



Chapter 12 – Environmental Cleanup Program (Project X)

Overview

The Project X/Environmental Cleanup Program (ECP) provides for Measure M2 (M2) revenues to improve overall water quality in Orange County from transportation-generated pollution. Specifically, the Orange County Local Transportation Authority's Ordinance No. 3 (M2 Ordinance) dated July 24, 2006; provides 2 percent of gross M2 revenue dedicated to protecting Orange County beaches and waterways from the conveyance of urban runoff associated with transportation generated pollution. The M2 Environmental Cleanup Program (ECP) ensures that funds will be used on a countywide, competitive basis to meet federal Clean Water Act standards for controlling transportation-generated pollution by funding nationally recognized Best Management Practices (BMPs).

As required by the M2 Ordinance, an Environmental Cleanup Allocation Committee (ECAC), representing a broad cross-section of the water quality community, was formed in October 2007 to provide guidance on program design and funding. The goal of the ECP is to fund projects on a countywide, competitive basis. This will assist the County of Orange and Orange County cities in reducing transportation-related water quality pollution by meeting Clean Water Act standards for local waterways and beaches.

Proposed projects must demonstrate a direct nexus (connection) to a reduction of transportation-related pollution as developed and defined by the ECAC in conformity with the M2 Ordinance. All proposing agencies must demonstrate an understanding of how their proposed projects meet the following transportation pollution nexus definition:

- *Transportation-related activities can be a contributor of pollutants and/or impairments to receiving waters via aerial deposition, storm, and non-storm water discharges. Transportation-related activities are associated with the operation, construction, and maintenance of public roads, highways, and other ground transportation systems.*
- *The conveyance of transportation-related pollutants to surface and groundwater can occur from precipitation, runoff, and leaching entering or discharging from public roads, highways, and other ground transportation systems via drainage systems; such as catch basins, curbs, gutters, ditches, manmade channels, retention basins, or storm drains. The quality and quantity of these discharges vary considerably and are affected by hydrology, geology, land use, season, and sequence and discharge of hydrologic events.*
- *Pollutant sources can encompass right-of-way, properties, facilities, and activities related to motor vehicles, highway maintenance, construction site runoff,*



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maintenance facility runoff, illegal dumping, spills, and landscaping care. Pollutant categories include, but are not limited to: metals (such as copper, lead, and zinc), organic chemicals and compounds (hydrocarbons and pesticides), sediment, nutrients (nitrogen and phosphorus), litter, oxygen demanding substances (decaying vegetation, animal waste, and other organic matter), groundwater dewatering discharges, and pathogenic material.

The M2 ECP funds are designed to supplement, not supplant existing water quality programs. Proposed projects must improve and not replace existing pollution reduction efforts by an eligible party. Funds will be awarded to the most competitive projects with the highest benefit to water quality.

The intent of the Environmental Cleanup Program is to provide funding for water quality projects that do not replace existing transportation water quality expenditures. In other words, if a project has components which would replace features already in place or which would fulfill project specific mitigation, those components would not be eligible for M2 funding consideration. Some upgrades and expansions may be eligible. The eligibility of the project and its components will be determined during the evaluation process. Contact Program Manager for details.

In May 2010, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved a two-tiered approach to fund the M2 ECP. Specifically, the funding plan called for up to \$19.5 million in Tier 1 grants on a “pay-as-you-go” basis through fiscal year (FY) 2017-18, and up to \$38 million in Tier 2 grants via bonding through FY 2014-15. The Board has now approved the funding guidelines for both the Tier 1 and Tier 2 Grant Programs.

Organization of Chapter 12

The first part of the chapter consists of funding guidelines for the Tier 1 Grant Program. The second part of the chapter consists of funding guidelines for the Tier 2 Grant Program.



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Section 12.1 – Tier 1 Grant Program

Overview

The Tier 1 Grant Program is designed to mitigate the more visible forms of pollutants, such as litter and debris, which collect on the roadways and in the catch basins (storm drains) prior to being deposited in waterways and the ocean. It consists of grant funding for Orange County local governments to purchase equipment and upgrades for existing catch basins and other related BMPs (i.e., “street-scale” low flow diversion projects). Examples include screens, filters, and inserts for catch basins, as well as other devices designed to remove the above mentioned pollutants. However, three calls for projects have been held to date for Tier 1. Through that process, most of the opportunities for street-scale BMP’s have been fulfilled. Therefore, the Tier 1 project types have been reassessed and expanded as the program needs have changed. Water quality projects, regardless of technology, are eligible for Tier 1 funding provided they have a verifiable benefit to water quality and fall within the maximum per project programming cap. The intent of this funding program is for project applicants to complete the work generally within one year from the letter agreement execution.

