

CREST
Cleaner Rivers through Effective Stakeholder TMDLs
Steering Committee Meeting of September 28, 2004
Minutes

Attendees: Donna Toy Chen (City of Los Angeles)
Ginachi Amah (LARWQCB)
Khalil Abu-Saba (LWA)
Rodney Anderson (City of Burbank)
Beth Bax (LA County Sanitation Districts)
Melinda Becker (LARWQCB)
Heather Boyle (CDM)
Sheila Brice (City of Los Angeles)
Kellene Burn-Roy (CDM)
Earl Byron (CH2M HILL)
James Cowan (City of Alhambra)
Gerry Greene (City of Downey)
Michael Haddadin (City of Los Angeles)
Jessica Hall (Ballona Creek Watershed Task Force)
Dave Jones (CH2M HILL)
Rod Kubomoto (LACDPW)
Jim Lamm (Ballona Creek Renaissance)
Judi Miller (CH2M HILL)
Maurice Oilataguerra (City of Glendale)
Michele Pla (CH2M HILL)
Don Schroeder (CDM)
Mike Schultz (USEPA)
Morad Sedrak (City of Los Angeles)
Melanie Winter (The River Project)
Bob Wu (Caltrans)

Copies: CREST Steering Committee members

ACTION ITEMS SUMMARY

Each Steering Committee Member to:

- Provide MOU Comments to Donna Chen by October 12, 2004: dchen@san.lacity.org
- Provide suggestions to Donna Chen for:
 - 1) What groups or individuals should be included in the Steering Committee?
 - 2) What groups might benefit/appreciate hearing about CREST through periodic updates at their regular meetings (i.e., CREST "road show")?
- Caltrans to review legality of revised MOA, i.e., with elimination of funding language.
- Take the Stakeholder Charter (MOA) back to each Steering Committee member organization and identify who would sign this document, as well as the acceptability of the document both with and without funding by October 12th.
- Provide language addressing dispute resolution and decision-making to Donna Chen by October 12th.
- Review the white paper outline and provide comments to Donna Chen by October 12th.
- Attend the next Executive Subcommittee meeting on October 19, 2004 from 10:00am to 12 noon. *All Steering Committee members are encouraged to attend regardless of whether their organization intends to participate financially in CREST.*
- Attend the next Steering Committee meeting on October 26, 2004 from 10:00am to 12 noon.
- Provide technical staff to participate in the following three Technical Committee meetings to address the draft TMDL for Toxic Pollutants in Sediment and Fish Tissue for Ballona Creek and Ballona Creek Estuary:
 - October 19, 1:00-3:00 pm, Media Center
 - October 26, 1:00-3:00 pm, Media Center
 - November 2, 1:00-3:00 pm, Media Center

City of LA and Consultant Team to:

- Revise draft MOU and Stakeholder Charter to remove reference to funding allocations.
- Provide pdf version of TMDL schedule showing all rows with meeting minutes distribution.
- Prepare agenda for next Steering Committee meeting. Include following items:
 - Identify project goals
 - Road Shows: 1) What venues should we visit? 2) What kind of information should we present?

DISCUSSION:

MISSION STATEMENT

Kelli Burn-Roy opened the meeting by reading the CREST Mission Statement, finalized at the previous Steering Committee meeting on August 24, 2004:

"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."

ADDITIONAL STEERING COMMITTEE MEMBERS

With further consideration of how to most efficiently and effectively communicate CREST issues and activities to interested stakeholders, the Watershed Stakeholder Committee workshop that had been tentatively scheduled for October 21 has been cancelled in favor of emphasizing a more active process of conducting "road shows" at stakeholder forums. Morad Sedrak mentioned that each Steering Committee member will ultimately be a CREST representative at other related meeting in which they participate.

This raises the need to include additional participants at the Steering Committee level to provide an inclusive forum. Need to identify issues and parties that could derail this process and bring them to the table.

Some suggestions for new Steering Group members were:

- The River Project – Melanie Winter (present at this meeting)
- Culver City
- Long Beach

The Steering Committee members should provide suggestions on 1) what groups or individuals should be included in the Steering Committee? What groups might benefit/appreciate hearing about CREST through periodic updated at their regular meetings (i.e., CREST "road show"?)

The next Steering Committee meeting will include a discussion of 1) What venues should we visit? And 2) What kind of information should we present?

MOU AND STAKEHOLDER CHARTER

The purpose of the MOU between the City of LA, Regional Board, and EPA was read and the contents of the document highlighted. The MOU is nearly ready to be signed by the three parties. Any further comments, edits or concerns need to be sent to Donna Chen by October 12, 2004 prior to finalization and signature.

