



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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File No. 31-370.40.4A



Ms. Tam Doduc, Chair
and Members of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Doduc and Members of the Board:

**Comments on a Basin Plan Amendment that Revises the
Implementation Plan for the Upper Santa Clara River Chloride TMDL**

In January 2004 the State Water Resources Control Board (State Board) wisely directed the Los Angeles Water Quality Control Board (Regional Board) and the Santa Clarita Valley Sanitation District (District) to develop a TMDL Implementation Plan for Chloride in the Santa Clarita Valley using an Alternative Dispute Resolution (ADR) process funded by U.S. EPA. A revised TMDL, reflecting the Settlement Agreement and the Collaborative Process Plan, was adopted by the Regional Board in May 2004 and approved by the State Board in July of that same year.

Since then, the District has committed thousands of hours and millions of dollars to implement the settlement agreement and collaborative process plan in good faith. However, the Regional Board recently acted unilaterally, and without cause, to change key deadlines so as to effectively nullify the agreement and the State Board's previous order. Therefore, we respectfully request that you disapprove Regional Board Resolution No. R4-2006-016 and reaffirm State Board Resolution No. 2004-0046.

Failing to do so would be a vote of no-confidence to Governor Schwarzenegger's innovative environmental protection policies. On September 22, 2006, the Governor signed Senate Bill (SB) 475, a bill designed to reduce the number of automatic water softeners, a major source of excess salt loading, in the Santa Clarita Valley. The District immediately developed a rebate program to buy back water softeners from local residents. This new rebate program will be launched in early May 2007. Ultimately, this approach, after specific conditions are met, allows the District to prohibit the use of such water softeners beginning in 2009. However, by unilaterally constricting the TMDL implementation schedule, the Regional Board has left insufficient time for the program to take effect. As a result, rebate funds will have to be redirected at more costly and inefficient waste treatment strategies in order to ensure timely compliance. The Governor's approach can solve the salinity problem, voluntarily, and at far less cost to the public if the Regional Board will simply honor the implementation schedule they approved in 2004.

Shortening the TMDL implementation schedule will delay rather than accelerate essential remediation efforts. It took several months to negotiate the TMDL settlement agreement. Nevertheless, the effort undoubtedly helped avoid many years of litigation; years in which our time and resources would be spent arguing about the problem rather than solving it. That is why the State Board encouraged the parties to use an Alternative Dispute Resolution (ADR) process and why Governor Schwarzenegger endorsed a bill to encourage voluntary compliance through economic incentives. If the Regional Board is allowed to unilaterally renege on their previous commitments, then the whole matter will likely grind to a halt while courts are asked to review the entire TMDL adoption process.

When the Regional Board arbitrarily compressed the TMDL implementation schedule, they presented no evidence that the Settlement Agreement was failing or likely to fail. Water quality in the area has actually *improved* since the time the schedule was adopted in 2004. And the District has been actively implementing pollution reduction and source control measures to further reduce salinity while supporting new studies to ensure that downstream users are not adversely affected. In sum, nothing had changed to justify accelerating the implementation schedule. Therefore, we can only conclude that the Regional Board had no intention to implement the Settlement Agreement in good faith.

Throughout the ADR process, and even afterward, Regional Board staff made it clear that they disagreed with the State Board's direction to work in a collaborative manner with stakeholders. U.S. EPA approved the TMDL implementation schedule on May 4, 2005. One day later, in a hearing to revise the NPDES permits for the District's Saugus and Valencia Water Reclamation Plants, to conform to the newly adopted TMDL, the Regional Board began discussing a shorter implementation schedule. Approximately one year later, they had acted to implement their original agenda.

In November of 2004, the California Environmental Protection Agency signed a Memorandum of Understanding with the California Resources Agency to provide a "Framework for Protecting California's Watersheds." In it, Cal-EPA agreed to "encourage public-private partnerships." Cal-EPA also committed to "support community-based collaborative strategies" and "to promote collective investment among state, federal and local resources" to improve watershed health. The State Board's ADR process and the Governor's SB 475 bill are sterling examples of how complex water quality problems can be resolved by working together. The Regional Board's proposed Basin Plan amendment will poison these and similar efforts for many years to come.

Just last week, Governor Schwarzenegger came to Los Angeles and spoke on the importance of keeping our water supplies "safe and reliable." He promised to take the steps necessary to avoid the sort of water rationing that occurred in the '80's and '90's. No doubt that is why he signed SB 475 last fall; to encourage greater water conservation and reclamation.

The District is not asking for any special consideration. We simply want the opportunity to fully implement the TMDL Implementation Plan schedule which reflects the Settlement Agreement and was previously approved by the Regional Board, the State Board and USEPA. If the Regional Board is allowed to break their promises with impunity, then the certainty required to facilitate long-term water supply planning and achieve water quality improvements by implementing TMDLs will be severely compromised.

Please do not allow the Los Angeles Regional Water Quality Control Board to ignore the will of the State Board or frustrate the Governor's proactive efforts to promote more reasonable and practical regulatory solutions in California. We urge you to disapprove the proposed basin plan amendment and tell the Regional Board to keep their promises.

The District has included detailed comments in Attachments 1 and 2. If you have any questions, require additional information or would like to discuss our comments in more detail please contact me at (562) 908-4288, extension 2502.

Very truly yours,

Stephen R. Maguin



Victoria O. Conway

Assistant Department Head

Technical Services Department

VOC:drs
Attachments

cc: R. Rasmussen, SWRCB

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ATTACHMENT 1

Attachment 1: Legal and Policy Issues

The Regional Board Violated CEQA In Adopting the Basin Plan Amendment Modifying the TMDL Implementation Plan Schedule On August 3, 2006

During the public comment period, the District raised a number of detailed CEQA concerns regarding the Regional Board's original proposed revision to the TMDL implementation plan, which deleted three years from the design and construction schedule for advanced treatment from the second phase of the TMDL implementation plan. To try to avoid those CEQA infirmities, at the August 3, 2006 TMDL amendment hearing, the Regional Board announced changes to collapse the schedule during phase one, during the special studies portion of the TMDL, instead of during phase two, the planning, design and construction phase.

At the hearing, counsel for the Regional Board stated that: "since the action of removing two years for studies that aren't needed does not have any potential to result in a change in the physical environment, there is no need to comply with CEQA. Accordingly, we have a Notice of Exemption, which we'll be filing with the Office of Planning and Research subsequent[ly] after this matter is adopted. So this matter is a CEQA exempt project." See Hearing Transcript at p.99, lines 13-19.

The Regional Board never included an analysis of the changes being made to explore whether there would be alternatives to the activity or mitigation measures to avoid or reduce any significant or potentially significant effects the project might have on the environment, or a statement that the agency's review of the project showed no significant or potentially significant effects on the environment "supported by a checklist or other documentation to show the possible effects that the agency examined in reaching this conclusion." 14 C.C.R. §15252(a)(2). See *City of Arcadia v. State Water Resources Control Board*, 135 Cal.App.4th 1392, 1420 (2006)(The Regional Board's environmental checklist for the Trash TMDL was held to be deficient and there was determined to be sufficient evidence of a fair argument that the project may have a significant effect on the environment, thus necessitating an EIR or its functional equivalent.) In this case, no adequate documentation or checklist accompanied the new amendments to the TMDL. This failure violated CEQA.

Moreover, compression of the schedule may well have impacts on the environment that would not exist under the negotiated schedule contained in the Settlement Agreement signed by the District and the Regional Board, and which were embodied in the TMDL that took effect on May 4, 2005.¹ That agreement contemplated studies to determine the appropriate objective needed to implement a protective agricultural use.² By cutting or collapsing some of these studies, the alternatives for compliance will likely be similarly collapsed potentially into a single solution – advanced treatment – which has

¹ At the August 2006 TMDL revision hearing, counsel for the Regional Board stated that "even if the amendment did constitute a violation of the settlement agreement, the settlement agreement merely provides that the districts have recourse to reactivate their petitions. What are those petitions? They're challenging permit limits that no longer exist. And if they believe that that would be fruitful and if they believe they're entitled to do that as a result of this action, they're certainly at liberty to reactivate their petitions and seek recourse from the State Board. Again, we wouldn't concede that there's been a violation. But if they believe it, they're free to do that. We don't believe that would be useful." See Hearing Transcript at pgs. 107-108. Counsel for the Regional Board was mistaken that the District's petition referenced in the Settlement Agreement between the District and the Regional Board merely related to permit limits, the petition also challenged the Regional Board's failure to grant the variance requested by the District and to modify the water quality objective of 100 mg/L that underlies and is the regulatory driver for the Chloride TMDL. These legal issues remain viable pursuant to the Settlement Agreement, as do the District's issues raised under the Administrative Procedures Act, which were not adequately addressed by the Regional Board or its counsel at the TMDL revision hearing. *Id.* at pgs.100-104.

² The Regional Board's slides at the TMDL amendment adoption hearing stated: "Final WQO not likely over 117 mg/L without extended studies." This suggests that a different number might be possible with extended studies. Thus, to collapse the schedule prematurely might close the door to more flexibility in the objective.

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potentially significant environmental impacts, and possibly more significant impacts than any other option. By failing to consider this, the Regional Board acted improperly and contrary to the 2003 remand order of the State Board, which as recognized by the Regional Board's counsel "determined that it was inappropriate to require planning and construction of a project that the studies might render unnecessary to complete." See Hearing Transcript at pgs. 102-103.³

As a matter of policy, in CEQA cases, a public agency must explain the reasons for its actions to afford the public and other agencies a meaningful opportunity to participate in the environmental review process, and to hold it accountable for its actions. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles*, *supra*, 126 Cal.App.4th 1180, 1198, 24 Cal.Rptr.3d 543.) The Regional Boards' CEQA documentation, which was changed on the fly at the adoption hearing, is inadequate. See Hearing Transcript at pgs. 113-115 (making changes to the Notice of Exemption without a change sheet or adequate notice to the public).⁴ An analysis of possible environmental impacts is necessary and the District raised a fair argument that this revised TMDL and its compressed schedule may have significant impacts on the environment. See Hearing Transcript at pgs. 239-240, 248-251 (testimony of V. Conway); pgs. 251-252 (testimony of J. Stahl).

The Compressed TMDL Schedule Adopted is Unreasonable and Unlawful.

The lengthy record regarding this TMDL establishes that the salinity issues in the Santa Clara River watershed are the result of many inter-related conditions, including imported water from the Delta, high levels of salinity in irrigation return flows discharged to waterways and tributaries in parts of the watershed, groundwater inflow, seasonal flow variations, and crops selected for production within the watershed, in addition to discharges from all of the water reclamation plants in the watershed. Although discharge of treated recycled water to the River under an NPDES permit can affect salinity levels,⁵ the applicable water quality control plan amendments and related environmental documents never discussed in enough detail the environmental, economic, or water quality impacts of using the current (or even a revised) chloride objective as end-of-pipe effluent limits, particularly on a more rapid schedule without the benefit of additional studies now being shelved due to the compressed schedule.⁶

³ Additionally, in explaining the rationale for the new staff proposal, Mr. Bishop stated during the hearing, "...so the problem that we're having is if we're going to accelerate the schedule and shorten the end time frame and keep the eight years that they say they need for design and construction ... something has to give. So what staff has proposed is they took that very seriously in the comments and made changes [in the schedule] to try to address that comment. What you're hearing now is that by making those changes to address the comment, it impacts something else. Of course, if we're going to accelerate the schedule, we're going to impact things. We have to decide where we're going to impact them."

⁴ The District also takes issue with the procedure and policy of making substantial changes to the proposed action at the hearing, which eliminates the ability to review and consider the impacts of the changes being made. Such changes raise the issue of whether procedural due process was provided.

⁵ The State legislature recognized that recycled water could be higher in salinity, but specifically exempted recycled water requirements from being denied solely on the grounds of salinity. See Water Code §13523.5; §13510 ("It is hereby declared that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground water supplies..."). This fact is not recognized in the Basin Plan, or under the Upper Santa Clara River Chloride TMDL or the amendments thereto.

⁶ The record is not clear that the Regional Board complied with all the requirements of the California Water Code when the 100 mg/L chloride objective for the reaches in question was originally adopted, or when this objective was modified in 1994 to drop the footnote changing the objective from a flow-weighted annual average to what is now being considered an instantaneous maximum objective. However, there is no indication that the Regional Board complied with Water Code §13241, or the California Environmental Quality Act (CEQA), in either adopting this revised water quality objective in 1978, or when the original objectives were adopted in 1975. Furthermore, the Regional Board in 1978, when the 100 mg/L objective was established, incorrectly stated that there are no point source dischargers in Reach 7 even though the Valencia WRP was discharging into Reach 7 at that time. See Regional Board Administrative Record – General Files 100.6032, Basin Plan – 4A

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Compliance with the chloride wasteload allocations (and final limits contained in the District's Saugus and Valencia Water Reclamation Plant NPDES permits based on those wasteload allocations) based on the current 100 mg/L chloride objective (as an instantaneous maximum) will require construction and operation of advanced treatment facilities at the Saugus and Valencia Water Reclamation Plants comprised of microfiltration and reverse osmosis treatment processes for a large portion of the District's recycled water flow at a very high cost (up to \$350 million with increases of \$5 million or more in annual operation and maintenance costs). The District requests that the State Board take official notice⁷ of the fact that operation of a large-scale reverse osmosis treatment plant would result in production of highly saline brine for which an acceptable method of disposal would have to be developed and approved. Although the Regional Board has proposed that the District use an abandoned pipeline for brine disposal, this pipeline will not be acceptable for the amount of brine needed to be disposed of to comply with the existing objective,⁸ and it is not a forgone conclusion that brine discharge to the ocean would be approved or would meet Ocean Plan objectives or Coastal Commission brine line requirements.⁹ In addition, the Regional Board used undocumented and unverified proposal information as the basis for their recommendation. Consequently, any decision that requires use of advanced treatment facilities to treat the District's recycled water on a large scale and on a compressed time schedule (prior to completion of all needed studies and source control methods) should involve a thorough consideration of the expected environmental effects of that more rapidly imposed requirement. The Regional Board's Staff Report was not detailed enough on these points and just assumed that more rapid implementation will result in more rapid attainment of the objective and that there are no environmental consequences of this schedule compression.

Although the conditions in waste discharge permits are established to implement relevant water quality control plans, the effluent limitations in permits may differ from the numerical water quality objectives established in a Basin Plan for various reasons.¹⁰ Where there is substantial assimilative capacity

(1978), Adoption Meeting (*Basin Plan Text Change Sheet pages 3-4*)(March 27, 1978). An instantaneous maximum objective was used to justify the need to perform a TMDL and to justify the inclusion of an instantaneous maximum interim surface water limits (*see* Regional Board Hearing Transcript at 39:10-12 (Dec. 7, 2000) even though there is no indication that the Regional Board ever complied with the California Water Code (e.g., §13241) or CEQA in adopting this *revised* water quality objective as an instantaneous maximum. In fact, no analysis or discussion of the effect of this amendment was ever included in the record for the 1994 Basin Plan Amendment.

⁷ Cal. Code Regs, tit. 23, §648.2; *see also* SWRCB Order No. WQ 2005-005.

⁸ See Comment A.8, of Attachment 1 of the District's June 19, 2006 comment letter to the Regional Board, entitled, "Comments on May 5, 2006 Staff Report for the Upper Santa Clara River Chloride TMDL Implementation Plan Re-Consideration." Regional Board staff are employing assumptions that were derived as a result of annual average conditions, and subsequent compliance would be only based on an annual average compliance period, which is currently not supported by the existing interpretation of the mineral water quality objective, the existing chloride WLAs, and corresponding permit effluent limits for chloride. This oversight and mixing of assumptions is a critical error in the Regional Board's calculations and severely underestimates the required treatment capacity and brine volumes generated in order to achieve full compliance, which is required of the District. If the Regional Board were to employ correct assumptions to determine the required treatment capacity to achieve 100% compliance with an instantaneous maximum limit (which is how the current water quality objective is interpreted), the required treatment and subsequent brine volumes generated would be greater than four times the amount the Regional Board estimated in the staff report.

⁹ Additionally, if the District were to use a pressurized line, such as the abandoned pipeline identified by the Regional Board, it is likely that a redundant line would be necessary, consistent with EPA requirements for the Sanitation Districts serving the Joint Outfall System in the Los Angeles Basin to provide dual/redundant force mains as a conservative measure to protect the environment in case of a pipeline rupture or leak. Clearly there would be little or no cost savings if a redundant line had to be constructed (and costs would likely be higher overall).

¹⁰ The "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California, 2000" (State Implementation Policy or SIP) provides a methodology for establishing numeric effluent limitation for priority pollutants as identified in the California Toxics Rule (CTR) (40 C.F.R. §131.38). However, chloride is not classified as a priority pollutant in the CTR. *See accord* State Board Order No. WQ 2005-005.

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available in the receiving water, effluent limitations established in individual permits may allow for concentrations of pollutants in recycled water discharges that exceed water quality objectives for the receiving water. For instances in which a receiving water has been classified as impaired pursuant to section 303(d) of the Clean Water Act, federal law provides for establishing a total maximum daily load (TMDL) for the pollutant involved and allocating allowable amounts of the regulated pollutant among all of the dischargers to the body of water involved.¹¹ The TMDL process may result in review of the applicability of the underlying objectives, or allowing permit effluent limitations for some dischargers to exceed a numerical water quality objective in the Basin Plan provided that the TMDL implementation program ultimately leads to achieving the water quality objectives for the receiving water. Unfortunately, the accelerated TMDL implementation schedule will not allow for adequate studies of the appropriate site-specific objective or adequate assimilation studies to allow for an equitable allocation of the TMDL loadings.

Construction and operation of advanced treatment facilities to treat a significant portion of the discharge from the District's water reclamation plants, prior to allowing adequate time for implementation of other pollution prevention measures to reduce chloride loadings to the River, is not a reasonable approach.

Furthermore, there is no empirical evidence of any use of surface waters by local farmers to irrigate salt sensitive crops along Reaches 5 or 6, and therefore salt-sensitive agriculture should not be considered an existing use¹² and, as such, the current agricultural (AGR) use should be deemed unattainable for the upper reaches of the Santa Clara watershed. 40 C.F.R. §131.10(c) and (g). Finally, the lack of empirical evidence of any use of surface waters by local farmers to irrigate salt sensitive crops downstream of Reach 5, or of any adverse impacts to crops, leads one to question the urgency of this matter, and whether the Regional Board's actions to compress the schedule can indeed be considered "reasonable." In fact, relevant evidence demonstrates shows that not only have water quality conditions *improved* over the past several years, but local downstream farmers growing salt-sensitive crops have been prospering and even have expanded their acreage devoted to these crops.

Moreover, the Clean Water Act does not require TMDLs or water quality objectives/criteria to protect *off-stream* uses, but instead focuses on in-stream uses and furthering the statutory goal of providing for the protection and propagation of fish, shellfish, and wildlife, and providing for recreation in and on the water (i.e., the fishable/swimmable uses). 33 U.S.C. §1251(a)(2); 40 C.F.R. §131.3(e)(defining "existing use" as those uses actually attained in the waterbody on or after November 28, 1975, whether or not they are included in the water quality standards.) Since salt-sensitive crops are grown off-stream with ground

¹¹ U.S.C. § 1313(d).

¹² Documents contained in the Board packet in anticipation of a November 16, 2000 Regional Board workshop on the chloride issue included "new" information brought to the Regional Board's attention. After at least a decade of studying this issue, the Staff Report included "new evidence demonstrating that avocados were never grown in the Santa Clarita reaches [of the Santa Clara River], and do not represent an 'existing' (as defined in the Basin Plan) beneficial use in that reach." See Regional Board Staff Report Addendum, *Basin Plan Amendment to Modify the Chloride Objective for Reaches at Santa Clarita and at Santa Paula in the Santa Clara River* at 6 (Nov. 6, 2000); see also Regional Board Hearing Transcript at 35:19-21 (Dec. 7, 2000) ("in the Santa Clarita reaches [7 and 8] there are and never have been avocado or strawberries grown.") All of this new information culminated in a legal opinion from the State Board's Office of Chief Counsel that stated:

The evidence in the record apparently indicates that water from the Santa Clarita reach of the Santa Clara River is not currently used to irrigate salt-sensitive crops, such as avocados or strawberries. Nor has it been used in the past for this purpose. Also, chloride levels in the Santa Clarita reach have apparently not changed for the past 25 years or so. They are approximately 143 mg/l. Based on this information, I conclude that the proposed chloride objective of 143 mg/l is protective of the existing agricultural beneficial use. Therefore, it is unnecessary to adopt a subcategory of the agricultural use, such as "restricted agricultural use."

See Memo from Sheila Vassey, Senior Staff Counsel, State Board Office of Chief Counsel, to Jon Bishop, Regional Board re: Agricultural Beneficial Use in Santa Clara River (Oct. 12, 2000).

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water or diverted surface water,¹³ these are not “existing uses” as defined by federal law.¹⁴ While under federal law, the use and value of agricultural uses may be considered when setting water quality standards (33 U.S.C. §1313(c)(2)(A); 40 C.F.R. §131.10(a)), California law still requires that water quality objectives be reasonable and consider all the costs and benefits. Water Code §13000, 13241. Because the District believes the current water quality objective is unreasonable, regulations to implement that objective are inconsistent with law, especially when being proposed to include a more rapid timeframe than one already approved, which contained adequate time and opportunity to review and revise the existing objective based on all necessary studies. By compressing the timeline unnecessarily, the Regional Board is precluding analysis and study, without which options for other solutions besides advanced treatment may be foreclosed.

The State Board has previously held that “operation of a large-scale reverse osmosis treatment plant would result in the production of highly saline brine. . . Any decision that would require use of reverse osmosis . . . should involve thorough consideration of the expected environmental benefits.” *In the Matter of the Petition of City of Manteca*, State Board Order No. WQ 2005-0005 at 12 (March 16, 2005)(although this Order may not be precedential, it is certainly persuasive on the points raised). It is not clear that this analysis has been done, particularly on a shortened time schedule.

Instead of driving full speed toward the implementation of advanced treatment, namely microfiltration and reverse osmosis technology, the State Board should be considering “an interim approach[] to continue controlling and regulating salts in a reasonable manner,” as recommended by Central Valley Regional Board Chairman Dr. Longley, who also chairs the State’s committee related to salinity policy. In addition, the State Board might want to encourage alternative regulatory approaches for salinity. For example, the State Board could encourage the use of narrative effluent limits or Best Management Practices (BMPs) and source control measures because compliance with a numeric final limit for chloride is infeasible.¹⁵ 40 C.F.R. §122.44(k)(3). The San Francisco Regional Board recently recognized this ability in its letter to the State Board on the proposed EBMUD Order. *See* Letter from Bruce Wolfe http://www.swrcb.ca.gov/wqpetitions/docs/emud/comments/bruce_wolfe.pdf (Feb. 20, 2007)(“Relying upon 40 CFR 122.44(k)(3), where numeric effluents are not feasible, a permit may establish BMPs.”).

A California Court of Appeal has also approved this practice. In the *CBE* case, the Court held that section 122.44(d) does not require a numeric effluent limitation even upon a demonstration of reasonable potential. *Communities for a Better Environment v. SWRCB*, 109 Cal.App.4th 1089, 1105 (2003)(“It thus appears that in the application of the modifier ‘numeric,’ the trial court confused effluent limitations (i.e., WQBELs) with water quality criteria. We see nothing in the regulation that mandates numeric WQBELs in all circumstances. The definition of ‘effluent limitation’ in the CWA refers to ‘any restriction,’ does not specify that a limitation must be numeric, and provides that an effluent limitation may be a schedule of compliance. (33 U.S.C. §1362(11).) Moreover, section 122.44(k)(3) permits non-numeric WQBELs where numeric ones are not feasible.”); *see also In the Matter of the Petition of Citizens for a Better Environment, Save San Francisco Bay Association, and Santa Clara Audubon Society*, SWRCB Order No. WQ 91-03, 1991 WL 135460 at p.12 (May 16, 1991)(“numeric effluent limitations are not legally

¹³ Note there are no salt-sensitive crops being commercially cultivated with surface water in Reaches 5 and 6 of the Santa Clara River, and their first occurrence and cultivation occurs in the eastern end of Reach 4 of the Santa Clara River.

¹⁴ Given the historic levels of chloride in the watershed even before 1975, it is unclear whether salt-sensitive was ever an existing or attainable off-stream use. Further, the 100 mg/l objective cannot be justified as necessary to prevent degradation of the water quality as the long-term average chloride concentration at the Los Angeles/Ventura County line prior to 1970 was 156 mg/l. *See* Sanitation Districts, Santa Clara River Watershed Study at 34 (April 26, 1999).

¹⁵ The SIP defines “infeasible” as “not being capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” *See* SIP at pg. Appendix 1-3; State Board Order No. 2005-005 (City of Manteca order).

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required. Further, we have determined that the program of prohibitions, source control measures, and 'best management practices' set forth in the permit constitutes effluent limitations as required by law."¹⁶ The Regional and State Boards had concluded in the *CBE* case that a numeric WQBEL for dioxin was not feasible (i.e., "not appropriate") because the Refinery was not a substantial source of dioxin and was essentially a "conveyance . . . from other sources." *CBE*, 109 Cal. App. 4th 1089 at 1099. Similarly, the District's Saugus and Valencia Water Reclamation Plants are not a large source of chloride, but, rather, serve primarily as a conveyance of chloride from imported water, groundwater, and residential, commercial and industrial users.

The imposition of advanced treatment technologies like microfiltration and reverse osmosis far exceeds the mandatory treatment requirements of the Clean Water Act (CWA) (i.e., secondary treatment) and might be deemed to be unnecessary once source controls for chloride are fully in place. Reductions in chloride levels have already been demonstrated, but more will occur with the removal of existing automatic water softeners, which the District now has the authority to pursue under SB 475. However, a ban is not legally authorized until January 1, 2009 (at the earliest), and under the revised TMDL schedule, the District will already be required to have begun preparing CEQA and/or NEPA documentation for building advanced treatment at its two water reclamation plants. Such a potential waste of resources is not reasonable, and ignores the fact that control of some substances may require a "carefully conceived, agency-approved, long-term pollution control procedure for a complex environmental setting." *See CBE*, 109 Cal.App.4th at 1107.

¹⁶ "The State Board noted the USEPA's regulatory definition of 'effluent limitation' was broad, and noted that the *Costle* decision supported the conclusion that numeric limitations were not required—especially since the CWA 'gives USEPA considerable flexibility in framing the permit to achieve a desired reduction in pollutant discharges.'" *CBE* at 1106 citing 1991 WL 135460, p. 15, quoting *NRDC v. Costle*, 568 F.2d 1369, 1380 (D.C. Cir. 1977). The *Costle* case "suggests that Congress did not intend numeric effluent limitations to be the only limitation on pollution discharges under the CWA, but intended a flexible approach including alternative effluent control strategies." *Id.*

ATTACHMENT 2

Attachment 2: SCVSD Detailed Comments on Resolution No. R4-2006-016

Introduction and Background

The Santa Clarita Valley Sanitation District (District) owns and operates the Saugus and Valencia Water Reclamation Plants (WRP), which are located in the Santa Clarita Valley and collectively discharge approximately 22 million gallons per day of tertiary treated effluent (reclaimed water) to the Santa Clara River. The current treatment at these two WRPs does not remove chloride. The two largest sources of chloride in the District's wastewater are residential automatic water softeners and the potable water supply. The District does not have the legal authority to restrict chloride loads from the potable water supply, and for the past decade has had limited or no authority to regulate chloride loads from automatic water softeners. Consequently, the Upper Santa Clara River Chloride TMDL presents pollution prevention challenges that underscore the need for sufficient time to implement long-term source control measures and conduct the necessary scientific studies. For the reasons discussed below and in the Attachments, the District requests that the State Water Resources Control Board (State Board) remand the TMDL and direct the Los Angeles Regional Water Quality Control Board (Regional Board) to restore the original schedule and derive a regional solution to salinity issues in the Santa Clara River Watershed.

As described herein, the history associated with this TMDL is very complex and dates back to 1999 when the U.S. EPA first listed this constituent despite a State Board decision not to do so. Based on that listing, in 2002, the Regional Board adopted the first version of the Chloride TMDL. In 2003, the State Board remanded the TMDL back to the Regional Board to consider a number of important issues including: 1) sequential timing for TMDL tasks, 2) the potential for providing an alternative water supply as a long term solution, and 3) use of an integrated approach, including a single comprehensive TMDL for all 303(d) listed pollutants listed in the Santa Clara River basin. At the urging of the State Board, the District and the Regional Board staff, in an Alternative Dispute Resolution (ADR) process funded by US EPA, worked through a number of differences and reached mutual agreement on the 2004 version of the TMDL schedule. The TMDL schedule was carefully laid out by Regional Board and District staff in early 2004 to reflect the complexity of the studies and to set up a sequential and logical process for collecting and using the study results. The mutual agreement on this TMDL schedule was memorialized in a formal Settlement Agreement between the District and Regional Board, as well as in a Collaborative Process Plan, which were approved by the Regional Board.

During 2004 -- prior to the TMDL becoming effective on May 4, 2005 -- the District began in good faith to plan and implement source control efforts and the technical studies contained in the Implementation Plan attached to the Settlement Agreement to ensure compliance with the ambitious schedules in the TMDL. Since the TMDL took effect, the District has literally invested millions of dollars in source control activities and technical studies and pursued these activities on the timetable contained in the adopted TMDL. The District believes that after making this significant investment in resources to conduct the technical studies in a logical sequence through a stakeholder process, the actions by the Regional Board to revise and significantly shorten the schedule for the studies just one year into the TMDL's 13-year schedule pulls the proverbial rug right out from under the District's feet.

This Regional Board action represents poor policy given the time, effort, and commitment made by the District and other stakeholders to address chloride. It certainly makes the commitment to the adopted TMDL schedule by the Regional Board seem insincere and renders the Settlement Agreement and the Collaborative Process Plan irrelevant to the process. In addition, this type of action by the Regional Board sends a negative message to not only the District but also to other stakeholders in TMDL processes that think they have an agreement on how scientific studies are to be conducted -- and on what schedule -- when solving their water quality concerns.

Notwithstanding the significant effort invested by the District to plan, initiate and conduct the studies and convene a stakeholder process, the entire effort is now compromised since it is now being driven by an

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unrealistic schedule and puts the District on what appears to be a single track toward advanced reverse osmosis treatment, since the truncated schedule will not allow adequate exploration of other alternative compliance options that may be more environmentally friendly and less costly.

Nothing changed in the TMDL process to justify a shortening of the schedule (e.g., no study results have been available earlier than predicted). In fact, the water quality conditions with respect to chloride concentrations in the Santa Clara River continue to improve as a result of the District's source control efforts and improvements in imported State Water Project water delivered to the region. No justification based on water quality conditions exists to shorten the schedule. It appears that the Regional Board has concluded that there is not enough time to conduct extended agricultural studies and that the final water quality objective is not likely to be higher than 117 mg/L without the extended studies based solely on anecdotal concerns about the length of the TMDL process expressed by parties in Ventura County, most of whom are located outside of the study area. Several statements made by staff and/or Board members during the hearing on the TMDL amendments in August of 2006, and in the accompanying Staff Report demonstrate that the Regional Board has already predetermined the outcome before all the necessary scientific studies have been conducted.

Shortening the schedule also will negatively affect the District's current and planned source control efforts. This impact was neither addressed nor acknowledged by the Regional Board at the August 3, 2006 hearing. The shortened schedule will unquestionably undermine the District's effort to convince community members to voluntarily remove their existing automatic water softeners. Although the compressed schedule may not prevent the District from pursuing source control efforts, it effectively undermines those efforts and probably thwarts the success of those efforts because of the mixed messages being sent. Namely, it will be difficult to convince community members to remove their automatic water softeners as a more cost effective and necessary measure to improve water quality while at the same time the District is moving forward to plan for advanced treatment facilities (consisting of microfiltration, reverse osmosis and brine disposal facilities) to be paid for by the same ratepayers.

The wastewater industry and the State recognize that pollution prevention and source control represent more cost effective and environmentally friendly ways to reduce pollutants. *See* Cal. Water Code §13263.3(a) ("should be the first step in a hierarchy for reducing pollution and managing wastes, and to achieve environmental stewardship for society."). Addressing the Santa Clara River chloride concerns via source control makes the most sense for this difficult problem. However, all source control efforts involving the residential sector take time to implement. In fact, actions by the State of California created this problem with residential automatic water softeners when the legal authority to restrict the use of these devices was restricted in 1997. Because the wastewater industry saw the importance of this authority, SB 1006 was enacted in 1999 to restore the authority to ban prospective water softening units, beginning in January 1, 2003. The District immediately enacted a ban in its Santa Clarita Valley service area as soon as the law authorized halting the installations of these units. This action slowed the increase and has produced a decrease in chloride load from the residential sector since that time.

More recently, under the leadership of Senator George Runner, SB 475 was passed and signed into law by Governor Schwarzenegger. The District believes that passage of SB 475 is extremely critical to current chloride source control efforts by allowing the prohibition of existing units after certain conditions are met, including: 1) the implementation of a voluntary rebate program based on reasonable value of the units and their removal and disposal costs, and 2) the passage of a referendum vote in the community to require the removal of all units with 75% of the compensation under the voluntary program. Under SB 475, the earliest date a ban can be implemented is January 1, 2009. Under the revised TMDL schedule, by January 1, 2009, the District will well be in the Facilities Planning and EIR process, which will send mixed messages to the community about solutions to the chloride issue.

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For the above reasons, the Regional Board's action to shorten the TMDL schedule seriously jeopardizes the success of the District's source control efforts. Restoration of the original TMDL schedule is critical to the success of the District's source control efforts. The District believes that with a successful source control program (removing the existing residential automatic water softeners) we can achieve 117 mg/L (within the range of the protective threshold for salt sensitive crops) at the eastern portion of Reach 4, except during drought years when chloride levels in the Santa Clarita Valley potable water supply are elevated and can actually approach or even exceed 117 mg/L.

For reasons unclear to the District, the Regional Board also has not endorsed a regional solution for the salinity issues facing the Santa Clara River Watershed as requested by the State Board in its last remand order. There seems to be a huge disparity between how water quality concerns are approached in this particular TMDL, as opposed to many others where the Regional Board has insisted on addressing all related constituents in a single comprehensive TMDL. For example, there are 12 other 303(d) salt listings on the Ventura County portion of the Santa Clara River Watershed that have been virtually ignored by the Regional Board. This is puzzling to the District since the agricultural industry, specifically cultivation of salt sensitive crops, is robust in the watershed throughout Ventura County (unlike in Los Angeles County where agriculture activities are not prevalent). Without a regional solution for salinity, there is no doubt that advanced treatment will be required at the District's Saugus and Valencia WRPs. Imported water from the State Water Project water plays a significant role in chloride levels throughout both Los Angeles and Ventura County. Nearly 25% (100,000 AFY out of 400,000 AFY) of the Ventura County's water supply comes from State Water Project water. During drought conditions this imported water can contain chloride levels up to 150 mg/L, which certainly exceeds the irrigation threshold for salt sensitive crops. Ignoring this significant salt contribution and its impact during drought conditions is short sighted and will inevitably mean that even with the successful implementation of the Upper Santa Clara River Chloride TMDL, the salt issues in Ventura County will not be adequately addressed. In addition, State Water Project water is also conveyed to the lower portion of the watershed using the Santa Clara River and some of its tributaries (such as Castaic Creek in Los Angeles County and Piru Creek in Ventura County). These conditions should highlight the need for a regional approach to the salt concerns in the watershed.

The complexities of this TMDL are multifold, but there are several facts that cannot be ignored and should be considered by the State Board as compelling rationales for restoring the TMDL schedule adopted in 2004 and pursuing a regional approach to address the watershed's salinity concerns. These facts are summarized below.

- Water quality conditions with respect to chloride levels at the Los Angeles – Ventura County Line have greatly improved over that past few years due to a combination of improved quality of imported water and the District's successful source control efforts, reference Figure C-2.
- The District's two WRPs have been discharging to the river for more than 40 years and the downstream groundwater and surface water indicate sufficient assimilative capacity exists in the watershed. However, as growth continues in the Santa Clarita Valley, the District is concerned about future loads and are fully vested in addressing this issue as demonstrated by its commitment of millions of dollars to conduct the necessary scientific studies to better understand the extent of influence and potential impacts of its WRP discharges to the river.
- No other watershed within the Los Angeles Region is required to meet such a low chloride level as the Santa Clara River. In fact, in the neighboring Calleguas Creek watershed (also in Ventura County and within the jurisdiction of the Los Angeles Regional Board) where avocado crops are also commercially cultivated, the surface water objectives for chloride are 150 mg/L. The largest avocado producing area in California is San Diego County and the San Diego Regional Board established a chloride level of 142 mg/L in its Basin Plan as protective of all types of agricultural crops.

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- The District is committing to a more than \$2.4 million source control effort (consistent with SB 475) to voluntarily remove existing water softeners to accelerate the reduction in chloride levels in its two WRPs effluents which are discharged to the river. This program is expected to be launched in May 2007.
- Even though the Regional Board seems intent on inexplicably pushing the District to build advanced treatment facilities and a brine line to the ocean, the District is committed to achieving the removal of as many of the automatic water softeners as possible to achieve chloride reductions quickly, cost-effectively, and in an environmentally-friendly manner. Nonetheless, the District needs several years to fully implement an automatic water softener removal program and the ability to send a clear message to the community, which are undermined by the changes made to the TMDL schedule by the Regional Board.
- The addition of costly advanced treatment on the District's two WRPs to treat imported water supply chloride levels during drought conditions is not a solution that will solve the watershed's salinity problems since other activities such as agricultural operations and deliveries of imported State Water Project water to Ventura County remain unchecked.
- Regional solutions to salinity issues, such as the development and implementation of salinity management plans, have been successful in the Los Angeles Region and are being pursued in other regions (e.g., Central Valley).
- The Regional Board's action to shorten the schedule by two years does not ensure a faster resolution to the chloride concern, but instead ensures that advanced treatment is the only result. This level of treatment takes significant time to plan, design, permit and construct whereas a regional salinity solution involving water management strategies may be implemented more expeditiously and most cost-effectively.
- If the District is required to treat for chloride levels in imported water supplies, it will require a significant amount of treatment since the potable water supply during drought can exceed the irrigation chloride threshold for salt sensitive crops. This type of desalination project would be considered a major public works project and would likely involve more than \$350 million in capital improvements, including the advanced treatment, a 43-mile brine line, and a 3-mile ocean outfall. In addition, these facilities would increase existing operating and maintenance (O&M) costs by more than \$5 million each year.
- Advanced treatment process such as microfiltration and reverse osmosis are energy intensive processes that increase the greenhouse gases that contribute to global warming. Implementation of this technology conflicts with the State's current mandate to reduce in greenhouse gas emissions.
- The cultivation of salt sensitive crops and revenues continues to grow at record rates in the Ventura County portion of the watershed (i.e. the lower Santa Clara River watershed) despite allegations of poor quality water. Only one farmer who cultivates salt sensitive crops diverts surface water that is influenced by the discharge from the District's two WRPs. This farmer continues to plant salt sensitive crops and has increased the acreage of salt sensitive crops nearly 10 fold since the year 2000. This type of financial investment (it can more than \$20,000 per acre to establish avocado crops) is inconsistent with access to a poor quality irrigation water supply, as has been periodically claimed by this farmer. Furthermore, the District has contacted this farmer on numerous occasions over the past several years and requested information that would be used to provide the farmer with an alternative water supply, assuming the river water quality is inadequate for the farm's use. To date, the farmer has never replied. If poor water quality were truly a constraint to growing strawberries and avocados in this area, surely this farmer would have shown some interest in availing himself of an alternative water supply as provided for in the TMDL.
- The chloride load into the watershed from imported State Water Project water by far exceeds the load from the District's two WRPs.
- Addressing only chloride for the upper reaches of the river may actually exacerbate other salt conditions further down in the watershed because the District's discharges having a diluting effect on

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some constituents, such as Total Dissolved Solids, for which standards are not attained in some reaches (e.g., Reach 3 of the Santa Clara River). A regional solution addressing all salinity concerns and all forms of salinity would avoid this situation.

The District strongly believes, for the reasons explained above and discussed herein, that the revised TMDL schedule is unreasonable and adversely impacts the TMDL special studies efforts currently underway. Shortening the schedule also seriously jeopardizes the District's ability to conduct a successful source reduction program, and short circuits the sequential process contained in the TMDL Implementation Plan adopted in 2004. This collapsed schedule is inconsistent with addressing salinity issues in a more efficient and likely more cost effective fashion through a regional approach.

A. Shortening of the Study Schedule Undermines the Settlement Agreement and Ignores State Water Resources Control Board (State Board) Directives to Pursue the Collaborative Process, Regional Watershed Solutions, and the Long-term Feasibility of Alternative Water Supplies

A.1 Shortening the Study Schedule Undermines the Settlement Agreement and Ignores State Board Directives to Pursue Collaborative Process

The schedule in the approved TMDL was the result of an intensive nine month Alternative Dispute Resolution (ADR) process entered into between the District and Regional Board as a means to resolve disputes over the Chloride TMDL, and specifically the TMDL implementation schedule. By way of background, the TMDL was originally adopted by the Regional Board on October 7, 2002 (reference Regional Board Resolution No. R4-02-018) pursuant to a 1999 listing by U.S. EPA after the State Water Resources Control Board (State Board) had removed this listing from the Regional Board's proposed 1998 list.

On February 19, 2003, the State Board held a public hearing on the TMDL and, instead of approving it, remanded the TMDL back to the Regional Board with specific instructions (reference Attachment 2A-1 for State Board Resolution No. 2003-0014). In that remand the State Board directed the Regional Board to consider the following:

- a. Expansion of the current phased-TMDL approach so that County Sanitation Districts of Los Angeles County can complete their implementation tasks by Regional Board-specified dates *sequentially* and within 13 years of the effective date of the TMDL. If advanced treatment facilities and disposal facilities¹ are found to be necessary for compliance with the TMDL, the Regional Board may consider *extending* the implementation schedule as necessary to account for events beyond the control of the County Sanitation Districts of Los Angeles County.
- b. *Extension of the interim effluent limits* beyond the currently proposed 2½ years so that these limits may remain in effect during the planning, construction, and execution portions of the TMDL's implementation tasks.
- c. Whether provision of a *long-term alternate water supply to agricultural diverters of surface water* by the District would be appropriate; and consider re-evaluation of the agricultural water quality objective and the agricultural beneficial use designation if such alternate supply is provided. The reevaluation of the alternative water supply should consider re-examining

¹ Advanced Treatment facilities refer to the use of micro-filtration (MF) and reverse osmosis (RO) technologies to remove chloride. Disposal facilities refer to the use of a 43-mile brine line, associated ancillary facilities, and a 3-mile ocean outfall to dispose of brine waste generated by the MF-RO process.

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and modifying the trigger and compliance schedule for providing the alternative water supply. The Regional Board's re-evaluation of the objective should consider accounting for the beneficial use(s) to be protected, the quality of the imported water supply to the Upper Santa Clara River watershed and the impacts of periods of drought or low rainfall.

- d. *An integrated solution, which may be a single comprehensive TMDL, for all water quality pollutants in the Santa Clara River basin listed on the Clean Water Act section 303(d) list. (all emphasis added)*

In response to the State Board's remand, the Regional Board revised the TMDL Implementation Plan to address issues identified in the Remand Resolution, and on July 10, 2003, adopted Resolution R4-2003-008. However, due to continued disagreements over interim limits and the time allotted for the implementation schedule adopted in resolution R4-2003-008, at the January 6, 2004 State Board workshop to consider Resolution R4-2003-008, the State Board proceeded to further direct both the Regional Board and District's staff to work together on an implementation schedule and interim limits that would be mutually agreeable to both parties, and submit a revised resolution for State Board approval at the appropriate time.² The Regional Board and District's staff participated in an ADR process facilitated by an outside facilitator, funded by the U.S EPA's Conflict Resolution Center. Through this facilitated ADR process,³ an agreement between the Regional Board and the District was achieved on the TMDL Implementation Schedule and Interim Limits. The mutual agreement was memorialized in a Settlement Agreement (Attachment 2A-2), a Collaborative Process Plan (Attachment 2A-3), and a revised implementation schedule and interim limits embodied in the Regional Board's Resolution R4-04-0004 (Attachment 2A-4), which was approved by the Regional Board on May 6, 2004. Resolution R4-04-0004 was approved by the State Board (State Board Resolution 2004-0046), with the support of both the Regional Board and the District, on July 22, 2004, and approved by EPA on April 28, 2005. The effective date of the TMDL was May 4, 2005. The time line for the various Regional Board and State Board actions associated with this TMDL is summarized in Figure A-1.

The approved TMDL implementation plan was structured in two phases, with phase one being for source control and scientific studies, while phase two was for the planning, design and construction of facilities necessary to achieve compliance with final chloride waste load allocations. The purpose of a two-phase approach, was to determine whether the results of Phase I efforts (allowing source control programs to reduce chloride levels and performing scientific studies to determine appropriate chloride levels that support beneficial uses) may obviate the need for costly Phase II efforts (advanced treatment facilities). The scientific studies for Phase I in the approved TMDL included a sequential scheduling of tasks so that tasks dependent on the results of prior tasks did not occur simultaneously. The studies included an agricultural Literature Review and Evaluation (LRE) (Task 4), a groundwater-surface water interaction model (GSWIM) (Task 5), an evaluation of the chloride threshold(s) needed to protect salt-sensitive agriculture and endangered species (Task 6), development of a site-specific objective (SSO) (Task 7) and accompanying antidegradation analysis (Task 8), a pre-planning report on conceptual compliance measures to the SSO (Task 9), and preparation of a basin plan amendment and revised wasteload allocations for chloride (Tasks 10a and 10d) (if found to be appropriate). In addition, an evaluation of feasible compliance measures (Task 10c) and the long-term applicability of alternative water supplies (Task 10d) were last two studies that were required for Task 10. Source control (Task 3) was also included in phase one, so that the District could develop and implement a source control plan prior to a final decision about the means

² See Transcript of January 6, 2004 SRWCB Hearing – Agenda Item 2: Upper Santa Clara River Chloride TMDL.

³ Attachment 2A-3 contains the meeting summaries and work products associated with the ADR process, which culminated into a final collaborative process plan.

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of compliance needed for the final wasteload allocations. Part of the justification for inclusion of a year each for the site-specific objective development and for the subsequent basin plan amendment was to build into the schedule sufficient time for the Regional Board's administrative process.

The second phase of the schedule was subject to change, based on the determination of whether construction of advanced treatment facilities (micro-filtration and reverse osmosis) and a brine line to the ocean was actually necessary to attain the site-specific objective (should there be one) and the resultant final wasteload allocations. Because this phase was subject to re-evaluation and modification at the end of year five, the Phase II schedule (Tasks 11 and 12) was designed to be a general, long-term schedule without detailed milestones.

It is also worth noting that the District's implementation of the mutually-agreed upon TMDL implementation plan began shortly after Regional Board approval of Resolution R4-04-0004 and did not wait until the effective date, even though the timeframes are all related to the effective date. In a good faith effort to meet the already tight schedules contained in the implementation plan, the District did not wait until final approval of the TMDL, and has spent approximately \$2.5 million dollars on contracts for consultants and outside facilitators, and devoted approximately two full-time staff to this project since June 2004. The entire collaborative process study efforts are estimated to cost up to \$6 million.⁴ The District is the only party assigned responsibilities under the TMDL (other than Regional Board staff), and is the sole party funding this effort.

However, through Resolution No. R4-2006-016 (adopted by the Regional Board on August 3, 2006), the implementation plan, which was the foundation of the Settlement Agreement, Collaborative Process Plan, and Resolution R4-04-0004, fundamentally changed, thereby undermining the entire ADR process. The Regional Board's action to shorten the study schedule is particularly baffling, given the testimony provided by Regional Board staff at the January 6, 2004 State Board workshop, where Regional Board staff stated:

"The Regional Board does agree [that the standard needs to be revisited]. This has come up often during the discussion that the standard needs to be looked at. But, we...don't want to prejudice the outcome of that study in any way... And, we're not really ready to prejudice that, we want to do the science; do it appropriately; look at all the issues -- antidegradation, all the beneficial uses; and agree with the outcome of that."⁵ (emphasis added)

As discussed in Section B and in Attachment 1, the District believes that the Regional Board's actions on August 3, 2006, to reduce the schedule during the first phase of the TMDL ("study schedule") and add interim milestones during the second phase of the TMDL were not technically justified and properly noticed for public comment. In addition, as discussed in Section B, the District believes that the Regional Board's actions have actually pre-judged the science and outcome of the studies for the sake of expediency, and will create a situation where it would be impossible to "look at all the issues," in a meaningful and comprehensive way that still honors the collaborative process and assures that policy decisions are made based on a sound technical foundation.

A.2 Shortening of the Study Schedule Ignores State Board Directive to Pursue Regional Solutions and Long-term Feasibility of Alternative Water Supplies

⁴ Includes \$3.4 million for GSWIM, \$1.3 million for facilitation consultants, \$600,000 for LRE, and ~\$700,000 for support consultants for TES study, SSO/ADA Studies, Conceptual/Feasible Compliance Measures Report, Alternative Water Supplies Report, and Technical Advisors Panel honorariums.

⁵ See Transcript of January 6, 2004 SRWCB Hearing – Agenda Item 2: Upper Santa Clara River Chloride TMDL

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Two integral elements (Regional Solutions and Long-term Alternative Water Supplies) of the State Board's 2003 remand order to the Regional Board have yet to be addressed and the shortening of the study schedule only assures that these integral remand issues will continue to be ignored by the Regional Board. In particular, provision 2(c) of the State Board's remand, directed the Regional Board to consider, "[w]hether provision of a long-term alternate water supply to agricultural diverters of surface water by the County Sanitation Districts of Los Angeles County would be appropriate; and consider re-evaluation of the agricultural water quality objective and the agricultural beneficial use designation if such alternate supply is provided." In response to the remand order, the Regional Board added TMDL Task 10(b) that would consider this as a potential long-term remedy. This work was to be completed by the fifth year of the TMDL, or by May 4, 2010, but since the schedule has been shortened by 2 years, this task is now required to be completed by May 4, 2008. This important work was to be considered as one of the key elements of Tasks 7, 8, 9 and 10(c), and as a means to assure that salt-sensitive crops are protected in drought conditions. As discussed below in Section C, the District is confident that with Governor Schwarzenegger's signing of SB 475 into law (Chapter 393, Statutes of 2006), as well as the implementation of the District's new rebate program, it will be able to achieve water quality that is protective of downstream agriculture in non-drought conditions. However, because the imported water supply makes up nearly 50% of the chloride load, it would be impossible to achieve compliance in drought conditions through source control alone. Therefore, the District believes that the use of an alternative water supply as a drought protection provision is a promising element of a long-term solution that deserves further study, because it may obviate the need for costly and energy intensive advanced treatment facilities to achieve compliance with a water quality objective in drought conditions for protection of an off-stream beneficial use.

The GSWIM study (Implementation Task 5) will provide critical information to determine if future source control activities will achieve compliance with agricultural LRE guidelines at the point of use, which is downstream in the eastern portion of Reach 4 (as salt-sensitive agricultural crops are not grown in Reaches 5 and 6). In addition, the GSWIM will project future drought conditions in relation to source control efforts, projected reuse activities, and effluent flows to the river, all of which will provide an understanding of the dynamics of the groundwater-surface water system, and how quickly the groundwater and surface water quality recovers from drought conditions. Pending these results from the GSWIM, alternative water supplies, as well as other conceptual compliance measures, are supposed to be analyzed, as part of Tasks 7, 8 and 9. However, the compression of the study schedule severely limits the time allowed to perform this work and effectively only allows the collaborative process to complete this work in three months time from the completion of the GSWIM. A thorough evaluation of conceptual compliance measures within a three-month period is completely unrealistic and would certainly drive the process to an end-of-pipe treatment solution such as advanced treatment. Under the original one-year SSO/ADA schedule, the District believes there is sufficient time to evaluate the numerous compliance concepts necessary in order to identify the most environmentally friendly and cost-effective solution. Furthermore, it would be impossible for the collaborative process to support a three-month time frame to do these important studies and determine the long-term feasibility of alternative water supplies or other regional water management strategies. The shortened phase one time frame, coupled with the addition of planning, design and construction milestones in the phase two TMDL Implementation Schedule, appears to presuppose the outcome of the studies and lead to an inevitable outcome of advanced treatment at the District's two water reclamation plants, despite the fact that other more cost effective and viable solutions, such as alternative water supplies and regional water management strategies have yet to be identified or studied.

The Regional Board has also failed to consider Provision 2(d) of the State Board's remand order. In their response to the State Board as to why this directive was ignored, the Regional Board stated: "This modification was not made because there are only two major TMDLs planned for the Santa

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Clara River: the chloride and nitrogen TMDLs. Regional Board staff has completed extensive work on both TMDLs and the nitrogen TMDL is scheduled to be heard before the Regional Board this year. The remedies for each TMDL are unrelated so there is little likelihood of an inefficient expenditure of resources to comply with both TMDLs.”⁶

However, the Regional Board’s April 2003 response ignored a listing for chloride for Reach 3 of the Santa Clara River, and also ignored what occurred at the State Board in February 4, 2003 in the context of the 2002 303(d) list, when 8 salt listings were added to the 303(d) list.⁷ The Upper Santa Clara River Chloride TMDL addresses the only two 303(d) salt listings (both for chloride) in Los Angeles County. However, based on the 2006 303(d) list, there are now **12 more** salt listings (including TDS, chloride, sulfate and boron) downstream in the Ventura County portion of the watershed that to date have not been addressed by the Regional Board, nor is there any schedule included with the State’s 2006 303(d) list for these listings (reference Figure A-2).⁸ The Regional Board itself, in numerous contexts, has stated that a regional or watershed approach to salinity issues and for related 303(d) listings (such as metals or nutrients) makes sense.⁹

The District believes that salt management is an issue that obviously affects the entire watershed, particularly since salt-sensitive crops are only grown in the lower portions of the watershed, and believes that the solutions utilized for the Upper Santa Clara Watershed will not result in attainment of water quality standards throughout the lower watershed for either chloride or the other salt-related constituents, because there are a variety of salinity sources (not just the water reclamation plants). Additionally, one potential solution for addressing chloride in Reaches 5 and 6 in Los Angeles County under the current TMDL effort is to divert the District’s Saugus and Valencia Water Reclamation Plants (WRPs) treated effluent from the river for water recycling and reuse or to another place of discharge. This type of solution may achieve the desired goal for minimizing chloride discharges to the river from the WRPs, but at the same time would result in an increase in TDS levels, since the treated effluent from the WRPs has a diluting effect on the natural river flows. The approach of solving salt issues one at a time is not only an inefficient use of limited resources, but also will likely not yield the best overall solution for the watershed. The District believes that a regional approach to solving watershed salinity issues will avoid an extended process of patchwork and piecemeal solutions.

The District has already spent several million dollars on the scientific studies and finds it untenable to be in a position to have to spend millions more in future TMDL studies and/or facility upgrades addressing future salt TMDLs for downstream reaches in the watershed, given that the District’s WRPs are considered an upstream source. As expressed in our June 19, 2006 comment letter¹⁰ to the Regional Board (incorporated herein by reference), the District believes that the time is now to

⁶ See Regional Board Memo to File from Elizabeth Erickson "Options Considered for Revision of Remanded Upper Santa Clara River Chloride TMDL, April 7, 2003."

⁷ For 1998 303(d) List, See http://www.waterboards.ca.gov/tmdl/303d_lists1998.html.

For 2002 303(d) List, See http://www.swrcb.ca.gov/tmdl/303d_lists.html.

For 2006 303(d) List, See http://www.waterboards.ca.gov/tmdl/303d_lists2006.html

⁸ In 1998, there were three salt-related listings for chloride for Reaches 3, 5 and 6. On February 4, 2003, the number of salt-related listings for the Santa Clara River watershed grew by 8 constituents for the 2002 303(d) list, with all additional 8 listings occurring for TDS and sulfate in the Ventura County portion of the Lower Santa Clara River watershed. Subsequently, the 2006 303(d) list was approved by the State Board on October 25, 2006 and partially approved by the U.S. EPA on November 30, 2006, which included three additional salt-related constituents (chloride, boron and sulfate) all again, within the Ventura County portion of the Lower Santa Clara River watershed.

⁹ See December 10, 2002 Regional Board report entitled, "DRAFT Strategy for Developing TMDLs and Attaining Water Quality Standards in the Los Angeles Region."

¹⁰ Letter to Mr. Jon Bishop from Ms. Vicki Conway dated June 19, 2006, *Comments on May 5, 2006 Staff Report for the Upper Santa Clara River Chloride TMDL Implementation Plan RE-Consideration*.

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consider a regional salt solution and a comprehensive salt TMDL to manage and address all the salt-related water quality impairments. A regional effort is a fair and equitable approach to address all contributing sources of salt including agricultural activities and treatment plant discharges at one time. As discussed below more extensively in Section D.1, the need for a regional salt management solution for the Santa Clara River Watershed is great. However, it is unfortunate that the Regional Board's shortening of the schedule does not take into consideration this need for a regional view of a salt management solution. Instead of considering a regional solution, the Regional Board has decided to embark in a piecemeal fashion to address regional salt issues. Furthermore, the shortening of the schedule, coupled with the placement of milestones for planning, design and construction of advanced treatment in the phase two schedule, all but assures that a regional salt management and other out-of-the-box solutions, which have been successfully utilized in other watersheds, will not be explored simply because of the need to meet the unreasonably tight schedule now placed in the TMDL. If anything, the Regional Board should be directed to revise the Upper Santa Clara River Chloride TMDL and its implementation plan to develop a watershed-wide salt TMDL that addresses all salt-related constituents, even if this results in a longer schedule. Such an action would be consistent with the prior State Board directive that regional solutions should be implemented,¹¹ and is the only way to ensure that real protection of salt-sensitive agricultural crops in the lower watershed will actually occur in the shortest possible timeframe. Furthermore, longer schedules have been justified in other TMDLs in this region for constituents much more problematic than salt (e.g., metals and pesticides).

B. Revised TMDL Implementation Schedule Is Not Technically Justified and Undermines Tasks 6, 7, 8 and 9, and the Collaborative Process

B.1 Revised TMDL Implementation Schedule Is Not Technically Justified

The Regional Board's August 3, 2006 action reduces the time schedule for completion of Tasks 6, 7, 8, 9 and 10. In the original implementation schedule, Task 6 (Agricultural and Threatened and Endangered Species Chloride Threshold Study) was to be completed three years from the effective date of the TMDL or by May 4, 2008, while Tasks 7 (Site Specific Objective (SSO)), 8 (Anti-degradation Analysis (ADA)), and 9 (Conceptual Compliance Measures) were to be completed four years from the effective date of the TMDL, or by May 4, 2009. In the revised TMDL schedule, the schedule for Task 6 was reduced by 6 months (to be completed by November 20, 2007), while the schedule for Tasks 7, 8 and 9 was reduced by approximately 15 months, and these tasks are now to be completed by 2.8 years from the effective date, or by February 20, 2008. In addition, the Regional Board also reduced the time schedule for Tasks 10a-d (Reconsideration Basin Plan Amendment, Evaluation of Alternative Water Supplies, Analysis of Feasible Compliance Measures, and Reconsideration of Final Chloride WLAs) by 2 years, to now be completed by the end of year 3 (May 4, 2008).

The District believes that these compressed timeframes are technically unjustified and will largely be impossible to meet. The Regional Board did not provide *any* technical justification for these particular changes to the study schedule (which were only provided to interested parties the day of the hearing) in the accompanying staff report. In fact, the staff report discusses a completely different schedule recommendation than what was approved by the Regional Board on August 3, 2006. This recommendation was provided at the day of the hearing, and superseded a previously revised version that was only available to the public on July 31, 2006, a mere three days before the hearing. The

¹¹ This would also be consistent with the MOU between Cal-EPA and Resources Agency entered into on November 30, 2004, which *inter alia* required to integrate and coordinate watershed programs, use stakeholder advisory processes to assist in setting priorities, and to prioritize initiatives to ensure their cost effectiveness and consistency with the Governor's Environmental Action Plan.

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recommended alternative in the Regional Board's staff report (dated May 5, 2006) and the Regional Board's subsequent July 31, 2006 schedule revision targeted a reduction in the Phase II schedule, which reflects the implementation of the final compliance options after consideration of Phase I efforts. However, when the District raised serious CEQA concerns over the proposed Phase II schedule reductions, the Regional Board staff responded with a revised schedule made available to the District and other interested parties just minutes before the hearing on the TMDL. The revised schedule addressed the District's CEQA comments specific to the Phase II schedule, however new concerns emerged with the significant compression of the special studies, including the SSO and ADA efforts.

At the August 3, 2006 Regional Board hearing, it appeared that little to no consideration was given to the impact that a shortened schedule would have on the technical studies and necessary sequencing of activities in the TMDL, which in fact had been agreed upon in the 2004 Settlement Agreement between the District and the Regional Board. Figure B-1 provides a summary of the various revisions of the implementation schedule that the Regional Board considered.

The District also believes that the added tasks in the Phase II schedule, which now requires milestones for preparation of a Facilities Plan and Environmental Impact Report (EIR), design and construction *for advanced treatment facilities* presupposes the outcome of activities being performed in Tasks 3, 5, 6, 7, 8, 9, and 10 in the TMDL, thus resulting in a TMDL that no longer is structured in a sequential manner, as required by the State Board's 2003 remand order, and which essentially mandates the manner of compliance.

B.2 Revised TMDL Implementation Schedule Undermines Tasks 6, 7, 8, 9 and 10 and the Collaborative Process

The Regional Board did not fully take into account the sequential nature, time demands, and dependency of the studies on work still to be completed within the collaborative process, when adopting the schedule changes approved in Resolution R4-2006-016. This failure completely undermines Tasks 7, 8, 9 and 10 and the collaborative process. In particular, the Regional Board staff failed to recognize that Task 7, 8, 9 and 10 studies are equally dependent on the outcome of Tasks 5 (GSWIM) and 6 (Threatened and Endangered Species Threshold Study), which are still ongoing. Task 5 is scheduled to be completed by November 20, 2007, while Task 6 is still being reviewed by the TES Technical Advisors Panel.

Regional Board staff based their recommendation that Tasks 7 and 8 can be accelerated because the results of the Literature Review and Evaluation (Task 4) provided guideline chloride levels between 100-117 mg/L as protective of salt-sensitive crops (i.e., avocados).¹² However, there still exist a

¹² See Transcript of August 3, 2006 Regional Board Hearing where Regional Board Counsel states, "And so there are a number of sequential studies here that build into different pieces. But to do the site-specific objective, we needed the information from the literature review. Staff believes that we can go forward now with doing the work to develop a site-specific objective. We do not have to wait until the end of the surface groundwater model to start that process. There are pieces of information out of the surface groundwater model that will support limit changes in their permit subsequent to adoption of a new site specific objective based on the information from the literature review." However, it should also be noted that the LRE is not definitive and only provides guideline ranges for aesthetic issues (i.e., leaf tip burn) and not for production and yield impacts. In fact, as discussed in Attachment 2B-2, important research is currently being conducted in San Diego by Dr. David Crowley and Dr. Mary Lu Arpaia, that is looking at salinity tolerances for various avocado rootstocks as they relate to yield and tree responses. This important research may shed light into the interaction and inter-relationship between osmotic (TDS) and specific-ion effects (Cl) and how that may impact tree response and yield. The study will also recommend potential management practices and consider specific rootstocks that are salt tolerant for commercial cultivation in saline environments. Under the original TMDL schedule, information from this study might be essential to the development of the SSO. However, in the revised schedule, it is unlikely that information from this study would be available to support the shortened schedule.

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number of critical SSO/ADA issues that can only be determined by the GSWIM, or are dependent on analyses that would utilize the GSWIM. One key issue is whether there exists assimilative capacity that dilutes WRP effluent chloride concentrations from the WRPs' outfalls to the point-of-use in the eastern portion of Reach 4 (where the surface water is diverted and used as an irrigation water source) for salt-sensitive agriculture. Another key issue is how future water reuse and removals of automatic water softeners (also referred to as self-regenerating water softeners) will impact downstream water quality conditions as well as any available assimilative capacity. These outstanding issues, which are at the heart of any SSO to be considered, can only be determined with the completion of the GSWIM.

It should also be noted that Task 9 (Conceptual Compliance Measures) is a critical element that would also guide the Task 7 and 8 studies, and it was for this reason that Task 9 was to be completed in parallel with Tasks 7 and 8 in the 2004 approved TMDL implementation plan schedule. The Task 9 report would provide information on the various conceptual compliance measures that could be considered to achieve compliance.¹³ In Task 9, the GSWIM would be utilized as a tool to filter and ultimately select only those conceptual compliance measures that would be protective of downstream beneficial uses and achieve compliance. There could be a number of Conceptual Compliance Measures and "out-of-the-box" solutions that could be considered that would have a direct bearing on the ultimate SSO determined.¹⁴ All of these potential compliance measures would have bearing on the SSOs considered, as well as their associated ADAs, and are dependent on the GSWIM.

In addition, another critical element of the SSO/ADA studies is the socio-economic analyses, which would evaluate the cost of compliance (and its associated socioeconomic impacts) with the SSO in comparison to the cost of compliance (and its associated socioeconomic impacts) with the existing objective. However, again, these costs are *dependent* on the SSO that can be supported, which is dependent on GSWIM, and also interdependent with Task 9 (Conceptual Compliance Measures), which is also dependent on GSWIM. Ultimately, as indicated in the Final Collaborative Process Plan, Tasks 7, 8 and 9 were envisioned to be completed together in Year 4 (or by May 4, 2009) of the TMDL, knowing that this work is dependent on the previous studies. Figure B-2 provides a conceptualization of the interdependency of Task 7, 8 and 9 in relation to Tasks 4 (LRE), 5 (GSWIM) and 6 (Ag and TES Threshold Studies). Thus, it is clear that the common denominator for Tasks 7, 8 and 9 is their dependencies on a completed GSWIM.

Given that the GSWIM study will not be completed until November 20, 2007, the Regional Board's action to shorten the schedule for Tasks 7, 8, and 9 effectively only gives the collaborative process 3 months to complete these essential tasks. Based on information presented at the March 22, 2007 Technical Working Group meeting, the model consultants are estimating that the GSWIM run times may take as long as 12 days to run a single scenario. Given the time to develop, run and provide analyses of the various scenarios that could be considered for these tasks, it would not be possible to complete this work in the required time frames.

It should be noted that these actions also place unrealistic time demands on the Regional Board to make a determination on Basin Plan Amendments and Final Chloride WLAs (Task 10a and 10d), which require peer review and 45-day public notice requirements as a basin planning activity, following preparation of the proposed basin plan amendments, staff reports, and CEQA documents. Task 10 was specifically given a one-year lead time from Tasks 7, 8 and 9 based on input provided by

¹³ The information from Task 9 would be the basis for providing a more in-depth analysis of feasible compliance measures associated with the Task 10b (Analysis of Feasible Compliance Measures) report.

¹⁴ For example, the use of surface water releases could be considered as additional dilution flow to the river to justify higher WRP effluent WLAs and WQOs, so long as downstream water quality is maintained at the LRE Guidelines. Another example could be the use of alternative water supplies to protect downstream agriculture in drought situations, should the GSWIM show that during non-drought conditions, LRE guidelines can be achieved at the point of use, given future re-use and SRWS removals.

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Regional Board staff in the development of the final collaborative process plan. A 3-month time frame to complete Tasks 7, 8 and 9, given their dependency on the GSWIM, as well as a 3-month time frame to complete Tasks 10b (Analysis of Feasible Compliance Measures) and 10c (Analysis of Alternative Water Supplies), which are also dependent on the preceding Tasks 7, 8 and 9, simply is not realistic.

While the Regional Board maintains that the Task 7 and 8 studies can be conducted in parallel with the completion of the GSWI,¹⁵ Regional Board staff has not taken any action or proceeded to initiate any of the work that they claimed they could do. Since the August 3, 2006 Hearing, the District has repeatedly raised concerns with Regional Board staff that conducting Task 7 and 8 in parallel with GSWIM study was not possible, nor would it provide any meaningful results, since so much of the Task 7 and 8 work, as described extensively above, is dependent on a completed and peer-reviewed GSWIM. Despite these concerns, the District in good faith explored all potential options on how to accelerate the schedule with Regional Board staff. As noted in the District's March 22, 2007 letter to the Regional Board (refer to Attachment 2B-1), while some initial work can be completed and initiation of some Basin Planning activities was suggested by the District, the District believes that, in the end, no time will be saved in the phase one process, given that completion of the Task 7, 8 and 9 studies is dependent on the final results of the GSWIM.

Finally, the Regional Board's actions undermine the collaborative process, and abrogate their previous commitment to an open stakeholder process that also includes technical peer review of studies as they are completed. Because of the interdependencies of the studies, it will not be possible to conduct all the work required using a collaborative process with its Technical Working Group meetings, Technical Advisor Panel meetings, and all associated review periods of contractor work products in the timeframes now allotted. The ultimate result of schedule compression is that both the science and the stakeholder and technical review processes will have to be compromised in order to meet the new revised schedule. The District finds this especially egregious given that the District has consistently implemented the TMDL tasks and supported the collaborative process in good faith, only to have the Regional Board truncate the study schedule and undermine the most important studies and tasks in the TMDL Implementation Plan.

C. Shortening of Study Schedule Undermines District's extensive Source Control Efforts

C.1 Source Control is Reducing Chloride Levels and Several Years are Needed for Implementation of a New Rebate Program and Legislation

The two major sources of chloride in wastewater in the Santa Clarita Valley are the potable water supply (40-50%) and residential self-regenerating water softeners (about 31%). In the early 1960s, at the time the Saugus and Valencia WRPs were built, the District put in place restrictions on discharges of brine from residential, commercial and industrial water softeners to the sewerage system. However, in the late 1970s state law was modified, and in the 1990s the Water Quality Association, the Pacific Water Quality Association, and individual water conditioning businesses brought lawsuits challenging the validity of local agency restrictions similar to the District's, based on the premise that state law pre-empted more stringent local regulation (or bans) of residential water softeners that discharge to sewerage systems. The industry won these lawsuits in two separate appellate court decisions,¹⁶ and as a result the District's restrictions were invalidated as they applied to residential

¹⁵ See Transcript of August 3, 2006 Regional Board Hearing where Regional Board Counsel, Michael Levy, stated, "We can start working on the site specific objective analysis now. So the allegation we're only allowing three months to generate that study and bring it to the Board, that's not an accurate statement."

¹⁶ See *Water Quality Assn. v. City of Escondido* and *Water Quality Assn v. County of Santa Barbara*.

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water softener discharges to the sewerage system and were no longer enforceable. In response, in 1999, the Legislature enacted SB 1006 (Chapter 969, Statutes of 1999), which provided a mechanism for local agencies to enact new restrictions on residential self-regenerating water softeners, but these provisions did not become effective until January 2003. Accordingly, the District¹⁷ was the first local agency in the State to enact an ordinance under this statute, and this ordinance took effect in March 2003. This ordinance has been very effective at preventing further increases in loadings from residential water softeners. However, SB 1006 only allowed ordinances that were prospective in nature. *See* Health & Safety Code, Section 116786(d). In the meantime, the District's original restrictions on discharges of brine from commercial and industrial sources have continuously been in effect. Additional chloride source control efforts by the District are summarized in annual reports submitted to the Regional Board, and can be provided upon request.

In order to achieve reductions in chloride levels (and not just stabilize loading levels), the District launched a full-scale public outreach program in March 2004 and an initial voluntary rebate program in December 2005. As a result of these efforts, the amount of added chloride to the District's Saugus and Valencia WRPs *above that present in the potable water supply* has decreased by at least 15 mg/L (an estimated 2,500 ppd). This decrease is depicted in Figure C-1, which presents the contribution of chloride added to the Santa Clarita Valley sewerage system by residents and businesses. The decrease is proof that the outreach, pollution prevention, and source control program is working and is effective in reducing chloride levels in the reclaimed water discharged to the river from the District's two WRPs. These data contradict the Regional Board's conclusion that it is "difficult to assess the effectiveness of the pollution prevention program."¹⁸ Additionally, in the past two years, an even larger decrease in chloride concentrations in the wastewater treated by the District's two WRPs resulted from reductions in potable water supply chloride levels. This decrease in WRP effluent chloride levels, and how they track with imported SWP supply is shown in Figure C-2. The reductions in automatic water softeners in the District's service area along with reductions of chloride in potable water supplies have resulted in WRP effluent chloride concentrations that, on average for 2005 and 2006, are about the same as the pre-1997 chloride levels. Future projections show that the annual average effluent chloride would fall below 100 mg/L **in non-drought conditions** with the removal of 100% of the self-regenerating water softeners (SRWS), which again is the goal of the District.

To assist the District in meeting the mandates of the Upper Santa Clara River Chloride TMDL in a timely and cost-effective manner and overcome the restriction contained in SB 1006, Senator George Runner carried SB 475, which was signed into law by Governor Schwarzenegger in September 2006 and took effect January 1, 2007. SB 475 provides the District with the authority to require the removal of all existing residential automatic water softeners within the District's service area if certain conditions are met. SB 475 includes a structured two-phase program, consisting of phase one in which participation is voluntary and 100% of the reasonable value of the units, along with removal and disposal costs, will be provided, and phase two in which participation is mandatory and the compensation level is reduced to 75% of the aforementioned costs. This two-phase structure is intended to provide an incentive for early participation by members of the community still using automatic water softeners.

¹⁷ At the time, this district was divided into two districts, Districts 26 and 32 (which operated under one staff and owned joint facilities that were known as the Santa Clarita Valley Joint Sewerage System), and each one adopted an ordinance containing the same provisions. In 2005, the two districts were consolidated into one district called the Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD). For the purposes of these comments, these ordinances will be referred to in the singular, since they are now administered by the single district.

¹⁸ See Upper Santa Clara River Chloride TMDL Reconsideration Final Staff Report, August 2006.

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Although approximately 400 residents have already participated in the District's existing rebate program for automatic water softeners, in response to comments from the community, and in conjunction with the signing of SB 475 into law, the District is planning to launch a new rebate program in early May 2007. The estimated program cost for the 20-month program is \$2.4 million. The new rebate program will provide reimbursement to residents for the reasonable value of their automatic water softeners and cover costs for removal and disposal of the units. Since the new rebate program will reimburse residents for the reasonable value of the automatic water softeners, along with removal and disposal costs, increased participation rates are expected to occur, and achieve further reductions of effluent and river chloride levels. Based on predicted participation rates in the new voluntary rebate program, the District estimates a reduction in the average chloride levels (above potable water supply) of up to 15 mg/L by December 2008.

In order to encourage more residents to voluntarily remove their automatic water softeners and to respond to comments from the community, the District has upgraded the automatic water softener alternatives webpage on the District's chloride website (www.lacsd.org/chloride). The District collected cost, warranty, and maintenance information for the alternative water conditioning units listed on the webpage to provide more consumer-friendly information and incorporated searching functions to allow viewers an easy way to compare systems. The webpage lists 36 non-salt-discharging alternatives to automatic water softeners, provides a forum for customer reviews, and is regularly updated. The new rebate program, in conjunction with the upgraded automatic water softeners alternatives webpage, are expected to accelerate the removal of automatic water softeners in the Santa Clarita Valley.

Currently, the District is modifying the public outreach campaign to publicize the new rebate program and thereby maximize the program's effectiveness at facilitating the removal of automatic water softeners. Prior phases of the public outreach campaign focused on raising community awareness, changing attitudes in the community, and publicizing both the 2003 ordinance and 2005 rebate program. The next phase will be focused on implementing the new rebate program as aggressively as possible.

The District's goal is a removal rate of 100% of the automatic water softeners to maximize reductions to chloride influent loadings to the WRPs in order to achieve compliance with future chloride wasteload allocations (WLAs). Coupled with the new rebate program, an upgraded alternatives webpage, and a new public outreach campaign promoting the new programs, the District expects a very high voluntary removal rate of SRWS. With passage of SB 475, the District hopes to be able to achieve virtually 100% removal of SRWS.

The District is confident that through the new source control program discussed above, compliance with a chloride level consistent with upper range of the LRE guidelines can be achieved in non-drought periods in the eastern portion of Reach 4. As discussed in the District's previous comments,¹⁹ stochastic simulations of projected water quality conditions for the Santa Clara River near Blue Cut (the dividing line between Reaches 4 and 5), show that through source control efforts, namely, removal of 50% or more of existing automatic water softeners, will achieve levels protective of agricultural uses at the eastern portion of Reach 4 during non-drought periods. Thus, these results show that advanced treatment would not be necessary to achieve compliance with the LRE guidelines

¹⁹ See Attachment G of District's June 19, 2006 letter to the Regional Board entitled, "Comments on May 5, 2006 Staff Report for the Upper Santa Clara River Chloride TMDL Implementation Plan Re-Consideration."

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(during non-drought periods) in the eastern portion of Reach 4, where salt-sensitive agriculture is first commercially cultivated in the Santa Clara River watershed.²⁰

C.2 Shortening of the Study Schedule and Inclusion of Advanced Treatment Planning, Design and Construction Milestones Undermines the New Rebate Program and Legislation (SB 475) and Effectively Mandates Advanced Treatment Over Pollution Prevention

The revised TMDL implementation plan and schedule will undermine the significant progress on chloride reduction made to date, and specifically undercuts the new rebate program, which is planned to be launched in May 2007, as well as SB 475, which was described above. The new rebate program and the implementation of SB 475 are the foundation of the District's source control efforts, and are an important task requirement of the TMDL (Task 3). As discussed extensively above in Section C.1, the District's source control and outreach program are achieving measurable and substantial reductions in chloride levels, and the new rebate program and legislation that gives the District the authority to remove grandfathered automatic water softeners in the Santa Clarita Valley, will further assist the District in achieving the goal of removing 100% of the existing residential automatic water softeners. Pollution prevention is a proven means to achieve cost-effective and environmentally friendly pollutant reductions. The District is committing about \$2.5 million dollars to remove the existing automatic water softeners over the next two years; this program may ultimately cost about \$5 million. This financial commitment to the new rebate program is another demonstration of how serious the District is in its efforts to accelerate reductions in chloride levels in reclaimed water discharged to the upper Santa Clara River.

However, under the new law (SB 475), the District will not have authority to require the removal of existing residential automatic water softeners until January 1, 2009, well after the May 5, 2008 deadline now required for the completion of Task 10 in the Revised TMDL. Thus, with the shortening of the schedule, the Regional Board will be making the key decision on the final chloride water quality objectives (WQO) and WLAs, without consideration of the impact of the full implementation of the District's new rebate program and the potential requirement to remove all existing softeners. Because of the shortening of the phase one study schedule and the added tasks requiring preparation of a Facilities Plan and EIR for advanced treatment facilities (which again, presupposes the outcome of activities being performed in Tasks 3, 5, 6, 7, 8, 9, and 10 in the TMDL), it will be very problematic to convince community members to voluntarily remove their automatic water softeners, if it appears that advanced treatment is already a forgone conclusion to address the chloride problem. At the least, the changes to the implementation schedule will confuse the community, as well as undermine their confidence that the District is proceeding in a responsible manner, if after offering a new rebate program and pursuing removal of all automatic water softeners (in accordance with the provisions of SB 475), the District is at the same time preparing and holding public hearings on a Facilities Plan and EIR for advanced treatment facilities to meet the revised schedule.

Instead of undermining the District's efforts to meaningfully reduce chloride loadings via pollution prevention, the Regional Board should support the implementation of SB 475 and allow sufficient schedule time for the District to implement its program to remove automatic water softeners from residences. With the reductions in chloride influent levels that would result from removal of automatic water softeners, many more options for compliance will be possible and would be considered by the District as part of the Task 9 and 10b studies, if given sufficient time for

²⁰ Note that salt-sensitive crops are not commercially cultivated with surface water in Reaches 5 and 6, and are first commercially cultivated in the eastern end of Reach 4, using surface water diverted at the Camulos Diversion, approximately 7 miles downstream of the Valencia WRP.

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completion. It is highly likely that with a successful pollution prevention/source control program, compliance costs will be greatly reduced from the projected \$350 million in capital costs, if sufficient schedule time is allowed in the TMDL. If at the end of year 5 of the current TMDL implementation plan further chloride reductions are required by the WRPs, that is when it will be appropriate to consider placing additional milestones in the TMDL to assure that final WLAs, which are not yet certain, are met. That was the structure and approach approved in 2004 in the TMDL and embodied in the Settlement Agreement between the District and the Regional Board. It was based on sound reasoning and the logic of this approach should be restored to the TMDL's Implementation Plan.

D. Shortening of Study Schedule Precludes the Potential of a Regional Solution for Salinity for the Entire Santa Clara River Watershed

Salinity management is an issue that is facing the entire Santa Clara River watershed (along with other parts of the State) and as such any amendment to the TMDL should advance opportunities for developing a regional solution. The Regional Board's revised TMDL schedule (shortening the phase one implementation plan schedule) denies stakeholders within the Santa Clara River watershed the opportunity to explore and develop a regional salinity management solution

D.1 Regional Solution for Salinity is Necessary for SCR Watershed

Salinity concerns are not isolated to the Upper Santa Clara River within the entire Santa Clara River watershed. The Regional Board's revised implementation plan schedule, which reduces the implementation plan schedule by two years, does not support the development of a regional solution for salinity management in the Santa Clara River watershed. The Basin Plan amendment does not include any actions that would pursue a regional salinity management solution for the entire watershed and address all of the 303(d) listings for salt within the watershed. This is inconsistent with the Regional Board's water quality priorities that are being undertaken as part of the Watershed Management Initiative (WMI), which promotes cooperative, collaborative efforts within a watershed.²¹ In fact, the value of a regional solution to address salinity concerns in the watershed is best summed up in the State Board's own words: "[b]y looking at entire watersheds rather than only focusing on specific pollutants or polluters, unique solutions for each watershed can be crafted that consider all local conditions and pollution sources."²² While the Basin Plan amendment addresses the salinity issues with Reaches 5 and 6 of the Santa Clara River, salinity management issues remain unaddressed in the rest of the watershed.

As discussed in the District's June 19, 2006 comment letter, in adopting Resolution No. 2003-0014 for the Upper Santa Clara River Chloride TMDL, the State Board directed the Regional Board to consider "An integrated solution, which may be a single comprehensive TMDL, for all water quality pollutants in the Santa Clara River basin listed on the Clean Water Act section 303(d) list." The Regional Board considered the recommendation but decided not to modify the TMDL implementation plan nor make specific changes pursuant to the recommendation because, at the time, only two major TMDLs were planned for the Santa Clara River.²³ Given the current 303(d) list of water quality impaired waters, the need to consider watershed wide salinity management solutions is apparent.

To understand the level to which salinity management is an issue affecting the entire Santa Clara River watershed and the need for a regional solution for the entire watershed, one need only refer to

²¹ See http://www.waterboards.ca.gov/losangeles/html/programs/regional_programs.html#Watershed.

²² Reference page 5 of the State Water Resources Control Board's Strategic Plan dated November 2001.

²³ Memo to File from Elizabeth Erickson "Options Considered for Revision of Remanded Upper Santa Clara River Chloride TMDL, April 7, 2003.

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the Clean Water Act section 303(d) list of water quality limited segments. As shown in Figure A-2, in 1998, there were three salt-related listings for chloride for Reaches 3, 5 and 6.²⁴ On February 4, 2003, the number of salt-related listings for the Santa Clara River watershed grew by 8 constituents for the 2002 303(d) list, with all additional 8 listings occurring for TDS and sulfate in the Ventura County portion of the Lower Santa Clara River watershed. Subsequently, the 2006 303(d) list was approved by the State Board on October 25, 2006 and partially approved by the U.S. EPA on November 30, 2006,²⁵ which included three additional salt-related constituents (chloride, boron and sulfate) all again, within the Ventura County portion of the Lower Santa Clara River watershed. In summary, the current 303(d) list contains fourteen salt listings for the Santa Clara River Watershed: two listings for chloride in the Upper Santa Clara River (Los Angeles County), and twelve listings for chloride, total dissolved solids, sulfate and boron in the Lower Santa Clara River and its tributaries (Ventura County). The locations of these salt impairments are shown in Figure A-2. As mentioned earlier, the Upper Santa Clara River Chloride TMDL addresses solutions for only the two listings for chloride in the Los Angeles County portion of the watershed, leaving twelve salt listings un-addressed in the Ventura County portion of the watershed. Thus, there is great concern that the District will have completed implementation of advanced treatment facilities to ensure compliance with the waste load allocations for chloride, only to have to re-design and/or retrofit (add considerably greater costs as opposed to new construction) existing facilities to ensure compliance with water quality objectives for other 303(d) salt listings noted above. It would be in the best interests of all stakeholders and the local communities (both in Ventura and Los Angeles County) to pursue a regional, comprehensive solution for all salt listings within the watershed and only be required to conduct these extensive and expensive planning, design and construction efforts once rather than one listing at time. In addition to saving costs from repeated planning, design and construction efforts, working with all stakeholders to develop regional solutions often results in more creative and possibly more cost effective alternatives for compliance with water quality objectives.

The concept of managing water quality issues by means of regional solutions is not new within the state. Section D.3, below, discusses examples of approaches for regional solutions that are being explored for other watersheds throughout the state. The District has openly supported a watershed approach and the development of a regional solution which, when given the time to continue down this path with all stakeholders, would comprehensively address regional salinity management for the entire Santa Clara River watershed. The District also recognizes that only the Regional Board can lead a watershed approach in the case of the Santa Clara River. Until the Regional Board identifies all salt contributors (including all wastewater treatment plants as well as all contributing agricultural entities) as responsible parties in a larger TMDL effort, there will be no regional solution.

As it stands now, the District (and the community of Santa Clarita) is being made to bear the sole responsibility to address a problem for which it makes only a limited contribution. It should also be noted that the Regional Board has even acknowledged the need for a regional solution for salt issues for certain areas within the Lower Santa Clara River Watershed, for the Cities of Piru, Fillmore and Santa Paula. In Time Schedule Order No. R4-2006-050 for the Fillmore Wastewater Treatment Facility, adopted on May 11, 2006, the Regional Board specifically discussed that they were considering a regional solution for salt issues for Fillmore, as well as Piru and Santa Paula.²⁶ Similar language has also been included in the Santa Paula Wastewater Treatment Facility Tentative Waste Discharge Requirements and Monitoring and Reporting Program, scheduled to be adopted in April 2007. Given that the Regional Board believes a need exists for a regional solution for salt issues in the Lower Santa Clara River watershed, it only makes sense that both the Upper and Lower Santa

²⁴ Note that the current Upper Santa Clara River Chloride TMDL is addressing the chloride listings for Reaches 5 and 6. Because Reach 3 of the Santa Clara River was on the EPA Consent Decree, the U.S. EPA Region promulgated a chloride TMDL for Reach 3 of the Santa Clara River on June 18, 2003. Regional Board has yet to implement this TMDL.

²⁵ See http://www.waterboards.ca.gov/tmdl/303d_lists2006.html.

²⁶ See Time Schedule Order No. R4-2006-005, adopted on May 11, 2006.

Attachment 2: SCVSD Detailed Comments on Resolution No. R4-2006-016

Clara River watersheds be considered all at once. However, by shortening the TMDL schedule, specifically for Tasks 7, 8, 9 and 10, which were designed to study the potential of regional and other alternative solutions, the Regional Board has undermined any chance for regional efforts to develop. The twelve additional 303(d) salt listings in the lower Santa Clara River watershed, the Chloride TMDL established in 2003 by the U.S. EPA for Reach 3 of the Santa Clara River (but never implemented by the Regional Board),²⁷ the current efforts for the Chloride TMDL in the Upper Santa Clara River, and regional solutions being considered for the Piru, Fillmore and Santa Paula areas of the watershed, all clearly emphasize the need to address salinity issues in a comprehensive regional solution for the *entire* Santa Clara River watershed.

D.2 Shortening the Schedule Forces the District to a Critical Path for Advanced Treatment and Precludes Exploration of Regional Solutions for Salt Management and a Comprehensive Salt TMDL

Despite the great need for a regional solution for salt management issues for the entire Santa Clara River watershed, the Regional Board's actions to shorten the TMDL Implementation schedule only serves to prevent such regional solutions from occurring. The revised implementation plan schedule will require that the District complete the final Facilities Plan and EIR for advanced treatment facilities to comply with final effluent chloride limits and begin engineering design activities six years after the effective date of the TMDL (May 2011) and complete construction and permitting of the Facilities Plan's recommended project for these advanced treatment facilities eleven years after the effective date of the TMDL. In fact, the Regional Board's original version of their recommended Alternative 4²⁸ proposed shortening of the planning, design and construction schedule from eight to six years after the effective date of the TMDL before staff recommended another implementation schedule to maintain the original eight years schedule for these activities, and reducing the schedule during phase one of the TMDL, which is associated with the special studies.

The revised implementation plan schedule, which maintained the eight-year schedule for planning, design and construction activities, but shortened the time originally allotted for special scientific studies without technical justification from four years after the effective date of the TMDL to 2.8 years after the effective date of the TMDL,²⁹ was released at the day of the hearing by the Regional Board where the Basin Plan amendment was adopted. These interim milestones and final deadlines represent what was an already aggressive schedule for the original TMDL implementation schedule.³⁰ The District estimates that the time required for environmental studies and other environmental permitting requirements related to CEQA for advanced treatment and ancillary facilities is approximately three years absent legal challenges to the environmental documentation.³¹ Based on more recent analysis of CEQA requirements, it is apparent three years is an extremely aggressive schedule for projects of comparable complexity and scope.³² The District estimates that the time

²⁷ See U.S EPA Region IX, *Santa Clara River Chloride TMDL, Reach 3*. June 18, 2003.

²⁸ See Upper Santa Clara River Chloride TMDL Reconsideration Final Staff Report, August 2006.

²⁹ Transcript of August 3, 2006 Regional Board meeting, comments from Executive Officer, Mr. Jon Bishop, implies the justification for the revised schedule for studies in the implementation plan was not a technical basis as claimed in the staff report but rather on the pre-determination that the overall TMDL schedule should be reduced. Mr. Bishop is quoted, "...so the problem that we're having is if we're going to accelerate the schedule and shorten the end time frame and keep the eight years that they say they need for design and construction ... something has to give. So what staff has proposed is they took that very seriously in the comments and made changes [in the schedule] to try to address that comment. What you're hearing now is that by making those changes to address the comment, it impacts something else. Of course, if we're going to accelerate the schedule, we're going to impact things. We have to decide where we're going to impact them."

³⁰ Letter to Mr. Jon Bishop from Ms. Vicki Conway dated June 19, 2006, *Comments on May 5, 2006 Staff Report for the Upper Santa Clara River Chloride TMDL Implementation Plan RE-Consideration*, Attachment 1, Section D.

³¹ Letter to Mr. Jon Bishop from Ms. Vicki Conway dated June 20, 2006, *CEQA Related Planning Costs for Advanced Treatment Facilities and Additional Information on Proposed Chloride TMDL Implementation Schedule*.

³² Letter to Mr. Jon Bishop from Ms. Vicki Conway dated June 19, 2006, *Comments on May 5, 2006 Staff Report for the Upper Santa Clara River Chloride TMDL Implementation Plan RE-Consideration*, Attachment J.

Attachment 2: SCVSD Detailed Comments on Resolution No. R4-2006-016

required for design and construction of treatment facilities to meet the current objective is a minimum of five years. However, based on evaluation of historical and recent projects completed by the Districts, design and construction durations for projects of similar cost are on the order of six years or longer. Thus, the current schedule is extremely aggressive, considering that any unexpected delays in design or construction have no mechanism by which to be addressed in the current implementation schedule.³³ As a result, in order for the District to comply with this extremely aggressive schedule and meet the interim deadlines in the TMDL implementation schedule, the District must initiate planning activities immediately after the Regional Board determines the final Waste Load Allocations under Task 10.d. (May 2008),³⁴ placing the District on a critical path to begin planning and design of costly advanced treatment facilities before the full breadth of science can be completed and before any regional salt management solutions can be fully explored. For all intents and purposes, the shortening of the schedule effectively mandates that any regional solution or other potential “out-of-the-box” feasible compliance alternatives (e.g., Alternative Water Supplies, maximizing water reuse in the local area, etc...) be completed by May 4, 2008, three years after the effective date of the TMDL, if they are to be considered at all. The only tool available to consider the viability (e.g., degree of groundwater protection, corresponding site specific objective, quantification of surface water and groundwater degradation levels, post drought recovery, etc...) of these alternative compliance options is the GSWIM. Under the original TMDL schedule the development of a feasible alternative compliance measure was envisioned as an iterative process with many GSWIM simulations/model runs to evaluate the corresponding surface water and groundwater quality conditions. The lack of time to conduct these efforts under the revised schedule will only assure that the most conceptually simplistic solution, namely end-of-pipe treatment will be pursued. As noted in Section D.1, this approach to a chloride solution places the District in an untenable position because even after making the necessary capital investments in advance treatment to address chloride, future reductions in other salts, which may be necessary when the 12 other salt impairments downstream in Ventura County are addressed, the District’s water reclamation plants may be targeted for further reductions. Addressing the salt listings in the watershed at one time would eliminate the potential for any one discharge to waste valuable resources on a compliance measure, which may end up being just a short-term solution. Because advanced treatment (microfiltration and reverse osmosis) is the only available technology that remove salts, and because this type of advanced treatment takes a long time to design and build, is costly to build and operate, is energy intensive to operate, and creates a toxic waste stream that needs to be disposed of, it should only be considered when it is the **only** means available to protect the beneficial uses. Given that salts are a water quality issue for the entire Santa Clara River Watershed (as discussed previously), it is apparent that the time is ripe to foster a regional salt management solution. However, the Regional Board actions, instead, work against fostering and actually will prevent a region-wide solution from being implemented.

D.3 Examples of Other Regional Solutions for Salinity

In previous comments to the Regional Board, the District has provided several detailed models for salinity management approaches occurring within the state, which might provide a model for the Santa Clara River watershed. These regional solutions were crafted in order to provide more practical and beneficial solutions as opposed to targeting one particular source of the problem.³⁵ In a June 19,

³³ Note that the only planned reopening of the TMDL occurs six years after the implementation of the TMDL (Task 12), which coincides with the completion of planning activities and the start of design activities. There is no formal re-opener for unexpected delays in design, permitting and/or construction.

³⁴ As explained in detail in the June 19, 2006 comment letter and acknowledged during the August 3, 2006 Regional Board meeting,

³⁵ Letter to Mr. Jon Bishop from Ms. Vicki Conway dated June 19, 2006, *Comments on May 5, 2006 Staff Report for the Upper Santa Clara River Chloride TMDL Implementation Plan RE-Consideration*, Attachment 1, Section I.2.

Attachment 2: SCVSD Detailed Comments on Resolution No. R4-2006-016

2006 comment letter, the District provided detailed discussions of regional salt management approaches explored in the Central Valley, Santa Ana Watershed and the Calleguas Creek Watershed, which could be used as models for salinity management in the Santa Clara River watershed.

The Central Valley Regional Board's philosophy and approach to managing salinity is best illustrated by a report recently released by the Central Valley Regional Board that provides an overview of the salinity issues and how they should be addressed.³⁶ The Central Valley Regional Board has elected to develop a new policy, rather than individual policies for the regulation of salinity in the Central Valley.³⁷ The Central Valley Regional Board recognizes that the outcome of this effort will be the development and implementation of a salt management plan that will take many years to implement and in the interim, the Regional Board will continue to exercise its authority to regulate discharges to minimize salinity increases within the Central Valley, not just by controlling discharges but also by being reasonable in prescribing salinity standards and compliance schedules.

Water quality degradation due to high nitrogen and TDS is among the most significant regional water quality problems in the Santa Ana River Watershed. The Santa Ana Watershed Project Authority (SAWPA) was originally formed in 1968 as a planning agency, which included as its member the water districts charged with primary responsibility of managing, preserving and protecting the groundwater supplies in the Santa Ana Basin, formed to deal with foreseeable threats to water supply for the region and of pollution by mineral salts and other pollutants to the basin. SAWPA has developed long range plans for both regulatory programs and projects related to water quality-quantity control and management, resulting in pollution abatement and protection of the Santa Ana Watershed. In addition, the Santa Ana Regional Board revised objectives in certain areas of the watershed so that recycled water uses could be maximized, so long as salts are also exported out of other parts of the basin, through groundwater desalters and extraction wells.

The Calleguas Creek Watershed faces a number of environmental challenges involving both surface and groundwater resources including; impairment due to point and non-point sources of toxic pollutants, nitrogen; non-point sources of sediments and algae; high levels of mineral salts; and seawater intrusion along the coast due to over-pumping. The Calleguas Creek Watershed Management Plan (CCWMP) Steering Committee was formed to produce a plan for implementing a coordinated water quality and land use planning strategy for the watershed as a whole. A detailed description of the type of collaborative and regional salt solutions that are being considered in Calleguas Creek is being prepared as part of the Draft EIR for the Renewable Water Resource Management Program for the southern reaches of the watershed.

In addition to the above examples of regional approaches for salinity management, regional solutions also consist of water quality standards efforts using alternative approaches that may also be applicable to the Santa Clara River Watershed. One example is in the Central Valley Region where rather than establishing load and wasteload allocations to every point within a river, the Central Valley Regional Board elected to initially establish load and wasteload allocations at one station in the river³⁸ for the

³⁶ See *Salinity in the Central Valley - An Overview*, Central Valley Regional Water Quality Control Board, May 2006

³⁷ Statement by Dr. Karl Longley, Member Central Valley Regional Water Quality Control Board Regarding Salinity Policy Development, Central Valley Regional Water Quality Control Board, March 16, 2006.

³⁸ As discussed in the District's June 2006 comment letter it is important to note that the chloride objectives for the Santa Clara River Watershed, when originally established by the Los Angeles Regional Board in the 1975 Basin Plan, were not intended to be instantaneous maximums for every point in the river, but rather were set at each station (corresponding to the end of each reach) based on a flow-weighted annual average per footnote (a) of historical river data. This was acknowledged by the Los Angeles Regional Board until 1994 when the Los Angeles Regional Board again amended the Basin Plan, and the footnote (a) for mineral objectives was omitted from the Basin Plan, an omission which appears to have been a typographical error since there was no supporting documentation in the administrative record discussing this change.

Attachment 2: SCVSD Detailed Comments on Resolution No. R4-2006-016

Lower San Joaquin River TMDL for Salt and Boron, adopted by the Central Valley Regional Board in September 2004.³⁹

E. Conclusions and Recommendations

Based on this information, the District requests that the State Board remand the Chloride TMDL revisions and associated Basin Plan amendment to the Regional Board, with instructions to restore the original Implementation Plan schedule and to initiate a regional approach for salt management in the Santa Clara River Watershed that will benefit all stakeholders in the watershed by developing mutually beneficial solutions that protect water quality. This approach can provide a regional framework for salinity management issues that can incorporate various alternative regulatory compliance strategies, and multi-agency management structures as illustrated by the examples provided herein and in the District's June 19, 2006 comment letter.

³⁹ Resolution No. R5-2004-0108.