Tier 1 Project Types

The Tier 1 projects funded in the past include the following types. A description of each project type is provided below:

- 1) Automatic Retractable Screen and other debris screens or inserts: screen or insert units prevent debris from entering the storm drain system.
- 2) Irrigation system retrofits to reduce runoff: these projects decrease runoff from highway medians by using more efficient irrigation systems and/or replacing existing landscape to reduce the amount of water used in irrigation.
- 3) Continuous Deflection Separator (CDS): CDS units divert runoff away from waterways and screen storm drain flows from trash and debris. CDS units screen, separate, and trap debris, sediment, oil, and grease from storm water runoff.
- 4) Linear Radial Gross Solid Removal Device (GSRD): GSRDs are certified full capture systems which efficiently remove large solids from runoff water flows.
- 5) Marina Trash Skimmer: marina trash skimmers draw in floating debris, such as plastics, bottles, paper, oil sheen, and drift wood. The installation of marina trash skimmers is expected to reduce the amount of trash and debris reaching the open ocean.
- 6) Bioswales and Bioretention systems: pollutants and sedimentation are captured and subsequently removed from stormwater runoff.



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Pre-Application Process

In order to ensure the best use of M2 funds and assist eligible jurisdictions with the Tier 1 Grant Program, applicants may engage in a pre-application process with OCTA staff in project planning, cost estimate development, and determination of likely projected competitiveness. Specific meeting times will be established once the call is initiated. Subsequent to the call for projects deadline and submittal of the grant application, applicants will not be able to change the content of the application or scope of the project.

Eligible Applicants

ECP funds can be used to implement street and highway-related water quality improvement projects to assist Orange County cities and the County of Orange to meet federal Clean Water Act standards for urban runoff. Applicants eligible for ECP funds include the 34 Orange County cities plus the County of Orange. Eligible applicants must meet the transportation requirements discussed in the M2 Ordinance.

Third parties, such as water and wastewater public entities, environmental resource organizations, nonprofit 501(c) environmental institutions, and homeowners associations cannot act as the lead agency for a proposed project, however; these agencies can jointly apply with an Orange County city and/or the County of Orange.

Two or more agencies may participate in a project. If a joint application among agencies and/or third party entities is submitted, a preliminary agreement with joint or third party entities must be provided as part of the application. In order to meet M2 Ordinance requirements, an eligible applicant must be the lead agency for the funding application. Per Chapter 9, if a project includes more than one jurisdiction and is being submitted as a joint application, one agency shall act as lead agency and must provide a resolution of support from all joint applicants.

Each eligible jurisdiction must meet the eligibility criteria as set forth in Chapter 1 of these guidelines.

Project Programming

The Tier 1 Grant Program approach is designed to be consistent with Chapter 2 of this CTFP Manual regarding the provisions below:

- Program Consolidation
- Funding Projections
- Programming Adjustments
- Project Cost Escalation
- Programming Policies



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- Schedule Change Requests
- Project Advancements
- Semi-Annual Review

Refer to Chapter 2 for explanations of the above provisions.

Funding Estimates

A total of up to \$19.5 million is available for the Tier 1 Grant Program over a seven-year window from FY 2011-12 through FY 2017-18.

The maximum amount for the Tier 1 Grant Program is \$200,000 per project. To ensure that ECP funds are distributed to the highest number of eligible agencies, entities submitting more than one proposal must designate which project is the highest priority for funding. As part of the proposal scoring criteria, an extra 15 points will be awarded to the designated priority project. The maximum amount that an applicant can receive in a funding period is \$500,000.

Matching Funds

For the Tier 1 Grant Program, a minimum local match of 25 percent of the eligible project cost is required. These matching funds can be provided by cash contributions and/or in-kind services. In-kind services can include salaries and benefits for employees who work directly on the project. In addition, ongoing operations and maintenance of the project for a maximum of 10 years can be pledged on a match. For projects wherein ongoing operations and maintenance are pledged as match, the local agency will report on actual operations and maintenance expenditures as part of the semi-annual review process (see page 2-7). Local agencies must complete Form 10-17 for each grant project.

Retroactive expenditures cannot be credited towards the matching fund threshold.

Overmatch

For the Tier 1 Grant Program, administering agencies may “overmatch” ECP projects; that is, additional cash match may be provided for the project. Applicants will receive additional points in the evaluation process for matching with cash above the minimum requirement. Proposals that exceed the 25 percent minimum funding match will be given an additional one-half point for every five percent over the minimum cash match (up to 5 bonus points). Projects that achieve an overmatch using a combination of cash and in-kind services shall not be awarded bonus points.



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Additionally, administering agencies must commit to cover any future cost overruns if the project is underfunded. Any work not eligible for ECP reimbursement must be funded by other means by the project applicant and cannot count as match. These non-eligible items should not be included in the cost estimate breakdown in the application.

Reimbursements

For the Tier 1 Grant Program, OCTA will release funds through two payments. The initial payment will constitute 75 percent of the contract award or programmed amount at contract award. OCTA will disburse the final payment, approximately, 25 percent of eligible funds, after approval of the final report. Further information on reimbursements can be located within Chapter 10 of the most recent version of the CTFP Guidelines.

Scope Reductions/Modifications and Cost Savings

Any proposed scope reductions of an approved project must be submitted to OCTA to ensure consistency with the Tier 1 Grant Program requirements. If the proposed scope reduction is approved by OCTA, cost savings will be proportionally shared between OCTA and the grantee -- a reduction in ECP funds must be applied proportionally to maintain the approved local match percentage. All cost savings will be returned to the Tier 1 Grant Program for reallocation for the subsequent call of projects.

