

MEMORANDUM OF UNDERSTANDING

Between the

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

And the

CALIFORNIA NATURAL RESOURCES AGENCY

For the formation of the

CALIFORNIA WATER QUALITY MONITORING COUNCIL

I. PURPOSE

This Memorandum of Understanding (MOU) fulfills the provisions of Senate Bill 1070 (Chapter 750, Statutes of 2006), hereinafter referred to as SB 1070, that require the execution of an MOU between the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (CNRA), to establish a California Water Quality Monitoring Council (the Monitoring Council). The Monitoring Council will develop specific recommendations to improve the coordination and cost-effectiveness of water quality and ecosystem monitoring and assessment, enhance the integration of monitoring data across departments and agencies, and increase public access to monitoring data. While the Monitoring Council may recommend new monitoring or information management initiatives, it will build on existing efforts to the greatest extent possible.

The scope of monitoring considered by the Monitoring Council is called out in SB 1070 as water quality and associated ecosystem health. Consequently, the Monitoring Council defines its scope to include surface waters (streams, rivers, lakes, wetlands, and the coastal zone) along with their related ecosystems, wildlife populations and habitats, drinking water, as well as groundwater.

Actions of the Monitoring Council are advisory to the CalEPA and CNRA Secretaries who can implement those recommendations through departments, boards, commissions, and conservancies. The Monitoring Council's authority consists of its ability to set examples, offer persuasive recommendations, and encourage member agencies and organizations to participate. The Monitoring Council does not have authority to set standards.

II. BACKGROUND

The maintenance and restoration of water quality in California's streams, rivers, lakes, wetlands, and coastal zone are essential to both human and ecosystem health. Key beneficial uses, such as drinking water; many commercial, agricultural, and recreational activities; and important fish and wildlife habitats, depend on clean and sufficient water for their viability. Such activities are critical to California's economic future. More broadly, the chemical, physical, and biological integrity of water and ecosystem health are interdependent and essential to the preservation of environmental quality that contributes to the quality of life for all Californians.

Managing water quality and ecosystem health and protecting their related beneficial uses require current and comprehensive information on the status and trends of their condition, as well as on the effectiveness of management measures used to control water pollution and protect or restore aquatic habitats. However, the state has recently determined that it can adequately report on the

quality of only a minority of its water bodies and their related habitats. These information gaps stem from incomplete monitoring coverage, a lack of coordinated information management capabilities, multiple agencies with multiple responsibilities (resulting in fragmented approaches to data collection and assessment), and inconsistent and inadequate funding.

This situation poses many challenges to protecting important beneficial uses and the value they provide, but also presents a significant opportunity. The variety and magnitude of existing monitoring efforts across the state means that there may be substantial opportunities to leverage existing efforts to improve coordination, reduce redundancies and fill data gaps, achieve efficiencies of scale, and foster collaboration across institutional boundaries. Several successful regional-scale efforts demonstrate the potential for such collaborative efforts to achieve dramatic improvements in the breadth and utility of monitoring and assessment information, while improving overall cost effectiveness and encouraging technical and management innovation.

III. FRAMEWORK FOR MONITORING

- A. The Monitoring Council shall include, at a minimum, a member of the executive level staff of CalEPA and CNRA. The Monitoring Council should also include, at a minimum, one representative each of the regulated community, community science groups, the public, the scientific community, and the academic community.
- B. Many state policies create the basis for the coordinated information management and the interagency collaboration outlined in this MOU. These policies are reflected in the frequent emphasis in agencies' strategic plans on adaptive management, science-based decision making, comprehensive environmental assessment, and collaboration and coordination. Adaptive management requires comprehensive and effective monitoring information to complete its essential feedback loop on management actions. Similarly, both science-based decision making and environmental assessment depend on ready access to reliable scientific data and information. Neither of these tools alone will suffice to solve the complex problems the state faces related to water quality and ecosystem health without coordination among agencies and collaboration with key stakeholder groups.
- C. SB 1070 amended section 13167 of the Water Code, repealed section 13181 of the Water Code, and added a revised Section 13181 to the Water Code.

IV. STATE AGENCY RESPONSIBILITIES

This MOU cannot be successfully implemented without the cooperation and involvement of numerous state agencies, boards, commissions, conservancies, and departments. The Secretaries for CalEPA and CNRA will oversee the implementation efforts of this MOU. This MOU focuses on agency programs within CalEPA and CNRA.

- A. Under this MOU, the responsibilities of the Secretaries of CalEPA and CNRA (hereafter Secretaries) include, but are not limited to, the following:
 - 1. The Secretaries will identify a Co-Chair for the Monitoring Council from executive level staff within their respective agencies.

