
3 somewhat in conflict.

4 What I would propose, if we can take maybe a
5 few minutes at lunch, I think with the small
6 subgroup we may be able to resolve this and could
7 come back with that after lunch. Is that a
8 possibility?

9 MR. CEPPOS: Absolutely.

10 MR. HALL: Sit down with Bill, Margie,
11 myself, Stephen, Claus and others. I really think
12 we can iron this out. We are pretty close.

13 MR. CEPPOS: Anybody opposed to that
14 suggestion?

15 Bill Thomas.

16 MR. THOMAS: I am not opposed. But when
17 they have that dialogue, if they can also give us
18 some sense of the cost driver that is an added issue
19 here.

20 MR. CEPPOS: We will make sure you address
21 that. By kind of a show of hands, if we will be
22 looking to do that, a breakout with Lenwood,
23 Stephen, Claus, Bill, Margie, maybe Fred as well.

24 Anybody else want to be in that sidebar discussion

25 during the break?

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1 MS. NURSE: You left out everybody in the
2 lab group.

3 MR. CEPPOS: I didn't intentionally,
4 Sandy.

5 MS. NURSE: I'm reporting that.

6 MR. CEPPOS: I am mirroring what Lenwood
7 said. Somebody from the lab group like to be
8 involved in that discussion?
9 John?

10 MR. SWANSON: I'll do that.

11 MR. CLARK: I have one unrelated question.
12 With the sediment toxicity and the groups that are
13 developing their MRPs, there are some sites that
14 just have persistent sediment toxicity. It is
15 there. There is at least a decent handle being
16 developed on the sites, overlapped with small --
17 TIEs have been done on those sites. In the MRPs is
18 it possible for coalitions to draft a more maybe
19 cost-effective means for tracking BMP implementation
20 such as following up with chemistry analysis of the
21 sediment samples, rather than going back and doing a
22 more costly toxicity test every time when they know,
23 at least in the short term, they are going to see

- 24 toxicity? This is in out management plans, how to
- 25 address problem areas.

1 MR. CEPPOS: Bill Croyle.

2 MR. CROYLE: That is good question,
3 Stephen, because the management plan provides a
4 awful lot of flexibility on the toxic issue. So I
5 think that if you are going to replace toxicity with
6 chemistry and getting back to it, that is all on the
7 table.

8 MR. CLARK: In the future some spot
9 checking with toxicity to see if the plan is
10 effective in eliminating the issue that raised the
11 red flag. I was curious. I am not quite clear how
12 the management plans are going to dovetail into
13 specific frequency of monitoring requirements
14 because we are not there yet. So, okay, that helps
15 things.

16 MR. CEPPOS: Any other comments on
17 recommendation one from the Sediment Toxicity Focus
18 Group?

19 Seeing none, we will move on to Sediment
20 Recommendation No. 2. Same purpose. We are going
21 to open up the floor.

22 Does anybody have any comments, questions,
23 otherwise about the proposed adjustment being

24 brought forward by staff, recognizing staff support

25 the recommendation? They have just made what they

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1 believe is a minor adjustment.

2 Claus.

3 MS. SUVERKROPP: One question. Really
4 this suggests that there isn't a definition for
5 appropriate sediment and without that it seems it is
6 going to be very difficult for people to determine
7 whether they have that or not ahead of time and
8 potentially select an inappropriate site without
9 having to waste time analyzing samples that staff
10 doesn't consider to be appropriate.

11 All I'm saying is that if we have something
12 like that in there, this requirement, I think it
13 needs to be expanded to some definition what
14 appropriate sediment is.

15 MR. CEPPOS: Staff response.

16 MS. LOPEZ READ: I think we can refer to
17 the method for sampling or include as an attachment
18 the prescribed method for collecting sediment
19 samples. We can supplement that. That is a good
20 comment.

21 MR. CEPPOS: Appropriateness would be
22 determined by sample size/volume or is sediment
23 appropriateness to be determined by makeup of the

24 sample?

25 MS. LOPEZ READ: The part of that, size

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1 and volume. So grain size you're not suppose to
2 get -- we have a written procedure that we have
3 shared with coalitions in the past and we can -- it
4 is not ours per se, but it is something we can
5 certainly pull out the explanatory information and
6 include it.

7 MS. SUVERKROPP: If there already is a
8 standard, it just needs to be included in the
9 language.

10 MS. LOPEZ READ: I am not sure if an EPA
11 method. It is definitely one that has been used for
12 sediment sample collection.

13 MR. CEPPOS: Claus, did that get to some
14 of your --

15 Let's go to Melissa and Joe. Melissa first.

16 MS. TURNER: I was just curious.
17 Sometimes after a storm sampling, your sediment site
18 will change. Maybe with the irrigation the year
19 before it was great, collect your sediment at. And
20 then you go after a storm's driven, and the stream's
21 completely changed. You wouldn't know that until
22 you went out and sampled your regular sampling.
23 Is the statement allowing the coalitions to

24 then say, "Okay. Next sediment sampling we are
25 going to switch it to another site," or is up to the

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1 samplers at that exact moment to say, "we can't
2 sample here so we are going to now scout during our
3 normal sampling day a new site," or do they have
4 enough leeway that they can say, "we can't sample
5 today, but next time we sample we will have a new
6 site"?

7 MS. LOPEZ READ: My response to that is
8 that kind of fits in the same category if you go out
9 during a storm event and there is no water. You
10 can't collect the sample. There has to be a certain
11 judgment call on the part of the monitoring staff.
12 They have to have expertise to be able to do that.
13 If the sediment is not adequate or it doesn't exist,
14 all you have is rock, you need to find another site.
15 You need to move downstream to try to locate.

16 MR. CLARK: Stephen Clark. I think
17 Melissa's question is when. Immediately? Go out
18 within the next week? The next event?

19 MS. TURNER: Usually just the logistics of
20 sampling, there are so many sites you have to go to.
21 So for them to go and find a new site within that
22 same day of a normal sampling schedule is very
23 difficult and would probably push the sampling into

24 another whole day, at least.

25 MS. LOPEZ READ: Well, the other thing,

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1 too, is that sediment sampling is only twice a year.

2 So I would think that going out another day, not

3 that you are going to wait till next year.

4 MS. TURNER: My question: If it would be

5 that day, maybe that week or pushed all the way back

6 to another, which doesn't sound like something you

7 want to do --

8 MS. LOPEZ READ: No.

9 MS. TURNER: -- you push it to the next

10 sampling, but maybe that could be more clarified of

11 a timeline of possibilities. Just because it does

12 make it more nervous to say to your samplers that it

13 is up to you. It is something that is going to have

14 to be communicated with the coalition project

15 managers and may not be able to be determined by the

16 sampler, by himself.

17 MR. CLARK: Access also.

18 MS. TURNER: And access; that is a good

19 point there. It may look great on a map that they

20 have in the car, but they may not actually be able

21 to get on the property until someone --

22 MS. LOPEZ READ: What you are saying,

23 there needs to be some language to allow -- to

24 clarify the issue of timing?

25 MS. TURNER: Yeah.

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1 MS. LOPEZ READ: Above and beyond the
2 window that is there between August 15th and October
3 15th and March 1st and April 30th, there are windows
4 that are already available. So we can surely put
5 language in there that says in this window if you
6 need another site.

7 MS. TURNER: That would be great.

8 MS. LOPEZ READ: We can do that.

9 MR. CEPPOS: Next go to Joe and to Bill.

10 MR. MCGAHAN: Some of our sites are
11 actually pipes, and so it may not be that easy just
12 to find some other spot.

13 MS. LOPEZ READ: Well, did you designate
14 that as a sediment site in the first place, a pipe?

15 MR. HALL: Sediment site.

16 MS. LOPEZ READ: I would say that would be
17 a bad choice for a sediment monitoring site and that
18 you should select another in your monitoring plan.
19 That would be my recommendation.

20 MR. MCGAHAN: I am hearing what you are
21 saying, but --

22 MR. CEPPOS: Isn't that part of, if I
23 understand correctly, subsequent discussions when

24 your coalitions specific monitoring plan are being

25 put together? Aren't you going to be working with

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1 staff to understand the unique on the ground
2 conditions in advance so this isn't necessarily
3 prohibited one way or another, nor should there be
4 sort of a vacuum of knowledge as to rationale as to
5 why a pipe was -- logic notwithstanding, why that
6 may have been the only appropriate place to do it?
7 That is something that will be addressed, to allow
8 for the latitude to make on the ground specific
9 changes, on the ground specific unique conditions.

10 Bill.

11 MR. CROYLE: Just wanted to make sure,
12 kind of do a check to find out if TIC wanted to
13 engage in that appropriate timeline or process to
14 follow up if you get out in the field and find the
15 site doesn't look like it is going to work.

16 MR. CEPPOS: So you are asking whether the
17 TIC wants to weigh in on that or as part of the
18 discussion or just to look to you all to come forth
19 with a recommendation conversely?

20 The option here is that staff can come forward
21 here with a recommendation as to what is meant by a
22 reasonable time frame as to when to resample or
23 conversely TIC can go ahead and discuss this item

24 today or at a later date.

25 TIC, what would you like to do?

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1 MS. SUVERKROPP: Let the staff go forward
2 with their recommendation.

3 MR. CEPPOS: As advised.

4 MR. SUVERKROPP: Let them bring forward a
5 timeline recommendation.

6 MR. CEPPOS: Is anybody opposed to that
7 suggestion?

8 MR. CEPPOS: I am looking first to TIC, to
9 the non staff members I am looking to.

10 Is anybody opposed to that recommendation, to
11 look to staff to come forth first with a timeline
12 recommendation? Is anybody opposed to that?

13 Comment from Stephanie and then Bill Thomas
14 had his hand up. I don't know if it is about the
15 same issue.

16 Stephanie.

17 MS. FONG: Stephanie Fong. I think we are
18 making it a little more complicated than it needs to
19 be. A lot of us that are used to sampling on a
20 certain day and that sort of thing and it has to be
21 collected this day. But it seems like the window is
22 broad enough if you go out one day, there is not
23 appropriate sampling sediments for sampling, we will

- 24 just look for it within that window of time, whether
25 it is the first grouping or second grouping, as long

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1 as we aren't able to find sediment within either of
2 those two groupings, it's done. It is not like we
3 say you must go out within this many hours of this
4 storm. It is a pretty broad window.

5 MR. CEPPOS: You are saying that for a
6 given sampling location it is reasonable -- it is
7 reasonable enough for sampling crews to go out, try
8 to get a sediment sample. If they have made that
9 attempt and they have not been able to get it
10 because the physical condition did not facilitate,
11 you are saying staff would not be looking for an
12 adjusted site to get sediment, rather you are saying
13 it would be acceptable for the sampling response to
14 come back in and say, "We couldn't get one"?

15 MS. FONG: No. I would look for another
16 site or just come back at another time, any various
17 sorts of things that all sampling teams are used to
18 doing. It is just that as long as an appropriate
19 site is found within that window of time, I don't
20 think it is that big of a deal.

21 MR. CEPPOS: Let's go to Bill and then I
22 want to come back to Melissa's issue that she
23 initially raised and see if you have a response.

24 Bill.

25 MR. THOMAS: Storm sampling, we have 60

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1 days in which to do that in the fall and in the
2 spring. The coalitions' MRPs are going to be
3 written, no doubt, very similarly to how they are
4 now. They said we will go out in this period of
5 time, at this location when there is water available
6 tied to the storm. If there isn't the water at the
7 time that they first went, they will go get it when
8 it is available. I think you are making a bigger
9 problem trying to come back and give them a date and
10 a come back day three days later, picking within
11 that 60 days. I don't think we are trying to find a
12 cure to something that is not a problem.

13 MR. CEPPOS: Come back to Melissa. Are
14 you convinced by your colleagues that it is not a
15 concern?

16 MS. TURNER: I just want to make sure that
17 it was okay if we came back during that time if we
18 didn't get everything done within one sampling plan
19 or one sampling time that we have scheduled that we
20 normally do, if there is something that comes up.
21 So it appears there is two issues; one of not having
22 enough water, not having any water in that stream
23 possibly during the fall sampling or during the

24 spring having too much water at certainly specific

25 sites. We will have to do another day that we

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1 planned, to go back out at another time. That is
2 just a little bit different than we have done
3 previously. If he couldn't get it that day of
4 normal sampling, we just said we couldn't get it.
5 We kept moving on. I just wanted to make sure that
6 is clear, that we understood that properly, that we
7 weren't misinterpreting that.

8 MR. CEPPOS: Does that, therefore, run
9 this one down, having assured me.

10 Let's go to Dania.

11 MS. HUGGINS: I have a question for
12 Stephanie. When you were referring to that window
13 of time, you were referring to between August 15 and
14 October 15, as long as it is collected within that
15 time frame.

16 MS. FONG: Between that window, and again
17 between the March 1st and April 30th window, as long
18 as the sediment samples are collected within each of
19 those windows, I think that is fine. Because, you
20 know, you might go out, say, two days later than
21 your normal planned sampling event and actually be
22 able to collect good sediment and then you might
23 not. Maybe, you know, that a few days later is sort

24 of R&D date to look for all the sites that you

25 weren't able to get on your original day that you

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1 collected all the other samples that you did collect
2 sediment. That sort of thing. You have two, maybe
3 three days that you have to sort of follow-up and
4 find the sites. I know it is hard sometimes to find
5 the right sediment when you get out there. Some
6 days it's good. Maybe the storm washes the good
7 stuff out, which is a bunch of sand over it.

8 MS. HUGGINS: Those sediment samples won't
9 be able to be associated with all the rest of the
10 water samples that were collected?

11 MS. FONG: Right. That is unfortunate. I
12 don't think it is anything that you can necessarily
13 avoid. It is hard to find sediments sometimes in
14 the right places. So I guess the major choices are
15 to have them on separate days from the rest of your
16 samples or, you know, have them search for it right
17 then and there. Then you might spill over into the
18 next day of sampling, anyways, or some of your other
19 sites.

20 MR. CEPPOS: Any further questions or
21 comments about this issue?

22 So with the exception of looking to get a
23 better clarification, a specific clarification on

- 24 what is meant by appropriate sediment, there are no
- 25 other meaningful adjustments that need to be made

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1 to this recommendation? Is that correct?

2 Seeing no hands up, we will assume that is the
3 only adjustment that needs to be made to this
4 recommendation.

5 Let's move on to Lab Round Table

6 Recommendation No. 1. Questions or comments?

7 Yes, Fred.

8 DR. LEE: When I read this, it said
9 providing standard methods. Someone who's been
10 involved in helping to develop standard methods for
11 20 years, I know that the many methods or there is a
12 variety of methods available, some of which are not
13 applicable in certain situations. So just saying
14 that they should use standard methods could lead to
15 erroneous data. There are methods that won't work
16 for certain situations. You have to have a method
17 that is applicable to the situation you are working
18 on.

