

**CREST - Cleaner Rivers through Effective Stakeholder TMDLs**  
**Executive Subcommittee Meeting No. 1**

**September 21, 2004**  
**10 am - noon**  
**433 S. Spring St. 5<sup>th</sup> Floor**

**Minutes**

**Attendees:** Donna Toy Chen (City of Los Angeles)  
Khalil Abu-Saba (LWA)  
Rodney Anderson (City of Burbank)  
Beth Bax (LA County Sanitation Districts)  
Melinda Becker (RWQCB)  
Heather Boyle (CDM)  
Sheila Brice (City of Los Angeles)  
Kellene Burn-Roy (CDM)  
Gerry Greene (City of Downey)  
Dave Jones (CH2M HILL)  
Rod Kubomoto (LACDPW)  
Judi Miller (CH2M HILL)  
Maurice Oilataguerra (City of Glendale)  
Michele Pla (CH2M HILL)  
Morad Sedrak (City of Los Angeles)  
Paul Thakur (Caltrans)

**Copies:** CREST Steering Committee members

On Tuesday, September 21, the first CREST Executive Subcommittee meeting was held at 433 S. Spring Street, 6<sup>th</sup> Floor conference room.

**AGENDA**

1. Overview of Costs for Developing and Implementing TMDLs
2. Role of Executive Subcommittee
3. Overview of Cost Apportionment Options
4. Applicability and Hurdles
5. Next steps

**Discussion**

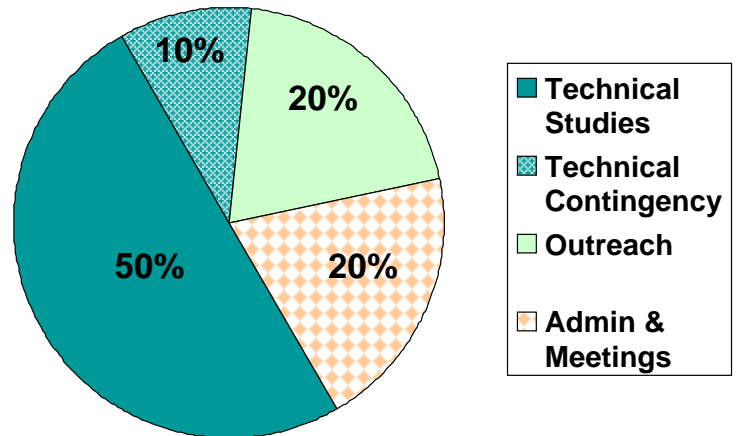
*Note that Action Items are written in **bold font**.*

## 1. Overview of Costs for Developing and Implementing TMDLs

- Kellene Burn-Roy opened the meeting by reading the CREST Mission Statement, developed by the Steering Committee:

*Our mission is to restore and preserve beneficial uses of our rivers and creeks using a collaborative partnership to develop TMDLs and water quality attainment strategies with active and informed involvement by the community and stakeholders and by facilitating effective, innovative, practical, financially feasible, and integrated solutions.*

- The purpose of this first meeting was to discuss the overall concept of shared responsibility for the program (both in terms of TMDL planning/development and TMDL implementation), review options for cost apportionment, and discuss potential challenges and hurdles. Attendance at this meeting did not commit the participants to participate in cost sharing.
- Dave Jones provided a conceptual view of the types of work products to be funded through this program: technical studies, outreach, and administration. See Figure 1. In early years of a program, the administrative activities may be higher, due to the effort to set up a program, while later years the administrative activities could go lower.



The group discussed that a favorable goal would be 20% or less on administrative activities, with the remaining for technical work and outreach.

- Clean Estuary Partnership (CEP): Michele Pla and Khalil Abu-Saba presented an overview of the CEP in the San Francisco Bay Area, and how costs are shared by the participants. The CEP is a cooperative partnership that facilitates efforts to improve water quality in San Francisco Bay by providing financial and staff support for technical analysis and stakeholder outreach activities. The official CEP partners are: San Francisco Bay Regional Water Quality Control Board (RWQCB), Bay Area Stormwater Management Agencies Association (BASMAA), and Bay Area Clean Water Agencies (BACWA). Other key participants include the San Francisco Estuary Institute, Clean Water Fund, San Francisco Bay Keeper, Port of Oakland and the Western States Petroleum Association (WSPA). This link provides additional detail on CEP: <http://www.cleanestuary.org>. The Memorandum of Understanding (MOU) for the participating agencies in CEP was signed in Fall 2001. The program is

mostly funded by the wastewater agencies in BACWA (\$460,000/yr total) and stormwater agencies in BASMAA (\$460,000/yr total). BACWA has 30+ member agencies. (Link: <http://www.bacwa.org> ) The five largest agencies contribute ~\$90,000/yr, while the smaller agencies contribute based on flow. BASMAA agencies are the 6 large county stormwater agencies in the Bay Area; their contributions equal the total amount contributed by BACWA, but the formula for how this is done is decided by BASMAA, it is a combination of flow and runoff area and population served(<http://www.basmaa.org/> ). The third partner includes Western States Petroleum Association, although they are not a party to the MOU for CEP, they contribute a little more than \$90,000 per year. There are several major refineries which discharge directly to the San Francisco Bay.

