

WATER QUALITY MID-CYCLE SUBCOMMITTEE

Conference Call Summary
Monday, November 3, 2008
1:00 – 3:00 p.m. Eastern Time

Welcome

Dr. Herb Windom, Professor Emeritus, Skidaway Institute of Oceanography, Subcommittee Chair

Dr. Herb Windom, Chair of the Board of Scientific Counselors (BOSC) Water Quality Mid-Cycle Subcommittee, welcomed the Subcommittee members to the teleconference and explained that the purpose of the call was to discuss the Subcommittee's draft report. He stated that he had incorporated the comments he had received from the Subcommittee members into the report.

Administrative Procedures

Ms. Susan Peterson, U.S. Environmental Protection Agency, Office of Research and Development (ORD), Subcommittee Designated Federal Officer (DFO)

Ms. Susan Peterson, Subcommittee DFO, thanked the Subcommittee members for their attendance and reviewed the Federal Advisory Committee Act (FACA) procedures that are required for all BOSC Subcommittee meetings. BOSC is a FACA committee that provides independent, scientific peer review of ORD's research programs. All meetings and teleconferences involving substantive issues, whether in person, by phone, or by e-mail, that include one-half or more of the Subcommittee members must be open to the public. She stated that this was the second teleconference of the Subcommittee. A teleconference was held on September 4, 2008, and a face-to-face meeting was held on September 23, 2008. As the DFO, Ms. Peterson ensures that all FACA requirements are met and that records of board deliberations are made available to the public. The minutes are being recorded by a contractor and, following review by the Subcommittee members and certification by the Chair, will be available on the BOSC Web Site. Notices of all public meetings of the Subcommittee must be published in the *Federal Register* at least 15 days prior to the meeting; the notice for this teleconference was published on October 17, 2008. Although there were no advance requests from the public, an opportunity for public comment will be provided at 1:10 p.m.; all public comments must be limited to 3 minutes each.

Ms. Peterson determined that Dr. Windom, Dr. Kevin Kleinow, and Dr. Richard Sakaji had not received their travel vouchers from the face-to-face meeting; Dr. Sakaji will send Ms. Peterson his missing receipt so that his travel voucher can be processed, and Ms. Peterson will check on the status of the other two. The current homework sheets should include all time spent working on Subcommittee matters, excluding meeting time, since September 23, 2008. The homework sheets may be sent via mail, e-mail, or fax to Ms. Peterson.

1 **Subcommittee Discussion**

2 *Dr. Herb Windom, Professor Emeritus, Skidaway Institute of Oceanography, Subcommittee*
3 *Chair*

4 Dr. Windom noted that the focus of the discussion should be on the Subcommittee's response to Charge
5 Question 3 and asked for general comments about the draft report.

6 Dr. Judith Meyer asked for clarification on three items within the summary section of the draft report:

- 7 ✧ The last line of the sixth paragraph contains the phrase "temporal organization," and she was unsure
8 of its meaning. Dr. Windom responded that the previous Multi-Year Plan (MYP) addressed research
9 priorities in temporal order. Many of the Annual Performance Goals (APG) depended on the
10 accomplishment of other APGs before they could be undertaken. Dr. Meyer asked that this be
11 clarified in the report. Dr. Laura Ehlers responded that the term is explained in Section E the draft
12 report and deals with the phases of the total maximum daily load (TMDL) process. Dr. Windom
13 agreed to delete the word "temporal" in the summary.
- 14 ✧ The last line of the seventh paragraph includes the phrase "transparency of investment," the meaning
15 of which was unclear to Dr. Meyer. Dr. Windom explained that this term was defined later in the
16 document and deals with the efficiency of investments. Dr. Windom agreed to delete the phrase
17 "transparency of" in the summary.
- 18 ✧ The second line of the final paragraph should read, "The Subcommittee felt that expecting a higher
19 rating was..." instead of "The Subcommittee felt that a higher rating was..." as the word "expecting"
20 was in previous drafts; Dr. Windom agreed to make the change.