19 MR. CEPPOS: I think we need to do a point
20 of order on something. Margie was just raising it,
21 and I was thinking maybe we are thinking the same
22 thing.

23 MS. LOPEZ READ: What we did with these

24 recommendations, the focus group came up with

25 language and the language was brought forth. It was

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1 all discussed at the TIC. And everything you see in
2 black is something that you all generated. And not
3 to say that we can't continue to discuss it, but I
4 think maybe at this point in time we want to focus
5 on the changes that staff made, based on staff
6 comments, and as we come up again with a working
7 draft there is always opportunities for that.

8 At this point and given our time frame, maybe
9 what we want to hear about is something that was
10 inserted in blue from staff. Objectionable or not
11 correct or like with the one a couple times ago that
12 I missed the mark on what the issue is about.

13 MR. CEPPOS: I think and I understand the
14 dilemma there, Fred, with your identifying something
15 that is of concern. I think we need to find some
16 way to get that comment into the record and come
17 back and readdress it during the public comment
18 period. But I do agree with Margie, we have a
19 process. We have to treat -- this was final the
20 recommendation that was brought forth and agreed on
21 by the TIC.

22 What we are addressing now is the comments
23 that have come in from staff in the blue. So I

24 apologize. I would be saying that to anybody else
25 that would be raising additional revisions. I also,

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1 of course, defer to the TIC and ask TIC: Do you
2 want to reopen language you have previously
3 recommended based on comments that are brought forth
4 by one of your members? Weigh in now. I do not
5 mean to be dismissive to the issues that Fred
6 raised. I sort of have to be the process cop and
7 look to you guys to adjust it.

8 So, again, on the table now for your
9 consideration are any responses to the changes that
10 staff has brought forward and if anybody here wants
11 to weigh in further, address the issue that Fred has
12 raised, best do that. But I have to see the TIC
13 other members, participants weigh in, as it being a
14 substantive issue to revisit your language.

15 MR. HALL: Lenwood Hall.

16 I agree with what Fred is saying. Certainly
17 there is a wide range of methods that there are
18 prescribed and standard methods for doing different
19 types of analysis. But when you put a specific plan
20 together, when the coalitions really sit down and
21 develop their own plans, they have to be specific as
22 to how they want to measure constituent A, B or C.
23 They can't just say standard methods. They have to

24 list the method, and it's got to be very clear about

25 which specific method they are talking about.

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1 I would say that we leave it general now, but
2 it's going to have to be reviewed very carefully
3 later when the plans are reviewed by the Regional
4 Board.

5 MR. CEPPOS: Is that an expectation that
6 can be clearly derived from the way this is written?
7 In other words, if there is an expectation that that
8 kind of delineation will be made, would coalitions
9 be able to read that and staff be able to read this
10 two years from now and know that that is an embedded
11 expectation or is there something more that needs to
12 be said here so that it is clear because people
13 change and time changes?

14 Margie first.

15 MS. LOPEZ READ: I think the MRP has
16 requirements of what you need to submit for a
17 coalition MRP plan, and one of them they have to
18 submit the standard operating procedures and
19 identify the methods that are being used. So I
20 think that all has a point in time where it can be
21 clarified and approved.

22 MR. CEPPOS: Fred.

23 DR. LEE: Fred Lee.

24 I would add appropriate method for standards

25 or anything here so that clearly it's understood

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1 that there is all kinds of methods in these plans
2 also that are not reliable for certain situations.
3 The staff or someone has to review it.

4 MR. CEPPOS: Are there other comments that
5 folks want to make relative to the revisions made by
6 staff?

7 Sandy.

8 MS. NURSE: I think that the Lab Focus
9 Group in -- I am depending on you, Dania, to help me
10 with my memory. We tried to make sure that we were
11 addressing the methods, the analytical methods in
12 the proposed Table 1, the tentative Table 1, and
13 which were kind of limited to standard methods and
14 EPA methodology. We added in USGS method AST method
15 and OAT method which are pretty commonly sources of
16 public methodology, and we also added in language
17 which would allow you to use other methodologies
18 based on a performance based validation package that
19 you could submit. So we did try to broaden it out
20 where a laboratory or a coalition can talk with
21 their laboratory about even method development. If
22 you've got to develop a method to go low level in a
23 difficult matrix. So there was really a lot of

- 24 attempt to broaden this past just the analytical
- 25 methods which were listed in the TIC monitoring

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1 Table 1. That is just that little bit of history.

2 MR. CEPPOS: Are there any comments or
3 revisions to or about -- are there any comments
4 about the proposed staff revisions?

5 Seeing none and with the proposal, in addition
6 to the proposal that Fred has made as well,
7 clarifying the items that Sandy made. Let's move on
8 to the next recommendation which I believe is Lab
9 Round Table 2.2.

10 MS. LOPEZ READ: 2.1

11 MR. CEPPOS: 2.1, I am sorry. So this is
12 just a sentence here under staff recommendation,
13 recommended language, that one sentence there.

14 MS. LOPEZ READ: Right.

15 MR. CEPPOS: That one --

16 MS. LOPEZ READ: Nothing was changed.

17 MR. CEPPOS: So --

18 MS. LOPEZ READ: Was expected to be was
19 deleted.

20 MR. CEPPOS: Was expected to be was
21 deleted.

22 Any comments?

23 Bill.

24 MR. THOMAS: Not on change. This is the
25 first time this has come across, the specific

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1 reference to Table 1. And rounding back to Sandy's
2 question as to potential issues that still may be
3 outstanding as to Table 1, and I know that is
4 somewhat perhaps filled with the QAPP language, when
5 is that -- when are we going to be able to get at
6 that?

7 MR. CEPPOS: When do we circle back to
8 Table 1?

9 MR. THOMAS: When do we circle back to
10 Table 1?

11 MR. CEPPOS: Relative specifically to the
12 issues that Sandy raised or the broader context of
13 just kind of a more comprehensive review of the
14 whole table?

15 MR. THOMAS: I don't have a more
16 comprehensive, but I want to make sure that the lab
17 doesn't have any more issues?

18 MR. CEPPOS: To answer your question from
19 a process perspective, my understanding was similar
20 to there was going to be a small subgroup during the
21 break that is going to take place. It is my hope
22 that Bill, perhaps Margie, Sandy, perhaps others
23 that were part of the Round Table will be able to

24 quickly get together during the break, kind of get a

25 finger on the pulse of what some of these

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1 outstanding key items might be, and report back to
2 the group when we reconvene after lunch, sort of
3 assess what do we do with this and how we embed that
4 into our future agendas.

5 Any responses or adjustments to what the staff
6 proposed here?

7 Seeing none, we will then move to Lab Round
8 Table 2.2. You see both the strike out text and the
9 proposed blue text. So the same question.

10 Any comments? Anybody?

11 Claus.

12 MS. SUVERKROPP: A couple on this one.
13 One is a language issue, one of the additions there
14 where they're talking, discussion about the source
15 of error. And I just disagree that shouldn't be an
16 error necessarily because there can be natural
17 variation in sampling. So I think that word "error"
18 is inappropriate there. That is my opinion.

19 MR. CEPPOS: The source of error.

20 MS. SUVERKROPP: Source of variability
21 conveys the same information, doesn't convey that
22 somebody made mistakes.

23 The second element in here is the language

24 talking about appropriate corrective action taken

25 before the next sampling events. There is

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1 scheduling practicality there; it is typically you
2 get those results right about the same time as the
3 next sampling event. For much of the analyses
4 applying corrective sampling corrective action to
5 the sampling procedure isn't realistic during the
6 event when you don't have the information yet.

7 In the next possible sampling event would be
8 fine.

9 THE COURT REPORTER: Could you say that
10 again, please.

11 MR. SUVERKROPP: I am recommending that
12 the scheduling as written there that corrective
13 actions be taken before the next sampling event is
14 impractical because lab results don't come in till
15 around the month after you collect those samples,
16 which is about when the next sampling event
17 typically occurs. It makes the literal satisfaction
18 of that requirement almost impossible.

19 MR. CEPPOS: Stephanie.

20 MS. FONG: Stephanie Fong.

21 I would agree with Claus. But I also want to
22 make sure it doesn't get confused with toxicity
23 testing. We should have your toxicity data much

24 sooner than a month after the original.

25 MR. CEPPOS: So Claus has proposed or

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1 identified a problem. Stephanie has identified a
2 variable to that. What is the solution from the
3 text perspective?

4 MR. SUVERKROPP: I would insert the next
5 possible sampling. That conveys what the staff's
6 intent was there and, otherwise, the less change we
7 can make and still have it work out.

8 MR. CEPPOS: Stephanie, does that proposal
9 in any way jeopardize the issue that you use raised?

10 MS. FONG: I don't think so.

11 MR. CEPPOS: The proposal that is
12 currently here is the change the term "source of
13 error" to "source of variability" and to identify
14 that the corrective action be taken in advance of
15 the next possible sampling event rather than the
16 immediate next sampling event.

17 Are there any other proposed adjustments or
18 comments about this?

19 Is anybody opposed to those recommendations
20 from Claus?

21 Seeing no responses to either of those two
22 questions of mine, we will consider it to be
23 elevated as final.

24 Let's move onto 4.2, Lab Round Table 4.2.

25 MS. LOPEZ READ: There were no changes.

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1 MR. CEPPOS: There were no changes.

2 MS. LOPEZ READ: There was discussion on
3 the other one that didn't have to do with the
4 changes.

5 MR. CEPPOS: But I am saying there was no
6 proposed change on Lab Round Table 3.

7 MS. LOPEZ READ: Right. Not going to
8 address it.

9 MR. CEPPOS: Not going there. I am only
10 looking at the ones where there have been what you
11 characterize as minor changes. That would be No.
12 4.2, Lab Round Table 4.2. So there is that proposed
13 deletion relative to MRP in Table 1.

14 MS. LOPEZ READ: The same discussion about
15 the TOC being required regardless. So we are to
16 lunchtime discussion about that.

17 MR. CEPPOS: That is an excellent point.
18 The lunchtime discussion will also address this item
19 as well.

20 Triggers Group No. 1.

21 Any comments from anybody regarding the
22 proposed revision, insertion of the word "field
23 sampling" or "field" to further qualify the term

24 sampling?

25 Claus.

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1 MS. SUVERKROPP: Maybe this is small, but
2 I'm just wondering why was it necessary to introduce
3 field sampling as opposed to sampling? 'Cause I am
4 not sure if there is another kind of sampling.

5 MS. LOPEZ READ: That is a good question.
6 Some staff interpreted that as meaning no follow-up
7 retesting within the laboratory, for example.

8 MS. SUVERKROPP: Sampling is sampling.

9 MS. LOPEZ READ: I agree.

10 MR. SUVERKROPP: Never mind. I'll just
11 retract it.

12 MR. CEPPOS: Your curiosity is good.

13 MR. CEPPOS: Any comments or changes?
14 Anybody opposed to this?

15 MR. CLARK: Can I interject something? If
16 we go on the order that these were presented we are
17 going to bouncing from supported by Board staff to
18 needs additional comments. I suggest that we go
19 straight to Trigger Recommendation 6 which was
20 supported by staff.

21 MR. CEPPOS: That is what I was going
22 to.

23 MR. CLARK: My order is different.

24 MR. CEPPOS: I was going to go to No. 6
25 and then do a point of order. We are closing up to

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1 lunchtime. Let's do No. 6 and then do sort of an
2 assessment of where we are going to go with the rest
3 of the day.

4 So, again, bring your attention to Focus Group
5 No. 6, which should be the last item, the last
6 recommendation that had some minor modifications or
7 perceived minor modifications. So is the addition
8 of the term "during each specific monitoring event."

9 Any comments?

10 Okay. Nobody opposed to this?

11 Then that recommendation will stand as it is.

12 Okay. Now you let's do a point of order.

13 Fred.

14 DR. LEE: I am confused. Fred Lee here.

15 Recommendation No. 3, we are not going to discuss
16 that?

17 MR. CEPPOS: We are going to come back. I
18 was only going to the ones that had been brought
19 forward by staff with some minor adjustment.

20 DR. LEE: We need to come back to three at
21 some time.

22 MR. CEPPOS: We are.

23 Bill.

24 MR. CROYLE: Before you move on, I just
25 was thinking this would be a good time to take a

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1 deep breath and realize the efforts that -- I know
2 we said some things earlier, but what we just went
3 through we got pretty close because of all the focus
4 group work. There is a lot of work and a lot of
5 phone calls, a lot of different people involved. So
6 in one sense we still got some more discussions,
7 this list on the left side of the table is -- it
8 seems like we kind of went kind of quick by some of
9 these, but actually I want to take a second to
10 realize because of all that effort, a few late day,
11 and Margie and I were talking about other things,
12 those are the kind of effort that got us to the left
13 side of the sheet.

14 MR. CEPPOS: It is important. It really
15 is. You guys have done a tremendous amount of work.
16 Take this from a person who deals with a lot of
17 groups, what you have done, I mean. Sincerely mean,
18 is very impressive, what all of you have done, what
19 the focus groups have done, how you've gone through
20 this methodically, the work that you have done, it
21 is a very impressive effort as a person who does
22 this with a lot of folks, it really is.

23 Let's do a point for order. We are coming up

24 on 11:30. I want to put out a proposal for

25 consideration and for you to kind of think about it

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1 during lunch. Let me check in with staff and come
2 back to it. We have on the agenda starting at 12:00
3 to move into the discussion with the working draft
4 of the QAPP.

5 I am curious as to the most effective use of
6 everybody's time today to do that or to perhaps
7 table the discussion on the QAPP and come back and
8 reconvene and continue with the discussion on the
9 recommendations that have been brought forward. The
10 alternative is to sort of bifurcate the discussion
11 on the recommendations and wait a whole other month
12 to do that. I don't think I have heard a compelling
13 reason why the discussion on the working draft of
14 the QAPP couldn't necessarily be put out to the next
15 month, but I could be wrong on that.

16 I would throw that out for some initial
17 discussion now and then we will reconvene. So you
18 folks think about that.

19 Stephen and Fred, did you have your hands up?
20 Stephen and Lenwood and Bill.

21 MR. CLARK: Seems to me the next six
22 problem statements are items. Board staff has done
23 a real good job on giving us quite a few of these

24 very specific comments that would seem to me to be

25 best suited to go back to the focus group for

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1 revision and then submittal instead of rehashing all
2 these things for another hour and a half.