Before CEP, the wastewater agencies spent \$200,000+/year on litigation, and consultant fees associated with permit appeals. Now, through the CEP, there is a more productive atmosphere, with agencies collaborating with the RWQCB resulting in approved TMDLs (e.g., Mercury) and an atmosphere of stewardship.

## 2. Role of the Executive Subcommittee

The group discussed the following roles for the Executive Subcommittee:

- Give direction on funding decisions.
- Focus money available.
- Avoid litigation.
- Develop fair apportionment
- Track in-kind services (both for efficiency as well as to demonstrate value provided.
- Foster mutual trust.
- Solicit grants/outside funding as a cooperative group

## 3. Overview of Cost Apportionment Options [Memo/Handout]

- Outside Funding: The group discussed potential outside funding sources including:
  - Grants: The City of LA has received two grants for TMDL development for the LA River (\$150,000 from EPA).
  - Southern California Coastal Water Research Project (SCCWRP): Leverage existing participation and programs (Note: City, County, Regional Board, and LACSD are already members)
  - Coastal Zone Management.
  - National Oceanic & Atmospheric Administration (NOAA)

- Water Environment Research Fund (WERF)
- Industry. (Note: The group discussed that if we wanted to include industry representation, we would need to invite them to participate in CREST. Melinda Becker mentioned that there are 1,300 industrial/stormwater permits for the LA River. In CEP, WSPA served as a silent partner, which avoided the perception of inappropriate influence. **Michele Pla to follow up on how CEP engaged the industrial community.**)
- Large agencies – look into other depts./divisions for \$ -w/in City & County
- Cost Apportionment Options – Point Sources:
  - Flat fee (larger agencies)
  - Flow (small)
  - Population
  - Ability to Pay (Note: not favored by meeting participants)
  - Strength of flow
  - Area (Drainage-sewershed, jurisdiction)
  - Industry-flow/strength
  - Potential impact/interest
  - Formula approach (Note: preferred by meeting participants, based on one or more of the above criteria)
- Cost Apportionment Options – Non-Point Sources:
  - Area
  - Jurisdiction boundaries.(Note: excluded State Parks from Santa Monica Bay Bacteria TMDL Jurisdictions 2&3.)
  - Pervious/ impervious Area
  - Population
  - Land Use
  - Voluntary – Flat Fee
- Cost Apportionment Options – In-Kind services: The group discussed that cities and environmental groups could offer in-kind services for outreach efforts, technical services and administrative support.

#### 4. Applicability and Hurdles

The group discussed potential issues and hurdles associated with cost sharing.

- Fairness: for equity, the group discussed the need to bring other cities into cost sharing. What cost level is worth Participation? Rod Kubomoto discussed the EAC, where 84 cities (verify permittees) and the county participated, and the County bore all administrative costs.

- Need to keep moving: cannot wait for funding from all parties before starting. The group discussed that won't get participation from everyone. Limit # of participants to those committed/ready.
- Incentives for financial contribution: the group discussed potential incentives for contributing including stronger voice in decision-making
- Perception that contributions (and resulting technical studies) will not make a difference:
  - MOU/charter needs to include discussion of end use of work products/studies
  - Add decision-tree to each scope of work
  - Include peer review process (include environmental groups in review)
  - Craft studies w/end goal in focus
  - Note: Regional Board uses readily available data to develop TMDLs, not waiting for more/better data/studies to move TMDL forward. TMDLs include opportunities to revise data through re-opener clauses.
- Perceptions that Regional Board members could be influenced by politics and not accept CREST products: The group discussed that a solid administrative record helps protect against this phenomenon, as well as communicating regularly with Board members. Also, updates on the CREST program could be given through public comment agenda items. The group discussed inviting environmental groups to participate in the Executive Subcommittee discussions.
- Prop 218: Limits ability to collect fees for stormwater program/implementation for financial contribution. Therefore, cities are paying for inspection/permit compliance activities out of their General Funds, while State receives fees.
- Cost sharing method must:
  - Clearly define benefits and end goals
  - Consider our collective societal responsibility
  - Be an inclusive partnership (would be worth the efforts to gain smaller contributions from other groups)
  - Define the 5-year work-plan to allow priorities to be set: include flexibility to address yearly budget fluctuations
  - Benefits/value of specific projects need to be identified by the Technical Committee to allow prioritization by the Executive Subcommittee and determination of funding phasing/priorities

## 5. Next Steps

**The Executive Subcommittee will meet monthly (the third Tuesday of the month, from 10 am – noon). The next meeting is Tuesday, October 19, 2004.**