21 **Public Comment**

22 Ms. Peterson called for public comment at 1:10 p.m. No comments were offered.

23 **Subcommittee Discussion (continued)**

24 Dr. Windom explained that several of the Subcommittee members' comments regarding the response to
25 Charge Question 3 were similar; the members did not think that the section had an adequate focus on the
26 Clean Water Act (CWA). The revised MYP states that the Program is focused on addressing the needs
27 created by the CWA. The response should focus on the research areas in which the Program clearly is
28 making progress and addressing critical research needs. Based on the customer survey, it is clear that
29 regional personnel are pleased with the Program's accomplishments from a regulatory perspective. The
30 section should capture the general topics without excessive detail. The purpose of the mid-cycle review is
31 to determine whether any mid-course adjustments to the Program are needed. In Dr. Windom's view, the
32 Program is moving in the right direction to meet the research needs that address the CWA.

33 Dr. Meyer thought that the inclusion of the mandated regulatory programs of the CWA was appropriate,
34 but the section includes extraneous details that should be removed. Providing examples of just a few areas
35 in which the Program is doing well is sufficient, and two areas on which to focus are TMDLs and the
36 National Pollutant Discharge Elimination System (NPDES). Dr. Sakaji agreed to use the Subcommittee
37 members' comments to rewrite the response to Charge Question 3. He thought that one area to be
38 emphasized was the Program's response to the original BOSC comments during the previous program
39 review; a number of research issues were identified and highlighted in the Program's response.
40 Drs. Meyer and Windom did not think that it was necessary to discuss the APGs in detail; it is more
41 appropriate to focus on a few examples of what is working well. The Program will be scrutinized in much
42 greater detail during the next BOSC program review. The purpose of this mid-cycle review is to identify
43 points that will help the program in the interim.

1 Dr. Ehlers suggested that Dr. Charles Noss, National Program Director (NPD) for Water Quality, verify
 2 that all mandated regulatory programs had been identified in the draft report; some of the research areas
 3 overlap and can be combined. Dr. Sakaji read the programs from the draft report: NPDES; stormwater
 4 discharges; Pretreatment Program; Biosolids Program; nonpoint source (NPS) pollution; National Estuary
 5 Program; National Coastal Water Program; Spill Prevention, Control, and Countermeasures (SPCC)
 6 Program; TMDLs; and wetlands. Dr. Meyer asked whether headwaters research was included under
 7 wetlands. Dr. Noss responded that headwaters research is underway, but it is separate from wetlands
 8 research. Dr. Meyer stated that headwaters research needs to be added to the list in the draft report. Dr.
 9 Noss explained that the Pretreatment Program, National Coastal Water Program, and SPCC Program were
 10 not addressed in the current MYP. NPDES and stormwater discharge are addressed by Program research,
 11 and biosolids research projects address pathogens and technology issues. NPS pollution is being
 12 addressed in landscape classification and pollutant source issues. Current estuary research deals with
 13 criteria and nitrogen issues; TMDLs, wetlands, and headwater issues also are being addressed. The
 14 Program has tried to examine the research areas with Office of Water needs in mind. Dr. Sakaji explained
 15 that the list in the draft report is a comprehensive list of regulatory mandates, although not all of these are
 16 covered because budget constraints and stakeholder input determine research priorities.

17 Dr. Windom emphasized that the purpose of the mid-cycle review is to determine that critical research is
 18 being addressed. He thought that the TMDL and water quality criteria research were notable examples of
 19 addressing critical research needs. The future BOSC program review will examine why the Program
 20 chose to focus on certain research areas.

21 Dr. Meyer thought that CWA jurisdiction was critical, and the Program is addressing this with headwaters
 22 and stream research; therefore, this should be highlighted as an example. To further shorten the list,
 23 Dr. Ehlers suggested that the pretreatment discussion could be included within NPDES and that NPS be
 24 removed, as it is not a regulatory mandate of the CWA. Dr. Meyer thought that it was mandated because
 25 it deals with the chemical integrity of water; Dr. Ehlers explained it can be included with TMDLs, an all-
 26 encompassing term that includes standards-setting processes, monitoring programs, and revision
 27 processes. Dr. Sakaji confirmed that he would shorten the section to include NPDES, biosolids, National
 28 Estuary Program, TMDLs, wetlands, headwaters, and CWA jurisdictional issues. Dr. Ehlers suggested
 29 including an explanation in the draft report that TMDLs include the setting of standards, monitoring, and
 30 the determination of impairment. Dr. Meyer agreed that it needed to be clear that NPS was included under
 31 TMDLs, as NPS is an important research area. Dr. Windom confirmed that Dr. Kleinow and Dr. Stephen
 32 Weisberg were in agreement with these changes.