3 MR. CEPPOS: Okay.

4 MR. CLARK: On quite a few of these they
5 are very specific. We believe you should add the
6 following and address the following. Several
7 parties are here in the focus groups, some aren't.
8 That is my perspective. Might be the best way to
9 handle these things. Because the QAPP is going to
10 be a critical element for pending work. When the
11 MRP is adopted, the QAPP is one of -- the
12 information is going to be extrapolated into
13 coalition's QAPP. Punting it for another month
14 might not be the best thing.

15 MR. CEPPOS: Let's go to Lenwood and then
16 Bill.

17 MR. HALL: I support what Stephen is
18 saying. I think if we can stay focused on these
19 last set of recommendations, we can get through them
20 fairly easily because the differences are very
21 clear. And I do believe that we need to start
22 working on the QAPP. It does have a lot of gravity
23 in terms of what these groups are going to be doing

24 in the next few months.

25 MR. CEPPOS: You are saying we would come

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1 back after lunch and try to very rapidly get through
2 the items two, three and five.

3 MR. HALL: If we can. If it looks like
4 it's going too slow, I think you are going to have
5 to table it.

6 MR. CEPPOS: Do kind of a quick triage
7 effort on it and if we can do it, great. If not,
8 table it and move on. That is the proposal.

9 Bill.

10 MR. THOMAS: In coalition coordinating
11 calls that we have had yesterday, in fact, after we
12 had this material, there was a certain amount of
13 surprise, maybe, that the QAPP was going to -- a
14 document that was as extensive as it is; and some of
15 the comments that were had were, "Well, it looks
16 like this is going -- that we need some
17 clarification. It looks like this would compel us
18 to significantly revise the QAPPs that have been
19 submitted or noticed over and have been approved by
20 the Regional Board. But it looks like now they are
21 going to take on a very different character such
22 that you would be expecting the coalitions to revise
23 their QAPPs once this comes out."

24 That's never had been said before, but I'm
25 reading in. If that isn't the interpretation you

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1 should let us know. Nobody understood that or
2 anticipated that until Monday when they read their
3 document. So I think there is going to be quite a
4 bit of new focus on the QAPP than what had been
5 there before. I don't know what that means as to
6 our agenda. I'm just sharing these with you.

7 And I'm anticipating then, Margie, that the
8 coalitions would have about the same timeline to
9 amend their QAPPs as we have discussed previously,
10 relative to amending their MRPs.

11 Would that be right or not?

12 MS. LOPEZ READ: The two go together; that
13 is correct. The MRP plans need to include a QAPP.

14 MR. THOMAS: I know they do.

15 MS. LOPEZ READ: Any revision time would
16 be similar.

17 MR. THOMAS: Thanks.

18 MR. CEPPOS: So stand duly corrected. So
19 let me kind of go through a kind of modified
20 proposal here. Let's go to lunch break, come back
21 as brought forward and proposed by Lenwood. Let's
22 go ahead and address the Trigger Groups
23 Recommendations 2, 3 and 5. See if those can be

24 gone through relatively rapidly. If they can, we

25 will do so. If not, we will rapidly table them.

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1 But we will hold off on doing any other discussion
2 and recommendation again because as Stephen has
3 raised, there are some pretty significant and
4 specific feedback from staff that could be sent
5 directly to the focus groups. And we will,
6 therefore, after doing that and rapidly after lunch
7 we will then move on to the discussion of the QAPP
8 since it sounds like that it is a more pertinent
9 issue for today than I expected.

10 Is everybody okay with that proposal?

11 It is 11:30 right now. We are going to do a
12 half hour of break for folks to go get there lunch.
13 People are going to convene in their small groups.
14 The people are going to involved in discussions
15 regarding Lab Round Table. Sandy, who else would be
16 involved in that? Somebody from staff. The issue
17 is regarding whether there is still some Lab Round
18 Table items that perhaps had fallen off the radar
19 screen that needed to be addressed. Dania.

20 If we can have dual discussions where Sandy
21 and Dania can talk about the issues relative to Lab
22 Round Table. John can then be involved in the other
23 discussions. So we are getting Lab Round Table

24 representations of both of those sidebar

25 discussions.

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1 Is that sufficient?

2 Anybody opposed to?

3 I'll let you guys figure out what you are

4 going to do. Go get your food. Come back. That's

5 what we are aiming to get done. See you back here

6 in a half hour, folks.

7 (Luncheon break taken.)

8 ---oOo---

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1 AFTERNOON SESSION

2 ---oOo---

3 MR. CEPPOS: Let's go ahead and get
4 started up again, please. Here is how I would like
5 to go. Get a report back from the two subgroups
6 that we had convened during the break. Do that in a
7 second. Then what I would like to do is I'm going
8 to propose a process and an assumption at the same
9 time, if I may be so presumptive. I would like for
10 us as we talked about before we went to break
11 definitely to introduce for discussion purposes the
12 items under the supportive concept column in the
13 table that Margie laid out, so Recommendations 2, 3
14 and 5. I am not necessarily convinced that we will
15 be able to rapidly resolve those.

16 I would like to get -- we have open the
17 opportunity for some brief discussion so that we can
18 rapidly identify whether I am wrong and whether we
19 can rapidly resolve those. If not, at least to
20 allow stakeholders to sort of distill what the
21 issues are. I think we can perceive from what the
22 Board has brought forward what is their perspective
23 regarding Recommendations 2, 3 and 5. I want to

24 leave open the items we don't get resolved for

25 stakeholder to weigh in on things.

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1 Similarly, then, I would also like to open
2 just very briefly but for the opportunity of public
3 comment to do the same for Recommendations 4, 7 and
4 8. I do not want to make any attempt to resolve
5 four, seven and eight. I think we can all
6 collectively agree that those are definitely handed
7 directly to focus groups, but again, because they
8 are public record, I would be remiss if there are
9 people who do need to comment or are concerned, they
10 want it entered in before it automatically gets
11 kicked off to the focus group, that is the purpose
12 of this group, I want to leave open that
13 opportunity.

14 That is kind of the sequence of events, and
15 report back, rapidly go through 2, 3 and 5. See if
16 we can resolve, then move on to 4, 7 and 8. Don't
17 try to resolve, but at least open up the opportunity
18 for discussion. Then move to the QAPP.

19 Is that okay with everybody?

20 Let's go to Lenwood and Stephen first.

21 MR. HALL: Lenwood Hall. We met at the
22 break and basically there were some confusion as to
23 which page each individual was on concerning the TOC

24 and grain size issues. The consensus of our group
25 was that for all sediment samples both TOC and grain

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1 size should be analyzed. That would be consistent
2 with what we have in the recommendations that were
3 presented, the comments presented by staff.

4 What it means is that the very first
5 recommendation here for Sediment Toxicity Focus
6 Group Recommendation 1, the bold sentence that says
7 all sediment samples must be analyzed for TOC and
8 grain size, that is correct.

9 And for Recommendation 4.2 from the Lab Round
10 Table Focus Group basically says the same thing: all
11 sediment samples must be analyzed for TOC and grain
12 size. Really, we can go into the science, but the
13 bottom line is when you are measuring TOC it is
14 going to help you characterize the ability of
15 sediments throughout the coalitions to actual be a
16 source or make different types of pesticides
17 bioavailable to organisms. That is very important
18 information to have. To just have grain size
19 information, that's certainly important; but the TOC
20 gives you another layer of scientific data. It is
21 the consensus of the group that that is something
22 that we need to do.

23 MR. CEPPOS: Anybody opposed to that

24 recommendation?

25 Great. Let's move on to the report back from

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1 Sandy and Dania regarding follow-up on --

2 Sorry, Dan.

3 MR. ODENWELLER: Bill, do you have a
4 follow-up question on the cost?

5 MR. THOMAS: No, I tracked that. Thanks,
6 Dan.

7 MR. CEPPOS: My apologies if you had,
8 Bill, if I missed that.

9 Sandy and Dania.

10 Dania: Well, I met with Sandy Nurse. Seems
11 like the main concern that the Lab Round Table would
12 like to revisit Table 1 and go to especially the
13 details in terms of analytical methods for the
14 analyzing and also by PQLs.

15 And in terms of the PQLs, they would like to
16 see a little more background information of how the
17 Regional Board staff came up with some of these
18 numbers as well. So I am envisioning that we will
19 be meeting more than a couple times, I guess, to go
20 each -- to describe each one of these analyzed.

21 MR. CEPPOS: And those are discussions
22 that you think are best served initially by the Lab
23 Round Table and then reported back, and would you

24 expect, just so I can be thinking of some agenda

25 development, would you be expecting to want to

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1 elevate that to the larger TIC discussion when you
2 sort of completed all your Lab Round Table
3 Discussions, or would you expect you have some Lab
4 Round Table discussions, iteratively report back to
5 the TIC and have some more Round Table discussions?
6 What is your conception of how that would best be
7 served?

8 MS. NURSE: This is Sandy. My perception
9 is if we get a chance to look at these PQLs, that
10 could be a pretty big issue and could go back and
11 forth. This will be our first chance at a technical
12 -- to hear this, and that may open -- I don't have a
13 perception of how many questions that will or will
14 not open.

15 MR. CEPPOS: I am sorry, Sandy, were you
16 done? Did I interrupt you?

17 MS. NURSE: No.

18 MR. CEPPOS: Dania:

19 MS. HUGGINS: The comment that Sandy made,
20 to remind you that her concern was that this Table
21 1, it started being analyzed as a technical issue,
22 and then it went into -- because of the PQLs it got
23 moved into policy issue. So now it's going back to

24 the stakeholders meeting as well as the policy or

25 non technical or technical. So if this move is a

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1 policy, it should be taken out of those revisions
2 where it is stakeholders in general would be
3 participating. If this is a policy issue, then it
4 shouldn't be discussed. That's what Sandy's concern
5 was.

6 MR. CEPPOS: Is it accurate, I am
7 conjecturing. Correct me if I am wrong. Is it
8 accurate to assume that what you have asked for is
9 to have an opportunity for the Lab Round Table to
10 assess whatever background materials were used to
11 make certain determinations on PQLs? Is it accurate
12 for me to assume if, in fact, there are not really a
13 lot of technical background material, but rather
14 PQLs were determined based more upon a policy level
15 issue, that that changes the intent of your
16 discussion here? Or, in fact, is there background
17 data that was used that is appropriately reviewed by
18 the Lab Round Table?

19 MS. LOPEZ READ: What will be appropriate
20 at this point in time will be to have another Lab
21 Round Table discussion and have the other TOC
22 members be aware if they want to participate and
23 give some information why those numbers were

24 selected in Table 1. And then from that, if it

25 appears there is some that merit technical

1 discussions above and beyond the original rationale
2 for why they were put there in the first place, then
3 we can talk about that. Maybe we'll find that there
4 is -- some of them can't be moved and there are
5 policy reasons why we have to have below a certain
6 Basin Plan limit, for example. But let's open that
7 up, have that discussion, talk about how it got
8 there in the first place and move from there.

9 MR. CEPPOS: Here's what I would like to
10 propose.

11 Bill.

12 MR. CROYLE: Maybe it's a question for the
13 TIC. At this point kind of thinking time scale. I
14 am wondering if we can be more direct with the focus
15 group in the dialogue than we have in the past.
16 Regional Board, instead of supporting the
17 discussion, actually engaging in the discussion if
18 the other TIC members are comfortable with that,
19 just because that is a little bit of a change from
20 historical practice.

21 MR. CEPPOS: That is actually very similar
22 to where I was going. I was going to propose if it
23 is possible, as an action item in the next few days,

24 maybe the next week or so, holidays are coming up,

25 if it is possible to have a discussion perhaps, say,

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1 with Margie, maybe one or two other staff people,
2 Dania perhaps and maybe Sandy, as an initial
3 representative, just to do the following: Get a
4 mutually agreed upon game plan and mutually agreed
5 upon set of desired outcomes for this next Lab Round
6 Table. Put together an agenda. Identify, really
7 identify, what people are really expecting to get
8 out of it so you can be as efficient and focused as
9 possible. Then get that desired set of outcomes
10 agenda, whatever needs to be communicated out, to
11 the larger TIC and Lab Round Table just so we are
12 moving on that as rapidly as possible and have a
13 pretty clear sense of what needs to get
14 accomplished. So some of that initial, preplanning,
15 let's call it, discussion, is that something that
16 could be reasonably done in the next five business
17 days? Not necessarily the Lab Round Table meeting,
18 but setting a game plan for that first round table
19 meeting; is that something that is doable?

20 MS. LOPEZ READ: I think that is doable.

21 MR. CEPPOS: Would that accommodate the
22 issues that you are trying to --

23 MR. CROYLE: I think so. I want to make

24 sure.

25 MR. CEPPOS: Sandy, how do you feel about

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1 that?

2 MS. NURSE: I'm sorry, I'm getting easily
3 confused today. My concept of this PQL thing is
4 that it's been big. We have repeatedly had requests
5 for a year to a year and a half about where did you
6 come up with these limits, and some of the answers
7 were literature survey. Well, were they a good
8 literature survey? Were they complete? That could
9 take a good time. We have had E-mails going around
10 from coalition members or farmers or whoever saying,
11 "Why are we even monitoring if these PQLs are so low
12 that we know we are going to exceed them all the
13 time? Can't we raise the PQL, the reporting limit?"

14 We had questions from the laboratory group,
15 "Why are we using PQL which is an old Superfund
16 acronym? Why aren't we using MRL or MDL or do you
17 mean MDL when you're talking PQL?" From every
18 single aspect of all members of our TIC, we have had
19 questions on this one column.

20 To open it up now to the Lab Focus Group, and
21 we've had questions from the beginning as we tried
22 to convince the group to let it stay with technical
23 input because we felt the entire TIC, many people

24 around the table verbalized that they thought there
25 was a very big technical component to this column of

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1 the PQL. We are going to have -- if we open this
2 up, we're going to have quite a few viewpoints that
3 are going to take a vast amount of time. Maybe I am
4 wrong, but I think that this is a big issue from
5 every viewpoint.

6 I don't mind help setting an agenda. I want
7 to make sure the agenda addresses all the questions
8 that I have heard for a year and a half. If we're
9 going here, let's do it right.

10 MR. CEPPOS: That was my intent of saying
11 do a preplanning discussion and, yes, looking to
12 essentially, you can certainly defer, but looking to
13 you as sort of an initial surrogate for a larger
14 group since you have been so involved and you
15 obviously clearly have a good sense of what a lot of
16 what the content is.

17 My proposal is just do an initial discussion
18 so there is some shared meaning of what is trying to
19 get accomplished in your institutional memorandums.
20 I look to you further, Sandy, and not just to say
21 you but to others: What do you think is the most
22 effective and appropriate next step to address these
23 concerns?

