

CHARTER
for the
CALIFORNIA WATER QUALITY MONITORING COUNCIL
Approved on March 7, 2019

I. PURPOSE

The provisions of Senate Bill 1070 (Chapter 750, Statutes of 2006, Kehoe), hereinafter referred to as SB 1070, require the establishment of a California Water Quality Monitoring Council (the Monitoring Council). The Monitoring Council shall 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 the legislation 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 Secretary of Cal/EPA 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. Cal/EPA SECRETARY RESPONSIBILITIES

This charter cannot be successfully implemented without the cooperation and involvement of numerous state agencies, boards, commissions, conservancies, and departments. The Secretary for Cal/EPA will oversee the implementation efforts of this Monitoring Council.

The responsibilities of the Secretary of Cal/EPA include, but are not limited to, the following:

1. The Secretary will identify a Chair for the Monitoring Council from the State Water Board's staff.
2. The Secretary will direct boards, departments, and offices 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 Secretary 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.
4. The Secretary of Cal/EPA will consult with the Secretary of the California Natural Resources Agency and other agencies (e.g., Health and Human Services Agency, Department of Food and Agriculture, Government Operations Agency, etc.) to expand coordination and integration efforts as necessary.

IV. 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 Charter include, but are not limited to, the following:

1. Review existing water quality monitoring, assessment, and reporting efforts and recommend specific actions and funding and staffing levels necessary to coordinate

and expand those efforts, as needed, 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.

V. MONITORING COUNCIL GOVERNANCE

A. Membership

Members of the Monitoring Council are appointed by the Secretary of Cal/EPA to represent upper-level staff from participating entities with major roles as generators or users of water quality and related ecosystem monitoring data. The Monitoring Council currently consists of ten voting Members, each representing one of the following entities or interests. Each Monitoring Council Member has specified programmatic areas and associated interests and attributes that they respectively represent on the Council. The following list of organizations and associations is provided as examples and “categories” for the purpose of recruiting new and replacement Members.

- a) California Environmental Protection Agency (Chair)
 - State Water Board and Regional Water Boards
- b) California Natural Resources Agency
 - California Natural Resources Agency and organizations within that agency
- c) Drinking Water
 - State Water Board Division of Drinking Water
- d) Regulated Community – Stormwater
 - California Stormwater Quality Association
- e) Regulated Community - Publicly Owned Treatment Works
 - California Association of Sanitation Agencies
- f) Agriculture
 - California Department of Food and Agriculture, California Farm Water Coalition
- g) Citizen Monitoring Groups
 - Coordinated Volunteer and Citizen Monitoring Groups

- h) The Public
 - Individual Waterkeepers; Natural Resources Defense Council; Heal the Bay; Southern California Watershed Alliance
- i) Scientific Research Community
 - University of California, California State University, Southern California Coastal Water Research Project, San Francisco Estuary Institute
- j) Water Supply
 - Association of California Water Agencies; State Water Contractors; California Urban Water Agencies; Central Valley Project Water Association
- k) Federal Government (non-voting)
 - U.S. Environmental Protection Agency, United States Geological Survey, National Oceanic and Atmospheric Administration, National Marine Fisheries Service

Each Monitoring Council Member shall designate an Alternate to act for the Member when the Member is not able to attend a meeting, or otherwise perform Member duties. The current list of Members and Alternates is displayed on the [Monitoring Council's website](#). Membership expectations are further described and available for current and future Monitoring Council Members online at https://mywaterquality.ca.gov/monitoring_council/meetings/2018nov/expectations.pdf.

Neither the term of the Monitoring Council nor of its Members is specified in legislation. However, the Monitoring Council has determined that their continued efforts will be needed to ensure consistent, long-term progress in meeting the goals of CA SB 1070. As such, the Monitoring Council will have a long-term role to oversee implementation of its comprehensive strategy.

Upon resignation of an existing Monitoring Council Member, a new Member is selected and approved as follows:

- 1) Nomination by anyone with input from Monitoring Council Member(s) and the represented entities;
- 2) Vetting with represented entities by State Water Board staff and management (Office of Information Management and Analysis and the Division of Water Quality);
- 3) Selection of the candidate replacement Member by the Monitoring Council Chair;
- 4) Nomination of the candidate selection to the Cal EPA Secretary along with background information; and
- 5) Decision on the recommended candidate's status by the Cal EPA Secretary.

B. Meetings

[Meetings of the Monitoring Council](#) are held quarterly, either in Sacramento or Costa Mesa. Meetings of the Monitoring Council are open to the public and noticed in advance with prepared agendas, as required by the Bagley-Keene Open Meeting Act (Government Code §11120 *et seq*). The Open Meeting Act imposes three main duties on the Monitoring Council:

- 1) Give adequate notice of meetings to be held;
- 2) Provide an opportunity for public comment; and
- 3) Conduct such meetings in open session, except where a closed session is specifically authorized.