33 Dr. Windom explained that he would make the suggested changes in the summary section of the draft
 34 report. He will incorporate Dr. Sakaji's revised response to Charge Question 3, revise it if necessary, and
 35 then send the revised draft report to the Subcommittee members. If the members approve the revised draft
 36 report, it will be sent to the BOSC Executive Committee for review. Ms. Peterson explained that the
 37 BOSC Executive Committee would provide comments on the report to the Subcommittee. Dr. Sakaji
 38 agreed to send Dr. Windom the revised response by Friday, November 7, 2008; Dr. Windom agreed to
 39 send the revised draft report to the Subcommittee members by Monday, November 10, 2008.
 40 Subcommittee members need to return their comments to Dr. Windom no later than Friday, November
 41 14, 2008.

42 Ms. Peterson agreed that Subcommittee members could submit their current homework sheets after the
 43 draft report review process was complete.

44 Dr. Windom thanked everyone for their participation and adjourned the teleconference at 1:37 p.m.

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1 **Action Items**

2 ✧ Dr. Sakaji will mail his missing receipt so that his travel voucher can be processed.

3 ✧ Ms. Peterson will check on the status of the travel vouchers for Drs. Windom and Kleinow.

4 ✧ Dr. Windom will make the following changes to the summary of the draft report:

- 5 • Delete the word “temporal” in the last line of the sixth paragraph.
- 6 • Delete the phrase “transparency of” in the last line of the seventh paragraph.
- 7 • Return the word “expecting” to the second line of the final paragraph.

8
9 ✧ Dr. Sakaji will re-write the response to Charge Question 3 incorporating the Subcommittee members’
10 comments and return the section to Dr. Windom by Friday, November 7, 2008.

11 ✧ Dr. Windom will incorporate and revise as necessary Dr. Sakaji’s section and return the draft report
12 to Subcommittee members by Monday, November 10, 2008, for their review.

13 ✧ Subcommittee members will send their comments regarding the revised draft report to Dr. Windom
14 by Friday, November 14, 2008.
15

PARTICIPANTS LIST

Subcommittee Members

Herb Windom, Ph.D., Chair
Professor Emeritus
Skidaway Institute of Oceanography

Laura J. Ehlers, Ph.D.
Senior Scientist
National Academy of Sciences
National Research Council

Kevin Kleinow, Ph.D.
Professor
Comparative Biomedical Sciences
School of Veterinary Medicine
Louisiana State University

Judith L. Meyer, Ph.D.
Distinguished Research Professor Emerita
Odum School of Ecology
University of Georgia

Stephen B. Weisberg, Ph.D.
Executive Director
Southern California Coastal Water Research
Project Authority

Subcommittee Consultant

Richard H. Sakaji, Ph.D.
Manager of Planning and Analysis for Water
Quality
East Bay Municipal Utility District

Designated Federal Officer

Susan Peterson
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Policy

EPA Participant

Charles Noss, Sc.D.
National Program Director for Water Quality
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Contractor Support

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AGENDA

November 3, 2008

1:00 pm – 3:00 pm Eastern Time

Participation by Teleconference Only

866-299-3188

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1:00–1:05 p.m.	Welcome	Dr. Herb Windom Subcommittee Chair
1:05–1:10 p.m.	Administrative Procedures	Susan Peterson DFO, Water Quality Mid-Cycle Committee
1:10–1:15 p.m.	Public Comment	
1:15–3:00 p.m.	Subcommittee Discussion - Draft Report	Dr. Herb Windom Subcommittee Chair
3:00 p.m.	Adjourn	