24 MS. NURSE: Could I ask you one more
25 question ahead of that answer? Would this review or

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1 ability to question where these numbers came from,
2 would any comment regarding that, whether it be
3 coming from the Lab Focus Group or from another
4 stakeholder of any sort, will that generate review
5 of that column, or is this just something that will
6 be an informational kind of thing? As a review I
7 could see I would have a choice of how much effort I
8 put into it based on that answer. Is it something
9 that -- the information is just coming one way, that
10 you just want to have an informational session about
11 where these numbers came from or would feedback be
12 considered?

13 MS. LOPEZ READ: I think that feedback
14 would be considered if there is a technical issue
15 involved. That is the best I can tell you. I know
16 there are some PQL numbers, for example, that we
17 need to have them as a limit because we have a Basin
18 Plan limit. We need to have a lab that will detect
19 at that level. Other things that you just brought
20 up, I wasn't aware, like whether we call them PQLs
21 or MDLs. At some point in time staff is going to
22 have to move ahead and make certain decisions on how
23 this is put together, and I think some of those

24 might fall in that arena. If we can have that

25 initial meeting and just sort of figure out what

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1 those concerns are, we can pretty quickly figure out
2 whether it is something worth delving into with the
3 TIC or not. If we have that forum to do that, that
4 would be a good idea.

5 MS. NURSE: Definitely worth going ahead
6 on.

7 MS. LOPEZ READ: At least one try to see
8 if it is worth moving ahead.

9 MR. CEPPOS: I am going to look to Margie
10 and maybe Dania to initiate of what I am propose,
11 sort of a preplanning initial discussion, sort of
12 get your selection of what you want to get addressed
13 in a larger Lab Focus Group discussion. I will look
14 to you to see whomever you get. Maybe subsets if
15 you want on that conversation. I am proposing Sandy
16 because she has a strong sense about this history
17 and there may be others.

18 Stephen.

19 MR. CLARK: One other historical item that
20 Sandy and I touched on, if the PQL is set for a
21 particular water quality objective Basin Plan
22 number, but there is only one lab in the entire
23 region or in California or the Western United States

24 that can meet that number, the first red flag is can

25 they really meet that number and making sure that

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1 you are comparing apples to apples, are they running
2 the method, are they doing some modification that is
3 not allowed with the method?

4 From the perspective of trying to manage the
5 data coming in, it is critical that we not narrow in
6 on one laboratory's abilities that other labs would
7 contest that is not realistic or maybe they are not
8 doing things properly to get that number. There was
9 that underpinning.

10 Am I correct, Sandy?

11 MS. NURSE: I think so, Stephen. And I
12 remember not maybe that contentious a viewpoint as
13 if people were pitting against each other. There is
14 some question, a bigger question we were touching on
15 was, oh, yeah I can see that level in distilled
16 water, but you are not going to see it in the
17 sample. You are not going to see it in the matrix
18 when you give a sediment.

19 MR. CLARK: In the lab reports, in the MDL
20 or PQL, whatever we are going to focus on, based on
21 distilled water, they can never ever meet that in a
22 matrix. There are those types of issues that what
23 one might be saying that they can do realistically

24 they can't do when you are dealing with potential

25 matrix issues. That is a technical issue that comes

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1 into the swing of things because you are thinking
2 people are saying they can meet something when
3 they're really not. That is where the technical and
4 the need to meet the Basin Plan needs to mesh
5 together.

6 MR. CEPPOS: Let's go to Bill and then
7 Dania.

8 MR. THOMAS: I want to underscore what
9 Sandy had said. We have talked about this. We have
10 referenced it, and we pointed out there was
11 widespread anxiety over some of these things we are
12 hearing from labs saying we'd never be able to get
13 at it. I would support the process that we are
14 heading towards here because the coalitions and the
15 four subcoalitions and an array of labs. And God
16 bless Sandy and Steve for having put all the time
17 into this so we get their input. But we get a lot
18 of feedback from labs. These are unreasonable and
19 we are not going to be able to meet them. And they
20 should know it. Because if they knew anything about
21 what happens out here in the field and they would
22 know we can't get to that, so we are not going to
23 get to that.

24 Well, let's try to be as precise as we can in
25 this chart so we don't invite that categorical

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1 response, because I don't know that you're going to
2 accept that down the road. But that is the type of
3 feedback we hear.

4 MR. CEPPOS: Let's go to Dania and then
5 close out the topic and move on to the other items.

6 MS. HUGGINS: I just wanted to respond to
7 Sandy's comments. You were saying that sometimes it
8 gets kind of confusing and what are we talking
9 about, PQLs, MRLs, TRLs and all that. I just wanted
10 to point out that there is an Appendix F in the this
11 draft QAPP and that will include a full glossary and
12 definition of all these terms. These definitions
13 are coming from EPA guidelines, SWAMP and from the
14 Irrigated Lands Program.

15 Unfortunately we ran out of time with some of
16 the changes and we are hoping to realize those
17 appendixes probably within the next couple days. We
18 didn't have a chance to look at it.

19 MS. NURSE: Sandy Nurse.

20 I think that will be really helpful. I think
21 only PQL is showing up in Table 1, and we are having
22 some of the acronyms show up throughout the
23 monitoring and reporting plan. And how PQLs relate

24 to MRLs relate to TRLs could be confusing. It would
25 be good if we can standardize it all. You are

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1 talking about reporting limits, decide what you are
2 going to call it.

3 MS. HUGGINS: Throughout the whole
4 document.

5 MS. NURSE: Even if that means changing
6 that heading to whatever you standardize. As far as
7 I know, PQL is only in Table 1. I could be wrong.
8 I haven't looked all the way through.

9 MR. CEPPOS: Okay. We have an action item
10 for staff to coordinate immediately within the next
11 days with Sandy and perhaps others to a premeeting
12 and then schedule out a more comprehensive Lab Focus
13 Group discussion and then communicate that.

14 Let's then move on using the table that Margie
15 developed this morning. Let's start on the item
16 support of concept, starting with Triggers
17 Recommendation No. 2. What we are looking to do is
18 try to get some initial feedback from TIC members on
19 a couple of things. What is some of the issues that
20 you are seeing out of this and is this something
21 that you guys think can rapidly be resolved today.
22 And if not, we are going to go ahead and table it
23 pretty quickly and move on to the subsequent

24 Triggers Group discussion.

25 I am opening the floor at this point for item

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1 Recommendation No. 2. We're going to follow-up chem
2 and bacteria exceedances. Comments, thoughts.

3 MS. LOPEZ READ: I am not supposed to
4 speak yet.

5 MR. CEPPOS: Actually, no. Thanks for
6 pointing that out.

7 Again, I am opening to the TIC first. Are
8 there comments that folks want to make to this
9 effect? Are there any resolutions that folks think
10 they can bring forth that could address this pretty
11 rapidly?

12 Judging by the lack of eye contact, what I am
13 now realizing is that you guys are needing a minute
14 or so to read. Take two minutes to read this, and
15 then I am going to go ahead and call the same
16 question.

17 MS. LOPEZ READ: I am going to speak up
18 here anyway, just because I think before you all get
19 starting reading the first one or even three of
20 them, the important thing to make note of is that
21 the issue with all three of these is exactly the
22 same. And that is that they all deal with
23 exceedances, and staff largely agrees with the

24 language in terms of how the TIC developed it.

25 But the main issue is that because of the new

1 Board order regarding management plan requirement
2 after two exceedances, that is what's going to have
3 to be worded into anything we put in the MRP. So it
4 is nothing other than primarily that, that that
5 specific issue needs to be addressed. So the
6 language as it is proposed doesn't quite fit for
7 that reason.

8 MR. CROYLE: Follow-up on that. There is
9 really -- I am concerned when you use language
10 because it is the concept versus the language.
11 Language doesn't get us there, but the concept does.

12 MS. LOPEZ READ: Okay.

13 MR. CEPPOS: Bill.

14 MR. THOMAS: It seems like the six or
15 seven bullet points in Recommendation 2, to follow
16 the recognition by the staff that these are further
17 consideration steps that is right for further
18 development regarding these issues. I didn't see
19 that these issues here were recommendations relative
20 to the language that had been advanced, but to be
21 something that birth the next level of discussion
22 off of that language.

23 Secondly, Margie, when you earlier in the day

24 mentioned that you thought things were going to be

25 driven by the management plans, I look at these

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1 bullets and don't see that any of these bullets
2 would necessarily be inconsistent -- well, the
3 language that had been advanced is inconsistent with
4 the new requirements, develop management plans, and
5 that is probably true of these bullets as well. I
6 don't see the problem there that you were trying to
7 connect, why the work that has been done now is
8 inadequate. Because some coalitions may in the
9 hereafter on their second exceedance may file an
10 additional management plan report.

11 MS. LOPEZ READ: I think it would make a
12 difference -- I guess I could just leave it at that.
13 I tried to expand on that a little, Bill. It does
14 make a difference. We need to figure out how we put
15 the language in the MRP that addresses the fact
16 after two exceedances we do a management plan.

17 MR. THOMAS: Wouldn't that be a period
18 there when you have accomplished that with putting
19 those ten or twelve words in? We are not writing
20 this MRP to clarify what a management plan is. This
21 is our standard monitoring and reporting program.

22 MS. LOPEZ READ: You are, but I think that
23 there is an opportunity there, really, in that the

- 24 management plan and how it is structured is going to
- 25 be different for the type of exceedance, just as you

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1 sort of designated you do a different approach for
2 --

3 MR. THOMAS: We don't know what they are
4 going to look like, what the management plan is
5 going to look like. A couple have been advanced.

6 MS. LOPEZ READ: So those are the
7 variabilities as well as the coalition, how the
8 makeup of the coalition, the hydrology. Different
9 things will make a difference in how the management
10 plan is developed. I see this really as a place
11 where we can use some good technical input in terms
12 of how we language that, what are the aspects of the
13 management plan that are effective. We could just
14 take it, staff could take it and run with it. I
15 think you would appreciate some more information
16 about that.

17 DR. LONGLEY: Let me throw out a broader
18 question, then. First, going back to my original
19 question was: Does anybody have any -- having had a
20 chance to read through this and in a little more
21 detail and context of some comments that Margie made
22 as well as Bill, does anybody, any other TIC
23 members, at this time have anything that you want to

24 kind of weigh into the equation about the issues,

25 the recommendations brought out on Recommendation 2,

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1 recommendations by staff? Does anybody have
2 anything else you want to say about it?
3 Then hearing none of that, my next question
4 is: Is there anybody here today, in the TIC, in
5 particular those of you that participated in the
6 Triggers Focus Group, that feel that it is
7 unwarranted or inappropriate to, as Margie is
8 requesting, send this back for further consideration
9 by the Triggers Focus Group?

10 I am, therefore, going to take that as an
11 indication that the Trigger Focus members are
12 willing to address Recommendation No. 2 and the
13 ideas that have been brought forward.

14 Is anybody not willing? I am not trying to
15 put anybody down. I am just trying to get a sense
16 here. Any members of the Triggers Focus Group that
17 are not prepared to or not willing -- and
18 willingness can be for any reason. It doesn't
19 matter -- not really prepared to be involved in
20 further discussions as requested by the staff?

21 Bill.

22 MR. THOMAS: Aren't you advancing a
23 compound question?

24 MR. CEPPOS: I often do that.

25 MR. THOMAS: There is two different

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1 things. There is the recommendation that is being
2 made and what we do with that. And then there are
3 the additional seven items that staff would like to
4 discuss. I think we can clearly discuss these six
5 or seven in bullet items and yet stay with our past
6 recommendation that has been advanced. I don't see
7 them as self-exclusive.

8 MR. CEPPOS: I'm sorry if I was inferring
9 that. You're right. The reason I didn't clarify is
10 that's always been my understanding in your process.
11 The way -- going back when we set up the decision
12 process, the way it was supposed to roll out was
13 staff was to be coming forward with their comments.
14 They are to provide -- the process was to provide a
15 focus group the opportunity to respond, and that
16 response could take the form of making further
17 adjustments as per request or recommendation by
18 staff, or the TIC could come forward and say,
19 comment, this is your chance to sort of say,
20 "Comment duly noted. We hear and we see what you
21 are saying, but we are still quite comfortable with
22 our recommendation and elevate it to such or leave
23 it as such." That is what your prerogative is as

24 stakeholders.

25 Stephen.

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1 MR. CLARK: Maybe I am reading into Bill's
2 comments and Margie's. In essence, a problem
3 statement has been developed, basically says
4 coalitions need to develop coalition-specific
5 monitoring and reporting programs to address the
6 specific issue. Regional Board staff on several of
7 these have come back and said, "We would like these
8 following elements to be included." Potentially it
9 is a problem statement. Definitely a monitoring and
10 reporting plan by coalitions.

11 If the decision by the focus group is
12 basically that this particular problem statement
13 stands, where that leads us is when a monitoring and
14 reporting plan is submitted to the Regional Board
15 for review, they are going to be looking for these
16 specific elements. I don't see it being a negative
17 thing to get together and discuss this. But if it
18 ends up that addressing each item is going to take
19 months to get everybody's agreement, I think we have
20 the problem statement stand, and when the monitoring
21 plans are submitted, coalition groups should at
22 least be looking at benchmarks that the Regional
23 Board staff will be looking for.

24 MR. CEPPOS: Any additional thoughts
25 relative to what Stephen was just saying?

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1 Bill Croyle.

2 MR. CROYLE: Let me throw a little bit
3 different perspective on this. I appreciate your
4 mowing through the process. I think that from the
5 staff's point of view it is critical that we inject
6 as appropriate some additional and technical aspects
7 of this into the MRP via the requirement of the
8 management plan, to get at how we deal with
9 exceedances.

10 We got a few management plans in front of us.
11 There is some issues that are coming up, and source
12 identification is a big one. We certainly,
13 absolutely support the concept of coalitions
14 specific responses to a given exceedance or
15 exceedances, and we see that as implemented through
16 the management plan process. That is kind of what
17 you are seeing in our comments. So if that is not
18 clear, I guess, specials like Bill.

19 MR. THOMAS: It is not clear.

20 MR. CROYLE: The goal as we see it, as the
21 Board recent action in the MRP and what we view as a
22 way to deal with communication reports, evaluation
23 reports and now management plans, which have always

24 been on everyone's screen, is the management plan

25 process can deal with a couple different things.

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1 One of this is laying out a coalition-specific or
2 exceedance-specific response to exceedance or
3 exceedances. So what we are looking for here, and
4 which, to be honest, I was disappointed that this
5 group couldn't come up with a scientific basis or
6 what are the things, if nothing else, list the
7 things that the Board should consider in responding
8 to an exceedance.