ATTACHMENT 2A-1

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2003 - 0014

REMANDING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE LOS ANGELES REGION TO INCORPORATE A TOTAL MAXIMUM
DAILY LOAD FOR CHLORIDE IN THE UPPER SANTA CLARA RIVER

WHEREAS:

1. The Los Angeles Regional Water Quality Control Board (Regional Board) adopted a revised Basin Plan for the Los Angeles Region on June 13, 1994 which was approved by the State Water Resources Control Board (SWRCB) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
2. On October 24, 2002, the Regional Board adopted Resolution No. **R02-018** (Attachment 1) amending the Basin Plan to incorporate a Total Maximum Daily Load (TMDL) for chloride in the Upper Santa Clara River.
3. SWRCB finds that provisions of the amendment as adopted warranted minor clarification of the language of various provisions.
4. Regional Board Resolution No. R02-018 delegated to the Regional Board Executive Officer authority to make minor, non-substantive corrections to the adopted amendment if needed for clarity or consistency. The Regional Board Executive Officer has made the necessary **corrections to the amendment**.
5. Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act, scientific peer review, and other State laws and regulations.
6. SWRCB finds that the amendment as corrected does not adequately resolve issues regarding the appropriateness of the compliance time schedules for implementation tasks.
7. A Basin Plan amendment does not become effective until approved by SWRCB and until the regulatory provisions are approved by OAL.

THEREFORE BE IT RESOLVED THAT:

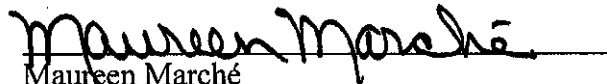
SWRCB:

1. Remands the amendment to the Basin Plan to incorporate a TMDL for chloride for the Upper Santa Clara River as adopted under Regional Board Resolution No. **R02-018** as corrected by the Regional Board Executive Officer (**Attachment 2**).
2. Directs the Regional Board to consider:
 - (a) Expansion of the current phased-TMDL approach so that County Sanitation Districts of Los Angeles County can complete their implementation tasks by Regional Board-specified dates sequentially and within 13 years of the effective date of the TMDL. If advanced treatment facilities and disposal facilities are found to be necessary for compliance with the TMDL, the Regional Board may consider extending the implementation schedule as necessary to account for events beyond the control of the County Sanitation Districts of Los Angeles County.

- (b) Extension of the interim effluent limits beyond the currently proposed 2½ years so that these limits may remain in effect during the planning construction and execution portions of the TMDL's implementation tasks.
- (c) Whether provision of a long-term alternate water supply to agricultural diverters of surface water by the County Sanitation Districts of Los Angeles County would be appropriate; and consider re-evaluation of the agricultural water quality objective and the agricultural beneficial use designation if such alternate supply is provided. The reevaluation of the alternative water supply should consider re-examining and modifying the trigger and compliance schedule for providing the alternative water supply. The Regional Board's re-evaluation of the objective should consider accounting for the beneficial use(s) to be protected, the quality of the imported water supply to the Upper Santa Clara River watershed and the impacts of periods of drought or low rainfall.
- (d) An integrated solution, which may be a single comprehensive TMDL, for all water quality pollutants in the Santa Clara River basin listed on the Clean Water Act section 303(d) list.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 19, 2003.


Maureen Marché
Clerk to the Board

ATTACHMENT 2A-2

**SETTLEMENT AGREEMENT AND STIPULATION
CONCERNING CHLORIDES IN THE UPPER SANTA CLARA RIVER**

RECITALS

This Upper Santa Clara River Chloride Agreement (“Agreement”) is made by and between the California Regional Water Quality Control Board, Los Angeles Region (“Regional Board”) and the County Sanitation District Nos. 26 And 32 Of Los Angeles County (“Districts”) (collectively with the Regional Board, the “Parties”).

A. Whereas, pursuant to the requirements of Clean Water Act (“CWA”) Section 303(d) (33 U.S.C. § 1313(d)) and Water Code sections 13000 et seq., the Regional Board prepared a Total Maximum Daily Load (“TMDL”) for chloride for the Upper Santa Clara River (hereinafter referred to as the “Chloride TMDL”).

B. Whereas, at its October 24, 2002 meeting, the Regional Board adopted the Chloride TMDL as Resolution No. 2002-018, amending the Los Angeles Region Water Quality Control Plan (“Basin Plan”) to incorporate the elements of the Chloride TMDL.

C. Whereas, on February 19, 2003, the State Water Resources Control Board (“State Board”) remanded Resolution No. 2002-018 to the Regional Board and directed the Regional Board to consider specific modifications to the implementation plan of the Chloride TMDL.

D. Whereas, on July 10, 2003, the Regional Board reconsidered the Chloride TMDL, in light of the State Board’s remand in Resolution 2002-018, and adopted Resolution 2003-008, including specified revisions to the Chloride TMDL implementation plan.

E. Whereas, on November 6, 2003, the Regional Board adopted NPDES permits (“Permits”) identified as Regional Board Order Nos. R4-2003-0143 and –0145, and Time Schedule Orders (“TSOs”) identified as Regional Board Order Nos. R4-2003-0144 and –0146 for the Districts’ Saugus and Valencia Water Reclamation Plants, which discharge into the reaches of the Santa Clara River covered by the Chloride TMDL.

F. Whereas, on December 5, 2003, the Districts filed Petitions for Review with the State Board on the Saugus and Valencia WRP NPDES permits and TSOs, and also sought a stay for, *inter alia*, the final chloride effluent limitations contained in the Permits, and a variance from the current chloride objective of 100 mg/L. The Districts alleged substantial harm if the final effluent limitations for chloride are not stayed and that, absent a stay, the Districts must immediately initiate planning and construction of expensive reverse osmosis facilities in order to comply with the final effluent limitations. The Parties agree that based on existing evidence the public will not incur substantial harm if a stay of the chloride effluent limits in the Permits is granted subject to the terms and conditions of this Agreement.

G. Whereas, on or about May 6, 2004, the Regional Board is scheduled to consider adoption of new negotiated amendments (“Chloride TMDL Amendments”) to the Chloride TMDL in light of State Board direction and negotiations between the Regional Board staff and the Districts. Because the Parties agree upon the need to further consider the applicable water quality standards for chloride and alternate approaches to chloride regulation in the Santa Clara River watershed, the negotiated Chloride TMDL Amendments include, but are not limited to, affirmative reconsideration provisions at three separate points in time, modified TMDL interim wasteload allocations to match the interim effluent limitations applied to the Districts’ Saugus and Valencia treatment plants in TSOs adopted simultaneously with the Permits, removal of language specifying advanced treatment since the status of the ultimate water quality target is still in flux and the necessary control measures are currently uncertain, and minor modifications to the structure and timing of several tasks required by the implementation plan.

H. Whereas, the schedule in the Chloride TMDL implementation plan is longer than five years, and the Districts’ NPDES permits for the Saugus and Valencia treatment plants will expire and are expected to be renewed one or more times during the course of the Chloride TMDL implementation schedule.

I. Whereas, during the course of the Chloride TMDL implementation schedule and consistent with existing practice, the Regional Board will include interim chloride effluent

limitations in future NPDES permits for the Saugus and Valencia treatment plants that reflect the revised interim wasteload allocations that modify the final chloride effluent limitations in the Permits.

J. Whereas, in Spring or Summer of 2004, the State Board will consider adoption of a Resolution(s) approving the Chloride TMDL and the Chloride TMDL Amendments to the Basin Plan adopted by the Regional Board.

K. Whereas, any State Board Resolution approving the amendments to the Basin Plan incorporating the Chloride TMDL and the Chloride TMDL Amendments does not become effective until approved by the Office of Administrative Law ("OAL"), and the Chloride TMDL and the Chloride TMDL Amendments do not become effective until approved by the United States Environmental Protection Agency ("EPA").

L. Whereas, an issue exists as to whether the Chloride TMDL, Regional Board Resolution No. 2003-008 and the Chloride TMDL Amendments, and the State Board Resolution(s) will be ripe for review before these regulatory provisions are approved by OAL and/or EPA.

M. Whereas, the Parties seek to avoid unnecessary litigation and motion practice over permit appeals and judicial determinations as to whether the Chloride TMDL, Regional Board Resolution No. 2003-008, and State Board Resolutions are or soon will be ripe for review, particularly where the Parties have agreed to work cooperatively and possibly employ an alternative dispute resolution process to resolve issues related to the Chloride TMDL and the underlying chloride objectives for the Upper Santa Clara River that are currently contained in the Basin Plan.

N. Whereas, it is the Parties' intent to constructively address chloride regulation in the Upper Santa Clara River watershed and to amicably resolve issues raised in the Districts' petition for review, the Parties have agreed to stipulate to a limited stay order by the State Board.

O. Whereas, without admitting anything, the Parties enter into this Agreement to resolve the permitting and Chloride TMDL issues and to avoid the expense and uncertainty of litigation.

IT IS HEREBY AGREED AND STIPULATED by and between the Regional Board and the Districts as follows:

1. Stipulated Stay. The Parties stipulate that the entry of a stay on the terms and conditions in Paragraph 2 below is appropriate and in the public interest. This stipulation shall not, however, constitute or be construed as an admission on any issue of law or fact relevant to the final disposition of the underlying petitions for review. The stipulated stay may be entered without a hearing, as allowed by Water Code section 13321, and the Parties have no objection to the State Board's Executive Director or a State Board member issuing the stay pursuant to delegated authority.

2. Provisions of Stipulated Stay. The Parties stipulate to the entry of an Order by the State Board providing as follows:

"Effective December 26, 2003, the following effluent limitations are stayed by stipulation of the parties:

"(i) Final and interim effluent limitations for chloride currently contained in Section I, Discharge Requirements, 1. "Effluent Limitations," Provision B.a. of Order No. R4-2003-0143 (NPDES No. CA0054313) of the Los Angeles Regional Water Quality Control Board.

"(ii) Final and interim effluent limitations for chloride currently contained in Section I, Discharge Requirements, 1. "Effluent Limitations," Provision B.a. of Order No. R4-2003-00145 (NPDES No. CA0054216) of the Los Angeles Regional Water Quality Control Board.

3. Interim Effluent Limitations. The Parties agree that, if or when new or revised NPDES permits are subsequently issued to the Saugus or Valencia treatment plants prior to the date that a revised water quality objective or final wasteload allocations take effect in accordance with the Chloride TMDL Amendments, interim chloride effluent limitations reflecting the interim wasteload allocations in the TMDL, including any revisions thereto, will be included in the revised permits.

4. Abeyance of Petitions. The petitions filed on December 5, 2003 by the Districts, denominated SWRCB/OCC File A-1606, will be held in abeyance pursuant to Section 2050.5(d) of Title 23, Division 3, Chapter 6 of the California Code of Regulations for a period of five years from the date of action by the State Board approving the Stipulation for Further Order Issuing Stay, subject to the right of Petitioners to reactivate the petitions in whole or in part if this Agreement is abrogated and an actual controversy arises concerning the chloride effluent limitations or implementation of the chloride water quality objective, or subject to any stipulated extension of the abeyance period.

5. Dissolution of Stay. The Regional Board may request that the State Board dissolve the stipulated stay. Upon receiving such a request to dissolve the stay, the State Board shall reactivate the Districts' petition as related to chloride and allow the Districts to file a new motion for stay. Upon receipt of the request to dissolve the stay, the State Board will, after consultation with the parties, establish a schedule for briefing and, if appropriate, a hearing, with respect to whether a further stay should issue. Under such circumstances, the dissolution of stay issued by this Order upon the Parties' Stipulation shall be coincident with the State Board's ruling on Districts' motion for stay and such dissolution will be effective prospectively only.

6. Incorporation of Updated Interim Limits into Permits. Prior to the effective date of the Chloride TMDL Amendments, the Regional Board staff agrees to propose modifications to the Districts' Permits to replace the current interim limits with new interim limits consistent with the updated interim wasteload allocations and implementation schedule included in the Chloride TMDL Amendments; to propose amendments to the current footnotes to the chloride effluent limitations in the Permits to reflect the updated situation; and to amend the Permits' finding related to the Chloride TMDL to state that the final effluent limitations and wasteload allocations may change depending on the ultimate outcome of the review of the current chloride objective. After the modification of the Permits and upon the effective date of the Chloride TMDL Amendments, the updated interim limits will take effect in the Permits, the stay granted by the State Board as

discussed herein of the interim limits shall be lifted, and the Time Schedule Order provisions and interim limits related to chloride will be dissolved.

7. Amendments to Chloride TMDL. The Regional Board staff and the Districts agree to recommend certain revisions of the current Chloride TMDL to the Regional Board for adoption, to be known as the Chloride TMDL Amendments (Attachment 1). If the Regional Board approves the Chloride TMDL Amendments, then all Parties shall advocate to the State Board approval of the Chloride TMDL, including the Chloride TMDL Amendments. Such advocacy by the Districts shall not be construed as an acceptance of or agreement with the underlying facts or findings contained in the Chloride TMDL Amendments. If the Parties' agreed-upon language in the Chloride TMDL Amendments remains unchanged, the Districts agree not to challenge through a judicial proceeding in either state or federal court (i) the Regional Board's incorporation of the Chloride TMDL Amendments into the current Chloride TMDL or Basin Plan; (ii) the State Board's approval of Regional Board's incorporation of the Chloride TMDL Amendments into the current Chloride TMDL or Basin Plan; (iii) OAL's approval of the incorporation of the Chloride TMDL Amendments into the current Chloride TMDL or Basin Plan; or (iv) EPA's approval of the incorporation of the Chloride TMDL Amendments into the current Chloride TMDL or Basin Plan.

8. Effect of Agreeing to the Chloride TMDL Amendments. The Parties acknowledge that this Settlement Agreement does not limit the authority or discretion of the Regional Board members in acting pursuant to the Porter-Cologne Act, the Clean Water Act, and other applicable laws. Regional Board members must consider the evidence before them and exercise their authority consistent with applicable laws, the record before the Regional Board, and the discretion vested in the Regional Board members by applicable laws. If the Regional Board incorporates the Chloride TMDL Amendments unchanged into the current Chloride TMDL and the Basin Plan, then the Districts will not challenge the Chloride TMDL Amendments or the provisions of the current Chloride TMDL as amended by the Chloride TMDL Amendments, except as follows: (1) the Districts reserve the right to pursue a judicial challenge to the Chloride TMDL if the Regional Board fails to incorporate the Chloride TMDL Amendments into the current TMDL or Basin Plan,

or if the Chloride TMDL Amendments are not approved by the State Board, OAL, or EPA; (2) the Districts reserve the right to pursue a judicial challenge to the underlying chloride objectives if they remain unchanged after the Regional Board's reconsideration of the objective five years after the effective date of the amended Chloride TMDL; (3) the Districts reserve the right to challenge any additional revisions (besides the addition of the Chloride TMDL Amendments) to the current or revised Chloride TMDL or the Basin Plan that the Regional Board, State Board, or EPA may make at any time; (4) the Districts reserve the right to challenge future revisions to the amended Chloride TMDL, as well as any failure to take any actions specified in the Chloride TMDL or to make revisions to the current Chloride TMDL or the underlying water quality objectives; (5) the Districts reserve the right to pursue its challenge of the provisions of the Permits and Time Schedule Orders on all legal theories raised in its petitions for review if not changed as provided herein; and (6) the Districts reserve the right to challenge the Chloride TMDL should there be a change in law that renders this TMDL, as amended, inconsistent with the Clean Water Act or the Porter-Cologne Act.

9. Tolling Period. Subject to the above-reserved rights in Paragraph 8, all applicable statutes of limitations, including the 30-day statute of limitations and judicial commencement requirements of Water Code section 13330, governing the commencement of any judicial action by the Districts challenging the Regional Board's adoption of or failure to amend or grant a variance of the chloride water quality objectives for the Santa Clara River, or the imposition of requirements in the Permits or Time Schedule Order for the Saugus or Valencia Water Reclamation Plants related to chloride are hereby tolled. The intent of the Parties is not that the applicable statutes of limitations are tolled in perpetuity, but that the applicable statutes are tolled until the occurrence of one or more of the actions or inactions specified in Paragraph 8. Nothing in this Agreement shall be construed in any manner to revive causes of action upon which the statute of limitations has already expired. Subject to the provisions of this paragraph, the Regional Board agrees not to assert any defense to an action identified in Paragraph 8, based on a claim of ripeness, exhaustion of remedies, failure to adhere to applicable statutes of limitation, failure to adhere to applicable

jurisdictional filing deadlines including, but not limited to, those set forth in California Water Code section 13330 or Government Code section 11350, or other similar defense.

10. No Commencement of Defenses During Tolling Period. Any applicable statute of limitations, filing requirement, statute of repose, laches defense, claim of waiver or estoppel, or other similar defense or claim that is applicable to any of the claims or causes of action that the Districts have asserted or may assert, which arise out of or relate to the chloride objective, related chloride requirements in the Permits, the Chloride TMDL, Regional Board Resolution No. 2003-008, and State Board Resolutions, that have not run as of the date of execution hereof, shall not commence during the tolling period of Paragraph 9.

11. No Waiver of Statutes Against Public Policy. The Parties recognize that under limited circumstances, certain statutes of limitations enacted for the benefit of the public cannot be waived by agreement. To the fullest extent permitted by law, the Parties to this stipulation agree that no such statute of limitations is involved in or implicated by this stipulation and the Parties will not raise any defenses based on such grounds.

12. No Admission of Liability. Nothing in this Stipulation shall be construed as an admission of liability by any of the Parties, or as a waiver of any claims or causes of action, or as an agreement on the appropriate standard of review or causes of action or claims that may be asserted in challenging the chloride objectives for the Santa Clara River, the Permits' requirements related to chloride for its Saugus and Valencia treatment plants discharging to the Santa Clara River, the Chloride TMDL, Regional Board Resolution No. 2003-008, and State Board Resolutions.

13. Counterparts. This stipulation may be signed in counterparts.

14. Facsimile Signatures. Signatures transmitted by facsimile shall be deemed to have the same force and effect as original signatures.

15. Representation by Counsel. The Parties understand and agree that this Agreement has been freely and voluntarily entered into by the Parties, each of which has been fully represented by counsel at every stage of these proceedings, and that no representations or promises

of any kind other than as contained herein have been made by any party to induce any other party to enter into this Agreement. The language of this Agreement shall be construed in its entirety, according to its fair meaning, and not strictly for or against any of the Parties.

16. Integrated Agreement. This Agreement and the language of the Chloride TMDL Amendment reflected on the attachment hereto contains the entire understanding of the Parties concerning the matters contained herein and constitutes an integrated agreement.

17. Subsequent Amendment. This Agreement may not be altered, amended, modified, or otherwise changed except by a writing executed by each of the Parties.

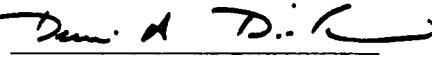
18. Use of Agreement. This Agreement cannot be introduced into evidence in any action filed in any court except to enforce this Agreement itself.

19. Effective Date. This Agreement is effective when signed by all Parties and the effective date shall be date of the last signature.

20. Authority. Each party to this Agreement warrants that the individual executing this Agreement is duly authorized to do so and that execution is the act and deed of the party.

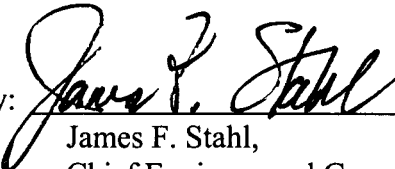
Dated: March 9, 2004

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

By: 
Dennis Dickerson,
Executive Officer

Dated: March 10, 2004

COUNTY SANITATION DISTRICTS NOS. 26 & 32
~~DISTRICTS~~ OF LOS ANGELES COUNTY

By: 
James F. Stahl,
Chief Engineer and General Manager

ATTACHMENT 1
SETTLEMENT AGREEMENT AND STIPULATION
CONCERNING CHLORIDES IN THE UPPER SANTA CLARA
RIVER

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 04-0XX
May 6, 2004

**Revision of interim waste load allocations and implementation plan for chloride in the
Amendment to the Water Quality Control Plan for the Los Angeles Region to include a
TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008**

**WHEREAS, the California Regional Water Quality Control Board, Los Angeles
Region, finds that:**

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality standards which are sufficient to protect beneficial uses designated for each water body found within its region.
2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).
3. At a public meeting on October 24, 2002, the Regional Board considered amending the Basin Plan to include a Total Maximum Daily Load (TMDL) for chloride in the Upper Santa Clara River. The proposed TMDL included interim waste load allocations for chloride for the Valencia and Saugus Water Reclamation Plants (WRPs) which are owned and operated by the County Sanitation Districts of Los Angeles County (CSDLAC). These interim waste load allocations provide the discharger the necessary time to implement chloride source reduction, complete site specific objective studies, and make appropriate modifications to the WRP, as necessary, to meet the water quality objective for chloride. The interim waste load allocations proposed in the TMDL were based on a statistical evaluation of the WRP's performance in the three years preceding October 2002.
4. The Regional Board considered the entire record, including written and oral comments received from the public and the Regional Board staff's response to the written comments. Resolution 02-018, the TMDL for chloride in the Upper Santa Clara River, was adopted by Regional Board on October 24, 2002. Resolution 02-018 assigned waste load allocations (WLAs) to major POTWs, minor point sources, and MS4s permittees discharging to specific reaches of the Santa Clara River.
5. At a public workshop on February 4, 2003, the State Board considered the TMDL for chloride in the Upper Santa Clara River, the entire record, including written and oral comments received from the public and the State Board staff's response to the written comments. At a public meeting on February 19, 2003 the State Board adopted SWRCB Resolution 2003-0014 (the "Remand Resolution") which remanded the TMDL to the Regional Board and directed the Regional Board to

reconsider several matters associated with the TMDL implementation plan, including the duration of the interim waste load allocations. The State Board resolution did not recommend that the Regional Board consider revision of the interim waste load allocations.

6. In response to the Remand Resolution, Regional Board staff revised the TMDL Implementation Plan to address issues identified in the Remand Resolution. At a public hearing on July 10, 2003, the Regional Board considered the revised TMDL for chloride in the Upper Santa Clara River. The Regional Board considered the entire record, including written and oral comments received from the public, the Regional Board staff's response to the written comments, and the Remand Resolution. At the public hearing, the Regional Board directed staff to reconsider interim waste load allocations and evaluate how any changes would affect avocados and groundwater.
7. On July 10, 2003, the Regional Board adopted Resolution 03-008 to revise the Basin Plan to include a TMDL in the Upper Santa Clara River. Resolution 03-008 contained interim waste load allocations for the Saugus and Valencia WRPs and assigned waste load allocations (WLAs) to major POTWs, minor point sources, and MS4s permittees discharging to specified reaches of the Santa Clara River.
8. During the time that the State and Regional Boards were considering the chloride TMDL, the National Pollutant Discharge Elimination System (NPDES) permits for the Valencia and Saugus Water Reclamation Plants (WRPs) were under consideration for renewal by the Regional Board. Time Schedule Orders adopted contemporaneously with the NPDES permits also included interim discharge limits for chloride ("NPDES Interim Limits") which differed from the TMDL interim waste load allocations. The NPDES Interim Limits are based on the chloride concentration of the water served from Castaic Lake for municipal supply in the Santa Clarita Valley plus a loading factor of 134 mg/L of the Valencia WRP and 114 mg/L for the Saugus WRP, measured as a twelve month rolling average. The loading values are the highest measured at each plant in the last 5 years.
9. Staff finds that the effects of the NPDES Interim Limits relative to TMDL interim waste load allocations on groundwater and avocados are minor. Potential fiscal impacts could be addressed through the mechanisms of the TMDL. The purpose of this Basin Plan Amendment is to modify the interim waste load allocations in the Chloride TMDL to conform to those in the Saugus and Valencia Time Schedule Orders adopted by the Regional Board on November 6, 2003.
10. The item summary, as well as CEQA checklist and tentative Basin Plan Amendment were released for public comment on December 30, 2003. The revised interim waste load allocations are proposed in attachment A to this resolution.
11. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 89-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).

12. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
13. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
14. The Basin Plan amendment incorporating a revision for interim waste load allocations for chloride in the Santa Clara River Chloride TMDL must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the U.S. Environmental Protection Agency (U.S. EPA). The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA. A Notice of Decision will be filed.
15. The TMDL Implementation Plan includes a task to develop site specific objectives for chloride to protect beneficial uses. The studies supporting the proposed site specific objectives are to be completed within three years after the effective date of the TMDL. The three-year timeline is reasonable in light of existing information; however, depending on the data requirements that are recommended by technical experts pursuant to Implementation Task 4, the completion dates for the development of appropriate thresholds for chloride and associated implementation tasks may need to be revised in order to provide sufficient time to complete the necessary scientific studies. The Implementation Plan has been modified to recognize that the Regional Board will re-evaluate the implementation schedule 12 months after the effective date of the TMDL, and take action to amend the schedule if there is sufficient technical justification.
16. The Regional Board recognizes that certain completion dates provided in the TMDL Implementation Plan are estimates and that there are uncertainties associated with implementation of some of the tasks, particularly for those related to the development and implementation of appropriate control measures for meeting the water quality objective. For example, should additional treatment facilities be required, the time needed for actions including, but not limited to, gaining regulatory approval for measures selected for implementation, completion of CEQA requirements, and acquisition of land and easements, are subject to uncertainties and factors outside the control of responsible parties. In recognition of these uncertainties, the implementation plan has been modified to recognize that the Regional Board will re-evaluate the schedule 9 years after the effective date of the TMDL.

THEREFORE, be it resolved that pursuant to Section 13240 and 13242 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. The revised implementation plan in attachment A of this Resolution supersedes the implementation plan contained in Resolution 03-008.
2. Pursuant to sections 13240 and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 the Water Quality Control Plan for the Los Angeles Region to incorporate the revisions of the interim waste load

allocations and implementation plan in the Santa Clara River Chloride TMDL, Table 7-8.1, Implementation Section as set forth in Attachment A hereto.

3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.
4. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to Office of Administrative Law (OAL) and the United State Environmental Protection Agency (U.S. EPA).
5. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistently, the Executive Officer may make such changes, and shall inform the Board of any such changes.
6. The Executive Officer is authorized to sign a Certificate of Fee Exemption.
7. Amend the text in the Basin Plan, Plans and Policies (Chapter 5) to add:

“Resolution No. 04-X. Adopted by the Regional Water Quality Control Board on May 6, 2004.

‘Amendment to revise the interim waste load allocations and implementation plan in the TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008’.

The resolution proposes revisions for the interim waste load allocations for chloride and a revised implementation plan for the Upper Santa Clara River.”

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 6, 2004.

Dennis A. Dickerson
Executive Officer

Attachment A to Resolution No. R04-00XX

Revision of interim waste load allocations and implementation plan for chloride in the Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Chloride in the Santa Clara River, Resolution 03-008

Proposed for adoption by the California Regional Water Quality Control Board, Los Angeles Region on May x, 2004.

Amendments

Table of Contents

Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)

7-6 Upper Santa Clara River Chloride TMDL

List of Figures, Tables, and Inserts

Add:Chapter 7. Total Maximum Daily Loads (TMDLs) Tables

7-6.1. Upper Santa Clara River Chloride TMDL: Elements

7-6.2. Upper Santa Clara River Chloride TMDL: Implementation Schedule

Chapter 7. Total Maximum Daily Loads (TMDLs) Upper Santa Clara River TMDL

This TMDL was adopted by: The Regional Water Quality Control Board on October 24, 2002.

This TMDL was remanded by: The State Water Resources Control Board on February 19, 2003

This TMDL was adopted by: The Regional Water Quality Control Board on July 10, 2003

This TMDL was revised and adopted by: The Regional Water Quality Control Board on [Insert date]

This TMDL was approved by: The State Water Resource Control Board on [Insert Date]

The Office of Administrative Law on [Insert Date].

The U.S. Environmental Protection Agency on [Insert Date].

Element	Table 7-6.1 Upper Santa Clara River Chloride TMDL: Elements Santa Clara River Chloride
<i>Problem Statement</i>	<p>Elevated chloride concentrations are causing impairments of the water quality objective in Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) of the Santa Clara River. This objective was set to protect all beneficial uses; agricultural beneficial uses have been determined to be most sensitive, and not currently attained at the downstream end of Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) in the Upper Santa Clara River. Irrigation of salt sensitive crops such as avocados and strawberries with water containing elevated levels of chloride results in reduced crop yields. Chloride levels in groundwater are also rising.</p>
<i>Numeric Target (Interpretation of the numeric water quality objective, used to calculate the load allocations)</i>	<p>This TMDL has a numeric target of 100 mg/L, measured instantaneously and expressed as a chloride concentration, required to attain the water quality objective and protect agricultural supply beneficial use. These objectives are set forth in Chapter 3 of the Basin Plan.</p> <p>The numeric target for this TMDL pertains to Reaches 5 and 6 of the Santa Clara River and is based on achieving the existing water quality objective of 100 mg/L, measured instantaneously, throughout the impaired reaches. A subsequent Basin Plan amendment will be considered by the Regional Board to adjust the chloride objective based on technical studies about the chloride levels, including levels that are protective of salt sensitive crops, chloride source identification, and the magnitude of assimilative capacity in the upper reaches of the Santa Clara River, provided that County Sanitation Districts of Los Angeles County choose to submit timely and complete studies in accordance with tasks 2 through 6 of Table 7.6.2.</p>
<i>Source Analysis</i>	<p>The principal source of chloride into Reaches 5 and 6 of the Santa Clara River is discharges from the Saugus Water Reclamation Plant (WRP) and Valencia WRP, which are estimated to contribute 70% of the chloride load in Reaches 5 and 6.</p>
<i>Linkage Analysis</i>	<p>Linkage between chloride sources and the in-stream water quality was established through a statistical analysis of the WRP effluent and water quality data at Blue Cut and Highway 99. The analysis shows that additional assimilative capacity is usually added to Reaches 5 and 6 from groundwater discharge, but the magnitude of the assimilative capacity is not well quantified. Consequently, the Implementation Plan includes a hydrological study (Surface Water/Groundwater Interaction) of the upper reaches of the Santa Clara River.</p>

Element	Table 7-6.1 Upper Santa Clara River Chloride TMDL: Elements Santa Clara River Chloride
<i>Waste Load Allocations (for point sources)</i>	<p>The numeric target is based on the water quality objective for chloride. The proposed waste load allocations (WLAs) are 100 mg/L for Valencia WRP and 100 mg/L for Saugus WRP. The waste load allocations are expressed as a concentration limit derived from the existing WQO, thereby accommodating future growth. Other NPDES discharges contribute a minor chloride load. The waste load allocation for these point sources is 100 mg/L</p>
<i>Load Allocation (for non point sources)</i>	<p>The source analysis indicates nonpoint sources are not a major source of chloride. The load allocations for these nonpoint sources is 100 mg/L.</p>
<i>Implementation</i>	<p>Refer to Table 7-6.2.</p> <p>The implementation plan proposes that during the period of TMDL implementation, compliance for the WRPs' effluents will be evaluated in accordance with interim waste load allocations.</p> <p>Saugus WRP: The interim waste load allocations for chloride are based on the sum of State Water Project treated water supply concentration plus 114 mg/L, not to exceed 230 mg/L, or the following formula, both as a twelve month rolling average:</p> <p style="padding-left: 40px;">Interim Waste Load Allocation = Treated Potable Water Supply + 114 mg/L, not to exceed 230 mg/L.</p> <p>114 mg/L, is the maximum difference in chloride concentration between the State Water Project treated water and the Saugus WRP treated effluent over the last five years.</p> <p>Valencia WRP: The interim waste load allocation for chloride are based on the sum of State Water Project treated water supply concentration plus 134 mg/L, not to exceed 230 mg/L, or the following formula, both as a twelve month rolling average:</p> <p style="padding-left: 40px;">Interim Waste Load Allocation = Treated Potable Water Supply + 134 mg/L, not to exceed 230 mg/L.</p> <p>134 mg/L, is the maximum difference in chloride concentration between the State Water Project treated water and the Valencia WRP treated effluent over the last five years.</p>
<i>Margin of Safety</i>	<p>An implicit margin of safety is incorporated through conservative model assumptions and statistical analysis.</p>
<i>Seasonal Variations and Critical Conditions</i>	<p>Three critical conditions are identified for this TMDL. The driest six months of the year is the first critical condition for chloride because less surface flow is available to dilute effluent discharge, pumping rates for agricultural purposes are higher, groundwater discharge is less, poorer quality groundwater may be drawn into the aquifer and evapotranspiration effects are greater in warm</p>

	<p>weather. During drought, the second critical condition, reduced surface flow and increased groundwater extraction continues through several seasons with greater impact on groundwater resource and discharge. The third critical conditions is based on the recent instream chloride concentration increases such as those that occurred in 1999, a year of average flow, when 9 of 12 monthly averages exceeded the objective. Data from all three critical conditions were used in the statistical model described. Hydrological modeling will be completed to evaluate whether additional loading will impact the WQO or beneficial uses during non-critical conditions.</p>
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<p align="center">Table 7-6.2. Upper Santa Clara River Chloride TMDL: Implementation Implementation Tasks</p>	<p align="center">Completion Date</p>
<p>1. Alternate Water Supply</p> <p>a) Should (1) the monthly average in-river concentration at Blue Cut, the reach boundary, exceed the water quality objective of 100 mg/L, measured for the purposes of this TMDL as a rolling twelve month average, for three months of any 12 months, (2) each agricultural diverter provide records of the diversion dates and amounts to the Regional Board and County Sanitation Districts of Los Angeles County (CSDLAC) for at least 2 years after the effective date of the TMDL and (3) each agricultural diverter provide photographic evidence that diverted water is applied to avocado, strawberry or other chloride sensitive crop and evidence of a water right to divert, then CSDLAC will be responsible for providing an alternative water supply, negotiating the delivery of alternative water by a third party, or providing fiscal remediation to be quantified in negotiations between CSDLAC and the agricultural diverter at the direction of the Regional Water Quality Control Board until such time as the in-river chloride concentrations do not exceed the water quality objective.</p> <p>b) Should the instream concentration exceed 230 mg/L more than two times in a three year period, the discharger identified by the Regional Board Executive Officer shall be required to submit a work plan for an accelerated schedule to reduce chloride discharges within ninety days of a request by the Regional Board Executive Officer.</p> <p>2. Progress reports will be submitted by CSDLAC to Regional Board staff on a semiannual basis from the effective date of the TMDL for tasks 4, 6, and 7, and on an annual basis for Task 5.</p>	<p>Effective Date of TMDL</p>
<p>3. Chloride Source Identification/Reduction, Pollution Prevention and Public Outreach Plan: Six months after the effective date of the TMDL, CSDLAC will submit a plan to the Regional Board that addresses measures taken and planned to be taken to quantify and control sources of chloride, including, but not limited to: execute community-wide outreach programs, which were developed based on the pilot outreach efforts conducted by CSDLAC, assess potential incentive/disincentive programs for residential self-regenerating water softeners, and other measures that may be effective in controlling chloride. CSDLAC shall develop and implement the source reduction/pollution prevention and public outreach program, and report results annually thereafter to the Regional Board. Chloride sources from imported water supplies will be assessed. The assessment will include conditions of drought and low rainfall, and will analyze the alternatives for reducing this source.</p>	<p>6 months after Effective Date of TMDL</p>
<p>4. CSDLAC will convene a technical advisory committee or committees (TAC(s)) in cooperation with the Regional Board to review literature,</p>	<p>12 months after Effective Date</p>

<p>develop a methodology for assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the time schedule for evaluation of appropriate chloride threshold for Task 6. The Regional Board, at a public hearing will re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the TAC(s), along with Regional Board staff analysis and assessment consistent with state and federal law, as to the types of studies needed and the time needed to conduct the necessary scientific studies to determine the appropriate chloride threshold for the protection of salt sensitive agricultural uses, and will take action to amend the schedule if there is sufficient technical justification.</p>	<p>of TMDL</p>
<p>5. Groundwater/Surface Water Interaction Model: CSDLAC will solicit proposals, collect data, develop a model in cooperation with the Regional Board, obtain peer review, and report results. The impact of source waters and reclaimed water plans on achieving the water quality objective and protecting beneficial uses, including impacts on underlying groundwater quality, will also be assessed and specific recommendations for management developed for Regional Board consideration. The purpose of the modeling and sampling effort is to determine the interaction between surface water and groundwater as it may affect the loading of chloride from groundwater and its linkage to surface water quality.</p>	<p>2 years after Effective Date of TMDL</p>
<p>6. Evaluation of Appropriate Chloride Threshold for the Protection of Sensitive Agricultural Supply Use and Endangered Species Protection: CSDLAC will prepare and submit a report on endangered species protection thresholds. CSDLAC will also prepare and submit a report presenting the results of the evaluation of chloride thresholds for salt sensitive agricultural uses, which shall consider the impact of drought and low rainfall conditions and the associated increase in imported water concentrations on downstream crops utilizing the results of Task 5.</p>	<p>3 years after Effective Date of TMDL</p>
<p>7. Develop Site Specific Objectives (SSO) for Chloride for Sensitive Agriculture: CSDLAC will solicit proposals and develop technical analyses upon which the Regional Board may base a Basin Plan amendment.</p> <p>8. Develop Anti-Degradation Analysis for Revision of Chloride Objective by SSO: CSDLAC will solicit proposals and develop draft anti-degradation analysis for Regional Board consideration.</p> <p>9. Develop a pre-planning report on conceptual compliance measures to meet different hypothetical final wasteload allocations. CSDLAC shall solicit proposals and develop and submit a report to the Regional Board that identifies potential chloride control measures and costs based on different hypothetical scenarios for chloride water quality objectives and final wasteload allocations.</p>	<p>4 years after Effective Date of TMDL</p>
<p>10. a) Preparation and Consideration of a Basin Plan Amendment (BPA) to revise the chloride objective by the Regional Board.</p> <p>b) Evaluation of Alternative Water Supplies for Agricultural Beneficial Uses: CSDLAC will quantify water needs, identify alternative water supplies, evaluate necessary facilities, and report results, including the long-term application of this remedy.</p>	<p>5 years after Effective Date of TMDL</p>

<p>c) Analysis of Feasible Compliance Measures to Meet Final Wasteload Allocations for Proposed Chloride Objective. CSDLAC will assess and report on feasible implementation actions to meet the chloride objective established pursuant to Task 10 a).</p> <p>d) Reconsideration of and action taken on the Chloride TMDL and Final Wasteload Allocations for the Upper Santa Clara River by the Regional Board.</p>	
<p>11. The Regional Board staff will re-evaluate the schedule to implement control measures needed to meet Final Wasteload Allocations adopted pursuant to Task 10 d) and the schedule for Task 12. The Regional Board, at a public meeting will consider extending the completion date of Task 12 and reconsider the schedule to implement control measures to meet Final Wasteload Allocations adopted pursuant to Task 10 d). CSDLAC will provide the justification for the need for an extension to the Regional Board Executive Officer at least 6 months in advance of the deadline for this task.</p>	<p>9 years after Effective Date of TMDL</p>
<p>12. The interim effluent limits for chloride shall remain in effect for no more than 13 years after the effective date of the TMDL. Water Quality Objective for chloride in the Upper Santa Clara River shall be achieved. The Regional Board may consider extending the completion date of this task as necessary to account for events beyond the control of the CSDLAC.</p>	<p>13 years after Effective Date of TMDL</p>

ATTACHMENT 2A-3

SANTA CLARA RIVER CHLORIDE TMDL COLLABORATIVE PROCESS

This plan describes a collaborative process that will be utilized in the oversight and implementation of the Santa Clara River Chloride Total Maximum Daily Load (“TMDL”) by the Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”), in consultation with other stakeholders in the upper Santa Clara River area.

The goal of the Santa Clara River Chloride TMDL collaborative process is to ensure that by the end of the process there will be substantial agreement by Regional Board staff, Sanitation Districts’ staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about standards and the implementation plan for the Upper Santa Clara River.

BACKGROUND

Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the upper reaches of the Santa Clara River where the Sanitation Districts’ Saugus and Valencia WRP’s discharge. This objective was established to protect beneficial uses and reflect background conditions, and was the basis of waste load allocations used by the Upper Santa Clara River Chloride TMDL and discharge permits issued to the Sanitation Districts.

The TMDL includes a collaborative process that allows for completion of new scientific studies before final waste load allocations are applied.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be subject to technical review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies. Once these studies are complete, the Regional Board will re-consider the objective.

Implementation of the TMDL is to occur within a 13-year period. However, most of the scientific studies that could affect the chloride objective will be conducted in the first 5 years of the study, and reconsideration of the objective will occur at the end of this five-year period. Figure 1 summarizes the studies to be conducted during the first 5 years. A detailed description of each task is provided in Appendix 1, Upper Santa Clara River Chloride TMDL Implementation Tasks.

PROBABLE TMDL DATE

The entire schedule for TMDL implementation is tied to the effective date of the TMDL. This date has not yet been determined. The Regional Board has approved the proposed amendments to the TMDL at its meeting on May 6, 2004. The TMDL will be forwarded to the California State Water Resources Control Board ("State Board") for approval. Once the State Board has approved the TMDL, it goes to the Office of Administrative Law for approval, and then to the U.S. Environmental Protection Agency ("EPA") for final approval.

The effective date of the TMDL is estimated to be sometime between October 2004 and April 2005.

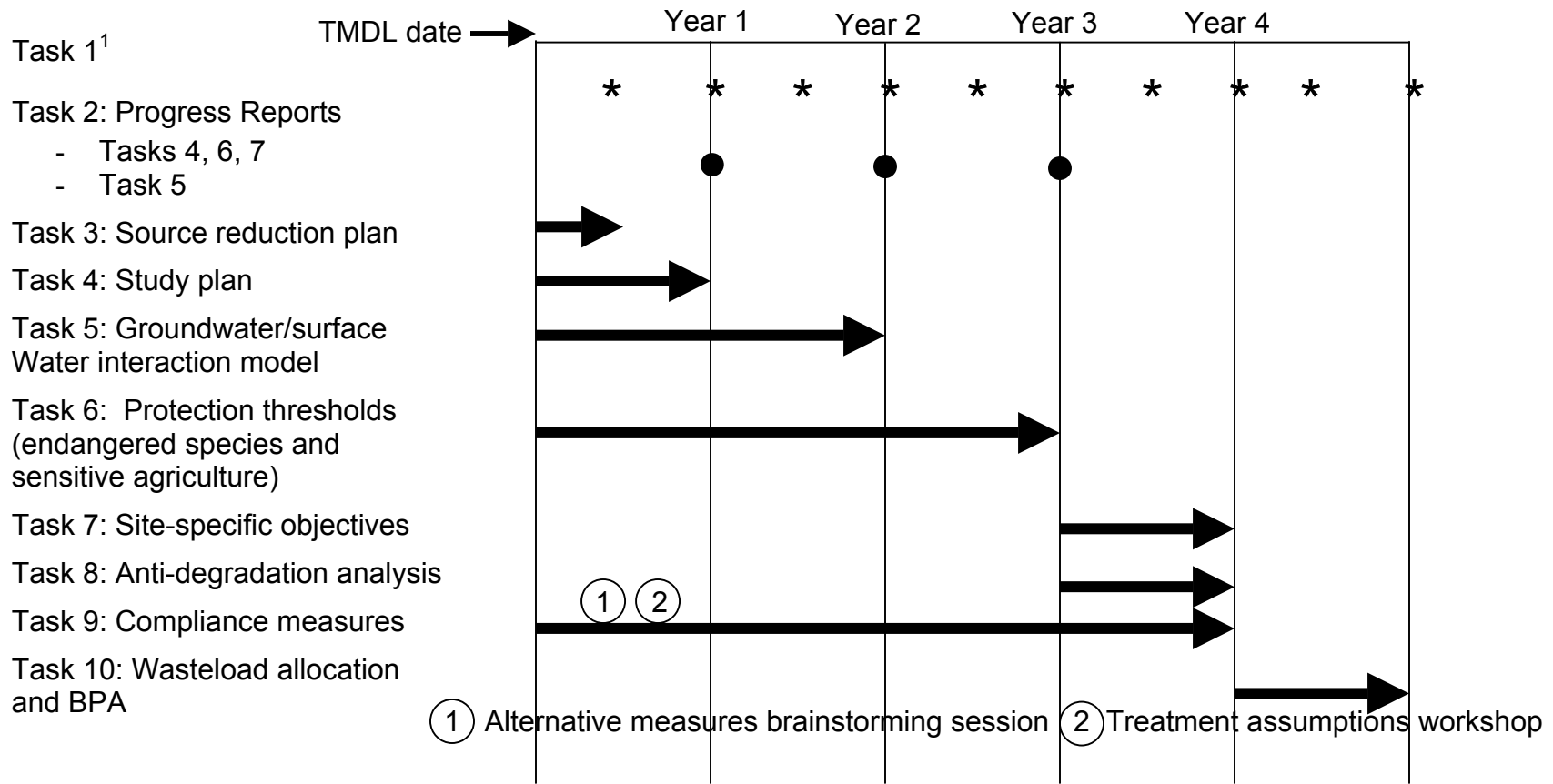
The Sanitation Districts may choose to proceed with studies prior to the effective date of the TMDL. However, they do so at their own risk and expense in the event the TMDL Implementation Plan is not approved.

FIRST-YEAR PROGRAM

The first-year program lays the groundwork for the entire process. During the first year, the project team, which consists of the combined staff of the Regional Board and Sanitation Districts assigned to this project, will develop a study plan that identifies the purpose, scope, tasks, and schedule for agricultural studies, endangered species studies, groundwater/surface water interaction studies, and anti-degradation studies needed for evaluation of an appropriate chloride threshold. The project team will set up technical working groups consisting of technical representatives of the two agencies and representatives of key stakeholder groups. After consultation with affected stakeholders, the project team will establish panels of technical advisors who will advise the working groups on appropriate study methodologies in each technical area and review work products. Each working group will establish a process for consultation with stakeholders interested in the activities of that working group. The overall project team will also provide opportunities for stakeholder involvement.

Twelve months after the effective date of the TMDL, the agricultural technical advisors panel will complete its literature review and method assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the TMDL implementation schedule for evaluation of an appropriate chloride threshold. The Regional Board will hold a public hearing to re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the technical advisors panel and Regional Board staff as to the types of

FIGURE 1
FIRST FIVE YEARS SCHEDULE
SANTA CLARA RIVER CHLORIDE TMDL



¹ Task 1 consists of a requirement that in the event instream chloride concentrations exceed 230 mg/l more than two times in a three-year period, the Sanitation District will provide an accelerated plan to reduce chloride discharges within 90 days. Task 1 also establishes a mechanism for gathering information about agricultural diversions from the river. No schedule is shown for Task 1 as it is triggered only if instream chloride concentrations exceed specified levels.

studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

The schedule allows four years for the evaluation of alternative measures (such as treatment or alternative water supplies) to determine if there are regulatory solutions other than those contemplated in the TMDL implementation plan (i.e. development of a site-specific objective for the protection of salt-sensitive crops) or compliance with the existing water quality standard. But the project team plans to initiate these studies early in the process, as some of these studies require considerable time to complete. During the first year the project team plans two activities that will contribute to this work element: (1) the project team will conduct a brainstorming session designed to identify alternative measures that should be evaluated, and (2) the project team will participate in a workshop designed to develop a consensus on the assumptions that will be used to determine the cost of compliance for various chloride waste load allocations. In addition, the Sanitation Districts will also prepare and submit a plan to quantify and control sources of chloride. This plan will include but not be limited to public outreach programs and incentive/disincentive programs for use of appropriate water softeners and other measures that may be effective in controlling chlorides. This plan will be submitted within six months of the effective date of the TMDL.

During the first year the project team will also begin submitting semi-annual reports to the Regional Board on the technical studies being conducted, and annual reports on the development of a groundwater/surface water computer model.

PROGRAM FOR YEARS TWO - FIVE

By the end of Year Two, the project team will have developed or modified an existing computer model of the interaction of groundwater and surface water. This is especially important for the Upper Santa Clara River to determine assimilative capacity because there are stretches of the river within these reaches where surface water infiltrates to groundwater as well as areas where rising groundwater discharges to surface water. In addition to these interactions, surface water flow is augmented with water from other tributary sources

By the end of Year Three, the project team plans to have conducted studies that will allow it to identify a protection threshold for both endangered species and chloride-sensitive agriculture. The project team acknowledges that agricultural studies may require an extension beyond the three-year time period specified, which in turn would affect all subsequent linked tasks in the implementation plan.

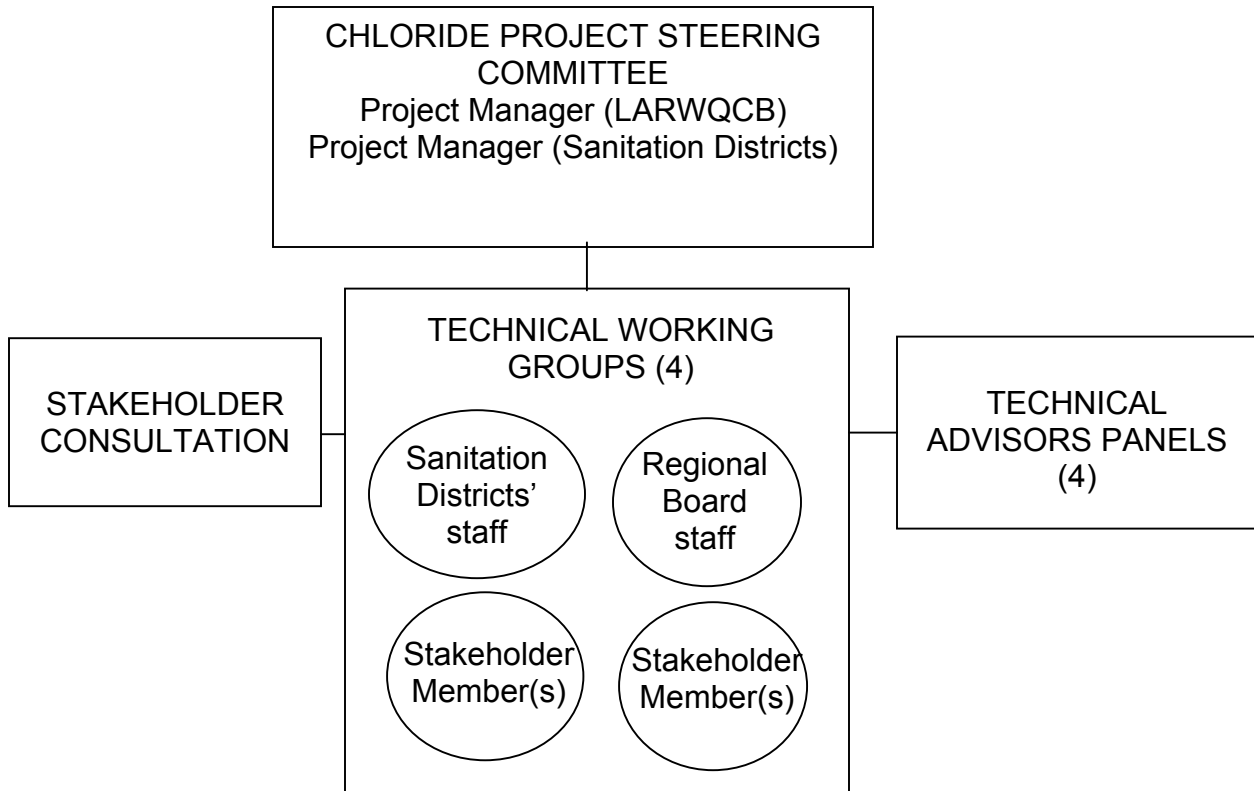
By the end of Year Four, assuming that agricultural studies will all be completed by the end of Year 3, the project team will use the protective thresholds determined from the special studies and other relevant information (e.g., anti-degradation analysis) to develop proposed site-specific objectives for chloride and develop technical analyses upon which the Regional Board may base a Basin Plan Amendment. The project team will also conduct an anti-degradation analysis, if required. The project team will also

complete a pre-planning study of alternative compliance measures identifying potential chloride control measures and costs based on hypothetical scenarios for chloride water objectives and wasteload allocations.

By the end of Year Five, the project team will complete a revised wasteload allocation and Basin Plan Amendment, if appropriate, for consideration by the Regional Board.

ORGANIZATIONAL STRUCTURE OF UPPER SANTA CLARA RIVER CHLORIDE TMDL SPECIAL STUDIES

Figure 2 shows the basic organizational structure for the project.



Both the Regional Board and the Sanitation Districts will appoint a project manager. These two individuals comprise the Project Steering Committee, which has overall responsibility for implementation of this plan.

Each of the major studies requires a different methodology and technical expertise. This means there will be an Agricultural Studies Working Group, Endangered Species Studies Working Group, Groundwater/Surface Water Interaction Studies Working Group, and a Anti-Degradation Studies/Water Quality Standards Working Group.

The Regional Board and Sanitation Districts will designate 1-2 staff members to be members of each working group.

In addition, the membership of the working groups will include several stakeholder members. There are a number of stakeholders for these studies – agencies, groups or individuals who see themselves as potentially impacted by the decisions that could be made as part of this study – whose support or opposition could determine the success of the process. These stakeholders often possess technical information and expertise equivalent to that of the Regional Board and Sanitation Districts’ staff.

Stakeholders will be invited to be members of each working group. To be members, people will need to make a commitment to: (1) attend meetings regularly, (2) commit the time and resources to prepare for and participate in document reviews, (3) participate in a consensus-oriented process, and (4) provide their participation without compensation by the study.

The project team will, in addition, conduct separate periodic stakeholder meetings or workshops to discuss significant study documents or evaluate alternative approaches.

All meetings of working groups are open to the public. However, working group meetings will be conducted in a formalized manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail and/or standard mail. Announcements of working group meetings, as well as any documents generated and/or draft study findings released will also be posted on a project web page.

The members of technical advisors panels will be individuals with recognized expertise in the subject matter of the specific working group, who can offer recommendations and provide objective review of the technical adequacy of the study work being performed. The working groups will actively consult with the technical advisors panels during the development of the study plan. The advisors panels will also conduct a final peer review of the proposed study plan, as well as complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within working groups will be by mutual agreement. “Mutual agreement” does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that everyone in the working group is willing to “live with” the agreement, even though some individuals might prefer an alternative solution. In the event that a working group is not able to reach mutual agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- Refer the issue to the Project Steering Committee, along with full documentation regarding the positions taken by project team members and the

reasons for those positions. Decisions of the Project Steering Committee will be binding upon the working group.

- Ask the Study Manager (see below) to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent non-binding recommendation on how to resolve the issue. The purpose of a disputes review expert or panel of experts is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Working groups must still make a decision and may decide for themselves how much weight to give to the advice from the expert or panel. Decisions referred to outside technical experts will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator (see below) to provide a neutral third party to provide mediation services to assist in resolving the issue.

DECISION MAKING IN THE PROJECT STEERING COMMITTEE

The Project Steering Committee will make decisions by agreement of both project managers.

In the event the project managers are not able to reach agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- The Project Steering Committee may elevate the decision to a Senior Management Committee that will consist of the Executive Officer of the Regional Board and the Chief Engineer and General Manager of the Sanitation Districts. Both agencies agree that the Senior Management Committee will confer within 15 days to address any issue elevated to that committee, and commit to achieve resolution (if at all possible) within a 15-day time period. Those issues elevated to the Senior Management Committee will primarily involve policy issues.
- Ask the Study Manager to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent recommendation on how to resolve the issue. Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue. The purpose of a disputes review panel is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Agency decision makers must still make a decision and may decide for themselves how much weight to give to the advice from the Dispute Review Panel. Decisions referred to a Dispute Review Panel will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue.

SETTING UP TECHNICAL ADVISORS PANELS

In consultation with stakeholders, the project team will establish technical advisory panels for each of the major study areas: agricultural studies, endangered species studies, groundwater/ surface water interaction, and anti-degradation studies.

The purpose of the technical advisors panels is to provide objective technical information and expertise to assist the working groups in developing a research program that will be fully adequate to provide a solid scientific basis for reviewing the chloride objective.

The project team will establish a procedure for selection of technical advisors panel members that is acceptable to both the Regional Board and the Sanitation Districts. Panel members will be selected by mutual agreement of the Regional Board and Sanitation Districts.

To ensure the neutrality of the panel members, the Regional Board and Sanitation Districts agree not to select any panel member who: (1) is a past employee of either the Regional Board or Sanitation Districts; (2) has received significant contracts from either the Sanitation Districts or Regional Board in the past 5 years²; (3) has previously expressed, in writing or in speeches, a position of opposition to regulation or regulators.

The Sanitation Districts will develop any needed contracts through the Study Manager to pay for the services of the technical review panels. Every effort will be made to ensure that the technical advisors panels understand that their “client” is the entire project team, not just the Sanitation Districts. To ensure this, the Regional Board and the Sanitation Districts agree that each working group will decide when and how often its technical advisors panel will be convened, and will agree upon the information to be presented to the technical panel, the manner of presentation, and the question(s) the advisory panel is asked to address. If there are disagreements within the working group, the dispute resolution procedures described earlier will apply.

In accord with established Regional Board procedures, at the conclusion of all the studies and before submitting a proposed objective and Basin Plan Amendment to its Board for approval, the Regional Board will send all studies through a peer review process set up by the University of California system. This review is in addition to and is not intended to replace the reviews conducted by the technical advisors panels. Normal Regional Board procedures will be followed during this review, but Regional Board staff will consult with Sanitation Districts’ staff regarding the information to be presented and the manner in which questions to the peer review panel are framed.

STAKEHOLDER INVOLVEMENT

² This is not intended to exclude individuals whose contracts with either the Regional Board or Sanitation Districts consisted solely of performing technical peer reviews.

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. However, this will involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshops to review major study products or comment upon pending decisions. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops will be held. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
3. The project team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletins sent over the list server. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on the web page will be available only to working group members, contractors and project staff. For those stakeholders without access to the internet, general updates will be mailed, via standard mail.

PARTNERING

The Regional Board and Sanitation Districts agree to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how the team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session.

The Regional Board and Sanitation Districts have agreed to participate in a kickoff workshop and in periodic refresher sessions. These sessions will involve the two project managers (the Project Steering Committee) and all working group members

from the two agencies. Once the working groups include stakeholder members, the stakeholder members will also be invited to participate, as their attitudes and behaviors can affect the manner in which the entire project team works together. At the discretion of the Project Steering Committee, major contractors may also be invited to participate in these sessions. At present there is no expectation that the members of the Senior Management Committee will participate in these sessions.

The project team agrees to the following essential behaviors for successful partnering:

- Pursue a win/win outcome
- Follow the dispute resolution process on all disputes
- Advocate for the decision as a team when necessary
- Jointly educate new study team members on the norms of partnering
- Jointly consult with stakeholders throughout the process
- Conduct periodic reviews of how the group is working together
- To the extent possible, complete all stages of the process on or before schedule, with changes in the schedule adopted by mutual agreement
- Ensure that the outcome truly protects appropriate beneficial uses

Early in the process the project team will also agree on a more detailed set of group norms such as proposed in Appendix 2.

FACILITATOR

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator's services, but every effort will be made to ensure that the facilitator understands that his/her "client" is both agencies, not just the Sanitation Districts.

At present, the project team anticipates that there will be a Lead Facilitator. Since there will be numerous meetings, the Lead Facilitator may also retain additional facilitators who will be assigned to working groups and facilitate meetings of those groups. In the event the lead facilitator does retain other meeting facilitators, he/she will be responsible for selection, training and supervision of these other facilitators.

The Lead Facilitator will ensure that all meetings are covered, will maintain oversight over the entire process, and will facilitate meetings of the entire project team, as well as project-level meetings with stakeholders.

No final decision has yet been made as to whether all working group meetings require facilitation, although it may be appropriate that initial meetings be facilitated until norms have been established for working together effectively.

STUDY MANAGER

The Study Manager will oversee and coordinate the technical studies performed by contractors, as well as the technical reviews of those studies. The Study Manager will oversee the maintenance of schedules and satisfactory task completion.

One of the principal responsibilities of the Study Manager is to ensure that all work is performed in a manner that is acceptable to the project team as a whole, even though the Study Manager will have a contractual relationship with the Sanitation Districts.

The Study Manager may designate other staff to assist with program management for individual working groups or technical advisors panels.

A single person could serve as both Lead Facilitator and Study Manager, but this would require that this person be both a highly skilled facilitator and possess the technical qualifications to provide technical supervision for the performance of technical studies.

MAINTAINING RECORDS OF DECISIONS

When a facilitator conducts a meeting, s/he will be responsible for recording all decisions made by the participants in a manner acceptable to the participants. This may be accomplished in several ways. For example:

- The facilitator may record all decisions as they are being made on a flip chart, and get verbal assent to the manner in which the decision has been worded during the meeting. The flip charts will then be typed up as the summary of the meeting.
- The facilitator may retain a person who will keep notes of the meeting and then distribute a summary of the meeting.

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The project team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that

once reports are prepared they can be immediately posted on the web page and distributed by list server.

CONTRACTORS

Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their “client,” not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.
4. The Statement of Work will reflect that both Regional Board and Sanitation Districts’ staff will have access to and may request information from contractors.
5. The Sanitation Districts will obtain the services of a Study Manager who will in turn oversee the performance of technical studies and technical reviews. The Study Manager will ensure that all contracts are performed in a response to the needs of the project team as a whole, and will develop the contractual relationships needed to perform the work.

Appendix 2
Upper Santa Clara River Chloride TMDL
Collaborative Process
PROJECT TEAM NORMS AND EXPECTATIONS

PURPOSE

The purpose of this collaborative process is to ensure that there will be agreement by Regional Board staff, Sanitation Districts' staff, and major stakeholders that there is sufficient and credible scientific and technical information on which to base decisions about standards and the implementation plan to protect beneficial uses on the Upper Santa Clara River. The project team consists of the combined staff of the Regional Board and Sanitation Districts.

GOALS

The project team agrees to:

- To the extent possible, complete all stages of the process on or before schedule, with any changes in the schedule adopted by mutual agreement
- Protect the efficiency of the process and minimize costs
- Resolve problems and make decisions at the lowest possible level in a timely manner
- Ensure that the outcome truly protects appropriate beneficial uses

DECISIONS BY MUTUAL AGREEMENT

Decision making will be by mutual agreement. "Mutual agreement" does not necessarily mean that all project team members are equally enthusiastic about the decision. It does mean that everyone is willing to "live with" the agreement, even though some individuals might prefer an alternative solution. In the event that the project team is not able to reach mutual agreement, the dispute resolution mechanisms described in the Collaborative Process Plan will be employed to reach agreement.

DECISION MAKING PROCESS

The project team agrees to employ the following decision making process:

1. Get agreement on the definition of the problem or opportunity, including:
 - Full disclosure of interests
 - Full and complete information
 - Defining the problem in a way that opens up options rather than forecloses them

2. Establish objective criteria to measure how well alternatives address the problem or opportunity
3. Generate alternatives:
 - Generate options as a team - so agencies don't become advocates for particular options in advance
 - Generate lots of options – so individuals don't become emotionally wed to their own ideas
4. Clarify constraints on decision making authority, e.g., which decisions can be made in the team and which require: (a) senior management approval; or (b) full Regional Board approval
- 5 Evaluate options using the agreed-upon criteria
6. Agree on a mutually acceptable solution
7. Agree on any process of management review or approval
8. Agree on an implementation plan, including action items, task responsibility, and schedule

ACCESS TO INFORMATION

Both the Regional Board and Sanitation Districts commit themselves to providing, full, complete and equal access to all technical information that is part of this process.

GOOD FAITH

Specific offers, positions, or statements made as part of this process cannot be used for other purposes or as a basis for future litigation.

DEALING WITH THE MEDIA

Communication with the media will be, to the extent possible, be handled jointly or as part of a mutual agreement between Regional Board staff and Sanitation Districts' staff. No party will characterize the position of other parties in public statements or in discussions with the media.

EXPECTATIONS OF PROJECT TEAM MEMBERS

Team members are expected to:

- Accept responsibility for the success of this process

- Participate actively and enthusiastically
- Seek “win/win” outcomes
- Provide full and complete information to other team members in a timely manner
- Encourage open expressions of ideas and alternative solutions
- Help the team stay on track
- Make an effort to understand the other person’s position
- Openly consider alternatives and innovations
- Maintain a professional atmosphere of mutual respect and resolve personal conflicts immediately
- Follow through on all task assignments and commitments and maintain schedules agreed upon in team meetings – and whenever there are problems doing this, provide early notice of the problems and the reasons for them
- Communicate problems openly and as early as possible. Keep conflict in the open, not hidden. Whenever there are problems with other team members, discuss these problems directly with the person with whom you have the problem, or with the whole group, but never behind the scenes and with no lobbying to line up people to be on “your side”
- Review documents by agreed-upon deadlines, and accept the consequences if you have not
- Attend meetings on time, avoid being pulled out of meetings, stay focused on agenda items, and end the meeting on time
- Avoid inflammatory or provocative language – keep focused on results not on personalities
- When there is confusion or lack of clarity, ask questions or otherwise ensure that matters are clarified
- Confront other team members, including (and perhaps especially) team members from your own organization, whose behavior is inconsistent with team norms
- Maintain confidentiality regarding the team and team members

EXPECTATIONS OF THE LEAD FACILITATOR

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board or Sanitation Districts
- Provide continuing counsel to the Project Steering Committee on how to protect the collaborative nature of the process

- Coordinate the overall schedule of meetings, ensuring that a facilitator is assigned to every meeting requiring facilitation
- Ensure quality assurance by overseeing the selection, training and/or mentoring, as needed, for all meeting facilitators
- Coordinate with the Study Manager to ensure a unified and efficient process
- Assist the project team in designing and conducting project-wide stakeholder involvement processes
- Facilitate partnering processes involving the entire team

EXPECTATIONS OF MEETING FACILITATOR(S)

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board or Sanitation Districts, or other meeting participants
- Coordinate the scheduling of the meeting
- Ensure that an agenda and relevant meeting materials are created and distributed to participants prior to each meeting
- Recommend group processes that may improve team effectiveness
- Coordinate to ensure an adequate meeting space and materials/equipment needed in the meeting room
- Facilitate the meeting:
 - Provide definition and structure
 - Help keep the team focused
 - Remind team of time limits
 - Encourage participation of all participants
 - Clarify decision making process, boundaries or givens
 - Test consensus to verify agreement
 - Get agreement on wording of all agreements
 - Clarify action items
- Prepare or oversee the preparation of a meeting summary
- Remain neutral and impartial on substantive outcomes

EXPECTATIONS OF STUDY MANAGER

- Ensure that all studies are performed in a manner that conforms with the highest professional standards and provides a credible basis for decision making

- Ensure that all technical studies' contractors perform their work in accordance with the agreed upon scope of work and wishes of the entire project team or working group with whom they are working
- Oversee the successful completion of tasks in a timely manner
- Coordinate access to information for all project team and working group members
- Ensure that all technical reviews by technical advisors panels are conducted in a manner that is impartial and meets the highest professional standards

MEETING EFFECTIVENESS

Each team or working group agrees to evaluate team performance at the end of each meeting to ensure continuous improvements in how the team works together.

EXPECTATIONS OF WORKING GROUP MEMBERS

All working groups will be asked to adopt these expectations, although working groups may create additional groundrules that apply to their own operations.

-----Original Message-----

From: Margie Nellor [mailto:mnellor@lacsds.org]
Sent: Wednesday, December 03, 2003 3:05 PM
To: Jim Stahl (E-mail); Steve Maguin (E-mail)
Cc: Sharon Green (E-mail); Vicki Conway (E-mail); Brian Louie (E-mail);
Martha Rincon (E-mail)
Subject: ADR Update - Initial Meeting With Facilitator

EPA has selected James Creighton (see attached resume) as the facilitator for the ADR should it proceed, and as a first step Mr. Creighton will meet with us and the Regional Board (separately) to find out what the issues are, and our feelings about the various conflicts and potential for resolution.

We've heard from Fred Andes that Mr. Creighton has contacted the Regional Board and has set up a meeting with them on the morning of December 10th; Fred believes that only staff will be participating in the meeting (no Board members), and is not sure if this even includes Dennis Dickerson - perhaps just Debbie Smith, Jon Bishop and Elizabeth Erikson. That's all the information we have at this point about their meeting.

Mr. Creighton has set up a meeting with us and Fred for the morning of December 12th at our office. We believe this will last about 4 hours and will give us time to go over the background information on our various chloride issues. We do not yet have a specific start time, but we're assuming around 9 AM; we've reserved the Public Information Conference Room.

Fred told Mr. Creighton that we will provide him with some background information he can review in advance of the meeting. So, we're currently putting together an extended outline similar to the information Fred and I gave to EPA Headquarters, but updated to include the revised permits and our variance application; we may provide a few key attachments. Fred has advised that we make this information package fairly concise so we don't overwhelm him, and then provide more detailed information when we meet.

Vicki, Sharon, Brian and I will be putting together a PowerPoint presentation for the meeting that follows the outline.

We assume that if you and Steve are available, you will want to join us at the beginning of the meeting to meet Jim Creighton (and vice-versa), but please don't feel like you have to sit in on the whole meeting since it will be a re-hash of the long sad chloride history, and hopefully the first of a series of meetings if the ADR process goes forward.

Let me know if you have any questions.



JAMES L. CREIGHTON QUALIFICATIONS FOR LOS ANGELES WATER QUALITY CASE

Qualifications for this case include:

- 1) **Physical Location:** Creighton is a resident of Los Gatos in Northern California. He flies out of the San Jose Airport, 55 minutes flight time from LAX or Burbank. Southwest Airlines serves these airports at low cost.
- 2) Creighton has more than 30 years experience working on dispute resolution and stakeholder involvement projects related to water issues.
- 3) For nearly ten years, Creighton was the Principal Investigator for the technical assistance contract supporting the U.S. Army Corps of Engineers Alternative Dispute Resolution Program. Altogether the team he headed completed more than 100 ADR projects. The program won the Hammer Award.
- 4) Creighton's work on water quality issues includes:
 - **San Joaquin Valley Drainage Study:** This project involved removal of toxics (principally selenium) from irrigation water throughout the west side of the San Joaquin Valley of California (Bureau of Reclamation). Creighton facilitated a process to get needed information and decisions from a six-agency team and wrote the first draft of the alternatives report on behalf of the team.
 - **U.S. Committee on Irrigation and Drainage Toxics Task Force:** Facilitated a workshop by a task force of experts developing recommendations for a proactive program to be undertaken by agriculture to address toxics issues. Prepared a report summarizing these recommendations, and presented the recommendations to the USCID annual conference.
 - **Ventura County Solid Waste Committee** - Mediated a dispute between the Ventura County Health Department and the Ventura Regional Sanitation District regarding a solid waste facility located adjacent to a river. This process led to an agreement between 13 Ventura County cities, the passage of new legislation, and the establishment of the Ventura County Solid Waste Commission.
 - **Bureau of Reclamation - Toxics Discharge Protocol:** In association with a toxicologist, Creighton worked with numerous state and federal agencies to develop a research protocol identifying the research to be conducted before permits would be granted to discharge toxics into receiving waters in the Sacramento River Delta. (Bureau of Reclamation)
 - **Santa Clara Valley Water District Advanced Treatment Recycled Water Project** – Designed and facilitated workshops with stakeholder groups regarding potential markets for advanced treatment recycled water, including identifying water quality standards for each market, and selecting a pilot project.

- **Fort Ord Cleanup** – Facilitated monthly community involvement workshops on topics including groundwater cleanup; prepared fact sheets and newsletters on numerous cleanup issues, including groundwater cleanup, discovery of TCE in drinking water wells, and other topics.
- 5) Creighton is also familiar with water supply issues. He designed and supervised the public participation process for the Columbia River System Operation Review (a reanalysis of the operation of the entire Columbia River System), the Central Arizona Water Control Study, Yakima River Water Enhancement Project, and more than 20 other water supply projects. Creighton also conducted public participation courses nationally under the auspices of the American Water Works Association.
 - 6) Creighton is also familiar with the socio-economic impacts of water issues on irrigated agriculture. He conducted a socioeconomic analysis of the impact of terminating 49,000 acres of irrigated agriculture land in the western San Joaquin Valley due to selenium (Bureau of Reclamation), and conducted an assessment of the social impacts resulting from transfers of water from agriculture to fisheries as part of the CVPIA (CalFed). These projects involved extensive interviews with farmers and other people in agricultural communities.
 - 7) Creighton has also worked extensively in the field of risk communication and is currently developing a recommended model for future outreach and communication with stakeholders about the potential risks associated with emerging constituents of concern (including perchlorate and other munitions constituents) for the Department of Defense.
 - 8) Creighton has conducted work on institutional arrangements related to water issues, including: (a) identifying and analyzing alternative decision making forums for the Columbia River System (Bonneville Power Administration), (b) developing recommendations for a trust fund to purchase water conservation (Bureau of Reclamation), and (c) conducting an analysis of water banking (Bureau of Reclamation).
 - 9) Creighton's familiarity with current water issues includes: (a) Designed and facilitated a series of nationwide listening sessions on the water challenges facing the nation conducted by the Corps of Engineers; (b) Co-facilitated a national policy dialogue on water issues sponsored by the American Water Resources Association, and (c) Co-facilitated the ministerial-level dialogue at the World Water Forum in Kyoto.
 - 10) Under the umbrella of EPA's ADR contract: (a) Creighton was the principal author of the *Project XL Stakeholder Involvement: A Guide for Project Sponsors and Stakeholders*, and (b) Principal author (on behalf of an EPA advisory group) of the *Report on the Common Sense Initiative Council's Stakeholder Involvement Workgroup*. Previously he conducted public participation training in all of EPA's regions, assisted with the design and facilitation of a nationwide conference for 208 program planners, and was co-author, *Sites for Our Solid Waste*, EPA Office of Solid Waste.

JAMES L. CREIGHTON, Ph.D.

James L. Creighton is the President of Creighton & Creighton, Inc., with more than 30 years experience as an independent consultant. His areas of expertise include dispute resolution, public participation, team productivity, meeting/conference design and facilitation, risk communication, social assessment/institutional analysis, and alternative futures planning.

DISPUTE RESOLUTION

From 1988-1998, Dr. Creighton headed a team of nationally recognized experts in dispute resolution that provided assistance to the U.S. Army Corps of Engineers in the use of alternative dispute resolution techniques (ADR) as an alternative to litigation. The Corps ADR program won the Hammer Award from the Secretary of Defense.

As part of this program, Creighton oversaw a team of the nation's leading ADR consulting firms in developing training courses, editing a series of techniques pamphlets, editing a quarterly ADR newsletter, and providing direct consultation as part of the Corps program. Creighton was directly involved in developing a series of pamphlets providing an overview of ADR, as well as editing several case studies and two readers of articles on ADR and public participation. He also authored two guides on partnering, for both DOE and the Corps Civil Works program. More recently he has developed a new training course on dispute resolution and public participation for Corps planners.

Creighton has also been involved as a mediator in resolving numerous disputes ranging from community disputes, such as siting of electric substations and transmission lines, commercial activities in residential neighborhoods, hazardous waste facilities, regulations regarding the permissible size of remodeled homes, on up to developing and facilitating an interest-based negotiation process used by the Bonneville Power Administration to renegotiate power sales contracts with Bonneville's 150 utility customers in four western states.

Creighton also led a team that conducted a series of dispute resolution training courses in Russia and the Republic of Georgia.

PUBLIC PARTICIPATION

Creighton has been in the public participation field since 1972, and has been described by the American Water Works Association as "the national's leading authority." His work in the field includes:

- Involved in designing or conducting nearly 300 public participation programs for more than 50 Federal, state and local agencies, public utilities and private sector companies.
- Two terms as the President of the International Association for Public Participation, the professional association of public participation practitioners.
- Author of **The Public Involvement Manual** (Abt Books/ University Press, 1981), **Involving Citizens in Community Decision Making** (Program for

Community Problem Solving, National Civic League, 1992); and **The Public Participation Toolkit** (Jossey-Bass, in press)

- Author of more than 20 guides on public participation for such agencies and organizations as the US Army Corps of Engineers, Bureau of Reclamation, US Environmental Protection Agency, Bonneville Power Administration, US Department of Energy, and Edison Electric Institute.
- Creighton has conducted public participation training for the Egyptian Ministry of Water, the Central Research Institute of the Electric Power Industry (Tokyo, Japan), and the University of Sao Paulo, Brazil.

Recent projects illustrate the range of Creighton's activities:

- Wrote three U.S. Department of Energy guides: *Working With Indian Tribal Nations*, *Environmental Justice and Public Participation*, and *How to Design a Public Participation Program*
- Designed a new public participation and dispute resolution training course for Corps of Engineers' planners
- Developed a guide on partnering for the Corps of Engineers' Civil Works mission
- Currently coordinating the temporary relocation of nearly 300 families during prescribed burns at the former Fort Ord; developing newsletters and fact sheets related to prescribed burns, water quality, ordnance and explosives cleanup, and landfill closure
- Developing a process for collaborative planning between Southern California Edison and local governments about future transmission line corridors
- Developed a revised third edition of the Edison Electric Institute's *Public Participation Manual* and conducted national training courses under EEI auspices
- Developing a training program for the Department of Defense implementing a Handbook on Joint Stewardship of Withdrawn or Permitted Federal Land Use
- Facilitated dialogues between Pacific Gas & Electric Company and neighbors regarding the siting of controversial substations
- Provided briefings on public participation to National Academy of Science/National Research Council panels;

MEETING/CONFERENCE DESIGN AND FACILITATION

Creighton has designed and facilitated literally hundreds of public meetings, work groups, and conferences, including working on the White House Conference for Global Change. Creighton has been involved in facilitating public meetings for such controversial issues as major dams, nuclear power plants, toxic waste, unexploded ordnance, and many others. He has also designed and conducted numerous conflict-resolution conferences with scientists and technical experts from around the world.

OTHER ACCOMPLISHMENTS

Creighton is the co-author of **Cyber Meeting: How to Link People and Technology in Your Organization**, (AMACOM: American Management Association, 1997), a book discussing the state-of-the-art in group process, meeting facility design, and meeting software. Creighton is the author of **How Loving Couples Fight** (Aslan, 1998), currently in bookstores (paperback). While promoting his books, Creighton appeared on more than 100 radio and television shows including The View with Barbara Walters, the Sally Jessy Raphael Show, the Montel Williams Show, and the ABC Home Show. He has provided training in communication and dispute resolution skills for hundreds of couples, including couples facing life-threatening diseases such as cancer and AIDS/HIV.

Creighton is also co-author of the international bestseller **Getting Well Again** (J. P. Tarcher, 1978; Bantam, 1980), which has been translated into seventeen languages, and has sold nearly 1,000,000 copies worldwide.

ACADEMIC:

Dr. Creighton received his B.A. in Psychology from the University of California, Berkeley, where he also participated in honors programs in American Studies and Political Theory. He received his Ph.D. in Psychology from the International Institute for Advanced Studies, Clayton, Missouri (external degree). A revised version of his doctoral thesis was later published as **Don't Go Away Mad: How to Make Peace With Your Partner** (Doubleday, 1991).

PUBLICATIONS

Creighton is the author of more than 60 manuals, guides and professional studies for governmental agencies, utilities and private sector companies. He is also the author of more than 30 professional magazine and journal articles.

-----Original Message-----

From: CandCInc@aol.com [mailto:CandCInc@aol.com]

Sent: Sunday, December 14, 2003 2:33 PM

To: fredric.andes@btlaw.com; jstahl@lacsds.org; mnellor@lacsds.org; vconway@lacsds.org;
sgreen@lacsds.org

Subject: Meeting Summary

Folks:

I enjoyed meeting you all on Friday. Thank you for the information you provided.

Attached is a file containing a summary from the meeting/ Since you provided extensive written material, these notes cover some of the items from the discussion only.

Please let me know if I got anything wrong, or the summary needs any additions.

Thanks very much,

Jim Creighton

Sanitation Districts of Los Angeles County

The Sanitation Districts organization serves 78 of 88 cities in Los Angeles County, providing service to 5.5 million people. The organization consists of 24 operating districts. The Mayor of each city serves on the Board, which consists of 95 elected officials.

The Districts are perceived by the Regional Board as “resisting, not complying.” But the Districts believe that is the result of a fundamental disagreement over the chloride objective coupled with a process that does not permit collaboration. The Regional Board issues proposed language at the last minute, just before Regional Board meetings, and as a result the Districts have no recourse other than to present their objections in front of the Board. If they don’t do that, then their concerns – which may range from editing to major substantive problems – aren’t on the record. But this makes them look like they are always fighting the Board.

The Districts propose an ADR process as a way of resolving the chloride issue by some mechanism other than litigation. The Districts don’t accept the characterization that they sue on everything, and believe there must be some way to resolve this in something other than adversarial manner.

If the Districts are forced to install chloride treatment they will either have to truck the brine, or build a brine pipeline 45 miles to the ocean. The brine line is by far the greatest expense, and the brine line itself is likely to be a major political controversy, opposed by environmental groups. (The Districts believe that if the Regional Board requires building a treatment plant it should simultaneously issue permits for the brine line, so the Districts are not trapped between the Regional Board and angry stakeholder groups.)

The treatment process would also concentrate other substances, potentially to levels of toxicity. These concentrated substances might themselves pose a genuine health risk, unlike the chlorides.

The ultimate issue is cost. The Districts provide service at one of the lowest rates in the nation. Building a treatment facility for chlorides could quadruple rates. The Regional Board believes the community could afford that, but the Districts don’t feel that is the issue. They don’t believe they should be penalized for being efficient. The real issue is: Is this really the way we want to spend LA County money? Is it justified quadrupling rates to protect one 35-acre avocado grower, when there is no health issue, only a questionable economic use of the water? When this story is told to people outside the area, it is viewed as regulation run amuck.

The Districts believe that 78 cities, organized in opposition to a quadrupling of their rates will cause the Regional Board major political heartburn if they proceed down this path.

The Regional Board hasn't done a cost effectiveness study of the objective, nor completed CEQA documentation for the objective. There is a current court case working its way through the state courts on this very issue. The City of Los Angeles challenged the Board on another TMDL on the grounds that it had not completed a cost effectiveness study or full CEQA documentation. The court ruled that the Board did not have to do a cost effectiveness analysis on the TMDL, but should have done so on the objective itself. The appeals court overturned this ruling, but the state supreme court has recently accepted the case. Since the state Supreme Court accepts a minute percentage of the cases submitted, the justices must perceive an important issue they are not confident the appeals court decision resolved.

If the Supreme Court rules in favor of the City of Los Angeles, the ruling would affect this TMDL as well. The Districts would be willing to accept reasonable interim objectives – such as those proposed in the TSO permits – during an ADR process, but if the Regional Board proceeds with the existing objective and TMDL, but loses the case in the Supreme Court, then there will be no standards in effect.

The Districts were surprised by the comment from the Regional Board that the chlorides are increasing and could reach the 230 mg/L aquatic level. They believe this is strictly due to looking at a limited data set that coincides with drought years. The chloride levels do rise during drought conditions, but it is wrong to look at that data and say that means the overall trend is an increase. The state water project water definitely shows an increase in chlorides during drought conditions.

One objection the Districts have to a TMDL at the present time is that it doesn't allow the Districts to assess the effects of their ban/buy-back program on self-regenerating water softeners. The Districts believe that they should be given credit for being the first entity (and so far, the only) to pass a ban on installation on new self-regenerating water softeners as soon as it was legally possible to do so.

The Districts believe the original science on the objective was faulty, using a very limited data set in an inappropriate location. One of the problems with the TMDL is that it drops the use of a weighted annual average, and instead moves to an instantaneous daily average. This makes little sense to the Districts because the impact on crops – if there is any – is not instantaneous.

In addition, the Districts have consulted with all the recognized authorities in the field and they tell the Districts that crop impacts should not be showing up until

about 180 mg/L of continuous exposure. In fact they tell the Districts that the real constraint on crop production is the availability of water.

One of the credibility/trust problems is that for years the Regional Board has been saying that this TMDL had to be put in place quickly because of pressure from EPA, to ensure compliance with a consent decree EPA has with several environmental groups. But it turns out now that the reaches covered in this TMDL are not included in the consent decree. It is not clear whether this was a genuine misunderstanding between EPA and the Regional Board, or someone at EPA was playing a little fast and loose.

EPA did have to produce a TMDL on Reach 3, and some of the things in that TMDL could have implications for Reaches 5 and 6. A draft version would have been all right, but at the last minute EPA inserted a figure it got from the Regional Board that changed everything. The Districts have numerous grounds for appealing that TMDL, but have six years to appeal it and – for the present -- are inclined to see how other processes work out before they file.

The TSO interim limits are acceptable to the Districts. In fact, if the final objective looked like the proposed interim TSO limits, the Districts could live with the objective, under two conditions: (1) the limits would have to be based on weighted annual averages, and (2) there would have to be some exemption for drought conditions.

On the question of whether an ADR process could go ahead with the TMDL in place, the Districts said this would not be desirable. But if the state Board approves the TMDL, the Districts will file an appeal just to protect their legal rights. This would have the effect of delaying implementation of the TMDL.

The more critical issue, from the Districts' perspective, is to get the TSO permits suspended because of exposure to 3rd-party suits they create. This could be accomplished with a 5-year variance.

There is a dispute with the Regional Board over the possible length of a variance. This has to do with differences in EPA guidance (not EPA regulations). One document talks about a three-year variance, but another document (related to a Great Lakes decision) clearly indicates that a 5-year variance is possible.

The studies that would need to be done under the TMDL will cost about \$6 million dollars, so the Districts don't want to engage in the process unless it is confident that the Regional Board will actually act based on the studies. So one precondition before the Districts could enter into an ADR process with the TMDL in place would be some kind of trigger point in the process at which time the Regional Board would have to either change the objective or re-affirm the objective. But the objective could not remain in effect by virtue of the Board doing nothing. This trigger would need to occur in a sufficiently timely manner that if the

decision requires treatment, the Districts still have the seven years or so needed to design and construct the treatment facilities.

The Districts will be exerting pressure at the state board level to try to get the TMDL remanded or suspended in some manner.

Louie, Brian

From: CandCInc@aol.com
Sent: Monday, April 05, 2004 11:05 AM
To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org
Subject: Draft collaborative process plan

Folks:

Attached is a first cut at a plan for the collaborative process to be followed for the Santa Clara River Chloride TMDL. This will form the basis for discussion at the meeting on April 15, 10 AM - 2 PM, at the Regional Board Offices.

Please review this and flag any items you want to be sure we discuss. Please send me your list of items and I'll compile an agenda for the meeting.

Jon, will you be sure to reserve us a room. Also, is it time to include Sam Unger and Elizabeth Erickson in the discussion?

Jim Creighton

FIRST DRAFT
**SANTA CLARA RIVER
CHLORIDE TMDL COLLABORATIVE PROCESS**

This plan describes a collaborative process that will be implemented by the Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”).

BACKGROUND

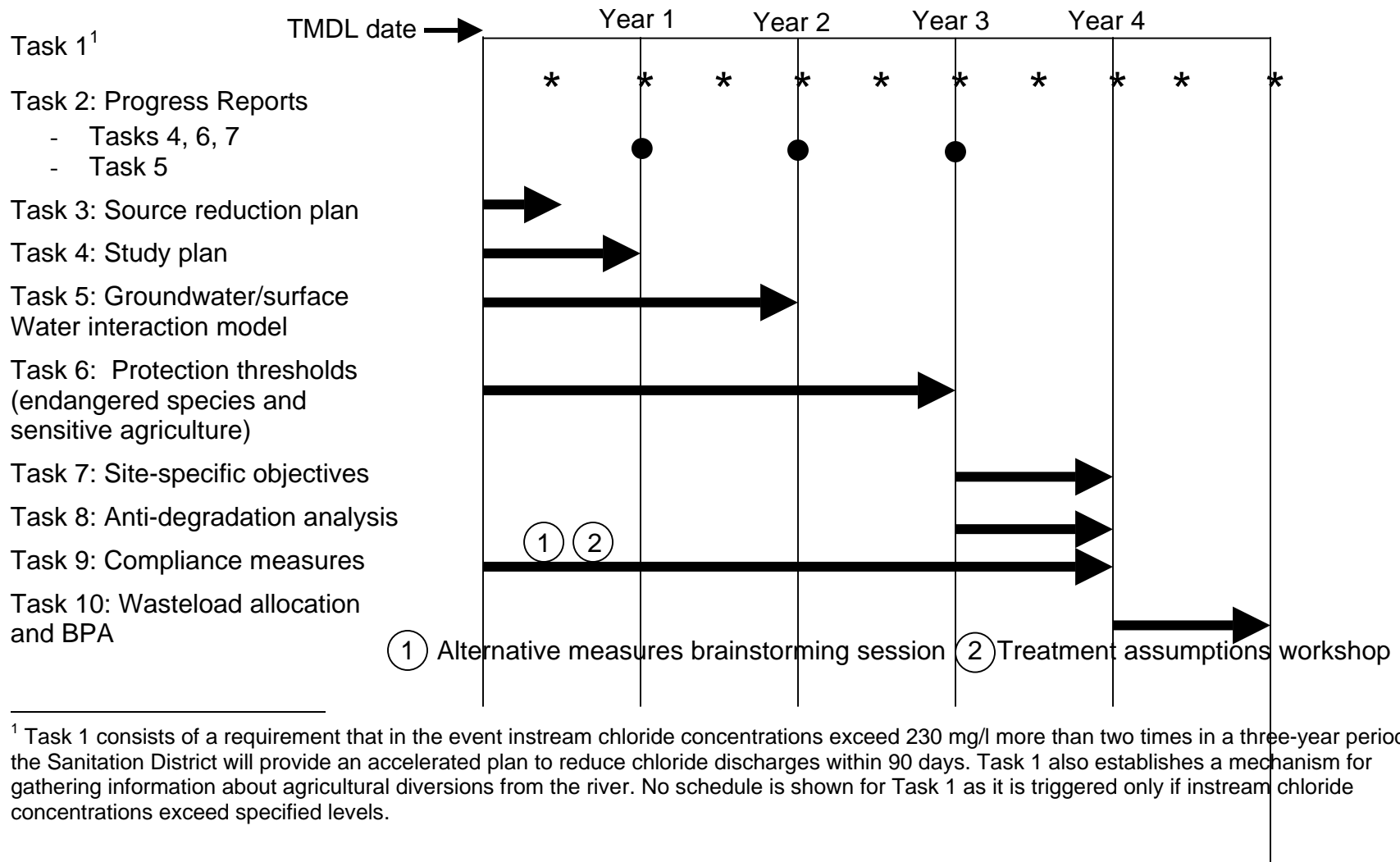
This collaborative process is agreed-upon as part of the resolution of a dispute between the Regional Board and the Sanitation Districts. Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the reaches of the Santa Clara River impacted by the Sanitation Districts’ operations. This objective was established to protect beneficial uses such as chloride-sensitive agriculture and endangered species. The Sanitation Districts did not accept that this objective was based on appropriate or complete scientific information and planned lawsuits to block implementation.

In an effort to resolve this dispute, the Regional Board and Sanitation Districts have agreed [pending] to a TMDL process that allows for completion of new scientific studies to be conducted by the Sanitation Districts, at the Sanitation Districts’ expense. Once these studies are complete, the Regional Board will reconsider the objective, either reaffirming the existing objective or altering the objective.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be given a peer-review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies.

Implementation of the TMDL is to occur within a 14-year period. However, most of the scientific studies that could affect the chloride objective will be conducted in the first 5 years of the study, and reconsideration of the objective will occur at the end of this five year period. Figure 1 summarizes the studies to be conducted during the first 5 years. A detailed description of each task is provided in Appendix 1, Upper Santa Clara River Chloride TMDL Implementation Tasks.

FIGURE 1
FIRST FIVE YEARS SCHEDULE
SANTA CLARA RIVER CHLORIDE TMDL



PROBABLE TMDL DATE

The entire schedule for TMDL implementation is tied to the effective date of the TMDL. This date has not yet been determined. The Regional Board will consider the proposed TMDL at its meeting on May 6. Assuming the TMDL is approved, it will be forwarded to the California State Water Resources Control Board for approval. Once the State Board has approved the TMDL, it goes to EPA for final approval.

The effective date of the TMDL is estimated to be sometime between October 2004 and April 2005.

The Sanitation Districts may choose to proceed with studies prior to the effective date of the TMDL. However, they do so at their own risk and expense in the event the TMDL Implementation Plan is not approved.

FIRST-YEAR PROGRAM

The first-year program lays the groundwork for the entire process. During the first year, the project team will develop a study plan that identifies the purpose, scope, tasks, and schedule for agricultural studies, endangered species studies, groundwater/surface water interaction studies, and anti-degradation studies needed for evaluation of an appropriate chloride threshold. The project team will set up technical work groups consisting of technical representatives of the two agencies and representatives of key stakeholder groups. In addition, the team will establish technical advisory panels that will advise the working groups on appropriate study methodologies in each technical area.

Once the study plan and schedule have been submitted to the Regional Board, the Regional Board will conduct a public hearing to take comments on the adequacy and appropriateness of the study plan.

The schedule allows four years for the evaluation of alternative measures (such as treatment or alternative water supplies) to reduce the impact of chlorides upon beneficial uses. But the project team plans to initiate these studies early in the process, as some of these studies require considerable time to complete. During the first year the project team plans two activities that will contribute to this work element: (1) The project team will conduct a brainstorming session designed to identify alternative measures that should be evaluated, and (2) the project team will participate in a workshop designed to get agreement on the assumptions that should be used in designing measures to reduce chlorides.

In addition, the Sanitation Districts will also prepare and submit a plan to quantify and control sources of chloride. This plan will include but not be limited to public outreach programs and incentive/disincentive programs for use of appropriate

water softeners and other measures that may be effective in controlling chlorides. This plan will be submitted within six months of the effective date of the TMDL.

During the first year the team will also begin submitting semi-annual reports to the Regional Board on the technical studies being conducted, and annual reports on the development of a groundwater/surface water computer model.

PROGRAM FOR YEARS TWO - FIVE

By the end of Year Two, the project team will have developed a computer model of the interaction of groundwater and surface water. This is especially important on the Santa Clara River because there is a dry stretch of the river. Below that stretch there is an area where groundwater rises once again to the surface and, augmented with water from our sources, there are instream flows.

By the end of Year Three, the team plans to have conducted studies that will allow it to identify a protection threshold for both endangered species and chloride-sensitive agriculture. The team acknowledges that some needed agricultural studies could extend beyond the three-year limit.

By the end of Year Four the team will use the protection thresholds to develop proposed site-specific objectives for chloride and develop technical analyses upon which the Regional Board may base a Basin Plan Amendment. The team will also conduct an anti-degradation analysis, since, before any changes can be made in the existing objective, it will be necessary to show that there is no degradation of the existing beneficial uses. The team will also complete a pre-planning study of alternative compliance measures identifying potential chloride control measures and costs based on hypothetical scenarios for chloride water objectives and wasteload allocations.

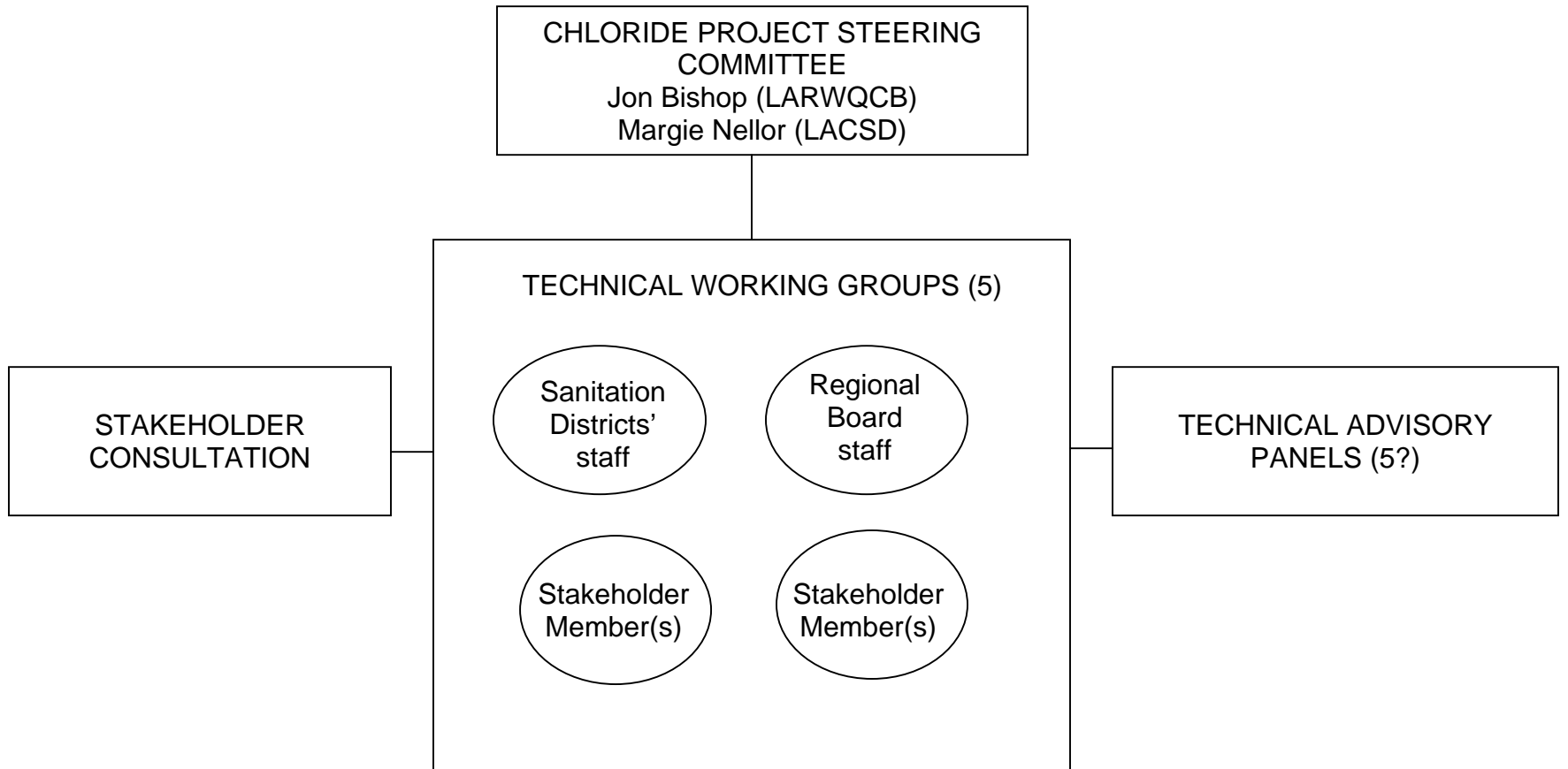
By the end of Year Five, the team will complete the proposed final wasteload allocation and Basin Plan Amendment for consideration by the Regional Board.

ORGANIZATION OF THE PROJECT TEAM

Figure 2 shows the basic organizational structure for the project.

Both the Regional Board and the Sanitation Districts will appoint a project manager. These two individuals comprise the Project Steering Committee, which has overall responsibility for implementation of this plan. Initially, Jon Bishop will be the Project Manager for the Regional Board and Margie Nellor will be the Project Manager for the Sanitation Districts.