The Stakeholder Charter is still very much in draft form. Some suggestions included:

- Steering Committee Role – Move funding decisions to Executive Sub-committee
- Remove term limit
- Caltrans can use the term "agreement" rather than "charter" for a legally binding document
- LA County DPW can use the terms Memorandum of Agreement (MOA) or MOU
- Remove funding discussion from Charter
 - Create separate MOA or MOU for Executive Subcommittee
- Caltrans to review legality of revised MOA, i.e., with elimination of funding language
- Each Steering Committee member will take the MOA back to their individual organization and identify who would sign this document, as well as the acceptability of the document both with and without funding.
- The purpose of the MOA is to demonstrate commitment and define the protocols for communication and organizational structure and conduct. It is not intended to be legally binding.
- Dispute Resolution:
 - Consider majority opinion as well as minority opinion if Steering Committee voice is not in full agreement
- Decision-Making:
 - How does the weight of funding participation relate to decision-making?
 - Projects will be identified by the Technical and Steering Committees, and prioritized by the Steering Committee
 - Funding decisions are made by the Executive Subcommittee
 - Decisions (policy) that are not funding-related are made by the Steering Committee.
 - Melanie Winter expressed concern that all decisions can be characterized as funding-related

- While the Executive Subcommittee (ES) is a subset of the members of the Steering Committee (SC), their authority is on par. The ES takes input and recommendations from the SC, but does not take direction.
- Need to define "In-Kind Services" in Executive Subcommittee agreement
- All Steering Committee members are invited/encouraged to attend Executive Subcommittee meetings

Steering Committee members should provide language addressing dispute resolution and decision-making issue to Donna Chen.

EXECUTIVE SUB-COMMITTEE MEETING REPORT OUT

- Minutes from the first meeting of the Executive Sub-committee on September 21, 2004 were distributed.
- The ES wants 80% of the work conducted under CREST to be technical in nature
- Consider ethics of the project location

Potential Hurdles (i.e., Barriers To Success)

- Perceived or real politics affecting decisions
- Not understanding risks of study results
- How do we ensure that the work products are taken seriously?
- Need decision tree early before start of work that identifies the effects of the study results
- Lack of time and resources to invest in process
- Lack of trust /openness on concerns/potential problems - holding cards too close to our vests, acting too "polite"
- Resistance in expressing concerns and opinions
- Need to act in good faith and be willing to discuss differences in semantics and air differences of opinion
- This is a problem-solving group - want problems to surface here
- Full participation is needed with acceptance of the end results

DETAILED TMDL SCHEDULE

A draft version of the TMDL Schedule was distributed. This will be a working tool for the CREST Steering and Technical Committees.

- LA River/Metals shows intermediate steps as example of TMDL detailed steps
- The schedule addresses only TMDL development, not CIP-type implementation.
- "Implementation Phase" refers here to studies, monitoring, etc., rather than design/construction activities
- To clarify, change language throughout from "Implementation Phase Activities" to "Special Studies"
- Need to note the importance of an iterative process. We want to get the "biggest bang for our environmental buck" and which will result in projects that are valuable to the community. Therefore, at the next Steering Committee meeting, we will identify our goals.
- Send pdf version of schedule with all rows expanded with meeting minutes

DRAFT CONSTITUENT WHITE PAPERS

As part of the first two steps in the TMDL Development process framework (developing background information and developing a conceptual framework), the team presented an outline for a series of white papers for selected constituents. Each white paper will include a discussion of TMDL issues for both Ballona creek and LA River watersheds. In general, the white papers will delineate issues, provide a status of the TMDLs, identify opportunities to participate in the TMDL development or implementation, identify opportunities for stakeholder input, and provide a detailed schedule (which will roll-up into the detailed schedule discussed earlier. A draft outline for pollutant-specific white papers was distributed, along with a first draft of a Bacteria White Paper as an example. Michele Pla described that these are working documents, with several versions expected to be generated.

- Shelly Luce suggested adding a section to the outline to address other TMDLs whose control measures could affect the subject TMDL constituent.
- The Bacteria White Paper will be developed with the Technical Committee, although Steering Committee members are welcome to offer comments.
 - These will be used as the basis for fact sheets that will ultimately be used for the outreach process.
 - They are also intended to be used to help the Technical Committee identify technical gaps for further study.
 - Primary authors of these will be the City of LA and consultant team. This could also be a good opportunity for Steering Committee member organizations to provide in-kind technical services.
 - White papers will be developed for all TMDL constituents (both adopted and future), e.g., trash, bacteria, metals, organics
- Waterbody-specific (LA River, Ballona Creek) notebooks will also be developed.
- Steering Committee members are encouraged to review the white paper outline and provide comments to Donna Chen.

TECHNICAL COMMITTEE INITIAL ACTIVITIES

The first meeting of the Technical Committee convened today, addressing the preliminary draft *TMDL for Toxic Pollutants in Sediment and Fish Tissue for Ballona Creek and Ballona Creek Estuary*. Three subsequent meetings were scheduled to potentially develop coordinated comments from CREST within 30 days. Each agency can submit separate comments as well.

- Tuesday, October 19th
- Tuesday, October 26th
- Tuesday, November 2nd

Meeting location to be determined (the Media Center was subsequently selected.)