9 What we did is we tried to layout these
10 bullets. These are concepts that we need to deal
11 with, recognizing that we need coalition-specific or
12 exceedance-specific type flexibility, but what are
13 the issues that we need to address when we submit
14 one of these plans. The idea is there needs to be
15 some consistency, but there needs to be flexibility.
16 So what we are asking this group, what are the
17 technical issues that you believe are appropriate
18 for us to consider when requesting a management
19 plan. So we have our perspective. We have the
20 benefit of receiving a few management plans to see
21 how things are going. That is kind of where I see
22 the conversation going from here.

23 We can do that through, I'm kind of keying off

24 Stephen's comments, is we can do that now in our own

25 little vacuum world in our offices. We will come up

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1 with some criteria for management plans. And you
2 are right, that those are going to be in and around
3 those bullets. We certainly expect a lot of
4 dialogue with stakeholders, to take whoever, about
5 the aspects of how do we produce these credible
6 management plans. They are a critical part of this
7 whole program. We need to show that we can follow
8 up on exceedances, identify sources, whether they
9 are a source, a grower or the watershed. There is a
10 credible process for us to improve water quality.

11 So I guess my hope is that we don't step out
12 of this room and just go develop what we think is
13 appropriate based on what we have learned with
14 existing management practices or developing these
15 management plans, but that we do get some input from
16 this group and we do have sometime to do that.

17 MR. CEPPOS: So I see a couple hands up.
18 And so here's what I want to do. Bill has had his
19 hand up and Joe McGahan and Claus. Here is the
20 deal. I want to take those three comments, and I
21 need to come to a decision here. I am going to take
22 those three comments, and I am going to assume that
23 based upon the discussion that's ensued thus far it

24 is not reasonable nor is it necessary to try to

25 determine resolution today on Recommendations 2, 3

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1 or 5.

2 So here is what I want to do, take these
3 comments, and we have got to move on. We still have
4 a number of things that have to be done today. We
5 will move on to general public comments, response
6 comments that people want to make regarding
7 Recommendation 4, 7 and 8. Just so we have it on
8 the record. We are going to go through that, and
9 then we are going to move on to the QAPP. We have
10 to do that; we are running short on time.

11 Bill, Joe and Claus.

12 MR. THOMAS: I can certainly understand
13 that the staff is saying if we make these amendments
14 that this particular recommendation to an amendment,
15 there can be some stuff in the future that we want
16 to discuss that this gives rise to. I can
17 independently also understand that maybe staff wants
18 to start a dialogue back with coalitions, some of
19 which would be technical I am sure, about what are
20 management plans, a new management plan. Certainly
21 the management plan issue is not just another
22 element here. That is a freestanding entire
23 discussion that needs to be had.

24 We haven't been compelled yet to do a
25 management plan. There is two or three that are in

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1 play. They are from other coalitions. But that's
2 an endeavor that might be as large as the entire
3 endeavor that we are taking on dealing with the MRP.
4 I see that as independent of whether this language
5 in Recommendation 2 is appropriate or not for our
6 monitoring plan.

7 MR. CEPPOS: Joe McGahan.

8 MR. MCGAHAN: Bill said what I was going
9 to say. I heard that the reason that we are wanting
10 to add things is because of the Board's action
11 required that if there are one or more exceedances
12 you have to have a management plan.

13 MS. LOPEZ READ: More than one. Right.

14 MR. MCGAHAN: The management plan was
15 always in the works. The Executive Officer could
16 always require a management plan. So I don't see
17 why that triggered anything new in these
18 recommendations. And I agree with Bill that seems
19 like it's own issue. If what we are after is what
20 kinds of things will you want to see in a management
21 plan, I think that would be better with a separate
22 thing than incorporated in these they different
23 recommendations or others.

24 MS. LOPEZ READ: I can see what you are
25 saying. And so these recommendations could sort of

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1 stand alone, but very short-lived, is I guess what I
2 am trying to say. Because pretty soon you would
3 have two exceedances, you would be in the world of a
4 management plan. So whatever approach you come up
5 with here is that part of a management plan? Would
6 that be consistent with a management plan?

7 MR. MCGAHAN: Executive Officer could have
8 always asked for a management plan with two
9 exceedances. So I don't see what the difference is.

10 MS. LOPEZ READ: She never has. So this
11 now is a whole new thing. Automatically at two
12 exceedances. So, I mean, we can incorporate this,
13 but is it worth the coalition time to develop this
14 plan that is maybe going to be short-lived, or can
15 we relanguage it so that it fits within and is
16 consistent with a good approach for a management
17 plan?

18 You certainly have that option. I think Dave
19 said that. You have the option saying this needs to
20 stand; we worked on it. How it is effective enough.
21 But I'm just sort of seeing it as there is
22 opportunities to put some technical input into
23 describing it a little differently so it would be

- 24 consistent with a good management plan, a good
- 25 effective management plan.

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1 MR. CEPPOS: Let's go to Claus and then we
2 are going to close this. We are not doing more
3 comment.

4 MS. SUVERKROPP: I need a little
5 clarification on this. The staff response seems to
6 me to request a specific follow-up plan to
7 exceedances that is totally separate from any
8 management plan that might come as result of
9 multiple exceedances.

10 Is that the way that staff intends this to
11 read, because that is what it says? What are we
12 going to do on our first exceedance, not what
13 happens when you get two and you have to do a
14 management plan. In which case no matter what we
15 come up with is not going to be in play for very
16 long.

17 MS. LOPEZ READ: Right.

18 MS. SUVERKROPP: Assuming you are going to
19 have one other exceedance, it is going to get
20 overwritten by way of management plans. Practical
21 standpoint is you don't want to put too much effort
22 into one exceedance follow-up plan that deals with
23 one additional exceedance and then goes into a

24 management plan.

25 MR. CROYLE: Do you want to dialogue or

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1 are we done? I am thinking actually a little bit
2 more, Dave. I know we are actually out of time.

3 MS. SUVERKROPP: If the request is will
4 the TIC provide a list of issues that should be
5 considered in any follow-up exceedances, I think
6 absolutely we should make the effort to do that.
7 Whether we are going to design plans for everybody,
8 that doesn't make sense.

9 MR. CEPPOS: Bill, your comment was valid.
10 What -- I don't ordinarily like just pushing things
11 off to some other discussion. Sort of makes --
12 doesn't make the problem go away. Makes it
13 somebody's else problem when I am not around. That
14 is not my intent. I am trying to monitor the time
15 of things. What I'm really trying to get is a
16 handle on, what you have a handle on is the
17 following:

18 I would like for you all to have -- when I say
19 you all, all stakeholders and staff. I would like
20 for you all to have a shared understanding, not
21 necessarily an agreement, but a shared understanding
22 of what it is each other is saying.

23 Staff, you hear what Margie is saying? Hey, I

24 hear you, Joe. I hear the points you are making.

25 However, we still feel the following. Conversely, I

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1 want stakeholders to be sure that you have clarity
2 of what the intent is by staff. If we've gotten
3 that, then I am going to propose that is enough to
4 at least try to convene another Triggers Focus Group
5 call, which would I think would be well served to
6 have some key staff also involved in, not just
7 Margie, where you can address this and in that
8 conversation, as long as you have a shared
9 understanding.

10 As I reiterate what I said earlier, folks, you
11 have the right to say, "Okay. We talked a little
12 bit more. Staff, we hear you. We just don't think
13 that is what is appropriate in the cards. We are
14 sticking with what we brought forward." And it is
15 your prerogative to do that. It is staff's
16 prerogative to remind you what the necessary next
17 steps or outcomes might be. That is the best you
18 guys can hope for. I don't think going around the
19 mulberry bush a couple more times today is going to
20 get any closer to that decision.

21 So at this point what I am going to ask is:
22 Is there anybody here that does not understand what
23 some of the other interest groups are saying? Is

24 there any stakeholders that do not understand, you

25 don't have to agree, you do not understand what

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1 staff was trying to get at here? And staff, is
2 there anybody in staff that doesn't really
3 understand what some of the concerns that
4 stakeholders are raising?

5 MR. CROYLE: I guess, Dave, what I think
6 actually the three comments that are a help for me
7 to focus at least on one of the issues that I don't
8 think was real clear that actually, Claus, your
9 comment is kind of important to address that, is
10 that is exactly staff thinking about how to resolve
11 the follow-up on one exceedance. We are way past
12 that.

13 So to the extent that I think what we haven't
14 had a dialogue about that part of the MRP plans
15 which deal with exceedance reporting, communication
16 reports and evaluation reports and then another
17 animal which is management plan.

18 I think another conversation a little bit
19 later that kind of focuses where we're at, where is
20 Board staff in the process of responding to
21 different kinds of whether it triggers an exceedance
22 report or management plan or what is in between.

23 MR. CEPPOS: That is only -- I want to

24 clarify -- when you say we have haven't had

25 dialogue, that is staff we or is that --

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1 MR. CROYLE: I am thinking everybody.

2 MR. CEPPOS: So I propose at this point
3 that this be tabled. And this is going to require,
4 just like the Lab Round Table, a subsequent focus
5 group discussion. Make some next level triage
6 decisions of where we are going to go and report
7 back to the TIC, ideally in advance of the meeting,
8 being E-mail, to report what was determined from the
9 ext Triggers Focus Group meeting, and then we'll,
10 based on the results of that discussion, we'll see
11 what that means regarding the next TIC agenda.

12 Anybody opposed to that?

13 Bill, you have your hand up.

14 MR. THOMAS: I do because I think what we
15 were -- the conversation just had, I think we agreed
16 -- just directed us to -- I think it is reflective
17 of Recommendation 2 and Recommendation 3; and
18 Recommendation 4 we haven't had the chance to
19 identify what our problem is.

20 MR. CEPPOS: That is where I am going
21 next. I just want to get closeout of those ideas,
22 the items that were in support of concept. Now what
23 I want to do is go to items that Bill's raising,

24 which is the last group of technical recommendations

25 where the request has been for additional technical

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1 input. Recommendations 4, 7 and 8.

2 Here is what I want to do. I want any
3 stakeholder that wants too weigh in on any concerns
4 that you may have. We are not going to try to solve
5 this. We are not going to try to dig deep on it,
6 given the assumption that this is going to go to the
7 focus group. All I want now is the people that want
8 to get on the public record any concerns they have
9 about what they have seen from staff. Let's get it
10 started for the record and we have to move on. So
11 start with Recommendation 4.

12 Bill, I am assuming you have a comment.

13 MR. THOMAS: I do. The blue at the
14 bottom, I am not sure I understand what it says. I
15 fear that it is intended and does say is a total
16 reversal of where we have been throughout this
17 process. Reminding that the Regional Board develops
18 its MRP or amends its MRP, and then the coalitions,
19 based on that, they make appropriate
20 recommendations, amendments, to their existing MRPs
21 which gets approved by the regional staff. That
22 becomes the operational document between the
23 coalitions and the Regional Board and the

24 laboratories. And it's always been that that is

25 there until the new one gets amended, which was

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1 earlier referenced in the Margie and my discussion.
2 This seems to say that the coalition would have to,
3 I guess, instantly amend their MRP to be the
4 reflective of the Regional Board MRP until there is
5 an approved amendment to the coalition MRP. Which
6 is, one, crazy. Secondly, it's departure from where
7 we have been and has two fundamental problems.

8 The reason it takes four or six months to
9 amend the coalition MRP is that is the type of
10 process that needs to be involved at the coalitions.
11 This would suggest one, one, that they can instantly
12 change that, which they cannot. And then they would
13 change it again a few months later for submittal to
14 the Regional Board. This is completely new and
15 crazy.

16 MR. CEPPOS: I will allow one response
17 from Margie.

18 MS. LOPEZ READ: I will be so short. Had
19 a conversation with my boss yesterday who
20 essentially was agreeing that an interim step should
21 be adherence to the existing MRP, like you saying
22 the same thing. I think there still needs to be
23 some discussion about that because there may be

24 coalitions in the future that can't come up with

25 their own coalition-specific MRP. We need to have a

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1 template, a game plan for them to follow. Say a new
2 coalition thinking. I understand what you're
3 saying. I think are right.

4 MR. THOMAS: We need to clarify that.

5 MS. LOPEZ READ: We need to change that.

6 That piece is not cast in stone.

7 MR. THOMAS: That is the answer.

8 MR. CEPPOS: Comments on Recommendation 7.

9 Give you about a minute to really quickly scan this.

10 Any comments?

11 Lenwood.

12 MR. HALL: One of the major themes of this
13 entire recommendation for assessing completeness,
14 and this is one we wrestled with at the Triggers
15 Focus Group at least several meetings, one of the
16 themes is for the coalitions to have flexibility to
17 design their own monitoring plans that will
18 basically meet all the elements that are required.

19 When I see this recommendation laid out here,
20 I see a lot of bullets, and these are certainly
21 important points that should be part of any
22 monitoring plan. But what I don't see here is this
23 sort of flexibility component. This seems to be too

24 prescriptive as to how these things need to be laid

25 out. There are a number of different options for

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1 developing long-term monitoring strategies. You
2 could use a probabilistic design, for example, to
3 allow you to sample certain core stations and you
4 could change stations every year. You could use a
5 deterministic approach where you have some kind of
6 preset design where you sample 20 stations every
7 month for multiple years. There is just a number of
8 different ways to answer the questions that one has
9 to answer to do this job.

10 And this, to me, doesn't reflect enough of the
11 flexibility piece to do that. It could be that once
12 the programs are developed by the coalitions, this
13 will fall into place. I don't know. But the way
14 I'm reading it here, I don't see enough flexibility
15 for the coalitions.

16 MS. LOPEZ READ: I'm going to have to jump
17 in. One comment, and it will be short. I think you
18 are not leading it correctly. What staff's
19 recommended language is blank. We don't have a
20 substitute or we don't have an insert. Staff
21 largely agrees with the need for flexibility, being
22 able to do an assessment or long-term monitoring
23 strategy. What we also need is more technical

24 guidance, how to know when that strategy is

25 acceptable. This is the one that Mike Johnson could

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1 probably seek to but he is not here today. He
2 agreed that he could provide that input, but he just
3 has not been able to yet.

4 That is why this one sits in a category that
5 it just needs technical help before we use the
6 recommendation as proposed by the TIC.

7 MR. HALL: I am just reading what I have
8 in front of me. I don't see anything about
9 flexibility. I understand what you are saying,
10 Margie. To me it doesn't read like that; that is
11 all.

12 MS. LOPEZ READ: I understand, and I will
13 fix that.

14 MR. CEPPOS: Again, I just want to give
15 them an opportunity to get things on the record and
16 then clearly address this in a more focus group
17 meeting. The last item up for any kind of open
18 comments is Recommendation 8. So let's take another
19 minute to scan through that one real quick and open
20 up the floor and then move on to the rest of the
21 agenda today.