Each of the major studies requires a different methodology and technical expertise. A Technical Working Group will be established for each major study. This means there will be an Agricultural Studies Working Group, Endangered



Species Studies Working Group, Groundwater/Surface Water Interaction Studies Working Group, Anti-Degradation Studies Working Group, and a Water Quality Standards Working Group.

{Question: Should there be one committee combining anti-degradation and standards?

The Regional Board and Sanitation Districts will designate 1-2 staff members to be members of each working group. Initially, the Regional Board will be represented on working groups by Sam Unger and/or Elizabeth Erickson. The Sanitation Districts will be represented by Vicki Conway and/or Brian Louie.

In addition, the membership of the working groups will include several stakeholder members. There are a number of stakeholders for these studies – agencies, groups or individuals who see themselves as potentially impacted by the decisions that could be made as part of this study – whose support or opposition could determine the success of the process. These stakeholders often possess technical information and expertise equivalent to that of the Board and Districts' staff.

A limited number of stakeholders will be invited to be members of each working group. To be members, people will need to make a commitment to: (1) attend meetings regularly, (2) commit the time and resources to prepare for and participate in document reviews, (4) participate in a consensus-oriented process, and (4) provide their participation without compensation by the study.

The project team will, in addition, conduct periodic stakeholder meetings or workshops to discuss significant study documents or evaluate alternative approaches.

All meetings of working groups are open to the public. However, working group meetings will be conducted in a manner that permits the public to observe, but restricts comments from observers to established periods of time. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail. Announcements of working group meetings will also be posted on a project web page.

Each working group will also establish a technical advisory panel. The members of these panels will be individuals with recognized expertise in the subject matter of the specific working group they will advise. Panel members will have no significant prior or existing affiliation with either the Regional Board or Sanitation Districts. The working groups will actively consult with the technical advisory panels during the development of the study plan. The advisory panels will also conduct a final peer review of the proposed study plan, as well complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within Working Groups will be by mutual agreement. “Mutual agreement” does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that the Regional Board and Sanitation Districts staff find the decision acceptable, and stakeholder members at least “consent” to the decision. Any member of a working group may request elevation of a decision to the Project Steering Committee. Decisions of the Project Steering Committee will be binding upon the working group.

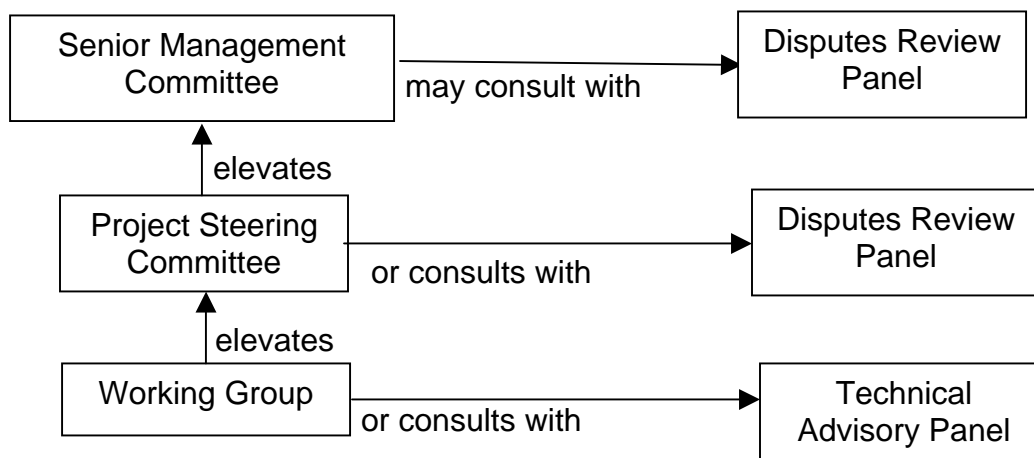
DECISION MAKING IN THE PROJECT STEERING COMMITTEE

The Project Steering Committee will make decisions by agreement of both project managers.

In the event the project managers are not able to reach agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- The Project Steering Committee may elevate the decision to a Senior Management Committee that will consist of the Executive Officer of the Regional Board (currently Dennis Dickerson) and the General Manager of the Sanitation Districts (currently James Stahl). Both agencies agree that the Management Committee will meet within __ days to address any issue elevated to that committee, and commit to achieve resolution (if at all possible) within a __-day time period. Those issues elevated to the Senior Management Committee will primarily involve policy issues. The Senior Management Committee may present the issue to the Disputes Review Panel (see below) before attempting a final resolution.

Figure 3
DISPUTE RESOLUTION PROCESS



- The Project Steering Committee or the Senior Management Committee may refer any dispute to a Dispute Review Panel. The Dispute Review Panel will consist of

Options:

- Some organizations have been using a single outside expert acceptable to both organizations
- A more typical dispute review panel consists of 3 people. Either all members are acceptable to both agencies, or each agency appoints one panel member, and these two panel members select the third panel member. The advantage of a standing panel is that it can be assembled quickly.
- Another option is to convene a panel consisting of appropriate members of the technical advisory groups in the subject matter of the dispute. It may take slightly longer to convene the panel (getting agreement on who will be on the panel can take some time) but you don't have to set up the panel in advance (not knowing whether you'll ever use it)

The purpose of a disputes review panel is to provide objective, neutral technical advice. Advice provided by a dispute review panel is non-binding. Agency decision makers must still make a decision and may decide for themselves how much weight to give to the advice from the Dispute Review Panel. Decisions referred to a Dispute Review Panel will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.

SETTING UP TECHNICAL ADVISORY PANELS

The project team will establish technical advisory panels for each of the major study areas: agricultural studies, endangered species studies, groundwater/ surface water interaction, and anti-degradation studies.

The purpose of the technical advisory panels is to provide objective technical information and expertise to assist the working groups in developing a research program that will be fully adequate to provide a solid scientific basis for establishing a chloride objective.

The project team will establish a procedure for selection of technical advisory panel members that is acceptable to both the Regional Board and the Districts. Options include: (1) all panel members could be selected by mutual agreement of the Regional Board and Sanitation Districts; or (2) the Regional Board and Sanitation Districts could agree on criteria for selection, then retain the services of a third-party organization with recognized technical competence in these areas to select the actual members.

To ensure the neutrality of the panel members, the Regional Board and Sanitation Districts agree not to select any panel member who: (1) is a past employee of either the Regional Board or Sanitation Districts; (2) has received significant contracts from either the Sanitation Districts or Regional Board in the past 5 years²; (3) has previously expressed, in writing or in speeches, a position of opposition to regulation or regulators.

The Sanitation Districts will develop any needed contracts and will pay for the services of the technical review panels. However, every effort will be made to ensure that the technical advisory panels understand that their “client” is the entire project team, not just the Sanitation Districts. To ensure this, the Regional Board and the Sanitation Districts agree that each working group will decide when and how often its technical advisory panel will be convened, and will agree upon the information to be presented to the technical panel, the manner of presentation, and the question(s) the advisory panel is asked to address. If there are disagreements within the working group, the dispute resolution procedures described earlier will apply.

Appendix 2 contains an initial brainstorming list of possible advisory panel members.

In accord with established Regional Board procedures, at the conclusion of all the studies and before submitting a proposed objective and Basin Plan Amendment to its Board for approval, the Regional Board will send all studies through a peer review process set up by the University of California system. This review is in addition to and is not intended to replace the reviews conducted by the technical advisory panels. Normal Regional Board procedures will be followed during this review, but Regional Board staff will consult with Sanitation Districts staff regarding the information to be presented and the manner in which questions to the peer review panel are framed.

STAKEHOLDER INVOLVEMENT

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process.

² This is not intended to exclude individuals whose contracts with either the Regional Board or Sanitation District consisted solely of performing technical peer reviews.

The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to the perception that the study process has been open, fair and adequate.

The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. This will, however, involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshop to review major study products or comment upon pending decisions. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops will be held. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
3. The study team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletin sent over the list server. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on the web page will be available only to working group members, contractors and project staff.

Appendix 3 provides an initial brainstorming list of possible stakeholders for each working group.

PARTNERING

The Regional Board and Sanitation Districts agree to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how to team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session. An example of such a questionnaire is provided in Appendix 4.

The Regional Board and Sanitation Districts have agreed to participate in a kickoff workshop and in periodic refresher session. These sessions will involve

the two project managers (the Project Steering Committee) and all working group members from the two agencies. Once the working groups include stakeholder members, the stakeholder members will also be invited to participate, as their attitudes and behaviors can affect the manner in which the entire project team works together. At the discretion of the Project Steering Committee, major contractors may also be invited to participate in these sessions. At present there is no expectation that the members of the Senior Management Committee will participate in these sessions.

During the initial partnering session the project team will develop an agreement on group norms. Examples of possible group norms include:

- Communicate problems openly and as early as possible.
- Commit to honest and open communication – including open disclosure of interests
- Resolve problems and make decisions at the lowest possible level in a timely manner.
- Maintain a professional atmosphere of mutual respect and resolve personal conflicts immediately.
- Make an effort to understand the other person's position
- Agree to pursue a win/win outcome
- Agree to follow the dispute resolution process on all disputes.
- Avoid negotiating through the media or using stakeholders to try to “win”
- Quickly assemble those who are needed to resolve the issue and observe time limits for resolution.
- Commit to advocate for the decision as a team when necessary.
- Agree to jointly educate new study team members on the norms of partnering
- Commit to protect the efficiency of the process and to minimize costs
- Agree to ensure that the outcome truly protects appropriate beneficial uses
- Agree to jointly consult with stakeholders throughout the process
- Conduct periodic reviews of how the group is working together
- To the extent possible, complete all stages of the process on or before schedule, with changes in the schedule adopted by mutual agreement

FACILITATOR

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests,

and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator's services, but every effort will be made to ensure that the facilitator understands that his/her "client" is both agencies, not just the Sanitation Districts.

The responsibility for facilitation may be shared among several facilitators, since there may be a number of meetings. However, there will be a lead facilitator whose job it is to be sure that all meetings are covered, and who will maintain oversight over the entire process.

No decision has yet been made as to whether all work group meetings require facilitation, although it may be appropriate that initial meetings be facilitated until norms have been established for working together effectively.

MAINTAINING RECORDS OF DECISIONS

When a facilitator conducts a meeting, s/he will be responsible for recording all decisions made by the participants in a manner acceptable to the participants. This may be accomplished in several ways. For example:

- The facilitator may record all decisions as they are being made on a flip chart, and get verbal assent to the manner in which the decision has been worded during the meeting. The flip charts will then be typed up as the summary of the meeting.
- The facilitator may retain a person who will serve as a "visual recorder" who will keep notes of the meeting on a flip chart or on paper posted on the wall, and then will distribute copies as a summary of the meeting

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The study team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that once reports are prepared they can be immediately posted on the web page and distributed by list server.

CONTRACTORS

Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their “client,” not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.
4. The Statement of Work will reflect that both Regional Board and Sanitation District staff will have access to and may request information from contractors.
5. A procedure will be established by which working groups can assign tasks to contractors in a manner consistent with Sanitation Districts’ contracting procedures.

Possible Mechanisms for tasking the contractor:

- Pay a facilitator (or other neutral third party) and the neutral third party can pay the contractors
- put in the contract that tasking is by the entire working group, not just Districts
- pass the money through SCCWRP
- contractor must budget for providing info to others besides Districts
- tasking must still be formal

Appendix 1

UPPER SANTA CLARA RIVER CHLORIDE TMDL IMPLEMENTATION TASKS

1. Alternate Water Supply

- a) Should (1) the monthly average in-river concentration at Blue Cut, the reach boundary, exceed the water quality objective of 100 mg/L, measured for the purposes of this TMDL as a rolling twelve month average, for three months of any 12 months, (2) each agricultural diverter provide records of the diversion dates and amounts to the Regional Board and County Sanitation Districts of Los Angeles County (CSDLAC) for at least 2 years after the effective date of the TMDL and (3) each agricultural diverter provide photographic evidence that diverted water is applied to avocado, strawberry or other chloride sensitive crop and evidence of a water right to divert, then CSDLAC will be responsible for providing an alternative water supply, negotiating the delivery of alternative water by a third party, or providing fiscal remediation to be quantified in negotiations between CSDLAC and the agricultural diverter at the direction of the Regional Water Quality Control Board until such time as the in-river chloride concentrations do not exceed the water quality objective.
 - b) Should the instream concentration exceed 230 mg/L more than two times in a three year period, the discharger identified by the Regional Board Executive Officer shall be required to submit a work plan for an accelerated schedule to reduce chloride discharges within ninety days of a request by the Regional Board Executive Officer.
2. Progress reports will be submitted by CSDLAC to Regional Board staff on a semiannual basis from the effective date of the TMDL for tasks 4, 6, and 7, and on an annual basis for Task 5.

Completion Date: Effective Date of TMDL

3. Chloride Source Identification/Reduction, Pollution Prevention and Public Outreach Plan:

Six months after the effective date of the TMDL, CSDLAC will submit a plan to the Regional Board that addresses measures taken and planned to be taken to quantify and control sources of chloride, including, but not limited to: execute community-wide outreach programs, which were developed based on the pilot outreach efforts conducted by CSDLAC, assess potential incentive/disincentive programs for residential self-regenerating water softeners, and other measures that may be effective in controlling chloride. CSDLAC shall develop and implement the source reduction/pollution prevention and public outreach program, and report results annually

thereafter to the Regional Board. Chloride sources from imported water supplies will be assessed. The assessment will include conditions of drought and low rainfall, and will analyze the alternatives for reducing this source.

Completion Date: 6 months after Effective Date of TMDL

4. CSDLAC will convene a technical advisory committee or committees (TAC(s)) in cooperation with the Regional Board to review literature, develop a methodology for assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the time schedule for evaluation of appropriate chloride threshold for Task 6. The Regional Board, at a public hearing will re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the TAC(s), along with Regional Board staff analysis and assessment consistent with state and federal law, as to the types of studies needed and the time needed to conduct the necessary scientific studies to determine the appropriate chloride threshold for the protection of salt sensitive agricultural uses, and will take action to amend the schedule if there is sufficient technical justification.

Completion Date: 12 months after Effective Date of TMDL

5. Groundwater/Surface Water Interaction Model: CSDLAC will solicit proposals, collect data, develop a model in cooperation with the Regional Board, obtain peer review, and report results. The impact of source waters and reclaimed water plans on achieving the water quality objective and protecting beneficial uses, including impacts on underlying groundwater quality, will also be assessed and specific recommendations for management developed for Regional Board consideration. The purpose of the modeling and sampling effort is to determine the interaction between surface water and groundwater as it may affect the loading of chloride from groundwater and its linkage to surface water quality.

Completion Date: 2 years after effective date of TMDL

6. Evaluation of Appropriate Chloride Threshold for the Protection of Sensitive Agricultural Supply Use and Endangered Species Protection: CSDLAC will prepare and submit a report on endangered species protection thresholds. CSDLAC will also prepare and submit a report presenting the results of the evaluation of chloride thresholds for salt sensitive agricultural uses, which shall consider the impact of drought and low rainfall conditions and the associated increase in imported water concentrations on downstream crops utilizing the results of Task 5.

Completion Date: 3 years after effective date of TMDL

7. Develop Site Specific Objectives (SSO) for Chloride for Sensitive Agriculture: CSDLAC will solicit proposals and develop technical analyses upon which the Regional Board may base a Basin Plan amendment.

Completion Date: 4 years after effective date of TMDL

8. Develop Anti-Degradation Analysis for Revision of Chloride Objective by SSO: CSDLAC will solicit proposals and develop draft anti-degradation analysis for Regional Board consideration.

Completion Date: 4 years after effective date of TMDL

9. Develop a pre-planning report on conceptual compliance measures to meet different hypothetical final wasteload allocations. CSDLAC shall solicit proposals and develop and submit a report to the Regional Board that identifies potential chloride control measures and costs based on different hypothetical scenarios for chloride water quality objectives and final wasteload allocations.

Completion Date: 4 years after effective date of TMDL

10.

- a) Preparation and Consideration of a Basin Plan Amendment (BPA) to revise the chloride objective by the Regional Board.
- b) Evaluation of Alternative Water Supplies for Agricultural Beneficial Uses: CSDLAC will quantify water needs, identify alternative water supplies, evaluate necessary facilities, and report results, including the long-term application of this remedy.
- c) Analysis of Feasible Compliance Measures to Meet Final Wasteload Allocations for Proposed Chloride Objective. CSDLAC will assess and report on feasible implementation actions to meet the chloride objective established pursuant to Task 10 a).

- d) Reconsideration of and action taken on the Chloride TMDL and Final Wasteload Allocations for the Upper Santa Clara River by the Regional Board.

Completion Date: 5 years after effective date of TMDL

- 11. The Regional Board staff will re-evaluate the schedule to implement control measures needed to meet Final Wasteload Allocations adopted pursuant to Task 10 d) and the schedule for Task 12. The Regional Board, at a public meeting will consider extending the completion date of Task 12 and reconsider the schedule to implement control measures to meet Final Wasteload Allocations adopted pursuant to Task 10 d). CSDLAC will provide the justification for the need for an extension to the Regional Board Executive Officer at least 6 months in advance of the deadline for this task.

Completion Date: 9 Completion Date: 5 years after effective date of TMDL

- 12. The interim effluent limits for chloride shall remain in effect for no more than 13 years after the effective date of the TMDL. Water Quality Objective for chloride in the Upper Santa Clara River shall be achieved. The Regional Board may consider extending the completion date of this task as necessary to account for events beyond the control of the CSDLAC.

Completion Date: 13 years after effective date of TMDL

Appendix 2
 BRAINSTROMING LIST OF POSSIBLE
 TECHNICAL ADVISORY PANEL MEMBERS

TECHNICAL ADVISORY PANEL	POSSIBLE MEMBERS
Agricultural Studies	Gary Bender, Ben Faber, Stephen Grattan, Ken Tabji, John Letey, Dennis Westcott, David Drowley, SWRCB or EPA representatives
Endangered Species Studies	Charles Delos (USEPA), USFWS, Cal F&G, Tom Haglund, Jon Baskin
Groundwater/Surface Water Interaction Modeling	Arturo Keller (UCSB), DWR representative, EPA representative, USGS representative
Anti Degradation Analysis Studies	SWRCB representative, EPA representative, Santa Ana RWQCB representative
Water Quality Standards	Mary Reilly (EPA HQ), Gary Wolinsky (EPA Reg. IX), Dave Hansen (retired EPA), Gary Chapman (retired EPA), Jim Keating (EPA HQ), SWRCB staff

Appendix 3
 INITIAL BRAINSTORMING LIST OF
 POSSIBLE STAKEHOLDERS FOR WORKING GROUPS

WORKING GROUP	POSSIBLE STAKEHOLDERS
Agricultural Studies	City of Santa Clarita, Newhall Land & Farming, Castaic Lake Water Agency, United Water Conservation District, Fruit Grower's Laboratory, Ventura County Farm Bureau, CA Avocado Commission, CA Strawberry Commission, Camulos Ranch, Friends of the Santa Clara River, SCOPE
Endangered Species Studies	City of Santa Clarita, Newhall Land & Farming, Castaic Lake Water Agency, United Water Conservation District, Southern California Coastal Water Research Project, Ventura County Watershed Protection District, Friends of the Santa Clara River, SCOPE, USFWS, LA County DPW, Center for Biodiversity
Groundwater/Surface Water Modeling	City of Santa Clarita, Newhall Land & Farming, Castaic Lake Water Agency, Valencia Water Company, Newhall County Water District, United Water Conservation District, LA County Water Works, Friends of the Santa Clara River, SCOPE, USGS
Water Quality Standards	City of Santa Clarita, Newhall Land & Farming, Castaic Lake Water Agency, United Water Conservation District, Camulos Ranch, CA DF&G, USFWS, Friends of the Santa Clara River, Heal the Bay, Santa Monica Baykeeper, SCOPE, Ventura Watershed Protection District, farmers
Anti-Degradation Analyses	City of Santa Clarita, Newhall Land & Farming, Castaic Lake Water Agency, United Water Conservation District, Camulos Ranch, CA DF&G, USFWS,

	Friends of the Santa Clara River, Heal the Bay, Santa Monica Baykeeper, SCOPE, Ventura Watershed Protection District, farmers
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Appendix 4
SAMPLE PARTNERING EVALUATION

	LOW 1	BELOW AVERAGE 2	AVERAGE 3	ABOVE AVERAGE 4	EXCELLENT 5
Teamwork					
Understanding "other" position					
Walk the talk					
Mutual respect					
Openness					
Honesty					
Professionalism					
Quality of synergy					
Trust					
Effective communications					
Responsiveness					
Issue/conflict resolution					
Goal clarity					

TOTAL _____ AVERAGE _____

Observations _____

Plan for improvement: _____

Signature _____ Date _____

- 1 (low) – consistently fails to meet expectations of Partnering Team
- 2 (below average) – occasionally fails to meet expectations of Partnering Team
- 3 (average) – meets expectations of Partnering Team
- 4 (above average) - occasionally exceeds expectations of Partnering Team
- 5 (excellent) – consistently exceeds expectations of Partnering Team

Louie, Brian

From: CandCInc@aol.com

Sent: Sunday, April 18, 2004 9:39 AM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.gov

Subject: Summary of April 15 meeting

Team:

Attached is a draft summary of the April 15th meeting. We covered a lot of topics, so I need you to review it carefully for possible additions/corrections. Please get your comments to me no later that April 28, so I have them in front of me when I prepare the next draft of the plan.

Jim Creighton

SANTA CLARA RIVER
CHLORIDE TMDL COLLABORATIVE PROCESS MEETING
APRIL 15, 2004

ACTION ITEMS AGREED UPON
DURING THE MEETING

- Everybody is to send Jim Creighton examples/models from prior working group experiences on things to do/things to avoid to make working groups more effective. Jim will also contact people and search literature.
- Jon and Margie will work with the facilitator to organize both an alternatives workshop and an assumptions workshop during the first year.
- Board staff will review the draft lists of potential working group members, stakeholder groups, and technical advisors and will add to these lists as appropriate, providing some sort of ranking to indicate who they think is most important. Elizabeth Erickson will begin work on identifying agricultural groups and mechanisms for consulting with them.
- Board staff will prepare an invitation letter and will take the lead in inviting stakeholders to be part of working groups. Board staff will also issue a Public Notice and schedule a joint meeting to discuss the project with potential stakeholder groups.
- All review comments on the draft plan should be to Jim Creighton by April 28.
- The next meeting of the team will be May 11, 1-5 PM.

People present included: Regional Board-Deborah Smith, Jon Bishop, Elizabeth Erickson, Sam Unger; Sanitation Districts – Margie Nellor (phone), Vicki Conway (phone), Sharon Green, Brian Louie; Facilitator: Jim Creighton.

Prior to the meeting Jim Creighton distributed a draft plan for the collaborative process. Participants identified the key issues they wanted to discuss or clarify, and this formed the basis for the agenda.

USE OF FACILITATORS

There was an extended discussion of the role and need for facilitation, and how best to organize the contract for facilitation. The general conclusions reached were:

- There is a need for facilitation at two levels: (1) a facilitator who oversees the entire process, conducts the preliminary partnering session and refresher sessions, and continues to work with the team as a whole, and (2) facilitators for each of the working group. These may be the same people, or there could even be a different facilitator assigned to each working group (who can also provide backup in case of schedule difficulties, etc.)
- But there is also a need for technical project management. For some working groups the greatest need will be for facilitation, and for others the greatest need will be project management/ technical skills.

- People liked the “techno-facilitator” arrangement on the nitrates project -- where the facilitator also managed the contracts with all the other consultants – but the person involved was more of a technical person than a real facilitator. This project needs both skill sets, and it may be difficult to find a facilitator who can also handle all the technical aspects, or vice versa. So it may be necessary to find a contractor who can supply and manage a team with both facilitation and technical skills.
- There was agreement that the need for both facilitation and technical project management skills will be most intensive during the first year, and may be reduced after that.

STRUCTURE/FUNCTION/OPERATING GROUND RULES OF WORK GROUPS

Fred Andes expressed a concern that the groundrules for the working groups be well-defined. He suggested that there be some effort to gather examples/models from other programs. The team agreed to look up materials from previous working group experiences regarding groundrules/structure and get them to Jim Creighton. Jim will also check with people he knows and scan the literature.

As currently planned, each working group will have one or more representatives each from the Regional Board and the Sanitation Districts, plus several participants from stakeholder groups. There was a discussion of whether the Board/Districts were the “chairs” of the work groups. There was some agreement that they would be the conveners, but the facilitator will actually run the meeting

STAKEHOLDER INVOLVEMENT/ HOW TO BRING THE FARMING COMMUNITY INTO THE PROCESS

Elizabeth Erickson reported on discussions she’d had with leading people from agriculture. Based on these interviews, she’s doubtful that people in agriculture will have enough interest to participate in a working group. She suggested that the stakeholder involvement for the agricultural working group might be better handled by using an existing agricultural standing committee.

This led to an extended discussion on stakeholder involvement. The conclusions reached were:

- Each work group will need to design its own stakeholder involvement approach, based on the level of interest and expertise, in addition to project-wide stakeholder involvement meetings that may be held from time to time.
- To ensure the adequacy of each group’s approach, as well as ensure a unified program, each working group should be tasked to develop a stakeholder involvement plan and present it to the Project Steering Committee. Working groups will be encouraged to evaluate whether there are existing arrangements – such as standing committees – that have the right membership so that they can be used as part of the stakeholder involvement.

- There was recognition that the agricultural working group is likely to have the most challenging stakeholder involvement task. The Agricultural Technical Advisory Panel will also have a larger role during the first year than the other panels.
- There was a discussion of existing institutions that could represent the agricultural community, including property owners associations, and the avocado and strawberry boards.

RESOURCES

There was then a discussion of the resources needed to complete the collaborative process. There was recognition that the Regional Board is probably the most resource-constrained. Elizabeth Erickson has been assigned to this project at essentially 50% time. Some of the things that will help ease the burden on the Board staff include: (1) Board staff needs to have direct access to the project consultants, without having to go through others to get information from the consultants; and (2) consultants need to coordinate with Board staff so that documents are put in the format the Board needs, so Board staff don't have to re-write or re-format them.

The Board does not intend to have an independent contractor from the Board to review the studies and documents.

Other items discussed included:

- Whenever possible, the team should consider use of conference calls instead of face-to-face meetings
- Stakeholder meetings will need to be in-basin, rather than at either the Board or Districts' offices
- There needs to be a structured process for developing meeting agendas, so that everybody understands it and knows how to get items on the agenda
- The facilitator/technical project managers will need to assist with on-going distribution of minutes, and the care and feeding of stakeholders
- There will be a project web page, with access to documents both for the team and the public, and a list-server will be set up to make it easier to communicate with team members and stakeholders
- An effort needs to be made to utilize meeting time very effectively

BRAINSTORMING ON ALTERNATE COMPLIANCE IDEAS

There was agreement on the desirability of the team participating in a workshop to identify all the alternative compliance options. This will occur during the first year. Jon Bishop also mentioned that he had discussed options previously with

EPA and EPA staff had expressed a willingness to consider a wide range of options.

There was agreement that the responsibility for this workshop is at the Project Steering Committee level, since it doesn't really belong to any one working group. Jon and Margie will work with the facilitator (whomever that will be) to organize this workshop, as well as a subsequent treatment assumptions workshop.

PROCESS/SCHEDULE TO DEVELOP MOA

There was general agreement that the team did not want a long, detailed Memorandum of Understanding. Instead, there might just be a co-signed letter attached to the plan that Creighton is developing, once it is agreed upon by the team. This way, changes in the plan will not require the formality that is entailed in changing an MOU.

MEANING OF CONSENSUS OR CONSENT OR MUTUAL AGREEMENT

There was then some discussion of what "consensus" means, and whether or not individual team members should have the right to elevate a dispute to the Project Steering Team. There was agreement to remove the "two-tier" system implied in the current wording of the draft plan. The current wording says that the Board and Districts staff have to "agree" and the others have to "consent." This implies that stakeholder representatives on working groups do not have the same status as Board/Districts' staff. Whatever the final wording it, it should apply to everyone equally.

One of the concerns expressed about giving individuals the power to elevate is that too many disputes would get elevated. Jon Bishop said that if he and Margie were getting too many disputes elevated from a particular working group, they would probably meet with that group and stress the group's responsibility to try to resolve things.

The general conclusion was that working groups should be made aware that the expectation is that they take responsibility for resolution, but that there be a menu of techniques (including bouncing issues off the technical advisory panels, using a dispute review panel, asking the facilitator to also act as a mediator, or bringing in an outside mediator) they could use to resolve the issue. The working groups could also rely on their facilitator to help them decide on a mechanism to resolve the issue, including whether or not to utilize a dispute review panel.

If they are unable to resolve the issue, they should document the issues over which there is disagreement, and document their efforts to resolve the issue. The Project Steering Committee would need this, and the documentation would be

important if later on an individual takes the issue to the Board claiming that his/her issue was not addressed.

SPECIFIC INDIVIDUALS FOR WORK GROUPS

The Districts' staff produced a shopping list of possible individuals for the work groups. The Board staff agreed to add their suggestions, and also do some ranking to show who they think is most important.

Because the agricultural group is particularly challenging, Elizabeth Erickson will begin work to identify people/mechanisms for consulting with agriculture, and will coordinate with Vicky and Brian from the Districts to contact people who would be potential working group members.

There was agreement that in addition to being willing to spend the time, and provide representation, working group members also need to have something to offer in terms of technical expertise. This means that some groups may need to retain people with the appropriate expertise to participate.

The Board will prepare an invitation letter and will take the lead in inviting people to be part of working groups. Board staff will also issue a Public Notice and schedule a joint meeting to discuss the project with potential stakeholder groups. Board staff will consult with Districts' staff in the planning for this meeting.

Initially, only the Agriculture, Endangered Species, and Groundwater Interaction working groups will be set up. The Anti-Degradation/Standards Working Group will not be needed for several years.

SPECIFIC ORGANIZATIONS/AGENCIES FOR STAKEHOLDER GROUPS

The Districts' staff produced a shopping list of possible stakeholder groups. The Board staff agreed to add their suggestions and will also do some ranking to show who they think is most important.

OVERALL SCHEDULE AND SEQUENCING OF TASKS, INCLUDING: (A) IMPLICATIONS OF DELAY IN COMPLETING SPECIFIC STEPS AND (B) TIMING FOR REGIONAL BOARD REVIEW AND APPROVAL

Jon Bishop suggested that if a product needs to be submitted to the Regional Board for approval, that documents be submitted to Board staff three months prior to the time when Board approval is required. Work plans can be approved at the staff level, so don't require three months lead time.

There was agreement that the team will need to set ground rules on what to do if things slip. The team will also need to set up some kind of tickler system or

reminder system to be sure everything stays on track. It will help if work can get started before the TMDL is officially approved.

ROLE OF DISTRICTS' ATTORNEYS (ANDES/POWERS) IN PROCESS

Fred Andes and Erika Powers should be considered "consultants on regulatory process" who happen to be lawyers, rather than as lawyers for the Districts. Their initial task ends when the plan is in place for this collaborative process. At that point they will discuss with the Districts' whether/what further role they will have. They are, however, consultants to the Districts', not to the team as a whole. They will not be representing the Districts' in lawsuits pertaining to this issue.

Jon Bishop said he was comfortable with this arrangement for now, but requested that Board staff be informed whenever new tasks/relationship are defined with the Districts.

SHOULD ANTI-DEGRADATION AND STANDARDS WORKING GROUPS BE COMBINED?

The team agreed that these two working groups should be combined, since they were likely to involve exactly the same people in both the working group and technical advisors panel.

COMPOSITION OF DISPUTES REVIEW PANEL

Jim Creighton reviewed the three options currently described in the draft plan. They include (1) using a single third party, instead of a full panel; (2) the "traditional" approach, in which there are three panel members, one each selected by the two parties, and these two panel members in turn select the third member, or (3) panels could be assembled by drawing on those people in the technical advisors panels with the most appropriate expertise for whatever the dispute is about.

Jon Bishop said that in the past the Board and Districts' had been able to resolve all technical disputes, but not policy disputes. He hated to see four different disputes review panels set up then never used, although he liked the Board picks one/District picks one approach.

After some discussion, the team agreed that the facilitator/project management contract should be designed in such a way that the contractor can quickly assemble a qualified panel, but that there would not be "standing" panels set up until it is clear they are needed.

SELECTION PROCESS FOR TECHNICAL ADVISORS PANELS

The Districts' staff produced a shopping list of possible technical advisors. The Board staff agreed to add their suggestions and will also do some ranking to show who they think is most important. The current plan is that technical advisors will be offered compensation (they can always refuse) through the facilitation/project management contract.

WHAT SHOULD THE TECHNICAL ADVISORY PANELS BE CALLED?

There was some discussion of whether these groups should be called Peer Review Panels or Technical Advisory Panels, since they will be much more involved in the design of the research program than the typical peer review panel. The name finally agreed upon was "Technical Advisors Panels."

MECHANISMS FOR TASKING CONTRACTORS

There was a discussion of how work groups could assign tasks to consultants in such a way that they would feel their client was the entire team, not the Districts' alone, even though the Districts' will handle the contracting. The Board's first preference would be that the tasking run through the facilitator/project manager. The District is willing to include appropriate language regarding the responsibility to the team as a whole, and can work out a formal mechanism so that assignments can be made by teams.

EDITING DRAFT PLAN

The team needs to submit comments on wording of the draft plan to Jim Creighton by April 28th. Jim will re-write the plan, and will get it to people to review prior to the next meeting.

NEXT MEETING

The next meeting of the team will be May 11, 1-5 PM.

Louie, Brian

From: CandCInc@aol.com
Sent: Friday, April 30, 2004 9:17 AM
To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.gov
Subject: Revised Summary of April 15 meeting

Team:

Attached is the revised summary of the April 15th meeting. I believe I responded to every comment. In a few cases I slightly re-worded what went into this revised version, mostly for clarity, and when I was confident that it reflected the intent of the commenter.

There were, however, four comments that did not seem to reflect what was in my notes or my memory, or where I thought other wording was superior. I have inserted comment boxes for these, showing what the commenter suggested. I will need your instructions on whether they should be included or not.

Jim Creighton

ACTION ITEMS AGREED UPON
DURING THE MEETING

- Everybody is to send Jim Creighton examples/models from prior working group experiences on things to do/things to avoid to make working groups more effective. Jim will also contact people and search literature.
- Jim Creighton will develop a draft description of how to describe the facilitator/technical support required, and circulate it to the team for review.
- Jim Creighton will develop a draft "charge" to the working groups on their responsibility to develop an approach for involving stakeholders in their deliberation, and will circulate the "charge" to the team for review.
- Jon and Margie will work with the facilitator to organize both an alternatives workshop and a cost cost assumptions workshop during the first year.
- Board staff will review the draft lists of potential working group members, stakeholder groups, and technical advisors and will add to these lists as appropriate, providing some sort of ranking to indicate who they think is most important. Board staff and Districts staff will begin work on identifying agricultural groups and mechanisms for consulting with them. Districts' staff will provide biographical information to Board staff on the proposed list of agriculture technical advisors to assist in evaluating their qualifications
- Board staff will prepare an invitation letter and will take the lead in inviting stakeholders to be part of working groups. Upon RWQCB adoption of the agreement between the Board and District, Board staff will issue a Public Notice and schedule a joint meeting to discuss the project with potential stakeholder groups.
- All review comments on the draft plan should be to Jim Creighton by April 28.
- The next meeting of the team will be May 11, 1-5 PM.

SANTA CLARA RIVER
CHLORIDE TMDL COLLABORATIVE
PROCESS MEETING
APRIL 15, 2004

Agency staff present included:

Regional Board - Deborah Smith, Jon Bishop, Elizabeth Erickson, Sam Unger;

Sanitation Districts – Margie Nellor (phone), Vicki Conway (phone), Sharon Green, Brian Louie.

Consultants: Facilitator: Jim Creighton; Fred Andes and Ericka Powers, regulatory consultants to the Sanitation Districts.

Prior to the meeting Jim Creighton distributed a draft plan for the collaborative process. Participants identified the key issues they wanted to discuss or clarify, and this formed the basis for the agenda.

USE OF FACILITATORS

There was an extended discussion of the role and need for facilitation, and how best to organize the contract for facilitation. The general conclusions reached were:

- There is a need for facilitation at two levels: (1) a facilitator who oversees the entire process, conducts the preliminary partnering session and refresher sessions, and continues to work with the team as a whole, and (2) facilitators for each of the working groups. These may be the same people, or there could even be a different facilitator assigned to each working group (who can also provide backup in case of schedule difficulties, etc.)
- But there is also a need for technical project management. For some working groups the greatest need

will be for facilitation, and for others the greatest need will be project management/ technical skills.

- People liked the “techno-facilitator” arrangement on the Santa Clara River nitrogen TMDL project -- where the facilitator also managed the contracts with all the other consultants – but the person involved was more of a technical person than a real facilitator. This project needs both skill sets, and it may be difficult to find a facilitator who can also handle all the technical aspects, or vice versa. So it may be necessary to find a contractor who can supply and manage a team with both facilitation and technical skills. Job Bishop recommended that the agriculture group have both technical and facilitation support, but he thought the endangered species group probably needs only facilitation and the groundwater modeling group probably needs only technical support.
- There was agreement that the need for both facilitation and technical project management skills will be most intensive during the first year, and may be reduced after that.

Jim Creighton will write a preliminary draft of how to handle the mix of technical support and facilitation support, and will send it to the team for review.

STRUCTURE/FUNCTION/OPERATING GROUND RULES OF WORK GROUPS

Fred Andes expressed a concern that the groundrules for the working groups be well-defined. He suggested that there be some effort to gather examples/models from other programs. The team agreed to look up materials from previous working group experiences regarding groundrules/structure and get them to Jim Creighton. Jim will also check with people he knows and scan the literature.

As currently planned, each working group will have one or more representatives each from the Regional Board and the Sanitation Districts, plus several participants from stakeholder groups. There was a discussion of whether the Board/Districts were the “chairs” of the work groups. There was preliminary agreement that the Board and Districts would be the conveners, but the facilitator will actually run the meetings.

STAKEHOLDER INVOLVEMENT/ HOW TO BRING THE FARMING COMMUNITY INTO THE PROCESS

Elizabeth Erickson reported on discussions she’d had with leading people from agriculture. Based on these interviews, she’s doubtful that people in agriculture will have enough interest to participate in a working group. She suggested that the stakeholder involvement for the agricultural working group might be better handled by using an existing agricultural standing committee.

This led to an extended discussion on stakeholder involvement. The conclusions reached were:

- Each work group will need to design its own stakeholder involvement approach, based on the level of interest and expertise, in addition to

project-wide stakeholder involvement meetings that may be held from time to time.

- [JC1] To ensure the adequacy of each group's approach, as well as ensure a unified program, each working group should be tasked to develop a stakeholder involvement plan and present it to the Project Steering Committee. Working groups will be encouraged to evaluate whether there are existing arrangements – such as standing committees – that have the right membership so that they can be used as part of the stakeholder involvement.
- There was recognition that the agricultural working group is likely to have the most challenging stakeholder involvement task. The Agricultural Technical Advisory Panel will also have a larger role during the first year than the other panels.
- There was a discussion of existing institutions that could represent the agricultural community, including property owners associations, the Farm Bureaus, the University of California Cooperative Extension and groups that support specific crop marketing efforts. It was also recognized that the agricultural community already has established groups formed representing the various agricultural interests. The stakeholder involvement process should recognize and utilize these existing groups when appropriate.

Jim Creighton will draft a “charge” to the technical working groups on their responsibility to develop an effective stakeholder involvement process suitable to their task.

RESOURCES

There was then a discussion of the resources needed to complete the collaborative process. There was recognition that the Regional Board is probably the most resource-constrained. Elizabeth Erickson has been assigned to this project at essentially 50% time for the next fiscal year and Sam Unger would also be supporting some of the efforts. Some of the things that will help ease the burden on the Board staff include: (1) Board staff needs to have direct access to the project consultants, without having to go through others to get information from the consultants; and (2) consultants need to coordinate with Board staff so that documents are put in the format the Board needs, so Board staff don't have to re-write or re-format them. The Board does not intend to have an independent technical contractor from the Board to review the studies and documents produced by the project contractor.

Other items discussed included:

- Whenever possible, the team should consider use of conference calls instead of face-to-face meetings.

- Stakeholder meetings will usually need to be held within the watershed, rather than at either the Board or Districts' offices. The City of Santa Clarita was recommended as a potential site.
- There needs to be a structured process for developing meeting agendas to ensure all attendees are informed of agenda contents before the meeting. Once the agenda has been distributed, changes in the agenda would be made by mutual agreement only.
- The facilitator/technical project managers will need to assist with on-going distribution of minutes, and the care and feeding of stakeholders
- There will be a project web page, with access to documents both for the team and the public, and a list-server will be set up to make it easier to communicate with team members and stakeholders
- An effort needs to be made to utilize meeting time very effectively
- The team agreed that it would be appropriate for the Scope of Work for contractor support to include requirements to provide support to Board staff during the Basin Plan amendment development process.

BRAINSTORMING ON ALTERNATE COMPLIANCE IDEAS

There was agreement on the desirability of the team participating in a workshop to identify all the alternative compliance options. This will occur during the first year. Jon Bishop mentioned that he had discussed some alternative options previously with EPA. EPA staff had expressed a willingness to consider a wide range of options. Jon also recommended that EPA and SWRCB staff be invited to participate in the alternatives and cost assumptions workshops and involved in the technical review panels as much as possible. There was general agreement that it was desirable to have both agencies involved during the process as much as possible, not just at the end.

There was agreement that the responsibility for this workshop is at the Project Steering Committee level, since it doesn't really belong to any one working group. Jon and Margie will work with the facilitator (whomever that will be) to organize this workshop, as well as a subsequent treatment assumptions workshop.

PROCESS/SCHEDULE TO DEVELOP MOA


There was general agreement that there should be a Memorandum of Agreement or Understanding between the Board and Districts regarding the process to be used for the chloride TMDL. However, the team did not want a long, detailed Memorandum of Understanding. Instead, there might just be a co-signed letter attached to the plan that Creighton is developing, once it is agreed upon by the team. This way, changes in the plan will not require the formality that is entailed in changing an MOU.

MEANING OF CONSENSUS OR CONSENT OR MUTUAL AGREEMENT

There was discussion of what “consensus” means, and whether or not individual team members should have the right to elevate a dispute to the Project Steering Team. There was agreement to remove the “two-tier” system implied in the current wording of the draft plan. The current wording says that the Board and Districts staff have to “agree” and stakeholder members of the working groups have to “consent.” This implies that stakeholder representatives on working groups do not have the same status as Board/Districts’ staff. Whatever the final wording is regarding consensus, it should apply to everyone equally.

One of the concerns expressed about giving individuals the power to elevate is that too many disputes would get elevated. Jon Bishop said that if he and Margie were getting too many disputes elevated from a particular working group, they would probably meet with that group and stress the group’s responsibility to try to resolve things.

The general conclusion was that working groups should be made aware that the expectation is that they take responsibility for resolution, but that there will be a menu of techniques (including bouncing issues off the technical advisory panels, using a dispute review panel, asking the facilitator to also act as a mediator, or bringing in an outside mediator) they could use to resolve the issue. The working groups could also rely on their facilitator to help them decide on a mechanism to resolve the issue, including whether or not to utilize a dispute review panel.

If they are unable to resolve the issue, they should document the issues over which there is disagreement, and document their efforts to resolve the issue. The Project Steering Committee would need this, and the documentation would be important if later on an individual takes the issue to the Board claiming that his/her issue was not addressed. 

SPECIFIC INDIVIDUALS FOR WORK GROUPS

The Districts’ staff has produced a shopping list of possible individuals for the work groups. The Board staff agreed to add their suggestions, and also do some ranking to show who they think is most important.

Because the agricultural group is particularly challenging, Regional Board staff and Districts staff will begin work to identify people/mechanisms for consulting with agriculture. Once agreement has been reached on who should be invited to working groups and technical advisors panels, Board staff and Districts staff will coordinate to contact the people or parties who could be working group or technical advisors panel members.

There was agreement that in addition to being willing to spend the time, and provide representation, working group members also need to have something to

offer in terms of technical expertise. This means that some groups may need to retain people with the appropriate expertise to participate.

The Board will prepare an invitation letter on behalf of the Board and the Districts, and once the RWQCB has approved the agreement between the Board and Districts, will take the lead in inviting people to be part of working groups. Board and Districts staff will coordinate to establish participation criteria/expectations of working group members. Board staff will issue a Public Notice and schedule a joint meeting to discuss the project and participation expectations with potential stakeholder groups. Board staff will consult with Districts' staff in the planning for this meeting. The meeting should be held as soon as possible after the RWQCB adoption of the chloride TMDL.

Initially, only the Agriculture, Endangered Species, and Groundwater Interaction working groups will be set up. The Anti-Degradation/Standards Working Group will not be needed for several years.

SPECIFIC ORGANIZATIONS/AGENCIES FOR STAKEHOLDER GROUPS

The Districts' staff has produced a shopping list of possible stakeholder groups. The Board staff agreed to add their suggestions and will also do some ranking to show who they think is most important for issues pertaining to the Santa Clara River Watershed.


OVERALL SCHEDULE AND SEQUENCING OF TASKS, INCLUDING: (A) IMPLICATIONS OF DELAY IN COMPLETING SPECIFIC STEPS AND (B) TIMING FOR REGIONAL BOARD REVIEW AND APPROVAL


Jon Bishop suggested that if a product needs to be submitted to the Regional Board for approval, finalized documents must be submitted to Board staff a minimum of three months prior to the time when Board approval is required. Work plans can be approved at the staff level, so they don't require three months lead time.

There was agreement that the team will need to set ground rules on what to do if things slip. If there is a significant delay in meeting the deadline for one step, some agreement will have to be reached on how to accommodate these changes in subsequent deadlines. The team will also need to set up some kind of tickler system or reminder system to be sure everything stays on track. If work can get started before the TMDL is officially approved by the SWRCB and EPA this will make it easier to meet the deadline for the first year reopener clause.

ROLE OF DISTRICTS' ATTORNEYS (ANDES/POWERS) IN PROCESS

Districts staff explained that Fred Andes and Erika Powers should be considered "consultants to the Districts on regulatory process" who happen to be lawyers,

rather than as lawyers for the Districts. Their initial task ends when the plan is in place for this collaborative process. At that point they will discuss with the Districts'  whether/what further role they will have. They are, however, consultants to the Districts', not to the team as a whole. They will not be representing the Districts' in lawsuits pertaining to this issue.

There was a discussion of the fact that their involvement as a consultant had not been agreed to by Board staff. 

Jon Bishop said he was comfortable with this arrangement for now, but requested that Board staff be informed whenever new tasks/relationship are defined with the Districts.

SHOULD ANTI-DEGRADATION AND STANDARDS WORKING GROUPS BE COMBINED?

The team agreed that these two working groups should be combined, since they were likely to involve many of the same people in both the working group and technical advisors panel.

COMPOSITION OF DISPUTES REVIEW PANEL

Jim Creighton reviewed the three options currently described in the draft plan. They include (1) using a single third party, instead of a full panel; (2) the "traditional" approach, in which there are three panel members, one each selected by the two parties, and these two panel members in turn select the third member, or (3) panels could be assembled by drawing on those people in the technical advisors panels with the most appropriate expertise for whatever the dispute is about.

Jon Bishop said that in the past the Board and Districts' had been able to resolve all technical disputes, but not policy disputes. He hated to see four different disputes review panels set up then never used, although he liked the Board picks one/District picks one approach.

After some discussion, the team agreed that the facilitator/project management contract should be designed in such a way that the contractor can quickly assemble a qualified panel, but that there would not be "standing" panels set up until it is clear they are needed.

SELECTION PROCESS FOR TECHNICAL ADVISORS PANELS

The Districts' staff produced a shopping list of possible technical advisors. The Board staff agreed to add their suggestions and will also do some ranking to show who they think is most important. The current plan is that technical advisors will be offered compensation (they can always refuse) through the facilitation/project management contract or other means agreed upon by the Board and Districts. The cost of this compensation will be borne by the Districts.

WHAT SHOULD THE TECHNICAL ADVISORY PANELS BE CALLED?

There was some discussion of whether these groups should be called Peer Review Panels or Technical Advisory Panels, since they will be much more involved in the design of the research program than the typical peer review panel. The name finally agreed upon was "Technical Advisors Panels."

MECHANISMS FOR TASKING CONTRACTORS

There was a discussion of how work groups could assign tasks to consultants in such a way that they would feel their client was the entire team, not the Districts' alone, even though the Districts' will handle the contracting. The Board's first preference would be that the tasking run through the facilitator/project manager. The District is willing to include appropriate language stating that all contractors should view themselves as being responsible to the team as a whole, not just the District, and can work out a formal mechanism so that tasking can be completed by teams. Because of the Districts' contracting process and requirements there will need to be a common understanding among project participants, including members of working groups, that new tasks or assignments that modify the scope of work or budget cannot be made independently by working groups once a contract is awarded, since they may necessitate contract and/or budget amendments that may in some cases be subject to approval by the Districts' governing board before work can be authorized.

EDITING DRAFT PLAN

The team needs to submit comments on wording of the draft plan to Jim Creighton by April 28th. Jim will re-write the plan, and will get it to people to review prior to the next meeting.

NEXT MEETING

The next meeting of the team will be May 11, 1-5 PM.

[JC1]One commenter suggested that this be changed to read "Each work group will need to design its own working group based on stakeholder involvement, level of interest..." I did not make this change because I think the present wording more accurately reflects what was said in the meeting. Please advise.

[JC2]One comment I received suggested inserting the language: "There was agreement among the Team that there should be consensus between the Board and Districts on project management issues, but consensus should not be required for substantive issues."

My notes show Jon Bishop's comments in the section on composition of disputes review panel (pg. 7, para. 6), but nothing that reflects a team agreement.

Please advise.

[JC3]The Board recommends inserting the words "and Board staff" here.

[JC4]The Board recommends adding the words: "Further, Board's staff expert on regulatory process is only available for a limited number of meetings of the Anti-Degradation/ Standards workgroup, and the Board staff would prefer to maintain the proposed narrow technical focus for the other workgroups."

These comments are not reflected in my notes, so I need instruction on whether they should be included in the final meeting summary.

[JC5]One person suggested deleting the words "to the team as a whole" and inserting the words "to the facilitator/project manager." It can be said either way, although I think the concept that the team, not the Districts, is the client is the more powerful concept. Please advise.

Louie, Brian

From: CandCInc@aol.com
Sent: Wednesday, May 05, 2004 5:40 AM
To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.gov
Subject: Plan and groundrules

Team:

Attached you will find a revised version of the plan. Attached to it (as Appendix 2) is a draft set of norms/expectations for consideration by the team at a future date.

I am sending this to you from my laptop on the road, which may not have the complete distribution mailing list. Please check who this mail got sent to, and make sure that if I missed anyone in the team it gets to him/her with my apologies.

There were several comments from reviewers of the first draft that I was not able to resolve myself, so I have inserted comments so you would see where there are areas where continued resolution is needed. If you don't see these comments, there is something you need to do in your "view" menu that pulls up the comments. Also, you may want to do a "compare documents" (in Tools) so that you can see the changes made since the first draft.

Please send me, by noon Friday, any "issues" raised by the revised draft that you believe need to go on the agenda for next Tuesday's meeting. By issues I mean something that requires conceptual clarification or resolution, not word-smithing. I will then pull these together and let you know by late Friday afternoon which items need to be put on the agenda.

ITEMS I SEE THAT NEED TO BE ON TUESDAY'S AGENDA INCLUDE:

- Final review of the summary of the May 19th meeting
- Agreement on how to finalize the plan
- A time-line for major tasks during the first year, including the timing of the partnering workshop, alternatives workshop, cost assumptions workshop, first stakeholder meeting, establishment of the agriculture committee, etc. etc.
- Agreement on next steps in selecting working group members
- Agreement on next steps in selecting technical advisors panels
- Agreement on how to develop a scope of work to contract for the Lead Facilitator and Principal Investigator.

Please get any other agenda items to me by Friday noon.

See you Tuesday.

Jim Creighton

SECOND DRAFT
**SANTA CLARA RIVER
CHLORIDE TMDL COLLABORATIVE PROCESS**

This plan describes a collaborative process that will be utilized in the oversight and implementation of the Santa Clara River Chloride TMDL by the Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”), in consultation with other stakeholders in the Santa Clara River area.

BACKGROUND

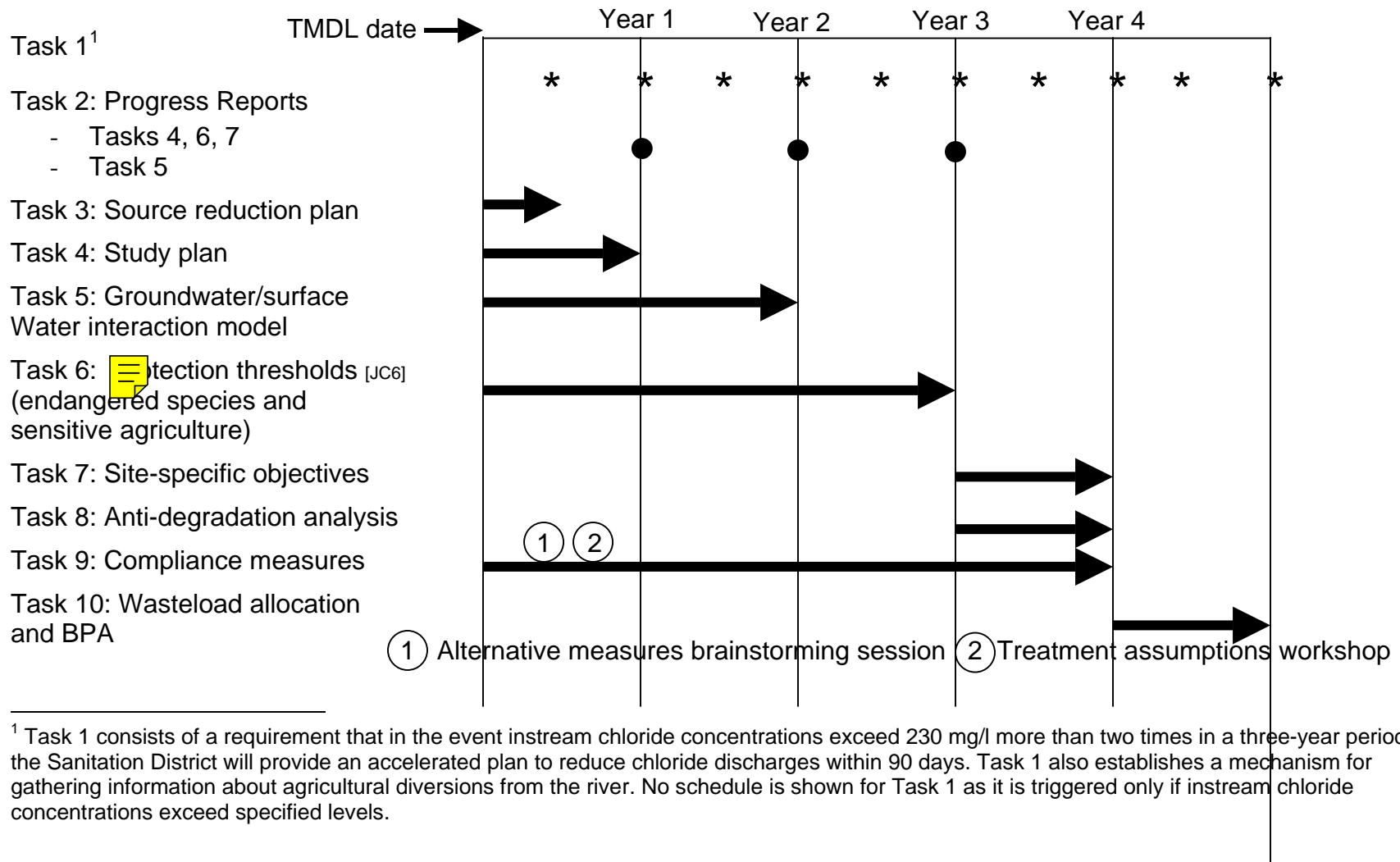
Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the reaches of the Santa Clara River where the Districts’ Saugus and Valencia WRP’s discharge. This objective was established to protect beneficial uses and reflect background conditions, and was the basis of waste load allocations used by the Upper Santa Clara River Chloride TMDL and discharge permits issued to the Sanitation Districts. The Sanitation Districts did not accept that this objective was based on appropriate or complete scientific information and planned to pursue administrative and potentially legal remedies regarding the TMDL and permits.

The Regional Board and Sanitation Districts have agreed [pending] to revise the TMDL to include a collaborative process that allows for completion of new scientific studies to be conducted by the Sanitation Districts, at the Sanitation Districts’ expense, before final waste load allocations are applied. Once these studies are complete, the Regional Board will re-consider the objective, either reaffirming the existing objective or altering the objective.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be subject to technical review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies.

Implementation of the TMDL is to occur within a 5-year period. However, most of the scientific studies that could affect the chloride objective will be conducted in the first 5 years of the study, and reconsideration of the objective will occur at the end of this five year period. Figure 1 summarizes the studies to be conducted during the first 5 years. A detailed description of each task is provided in Appendix 1, Upper Santa Clara River Chloride TMDL Implementation Tasks.

FIGURE 1
FIRST FIVE YEARS SCHEDULE
SANTA CLARA RIVER CHLORIDE TMDL



¹ Task 1 consists of a requirement that in the event instream chloride concentrations exceed 230 mg/l more than two times in a three-year period, the Sanitation District will provide an accelerated plan to reduce chloride discharges within 90 days. Task 1 also establishes a mechanism for gathering information about agricultural diversions from the river. No schedule is shown for Task 1 as it is triggered only if instream chloride concentrations exceed specified levels.

PROBABLE TMDL DATE


The entire schedule for TMDL implementation is tied to the effective date of the TMDL. This date has not yet been determined. The Regional Board will consider the proposed amendments to the TMDL at its meeting on May 6, 2004. Assuming that this TMDL amendment is approved, it will be forwarded to the California State Water Resources Control Board for approval. Once the State Board has approved the TMDL, it goes to the Office of Administrative Law for approval, and then to the U.S. EPA for final approval.

The effective date of the TMDL is estimated to be sometime between October 2004 and April 2005.

The Sanitation Districts may choose to proceed with studies prior to the effective date of the TMDL. However, they do so at their own risk and expense in the event the TMDL Implementation Plan is not approved.

FIRST-YEAR PROGRAM

The first-year program lays the groundwork for the entire process. During the first year, the project team will develop a study plan that identifies the purpose, scope, tasks, and schedule for agricultural studies, endangered species studies, groundwater/surface water interaction studies, and anti-degradation studies needed for evaluation of an appropriate chloride threshold. The project team will set up technical work groups consisting of technical representatives of the two agencies and representatives of key stakeholder groups. The team will establish panels of technical advisors who will advise the working groups on appropriate study methodologies in each technical area. Each working group will establish a process for consultation with stakeholders interested in the activities of that working group. The overall project team will also provide opportunities for stakeholder involvement.

Once the study plan and schedule have been completed, they will be submitted to the Regional Board's Executive Officer for approval.  Twelve months after the effective date of the TMDL, the agricultural technical advisors panel will complete its literature review and method assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the TMDL implementation schedule for evaluation of an appropriate chloride threshold. The Regional Board will hold a public hearing to re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the technical advisors panel and Regional Board staff as to the types of studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

The schedule allows four years for the evaluation of alternative measures (such as treatment or alternative water supplies) to determine if there are regulatory solutions other than those contemplated in the TMDL implementation plan (i.e. development of a site-specific objective for the protection of salt-sensitive crops) or compliance with

the existing water quality standard. But the project team plans to initiate these studies early in the process, as some of these studies require considerable time to complete. During the first year the project team plans two activities that will contribute to this work element: (1) The project team will conduct a brainstorming session designed to identify alternative measures that should be evaluated, and (2) the project team will participate in a workshop designed to develop a consensus on the assumptions that will be used to determine the cost of compliance for various chloride waste load allocations. In addition, the Sanitation Districts will also prepare and submit a plan to quantify and control sources of chloride. This plan will include but not be limited to public outreach programs and incentive/disincentive programs for use of appropriate water softeners and other measures that may be effective in controlling chlorides. This plan will be submitted within six months of the effective date of the TMDL.

During the first year the team will also begin submitting semi-annual reports to the Regional Board on the technical studies being conducted, and annual reports on the development of a groundwater/surface water computer model.

PROGRAM FOR YEARS TWO - FIVE

By the end of Year Two, the project team will have developed or modified an existing computer model of the interaction of groundwater and surface water. This is especially important for the Upper Santa Clara River to determine assimilative capacity because there are stretches of the river within these reaches where surface water infiltrates to groundwater as well as areas where rising groundwater discharges to surface water. In addition to these interactions, surface water flow is augmented with water from other tributary sources

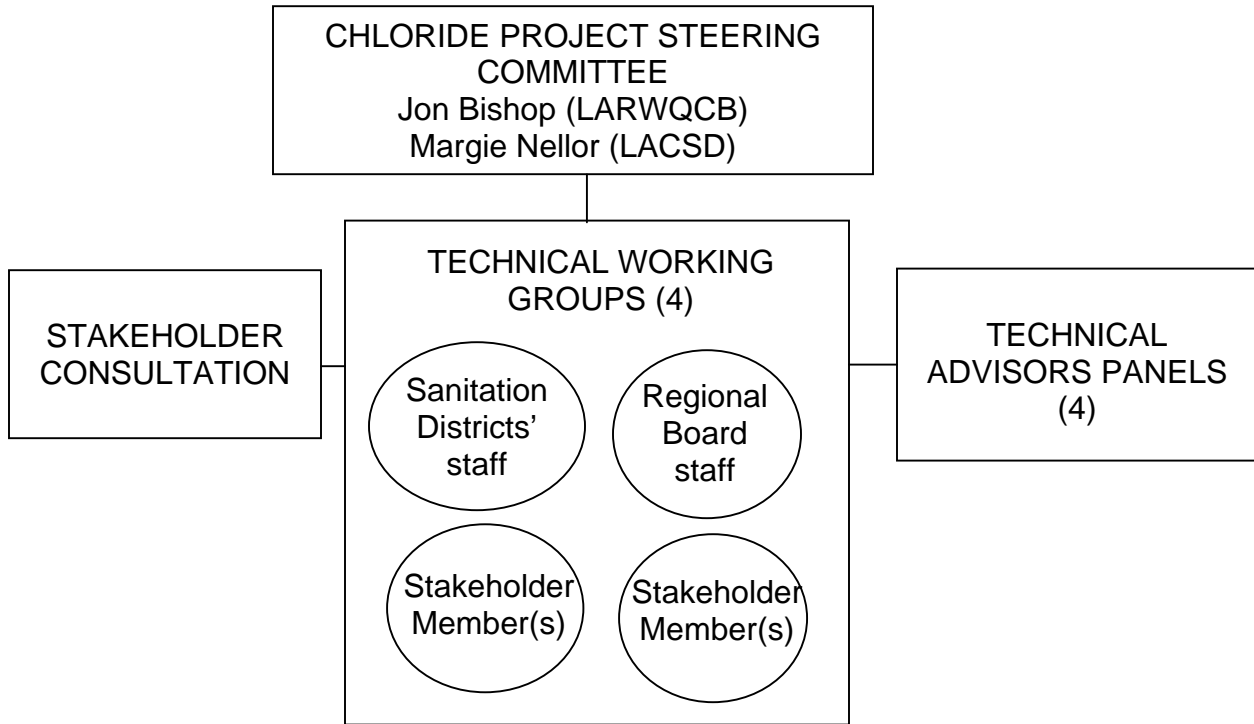
By the end of Year Three, the team plans to have conducted studies that will allow it to identify a detection threshold [JC8] for both endangered species and chloride-sensitive agriculture. The team acknowledges that agricultural studies may require an extension beyond the three-year time period specified, which in turn would affect all subsequent linked tasks in the implementation plan.

By the end of Year Four, assuming that agricultural studies will all be completed by the end of Year 3, the team [JC9] use the protective thresholds determined from the special studies to develop proposed site-specific objectives for chloride and develop technical analyses upon which the Regional Board may base a Basin Plan Amendment. The team will also conduct an anti-degradation analysis, if required. The team will also complete a pre-planning study of alternative compliance measures identifying potential chloride control measures and costs based on hypothetical scenarios for chloride water objectives and wasteload allocations.

By the end of Year Five, the team may complete a revised wasteload allocation and Basin Plan Amendment for consideration by the Regional Board.

ORGANIZATION OF THE PROJECT TEAM

Figure 2 shows the basic organizational structure for the project.




Both the Regional Board and the Sanitation Districts will appoint a project manager. These two individuals comprise the Project Steering Committee, which has overall responsibility for implementation of this plan. Initially, Jon Bishop will be the Project Manager for the Regional Board and Margie Nellor will be the Project Manager for the Sanitation Districts.

Each of the major studies requires a different methodology and technical expertise. This means there will be an Agricultural Studies Working Group, Endangered Species Studies Working Group, Groundwater/Surface Water Interaction Studies Working Group, and a Anti-Degradation Studies/Water Quality Standards Working Group.

The Regional Board and Sanitation Districts will designate 1-2 staff members to be members of each working group. Initially, the Regional Board will be represented on working groups by Sam Unger and/or Elizabeth Erickson. The Sanitation Districts will be represented by Vicki Conway and/or Brian Louie.

In addition, the membership of the working groups will include several stakeholder members. There are a number of stakeholders for these studies – agencies, groups or individuals who see themselves as potentially impacted by the decisions that could be made as part of this study – whose support or opposition could determine the success

of the process. These stakeholders often possess technical information and expertise equivalent to that of the Board and Districts' staff.

A limited number of stakeholders will be invited to be members of each working group. To be members, people will need to make a commitment to: (1) attend meetings regularly, (2) commit the time and resources to prepare for and participate in document reviews, (4) participate in a  consensus^[JC10]-oriented process, and (4) provide their participation without compensation by the study.

The project team will, in addition, conduct separate periodic stakeholder meetings or workshops to discuss significant study documents or evaluate alternative approaches.

All meetings of working groups are open to the public. However, working group meetings will be conducted in a formalized manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail and/or standard mail. Announcements of working group meetings, as well as any documents generated and/or draft study findings released will also be posted on a project web page.

Each working group will also establish a technical advisors panel. The members of these panels will be individuals with recognized expertise in the subject matter of the specific working group, who can offer recommendations and provide objective review of the technical adequacy of the study work being performed. The working groups will actively consult with the technical advisors panels during the development of the study plan. The advisors panels will also conduct a final peer review of the proposed study plan, as well as complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within working groups will be by mutual agreement. "Mutual agreement" does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that everyone in the working group is willing to "live with" the agreement, even though some individuals might prefer an alternative solution. In the event that a working group is not able to reach mutual agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- Refer the issue to the Project Steering Committee, along with full documentation regarding the positions taken by team members and the reasons for those positions. Decisions of the Project Steering Committee will be binding upon the working group.
- Ask the Principal Investigator to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give

an independent non-binding recommendation on how to resolve the issue. The purpose of a disputes review expert or panel of experts is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Working groups must still make a decision and may decide for themselves how much weight to give to the advice from the expert or panel. Decisions referred to outside technical experts will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.

- Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue.

DECISION MAKING IN THE PROJECT STEERING COMMITTEE

The Project Steering Committee will make decisions by agreement of both project managers.

In the event the project managers are not able to reach agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- The Project Steering Committee may elevate the decision to a Senior Management Committee that will consist of the Executive Officer of the Regional Board (currently Dennis Dickerson) and the General Manager of the Sanitation Districts (currently James Stahl). Both agencies agree that the Management Committee will confer within 15 days to address any issue elevated to that committee, and commit to achieve resolution (if at all possible) within a 15-day time period. Those issues elevated to the Senior Management Committee will primarily involve policy issues.
- Ask the Principal Investigator to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent recommendation on how to resolve the issue. Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue. The purpose of a disputes review panel is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Agency decision makers must still make a decision and may decide for themselves how much weight to give to the advice from the Dispute Review Panel. Decisions referred to a Dispute Review Panel will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue.

SETTING UP TECHNICAL ADVISORS PANELS

The project team will establish technical advisory panels for each of the major study areas: agricultural studies, endangered species studies, groundwater/ surface water interaction, and anti-degradation studies.

The purpose of the technical advisors panels is to provide objective technical information and expertise to assist the working groups in developing a research program that will be fully adequate to provide a solid scientific basis for reviewing the chloride objective.

The project team will establish a procedure for selection of technical advisors panel members that is acceptable to both the Regional Board and the Districts. Panel members will be selected by mutual agreement of the Regional Board and Sanitation Districts.

To ensure the neutrality of the panel members, the Regional Board and Sanitation Districts agree not to select any panel member who: (1) is a past employee of either the Regional Board or Sanitation Districts; (2) has received significant contracts from either the Sanitation Districts or Regional Board in the past 5 years²; (3) has previously expressed, in writing or in speeches, a position of opposition to regulation or regulators.

The Sanitation Districts will develop any needed contracts through the Principal Investigator to pay for the services of the technical review panels. Every effort will be made to ensure that the technical advisors panels understand that their "client" is the entire project team, not just the Sanitation Districts. To ensure this, the Regional Board and the Sanitation Districts agree that each working group will decide when and how often its technical advisors panel will be convened, and will agree upon the information to be presented to the technical panel, the manner of presentation, and the question(s) the advisory panel is asked to address. If there are disagreements within the working group, the dispute resolution procedures described earlier will apply.

In accord with established Regional Board procedures, at the conclusion of all the studies and before submitting a proposed objective and Basin Plan Amendment to its Board for approval, the Regional Board will send all studies through a peer review process set up by the University of California system. This review is in addition to and is not intended to replace the reviews conducted by the technical advisors panels. Normal Regional Board procedures will be followed during this review, but Regional Board staff will consult with Sanitation Districts staff regarding the information to be presented and the manner in which questions to the peer review panel are framed.

² This is not intended to exclude individuals whose contracts with either the Regional Board or Sanitation District consisted solely of performing technical peer reviews.

STAKEHOLDER INVOLVEMENT

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. However, this will involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshops to review major study products or comment upon pending decisions. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops will be held. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
3. The study team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletins sent over the list server. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on the web page will be available only to working group members, contractors and project staff. For those stakeholders without access to the internet, general updates will be mailed, via standard mail.

PARTNERING

The Regional Board and Sanitation Districts agree to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how the team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session.

The Regional Board and Sanitation Districts have agreed to participate in a kickoff workshop and in periodic refresher sessions. These sessions will involve the two project managers (the Project Steering Committee) and all working group members from the two agencies. Once the working groups include stakeholder members, the stakeholder members will also be invited to participate, as their attitudes and behaviors can affect the manner in which the entire project team works together. At the discretion of the Project Steering Committee, major contractors may also be invited to participate in these sessions. At present there is no expectation that the members of the Senior Management Committee will participate in these sessions.

The project team agrees to the following essential behaviors for successful partnering:

- Pursue a win/win outcome
- Follow the dispute resolution process on all disputes.
- Advocate for the decision as a team when necessary.
- Jointly educate new study team members on the norms of partnering
- Jointly consult with stakeholders throughout the process
- Conduct periodic reviews of how the group is working together
- To the extent possible, complete all stages of the process on or before schedule, with changes in the schedule adopted by mutual agreement
- Ensure that the outcome truly protects appropriate beneficial uses

Early in the process the Project Team will also agree on a more detailed set of group norms such as proposed in Appendix 2.

FACILITATOR

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator's services, but every effort will be made to ensure that the facilitator understands that his/her "client" is both agencies, not just the Sanitation Districts.

At present, the team anticipates that there will be a lead facilitator. Since there will be numerous meetings, the lead facilitator may also retain additional facilitators who will

be assigned to working groups and facilitate meetings of those groups. In the event the lead facilitator does retain other meeting facilitators, he/she will be responsible for selection, training and supervision of these other facilitators. The lead facilitator will ensure that all meetings are covered, will maintain oversight over the entire process, and will facilitate meetings of the entire project team, as well as project-level meetings with stakeholders..

No final decision has yet been made as to whether all work group meetings require facilitation, although it may be appropriate that initial meetings be facilitated until norms have been established for working together effectively.

PRINCIPAL INVESTIGATOR

The Principal Investigator will oversee and coordinate the technical studies performed by contractors, as well as the technical reviews of those studies. The Principal Investigator will establish the contractual relationships necessary to ensure that all technical work, including technical review, is performed by people who are fully qualified and objective in performing their tasks. The Principal Investigator will also oversee the maintenance of schedules and satisfactory task completion.

One of the principal responsibilities of the Principal Investigator is to ensure that all work is performed in a manner that is acceptable to the Project Team as a whole, even though the Principal Investigator will have a contractual relationship with the Sanitation Districts.

A single person could serve as both Lead facilitator and Principal Investigator, but this would require that this person be both a highly skilled facilitator and possess the technical qualifications to provide technical supervision for the performance of technical studies.

MAINTAINING RECORDS OF DECISIONS

When a facilitator conducts a meeting, s/he will be responsible for recording all decisions made by the participants in a manner acceptable to the participants. This may be accomplished in several ways. For example:

- The facilitator may record all decisions as they are being made on a flip chart, and get verbal assent to the manner in which the decision has been worded during the meeting. The flip charts will then be typed up as the summary of the meeting.
- The facilitator may retain a person who will keep notes of the meeting on a flip chart or on paper posted on the wall, and then will distribute copies as a summary of the meeting.

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The study team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that once reports are prepared they can be immediately posted on the web page and distributed by list server.

CONTRACTORS

Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their “client,” not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.
4. The Statement of Work will reflect that both Regional Board and Sanitation District staff will have access to and may request information from contractors.
5. The Sanitation Districts will obtain the services of a Principal Investigator who will in turn oversee the performance of technical studies and technical reviews. The Principal Investigator will ensure that all contracts are performed in a response to the needs of the Project Team as a whole, and will develop the contractual relationships needed to perform the work.

Appendix 1
UPPER SANTA CLARA RIVER CHLORIDE TMDL IMPLEMENTATION TASKS

1. Alternate Water Supply

- a) Should (1) the monthly average in-river concentration at Blue Cut, the reach boundary, exceed the water quality objective of 100 mg/L, measured for the purposes of this TMDL as a rolling twelve month average, for three months of any 12 months, (2) each agricultural diverter provide records of the diversion dates and amounts to the Regional Board and County Sanitation Districts of Los Angeles County (CSDLAC) for at least 2 years after the effective date of the TMDL and (3) each agricultural diverter provide photographic evidence that diverted water is applied to avocado, strawberry or other chloride sensitive crop and evidence of a water right to divert, then CSDLAC will be responsible for providing an alternative water supply, negotiating the delivery of alternative water by a third party, or providing fiscal remediation to be quantified in negotiations between CSDLAC and the agricultural diverter at the direction of the Regional Water Quality Control Board until such time as the in-river chloride concentrations do not exceed the water quality objective.
- b) Should the instream concentration exceed 230 mg/L more than two times in a three year period, the discharger identified by the Regional Board Executive Officer shall be required to submit a work plan for an accelerated schedule to reduce chloride discharges within ninety days of a request by the Regional Board Executive Officer.

2. Progress reports will be submitted by CSDLAC to Regional Board staff on a semiannual basis from the effective date of the TMDL for tasks 4, 6, and 7, and on an annual basis for Task 5.

Completion Date: Effective Date of TMDL

3. Chloride Source Identification/Reduction, Pollution Prevention and Public Outreach Plan:

Six months after the effective date of the TMDL, CSDLAC will submit a plan to the Regional Board that addresses measures taken and planned to be taken to quantify and control sources of chloride, including, but not limited to: execute community-wide outreach programs, which were developed based on the pilot outreach efforts conducted by CSDLAC, assess potential incentive/disincentive programs for residential self-regenerating water softeners, and other measures that may be effective in controlling chloride. CSDLAC shall develop and implement the source reduction/pollution prevention and public outreach program, and report results annually thereafter to the Regional Board. Chloride sources from imported

water supplies will be assessed. The assessment will include conditions of drought and low rainfall, and will analyze the alternatives for reducing this source.

Completion Date: 6 months after Effective Date of TMDL

4. CSDLAC will convene a technical advisory committee or committees (TAC(s)) in cooperation with the Regional Board to review literature, develop a methodology for assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the time schedule for evaluation of appropriate chloride threshold for Task 6. The Regional Board, at a public hearing will re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the TAC(s), along with Regional Board staff analysis and assessment consistent with state and federal law, as to the types of studies needed and the time needed to conduct the necessary scientific studies to determine the appropriate chloride threshold for the protection of salt sensitive agricultural uses, and will take action to amend the schedule if there is sufficient technical justification.

Completion Date: 12 months after Effective Date of TMDL

5. Groundwater/Surface Water Interaction Model: CSDLAC will solicit proposals, collect data, develop a model in cooperation with the Regional Board, obtain peer review, and report results. The impact of source waters and reclaimed water plans on achieving the water quality objective and protecting beneficial uses, including impacts on underlying groundwater quality, will also be assessed and specific recommendations for management developed for Regional Board consideration. The purpose of the modeling and sampling effort is to determine the interaction between surface water and groundwater as it may affect the loading of chloride from groundwater and its linkage to surface water quality.

Completion Date: 2 years after effective date of TMDL

6. Evaluation of Appropriate Chloride Threshold for the Protection of Sensitive Agricultural Supply Use and Endangered Species Protection: CSDLAC will prepare and submit a report on endangered species protection thresholds. CSDLAC will also prepare and submit a report presenting the results of the evaluation of chloride thresholds for salt sensitive agricultural uses, which shall consider the impact of drought and low rainfall conditions and the associated increase in imported water concentrations on downstream crops utilizing the results of Task 5.

Completion Date: 3 years after effective date of TMDL

-
7. Develop Site Specific Objectives (SSO) for Chloride for Sensitive Agriculture: CSDLAC will solicit proposals and develop technical analyses upon which the Regional Board may base a Basin Plan amendment.

Completion Date: 4 years after effective date of TMDL

8. Develop Anti-Degradation Analysis for Revision of Chloride Objective by SSO: CSDLAC will solicit proposals and develop draft anti-degradation analysis for Regional Board consideration.

Completion Date: 4 years after effective date of TMDL

9. Develop a pre-planning report on conceptual compliance measures to meet different hypothetical final wasteload allocations. CSDLAC shall solicit proposals and develop and submit a report to the Regional Board that identifies potential chloride control measures and costs based on different hypothetical scenarios for chloride water quality objectives and final wasteload allocations.

Completion Date: 4 years after effective date of TMDL

10.

- a) Preparation and Consideration of a Basin Plan Amendment (BPA) to revise the chloride objective by the Regional Board.
- b) Evaluation of Alternative Water Supplies for Agricultural Beneficial Uses: CSDLAC will quantify water needs, identify alternative water supplies, evaluate necessary facilities, and report results, including the long-term application of this remedy.
- c) Analysis of Feasible Compliance Measures to Meet Final Wasteload Allocations for Proposed Chloride Objective. CSDLAC will assess and report on feasible implementation actions to meet the chloride objective established pursuant to Task 10 a).
- d) Reconsideration of and action taken on the Chloride TMDL and Final Wasteload Allocations for the Upper Santa Clara River by the Regional Board.

Completion Date: 5 years after effective date of TMDL

-
11. The Regional Board staff will re-evaluate the schedule to implement control measures needed to meet Final Wasteload Allocations adopted pursuant to Task 10 d) and the schedule for Task 12. The Regional Board, at a public meeting will consider extending the completion date of Task 12 and reconsider the schedule to implement control measures to meet Final Wasteload Allocations adopted pursuant to Task 10 d). CSDLAC will provide the justification for the need for an extension to the Regional Board Executive Officer at least 6 months in advance of the deadline for this task.

Completion Date: 9 Completion Date: 5 years after effective date of TMDL

12. The interim effluent limits for chloride shall remain in effect for no more than 13 years after the effective date of the TMDL. Water Quality Objective for chloride in the Upper Santa Clara River shall be achieved. The Regional Board may consider extending the completion date of this task as necessary to account for events beyond the control of the CSDLAC.

Completion Date: 13 years after effective date of TMDL

Appendix 2 DRAFT GROUP NORMS AND EXPECTATIONS

PURPOSE

The purpose of this collaborative process is to ensure that there will be agreement by Regional Board staff, Sanitation Districts' staff, and major stakeholders that there is sufficient and credible scientific and technical information on which to base decisions about protection thresholds and the implementation plan to protect beneficial uses on the Upper Santa Clara River.

GOALS

The team agrees to:

- To the extent possible, complete all stages of the process on or before schedule, with any changes in the schedule adopted by mutual agreement
- Protect the efficiency of the process and minimize costs
- Resolve problems and make decisions at the lowest possible level in a timely manner.
- Ensure that the outcome truly protects appropriate beneficial uses

DECISION MAKING PROCESS

The team agrees to employ the following decision making process:

1. Get agreement on the definition of the problem or opportunity, including:
 - Full disclosure of interests
 - Full and complete information
 - Defining the problem in a way that opens up options rather than forecloses them
2. Establish objective criteria to measure how well alternatives address the problem or opportunity
3. Generate alternatives
 - Generate options as a team -- so agencies don't become advocates for particular options in advance
 - Generate lots of options – so individuals don't become emotionally wed to their own ideas

4. Clarify constraints on decision making authority, e.g. which decisions can be made in the team and which require: (a) senior management approval; or (b) full board approval
5. Evaluate options using the agreed-upon criteria
6. Agree on a mutually acceptable solution
7. Agree on any process of management review or approval
8. Agree on an implementation plan, including action items, task responsibility, and schedule

ACCESS TO INFORMATION

Both the Regional Board and Sanitation Districts' commit themselves to providing, full, complete and equal access to all technical information that is part of this process.

GOOD FAITH

Specific offers, positions, or statements made as part of this process cannot be used for other purposes or as a basis for future litigation.

DEALING WITH THE MEDIA

Communication with the media will be, to the extent possible, be handled jointly or as part of a mutual agreement between Regional Board staff and Sanitation Districts' staff. No party will characterize the position of other parties in public statements or in discussions with the media.

EXPECTATIONS OF TEAM MEMBERS

Team members are expected to:

- Accept responsibility for the success of this process
- Participate actively and enthusiastically
- Seek "win/win" outcomes
- Provide full and complete information to other team members in a timely manner
- Encourage open expressions of ideas and alternative solutions
- Help the team stay on track
- Make an effort to understand the other person's position
- Openly consider alternatives and innovations

- Maintain a professional atmosphere of mutual respect and resolve personal conflicts immediately.
- Follow through on all task assignments and commitments and maintain schedules agreed upon in team meetings – and whenever there are problems doing this, provide early notice of the problems and the reasons for them.
- Communicate problems openly and as early as possible. Keep conflict in the open, not hidden. Whenever there are problems with other team members, discuss these problems directly with the person with whom you have the problem, or with the whole group, but never behind the scenes and with no lobbying to line up people to be on “your side.”
- Review documents by agreed-upon deadlines, and accept the consequences if you have not
- Attend meetings on time, avoid being pulled out of meetings, stay focused on agenda items, and end the meeting on time.
- Avoid inflammatory or provocative language – keep focused on results not on personalities
- When there is confusion or lack of clarity, ask questions or otherwise ensure that matters are clarified
- Confront other team members, including (and perhaps especially) team members from your own organization, whose behavior is inconsistent with team norms
- Maintain confidentiality regarding the team and team members

EXPECTATIONS OF WORKING GROUP MEMBERS

All working group members, whether from agencies or stakeholders, will be asked to meet the same expectations of team members, as described above.

EXPECTATIONS OF THE LEAD FACILITATOR

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board of Sanitation Districts
- Provide continuing counsel to the Project Steering Committee on how to protect the collaborative nature of the process
- Coordinate the overall schedule of meetings, ensuring that a facilitator is assigned to every meeting requiring facilitation
- Ensure quality assurance by overseeing the selection, training and/or mentoring, as needed, for all meeting facilitators
- Coordinate with the Principal Investigator to ensure a unified and efficient process

- Assist the Project Steering Team in designing and conducting project-wide stakeholder involvement processes
- Facilitate partnering processes involving the entire team

EXPECTATIONS OF MEETING FACILITATOR(S)

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board of Sanitation Districts
- Coordinate the scheduling of the meeting
- Ensure that an agenda is created and distributed to participants prior to each meeting
- Recommend group processes that may improve team effectiveness
- Coordinate to ensure an adequate meeting space and materials/equipment needed in the meeting room
- Facilitate the meeting
 - Provide definition and structure
 - Help keep the team focused
 - Remind team of time limits
 - Encourage participation of all participants
 - Clarify decision making process, boundaries or givens
 - Test consensus to verify agreement
 - Get agreement on wording of all team agreements
 - Clarify action items
- Prepare or oversee the preparation of a meeting summary
- Remain neutral and impartial on substantive outcomes

PRINCIPAL INVESTIGATOR

- Ensure that all studies are performed in a manner that conforms with the highest professional standards and provides a credible basis for decision making
- Ensure that all contractors perform their work in accordance with the wishes of the entire project group or working work with whom they are working
- Oversee the successful completion of tasks in a timely manner

- Coordinate access to information for all project teams members and working groups
- Ensure the impartiality and professional qualifications of all technical advisors

MEETING EFFECTIVENESS

Each team or working groups agrees to evaluate team performance at the end of each meeting to ensure continuous improvements in how the team works together.

[JC1]Board staff recommend deleting much of this and substituting: "The Sanitation Districts have questioned this objective and the TMDL contains studies to further examine the uses of the river and the levels of chloride necessary to protect those uses.

[JC2]Board staff propose to insert the phrase: "a stakeholder group, including the Sanitation Districts..."

[JC3]Board staff propose deleting the phrase which follows.

[JC4]Board staff recommend the words "given a peer review"

[JC5]There seems to be disagreement on whether this is a 13 or 14 year process.

[JC6]One commenter recommends the word "standards" instead, but the words "protection threshold" are from the signed settlement agreement.

[JC7]The following language was suggested by Districts' staff. Board staff did not amend the original language.

[JC8]Again, Board staff use language about a standard instead of a protective threshold, i.e. "a standard that is protective..."

[JC9]Board staff want to use "may" and Districts staff had no objections to "will."

[JC10]A commenter suggested we use "consent-oriented."

Louie, Brian

From: CandCInc@aol.com

Sent: Thursday, May 06, 2004 9:56 AM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.gov

Subject: Description of facilitation and technical support

Here's a first cut at a promised description of facilitation and technical support. It's mostly a compilation of what I put into the second draft of the plan. It needs a lot more added by the about the technical expertise required etc.

Jim Creighton

BACKGROUND

The Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”) have agreed to participate in a collaborative process that will be utilized in the oversight and implementation of a Chloride Total Mass Daily Load (TMDL) for reaches of the Santa Clara River.

Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the reaches of the Santa Clara River where the Districts’ Saugus and Valencia WRP’s discharge. The Sanitation Districts have questioned this objective and the TMDL contains studies to further examine the uses of the river and the levels of chloride necessary to protect those uses.

The Regional Board and Sanitation Districts have agreed [pending] to revise the TMDL to include a collaborative process that allows for completion of new scientific studies to be conducted by the Sanitation Districts, at the Sanitation Districts’ expense, before final waste load allocations are applied. Once these studies are complete, the Regional Board will re-consider the objective, either reaffirming the existing objective or altering the objective.

The purpose of the collaborative process is to ensure that by the end of the process there will be agreement by Regional Board staff, Sanitation Districts’ staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about protection thresholds and the implementation plan to protect beneficial uses on the Upper Santa Clara River.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be subject to technical review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies.

FACILITATION

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is to ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilize techniques that maximize the team’s effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in

a manner that is acceptable to the participants. While the facilitator is granted the authority to influence “how” the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator’s services, but every effort will be made to ensure that the facilitator understands that his/her “client” is both agencies, not just the Sanitation Districts.

There will be many different kinds of meetings during the course of this process, including:

- An initial partnering workshop with the project team, with periodic refresher sessions
- Regular meetings of the Project Steering Committee (the senior managers of the project)
- Regular meetings of four technical working groups
- Meetings of four technical advisors panels
- Stakeholder involvement meetings held by working groups
- Stakeholder involvement meetings held by the project team as a whole

No final decision has yet been made as to whether all meetings require facilitation, although it may be assumed that initial meetings will be facilitated until norms have been established for working together effectively and agreement has been reached on what level of continuing facilitation is needed.

Since there will be numerous meetings, it may be difficult for one person to facilitate all the meetings. At present, the project team anticipates that there will be a lead facilitator. The lead facilitator may retain additional facilitators who will be assigned to working groups and facilitate meetings of those groups. In the event the lead facilitator does retain other meeting facilitators, he/she will be responsible for selection, training and supervision of these other facilitators. The lead facilitator will ensure that all meetings are covered, will maintain oversight over the entire process, and will facilitate meetings of the entire project team, as well as project-level meetings with stakeholders. The lead facilitator will be responsible for establishing a mechanism for preparing meeting summaries following each meeting. The lead facilitator will also serve as a consultant to project management on ways to improve and sustain a cooperative working relationship in the team, and will facilitate the initial partnering sessions and periodic refresher sessions.

A single person could serve as both Lead facilitator and Principal Investigator (see below), but this would require that this person be both a highly skilled facilitator and also possess the technical qualifications to provide technical supervision for the performance of technical studies.

Below are the expectations the project team has of the lead facilitator. The lead facilitator will:

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board of Sanitation Districts
- Provide continuing counsel to the Project Steering Committee on how to protect and sustain the collaborative nature of the process
- Coordinate the overall schedule of meetings, ensuring that a facilitator is assigned to every meeting requiring facilitation
- Ensure quality assurance by overseeing the selection, training and/or mentoring, as needed, for all meeting facilitators
- Coordinate with the Principal Investigator to ensure a unified and efficient process
- Assist the Project Steering Team in designing and conducting project-wide stakeholder involvement processes
- Facilitate partnering processes involving the entire team

Below are the expectations the project team has of the meeting facilitators. Meeting facilitators will:

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board of Sanitation Districts
- Coordinate the scheduling of the meetings to which they are assigned
- Ensure that an agenda is created and distributed to participants prior to each meeting
- Recommend group processes that may improve team effectiveness
- Coordinate to ensure an adequate meeting space and materials/ equipment needed in the meeting room
- Facilitate the meeting
 - Provide definition and structure
 - Help keep the team focused
 - Remind team of time limits
 - Encourage participation of all participants
 - Clarify decision making process, boundaries or givens
 - Test consensus to verify agreement
 - Get agreement on wording of all team agreements

- Clarify action items
- Prepare or oversee the preparation of a meeting summary
- If assigned to a working group, assist that working group in preparing for stakeholder involvement meetings or meetings with that working group's technical advisors panel.

PRINCIPAL INVESTIGATOR

Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their "client," not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.
4. The Statement of Work will reflect that both Regional Board and Sanitation District staff will have access to and may request information from contractors.
5. The Sanitation Districts will obtain the services of a Principal Investigator who will in turn oversee the performance of technical studies and technical reviews. The Principal Investigator will ensure that all contracts are performed in a response to the needs of the Project Team as a whole, and will develop the contractual relationships needed to perform the work.

Below are the project team's expectations of the Principal Investigator. The Principal Investigator will:

- Ensure that all studies are performed in a manner that conforms with the highest professional standards and provides a credible basis for decision making
- Ensure that all contractors perform their work in accordance with the wishes of the entire project group or working work with whom they are working
- Oversee the successful completion of tasks in a timely manner

- Coordinate access to information for all project teams members and working groups
- Ensure the impartiality and professional qualifications of all technical advisors

[JC1]Board staff recommend deleting much of this and substituting: "The Sanitation Districts have questioned this objective and the TMDL contains studies to further examine the uses of the river and the levels of chloride necessary to protect those uses.

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Louie, Brian

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Sent: Thursday, May 06, 2004 1:53 PM

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Subject: Working Group stakeholder involvement

Team:

The final thing I promised prior to next week's meeting was a statement on working group responsibility for stakeholder involvement.

A draft is attached.

Jim Creighton

WORKING GROUP RESPONSIBILITY FOR STAKEHOLDER INVOLVEMENT

The purpose of the Santa Clara River Chloride TMDL collaborative process is to ensure that by the end of the process there will be agreement by Regional Board staff, Sanitation Districts' staff, **and major stakeholders** that there is sufficient and credible scientific and technical information upon which to base decisions about protection thresholds and the implementation plan to protect beneficial uses on the Upper Santa Clara River.

In order to get buy-off from major stakeholders, the Regional Board and Sanitation Districts invite the involvement of stakeholders in the process. The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. This will involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshops to review major study products or comment upon pending decisions.
3. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops or other involvement activities will occur. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
4. The study team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletins sent over the list server.
5. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on the web page will be available only to working group members, contractors and project staff. For those stakeholders without access to the internet, general updates will be mailed, via standard mail.
6. All meetings of working groups are open to the public. However, working group meetings will be conducted in a formalized manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail and/or standard mail. Announcements of working group meetings,

as well as any documents generated and/or draft study findings released will also be posted on a project web page.

As indicated above, each working group is expected to develop a stakeholder involvement plan for consulting with the stakeholders interested in the work of your group. Here is some general guidance to assist you in preparing your plan:

- You are not expected to use exactly the same approach as other working groups. The critical issue is whether your plan is appropriate for the number and kinds of stakeholders interested in the deliberation of your group. Project Management does want to review your plan to be sure it is adequate. The critical issue is whether your plan is appropriate for the number and kinds of stakeholders interested in the deliberations of your working group.
- The stakeholders for your group are those individuals and groups who see themselves as affected by the decisions your group will make. This may be because of an economic interest, use, political philosophy, or because they see a connection to other issues of concern to them. The stakeholders for your group could be different from those for other working groups, because the topic of your group is different. So your challenge is to identify the stakeholders that correspond to the topics being addressed by your working group.
- Different stakeholders want to participate differently. Some stakeholders will provide technically qualified experts who can serve as members of your working group. Others may be willing to attend periodic meetings or workshops. Others may need to be contacted by phone or e-mail. Your approach needs to accommodate these differences in kinds of involvement.
- Some of the mechanisms for involvement include: workshops or meetings, briefings, interviews, open houses, exchange of e-mail, phone calls.
- It is not as critical to involve huge numbers of people as it is to ensure that all significant points of view are represented in the discussion. Above all, we don't want some group that is concerned with the issues discussed by your group to suddenly appear at the end of the process and claim that no one informed them or considered their views.
- Involvement means two-way communication. You'll need to get information to interested parties, and you'll need to provide mechanisms by which you can hear their views. The real payoff for participants is when their involvement actually has an influence on the decisions you make.
- The key time for involvement is when you have pulled together the information, but before you actually make a decision. So your plan should be tied to key decision points in the studies overseen by your working group.

- If you hear viewpoints that your group decides to accept, please let these stakeholders know why you are not responding to their advice, and please also document this and send this information to project management. We need a paper trail so that people can not claim later that their input was ignored.

Louie, Brian

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Sent: Friday, May 07, 2004 9:09 AM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft Final April 15th summary

Team:

I inserted your comments into the attached revision of the April 15th summary. There is still debate about what the wording should be regarding the Districts' attorneys (Andes and Powers), so we'll need to put that on the agenda.

Jim

ACTION ITEMS AGREED UPON DURING THE MEETING

- Everybody is to send Jim Creighton examples/models from prior working group experiences on things to do/things to avoid to make working groups more effective. Jim will also contact people and search literature.
- Jim Creighton will develop a draft description of how to describe the facilitator/technical support required, and circulate it to the team for review.
- Jim Creighton will develop a draft “charge” to the working groups on their responsibility to develop an approach for involving stakeholders in their deliberation, and will circulate the “charge” to the team for review.
- Jon and Margie will work with the facilitator to organize both an alternatives workshop and a cost cost assumptions workshop during the first year.
- Board staff will review the draft lists of potential working group members, stakeholder groups, and technical advisors and will add to these lists as appropriate, providing some sort of ranking to indicate who they think is most important. Board staff and Districts staff will begin work on identifying agricultural groups and mechanisms for consulting with them. Districts’ staff will provide biographical information to Board staff on the proposed list of agriculture technical advisors to assist in evaluating their qualifications
- Board staff will prepare an invitation letter and will take the lead in inviting stakeholders to be part of working groups. Upon RWQCB adoption of the TMDL, Board staff will issue a Public Notice and schedule a joint meeting to discuss the project with potential stakeholder groups.
- All review comments on the draft plan should be to Jim Creighton by April 28.
- The next meeting of the team will be May 11, 1-5 PM.

SANTA CLARA RIVER CHLORIDE TMDL COLLABORATIVE PROCESS MEETING APRIL 15, 2004

Agency staff present included:

Regional Board - Deborah Smith, Jon Bishop, Elizabeth Erickson, Sam Unger;

Sanitation Districts – Margie Nellor (phone), Vicki Conway (phone), Sharon Green, Brian Louie.

Consultants: Facilitator: Jim Creighton; Fred Andes and Ericka Powers, regulatory consultants to the Sanitation Districts.

Prior to the meeting Jim Creighton distributed a draft plan for the collaborative process. Participants identified the key issues they wanted to discuss or clarify, and this formed the basis for the agenda.

USE OF FACILITATORS

There was an extended discussion of the role and need for facilitation, and how best to organize the contract for facilitation. The general conclusions reached were:

- There is a need for facilitation at two levels: (1) a facilitator who oversees the entire process, conducts the preliminary partnering session and refresher sessions, and continues to work with the team as a whole, and (2) facilitators for each of the working groups. These may be the same people, or there could even be a different facilitator assigned to each working group (who can also provide backup in case of schedule difficulties, etc.)
- But there is also a need for technical project management. For some working groups the greatest need

will be for facilitation, and for others the greatest need will be project management/ technical skills.

- People liked the “techno-facilitator” arrangement on the Santa Clara River nitrogen TMDL project -- where the facilitator also managed the contracts with all the other consultants – but the person involved was more of a technical person than a real facilitator. This project needs both skill sets, and it may be difficult to find a facilitator who can also handle all the technical aspects, or vice versa. So it may be necessary to find a contractor who can supply and manage a team with both facilitation and technical skills. Job Bishop recommended that the agriculture group have both technical and general facilitation support, but he thought the endangered species group probably needs only facilitation and the groundwater modeling group probably needs only technical support.
- There was agreement that the need for both facilitation and technical project management skills will be most intensive during the first year, and may be reduced after that.

Jim Creighton will write a preliminary draft of how to handle the mix of technical support and facilitation support, and will send it to the team for review.

STRUCTURE/FUNCTION/OPERATING GROUND RULES OF WORK GROUPS

Fred Andes expressed a concern that the groundrules for the working groups be well-defined. He suggested that there be some effort to gather examples/models from other programs. The team agreed to look up materials from previous working group experiences regarding groundrules/structure and get them to Jim Creighton. Jim will also check with people he knows and scan the literature.

As currently planned, each working group will have one or more representatives each from the Regional Board and the Sanitation Districts, plus several participants from stakeholder groups. There was a discussion of whether the Board/Districts were the “chairs” of the work groups. There was preliminary agreement that the Board and Districts would be the conveners, but the facilitator will actually run the meetings.