A “meeting” includes any congregation of a majority of Monitoring Council Members or Alternates at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Monitoring Council. As a general rule, all voting on items of business to be transacted will be done at a public meeting. Voting by proxy is not authorized. Items not included on the agenda will not be discussed at the meeting, even if no action is to be taken.

C. Decision Making Process

To date, the Monitoring Council has depended on an informally structured process for setting priorities and making decisions that depends on informal discussion and the emergence of consensus, largely without formal ground rules or decision criteria. Items requiring a vote will be decided by simple vote method with the concurrence of more than 50 percent of voting Members and Alternates present constituting an approved motion. Decisions are made in public, during formally noticed regular meetings, in order to maintain a transparent process that enables formal input, organizes technical efforts, and publicizes results and recommendations.

D. Strategy Implementation

The Monitoring Council will leverage existing monitoring, assessment and reporting programs to implement its vision through outreach, relationship building, and coordination with other state, federal, and local agencies involved in monitoring and assessment, augmented with contracting or other “for hire” activities as needed and as available resources permit. Equal participation from organizations within both Cal/EPA and the Natural Resources Agency are needed for the strategy to be successful. The Monitoring Council prefers to implement its decisions through collaboration among participating entities but is willing to pursue more directed action as needed to break through institutional barriers and other constraints. Such directed action includes making recommendations to the Agency Secretary for action by individual boards, departments, commissions and conservancies and proposing legislative solutions.

The Monitoring Council has agreed that the level of effort to implement its comprehensive monitoring program strategy will depend on available funding. Until additional funding has been identified and secured, the Monitoring Council will maintain its meeting schedule to maintain visibility, ensure ongoing efforts are as successful as possible, and work together to pursue additional funding.

E. Theme-Specific Workgroups

According to the Monitoring Council’s strategy, theme-specific workgroups are on the front lines of communication, coordination, and collaboration. Each workgroup is empowered by the Monitoring Council to address a specific theme in water quality or related ecosystem health, approaching problems from the users’ perspective to make data comparable and accessible to

multiple audiences. A Monitoring Council workgroup is composed of experts representing a variety of agencies and entities, both within and outside state government, who are involved or have expertise in water quality and/or associated ecosystem monitoring and assessment that relates to a specific theme (e.g., the safety of eating fish from our waters).

Under Monitoring Council oversight, the workgroup uses their collective scientific interest and capacity to design, develop and maintain a web presence that creates a centralized location for the workgroups to provide advancements in data comparability and quality related to their theme and provide access to various visualization and decision-making tools. As the workgroup is developed, maintained and enhanced, the workgroup should strive to concurrently review and enhance the associated monitoring and assessment efforts according to guidance provided by the Monitoring Council. This may include coordinating monitoring and assessment activities, discovering and breaking down existing barriers to information sharing, and enhancing the efficiency and effectiveness of monitoring, assessment, and reporting for their theme.

Each workgroup periodically reports to the Monitoring Council, raising issues that cannot be internally resolved, that may cross multiple themes, or otherwise require Monitoring Council action. The Monitoring Council establishes common policies and guidelines for the workgroups and the monitoring programs they represent, and acts as a clearinghouse for standards, guidelines, and collaboration.

Disagreements, either within a workgroup or between a workgroup and entities that have been identified as key sources of data or assessment tools, should be resolved using the following process, only as far as needed:

- a) Workgroup attempts to resolve;
- b) Workgroup raises unresolved issues to Monitoring Council;
- c) Monitoring Council deliberates and develops a recommendation; and
- d) Monitoring Council chair and member(s) brief the Agency Secretary on the issue and its recommended solution(s).

See the Monitoring Council's [*Guidelines for Workgroups and the Development of My Water Quality Theme-Based Internet Portals*](#) for additional information on workgroup responsibilities.

F. Data Innovation and Utilization Workgroup

The Monitoring Council has determined that a Data Innovation and Utilization Workgroup is needed to create protocols and guidance for utilizing data effectively across monitoring programs. The Data Innovation and Utilization Workgroup should be charged directly by the Monitoring Council and progress reviewed on at least an annual basis. Areas where the Data Innovation and Utilization Workgroup should continuously focus include:

1. Review of current workgroup portals and visualizations and providing recommendations for improvements.
2. Actively identify and provide use-cases from the Monitoring Council workgroups to support the Open and Transparent Water Data Act (AB 1755, Dodd 2016) effort.
3. Identify and present larger statewide data issues and solutions to the Monitoring Council.