22 So let's go ahead and open this up now. I
23 noticed you, Stephen, had actually done a response

24 already on this, correct?

25 MR. CLARK: Yeah.

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1 MR. CEPPOS: If would you like to provide
2 some color commentary for what your response was
3 again for the record. And I'll open it up to any
4 other comment that folks want to make and then we
5 are going to move on.

6 MR. CLARK: First let me say, it is my
7 belief that the Trigger Focus Group didn't come to
8 some resolution on this. If you go back to the
9 history of how this developed, Items 3 and 4, that
10 were in the directions for the coalitions, were
11 initially not in there. They were brought in based
12 on comments from Regional Board staff that we can't
13 overlook these cases where there is clearly
14 toxicity.

15 We developed language to address that and
16 included physical analysis to determine if the
17 sample is toxic. The line item strikeouts from
18 whoever reviewed this takes us very much back to
19 where we were four months ago, for the most part. I
20 don't have an awful lot of heartache over it, but I
21 did provide comments just in terms of science as a
22 whole. Science does allow you to operate outside of
23 the framework of a prescriptive manual and perform

24 statistical analysis on any data. But with that

25 said, Triggers Focus Group meeting, I think, will be

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1 held and will walk away from it with agreement
2 because this is very similar to where we were months
3 ago.

4 MR. CEPPOS: Any other comments?

5 Seeing none here, what I would like -- a
6 number of action items came out of that discussion
7 relative to the next level of work, next level
8 adjustment. So I am not going to go back over those
9 action items, keeping track of them. Here is what I
10 would like to propose, let's take a ten-minute
11 break, allow a post lunch coma, amelioration I will
12 call it. We are going to come back and kind of take
13 a look at the agenda, get through the things we need
14 to get through today.

15 Ten-minute break, and I mean ten minutes.

16 (Break taken.)

17 MR. CLARK: Can I chime in. It seems to
18 me Bill raised a good point, and you raised a good
19 point. A lot of working effort from Board staff, of
20 various representatives around this table have gone
21 into getting us to a point where we have more than
22 two feathers in our cap. Staff's been getting
23 issues tackled and addresses collectively, working

24 together.

25 Just from the outside looking in, some of the

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1 press has been less than positive about the
2 interactions between parties around this table. I
3 am not sure if that is purposeful or not. It would
4 seem prudent if there could be other press releases
5 from the Regional Board highlighting the successes
6 of the collaborative efforts of this committee to
7 tackle some very technical issue and plans for
8 developing a new MRP. I don't know if that is in
9 the cards or if that is lobbying or not.

10 DR. LONGLEY: It is something that is done
11 fairly routine. I think that, Bill, something that
12 maybe you need to talk to Pamela about that we need
13 to do. I will try to remember to do that. That is
14 a good thought.

15 MR. CLARK: The press makes the actual
16 intent full instead of -- there is a lot of positive
17 that is going on.

18 DR. LONGLEY: I hope you folks don't mind
19 being in pictures because I did take three pictures
20 to make sure there is a record of a Board meeting --
21 I mean a TIC meeting. So we start putting stuff on
22 the web and lo and behold there they sit.

23 MR. CEPPOS: All the work of an imposter.

24 I have to make that as an action item.

25 Stephen, it's a great suggestion and we will look to

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1 staff to report back and act on that.

2 Let's see. So we've got about an hour and 45
3 minutes left. Here's what I would like those of you
4 to do.

5 MR. CLARK: Forty-five minutes.

6 MR. CEPPOS: Forty-five minutes.

7 MR. CROYLE: Dang, I thought we were going
8 to get an hour and half. Saw it coming, Dave.

9 MR. CEPPOS: Don't try that. Don't have
10 enough sleep to facilitate a meeting. Nobody is
11 going to get hurt.

12 So here is what I would like to propose with
13 the 45 minutes that we have left. Let's just sort
14 of get some housekeeping stuff done, i.e., the
15 schedule. We don't necessarily have to go into an
16 in-depth discussion of all the agenda items. We can
17 address that through E-mail. I am going to look at
18 Margie. What I am looking at right now is the
19 document entitled Possible Topics and Schedule,
20 Technical Issues Committee 2007, and there is a
21 table that identifies some meeting dates. So you
22 can go ahead and see that. The one thing I will
23 throw into the mix for further consideration and

24 discussion, the February meeting would be a couple
25 following along with items No. 1 and 5. We talked

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1 much earlier today about the possibility of bringing
2 forth some preliminary information that would be
3 expected to be presented and agendized for the March
4 Board meeting, the workshop. So that is another
5 addenda item that we would ideally have built into
6 that agenda. Then we would look to also having
7 follow-up on the subsequent focus group meetings
8 that we had talked about over the last hour or so.

9 Those are two other items that I think that we
10 would reasonably be looking to build into the agenda
11 which would probably give us a pretty full day.

12 Margie, I'm going to look to you if there is
13 any further discussion you want. I just wanted to
14 memorialize that.

15 MS. LOPEZ READ: The only thing, I guess
16 it would help me, if we don't decide all the topics,
17 if we can at least decide on tentatively what kind
18 of schedule, what I put down on here is every other
19 month, because I think most folks are looking at
20 some sort of lead from the monthly cycle we have
21 been in for a while. So I guess I want get to get
22 people's feedback on that and then move on from
23 there.

24 MR. CEPPOS: Is there any current opinions
25 of folks that this proposed schedule that Margie

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1 brought forward, every other month, is effective,
2 not effective. Obviously just to kind of give you a
3 full spectrum of related activities, it's probably
4 good for you to compare and contrast that there is
5 also the set of four stakeholder meetings that are
6 proposed and that is probably going to impact some
7 of your schedules. And then there is the broader
8 overall MRP schedule, including board meetings that
9 you may or may not be more inclined to attend in
10 subsequent months.

11 So it seems that, taken in concert, all of
12 those is still a pretty robust amount of meetings
13 for folks to be participating in relative to this
14 issue.

15 MR. CLARK: I think potentially with the
16 outstanding problems statement still needs further
17 resolution, there is going to be, at least for the
18 Triggers Focus Group, likely several conference
19 calls and also from the Lab Round Table some
20 interaction is going to need to occur. I am not
21 definitely not one for more meetings, but waiting
22 until February to address those items that would
23 then result in a MRP working draft with

- 24 approximately a month of there might facilitate the
- 25 need for a January meeting.

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1 MR. CEPPOS: That was sort of what I was
2 getting at, whether there is enough turnaround time
3 from February 20th to March 20th deadline. So
4 sounds like the proposal on the table as to whether
5 we need to have a January TIC meeting.

6 Bill.

7 MR. THOMAS: Finish that.

8 MR. CEPPOS: This was just a proposal from
9 Stephen. I am throwing it out.

10 MR. ODENWELLER: On the other hand, if you
11 lose a week or two around the holidays, is their
12 time between now and the January meeting to get
13 anything done?

14 MR. CEPPOS: You are saying regarding the
15 focus groups?

16 MR. ODENWELLER: Yes.

17 MR. CEPPOS: There that is a question from
18 Dan, is there opportunity between now and the
19 holidays to -- sort of in holidays, depending on who
20 you ask.

21 MR. HALL: I guess I agree with Margie's
22 schedule, every other month. If we have more focus
23 group meetings and we learn to utilize our time more

24 effectively, we can get things done quicker. And to
25 have a meeting in January, I don't know how much

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1 time we really have, how many working days between
2 now and the January meeting. So I would vote
3 Margie's working schedule.

4 MR. CEPPOS: Any other thoughts?

5 Bill Croyle.

6 MR. CROYLE: Dave, I think that to the
7 extent that the focus group discussions and Regional
8 Board staff engaging in again, some more questions
9 for the TIC in a little bit different conversation
10 that we've had in the past, that time frame may
11 work. To the extent that we can cut through the
12 chase and resolve the issues, we can, great. Those
13 that we can't come back to the TIC. We still boil
14 it down to that kind of remaining topic or topics,
15 and we have a month to figure that out.

16 DR. LONGLEY: When is the TIC scheduled
17 for in February?

18 MS. LOPEZ READ: The 13th.

19 MR. ODENWELLER: There are three
20 stakeholder workshops between January 9th and
21 February 6th, along with the week off between
22 Christmas and New Years, presumably.

23 MR. CEPPOS: Notwithstanding what Stephen

24 had thrown out and based --

25 Yes, Bill.

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1 MR. THOMAS: I wanted to -- I want to
2 understand what this chart was saying. February
3 13th you suggested topics No. 1 and No. 5, Margie,
4 to be discussed.

5 MS. LOPEZ READ: Yes, you know.

6 MR. THOMAS: I certainly agree,
7 particularly with No. 1. I want to make a case that
8 we got to the SWAMP issues early rather than later.
9 Certainly the SWAMP compatibility issue that we
10 talked about before, we know there is high anxiety
11 over and further discussion needed; that is going to
12 come up in our QAPP because it is referenced in
13 there. If we can get to the SWAMP earlier rather
14 than later, it would be well-advised. There is
15 quite a bit of discussion of SWAMP compatibility.

16 MR. CEPPOS: Any other comments?

17 Bill Croyle.

18 MR. CROYLE: Follow-up on Bill's question
19 or comment. Are you saying in the TIC discussion?
20 Because we also have that slated for a stakeholder
21 discussion in a couple of months.

22 MR. THOMAS: I will bet it gets some
23 attention in each forum.

24 MR. CEPPOS: Any other comment?

25 MR. THOMAS: The lab people want to talk

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1 about it.

2 MS. NURSE: Is that only going to be
3 spoken about in the stakeholder meeting or SWAMP and
4 --

5 MR. CEPPOS: It is expected to be
6 discussed at both, both the stakeholder meetings and
7 in future TIC meetings. And obviously, if there are
8 -- in advance of February or April, if there are
9 opportunities for the Lab Focus Group, as you are
10 convening, as further discussions, if they are other
11 focus times you want to put forward on SWAMP issues,
12 that would be a good time to do it. We would defer
13 to you all if there are issues you want discussed at
14 that smaller subset since you are convening anyway.

15 Again, notwithstanding what Stephen's initial
16 recommendation was, hearing the comments of other
17 folks, we are going ahead tentative with the
18 scheduling shown in Margie's handout in concert with
19 the other schedules, I will overlay it on each
20 other. We are going to probably look to do a pretty
21 substantive sort of process assessment in February
22 as a means of getting a sense of how things are
23 going to progress as moving towards an MRP working

24 draft in March.

25 I think that the February 13th meeting we are

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1 going to rely on a lot of E-mail traffic in advance
2 of that, and at that meeting see whether we are
3 really on track and prepared to be looking at the
4 next month at a working draft.

5 Now -- so then let's go ahead and move onto
6 the last agenda item for today with the remaining
7 time we have, which is approximately 40 minutes or
8 so, and that is the working draft of the QAPP. With
9 that, I'm going to again give it to Margie.

10 MS. LOPEZ READ: Emphasis on the working
11 draft. When we E-mailed this out to you, it was
12 really fresh hot off the press, and I'm really aware
13 and staff is aware that there are necessarily going
14 to be found errors and things that need to be fixed.
15 This is for internal review, for TIC review. It is
16 not tentative; it is not public posted, so to speak.

17 But let me just briefly -- what the changes
18 that were made were intended to address consistency
19 with SWAMP and with EPA elements that are required
20 for QAPPs. And we also added in language from five
21 of the Technical Issue Group recommendations. Some
22 of which will change based on today's discussion,
23 for example. Or for Recommendation No. 8, that

24 language is in flux. It's in here, but those are

25 changes that will be made on the TIC

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1 recommendations.

2 The other things that are missing from this
3 document which you will probably get before the end
4 of the week are the appendices, and I think those
5 appendices provide a lot. They are the form
6 templates, for example, chain of custody templates
7 and field sampling logs and example formats that you
8 could use to meet those requirements.

9 It also has, has as Dania mentioned, there is
10 a glossary in the appendices and a list of acronyms
11 and their meanings and some on-line resources. I
12 think the most important part, from my perspective,
13 in the appendices we have specifications for things
14 like data quality objectives, required spectro
15 coveries, for example, and other methods, specific
16 requirements for things like containers and hold
17 times and corrective actions to take for specific
18 analytical methods when things don't meet specs.

19 Those are all the things that we would have
20 had them for you today, but in the crunch we didn't
21 get the formatting right. We had minor errors that
22 were serious enough that we need to fix them. I
23 expect the whole group will get the appendices by

24 the end of the week.

25 MR. CEPPOS: I see some hands going up.

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1 Before we go to those folks, I just have one
2 question for Margie. Is there any particular
3 structure, the way that you want to go through the
4 discussion of this document or just go and open it
5 up and let people start weighing in on things?

6 MS. LOPEZ READ: From my perspective, I
7 think folks just recently got this. And how many of
8 you had a chance to read it thoroughly? Not very
9 many.

10 MR. CEPPOS: Spend the next 30 minutes
11 just reading. Quiet time.

12 MS. LOPEZ READ: I don't expect a lot of
13 comments, and the absence of comments also doesn't
14 mean to me that you won't find something that you
15 want to talk about. So I think instead what I would
16 like to say, "Here it is. It is our best first shot
17 in the short time frame that we had available to us.
18 Please read it, and help us find the things that are
19 out of whack and we will work on it."

20 You will be getting a revised working draft
21 certainly on that March date that we promised the
22 MRP, if not sooner.

23 MR. CEPPOS: Let's do this: We have a

24 couple of hands up. Let's go ahead and open it up.

25 And before we close out discussion, I would like for

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1 everybody to have -- springboarding off of what
2 Margie just said, I would like everybody to leave
3 with a shared understanding of what will happen next
4 with the expectation of you stakeholders and what
5 will happen next with staff and what will happen
6 next at the subsequent meeting. We are not going to
7 leave here until we have some shared feeling, but
8 right now open up the floor.

9 Claus had his hand up first and then Bill. So
10 we go to Claus and Bill and then open up for further
11 comments.

12 MR. SUVERKROPP: I have a couple
13 questions, not comments at this point. First one is
14 the appendices look like they will have a lot of
15 good information in them. I guess my question is
16 how -- are these intended to be really prescriptive
17 or examples of corrective actions and tables and
18 things that are typically going to be specific to
19 the individual methods?

20 MS. LOPEZ READ: They are pretty
21 prescriptive. They are pretty -- they are very much
22 geared to a particular method.