STAKEHOLDER INVOLVEMENT/ HOW TO BRING THE FARMING COMMUNITY INTO THE PROCESS

Elizabeth Erickson reported on discussions she’d had with agriculture leaders. Based on these interviews, she’s doubtful that people in agriculture will have enough interest or time to participate in a newly formed working group. She suggested that the stakeholder involvement for the agricultural working group might be better handled by using an existing agricultural standing committee.

This led to an extended discussion on stakeholder involvement. The conclusions reached were:

- Each work group will need to design its own stakeholder involvement approach, based on the level of interest and expertise, in addition to

- project-wide stakeholder involvement meetings that may be held from time to time.
- To ensure the adequacy of each group's approach, as well as ensure a unified program, each working group should be tasked to develop a stakeholder involvement plan and present it to the Project Steering Committee. Working groups will be encouraged to evaluate whether there are existing arrangements – such as standing committees – that have the right membership so that they can be used as part of the stakeholder involvement.
 - There was recognition that the agricultural working group is likely to have the most challenging stakeholder involvement task. The Agricultural Technical Advisory Panel will also have a larger role during the first year than the other panels.
 - There was a discussion of existing institutions that could represent the agricultural community, including property owners associations, the Farm Bureaus, the University of California Cooperative Extension and groups that support specific crop marketing efforts. It was also recognized that the agricultural community already has established groups formed representing the various agricultural interests. The stakeholder involvement process should recognize and utilize these existing groups when appropriate.

Jim Creighton will draft a “charge” to the technical working groups on their responsibility to develop an effective stakeholder involvement process suitable to their task.

RESOURCES

There was then a discussion of the resources needed to complete the collaborative process. There was recognition that the Regional Board is probably the most resource-constrained. Elizabeth Erickson has been assigned to this project at essentially 50% time for the next fiscal year and Sam Unger would also be supporting some of the efforts. Some of the things that will help ease the burden on the Board staff include: (1) Board staff needs to have direct access to the project consultants, without having to go through others to get information from the consultants; and (2) consultants need to coordinate with Board staff so that documents are put in the format the Board needs, so Board staff don't have to re-write or re-format them. The Board does not intend to have an independent technical contractor from the Board to review the studies and documents produced by the project contractor.

Other items discussed included:

- Whenever possible, the team should consider use of conference calls instead of face-to-face meetings.

- Stakeholder meetings will usually need to be held within the watershed, rather than at either the Board or Districts' offices. The City of Santa Clarita was recommended as a potential site.
- There needs to be a structured process for developing meeting agendas to ensure all attendees are informed of agenda contents before the meeting. Once the agenda has been distributed, changes in the agenda would be made by mutual agreement only.
- The facilitator/technical project managers will need to assist with on-going distribution of minutes, and the care and feeding of stakeholders
- There will be a project web page, with access to documents both for the team and the public, and a list-server will be set up to make it easier to communicate with team members and stakeholders
- An effort needs to be made to utilize meeting time very effectively
- The team agreed that it would be appropriate for the Scope of Work for contractor support to include requirements to provide support to Board staff during the Basin Plan amendment development process.

BRAINSTORMING ON ALTERNATE COMPLIANCE IDEAS

There was agreement on the desirability of the team participating in a workshop to identify all the alternative compliance options. This will occur during the first year. Jon Bishop mentioned that he had discussed some alternative options previously with EPA. EPA staff had expressed a willingness to consider a wide range of options. Jon also recommended that EPA and SWRCB staff be invited to participate in the alternatives and cost assumptions workshops and involved in the technical review panels as much as possible. There was general agreement that it was desirable to have both agencies involved during the process as much as possible, not just at the end.

There was agreement that the responsibility for this workshop is at the Project Steering Committee level, since it doesn't really belong to any one working group. Jon and Margie will work with the facilitator (whomever that will be) to organize this workshop, as well as a subsequent treatment assumptions workshop.

PROCESS/SCHEDULE TO DEVELOP MOA

There was general agreement that there should be a Memorandum of Agreement or Understanding between the Board and Districts regarding the process to be used for the chloride TMDL. However, the team did not want a long, detailed Memorandum of Understanding. Instead, there might just be a co-signed letter attached to the plan that Creighton is developing, once it is agreed upon by the team. This way, changes in the plan will not require the formality that is entailed in changing an MOU.

MEANING OF CONSENSUS OR CONSENT OR MUTUAL AGREEMENT

There was discussion of what “consensus” means, and whether or not individual team members should have the right to elevate a dispute to the Project Steering Team. There was agreement to remove the “two-tier” system implied in the current wording of the draft plan. The current wording says that the Board and Districts staff have to “agree” and stakeholder members of the working groups have to “consent.” This implies that stakeholder representatives on working groups do not have the same status as Board/Districts’ staff. Whatever the final wording is regarding consensus, it should apply to everyone equally.

One of the concerns expressed about giving individuals the power to elevate is that too many disputes would get elevated. Jon Bishop said that if he and Margie were getting too many disputes elevated from a particular working group, they would probably meet with that group and stress the group’s responsibility to try to resolve things.

The general conclusion was that working groups should be made aware that the expectation is that they take responsibility for resolution, but that there will be a menu of techniques (including bouncing issues off the technical advisory panels, using a dispute review panel, asking the facilitator to also act as a mediator, or bringing in an outside mediator) they could use to resolve the issue. The working groups could also rely on their facilitator to help them decide on a mechanism to resolve the issue, including whether or not to utilize a dispute review panel.

If they are unable to resolve the issue, they should document the issues over which there is disagreement, and document their efforts to resolve the issue. The Project Steering Committee would need this, and the documentation would be important if later on an individual takes the issue to the Board claiming that his/her issue was not addressed.

SPECIFIC INDIVIDUALS FOR WORK GROUPS

The Districts’ staff has produced a shopping list of possible individuals for the work groups. The Board staff agreed to add their input (i.e. suggested participants), and also do some ranking to show who they think is most important.

Because the agricultural group is particularly challenging, Regional Board staff and Districts staff will begin work to identify people/mechanisms for consulting with agriculture. Once agreement has been reached on who should be invited to working groups and technical advisors panels, Board staff and Districts staff will coordinate to contact the people or parties who could be working group or technical advisors panel members.

There was agreement that in addition to being willing to spend the time, and provide representation, working group members also need to have something to offer in terms of technical expertise. This means that some groups may need to retain people with the appropriate expertise to participate.

The Board will prepare an invitation letter on behalf of the Board and the Districts, and once the RWQCB has approved the agreement between the Board and Districts, will take the lead in inviting people to be part of working groups. Board and Districts staff will coordinate to establish participation criteria/expectations of working group members. Board staff will issue a Public Notice and schedule a joint meeting to discuss the project and participation expectations with potential stakeholder groups. Board staff will consult with Districts' staff in the planning for this meeting. The meeting should be held as soon as possible after the RWQCB adoption of the chloride TMDL.

Initially, only the Agriculture, Endangered Species, and Groundwater Interaction working groups will be set up. The Anti-Degradation/Standards Working Group will not be needed for several years.

SPECIFIC ORGANIZATIONS/AGENCIES FOR STAKEHOLDER GROUPS


The Districts' staff has produced a shopping list of possible stakeholder groups. The Board staff agreed to add their input (i.e. suggested participants), and will also do some ranking to show who they think is most important for issues pertaining to the Santa Clara River Watershed.


OVERALL SCHEDULE AND SEQUENCING OF TASKS, INCLUDING: (A) IMPLICATIONS OF DELAY IN COMPLETING SPECIFIC STEPS AND (B) TIMING FOR REGIONAL BOARD REVIEW AND APPROVAL

Jon Bishop suggested that if a product needs to be submitted to the Regional Board for approval, finalized documents must be submitted to Board staff a minimum of three months prior to the time when Board approval is required. Work plans can be approved at the staff level, so they don't require three months lead time.

There was agreement that the team will need to set ground rules on what to do if things slip. If there is a significant delay in meeting the deadline for one step, some agreement will have to be reached on how to accommodate these changes in subsequent deadlines. The team will also need to set up some kind of tickler system or reminder system to be sure everything stays on track. If work can get started before the TMDL is officially approved by the SWRCB and EPA this will make it easier to meet the deadline for the first year reopener clause.

ROLE OF DISTRICTS' ATTORNEYS (ANDES/POWERS) IN PROCESS

According to the Districts, Fred Andes and Erika Powers should be considered “consultants to the Districts on regulatory process” who happen to be lawyers, rather than as lawyers for the Districts. Their initial task ends when the plan is in place for this collaborative process. At that point they will discuss with the Districts'  whether/what further role they will have. They are, however, consultants to the Districts', not to the team as a whole. They will not be representing the Districts' in lawsuits pertaining to this issue.

There was a discussion of the fact that their involvement as a consultant had not been agreed to by Board staff.  Regional Board staff expressed a mixture of comfort and reservations, not having had the opportunity to discuss this issue internally.

Jon Bishop said he was comfortable with this arrangement for now, but requested that Board staff be informed whenever new tasks/relationship are defined with the Districts.

SHOULD ANTI-DEGRADATION AND STANDARDS WORKING GROUPS BE COMBINED?

The team agreed that these two working groups should be combined, since they were likely to involve many of the same people in both the working group and technical advisors panel.

COMPOSITION OF DISPUTES REVIEW PANEL

Jim Creighton reviewed the three options currently described in the draft plan. They include (1) using a single third party, instead of a full panel; (2) the “traditional” approach, in which there are three panel members, one each selected by the two parties, and these two panel members in turn select the third member, or (3) panels could be assembled by drawing on those people in the technical advisors panels with the most appropriate expertise for whatever the dispute is about.

Jon Bishop said that in the past the Board and Districts' had been able to resolve all technical disputes, but not policy disputes. He hated to see four different disputes review panels set up then never used, although he liked the Board picks one/District picks one approach.

After some discussion, the team agreed that the facilitator/project management contract should be designed in such a way that the contractor can quickly assemble a qualified panel, but that there would not be “standing” panels set up until it is clear they are needed.

SELECTION PROCESS FOR TECHNICAL ADVISORS PANELS

The Districts' staff produced a shopping list of possible technical advisors. The Board staff agreed to add their suggestions and will also do some ranking to

show who they think is most important. The current plan is that technical advisors will be offered compensation (they can always refuse) through the facilitation/project management contract or other means agreed upon by the Board and Districts. The cost of this compensation will be borne by the Districts.

WHAT SHOULD THE TECHNICAL ADVISORY PANELS BE CALLED?

There was some discussion of whether these groups should be called Peer Review Panels or Technical Advisory Panels, since they will be much more involved in the design of the research program than the typical peer review panel. The name finally agreed upon was "Technical Advisors Panels."

MECHANISMS FOR TASKING CONTRACTORS

There was a discussion of how work groups could assign tasks to consultants in such a way that they would feel their client was the entire team, not the Districts' alone, even though the Districts' will handle the contracting. The Board's first preference would be that the tasking run through the facilitator/project manager. The District is willing to include appropriate language stating that all contractors should view themselves as being responsible to the team as a whole, not just the District, and can work out a formal mechanism so that tasking can be completed by teams. Because of the Districts' contracting process and requirements there will need to be a common understanding among project participants, including members of working groups, that new tasks or assignments that modify the scope of work or budget cannot be made independently by working groups once a contract is awarded, since they may necessitate contract and/or budget amendments that may in some cases be subject to approval by the Districts' governing board before work can be authorized.

EDITING DRAFT PLAN

The team needs to submit comments on wording of the draft plan to Jim Creighton by April 28th. Jim will re-write the plan, and will get it to people to review prior to the next meeting.

NEXT MEETING

The next meeting of the team will be May 11, 1-5 PM.

[JC1]The Board recommends inserting the words “and Board staff” here.

[JC2]The Board recommends adding the words: “Further, Board’s staff expert on regulatory process is only available for a limited number of meetings of the Anti-Degradation/ Standards workgroup, and the Board staff would prefer to maintain the proposed narrow technical focus for the other workgroups.”

These comments are not reflected in my notes, so I need instruction on whether they should be included in the final meeting summary.

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, May 07, 2004 12:00 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Agenda for Tuesday's Meeting

Team:

Attached is a draft agenda for Tuesday's meeting. Margie Nellor distributed a list earlier that contained lots of worthwhile items, but was much too long to accomplish in a single meeting. So I have divided the agenda into "must do" items, that correspond with what I think we can realistically complete in a single meeting, and items that we can deal with if we work more efficiently than I anticipate. They are all issues that need to be addressed sometime soon.

Jim Creighton

SANTA CLARA RIVER TMDL COLLABORATIVE PROCESS
AGENDA FOR MAY 11 MEETING

“MUST DO” LIST

1. Final review of the summary of the April 15th meeting
2. Issues raised by the Revised Draft Plan
3. Approval process for the plan; contents of the cover letter that will go with the Plan
4. Time line for the first year of work
5. Proposed groundrules and expectations
6. Discussion on how to prepare a scope of work for facilitation/technical support; how to handle the solicitation and selection process

“IF WE HAVE TIME, OTHERWISE THEY MUST BE ADDRESSED SOON” LIST

- Criteria for selecting members of the Working Groups, Technical Advisory Panels, and Stakeholder Groups
- Next steps in selecting members, including the process for final selection of members, time frame
- Rules for compensation for Technical Advisory Panels
- How the Steering Committee, Working Groups, Technical Advisors Panels, and Stakeholder process is going to work
- Alternative compliance measures workshop - agreement on who should attend, how it should be organized, when and where it should be held, etc.
- Cost assumptions workshop -- agreement on who should attend, how it should be organized, when and where it should be held, etc.
- The dispute resolution process -- make sure that it is clearly defined and that a process has been established to implement it
- Project webpage - agreement on where will it be established, who will maintain and manage it, etc.
- Work plan -- Go through each task, make sure scope is clear, develop a schedule, and make assignments; then go back and make sure that when combined, this all still can be done with given resources or re-prioritization of resources
- Agreement on how and when work plan will be finalized

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, May 12, 2004 4:59 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: "Final" Plan

Team:

Attached is a file containing the corrections to the plan made in yesterday's meeting. I think I captured all the desired changes, but it would be good if at least one person from each agency would review it one last time.

Jim Creighton

SANTA CLARA RIVER CHLORIDE TMDL COLLABORATIVE PROCESS

This plan describes a collaborative process that will be utilized in the oversight and implementation of the Santa Clara River Chloride TMDL by the Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”), in consultation with other stakeholders in the upper Santa Clara River area.

The goal of the Santa Clara River Chloride TMDL collaborative process is to ensure that by the end of the process there will be substantial agreement by Regional Board staff, Sanitation Districts’ staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about standards and the implementation plan for the Upper Santa Clara River.

BACKGROUND

Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the upper reaches of the Santa Clara River where the Districts’ Saugus and Valencia WRP’s discharge. This objective was established to protect beneficial uses and reflect background conditions, and was the basis of waste load allocations used by the Upper Santa Clara River Chloride TMDL and discharge permits issued to the Sanitation Districts. The Sanitation Districts did not accept that this objective was based on appropriate or complete scientific information and planned to pursue administrative and potentially legal remedies regarding the TMDL and permits.

The Regional Board and Sanitation Districts have agreed to revise the TMDL to include a collaborative process that allows for completion of new scientific studies before final waste load allocations are applied.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be subject to technical review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies. Once these studies are complete, the Regional Board will re-consider the objective.

Implementation of the TMDL is to occur within a 13-year period. However, most of the scientific studies that could affect the chloride objective will be conducted in the first 5 years of the study, and reconsideration of the objective will occur at the end of this five year period. Figure 1 summarizes the studies to be conducted

during the first 5 years. A detailed description of each task is provided in Appendix 1, Upper Santa Clara River Chloride TMDL Implementation Tasks.

PROBABLE TMDL DATE

The entire schedule for TMDL implementation is tied to the effective date of the TMDL. This date has not yet been determined. The Regional Board has approved the proposed amendments to the TMDL at its meeting on May 6, 2004. The TMDL will be forwarded to the California State Water Resources Control Board for approval. Once the State Board has approved the TMDL, it goes to the Office of Administrative Law for approval, and then to the U.S. EPA for final approval.

The effective date of the TMDL is estimated to be sometime between October 2004 and April 2005.

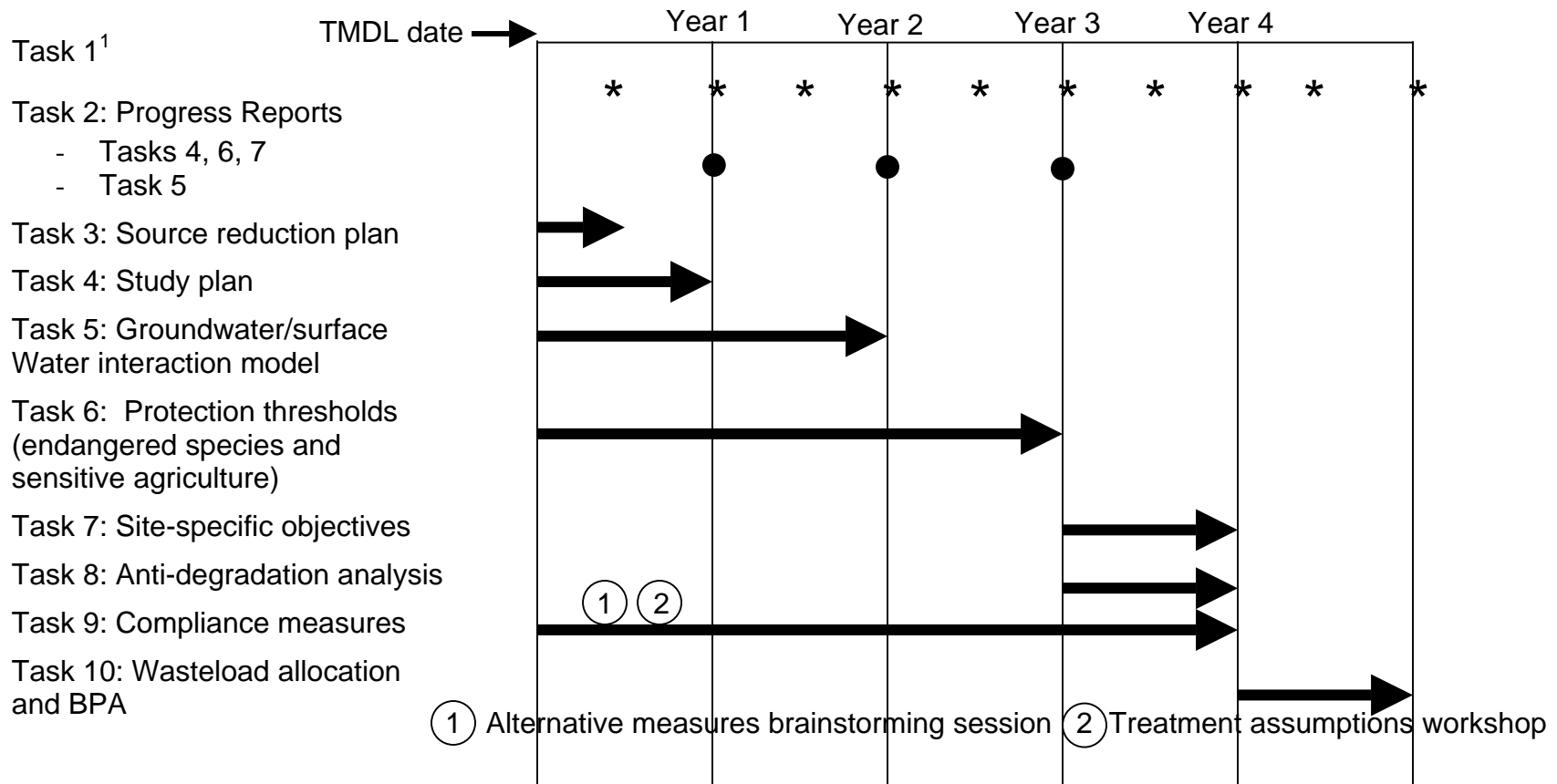
The Sanitation Districts may choose to proceed with studies prior to the effective date of the TMDL. However, they do so at their own risk and expense in the event the TMDL Implementation Plan is not approved.

FIRST-YEAR PROGRAM

The first-year program lays the groundwork for the entire process. During the first year, the project team, which consists of the combined staff of the Regional Board and Sanitation Districts assigned to this project, will develop a study plan that identifies the purpose, scope, tasks, and schedule for agricultural studies, endangered species studies, groundwater/surface water interaction studies, and anti-degradation studies needed for evaluation of an appropriate chloride threshold. The project team will set up technical work groups consisting of technical representatives of the two agencies and representatives of key stakeholder groups. After consultation with affected stakeholders, the project team will establish panels of technical advisors who will advise the working groups on appropriate study methodologies in each technical area and review work products. Each working group will establish a process for consultation with stakeholders interested in the activities of that working group. The overall project team will also provide opportunities for stakeholder involvement.

Twelve months after the effective date of the TMDL, the agricultural technical advisors panel will complete its literature review and method assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the TMDL implementation schedule for evaluation of an appropriate chloride threshold. The Regional Board will hold a public hearing to re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the technical advisors panel and Regional Board staff as to the types of

FIGURE 1
FIRST FIVE YEARS SCHEDULE
SANTA CLARA RIVER CHLORIDE TMDL



¹ Task 1 consists of a requirement that in the event instream chloride concentrations exceed 230 mg/l more than two times in a three-year period, the Sanitation District will provide an accelerated plan to reduce chloride discharges within 90 days. Task 1 also establishes a mechanism for gathering information about agricultural diversions from the river. No schedule is shown for Task 1 as it is triggered only if instream chloride concentrations exceed specified levels.

studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

The schedule allows four years for the evaluation of alternative measures (such as treatment or alternative water supplies) to determine if there are regulatory solutions other than those contemplated in the TMDL implementation plan (i.e. development of a site-specific objective for the protection of salt-sensitive crops) or compliance with the existing water quality standard. But the project team plans to initiate these studies early in the process, as some of these studies require considerable time to complete. During the first year the project team plans two activities that will contribute to this work element: (1) The project team will conduct a brainstorming session designed to identify alternative measures that should be evaluated, and (2) the project team will participate in a workshop designed to develop a consensus on the assumptions that will be used to determine the cost of compliance for various chloride waste load allocations. In addition, the Sanitation Districts will also prepare and submit a plan to quantify and control sources of chloride. This plan will include but not be limited to public outreach programs and incentive/disincentive programs for use of appropriate water softeners and other measures that may be effective in controlling chlorides. This plan will be submitted within six months of the effective date of the TMDL.

During the first year the team will also begin submitting semi-annual reports to the Regional Board on the technical studies being conducted, and annual reports on the development of a groundwater/surface water computer model.

PROGRAM FOR YEARS TWO - FIVE

By the end of Year Two, the project team will have developed or modified an existing computer model of the interaction of groundwater and surface water. This is especially important for the Upper Santa Clara River to determine assimilative capacity because there are stretches of the river within these reaches where surface water infiltrates to groundwater as well as areas where rising groundwater discharges to surface water. In addition to these interactions, surface water flow is augmented with water from other tributary sources

By the end of Year Three, the team plans to have conducted studies that will allow it to identify a protection threshold for both endangered species and chloride-sensitive agriculture. The team acknowledges that agricultural studies may require an extension beyond the three-year time period specified, which in turn would affect all subsequent linked tasks in the implementation plan.

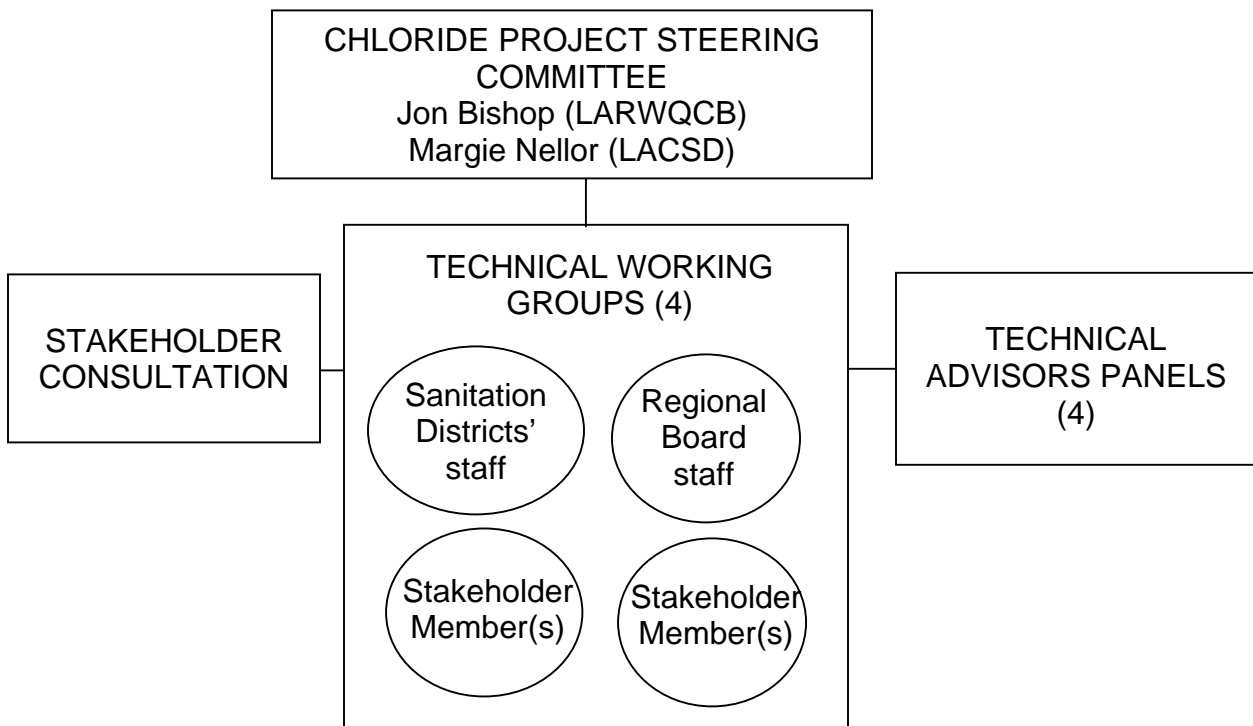
By the end of Year Four, assuming that agricultural studies will all be completed by the end of Year 3, the team will use the protective thresholds determined from the special studies and other relevant information (e.g. anti-degradation analysis) to develop proposed site-specific objectives for chloride and develop technical analyses upon which the Regional Board may base a Basin Plan Amendment. The team will also conduct an anti-degradation analysis, if required. The team will also complete a pre-

planning study of alternative compliance measures identifying potential chloride control measures and costs based on hypothetical scenarios for chloride water objectives and wasteload allocations.

By the end of Year Five, the team will complete a revised wasteload allocation and Basin Plan Amendment, if appropriate, for consideration by the Regional Board.

ORGANIZATIONAL STRUCTURE OF UPPER SANTA CLARA RIVER CHLORIDE TMDL SPECIAL STUDIES

Figure 2 shows the basic organizational structure for the project.



Both the Regional Board and the Sanitation Districts will appoint a project manager. These two individuals comprise the Project Steering Committee, which has overall responsibility for implementation of this plan. Initially, Jon Bishop will be the Project Manager for the Regional Board and Margie Nellor will be the Project Manager for the Sanitation Districts.

Each of the major studies requires a different methodology and technical expertise. This means there will be an Agricultural Studies Working Group, Endangered Species Studies Working Group, Groundwater/Surface Water Interaction Studies Working Group, and a Anti-Degradation Studies/Water Quality Standards Working Group.

The Regional Board and Sanitation Districts will designate 1-2 staff members to be members of each working group. Initially, the Regional Board will be represented on working groups by Sam Unger and/or Elizabeth Erickson. The Sanitation Districts will be represented by Vicki Conway and/or Brian Louie.

In addition, the membership of the working groups will include several stakeholder members. There are a number of stakeholders for these studies – agencies, groups or individuals who see themselves as potentially impacted by the decisions that could be made as part of this study – whose support or opposition could determine the success of the process. These stakeholders often possess technical information and expertise equivalent to that of the Board and Districts’ staff.

Stakeholders will be invited to be members of each working group. To be members, people will need to make a commitment to: (1) attend meetings regularly, (2) commit the time and resources to prepare for and participate in document reviews, (4) participate in a consensus-oriented process, and (4) provide their participation without compensation by the study.

The project team will, in addition, conduct separate periodic stakeholder meetings or workshops to discuss significant study documents or evaluate alternative approaches.

All meetings of working groups are open to the public. However, working group meetings will be conducted in a formalized manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail and/or standard mail. Announcements of working group meetings, as well as any documents generated and/or draft study findings released will also be posted on a project web page.

The members of technical advisors panels will be individuals with recognized expertise in the subject matter of the specific working group, who can offer recommendations and provide objective review of the technical adequacy of the study work being performed. The working groups will actively consult with the technical advisors panels during the development of the study plan. The advisors panels will also conduct a final peer review of the proposed study plan, as well as complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within working groups will be by mutual agreement. “Mutual agreement” does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that everyone in the working group is willing to “live with” the agreement, even though some individuals might prefer an alternative solution. In the event that a working group is not able to reach mutual

agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- Refer the issue to the Project Steering Committee, along with full documentation regarding the positions taken by team members and the reasons for those positions. Decisions of the Project Steering Committee will be binding upon the working group.
- Ask the Study Manager (see below) to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent non-binding recommendation on how to resolve the issue. The purpose of a disputes review expert or panel of experts is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Working groups must still make a decision and may decide for themselves how much weight to give to the advice from the expert or panel. Decisions referred to outside technical experts will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator (see below) to provide a neutral third party to provide mediation services to assist in resolving the issue.

DECISION MAKING IN THE PROJECT STEERING COMMITTEE

The Project Steering Committee will make decisions by agreement of both project managers.

In the event the project managers are not able to reach agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- The Project Steering Committee may elevate the decision to a Senior Management Committee that will consist of the Executive Officer of the Regional Board (currently Dennis Dickerson) and the General Manager of the Sanitation Districts (currently James Stahl). Both agencies agree that the Management Committee will confer within 15 days to address any issue elevated to that committee, and commit to achieve resolution (if at all possible) within a 15-day time period. Those issues elevated to the Senior Management Committee will primarily involve policy issues.
- Ask the Study Manager to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent recommendation on how to resolve the issue. Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue. The purpose of a disputes review panel is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Agency decision makers must still make a decision and may decide for themselves how much weight to give to the advice from the Dispute Review Panel. Decisions referred to a Dispute Review Panel will

normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.

- Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue.

SETTING UP TECHNICAL ADVISORS PANELS

In consultation with stakeholders, the project team will establish technical advisory panels for each of the major study areas: agricultural studies, endangered species studies, groundwater/ surface water interaction, and anti-degradation studies.

The purpose of the technical advisors panels is to provide objective technical information and expertise to assist the working groups in developing a research program that will be fully adequate to provide a solid scientific basis for reviewing the chloride objective.

The project team will establish a procedure for selection of technical advisors panel members that is acceptable to both the Regional Board and the Districts. Panel members will be selected by mutual agreement of the Regional Board and Sanitation Districts.

To ensure the neutrality of the panel members, the Regional Board and Sanitation Districts agree not to select any panel member who: (1) is a past employee of either the Regional Board or Sanitation Districts; (2) has received significant contracts from either the Sanitation Districts or Regional Board in the past 5 years²; (3) has previously expressed, in writing or in speeches, a position of opposition to regulation or regulators.

The Sanitation Districts will develop any needed contracts through the Principal Investigator to pay for the services of the technical review panels. Every effort will be made to ensure that the technical advisors panels understand that their “client” is the entire project team, not just the Sanitation Districts. To ensure this, the Regional Board and the Sanitation Districts agree that each working group will decide when and how often its technical advisors panel will be convened, and will agree upon the information to be presented to the technical panel, the manner of presentation, and the question(s) the advisory panel is asked to address. If there are disagreements within the working group, the dispute resolution procedures described earlier will apply.

In accord with established Regional Board procedures, at the conclusion of all the studies and before submitting a proposed objective and Basin Plan Amendment to its Board for approval, the Regional Board will send all studies through a peer review process set up by the University of California system. This review is in addition to and

² This is not intended to exclude individuals whose contracts with either the Regional Board or Sanitation District consisted solely of performing technical peer reviews.

is not intended to replace the reviews conducted by the technical advisors panels. Normal Regional Board procedures will be followed during this review, but Regional Board staff will consult with Sanitation Districts staff regarding the information to be presented and the manner in which questions to the peer review panel are framed.

STAKEHOLDER INVOLVEMENT

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. However, this will involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshops to review major study products or comment upon pending decisions. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops will be held. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
3. The study team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletins sent over the list server. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on the web page will be available only to working group members, contractors and project staff. For those stakeholders without access to the internet, general updates will be mailed, via standard mail.

PARTNERING

The Regional Board and Sanitation Districts agree to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving

the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how the team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session.

The Regional Board and Sanitation Districts have agreed to participate in a kickoff workshop and in periodic refresher sessions. These sessions will involve the two project managers (the Project Steering Committee) and all working group members from the two agencies. Once the working groups include stakeholder members, the stakeholder members will also be invited to participate, as their attitudes and behaviors can affect the manner in which the entire project team works together. At the discretion of the Project Steering Committee, major contractors may also be invited to participate in these sessions. At present there is no expectation that the members of the Senior Management Committee will participate in these sessions.

The project team agrees to the following essential behaviors for successful partnering:

- Pursue a win/win outcome
- Follow the dispute resolution process on all disputes.
- Advocate for the decision as a team when necessary.
- Jointly educate new study team members on the norms of partnering
- Jointly consult with stakeholders throughout the process
- Conduct periodic reviews of how the group is working together
- To the extent possible, complete all stages of the process on or before schedule, with changes in the schedule adopted by mutual agreement
- Ensure that the outcome truly protects appropriate beneficial uses

Early in the process the Project Team will also agree on a more detailed set of group norms such as proposed in Appendix 2.

FACILITATOR

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator's

services, but every effort will be made to ensure that the facilitator understands that his/her “client” is both agencies, not just the Sanitation Districts.

At present, the team anticipates that there will be a Lead Facilitator. Since there will be numerous meetings, the Lead Facilitator may also retain additional facilitators who will be assigned to working groups and facilitate meetings of those groups. In the event the lead facilitator does retain other meeting facilitators, he/she will be responsible for selection, training and supervision of these other facilitators. The Lead Facilitator will ensure that all meetings are covered, will maintain oversight over the entire process, and will facilitate meetings of the entire project team, as well as project-level meetings with stakeholders..

No final decision has yet been made as to whether all work group meetings require facilitation, although it may be appropriate that initial meetings be facilitated until norms have been established for working together effectively.

STUDY MANAGER

The Study Manager will oversee and coordinate the technical studies performed by contractors, as well as the technical reviews of those studies. The Study Manager will oversee the maintenance of schedules and satisfactory task completion.

One of the principal responsibilities of the Study Manager is to ensure that all work is performed in a manner that is acceptable to the project team as a whole, even though the Principal Investigator will have a contractual relationship with the Sanitation Districts.

The Study Manager may designate other staff to assist with program management for individual working groups or technical advisors panels.

A single person could serve as both Lead Facilitator and Study Manager, but this would require that this person be both a highly skilled facilitator and possess the technical qualifications to provide technical supervision for the performance of technical studies.

MAINTAINING RECORDS OF DECISIONS

When a facilitator conducts a meeting, s/he will be responsible for recording all decisions made by the participants in a manner acceptable to the participants. This may be accomplished in several ways. For example:

- The facilitator may record all decisions as they are being made on a flip chart, and get verbal assent to the manner in which the decision has been worded during the meeting. The flip charts will then be typed up as the summary of the meeting.

- The facilitator may retain a person who will keep notes of the meeting and then distribute a summary of the meeting.

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The project team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that once reports are prepared they can be immediately posted on the web page and distributed by list server.

CONTRACTORS

Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their “client,” not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.
4. The Statement of Work will reflect that both Regional Board and Sanitation District staff will have access to and may request information from contractors.
5. The Sanitation Districts will obtain the services of a Principal Investigator who will in turn oversee the performance of technical studies and technical reviews. The Principal Investigator will ensure that all contracts are performed in a response to the needs of the Project Team as a whole, and will develop the contractual relationships needed to perform the work.

Appendix 1
UPPER SANTA CLARA RIVER CHLORIDE TMDL IMPLEMENTATION TASKS

[insert copy of Regional Board TMDL Implementation Tasks]

Louie, Brian

From: CandCInc@aol.com

Sent: Thursday, May 13, 2004 2:06 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: 5/11 Meeting Summary

Team:

Attached is a draft summary for the 5/11 meeting.

Jim Creighton

UPPER SANTA CLARA RIVE CHLORIDE TMDL
COLLABORATIVE PROCESS
SUMMARY OF MAY 11 MEETING

ACTION ITEMS AGREED
UPON DURING MEETING

- Both Board and Districts staff are to draft criteria for selection of Technical Advisors panels and send to each other.
- Both agencies are to read Creighton's Guidelines and Expectations as well as materials from Board's watershed specialist and determine if there are items that need to be added or changed.
- Margie Nellor to draft cover letter for plan by May 14 and send to Job Bishop. They are to coordinate final language and get signatures.
- Jim Creighton will develop draft language about the qualifications for the Lead Facilitator
- Brian Louie is to complete the timeline, adding in a schedule of tasks for the other 3 working groups
- Districts staff are to start working on the RFP Scope of Work, and the two agencies need to exchange information about possible firms to whom the RFO should be sent.

Agency staff present included:

Regional Board – Deborah Smith, Jon Bishop, Elizabeth Unger.
Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie

Consultants presented included:

Jim Creighton, facilitator
Fred Andes, regulatory consultant to the Sanitation Districts

Jim Creighton said that he had prepared an agenda from all the items submitted that included six “must do” items, and a number of “if we have the time, otherwise they must be addressed soon” items.

FINAL REVIEW OF THE APRIL 15TH
MEETING SUMMARY

The first agenda item was the final review of the summary of the April 15th meeting. Jim said that there were two items where the comments from the Board and Districts diverged. Both items related to the role and participation of regulatory consultants to the Districts. The first item had to do with language about whether, once the Districts had re-defined the consultant's role following completion of the collaborative process plan, the District's simply informed Board staff, or Board staff had to approve the role. After discussion, the language was left as presently written. The second item had to do with some language Board staff asked be inserted regarding the participation of its attorneys. The question had to do with whether this comment had been made in the meeting, or only in a side conversation between Board staff. After discussion, the

agreement was to put this language as a footnote. This would get the information into the meeting summary, while avoiding the question of whether these comments were actually made to the entire group.

REVISIONS TO COLLABORATIVE PROCESS PLAN

The second agenda item was the review of the revised collaborative process plan. Numerous revisions were made to the plan. A marked-up copy of the plan, showing the revisions, is attached.

APPROVAL PROCESS – COVER LETTER

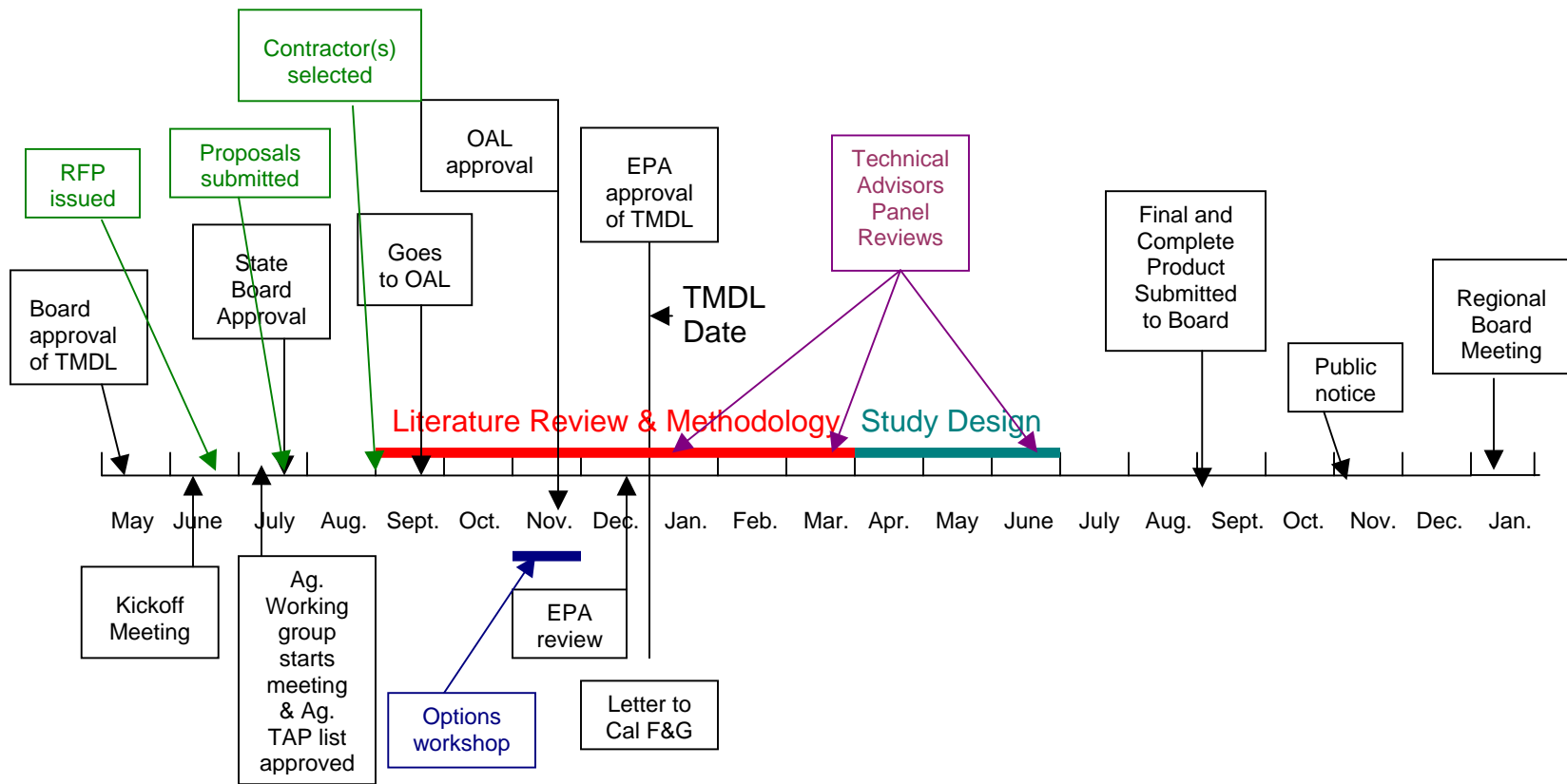
As discussed in the prior meeting, the plan will be approved by having the Director/General Manager of the two agencies sign a cover letter endorsing the collaborative process. This means that the plan can be revised at a later date by mutual agreement between Regional Board staff and Districts staff without having to have a formal review process.

Margie Nellor will prepare a first draft of the cover letter and will send it to Job Bishop by May 14. They will coordinate as needed to get the letter finalized and signed. To avoid legal problems about joint letterheads, it may be faster to simply have two identical letters, one on Regional Board letterhead, and one on Sanitation Districts letterhead. These letters need to be signed before Dennis Erickson leaves the Regional Board on June 10th.

TIMELINE FOR PREPARATION OF A STUDY PLAN

The team then prepared a time line for preparation and submission of a final study plan. The official wording of the agreement is that this is a one-year process. However the TMDL date cannot be determined until the document has been approved by the State Water Resources Control Board, the Office of Administrative Law, and EPA. The best estimate is that these reviews will be completed about January 1, 2005. Work can begin now, so this actually leaves about 19 months to complete the work and provide time for Regional Board staff review. Assuming the TMDL date is January 2005, the study plan will go to the Regional Board for approval at its January 2006 meeting.

Some of the key conclusions reached during development of the timeline are:



- The Literature Review and Methodology work will be completed between September 2004 and April 1, 2005. This leaves April 1 – June 30, 2005 to complete the study design. These time frames include interaction with and review by the technical advisors panels. These time frames are tight.
- The cost assumptions workshop may be put off until after the study plan is completed.
- The RFP(s) for facilitation and study management support need to be sent by mid-June. Contractors will have 30 days to submit proposals (mid-July). Contractor selection should occur by August 1, with 30 days to finalize the contracts. These contracts need to be in place by September 1 so that the contractor can start work on the literature review and methodology on schedule
- There needs to be a kickoff meeting for stakeholders in mid-June. Elizabeth Erickson has drafted a letter to be sent out announcing this session, and comments on this letter are due.
- The agriculture working group needs to be in place by mid-July, and the project team should have a draft list of technical advisors to discuss with the group at that time.
- The Options Workshop should occur sometime in November

The timeline developed by the team includes only the schedule for the agricultural working group. Brian Louis is to prepare a more complete timeline with tasks scheduled for the other three working groups included.

PROPOSED GROUNDRULES AND EXPECTATIONS

Jim Creighton prepared draft groundrules and expectations, but few members had yet reviewed them. In addition, Elizabeth had asked the Board's watershed specialists to provide materials used by various watershed advisory groups. Team member are to review both sets of materials, identifying anything to need to be added or changed in the draft groundrules and expectations developed by Creighton. This item will be discussed at the next meeting.

SCOPE OF WORK/SELECTION PROCESS

The Districts will begin drafting the Scope of Work for the facilitation/technical support contract. There needs to be an exchange of information about possible firms to whom the RFP should be sent.

Jim Creighton's contract with EPA runs out on May 18th, The Districts are issuing him a task order to act as facilitator until the full facilitation/technical services contract is in place. Margie will distribute Jim's proposal letter to the full team.

NEXT MEETING

The next meeting of the project team will be May 27, 1- 5 PM.

SANTA CLARA RIVER CHLORIDE TMDL COLLABORATIVE PROCESS

This plan describes a collaborative process that will be utilized in the oversight and implementation of the Santa Clara River Chloride TMDL by the Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”), in consultation with other stakeholders in the upper Santa Clara River area.

The goal of the Santa Clara River Chloride TMDL collaborative process is to ensure that by the end of the process there will be substantial agreement by Regional Board staff, Sanitation Districts’ staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about standards and the implementation plan for the Upper Santa Clara River.

BACKGROUND

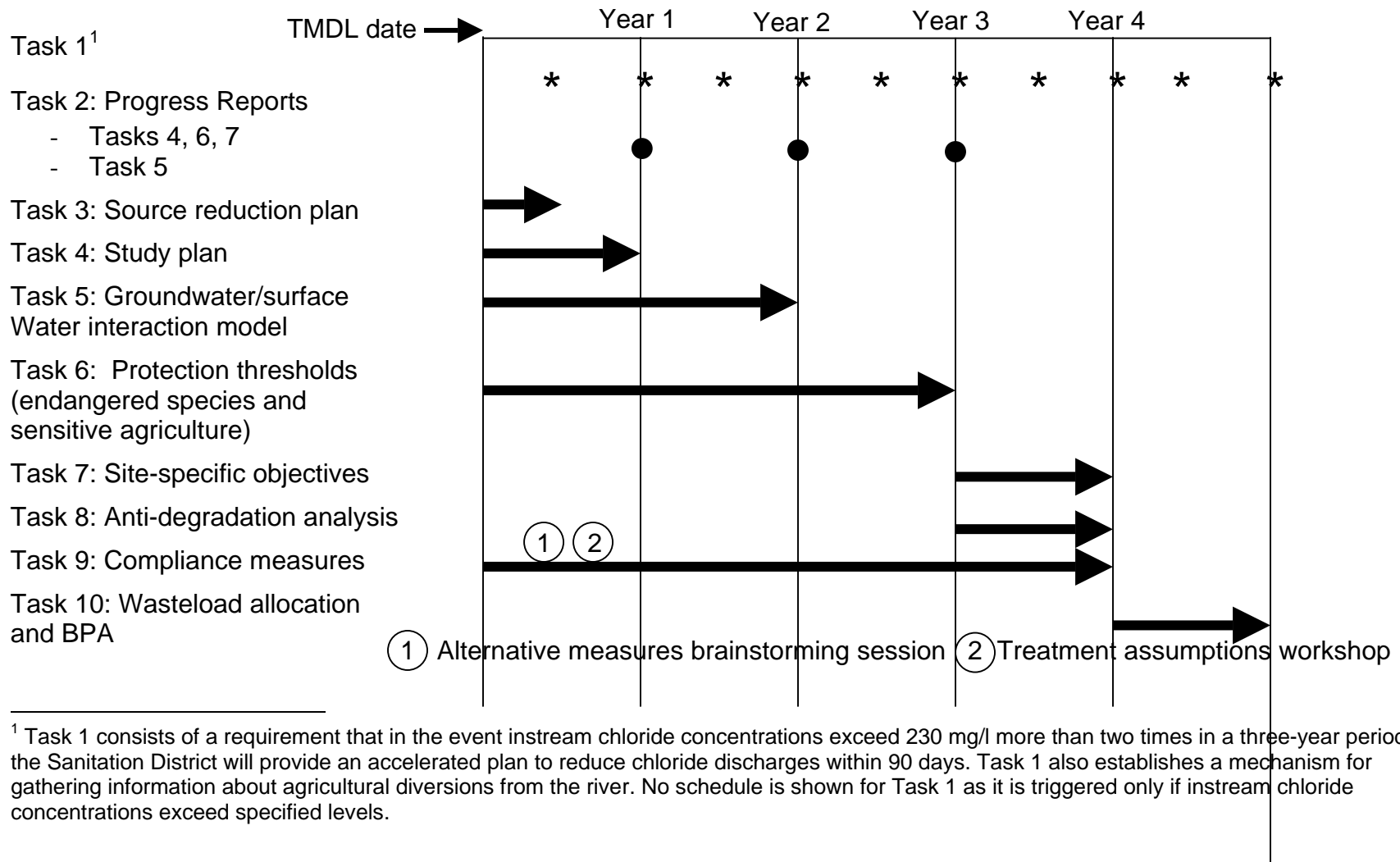
Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the upper reaches of the Santa Clara River where the Districts’ Saugus and Valencia WRP’s discharge. This objective was established to protect beneficial uses and reflect background conditions, and was the basis of waste load allocations used by the Upper Santa Clara River Chloride TMDL and discharge permits issued to the Sanitation Districts. The Sanitation Districts did not accept that this objective was based on appropriate or complete scientific information and planned to pursue administrative and potentially legal remedies regarding the TMDL and permits.

The Regional Board and Sanitation Districts have agreed to revise the TMDL to include a collaborative process that allows for completion of new scientific studies before final waste load allocations are applied.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be subject to technical review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies. Once these studies are complete, the Regional Board will re-consider the objective.

Implementation of the TMDL is to occur within a 13-year period. However, most of the scientific studies that could affect the chloride objective will be conducted in the first 5 years of the study, and reconsideration of the objective will occur at the end of this five year period. Figure 1 summarizes the studies to be conducted

FIGURE 1
FIRST FIVE YEARS SCHEDULE
SANTA CLARA RIVER CHLORIDE TMDL



during the first 5 years. A detailed description of each task is provided in Appendix 1, Upper Santa Clara River Chloride TMDL Implementation Tasks.

PROBABLE TMDL DATE

The entire schedule for TMDL implementation is tied to the effective date of the TMDL. This date has not yet been determined. The Regional Board has approved the proposed amendments to the TMDL at its meeting on May 6, 2004. The TMDL **will be forwarded** to the California State Water Resources Control Board for approval. Once the State Board has approved the TMDL, it goes to the Office of Administrative Law for approval, and then to the U.S. EPA for final approval.

The effective date of the TMDL is estimated to be sometime between October 2004 and April 2005.

The Sanitation Districts may choose to proceed with studies prior to the effective date of the TMDL. However, they do so at their own risk and expense in the event the TMDL Implementation Plan is not approved.

FIRST-YEAR PROGRAM

The first-year program lays the groundwork for the entire process. During the first year, the project team, which consists of the combined staff of the Regional Board and Sanitation Districts assigned to this project, will develop a study plan that identifies the purpose, scope, tasks, and schedule for agricultural studies, endangered species studies, groundwater/surface water interaction studies, and anti-degradation studies needed for evaluation of an appropriate chloride threshold. The project team will set up technical work groups consisting of technical representatives of the two agencies and representatives of key stakeholder groups. After consultation with affected stakeholders, the project team will establish panels of technical advisors who will advise the working groups on appropriate study methodologies in each technical area and review work products. Each working group will establish a process for consultation with stakeholders interested in the activities of that working group. The overall project team will also provide opportunities for stakeholder involvement.

~~Once the study plan and schedule have been completed, they will be submitted to the Regional Board's Executive Officer for approval.~~ Twelve months after the effective date of the TMDL, the agricultural technical advisors panel will complete its literature review and method assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the TMDL implementation schedule for evaluation of an appropriate chloride threshold. The Regional Board will hold a public hearing to re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the technical advisors panel and Regional Board staff as to the types of

studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

The schedule allows four years for the evaluation of alternative measures (such as treatment or alternative water supplies) to determine if there are regulatory solutions other than those contemplated in the TMDL implementation plan (i.e. development of a site-specific objective for the protection of salt-sensitive crops) or compliance with the existing water quality standard. But the project team plans to initiate these studies early in the process, as some of these studies require considerable time to complete. During the first year the project team plans two activities that will contribute to this work element: (1) The project team will conduct a brainstorming session designed to identify alternative measures that should be evaluated, and (2) the project team will participate in a workshop designed to develop a consensus on the assumptions that will be used to determine the cost of compliance for various chloride waste load allocations. In addition, the Sanitation Districts will also prepare and submit a plan to quantify and control sources of chloride. This plan will include but not be limited to public outreach programs and incentive/disincentive programs for use of appropriate water softeners and other measures that may be effective in controlling chlorides. This plan will be submitted within six months of the effective date of the TMDL.

During the first year the team will also begin submitting semi-annual reports to the Regional Board on the technical studies being conducted, and annual reports on the development of a groundwater/surface water computer model.

PROGRAM FOR YEARS TWO - FIVE

By the end of Year Two, the project team will have developed or modified an existing computer model of the interaction of groundwater and surface water. This is especially important for the Upper Santa Clara River to determine assimilative capacity because there are stretches of the river within these reaches where surface water infiltrates to groundwater as well as areas where rising groundwater discharges to surface water. In addition to these interactions, surface water flow is augmented with water from other tributary sources

By the end of Year Three, the team plans to have conducted studies that will allow it to identify a protection threshold for both endangered species and chloride-sensitive agriculture. The team acknowledges that agricultural studies may require an extension beyond the three-year time period specified, which in turn would affect all subsequent linked tasks in the implementation plan.

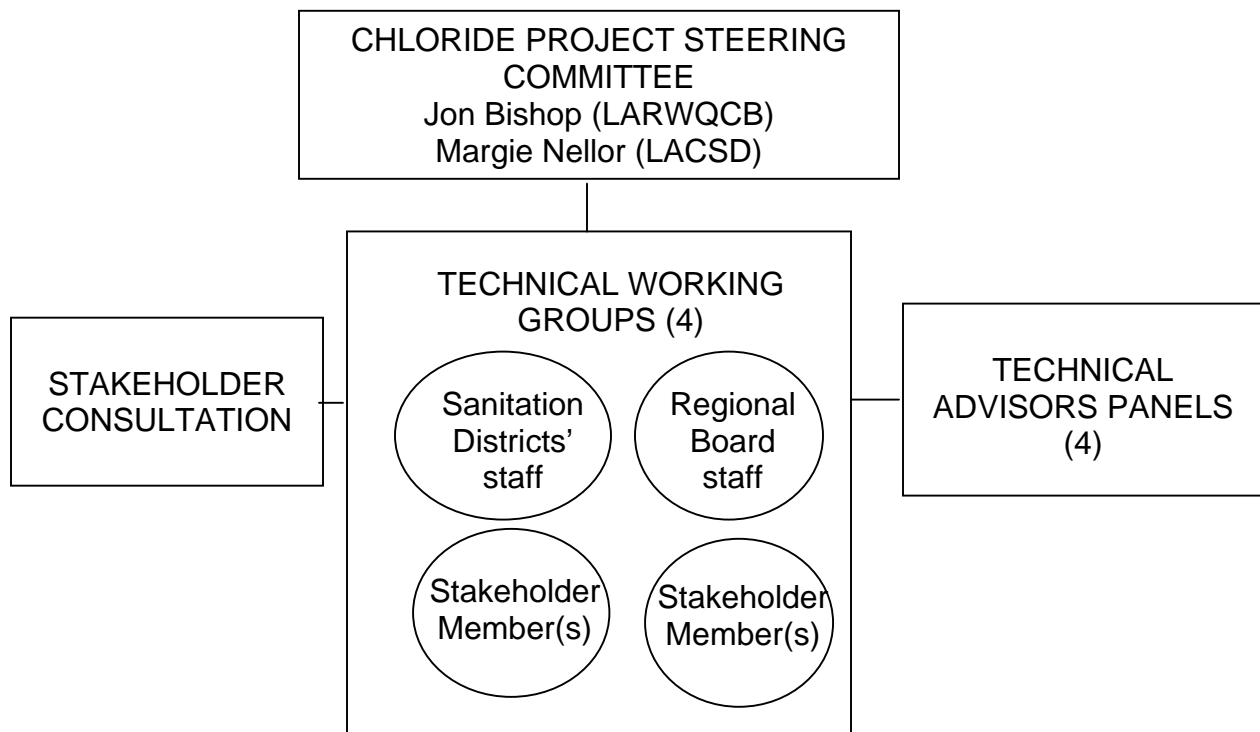
By the end of Year Four, assuming that agricultural studies will all be completed by the end of Year 3, the team will use the protective thresholds determined from the special studies and other relevant information (e.g. anti-degradation analysis) to develop proposed site-specific objectives for chloride and develop technical analyses upon which the Regional Board may base a Basin Plan Amendment.

The team will also conduct an anti-degradation analysis, if required. The team will also complete a pre-planning study of alternative compliance measures identifying potential chloride control measures and costs based on hypothetical scenarios for chloride water objectives and wasteload allocations.

By the end of Year Five, the team will complete a revised wasteload allocation and Basin Plan Amendment, if appropriate, for consideration by the Regional Board.

ORGANIZATIONAL STRUCTURE OF UPPER SANTA CLARA RIVER CHLORIDE TMDL SPECIAL STUDIES

Figure 2 shows the basic organizational structure for the project.



Both the Regional Board and the Sanitation Districts will appoint a project manager. These two individuals comprise the Project Steering Committee, which has overall responsibility for implementation of this plan. Initially, Jon Bishop will be the Project Manager for the Regional Board and Margie Nellor will be the Project Manager for the Sanitation Districts.

Each of the major studies requires a different methodology and technical expertise. This means there will be an Agricultural Studies Working Group,

Endangered Species Studies Working Group, Groundwater/Surface Water Interaction Studies Working Group, and an Anti-Degradation Studies/Water Quality Standards Working Group.

The Regional Board and Sanitation Districts will designate 1-2 staff members to be members of each working group. Initially, the Regional Board will be represented on working groups by Sam Unger and/or Elizabeth Erickson. The Sanitation Districts will be represented by Vicki Conway and/or Brian Louie.

In addition, the membership of the working groups will include several stakeholder members. There are a number of stakeholders for these studies – agencies, groups or individuals who see themselves as potentially impacted by the decisions that could be made as part of this study – whose support or opposition could determine the success of the process. These stakeholders often possess technical information and expertise equivalent to that of the Board and Districts' staff.

Stakeholders will be invited to be members of each working group. To be members, people will need to make a commitment to: (1) attend meetings regularly, (2) commit the time and resources to prepare for and participate in document reviews, (4) participate in a consensus-oriented process, and (4) provide their participation without compensation by the study.

The project team will, in addition, conduct separate periodic stakeholder meetings or workshops to discuss significant study documents or evaluate alternative approaches.

All meetings of working groups are open to the public. However, working group meetings will be conducted in a formalized manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail and/or standard mail. Announcements of working group meetings, as well as any documents generated and/or draft study findings released will also be posted on a project web page.

The members of the technical advisors panels will be individuals with recognized expertise in the subject matter of the specific working group, who can offer recommendations and provide objective review of the technical adequacy of the study work being performed. The working groups will actively consult with the technical advisors panels during the development of the study plan. The advisors panels will also conduct a final peer review of the proposed study plan, as well as complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within working groups will be by mutual agreement. “Mutual agreement” does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that everyone in the working group is willing to “live with” the agreement, even though some individuals might prefer an alternative solution. In the event that a working group is not able to reach mutual agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- Refer the issue to the Project Steering Committee, along with full documentation regarding the positions taken by team members and the reasons for those positions. Decisions of the Project Steering Committee will be binding upon the working group.
- Ask the Study Manager (see below) to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent non-binding recommendation on how to resolve the issue. The purpose of a disputes review expert or panel of experts is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Working groups must still make a decision and may decide for themselves how much weight to give to the advice from the expert or panel. Decisions referred to outside technical experts will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
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The purpose of the technical advisors panels is to provide objective technical information and expertise to assist the working groups in developing a research program that will be fully adequate to provide a solid scientific basis for reviewing the chloride objective.

The project team will establish a procedure for selection of technical advisors panel members that is acceptable to both the Regional Board and the Districts. Panel members will be selected by mutual agreement of the Regional Board and Sanitation Districts.

To ensure the neutrality of the panel members, the Regional Board and Sanitation Districts agree not to select any panel member who: (1) is a past employee of either the Regional Board or Sanitation Districts; (2) has received significant contracts from either the Sanitation Districts or Regional Board in the past 5 years²; (3) has previously expressed, in writing or in speeches, a position of opposition to regulation or regulators.

The Sanitation Districts will develop any needed contracts through the Principal Investigator to pay for the services of the technical review panels. Every effort will be made to ensure that the technical advisors panels understand that their “client” is the entire project team, not just the Sanitation Districts. To ensure this,

² This is not intended to exclude individuals whose contracts with either the Regional Board or Sanitation District consisted solely of performing technical peer reviews.

the Regional Board and the Sanitation Districts agree that each working group will decide when and how often its technical advisors panel will be convened, and will agree upon the information to be presented to the technical panel, the manner of presentation, and the question(s) the advisory panel is asked to address. If there are disagreements within the working group, the dispute resolution procedures described earlier will apply.

In accord with established Regional Board procedures, at the conclusion of all the studies and before submitting a proposed objective and Basin Plan Amendment to its Board for approval, the Regional Board will send all studies through a peer review process set up by the University of California system. This review is in addition to and is not intended to replace the reviews conducted by the technical advisors panels. Normal Regional Board procedures will be followed during this review, but Regional Board staff will consult with Sanitation Districts staff regarding the information to be presented and the manner in which questions to the peer review panel are framed.

STAKEHOLDER INVOLVEMENT

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. However, this will involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshops to review major study products or comment upon pending decisions. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops will be held. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
3. The study team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletins sent over the list server. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on

the web page will be available only to working group members, contractors and project staff. For those stakeholders without access to the internet, general updates will be mailed, via standard mail.

PARTNERING

The Regional Board and Sanitation Districts agree to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how the team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session.

The Regional Board and Sanitation Districts have agreed to participate in a kickoff workshop and in periodic refresher sessions. These sessions will involve the two project managers (the Project Steering Committee) and all working group members from the two agencies. Once the working groups include stakeholder members, the stakeholder members will also be invited to participate, as their attitudes and behaviors can affect the manner in which the entire project team works together. At the discretion of the Project Steering Committee, major contractors may also be invited to participate in these sessions. At present there is no expectation that the members of the Senior Management Committee will participate in these sessions.

The project team agrees to the following essential behaviors for successful partnering:

- Pursue a win/win outcome
- Follow the dispute resolution process on all disputes.
- Advocate for the decision as a team when necessary.
- Jointly educate new study team members on the norms of partnering
- Jointly consult with stakeholders throughout the process
- Conduct periodic reviews of how the group is working together
- To the extent possible, complete all stages of the process on or before schedule, with changes in the schedule adopted by mutual agreement
- Ensure that the outcome truly protects appropriate beneficial uses

Early in the process the Project Team will also agree on a more detailed set of group norms such as proposed in Appendix 2.

FACILITATOR

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator's services, but every effort will be made to ensure that the facilitator understands that his/her "client" is both agencies, not just the Sanitation Districts.

At present, the team anticipates that there will be a Lead Facilitator. Since there will be numerous meetings, the Lead Facilitator may also retain additional facilitators who will be assigned to working groups and facilitate meetings of those groups. In the event the lead facilitator does retain other meeting facilitators, he/she will be responsible for selection, training and supervision of these other facilitators. The Lead Facilitator will ensure that all meetings are covered, will maintain oversight over the entire process, and will facilitate meetings of the entire project team, as well as project-level meetings with stakeholders.

No final decision has yet been made as to whether all work group meetings require facilitation, although it may be appropriate that initial meetings be facilitated until norms have been established for working together effectively.

STUDY MANAGER

The Study Manager will oversee and coordinate the technical studies performed by contractors, as well as the technical reviews of those studies. The Study Manager will oversee the maintenance of schedules and satisfactory task completion.

One of the principal responsibilities of the Study Manager is to ensure that all work is performed in a manner that is acceptable to the project team as a whole, even though the Principal Investigator will have a contractual relationship with the Sanitation Districts.

The Study Manager may designate other staff to assist with program management for individual working groups or technical advisors panels.

A single person could serve as both Lead Facilitator and Study Manager, but this would require that this person be both a highly skilled facilitator and possess the technical qualifications to provide technical supervision for the performance of technical studies.

MAINTAINING RECORDS OF DECISIONS

When a facilitator conducts a meeting, s/he will be responsible for recording all decisions made by the participants in a manner acceptable to the participants. This may be accomplished in several ways. For example:

- The facilitator may record all decisions as they are being made on a flip chart, and get verbal assent to the manner in which the decision has been worded during the meeting. The flip charts will then be typed up as the summary of the meeting.
- The facilitator may retain a person who will keep notes of the meeting ~~on a flip chart or on paper posted on the wall~~, and then ~~will distribute copies as~~ a summary of the meeting.

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The project team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that once reports are prepared they can be immediately posted on the web page and distributed by list server.

CONTRACTORS

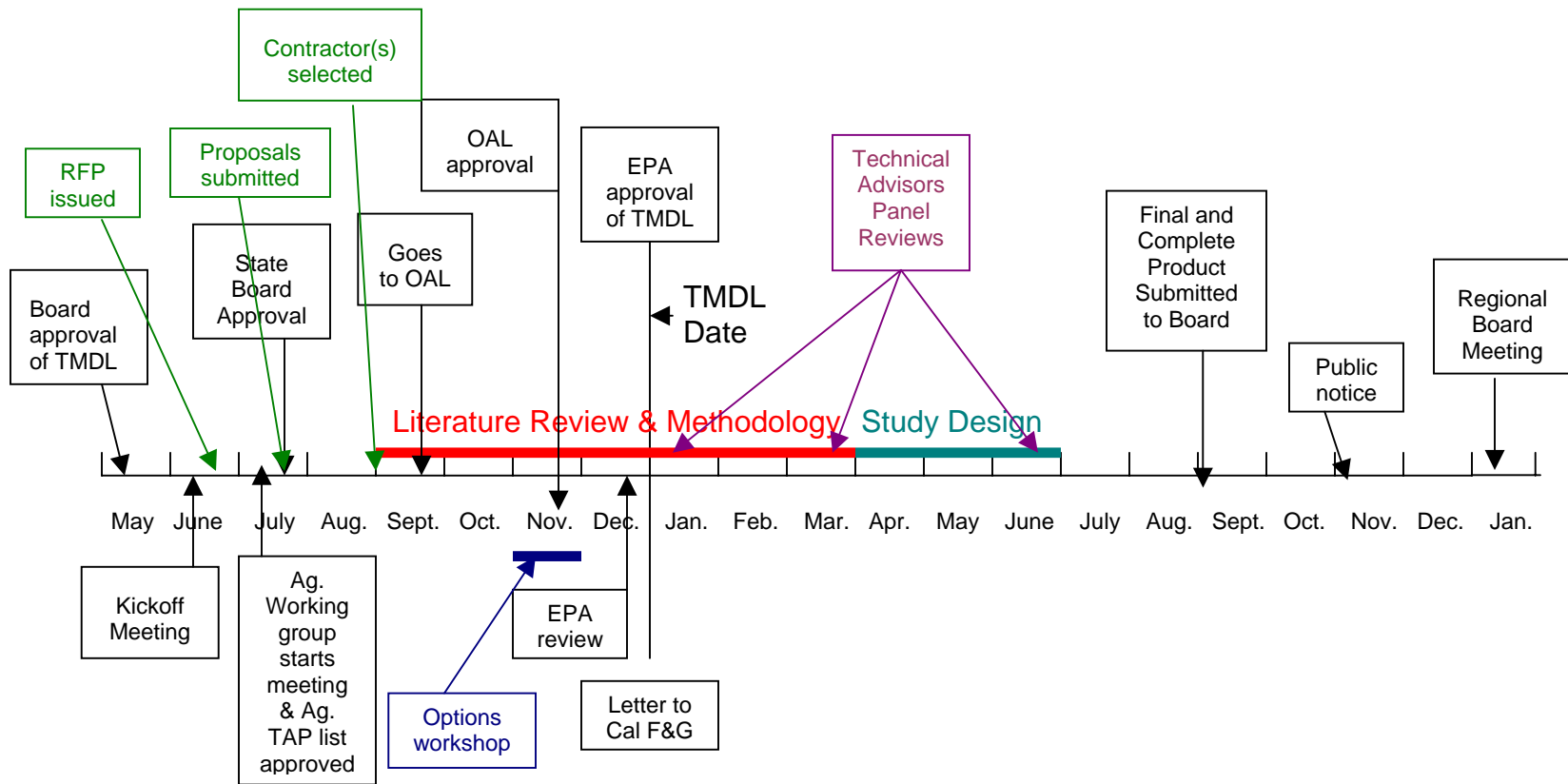
Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their “client,” not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.

4. The Statement of Work will reflect that both Regional Board and Sanitation District staff will have access to and may request information from contractors.
5. The Sanitation Districts will obtain the services of a Principal Investigator who will in turn oversee the performance of technical studies and technical reviews. The Principal Investigator will ensure that all contracts are performed in a response to the needs of the Project Team as a whole, and will develop the contractual relationships needed to perform the work.

Appendix 1
UPPER SANTA CLARA RIVER CHLORIDE TMDL IMPLEMENTATION TASKS

[insert copy of Regional Board TMDL Implementation Tasks]



Louie, Brian

From: CandCInc@aol.com

Sent: Thursday, May 13, 2004 2:08 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: "Final" version of April 15th Meeting Summary

Team:

Attached is a file containing the revised April 15 meeting summarizing, including the final changes made to it during the May 11 meeting.

Jim Creighton

ACTION ITEMS AGREED UPON
DURING THE MEETING

- Everybody is to send Jim Creighton examples/models from prior working group experiences on things to do/things to avoid to make working groups more effective. Jim will also contact people and search literature.
- Jim Creighton will develop a draft description of how to describe the facilitator/technical support required, and circulate it to the team for review.
- Jim Creighton will develop a draft "charge" to the working groups on their responsibility to develop an approach for involving stakeholders in their deliberation, and will circulate the "charge" to the team for review.
- Jon and Margie will work with the facilitator to organize both an alternatives workshop and a cost cost assumptions workshop during the first year.
- Board staff will review the draft lists of potential working group members, stakeholder groups, and technical advisors and will add to these lists as appropriate, providing some sort of ranking to indicate who they think is most important. Board staff and Districts staff will begin work on identifying agricultural groups and mechanisms for consulting with them. Districts' staff will provide biographical information to Board staff on the proposed list of agriculture technical advisors to assist in evaluating their qualifications
- Board staff will prepare an invitation letter and will take the lead in inviting stakeholders to be part of working groups. Upon RWQCB adoption of the TMDL, Board staff will issue a Public Notice and schedule a joint meeting to discuss the project with potential stakeholder groups.
- All review comments on the draft plan should be to Jim Creighton by April 28.
- The next meeting of the team will be May 11, 1-5 PM.

SANTA CLARA RIVER
CHLORIDE TMDL COLLABORATIVE
PROCESS MEETING
APRIL 15, 2004

Agency staff present included:

Regional Board - Deborah Smith, Jon Bishop, Elizabeth Erickson, Sam Unger;

Sanitation Districts – Margie Nellor (phone), Vicki Conway (phone), Sharon Green, Brian Louie.

Consultants: Facilitator: Jim Creighton; Fred Andes and Ericka Powers, regulatory consultants to the Sanitation Districts.

Prior to the meeting Jim Creighton distributed a draft plan for the collaborative process. Participants identified the key issues they wanted to discuss or clarify, and this formed the basis for the agenda.

USE OF FACILITATORS

There was an extended discussion of the role and need for facilitation, and how best to organize the contract for facilitation. The general conclusions reached were:

- There is a need for facilitation at two levels: (1) a facilitator who oversees the entire process, conducts the preliminary partnering session and refresher sessions, and continues to work with the team as a whole, and (2) facilitators for each of the working groups. These may be the same people, or there could even be a different facilitator assigned to each working group (who can also provide backup in case of schedule difficulties, etc.)
- But there is also a need for technical project management. For some working groups the greatest need

will be for facilitation, and for others the greatest need will be project management/ technical skills.

- People liked the “techno-facilitator” arrangement on the Santa Clara River nitrogen TMDL project -- where the facilitator also managed the contracts with all the other consultants – but the person involved was more of a technical person than a real facilitator. This project needs both skill sets, and it may be difficult to find a facilitator who can also handle all the technical aspects, or vice versa. So it may be necessary to find a contractor who can supply and manage a team with both facilitation and technical skills. Job Bishop recommended that the agriculture group have both technical and general facilitation support, but he thought the endangered species group probably needs only facilitation and the groundwater modeling group probably needs only technical support.
- There was agreement that the need for both facilitation and technical project management skills will be most intensive during the first year, and may be reduced after that.

Jim Creighton will write a preliminary draft of how to handle the mix of technical support and facilitation support, and will send it to the team for review.

STRUCTURE/FUNCTION/OPERATING GROUND RULES OF WORK GROUPS

Fred Andes expressed a concern that the groundrules for the working groups be well-defined. He suggested that there be some effort to gather examples/models from other programs. The team agreed to look up materials from previous working group experiences regarding groundrules/structure and get them to Jim Creighton. Jim will also check with people he knows and scan the literature.

As currently planned, each working group will have one or more representatives each from the Regional Board and the Sanitation Districts, plus several participants from stakeholder groups. There was a discussion of whether the Board/Districts were the “chairs” of the work groups. There was preliminary agreement that the Board and Districts would be the conveners, but the facilitator will actually run the meetings.

STAKEHOLDER INVOLVEMENT/ HOW TO BRING THE FARMING COMMUNITY INTO THE PROCESS

Elizabeth Erickson reported on discussions she’d had with agriculture leaders. Based on these interviews, she’s doubtful that people in agriculture will have enough interest or time to participate in a newly formed working group. She suggested that the stakeholder involvement for the agricultural working group might be better handled by using an existing agricultural standing committee.

This led to an extended discussion on stakeholder involvement. The conclusions reached were:

- Each work group will need to design its own stakeholder involvement approach, based on the level of interest and expertise, in addition to

- project-wide stakeholder involvement meetings that may be held from time to time.
- To ensure the adequacy of each group's approach, as well as ensure a unified program, each working group should be tasked to develop a stakeholder involvement plan and present it to the Project Steering Committee. Working groups will be encouraged to evaluate whether there are existing arrangements – such as standing committees – that have the right membership so that they can be used as part of the stakeholder involvement.
 - There was recognition that the agricultural working group is likely to have the most challenging stakeholder involvement task. The Agricultural Technical Advisory Panel will also have a larger role during the first year than the other panels.
 - There was a discussion of existing institutions that could represent the agricultural community, including property owners associations, the Farm Bureaus, the University of California Cooperative Extension and groups that support specific crop marketing efforts. It was also recognized that the agricultural community already has established groups formed representing the various agricultural interests. The stakeholder involvement process should recognize and utilize these existing groups when appropriate.

Jim Creighton will draft a “charge” to the technical working groups on their responsibility to develop an effective stakeholder involvement process suitable to their task.

RESOURCES

There was then a discussion of the resources needed to complete the collaborative process. There was recognition that the Regional Board is probably the most resource-constrained. Elizabeth Erickson has been assigned to this project at essentially 50% time for the next fiscal year and Sam Unger would also be supporting some of the efforts. Some of the things that will help ease the burden on the Board staff include: (1) Board staff needs to have direct access to the project consultants, without having to go through others to get information from the consultants; and (2) consultants need to coordinate with Board staff so that documents are put in the format the Board needs, so Board staff don't have to re-write or re-format them. The Board does not intend to have an independent technical contractor from the Board to review the studies and documents produced by the project contractor.

Other items discussed included:

- Whenever possible, the team should consider use of conference calls instead of face-to-face meetings.

- Stakeholder meetings will usually need to be held within the watershed, rather than at either the Board or Districts' offices. The City of Santa Clarita was recommended as a potential site.
- There needs to be a structured process for developing meeting agendas to ensure all attendees are informed of agenda contents before the meeting. Once the agenda has been distributed, changes in the agenda would be made by mutual agreement only.
- The facilitator/technical project managers will need to assist with on-going distribution of minutes, and the care and feeding of stakeholders
- There will be a project web page, with access to documents both for the team and the public, and a list-server will be set up to make it easier to communicate with team members and stakeholders
- An effort needs to be made to utilize meeting time very effectively
- The team agreed that it would be appropriate for the Scope of Work for contractor support to include requirements to provide support to Board staff during the Basin Plan amendment development process.

BRAINSTORMING ON ALTERNATE COMPLIANCE IDEAS

There was agreement on the desirability of the team participating in a workshop to identify all the alternative compliance options. This will occur during the first year. Jon Bishop mentioned that he had discussed some alternative options previously with EPA. EPA staff had expressed a willingness to consider a wide range of options. Jon also recommended that EPA and SWRCB staff be invited to participate in the alternatives and cost assumptions workshops and involved in the technical review panels as much as possible. There was general agreement that it was desirable to have both agencies involved during the process as much as possible, not just at the end.

There was agreement that the responsibility for this workshop is at the Project Steering Committee level, since it doesn't really belong to any one working group. Jon and Margie will work with the facilitator (whomever that will be) to organize this workshop, as well as a subsequent treatment assumptions workshop.

PROCESS/SCHEDULE TO DEVELOP MOA

There was general agreement that there should be a Memorandum of Agreement or Understanding between the Board and Districts regarding the process to be used for the chloride TMDL. However, the team did not want a long, detailed Memorandum of Understanding. Instead, there might just be a co-signed letter attached to the plan that Creighton is developing, once it is agreed upon by the team. This way, changes in the plan will not require the formality that is entailed in changing an MOU.

MEANING OF CONSENSUS OR CONSENT OR MUTUAL AGREEMENT

There was discussion of what “consensus” means, and whether or not individual team members should have the right to elevate a dispute to the Project Steering Team. There was agreement to remove the “two-tier” system implied in the current wording of the draft plan. The current wording says that the Board and Districts staff have to “agree” and stakeholder members of the working groups have to “consent.” This implies that stakeholder representatives on working groups do not have the same status as Board/Districts’ staff. Whatever the final wording is regarding consensus, it should apply to everyone equally.

One of the concerns expressed about giving individuals the power to elevate is that too many disputes would get elevated. Jon Bishop said that if he and Margie were getting too many disputes elevated from a particular working group, they would probably meet with that group and stress the group’s responsibility to try to resolve things.

The general conclusion was that working groups should be made aware that the expectation is that they take responsibility for resolution, but that there will be a menu of techniques (including bouncing issues off the technical advisory panels, using a dispute review panel, asking the facilitator to also act as a mediator, or bringing in an outside mediator) they could use to resolve the issue. The working groups could also rely on their facilitator to help them decide on a mechanism to resolve the issue, including whether or not to utilize a dispute review panel.

If they are unable to resolve the issue, they should document the issues over which there is disagreement, and document their efforts to resolve the issue. The Project Steering Committee would need this, and the documentation would be important if later on an individual takes the issue to the Board claiming that his/her issue was not addressed.

SPECIFIC INDIVIDUALS FOR WORK GROUPS

The Districts’ staff has produced a shopping list of possible individuals for the work groups. The Board staff agreed to add their input (i.e. suggested participants), and also do some ranking to show who they think is most important.

Because the agricultural group is particularly challenging, Regional Board staff and Districts staff will begin work to identify people/mechanisms for consulting with agriculture. Once agreement has been reached on who should be invited to working groups and technical advisors panels, Board staff and Districts staff will coordinate to contact the people or parties who could be working group or technical advisors panel members.

There was agreement that in addition to being willing to spend the time, and provide representation, working group members also need to have something to offer in terms of technical expertise. This means that some groups may need to retain people with the appropriate expertise to participate.

The Board will prepare an invitation letter on behalf of the Board and the Districts, and once the RWQCB has approved the agreement between the Board and Districts, will take the lead in inviting people to be part of working groups. Board and Districts staff will coordinate to establish participation criteria/expectations of working group members. Board staff will issue a Public Notice and schedule a joint meeting to discuss the project and participation expectations with potential stakeholder groups. Board staff will consult with Districts' staff in the planning for this meeting. The meeting should be held as soon as possible after the RWQCB adoption of the chloride TMDL.

Initially, only the Agriculture, Endangered Species, and Groundwater Interaction working groups will be set up. The Anti-Degradation/Standards Working Group will not be needed for several years.

SPECIFIC ORGANIZATIONS/AGENCIES FOR STAKEHOLDER GROUPS

The Districts' staff has produced a shopping list of possible stakeholder groups. The Board staff agreed to add their input (i.e. suggested participants), and will also do some ranking to show who they think is most important for issues pertaining to the Santa Clara River Watershed.

OVERALL SCHEDULE AND SEQUENCING OF TASKS, INCLUDING: (A) IMPLICATIONS OF DELAY IN COMPLETING SPECIFIC STEPS AND (B) TIMING FOR REGIONAL BOARD REVIEW AND APPROVAL

Jon Bishop suggested that if a product needs to be submitted to the Regional Board for approval, finalized documents must be submitted to Board staff a minimum of three months prior to the time when Board approval is required. Work plans can be approved at the staff level, so they don't require three months lead time.

There was agreement that the team will need to set ground rules on what to do if things slip. If there is a significant delay in meeting the deadline for one step, some agreement will have to be reached on how to accommodate these changes in subsequent deadlines. The team will also need to set up some kind of tickler system or reminder system to be sure everything stays on track. If work can get started before the TMDL is officially approved by the SWRCB and EPA this will make it easier to meet the deadline for the first year reopener clause.

ROLE OF DISTRICTS' ATTORNEYS (ANDES/POWERS) IN PROCESS

According to the Districts, Fred Andes and Erika Powers should be considered "consultants to the Districts on regulatory process" who happen to be lawyers, rather than as lawyers for the Districts. Their initial task ends when the plan is in place for this collaborative process. At that point they will discuss with the Districts' whether/what further role they will have. They are, however, consultants to the Districts', not to the team as a whole. They will not be representing the Districts' in lawsuits pertaining to this issue.

There was a discussion of the fact that their involvement as a consultant had not been agreed to by Board staff.¹ Regional Board staff expressed a mixture of comfort and reservations, not having had the opportunity to discuss this issue internally.

Jon Bishop said he was comfortable with this arrangement for now, but requested that Board staff be informed whenever new tasks/relationship are defined with the Districts.

SHOULD ANTI-DEGRADATION AND STANDARDS WORKING GROUPS BE COMBINED?

The team agreed that these two working groups should be combined, since they were likely to involve many of the same people in both the working group and technical advisors panel.

COMPOSITION OF DISPUTES REVIEW PANEL

Jim Creighton reviewed the three options currently described in the draft plan. They include (1) using a single third party, instead of a full panel; (2) the "traditional" approach, in which there are three panel members, one each selected by the two parties, and these two panel members in turn select the third member, or (3) panels could be assembled by drawing on those people in the technical advisors panels with the most appropriate expertise for whatever the dispute is about.

Jon Bishop said that in the past the Board and Districts' had been able to resolve all technical disputes, but not policy disputes. He hated to see four different disputes review panels set up then never used, although he liked the Board picks one/District picks one approach.

After some discussion, the team agreed that the facilitator/project management contract should be designed in such a way that the contractor can quickly assemble a qualified panel, but that there would not be "standing" panels set up until it is clear they are needed.

¹ Board's staff expert on regulatory process is only available for a limited number of meetings of the Anti-Degradation/ Standards workgroup, and the Board staff would prefer to maintain the proposed narrow technical focus for the other workgroups.

SELECTION PROCESS FOR TECHNICAL ADVISORS PANELS

The Districts' staff produced a shopping list of possible technical advisors. The Board staff agreed to add their suggestions and will also do some ranking to show who they think is most important. The current plan is that technical advisors will be offered compensation (they can always refuse) through the facilitation/project management contract or other means agreed upon by the Board and Districts. The cost of this compensation will be borne by the Districts.

WHAT SHOULD THE TECHNICAL ADVISORY PANELS BE CALLED?

There was some discussion of whether these groups should be called Peer Review Panels or Technical Advisory Panels, since they will be much more involved in the design of the research program than the typical peer review panel. The name finally agreed upon was "Technical Advisors Panels."

MECHANISMS FOR TASKING CONTRACTORS

There was a discussion of how work groups could assign tasks to consultants in such a way that they would feel their client was the entire team, not the Districts' alone, even though the Districts' will handle the contracting. The Board's first preference would be that the tasking run through the facilitator/project manager. The District is willing to include appropriate language stating that all contractors should view themselves as being responsible to the team as a whole, not just the District, and can work out a formal mechanism so that tasking can be completed by teams. Because of the Districts' contracting process and requirements there will need to be a common understanding among project participants, including members of working groups, that new tasks or assignments that modify the scope of work or budget cannot be made independently by working groups once a contract is awarded, since they may necessitate contract and/or budget amendments that may in some cases be subject to approval by the Districts' governing board before work can be authorized.

EDITING DRAFT PLAN

The team needs to submit comments on wording of the draft plan to Jim Creighton by April 28th. Jim will re-write the plan, and will get it to people to review prior to the next meeting.

NEXT MEETING

The next meeting of the team will be May 11, 1-5 PM.

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, May 19, 2004 3:32 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Agenda for May 27th meeting

Team:

Our next meeting is scheduled for 1 PM, May 27th, Please send me your thoughts on agenda items by Friday, so I can circulate an agenda prior to the meeting. We did have a long shopping list of "we'd like to get to" items left over from the last meeting, that are a place to start.

Jim Creighton

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, May 21, 2004 3:27 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Proposed agenda for May 27

Team:

Attached is a proposed agenda for the May 27th meeting. Please let me know right away if you believe any changes are needed, as team members have asked that they not be taken by surprise on agenda items.

Thanks,

Jim Creighton

Upper Santa Clara River Chloride TMDL
Collaborative Process
PROPOSED AGENDA FOR MAY 27 MEETING

1. Review of May 11 summary
2. Approval of plan
3. Cover letter for plan
4. Process schedule
5. Contracting
 - a. RFP for technical support
 - b. RFP for facilitation
 - c. Process from here – next steps, time frame
6. Agriculture working group/technical advisors panel
 - a. Criteria
 - b. Process from here – next steps, time frame
7. Stakeholder program
 - a. Initial announcement
 - b. Initial meeting
8. Groundrules
9. Alternatives workshop
 - a. Who should attend
 - b. How it should be organized
 - c. When
 - d. Where

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, June 02, 2004 8:52 AM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Final Summary of May 11 Meeting

Team:

I've reviewed the changes the Sanitation Districts proposed -- mostly to do with getting people's names right and smoothing out the language -- and attached is the "final" version of the summary for the May 11th meeting.

Jim Creighton

UPPER SANTA CLARA RIVE CHLORIDE TMDL
COLLABORATIVE PROCESS
SUMMARY OF MAY 11 MEETING

ACTION ITEMS AGREED
UPON DURING MEETING

- Both Board and Districts staff are to draft criteria for selection of Technical Advisors panels and send to each other.
- Both agencies are to read Creighton's Guidelines and Expectations as well as materials from Board's watershed specialist and determine if there are items that need to be added or changed.
- Margie Nellor to draft cover letter for plan by May 14 and send to Job Bishop. They are to coordinate final language and get signatures.
- Jim Creighton will develop draft language about the qualifications for the Lead Facilitator
- Brian Louie is to complete the timeline, adding in a schedule of tasks for the other 3 working groups
- Districts staff are to start working on the RFP Scope of Work, and the two agencies need to exchange information about possible firms to whom the RFP should be sent.

Agency staff present included:

Regional Board – Deborah Smith, Jon Bishop, Elizabeth Erickson.
Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brain Louie

Consultants presented included:

Jim Creighton, facilitator
Fred Andes, regulatory consultant to the Sanitation Districts

Jim Creighton said that he had prepared an agenda from all the items submitted that included six “must do” items, and a number of “if we have the time, otherwise they must be addressed soon” items.

FINAL REVIEW OF THE APRIL 15TH
MEETING SUIMMARY

The first agenda item was the final review of the summary of the April 15th meeting. Jim said that there were two items where the comments from the Board and Districts diverged. Both items related to the role and participation of regulatory consultants to the Districts. The first item had to do with language about whether, once the Districts had re-defined the consultant's role following completion of the collaborative process plan, the District's simply informed Board staff, or Board staff had to approve the role. After discussion, the language was left as presently written. The second item had to do with some language Board staff asked be inserted regarding the participation of its attorneys. The question had to do with whether this comment had been made in the meeting, or only in a side conversation between Board staff. After discussion, the

agreement was to put this language as a footnote. This would get the information into the meeting summary, while avoiding the question of whether these comments were actually made to the entire group.

REVISIONS TO COLLABORATIVE PROCESS PLAN

The second agenda item was the review of the revised collaborative process plan. Numerous revisions were made to the plan. A marked-up copy of the plan, showing the revisions, is attached.

APPROVAL PROCESS – COVER LETTER

As discussed in the prior meeting, the plan will be approved by having the Director/General Manager of the two agencies sign a cover letter endorsing the collaborative process. This means that the plan can be revised at a later date by mutual agreement between Regional Board staff and Districts staff without having to have a formal review process.

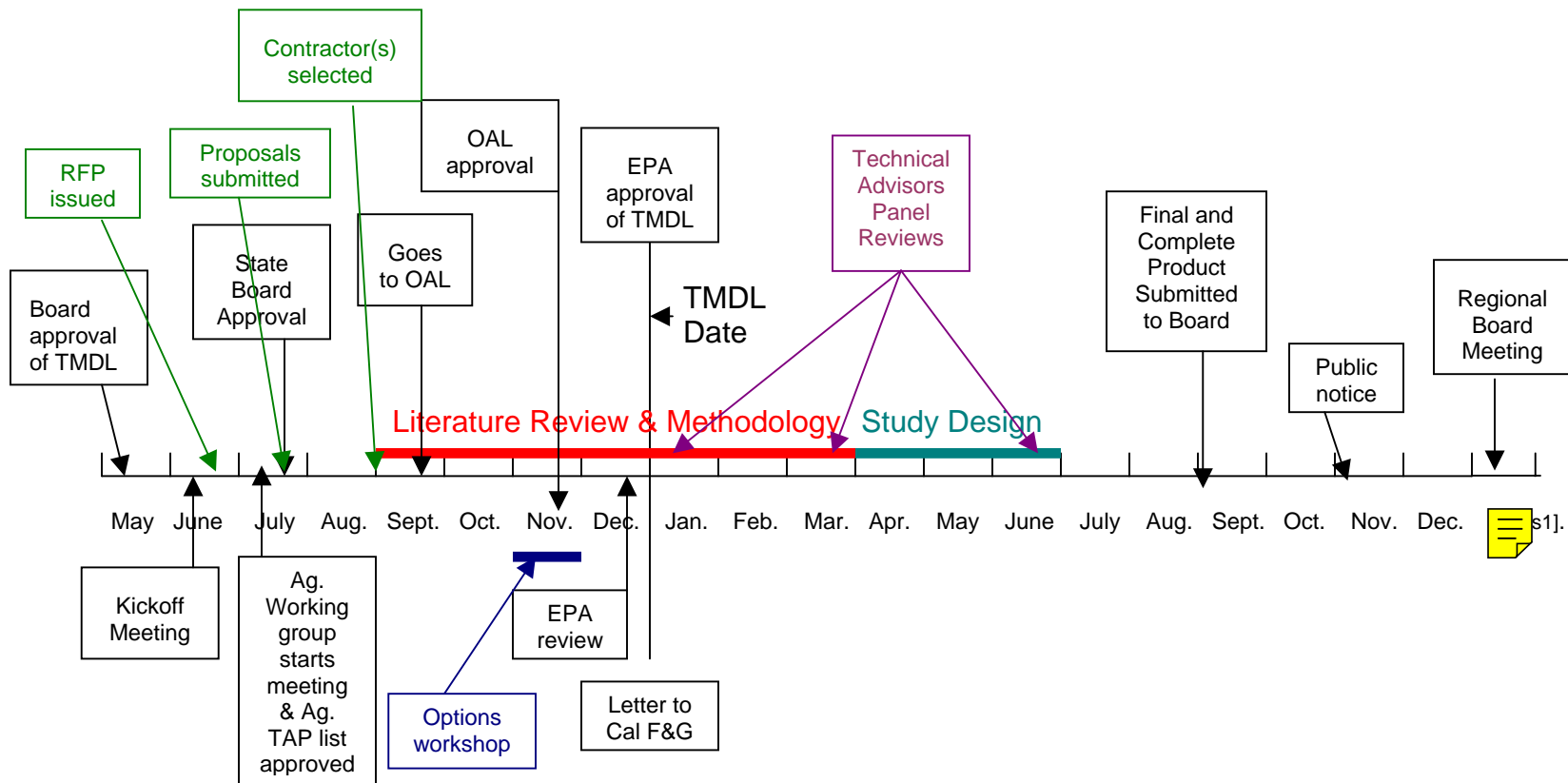
Margie Nellor will prepare a first draft of the cover letter and will send it to Job Bishop by May 14. They will coordinate as needed to get the letter finalized and signed. To avoid legal problems about joint letterheads, it may be faster to simply have two identical letters, one on Regional Board letterhead, and one on Sanitation Districts letterhead. These letters need to be signed before Dennis Dickerson leaves the Regional Board in June.

TIMELINE FOR PREPARATION OF A STUDY PLAN

The team then prepared a time line for preparation and submission of a final study plan. The official wording of the agreement is that this is a one-year process. However the TMDL effective date cannot be determined until the document has been approved by the State Water Resources Control Board, the Office of Administrative Law, and EPA. The best estimate is that these reviews will be completed about January 1, 2005. Work can begin now, so this actually leaves about 19 months to complete the work and provide time for Regional Board staff review. Assuming the TMDL effective date is January 2005, the study plan will go to the Regional Board for approval at its January 2006 meeting.

Some of the key conclusions reached during development of the timeline are:

- The Agriculture Literature Review and Methodology work will be completed between September 2004 and April 1, 2005. This leaves April 1 – June 30, 2005 to complete the study design. These time frames include interaction with and review by the technical advisors panels. These time frames are tight.
- The cost assumptions workshop may be put off until after the study plan is completed.



- The RFP(s) for facilitation and study management support need to be sent out by mid-June. Contractors will have 30 days to submit proposals (mid-July). Contractor selection should occur by August 1, with 30 days to finalize the contracts. These contracts need to be in place by September 1 so that the contractor can start work on the literature review and methodology on schedule
- There needs to be a kickoff meeting for stakeholders in mid-June. Elizabeth Erickson has drafted a letter to be sent out announcing this session, and comments on this letter are needed.
- The agriculture working group needs to be in place by mid-July, and the project team should have a draft list of technical advisors to discuss with the group at that time.
- The Options Workshop should occur sometime in November

The timeline developed by the team includes only the schedule for the agricultural working group. Brian Louie is to prepare a more complete timeline with tasks scheduled for the other three working groups included.

PROPOSED GROUNDRULES AND EXPECTATIONS

Jim Creighton prepared draft groundrules and expectations, but few members had yet reviewed them. In addition, Elizabeth had asked the Board's watershed specialist to provide materials used by various watershed advisory groups. Team member are to review both sets of materials, identifying anything that needs to be added or changed in the draft groundrules and expectations developed by Creighton. This item will be discussed at the next meeting.

SCOPE OF WORK/SELECTION PROCESS

The Districts will begin drafting the Scope of Work for the facilitation/technical support contract. There needs to be an exchange of information about possible firms to whom the RFP should be sent.

Jim Creighton's contract with EPA runs out on May 18th, The Districts are issuing him a task order to act as facilitator until the full facilitation/technical services contract is in place. Margie will distribute Jim's proposal letter to the full team.

NEXT MEETING

The next meeting of the project team will be May 27, 1- 5 PM.

SANTA CLARA RIVER CHLORIDE TMDL COLLABORATIVE PROCESS

This plan describes a collaborative process that will be utilized in the oversight and implementation of the Santa Clara River Chloride TMDL by the Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”), in consultation with other stakeholders in the upper Santa Clara River area.

The goal of the Santa Clara River Chloride TMDL collaborative process is to ensure that by the end of the process there will be substantial agreement by Regional Board staff, Sanitation Districts’ staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about standards and the implementation plan for the Upper Santa Clara River.