2. The Secretaries will direct boards, departments, and offices within CalEPA and CNRA to establish and cooperatively participate in the Monitoring Council for improving integration and coordination of water quality and related ecosystem monitoring, assessment, and reporting.
3. The Secretaries will establish policies and procedures to ensure that water quality improvement projects, including bond-funded grant projects financed by the state, include the ability to track project effectiveness with respect to specific water quality and ecosystem health.
4. The Secretaries will meet annually to review the Monitoring Council's progress in integrating and coordinating water quality monitoring programs with state, local, and federal agencies, and with the public to identify additional opportunities for progress.
5. The Secretaries will actively encourage Board, Departments and other entities that are identified in Section V below to participate in the Monitoring Council as part of workgroups and subcommittees and to coordinate with efforts to integrate and expand water quality monitoring programs.

V. PARTICIPATING BOARDS AND DEPARTMENTS

In addition to the role served by the State Water Board, other State boards and departments and with salient expertise and responsibilities that bear on the mission of the Monitoring Council include the following:

1. Department of Water Resources
2. Department of Fish and Wildlife
3. Ocean Protection Council
4. Department of Food and Agriculture
5. Department of Public Health
6. Department of Pesticide Regulation
7. Office of Environmental Health and Hazard Assessment

These boards and departments, as well as others that may be identified by the Monitoring Council in the future, have authority and expertise that provide integral support and tools for shaping recommendations of the Monitoring Council and advancing its strategic goals. The Secretaries of CalEPA and CNRA affirm that it is essential to have a broad coalition of State boards and departments participate in collaboration efforts to carry out the Monitoring Council's Strategic Plan.

VI. THE MONITORING COUNCIL'S RESPONSIBILITIES

In an effort to: 1) reduce redundancies, inefficiencies, and inadequacies in existing water quality monitoring and data management programs in order to improve the effective delivery of sound, comprehensive water quality information to the public and decision makers; and 2) ensure that water quality improvement projects financed by the state provide specific information necessary to

track project effectiveness with regard to achieving clean water and healthy ecosystems, the Monitoring Council responsibilities under this MOU include, but are not limited to, the following:

1. Review existing water quality monitoring, assessment, and reporting efforts and recommend specific actions, funding and staffing levels necessary to coordinate and expand those efforts, to create an ongoing assessment of the health of the state's waters and the effectiveness of programs to protect and improve the quality of those waters. The Monitoring Council shall initially focus on the efforts of state agencies. The Monitoring Council should build on existing efforts that have successfully achieved key objectives of SB 1070 on statewide or regional scales, promote new information management technologies that could facilitate data integration and sharing, and identify key circumstances where a convergence of interests among agencies provides an opportunity for leverage that could accelerate progress toward the SB 1070's objectives.
2. Consult and coordinate with ongoing legislative and high priority statewide efforts.
3. Such other responsibilities as set forth in SB 1070.

VII. STATE WATER BOARD RESPONSIBILITIES

The responsibilities of the State Water Board under this MOU include, but are not limited to, the following:

1. With the assistance of the Regional Water Quality Control Boards, implement a public information program on water quality that includes a web site with information on water quality monitoring, assessment, research, standards, regulation, enforcement, and other pertinent matters.
2. Based on recommendations of the Monitoring Council, develop and implement (to the extent that funding and staffing allow) a ten-year strategy for integrating the state's existing monitoring capabilities into a comprehensive and coordinated water quality monitoring program.

VIII. PROVISIONS AND AGREEMENTS

A. Intent of MOU

This MOU is not a contract, but defines a cooperative process between CalEPA and CNRA, for the monitoring and assessment of California's waters as required under Water Code, section 13181.

Nothing in this MOU is intended to delegate, limit, or expand any agency or agency program's responsibilities, statutory and other authorities, or discretion. Each agency shall retain its respective authority to carry out its responsibilities consistent with existing laws, regulations and policies.

The signatories recognize and acknowledge that this MOU supplements and does not supersede or nullify existing agreements among or between the signatories or other board, departments and entities described herein that are related to water quality monitoring efforts.

This MOU is for the benefit of the signatories and is not intended to benefit or to be enforceable by any third party.

B. Future Review and Amendments

Based upon an annual review of the program implementation by CalEPA and CNRA, the MOU may be amended, as necessary.

C. Effect

This MOU will remain in effect unless terminated by either agency Secretary.

VIII. SIGNED AND DATED



JARED BLUMENFELD
Secretary for Environmental Protection
CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY



WADE CROWFOOT
Secretary for Resources
CALIFORNIA NATURAL RESOURCES AGENCY

12/22/2020

Date

12/22/2020

Date