23 MS. SUVERKROPP: In cases where we have

- 24 different methods and sample requirements and
- 25 containers and things like that are going to differ

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1 than what --

2 MS. LOPEZ READ: Say that again.

3 MS. SUVERKROPP: That is my question. You
4 are not going to have in the appendices every
5 possible method captured for sample container and --

6 MS. LOPEZ READ: No, I think so.

7 MS. SUVERKROPP: You think so?

8 MS. LOPEZ READ: Yes.

9 MS. SUVERKROPP: All right. That would be
10 great. It would be a great resource.

11 MS. LOPEZ READ: That is what we want it
12 to be, a good resource.

13 MS. SUVERKROPP: Let that one go until we
14 see it.

15 The other question that is pretty important
16 here is, I think this is definitely a big revision
17 in format from the original IOP QAPP format.
18 Reshuffled around to what is probably the standard
19 EPA format?

20 MS. LOPEZ READ: Yes.

21 MS. SUVERKROPP: And SWAMP. The elements
22 really haven't changed in them. So my immediate
23 concern is whether there is going to be a

24 requirement to immediately reshuffle everyone's QAPP

25 in this format or just need to be linkage to the

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1 appropriate elements on here so that staff can find
2 the right places and make sure things are addressed
3 properly. One is a lot more work than the other
4 one. The reformatting is a concern. It doesn't
5 really advance the program any way and costs
6 everybody a lot of time and money.

7 MS. LOPEZ READ: I think I have two
8 answers for that had it depends on whether you have
9 a grant or not. If you have a grant, we don't have
10 any kind of flexibility about format; that has to be
11 in that format. So if part of meeting your
12 coalition work is using the grant, you are going to
13 have to reformat it.

14 As far as the IOP goes, if you have all the
15 right elements, I think we can work with you over
16 time to get it in the right order. But in the
17 meantime, if we can just have some cross-links so
18 that we know easily where to find things.

19 MS. SUVERKROPP: Essentially, it looks
20 like you have done that in one check list.

21 MS. LOPEZ READ: Sort of.

22 MS. SUVERKROPP: Involved cross-link.

23 MS. LOPEZ READ: As long as we can go from

24 yours to that relatively easy.

25 MS. SUVERKROPP: Considering we have --

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1 every coalition based has an approved QAPP which all
2 have that, have all those elements in them. So we
3 can be doing that again is not a pleasant idea.

4 MS. LOPEZ READ: It is not fun, huh?
5 Writing the guidelines isn't fun either. I can tell
6 you that.

7 MR. CEPPOS: Let's go to Bill and then to
8 Stephen.

9 MR. THOMAS: I mentioned earlier there is
10 a little bit of trepidation from coalitions as the
11 amount of yesterday's calls when they saw this as
12 big and having the type of obligation that Claus
13 just referenced was a job it would be. Somebody had
14 a best guess of what their consultant would cost
15 them just to review this and make the
16 recommendations. Something over \$10,000.

17 So, I mean, we can say, you know, kind of
18 casually, you might have to change your format.
19 Well, you just might have to change your format
20 means something out in the real world. It means
21 thousands and thousands of dollars just for review.

22 Secondly, to kind of reference the SWAMP thing
23 that we already kind of talked about, the two

24 things. Under your objective two, where it

25 references SWAMP, it says you have to be consistent

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1 with two different versions to the -- going by a
2 name, if there is any difference between those two
3 versions, you couldn't comply with this because you
4 could then be serving those two inconsistent
5 masters. That needs to be looked at.

6 And secondly, the second version is just in
7 draft. We certainly can't be held to a standard in
8 a document that an agency still has in draft. That
9 can't be what we are being guided by. On top of
10 that, there is all the anxiety of SWAMP
11 compatibility on top of this. Requires a little
12 review.

13 Just the last thing. Certainly the A7 and
14 A7.3, I think that language will have to be looked
15 at kind of in conjunction with the reporting
16 standards and flexibility on the Table 1. We
17 haven't had a chance to do that.

18 MR. CEPPOS: Stephen.

19 MR. CLARK: I already spoke to Margie
20 about this, but we felt compelled to bring it up for
21 a minute. In our previous action items listed in
22 the minutes from the last meeting and meeting before
23 and the meeting before that, et cetera, et cetera,

- 24 that the SWAMP program had indicated that they would
25 work with the Irrigated Lands Program staff to

1 develop crosswalks between the data statistical
2 package that is used by most toxicity laboratories
3 so that it can download directly into the SWAMP
4 deliverable format.

5 In addition, Sandy Nurse raised the same
6 desire that certain needs for the limb systems of
7 the laboratory, the laboratory information system to
8 have that same link to output into a smaller format.
9 They expressed the same thing over on the Central
10 Coast over two years ago. I have seen a big donut
11 of responsiveness and action in that area.

12 I would really, really, really like to see
13 Regional Board staff push hard on that. Right now
14 for several coalitions we are producing SWAMP
15 compatible data entries, EDDs, and we can easily cut
16 down on our billable time by 50 percent on these by
17 actually having that crosswalk. We're entering
18 everything twice. So a strong bush. I would really
19 appreciate it.

20 MR. CEPPOS: I have a question. I met
21 with Margie late last week, kind of in preparation
22 for today's meeting, and I must admit I haven't
23 since then gone back and found the actual citation.

24 I recall back from four or so months ago that there
25 had been a desire, been an attempt, in fact, to try

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1 to essentially have a joint meeting of the TAC with
2 SWAMP staff, where the attempt was to try to have
3 several SWAMP staff members be here and present and
4 have a focused discussions and talk about crosswalk
5 issues, just sort of kind of walk a mile in each
6 other's shoes, and there had been some conference
7 that was taking place that prohibited all the SWAMP
8 staff going to a conference meeting.

9 Am I hallucinating on that or am I recalling?

10 MR. CLARK: You are correct. There was a
11 representative, a SWAMP staff member. And I tried
12 to pin them down, and he pleaded the Fifth and
13 refused to respond.

14 MR. THOMAS: They sent some second tier
15 person who couldn't --

16 MR. CLARK: He wasn't equipped or was
17 informed not to discuss.

18 MR. CEPPOS: Relative to that, that I am
19 not listening, which is a good thing onto itself,
20 and that your raising the issue about or are raising
21 the idea of a crosswalk, would that still be a
22 beneficial item to have on the agenda, to have that
23 kind of focused dialogue, get the SWAMP folks in the

24 room, have that discussion? Or is it -- are we

25 beyond that?

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1 MR. CLARK: I don't think it is necessary
2 to have everybody around this table sit on that
3 discussion. I would honestly like to see SWAMP
4 staff contact Sandy, contact myself, contact other
5 laboratories that are doing this work actively to
6 work out, to collaborate with us. Here is some
7 data. Here it is in the CETIS format; see what you
8 can do to download it into the SWAMP format. I am
9 receptive to that.

10 MR. CEPPOS: Let's go to Sandy and
11 Dr. Longley.

12 MS. NURSE: Part of this is happening
13 right now. Our laboratory for the first time ever
14 SWAMP is uploading our toxicity data directly. It
15 is the first time ever for them. So we might be
16 making some advances in terms of being able to load
17 toxicity data directly.

18 At this point, though, even though these data
19 that I am loading directly were generated in the old
20 TOXCALC, not current CETIS, but TOXCALC, generated
21 off our limbs, I am having to go in and hand enter
22 or have someone hand enter 16,000 cells of data for
23 each acute toxic test. We are talking about

24 significant money.

25 I asked them about the crosswalk. The

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1 crosswalk is not even being considered. I would
2 like to see someone -- data management people as
3 well as the QA team don't know anything about a
4 crosswalk being developed. They don't know the name
5 Dave Peratus [phonetic]. They don't remember any
6 promise. These are the people I am talking to. And
7 yet I know that these were very real items for SWAMP
8 for many years. Obviously, I'm not talking to the
9 people. If this progressing about think crosswalk,
10 I am not talking to the right people. They are
11 talking about little transformers that do other
12 things, that are not calculated by CETIS or TOXCALC.

13 I agree with Stephen. I would like to see
14 someone get that crosswalk back on the fast track.

15 MR. CEPPOS: Let me ask you guys before I
16 go to Dr. Longley and then Bill and Melissa, before
17 we go there. I guess the question I have for you
18 all is you are clearly asking to get this dialogue
19 going, get the right people engaged in the dialogue,
20 get it initiated.

21 Are there some institutional/institutional
22 hierarchical barriers that need to be gotten rid of?
23 Are the right people getting the right message? Who

24 do you need talking to who so that SWAMP people are
25 calling you, so that SWAMP people are responding, so

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1 that people know what is going on with that? Where
2 does that impetus come?

3 MR. CLARK: At the top, the senior SWAMP
4 staff.

5 MR. CEPPOS: Who from the Board, if that
6 is where it is coming from? By Board I mean staff.
7 I am not saying it should be. I am for argument
8 sake, somebody from the Board, Regional Board,
9 should be talking to someone at senior SWAMP staff
10 and getting this on the radar screen and saying,
11 "Hey, this is serious." Who talks to who to open up
12 the channels?

13 MR. THOMAS: Or stakeholder.

14 MR. CLARK: We have tried. Melissa's
15 tried. And come from -- either if you call private
16 sector or whatever, the push isn't enough to get it
17 to happen.

18 MR. CEPPOS: That is my point. My guess
19 is you guys could ring all you want and nobody needs
20 to answer the phone or be responsible unless someone
21 is telling them to respond. I am going to go
22 Dr. Longley and then Bill and Melissa.

23 DR. LONGLEY: I actually have a question

24 for Bill. Is this Val O'Connor?

25 MR. THOMAS: Used to be.

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1 DR. LONGLEY: Who is it now?

2 MR. LANDAU: A vacancy.

3 MS. LOPEZ READ: I think that is part of
4 the problem.

5 DR. LONGLEY: Is that something that you
6 could follow up on, to make sure that that dialogue
7 begins to take place?

8 MR. CROYLE: I was going to ask Margie. I
9 thought we were, along with all the other people in
10 this room, that we are trying to make headway. I
11 think Margie and her staff, with our data management
12 people, were trying to push the envelope, get people
13 here and have that dialogue as well.

14 I guess I can have Ken Landau in the room and
15 yourself. I think the next step is I can take that
16 on and work with Ken and make sure we elevate it to
17 the State Board and respond back to you.

18 DR. LONGLEY: So, in other words, this is
19 an action item?

20 MS. LOPEZ READ: Yes.

21 DR. LONGLEY: Could you give us a report
22 in February?

23 MR. CROYLE: We can send an E-mail on kind

24 of the status long before February.

25 MR. CEPPOS: The question that -- I guess

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1 I am going to push this a little further and there
2 is sort of a method to my madness in raising this.
3 I guess I have an assumption that along the lines of
4 what you just said, Dr. Longley.

5 Bill, you are going to address this, you and
6 Ken as the next layer up in the chain of command.
7 Is there a necessity to get some kind of director
8 level or leadership from the Regional Board, whether
9 it is from Ken or from the EO, or perhaps from the
10 current chair over to the State Board to really just
11 again get the appropriate chains talking to each
12 other? How is that going to get addressed?

13 MR. LANDAU: I'll have to find out more
14 about the details of this. I have been recently
15 heavily involved in the ag monitoring data, San
16 Joaquin stuff. Crosswalking, up loading, not
17 crosswalking, et cetera, and become very familiar
18 with things that aren't working right.

19 Whether I have a solution to that or not, I
20 don't know. I can elevate it as far as I can, which
21 is probably the Executive Officer.

22 MR. CEPPOS: So at the very least what we
23 will look to is an action item. We are going to

24 look for some high level communication, leadership

25 level communication to the State Board and SWAMP

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1 staff to get the appropriate dialogue going.

2 MR. ODENWELLER: If I may, it's -- looking
3 at it from SWAMP staff perspective with some
4 vacancies in critical locations and the fact that
5 the program is not on schedule, distractions from
6 the side on additional work for them to do with the
7 staff that they don't have, that are behind schedule
8 is probably less than constructive particularly if
9 folks have already been contacting them
10 independently.

11 MR. CLARK: If I can chime in. We were
12 informed five, six months, maybe longer than that,
13 they actually had money set aside for training and
14 these types of things. And this seems to me would
15 kind of fit into that. Whether because of staff
16 vacancies, they don't have staff time to devote to
17 that, I don't know whose job level that would apply
18 to.

19 MR. ODENWELLER: I also came away from
20 Water Quality Board meeting, committee meeting, this
21 last time understanding that Dr. Fox is taking a
22 personal interest in getting that issue resolved,
23 data management. That is probably as high a level

24 that it can be pushed, but --

25 MR. CEPPOS: Let's go to Bill and then

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1 Melissa.

2 MR. THOMAS: I have nothing further to add
3 to this conversation. What we need to answer it is
4 been stalled for two years. You put the question do
5 we need to do something more. I guess my answer
6 would be we only need to do something more if you
7 are really serious about wanting SWAMP
8 compatibility. It isn't going to happen unless we
9 figure out how to do it.

10 MR. CEPPOS: Melissa.

11 MS. TURNER: From the user groups that we
12 had, the SWAMP compatible user groups meeting that
13 we've had that Stephen has been a part of, I don't
14 think you have. Melissa Morris has been a part of,
15 we have talked about getting a crosswalk from the
16 CETIS statistical analysis for toxicity and how the
17 SWAMP wants to run it macro to make it consistent.
18 So it is still under question one of whether or not
19 that SWAMP macro needs to be done to make the data
20 SWAMP comparable. So that hasn't been answered.

21 But to make that crosswalk from CETIS to that
22 macro or to even just a toxicity format that's SWAMP
23 comparable, to get uploaded into the database, I

24 think it is going to have to go to CETIS. And I

25 think that SWAMP isn't having an issue because they

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1 are already using the macro. They don't have a
2 problem. They have limited money of what they can
3 go for it, someone has to pay the guys at CETIS and
4 say, "Let's make this crosswalk."

5 And it seems like they have been willing to do
6 it; just no one said, "Here, let's move forward.
7 Let's do this." That is my interpretation, is that
8 no one has stepped forward and said, "We are going
9 to put this much money aside, we are gone to pay for
10 this." I think it has to be from CETIS.

11 MR. CEPPOS: Maybe the January meeting
12 would be a bake sale. You have some money.

13 MR. CLARK: I have to add that the whole
14 other issue that has finally come to light, we have
15 been doing the SWAMP compatible EDD for the East San
16 Joaquin and San Joaquin Delta for the better part of
17 close to a year. Over that time frame, maybe as a
18 side step to not develop this crosswalk they put a
19 macro in, having one type of statistical analysis
20 for a \$400 toxicity test, which is not compatible
21 with the EPA method, which, therefore,
22 hypothetically on all other SWAMP systems would not
23 be compatible with SWAMP.

24 We understand they are doing that because two
25 of the major groups involved with interacting with

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1 SWAMP, the universities, aren't using the software
2 that the labs are using. Most of contractor labs.
3 The result is that finally for the last couple of
4 Sac River watershed program events we have two to
5 three samples in CETIS, following EPA protocol are
6 not toxic. You follow this simplistic simple one
7 type of statistical analysis that does not fit the
8 data distribution, you end up with samples that are
9 toxic.