BACKGROUND

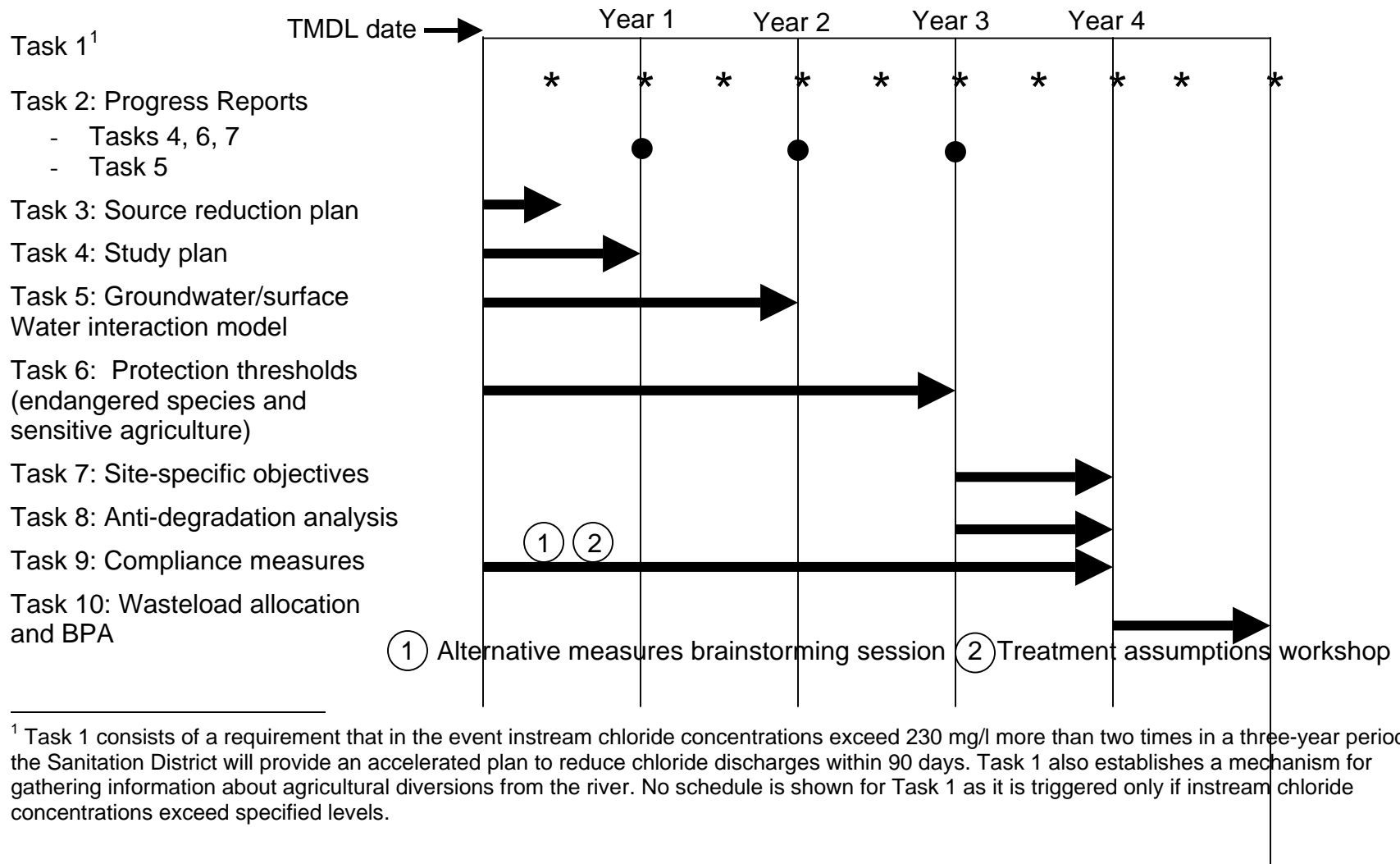
Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the upper reaches of the Santa Clara River where the Districts’ Saugus and Valencia WRP’s discharge. This objective was established to protect beneficial uses and reflect background conditions, and was the basis of waste load allocations used by the Upper Santa Clara River Chloride TMDL and discharge permits issued to the Sanitation Districts. The Sanitation Districts did not accept that this objective was based on appropriate or complete scientific information and planned to pursue administrative and potentially legal remedies regarding the TMDL and permits.

The Regional Board and Sanitation Districts have agreed to revise the TMDL to include a collaborative process that allows for completion of new scientific studies before final waste load allocations are applied.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be subject to technical review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies. Once these studies are complete, the Regional Board will re-consider the objective.

Implementation of the TMDL is to occur within a 13-year period. However, most of the scientific studies that could affect the chloride objective will be conducted in the first 5 years of the study, and reconsideration of the objective will occur at the end of this five year period. Figure 1 summarizes the studies to be conducted

FIGURE 1
FIRST FIVE YEARS SCHEDULE
SANTA CLARA RIVER CHLORIDE TMDL



during the first 5 years. A detailed description of each task is provided in Appendix 1, Upper Santa Clara River Chloride TMDL Implementation Tasks.

PROBABLE TMDL DATE

The entire schedule for TMDL implementation is tied to the effective date of the TMDL. This date has not yet been determined. The Regional Board has approved the proposed amendments to the TMDL at its meeting on May 6, 2004. The TMDL **will be forwarded** to the California State Water Resources Control Board for approval. Once the State Board has approved the TMDL, it goes to the Office of Administrative Law for approval, and then to the U.S. EPA for final approval.

The effective date of the TMDL is estimated to be sometime between October 2004 and April 2005.

The Sanitation Districts may choose to proceed with studies prior to the effective date of the TMDL. However, they do so at their own risk and expense in the event the TMDL Implementation Plan is not approved.

FIRST-YEAR PROGRAM

The first-year program lays the groundwork for the entire process. During the first year, the project team, which consists of the combined staff of the Regional Board and Sanitation Districts assigned to this project, will develop a study plan that identifies the purpose, scope, tasks, and schedule for agricultural studies, endangered species studies, groundwater/surface water interaction studies, and anti-degradation studies needed for evaluation of an appropriate chloride threshold. The project team will set up technical work groups consisting of technical representatives of the two agencies and representatives of key stakeholder groups. After consultation with affected stakeholders, the project team will establish panels of technical advisors who will advise the working groups on appropriate study methodologies in each technical area and review work products. Each working group will establish a process for consultation with stakeholders interested in the activities of that working group. The overall project team will also provide opportunities for stakeholder involvement.

~~Once the study plan and schedule have been completed, they will be submitted to the Regional Board's Executive Officer for approval.~~ Twelve months after the effective date of the TMDL, the agricultural technical advisors panel will complete its literature review and method assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the TMDL implementation schedule for evaluation of an appropriate chloride threshold. The Regional Board will hold a public hearing to re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the technical advisors panel and Regional Board staff as to the types of

studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

The schedule allows four years for the evaluation of alternative measures (such as treatment or alternative water supplies) to determine if there are regulatory solutions other than those contemplated in the TMDL implementation plan (i.e. development of a site-specific objective for the protection of salt-sensitive crops) or compliance with the existing water quality standard. But the project team plans to initiate these studies early in the process, as some of these studies require considerable time to complete. During the first year the project team plans two activities that will contribute to this work element: (1) The project team will conduct a brainstorming session designed to identify alternative measures that should be evaluated, and (2) the project team will participate in a workshop designed to develop a consensus on the assumptions that will be used to determine the cost of compliance for various chloride waste load allocations. In addition, the Sanitation Districts will also prepare and submit a plan to quantify and control sources of chloride. This plan will include but not be limited to public outreach programs and incentive/disincentive programs for use of appropriate water softeners and other measures that may be effective in controlling chlorides. This plan will be submitted within six months of the effective date of the TMDL.

During the first year the team will also begin submitting semi-annual reports to the Regional Board on the technical studies being conducted, and annual reports on the development of a groundwater/surface water computer model.

PROGRAM FOR YEARS TWO - FIVE

By the end of Year Two, the project team will have developed or modified an existing computer model of the interaction of groundwater and surface water. This is especially important for the Upper Santa Clara River to determine assimilative capacity because there are stretches of the river within these reaches where surface water infiltrates to groundwater as well as areas where rising groundwater discharges to surface water. In addition to these interactions, surface water flow is augmented with water from other tributary sources

By the end of Year Three, the team plans to have conducted studies that will allow it to identify a protection threshold for both endangered species and chloride-sensitive agriculture. The team acknowledges that agricultural studies may require an extension beyond the three-year time period specified, which in turn would affect all subsequent linked tasks in the implementation plan.

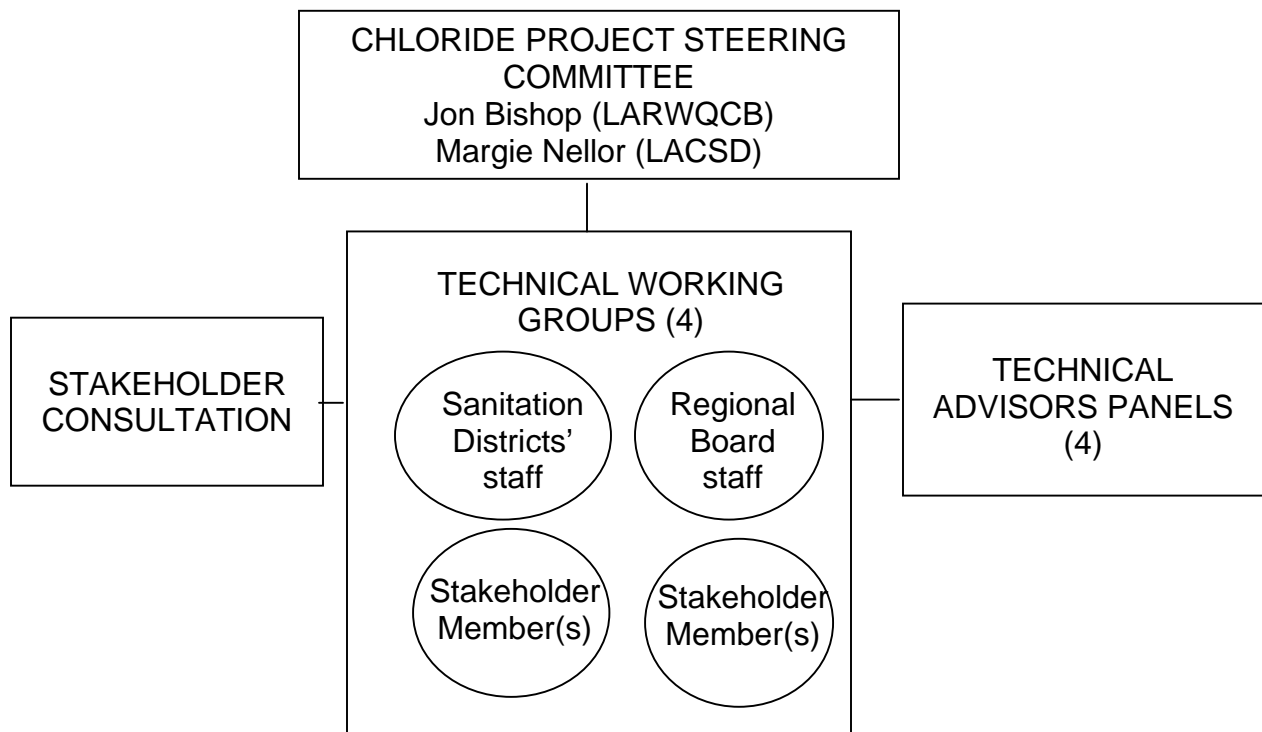
By the end of Year Four, assuming that agricultural studies will all be completed by the end of Year 3, the team will use the protective thresholds determined from the special studies and other relevant information (e.g. anti-degradation analysis) to develop proposed site-specific objectives for chloride and develop technical analyses upon which the Regional Board may base a Basin Plan Amendment.

The team will also conduct an anti-degradation analysis, if required. The team will also complete a pre-planning study of alternative compliance measures identifying potential chloride control measures and costs based on hypothetical scenarios for chloride water objectives and wasteload allocations.

By the end of Year Five, the team will complete a revised wasteload allocation and Basin Plan Amendment, if appropriate, for consideration by the Regional Board.

ORGANIZATIONAL STRUCTURE OF UPPER SANTA CLARA RIVER CHLORIDE TMDL SPECIAL STUDIES

Figure 2 shows the basic organizational structure for the project.



Both the Regional Board and the Sanitation Districts will appoint a project manager. These two individuals comprise the Project Steering Committee, which has overall responsibility for implementation of this plan. Initially, Jon Bishop will be the Project Manager for the Regional Board and Margie Nellor will be the Project Manager for the Sanitation Districts.

Each of the major studies requires a different methodology and technical expertise. This means there will be an Agricultural Studies Working Group,

Endangered Species Studies Working Group, Groundwater/Surface Water Interaction Studies Working Group, and an Anti-Degradation Studies/Water Quality Standards Working Group.

The Regional Board and Sanitation Districts will designate 1-2 staff members to be members of each working group. Initially, the Regional Board will be represented on working groups by Sam Unger and/or Elizabeth Erickson. The Sanitation Districts will be represented by Vicki Conway and/or Brian Louie.

In addition, the membership of the working groups will include several stakeholder members. There are a number of stakeholders for these studies – agencies, groups or individuals who see themselves as potentially impacted by the decisions that could be made as part of this study – whose support or opposition could determine the success of the process. These stakeholders often possess technical information and expertise equivalent to that of the Board and Districts' staff.

Stakeholders will be invited to be members of each working group. To be members, people will need to make a commitment to: (1) attend meetings regularly, (2) commit the time and resources to prepare for and participate in document reviews, (4) participate in a consensus-oriented process, and (4) provide their participation without compensation by the study.

The project team will, in addition, conduct separate periodic stakeholder meetings or workshops to discuss significant study documents or evaluate alternative approaches.

All meetings of working groups are open to the public. However, working group meetings will be conducted in a formalized manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail and/or standard mail. Announcements of working group meetings, as well as any documents generated and/or draft study findings released will also be posted on a project web page.

The members of the technical advisors panels will be individuals with recognized expertise in the subject matter of the specific working group, who can offer recommendations and provide objective review of the technical adequacy of the study work being performed. The working groups will actively consult with the technical advisors panels during the development of the study plan. The advisors panels will also conduct a final peer review of the proposed study plan, as well as complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within working groups will be by mutual agreement. “Mutual agreement” does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that everyone in the working group is willing to “live with” the agreement, even though some individuals might prefer an alternative solution. In the event that a working group is not able to reach mutual agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- Refer the issue to the Project Steering Committee, along with full documentation regarding the positions taken by team members and the reasons for those positions. Decisions of the Project Steering Committee will be binding upon the working group.
- Ask the Study Manager (see below) to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent non-binding recommendation on how to resolve the issue. The purpose of a disputes review expert or panel of experts is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Working groups must still make a decision and may decide for themselves how much weight to give to the advice from the expert or panel. Decisions referred to outside technical experts will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator (see below) to provide a neutral third party to provide mediation services to assist in resolving the issue.

DECISION MAKING IN THE PROJECT STEERING COMMITTEE

The Project Steering Committee will make decisions by agreement of both project managers.

In the event the project managers are not able to reach agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- The Project Steering Committee may elevate the decision to a Senior Management Committee that will consist of the Executive Officer of the Regional Board (currently Dennis Dickerson) and the General Manager of the Sanitation Districts (currently James Stahl). Both agencies agree that the Management Committee will confer within 15 days to address any issue elevated to that committee, and commit to achieve resolution (if at all possible) within a 15-day time period. Those issues elevated to the Senior Management Committee will primarily involve policy issues.

- Ask the Study Manager to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent recommendation on how to resolve the issue. Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue. The purpose of a disputes review panel is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Agency decision makers must still make a decision and may decide for themselves how much weight to give to the advice from the Dispute Review Panel. Decisions referred to a Dispute Review Panel will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue.

SETTING UP TECHNICAL ADVISORS PANELS

In consultation with stakeholders, the project team will establish technical advisory panels for each of the major study areas: agricultural studies, endangered species studies, groundwater/ surface water interaction, and anti-degradation studies.

The purpose of the technical advisors panels is to provide objective technical information and expertise to assist the working groups in developing a research program that will be fully adequate to provide a solid scientific basis for reviewing the chloride objective.

The project team will establish a procedure for selection of technical advisors panel members that is acceptable to both the Regional Board and the Districts. Panel members will be selected by mutual agreement of the Regional Board and Sanitation Districts.

To ensure the neutrality of the panel members, the Regional Board and Sanitation Districts agree not to select any panel member who: (1) is a past employee of either the Regional Board or Sanitation Districts; (2) has received significant contracts from either the Sanitation Districts or Regional Board in the past 5 years²; (3) has previously expressed, in writing or in speeches, a position of opposition to regulation or regulators.

The Sanitation Districts will develop any needed contracts through the Principal Investigator to pay for the services of the technical review panels. Every effort will be made to ensure that the technical advisors panels understand that their “client” is the entire project team, not just the Sanitation Districts. To ensure this,

² This is not intended to exclude individuals whose contracts with either the Regional Board or Sanitation District consisted solely of performing technical peer reviews.

the Regional Board and the Sanitation Districts agree that each working group will decide when and how often its technical advisors panel will be convened, and will agree upon the information to be presented to the technical panel, the manner of presentation, and the question(s) the advisory panel is asked to address. If there are disagreements within the working group, the dispute resolution procedures described earlier will apply.

In accord with established Regional Board procedures, at the conclusion of all the studies and before submitting a proposed objective and Basin Plan Amendment to its Board for approval, the Regional Board will send all studies through a peer review process set up by the University of California system. This review is in addition to and is not intended to replace the reviews conducted by the technical advisors panels. Normal Regional Board procedures will be followed during this review, but Regional Board staff will consult with Sanitation Districts staff regarding the information to be presented and the manner in which questions to the peer review panel are framed.

STAKEHOLDER INVOLVEMENT

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. However, this will involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshops to review major study products or comment upon pending decisions. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops will be held. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
3. The study team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletins sent over the list server. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on

the web page will be available only to working group members, contractors and project staff. For those stakeholders without access to the internet, general updates will be mailed, via standard mail.

PARTNERING

The Regional Board and Sanitation Districts agree to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how the team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session.

The Regional Board and Sanitation Districts have agreed to participate in a kickoff workshop and in periodic refresher sessions. These sessions will involve the two project managers (the Project Steering Committee) and all working group members from the two agencies. Once the working groups include stakeholder members, the stakeholder members will also be invited to participate, as their attitudes and behaviors can affect the manner in which the entire project team works together. At the discretion of the Project Steering Committee, major contractors may also be invited to participate in these sessions. At present there is no expectation that the members of the Senior Management Committee will participate in these sessions.

The project team agrees to the following essential behaviors for successful partnering:

- Pursue a win/win outcome
- Follow the dispute resolution process on all disputes.
- Advocate for the decision as a team when necessary.
- Jointly educate new study team members on the norms of partnering
- Jointly consult with stakeholders throughout the process
- Conduct periodic reviews of how the group is working together
- To the extent possible, complete all stages of the process on or before schedule, with changes in the schedule adopted by mutual agreement
- Ensure that the outcome truly protects appropriate beneficial uses

Early in the process the Project Team will also agree on a more detailed set of group norms such as proposed in Appendix 2.

FACILITATOR

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator's services, but every effort will be made to ensure that the facilitator understands that his/her "client" is both agencies, not just the Sanitation Districts.

At present, the team anticipates that there will be a Lead Facilitator. Since there will be numerous meetings, the Lead Facilitator may also retain additional facilitators who will be assigned to working groups and facilitate meetings of those groups. In the event the lead facilitator does retain other meeting facilitators, he/she will be responsible for selection, training and supervision of these other facilitators. The Lead Facilitator will ensure that all meetings are covered, will maintain oversight over the entire process, and will facilitate meetings of the entire project team, as well as project-level meetings with stakeholders.

No final decision has yet been made as to whether all work group meetings require facilitation, although it may be appropriate that initial meetings be facilitated until norms have been established for working together effectively.

STUDY MANAGER

The Study Manager will oversee and coordinate the technical studies performed by contractors, as well as the technical reviews of those studies. The Study Manager will oversee the maintenance of schedules and satisfactory task completion.

One of the principal responsibilities of the Study Manager is to ensure that all work is performed in a manner that is acceptable to the project team as a whole, even though the Principal Investigator will have a contractual relationship with the Sanitation Districts.

The Study Manager may designate other staff to assist with program management for individual working groups or technical advisors panels.

A single person could serve as both Lead Facilitator and Study Manager, but this would require that this person be both a highly skilled facilitator and possess the technical qualifications to provide technical supervision for the performance of technical studies.

MAINTAINING RECORDS OF DECISIONS

When a facilitator conducts a meeting, s/he will be responsible for recording all decisions made by the participants in a manner acceptable to the participants. This may be accomplished in several ways. For example:

- The facilitator may record all decisions as they are being made on a flip chart, and get verbal assent to the manner in which the decision has been worded during the meeting. The flip charts will then be typed up as the summary of the meeting.
- The facilitator may retain a person who will keep notes of the meeting ~~on a flip chart or on paper posted on the wall~~, and then ~~will distribute copies as~~ a summary of the meeting.

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The project team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that once reports are prepared they can be immediately posted on the web page and distributed by list server.

CONTRACTORS

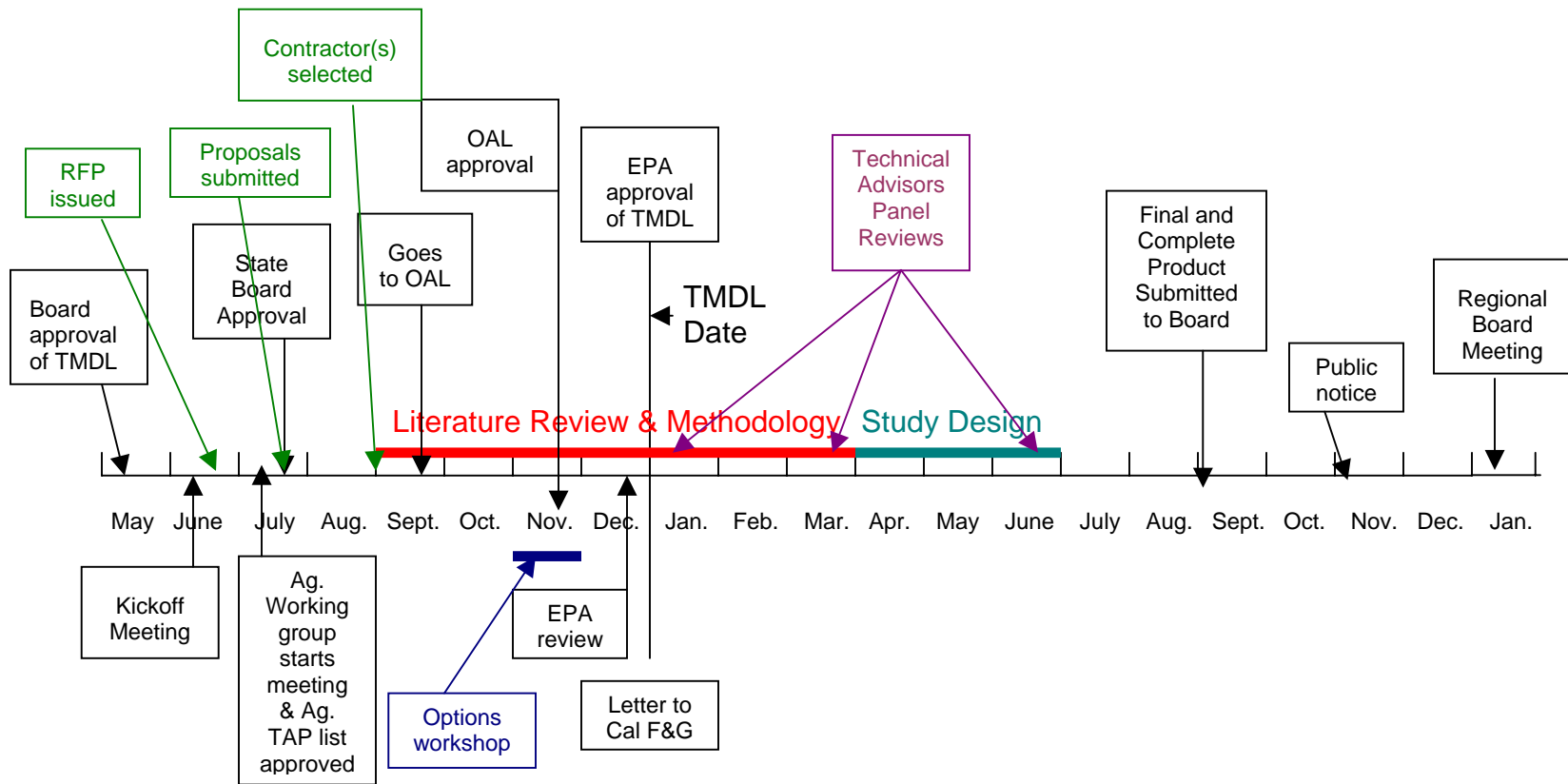
Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their “client,” not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.

4. The Statement of Work will reflect that both Regional Board and Sanitation District staff will have access to and may request information from contractors.
5. The Sanitation Districts will obtain the services of a Principal Investigator who will in turn oversee the performance of technical studies and technical reviews. The Principal Investigator will ensure that all contracts are performed in a response to the needs of the Project Team as a whole, and will develop the contractual relationships needed to perform the work.

Appendix 1
UPPER SANTA CLARA RIVER CHLORIDE TMDL IMPLEMENTATION TASKS

[insert copy of Regional Board TMDL Implementation Tasks]



Page: 3

[s1] Question: what does "Letter to Cal F&G" refer to (on or about Jan 2005)?

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, June 02, 2004 3:18 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft summary of May 27th Meeting

Team:

Attached is the draft summary of the May 27th meeting. Please get any corrections to me by June 11, so I can make revisions prior to the June 15th meeting.

Thanks,

Jim Creighton

**Upper Santa Clara River Chloride TMDL
Collaborative Process
SUMMARY OF MAY 27 MEETING**

ACTION ITEMS AGREED UPON

- Sanitation Board to send corrections to May 11 meeting summary to Jim Creighton. Jim to make corrections and send to team.
- Sanitation Districts to make corrections to collaborative process plan and will distribute final to team.
- Someone from Sanitation Districts to accompany Board staff to State Board workshop July 6th.
- Debbie Smith to send comments on plan cover letter to Jon Bishop. Jon to distribute to team.
- Elizabeth Erickson to revise stakeholder meeting announcement and send to Jon Bishop. He will distribute to team.
- Elizabeth Erickson will prepare a memo re. stakeholder meeting format and logistics and distribute to team.
- Districts' staff will prepare a draft 1-2 page project fact sheet and will distribute it to the team for review and will also coordinate with the Board's Public Information Officer
- Sanitation Districts will revise the facilitation scope of work to provide assumptions for bidding, and will prepare selection criteria and send them to the Board for review.
- Elizabeth Erickson and Sharon Green will meet with people from agriculture to get their recommendations re. working group and technical advisors

The Upper Santa Clara River Chloride TMDL Project Team met at the Regional Board offices at 1 PM on May 27th.

Agency staff present include:

Regional Board – Jon Bishop, Deborah Smith, Elizabeth Erickson, Melinda Becker.

Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie.

Consultants present included:

Jim Creighton, facilitator
Fred Andes, regulatory consultant to the Sanitation Districts

CHANGES IN TEAM MEMBERSHIP

Jon Bishop has been designated as the Interim Executive Director by the Board. Jon said there is no way of knowing how long "interim" will be, since there will be a search process going on. The implication for this project is that Jon may have job pressures that will pull him away from full participation. He hopes to be involved as possible, but because of the job change he has asked Melinda Becker to sit in for him whenever he is unavailable. He also suggested that the organization chart in the project plan be changed to drop any names of specific people, since changes in personnel are bound to happen.

REVIEW OF MAY 11 MEETING SUMMARY

ACTION ITEMS – Continued

- Brian Louie will review Elizabeth's suggestions for revisions to the process schedule, and make revisions as appropriate
- Jim Creighton will make final revisions to the project Team's groundrules and distribute to the team.

The Regional Board is OK with the meeting summary. The Sanitation Districts said they had a few minor changes to be made, mostly some mixed up names and changes to smooth out wording. The Sanitation Districts are to send these changes to Jim Creighton. He'll review the changes and distribute the final version to the whole team.

APPROVAL OF COLLABORATIVE PROCESS PLAN

There are no substantive issues remaining on the final plan, but there are a few minor corrections needed. The Sanitation Districts are responsible for making final revisions and distributing it to the whole team.

Someone from the Districts will attend the State Board July 6th workshop with Regional Board staff, so that the TMDL is clearly seen as mutually acceptable.

COVER LETTER FOR PLAN

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STAKEHOLDER MEETING

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Conway will take a first cut at developing a Powerpoint presentation, and distribute to everyone for review and comment.

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Deborah Smith asked how many facilitators could meet the qualifications for lead facilitator shown in the scope of work. Jim said that he had gone back to the qualifications sent out by EPA when he was awarded the EPA contract. The only significant change was the addition of experience with partnering or multi-agency team-building. His recollection was that about 10 facilitators submitted

qualifications to EPA, and there were three finalists, all of whom met the EPA specifications, which included experience with water quality issues.

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Jim also commented that as the RFP reads now, consultants won't know enough about the amounts of work involved to submit solid cost proposals. He said the he had been involved in contracts where the RFP provided a set of assumptions (e.g., a fixed number of meetings to be facilitated) and asked everybody to bid using those assumptions, so that everybody was bidding on the same program level. The actual dollar amount of the contract might be different than the bid, but would be based on the hourly rates submitted by the bidder. The Districts agreed that they could prepare a set of assumptions defining a certain number of monthly working group meetings, quarterly stakeholder workshops, and project steering team meetings.

Districts staff also said they would prepare proposed selection criteria for review by Board staff. It was agreed that Jim Creighton should not be included in this discussion.

Jon Bishop said that the one major addition the Board would like to see to the scope was the addition of the one paragraph that was put into Jim Creighton's purchase order stating that tasks will be assigned by the project team as a whole. The Districts agreed to this addition.

The team then discussed the schedule for completing the bidding process. The team concluded that the timing for the facilitation contract and first year agricultural study are critical. The study manager could contract could be put off until work on the literature review is nearing its end, although it would be preferable – for continuity's sake – to have the study manager in place throughout.

During a break, Vicki Conway and Brian Louie worked on a preliminary schedule. They concluded that all three contracts could be awarded on the schedule shown below:

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Award of contract	9/08/04

There were some concerns about having only two weeks to review proposals for three different contracts. Vicki said there was a little leeway in the schedule if that time needed to be extended.

SELECTION CRITERIA FOR WORKING GROUP AND TECHNICAL ADVISORS PANEL MEMBERSHIP

Previously there was an exchange of selection criteria for members of the working groups and technical advisors panels. The one area requiring additional discussion is how to ensure that the technical advisors panels were credible to people in agriculture. There is some fear that people in agriculture might view a panel of academics as lacking real world experience. At the same time, members of the panel need to have sufficient background in statistical methods and study design to be able to evaluate the adequacy of research studies.

After some discussion, the following agreements were reached:

- The first sentence of the first bullet in the draft TAP criteria will be deleted. The second sentence will be edited to say “Panelists should have background and/or expertise in one or more of the following areas.” This deletes the reference to “academic” background. The third sentence, “the candidates should have a high proficiency in the use and application of advanced statistical methods and scientific or crop management study design,” covers the actual qualifications sought by the use of the work “academic.”
- In the fourth bullet, 3rd sentence, the words “local experts” will be substituted for the word “growers.” The word “watershed” will be added after “Santa Clara River.”
- Elizabeth Erickson and Sharon Green will schedule appointments with representatives from agriculture and will consult with them about appropriate candidates for both the working groups and technical advisors panels.
- The membership of the working groups and technical advisors panels will also be discussed during the stakeholders’ meeting, and people will to be invited to make suggestions then, or can begin thinking about availability and willingness to serve.
- The membership of the agriculture technical advisors panel will be discussed during the first meeting of the agriculture working group, which will prepare recommendations for review by the Project Steering Committee.
- Final selection of the agriculture technical advisors panel will be made by the Project Steering Committee.

PROCESS SCHEDULE

Districts staff distributed a very detailed process schedule prepared largely by Brian Louie. Everybody was suitably impressed with Brian's work.

Elizabeth Erickson has reviewed the schedule in detail and prepared a new version highlighting dates that should be re-considered. In some cases she suggested moving items earlier in the process. But in a subsequent meeting with Board staff, the conclusion was reached that the Board was not staffed to handle everything if it was front-ended. Brian said the same staffing issues had been taken into account by the Districts in proposing the dates. He also pointed out that there are some other tasks that are included in the initial scoping meetings, (to be sure the proper issues are addressed), but then this work goes dormant for a number of months.

Elizabeth did not have access to the software in order to be able to understand the implications and schedule impacts of some of the changes she made, so she said the dates she'd highlighted should be treated as something to consider, not firm recommendations

Brian Louie will review Elizabeth's suggestions and make appropriate adjustments in the process schedule for review by the team.

GROUND RULES

The edited groundrules are generally acceptable to the team. But there was some discussion of whether these ground rules also applied to the working groups and technical advisors panels. The conclusion was that the current groundrules are really the project team's groundrules. The project team expects them to be minimum norms for the working groups and technical advisors panels, but these teams may want to create additional groundrules or elaborate on the project team's groundrules. Jim Creighton will make own last review of the project team groundrules to make these changes.

NEXT MEETING

The next project team meeting will be on June 15th following the dry-run meeting, and should be over by 4 PM. Jim Creighton asked that team members send him proposed agenda items by June 4th.

Louie, Brian

From: CandCInc@aol.com

Sent: Thursday, June 03, 2004 9:25 AM

To: jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: "Final" Groundrules

Team:

Attached is a proposed "final" groundrules for the project team. Based on the discussions at the May 27th meeting I made the following changes:

- These were labeled project team expectations, although in the final section each working group is also asked to adopt them. Wording has been added to specifically authorize working groups to adopt additional groundrules for their own operations
- I re-reviewed the materials that Elizabeth passed out at the May 11th meeting and didn't see anything that I thought needed to be added. I didn't think groundrules like "participants are expected to be on time" and "participants are expected to be at every meeting" seemed appropriate at the project team level, although a working group might want to adopt them.
- As requested, I inserted the material regarding "mutual agreement," referencing the dispute resolution process in the Collaborative Process Plan in case mutual agreement is not achieved.

Jim Creighton

Upper Santa Clara River Chloride TMDL
Collaborative Process
PROJECT TEAM NORMS AND EXPECTATIONS

PURPOSE

The purpose of this collaborative process is to ensure that there will be agreement by Regional Board staff, Sanitation Districts' staff, and major stakeholders that there is sufficient and credible scientific and technical information on which to base decisions about standards and the implementation plan to protect beneficial uses on the Upper Santa Clara River.

GOALS

The team agrees to:

- To the extent possible, complete all stages of the process on or before schedule, with any changes in the schedule adopted by mutual agreement
- Protect the efficiency of the process and minimize costs
- Resolve problems and make decisions at the lowest possible level in a timely manner.
- Ensure that the outcome truly protects appropriate beneficial uses

DECISIONS BY MUTUAL AGREEMENT

Decision making will be by mutual agreement. "Mutual agreement" does not necessarily mean that all project team members are equally enthusiastic about the decision. It does mean that everyone is willing to "live with" the agreement, even though some individuals might prefer an alternative solution. In the event that the team is not able to reach mutual agreement, the dispute resolution mechanisms described in the Collaborative Process Plan will be employed to reach agreement.

DECISION MAKING PROCESS

The team agrees to employ the following decision making process:

1. Get agreement on the definition of the problem or opportunity, including:
 - Full disclosure of interests
 - Full and complete information
 - Defining the problem in a way that opens up options rather than forecloses them
2. Establish objective criteria to measure how well alternatives address the problem or opportunity

3. Generate alternatives
 - Generate options as a team -- so agencies don't become advocates for particular options in advance
 - Generate lots of options – so individuals don't become emotionally wed to their own ideas
4. Clarify constraints on decision making authority, e.g. which decisions can be made in the team and which require: (a) senior management approval; or (b) full board approval
5. Evaluate options using the agreed-upon criteria
6. Agree on a mutually acceptable solution
7. Agree on any process of management review or approval
8. Agree on an implementation plan, including action items, task responsibility, and schedule

ACCESS TO INFORMATION

Both the Regional Board and Sanitation Districts' commit themselves to providing, full, complete and equal access to all technical information that is part of this process.

GOOD FAITH

Specific offers, positions, or statements made as part of this process cannot be used for other purposes or as a basis for future litigation.

DEALING WITH THE MEDIA

Communication with the media will be, to the extent possible, be handled jointly or as part of a mutual agreement between Regional Board staff and Sanitation Districts' staff. No party will characterize the position of other parties in public statements or in discussions with the media.

EXPECTATIONS OF PROJECT TEAM MEMBERS

Team members are expected to:

- Accept responsibility for the success of this process
- Participate actively and enthusiastically
- Seek "win/win" outcomes

- Provide full and complete information to other team members in a timely manner
- Encourage open expressions of ideas and alternative solutions
- Help the team stay on track
- Make an effort to understand the other person's position
- Openly consider alternatives and innovations
- Maintain a professional atmosphere of mutual respect and resolve personal conflicts immediately.
- Follow through on all task assignments and commitments and maintain schedules agreed upon in team meetings – and whenever there are problems doing this, provide early notice of the problems and the reasons for them.
- Communicate problems openly and as early as possible. Keep conflict in the open, not hidden. Whenever there are problems with other team members, discuss these problems directly with the person with whom you have the problem, or with the whole group, but never behind the scenes and with no lobbying to line up people to be on “your side.”
- Review documents by agreed-upon deadlines, and accept the consequences if you have not
- Attend meetings on time, avoid being pulled out of meetings, stay focused on agenda items, and end the meeting on time.
- Avoid inflammatory or provocative language – keep focused on results not on personalities
- When there is confusion or lack of clarity, ask questions or otherwise ensure that matters are clarified
- Confront other team members, including (and perhaps especially) team members from your own organization, whose behavior is inconsistent with team norms
- Maintain confidentiality regarding the team and team members

EXPECTATIONS OF THE LEAD FACILITATOR

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board of Sanitation Districts
- Provide continuing counsel to the Project Steering Committee on how to protect the collaborative nature of the process
- Coordinate the overall schedule of meetings, ensuring that a facilitator is assigned to every meeting requiring facilitation

- Ensure quality assurance by overseeing the selection, training and/or mentoring, as needed, for all meeting facilitators
- Coordinate with the Principal Investigator to ensure a unified and efficient process
- Assist the Project Steering Team in designing and conducting project-wide stakeholder involvement processes
- Facilitate partnering processes involving the entire team

EXPECTATIONS OF MEETING FACILITATOR(S)

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board of Sanitation Districts
- Coordinate the scheduling of the meeting
- Ensure that an agenda is created and distributed to participants prior to each meeting
- Recommend group processes that may improve team effectiveness
- Coordinate to ensure an adequate meeting space and materials/equipment needed in the meeting room
- Facilitate the meeting
 - Provide definition and structure
 - Help keep the team focused
 - Remind team of time limits
 - Encourage participation of all participants
 - Clarify decision making process, boundaries or givens
 - Test consensus to verify agreement
 - Get agreement on wording of all team agreements
 - Clarify action items
- Prepare or oversee the preparation of a meeting summary
- Remain neutral and impartial on substantive outcomes

EXPECTATIONS OF STUDY MANAGER

- Ensure that all studies are performed in a manner that conforms with the highest professional standards and provides a credible basis for decision making

- Ensure that all technical studies contractors perform their work in accordance with the wishes of the entire project team or working group with whom they are working
- Oversee the successful completion of tasks in a timely manner
- Coordinate access to information for all project team and working group members
- Ensure that all technical reviews by technical advisors panels are conducted in a manner that is impartial and meets the highest professional standards.

MEETING EFFECTIVENESS

Each team or working groups agrees to evaluate team performance at the end of each meeting to ensure continuous improvements in how the team works together.

EXPECTATIONS OF WORKING GROUP MEMBERS

All working groups will be asked to adopt these expectations, although working groups may create additional groundrules that apply to their own operations.

Louie, Brian

From: CandCInc@aol.com
Sent: Friday, June 04, 2004 9:26 AM
To: jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov
Subject: Facilitators

Team:

I'm going to be on the road all week this coming week, but will be available by phone and e-mail. Before leaving I did some searching for possible candidates for the facilitation contract. I'll be sending you what I found by snail mail.

First I did a search on the roster maintained by the Udall Center. The search criteria I used were "California" and "water quality/river basins." If you want to cast the net more broadly you can contact Joan Calcagno. Her contact info is: Joan C. Calcagno, Roster Manager, U.S. Institute for Environmental Conflict resolution, 110 S. Church Avenue, Ste. 3350, Tucson, AZ, 520-670-5299, www.ecr.org.

I also checked with SRA, the firm that holds EPA's dispute resolution contract. They had the same names as on the Udall list.

I also pulled up both the California and Arizona lists for the International Association for Public Participation. Some of the membership for that organization work for agencies, but there are some practitioners as well. I wrote the name of the two most prominent – the Rozelle Group, and Katz and Associates – on the front of the ECR list.

Jim Creighton

Louie, Brian

From: CandCInc@aol.com

Sent: Tuesday, June 08, 2004 1:50 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Invitation letter

Team: A thought re. invitation letter. You might want to add a sentence saying something like: "The meeting will include a briefing on the overall study process, and then there will be an opportunity to discuss each element of the study in informal discussion groups." The one negative I've seen with the small group format occurs when people come expecting one kind of meeting and then find another. So I like to alert people ahead of time as to what kind of meeting it will be.

Jim Creighton

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, June 11, 2004 4:50 PM

To: jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Agenda for June 15th Meeting

Team:

Attached is a proposed agenda for the June 15th agenda. I didn't receive any agenda items for RWCB, so I hope this covers everything.

Jim

AGENDA
June 15th
Santa Clara River Chloride TMDL Collaborative Process

DRY-RUN MEETING (10 AM)

- Meeting date
- Mailing of invitation letter
- Meeting format
- Meeting roles and responsibilities
- Meeting logistics
- Dry-run of presentations

PROJECT TEAM MEETING (Whenever Dry-Run Meeting ends – 4 PM)

- Finalize summary of May 27th meeting
- Check status of collaborative plan & cover letter
- Discuss July 7th SWRCB workshop
- Review time line
- Review Ag and facilitation contracts
 - Scopes of work
 - Web page
 - To whom the RFPs will be sent
- Finalize criteria for TAP
- Updates on visits with agricultural stakeholders (Elizabeth/Sharon)
- Finalize criteria for other groups, and next steps in selecting members, including the process for final selection of members, time frame
- Discuss rules for compensation for Technical Advisory Panels
- Have a discussion about the dispute resolution process -- make sure that it is clearly understood and how it will be implemented

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, June 16, 2004 9:46 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Final May 27th Meeting Summary

Team:

Attached is the final version of the May 27th meeting summary, approved at yesterday's meeting.

Jim

**Upper Santa Clara River Chloride TMDL
Collaborative Process
SUMMARY OF MAY 27 MEETING**

ACTION ITEMS AGREED UPON

- Sanitation Districts to send corrections to May 11 meeting summary to Jim Creighton. Jim to make corrections and send to team.
- Sanitation Districts to make corrections to collaborative process plan and will distribute final to team.
- Someone from Sanitation Districts to accompany Board staff to State Board workshop July 7th.
- Debbie Smith to send comments on plan cover letter to Jon Bishop. Jon to distribute to team.
- Elizabeth Erickson to revise stakeholder meeting announcement and send to Jon Bishop. He will distribute to team.
- Elizabeth Erickson will prepare a memo re. stakeholder meeting format and logistics and distribute to team.
- Districts' staff will prepare a draft 1-2 page project fact sheet and will distribute it to the team for review that will be coordinated with the Board's Public Information Officer.
- Sanitation Districts will revise the facilitation scope of work to provide assumptions for bidding, and will prepare selection criteria and send them to the Board for review.
- Elizabeth Erickson and Sharon Green will meet with people from agriculture to get their recommendations re. working group and technical advisors panel membership
- Districts' staff will draft a PowerPoint presentation on the collaborative process and send to the Board for review by June 11.
- Regional Board will provide Districts with TMDL mailing list, and Districts will send in recommendations for additions for a project mailing list.

The Upper Santa Clara River Chloride TMDL Project Team met at the Regional Board offices at 1 PM on May 27th.

Agency staff present include:

Regional Board – Jon Bishop, Deborah Smith, Elizabeth Erickson, Melinda Becker.

Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie.

Consultants present included:

Jim Creighton, facilitator
Fred Andes, regulatory consultant to the Sanitation Districts

CHANGES IN TEAM MEMBERSHIP

Jon Bishop has been designated as the Interim Executive Director by the Board. Jon said there is no way of knowing how long "interim" will be, since there will be a search process going on. The implication for this project is that Jon may have job pressures that will pull him away from full participation. He hopes to be involved as possible, but because of the job change he has asked Melinda Becker to sit in for him whenever he is unavailable, including the Project Steering Committee. He also suggested that the organization chart in the project plan be changed to drop any names of specific people, since changes in personnel are bound to happen.

REVIEW OF MAY 11 MEETING SUMMARY

ACTION ITEMS – Continued

- Brian Louie will review Elizabeth's suggestions for revisions to the process schedule, and make revisions as appropriate
- Jim Creighton will make final revisions to the project Team's groundrules and distribute to the team.
- Jim Creighton to get list of facilitation consultants from EPA (Will Hall) and Stuart Udall Center for RFP list.
- Districts to revise Ag RFP and send to Regional Board.
- Districts to revise TAP criteria and send to Regional Board for review.
- Regional Board to put information on future stakeholder meeting on their website.
- Districts and Regional Board to send Jim proposed agenda items for June 15th meeting.

The Regional Board is OK with the meeting summary. The Sanitation Districts said they had a few minor changes to be made, mostly some mixed up names and changes to smooth out wording. The Sanitation Districts are to send these changes to Jim Creighton. He'll review the changes and distribute the final version to the whole team.

APPROVAL OF COLLABORATIVE PROCESS PLAN

There are no substantive issues remaining on the final plan, but there are a few minor corrections needed. The Sanitation Districts are responsible for making final revisions and distributing it to the whole team. Jim Creighton will finalize the appendix (or appendices) on norms and expectations for the Project Team and Working Groups. Someone from the Districts will attend the State Board July 6th workshop with Regional Board staff and present the

plan, so that the TMDL is clearly seen as mutually acceptable.

COVER LETTER FOR PLAN

Deborah Smith has some additional changes she'd like to see in the cover letter. She will send the proposed changes to Jon Bishop, then Jon will distribute the revised letter to the team. The goal is to have Dennis Dickerson and Jim Stahl sign the letters the week of June 1st.

STAKEHOLDER MEETING

The Team reviewed the draft letter that would go out to stakeholders announcing the stakeholder meeting. There was agreement that the letter should show the names of contacts at both agencies. Jon Bishop will set up an e-mail address to whom the public can send comments or questions. Elizabeth Erickson will revise the letter based on the discussion and send it to Jon Bishop for transmission to the team. Elizabeth Erickson will also prepare a memo regarding the format of the meeting format and logistics and distribute it to the team. The Board has a

mailing list of people interested in the TMDL. Districts staff need to review this mailing list to see if there are names that need to be added . The Board will also announce the stakeholder meeting on its web site.

The stakeholder meeting is scheduled for June 24, 6 – 8 PM, in the chambers of the Santa Clarita City Council. There is also a room behind the City Council Chambers that can be used. After discussion, the team agreed it was important that the opening presentation be seen as a team presentation, rather than consisting of a separate Board presentation and Districts' presentation. Vicki Conway will take a first cut at developing a Powerpoint presentation, and distribute to everyone for review and comment by June 11th.

The meeting will start with the opening presentation, then participants will go to discussion groups organized around the four subject areas/working groups. The discussion group will be facilitated by project team members, who will record suggestions and ideas on flip charts. Participants will be able to move from group to group as they wish. Participants will have the opportunity to volunteer to be on a working group. This will also be an opportunity to start getting people thinking about who should be on the working groups and technical advisors panels. Elizabeth will prepare a summary of logistics and issues related to the meeting.

The team agreed to participate in a dry run to be held on June 15th at 10 AM, at the Board's offices. Jim Creighton will participate in the dry-run, but will be in Japan the week of the stakeholder meeting.

PROJECT FACT SHEET

The team agreed that it would be good to have a 1-2 page project fact sheet that can be distributed to the public. Much of it could be drawn from language already in the collaborative process plan. The Sanitation Districts will prepare a draft and send it the Board, who will also coordinate with Stephen Cain, the Board's Public Information Officer.

FACILITATION AND STUDY MANAGER CONTRACT SCOPES

Previously the Districts sent a draft scope of work for the facilitation contract to the team. Margie Nellor asked if Jim Creighton should leave the room during the discussion, because she did not want to preclude his ability to bid on the contract by virtue of having inappropriate inside information. After a brief discussion the team concluded that the type of information that was in the scope of work would not be the kind of information that would lead to disqualification. Jim said that he wasn't sure whether he was going to bid, but that the team should know that he provided information about appropriate qualifications for the lead facilitator and facilitator. He mentioned that the language in the proposal regarding the years of experience for the lead facilitators (10+ years experience) was somewhat arbitrary because someone who has worked full time as a facilitator for five years

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Jim also commented that as the RFP reads now, consultants won't know enough about the amounts of work involved to submit solid cost proposals. He said the he had been involved in contracts where the RFP provided a set of assumptions (e.g., a fixed number of meetings to be facilitated) and asked everybody to bid using those assumptions, so that everybody was bidding on the same program level. The actual dollar amount of the contract might be different than the bid, but would be based on the hourly rates submitted by the bidder. The Districts agreed that they could prepare a set of assumptions defining a certain number of monthly working group meetings, quarterly stakeholder workshops, and project steering team meetings. It was also agreed that the RFP would include a general description of the study manager and clarify that this is not part of the scope of work, but that applicants are eligible to submit proposals on the various RFPs.

Districts' staff also said they would prepare proposed selection criteria for review by Board staff. It was agreed that Jim Creighton should not be included in this discussion.

Jon Bishop said that the one major addition the Board would like to see to the scope was the addition of the one paragraph that was put into Jim Creighton's purchase order stating that tasks will be assigned by the project team as a whole. The Districts agreed to this addition.

The team then discussed the schedule for completing the bidding process. The team concluded that the timing for the facilitation contract and first year agricultural study are critical. The study manager contract could be put off until work on the literature review is nearing its end, although it would be preferable – for continuity's sake – to have the study manager in place throughout.

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Previously there was an exchange of draft selection criteria for members of the technical advisors panels. The one area requiring additional discussion is how to ensure that the technical advisors panels were credible to people in agriculture. There is some fear that people in agriculture might view a panel of academics as lacking real world experience. At the same time, members of the panel need to have sufficient background in statistical methods and study design to be able to evaluate the adequacy of research studies.

After some discussion, the following agreements were reached:

- The first sentence of the first bullet in the draft TAP criteria will be deleted. The second sentence will be edited to say “Panelists should have background and/or expertise in one or more of the following areas.” This deletes the reference to “academic” background. The third sentence, “the candidates should have a high proficiency in the use and application of advanced statistical methods and scientific or crop management study design,” covers the actual qualifications sought by the use of the word “academic.”
- In the fourth bullet, 3rd sentence, the words “local experts” will be substituted for the word “growers.” The word “watershed” will be added after “Santa Clara River.”
- Elizabeth Erickson will schedule appointments with representatives from agriculture. She and Sharon Green will jointly consult with them about appropriate candidates for both the working groups and technical advisors panels.

- The membership of the working groups and technical advisors panels will also be discussed during the stakeholders' meeting, and people will be invited to make suggestions then, or can begin thinking about availability and willingness to serve.
- The membership of the agriculture technical advisors panel will be discussed during the first meeting of the agriculture working group, which will prepare recommendations for review by the Project Steering Committee.
- Final selection of the agriculture technical advisors panel will be made by the Project Steering Committee.

PROCESS SCHEDULE

Districts staff distributed a very detailed process schedule prepared largely by Brian Louie. Everybody was suitably impressed with Brian's work.

Elizabeth Erickson has reviewed the schedule in detail and prepared a new version highlighting dates that should be re-considered. In some cases she suggested moving items earlier in the process. But in a subsequent meeting with Board staff, the conclusion was reached that the Board was not staffed to handle everything if it was front-ended. Brian said the same staffing issues had been taken into account by the Districts in proposing the dates. He also pointed out that there are some other tasks that are included in the initial scoping meetings, (to be sure the proper issues are addressed), but then this work goes dormant for a number of months.

Elizabeth did not have access to the software in order to determine the implications and schedule impacts of some of the changes she made, so she said the dates she'd highlighted should be treated as something to consider, not firm recommendations

Brian Louie will review Elizabeth's suggestions and make appropriate adjustments in the process schedule for review by the team.

GROUND RULES

The edited groundrules are generally acceptable to the team. But there was some discussion of whether these ground rules also applied to the working groups and technical advisors panels. The conclusion was that the current groundrules are really the project team's groundrules. The project team expects them to be minimum norms for the working groups and technical advisors panels, but these teams may want to create additional groundrules or elaborate on the project team's groundrules. Jim Creighton will make own last review of the project team groundrules to make these changes to be included as appendices to the plan.

NEXT MEETING

The next project team meeting will be on June 15th following the dry-run meeting, and should be over by 4 PM. Jim Creighton asked that team members send him proposed agenda items by June 4th.

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, June 16, 2004 9:49 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Final Process Plan and Groundrules

Team:

Attached is the final collaborative process plan and groundrules approved in yesterday's meeting.

Jim Creighton

SANTA CLARA RIVER CHLORIDE TMDL COLLABORATIVE PROCESS

This plan describes a collaborative process that will be utilized in the oversight and implementation of the Santa Clara River Chloride Total Maximum Daily Load (“TMDL”) by the Los Angeles Regional Water Quality Control Board (“Regional Board”) and the Sanitation Districts of Los Angeles County (“Sanitation Districts”), in consultation with other stakeholders in the upper Santa Clara River area.

The goal of the Santa Clara River Chloride TMDL collaborative process is to ensure that by the end of the process there will be substantial agreement by Regional Board staff, Sanitation Districts’ staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about standards and the implementation plan for the Upper Santa Clara River.

BACKGROUND

Previously the Regional Board established a water quality objective of 100 mg/l of chloride in the upper reaches of the Santa Clara River where the Sanitation Districts’ Saugus and Valencia WRP’s discharge. This objective was established to protect beneficial uses and reflect background conditions, and was the basis of waste load allocations used by the Upper Santa Clara River Chloride TMDL and discharge permits issued to the Sanitation Districts.

The TMDL includes a collaborative process that allows for completion of new scientific studies before final waste load allocations are applied.

These studies will be co-managed by Regional Board and Sanitation Districts’ staff to ensure the willingness of both parties to accept that the studies are adequate and unbiased. Each study will be subject to technical review by outside experts acceptable to both parties. Key external stakeholders (such as water districts, agriculture, and environmental groups) will be invited to participate in the working groups that will oversee the technical studies. There will be additional stakeholder workshops to provide public review and response to the studies. Once these studies are complete, the Regional Board will re-consider the objective.

Implementation of the TMDL is to occur within a 13-year period. However, most of the scientific studies that could affect the chloride objective will be conducted in the first 5 years of the study, and reconsideration of the objective will occur at the end of this five-year period. Figure 1 summarizes the studies to be conducted during the first 5 years. A detailed description of each task is provided in Appendix 1, Upper Santa Clara River Chloride TMDL Implementation Tasks.

PROBABLE TMDL DATE

The entire schedule for TMDL implementation is tied to the effective date of the TMDL. This date has not yet been determined. The Regional Board has approved the proposed amendments to the TMDL at its meeting on May 6, 2004. The TMDL will be forwarded to the California State Water Resources Control Board ("State Board") for approval. Once the State Board has approved the TMDL, it goes to the Office of Administrative Law for approval, and then to the U.S. Environmental Protection Agency ("EPA") for final approval.

The effective date of the TMDL is estimated to be sometime between October 2004 and April 2005.

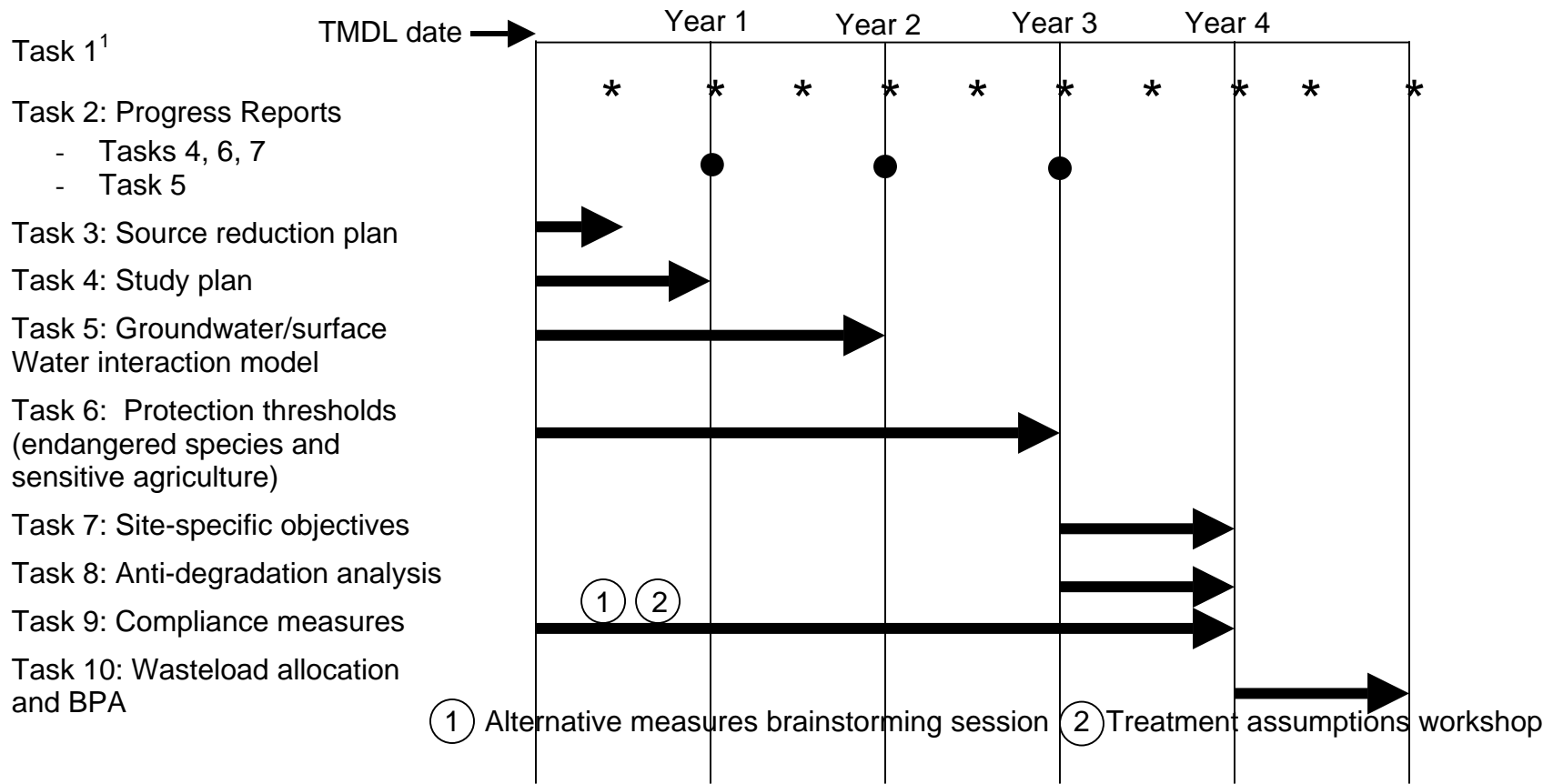
The Sanitation Districts may choose to proceed with studies prior to the effective date of the TMDL. However, they do so at their own risk and expense in the event the TMDL Implementation Plan is not approved.

FIRST-YEAR PROGRAM

The first-year program lays the groundwork for the entire process. During the first year, the project team, which consists of the combined staff of the Regional Board and Sanitation Districts assigned to this project, will develop a study plan that identifies the purpose, scope, tasks, and schedule for agricultural studies, endangered species studies, groundwater/surface water interaction studies, and anti-degradation studies needed for evaluation of an appropriate chloride threshold. The project team will set up technical working groups consisting of technical representatives of the two agencies and representatives of key stakeholder groups. After consultation with affected stakeholders, the project team will establish panels of technical advisors who will advise the working groups on appropriate study methodologies in each technical area and review work products. Each working group will establish a process for consultation with stakeholders interested in the activities of that working group. The overall project team will also provide opportunities for stakeholder involvement.

Twelve months after the effective date of the TMDL, the agricultural technical advisors panel will complete its literature review and method assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the TMDL implementation schedule for evaluation of an appropriate chloride threshold. The Regional Board will hold a public hearing to re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the technical advisors panel and Regional Board staff as to the types of

FIGURE 1
FIRST FIVE YEARS SCHEDULE
SANTA CLARA RIVER CHLORIDE TMDL



¹ Task 1 consists of a requirement that in the event instream chloride concentrations exceed 230 mg/l more than two times in a three-year period, the Sanitation District will provide an accelerated plan to reduce chloride discharges within 90 days. Task 1 also establishes a mechanism for gathering information about agricultural diversions from the river. No schedule is shown for Task 1 as it is triggered only if instream chloride concentrations exceed specified levels.

studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

The schedule allows four years for the evaluation of alternative measures (such as treatment or alternative water supplies) to determine if there are regulatory solutions other than those contemplated in the TMDL implementation plan (i.e. development of a site-specific objective for the protection of salt-sensitive crops) or compliance with the existing water quality standard. But the project team plans to initiate these studies early in the process, as some of these studies require considerable time to complete. During the first year the project team plans two activities that will contribute to this work element: (1) the project team will conduct a brainstorming session designed to identify alternative measures that should be evaluated, and (2) the project team will participate in a workshop designed to develop a consensus on the assumptions that will be used to determine the cost of compliance for various chloride waste load allocations. In addition, the Sanitation Districts will also prepare and submit a plan to quantify and control sources of chloride. This plan will include but not be limited to public outreach programs and incentive/disincentive programs for use of appropriate water softeners and other measures that may be effective in controlling chlorides. This plan will be submitted within six months of the effective date of the TMDL.

During the first year the project team will also begin submitting semi-annual reports to the Regional Board on the technical studies being conducted, and annual reports on the development of a groundwater/surface water computer model.

PROGRAM FOR YEARS TWO - FIVE

By the end of Year Two, the project team will have developed or modified an existing computer model of the interaction of groundwater and surface water. This is especially important for the Upper Santa Clara River to determine assimilative capacity because there are stretches of the river within these reaches where surface water infiltrates to groundwater as well as areas where rising groundwater discharges to surface water. In addition to these interactions, surface water flow is augmented with water from other tributary sources

By the end of Year Three, the project team plans to have conducted studies that will allow it to identify a protection threshold for both endangered species and chloride-sensitive agriculture. The project team acknowledges that agricultural studies may require an extension beyond the three-year time period specified, which in turn would affect all subsequent linked tasks in the implementation plan.

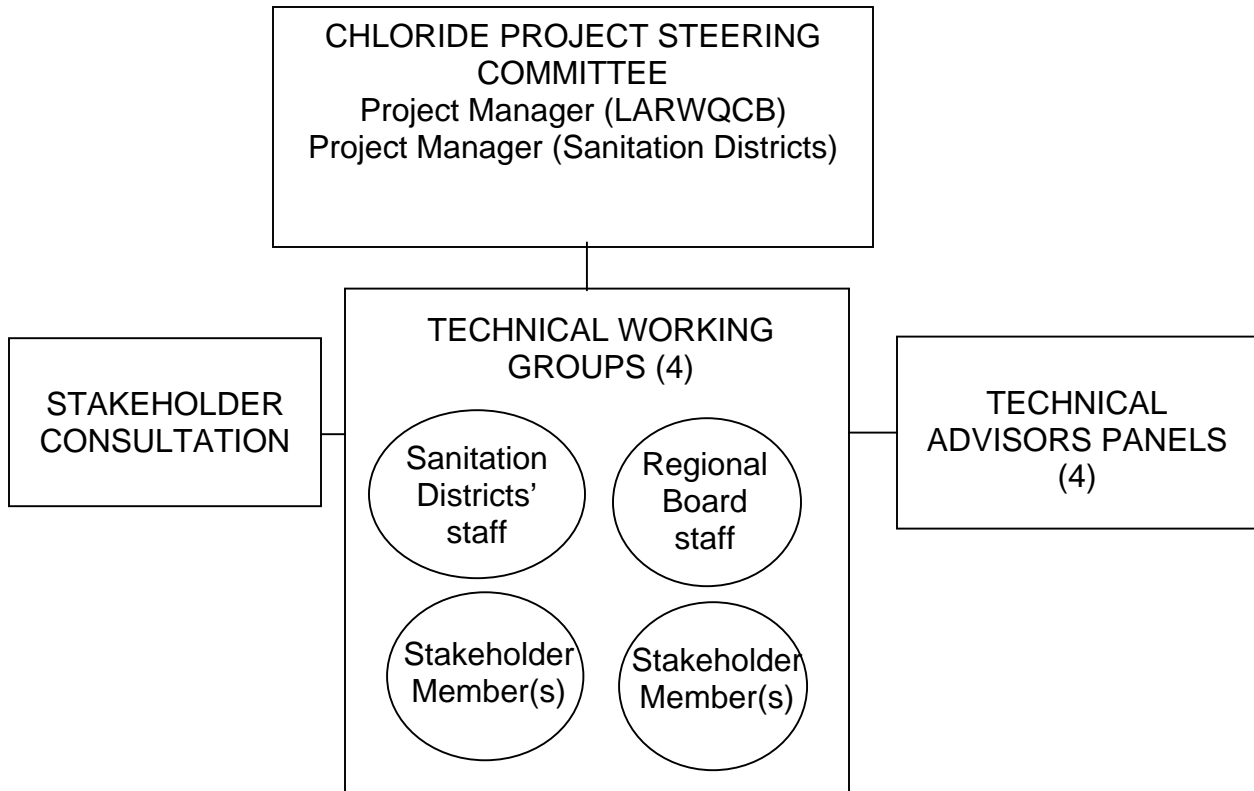
By the end of Year Four, assuming that agricultural studies will all be completed by the end of Year 3, the project team will use the protective thresholds determined from the special studies and other relevant information (e.g., anti-degradation analysis) to develop proposed site-specific objectives for chloride and develop technical analyses upon which the Regional Board may base a Basin Plan Amendment. The project team will also conduct an anti-degradation analysis, if required. The project team will also

complete a pre-planning study of alternative compliance measures identifying potential chloride control measures and costs based on hypothetical scenarios for chloride water objectives and wasteload allocations.

By the end of Year Five, the project team will complete a revised wasteload allocation and Basin Plan Amendment, if appropriate, for consideration by the Regional Board.

ORGANIZATIONAL STRUCTURE OF UPPER SANTA CLARA RIVER CHLORIDE TMDL SPECIAL STUDIES

Figure 2 shows the basic organizational structure for the project.



Both the Regional Board and the Sanitation Districts will appoint a project manager. These two individuals comprise the Project Steering Committee, which has overall responsibility for implementation of this plan.

Each of the major studies requires a different methodology and technical expertise. This means there will be an Agricultural Studies Working Group, Endangered Species Studies Working Group, Groundwater/Surface Water Interaction Studies Working Group, and a Anti-Degradation Studies/Water Quality Standards Working Group.

The Regional Board and Sanitation Districts will designate 1-2 staff members to be members of each working group.

In addition, the membership of the working groups will include several stakeholder members. There are a number of stakeholders for these studies – agencies, groups or individuals who see themselves as potentially impacted by the decisions that could be made as part of this study – whose support or opposition could determine the success of the process. These stakeholders often possess technical information and expertise equivalent to that of the Regional Board and Sanitation Districts’ staff.

Stakeholders will be invited to be members of each working group. To be members, people will need to make a commitment to: (1) attend meetings regularly, (2) commit the time and resources to prepare for and participate in document reviews, (3) participate in a consensus-oriented process, and (4) provide their participation without compensation by the study.

The project team will, in addition, conduct separate periodic stakeholder meetings or workshops to discuss significant study documents or evaluate alternative approaches.

All meetings of working groups are open to the public. However, working group meetings will be conducted in a formalized manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently. Anyone who requests it will be put on a list-server and will be sent announcements of working group meetings by e-mail and/or standard mail. Announcements of working group meetings, as well as any documents generated and/or draft study findings released will also be posted on a project web page.

The members of technical advisors panels will be individuals with recognized expertise in the subject matter of the specific working group, who can offer recommendations and provide objective review of the technical adequacy of the study work being performed. The working groups will actively consult with the technical advisors panels during the development of the study plan. The advisors panels will also conduct a final peer review of the proposed study plan, as well as complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within working groups will be by mutual agreement. “Mutual agreement” does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that everyone in the working group is willing to “live with” the agreement, even though some individuals might prefer an alternative solution. In the event that a working group is not able to reach mutual agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- Refer the issue to the Project Steering Committee, along with full documentation regarding the positions taken by project team members and the

reasons for those positions. Decisions of the Project Steering Committee will be binding upon the working group.

- Ask the Study Manager (see below) to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent non-binding recommendation on how to resolve the issue. The purpose of a disputes review expert or panel of experts is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Working groups must still make a decision and may decide for themselves how much weight to give to the advice from the expert or panel. Decisions referred to outside technical experts will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator (see below) to provide a neutral third party to provide mediation services to assist in resolving the issue.

DECISION MAKING IN THE PROJECT STEERING COMMITTEE

The Project Steering Committee will make decisions by agreement of both project managers.

In the event the project managers are not able to reach agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- The Project Steering Committee may elevate the decision to a Senior Management Committee that will consist of the Executive Officer of the Regional Board and the Chief Engineer and General Manager of the Sanitation Districts. Both agencies agree that the Senior Management Committee will confer within 15 days to address any issue elevated to that committee, and commit to achieve resolution (if at all possible) within a 15-day time period. Those issues elevated to the Senior Management Committee will primarily involve policy issues.
- Ask the Study Manager to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent recommendation on how to resolve the issue. Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue. The purpose of a disputes review panel is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Agency decision makers must still make a decision and may decide for themselves how much weight to give to the advice from the Dispute Review Panel. Decisions referred to a Dispute Review Panel will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue.

SETTING UP TECHNICAL ADVISORS PANELS

In consultation with stakeholders, the project team will establish technical advisory panels for each of the major study areas: agricultural studies, endangered species studies, groundwater/ surface water interaction, and anti-degradation studies.

The purpose of the technical advisors panels is to provide objective technical information and expertise to assist the working groups in developing a research program that will be fully adequate to provide a solid scientific basis for reviewing the chloride objective.

The project team will establish a procedure for selection of technical advisors panel members that is acceptable to both the Regional Board and the Sanitation Districts. Panel members will be selected by mutual agreement of the Regional Board and Sanitation Districts.

To ensure the neutrality of the panel members, the Regional Board and Sanitation Districts agree not to select any panel member who: (1) is a past employee of either the Regional Board or Sanitation Districts; (2) has received significant contracts from either the Sanitation Districts or Regional Board in the past 5 years²; (3) has previously expressed, in writing or in speeches, a position of opposition to regulation or regulators.

The Sanitation Districts will develop any needed contracts through the Study Manager to pay for the services of the technical review panels. Every effort will be made to ensure that the technical advisors panels understand that their “client” is the entire project team, not just the Sanitation Districts. To ensure this, the Regional Board and the Sanitation Districts agree that each working group will decide when and how often its technical advisors panel will be convened, and will agree upon the information to be presented to the technical panel, the manner of presentation, and the question(s) the advisory panel is asked to address. If there are disagreements within the working group, the dispute resolution procedures described earlier will apply.

In accord with established Regional Board procedures, at the conclusion of all the studies and before submitting a proposed objective and Basin Plan Amendment to its Board for approval, the Regional Board will send all studies through a peer review process set up by the University of California system. This review is in addition to and is not intended to replace the reviews conducted by the technical advisors panels. Normal Regional Board procedures will be followed during this review, but Regional Board staff will consult with Sanitation Districts’ staff regarding the information to be presented and the manner in which questions to the peer review panel are framed.

STAKEHOLDER INVOLVEMENT

² This is not intended to exclude individuals whose contracts with either the Regional Board or Sanitation Districts consisted solely of performing technical peer reviews.

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

The principal mechanisms for stakeholder involvement include:

1. Stakeholders will be invited to become members of working groups. However, this will involve a significant commitment of time, and the study will not compensate stakeholder members of working groups for their time.
2. Stakeholders will be invited to participate in periodic meetings or workshops to review major study products or comment upon pending decisions. Each working group will develop a stakeholder involvement plan that shows those junctures at which stakeholder meetings or workshops will be held. The working groups will coordinate their stakeholder involvement efforts so that whenever possible, stakeholder involvement meetings and workshops can address issues from multiple working groups.
3. The project team will establish a list-server and web page for the study. Stakeholders will be invited to provide an e-mail address so that they can be kept informed of study progress through periodic bulletins sent over the list server. Stakeholders will also have access to general updates and study documents posted on the web page, although some information on the web page will be available only to working group members, contractors and project staff. For those stakeholders without access to the internet, general updates will be mailed, via standard mail.

PARTNERING

The Regional Board and Sanitation Districts agree to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how the team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session.

The Regional Board and Sanitation Districts have agreed to participate in a kickoff workshop and in periodic refresher sessions. These sessions will involve the two project managers (the Project Steering Committee) and all working group members

from the two agencies. Once the working groups include stakeholder members, the stakeholder members will also be invited to participate, as their attitudes and behaviors can affect the manner in which the entire project team works together. At the discretion of the Project Steering Committee, major contractors may also be invited to participate in these sessions. At present there is no expectation that the members of the Senior Management Committee will participate in these sessions.

The project team agrees to the following essential behaviors for successful partnering:

- Pursue a win/win outcome
- Follow the dispute resolution process on all disputes
- Advocate for the decision as a team when necessary
- Jointly educate new study team members on the norms of partnering
- Jointly consult with stakeholders throughout the process
- Conduct periodic reviews of how the group is working together
- To the extent possible, complete all stages of the process on or before schedule, with changes in the schedule adopted by mutual agreement
- Ensure that the outcome truly protects appropriate beneficial uses

Early in the process the project team will also agree on a more detailed set of group norms such as proposed in Appendix 2.

FACILITATOR

The Regional Board and Sanitation Districts agree that this will be a facilitated process. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

The facilitator for this process will be selected jointly by the Regional Board and Sanitation Districts. The Sanitation Districts will contract for and pay for the facilitator's services, but every effort will be made to ensure that the facilitator understands that his/her "client" is both agencies, not just the Sanitation Districts.

At present, the project team anticipates that there will be a Lead Facilitator. Since there will be numerous meetings, the Lead Facilitator may also retain additional facilitators who will be assigned to working groups and facilitate meetings of those groups. In the event the lead facilitator does retain other meeting facilitators, he/she will be responsible for selection, training and supervision of these other facilitators.

The Lead Facilitator will ensure that all meetings are covered, will maintain oversight over the entire process, and will facilitate meetings of the entire project team, as well as project-level meetings with stakeholders.

No final decision has yet been made as to whether all working group meetings require facilitation, although it may be appropriate that initial meetings be facilitated until norms have been established for working together effectively.

STUDY MANAGER

The Study Manager will oversee and coordinate the technical studies performed by contractors, as well as the technical reviews of those studies. The Study Manager will oversee the maintenance of schedules and satisfactory task completion.

One of the principal responsibilities of the Study Manager is to ensure that all work is performed in a manner that is acceptable to the project team as a whole, even though the Study Manager will have a contractual relationship with the Sanitation Districts.

The Study Manager may designate other staff to assist with program management for individual working groups or technical advisors panels.

A single person could serve as both Lead Facilitator and Study Manager, but this would require that this person be both a highly skilled facilitator and possess the technical qualifications to provide technical supervision for the performance of technical studies.

MAINTAINING RECORDS OF DECISIONS

When a facilitator conducts a meeting, s/he will be responsible for recording all decisions made by the participants in a manner acceptable to the participants. This may be accomplished in several ways. For example:

- The facilitator may record all decisions as they are being made on a flip chart, and get verbal assent to the manner in which the decision has been worded during the meeting. The flip charts will then be typed up as the summary of the meeting.
- The facilitator may retain a person who will keep notes of the meeting and then distribute a summary of the meeting.

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The project team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that

once reports are prepared they can be immediately posted on the web page and distributed by list server.

CONTRACTORS

Many of the technical studies will be performed by contractors. The Sanitation Districts will be responsible for issuing contracts and paying for work performed. However, the Regional Board and Sanitation Districts agree that every effort will be made to ensure that contractors understand that the entire working group is their “client,” not just the Sanitation Districts. To this end, the following procedures will be established:

1. Both the Regional Board and Sanitation Districts must approve all Requests for Proposals and Statements of Work before they are issued.
2. Both the Regional Board and Sanitation Districts will participate in the selection of contractors.
3. Contracting language will clearly reflect that contractors are to provide service to the entire working group for which they provide service, not the Sanitation Districts alone.
4. The Statement of Work will reflect that both Regional Board and Sanitation Districts’ staff will have access to and may request information from contractors.
5. The Sanitation Districts will obtain the services of a Study Manager who will in turn oversee the performance of technical studies and technical reviews. The Study Manager will ensure that all contracts are performed in a response to the needs of the project team as a whole, and will develop the contractual relationships needed to perform the work.

Appendix 2
Upper Santa Clara River Chloride TMDL
Collaborative Process
PROJECT TEAM NORMS AND EXPECTATIONS

PURPOSE

The purpose of this collaborative process is to ensure that there will be agreement by Regional Board staff, Sanitation Districts' staff, and major stakeholders that there is sufficient and credible scientific and technical information on which to base decisions about standards and the implementation plan to protect beneficial uses on the Upper Santa Clara River. The project team consists of the combined staff of the Regional Board and Sanitation Districts.

GOALS

The project team agrees to:

- To the extent possible, complete all stages of the process on or before schedule, with any changes in the schedule adopted by mutual agreement
- Protect the efficiency of the process and minimize costs
- Resolve problems and make decisions at the lowest possible level in a timely manner
- Ensure that the outcome truly protects appropriate beneficial uses

DECISIONS BY MUTUAL AGREEMENT

Decision making will be by mutual agreement. "Mutual agreement" does not necessarily mean that all project team members are equally enthusiastic about the decision. It does mean that everyone is willing to "live with" the agreement, even though some individuals might prefer an alternative solution. In the event that the project team is not able to reach mutual agreement, the dispute resolution mechanisms described in the Collaborative Process Plan will be employed to reach agreement.

DECISION MAKING PROCESS

The project team agrees to employ the following decision making process:

1. Get agreement on the definition of the problem or opportunity, including:
 - Full disclosure of interests
 - Full and complete information
 - Defining the problem in a way that opens up options rather than forecloses them

2. Establish objective criteria to measure how well alternatives address the problem or opportunity
3. Generate alternatives:
 - Generate options as a team - so agencies don't become advocates for particular options in advance
 - Generate lots of options – so individuals don't become emotionally wed to their own ideas
4. Clarify constraints on decision making authority, e.g., which decisions can be made in the team and which require: (a) senior management approval; or (b) full Regional Board approval
- 5 Evaluate options using the agreed-upon criteria
6. Agree on a mutually acceptable solution
7. Agree on any process of management review or approval
8. Agree on an implementation plan, including action items, task responsibility, and schedule

ACCESS TO INFORMATION

Both the Regional Board and Sanitation Districts commit themselves to providing, full, complete and equal access to all technical information that is part of this process.

GOOD FAITH

Specific offers, positions, or statements made as part of this process cannot be used for other purposes or as a basis for future litigation.

DEALING WITH THE MEDIA

Communication with the media will be, to the extent possible, be handled jointly or as part of a mutual agreement between Regional Board staff and Sanitation Districts' staff. No party will characterize the position of other parties in public statements or in discussions with the media.

EXPECTATIONS OF PROJECT TEAM MEMBERS

Team members are expected to:

- Accept responsibility for the success of this process

- Participate actively and enthusiastically
- Seek “win/win” outcomes
- Provide full and complete information to other team members in a timely manner
- Encourage open expressions of ideas and alternative solutions
- Help the team stay on track
- Make an effort to understand the other person’s position
- Openly consider alternatives and innovations
- Maintain a professional atmosphere of mutual respect and resolve personal conflicts immediately
- Follow through on all task assignments and commitments and maintain schedules agreed upon in team meetings – and whenever there are problems doing this, provide early notice of the problems and the reasons for them
- Communicate problems openly and as early as possible. Keep conflict in the open, not hidden. Whenever there are problems with other team members, discuss these problems directly with the person with whom you have the problem, or with the whole group, but never behind the scenes and with no lobbying to line up people to be on “your side”
- Review documents by agreed-upon deadlines, and accept the consequences if you have not
- Attend meetings on time, avoid being pulled out of meetings, stay focused on agenda items, and end the meeting on time
- Avoid inflammatory or provocative language – keep focused on results not on personalities
- When there is confusion or lack of clarity, ask questions or otherwise ensure that matters are clarified
- Confront other team members, including (and perhaps especially) team members from your own organization, whose behavior is inconsistent with team norms
- Maintain confidentiality regarding the team and team members

EXPECTATIONS OF THE LEAD FACILITATOR

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board or Sanitation Districts
- Provide continuing counsel to the Project Steering Committee on how to protect the collaborative nature of the process

- Coordinate the overall schedule of meetings, ensuring that a facilitator is assigned to every meeting requiring facilitation
- Ensure quality assurance by overseeing the selection, training and/or mentoring, as needed, for all meeting facilitators
- Coordinate with the Study Manager to ensure a unified and efficient process
- Assist the project team in designing and conducting project-wide stakeholder involvement processes
- Facilitate partnering processes involving the entire team

EXPECTATIONS OF MEETING FACILITATOR(S)

- Remain neutral on the substantive outcome of decisions and avoid any behavior suggesting partiality towards either the Regional Board or Sanitation Districts, or other meeting participants
- Coordinate the scheduling of the meeting
- Ensure that an agenda and relevant meeting materials are created and distributed to participants prior to each meeting
- Recommend group processes that may improve team effectiveness
- Coordinate to ensure an adequate meeting space and materials/equipment needed in the meeting room
- Facilitate the meeting:
 - Provide definition and structure
 - Help keep the team focused
 - Remind team of time limits
 - Encourage participation of all participants
 - Clarify decision making process, boundaries or givens
 - Test consensus to verify agreement
 - Get agreement on wording of all agreements
 - Clarify action items
- Prepare or oversee the preparation of a meeting summary
- Remain neutral and impartial on substantive outcomes

EXPECTATIONS OF STUDY MANAGER

- Ensure that all studies are performed in a manner that conforms with the highest professional standards and provides a credible basis for decision making

- Ensure that all technical studies' contractors perform their work in accordance with the agreed upon scope of work and wishes of the entire project team or working group with whom they are working
- Oversee the successful completion of tasks in a timely manner
- Coordinate access to information for all project team and working group members
- Ensure that all technical reviews by technical advisors panels are conducted in a manner that is impartial and meets the highest professional standards

MEETING EFFECTIVENESS

Each team or working group agrees to evaluate team performance at the end of each meeting to ensure continuous improvements in how the team works together.

EXPECTATIONS OF WORKING GROUP MEMBERS

All working groups will be asked to adopt these expectations, although working groups may create additional groundrules that apply to their own operations.

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, June 16, 2004 3:43 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Summary of June 15th meeting

Team:

Attached is a draft version of yesterday's meeting. Please send corrections to me by June 25th so I can send you all a revised version in plenty of time before the July 8th meeting.

Margie sent out an action item list earlier that was some complete that I simply appended it to the summary. I did read through it and added one item. Otherwise it seemed complete and accurate based on my notes.

Jim Creighton

SUMMARY OF JUNE 15TH PROJECT TEAM MEETING Santa Clara River Chloride TMDL Collaborative Process

The Upper Santa Clara River Chloride TMDL Project Team met at the Regional Board offices from 10 AM – 4 PM, June 15, 2004.

Agency staff present include:

Regional Board – Jon Bishop (part of the time), Deborah Smith, Melinda Becker, Elizabeth Erickson.

Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie.

Consultants present included:

Jim Creighton, facilitator

Fred Andes, regulatory consultant to the Sanitation Districts

Jon Bishop said he would be unable to participate in the entire meeting due to other meetings, but expressed some concern that the stakeholder involvement team invitation letter went through six versions before it was final, and was concerned that if a simple letter like that took so much time and effort the team was going to have difficulty with more complex tasks. The team agreed to put streamlining of the process on the agenda for this or a future meeting.

Jim Creighton also said he was having difficulty knowing when team members had not yet reviewed a document versus when they had reviewed it and had no comments. He asked that once team members review a document they send him an e-mail telling him if they have no comments. This way he will know the documents have been reviewed.

STAKEHOLDER INVOLVEMENT MEETING

The Project Team agreed that the date of the stakeholder involvement meeting needed to be moved because of problems getting the publicity out. Elizabeth Erickson will coordinate with the City of Santa Clarita to obtain meeting rooms sometime in the July 13-15 time frame. She will then notify the project team about which date it will be, based on room availability. The meeting time will be from 7 – 9 PM.

MAILING OF INVITATION LETTER

The invitation letter should now be considered final. Elizabeth will re-send the Board's mailing to the project team. Districts' staff will review the mailing list and send any additions to Board staff by Friday, June 18th. The mailing will go out early the week of June 21st, so that people receive the invitation by June 25th.

MEETING FORMAT

The team agreed that there will be an initial briefing on the collaborative process and technical studies, followed by questions and answers or comments from the audience. Following this session, participants will be able to go to informal discussion groups to discuss each of the four studies. Since there will be no re-convening of the full group, participants can leave whenever they wish.

Participants will also be given a hand-in response form in case they want to write comments. The response form will also be a way participants can indicate a willingness to be part of a working group. There will also be sign-up sheets for working groups at the sign-in table.

MEETING ROLES AND RESPONSIBILITIES

Jim Creighton will facilitate the meeting, especially the Q&A and comments period. Jon Bishop and Margie Nellor will jointly make the initial presentation. Other Districts and Board staff will be available to answer questions and lead informal discussion groups.

MEETING LOGISTICS

Elizabeth Erickson will make arrangements with the City of Santa Clarita to provide flip charts and pads, digital projector and screen. Districts staff will arrange for coffee and cookies.

Districts staff will develop a hand-in response form and sign-in sheets.

The Districts will provide a recorder to capture public questions and comments on a flip chart. Jim Creighton will then prepare a summary of the stakeholder meeting.

OPENING PRESENTATION

The Project Team reviewed a draft version of a PowerPoint presentation, making a number of changes in the slides. Districts staff are responsible for making the revisions, and also for suggesting who should deliver which part of the presentation.

There will be a dry-run of the presentations on July 8th at approximately 1 PM (depending on when the prior project team meeting concludes).

Elizabeth Erickson and Melinda Becker will make up a list of potential questions that can be used in practicing answers to questions.

SUMMARY OF MAY 27TH MEETING

The revised version of the summary of the May 27th meeting is approved. Jim Creighton will distribute it to the team.

COLLABORATIVE PLAN AND MAILING

The revised version of the collaborative plan and groundrules are approved. Jim Creighton will distribute to the team.

The mailing will include the cover letters, the fact sheet, and the collaborative process plan and groundrules. [Team: We went back and forth on this – is this where we ended up?]

FACT SHEET

The Districts have reviewed the fact sheet, as has Elizabeth Erickson. Elizabeth will be sure that Jon Bishop has the latest version, and he will review overnight. Once Jon has signed off on it there will be final coordination with Stephen Cain, the Board's Public Information Officer.

JULY 7TH SWRCB MEETING

Board staff will check with the Board's attorney to be sure all issues have been cleared and the item is scheduled for the July 7th meeting. Districts' staff will attend the SWRCB. Margie and Jon need to coordinate to determine whether Districts' staff will be part of the Board's presentation or the Districts will simply make a comment supporting the TMDL during the comment period.

TIME LINE

Brian Louie said he had reviewed all of Elizabeth Erickson's proposed change in the timeline. He found them all reasonable, but did not make all of the suggested changes because they involved moving items up into the first year. Given the staff levels and the commitments already made, he concluded that there was already an extremely high work commitment during that period. He has produced a revised first year schedule which is attached as a figure to the RFPs. Brian will revise the rest of the schedule after the RFPs are issued, as they take priority for the moment.

AG AND FACILITATION RFPs

Districts staff have prepared RFPs for the agricultural study, for a study manager to oversee technical work, and for facilitation services. These RFPs were received by Board staff the morning of the project team meeting, so they had not had a chance to review them. Brian Louie said that the review effort should be

focused on Section 5 of each RFP, which describes the work tasks. Much of the rest of each document is boiler-plate.

The agriculture RFP just covers Phase 1 of the agricultural studies, during which the consultant conducts a literature review and prepares a draft work plan.

Melinda Becker suggested that the RFP define the word “threshold,” so that it is clearly differentiated from “standard.” A footnote will be added to the RFP.

There was then a discussion of the emphasis in the RFP on crop yield as the critical indicator of chloride impacts. Some farmers have said that leaf tip burn is an indicator of chloride impacts. Vicki Conway said the Districts had written the RFP with an emphasis on crop yield because: (1) the real beneficial use is crop yield, and leaf tip burn may not have anything to do with crop yield, and (2) many things beside chlorides can cause leaf tip burn (e.g. too little water applied), so there are many confounding factors.

Melinda Becker said that there are other factors that go into determining crop yield, such as whether there are long-term impacts to the plant or soil, even though there is no impact on short-term crop yield. A related issue is that farmers in the Upper Santa Clara are experimenting with a number of new crops, which may be more or less salt-sensitive than strawberries and avocados.

After discussion there was agreement that: (1) the RFP will be changed so that the contractor is asked to identify all the impacts associated with chlorides (based on the literature review), with crop yields and leaf tip burn given as examples; and (2) the contractor will also be asked to identify potential future crops in the upper Santa Clara River, particularly those that might be more salt-sensitive than avocados and strawberries. The wording will also reflect that the contractor needs to discuss these issues with the agriculture working group, and the working group will review the contractor’s recommendations.

There was also agreement that the primary focus of these studies is crop sensitivity in the upper reaches of the Santa Clara River. There is no plan to reconsider the downstream chloride objective, so as long as that standard is met, the focus of these studies will not be downstream plant sensitivity.

Vicki Conway said that the RFP for study manager has changed from being a senior scientist to being a project management role.

Board staff committed to get their review comments on the RFPs to Districts staff by Friday, June 18th. Districts’ staff will then make the changes agreed upon during the project team meeting, and address comments raised by Board staff’s subsequent comments. However, Districts’ staff do not need to send the RFPs back to Board staff for a final review, but can simply send Board staff copies of the final version.

Jon Bishop raised a concern about consultants who have legitimate technical expertise but are also hired by advocacy groups to push for legislation or otherwise represent those advocacy groups. After discussion it was agreed that all three RFPs will ask for submission of information about work previously performed for the Board, Districts, or two advocacy organizations ____ and ____ [need names]. Firms submitting proposals will also be asked to identify any principal staff involved in the proposal who have previously been employees of the Board or Districts organizations.

There was also a discussion of the problem that contractor selection will be nearly concluded by the time of the first working group meeting. There was a concern that stakeholders may be upset that they were not consulted. There could be problems if a contractor was selected who was generally perceived as unacceptable to stakeholders. On the other hand, contractor selection cannot be postponed without endangering completion of the first year studies in the required time. There was also a concern that stakeholders might react based on rumor or misunderstandings rather than a complete review of proposals. The project team concluded that, once the stakeholder involvement meeting occurs and people indicate an interest in being part of the agriculture working group, the project team will invite a couple of representatives of stakeholders to participate in the consultant selection process, on an ex officio basis. This would involve a significant time commitment on their part, but would remove the perception that the selection process was totally controlled by the agencies.

Jim Creighton said that he might be submitting a proposal for the facilitation contract, and said he would leave the meeting so that the group could discuss the facilitation RFP. However, the project team concluded that there was no need to discuss the content of the RFP. Board staff will send any comments directly to the Districts.

Districts staff will send the Board the draft lists of contractors to whom the RFP will be sent. This will be sent on Thursday, July 17th. The mailing is to occur on Monday, June 21st, so if Board staff have additions they need to be sent to the Districts by the 21st.

CRITERIA FOR AGRICULTURE TECHNICAL ADVISORS PANEL

The revised criteria for the Agriculture Technical Advisors Panel are approved with one change. The list of background and experience that panelists have will be shown as a list of “highly desirable” attributes, rather than “should have” attributes.

VISITS WITH AGRICULTURAL STAKEHOLDERS

Elizabeth Erickson has had phone conversations with several people from agriculture and has identified agricultural groups that have regular meetings. She proposes to contact them and request a time on their agenda to discuss the project. She'll follow up the phone calls with a memo and project fact sheet. The project team approved this approach. The California Avocado Board was suggested as a possible additional group to contact. Elizabeth and Brian will make the presentations to the agriculture groups.

SELECTION OF AGRICULTURE TECHNICAL ADVISORS PANEL

The sequence of steps that will be followed in selecting agriculture technical advisors panel members is as follows: (1) People at the stakeholder involvement workshop will be invited to recommend candidates; (2) the Project Team will review the list of names of potential panelists, and prioritize them; (3) Potential team member will be contacted to determine whether they are willing to be considered; (4) The remaining candidates will be discussed with the agriculture working groups during a first working group meeting on August 16th; (5) The project team will name the final panel.

COMPENSATION OF TECHNICAL ADVISORS

After considerable discussion, the project team agreed that the fairest approach is to offer panelists a single flat fee per meeting that will include preparation time and participation in the meeting. This may mean that some people receive somewhat more than their normal salaries, but others will be receiving considerably less. But it will be the same for all. Some may choose not to accept any fee.

Panelists will also be reimbursed for travel, meals and lodging using Districts per diems and rules. Again, some may choose not to request reimbursement.

NEXT PROJECT TEAM MEETING

The next project team meeting will be on July 8th. The project team meeting will start at 10 AM and will continue on through lunch as needed. It will be followed by a dry-run for the stakeholder involvement meeting. Topics held over from the June 15th meeting include how to streamline reviews and a discussion of the dispute resolution process. Fred Andes cannot be present on July 8th. He is particularly interested in participating in the dispute resolution discussion, so that will be scheduled for the noon hour. Fred will be able to phone-in during that time.

June 15, 2004 ADR Meeting Action Items

RWQCB - Elizabeth to resend TMDL mailing list to LACSD by **June 16th**

RWQCB - Jon to review fact sheet and send comments to LACSD **by June 17th** (Note: *this has to be finalized (Adobe copy for Project Team) to go out with stakeholder invitation letter by June 25th*)

LACSD - send list of consultants/firms to receive RFPs to RWQCB **by June 17th**

RWQCB - provide LACSD comments on 3 RFPs **by June 18th**

RWQCB - provide LACSD with electronic copy of draft letter to be sent to stakeholder groups re input on how they want to be involved in studies **by June 18th**

LACSD - review mailing list and send additions to RWQCB **by June 18th**

LACSD - review and provide comments to RWQCB on July stakeholder meeting invitation letter **by June 18th**

RWQCB - send additions to list of consultants/firms to receive the 3 RFPs to LACSD **by June 21st**

LACSD - send out 3 RFPs (and cc RWQCB) **on June 21st**

RWQCB - prepare an Adobe copy of the collaborative plan and cover letters and send to LACSD **by June 25th**

RWQCB - Elizabeth to cancel June 23rd meeting arrangements with City of Santa Clarita; check on availability of meeting rooms for stakeholders meeting on July 13th, 14th or 15th from 7 - 9 pm, and notify LACSD **by June 25th** (confirm availability of two flip charts on the selected meeting date (RWQCB will bring 2 additional flip charts))

RWQCB - send out invitation letter for July stakeholder meeting with plan and fact sheet attached (and cc LACSD) **on June 25th** (Note: *is the RWQCB also simultaneously putting this on their website?*)

RWQCB - Elizabeth send LACSD minor changes to the TMDL for the July 7th SWRCB Workshop (**as soon as available**)

LACSD - provide RWQCB comments on letter to be sent to stakeholder groups re input on how they want to be involved in studies **by June 25th**

RWQCB - **after June 25th**, Elizabeth to contact stakeholder groups for Ag study to let them know about July stakeholder meeting and that we will be sending a letter re input on how they want to be involved with the studies

RWQCB - develop list of possible questions for Q&A at July stakeholder meeting and send to LACSD **by July 2nd** - these will be discussed at the July 8th "dry run" prepare answers and decide who should answer specific questions; LACSD can also provide questions

LACSD - update PowerPoint presentation for July stakeholder meeting and send to Regional Board **by July 2nd**

LACSD - prepare hand-in response form for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare sign-in sheet (that will include boxes for checking studies of interest) for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - Make arrangements for cookies/coffee for stakeholder meeting.

LACSD - prepare schedules of technical studies as handouts for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare draft criteria for other study TAPs and send to RWQCB **by July 2nd**

LACSD - Margie to check with Purchasing to see what requirements are in place for compensation of TAP members and report to RWQCB **by July 2nd**

RWQCB - arrange for Fred Andes to conference call in for July 8th meeting (after 1 pm) and provide call-in information **by July 7th**

LACSD - check with City of Santa Clarita about coordinating AV needs, and if we can bring refreshments for the stakeholder meeting **by July 7th**

LACSD - Margie to ask Rupom Soni, with LACSD's Public Information Section, to serve as note taker at the July stakeholder meeting **by July 7th**

LACSD - Brian to revise master schedule **by July 7th**

LACSD - bring copies of handouts (collaborative plan, fact sheet, study schedules, PowerPoint presentation) **to the July 13th, 14th or 15th** stakeholder meeting

Project Team - **by end of July** select 2 ex-officio stakeholders to serve on selection panel for Ag Consultant and Ag Study Manager; make arrangements for August 16th Working Group meeting

LACSD - send proposals in response to RFPs to RWQCB and ex-officio stakeholders **by August 2nd**

Project Team and ex-officio stakeholders - complete review of RFPs proposals **by August 8th**

Project Team and ex-officio stakeholders - set aside **August 9th and 10th** for consultant's interviews/selection

LACSD - prepare agenda item for September 8th Board of Directors meeting for purchase orders for selected consultants **by August 26th**

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, June 18, 2004 11:19 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Addition to facilitation mailing list

Team:

Here's another facilitation firm that might not have been on the lists I sent you: Dan lacafano, Moore, lacafano, Goltsman, 800 Hearst Avenue, Berkeley, CA, 94710, 510/845-7549. I'm not sure what water quality background they have, but they do lots of facilitation.

Jim Creighton

Louie, Brian

From: CandCInc@aol.com

Sent: Monday, June 28, 2004 2:53 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Revised June 15th Summary

Team:

Attached is a file containing a revised summary of the June 15th meeting. The revisions were all suggested by Districts' staff, and I reviewed them and determined they were consistent with my notes and memory. I did not receive any review comments from the Regional Board.

I'd like to invoke our new procedure of sending me an e-mail even if you don't have comments. I need such an e-mail from at least one Board staff and one Districts staff.

Also, could you get me suggestions for agenda topics for the June 8th Project Team meeting by COB June 1?

Many thanks,

Jim Creighton

SUMMARY OF JUNE 15TH PROJECT TEAM MEETING Santa Clara River Chloride TMDL Collaborative Process

The Upper Santa Clara River Chloride TMDL Project Team met at the Regional Board offices from 10 AM – 4 PM, June 15, 2004.

Agency staff present include:

Regional Board – Jon Bishop (part of the time), Deborah Smith, Melinda Becker, Elizabeth Erickson.

Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie.

Consultants present included:

Jim Creighton, facilitator

Fred Andes, regulatory consultant to the Sanitation Districts

Jon Bishop said he would be unable to participate in the entire meeting due to other meetings, but expressed some concern that the stakeholder involvement team invitation letter went through six versions before it was final, and was concerned that if a simple letter like that took so much time and effort the team was going to have difficulty with more complex tasks. The team agreed to put streamlining of the process on the agenda for this or a future meeting.

Jim Creighton also said he was having difficulty knowing when team members had not yet reviewed a document versus when they had reviewed it and had no comments. He asked that once team members review a document they send him an e-mail telling him if they have no comments. This way he will know the documents have been reviewed.