4. Support the development of the Water Board's Data Management Strategy and Open Data Initiative.
 - a. See [State Water Board Resolution 2018-0032](#).

G. Staff to the Monitoring Council

CA SB 1070 calls for the Monitoring Council to be administered by the State Water Resources Control Board. The Monitoring Council has appointed a Director from within the State Water Board's Office of Information Management and Analysis to represent the Monitoring Council to executive management of other governmental agencies, departments, non-governmental organizations, and other stakeholders. The Director is also tasked with developing recommendations to the Monitoring Council. Other staff duties include identifying and organizing issues, eliciting and developing points of view and alternative solutions, organizing theme-specific workgroups, assigning tasks to workgroups and contractors, elevating potential disputes to the Monitoring Council or its Chair, facilitating Monitoring Council meetings, managing the production of any Monitoring Council products, and coordinating the development of website(s) and other materials for the Monitoring Council.

In addition to the above-listed tasks, the Monitoring Council hereby authorizes the Director to:

- a) Represent the Monitoring Council in meetings with managers and staff of state agencies identified in California Water Code Section 13181(a)(5)(B), as well as other state, federal and local governmental agencies, institutions of higher education, the regulated community, citizen monitoring groups, and other non-governmental organizations involved in the monitoring and/or assessment of the health of the state's waters; and
- b) Comment on proposed projects and programs related to implementation of the Monitoring Council's *A Comprehensive Monitoring Program Strategy for California*.

In exercising the authority in (a) and (b) above, the Director is directed, without restricting the authority specified, to bring the following matters to the attention of the members of the Monitoring Council at a regular public meeting or by other appropriate communication:

- 1) Matters of a unique or unusual nature;
- 2) Matters that appear to depart from the recommendations of the Monitoring Council;
- 3) Matters involving significant policy questions;
- 4) Highly controversial matters;
- 5) Matters that involve a substantial risk of litigation;
- 6) Any matter that a Monitoring Council Member requests to be brought to the attention of the Monitoring Council; and
- 7) Any matter that, in the judgment of the Director, should be brought to the attention of the Monitoring Council.

Should the Director be unsure as to whether direction from the entire Monitoring Council is needed or should timing not permit obtaining direction from the entire Monitoring Council, the Director shall consult with the Monitoring Council Chair as to whether the entire Council need be consulted prior to acting.

H. Subcommittees of the Monitoring Council

Subcommittees of the Monitoring Council may be formed as needed to address specific issues and to report their findings and recommendations to the Monitoring Council as a whole. A subcommittee of the Monitoring Council would be composed of selected Monitoring Council Members who have expressed interest in a specific topic. Pursuant to the Open Meeting Act, Monitoring Council Members who are not members of the subcommittee may only attend subcommittee meeting as observers.

I. Relationship to Agency Secretary

CA SB 1070 tasks the Monitoring Council with making specific recommendations to the Secretaries of Cal/EPA and the Natural Resources Agency. As such the Monitoring Council will endeavor to update the Agency Secretaries on an annual basis on the progress of the previous year and on new recommendations for the upcoming year.

J. Relationship to Citizen and Regional Monitoring Efforts

The main focus of the Monitoring Council's comprehensive monitoring program strategy is on monitoring, assessment and reporting efforts that have a statewide perspective. However, local and regional monitoring programs and those of citizen monitors play a crucial role. To foster dialogue with and between these programs, The Monitoring Council has partnered with the Water Boards' Surface Water Ambient Monitoring Program, Non-Point Source Program, and the U.S. Environmental Protection Agency to develop a series of voluntary monthly webinars (web-based seminars) to support monitoring community activities. The [California Water Quality Monitoring Collaboration Network \(CWQMCN\)](#) webinar series allows members of the monitoring community to network and exchange information and ideas on topic of interest. The webinar format, content, and topics of interest vary in response to input from participants. Sessions are planned to share technical and support tools for monitoring, assessment and reporting; to encourage discussion on common concerns like information management and program development; and to provide a forum for networking and collaboration. It is envisioned that the Collaboration Network will help support a state framework to coordinate consistent and scientifically defensible methods and strategies for improving water quality monitoring, assessment, and reporting.

K. Relationship to the National Water Quality Monitoring Council

Members of the California Water Quality Monitoring Council and the Monitoring Council's Director are encouraged to participate, as resources permit, in the efforts of the [National Water Quality Monitoring Council](#), including attending national conferences and participating in the national council's webinar series and workgroups. The goal is to learn from the success of other state and regional monitoring councils and to share lessons learned in California.