10 So now you've got these two different formats.
11 One is EPA compatible; one is not. They are going
12 to start going like this, and eventually it will
13 happen to the data around this table. I predicted
14 nine months ago, and it just happened the last
15 couple months ago, unrelated watershed program.

16 There is some problems with the way the SWAMP
17 is operating. I completely disagree with their
18 internal latitude that they are using and their own
19 approaches for which laboratories have to meet very
20 stringent requirements if you wish to deviate from
21 any other method that you wish to propose for SWAMP.
22 I am very puzzled by the mindset that is going on
23 over there right now with that.

24 MR. CEPPOS: Let's go to Sandy.

25 MS. NURSE: In addition, we are real time

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1 trying to really directly load to the SWAMP
2 database, we are getting those issues also. I can't
3 tell you as a certified lab if -- most of us are
4 more familiar with calibrated analytical data where
5 you have a calibration curve and you have known
6 standards and you check that you are going to get
7 the right answer for those standards, and you have
8 spikes and you have duplicates and you have blanks.
9 And then when you report those out to your client,
10 you have to report everything. You don't just pick
11 and choose.

12 Now when I am loading from our tox database to
13 the SWAMP program, they have only asked for picking
14 and choosing information. They don't even ask for
15 reference toxicant data. They can't handle the
16 reference toxicant data. That is critical to your
17 toxicity results. So I am picking and choosing. As
18 a certified laboratory, that has made me so nervous
19 that I am pressing SWAMP at the top most leadership
20 that I can get to, okay, standardize for me what you
21 want 'cause you're asking me actually to commit
22 fraud. I am picking and choosing from my toxicity
23 data. I am analyzing it in a way other than is

24 specified by the test method manual, other than what

25 my certification units want to see. I am handling

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1 data another way. I am calling toxicity something
2 different than what the manual would. I have done
3 nothing but flag all 60 lines under the guidance of
4 our attorney because I have, in my opinion as a
5 laboratory, if I didn't flag that I would have
6 committed fraud.

7 So we do have trouble with the SWAMP database
8 not being standardized, they don't have a blank
9 format they send you for toxicity, a set of
10 toxicity. You develop something and send it in and
11 they approve it or not. And so this is serious.
12 Maybe if they could just -- and I would willing to
13 pay my cooperative moneys if they could just talk to
14 my guys at CETIS, build a direct crosswalk. I can't
15 tell you that that would make me breathe so much
16 easier; that would be fine. But when you are
17 developing what they need alone and as Val described
18 it in June when she was here, she said we are
19 building this car as we're driving it. You remember
20 that statement. Yes, they are.

21 And some five years from now when somebody
22 comes in and looks at Sandy's data that she
23 generated in 2003 and entered into the SWAMP

24 database, and I don't have my spikes in there or my
25 duplicates or my QCs, they are going to say, "These

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1 data are no good. Look, the QC wasn't done." They
2 are no good because the SWAMP database didn't want
3 that set of data.

4 So we have more concerns with SWAMP than just
5 the macro. SWAMP database is a big concern to me in
6 terms of laboratory liability.

7 MR. CLARK: Ethics, too.

8 MR. CEPPOS: Let me ask a question to
9 staff, and I'm going to reflect my ignorance here,
10 literally. Does -- there is a number of issues that
11 are being raised here, and I see Margie taking
12 notes. We have Esther obviously doing the
13 transcript.

14 The question I have of staff is -- this non
15 diplomatic. Does the Regional Board have a dog in
16 this fight? Or is this an issue where you are here,
17 the Board, helping to foster and facilitate that
18 dialogue among the members and stakeholders? The
19 stakeholders are raising an issue of concern, and
20 the Board is sort of willing to go out and act as an
21 advocate to raise the dialogue and raise the issue
22 on behalf of stakeholders and hope to get some
23 grounds and some traction where stakeholders have

24 not been able to on their own.

25 Or going back to the question: Does the Board

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1 itself have a dog in the fight? Kind of going back
2 to the issue that Dan raised. It is a valid point.
3 If you have SWAMP on their -- from their view of the
4 world, they have vacancies, they have staff
5 challenges and things like that. I think we have to
6 be realistic about whether the Board is prepared to
7 go send us up the flagpole, recognizing inherent
8 protocols that sometimes have to exist between
9 agencies.

10 So are you doing this on the Board's behalf,
11 are you willing to and develop some communication to
12 help out your stakeholders?

13 MR. CROYLE: We have a dog in the fight.
14 We have been trying to use our dog. But I think
15 some of the nuances of this are certainly not on my
16 screen. I appreciate the dialogue. I know I have
17 Melissa, both Melissas actually, and Margie kind of
18 like chatting and frustrated, what are we doing to
19 comply with we told the Board and what our Board,
20 the Regional Board, has directed had staff through
21 this program to implement, which is a SWAMP
22 compatible data system. That is where we are all
23 heading, in that direction, not just our program.

24 I was going to make a comment earlier. This
25 program is the first one out of the gate. Kind of

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1 get issues that are issues, but this program is kind
2 of a lightening rod to kind of brings it to light or
3 brings it to resolution or not. But it certainly
4 brings it out on the table.

5 So to the extent that this conversation I
6 think is one that kind of is elevated, in my view,
7 to a little higher level. And my first thought, and
8 we don't have to talk about it now, but I know
9 Melissa and Mike Johnson at U.C. Davis are working
10 with us and State Board to kind upload this data.
11 But maybe we need to take a different tact, which is
12 resources, which is money. Because as one of the
13 questions I want to ask is, and I appreciate the
14 kind of quantification. I could say 50 percent of
15 my labor resources, if I didn't have to do that.
16 That is a lot of time and money that we could be
17 spending in the labs and could be doing other
18 things. Certainly reducing the costs of the
19 coalition groups, which in my view is potentially
20 more monitoring sites, more constituents, getting
21 some answers quicker. I think it is in all our best
22 interests, too.

23 DR. LONGLEY: Not having the frustration

24 of just continually hitting the wall. The other

25 thing, if the data cannot go in expeditiously in a

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1 manner that makes sense, then it is difficult for us
2 to use the data. I think we got a couple of dogs in
3 the fight. The problem is State Board has cats in
4 the fight.

5 MR. CLARK: If I could chime in. This
6 program actually isn't the first that has addressed
7 this. Central Coast Regional Water Quality Board
8 has a CCAMP Program. It is the Central Coast
9 Ambient Monitoring Program. Since the State Board
10 staff that we have interacted with can't define
11 SWAMP compatibility themselves, the QA officer over
12 there has defined what SWAMP compatibility is.

13 So, for example, on this -- her name is Karen
14 Worster and you guys should feel free to contact
15 her. She has been -- Claus and I worked on that ag
16 program over there. Our database for the cultural
17 monitoring is uploaded onto the CCAMP website. If
18 and how that goes from there to SWAMP, I am not
19 sure. But I know for a fact that we are not running
20 that macro that is putting us in this ethical
21 boundary of not following the method or our works
22 are different from what the database shows, and you
23 may or may not have differences in toxic or not.

- 24 And we are entering that data exactly as it is on
25 our data sheets and exactly as in CETIS.

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1 So it populates that website that is there.
2 In their perspective that is SWAMP compatible
3 because we are following the method. If they are in
4 boxing match behind closed doors with SWAMP staff
5 about how that is then populated in the SWAMP
6 format, I don't know.

7 MS. NURSE: They are.

8 MR. CLARK: Good. Someone is fighting a
9 good fight.

10 MR. CROYLE: Actually, you bring up a
11 sensitive issue. Region 3 and Region 5 are fighting
12 about a couple different data management issues. We
13 have a lot of passion for water quality data and
14 getting it out public and making sure we have third
15 party review. We also have other issues we are
16 trying to track with Region 3 out on there on the
17 edge. Even just keeping track of the growers, in
18 our case it is coalition groups, where they can't
19 get State Board to help them out with providing a
20 new data crossover.

21 MR. CLARK: So is there an Irrigated Lands
22 Program database that can be housed much like CCAMP
23 is in the Central Coast within this Regional Board's

24 electronic files, website, et cetera? Then this

25 whole SWAMP evolves and continues to morph and

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1 develop can be battled in other arenas and we can --
2 the crosswalk will still very much help. But then
3 you're dealing with laboratories feeling very
4 comfortable that we are not ethically violating our
5 certification, our reports are consistent with the
6 data entry. We are feeling traceable, et cetera,
7 and nobody can come back five years later and say,
8 "You didn't report what is on your data sheets."
9 Call our ethics into question. Then this whole
10 other issue of the differences between will be
11 hashed out. Can you develop your own database?

12 MR. CEPPOS: Let's go to Margie. Then
13 Melissa, and then I want to do a time check.

14 MS. LOPEZ READ: Probably Melissa is a
15 good help for me on answering that question. You
16 know, I have to confess that I thought the only
17 problem, the only problem we had with using the
18 SWAMP database was with toxicity testing. And I
19 thought all the other tests, it is all geared up, we
20 know how to use it. It is good. It is quality.
21 You can -- it is a lot of work. And that was
22 something that labs didn't like, but I didn't
23 realize that there was an ethics issue.

24 I just want to -- am I hearing that right?

25 MR. CLARK: We are not following the EPA

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1 protocol for our population of that database.

2 MS. LOPEZ READ: Chemistry data?

3 MR. CLARK: For toxicity.

4 MS. LOPEZ READ: Above and beyond

5 toxicity?

6 MR. CLARK: That would be for Sandy to

7 address.

8 MS. NURSE: This was the first time we

9 noticed.

10 Melissa, have you loaded any data to a SWAMP

11 database turner?

12 MS. TURNER: We actually have issues of

13 not having enough QC from a lack. So it is actually

14 the opposite of what you said. And I have never

15 heard of them not wanting QC. We have matrix

16 blanks, duplicates. We have lab control. We have

17 CRNs. Everything gets put into there. Even with

18 toxicity, there is ways to put in reference

19 toxicants into it.

20 MS. NURSE: We can't load it.

21 MS. TURNER: I can load it. I don't why;

22 I don't know why there is an issue because there is

23 a way to do it in the toxicity database, to put it

24 in.

25 MS. NURSE: We put it in. They turn it

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1 back to -- they want the tox summary tab. They want
2 year date.

3 MS. LOPEZ READ: There may be a training
4 issue.

5 MS. NURSE: This another point that it is
6 very odd who is E-mailing, what they want. That is
7 what made us nervous. So I think we have -- we do
8 have some issues. It is not standardized up there
9 yet, and it is very fluid.

10 And so I think before who we were dealing with
11 on the EDD I was hopeful that with our Melissa here
12 at the IOP would define what SWAMP compatibility is,
13 getting the data that you need for this program. By
14 the way, the SWAMP database is not public.

15 MS. TURNER: It is on VTAK.

16 MR. CEPPOS: We are at our time today. I
17 want to make a proposal to close out all this
18 discussion, but also leave a crosswalk to the next
19 necessary level of discussion.

20 Would it be helpful, and I'm saying this
21 really as much for Board staff for whom an action
22 item came out of the discussion to potentially
23 elevate or high level communication to State Board.

- 24 Would it be helpful as part of what we have already
- 25 predetermined is going to be a necessary additional

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1 Lab Focus Group meeting, at least one if not a
2 couple, to as part of one of those next Lab Focus
3 Group discussions revisit this topic for the
4 following specific purpose:

5 Just basically take off and kind of get this
6 bullet point someplace, all have these problems that
7 are being discussed about in kind of a more
8 narrative kind of dialogue form here, just get --
9 have a focus discussion. Let's just start ticking
10 off all the things that are identified as being
11 problems. Have Board staff at the very least
12 involved in that, if not just listening, because
13 that problem definition I am going to presume will
14 be helpful in whatever subsequent communication the
15 Board is going to make to State Board.

16 May say, "We have identified through our
17 direct work with our stakeholders the following
18 significant issues that need to be addressed and
19 resolved." So if we can have that focus list layout
20 all the problems, get it laid out, would that be a
21 helpful discussion?

22 MR. CLARK: I think Regional Board staff
23 will be trying to capture all this stuff blindly or

- 24 limited throwing it here without something on paper
- 25 from those that have concerns.

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1 MR. CEPPOS: That is my point. What I
2 would like to propose is that for one of those
3 future Lab Round Table discussion let's try to have
4 that as a focused discussion, have the participants
5 -- so if, for instance, and I don't know, Melissa,
6 if you participate in those discussions. Let's get
7 that communicated to the full TIC so that other
8 people who live in the SWAMP world also should be a
9 part of that. So we can kind of do the data dump
10 from as many affected parties as possible. Let's do
11 that on that call, let's do that grand list of
12 problems. I think it will be really helpful to get
13 a one-stop shopping and then help the Board develop
14 what communication they want to do with State Board.
15 Okay.

16 Are there any other items that folks need to
17 address?

18 We have identified what the next meeting date
19 is, February 13th. There is a number of follow-up
20 action items for subsequent focus group meetings
21 that have to take place. We have a whole host of
22 proposed agenda items for the February 13th meeting.
23 There are obviously a number of these stakeholder

24 meetings. The 9th, 23rd, 26th and 20th that will be
25 taking place, as well as the MRP schedule. There is

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1 no want for additional actions that are going to be
2 going on in the next month and a half.

3 Anything else we have to discuss today?

4 Bill.

5 MR. CROYLE: Just was going to seek an
6 expectation from the TIC members on timing of that
7 next meeting. How long and how much of a day? We
8 went nine to 2:15 today. Is that the same kind of
9 schedule?

10 MR. CEPPOS: If not, perhaps a little
11 longer.

12 MR. CROYLE: That is why I am asking.

13 MR. CEPPOS: I would submit to all of you
14 that you should be planning on a nine to three type
15 of meeting that day, just doing a quick glance at
16 the items that are proposed to be on the agenda.
17 There is a number of focus group discussion, a
18 number of new items as per the new schedule, the
19 workshop discussions, perhaps the SWAMP. There is a
20 lot of stuff.

21 Thank you very much. Have a very happy and
22 healthy holidays, and be well. Relax.

23 (Hearing concluded at 2:00 p.m.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
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I, ESTHER F. SCHWARTZ, certify that I was the official Court Reporter for the proceedings named herein, and that as such reporter, I reported in verbatim shorthand writing those proceedings;

That I thereafter caused my shorthand writing to be reduced to printed format, and the pages numbered 3 through 193 herein constitute a complete, true and correct record of the proceedings.

IN WITNESS WHEREOF, I have subscribed this certificate at Sacramento, California, on this 30th day of December, 2006.

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