STAKEHOLDER INVOLVEMENT MEETING

The Project Team agreed that the date of the stakeholder involvement meeting needed to be moved because of problems getting the publicity out. Elizabeth Erickson will coordinate with the City of Santa Clarita to obtain meeting rooms sometime in the July 13-15 time frame. She will then notify the project team about which date it will be, based on room availability. The meeting time will be from 7 – 9 PM.

MAILING OF INVITATION LETTER

Based on the discussion about the meeting format, the invitation letter needs minor revisions before being finalized. Districts' staff will revise and send to the Board by June 18th. Elizabeth will re-send the Board's mailing to the project team by June 16th. Districts' staff will review the mailing list and send any additions to

Board staff by Friday, June 18th. The mailing will go out early the week of June 21st, so that people receive the invitation by June 25th. It will consist of the invitation letter, collaborative plan (with attached cover letters), and the fact sheet.

MEETING FORMAT

The team agreed that there will be an initial briefing on the collaborative process and technical studies, followed by questions and answers or comments from the audience. Following this session, participants will be able to go to informal discussion groups to discuss each of the four studies. Since there will be no re-convening of the full group, participants can leave whenever they wish.

Participants will also be given a hand-in response form in case they want to write comments. The response form will also be a way participants can indicate a willingness to be part of a working group. There will also be sign-up sheets for working groups at the sign-in table.

MEETING ROLES AND RESPONSIBILITIES

Jim Creighton will facilitate the meeting, especially the Q&A and comments period. Jon Bishop and Margie Nellor will jointly make the initial presentation. Other Districts and Board staff will be available to answer questions and lead informal discussion groups. Districts' staff will be responsible for bringing handout materials (copies of the PowerPoint presentation, collaborative plan, fact sheet, sign-in sheet, response forms, study schedules, etc.).

MEETING LOGISTICS

Elizabeth Erickson will make arrangements with the City of Santa Clarita to provide flip charts and pads, digital projector and screen. Districts staff will arrange for a digital projector and screen, and coffee and cookies (if they are allowed in the meeting room).

Districts staff will develop a hand-in response form and sign-in sheets.

The Districts will provide a recorder to capture public questions and comments on a flip chart. Jim Creighton will then prepare a summary of the stakeholder meeting.

OPENING PRESENTATION

The Project Team reviewed a draft version of a PowerPoint presentation, making a number of changes in the slides and developing some draft talking points. Districts staff are responsible for making the revisions, and also for suggesting who should deliver which part of the presentation.

There will be a dry-run of the presentations on July 8th at approximately 1 PM (depending on when the prior project team meeting concludes).

Elizabeth Erickson and Melinda Becker will make up a list of potential questions that can be used in practicing answers to questions.

SUMMARY OF MAY 27TH MEETING

The revised version of the summary of the May 27th meeting is approved. Jim Creighton will distribute it to the team. It was also noted that for future reviews of documents, it would be helpful if the Project Team has no comments, to send an email to that effect and that the email denotes approval.

COLLABORATIVE PLAN

The revised version of the collaborative plan and groundrules are approved. Jim Creighton will distribute to the team.

The mailing will include the cover letters, the fact sheet, and the collaborative process plan and groundrules.

FACT SHEET

The Districts have reviewed the fact sheet, as has Elizabeth Erickson. Elizabeth will be sure that Jon Bishop has the latest version, and he will review overnight. Once Jon has signed off on it there will be final coordination with Stephen Cain, the Board's Public Information Officer.

JULY 7TH SWRCB MEETING

Board staff will check with the Board's attorney to be sure all issues have been cleared and the item is scheduled for the July 7th meeting. Districts' staff will attend the SWRCB meeting. Margie and Jon need to coordinate to determine whether Districts' staff will be part of the Board's presentation or the Districts will simply make a comment supporting the TMDL during the comment period. The collaborative plan will be submitted to the SWRCB as part of the record for the TMDL.

TIME LINE

Brian Louie said he had reviewed all of Elizabeth Erickson's proposed change in the timeline. He said they appear reasonable but he has not looked into the recommended changes in detail as they would involve moving items up into the first year. Given the Project Team staff levels and the commitments already made, he concluded that there was already an extremely high work commitment

during that period. He has produced a revised first year schedule, which is attached as a figure to the RFPs. Brian will revise the rest of the schedule after the RFPs are issued, as they take priority for the moment. Brian will follow-up with Elizabeth if any concerns arise while revising the schedule to reflect the Regional Board's recommended changes to the schedule.

AG AND FACILITATION RFPs

Districts' staff have prepared RFPs for the agricultural study, for a study manager to oversee technical work, and for facilitation services. These RFPs were received by Board staff the morning of the project team meeting, so they had not had a chance to review them prior to the meeting. Brian Louie said that the review effort should be focused on Section 5 of each RFP, which describes the work tasks. Much of the rest of each document is boiler-plate.

The agriculture RFP just covers Phase 1 of the agricultural studies, during which the consultant conducts a literature review and prepares a draft work plan.

Melinda Becker suggested that the RFP define the word "threshold," so that it is clearly differentiated from "standard." A footnote will be added to the RFP.

There was then a discussion of the emphasis in the RFP on crop yield as the critical indicator of chloride impacts. Some farmers have said that leaf tip burn is an indicator of chloride impacts. Vicki Conway said the Districts had written the RFP with an emphasis on crop yield because: (1) the real beneficial use is crop yield, and leaf tip burn may not have anything to do with crop yield, and (2) many things beside chlorides can cause leaf tip burn (e.g., too little water applied), so there are many confounding factors.

Melinda Becker said that there are other factors that go into determining crop yield, such as whether there are long-term impacts to the plant or soil, even though there is no impact on short-term crop yield. A related issue is that farmers in the Upper Santa Clara are experimenting with a number of new crops, which may be more or less salt-sensitive than strawberries and avocados.

After discussion there was agreement that: (1) the RFP will be changed so that the contractor is asked to identify all the impacts associated with chlorides (based on the literature review), with crop yields and leaf tip burn (and how leaf tip burn affects yields) given as examples; and (2) the contractor will also be asked to identify potential future crops in the upper Santa Clara River, particularly those that might be more salt-sensitive than avocados and strawberries. The wording will also reflect that the contractor needs to discuss these issues with the agriculture working group, and the working group will review the contractor's recommendations.

There was also agreement that the primary focus of these studies is crop sensitivity in the upper reaches of the Santa Clara River (Reaches 6, 5 and the upper portion of 4). There is no plan to reconsider the downstream chloride objectives, so as long as that standard is met, the focus of these studies will not be downstream plant sensitivity.

Vicki Conway said that the RFP for study manager has been developed so that is not a senior scientist role, but more of a project management role.

Board staff committed to get their review comments on the RFPs to Districts' staff by Friday, June 18th. Districts' staff will then make the changes agreed upon during the project team meeting, and address comments raised by Board staff's subsequent comments. However, Districts' staff do not need to send the RFPs back to Board staff for a final review, but can simply send Board staff copies of the final version. If there are still any substantive issues, the Districts will have call the Regional Board to discuss them.

Jon Bishop raised a concern about consultants who have legitimate technical expertise but are also hired by advocacy groups to push for regulatory and policy issues, or otherwise represent those advocacy groups. After discussion it was agreed that all three RFPs will ask for submission of information about work previously performed for the Board, Districts, the California Association of Sanitation Agencies, and the Southern California Coalition of Publicly Owned Treatment Works. Firms submitting proposals will also be asked to identify any principal staff involved in the proposal who have previously been employees of the Board or Districts' organizations.

There was also a discussion of the problem that contractor selection will be nearly concluded by the time of the first working group meeting. There was a concern that stakeholders may be upset that they were not consulted. There could be problems if a contractor was selected who was generally perceived as unacceptable to stakeholders. On the other hand, contractor selection cannot be postponed without endangering completion of the first year studies in the required time. There was also a concern that stakeholders might react based on rumor or misunderstandings rather than a complete review of proposals. The project team concluded that, once the stakeholder involvement meeting occurs and people indicate an interest in being part of the agriculture working group, the project team will invite a couple of representatives of stakeholders to participate in the consultant selection process, on an ex officio basis. This would involve a significant time commitment on their part, but would remove the perception that the selection process was totally controlled by the agencies.

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to discuss the content of the RFP. Board staff will send any comments directly to the Districts.

Districts staff will send the Board the draft lists of contractors to whom the RFP will be sent. This will be sent on Thursday, July 17th. The mailing is to occur on Monday, June 21st, so if Board staff have additions they need to be sent to the Districts by the 21st. The Districts will provide the Board with the packages sent out comprised of the RFPs and the mailing lists.

CRITERIA FOR AGRICULTURE TECHNICAL ADVISORS PANEL

The revised criteria for the Agriculture Technical Advisors Panel (TAP) are approved with one change. The list of background and experience that panelists have will be shown as a list of “highly desirable” attributes, rather than “should have” attributes. The Districts will revise the criteria and send an Adobe version to the Regional Board. The Districts will also draft criteria for the other TAPs.

VISITS WITH AGRICULTURAL STAKEHOLDERS

Elizabeth Erickson has had phone conversations with several people from agriculture and has identified agricultural groups that have regular meetings. She proposes to contact them and request a time on their agenda to discuss the project, including recommendations for members on the Agricultural TAP. She will also contact some individual growers. She'll follow up the phone calls with a memo sent to executive directors of the organizations or individual growers, the TAP criteria, and project fact sheet. A preliminary list of TAP members will not be attached. The Project Team will ask these groups for their input on TAP members and ask them to nominate by sending names with biographies by some date certain (this wasn't identified). The project team approved this approach. The California Avocado Board was suggested as a possible additional group to contact. Elizabeth and Brian will make the presentations to the agriculture groups.

SELECTION OF AGRICULTURE TECHNICAL ADVISORS PANEL

The sequence of steps that will be followed in selecting agriculture technical advisors panel members is as follows: (1) People at the stakeholder involvement workshop will be invited to recommend candidates; (2) the Project Team will review the list of names of potential panelists, and prioritize them; (3) Potential team members will be contacted to determine whether they are willing to be considered; (4) The remaining candidates will be discussed with the agriculture working groups during a first working group meeting on August 16th; (5) The Project Team will name the final panel.

COMPENSATION OF TECHNICAL ADVISORS

After considerable discussion, the project team agreed that the fairest approach is to offer panelists a single flat fee per meeting that will include preparation time and participation in the meeting. This may mean that some people receive somewhat more than their normal salaries, but others will be receiving considerably less. But it will be the same for all. Some may choose not to accept any fee.

Panelists will also be reimbursed for travel, meals and lodging.. The Districts will check on current requirements regarding reimbursements (per diem) and report back to the Regional Board. Some panelists may choose not to request reimbursement.

NEXT PROJECT TEAM MEETING

The next project team meeting will be on July 8th. The project team meeting will start at 10 AM and will continue on through lunch as needed. It will be followed by a dry-run for the stakeholder involvement meeting. Topics held over from the June 15th meeting include how to streamline reviews and a discussion of the dispute resolution process. Fred Andes cannot be present on July 8th. He is particularly interested in participating in the dispute resolution discussion, so that will be scheduled for after the noon hour. Fred will be able to phone-in during that time.

June 15, 2004 ADR Meeting Action Items

RWQCB - Elizabeth to resend TMDL mailing list to LACSD by **June 16th**

RWQCB - Jon to review fact sheet and send comments to LACSD **by June 17th** (*Note: this has to be finalized (Adobe copy for Project Team) to go out with stakeholder invitation letter by June 25th*)

LACSD - send list of consultants/firms to receive RFPs to RWQCB **by June 17th**

RWQCB - provide LACSD comments on 3 RFPs **by June 18th**

RWQCB - provide LACSD with electronic copy of draft letter to be sent to stakeholder groups re input on how they want to be involved in studies **by June 18th**

LACSD - review mailing list and send additions to RWQCB **by June 18th**

LACSD - review and provide comments to RWQCB on July stakeholder meeting invitation letter **by June 18th**

RWQCB - send additions to list of consultants/firms to receive the 3 RFPs to LACSD **by June 21st**

LACSD - send out 3 RFPs (and cc RWQCB) **on June 21st**

RWQCB - prepare an Adobe copy of the collaborative plan and cover letters and send to LACSD **by June 25th**

RWQCB - Elizabeth to cancel June 23rd meeting arrangements with City of Santa Clarita; check on availability of meeting rooms for stakeholders meeting on July 13th, 14th or 15th from 7 - 9 pm, and notify LACSD **by June 25th** (confirm availability of two flip charts on the selected meeting date (RWQCB will bring 2 additional flip charts))

RWQCB - send out invitation letter for July stakeholder meeting with plan and fact sheet attached (and cc LACSD) **on June 25th** (*Note: is the RWQCB also simultaneously putting this on their website?*)

RWQCB - Elizabeth send LACSD minor changes to the TMDL for the July 7th SWRCB Workshop (**as soon as available**)

LACSD - provide RWQCB comments on letter to be sent to stakeholder groups re input on how they want to be involved in studies **by June 25th**

LACSD - finalize Agricultural TAP criteria and provide Adobe copy to Regional Board **by June 25th**.

Project Team - send Jim C. edits to June 15th meeting summary **by June 25th**.

RWQCB - **after June 25th**, Elizabeth to contact stakeholder groups for Ag study to let them know about July stakeholder meeting and that we will be sending a letter re input on how they want to be involved with the studies

RWQCB - develop list of possible questions for Q&A at July stakeholder meeting and send to LACSD **by July 2nd** - these will be discussed at the July 8th “dry run” prepare answers and decide who should answer specific questions; LACSD can also provide questions

LACSD - update PowerPoint presentation for July stakeholder meeting and send to Regional Board **by July 2nd**

LACSD - prepare hand-in response form for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare sign-in sheet (that will include boxes for checking studies of interest) for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare schedules of technical studies as handouts for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare draft criteria for other study TAPs and send to RWQCB **by July 2nd**

LACSD - Margie to check with Purchasing to see what requirements are in place for compensation of TAP members and report to RWQCB **by July 2nd**

RWQCB - arrange for Fred Andes to conference call in for July 8th meeting (after 1 pm) and provide call-in information **by July 7th**

LACSD - check with City of Santa Clarita about coordinating AV needs, and refreshments for the stakeholder meeting **by July 7th**

LACSD - Margie to ask Rupom Soni, with LACSD's Public Information Section, to serve as recorder at the July stakeholder meeting **by July 7th**

LACSD - Brian to revise master schedule **by July 7th**

LACSD - Make arrangements for cookies/coffee for stakeholder meeting **by July 14th**.

LACSD - bring copies of handouts (collaborative plan, fact sheet, study schedules, PowerPoint presentation) **to the July 14th** stakeholder meeting

Project Team - **by end of July** select 2 ex-officio Technical Working Group candidates to serve on selection panel for Ag Consultant and Ag Study Manager; make arrangements for August 16th Working Group meeting

LACSD - send proposals in response to RFPs to RWQCB and ex-officio stakeholders **by August 2nd**

Project Team and ex-officio stakeholders - complete review of RFPs proposals **by August 8th**

Project Team and ex-officio stakeholders - set aside **August 9th and 10th** for consultant's interviews/selection

LACSD - prepare agenda item for September 8th Board of Directors meeting for purchase orders for selected consultants **by August 26th**

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, July 02, 2004 5:04 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft agenda for July 8th

Team:

Attached is a file containing a draft agenda for the July 8th meeting. It includes all the issues I received from LASD. I didn't receive any items from RWQB.

See you on the 8th! Have a good July 4th weekend.

Jim

Louie, Brian

From: CandCInc@aol.com

Sent: Tuesday, July 06, 2004 11:07 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Agenda

Team:

Apparently I forgot to attach the file. Sorry. Here it is again.

Jim Creighton

PROPOSED AGENDA FOR JULY 8TH MEETING

DRY-RUN FOR JULY 14TH MEETING

- Review meeting logistics, roles
 - Sign-up sheets, response forms, working group sign-up sheets
 - Review handouts for technical studies
- Dry-run of presentation
- Review possible questions/responses/who should be responsible for responding to each question

PROJECT TEAM MEETING

- Finalize June 15th Meeting Summary
- Questions/feedback received on RFPs¹
- Dispute resolution process²
- Streamlining review and approval process³
- Discuss July 7th State Water Resource Control Board Meeting⁴
- Status and results of meetings with agriculture groups
- Review Year One schedule changes
- Alternative Compliance Options brainstorming workshop
- Draft criteria for non-ag TAPs
- Draft proposal for compensation of TAPs
- Document organization and retention – maintenance of project records.

¹ Jim Creighton may need to leave the room

² If possible, schedule when Fred Andes can participate by teleconference

³ Jon and Fred would both like to be present

⁴ Jon needs to be present

Louie, Brian

From: CandCInc@aol.com

Sent: Tuesday, July 13, 2004 8:25 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft meeting summary - July 8th Meeting

Team:

Attached is a draft summary of the July 8th meeting. Since Margie had already sent out an action-item list, I simply reviewed it and appended it to the minutes.

Please get review comments to me a week from today, July 20.

Jim Creighton

SANTA CLARA RIVER CHLORIDE TMDL PROJECT TEAM
MEETING SUMMARY
JULY 8, 2004

The meeting was held from 11:30 AM – 3 PM at the Regional Board Offices.

Team members present included:

Regional Board – Jon Bishop, Deborah Smith, Melinda Becker, Elizabeth Erickson.

Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie, Fred Andes (participated by phone for the agenda items on the dispute resolution process and streamlining reviews).

LOS ANGELES TIMES NEWS STORY

Margie Nellor said she wanted to explain the circumstances of the story that appeared in the Los Angeles Times that questioned the value of the chloride TMDL. She said she was asked by her management to talk to the reporter, who already knew about the chloride TMDL and initiated the discussion of the topic. She said she actually made a number of comments describing the collaborative process in very favorable terms, but none of those comments made it into the story.

Jon Bishop said that understood what happened, but that Margie needed to know that the Board members were very unhappy with the story, and since she was quoted prominently in the story, she was getting a share of the blame. He stressed that Board staff were happy to meet jointly with the Sanitation Districts when reporters are doing interviews, so that the comments would come from “the team” as a whole, not just from either the Board or the Districts.

Jim Creighton reiterated that the agreement in the groundrules is that communication with the media will, to the extent possible, be handled jointly or as part of a mutual agreement between Regional Board staff and Sanitation Districts’ staff.

JULY 14TH STAKEHOLDER INVOLVEMENT MEETING

The first part of the meeting was devoted to preparation for the July 14th stakeholder meeting. The Sanitation Districts are to check with the City of Santa Clara regarding audio-visual needs, and also make final arrangements for cookies and coffee. The team reviewed the draft sign-up sheets and response form, and made minor changes in the form. The Districts will make the revisions by July 12th and distribute to the team. There was agreement that the working group sign-up sheet will not be put out until after the presentation.

The team then reviewed the draft PowerPoint presentation, making changes in the overheads and allocating responsibilities for different portions of the presentation. Jon Bishop will open the meeting and make a few welcoming comments. He will then turn the meeting over to Jim Creighton, who will serve as the meeting facilitator. Jim will review the meeting agenda, then turn the meeting back to Jon. Jon and Margie Nellor will jointly make the presentation. Jim Creighton will then facilitate the question & answer period. The Project Team will remain after the formal meeting to answer questions, accept signups for the Ag Working Group, and receive recommendations for the Ag Technical Advisors Panel.

The team decided that it didn't need to do a dry run on answers to difficult questions, but the team will meet at 6 PM at the City of Santa Clarita Council Chambers, and will discuss any questions that may arise that require discussion.

FINALIZE JUNE 15TH MEETING SUMMARY

Jim Creighton said he had received comments on the June 15th meeting summary from the Sanitation Districts, but had no received any comments from the Regional Board. Elizabeth Erickson said she had reviewed the summary and had no comments, but had not heard from other Board staff. The Board agreed to have final comments to Jim Creighton by COB July 9th.

DISCUSSION OF RFPs

Jim Creighton left the room for this discussion, as he plans to submit a proposal in response to the facilitation RFP. [Team: Please insert whatever should go in here as a summary of that discussion.]

The schedule for consultant selection is as follows:

August 2 – Sanitation Districts sends copies of proposals to the Regional Board and ex-officio members of the panel

August 8 – All selection panel members finish their review of the proposals

August 9-10 – Consultant interviews

August 26 – Sanitation Districts staff prepares supporting documents for award of contracts at Sept. 8th Board of Directors meeting.

DISPUTE RESOLUTION PROCESS

Jim Creighton reviewed the description of the dispute resolution plan in the Collaborative Process document. According to that document, if a working group cannot reach agreement, it can elevate the dispute to the Project Steering

Committee, or it can ask its facilitator to provide either a neutral third-party expert or panel to provide an advisory opinion, or provide a mediator to assist in reaching agreement. Similarly, if the Project Steering Committee cannot reach agreement, it can elevate the dispute to senior management (Regional Board Executive Officer, Sanitation Districts General manager), or it can ask the lead facilitator to provide either a neutral third-party expert or panel to provide an advisory opinion, or provide a mediator to assist in reaching agreement.

The team agreed to the following additions to this description: (1) The facilitation team is responsible for coordinating and administering these dispute resolution processes, (2) Costs of technical experts will have to be handled by a separate purchase order from the District, and (3) When possible, the members of the Technical Advisors Panel should be considered first as possible third-party experts, since they will be more informed about the study and are likely to possess the needed expertise. The Districts will review the language in the RFP to be sure that the RFP language specifies the responsibility of the facilitation team to handle the administration of setting up a panel, selecting a mediator, etc.

STREAMLINING REVIEW AND APPROVAL PROCESS

Jon Bishop expressed considerable frustration with the extended review process that took place on the letter sent out jointly by the Districts and Board, and said he felt there had to be some way to streamline the review and approval process.

Following discussion of the issue, the team reached the following agreements:

1. Each agency will designate a single point of contact who will be responsible for gathering the comments of all parties for their agency. The agencies will identify these POCs by July 9th.
2. When one agency has prepared a draft document or product, the other agency will provide comments, and the initiating agency will then use its judgment in making final revisions.
3. The agency making comments should identify any issues about which it feels so strongly that there must be agreement. If there is not agreement, then the initiating agency is responsible for contacting the reviewing agency and they will need to work out the issue together.

JULY 7TH STATE WATER RESOURCES CONTROL BOARD MEETING

The State Board discussion of the Santa Clara River Chloride TMDL was very brief, with a brief presentation by the Regional Board, brief comments from the Sanitation Districts, and comments from one citizen. The item has been put on the State Board's consent decree for their next meeting.

STATUS AND RESULTS OF MEETINGS WITH AGRICULTURE GROUPS

Elizabeth Erickson reported that she had placed phone calls to or met with each of the key agriculture groups to invite their suggestions for the agriculture technical advisors panel and advise them of their opportunity to serve on the agriculture working committee. She had not heard back from a couple of the groups, and it was not clear whether they were just busy or were avoiding talking with her for some unknown reason. She has meetings scheduled with the Fruit Growers Laboratory on July 12th, and with the United Water Conservation District and Ventura County Farm Bureau of July 14th. After these meetings and the stakeholder involvement meeting on July 14th, Elizabeth and Brian Louie will discuss whether any additional follow up is needed with agriculture groups to solicit recommendations for the agriculture technical advisors panel.

When Elizabeth receives recommendations for the TAP she will then ask for a CV for that individual. Elizabeth Erickson is to send all CVs received to the Sanitation Districts by August 1.

EX-OFFICIO MEMBERS ON CONSULTANT SELECTION PANELS

The Project Team will meet immediately after the July 14th stakeholder involvement meeting to discuss possible agriculture stakeholders who will be invited to participate as ex-officio members of the agriculture consultant selection process for the agriculture consultant and agriculture study manager. These ex-officio members need to be selected by the end of July.

AGRICULTURE WORKING GROUP MEMBERS

The team discussed how it would identify the members of the agriculture working group. The team decided it did not want to exclude anyone who wished to be on the working team, even though it wants to keep the working teams to a manageable size. Once people have volunteered to be on the working team they will be given a follow-up phone call. During that phone call, they will be reminded of the criteria and the time commitment involved. If the number of people who still want to be on the working group is too large after the phone calls, then the project team will need to discuss how to handle it. There was some discussion of whether there should be groundrules for how many meetings a working group member could miss before being dropped from the group. The team decided that each working group can set its own groundrules governing absences.

REVIEW OF YEAR ONE SCHEDULE CHANGES

This item will be discussed in a conference call at 10:30 AM on July 13th. Once decisions have been reached, the team will supply a summary to Jim Creighton to go into the overall summary of the July 14th meeting.

ALTERNATIVE COMPLIANCE OPTIONS BRAINSTORMING WORKSHOP

This item will be discussed in a conference call at 10:30 AM on July 13th. Once decisions have been reached, the team will supply a summary to Jim Creighton to go into the overall summary of the July 14th meeting.

DRAFT CRITERIA FOR NON-AGRICULTURE TECHNICAL ADVISORS PANEL

The Sanitation Districts have sent draft criteria for the non-agriculture technical advisors panels to the Regional Board. Review comments are due

DRAFT PROPOSAL FOR COMPENSATION FOR TECHNICAL ADVISORS PANELS

Districts staff had originally recommended to Districts management that TAP members be paid a flat fee of \$1,000 per meeting attended. But it turns pit that for contracting/auditing purposes, TAP members will need to account for hours. There will be a single hourly rate that will be applied to all TAP members. Jon Bishop said that conceptually this approach seemed fine, and it will be left up to the Sanitation Districts to work out the details.

The Districts have some aside \$150,000 plus travel money to compensate TAP members.

DOCUMENT ORGANIZATION AND RETENTION

The number of documents that are being generated is growing rapidly, and there are many versions of some documents. The team needs to agree on how project records should be maintained, as there will be quite a collection by the time the project is completed. This item is to be discussed at a future meeting.

ACTION ITEMS FROM JULY 8TH MEETING¹

LACSD {from 6-15} - check with City of Santa Clarita about coordinating AV needs, and if we can bring refreshments for the stakeholder meeting **by July 7th**

LACSD {from 6-15} - Make arrangements for cookies/coffee for stakeholder meeting **by July 14th**

LACSD & RWQCB - give Jim C. name of contact person for each agency with respect to document review and meeting deadlines **by July 9th**

LACSD - revise Facilitation RFP to clarify role in resolving conflicts **by July 9th**

RWQCB - give Jim C. comments on July 15th meeting summary **by July 9th**

LACSD - revise and finalize July 14th PowerPoint presentation and email to RWQCB **by July 12th**

LACSD - revise July 14th sign-in sheet, Working Group sign-up sheet, and response form **by July 12th**

Project Team - conference call **on July 13th at 10:30 am** to go over the last items on the July 8th agenda; provide draft summary to Jim C. **by July 14th**

LACSD - bring copy of PowerPoint presentation on CD **to the July 14th** meeting

LACSD {from 6-15} - bring copies of handouts (collaborative plan, fact sheet, study schedules, PowerPoint presentation, Ag TAP criteria) and the sign-in/sign-up sheets, response form on different color paper **to the July 14th** stakeholder meeting

Project Team - on **July 14th after the meeting**, discuss possible ex-officio stakeholders to serve on selection panel for Ag Consultant and Ag Study Manager

Brian/Elizabeth - **following July 14th** meeting decide if additional follow-up is needed for agricultural stakeholder groups for TAP recommendations

Project Team {from 6-15} - **by end of July** select 2 ex-officio stakeholders to serve on selection panel for Ag Consultant and Ag Study Manager; make arrangements for August 16th Working Group meeting

Elizabeth - send LACSD copies of CVs received for Ag TAP candidates **by August 1st**

LACSD {from 6-15} - send proposals in response to RFPs to RWQCB and ex-officio stakeholders **by August 2nd**

Project Team and ex-officio stakeholders {from 6-15} - complete review of RFPs proposals **by August 8th**

¹ Includes some long-term action items from June 15th meeting.

Project Team and ex-officio stakeholders {from 6-15} - set aside **August 9th and 10th** for consultant's interviews/selection

LACSD {from 6-15} - prepare agenda item for September 8th Board of Directors meeting for purchase orders for selected consultants **by August 26th**

Louie, Brian

From: CandCInc@aol.com

Sent: Thursday, July 15, 2004 3:41 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft public meeting summary

Team:

Attached is a draft summary of last night's meeting. Could you get revisions/comments to me by COB July 23?

Jim Creighton

UPPER SANTA CLARA RIVER CHLORIDE TOTAL MAXIMUM DAILY LOAD
PUBLIC PARTICIPATION MEETING
JULY 14, 2004

The meeting was held at the Santa Clarita City Council Chambers from 7 – 9 PM on July 14, 2004.

Jonathan Bishop, Interim Executive Officer of the Los Angeles Regional Water Quality Control Board (Regional Board) welcomed the audience, expressing appreciation that people would take their time to attend the meeting. He introduced Jim Creighton, who served as meeting facilitator.

Mr. Creighton asked everybody to introduce themselves, then reviewed the meeting agenda. Creighton said that there would be a presentation that would describe the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL) Implementation Plan, the collaborative process that would be followed to conduct four major scientific studies as part of the TMDL, the study organization and structure, and the opportunities for stakeholder involvement. Following the presentation, there would be a period for questions and answers or public comments. After the question and answer period the project team would stay around to answer questions, discuss issues, or receive comments. The overall purpose of the meeting was to help the public understand the collaborative process, and discuss how the public can be involved in the process. He said that Jon Bishop and Margie Nellor, from the Los Angeles County Sanitation Districts would make the presentation.

PRESENTATION

Jon Bishop began by describing what a TMDL (Total Maximum Daily Load) is. A TMDL is the maximum amount of a pollutant that a water body can receive and still meet water quality standards. The TMDL not only establishes the maximum amount of the pollutant, it also allocates that amount between all the various sources of the pollutant. This is important in determining who is responsible for cleaning up and limiting the discharge of the pollutant.

The states, including the State of California, are responsible for setting water quality standards. The first steps of this process are for the states to define the actual uses of the water in that particular water body and then set scientific criteria for what the water quality has to be to sustain those uses.

The federal Clean Water Act, section 303, established the TMDL program and gave the states responsibility. But for a number of years the primary focus of water quality regulators was to identify major individual sources (referred to as “point sources”) such as chemical plants, factories, waste treatment facilities, etc. Now most of those have been or are on their way to being cleaned up. So now

the agencies are focusing in on water quality controls that take into account all sources of contaminants.

The Upper Santa Clara River TMDL was adopted by the Regional Board on May 6, 2004. The TMDL sets a 13-year schedule to meet the existing chloride standard. This 13 years includes five years during which four technical studies will be conducted to be sure there is an adequate scientific basis for the objective, and eight years to take whatever steps are necessary to reduce chlorides to meet the standard. Once the four studies are concluded, the results of the studies could result in a proposal to the Regional Board to modify the existing standard of 100 mg/L.

Mr. Bishop then described the Santa Clara River Watershed. For management purposes, the Santa Clara River Watershed is divided into Reaches. The Reaches addressed in this study are Reaches 5-7. All the other Reaches meet the water quality objective of 100 mg/L. In addition, these other reaches receive flows from other sources than the Sanitation Districts' facilities.

The flows in Reaches 5-7 include the natural flow, water deliveries from the State Water Project (which also contains chlorides), and water from the Sanitation Districts waste treatment facilities. The natural flow is not continuous throughout the year, and there are times of the year when the water from the waste treatment plant is the only source of water in the river in these reaches. The Districts operate two waste treatment plants in the area, known as the Valencia and Saugus plants.

Mr. Bishop showed a slide with the historic chloride concentrations from 1948 to the present. Before 1970, chloride concentrations varied significantly from year to year, and frequently exceeded 100 mg/L, sometimes by significant amounts. These levels were substantially impacted by brine discharges from oil exploration. The Saugus WRP came on line in 1961 and the Valencia WRP in 1967. Deliveries of state water project water came in the mid-1970s.

When the WRPs came on line, the Sanitation Districts restricted discharge of brine from residential, commercial and industrial self-regenerating water softeners (SRWS). But legal challenges blocked implementation of the residential ban until new legislation was passed in 1997. During the period when SRWS were allowed, the chloride in the river began to climb. Just recently the District has been able to place a ban on installation of new self-regenerating softeners, and has begun a program to reduce the number of existing softeners. The data suggests that this may be resulting in reductions in chloride, although the amount of chloride remains above 100 mg/L.

The new TMDL was adopted by the Regional Board in May of 2004. This was not the first attempt at setting a TMDL, but this is the first TMDL that applies fixed dates for implementation plus an agreement on a collaborative process for the

technical studies. The TMDL must be approved by the State Water Resources Control Board. Then it goes through a legal review to be sure all the procedures were followed properly. Finally it is reviewed by the US Environmental Protection Agency to be sure it complies with federal standards. The effective date of the TMDL is probably early in 2005.

Margie Nellor then described the Sanitation Districts facilities. The Saugus facility is located on Springbrook Avenue in Saugus, east of San Fernando Road. The Valencia facility is located on The Old Road in Valencia, west of Highway 5 in Santa Clarita. In 2003 the Districts modified these facilities to remove nitrogen. This was necessary to comply with newly applied ammonia effluent limitations. This additional treatment will also reduce nitrate concentrations in the effluent. The Districts also provides water deliveries to the Castiac Lake Water Agency. This began in 2003. The water is used for golf courses, greenbelts, medians, etc.

The amount of chlorides coming from industry and businesses is very small, and controls are in place to keep it small. The two largest sources of chloride are the local water supply, which is a blend of groundwater and State Project water, and homes. During time of drought the water supply itself can be above 100 mg/L.

The largest source of chloride from homes comes from self-regenerating or automatic water softeners that use salt from regeneration. Those water softeners where a service delivers a new tank periodically do not contribute to the problem because the companies that provide those tanks discharge those salts in a legal manner in another location.

The Districts have tried to do everything they could to control SRWS, but have been constrained by various laws. These laws began to change in 1997, but even the 1997 law didn't allow the Districts to establish a ban until 2003. The Districts did establish a ban in March 2003, the earliest it could do so under state law, and the first in the state. Chloride concentrations seem to have stabilized and maybe even decreased since the ban has been in effect.

Jon Bishop then described the collaborative process that will be used to conduct technical studies as part of the TMDL. Mr. Bishop mentioned that there have been quite a few technical studies in the past on chlorides, but they were conducted individually by dischargers or agencies, and there was not widespread agreement that the results were legitimate or acceptable. The goal of the collaborative process is to get agreement by Regional Board staff, Sanitation Districts staff, and major stakeholders, that there is sufficient and credible scientific information upon which to base decisions about standards.

Mr. Behjan, a participant, asked Mr. Bishop if, after the technical studies were done, the Regional Board would still make a policy call about the level at which the standard would be set. Mr. Bishop said that was correct. The Regional Board needs to take into account the technical studies, and additional factors such as

social and economic impact, feasibility of remedies, and other factors in determining the standard. There can be disagreement on that, but the goal of the collaborative process is to at least remove disagreement on the scientific basis for the decision.

Staff of the two agencies have developed a plan that lays out agreements on how decisions will be made, disputes resolved, and stakeholders involved. The studies will be co-managed by the Regional Board and Sanitation Districts. The process will use professional facilitators, and much of the technical work will be done by consulting firms. All the technical work will be reviewed by outside technical experts, and there will be opportunities for stakeholder involvement in the management and review of the technical studies.

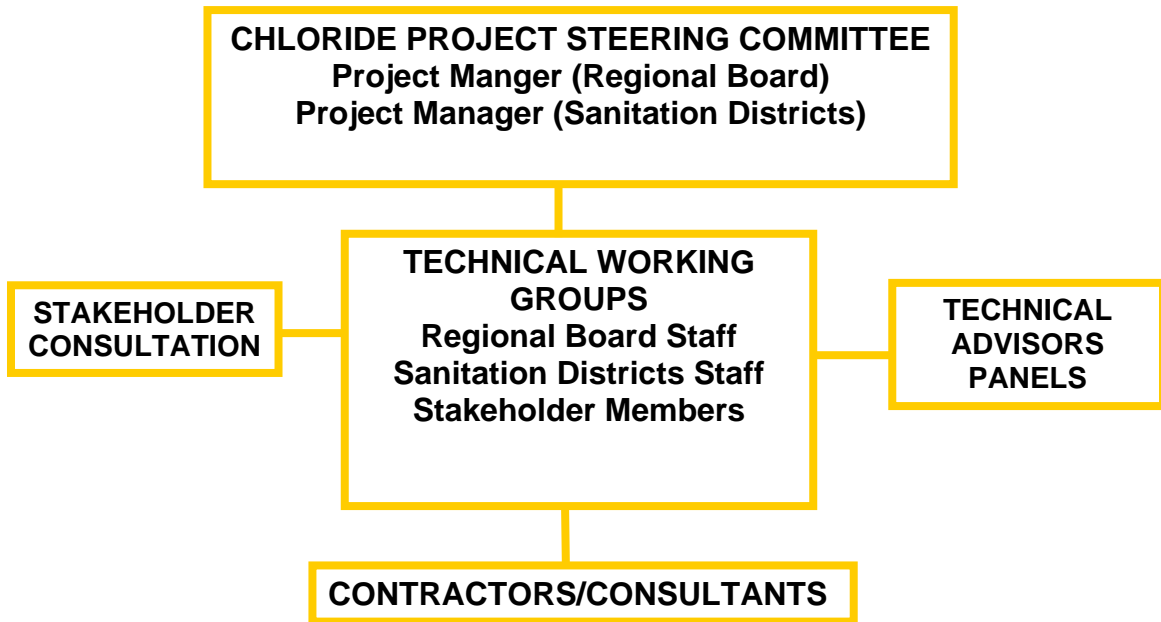
Two of the technical studies will be designed to evaluate appropriate chloride thresholds for beneficial uses of Santa Clara River water, specifically salt-sensitive agriculture and endangered species. The third study will be designed to understand the interaction of surface water and groundwater. There are places where the surface water goes into the groundwater, and then arises downstream as surface water. We need to understand this interaction to be able to evaluate whether chlorides in the surface water affect the quality of the groundwater. The fourth study is what is called an “antidegradation analysis” and includes (if necessary) development of site-specific objectives. In an antidegradation analysis regulators first look at whether the current or expected discharges have the potential to degrade existing beneficial uses. Then the analysis addressed whether it is economically and technologically reasonable to minimize the discharges that are lowering water quality.

The kind of collaborative process that is being proposed has been used successfully on other TMDLs, including the recently approved nitrogen TMDL for the Santa Clara River. But one of the keys to the success of this kind of process is the willingness of stakeholders to participate in the process.

Mr. Bishop then reviewed the study organization, as shown in Figure 1. The Project Steering Committee consists of a project manager from the Regional Board and a project manager from the Sanitation Districts. Together they have overall responsibility for implementation and oversight of all four studies. They also have a role in resolving disputes that may occur in technical working groups.

There will be a technical working group for each of the four studies. The job of the technical working groups is to direct and review that work performed by contractors. The membership of each technical working group will include Regional Board staff, Sanitation Districts staff, and stakeholder members.

Figure 1
Study Organization



The team is actively seeking stakeholder involvement in the technical working groups. But being a member of the technical working group does involve a significant time commitment. Members will be expected to attend meetings regularly, and read the reports that will be discussed in these meetings. There may be quarterly meetings for some groups, but during the first year of the project the Agricultural Working Group may need to meet monthly or even bi-weekly. Stakeholder members also need to be willing to work in a consensus-oriented process. Stakeholder members will not be compensated for their time, but they will be at the table as important decisions are made on how the studies are conducted. All meetings of the working groups are open to the public, and observers will have the opportunity to make comments at designated times.

There will also be opportunities for stakeholders to participate who are not able to make the time commitment involved in being a working group member. Stakeholder meetings will be held periodically over the entire chloride TMDL implementation schedule. Some of these meetings will be general meetings providing overviews of the entire process. In addition, each working group may conduct its own stakeholder involvement meetings to discuss its specific study. Whenever possible, stakeholder meetings will be scheduled to occur prior to critical decision points in the project, so that stakeholders can comment upon those decisions before they are made. The frequency of stakeholder meetings will vary depending on what is happening in the project. By fall 2004, we plan to

have a project web page that will provide access to meeting agendas and minutes, a calendar of events and updates, project schedules, and contractor work products. The project team will also use an e-mail list-server so that it can send announcements about meetings, work products, etc. In the meantime, information will be available at both www.swrcb.ca.rwgcb4 and www.lacsd.org.

There will also be a Technical Advisors Panel established for each of the four technical studies. These technical advisors are individuals with recognized expertise who can help evaluate the adequacy of the technical work. The Technical Advisors Panels will review proposed study plans, help resolve important technical issues, and generally ensure peer review throughout the study. The work of the Technical Advisors Panels is in addition to a final peer review required by Regional Board rules.

Decisions in the project steering committee and working groups will be by mutual agreement. This doesn't mean that everybody will be equally enthusiastic about every decision, but that people are willing to "live with" the agreement even though they might prefer an alternative solution. Meetings will be facilitated by professional facilitators. In the event working groups are not able to reach agreement, they can either refer the issue to a higher-level management group, get advice from neutral third-party technical experts or panels, or bring in a mediator to help them resolve the dispute.

The actual technical work will be conducted by contractors. The Sanitation Districts will pay the bill for the consultants, but the consultants' "client" will be the entire working group, which includes Regional Board staff, Sanitation Districts staff, and stakeholder members. Regional Board and Sanitation Districts staff will jointly approve all RFPs, select contractors, and ensure there are no conflicts of interest.

Mr. Bishop said that throughout the 13-year implementation program, there would be interim waste-load allocations in effect. Because the chlorides in the State Water project rise when there are drought conditions, the interim allocations are designed to allow higher chloride levels during drought conditions.

Ms. Nellor said that the first study that will get underway is the agricultural study. It has to get launched quickly because, if studies of the impact of chlorides on crop productivity are required, those studies would take several years to complete. The two salt-sensitive crops of interest are avocados and strawberries. These are grown in the eastern half of Reach 4 (east of Piru Creek to the LA/Ventura County Line). The goal of the agricultural study is to determine the appropriate chloride threshold for the protection of salt-sensitive agricultural crops. The studies could lead to development of a site-specific chloride objective for the Upper Santa Clara River Watershed.

The District has already issued an RFP for contractors to conduct the agricultural studies. Brian Louie (who was present at the meeting) has copies of the RFP for people to look at. Proposals are due July 30th. The plan is to form the Agriculture Technical Working Group by August 1st, and have the consultant selected by August 13th. The first meeting of the working group would be on August 16th, with consultant work beginning September 9th. The first phase consists of an intensive literature review and then development of a work plan. This phase ends by September 13, 2005.

Ms. Nellor reminded participants that they will be able to participate in several different ways. They can participate in one of the four technical working groups, or they can participate in stakeholder meetings. If people want more information they should check either the Regional Board or Sanitation Districts web site, or contact Elizabeth Erickson, 213/576-6683, at the Regional Board; or contact Brian Louie, 562/699-7411 ext. 2802, at the Sanitation Districts.

Ms. Nellor pointed out that there were signup sheets for the working groups on a table at the side of the room.

QUESTIONS AND ANSWERS

Question: I participated in a similar process on the Santa Ana River, but after everybody worked hard to agree on the technical work there were still problems interpreting the results. I recommend coming up with an agreement upfront on how the interpretation will be done.

Answer: That's an interesting idea. I don't know if we will be able to do that or not.

Question: Are swimming pools a source of chlorides? There are a lot of them in the area.

Answer: Private swimming pools are a very small source of chlorides. Large public swimming pools are required to use Best Management Practices to reduce the amount of contaminants they discharge, including chlorides.

Question: You say that the studies are looking at the upper reaches, but strawberries and avocados aren't grown in those upper reaches. So why are you looking at the upper reaches?

Answer: It's true that the area where strawberries or avocados are grown is in the eastern portions of Reach 4. But to the extent that these farming operations rely on water from the Santa Clara River for growing, that water is coming from those upper reaches, where at times the only water source is the Districts' discharge.

Question: Why isn't the study looking at the lower reaches?

Answer: Because the lower reaches presently comply with the 100 mg/L objective, and that is not expected to change. The lower reaches receive water from a number of different sources, so that has the effect of lowering the chloride levels.

Question: How do you enforce the ban on water softeners?

Answer: People and companies call in and complain about water softeners they see in people's homes. Actually most people have been very cooperative when they are told about the problem with softeners. Plumbers are also prohibited from installing new softeners.

Question: Would an objective based upon a flow-weighted average be helpful?

Answer: There are several ways of setting an objective. One way says that any time flows exceed the 100 mg/L objective, even for a short period of time, action must be taken to lower the amount of pollutant going into the river. Another kind of objective says that action is required when the average concentration for a period of time (such as 24 hours) exceeds 100 mg/L. The Districts would prefer an objective based on averages for a period of time. One of the issues of dispute has been that an earlier version of a Santa Clara River chloride TMDL had a footnote that suggested a weighted-average approach. That footnote got dropped in later editions of the TMDL, and that has been a subject of contention ever since.

Comment: If the impact is acute, then the objective should be instantaneous. But otherwise, it should be based on the average.

Question: Is this situation being over-regulated by the state? Some people believe the state is doing far too much regulation already.

Answer: Some people do feel there is too much regulation, and it is true that regulatory agencies are paying more attention to non-point sources, and this has the effect of increasing the impact of regulation on more people. But there are also people who tell us we are not regulating enough.

Question: When did the battle against water softeners begin?

Answer: The Districts began trying to regulate water softeners beginning in 1963. But the battle really heated up during the early 1990s, when the law was changed to guarantee each person's right to a water softener.

The law was changed in 1997, but even in the 1997 law agencies were not allowed to put controls on water softeners until 2003. Now it is easier for the Districts to control softeners again.

Question: If you got rid of all water softeners, would you be able to meet the objective?

Answer: We believe there are about 7,000 self-regulating softeners (the kind that put chlorides into the waste stream) in the area. If we could magically eliminate all those softeners it would certainly reduce the chlorides. But it is likely that during droughts we would still not be able to meet the 100 mg/L objective.

Question: Does the membrane process remove all salts and hardness?

Answer: Yes.

Question: Would it be cheaper to treat the water supply at the source?

Answer: Capital costs would be cheaper, but there would still be brine that would have to be disposed of somehow. There's also an institutional barrier. The Regional Board does not have regulatory authority over the quality of State Water Project water. So there's really no mechanism for forcing treatment at the source, and assessing costs of treatment.

Comment: The City of Fillmore is currently evaluating treatment at the water supply.

Comment: The further you are from the ocean, the more expensive the brine disposal will be.

Question: Will you be considering whether you could supply potable water for a beneficial use such as growing strawberries or avocados. Is that possible?

Answer: That's one of the alternatives that will be considered.

Question: Does the RFP for this study dictate the study plan, so that the working group will simply be stuck with implementing a study plan that has already been agreed upon?

Answer: The RFP covers only Phase 1. During Phase 1 the consultant will do an extensive literature review and will work with the working group and technical advisors panel to develop the study plan. So the RFP doesn't pre-judge what the study plan will be, and in fact the literature review is necessary in order to determine what and whether studies are needed.

There will be another RFP for implementation of the study plan. Brian Louis has copies of the RFP available for you to look at.

Comment: This project is ground breaking, and many in the state will be looking to see the results of this work.

Response: There has been a great deal of independent academic work done in the past, but never in a way that when it was completed there was broad acceptance of the results. That's what we are looking for with this study.

Question: It can be 4-5 years before avocados produce. How can you do studies of crop productivity in 9 months?

Answer: The first year of the study is being taken to agree on what studies are needed. Right now that leaves four years to complete the studies. But if everybody agrees that longer studies are needed, we'll have to go back to the Regional Board and request schedule changes.

Question: Have you contacted the authors of the classic avocado studies to see if they wanted to bid on the RFP.

Answer: Yes, and we're also in contact with them about the possibility of serving on the technical advisors panel.

Question: Couldn't you use an existing avocado grove to conduct the studies?

Answer: That would be a definite possibility if there is agreement that would address the remaining questions. The working group will look at that option.

Question: The technical studies are more likely to produce a range rather than a single figure. At some point there will begin to be effects, but at a higher point, the effects may become fatal to the plants. Is that going to be taken into account?

Answer: Yes. You are right that the technical studies will show a range and there has to be some kind of judgment call as to where in that range the objective needs to be set. That's what the Regional Board does. That's why we do the antidegradation studies to look at the social, economic and technological reasonableness of possible criteria.

CLOSING

Mr. Creighton reminded participants that the Regional Board and Sanitation Districts staff would remain to have informal discussions with participants. He also reviewed the alternative ways people could choose to participate and

reminded participants that the sign-up sheets for the working group were on the side table. He also had a hand-in response form handed out so that anybody who preferred to submit a written comment could do so.

The meeting was adjourned shortly before 9 PM.-

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, July 30, 2004 11:42 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft summary of July 29 teleconference

Team:

Attached is the draft summary of the July 29 teleconference. Please get review comments to me by Aug. 6th.

Thanks,

Jim Creighton

SUMMARY OF JULY 29, 2004 TELECONFERENCE SANTA CLARA RIVE CHLORIDE TMDL IMPLEMENTATION PLAN

The teleconference began at 1 PM. Participants included: Regional Board: Melinda Becker and Elizabeth Erickson; Sanitation Districts: Margie Nellor, Sharon Green, Vickie Conway, Brian Louie; Facilitator: Jim Creighton.

FINALIZING MEETING SUMMARIES

Jim Creighton said that he had sent out a draft agenda on July 28, and wanted to check to see if any changes were needed. Everybody agreed that the agenda was acceptable.

The first four items had to do with finalizing summaries of meetings on June 15, July 8, July 13 (teleconference), and July 14 (stakeholder meeting). Jim said he had not received final comments from the Regional Board on any of these. Melinda Becker said that she would review them and get comments or revisions to Jim by August 2.

MEMBERSHIP OF AG TECHNICAL WORKING GROUP

At present, there are 16 stakeholders who have expressed an interest in being part of the agriculture technical working group (AgTWG). Elizabeth Erickson had a meeting with people from agriculture (at the IHOP) that turned into a much larger meeting than she expected, and she provided them with a briefing on both the AgTWG and the agriculture technical advisors panel (AgTAP). This briefing included a description of the time commitment and criteria for both groups.

A first meeting of the AgTWG is scheduled for August 16. One of the agenda topics for that meeting is to discuss stakeholder perspectives on the membership of the AgTAP. The team spent time discussing the problem that some members on the candidate list for the TAP may choose to become members of the TWG if they are not selected for the TAP. The decision was made to send the invitation for the Aug. 16 TWG meeting to all people who were on the TAP list as well as to potential TWG members. But both the Districts and Board staff will send e-mails to the people with whom they've talked about being on the TAP telling them that this is just a courtesy and they need not attend the meeting in order to be considered for the TAP. The e-mail will also mention that the working group will be discussing the membership of the TAP during its meeting.

MEMBERSHIP OF AGRICULTURE TECHNICAL ADVISORS PANEL (AgTAP)

Brian and Elizabeth are contacting the potential candidates for the AgTAP. There are currently 15 names on the list. People who are being contacted are asked to submit their CV. So far 4 people have submitted their CVs.

There was then a discussion of how big the TAP needed to be. One thought was that it could be as small as 3 people, but there was concern that this might be too small to represent all the viewpoints. Also, if there are only 3 members, if one drops out (or is a “dud”) then the panel is too small.

The procedure for selection of the TAP members is as follows:

1. The Project Team will make time on August 9-10 (when they are conducting interviews on proposals received in response to the RFPs) to review the CVs that have been submitted, and decide on which names will be submitted to the working group for review.
2. The assumption will be made that if the CV is not submitted by the 9th, the individual is not interested in being considered.
3. The working group will review the names on the list and provide advice to the Project Team.
4. After the 16th, the Project Team will get together and decide on the membership, taking into consideration the suggestions of the working group.

AUG. 16 WORKING GROUP MEETING ARRANGEMENTS AND AGENDA

Elizabeth will find a meeting place that will accommodate about 20 people. The preference would be for some place in the Santa Clarita area, but if rooms are not available, it could be in another location so long as it is convenient for the stakeholder attendees.

Elizabeth said that during the IHOP meeting farmers said the meeting could take place during the day. The assumption is that this will be a two-hour meeting. It could either be late morning (10 AM – 12 AM) or in the afternoon (1 – 3 PM, or 2-4 PM), depending on meeting room availability. The Sanitation Districts will provide refreshments. Elizabeth should just go ahead and decide on the time and place. She needn't check back with Districts' staff.

The Regional Board will send out the meeting invitations. They don't need to have the Districts' review the invitation, but can simply send the Districts an e-mail when it goes out.

The initial invitation will not include the agenda. The agenda will be determined at the Aug. 9-10 Project Team meeting, and will be sent out subsequent to that meeting. This will serve as a second reminder of the meeting. Elizabeth said she provided the full packet that had been mailed out to people earlier to the people at the IHOP meeting, as well as TWG and TAP criteria. The mailed packet included copies of the Collaborative Process Plan.

Jim Creighton will prepare a first draft of the agenda for the Aug. 16th meeting, in time for the Project Team to finalize the agenda at its Aug. 9-10 meeting. One of

the agenda items should be to invite working group members to suggest references/citations/studies that they believe the consultant should look at. There was also agreement that time needed to be spent on what "consensus" means.

Jim Creighton will facilitate the Aug. 16 meeting.

EX OFFICIO MEMBERS TO REVIEW PROPOSALS

The team then discussed who, from the list of Ag Working Group members would be invited to help review the proposals from the Ag consultant and Project Manager RFPs. Their opinions would be advisory. The key criteria were that they would be able to contribute something to the review, and would help people from agriculture feel that someone who knew something about farming would be consulted in the decision.

After discussion the team agreed that Elizabeth would contact Bill Reiman and Dan Detmers to see if they would be willing to participate. If either of them is unable to participate, she will contact Jim Lloyd-Butler.

Brian will e-mail copies of the RFPs to Dan Detmers and Bill Reiman, but will wait until Aug. 30 in order to give Elizabeth time to call them first.

Copies of the proposals will be sent electronically to both the reviewers from the Board and any ex-officio members.

EVALUATION OF RFPs

The interviews for the agriculture RFO and study manager RFP will be scheduled for Aug. 9th, with the facilitation RFP interviews scheduled for Aug. 10th. The Districts will provide lunch. The Districts will prepare an appointment schedule and proposed interview procedures and e-mail it to the Board. The goal is to have the contracts in place as close to the end of August as possible.

So far only 1 proposal has been received. That proposal is in response to the facilitation RFP. But normally proposals don't arrive until the last minute. Proposals are due the morning of July 30.

This led to a discussion of what happens if only 1 proposal is received for any of the RFPs. Margie Nellor said that their attorney has advised them that if only one proposal is submitted, but it is responsive, they are obliged to accept the proposal. Otherwise the Districts incur significant legal liability. Melinda Becker expressed surprise at this, and said she thought most public agencies had rules that a proposal could be accepted only if at least three proposals were received. Margie said that under the Districts rules this was true for engineering RFPs, but not for other services. Melinda expressed concern that this was the first time she had heard about the District's procedures on this. Margie said that their attorneys

had advised them that the only grounds on which they could reject the single proposal was if it was non-responsive, and the reasons for considering it non-responsive had to be documented very thoroughly. In addition, if they did re-compete, it would delay the whole schedule by several months.

Melinda asked that there be a discussion of how to handle this if it occurred. Everybody will know by Friday afternoon whether that is the situation. The team agreed that if, once the proposals are in, someone is concerned about this, that team member should contact the others to agree on a time to discuss the problem.

The Districts will send all the proposals electronically to the Board and any ex officio reviewers. This will be done Friday afternoon (July 30).

Margie said that the Districts had received some puzzling information about why some firms weren't submitting. They said the Districts had been contacted by one firm that said they weren't going to submit because when they had contacted one technical expert he said he already had some role in the project (apparently being on the TAP), and that created a conflict of interest. But this was all very confusing, because when Brian contacted this technical expert he declined being on the TAP. Another company said it had been contacted by another group who said they should be included in their proposal because "the Districts had said they were a critical for some of the studies." Districts staff were not aware of saying any such thing. Nobody from either the Districts or the Board could account for these aberrations, except to say this is the kind of thing that happens when consultants are jockeying for position.

DESCRIPTION OF COMPLIANCE ALTERNATIVES WORKSHOP

Margie said that the Districts had sent the Board a draft description of what the compliance alternatives workshop would look like. Jon Bishop had agreed to take such a description to both the state board and EPA to solicit their involvement in the workshop. The draft description was sent to the Board on July 6th, but the Districts had not received any comments from the Board.

Elizabeth Erickson said she had reviewed the workshop description and it seemed OK to her. Melinda said that if that was the case, the Districts should go ahead and finalize the description and get the final version back to the Board so that Jon can talk to the state board and EPA.

ACTION ITEMS:

DISTRICTS

- Brian to follow up invitation to Aug. 16 meeting with an e-mail to all people he has contacted about being on the TAP to tell them: (1) that the invitation is just a courtesy, (2) they do not need to present to be considered for TAP membership, and (3) the membership of the TAP will be discussed in the working group meeting.
- Brian to e-mail copies of the RFPs to any ex-officio members of proposal review panel
- Brian to send copies of the proposals to all project team and ex-officio review panel members.
- Districts to send interview schedule and interview procedures to all panel members
- Anyone who is concerned because only 1 proposal is received for an RFP should contact other Project Team members to set up a time to discuss
- Districts to send final description of compliance alternatives workshop to Board

BOARD

- By August 2, Melinda is to send Jim Creighton final review comments on:
 - June 15 project team meeting
 - July 8 project team meeting
 - July 13 (project team teleconference)
 - July 14 (stakeholder meeting).
- Elizabeth to identify Aug. meeting time and place
- Board to send invitations to Aug. 16 meeting to all people on both AgTWG and Ag TAP lists
- Board to follow up invitation with an e-mail to all people it has contacted about being on the TAP to tell them: (1) that the invitation is just a courtesy, (2) they do not need to present to be considered for TAP membership, and (3) the membership of the TAP will be discussed in the working group meeting.
- Elizabeth to contact Bill Reiman and Dan Detmers to see if they would be willing to participate, If either of them is unable to participate, she would contact Jim Lloyd-Butler.

- Anyone who is concerned because only 1 proposal is received for an RFP should contact other Project Team members to set up a time to discuss
- Jon Bishop to discuss compliance alternatives workshop with state board and EPA to solicit their participation

JIM CREIGHTON

- Prepare draft agenda of Aug. 16 meeting and send it to Project Team
- Facilitate Aug. 16 meeting

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, July 30, 2004 1:19 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft agenda Aug 16 AgTWG

Team:

Attached is a draft agenda for the meeting of the agriculture technical working group on August 16th. I tried to keep it as short as possible -- 2 hours isn't that long!

I did not single out "consensus" as a discussion item. I figured if we talked about groundrules that discussion would come up.

I'm going to spend a little time to draft an "expectations" paper for the working group. You can also discuss this at your August 9-10 meeting. I'll send it along later this afternoon.

Jim

Draft Agenda
AGRICULTURE TECHNICAL WORKING GROUP
August 16, 2004 Meeting

- Introductions
- Briefing:
 - Goal of Study - substantial agreement that there is sufficient and credible scientific and technical information upon which to base decisions
 - Sequence of study
 - Hire ag. consultant/study manager
 - Literature Review
 - Agree on study plan
 - Conduct research
 - Timeline
 - Role of working group
 - Time commitment
 - Decision making by “mutual agreement”
 - How decisions get resolved when there are continued disagreements
 - Responsibility for stakeholder involvement related to ag. studies
 - Role of Technical Advisors Panel
 - Criteria for selection
 - Role
- Discussion Items:
 - Membership of Technical Advisors Panel
 - Issues that studies should resolve
 - Past studies that ag. consultant should consider/evaluate
 - Working group groundrules

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, July 30, 2004 2:53 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft charter for AgTWG

Team:

As I got into the expectation document I realized what we really wanted was a charter document, so I cobbled together such a document and it is in the attached file. This also means that the last item on the agenda that I sent you earlier should be changed to "Discussion of Working Group Charter."

Jim

**DRAFT CHARTER
AGRICULTURE TECHNICAL WORKING GROUP
SANTA CLARA RIVER CHLORIDE TMDL**

GOAL OF AGRICULTURE TECHNICAL WORKING GROUP

The goal of the overall collaborative process is to ensure that by the end of the process there will be substantial agreement by Regional Board staff, Sanitation Districts' staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about standards and the implementation plan for the Upper Santa Clara River.

The goal of the Agriculture Technical Working Group is to reach substantial agreement that there is sufficient and credible scientific and technical information on which to base decisions about the impact of chlorides upon salt-sensitive crops irrigated with water drawn from the upper reaches of the Santa Clara River.

MEMBERSHIP OF AGRICULTURE TECHNICAL WORKING GROUP

The Agriculture Technical Working Group is composed of:

- Staff members from both the Los Angeles Regional Water Quality Control Board and the Sanitation Districts of Los Angeles County
- Interested stakeholders willing to make the commitment of time necessary to actually participate in the decision making, and willing to work in a consensus process

Interested stakeholders participate without compensation, although travel costs may be reimbursed.

The Project Team (the staff of the two agencies) engaged in the following steps to set up the membership of the working group:

- A mailing was sent to anybody on either the Regional Board or Sanitation Districts' mailing list who had expressed interest in the Santa Clara River Chloride TMDL. The mailing included a fact sheet describing the project, a Collaborative Process Plan discussing how the study participants would work together, and criteria for the Technical Working Group and technical advisors panel
- Leaders of various agricultural stakeholder groups were contacted directly, and arrangements were made for briefings, attendance at group meetings, etc.
- People who attended a stakeholder involvement meeting on July 14 were invited to be part of the working group.

The goal of the Project Team was to set up a working group that includes all the key viewpoints related to salt-sensitive agriculture on the Santa Clara River. No one who wanted to be on the working group has been excluded.

WHAT THE AGRICULTURE TECHNICAL WORKING GROUP NEEDS TO ACCOMPLISH DURING THE FIRST YEAR OF THE STUDY

By the end of the first year of the study, the Agriculture Technical Working Group needs to have reached agreement on a research/study plan that it is convinced will satisfactorily answer the outstanding questions related to the impact of chlorides on salt-sensitive crops irrigated with water from the upper reaches of the Santa Clara River.

The Technical Working Group will be assisted in reaching this goal in the following ways:

- A highly-qualified agriculture consultant and study manager is being selected to do technical work at the direction of the Technical Working Group. The responsibilities of the consultant are to do a complete literature review, then work with the Technical Working Group to develop a detailed plan for studies that will be conducted in years 2-5 of the study
- A Technical Advisors Panel consisting of individuals with recognized expertise in the subject matter of the working group is being established to provide objective, neutral evaluation of the technical adequacy of the work being performed
- The working group will be assigned a facilitator to help with preparing for and running meetings, keeping summaries of meetings, and assisting with the resolution of disagreements

Once the Technical Working Group has developed a recommended study plan, the study plan will be reviewed for technical adequacy by the Technical Advisors Panel. This review needs to be completed by twelve months after the effective date of the TMDL ().

The Regional Board will hold a public hearing to re-evaluate the schedule for salt-sensitive agriculture studies based on input from the technical advisors panel and Regional Board staff as to the types of studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

REPORTING RELATIONSHIPS

The Agriculture Technical Working Committee reports to the Project Steering Committee, which is composed of the Project Managers from the Regional Board and Sanitation Districts.

The Project Steering Committee reports to a management committee composed of the Executive Officer of the Regional Board and the General Manager of the Sanitation Districts.

The agricultural consultant and study manager report to the Agricultural Technical Working Group, although the Agricultural Technical Working Group must consult with the Contract Officer about tasks or assignment that change the scope of the contract.

The facilitators assigned to the working group report to a Lead Facilitator, who reports, in turn, to the Project Steering Committee.

STAKEHOLDER INVOLVEMENT

There are a number of agencies, organizations, and individuals who see themselves as having a “stake” in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

The Project Steering Committee will be responsible for conducting stakeholder involvement activities, such as workshops or public meetings, periodically throughout the study. These activities will be focused on the activities of all four working groups, not just the agricultural working group.

The Agricultural Technical Working Group is expected to conduct additional stakeholder involvement activities designed to involve those stakeholders specifically interested in the work of the Agricultural Technical Working Group. The goal of these activities is to hear from the full range of opinion of people or groups before significant decisions are made, and the Agricultural Technical Working Group is to consider the opinions expressed as they reach decisions.

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All meetings of working groups are open to the public. However, working group meetings will be conducted in a manner that permits the public to observe, but restricts comments from observers to established periods of time. This process is necessary to ensure that working group meetings are managed efficiently.

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Summaries of meetings will be prepared, and once approved, will be posted on a public web page.

ROLE OF THE AGRICULTURE TECHNICAL ADVISORS PANEL

The members of Agriculture Technical Advisors Panel will be individuals with recognized expertise in the subject matter of the working group, who can offer recommendations and provide objective review of the technical adequacy of the study work being performed. The working group will actively consult with the technical advisors panels during the development of the study plan. The advisors panels will also conduct a final peer review of the proposed study plan, as well as complete peer reviews for major documents and reports throughout the course of the study.

DECISION MAKING IN WORKING GROUPS

Decision making within working groups will be by mutual agreement. “Mutual agreement” does not necessarily mean that all members of the working group are equally enthusiastic about the decision. It does mean that everyone in the working group is willing to “live with” the agreement, even though some individuals might prefer an alternative solution.

In the event that a working group is not able to reach mutual agreement, the following dispute resolution mechanisms can be employed to reach agreement:

- Refer the issue to the Project Steering Committee, along with full documentation regarding the positions taken by project team members and the reasons for those positions. Decisions of the Project Steering Committee will be binding upon the working group.
- Ask the Lead Facilitator to provide a neutral third-party, or a panel of neutral experts, fully qualified in the technical/scientific field in question, to give an independent non-binding recommendation on how to resolve the issue. The purpose of a disputes review expert or panel of experts is to provide objective, neutral technical advice. Advice provided by a dispute review expert or panel is non-binding. Working groups must still make a decision and may decide for themselves how much weight to give to the advice from the expert or panel. Decisions referred to outside technical experts will normally involve technical or scientific issues such as the adequacy of data/ technical studies or normal practice with a technical field.
- Ask the Lead Facilitator to provide a neutral third party to provide mediation services to assist in resolving the issue.

PARTNERING

The Regional Board and Sanitation Districts have agreed to employ a preventative dispute resolution technique known as “partnering.” In partnering, the parties agree to participate in a kickoff-workshop during which the participants agree on project goals

and a set of norms governing behavior within the team, and decide how they are going to co-manage the project. Periodically team members have “refresher” sessions in which they discuss how the team is working together and discuss ways of improving the relationship. In anticipation of these refresher sessions, participants may be asked to complete a questionnaire evaluating how the team is working together, in order to identify problems or opportunities for improvement to be discussed during the refresher session.

Stakeholder members of working groups will be invited to participate in partnering refresher sessions, as their attitudes and behaviors can affect the manner in which the entire project team works together.

EXPECTED NORMS OF BEHAVIOR

Members of the Agriculture Technical Working Group are expected to:

- Accept responsibility for the success of the working group
- Participate actively and enthusiastically
- Seek “win/win” outcomes
- Provide full and complete information to other group members in a timely manner
- Encourage open expressions of ideas and alternative solutions
- Help the group stay on track
- Make an effort to understand the other person’s position
- Openly consider alternatives and innovations
- Maintain a professional atmosphere of mutual respect and resolve personal conflicts immediately
- Follow through on all task assignments and commitments and maintain schedules agreed upon in meetings – and whenever there are problems doing this, provide early notice of the problems and the reasons for them
- Communicate problems openly and as early as possible. Keep conflict in the open, not hidden. Whenever there are problems with other team members, discuss these problems directly with the person with whom you have the problem, or with the whole group, but never behind the scenes and with no lobbying to line up people to be on “your side”
- Review documents by agreed-upon deadlines, and accept the consequences if you have not
- Attend meetings on time, avoid being pulled out of meetings, stay focused on agenda items, and end the meeting on time
- Avoid inflammatory or provocative language – keep focused on results not on personalities

- When there is confusion or lack of clarity, ask questions or otherwise ensure that matters are clarified
- Confront other group members whose behavior is inconsistent with these norms

FACILITATOR

The working group will be assigned a facilitator. A facilitator is a neutral third-party, trained in meeting leadership and group process. The role of the facilitator is ensure that meetings and work sessions are conducted in a manner that is fair to all points of view and interests, and utilizes techniques that maximize the team's effectiveness and synergy. The facilitator will assist with designing meetings and workshops, will serve as the meeting leader, and will ensure that decisions made in meetings are recorded in a manner that is acceptable to the participants. While the facilitator is granted the authority to influence "how" the study team works together, the facilitator is to remain neutral on the substance of the decisions being made by the team.

In any meeting where there is no facilitator, a member of the project team will be responsible for recording summaries of all decisions on a flip chart and distributing copies to all participants.

The project team will also develop standardized report forms for all meetings, so that all meetings are reported in the same way. These forms will be computerized, so that once reports are prepared they can be immediately posted on the web page and distributed by list server.

STUDY MANAGER

The Study Manager will oversee and coordinate the technical studies performed by contractors, as well as the technical reviews of those studies. The Study Manager will oversee the maintenance of schedules and satisfactory task completion.

One of the principal responsibilities of the Study Manager is to ensure that all work is performed in a manner that is acceptable to the working group as a whole, even though the Study Manager will have a contractual relationship with the Sanitation Districts.

The Study Manager may designate other staff to assist with program management for individual working groups or technical advisors panels.

ACCESS TO INFORMATION

Both the Regional Board and Sanitation Districts commit themselves to providing, full, complete and equal access to all technical information that is part of this process.

DEALING WITH THE MEDIA

Communication with the media will be, to the extent possible, be handled jointly or as part of a mutual agreement between Regional Board staff and Sanitation Districts' staff. No party will characterize the position of other parties in public statements or in discussions with the media.

MEETING EFFECTIVENESS

The working group is expected to evaluate group performance at the end of each meeting to ensure continuous improvements in how the group works together.

ESTABLISHING ADDITIONAL GROUNDRULES

All working groups will be asked to adopt these expectations, although working groups may create additional groundrules that apply to their own operations.

Louie, Brian

From: CandCInc@aol.com

Sent: Monday, August 09, 2004 9:24 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft Agenda - Today's meeting (3:30 PM)

Team:

Below are the items I know about for this afternoon's meeting (3:30 PM at the Sanitation Districts Office):

- Selection of TAP members (list for review at Aug. 16 working group meeting)
- Review logistics for Aug. 16th meeting
- Finalize agenda for Aug 16th meeting
- Get agreement on draft charter for presentation to working group (I've attached it again, with the Sanitation District's proposed corrections)
- Compliance Alternatives Workshop
 - Info to state & EPA?
 - Date for workshop?

I'll check at the beginning of the meeting whether there are other items.

Jim Creighton

**DRAFT CHARTER
AGRICULTURE TECHNICAL WORKING GROUP
SANTA CLARA RIVER CHLORIDE TMDL**

GOAL OF AGRICULTURE TECHNICAL WORKING GROUP

The goal of the overall collaborative process is to ensure that by the end of the process there will be substantial agreement by Regional Board staff, Sanitation Districts' staff, and major stakeholders that there is sufficient and credible scientific and technical information upon which to base decisions about standards and the implementation plan for the Upper Santa Clara River.

The goal of the Agriculture Technical Working Group is to reach substantial agreement that there is sufficient and credible scientific and technical information on which to base decisions about the impact of chlorides upon salt-sensitive crops irrigated with water drawn from the upper reaches of the Santa Clara River.


MEMBERSHIP OF AGRICULTURE TECHNICAL WORKING GROUP

The Agriculture Technical Working Group is composed of:

- Staff members from both the Los Angeles Regional Water Quality Control Board and the Sanitation Districts of Los Angeles County
- Interested stakeholders willing to make the commitment of time necessary to actually participate in the decision making, and willing to work in a consensus process

Interested stakeholders participate without compensation.

The Project Team (the staff of the two agencies) engaged in the following steps to set up the membership of the working group:

- A mailing was sent to anybody on either the Regional Board or Sanitation Districts' mailing list who had expressed interest in the Santa Clara River Chloride TMDL. The mailing included a fact sheet describing the project, and the Collaborative Process Plan discussing how the study participants would work together 
- Leaders of various agricultural stakeholder groups were contacted directly, or arrangements were made for briefings regarding attendance at group meetings, etc. (I don't know that we can say with certainty that all the groups were contacted. At the July 8th Project Team meeting, it sounded a bit vague. We do know there were three meetings: 1) June 29th Brian and Elizabeth met with the Ventura County Resource Conservation District; 2) July 12th, Elizabeth met with representatives of the California Strawberry Commission; 3) in late July, Elizabeth met people from agriculture (at the Fillmore IHOP). As far as the other groups on her list, she claimed that she called them to get suggestions for the agriculture technical advisors panel and advise them of their opportunity to

serve on the agriculture working committee. I don't know if they all responded (e.g., like the Fruit Growers Laboratory), and she was a little vague about who she contacted at Newhall Ranch and we're not sure if she contacted the Avocado Commission.)

- People who attended a stakeholder involvement meeting on July 14 were invited to be part of the working group.
- People who are potential candidates for the Agricultural TAP were invited to attend the first working group meeting as a courtesy.

The goal of the Project Team was to set up a working group that includes all the key viewpoints related to salt-sensitive agriculture in the Upper Santa Clara River. No one who wanted to be on the working group has been excluded.

WHAT THE AGRICULTURE TECHNICAL WORKING GROUP NEEDS TO ACCOMPLISH DURING THE FIRST YEAR OF THE STUDY

By the end of the first year of the study, the Agriculture Technical Working Group needs to reach agreement on a protective threshold based on the literature review results or, if deemed necessary, reach agreement on a research/study plan that will satisfactorily answer the outstanding questions related to the impact of chlorides on salt-sensitive crops irrigated with water from the upper reaches of the Santa Clara River.

The Technical Working Group will be assisted in reaching this goal in the following ways:

- A highly-qualified agriculture consultant and study manager are being selected by the Project Team, with input from invited ex officio members of the Technical Working Group, to do technical work at the direction of the Technical Working Group. The responsibilities of the consultants are to do a complete literature review, then if deemed necessary work with the Technical Working Group to develop a detailed plan for studies that will be conducted in the following years of the study. The study plan will be reviewed for technical adequacy by the Technical Advisors Panel. This review needs to be completed by September 2005 so that it can be considered by the Regional Board twelve months after the effective date of the TMDL (estimated to be somewhere between December 2004 and March 2005).
- A Technical Advisors Panel consisting of individuals with recognized expertise in the subject matter of the working group is being established to provide objective, balanced, and neutral evaluation of the technical adequacy of the work being performed.
- The working group will be assigned a facilitator to help with preparing for and running meetings, keeping summaries of meetings, and assisting with the resolution of disagreements.

One year after the effective date of the TMDL, the Regional Board will hold a public hearing to either re-consider the current chloride objective or to re-consider the schedule for salt-sensitive agriculture studies based on input from the technical advisors panel and Regional Board staff as to the types of studies needed and the time needed to conduct them and to amend the TMDL schedule if there is sufficient technical justification.

REPORTING RELATIONSHIPS

The Agriculture Technical Working Group reports to the Project Steering Committee, which is composed of the Project Managers from the Regional Board and Sanitation Districts.

The Project Steering Committee reports to a management committee composed of the Executive Officer of the Regional Board and the Chief Engineer and General Manager of the Sanitation Districts.

The agricultural consultant and study manager report to the Agricultural Technical Working Group, although any and all recommended changes in scope of work will have to be mutually agreed upon by both the Regional Board and Districts' representatives.

The facilitators assigned to the working group report to a Lead Facilitator, who reports, in turn, to the Project Steering Committee.

STAKEHOLDER INVOLVEMENT

There are a number of agencies, organizations, and individuals who see themselves as having a "stake" in the decisions that will result from this process. The Regional Board and Sanitation Districts wish to provide opportunities for these stakeholders to be involved during the process. The goal is to keep all stakeholders informed about study progress and incorporate stakeholder concerns and interests throughout the process, in the hope that this will lead to agreement that the study process has been open, fair and adequate.

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- Openly consider alternatives and innovations

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Page: 1

[m1] This wasn't sent out with this mailing. In fact we're not really sure if the TAP criteria document was every officially sent out.

Louie, Brian

From: CandCInc@aol.com

Sent: Wednesday, August 11, 2004 11:16 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft meeting summary and revised Aug. 16th mtg. agenda

Team:

Attached is a summary of the Project Team meeting, Monday-Tuesday, with the action items list immediately following the summary.. The revised agenda for the August 16th meeting is attached.

Please get comments to me by COB August 18th.

Jim Creighton

SUMMARY OF PROJECT TEAM MEETING
Aug. 9-10, 2004

August 9

The project team convened at the Sanitation Districts administrative offices in Whittier at 4 PM, following a day of interviews of prospective agriculture and facilitator consultants.

After some preliminary discussion of the possible membership of the Agriculture Technical Advisors Panel (AgTAP), the group decided to re-convene at 9 AM on the 10th.

August 10

MEMBERSHIP OF AGRICULTURAL TECHNICAL ADVISORS PANEL

After extensive discussion of the pool of candidates, the following agreements were reached:

- Matt Freeman will not be included due to conflict of interest considerations (his agricultural operations are in the impacted watershed).
- Christopher Amrhein will not be included due to prior work for the Sanitation Districts
- The Sanitation Districts will contact Cooperative Extension and see if it is possible to obtain the involvement of both Oleg Daugovish and Ben Faber. If they cannot both participate, then some arrangement will be made so that between them they can cover at least one seat on the panel.
- Once the arrangements with Coop Extension are clear, then the team will discuss which of the Univ. of California people (Letey, Tanji, Grattan) to contact, so that the panel is balanced between local agricultural experts and outside experts.
- Vickie Conway and Elizabeth Erickson will contact Darrell Nelson and discuss whether Darrell has conflict of interest considerations because he manages agricultural operations in the basin, and they will recommend whether or not he should be included on the panel.
- The Districts will prepare short summaries of the CVs for Daugovish, Faber, Letey, Tanji, Grattan, and Nelson (if he is included following the discussion with Vickie and Elizabeth) that will be handed out at the AgTWG meeting on the 16th.
- If another CV comes in between now and the Aug. 16th Ag Technical Working Group (AgTWG) meeting, Elizabeth and Vickie are authorized to decide whether or not they will be included in the handout for the Aug. 16th meeting.

- To ensure that the potentially impacted agricultural community feels represented, the AgTWG will be asked to set up a special panel of local farmers with whom there can be consultation, as part of the AgTWG's stakeholder involvement activities.

LOGISTICS FOR AUGUST 16 MEETING

The first meeting of the AgTWG will occur on August 16, 10 AM, at the Santa Clarita City Hall.

The logistic arrangements include:

- The tables and chairs will be set up so that everybody is sitting around the table.
- The Districts will check with the City of Santa Clarita to see if they can provide flip charts and pens; otherwise the Districts will provide them
- The Districts will provide refreshments
- The Districts will bring sign-in sheets and a comment box
- The Districts will provide name tags
- The Districts will bring copies of:
 - Agenda
 - AgTWG charter
 - Scope from the agricultural consultant RFP
 - Copies of the TMDL
- Jim Creighton will facilitate.

AGENDA FOR AUGUST 16TH MEETING

Elizabeth is to check on when the meeting invitation went out. Districts staff had not received a hard copy version as of the time of the meeting.

The Regional Board will send out the meeting agenda to all prospective AgTWP members.

The Aug. 16th meeting will begin with an overview presentation. Margie Nellor and Deborah Smith (or Melinda Becker) will make brief opening remarks stressing the goal of the study. The main presentation will be made by Elizabeth Erickson and Brian Louie. They will provide an overview of the RFP, discuss the sequence of the study, describe the role of the working group, and the role of the technical advisors panel. Jim Creighton will describe the dispute resolution process.

Margie Nellor will prepare a first draft of the presentation and distribute it to the team for review. The presentation will be a handout rather than a PowerPoint presentation.

The primary discussion items are:

- Comments on the membership of the AgTAP
- Their ideas on the issues that the studies should resolve
- Past studies that the agricultural consultant should consider/evaluate
- Working group charter (to be handed out, but discussed at the next meeting)
- Possible interest in a field trip to the Saugus treatment plan and nearby strawberry growing operations
- Agenda items for the next meeting
- Date, time, place for next meeting
- Between-meeting action items

The agenda items for a subsequent AgTAG meeting include: (1) Discussion of the charter and any additional groundrules that the group may want to establish; (2) First meeting with the Agricultural Consultant, who will provide an overview of how they plan to approach the work; (3) AgTWG stakeholder outreach.

Prior to the meeting Elizabeth is to talk with Matt Freeman to see if he is willing to have the AgTWG visit his farming operations.

A revised agenda, based on these decisions, is attached.

DRAFT CHARTER

The project team then reviewed the draft charter and made minor changes. The only substantial wording change involved changing “the Technical Working Group needs to have reached agreement on protective threshold” to “the Technical Working Group needs to reach agreement on a range of protective threshold effects.” Also, the timing of the Regional Board public hearing was changed to “approximately one year.

Elizabeth will provide a memo describing everybody she met with during the establishment of the working group, and the District will bring copies. But this list will not be included in the charter.

Jim Creighton is to prepare a revised version of the charter and send it to the team. The Districts will duplicate the charter and bring copies to the meeting.

COMPLIANCE ALTERNATIVES WORKSHOP

Regional Board staff needs to get final comments on the compliance alternatives workshop to the Districts ASAP. Once the revisions are made, Jon Bishop is to begin talking to both State Water Resources Control Board and US EPA staff about attending the workshop.

The date for the workshop will be set during a teleconference that will occur at 1 PM on August 24th.

REVIEW COMMENTS ON PRIOR MEETINGS

Elizabeth is to assemble Board staff comments on prior meeting summaries and get them to Jim Creighton.

NEXT PROJECT TEAM MEETING

The next Project Team meetings will be a teleconference that will occur at 1 PM on August 24th.

ACTION ITEMS

- The Sanitation Districts will contact Cooperative Extension and see if it is possible to obtain the involvement of both Oleg Daugovich and Ben Faber
- Prior to the Aug. 16th meeting, Vickie Conway and Elizabeth Erickson will contact Darrell Nelson and discuss whether Darrell has conflict of interest considerations
- The Districts will prepare short summaries of the CVs for Daugovich, Faber, Letey, Tanji, Grattan, and Nelson (if he is included)
- Elizabeth is to check on when the meeting invitation went out
- The Regional Board will send out the meeting agenda to all prospective AgTWP members.
- The Districts will bring the following materials to the Aug. 16th meeting:
 - The Districts will check with the City of Santa Clarita to see if they can provide flip charts and pens; otherwise the Districts will provide them
 - The Districts will provide refreshments
 - The Districts will bring sign-in sheets and a comment box
 - The Districts will provide name tags
 - The Districts will bring copies of:
 - Agenda
 - AgTWG charter
 - Scope from the agricultural consultant RFP
 - Copies of the TMDL
- Margie Nellor will prepare a first draft of the presentation handout for the Aug. 16th meeting and distribute it to the team for review.
- Jim Creighton is to prepare a revised version of the charter and send it to the team.
- Regional Board staff needs to get final comments on the compliance alternatives workshop to the Districts ASAP
- Elizabeth is to assemble Board staff comments on prior meeting summaries and get them to Jim Creighton.

Agenda
AGRICULTURE TECHNICAL WORKING GROUP
August 16, 2004 Meeting

- Introductions
- Briefing:
 - Goal of Study -- - substantial agreement that there is sufficient and credible scientific and technical information upon which to base decisions
 - Overview of what was in the RFP
 - Sequence of study
 - Role of working group
 - Decision making by “mutual agreement”
 - Need for continuity
 - Responsibility for stakeholder involvement related to agricultural studies
 - Time commitment
 - Efforts to optimize usage of time
 - Expectations for next meeting
 - How decisions get resolved when there are disagreements in the working group
 - Role of Technical Advisors Panel
 - Criteria for selection
 - Role
- Membership of Technical Advisors Panel
- Issues that the studies should try to resolve
- Past studies that the agricultural consultant should consider/evaluate
- Working group charter and possible groundrules
- Possible field trip to Saugus treatment plant/growing operations
- Agenda items for next meeting
- Time, place and date for next meeting (latter part of September)
- Action items for between meetings

Louie, Brian

From: CandCInc@aol.com

Sent: Friday, August 13, 2004 10:52 AM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Presentation

Group:

A few comments on the presentation:

- 1) I think it would be worthwhile to have an overhead discussing the efforts that went into convening the working group (a synopsis of Elizabeth's memo).
- 2) Break up the overhead on the RFP tasks -- it has too many words.
- 3) It seems awkward for me to come on for just one slide on "mutual agreement." I think one of you could do it. But I'll do it if that is your preference.

Jim Creighton

Louie, Brian

From: CandCInc@aol.com

Sent: Tuesday, August 17, 2004 3:01 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; Fredric.Andes@BTLaw.com; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; epowers@btlaw.com; eerickso@rb4.swrcb.ca.gov; sunger@rb4.swrcb.ca.gov

Subject: Draft Summary of Ag Working Group

Team:

Attached is a file containing a draft summary of the ag technical working group meeting yesterday.

This summary is probably more detailed than you will need in the future. Usually it can be just a summary of decisions reached, or key comments. But since you may be using this meeting summary for indoctrination of additional group members, I included a summary of the briefing as well.

For this first round, you may want to give me any quick corrections before I send it out to the full working group. In the future, the entire working group should be responsible for reviewing meeting summaries.

Jim Creighton

DRAFT SUMMARY OF
AGRICULTURE TECHNICAL WORKING GROUP MEETING
August 16, 2004

The first meeting of the Agriculture Working Group was held August 16, 2004 at 10 AM at the City of Santa Clarita City Hall.

People in attendance included:

Melinda Becker, Regional Water Quality Control Board (Regional Board)
Jim Lloyd Butler, avocado farmer
Vickie Conway, Sanitation Districts of Los Angeles County (Sanitation Districts)
Jim Creighton, facilitator
Dan Detmer, United Water Conservation District
Elizabeth Erickson, Regional Board
Travis Lange, City of Santa Clarita
Brian Louie, Sanitation Districts
Margie Nellor, Sanitation Districts
Chris Perry, Newhall Land
Bill Reiman, Oxnard, strawberry grower, California Strawberry Commission
Mark Subbotin, Newhall Land

PROJECT BRIEFING

The meeting began with a short briefing. Melinda Becker, the acting Project Manager for the Regional Board, said the Board had been working on chloride issues for a number of years, but recently there had been an increase in chloride levels and that re-stimulated the Board's interest in the Chloride TMDL. The Regional Board and Sanitation Districts have come together, and after some hard work, developed a collaborative process that will lead to a scientific basis for revisiting the Chloride objective for the upper reaches of the Santa Clara River. The goal of this collaborative process is to ensure that by the end of the process there substantial agreement that there is credible scientific and technical information upon which to base standards and the Implementation Plan.

The process includes several levels of stakeholder involvement. The most intensive level of involvement is membership on one of the technical working groups (TWG). The TWGs will actually direct the technical studies. However, being on a TWG involves a higher level of time commitment and a commitment to continuity in meeting attendance.

Margie Nellor described the study organization. The Agriculture Technical Working Group is the first of the TWGs to be established. The reason is that the first task of the Agriculture TWG is to oversee a literature review and determine

what additional studies, if any, need to be done to have adequate scientific information about salt-sensitive crops. Under the TMDL Implementation Plan, the Regional Board will meet one year from the effective date of the Implementation Plan to consider whether changes are needed in the schedule to accommodate any needed agricultural studies, since these studies might be multi-year studies that extend beyond the current expectation that everything can be wrapped up in a 5-year period. The effective date of the TMDL Implementation Plan (which is the date of final approval by all the state and federal agencies) is expected to be December 2002. The TWG needs to have completed its work and a technical peer review needs to occur by about September 2005 in order for the Board to consider the information in December 2005.

The Agriculture Technical Working Group is composed of staff from both the Regional Board and the Sanitation Districts plus stakeholder members (everybody in attendance, plus some others who have expressed interest). The TWG reports, in turn, to the Project Steering Committee, which consists of the project manager from the Regional Board, and the Project Manager from the Districts. They in turn report to the Executive Officer of the Regional Board and the Chief Engineer/General Manager of the Districts.

The Agriculture TWG is looking for the appropriate chloride threshold or range of thresholds for the protection of salt-sensitive agriculture. A similar working group will be looking at the threshold for endangered species. Another group will be looking at the interaction between surface water and groundwater. A fourth group will be conducting what is known as an anti-degradation analysis. The first three studies develop scientific data on a chloride threshold. The fourth study takes this information and begins to evaluate what a water quality objective might be.

The Regional Board and Sanitation Districts have just about completed selection of an agricultural consultant and a study manager. The contracts should officially be issued early in September.

The agricultural consultant will perform the actual technical work. The study manager will be the liaison between the TWG and the agriculture consultant, overseeing performance of the work and keeping everything on schedule. Any changes in scope, though, will have to be agreed upon jointly by the Regional Board and Sanitation Districts representatives. The Board and Districts are also in the process of selecting a facilitation team, headed by a Lead Facilitator, who will report to the Project Steering Committee.

Dan Detmer participated as an ex officio member in selection of the agriculture consultant and study manager, and staff also tried to get a local farmer to participate in the evaluation, but was not able to do so.

The project team plans to conduct stakeholder involvement meetings periodically throughout the studies to provide an overview of study programs. These

meetings are for those people who can not make the time commitment necessary to be on the TWG but still want to comment on how the studies are being conducted. In addition, each TWG is expected to sponsor stakeholder involvement activities designed to reach the people who are particularly interested in the work of that TWG.

The two salt-sensitive crops of primary interest are avocados and strawberries, but studies could look at other salt-sensitive crops that could be grown in the study area.

The study area is the upper reaches of the Santa Clara River watershed, specifically the eastern half of Reach 4 (east of Piru Creek to the LA/Ventura County Line) and all of Reaches 5 and 6, which reach from the LA/Ventura County Line to Bouquet Canyon Road.

Brian Louie gave a brief overview of the RFP process. The RFPs were initially sent out in June, and consultants were given 30 days to respond. Selection is to be completed by August 20th. Only one firm submitted a proposal to be the agriculture consultant. That firm was CH2MHill. The evaluators have concluded that they are qualified to do the work. Two firms applied to be the study manager, CH2MHill and Kennedy Jenks.

As spelled out in the RFP, the first task is to complete a review of all the existing scientific literature. Then the consultants, working with the TWG, will evaluate whether the existing studies are adequate to develop a range of thresholds based on local conditions. If the science is adequate, then the TWG will identify the range of thresholds. If the science is not adequate, then the TWG, working with the consultants, will determine what additional studies are needed, and will develop a study plan to complete those studies. This study plan will include the cost and schedule requirements necessary to conduct these studies.

Elizabeth Erickson said that members to the Agriculture Technical Working Group were invited by mailings, by contacts she made with local farming groups (see Appendix 1 for a list of contacts made, and in the July 14th stakeholder involvement meeting. The project team is endeavoring to have all points of view represented on the working group. The TWG may also need to hold special sub-group meetings with East Piru growers to discuss what's going on.

Jim Creighton, the facilitator, said that the commitment between the agencies was that decisions would be made by mutual agreement. That is also the expectation in the working group. But the team recognized that with many points of view, everybody is not going to be equally enthusiastic about every decision. So "mutual agreement" has been defined to mean that everyone in the working group is willing to "live with" the agreements, even though some individuals might prefer an alternative solution.

Elizabeth stressed that because the working group is an actual decision making body, there is a need for continuity from the members of the group, and there is a need for members of the group to communicate back to their constituencies and create other appropriate stakeholder involvement mechanisms as needed.

Agriculture TWG members are expected to attend meetings regularly, commit the time and resources necessary to prepare for and participate in document reviews, and participate in an agreements-oriented process. Stakeholder members will not be compensated for their participation. Every effort will be made to optimize usage of time, and the agencies welcome suggestions for how to work more efficiently.

At present, it is likely that meetings will be at least monthly, although there could be times when there is a need to meet more frequently, just as there might be times when there is no need to get together on a monthly basis. All meetings of the TWG are open to the public. The public can observe, and will be provided with a designated time to make comments if they want to.

Jim Creighton said he wanted to underline the ideas of continuity and between-meeting preparation. Members of the TWG are being given an actual seat at the table. He has worked with a number of interagency teams and he has found that if some team members miss a lot of meetings, or come to meetings ill-prepared, it begins to breed resentment. First, other members of the team resent having to take the time to bring other members up to speed, and the people who have missed meetings tend to want to discuss topics about which decisions were already made in their absence. At first there is just irritation, but over time that turns into resentment that makes it hard for the team to work together effectively.

Jim Lloyd-Butler asked if it was possible for alternates to attend. Several people said they thought that would be possible if there was really good communication between the member and the alternate. Jim Creighton pointed out that there will also be summaries prepared for each meeting, so that was a way that members could keep current even if they had to miss a meeting.

Jim Creighton said that the TWG is being asked to make decisions about the science, not make policy calls. Melinda Becker said that the TWG was to look at thresholds, based on the science, but the Regional Board would have to determine objectives, and that was based first on the science but took into consideration factors other than the science.

Jim said that the collaborative plan recognizes that there may be times when the TWG cannot reach mutual agreement. So the plan provides strategies for working out these differences. First, if the disagreement might be resolved by hearing the opinion of a technically-competent third party, then the TWG can ask its facilitator to arrange for one or more technical experts to provide an advisory opinion. If the problem has to do more with process or relationships, the team

can work with its facilitator to try to resolve the issue, but the team can also ask the facilitator to arrange for a third-party mediator to assist the team in reaching a decision. The TWG can also elevate the decision to the Joint Steering Committee. Finally, if a decision cannot be made at that level, it can be elevated to a senior management group consisting of the Executive Officer of the Regional Board and Chief Engineer/General Manager of the Water Districts.

Jim said that most people who worked in a bureaucracy already realize that they “use up a lot of chips” when they elevate decisions, so they need to do this very sparingly. Both Melinda Becker and Margie Nellor, the current members of the Joint Steering Committee, reiterated their expectation that the TWG would make every effort to resolve differences at that level. Jim said that a commitment has been made that decisions that are elevated will be resolved in a 15-day period. The reason is that if there are significant conflicts that don’t get resolved, this begins to infect all the workings of the team.

Brian Louie discussed the role of the Technical Advisors Panel (TAP). The role of the TAP is to offer recommendations and provide objective review of the technical adequacy of the study work being performed. The TAP will provide a final peer review of the study, but the expectation is that they will be actively involved throughout the study, doing reviews of major documents and reports throughout the studies.

Brian said that the individuals on the TAP need to be people with recognized expertise in the subject matter, but there was also an effort to be sure that different scientific “schools of thought” were represented. Members of the TAP also could have no vested interest in the outcome of the studies.

MEMBERSHIP OF THE AGRICULTURE TECHNICAL ADVISORS PANEL

The project team has been working to identify candidates for the Agriculture Technical Advisors Panel. Appendix 2 is a summary of what was done to identify potential TAP members. Appendix 3 is the criteria that the project team used in identifying candidates.

At this point the candidates for the TAP are:

Oleg Daugovish, Ventura County Cooperative Extension
Ben Faber, Ventura County Cooperative Extension
S.R. Grattan, University of California, Davis
John Letey, University of California, Riverside
Darrell Nelson, consultant with Fruit Growers Laboratory
Kenneth Tanji, University of California, Davis

Brief summaries of experience were passed out, and full curriculum vitae were available on the back table. Daugovish, Faber and Nelson all have experience

with local agricultural issues. Grattan, Letey and Tanji are recognized experts in the field.

Jim Lloyd Butler asked what was meant by “different scientific schools of thought.” Vickie Conway said that one of the areas of scientific disagreement was whether impacts on productivity were caused by a chloride ion or by salinity. Melinda Becker mentioned that another difference had to do with kinds of experience. Some of the candidates had experience with local conditions where salinity is relatively low, while others have experience in high salinity situations, such as in Israel.

Jim Lloyd Butler questioned how applicable research in Israel is to the local situation. He recognized that people who worked in Israel might know something about root stock that was less salt-sensitive, but he was confident that growers were not going to pull out their root stock just to meet the needs of Los Angeles. Jim mentioned that he is actually a downstream farmer. He had rights to river water, with a diversion that is part of the United Water Conservation District. In fact, the District’s facilities are on land purchased from Jim. His concern had to do with the possibility that, over time, increases in chlorides upstream would result in higher chlorides downstream.

Vickie Conway said that regardless what happens to the upstream objective, the downstream water quality objective will remain as it is. Even if the upstream objective were changed, this would not result in an increase in the amount of chlorides in the river. Currently the chlorides in the river exceed the objective of 100. This is due in large part to people’s use of self-regenerating water softeners. Recently the Districts regained the legal authority to ban installation of these water softeners, and expects to see the chloride levels come down. The reason why the chloride objective matters is that it determines how much the chloride levels need to be reduced, and then in turn determines what kind of solutions need to be considered. Regardless what the objective is, no one expects chlorides to rise about existing levels. Vickie also felt that the “outside” experts provided valuable information, so long as they were balanced by people with local experience.

Bill Reiman asked why an individual associated with the Salinity Laboratory was not included on the list of TAP candidates. The answer was that, if additional studies are needed, he is one of the few people who could conduct the research.

Bill said that if everybody who could be a potential researcher was excluded, this could be a problem, because there’s a very small pool of people who do strawberry research. If the best people in the field are doing the research, the pool is so small that it means that the peer reviewers are likely to be less qualified than the people doing the work.

Bill mentioned a Dr. Shaw who would be an ideal candidate for TAP membership, but might also be a researcher, and is already incredibly busy. But he said he'd discuss the issue with Dr. Shaw.

Several project team members said that it was possible that once (and if) additional studies are identified, the composition of the TAP might have to be re-constituted to ensure that the best possible people to evaluate the adequacy of those studies were on the TAP. This might be a different list of people that those involved in evaluating the literature review, the need for additional studies, and the study plan.

Dan Detmer said that the list of candidates looked reasonable, and that the agricultural extension people were certainly respected.

Bill Reiman said he thought the list was a little weak on plant physiology. He mentioned a Kirk Larson who might be an appropriate candidate. He said he thought of Dr. Shaw because Shaw had conducted a study of all the methyl bromide research, applying sophisticated statistical analysis, that reminded him very much of the kind of studies that might be appropriate in this situation. Bill said that much of the research in strawberries is pretty old.

Bill suggested contacting the California Avocado Commission, particularly an individual with the last name of Afleck. He also mentioned a Rueben Hepshe (sp?). He also suggested that someone associated with Mission Produce might be appropriate, as well as Dr. Tom Sjulian, at Driscoll Strawberry in Watsonville.

The project team will take these suggestions into consideration, and will announce a list of TAP members at the next meeting.

Issues/Past Studies

Jim Creighton said that the agenda included an opportunity for people to comment on issues they wanted included in the studies, and past studies that should be considered in the literature review, but he realized that it might be too soon to expect stakeholder members to be ready to comment.

None of the stakeholder members had comments.

These agenda items will be held over until the next meeting. The agriculture consultant and study manager will be present at the next meeting, and the agriculture consultant will present a briefing on their approach. That will provide a better context for comments on any issues missed, or studies that need to be addressed.

Brian Louie pointed out that copies of the RFP were on the back table, and he encouraged everybody to read the RFP prior to the next meeting.

Working Group Charter

Jim Creighton said that the project team had prepared a charter for the working group. The charter takes the agreements contained in the collaborative process document and extends those agreements to the agriculture working group. The project team asks the working group to operate within the charter, but the working group may also decide to create additional groundrules of its own, so long as they don't conflict with the charter.

The charter was passed out to everybody, and all working group members are asked to review the charter and bring back any comments to the next meeting, along with any ideas for additional groundrules that may be needed.

Location of Meetings

The working group discussed the location for future meetings. Dan Detmer said that Santa Clarita seemed pretty central. Bill Reiman said that Fillmore or Santa Paula would be much more convenient for him. Jim Lloyd-Butler agreed.

Elizabeth Erickson said she would look into possible meeting locations in Fillmore. Dan Detmer offered the use of the offices of the United Water Conservation District.

Possible Field Trip

The working group discussed whether there was interest in a field trip to the Valencia waste treatment plant and strawberry farming operations. Bill Reiman pointed out that the best time for a field trip to visit strawberry operations was in October. Right now many farmers are harvesting proprietary crops, and would not be open to visitors. The best time to visit a strawberry operation would be in October, as the fields are being replanted for the next season.

Bill suggested that if people really wanted to see a strawberry operation, they need to come to Oxnard. One individual said it would also be useful to visit a strawberry operation in East Piru. Bill said he wasn't sure that there is still any strawberry farming in East Piru. The problem isn't chlorides. The problem is that strawberries don't like large diurnals (a wide spread in temperature over a 24-hour period). Strawberries do better the closer you get to the ocean, which smooths out the swings in temperature.

The group agreed that it will make a field trip to a strawberry operation in October, and another trip to the Valencia waste treatment facility sometime when the working group is meeting in Santa Clarita.

Next Meeting

The group agreed that the 10-12 AM time frame is about the best for all future meetings. The group also agreed that the next meeting will be on September 28, at 10 AM. Elizabeth will let everybody know about the meeting location.

Items for the next agenda include:

- Introduction of the agriculture consultant and study manager
- Briefing by the agriculture consultant on proposed work plan
- Additional issues not addressed in the RFP or proposed study plan
- Past studies that should be considered by the consultant
- Comments on the TWG charter and/or the need for additional groundrules

Meeting Critique

Jim Creighton asked if there were any comments on how the group might improve meeting effectiveness. There were no comments. Melinda Becker asked members to consider how to enlarge the working group so it would be even more representative.

Preparation for Next Meeting

Working group members need to be familiar with:

- The RFP for the agriculture consultant and study manager
- The Collaborative Process plan
- The working group charter

Working group members need to think about:

- Any changes needed in the charter or additional groundrules
- Issues not considered in the RFP
- Past studies that need to be considered

Louie, Brian

From: CandCInc@aol.com

Sent: Tuesday, August 24, 2004 3:30 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; mnellor@lacsds.org; vconway@lacsds.org; sgreen@lacsds.org; blouie@lacsds.org; eerickso@rb4.swrcb.ca.gov

Subject: Aug. 24 teleconference summary

Team:

Attached is a draft summary of today's teleconference. Review comments appreciated.

Jim Creighton

**SUMMARY OF TELECONFERENCE
SANTA CLARA RIVER CHLORIDE TMDL
AUGUST 24, 2004**

The teleconference was held at 1 PM, August 24th. People participating included:

Sanitation Districts: Margie Nellor, Vickie Conway, Brian Louie

Regional Board: Melinda Becker, Elizabeth Erickson

Facilitator: Jim Creighton

The only item on the agenda was the naming of members to the Agriculture Technical Advisors Panel (TAP).

Margie Nellor reported that she had talked with Bill Reiman and he said that he had talked with Doug Show and Kirk Larsen about their being on the TAG, and they had declined. He said he would be in communication with them, and would relay back any comments they had as the process went forward.

Vickie Conway reported that she had talked with Larry Yee, from Ventura County Agricultural Extension, about possible arrangements to make Oleg Daugovish and Ben Faber available to serve on the TAP. Yee had said she should talk directly with Daugovish and Faber, so she called them. Faber said he would probably be able to attend 2-3 meetings, possibly more, but would be willing to review the needed documents.

Daugovish seemed less sure that he would be able to participate. One of his concerns was that his expertise on strawberries is limited solely to Ventura County, but Vickie assured him that his expertise was relevant. Vickie said that by the time the conversation ended she thought he was leaning towards being willing to be on the committee. But he said he would get back to her the afternoon of the 24th, or on the 25th.

This led to a discussion about the number of meetings that were likely, and the need to ensure that the TAP meetings were run efficiently, and that the number of meetings was kept to a minimum. They will be facilitated meetings.

Vickie also said that they had talked with Darrell Nelson prior to the August 16th Technical Working Group meeting, and concluded that his consulting projects in the study area did not constitute a conflict of interest. Mr. Nelson has agreed to be on the TAP.

After some discussion it was concluded that both Daugovish and Faber should be included on the TAP, if they are willing, even if they cannot attend every meeting. Possibly they can make arrangements so at least one of them could attend every meeting, and relay the other's comments and concerns. Both seem

willing to do the work of making a critical review of documents, the hang-up seems to be attending meetings.

If both Daugovish and Faber are able to participate, then the team will also invite John Letey, S.R. Grattan, and Kenneth Tanji to be on the TAP. If Daugovish decides not to be on the TAP, then Letey and Grattan would be invited, since Tanji was the one who expressed the greatest concern about whether he has the time available. On the other hand, Tanji does have exceptional statistical analysis skills, so the best outcome would be a six-person TAP, including Tanji.

Vickie Conway will talk with Daugovish, and then will send an e-mail to Elizabeth and Melinda proposing a course of action based on Daugovish's response. She will wait for concurrence from Melinda/Elizabeth, and then she will make the necessary contacts to finalize the membership of the TAP.

The meeting adjourned at 1:45 PM.

Louie, Brian

From: CandCInc@aol.com

Sent: Thursday, September 09, 2004 2:35 PM

To: mbecker@rb4.swrcb.ca.gov; jim@publicparticipation.com; jbishop@rb4.swrcb.ca.gov; dsmith@rb4.swrcb.ca.gov; mnellor@lacsd.org; vconway@lacsd.org; sgreen@lacsd.org; blouie@lacsd.org; eerickso@rb4.swrcb.ca.gov

Subject: Final housekeeping

Team:

If I have my dates right, today is the day the new facilitation team takes over.

Just a little bit of housecleaning:

Both the Sanitation Districts and Regional Board have approved the attached files containing meeting summaries for June 15, July 8, July 14, and July 29.

I received comments from the Districts, but not from the Regional Board, on the draft meeting summaries for July 13, Aug. 9-10, August 16, and August 24th.

I enjoyed working with you all and wish you every success in resolving the issue.

Jim Creighton

SANTA CLARA RIVER CHLORIDE TMDL PROJECT TEAM
MEETING SUMMARY
JULY 8, 2004

The meeting was held from 11:30 AM – 3 PM at the Regional Board Offices.

Team members present included:

Regional Board – Jon Bishop, Deborah Smith, Melinda Becker, Elizabeth Erickson.

Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie, Fred Andes (participated by phone for the agenda items on the dispute resolution process and streamlining reviews).

LOS ANGELES TIMES NEWS STORY

Margie Nellor said she wanted to explain the circumstances of the story that appeared in the Los Angeles Times that questioned the value of the chloride TMDL. She said she was asked by her management to talk to the reporter, who already knew about the chloride TMDL and initiated the discussion of the topic. She said she actually made a number of comments describing the collaborative process in very favorable terms, but none of those comments made it into the story.

Jon Bishop said that understood what happened, but that Margie needed to know that the Board members were very unhappy with the story, and since she was quoted prominently in the story, she was getting a share of the blame. He stressed that Board staff were happy to meet jointly with the Sanitation Districts when reporters are doing interviews, so that the comments would come from “the team” as a whole, not just from either the Board or the Districts.

Jim Creighton reiterated that the agreement in the groundrules is that communication with the media will, to the extent possible, be handled jointly or as part of a mutual agreement between Regional Board staff and Sanitation Districts’ staff.

JULY 14TH STAKEHOLDER INVOLVEMENT MEETING

The first part of the meeting was devoted to preparation for the July 14th stakeholder meeting. The Sanitation Districts are to check with the City of Santa Clara regarding audio-visual needs, and also make final arrangements for cookies and coffee. The team reviewed the draft sign-up sheets and response form, and made minor changes in the form. The Districts will make the revisions by July 12th and distribute to the team. There was agreement that the working group sign-up sheet will not be put out until after the presentation.

The team then reviewed the draft PowerPoint presentation, making changes in the overheads and allocating responsibilities for different portions of the presentation. Jon Bishop will open the meeting and make a few welcoming comments. He will then turn the meeting over to Jim Creighton, who will serve as the meeting facilitator. Jim will review the meeting agenda, then turn the meeting back to Jon. Jon and Margie Nellor will jointly make the presentation. Jim Creighton will then facilitate the question & answer period. The Project Team will remain after the formal meeting to answer questions, accept signups for the Ag Working Group, and receive recommendations for the Ag Technical Advisors Panel.

The team decided that it didn't need to do a dry run on answers to difficult questions, but the team will meet at 6 PM at the City of Santa Clarita Council Chambers, and will discuss any questions that may arise that require discussion.

FINALIZE JUNE 15TH MEETING SUMMARY

Jim Creighton said he had received comments on the June 15th meeting summary from the Sanitation Districts, but had no received any comments from the Regional Board. Elizabeth Erickson said she had reviewed the summary and had no comments, but had not heard from other Board staff. The Board agreed to have final comments to Jim Creighton by COB July 9th.

DISCUSSION OF RFPs

Jim Creighton left the room for this discussion, as he plans to submit a proposal in response to the facilitation RFP.

The schedule for consultant selection is as follows:

August 2 – Sanitation Districts sends copies of proposals to the Regional Board and ex-officio members of the panel

August 8 – All selection panel members finish their review of the proposals

August 9-10 – Consultant interviews

August 26 – Sanitation Districts staff prepares supporting documents for award of contracts at Sept. 8th Board of Directors meeting.

DISPUTE RESOLUTION PROCESS

Jim Creighton reviewed the description of the dispute resolution plan in the Collaborative Process document. According to that document, if a working group cannot reach agreement, it can elevate the dispute to the Project Steering Committee, or it can ask its facilitator to provide either a neutral third-party expert

or panel to provide an advisory opinion, or provide a mediator to assist in reaching agreement. Similarly, if the Project Steering Committee cannot reach agreement, it can elevate the dispute to senior management (Regional Board Executive Officer, Sanitation Districts General manager), or it can ask the lead facilitator to provide either a neutral third-party expert or panel to provide an advisory opinion, or provide a mediator to assist in reaching agreement.

The team agreed to the following additions to this description: (1) The facilitation team is responsible for coordinating and administering these dispute resolution processes, (2) Costs of technical experts will have to be handled by a separate purchase order from the District, and (3) When possible, the members of the Technical Advisors Panel should be considered first as possible third-party experts, since they will be more informed about the study and are likely to possess the needed expertise. The Districts will review the language in the RFP to be sure that the RFP language specifies the responsibility of the facilitation team to handle the administration of setting up a panel, selecting a mediator, etc.

STREAMLINING REVIEW AND APPROVAL PROCESS

Jon Bishop expressed considerable frustration with the extended review process that took place on the letter sent out jointly by the Districts and Board, and said he felt there had to be some way to streamline the review and approval process.

Following discussion of the issue, the team reached the following agreements:

1. Each agency will designate a single point of contact who will be responsible for gathering the comments of all parties for their agency. The agencies will identify these POCs by July 9th.
2. When one agency has prepared a draft document or product, the other agency will provide comments, and the initiating agency will then use its judgment in making final revisions.
3. The agency making comments should identify any issues about which it feels so strongly that there must be agreement. If there is not agreement, then the initiating agency is responsible for contacting the reviewing agency and they will need to work out the issue together.

JULY 7TH STATE WATER RESOURCES CONTROL BOARD MEETING

The State Board discussion of the Santa Clara River Chloride TMDL was very brief, with a brief presentation by the Regional Board, brief comments from the Sanitation Districts, and comments from one citizen. The item has been put on the State Board's consent decree for their next meeting.

\STATUS AND RESULTS OF MEETINGS WITH AGRICULTURE GROUPS

Elizabeth Erickson reported that she had placed phone calls to or met with each of the key agriculture groups to invite their suggestions for the agriculture technical advisors panel and advise them of their opportunity to serve on the agriculture working committee. She had not heard back from a couple of the groups, and it was not clear whether they were just busy or were avoiding talking with her for some unknown reason. She has meetings scheduled with the Fruit Growers Laboratory on July 12th, and with the United Water Conservation District and Ventura County Farm Bureau of July 14th. After these meetings and the stakeholder involvement meeting on July 14th, Elizabeth and Brian Louie will discuss whether any additional follow up is needed with agriculture groups to solicit recommendations for the agriculture technical advisors panel.

When Elizabeth receives recommendations for the TAP she will then ask for a CV for that individual. Elizabeth Erickson is to send all CVs received to the Sanitation Districts by August 1.

EX-OFFICIO MEMBERS ON CONSULTANT SELECTION PANELS

The Project Team will meet immediately after the July 14th stakeholder involvement meeting to discuss possible agriculture stakeholders who will be invited to participate as ex-officio members of the agriculture consultant selection process for the agriculture consultant and agriculture study manager. These ex-officio members need to be selected by the end of July.

AGRICULTURE WORKING GROUP MEMBERS

The team discussed how it would identify the members of the agriculture working group. The team decided it did not want to exclude anyone who wished to be on the working team, even though it wants to keep the working teams to a manageable size. Once people have volunteered to be on the working team they will be given a follow-up phone call. During that phone call, they will be reminded of the criteria and the time commitment involved. If the number of people who still want to be on the working group is too large after the phone calls, then the project team will need to discuss how to handle it. There was some discussion of whether there should be groundrules for how many meetings a working group member could miss before being dropped from the group. The team decided that each working group can set its own groundrules governing absences.

REVIEW OF YEAR ONE SCHEDULE CHANGES

This item will be discussed in a conference call at 10:30 AM on July 13th. Once decisions have been reached, the team will supply a summary to Jim Creighton to go into the overall summary of the July 14th meeting.

ALTERNATIVE COMPLIANCE OPTIONS BRAINSTORMING WORKSHOP

This item will be discussed in a conference call at 10:30 AM on July 13th. Once decisions have been reached, the team will supply a summary to Jim Creighton to go into the overall summary of the July 14th meeting.

DRAFT CRITERIA FOR NON-AGRICULTURE TECHNICAL ADVISORS PANEL

The Sanitation Districts have sent draft criteria for the non-agriculture technical advisors panels to the Regional Board.

DRAFT PROPOSAL FOR COMPENSATION FOR TECHNICAL ADVISORS PANELS

Districts staff had originally recommended to Districts management that TAP members be paid a flat fee of \$1,000 per meeting attended. But it turns out that for contracting/auditing purposes, TAP members will need to account for hours. There will be a single hourly rate that will be applied to all TAP members. Jon Bishop said that conceptually this approach seemed fine, and it will be left up to the Sanitation Districts to work out the details.

The Districts have some aside \$150,000 plus travel money to compensate TAP members.

DOCUMENT ORGANIZATION AND RETENTION

The number of documents that are being generated is growing rapidly, and there are many versions of some documents. The team needs to agree on how project records should be maintained, as there will be quite a collection by the time the project is completed. This item is to be discussed at a future meeting.

July 8, 2004 ADR Meeting Action Items¹

LACSD {from 6-15} - check with City of Santa Clarita about coordinating AV needs, and if we can bring refreshments for the stakeholder meeting **by July**

LACSD {from 6-15} - Make arrangements for cookies/coffee for stakeholder meeting **by July 14th**

LACSD & RWQCB - give Jim C. name of contact person for each agency with respect to document review and meeting deadlines **by July 9th** [✓LACSD sent name on July 8th]

LACSD - revise Facilitation RFP to clarify role in resolving conflicts **by July 9th**

RWQCB - give Jim C. comments on July 15th meeting summary **by July 9th**

LACSD - revise and finalize July 14th PowerPoint presentation and email to RWQCB **by July 12th**

LACSD - revise July 14th sign-in sheet, Working Group sign-up sheet, and response form **by July 12th**

Project Team - conference call **on July 13th at 10:30 am** to go over the last items on the July 8th agenda; provide draft summary to Jim C. **by July 14th**

LACSD - bring copy of PowerPoint presentation on CD **to the July 14th** meeting

LACSD {from 6-15} - bring copies of handouts (collaborative plan, fact sheet, study schedules, PowerPoint presentation, Ag TAP criteria) and the sign-in/sign-up sheets, response form on different color paper **to the July 14th** stakeholder meeting

Project Team - on **July 14th after the meeting**, discuss possible ex-officio stakeholders to serve on selection panel for Ag Consultant and Ag Study Manager

Brian/Elizabeth - **following July 14th** meeting decide if additional follow-up is needed for agricultural stakeholder groups for TAP recommendations

Project Team {from 6-15} - **by end of July** select 2 ex-officio stakeholders to serve on selection panel for Ag Consultant and Ag Study Manager; make arrangements for August 16th Working Group meeting

Elizabeth - send LACSD copies of CVs received for Ag TAP candidates **by August 1st**

LACSD {from 6-15} - send proposals in response to RFPs to RWQCB and ex-officio stakeholders **by August 2nd**

Project Team and ex-officio stakeholders {from 6-15} - complete review of RFPs proposals **by August 8th**

¹ Includes some long-term action items from June 15th meeting.

Project Team and ex-officio stakeholders {from 6-15} - set aside **August 9th and 10th** for consultant's interviews/selection

LACSD {from 6-15} - prepare agenda item for September 8th Board of Directors meeting for purchase orders for selected consultants **by August 26th**

SUMMARY OF JULY 29, 2004 TELECONFERENCE SANTA CLARA RIVE CHLORIDE TMDL IMPLEMENTATION PLAN

The teleconference began at approximately 1 PM. Participants included: Regional Board: Melinda Becker and Elizabeth Erickson; Sanitation Districts: Margie Nellor, Vicki Conway, Brian Louie; Facilitator: Jim Creighton.

FINALIZING MEETING SUMMARIES

Jim Creighton said that he had sent out a draft agenda on July 28, and wanted to check to see if any changes were needed. Everybody agreed that the agenda was acceptable.

The first four items had to do with finalizing summaries of meetings on June 15, July 8, July 13 (teleconference), and July 14 (stakeholder meeting). Jim said he had not received final comments from the Regional Board on any of these. Melinda Becker said that she would review them and get comments or revisions to Jim by August 2.

MEMBERSHIP OF AG TECHNICAL WORKING GROUP

At present, there are 16 stakeholders who have expressed an interest in being part of the agriculture technical working group (AgTWG). Elizabeth Erickson had a meeting with people from agriculture (at the Fillmore IHOP) that turned into a much larger meeting than she expected, and she provided them with a briefing on both the AgTWG and the agriculture technical advisors panel (AgTAP). This briefing included a description of the time commitment and criteria for both groups.

A first meeting of the AgTWG is scheduled for August 16. One of the agenda topics for that meeting is to discuss stakeholder perspectives on the membership of the AgTAP. The team spent time discussing the problem that some members on the candidate list for the TAP may choose to become members of the TWG if they are not selected for the TAP. The decision was made to send the invitation for the Aug. 16 TWG meeting to all people who were on the TAP list as well as to potential TWG members. But both the Districts and Board staff will send e-mails to the people with whom they've talked about being on the TAP telling them that this is just a courtesy and they need not attend the meeting in order to be considered for the TAP. The e-mail will also mention that the working group will be discussing the membership of the TAP during its meeting.

MEMBERSHIP OF AGRICULTURE TECHNICAL ADVISORS PANEL (AgTAP)

Brian and Elizabeth are contacting the potential candidates for the AgTAP. There are currently 15 names on the list. People who are being contacted are asked to submit their CV. So far 4 people have submitted their CVs.

There was then a discussion of how big the AgTAP needed to be. One thought was that it could be as small as 3 people, but there was concern that this might be too small to represent all the viewpoints. Also, if there are only 3 members, if one drops out (or is a “dud”) then the panel is too small. There was also a recommendation that the AgTAP include about 6 members.

The procedure for selection of the TAP members is as follows:

1. The Project Team will make time on August 9th (when they are conducting interviews on proposals received in response to the RFPs) to review the CVs that have been submitted, and decide on which names will be submitted to the working group for review.
2. The assumption will be made that if the CV is not submitted by the 9th, the individual is not interested in being considered.
3. The AgTWG will review the names on the list and provide advice to the Project Team.
4. After the 16th, the Project Team will get together and decide on the membership, taking into consideration the suggestions of the working group and the AgTAP criteria and the Collaborative Plan and .

AUG. 16 WORKING GROUP MEETING ARRANGEMENTS AND AGENDA

Elizabeth will find a meeting place that will accommodate about 20 people. The preference would be for some place in the Santa Clarita area, but if rooms are not available, it could be in another location so long as it is convenient for the stakeholder attendees.

Elizabeth said that during the IHOP meeting farmers said the meeting could take place during the day. The assumption is that this will be a two-hour meeting. It could either be late morning (10 AM – 12 AM) or in the afternoon (1 – 3 PM, or 2-4 PM), depending on meeting room availability. The Sanitation Districts will provide refreshments. Elizabeth should just go ahead and decide on the time and place. She needn't check back with Districts' staff.

The Regional Board will send out the meeting invitations. They don't need to have the Districts' review the invitation, but can simply send the Districts an e-mail when it goes out.

The initial invitation will not include the agenda. The agenda will be determined at the Aug. 9th Project Team meeting, and will be sent out subsequent to that meeting. This will serve as a second reminder of the meeting. Elizabeth said she provided the full packet that had been mailed out to people earlier to the people at the IHOP meeting, as well as AgTWG and AgTAP criteria. The mailed packet included copies of the Collaborative Process Plan.

Jim Creighton will prepare a first draft of the agenda for the Aug. 16th meeting, in time for the Project Team to finalize the agenda at its Aug. 9th meeting. One of the agenda items should be to invite working group members to suggest references/citations/studies that they believe the consultant should look at. There was also agreement that time needed to be spent on what “consensus” means.

Jim Creighton will facilitate the Aug. 16 meeting.

EX OFFICIO MEMBERS TO REVIEW PROPOSALS

The team then discussed who, from the list of Ag Working Group members would be invited to help review the proposals from the Ag consultant and Project Manager RFPs. Their opinions would be advisory. The key criteria were that they would be able to contribute something to the review, and would help people from agriculture feel that someone who knew something about farming would be consulted in the decision.

After discussion the team agreed that Elizabeth would contact Bill Reiman and Dan Detmer to see if they would be willing to participate. If either of them is unable to participate, she will contact Jim Lloyd-Butler.

Brian will e-mail copies of the RFPs to Dan Detmers and Bill Reiman, but will wait until July 30 in order to give Elizabeth time to call them first.

Copies of the proposals will be sent electronically to both the reviewers from the Board and any ex-officio members.

EVALUATION OF RFPs

The interviews for the agriculture RFP and study manager RFP will be scheduled for Aug. 9th, with the facilitation RFP interviews scheduled for Aug. 10th. The Districts will provide lunch. The Districts will prepare an appointment schedule and proposed interview procedures and e-mail it to the Board and ex-officio members. The goal is to have the selection process completed as close to the end of August as possible.

So far only 1 proposal has been received. That proposal is in response to the facilitation RFP. But normally proposals don't arrive until the last minute. Proposals are due the morning of July 30.

This led to a discussion of what happens if only 1 proposal is received for any of the RFPs. Margie Nellor said that their attorney has advised them that if only one proposal is submitted, but it is responsive, they are obliged to accept the proposal. Otherwise the Districts incur significant legal liability. Melinda Becker expressed surprise at this, and said she thought most public agencies had rules that a proposal could be accepted only if at least three proposals were received.

Margie said that under the Districts' rules this was generally the case for construction RFPs, but not for professional services. Melinda expressed concern that this was the first time she had heard about the District's procedures on this. Margie said that their attorneys had advised them that the only grounds on which they could reject the single proposal was if it was non-responsive, and the reasons for considering it non-responsive had to be documented very thoroughly. In addition, if it was necessary to re-send an RFP, it would delay the whole schedule by several months.

Melinda asked that there be a discussion of how to handle this if it occurred. Everybody will know by Friday afternoon whether that is the situation. The team agreed that if, once the proposals are in, someone is concerned about this, that team member should contact the others to agree on a time to discuss the problem.

The Districts will send all the proposals electronically to the Board and any ex officio reviewers. This will be done Friday afternoon (July 30).

Margie said that the Districts had received some puzzling information about why some firms weren't submitting. They said the Districts had been contacted by one firm that said they weren't going to submit because when they had contacted one technical expert he said he already had some role in the project (apparently being on the TAP), and that created a conflict of interest. But this was all very confusing, because when Brian contacted this technical expert he declined being on the TAP. Another company said it had been contacted by another group who said they should be included in their proposal because "the Districts had said they were a critical for some of the studies." Districts staff were not aware of saying any such thing. Nobody from either the Districts or the Board could account for these aberrations, except to say this is the kind of thing that happens when consultants are jockeying for position.

DESCRIPTION OF COMPLIANCE ALTERNATIVES WORKSHOP

Margie said that the Districts had sent the Board a draft description of what the compliance alternatives workshop would look like. Jon Bishop had agreed to take such a description to both the State Board and EPA to solicit their involvement in the workshop. The draft description was sent to the Board on July 16th, but the Districts had not received any comments from the Board.

Elizabeth Erickson said she had reviewed the workshop description and it seemed OK to her. Melinda said she would review it and get comments or revisions to the Districts by August 2.

DRAFT NON-AGRICULTURAL TAP CRITERIA

Margie said that the Districts had sent the Board drafts of the non-agricultural TAP criteria on July 6th, but had not yet received comments from the Board. The Board agreed that the Districts should go ahead and finalize the criteria distribute the final version.

ACTION ITEMS:

DISTRICTS

- By August 2nd, Brian to follow up invitation to Aug. 16 meeting with an e-mail to all people he has contacted about being on the TAP to tell them: (1) that the invitation is just a courtesy, (2) they do not need to present to be considered for TAP membership, and (3) the membership of the TAP will be discussed in the working group meeting. He will send the email to Elizabeth so she can send it to the TAP candidates she has contacted.
- By July 30th, Districts to send Regional Board addresses and CVs for candidate AgTAP members that will be invited to the Aug. 16th AgTWG meeting
- By July 30th, Brian to e-mail copies of the RFPs to any ex-officio members of proposal review panel
- By July 30th, Brian to send copies of the proposals to all project team and ex-officio review panel members
- By August 2nd, Margie to send out email to set up conference call to select TAP members after the Aug. 16th AgTWG meeting
- By August 5th, Districts to send interview schedule and interview procedures to all panel members
- On August 2nd, anyone who is concerned because only 1 proposal is received for an RFP should contact other Project Team members to set up a time to discuss
- By August 9th, Districts to send final non-Ag TAP criteria to Board
- By August 12th, Districts to make arrangements for refreshments for Aug. 16th TWG meeting

BOARD

- By August 2, Melinda is to send Jim Creighton final review comments on the following summaries:
 - June 15 project team meeting
 - July 8 project team meeting
 - July 13 (project team teleconference)
 - July 14 (stakeholder meeting)
- By August 2nd, Melinda is to send the Districts comments on the description of the compliance alternative workshop
- By August 3rd, Elizabeth to identify Aug. meeting time and place
- By August 3rd, Board to send invitations to Aug. 16 meeting to all people on both AgTWG and Ag TAP lists and cc the Districts

- By August 2nd, Board to follow up invitation with an e-mail to all people it has contacted about being on the TAP to tell them: (1) that the invitation is just a courtesy, (2) they do not need to present to be considered for TAP membership, and (3) the membership of the TAP will be discussed in the working group meeting.
- By July 30th, Elizabeth to contact Bill Reiman and Dan Detmer to see if they would be willing to participate, If either of them is unable to participate, she would contact Jim Lloyd-Butler
- On August 2nd, anyone who is concerned because only 1 proposal is received for an RFP should contact other Project Team members to set up a time to discuss
- By July 30th, Jon Bishop to discuss compliance alternatives workshop with State Board and EPA to solicit their participation
- By August 12th, Board to send out final agenda for August 16th AgTWG meeting

JIM CREIGHTON

- Prepare draft agenda of Aug. 16 meeting and send it to Project Team
- Facilitate Aug. 16 meeting

[Jim - we have several carry over action items from previous meetings/calls - I don't know if it's worth having a separate list for them - but it may help folks track what they have to do]

LACSD - **by July 30th** prepare master list of final and draft project documents

RWQCB - **by July 30th** prepare a list of the types of documents that must be maintained for the project's administrative record

RWQCB - will review year one schedule changes and provide comments to LACSD **by July 30th** for discussion at subsequent meetings

Project Team and ex-officio stakeholders *{from 6-15}* - complete review of RFPs proposals **by August 8th**

LACSD *{from 6-15}* - prepare agenda item for September 8th Board of Directors meeting for purchase orders for selected consultants **by August 26th**

LACSD - will revise year one Agricultural study schedule **by September 30th** based on discussions with selected contractors

UPPER SANTA CLARA RIVER CHLORIDE TOTAL MAXIMUM DAILY LOAD
PUBLIC PARTICIPATION MEETING
JULY 14, 2004

The meeting was held at the Santa Clarita City Council Chambers from 7 – 9 PM on July 14, 2004.

Jonathan Bishop, Interim Executive Officer of the Los Angeles Regional Water Quality Control Board (Regional Board) welcomed the audience, expressing appreciation that people would take their time to attend the meeting. He introduced Jim Creighton, who served as meeting facilitator.

Mr. Creighton asked everybody to introduce themselves, then reviewed the meeting agenda. Creighton said that there would be a presentation that would describe the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL) Implementation Plan, the collaborative process that would be followed to conduct four major scientific studies as part of the TMDL, the study organization and structure, and the opportunities for stakeholder involvement. Following the presentation, there would be a period for questions and answers or public comments. After the question and answer period the project team would stay around to answer questions, discuss issues, or receive comments. The overall purpose of the meeting was to help the public understand the collaborative process, and discuss how the public can be involved in the process. He said that Jon Bishop and Margie Nellor, from the Los Angeles County Sanitation Districts would make the presentation.

PRESENTATION

Jon Bishop began by describing what a TMDL (Total Maximum Daily Load) is. A TMDL is the maximum amount of a pollutant that a water body can receive and still meet water quality standards. The TMDL not only establishes the maximum amount of the pollutant, it also allocates that amount between all the various sources of the pollutant. This is important in determining who is responsible for cleaning up and limiting the discharge of the pollutant.

The states, including the State of California, are responsible for setting water quality standards that are comprised of three elements: beneficial uses, water quality criteria to protect the uses, and antidegradation that provides a framework for protecting water quality. The first steps of this process are for the states to define the actual uses of the water in that particular water body, set scientific criteria for what the water quality has to be to sustain those uses, and then apply the antidegradation policy.

The federal Clean Water Act, section 303, established the TMDL program and gave the states responsibility for implementing it. But for a number of years the primary focus of water quality regulators was to identify and control major

individual sources (referred to as “point sources”) such as chemical plants, factories, waste treatment facilities, etc. Now most of those have been or are on their way to being cleaned up. So now the agencies are focusing in on water quality controls that take into account all sources of contaminants.

The Upper Santa Clara River TMDL was adopted by the Regional Board on May 6, 2004. The TMDL sets a 13-year schedule to meet the existing chloride standard. This 13 years includes five years during which four technical studies will be conducted to be sure there is an adequate scientific basis for the objective, and eight years to take whatever steps are necessary to reduce chlorides to meet the standard. Once the four studies are concluded, the results of the studies could result in a proposal to the Regional Board to modify the existing standard of 100 mg/L.

Mr. Bishop then described the Santa Clara River Watershed. For management purposes, the Santa Clara River Watershed is divided into Reaches. The Reaches addressed in this study are Reaches 4 (eastern end only), 5 and 6^[v1]. All the other Reaches meet the water quality objective of 100 mg/L. In addition, these other reaches receive flows from other sources than the Sanitation Districts’ facilities.

The flows in Reaches 4 (eastern end only), 5 and 6 include the natural flow, water deliveries from the State Water Project (which also contains chlorides), and water from the Sanitation Districts waste treatment facilities. ^[v2] natural flow is not continuous throughout the year, and there are times of the year when the water from the waste treatment plant is the only source of water in the river in portions of these reaches^[v2]. The Districts operate two waste treatment plants in the area, known as the Valencia and Saugus plants.

Mr. Bishop showed a slide with the historic chloride concentrations from 1948 to the present. Before 1970, chloride concentrations varied significantly from year to year, and frequently exceeded 100 mg/L, sometimes by significant amounts. These levels were substantially impacted by brine discharges from oil exploration. The Saugus WRP came on line in 1961 and the Valencia WRP in 1967. Deliveries of state water project water came in the mid-1970s.

When the WRPs came on line, the Sanitation Districts restricted discharge of brine from residential, commercial and industrial self-regenerating water softeners (SRWS). But legal challenges in 1997 blocked implementation of the residential ban until new legislation was passed in 1999 that allowed for controls on residential SRWS no sooner than 2003. During the period when SRWS were allowed, the chloride in the river began to climb. In 2003, the Districts placed a ban on installation of new self-regenerating softeners, and has begun a program to reduce the number of existing softeners. The data suggests that this may be resulting in reductions in chloride, although the amount of chloride remains above 100 mg/L.

The new TMDL was adopted by the Regional Board in May of 2004. This was not the first attempt at setting the Chloride TMDL, but this is the first TMDL that applies fixed dates for implementation plus an agreement on a collaborative process for the technical studies. The TMDL must be approved by the State Water Resources Control Board. Then it goes through a legal review to be sure all the procedures were followed properly. Finally it is reviewed by the US Environmental Protection Agency to be sure it complies with federal standards. The effective date of the TMDL is probably early in 2005.

Margie Nellor then described the Sanitation Districts' facilities. The Saugus facility is located on Springbrook Avenue in Saugus, east of San Fernando Road. The Valencia facility is located on The Old Road in Valencia, west of Highway 5 in Santa Clarita. In 2003, the Districts modified these facilities to remove nitrogen. This was necessary to comply with newly applied ammonia effluent limitations. This additional treatment will also reduce nitrate concentrations in the effluent. The Districts also provide water deliveries to the Castiac Lake Water Agency. This began in 2003. The water is used for golf courses, greenbelts, medians, etc.

The amount of chlorides coming from industry and businesses is very small, and controls are in place to keep it small. The two largest sources of chloride are the local water supply, which is a blend of groundwater and State Project water, and homes. During time of drought the water supply itself can be above 100 mg/L.

The largest source of chloride from homes comes from self-regenerating or automatic water softeners that use salt for regeneration of the resins that remove hardness. Those water softeners where a service delivers a new tank periodically do not contribute to the problem because the companies that provide those tanks discharge those salts in a legal manner in another location.

The Districts have tried to do everything they could to control SRWS, but have been constrained by various laws. These laws began to change in 1999, but even the 1999 law didn't allow the Districts to establish a ban until January 2003. The Districts did establish a ban that was adopted in February 2003 and went into effect in March 2003, the earliest it could do so under state law, and the first in the state. Chloride concentrations seem to have stabilized and maybe even decreased since the ban has been in effect.

Jon Bishop then described the collaborative process that will be used to conduct technical studies as part of the TMDL. Mr. Bishop mentioned that there have been quite a few technical studies in the past on chlorides, but they were conducted individually by dischargers or agencies, and there was not widespread agreement that the results were legitimate or acceptable. The goal of the collaborative process is to get agreement by Regional Board staff, Sanitation

Districts staff, and major stakeholders, that there is sufficient and credible scientific information upon which to base decisions about standards.

Mr. Behjan, a participant, asked Mr. Bishop if, after the technical studies were done, the Regional Board would still make a policy call about the level at which the standard would be set. Mr. Bishop said that was correct. The Regional Board needs to take into account the technical studies, and additional factors such as social and economic impact, feasibility of remedies, and other factors in determining the standard. There can be disagreement on that, but the goal of the collaborative process is to at least remove disagreement on the scientific basis for the decision.

Staff of the two agencies have developed a plan that lays out agreements on how decisions will be made, disputes resolved, and stakeholders involved. The studies will be co-managed by the Regional Board and Sanitation Districts. The process will use professional facilitators, and much of the technical work will be done by consulting firms. All the technical work will be reviewed by outside technical experts, and there will be opportunities for stakeholder involvement in the management and review of the technical studies.

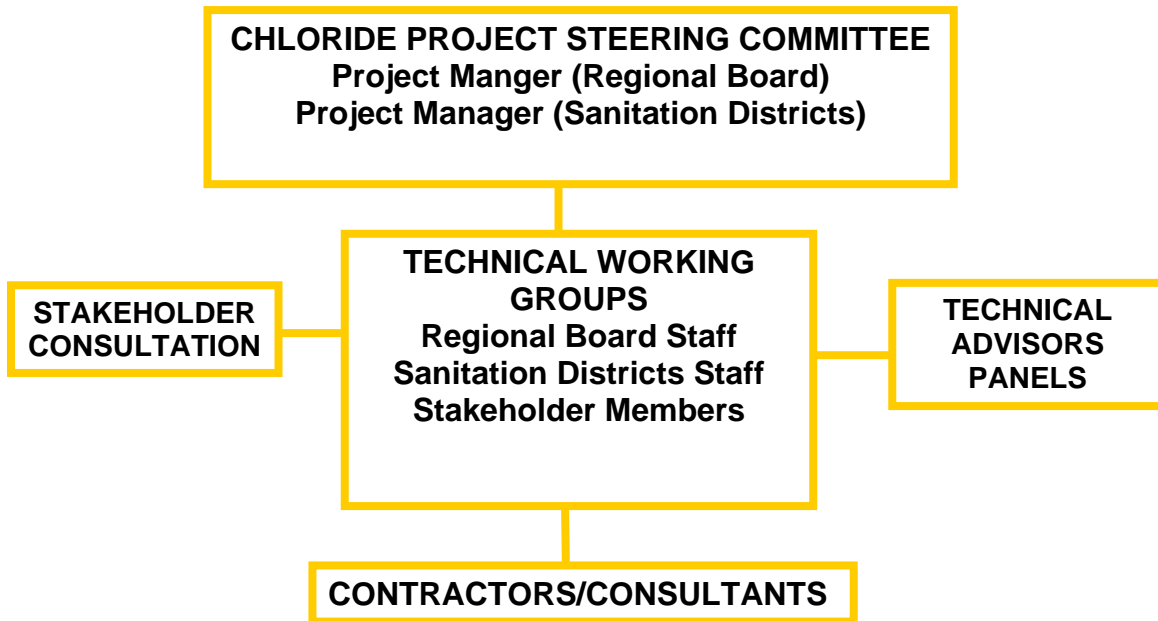
Two of the technical studies will be designed to evaluate appropriate chloride thresholds for beneficial uses of Santa Clara River water, specifically salt-sensitive agriculture and endangered species. The third study will be designed to understand the interaction of surface water and groundwater. There are places where the surface water goes into the groundwater, and then arises downstream as surface water. We need to understand this interaction to be able to evaluate whether chlorides in the surface water affect the quality of the groundwater. The fourth study is what is called an “antidegradation analysis” and includes (if necessary) development of site-specific objectives. In an antidegradation analysis regulators first look at whether the current or expected discharges have the potential to degrade existing beneficial uses. Then the analysis addressed whether it is economically and technologically reasonable to minimize the discharges that are lowering water quality.

The kind of collaborative process that is being proposed has been used successfully on other TMDLs, including the recently approved nitrogen TMDL for the Santa Clara River. But one of the keys to the success of this kind of process is the willingness of stakeholders to participate in the process.

Mr. Bishop then reviewed the study organization, as shown in Figure 1. The Project Steering Committee consists of a project manager from the Regional Board and a project manager from the Sanitation Districts. Together they have overall responsibility for implementation and oversight of all four studies. They also have a role in resolving disputes that may occur in technical working groups.

There will be a technical working group for each of the four studies. The job of the technical working groups is to direct and review that work performed by contractors. The membership of each technical working group will include Regional Board staff, Sanitation Districts staff, and stakeholder members.

Figure 1
Study Organization



The team is actively seeking stakeholder involvement in the technical working groups. But being a member of the technical working group does involve a significant time commitment. Members will be expected to attend meetings regularly, and read the reports that will be discussed in these meetings. There may be quarterly meetings for some groups, but during the first year of the agricultural study project, the Agricultural Working Group may need to meet monthly or even bi-weekly. Stakeholder members also need to be willing to work in a consensus-oriented process. Stakeholder members will not be compensated for their time, but they will be at the table as important decisions are made on how the studies are conducted. All meetings of the working groups are open to the public, and observers will have the opportunity to make comments at designated times.

There will also be opportunities for stakeholders to participate who are not able to make the time commitment involved in being a working group member. Stakeholder meetings will be held periodically over the entire chloride TMDL implementation schedule. Some of these meetings will be general meetings

providing overviews of the entire process. In addition, each working group may conduct its own stakeholder involvement meetings to discuss its specific study. Whenever possible, stakeholder meetings will be scheduled to occur prior to critical decision points in the project, so that stakeholders can comment upon those decisions before they are made. The frequency of stakeholder meetings will vary depending on what is happening in the project. By fall 2004, we plan to have a project web page that will provide access to meeting agendas and minutes, a calendar of events and updates, project schedules, and contractor work products. The project team will also use an e-mail list-server so that it can send announcements about meetings, work products, etc. In the meantime, information will be available at both www.swrcb.ca.rwqcb4 and www.lacsd.org.

There will also be a Technical Advisors Panel established for each of the four technical studies. These technical advisors are individuals with recognized expertise who can help evaluate the adequacy of the technical work. The Technical Advisors Panels will review proposed study plans, help resolve important technical issues, and generally ensure peer review throughout the study. The work of the Technical Advisors Panels is in addition to a final peer review required by Regional Board rules.

Decisions in the project steering committee and working groups will be by mutual agreement. This doesn't mean that everybody will be equally enthusiastic about every decision, but that people are willing to "live with" the agreement even though they might prefer an alternative solution. Meetings will be facilitated by professional facilitators. In the event working groups are not able to reach agreement, they can either refer the issue to a higher-level management group, get advice from neutral third-party technical experts or panels, or bring in a mediator to help them resolve the dispute.

The actual technical work will be conducted by contractors. The Sanitation Districts will pay the bill for the consultants, but the consultants' "client" will be the entire working group, which includes Regional Board staff, Sanitation Districts staff, and stakeholder members. Regional Board and Sanitation Districts staff will jointly approve all RFPs, select contractors, and ensure there are no conflicts of interest.

Mr. Bishop said that throughout the 13-year implementation program, there would be interim waste-load allocations in effect. Because the chlorides in the State Water project rise when there are drought conditions, the interim allocations are designed to allow higher chloride levels during drought conditions.

Ms. Nellor said that the first study that will get underway is the agricultural study. It has to get launched quickly because, if studies of the impact of chlorides on crop productivity are required, those studies would take many years to complete, and it may be necessary to revise the TMDL schedule to accommodate the work if it is needed. The two salt-sensitive crops of interest are avocados and

strawberries. These are only grown in the eastern half of Reach 4 (east of Piru Creek to the LA/Ventura County Line), not in Reaches 5 and 6. The goal of the agricultural study is to determine the appropriate chloride threshold for the protection of salt-sensitive agricultural crops. The studies could lead to development of a site-specific chloride objective for the Upper Santa Clara River Watershed.

The Districts have already issued an RFP, prepared with the Regional Board, for contractors to conduct the agricultural studies. Brian Louie (who was present at the meeting) has copies of the RFP for people to look at. Proposals are due July 30th. The plan is to form the Agriculture Technical Working Group by August 1st, and have the consultant selected by August 13th. As part of this selection process, several members of the Agriculture Technical Working Group will be asked to participate in reviewing proposal and sitting on the selection panel, which will meet on August 9th or 10th. The first meeting of the working group would be on August 16th, with consultant work beginning September 9th. The first phase consists of an intensive literature review and then development of a work plan for an agricultural study. This phase ends by September 13, 2005.

Ms. Nellor reminded participants that they will be able to participate in several different ways. They can participate in one of the four technical working groups, or they can participate in stakeholder meetings. If people want more information they should check either the Regional Board or Sanitation Districts web site, or contact Elizabeth Erickson, 213/576-6683, at the Regional Board; or contact Brian Louie, 562/699-7411 ext. 2802, at the Sanitation Districts.

Ms. Nellor pointed out that there were signup sheets for the working groups on a table at the side of the room.

QUESTIONS AND ANSWERS

Question: I participated_[v3] in a similar process on the Santa Ana River, but after everybody worked hard to agree on the technical work there were still problems interpreting the results. I recommend coming up with an agreement upfront on how the interpretation will be done.

Answer: That's an interesting idea. I don't know if we will be able to do that or not.

Question: Are swimming pools a source of chlorides? There are a lot of them in the area.

Answer: Private swimming pools are a very small source of chlorides. Large public swimming pools are required to use Best Management Practices to reduce the amount of contaminants they discharge, including chlorides.

Question: You say that the studies are looking at the upper reaches, but strawberries and avocados aren't grown in those upper reaches. So why are you looking at the upper reaches?

Answer: It's true that the area where strawberries or avocados are grown is in the eastern portions of Reach 4. But to the extent that these farming operations rely on water from the Santa Clara River for growing, that water is coming from those upper reaches, where at times the only water source is primarily the Districts' discharge.

Question: Why isn't the study looking at the lower reaches?

Answer: Because the lower reaches presently comply with the 100 mg/L objective, and that is not expected to change. The lower reaches receive water from a number of different sources, so that has the effect of lowering the chloride levels.

Question: How do you enforce the ban on water softeners?

Answer: People and companies call in and complain about water softeners they see in people's homes. Actually most people have been very cooperative when they are told about the problem with softeners. Plumbers are also prohibited from installing new softeners.

Question: Would an objective based upon a flow-weighted average be helpful?

Answer: There are several ways of setting an objective. One way says that any time flows exceed the 100 mg/L objective, even for a short period of time, action must be taken to lower the amount of pollutant going into the river. Another kind of objective says that action is required when the average concentration for a period of time (such as 24 hours or one year) exceeds 100 mg/L. The Districts would prefer an objective based on averages for a period of time. One of the issues of dispute has been that an earlier version of the Los Angeles Basin Plan had a footnote for the 100 mg/L chloride objective that suggested a weighted-average approach. That footnote got dropped in later editions of the Basin Plan, and that has been a subject of contention ever since.

Comment: If the impact is acute, then the objective should be instantaneous. But otherwise, it should be based on the average.

Question: Is this situation being over-regulated by the state? Some people believe the state is doing far too much regulation already.

Answer: Some people do feel there is too much regulation, and it is true that regulatory agencies are paying more attention to non-point sources, and this has the effect of increasing the impact of regulation on more people. But there are also people who tell us we are not regulating enough.

Question: When did the battle against water softeners begin?

Answer: The Districts began trying to regulate water softeners beginning in 1961. But the battle really heated up during the early 1990s, when the law was changed to guarantee each person's right to a water softener. The law was changed in 1999 to allow for local agencies to control softeners provided certain conditions were met. But even in the 1999 law agencies were not allowed to put controls on water softeners until 2003. The law has since been amended making it a bit easier for other agencies control softeners again.

Question: If you got rid of all water softeners, would you be able to meet the objective?

Answer: We believe there are about 7,000 self-regulating softeners (the kind that put chlorides into the waste stream) in the area. If we could magically eliminate all those softeners it would certainly reduce the chlorides. But it is likely that during droughts we would still not be able to meet the 100 mg/L objective because of chloride levels in the water supply.

Question: Does the membrane process remove all salts and hardness?

Answer: Yes.

Question: Would it be cheaper to treat the water supply at the source?

Answer: In comparison to putting in treatment at the Districts' plants, capital costs may be cheaper, but there would still be brine that would have to be disposed of somehow. There's also an institutional barrier. The Regional Board does not have regulatory authority over the quality of State Water Project water. So there's really no mechanism for forcing treatment at the source, and assessing costs of treatment. Also, in communities with soft water, water softeners are still installed and contributing chloride to wastewater.

Comment: The City of Fillmore is currently evaluating treatment at the water supply.

Comment: The further you are from the ocean, the more expensive the brine disposal will be.

Question: Will you be considering whether you could supply potable water for a beneficial use such as growing strawberries or avocados. Is that possible?

Answer: That's one of the alternatives that will be considered.

Question: Does the RFP for this study dictate the study plan, so that the working group will simply be stuck with implementing a study plan that has already been agreed upon?

Answer: The RFP covers only Phase 1. During Phase 1 the consultant will do an extensive literature review and will work with the working group and technical advisors panel to develop the study plan. So the RFP doesn't pre-judge what the study plan will be, and in fact the literature review is necessary in order to determine what and whether studies are needed. There will be another RFP for implementation of the study plan. Brian Louie has copies of the RFP available for you to look at.

Comment: This project is ground breaking, and many in the state will be looking to see the results of this work.

Response: There has been a great deal of independent academic work done in the past, but never in a way that when it was completed there was broad acceptance of the results. That's what we are looking for with this study.

Question: It can be 4-5 years before avocados produce. How can you do studies of crop productivity in 9 months?

Answer: The first year of the study is being taken to agree on what studies are needed. Right now under the current TMDL schedule, that leaves four years to complete the studies. But if everybody agrees that longer studies are needed, we'll have to go back to the Regional Board and request schedule changes.

Question: Have you contacted the authors of the classic avocado studies to see if they wanted to bid on the RFP.

Answer: Yes, and we're also in contact with them about the possibility of serving on the technical advisors panel.

Question: Couldn't you use an existing avocado grove to conduct the studies?

Answer: That would be a definite possibility if there is agreement that would address the remaining questions. The working group will look at that option.

Question: The technical studies are more likely to produce a range rather than a single figure. At some point there will begin to be effects, but at a higher point, the effects may become fatal to the plants. Is that going to be taken into account?

Answer: Yes. You are right that the technical studies will show a range and there has to be some kind of judgment call as to where in that range the objective needs to be set. That's what the Regional Board does. That's why we do the antidegradation studies to look at the social, economic and technological reasonableness of possible criteria.

CLOSING

Mr. Creighton reminded participants that the Regional Board and Sanitation Districts staff would remain to have informal discussions with participants. He also reviewed the alternative ways people could choose to participate and reminded participants that the sign-up sheets for the working group were on the side table. He also had a hand-in response form handed out so that anybody who preferred to submit a written comment could do so.

The meeting was adjourned shortly before 9 PM.-

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[v1]I think this is more accurate – I don't recall Jon saying Reaches 5-7.

Page: 2

[v2] Jon did say this but it isn't quite true. The only place where effluent could be the only flow in the reach is at the upper end of Reach 6 near Saugus. Anything downstream of McBean PKWY contains GW discharges, tributary surface flows (Castaic which is intermittent) and effluent from the Valencia WRP.

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[v3]I don't think he actually participated on this project I think he just knows about it.

SUMMARY OF JUNE 15TH PROJECT TEAM MEETING Santa Clara River Chloride TMDL Collaborative Process

The Upper Santa Clara River Chloride TMDL Project Team met at the Regional Board offices from 10 AM – 4 PM, June 15, 2004.

Agency staff present include:

Regional Board – Jon Bishop (part of the time), Deborah Smith, Melinda Becker, Elizabeth Erickson.

Sanitation Districts – Margie Nellor, Sharon Green, Vicki Conway, Brian Louie.

Consultants present included:

Jim Creighton, facilitator

Fred Andes, regulatory consultant to the Sanitation Districts

Jon Bishop said he would be unable to participate in the entire meeting due to other meetings, but expressed some concern that the stakeholder involvement team invitation letter went through six versions before it was final, and was concerned that if a simple letter like that took so much time and effort the team was going to have difficulty with more complex tasks. The team agreed to put streamlining of the process on the agenda for this or a future meeting.

Jim Creighton also said he was having difficulty knowing when team members had not yet reviewed a document versus when they had reviewed it and had no comments. He asked that once team members review a document they send him an e-mail telling him if they have no comments. This way he will know the documents have been reviewed.

STAKEHOLDER INVOLVEMENT MEETING

The Project Team agreed that the date of the stakeholder involvement meeting needed to be moved because of problems getting the publicity out. Elizabeth Erickson will coordinate with the City of Santa Clarita to obtain meeting rooms sometime in the July 13-15 time frame. She will then notify the project team about which date it will be, based on room availability. The meeting time will be from 7 – 9 PM.

MAILING OF INVITATION LETTER

Based on the discussion about the meeting format, the invitation letter needs minor revisions before being finalized. Districts' staff will revise and send to the Board by June 18th. Elizabeth will re-send the Board's mailing to the project team by June 16th. Districts' staff will review the mailing list and send any additions to

Board staff by Friday, June 18th. The mailing will go out early the week of June 21st, so that people receive the invitation by June 25th. It will consist of the invitation letter, collaborative plan (with attached cover letters), and the fact sheet.

MEETING FORMAT

The team agreed that there will be an initial briefing on the collaborative process and technical studies, followed by questions and answers or comments from the audience. Following this session, participants will be able to go to informal discussion groups to discuss each of the four studies. Since there will be no re-convening of the full group, participants can leave whenever they wish.

Participants will also be given a hand-in response form in case they want to write comments. The response form will also be a way participants can indicate a willingness to be part of a working group. There will also be sign-up sheets for working groups at the sign-in table.

MEETING ROLES AND RESPONSIBILITIES

Jim Creighton will facilitate the meeting, especially the Q&A and comments period. Jon Bishop and Margie Nellor will jointly make the initial presentation. Other Districts and Board staff will be available to answer questions and lead informal discussion groups. Districts' staff will be responsible for bringing handout materials (copies of the PowerPoint presentation, collaborative plan, fact sheet, sign-in sheet, response forms, study schedules, etc.).

MEETING LOGISTICS

Elizabeth Erickson will make arrangements with the City of Santa Clarita to provide flip charts and pads, digital projector and screen. Districts staff will arrange for a digital projector and screen, and coffee and cookies (if they are allowed in the meeting room).

Districts staff will develop a hand-in response form and sign-in sheets.

The Districts will provide a recorder to capture public questions and comments on a flip chart. Jim Creighton will then prepare a summary of the stakeholder meeting.

OPENING PRESENTATION

The Project Team reviewed a draft version of a PowerPoint presentation, making a number of changes in the slides and developing some draft talking points. Districts staff are responsible for making the revisions, and also for suggesting who should deliver which part of the presentation.

There will be a dry-run of the presentations on July 8th at approximately 1 PM (depending on when the prior project team meeting concludes).

Elizabeth Erickson and Melinda Becker will make up a list of potential questions that can be used in practicing answers to questions.

SUMMARY OF MAY 27TH MEETING

The revised version of the summary of the May 27th meeting is approved. Jim Creighton will distribute it to the team. It was also noted that for future reviews of documents, it would be helpful if the Project Team has no comments, to send an email to that effect and that the email denotes approval.

COLLABORATIVE PLAN

The revised version of the collaborative plan and groundrules are approved. Jim Creighton will distribute to the team.

The mailing will include the cover letters, the fact sheet, and the collaborative process plan and groundrules.

FACT SHEET

The Districts have reviewed the fact sheet, as has Elizabeth Erickson. Elizabeth will be sure that Jon Bishop has the latest version, and he will review overnight. Once Jon has signed off on it there will be final coordination with Stephen Cain, the Board's Public Information Officer.

JULY 7TH SWRCB MEETING

Board staff will check with the Board's attorney to be sure all issues have been cleared and the item is scheduled for the July 7th meeting. Districts' staff will attend the SWRCB meeting. Margie and Jon need to coordinate to determine whether Districts' staff will be part of the Board's presentation or the Districts will simply make a comment supporting the TMDL during the comment period. The collaborative plan will be submitted to the SWRCB as part of the record for the TMDL.

TIME LINE

Brian Louie said he had reviewed all of Elizabeth Erickson's proposed change in the timeline. He said they appear reasonable but he has not looked into the recommended changes in detail as they would involve moving items up into the first year. Given the Project Team staff levels and the commitments already made, he concluded that there was already an extremely high work commitment

during that period. He has produced a revised first year schedule, which is attached as a figure to the RFPs. Brian will revise the rest of the schedule after the RFPs are issued, as they take priority for the moment. Brian will follow-up with Elizabeth if any concerns arise while revising the schedule to reflect the Regional Board's recommended changes to the schedule.

AG AND FACILITATION RFPs

Districts' staff have prepared RFPs for the agricultural study, for a study manager to oversee technical work, and for facilitation services. These RFPs were received by Board staff the morning of the project team meeting, so they had not had a chance to review them prior to the meeting. Brian Louie said that the review effort should be focused on Section 5 of each RFP, which describes the work tasks. Much of the rest of each document is boiler-plate.

The agriculture RFP just covers Phase 1 of the agricultural studies, during which the consultant conducts a literature review and prepares a draft work plan.

Melinda Becker suggested that the RFP define the word "threshold," so that it is clearly differentiated from "standard." A footnote will be added to the RFP.

There was then a discussion of the emphasis in the RFP on crop yield as the critical indicator of chloride impacts. Some farmers have said that leaf tip burn is an indicator of chloride impacts. Vicki Conway said the Districts had written the RFP with an emphasis on crop yield because: (1) the real beneficial use is crop yield, and leaf tip burn may not have anything to do with crop yield, and (2) many things beside chlorides can cause leaf tip burn (e.g., too little water applied), so there are many confounding factors.

Melinda Becker said that there are other factors that go into determining crop yield, such as whether there are long-term impacts to the plant or soil, even though there is no impact on short-term crop yield. A related issue is that farmers in the Upper Santa Clara are experimenting with a number of new crops, which may be more or less salt-sensitive than strawberries and avocados.

After discussion there was agreement that: (1) the RFP will be changed so that the contractor is asked to identify all the impacts associated with chlorides (based on the literature review), with crop yields and leaf tip burn (and how leaf tip burn affects yields) given as examples; and (2) the contractor will also be asked to identify potential future crops in the upper Santa Clara River, particularly those that might be more salt-sensitive than avocados and strawberries. The wording will also reflect that the contractor needs to discuss these issues with the agriculture working group, and the working group will review the contractor's recommendations.

There was also agreement that the primary focus of these studies is crop sensitivity in the upper reaches of the Santa Clara River (Reaches 6, 5 and the upper portion of 4). There is no plan to reconsider the downstream chloride objectives, so as long as that standard is met, the focus of these studies will not be downstream plant sensitivity.

Vicki Conway said that the RFP for study manager has been developed so that is not a senior scientist role, but more of a project management role.

Board staff committed to get their review comments on the RFPs to Districts' staff by Friday, June 18th. Districts' staff will then make the changes agreed upon during the project team meeting, and address comments raised by Board staff's subsequent comments. However, Districts' staff do not need to send the RFPs back to Board staff for a final review, but can simply send Board staff copies of the final version. If there are still any substantive issues, the Districts will have call the Regional Board to discuss them.

Jon Bishop raised a concern about consultants who have legitimate technical expertise but are also hired by advocacy groups to push for regulatory and policy issues, or otherwise represent those advocacy groups. After discussion it was agreed that all three RFPs will ask for submission of information about work previously performed for the Board, Districts, the California Association of Sanitation Agencies, and the Southern California Coalition of Publicly Owned Treatment Works. Firms submitting proposals will also be asked to identify any principal staff involved in the proposal who have previously been employees of the Board or Districts' organizations.

There was also a discussion of the problem that contractor selection will be nearly concluded by the time of the first working group meeting. There was a concern that stakeholders may be upset that they were not consulted. There could be problems if a contractor was selected who was generally perceived as unacceptable to stakeholders. On the other hand, contractor selection cannot be postponed without endangering completion of the first year studies in the required time. There was also a concern that stakeholders might react based on rumor or misunderstandings rather than a complete review of proposals. The project team concluded that, once the stakeholder involvement meeting occurs and people indicate an interest in being part of the agriculture working group, the project team will invite a couple of representatives of stakeholders to participate in the consultant selection process, on an ex officio basis. This would involve a significant time commitment on their part, but would remove the perception that the selection process was totally controlled by the agencies.

Jim Creighton said that he might be submitting a proposal for the facilitation contract, and said he would leave the meeting so that the group could discuss the facilitation RFP. However, the project team concluded that there was no need

to discuss the content of the RFP. Board staff will send any comments directly to the Districts.

Districts staff will send the Board the draft lists of contractors to whom the RFP will be sent. This will be sent on Thursday, July 17th. The mailing is to occur on Monday, June 21st, so if Board staff have additions they need to be sent to the Districts by the 21st. The Districts will provide the Board with the packages sent out comprised of the RFPs and the mailing lists.

CRITERIA FOR AGRICULTURE TECHNICAL ADVISORS PANEL

The revised criteria for the Agriculture Technical Advisors Panel (TAP) are approved with one change. The list of background and experience that panelists have will be shown as a list of “highly desirable” attributes, rather than “should have” attributes. The Districts will revise the criteria and send an Adobe version to the Regional Board. The Districts will also draft criteria for the other TAPs.

VISITS WITH AGRICULTURAL STAKEHOLDERS

Elizabeth Erickson has had phone conversations with several people from agriculture and has identified agricultural groups that have regular meetings. She proposes to contact them and request a time on their agenda to discuss the project, including recommendations for members on the Agricultural TAP. She will also contact some individual growers. She'll follow up the phone calls with a memo sent to executive directors of the organizations or individual growers, the TAP criteria, and project fact sheet. A preliminary list of TAP members will not be attached. The Project Team will ask these groups for their input on TAP members and ask them to nominate by sending names with biographies by some date certain (this wasn't identified). The project team approved this approach. The California Avocado Board was suggested as a possible additional group to contact. Elizabeth and Brian will make the presentations to the agriculture groups.

SELECTION OF AGRICULTURE TECHNICAL ADVISORS PANEL

The sequence of steps that will be followed in selecting agriculture technical advisors panel members is as follows: (1) People at the stakeholder involvement workshop will be invited to recommend candidates; (2) the Project Team will review the list of names of potential panelists, and prioritize them; (3) Potential team members will be contacted to determine whether they are willing to be considered; (4) The remaining candidates will be discussed with the agriculture working groups during a first working group meeting on August 16th; (5) The Project Team will name the final panel.

COMPENSATION OF TECHNICAL ADVISORS

After considerable discussion, the project team agreed that the fairest approach is to offer panelists a single flat fee per meeting that will include preparation time and participation in the meeting. This may mean that some people receive somewhat more than their normal salaries, but others will be receiving considerably less. But it will be the same for all. Some may choose not to accept any fee.

Panelists will also be reimbursed for travel, meals and lodging.. The Districts will check on current requirements regarding reimbursements (per diem) and report back to the Regional Board. Some panelists may choose not to request reimbursement.

NEXT PROJECT TEAM MEETING

The next project team meeting will be on July 8th. The project team meeting will start at 10 AM and will continue on through lunch as needed. It will be followed by a dry-run for the stakeholder involvement meeting. Topics held over from the June 15th meeting include how to streamline reviews and a discussion of the dispute resolution process. Fred Andes cannot be present on July 8th. He is particularly interested in participating in the dispute resolution discussion, so that will be scheduled for after the noon hour. Fred will be able to phone-in during that time.

June 15, 2004 ADR Meeting Action Items

RWQCB - Elizabeth to resend TMDL mailing list to LACSD by **June 16th**

RWQCB - Jon to review fact sheet and send comments to LACSD **by June 17th** (Note: *this has to be finalized (Adobe copy for Project Team) to go out with stakeholder invitation letter by June 25th*)

LACSD - send list of consultants/firms to receive RFPs to RWQCB **by June 17th**

RWQCB - provide LACSD comments on 3 RFPs **by June 18th**

RWQCB - provide LACSD with electronic copy of draft letter to be sent to stakeholder groups re input on how they want to be involved in studies **by June 18th**

LACSD - review mailing list and send additions to RWQCB **by June 18th**

LACSD - review and provide comments to RWQCB on July stakeholder meeting invitation letter **by June 18th**

RWQCB - send additions to list of consultants/firms to receive the 3 RFPs to LACSD **by June 21st**

LACSD - send out 3 RFPs (and cc RWQCB) **on June 21st**

RWQCB - prepare an Adobe copy of the collaborative plan and cover letters and send to LACSD **by June 25th**

RWQCB - Elizabeth to cancel June 23rd meeting arrangements with City of Santa Clarita; check on availability of meeting rooms for stakeholders meeting on July 13th, 14th or 15th from 7 - 9 pm, and notify LACSD **by June 25th** (confirm availability of two flip charts on the selected meeting date (RWQCB will bring 2 additional flip charts))

RWQCB - send out invitation letter for July stakeholder meeting with plan and fact sheet attached (and cc LACSD) **on June 25th** (Note: *is the RWQCB also simultaneously putting this on their website?*)

RWQCB - Elizabeth send LACSD minor changes to the TMDL for the July 7th SWRCB Workshop (**as soon as available**)

LACSD - provide RWQCB comments on letter to be sent to stakeholder groups re input on how they want to be involved in studies **by June 25th**

LACSD - finalize Agricultural TAP criteria and provide Adobe copy to Regional Board **by June 25th**.

Project Team - send Jim C. edits to June 15th meeting summary **by June 25th**.

RWQCB - **after June 25th**, Elizabeth to contact stakeholder groups for Ag study to let them know about July stakeholder meeting and that we will be sending a letter re input on how they want to be involved with the studies

RWQCB - develop list of possible questions for Q&A at July stakeholder meeting and send to LACSD **by July 2nd** - these will be discussed at the July 8th “dry run” prepare answers and decide who should answer specific questions; LACSD can also provide questions

LACSD - update PowerPoint presentation for July stakeholder meeting and send to Regional Board **by July 2nd**

LACSD - prepare hand-in response form for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare sign-in sheet (that will include boxes for checking studies of interest) for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare schedules of technical studies as handouts for July stakeholder meeting and send to RWQCB **by July 2nd**

LACSD - prepare draft criteria for other study TAPs and send to RWQCB **by July 2nd**

LACSD - Margie to check with Purchasing to see what requirements are in place for compensation of TAP members and report to RWQCB **by July 2nd**

RWQCB - arrange for Fred Andes to conference call in for July 8th meeting (after 1 pm) and provide call-in information **by July 7th**

LACSD - check with City of Santa Clarita about coordinating AV needs, and refreshments for the stakeholder meeting **by July 7th**

LACSD - Margie to ask Rupom Soni, with LACSD’s Public Information Section, to serve as recorder at the July stakeholder meeting **by July 7th**

LACSD - Brian to revise master schedule **by July 7th**

LACSD - Make arrangements for cookies/coffee for stakeholder meeting **by July 14th**.

LACSD - bring copies of handouts (collaborative plan, fact sheet, study schedules, PowerPoint presentation) **to the July 14th** stakeholder meeting

Project Team - **by end of July** select 2 ex-officio Technical Working Group candidates to serve on selection panel for Ag Consultant and Ag Study Manager; make arrangements for August 16th Working Group meeting

LACSD - send proposals in response to RFPs to RWQCB and ex-officio stakeholders **by August 2nd**

Project Team and ex-officio stakeholders - complete review of RFPs proposals **by August 8th**

Project Team and ex-officio stakeholders - set aside **August 9th and 10th** for consultant’s interviews/selection

LACSD - prepare agenda item for September 8th Board of Directors meeting for purchase orders for selected consultants **by August 26th**

ATTACHMENT 2A-4



California Regional Water Quality Control Board

Los Angeles Region



Terry Tamminen
Secretary for
Environmental
Protection

Over 51 Years Serving Coastal Los Angeles and Ventura Counties
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Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

TO: Stan Martinson, Chief
Division of Water Quality
State Water Resources Control Board

FROM: Dennis A. Dickerson
Executive Officer

DATE: June 16, 2004

SUBJECT: MINOR MODIFICATIONS TO THE BASIN PLAN AMENDMENT REVISING THE INTERIM WASTE LOAD ALLOCATION IN A TOTAL MAXIMUM DAILY LOAD FOR CHLORIDE IN THE UPPER SANTA CLARA RIVER

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) has received comments from Division of Water Quality concerning issues of clarity in the above-referenced basin planning action. Pursuant to Regional Board Resolution No. R04-004, I make the following non-substantive changes as detailed below to the amendment language for clarity and ask that the State Water Resources Control Board and the Office of Administrative Law incorporate these changes into the administrative record for this basin plan amendment.

1. Table 7-6.1, Implementation section. The sentences establishing the wasteload allocations for the Saugus and Valencia Wastewater Reclamation Plants (WRPs) lack clarity. We revised the language to read:

For the Saugus WRP:

"The interim wasteload allocation for chloride is the sum of State Water Project treated water supply concentration plus 114 mg/L, as a twelve month rolling average. At no time shall the interim wasteload allocation exceed 230 mg/L."

For the Valencia WRP:

"The interim wasteload allocation for chloride is the sum of State Water Project treated water supply concentration plus 134 mg/L, as a twelve month rolling average. At no time shall the interim WLA exceed 230 mg/L."

2. Table 7-6.2, 1. Alternate Water Supply, the second provision, b.) lacks clarity. We revised the language to read; "Should the instream concentration exceed 230 mg/L more than two times in the three year period, the discharger identified by the Regional Board Executive Officer shall be required to submit, within ninety days of a request by the Regional Board Executive Officer, a work plan for an accelerated schedule to reduce chloride discharges."

California Environmental Protection Agency



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State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 04-004
May 6, 2004

Revision of interim waste load allocations and implementation plan for chloride in the Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality standards which are sufficient to protect beneficial uses designated for each water body found within its region.
2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).
3. At a public meeting on October 24, 2002, the Regional Board considered amending the Basin Plan to include a Total Maximum Daily Load (TMDL) for chloride in the Upper Santa Clara River. The proposed TMDL included interim waste load allocations for chloride for the Valencia and Saugus Water Reclamation Plants (WRPs) which are owned and operated by the County Sanitation Districts of Los Angeles County (CSDLAC). These interim waste load allocations provide the discharger the necessary time to implement chloride source reduction, complete site specific objective studies, and make appropriate modifications to the WRP, as necessary, to meet the water quality objective for chloride. The interim waste load allocations proposed in the TMDL were based on a statistical evaluation of the WRPs' performance in the three years preceding October 2002.
4. The Regional Board considered the entire record, including written and oral comments received from the public and the Regional Board staff's response to the written comments. Resolution 02-018, the TMDL for chloride in the Upper Santa Clara River, was adopted by Regional Board on October 24, 2002. Resolution 02-018 assigned waste load allocations (WLAs) to major POTWs, minor point sources, and MS4s permittees discharging to specified reaches of the Santa Clara River.
5. At a public workshop on February 4, 2003, the State Board considered the TMDL for chloride in the Upper Santa Clara River, the entire record, including written and oral comments received from the public and the State Board staff's response to the written comments. At a public meeting on February 19, 2003 the State Board adopted SWRCB

Resolution 2003-0014 (the "Remand Resolution") which remanded the TMDL to the Regional Board and directed the Regional Board to reconsider several matters associated with the TMDL implementation plan, including the duration of the interim waste load allocations. The State Board resolution did not recommend that the Regional Board consider revision of the interim waste load allocations.

6. In response to the Remand Resolution, Regional Board staff revised the TMDL Implementation Plan to address issues identified in the Remand Resolution. At a public hearing on July 10, 2003, the Regional Board considered the revised TMDL for chloride in the Upper Santa Clara River. The Regional Board considered the entire record, including written and oral comments received from the public, the Regional Board staff's response to the written comments, and the Remand Resolution. At the public hearing, the Regional Board directed staff to reconsider interim waste load allocations and evaluate how any changes would affect avocados and groundwater.
7. On July 10, 2003, the Regional Board adopted Resolution 03-008 to revise the Basin Plan to include a TMDL in the Upper Santa Clara River. Resolution 03-008 contained interim waste load allocations for the Saugus and Valencia WRPs and assigned waste load allocations (WLAs) to major POTWs, minor point sources, and MS4s permittees discharging to specified reaches of the Santa Clara River.
8. During the time that the State and Regional Boards were considering the chloride TMDL, the National Pollutant Discharge Elimination System (NPDES) permits for the Valencia and Saugus Water Reclamation Plants (WRPs) were under consideration for renewal by the Regional Board. The NPDES permits also included interim discharge limits for chloride ("NPDES Interim Limits") which differed from the TMDL interim waste load allocations. The NPDES Interim Limits are based on the chloride concentration of the water served from Castaic Lake for municipal supply in the Santa Clarita Valley plus a loading factor of 134 mg/L for the Valencia WRP and 114 mg/L for the Saugus WRP, measured as a twelve month rolling average. The loading values are the highest measured at each plant in the last 5 years.
9. Staff finds that the effects of the NPDES interim limits relative to TMDL interim waste load allocations on groundwater and avocados are minor. Potential fiscal impacts could be addressed through the mechanisms of the TMDL. The purpose of this Basin Plan Amendment is to modify the interim waste load allocations in the Chloride TMDL to conform to those in the Saugus and Valencia Time Schedule Orders adopted by the Regional Board on November 6, 2003.
10. The item summary, as well as a CEQA checklist and tentative Basin Plan Amendment were released for public comment on December 30, 2003. The revised interim waste load allocations are proposed in attachment A to this resolution.
11. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 89-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies.

- Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
12. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 89-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
 13. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 89-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
 14. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
 15. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
 16. The Basin Plan amendment incorporating a revision for interim waste load allocations for chloride in the Santa Clara River Chloride TMDL must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the U.S. Environmental Protection Agency (U.S. EPA). The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA. A Notice of Decision will be filed.
 17. The TMDL Implementation Plan includes a task to develop site specific objectives for chloride to protect beneficial uses. The studies supporting the proposed site specific objectives are to be completed within three years after the effective date of the TMDL. The three-year timeline is reasonable in light of existing information; however, depending on the data requirements that are recommended by technical experts pursuant to Implementation Task 4, the completion dates for the development of appropriate thresholds for chloride and associated implementation tasks may need to be revised in order to provide sufficient time to complete the necessary scientific studies. The Implementation Plan has been modified to recognize that the Regional Board will re-evaluate the implementation schedule 12 months after the effective date of the TMDL, and take action to amend the schedule if there is sufficient technical justification.
 18. The Regional Board recognizes that certain completion dates provided in the TMDL Implementation Plan are estimates and that there are uncertainties associated with implementation of some of the tasks, particularly for those related to the development and

implementation of appropriate control measures for meeting the water quality objective. For example, should additional treatment facilities be required, the time needed for actions including, but not limited to, gaining regulatory approval for measures selected for implementation, completion of CEQA requirements, and acquisition of land and easements, are subject to uncertainties and factors outside the control of responsible parties. In recognition of these uncertainties, the implementation plan has been modified to recognize that the Regional Board will re-evaluate the schedule 9 years after the effective date of the TMDL.

THEREFORE, be it resolved that pursuant to Section 13240 and 13242 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. The revised implementation plan in attachment A of this Resolution supersedes the implementation plan contained in Resolution 03-008.
2. Pursuant to sections 13240 and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 the Water Quality Control Plan for the Los Angeles Region to incorporate the revisions of the interim waste load allocations in the Santa Clara River Chloride TMDL, Table 7-8.1, Implementation Section as set forth in Attachment A hereto.
3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.
4. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to Office of Administrative Law (OAL) and the United State Environmental Protection Agency (U.S. EPA).
5. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
6. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

7. Amend the text in the Basin Plan, Plans and Policies (Chapter 5) to add:

“Resolution No. 04-004. Adopted by the Regional Water Quality Control Board on May 6, 2004.

‘Revision of interim waste load allocations and implementation plan for chloride in the Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008’. The resolution proposes revisions for the interim waste load allocations for chloride and a revised implementation plan for the Upper Santa Clara River.”

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 6, 2004.

[Original signed by]

Dennis A. Dickerson
Executive Officer

Attachment A to Resolution No. 04-004

**Revision of interim waste load allocations and implementation plan
for the TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008**

Proposed for adoption by the California Regional Water Quality Control Board, Los Angeles Region on May 6, 2004.

Amendments

Table of Contents

Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)

7-6 Upper Santa Clara River Chloride TMDL

List of Figures, Tables, and Inserts

Add: Chapter 7. Total Maximum Daily Loads (TMDLs) Tables

7-6.1. Upper Santa Clara River Chloride TMDL: Elements

7-6.2. Upper Santa Clara River Chloride TMDL; Implementation Schedule

Chapter 7. Total Maximum Daily Loads (TMDLs) Upper Santa Clara River TMDL

This TMDL was adopted by: The Regional Water Quality Control Board on October 24, 2002.

This TMDL was remanded by: The State Water Resources Control Board on February 19, 2003.

This TMDL was adopted by: The Regional Water Quality Control Board on July 10, 2003.

This TMDL was revised and adopted by: The Regional Water Quality Control Board on May 6, 2004.

This TMDL was approved by: The State Water Resource Control Board on (Insert Date)

The Office of Administrative Law on (Insert Date).

The U.S. Environmental Protection Agency on (Insert Date).

Chapter 3. TMDLs for the Santa Clara River Basin Santa Clara River Basin	
<i>Problem Statement</i>	Elevated chloride concentrations are causing impairments of the water quality objective in Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) of the Santa Clara River. This objective was set to protect all beneficial uses; agricultural beneficial uses have been determined to be most sensitive, and not currently attained at the downstream end of Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) in the Upper Santa Clara River. Irrigation of salt sensitive crops such as avocados and strawberries with water containing elevated levels of chloride results in reduced crop yields. Chloride levels in groundwater are also rising.
<i>Numeric Target (Interpretation of the numeric water quality objective, used to calculate the load allocations)</i>	<p>This TMDL has a numeric target of 100mg/L, measured instantaneously and expressed as a chloride concentration, required to attain the water quality objective and protect agricultural supply beneficial use. These objectives are set forth in Chapter 3 of the Basin Plan.</p> <p>The numeric target for this TMDL pertains to Reaches 5 and 6 of the Santa Clara River and is based on achieving the existing water quality objective of 100 mg/L, measured instantaneously, throughout the impaired reaches. A subsequent Basin Plan amendment will be considered by the Regional Board to adjust the chloride objective based on technical studies about the chloride levels, including levels that are protective of salt sensitive crops, chloride source identification, and the magnitude of assimilative capacity in the upper reaches of the Santa Clara River, provided that County Sanitation Districts of Los Angeles County choose to submit timely and complete studies in accordance with tasks 2 through 6 of Table 7.6.2.</p>
<i>Source Analysis</i>	The principal source of chloride into Reaches 5 and 6 of the Santa Clara River is discharges from the Saugus Water Reclamation Plant (WRP) and Valencia WRP, which are estimated to contribute 70% of the chloride load in Reaches 5 and 6.
<i>Linkage Analysis</i>	Linkage between chloride sources and the in-stream water quality was established through a statistical analysis of the WRP effluent and water quality data at Blue Cut and Highway 99. The analysis shows that additional assimilative capacity is usually added to Reaches 5 and 6 from groundwater discharge, but the magnitude of the assimilative capacity is not well quantified. Consequently, the Implementation Plan includes a hydrological study (Surface Water/Groundwater Interaction? Of the upper reaches of the Santa Clara River.
<i>Waste Load Allocations (for point sources)</i>	The numeric target is based on the water quality objective for chloride. The proposed waste load allocations (WLAs) are 100 mg/L for Valencia WRP and 100 mg/L Saugus WRP. The waste load allocations are

	expressed as a concentration limit derived from the existing WQO, thereby accommodating future growth. Other NPDES discharges contribute a minor chloride load. The waste load allocation for these point sources is 100 mg/L.
Load Allocation (for non point sources)	The source analysis indicates nonpoint sources are not a major source of chloride. The load allocations for these nonpoint sources is 100 mg/L.
Implementation	<p>Refer to Table 7-6.2.</p> <p>The implementation plan proposes that during the period of TMDL implementation, compliance for the WRPs' effluents will be evaluated in accordance with interim waste load allocations.</p> <p>Saugus WRP: The interim waste load allocation for chloride is the sum of State Water Project treated water supply concentration plus 114 mg/L, as a twelve month rolling average. At no time shall the interim wasteload allocation exceed 230mg/L.</p> <p style="padding-left: 40px;">Interim Waste Load Allocation=Treated Potable Water Supply + 114 mg/L, not to exceed 230 mg/L.</p> <p style="padding-left: 40px;">(114 mg/L is the maximum difference in chloride concentration between the State Water Project treated water and the Saugus WRP treated effluent over the last five years.)</p> <p>Valencia WRP: The interim waste load allocation for chloride is the sum of State Water Project treated water supply concentration plus 134 mg/L, as a twelve month rolling average. At no time shall the interim wasteload allocation exceed 230 mg/L.</p> <p style="padding-left: 40px;">Interim Waste Load Allocation=Treated potable Water Supply + 134 mg/L, not to exceed 230 mg/L.</p> <p style="padding-left: 40px;">(134 mg/L, is the maximum difference in chloride concentration between the State Water Project treated water and the Valencia WRP treated effluent over the last five years.)</p>
Margin of Safety	An implicit margin of safety is incorporated through conservative model assumptions and statistical analysis.
Seasonal Variations and Critical Conditions	Three critical conditions are identified for this TMDL. The driest six months of the year is the first critical condition for chloride because less surface flow is available to dilute effluent discharge, pumping rates for agricultural purposes are higher, groundwater discharge is less, poorer quality groundwater may be drawn into the aquifer and evapotranspiration

Description	Three-Summary-Based Critical Conditions
	<p>effects are greater in warm weather. During drought, the second critical condition reduced surface flow and increased groundwater extraction continues through several seasons with greater impact on groundwater resource and discharge. The third critical conditions is based on the recent instream chloride concentration increases such as those that occurred in 1999, a year of average flow, when 9 of 12 monthly averages exceeded the objective. Data from all three critical conditions were used in the statistical model described. Hydrological modeling will be completed to evaluate whether additional loading will impact the WQO or beneficial uses during non-critical conditions.</p>

<p>1. Alternate Water Supply</p> <p>a) Should (1) the monthly average in-river concentration at Blue Cut, the reach boundary, exceed the water quality objective of 100mg/L, measured for the purposes of this TMDL as a rolling twelve month average, for three months of any 12 months, (2) each agricultural diverter provide records of the diversion dates and amounts to the Regional Board and County Sanitation Districts of Los Angeles County (CSDLAC) for at least 2 years after the effective date of the TMDL and (3) each agricultural diverter provide photographic evidence that diverted water is applied to avocado, strawberry or other chloride sensitive crop and evidence of a water right to divert, then CSDLAC will be responsible for providing an alternative water supply, negotiating the delivery of alternative water by a third party, or providing fiscal remediation to be quantified in negotiations between CSDLAC and the agricultural diverter at the direction of the Regional Water Quality Control Board until such as time as the in-river chloride concentrations do not exceed the water quality objective.</p> <p>b) Should the instream concentration exceed 230 mg/L more than two times in the three year period, the discharger identified by the Regional Board Executive Officer shall be required to submit, within ninety days of a request by the Regional Board Executive Officer, a workplan for an accelerated schedule to reduce chloride discharges.</p> <p>2. Progress reports will be submitted by CSDLAC to Regional Board staff on a semiannual basis from the effective date of the TMDL for tasks 4,6, and 7, and on an annual basis for Task 5.</p>	
<p>3. Chloride Source Identification/Reduction, Pollution Prevention and Public Outreach Plan: Six months after the effective date of the TMDL, CSDLAC will submit a plan to the Regional Board that addresses measures taken and planned to be taken to quantify and control sources of chloride, including, but not limited to: execute community-wide outreach programs, which were developed based on the pilot outreach efforts conducted by CSDLAC, assess potential incentive/disincentive programs for residential self-regenerating water softeners, and other measures that may be effective in controlling chloride. CSDLAC shall develop and implement the source reduction/pollution prevention and public outreach program, and report results annually thereafter to the Regional Board. Chloride</p>	<p>6 months after Effective Date of TMDL</p>

<p>sources from imported water supplies will be assessed. The assessment will include conditions of drought and low rainfall, and will analyze the alternatives for reducing this source.</p>	
<p>4. CSDLAC will convene a technical advisory committee or committees (TAC(s)) in cooperation with the Regional Board to review literature develop a methodology for assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the time schedule for evaluation of appropriate chloride threshold for Task 6. The Regional Board, at a public hearing will re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the TAC(s), along with Regional Board staff analysis and assessment consistent with state and federal law, as to the types of studies needed and the time needed to conduct the necessary scientific studies to determine the appropriate chloride threshold for the protection of salt sensitive agricultural uses, and will take action to amend the schedule if there is sufficient technical justification.</p>	<p>12 months after Effective Date</p>
<p>5. Groundwater/Surface Water Interaction Model: CSDLAC will solicit proposals, collect data, develop a model in cooperation with the Regional Board, obtain peer review, and report results. The impact of source waters and reclaimed water plans on achieving the water quality objective and protecting beneficial uses, including impacts on underlying groundwater quality, will also be assessed and specific recommendations for management developed for Regional Board consideration. The purpose of the modeling and sampling effort is to determine the interaction between surface water and groundwater as it may affect the loading of chloride from groundwater and its linkage to surface water quality.</p>	<p>2 years after Effective Date of TMDL</p>
<p>6. Evaluation of Appropriate Chloride Threshold for the Protection of Sensitive Agricultural Supply Use and Endangered Species Protection: CSDLAC will prepare and submit a report on endangered species protection thresholds. CSDLAC will also prepare and submit a report presenting the results of the evaluation of chloride thresholds for salt sensitive agricultural uses, which shall consider the impact of drought and low rainfall conditions and the associated increase in imported water concentrations on downstream crops utilizing the result of Task 5.</p>	<p>3 years after Effective Date of TMDL</p>
<p>7. Develop Site Specific Objectives (SSO) for Chloride for Sensitive Agriculture: CSDLAC will solicit proposals and develop technical analyses upon which the Regional Board may base a Basin Plan amendment.</p>	<p>4 years after Effective Date of TMDL</p>

<p>8. Develop Anti-Degradation Analysis for Revision of Chloride Objective by SSO: CSDLAC will solicit proposals and develop draft anti-degradation analysis for Regional Board consideration.</p> <p>9. Develop a pre-planning report on conceptual compliance measures to meet different hypothetical final wasteload allocations. CSDLAC shall solicit proposals and develop and submit a report to the Regional Board that identifies potential chloride control measures and costs based on different hypothetical scenarios for chloride water quality objectives and final wasteload allocations.</p>	
<p>10. a) Preparation and Consideration of a Basin Plan Amendment (BPA) to revise the chloride objective by the Regional Board.</p> <p>b) Evaluation of Alternative Water Supplies for Agricultural Beneficial Uses: CSDLAC will quantify water needs, identify alternative water supplies, evaluate necessary facilities, and report results, including the long-term application of this remedy.</p> <p>c) Analysis of Feasible Compliance Measures to Meet Final Wasteload Allocations for Proposed Chloride Objective. CSDLAC will assess and report on feasible implementation actions to meet the chloride objective established pursuant to Task 10a).</p> <p>d) Reconsideration of and action taken on the Chloride TMDL and Final Wasteload Allocations for the Upper Santa Clara River by the Regional Board.</p>	<p>5 years after Effective Date of TMDL</p>
<p>11. The Regional Board staff will re-evaluate the schedule to implement control measures needed to meet Final Wasteload Allocations adopted pursuant to Task 10 d) and the schedule for Task 12. The Regional Board, at a public meeting will consider extending the completion date of Task 12 and reconsider the schedule to implement control measures to meet Final Wasteload Allocations adopted pursuant to Task 10 d). CSDLAC will provide the justification for the need for an extension to the Regional Board executive Officer at least 6 months in advance of the deadline for this task.</p>	<p>9 years after Effective Date of TMDL</p>
<p>12. The interim effluent limits for chloride shall remain in effect for no more than 13 years after the effective date of the TMDL. Water Quality Objective for chloride in the Upper Santa Clara River shall be achieved. The Regional Board may consider extending the completion date of this task as necessary to account for events beyond the control of the CSDLAC.</p>	<p>13 years after Effective Date of TMDL</p>

ATTACHMENT 2B-1



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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STEPHEN R. MAGUIN
Chief Engineer and General Manager

March 22, 2007
File No. 31-370.40.4A

Mr. Jonathan Bishop, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Bishop:

Upper Santa Clara River Chloride TMDL Tasks 7, 8 and 9

On November 29, 2006, staff from the Los Angeles Regional Water Quality Control Board (Regional Board) and the Santa Clarita Valley Sanitation District (District) met to discuss the implementation of Tasks 7, 8 and 9, given the Regional Board's adoption of Resolution R4-2006-016 on August 3, 2006, which reduced the implementation schedule for the TMDL. In the original implementation schedule, Tasks 7 (Site Specific Objective (SSO)), 8 (Anti-degradation Analysis (ADA)), and 9 (Conceptual Compliance Measures) were to be completed four years from the effective date of the TMDL, or by May 4, 2009. In the revised TMDL schedule, the schedule for Tasks 7, 8 and 9 was reduced by approximately 15 months, and these tasks are now to be completed within 2.8 years from the effective date, or by February 20, 2008.

At the November 29, 2006 meeting and in subsequent conversations with Regional Board staff, the District has repeatedly expressed concerns that the revised schedule for completion of Tasks 7, 8 and 9 was unrealistic because the development of these studies is dependent on the results of Groundwater-Surface Water Interaction (GSWI) Model Study (Task 5) and Threatened and Endangered Species (TES) Study (Task 6). As Regional Board staff are aware, the GSWI Model Study is scheduled to be completed on November 20, 2007, and the TES Study is ongoing and being reviewed by the TES Technical Advisors Panel (TAP). The GSWI model will be analyzing a number of different scenarios related to final effluent chloride limits, recycled water usage, and self-regenerating water softener removals. All of these scenarios would be analyzed to determine appropriate waste load allocations for chloride that would be protective of downstream beneficial uses. As such, the GSWI model study results will provide the foundation for determining whether an SSO is justified, and if so, what that SSO should be. The GSWI model will also be foundational for determining the types of conceptual compliance measures (Task 9) that would achieve and support SSOs that are protective of beneficial uses. The revised schedule now only provides 3 months from when the GSWI model is completed, to develop all of the technical analyses that support Task 7, 8 and 9. The District believes that this is unrealistic given both the complexity of the analyses required and the need for this work to be conducted in a collaborative process. The District also believes that the revised schedule severely constrains the exploration of potentially other feasible compliance measures and "out-of-the-box" solutions that could achieve compliance with potential SSOs, and be more cost-effective than advanced treatment. Such "out-of-the-box" solutions and potentially

other feasible compliance measures would have been explored via the collaborative process in the one year time frame allowed by the original TMDL schedule. However, under the revised schedule it is not possible to complete any meaningful analyses required under Tasks 9, 10b (Alternative Water Supplies) and 10c (Feasible Compliance Measures) in the shortened time frame.

Notwithstanding these realities concerning the revised schedule, the District does believe that, based on recent information from the Agricultural TAP, perhaps a portion of the work related to the Task 7 can be completed in parallel with ongoing studies (Tasks 5 and 6), as a means to partially accelerate some of the work required for Task 7.

Given the discussion at our November 29, 2006 meeting, existing information, and the absence of all the necessary scientific information, initiating SSO/ADA related work could be accomplished in several ways as discussed below. However, we are unsure that initiating and completing these preliminary efforts prior to having all the necessary information available from the commissioned technical studies will, in the long run, result in saving schedule time.

The District believes that the following SSO/ADA related efforts as discussed below, can be initiated and completed in the immediate future:

- Revise the AGR use in Reaches 5 and 6 to Restricted AGR
- Re-define Reaches 4, 5 and 6
- Address Compliance-Related Issues for Revised WQOs
 - Specific Point-of-Compliance
 - Chloride WQO Averaging/Compliance Period

Restricted AGR Beneficial Use

The District will be contacting Newhall Land and Farming to determine if nursery crops have ever been commercially cultivated in Reaches 5 and 6 of the Santa Clara River with surface water in the past, and if they are planned for commercial cultivation with surface water in the future. Given the information that is already available in the public record (see Attachment 1), the District believe that avocado and strawberry crops have not been commercially cultivated in Reaches 5 and 6 of the Upper Santa Clara River. Upon confirmation that no salt-sensitive crops have been or are planned to be commercially cultivated with surface water, it would be possible for the Regional Board to consider in the very near future a "restricted AGR" beneficial use designation for Reaches 5 and 6. Based on conversations with Regional Board staff at the November 29, 2006 meeting, this information was characterized as critical to support recommendations for SSOs in Reaches 5 and 6 that exceed the LRE Guidelines.

Reaches 4, 5 and 6 Re-definition

Redefining Reaches 4, 5 and 6 could be accomplished independently of establishing a new water quality objective for chloride, and would facilitate various regulatory approaches to the application of a specific point-of-compliance SSO. Reach 4 of the Santa Clara River would be redefined into two sub-reaches: (1) Reach 4A: Blue Cut to Piru Creek; and Reach 4B: Piru Creek to A Street, Fillmore. The redefinition of Reach 4 into two sub-reaches would provide for a specific surface water quality objective to apply for Reach 4A, where flow is typically perennial, and where there are known diversions of surface water from the Santa Clara River that are used to irrigate salt-sensitive crops. In addition, the District also believes that dividing Reach 4 into two sub-reaches better reflects the hydrologic characteristics of the

river, since the “Dry Gap” begins within this newly re-defined Reach 4A. Furthermore, surface water quality upstream, of the Piru Creek tributary (i.e., Reach 4A) is significantly different than the water quality downstream of the Piru Creek tributary, due to the presence of the “Dry Gap,” as well as due to influence from Piru Creek and associated water releases from the Santa Felicia Dam.

This reach re-definition would allow the LRE Guidelines to be applied in a manner to protect salt-sensitive crops as they first occur in the eastern portion of Reach 4. Surface water chloride WQOs for Reaches 5 and 6 would be dependent on GSWI results and modified accordingly based on the assimilative capacity of the groundwater-surface water system in those reaches and the concentration gradient between the Valencia and Saugus WRP outfalls and the point where surface water is first diverted for irrigation of salt-sensitive crops, in the eastern end of Reach 4. The WQO for chloride for Reach 4A would be revised to the upper range of the LRE Guidelines (120 mg/L), while other mineral constituents (TDS, sulfate, Boron, and SAR) for Reach 4A would remain the same as previously determined for Reach 4, prior to redefinition.

It should be noted that the upper range of the LRE Guidelines (120 mg/L) is appropriate given that an inherent margin of safety is already built into these guidelines because they are based on the assumption that little or no rainfall is available to leach salts that accumulate in the root zone of the irrigated crops.¹ According to rainfall data collected by the Ventura County Watershed Protection District, the annual average rainfall in the East Piru area is approximately 18 inches per year, which provides adequate leaching of salts that accumulate in the rootzone. Thus, the LRE Guidelines already incorporate an inherent margin of safety, based on conservative assumptions utilized in their development.

Reach 4B mineral WQOs would also remain the same as previously determined for Reach 4, prior to redefinition. Table 1 provides a summary of this approach. The District believes that this redefinition approach in conjunction with addressing how compliance is determined (point of compliance and averaging period issues as discussed in greater detail below) are the most likely regulatory mechanisms that the Regional Board can employ in support of the shortened SSO/ADA schedule.

Table 1. Reach Re-definition Options for Reaches 4, 5 and 6 of the Santa Clara River

Reach	Re-definition Description	Mineral WQOs Established
4	Re-defined into 2 sub-reaches as follows: Reach 4A (Blue Cut to Piru Creek) Reach 4B (Piru Creek to A Street, Fillmore)	Reach 4A Cl: 120 mg/L; All other mineral WQOs same as Reach 4B Reach 4B Cl: 100 mg/L; TDS: 1300 mg/L; SO ₄ : 600mg/L; B: 1.5 mg/L; SAR: 5; NO ₃ -N+NO ₂ -N: 5 mg/L N
5	No Change	Chloride WQO revised based on WLAs that will support compliance with Reach 4A WQO. All other mineral WQOs remain the same.
6	No Change	Chloride WQO revised based on wasteload allocations that will support compliance with Reach 4A WQO. All other mineral WQOs remain the same.

¹ See Attachment 2, where AGTAP co-chair Stephen Grattan states: “It seems appropriate to me that the LRE Guidelines be applied as a chronic threshold. The 110 to 120 mg/L range for the upper limit of Cl for the irrigation of avocado assumes long-term use under steady state conditions assuming the more Cl sensitive rootstock and that rainfall is not considered significant as an annual means of leaching or partially leaching Cl from the rootzone.”

Compliance-Related Issues for Revised WQOs – Point of Compliance

Another approach that the Regional Board can utilize for the SSO is the application of any revised WQO to a specific point of compliance, such as at the end of the applicable reach. Under this approach, the WQOs for Reaches 5 and 6 could be revised to the upper range of the LRE Guidelines (120 mg/L), but with the point-of-compliance established at the end of Reach 5 (Blue Cut), in order to protect downstream salt-sensitive beneficial uses. The determination of the appropriate final effluent wasteload allocations and NPDES permit limits would be determined based on the GSWI model results, which will determine the chloride concentration gradient between the Valencia and Saugus WRP outfalls and the end of Reach 5. The chloride WQOs for Reaches 4A (redefinition necessary), 5 and 6 would all be revised to the upper range of the LRE Guidelines, but specific provisions on point of compliance would apply to Reaches 5 and 6. The District believes that such a revision is consistent with how Basin Plan WQOs were originally established, where the WQOs were based on water quality data collected at the end of each reach (See Attachment 3), but final effluent permit limits were set at levels that would achieve compliance at those specific compliance points in the river. Table 2 summarizes this option as a regulatory approach in support of future SSOs.

Table 2. Point-of-Compliance Options for Reaches 4, 5 and 6 of the Santa Clara River

Reach	Chloride WQO Revision	Notes
4A	Reach 4A Chloride WQO revised to be within in LRE Guidelines of 120 mg/L	Requires a reach redesignation as discussed in Table 1. All other mineral WQOs remain the same as shown in Table 1.
4B	No change	Requires a reach redesignation as discussed in Table 1. All mineral WQOs for Reach 4B remain the same as shown in Table 1.
5	Reach 5 Chloride WQO revised to be within in LRE Guidelines of 120 mg/L, with compliance to the Chloride WQO specified at the end of Reach 5 (Blue Cut).	Final effluent WLAs and permit limits for chloride based on GSWI model results. All other mineral WQOs remain the same.
6	Reach 6 Chloride WQO revised to be within in LRE Guidelines of 120 mg/L, with compliance to the Chloride WQO specified at the end of Reach 5 (Blue Cut).	Final effluent WLAs and permit limits for chloride based on GSWI model results. All other mineral WQOs remain the same.

In addition, to specifications related to the point of compliance to applicable objective, the District also believes that the Regional Board can specify the compliance/averaging period as to how these objectives should be applied. This is discussed in greater detail below.

Compliance-Related Issues for Revised WQOs – WQO Averaging/Compliance Period

In response to guidance provided by the Agricultural Technical Advisors Panel (AGTAP), related to appropriate averaging/compliance period for the LRE Guidelines, District staff have conducted an analysis (Attachment 2) of the statistical variability of surface water chloride data collected at the Districts' receiving water station, RF, also known as the Camulos Diversion. The District believes that this analysis provides critical information on the appropriate averaging/compliance period for the protection of salt-sensitive crops, given the guidance provided by the Agricultural TAP Co-chairs. Based on the analysis provided in Attachment 2, the District recommends that the compliance averaging period for Reaches 4A, 5 and 6 be revised from an instantaneous maximum to a 12-month rolling annual average. The District believes that this averaging/compliance period supports the most salt-sensitive beneficial use and is consistent with how Basin Plan objectives were established in the 1975 Basin Plan for the Santa Clara River (see Attachment 3). In addition, the application of the LRE Guidelines as a

chronic long-term average threshold is appropriate given that an inherent margin of safety is already built into the LRE Guidelines, which was discussed previously.

Summary and Next Step

In closing, the District appreciates the Regional Board staff's time discussing the implementation of Tasks 7 and 8 of the Upper Santa Clara River Chloride TMDL. While most of the SSO/ADA-related work cannot be completed until GSWI Modeling Study and the TES Study are complete, the District believes that at least the four tasks proposed above can be completed in the near future to support TMDL Tasks 7 and 8. The District formally requests that the Regional Board staff proceed with the Basin Plan Amendments to consider: (1) re-defining the applicable reach designations for Reaches 4, 5, and 6 of the Santa Clara River; (2) specifying point-of-compliance provisions to WQOs to be applied at the end of Reach 5 (Blue Cut) for Reaches 5 and 6 of the Santa Clara River; and (3) revising the compliance averaging period for chloride (and other minerals) from an instantaneous maximum to a 12-month rolling annual average. In addition, the District requests that the Regional Board, once confirming information is made available, refining the existing "AGR" beneficial use designation for whether Reaches 5 and 6 of the Upper Santa Clara to a "restricted AGR" beneficial use in support of TMDL Tasks 7 and 8.

We appreciate your consideration of these requests. If you have any questions or need further information, please contact to the undersigned at (562) 908-4288, extension 2502.

Very truly yours,

Stephen R. Maguin



Victoria O. Conway
Assistant Department Head
Technical Services Department

BL:drs
Attachments

cc: Sam Unger, RWQCB
Deb Smith, RWQCB

ATTACHMENT 1



Winston H. Hicks
Secretary of
Environmental
Protection

State Water Resources Control Board

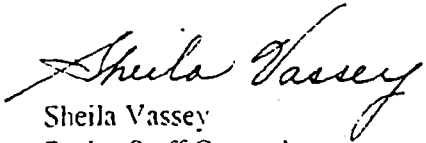
Office of Chief Counsel

901 P Street • Sacramento, California 95814 • (916) 657-2154
Mailing Address: P.O. Box 100 • Sacramento, California 95812-0100
FAX (916) 653-0428 • Internet Address: <http://www.swrcb.ca.gov>



Gray Davis
Governor

TO: Jon Bishop
Section Chief, Regional Programs
Los Angeles RWQCB

FROM: 
Sheila Vassey
Senior Staff Counsel
OFFICE OF CHIEF COUNSEL

DATE: October 12, 2000

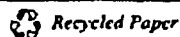
SUBJECT: AGRICULTURAL BENEFICIAL USE IN SANTA CLARA RIVER

This memorandum confirms our telephone discussion on October 3, 2000, regarding the Los Angeles Regional Water Quality Control Board's proposed water quality control plan amendment for the Santa Clara River. In that conversation I concluded that the proposed chloride objective of 143 milligrams per liter (mg/l) for the Santa Clarita reach will protect the existing agricultural use for that stretch of the Santa Clara River. The reasons are explained below.

The evidence in the record apparently indicates that water from the Santa Clarita reach of the Santa Clara River is not currently used to irrigate salt-sensitive crops, such as avocados and strawberries. Nor has it been used in the past for this purpose. Also, chloride levels in the Santa Clarita reach have apparently not changed for the past 25 years or so. They are approximately 143 mg/l. Based on this information, I conclude that the proposed chloride objective of 143 mg/l is protective of the existing agricultural beneficial use. Therefore, it is unnecessary to adopt a subcategory of the agricultural use, such as a "restricted agricultural use".

My previous conclusion that the proposed objective would not be protective of the existing designated agricultural use was based on the assumption that waters from the Santa Clarita reach are used, or were used in the past, to irrigate salt-sensitive crops. Information in the staff report indicates that irrigation waters with a chloride level of 143 mg/l could damage these crops, unless certain measures are taken to avoid the damaging effects. For these reasons, I concluded that the proposed objective would protect only a "restricted agricultural use."

California Environmental Protection Agency



September 25, 2000

VIA FACSIMILE

David Nahai
Chairman
California Regional Water Quality Control Board
320 W. 4th Street Suite 200
Los Angeles, CA. 90013

Subject: Avocado Farming
Santa Clara River Reaches 7 & 8

Dear Chairman Nahai;

The purpose of this letter is to provide the Los Angeles Regional Water Quality Control Board (RWQCB) with historical information on the types of agricultural crops grown by The Newhall Land and Farming Company (Newhall) along the Santa Clara River adjacent to Reaches 7 and 8. For reasons entirely unrelated to chloride sensitivity, avocados and strawberries have never been grown in these Reaches.

As way of background, Newhall has been in the farming business since the Company's inception in 1883, predating adoption of the first Basin Plan. Newhall's property straddles nearly 20 miles of the Santa Clara River, including all of Reaches 7 and 8 and portions of Reaches 6 and 9.

The Santa Clara River Valley has two very distinct climates zones which play a primary role in the types of agricultural products grown here; the cooler and moderate temperature coastal zone, and the hotter inland valley zone. These very distinct climatic differences pre-determine the types of crops Newhall can grow in the inland valley zone within Los Angeles County. The break between the coastal zone and the inland valley zone occurs at an area known locally as "Blue Cut", near the easterly end of Reach 6. Just upstream of this location, at the Los Angeles/Ventura County line, and continuing to the east is the inland valley zone and Reaches 7, 8 and 9.

Newhall has historically grown walnuts, alfalfa, dryland, green mixed vegetables, onions, squash, parsley, cilantro, broccoli, artichokes, cauliflower and tomatoes within Reaches 7, 8 and 9. Avocados and strawberries have never been grown on Newhall's property in these Reaches because the climate is simply not suited for these crops due to wide temperature fluctuations of the inland valley zone. In addition, Newhall has never experienced any reduction in crop yields due to high chloride levels.

Newhall supports the proposed Basin Plan amendment to establish the surface water chloride objective in Reaches 7 and 8 at 143mg/L. We are confident this objective will be fully protective

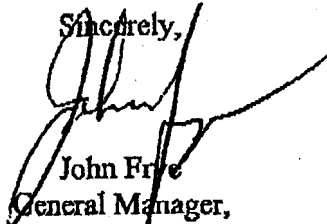
Chairman David Nahai

September 25, 2000

Page 2

of our significant and ongoing agricultural activities along the Santa Clara River, without creating any restrictions on our ability to grow a wide variety of crops.

Sincerely,



John Frye
General Manager,
Agriculture and Natural Resources

cc. Dennis Dickerson
Deborah Smith
Jon Bishop
Catherine Kuhlman - EPA
Sheila Vassey - SWRCB

ATTACHMENT 2



Memorandum

Date: March 21, 2007

To: Brian Louie
Supervising Engineer
Monitoring Section

From: Francisco Guerrero
Project Engineer
Monitoring Section

Subject: AG TAP Supplemental Request – Chloride Variability Analysis

Background

On October 13, 2006 the Los Angeles Regional Water Quality Control Board (Regional Board) and the Santa Clarita Valley Sanitation District (District) requested that the co-chairs of the Agricultural Technical Advisory Panel (TAP) provide guidance on the appropriate averaging periods associated with the Literature Review Evaluation (LRE) guidelines for the protection of salt-sensitive crops (Attachment 1). AG TAP co-chair responses (Attachment 2) indicated that the LRE guidelines (from 100 to 120 mg/L) should be applied as a chronic threshold, with the averaging/compliance period dependent upon the variation in chloride concentrations. In particular comments made by AG TAP co-chairs Dr. Stephen Grattan and Dr. Ben Faber, indicated that shorter periods (monthly) are recommended “if there are sharp spikes” in chloride concentrations and longer periods (6 months or longer) are appropriate if chloride concentration “deviations are in the 10-20% range.” The District has evaluated available water quality data for the Santa Clara River at the Camulos Ranch Diversion (SCVSD receiving water station RF) to address these questions.

Methodology

In order to determine whether chloride concentration deviations in irrigation water are within the 10-20% range, the District compared the historical monthly surface water chloride concentrations at the Camulos Ranch Diversion with their preceding 6-month and 12-month rolling averages. By comparing the monthly data with their preceding 6-month and 12-month rolling averages, historic ratios of the monthly data to their preceding 6-month and 12-month averages, could be calculated to determine the probability by which deviations from mean conditions (i.e. 6-month and 12-month rolling averages) fall within the 10-20% range. Figure 1 is a time series graph of the monthly data and their preceding 6-month and 12-month rolling averages. Figure 2 is a time-series graph of the calculated ratios between monthly chloride concentrations and their preceding 6-month and 12-month rolling averages. Figure 3 is a probability chart of the historic monthly calculated ratios. Table 1 provides the raw data utilized for these analyses in tabular form. Additionally, the District evaluated hourly chloride data collected in May 2000 for various surface water locations along the Upper Santa Clara River, that are located upstream of the Camulos Ranch Diversion (see Figure 4 for map of receiving water locations). A similar methodology was utilized to determine ratio of actual hourly data compared to the 24-hour composite, to determine the probability by which hourly deviations from mean conditions (i.e. 24-hour average composite) fall within the 10-20% range. Figure 5 is a time series graph of actual hourly data and their respective 24-hour averages, while Figure 6 is a time series graph of the calculated ratios. Figure 7 is a probability chart of the historic hourly calculated ratios. Table 2 provides the raw data utilized for these analyses in tabular form.

Analysis of Results

Utilizing the methodologies discussed above, the data analyses indicate that deviations are within the 10-20% range of mean conditions (6-month and 12-month rolling averages), and are not greatly varying or doubling. Figure 2 shows that the vast majority of the historic ratios fall within 10-20% of mean conditions as marked by the yellow (+/- 20%) and light-blue (+/- 10%) bands. In addition, the probability chart for historic monthly ratios (Figure 3) indicates that the 1.2 monthly ratio falls at approximately the 97.5th and 98th percentile for the monthly:6-month and monthly:12-month ratios, respectively. This means that, statistically, 97 and 98 percent of the historic ratios of monthly to 6-month and monthly to 12-month average chloride, respectively, are within 20% based on the regression relationships developed. It should also be noted that the R-Squared values for these statistical regressions are all greater than 0.889, indicating an excellent fit of the data. The data strongly suggests, that the deviation from monthly values to the mean is less than 20%. This pattern in the data is important because with future controls in place to reduce chloride from WRP sources (i.e., advanced treatment and/or source control), these same patterns are likely to persist in the future, with deviations from mean falling within 10-20% of the LRE guidelines.

In addition, available data for surface water chloride collected on an hourly basis show that, hourly samples are also within to 10-20% of daily average conditions (Figure 6). The data presented in Figure 5 were collected hourly from May 3, 2000 through May 4, 2000. In addition, the probability chart for historic hourly ratios (Figure 7) indicates that the 99th percentiles of the hourly ratios are 1.10, 1.15, and 1.20 for SCR4, RD, and RE, respectively. This means that statistically, 99 percent of the historic ratios of hourly to daily mean chloride are within 10%, 15% and 20%, respectively, based on the regression relationships developed. It should also be noted that the R-Squared values for these statistical regressions are all greater than 0.890, and specifically for SCR4 (the closest receiving water station to the Camulos Diversion), at 0.967, indicating an excellent fit of the data. Again, this data strongly suggests, that the deviation from hourly values to the daily mean is less than 20%, and statistically within 10% and 20%. The hourly variations appear to be further attenuated with greater groundwater-surface water interactions as one moves west (downstream of the Valencia WRP). For example SCR4, which is ~0.5 miles upstream of the Camulos Ranch Diversion has the smallest variability, with a peak hourly:daily mean ratio of 10%. In addition, it should be noted that the time of day when District staff typically collect monthly surface water samples (see yellow-shaded area) is representative of daily average conditions. Large-scale variations (exceeding 20% of daily mean conditions) are not observed at the typical time of day when monthly samples are collected. Furthermore, the variations from month to month appear to be in the similar 10-20% range with the hourly data, which can provide confidence that the data are representative.

Finally, the District evaluated the probability of the monthly ratios occurring when the 6-month and 12-month rolling average chloride concentration at the Camulos Diversion were between 100-120 mg/L (LRE guidelines) and greater than 120 mg/L. Figure 8 provides probability charts of the ratios under these two conditions, which are also summarized in Table 3, with raw data tabulated in Table 4. It should be noted that the regression relationships for the monthly ratios when water quality at Camulos Diversion was within LRE guidelines (100-120 mg/L) had R-Squared values exceeding 0.92, indicating an excellent fit to the data. The results indicate that, when the 6-month and 12-month average chloride concentrations at Camulos Diversion were within LRE guidelines of 100-120 mg/L, the statistical probability that a monthly ratio exceeded 1.20 (or that deviations were > 20% of mean conditions) was less than 4 percent. The results also indicate that the deviations from mean conditions actually decreased when the 6-month and 12-month rolling average chloride concentrations at Camulos Diversion were greater than 120 mg/L. When the 6-month and 12-month rolling average chloride concentrations at Camulos Diversion were greater than 120 mg/L, the statistical probability that a monthly ratio exceeded 1.20 (or that deviations were > 20% of mean conditions) was less than 0.2 and 1.5 percent, respectively. These results summarized in Table 3, further indicate that statistically, greater than 96 percent of deviations from mean conditions when measured water quality was within the LRE guidelines (100-120 mg/L), were within the 10-20% range and did not exhibit patterns of "sharp spikes" (i.e., a doubling of concentrations).

Table 3

	99 th Percentile	Probability that monthly deviation from mean exceeds 20%
6-month chloride average		
100 - 120 mg/L	1.28	< 4%
greater than 120 mg/L	1.15	< 0.2%
12-month chloride average		
100 - 120 mg/L	1.28	< 4%
greater than 120 mg/L	1.22	< 1.5%

Summary and Next Steps

Based on the results of the methodologies employed, the following is a summary of major conclusions:

- There is no evidence of “sharp spikes” (i.e. a doubling of chloride concentrations) in historic hourly or monthly chloride concentrations collected at or near the Camulos Ranch Diversion.
- Statistical regressions (with R-Squared values exceeding 0.89) of the monthly data indicate that deviations from 6-month and 12-month mean conditions fall within 20%, 97 and 98 percent of the time, respectively. The probability that deviations from mean conditions are greater than 20% is rare (< 3 percent).
- Statistical regressions (with R-Squared values exceeding 0.89) of the hourly data indicate that deviations from daily mean conditions fall within the 10% and 20% range, 99 percent of the time. The probability that deviations from mean conditions are greater than 20% is rare (< 1 percent).
- When measured water quality at Camulos Diversion were within the LRE guidelines (100-120 mg/L), the probability that deviations from 6-month and 12-month mean conditions are greater than 20% is rare (< 4 percent).
- Hourly chloride profiles indicate that the times when monthly samples are typically collected are representative of daily average conditions.

Given the analyses, it is evident that the deviations from mean conditions overwhelmingly fall within 10-20% statistically for surface water quality at the Camulos Diversion and that there is little statistical difference in deviations from mean conditions when comparing 6-month and 12-month average compliance periods. Based on these analyses and the guidance provided by the AG TAP co-chairs, it is evident that a 12-month average compliance period is appropriate for Regional Board’s consideration for revised water quality objectives for chloride.

Figure 1

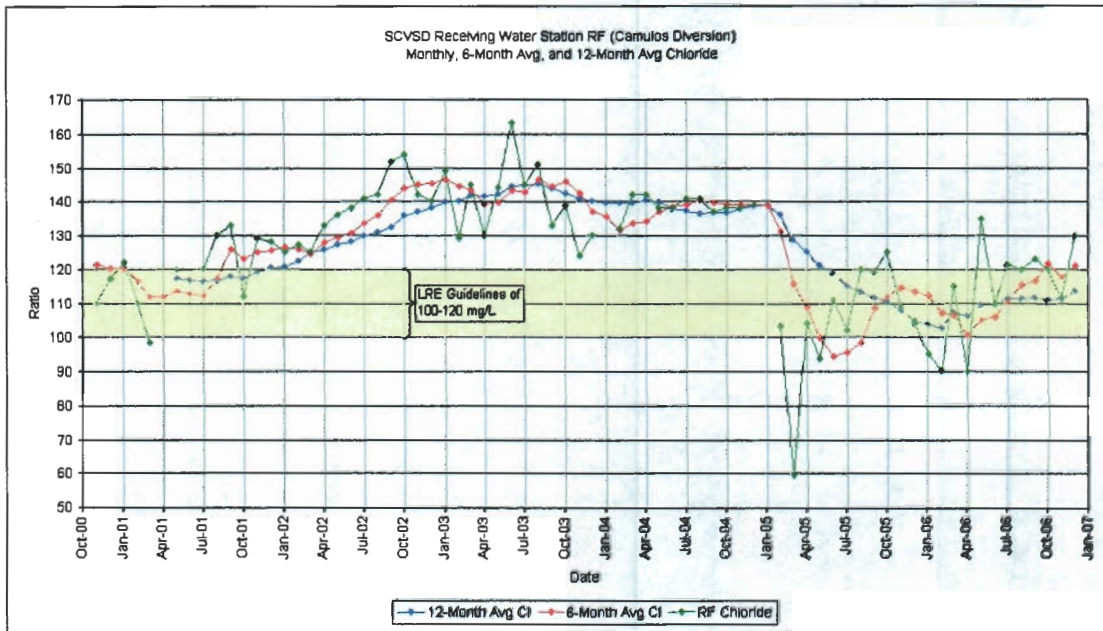


Figure 2

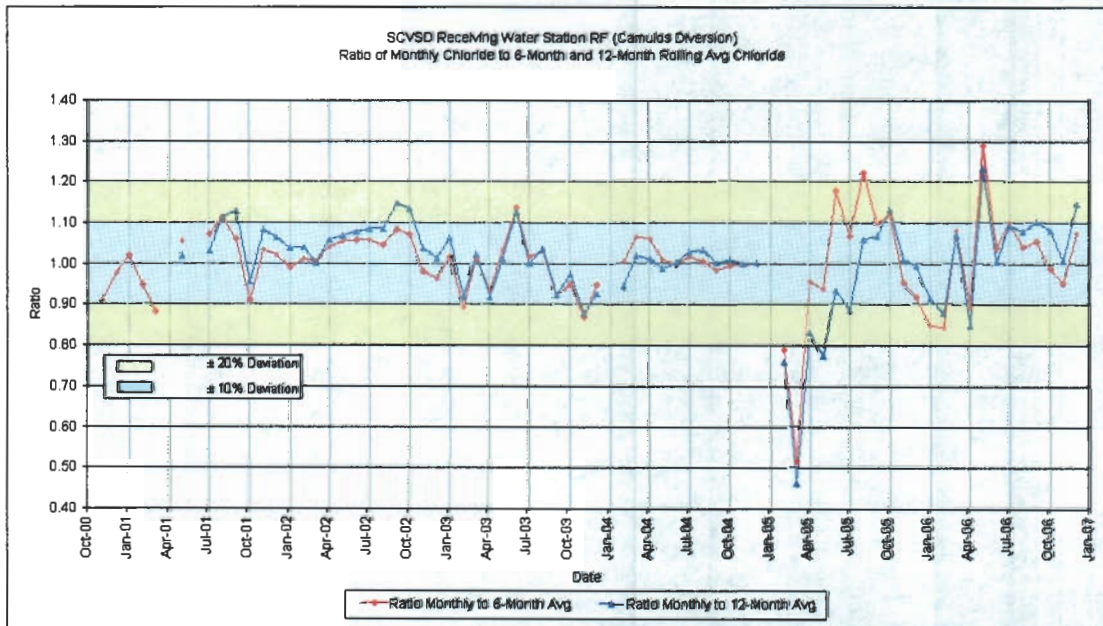
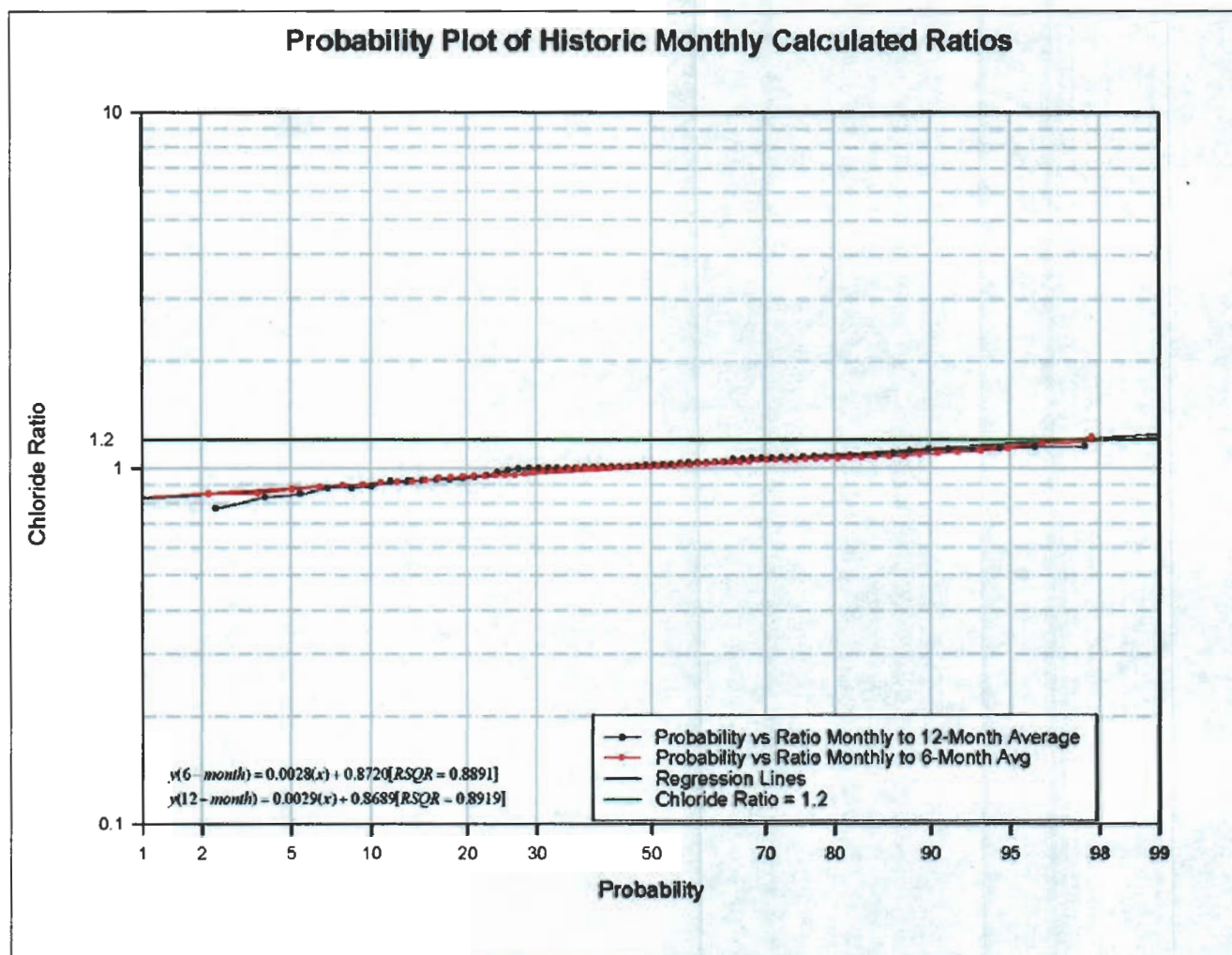


Figure 3



Note: Ratio values for March 15, 2005 (0.46 for monthly:6-month ratio, 0.52 for monthly:12-month ratio) were considered outliers and not included in the regression relationship.

Figure 4

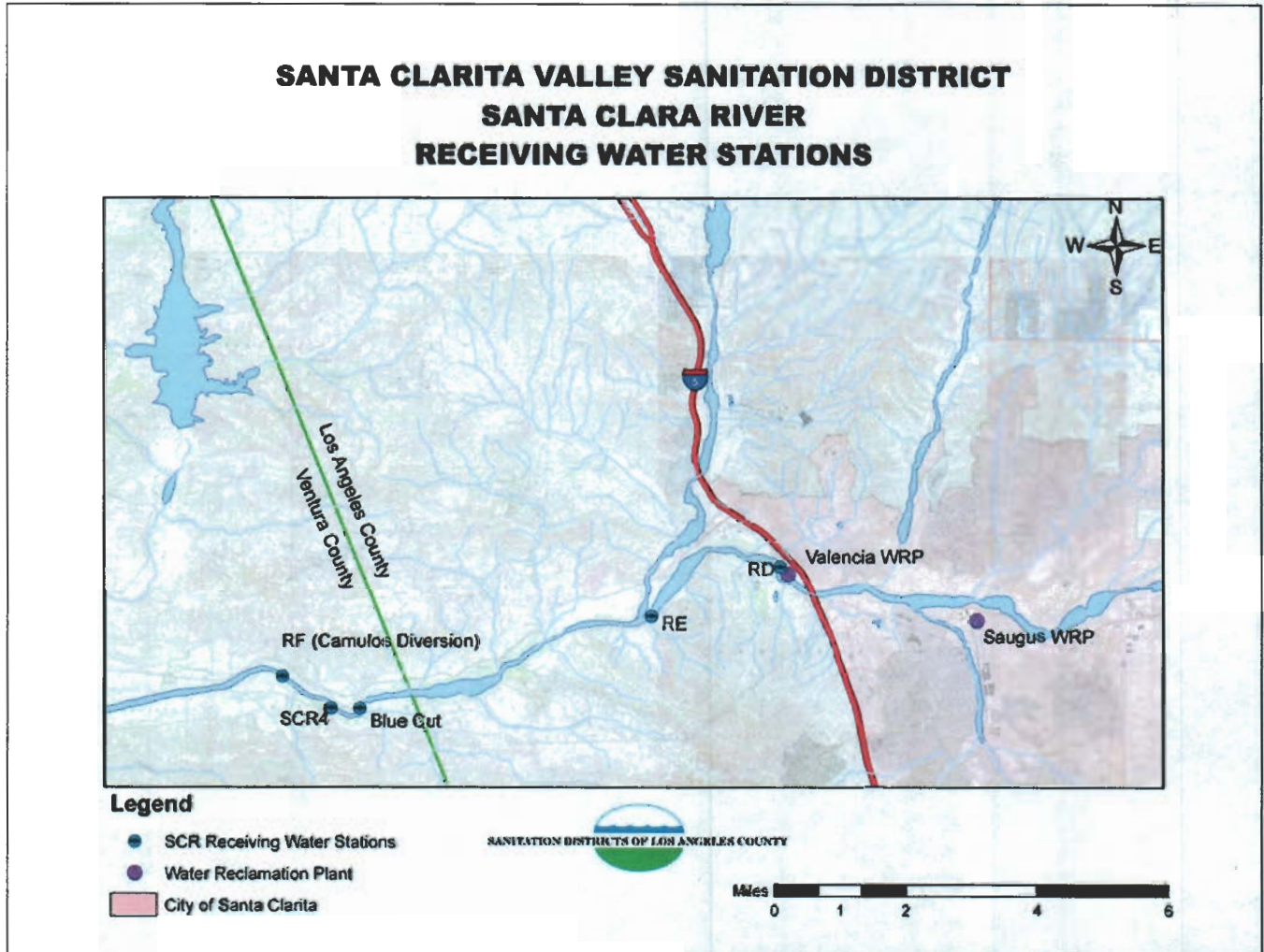


Figure 5

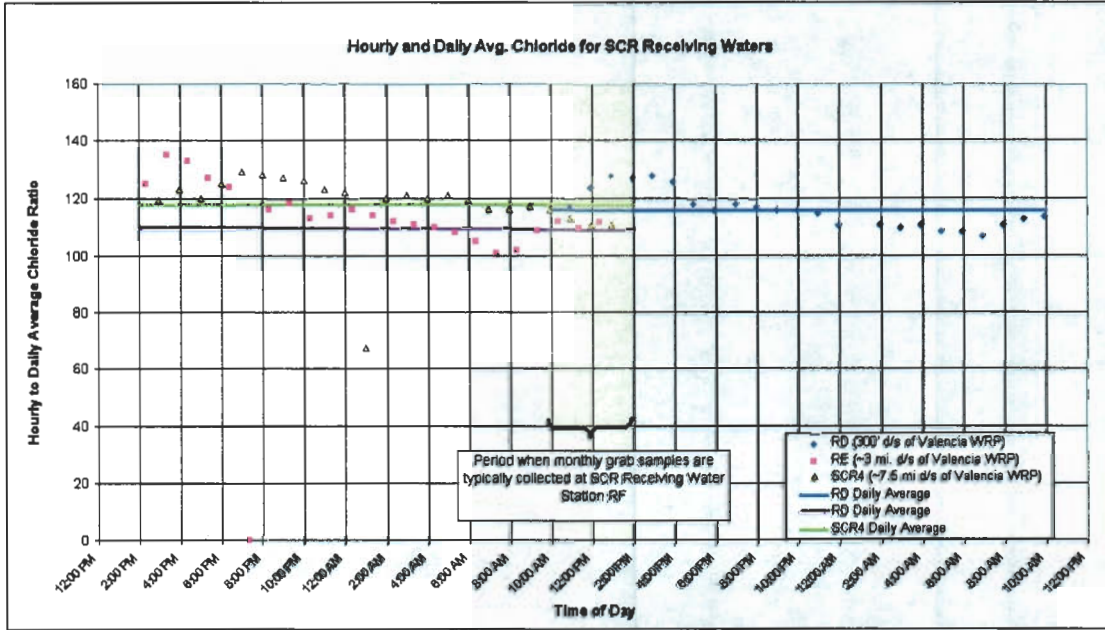


Figure 6

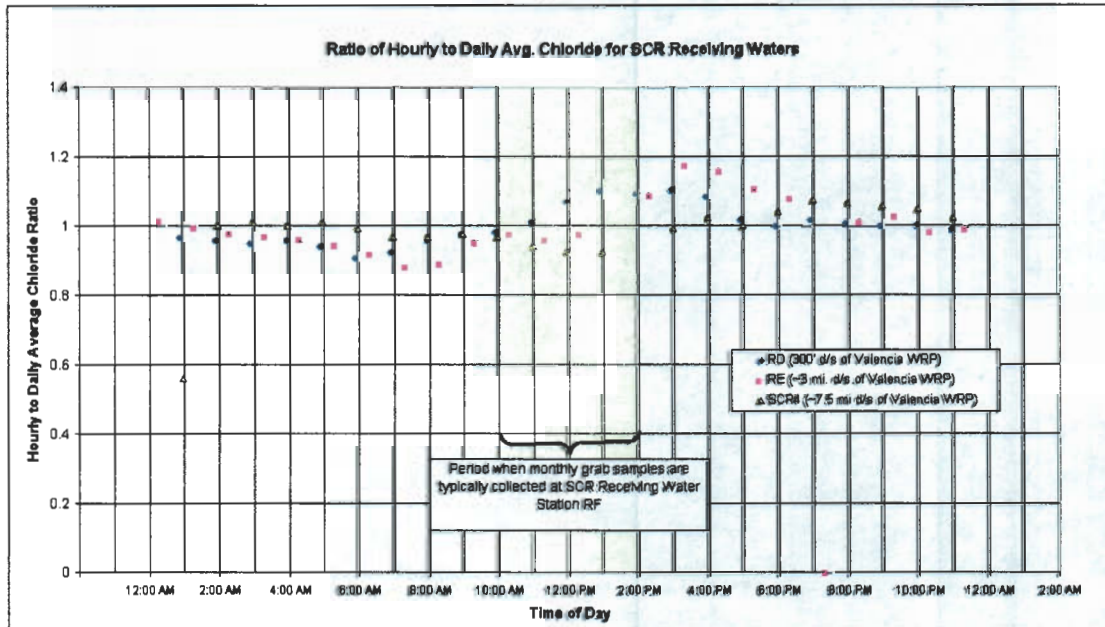
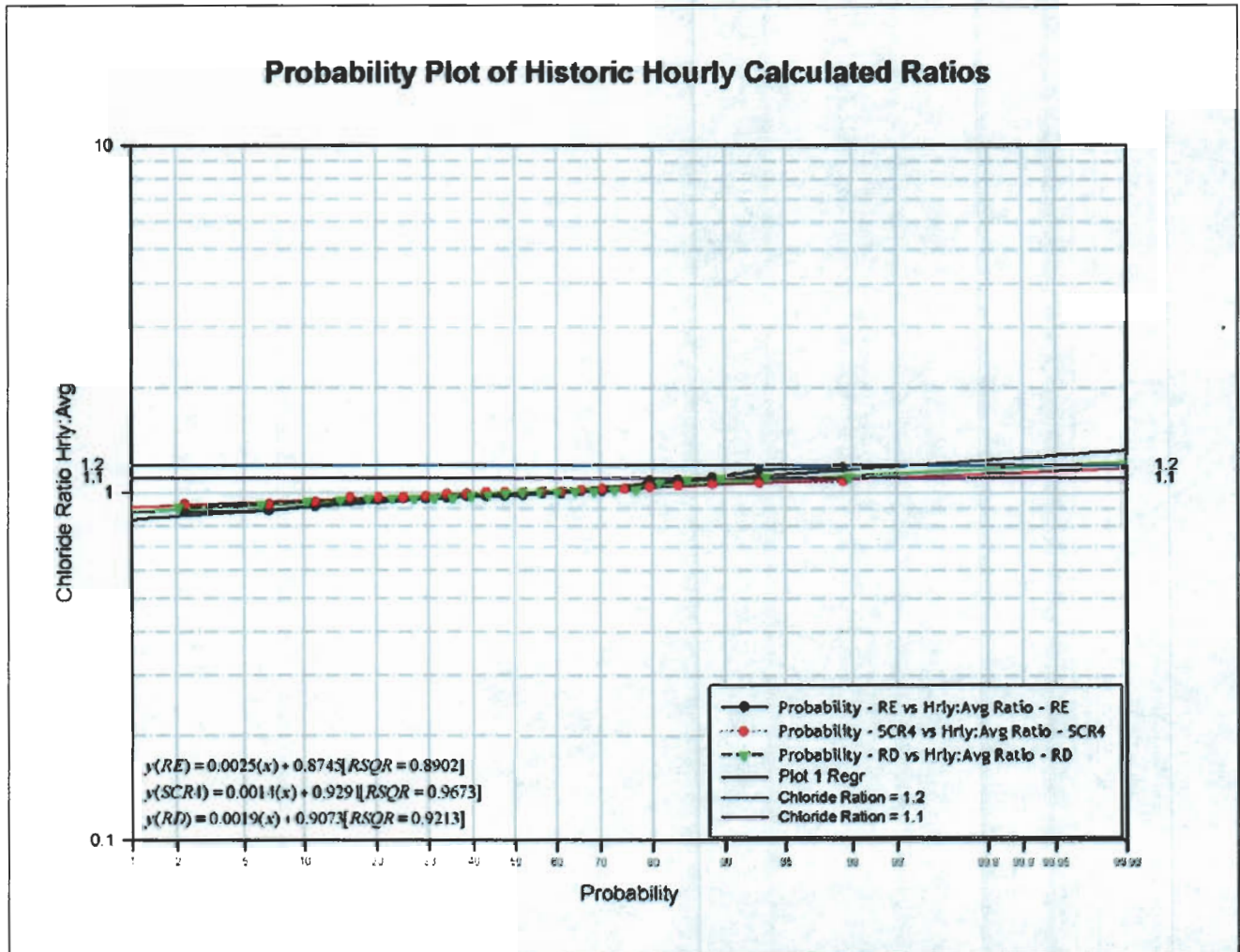
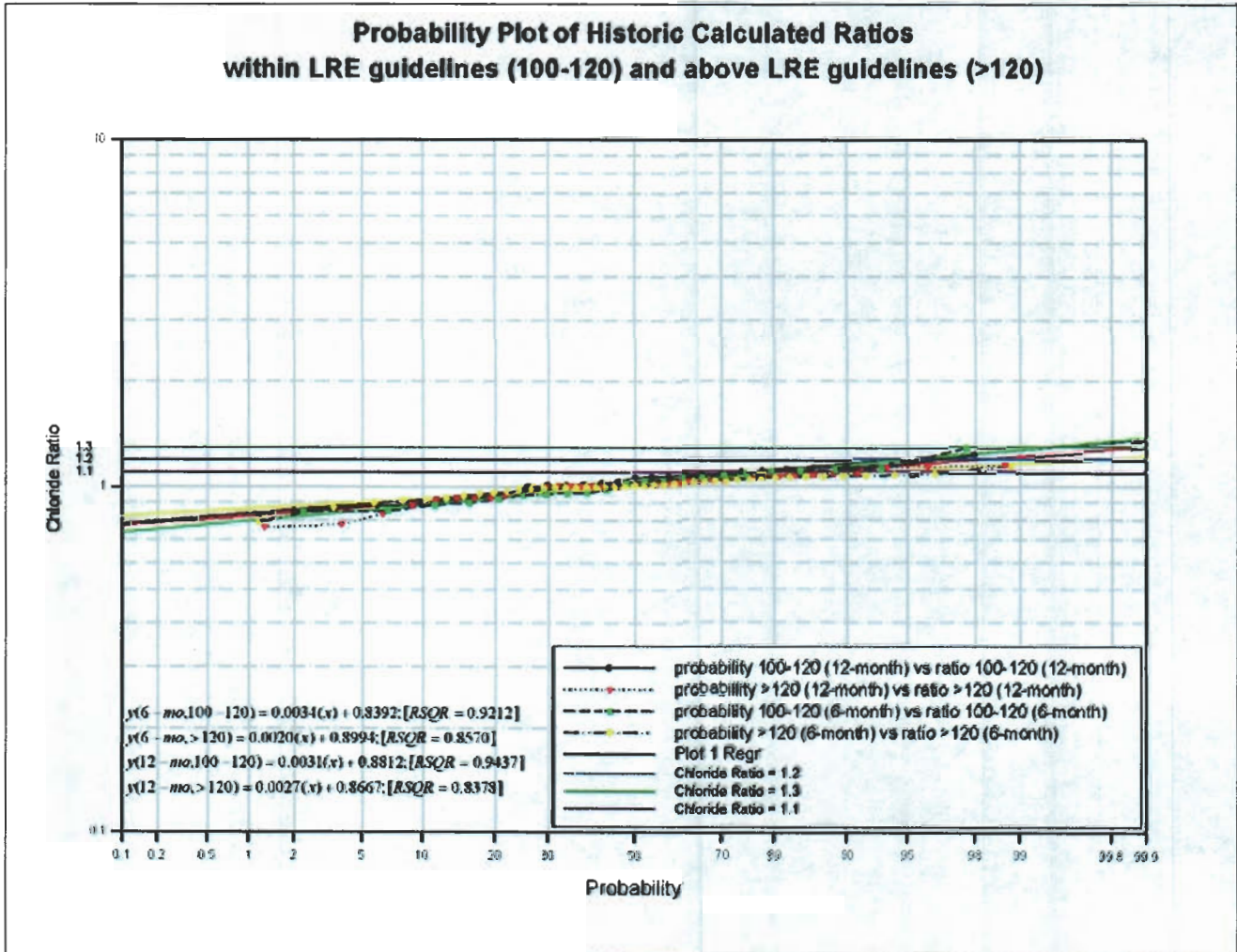


Figure 7



Note: Ratio value for SCR-4,12:58AM (0.56) was considered an outlier and not included in regression relationship.

Figure 8



Note: Ratio values for March 15, 2005 (0.46 for monthly:6-month ratio, 0.52 for monthly:12-month ratio) were considered outliers and not included in the regression relationship.

Table 1

Year	Month	RF Chloride	12-Month Avg Cl	Ratio Monthly:12-Month Avg	6-Month Avg Cl	Ratio Monthly:6-Month Avg
2000	6	123.00				
2000	7	122.00				
2000	8	128.00				
2000	9	122.00				
2000	10					
2000	11	110.00			121.00	0.91
2000	12	117.00			119.80	0.98
2001	1	122.00			119.80	1.02
2001	2	110.00			116.20	0.95
2001	3	98.40			111.48	0.88
2001	4				111.48	
2001	5	119.50	117.19	1.02	113.38	1.05
2001	6		116.54		112.48	
2001	7	120.00	116.32	1.03	111.98	1.07
2001	8	130.00	116.54	1.12	116.98	1.11
2001	9	133.00	117.77	1.13	125.63	1.06
2001	10	112.00	117.19	0.96	122.90	0.91
2001	11	129.00	119.09	1.08	124.80	1.03
2001	12	128.00	120.19	1.06	125.33	1.02
2002	1	125.00	120.49	1.04	126.17	0.99
2002	2	127.00	122.19	1.04	125.67	1.01
2002	3	125.00	124.85	1.00	124.33	1.01
2002	4	133.00	125.59	1.06	127.83	1.04
2002	5	136.00	127.09	1.07	129.00	1.05
2002	6	138.00	128.00	1.08	130.67	1.06
2002	7	141.00	129.75	1.09	133.33	1.06
2002	8	142.00	130.75	1.09	135.83	1.05
2002	9	152.00	132.33	1.15	140.33	1.08
2002	10	154.00	135.83	1.13	143.83	1.07
2002	11	142.00	136.92	1.04	144.83	0.98
2002	12	140.00	137.92	1.02	145.17	0.96
2003	1	149.00	139.92	1.06	146.50	1.02
2003	2	129.00	140.08	0.92	144.33	0.89
2003	3	145.00	141.75	1.02	143.17	1.01
2003	4	130.00	141.50	0.92	139.17	0.93
2003	5	144.00	142.17	1.01	139.50	1.03
2003	6	163.00	144.25	1.13	143.33	1.14
2003	7	145.00	144.58	1.00	142.67	1.02
2003	8	151.00	145.33	1.04	146.33	1.03
2003	9	133.00	143.75	0.93	144.33	0.92
2003	10	138.90	142.49	0.97	145.82	0.95
2003	11	124.00	140.99	0.88	142.48	0.87
2003	12	130.00	140.16	0.93	136.98	0.95
2004	1		139.35		135.38	
2004	2	132.00	139.63	0.95	131.58	1.00
2004	3	142.00	139.35	1.02	133.38	1.06
2004	4	142.00	140.45	1.01	134.00	1.06
2004	5	138.00	139.90	0.99	136.80	1.01

Table 1

Year	Month	RF Chloride	12-Month Avg Cl	Ratio Monthly:12-Month Avg	6-Month Avg Cl	Ratio Monthly:6-Month Avg
2004	6	138.00	137.63	1.00	138.40	1.00
2004	7	141.00	137.26	1.03	138.83	1.02
2004	8	141.00	136.35	1.03	140.33	1.00
2004	9	137.00	136.72	1.00	139.50	0.98
2004	10	138.00	136.64	1.01	138.83	0.99
2004	11	138.00	137.91	1.00	138.83	0.99
2004	12	139.00	138.73	1.00	139.00	1.00
2005	1		138.73		138.60	
2005	2	103.30	136.12	0.76	131.06	0.79
2005	3	59.6	128.63	0.46	115.58	0.52
2005	4	104.00	125.17	0.83	108.78	0.96
2005	5	93.70	121.15	0.77	99.92	0.94
2005	6	111.00	118.69	0.94	94.32	1.18
2005	7	102.00	115.15	0.89	95.60	1.07
2005	8	120.00	113.24	1.06	98.38	1.22
2005	9	119.00	111.60	1.07	108.28	1.10
2005	10	125.00	110.42	1.13	111.78	1.12
2005	11	109.00	107.78	1.01	114.33	0.95
2005	12	104.00	104.60	0.99	113.17	0.92
2006	1	95.10	103.81	0.92	112.02	0.85
2006	2	90.40	102.73	0.88	107.08	0.84
2006	3	115.00	107.35	1.07	106.42	1.08
2006	4	90.00	106.18	0.85	100.58	0.89
2006	5	135.00	109.63	1.23	104.92	1.29
2006	6	110.00	109.54	1.00	105.92	1.04
2006	7	121.50	111.17	1.09	110.32	1.10
2006	8	120.00	111.17	1.08	115.25	1.04
2006	9	123.00	111.50	1.10	116.58	1.06
2006	10	120.00	111.08	1.08	121.58	0.99
2006	11	112.00	111.33	1.01	117.75	0.95
2006	12	130.00	113.50	1.15	121.08	1.07

Table 2

Date	RD (300' d/s of Valencia WRP)	RD Ratio HR:Daily	RE (~3 mi. d/s of Valencia WRP)	RE Ratio HR:Daily	SCR4 (~7.5 mi d/s of Valencia WRP)	SCR4 Ratio HR:Daily
5/3/00 2:20 PM			125	1.09		
5/3/00 2:58 PM					119	0.99
5/3/00 3:20 PM			135	1.18		
5/3/00 3:58 PM					123	1.02
5/3/00 4:20 PM			133	1.16		
5/3/00 4:58 PM					120	1.00
5/3/00 5:20 PM			127	1.11		
5/3/00 5:58 PM					125	1.04
5/3/00 6:20 PM			124	1.08		
5/3/00 6:58 PM					129	1.07
5/3/00 7:20 PM						
5/3/00 7:58 PM					128	1.07
5/3/00 8:20 PM			116	1.01		
5/3/00 8:58 PM					127	1.06
5/3/00 9:20 PM			118	1.03		
5/3/00 9:58 PM					126	1.05
5/3/00 10:20 PM			113	0.98		
5/3/00 10:58 PM					123	1.02
5/3/00 11:20 PM			114	0.99		
5/3/00 11:58 PM					122	1.02
5/4/00 12:20 AM			116	1.01		
5/4/00 12:58 AM					67.4	0.56
5/4/00 1:20 AM			114	0.99		
5/4/00 1:58 AM					120	1.00
5/4/00 2:20 AM			112	0.98		
5/4/00 2:58 AM					121	1.01
5/4/00 3:20 AM			111	0.97		
5/4/00 3:58 AM					120	1.00
5/4/00 4:20 AM			110	0.96		
5/4/00 4:58 AM					121	1.01
5/4/00 5:20 AM			108	0.94		
5/4/00 5:58 AM					119	0.99
5/4/00 6:20 AM			105	0.91		
5/4/00 6:58 AM					116	0.97
5/4/00 7:20 AM			101	0.88		
5/4/00 7:58 AM					116	0.97
5/4/00 8:20 AM			102	0.89		
5/4/00 8:58 AM					117	0.97
5/4/00 9:20 AM			109	0.95		
5/4/00 9:58 AM					116	0.97
5/4/00 10:20 AM			112	0.98		
5/4/00 10:55 AM	117	1.01				
5/4/00 10:58 AM					113	0.94
5/4/00 11:20 AM			110	0.96		
5/4/00 11:55 AM	124	1.07				

Table 2

Date	RD (300' d/s of Valencia WRP)	RD Ratio HR:Daily	RE (~3 mi. d/s of Valencia WRP)	RE Ratio HR:Daily	SCR4 (~7.5 mi d/s of Valencia WRP)	SCR4 Ratio HR:Daily
5/4/00 11:58 AM					111	0.92
5/4/00 12:20 PM			112	0.98		
5/4/00 12:55 PM	128	1.11				
5/4/00 12:58 PM					111	0.92
5/4/00 1:55 PM	127	1.10				
5/4/00 2:55 PM	128	1.11				
5/4/00 3:55 PM	126	1.09				
5/4/00 4:55 PM	118	1.02				
5/4/00 5:55 PM	116	1.00				
5/4/00 6:55 PM	118	1.02				
5/4/00 7:55 PM	117	1.01				
5/4/00 8:55 PM	116	1.00				
5/4/00 9:55 PM	116	1.00				
5/4/00 10:55 PM	115	0.99				
5/4/00 11:55 PM	111	0.96				
5/5/00 1:55 AM	111	0.97				
5/5/00 2:55 AM	110	0.96				
5/5/00 3:55 AM	111	0.95				
5/5/00 4:55 AM	109	0.96				
5/5/00 5:55 AM	108.5	0.94				
5/5/00 6:55 AM	107	0.91				
5/5/00 7:55 AM	111	0.92				
5/5/00 8:55 AM	113	0.96				
5/5/00 9:55 AM	114	0.98				
24-Average Value .	115.83		114.86		120.14	

Table 4

Date	12-month Chloride Ratio Within LRE Range	Date	12-month Chloride Ratio Greater than 120 mg/L	Date	6-month Chloride Ratio Within LRE Range	Date	6-month Chloride Ratio Greater than 120 mg/L
May-01	1.02	Dec-01	1.06	Dec-00	0.98	Nov-00	0.91
Jul-01	1.03	Jan-02	1.04	Jan-01	1.02	Sep-01	1.06
Aug-01	1.12	Feb-02	1.04	Feb-01	0.95	Oct-01	0.91
Sep-01	1.13	Mar-02	1.00	Mar-01	0.88	Nov-01	1.03
Oct-01	0.96	Apr-02	1.06	May-01	1.05	Dec-01	1.02
Nov-01	1.08	May-02	1.07	Jul-01	1.07	Jan-02	0.99
Jun-05	0.94	Jun-02	1.08	Aug-01	1.11	Feb-02	1.01
Jul-05	0.89	Jul-02	1.09	Mar-05	0.52	Mar-02	1.01
Aug-05	1.06	Aug-02	1.09	Apr-05	0.96	Apr-02	1.04
Sep-05	1.07	Sep-02	1.15	Sep-05	1.10	May-02	1.05
Oct-05	1.13	Oct-02	1.13	Oct-05	1.12	Jun-02	1.06
Nov-05	1.01	Nov-02	1.04	Nov-05	0.95	Jul-02	1.06
Dec-05	0.99	Dec-02	1.02	Dec-05	0.92	Aug-02	1.05
Jan-06	0.92	Jan-03	1.06	Jan-06	0.85	Sep-02	1.08
Feb-06	0.88	Feb-03	0.92	Feb-06	0.84	Oct-02	1.07
Mar-06	1.07	Mar-03	1.02	Mar-06	1.08	Nov-02	0.98
Apr-06	0.85	Apr-03	0.92	Apr-06	0.89	Dec-02	0.96
May-06	1.23	May-03	1.01	May-06	1.29	Jan-03	1.02
Jun-06	1.00	Jun-03	1.13	Jun-06	1.04	Feb-03	0.89
Jul-06	1.09	Jul-03	1.00	Jul-06	1.10	Mar-03	1.01
Aug-06	1.08	Aug-03	1.04	Aug-06	1.04	Apr-03	0.93
Sep-06	1.10	Sep-03	0.93	Sep-06	1.06	May-03	1.03
Oct-06	1.08	Oct-03	0.97	Nov-06	0.95	Jun-03	1.14
Nov-06	1.01	Nov-03	0.88			Jul-03	1.02
Dec-06	1.15	Dec-03	0.93			Aug-03	1.03
		Feb-04	0.95			Sep-03	0.92
		Mar-04	1.02			Oct-03	0.95
		Apr-04	1.01			Nov-03	0.87
		May-04	0.99			Dec-03	0.95
		Jun-04	1.00			Feb-04	1.00
		Jul-04	1.03			Mar-04	1.06
		Aug-04	1.03			Apr-04	1.06
		Sep-04	1.00			May-04	1.01
		Oct-04	1.01			Jun-04	1.00
		Nov-04	1.00			Jul-04	1.02
		Dec-04	1.00			Aug-04	1.00
		Feb-05	0.76			Sep-04	0.98
		Mar-05	0.46			Oct-04	0.99
		Apr-05	0.83			Nov-04	0.99
		May-05	0.77			Dec-04	1.00
						Feb-05	0.79
						Oct-06	0.99
						Dec-06	1.07

ATTACHMENT 1

AG TAP SUPPLEMENTAL INFORMATION REQUEST

Draft September 13, 2006

REQUEST TO AG TAP ON AVERAGING PERIODS

The project team needs to document the best existing scientific assessments of the appropriate averaging periods for the LRE chloride guidelines and of the potential for acute injury. The Regional Board will need this information to determine an appropriate compliance period when establishing waste load allocations and final effluent permit limits for chloride.

Background

The LRE established that "the best estimate of a chloride hazard concentration ranges from 110 to 120 mg/L." The LRE author indicated that this estimated range applies to long-term steady state water quality. The author also stated that agronomic research tends to focus on long-term, steady state water quality because, in general, water quality levels are not highly variable.

Request

Based on your professional interpretation of the existing literature, provide guidance to determine what averaging periods for variations in chloride concentrations would be protective of salt-sensitive crops. Please address the specific questions below:

1. Should the LRE guidelines be applied as a chronic threshold (i.e., an average over some specified period of time) or an acute threshold (a single sample never to be exceeded)?
2. If the LRE guidelines are to be applied as a chronic threshold, what is the appropriate averaging period (e.g., 12-month average, 6-month average, 1-month average, etc.)?
3. Is the averaging period dependent upon the magnitude by which the chloride concentration deviates from the average?
4. Are there growth stages for avocado, strawberry, and nursery plants that are especially susceptible to chloride hazard, i.e., if the crop is exposed to chloride at that stage, the chloride hazard will be more than if exposed at other growth stages? If yes, how long is the sensitivity period?
5. Is it possible for the chloride hazard to occur at a short period of time, but the symptoms (such as leaf injury and yield) will be shown at much later time? If it is possible, how long would the period of time that causes chloride hazard be?
6. Are the terms "acute" and "chronic" suitable to describe chloride hazard to plants?
7. If additional studies are necessary to answer the above questions, could any existing study results be used to establish an interim acute and chronic guideline for chloride hazard to avocado? Specifically, could an approach be used to establish 117 mg/L as an interim chronic guideline and 178 mg/L as an interim acute guideline to protect agricultural supply beneficial uses, based on Bingham and Finn (1966, 1968) study results or any other study evaluated as relevant within the LRE?

ATTACHMENT 2

AG TAP CO-CHAIR RESPONSES

Dr. Stephen Grattan

and

Dr. Ben Faber

11/11/06

Grattan's response to request

Re: REQUEST TO AG TAP ON AVERAGING PERIODS

The project team needs to document the best **existing scientific assessments of the appropriate averaging periods for the LRE chloride guidelines and of the potential for acute injury**. The Regional Board will need this information to **determine an appropriate compliance period when establishing waste load allocations and final effluent permit limits for chloride**.

Background

The LRE established that "the best estimate of a chloride hazard concentration ranges from 110 to 120 mg/L." The LRE author indicated that **this estimated range applies to long-term steady state water quality**. The author also stated that **agronomic research tends to focus on long-term, steady state water quality because, in general, water quality levels are not highly variable**.

Request

Based on your professional interpretation of the existing literature, provide guidance to determine what averaging periods for variations in chloride concentrations would be protective of salt-sensitive crops. Please address the specific questions below:

1. Should the LRE guidelines be applied as a **chronic threshold (i.e., an average over some specified period of time)** or an **acute threshold (a single sample never to be exceeded)**?

Response: It seems appropriate to me that the LRE guidelines be applied as a chronic threshold. The 110 to 120 mg/L range for the upper limit of Cl for the irrigation of avocado assumes long-term use under steady state conditions assuming the more Cl sensitive rootstock and that rainfall is not considered significant as an annual means of leaching or partially leaching Cl from the rootzone. However, this assumes that the variation in irrigation Cl concentration is not large.

2. If the LRE guidelines are to be applied as a **chronic threshold, what is the appropriate averaging period (e.g., 12-month average, 6-month average, 1-month average, etc.)?**

Response: Because avocados are so sensitive to salinity and Cl and that they represent a long-term investment, I would tend to error on the safe side. As indicated by Ben Faber, trees may be particularly susceptible should an additional stress present itself such as Santa Ana winds. Therefore I would suggest that a shorter time interval be used (one month seems appropriate but is somewhat dependent on the extent by which Cl deviate from the mean) (see #3).

3. Is the **averaging period dependent upon the magnitude by which the chloride concentration deviates from the average?**

Response: I do believe that the extent by which Cl deviates from the mean should affect the averaging period. If deviations are in the 10-20% range, perhaps 6 month averages or longer is more appropriate. If Cl concentrations double over a short period of time, then shorter periods may be appropriate. Hopefully this is not the case because a doubling in Cl (eg 120 to 240mg/L), even for a short period of time, may be extremely detrimental to this salt-sensitive tree. Perhaps a dual chronic/acute interim limit is appropriate at this point in time. More research is needed to get a better idea on plants response averages and deviations. Such a study could readily be conducted.

4. Are there growth stages for avocado, strawberry, and nursery plants that are especially susceptible to chloride hazard, i.e., if the crop is exposed to chloride at that stage, the chloride hazard will be more than if exposed at other growth stages? If yes, how long is the sensitivity period?

Response: This is a really good question and I don't think the research is adequate enough to adequately address this issue. We know that tolerance in most plants vary with stage of development. Many annual crops are generally sensitive during early growth and development. Tree crops can be sensitive to specific ion toxicities, particularly over long periods of time. I would defer this question to Ben since he has had more practical experience than me. This too is a researchable topic.

5. Is it possible for the chloride hazard to occur at a short period of time, but the symptoms (such as leaf injury and yield) will be shown at much later time? If it is possible, how long would the period of time that causes chloride hazard be?

Response: I am aware of some research that describes no ill effects of a crop until a hot, dry day comes about. Researchers describe injury at that time as being instantaneous. If the plants are sensitive at flowering, then the damage that occurs during flowering may be subtle, yet such subtle damages could translate into large yield losses later on (ie harvest).

6. Are the terms "acute" and "chronic" suitable to describe chloride hazard to plants?

Response: I think for salt or Cl sensitive crops, such terms are suitable.

7. If additional studies are necessary to answer the above questions, could any existing study results be used to establish an interim acute and chronic guideline for chloride hazard to avocado? Specifically, could an approach be used to establish 117 mg/L as an interim chronic guideline and 178 mg/L as an interim acute guideline to protect agricultural supply beneficial uses, based on Bingham and Finn (1966, 1968) study results or any other study evaluated as relevant within the LRE?

Upper Santa Clara River

CHLORIDE TMDL COLLABORATIVE PROCESS

Response: This is a difficult call. If you consider the combination of uncertainties, large investment, and the trees susceptibility to multiple stresses in the field, I would not be comfortable with the acute limit being set at 178mg/L at this point in time before more research is conducted. The 178 mg/L may be appropriate, but only if all other management and environmental factors are optimal. The chronic level of 117 mg/L, based on the existing studies and the thorough LRE, seems appropriate to me.

Draft September 13, 2006

REQUEST TO AG TAP ON AVERAGING PERIODS – RESPONSE FROM BEN FABER

The project team needs to document the best existing scientific assessments of the appropriate averaging periods for the LRE chloride guidelines and of the potential for acute injury. The Regional Board will need this information to determine an appropriate compliance period when establishing waste load allocations and final effluent permit limits for chloride.

Background

The LRE established that “the best estimate of a chloride hazard concentration ranges from 110 to 120 mg/L.” The LRE author indicated that this estimated range applies to long-term steady state water quality. The author also stated that agronomic research tends to focus on long-term, steady state water quality because, in general, water quality levels are not highly variable.

Request

Based on your professional interpretation of the existing literature, provide guidance to determine what averaging periods for variations in chloride concentrations would be protective of salt-sensitive crops. Please address the specific questions below:

1. Should the LRE guidelines be applied as a chronic threshold (i.e., an average over some specified period of time) or an acute threshold (a single sample never to be exceeded)?

Response: I would think it should be set as a chronic threshold, since you never know when hot, dry winds might kick up. I've seen avocado trees show leaf burn symptoms a week after a Santa Ana condition.

2. If the LRE guidelines are to be applied as a chronic threshold, what is the appropriate averaging period (e.g., 12-month average, 6-month average, 1-month average, etc.)?

Response: I would think the averaging period would be the shortest period possible, since the weather is quite variable along the coast ~ hot in January and cold in June some years.

3. Is the averaging period dependent upon the magnitude by which the chloride concentration deviates from the average?

Response: Not sure what the question is? If the concentration average varies slightly, then the averaging period can be longer. If there are sharp spikes, it should probably be shorter, such as a month.

4. Are there growth stages for avocado, strawberry, and nursery plants that are especially susceptible to chloride hazard, i.e., if the crop is exposed to chloride at that stage, the chloride hazard will be more than if exposed at other growth stages? If yes, how long is the sensitivity period?

Upper Santa Clara River

CHLORIDE TMDL COLLABORATIVE PROCESS

Response: Typically flowering and fruiting are the most sensitive periods for avo and strawberry. For nursery plants, as well, but often they are sold for the foliage condition.

5. Is it possible for the chloride hazard to occur at a short period of time, but the symptoms (such as leaf injury and yield) will be shown at much later time? If it is possible, how long would the period of time that causes chloride hazard be?

Response: It's possible to have damage to have damage and not see it until a stress, such as a Santa Ana comes along. Not sure how long the hazard needs to be in place.

6. Are the terms "acute" and "chronic" suitable to describe chloride hazard to plants?

Response: Again not sure what length of time it takes to impact plant growth and yield.

7. If additional studies are necessary to answer the above questions, could any existing study results be used to establish an interim acute and chronic guideline for chloride hazard to avocado? Specifically, could an approach be used to establish 117 mg/L as an interim chronic guideline and 178 mg/L as an interim acute guideline to protect agricultural supply beneficial uses, based on Bingham and Finn (1966, 1968) study results or any other study evaluated as relevant within the LRE?

Response: This is the question, isn't it? Soil concentrations vary tremendously depending on rainfall and other weather conditions. When it's cool, the plants can probably tolerate higher levels of chloride, when hot, less. That's why the protective level was thought to be near 100 ppm for years.

ATTACHMENT 2B-2

Semiannual Report

Salinity Tolerance in Avocado Rootstocks

David Crowley and Mary Lu Arpaia

Department of Environmental Sciences and Department of Botany and Plant Sciences,
University of California, Riverside, CA 92521

May 1, 2006

Objectives

This project will provide avocado growers with information on which rootstocks are most useful for production of avocado on saline soils. Identification of rootstocks that can be incorporated into the breeding program will eventually allow growers to use irrigation water having a higher salinity content that is currently used for avocado production. As water costs increase and growers rely increasingly on saline water for irrigation, this will permit use of higher salinity water with lesser damage to the trees and concomitant reductions in crop yield. Research on the interrelationship of tree responses to salinity management through improved irrigation practices is expected to provide fundamental information that will lead to development of integrated management practices that are critical to long term viability of the avocado industry in California.

Methods

This research is focusing on two field trials that were established at the Miller and Stehly Orchards. The experiment located at the Miller Orchard near Santa Barbara is comparing Hass and Lamb Hass scions on 7 rootstocks. In this study, we will analyze the leaf chloride contents, growth, and yields of the trees to evaluate rootstock performance and interactions with different scions. The second experiment, which is located at the Stehly Orchard is comparing 10 rootstocks, all grafted with Hass. This latter experiment is the site of a new experiment, described in our proposal, in which we are examining soil plant water relations to determine possible differences in the ability of the rootstocks to extract water from the soil during soil drying cycles as the water becomes increasingly concentrated with salts. This will provide practical information on irrigation frequency intervals that are necessary to supply water and prevent desiccation that leads to leaf burn.

Progress: November 2005 -April 2006

Miller Experiment

The trees at Miller's are now three years old, and are beginning to yield fruit. In March 2006, measurements were made of the tree canopy volume and fruit number per tree. The data below provide our measurements for canopy volume and fruit yield at the Miller

Orchard. As shown in the Table 1, both tree growth and yield were highly variable. There was no significant difference between Hass and Lamb Hass scions on the different rootstocks (data not shown). While there are no statistical differences, comparisons of the values suggest that Toro Canyon is performing the best at this time with respect to both canopy volume and yield. PP-14, PP4, and Toro Canyon had similar canopy volumes with 22 cubic feet. The standard deviation for canopy volume was relatively high, which reflects differences in soil quality and slope across the orchard. The DUSA trees are an anomaly in this experiment in that they were planted approximately one month later than the other rootstocks in July rather than in early June. They were thus disadvantaged from the start of the experiment. We will continue to monitor tree performance in this experiment, and will measure leaf sodium and chloride contents in Sept 2006.

Table 1. Rootstock evaluations for three year old trees at Miller Orchard near Santa Barbara. Data collected March 2006.

Rootstock	Canopy Volume	Fruit / Tree
Dusa	8 (4)*	0.5 (1)
Latas	14 (9)	11 (16)
PP-14	23 (10)	16 (15)
PP-24	18 (3)	14 (14)
PP-4	22 (6)	14 (18)
Thomas	18 (6)	13 (13)
Toro Canyon	22 (10)	28 (15)

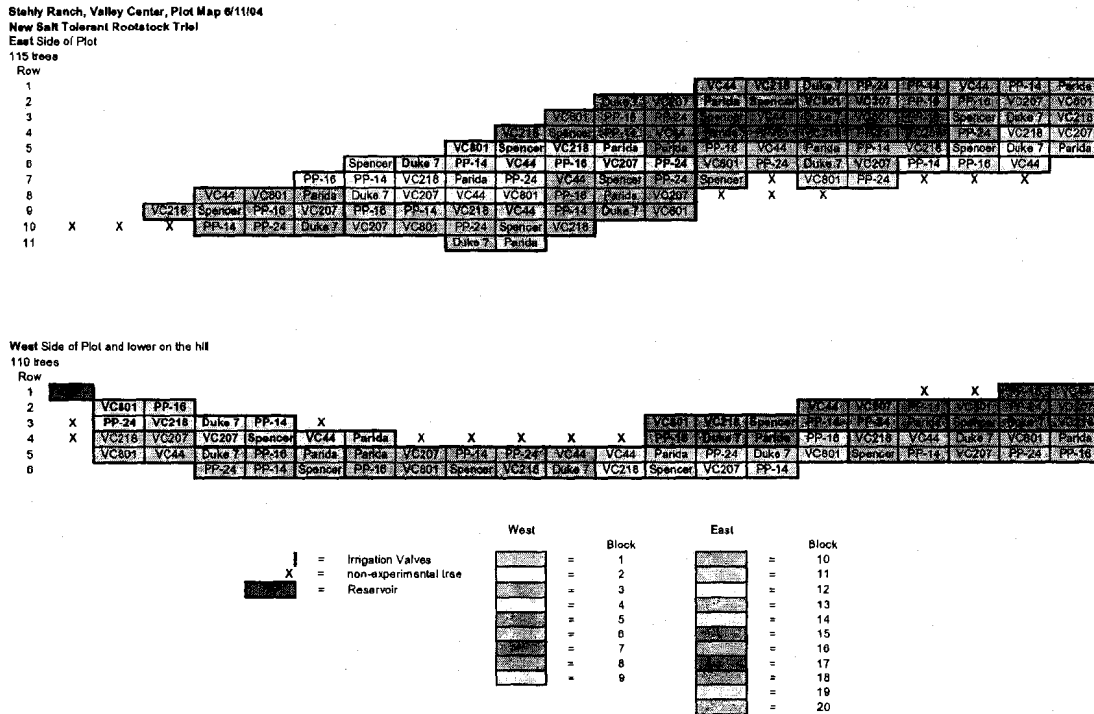
*Values in parentheses represent 1 standard deviation

Stehly Experiment

The field trial at the Stehly Orchard is our primary experiment for this research investigating salinity tolerance in avocado rootstocks. The original experiment was set up to compare the best rootstocks previously identified from Menge's breeding program and the Israeli VC rootstocks, along with Duke 7 and Zentmyer as controls. In addition to evaluating tree performance, we have now set up an experiment to examine plant-soil-water relations and the ability of the rootstocks to extract water at different EC values.

The layout of the experiments is shown in Figure 1. There are 200 trees in the field trial with 20 replicates for each of the 10 rootstocks. The trees are arranged in a block design with each block consisting of individuals of the 10 rootstocks.

Figure 1. Plot design for screening of salinity tolerance in 10 selected rootstocks. Experiments is located at the Stehly Orchard near Valley Center south of Highway 76.

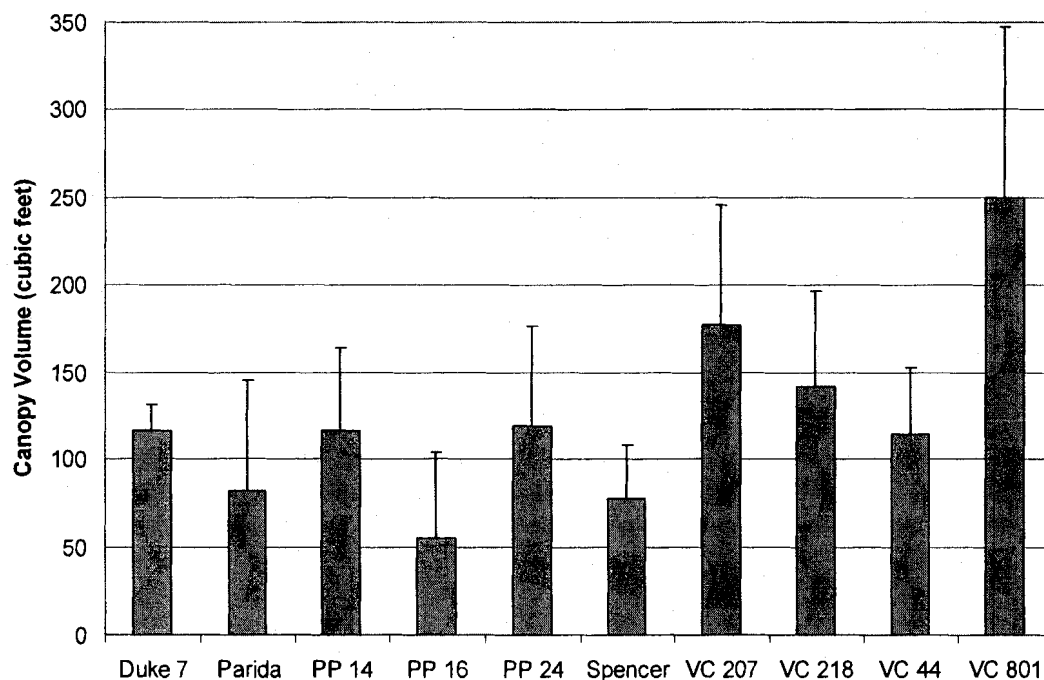


The trees were planted in May 2004 and are now 2 years old. There are substantial differences in the tree performance under the highly saline conditions as indicated by differences in growth. Figure 2 below shows the tree canopy volumes for the different rootstocks that are being tested. Among the rootstocks in this trial, VC 801 and VC 207 are the best performing in comparison to the Duke 7 control. This is in line with our previous trial which indicated superior performance for these rootstocks under saline conditions.

Our previous data suggested that avocado cannot take up water when the soil EC reaches ca 4 dS m⁻¹. However, this estimate was made by examination of data collected from three points in the field and did not specifically compare different rootstocks. In the new experiment, we have instrumented 50 trees (10 different rootstocks in 5 replicate blocks) to measure the soil water content in the root zone, and salinity, measured as soil water conductivity.

To study the plant soil water relations, we have installed two irrometers at the canopy edge of each tree. The irrometers are set at 6 inch soil depth, which is the soil profile occupied by the main feeder roots. There are 5 replicate trees per rootstock times 10 rootstocks or 100 irrometers total that are being monitored. The use of redundant irrometers for each tree provides us with a mean value, and also allows us to determine potential problems with individual irrometer installations which would be manifested by wide variations between the two instruments. In May, each tree will also be monitored with an electronic autofill tensiometer that enables sampling of soil pore water. The electronic tensiometers have been ordered from a company in the Netherlands (Rhizosphere Research Products) and should arrive in May 2006. The combination tensiometer-soil water extraction capability allows us to compare soil water tension between all three instruments and make sure we are measuring EC at defined soil water availabilities.

Figure 2. Canopy volumes for rootstocks under evaluation for salinity tolerance and water use efficiency at the Stehly Orchard. Trees measured in April 2006. Vertical bars are 1 standard deviation.

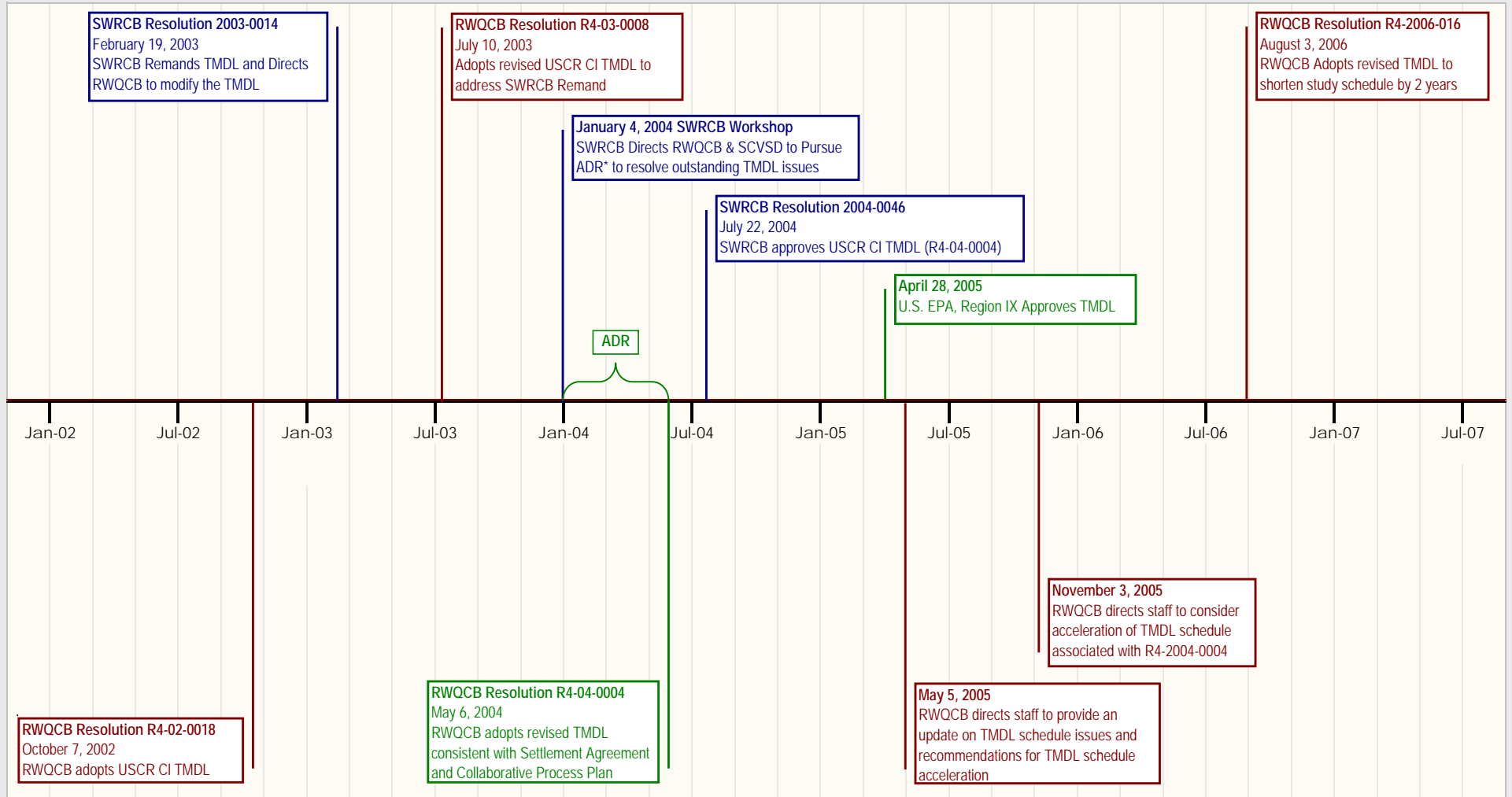


Irrigation of the trees was begun in mid April, and we are now monitoring the field experiment on a weekly basis. An important consideration in this experiment is weed control, which could confound our data on plant-soil-water relations. Weed control is currently done by hand. Since the soil was extensively leached by spring rains, we took soil samples from all 50 tree locations. EC was measured for 1:5 (w:v) soil:water extracts.

We also are taking samples of the irrigation water for analysis. Initially the irrigation water was determined to have an EC of 1.43 dS m^{-1} . This is low compared to the $2.5\text{-}3 \text{ dS m}^{-1}$ values measured in past years. However, our general experience is that the water becomes increasingly saline over the growing season as the well is drawn down. Soil salinity measurements were surprisingly variable across the field, with a mean of 188 mS m^{-1} ($\text{SD} = 33 \text{ mS m}^{-1}$). The conversion from 5:1 to saturated paste values is a simple linear relationship; in this case, 0.94 dS m^{-1} . In contrast, soil water EC values measured previously have typically reached salinity levels around 4.0 dS m^{-1} . This indicates that surface soils have been well leached by the winter rains. We will continue to measure the soil EC values over time. We are planning our on site field meeting with subcommittee for early June, when the site is fully instrumented. Data from the irrometers will be collected weekly, and analyzed to determine the maximum salinity (EC) values at which water can be removed by the individual rootstocks. Tree leaf samples will be collected in September and will be analyzed for chloride and sodium, at which time we will also measure canopy volumes. We will also be cooperating with Dr. Greg Douhan to evaluate salinity tolerance in other avocado rootstock outplantings that were begun by Dr. Menge, and that are being continued by Dr. Douhan.

FIGURES

Figure A-1: USCR Chloride TMDL Timeline
Pursuant to USEPA's 303(d) Listing in 1999



* Alternate Dispute Resolution (ADR) funded by EPA Conflict Resolution Center

Figure A-2

Santa Clara River Watershed 303(d) Salt Listings

Impaired Waterbody	Map Location	County	303(d) Listing			
			Current Listings	Added in 1998	Added in 2002	Added in 2006
SCR - Reach 6	A	Los Angeles	chloride	chloride		
SCR - Reach 5	B	Los Angeles	chloride	chloride		
Piru Creek (from gaging station below Santa Felicia Dam to headwaters)	C	Ventura	chloride			chloride
Reach 11 (Piru Creek, from conf with SCR to gaging)	D	Ventura	boron, sulfates			boron, sulfates
Hopper Creek	E	Ventura	sulfates, TDS		sulfates, TDS	
Pole Creek (trib to Reach 3)	F	Ventura	sulfates, TDS		sulfates, TDS	
Sespe Creek (trib to Reach 3)	G	Ventura	chloride		chloride	
SCR - Reach 3	H	Ventura	chloride, TDS	chloride	TDS	
Wheeler Canyon/Todd Barranca	I	Ventura	sulfates, TDS		sulfates, TDS	

*Red Text Indicates Existing TMDL

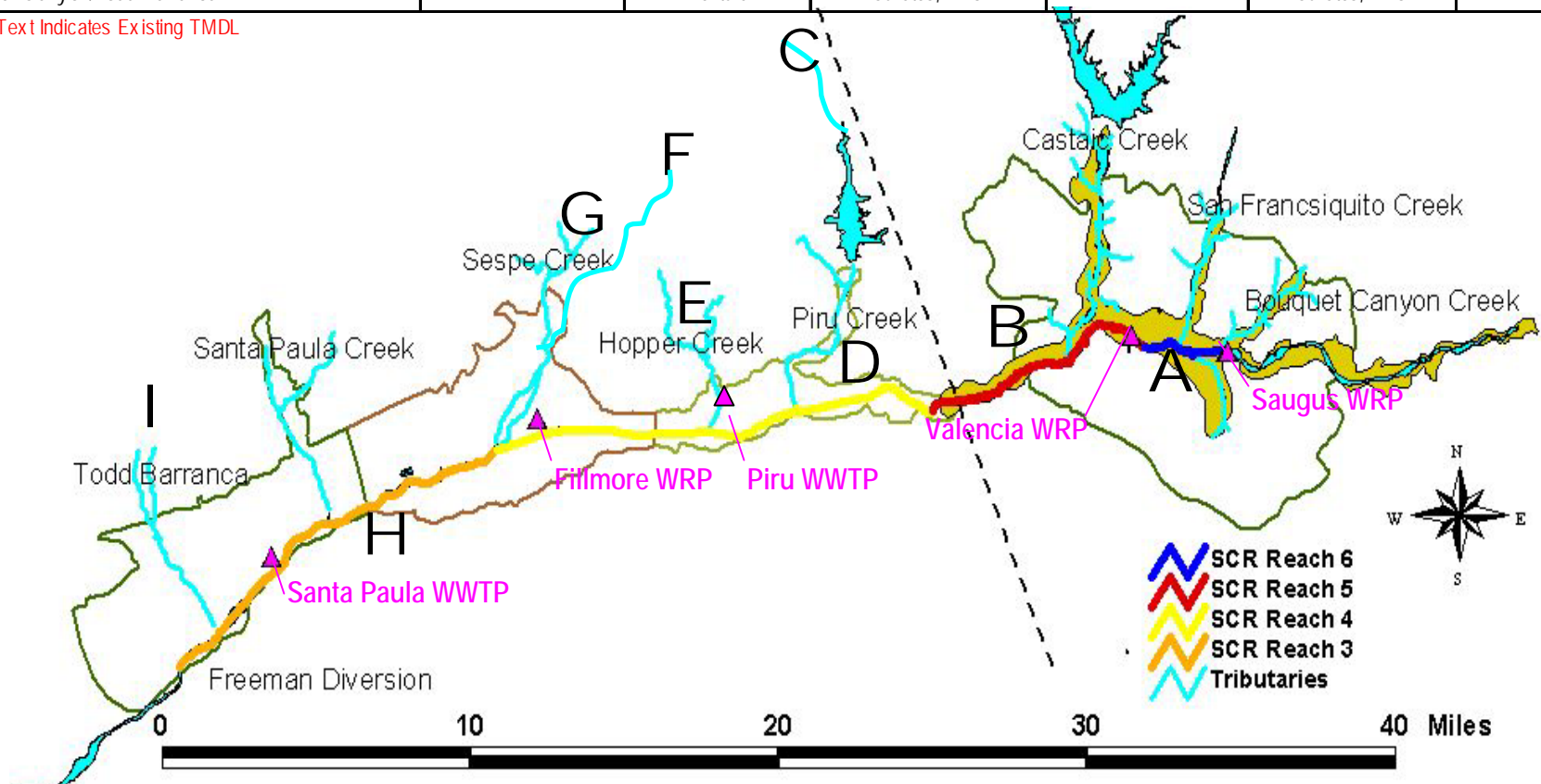
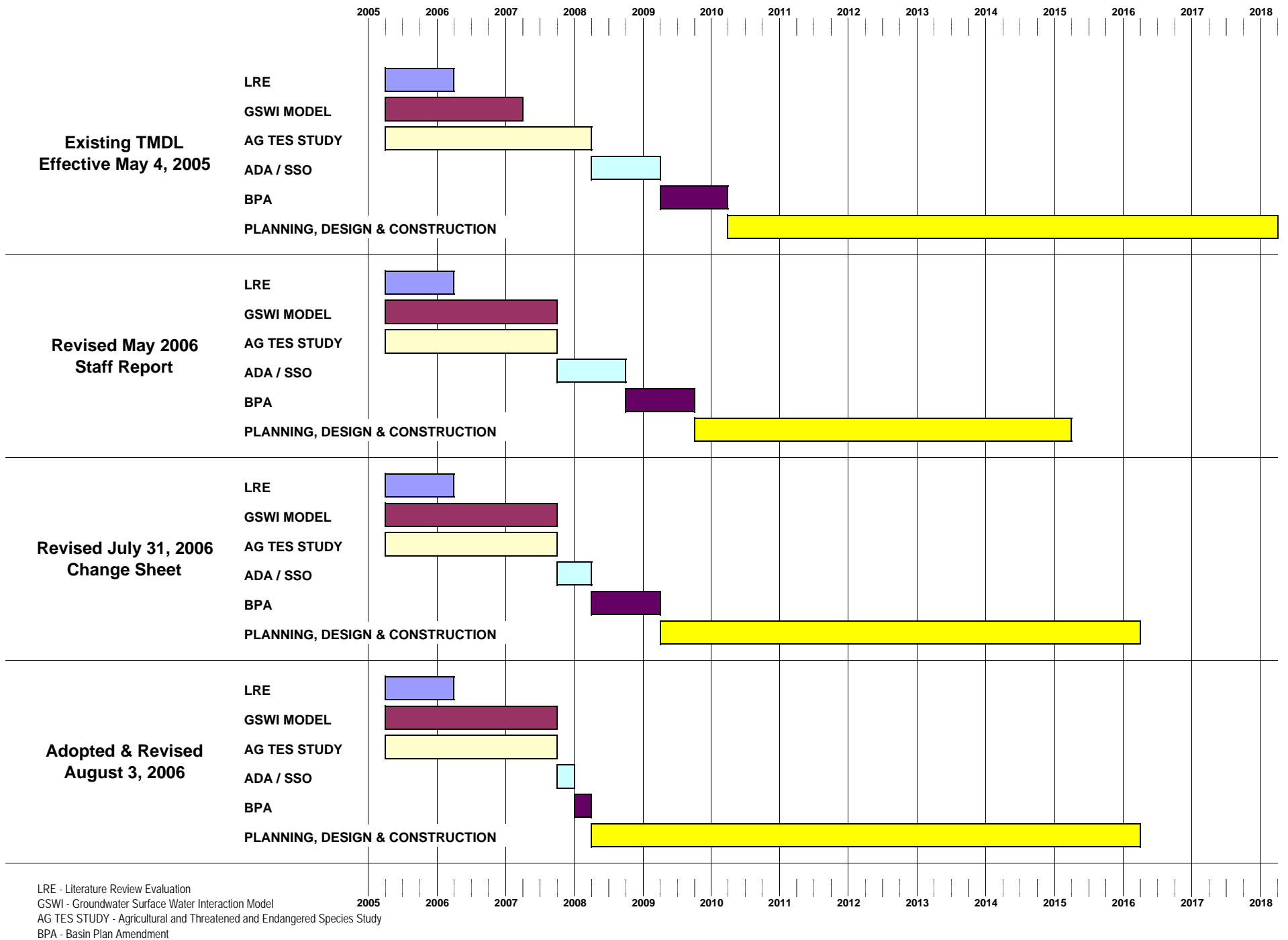


Figure B-1: Chloride TMDL Implementation Schedules Considered by Regional Board



LRE - Literature Review Evaluation
 GSWI - Groundwater Surface Water Interaction Model
 AG TES STUDY - Agricultural and Threatened and Endangered Species Study
 BPA - Basin Plan Amendment

Figure B-2

Sequential Study Schedule and Dependencies – USCR Chloride TMDL

May 2010

**Final CL
WQO & WLA
(Task 10)**

**Final NPDES Permit
Limits for Chloride**

May 2009



**Site-Specific Objective
Anti-Degradation Study
Conceptual Compliance Measures
(Tasks 7, 8 & 9)**



**TES Threshold Study
(Task 6)**



**Ag Threshold
Chloride Study
(Tasks 4 & 6)**

**May 2005 –
May 2008**



**Groundwater Surface
Water Interaction Model
(Task 5)**

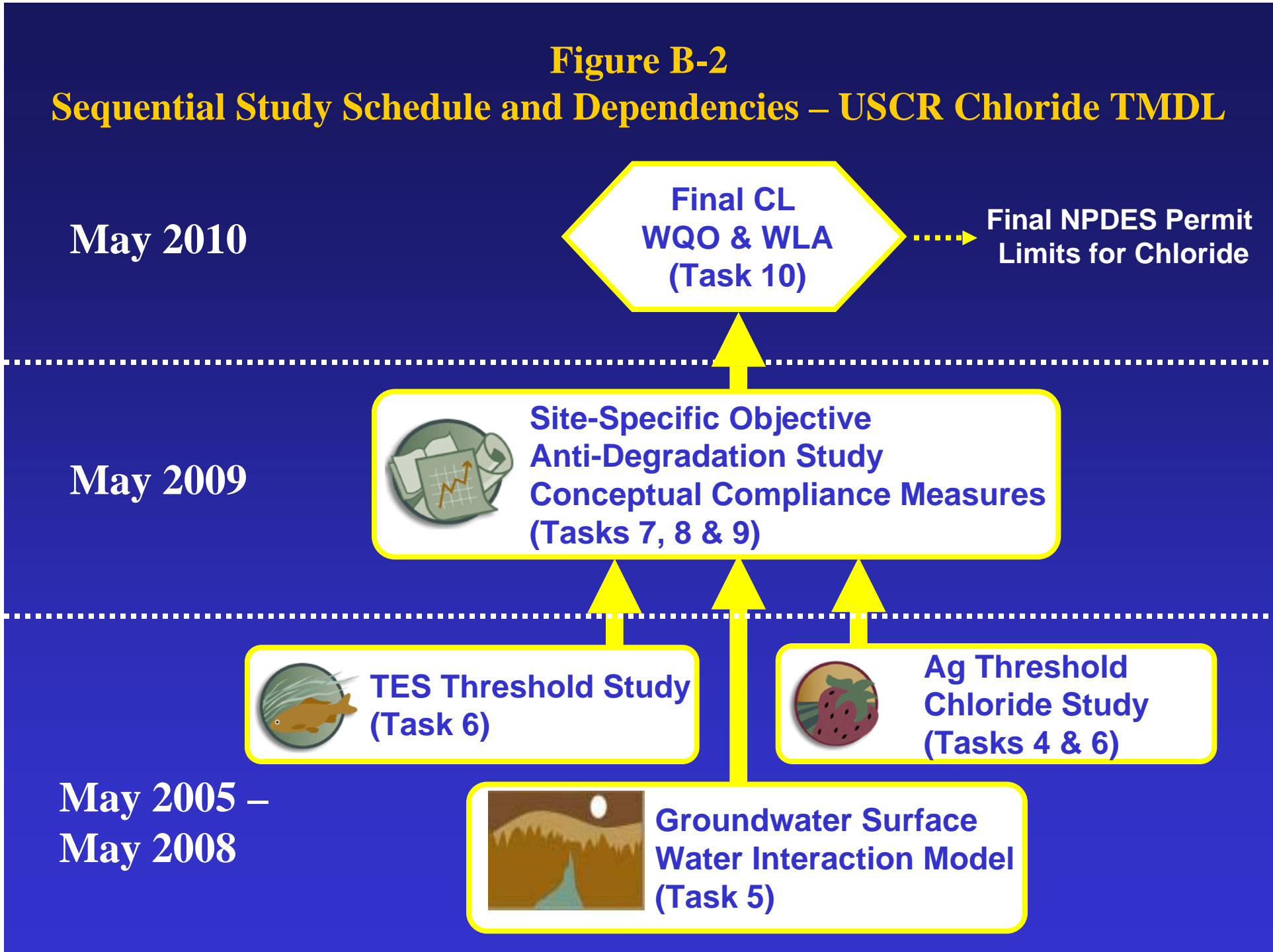


Figure C-1: Above Water Supply Chloride Concentrations - SCVSD WRP

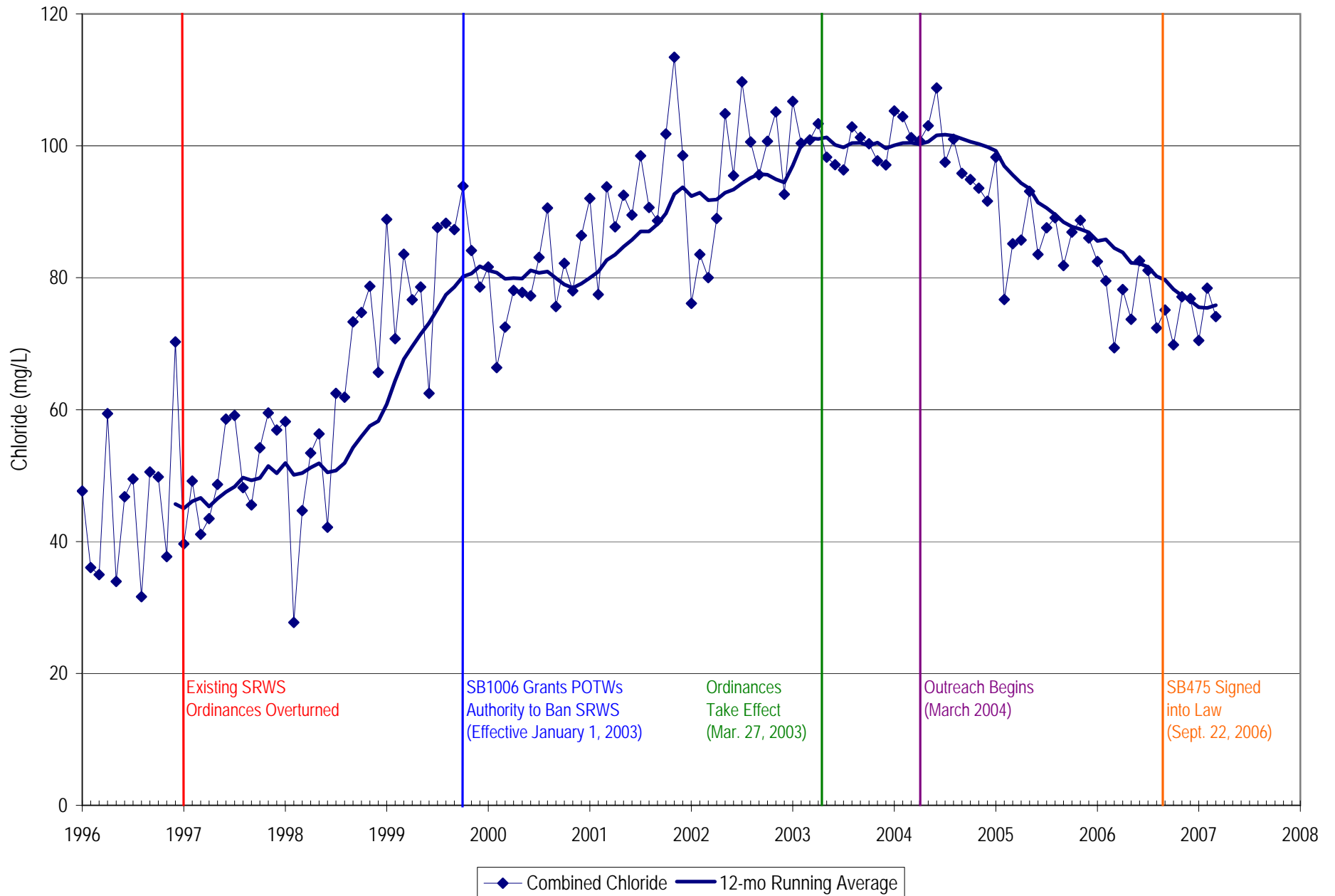
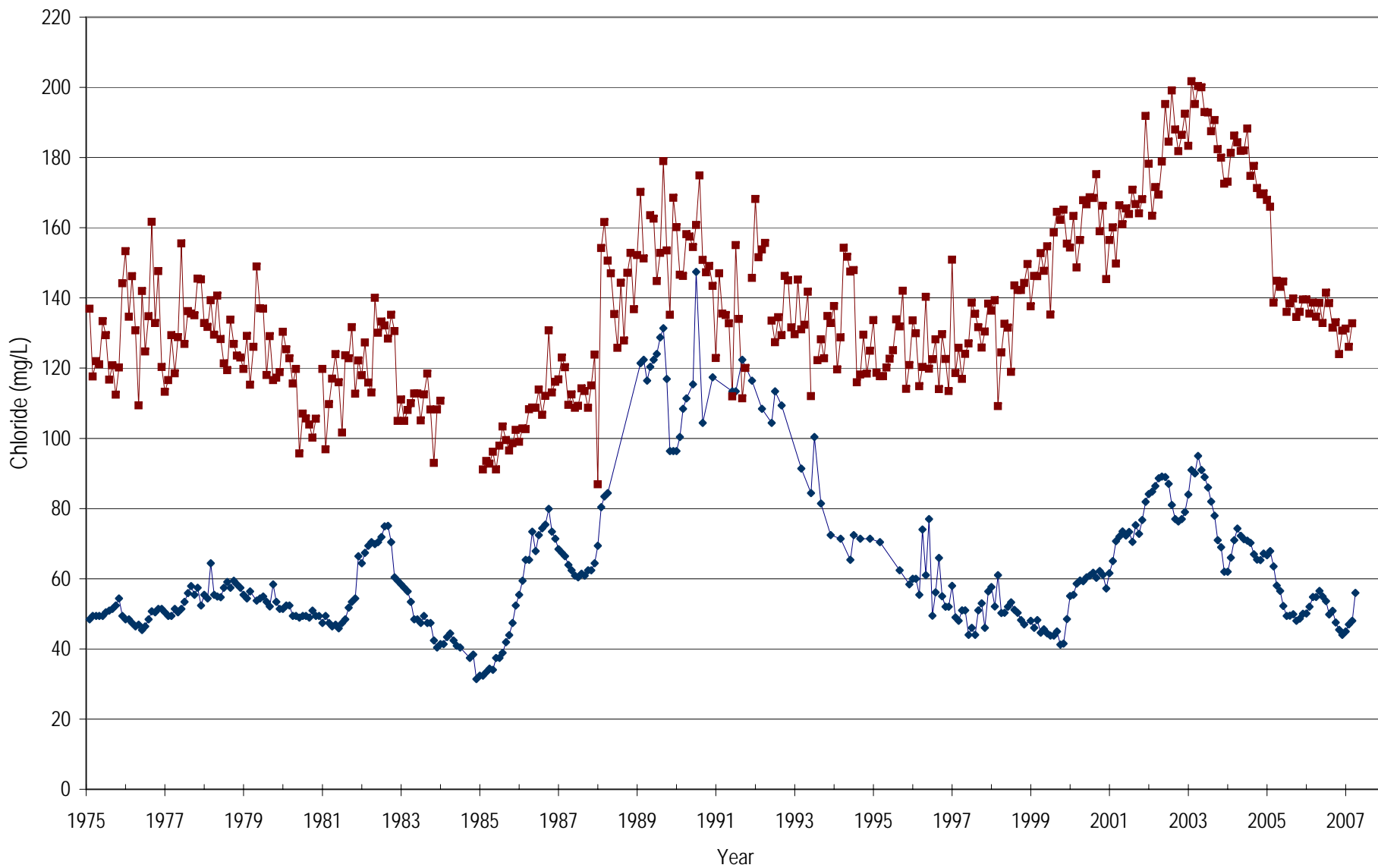


Figure C-2: SCVSD WRP Effluent and SWP Chloride



—◆— SWP Treated Water Supply (mg/L) —■— WRP Flow Weighted Effluent Chloride