Any minor scope modifications, such as BMP device quantities and/or the adjustment of device locations, must be submitted to OCTA for administrative approval prior to the implementation of the project. The proposed modifications must mitigate the same pollutants, affect the same waterways, and meet all other provisions as stipulated in these guidelines.

2015 Tier 1 Call for Projects

2015 Tier 1 Call for Projects applications must be received by OCTA **no later than 5:00 PM, May 15, 2015**. Projects that do not award construction contracts by June 30, 2016 will not be considered. OCTA allocates funds on July 1 of each year. Funds will become available upon execution of a letter agreement. Approximately \$2.8 million will be available for the 2015 Tier 1 call for projects.

After the Tier 1 applications are reviewed by OCTA, an advisory panel will review and rank projects. Following a review by the ECAC, a recommended priority list of projects will be forwarded to the OCTA Board for approval in late summer 2015. Funds allocated for projects are final once approved by the OCTA Board. No additional funds will be allocated to the project. Grantees are responsible for any costs exceeding the allocated amount.



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Tier 1 Selection Criteria

OCTA will evaluate all proposals that meet the mandatory prerequisites based on competitive selection criteria (Exhibit 12-1) with the following categories:

- Problem and source identification
- Project design
- Project implementation and readiness
- Operations and maintenance
- Project benefits
- Performance metrics

Each proposal can receive a maximum of 100 points, exclusive of ten bonus points associated with up to five points related to a cash overmatch, and up to five points related to eligible agencies that have previously funded the implementation of structural BMP's to mitigate pollutant loading. Previous projects funded by M2 Competitive Grant funds cannot be used for bonus points consideration. Proof of documentation such as invoices or payment request must be available on the purchase of the equipment or services provided by vendors. These latter bonus points are based on the ECAC's recommendations that previous local funding of structural BMPs should be acknowledged and rewarded. See Exhibit 12-1 for scoring categories and point distribution.



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Exhibit 12-1 (Tier 1 Scoring Criteria)

Scoring Criteria	Points Possible
1. Describe the need for the selected BMP(s), including nexus to transportation pollutants, and detail the benefits to water quality the BMP(s) will achieve. (up to 10 Points)	10
2. Is this the lead agency's highest priority project? (15 points)	15
3. List the waterway(s) associated with this project, including applicable 303(d) listings. (2 points per 303(d) listing, up to 12 points)	12
4. List the pollutant(s) that would be addressed by the proposed project and the source(s) generating those pollutants. (2 points per pollutant, up to 16 points)	16
5. How effective will the proposed project be in dealing with the more visible forms of pollutants, such as a litter and debris? (up to 10 points)	10
6. What other BMP types were considered for this project? Why was the proposed BMP chosen? (5 points)	5
7. Provide information on proposed BMP performance efficiency and/or effectiveness, including pollutant capture, storage capacity, flow capacity, etc. (up to 6 points)	6
8. Project Readiness: following approval of funding, how long until the proposed BMP will be operational? (up to 6 points) Less than 4 Months (6 points) 4 - 8 months (4 points) 8 - 12 months (2 points) More than 12 months (1 point)	6
9. What is the methodology for measuring pollutant reduction before and after the BMP is implemented? How frequently will monitoring and performance assessment occur? (up to 10 points)	10
10. Provide an operations and maintenance plan for the lifespan of the proposed project. Include schedule of inspections, cleaning, removal and disposal of pollutants, repairs, etc. (up to 5 points)	5
11. Will the proposed project provide any benefits beyond water quality improvement (i.e., recreation, habitat, drainage) (up to 5 points)	5
	100
12. BONUS: how many different Tier 1 type BMP's are currently installed within the local agency's jurisdiction, excluding BMP's funded by previous ECP grants. (1 point per BMP type, up to 5 points)	5
13. BONUS: are local matching funds in excess of the 25% minimum being proposed? If yes, at what percentage? (.5 point for each 5% cash overmatch, up to 5 points) Note: overmatch bonus points can only be granted to projects whose match is entirely cash, no in-kind services.	5
	110



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Application Process

The following information, which is to be completed within the Tier 1 Grant Application Form, available electronically from OCTA, is required to evaluate and select projects. A checklist is included in the Tier 1 Grant Application Form to assist eligible agencies in assembling project proposals. The following project information will be necessary as part of the application process:

- Project Title
- Lead Agency Information
- Joint-Application (if applicable)
- Proposed Schedule
- Project Management
- Description and Scope of Proposed Project
- Integrated Regional Water Management Plan identification (if applicable)
- Water Bodies and 303(d) Listings
- Project Readiness
- Performance Metrics
- Detailed Project Estimate

In addition to the completed Tier 1 Grant Application, the following documentation is required as part of the application process:

- Project design or concept drawings, including preliminary design calculations, of proposed BMP
- Precise maps to show tributary drainage area and proposed location(s) for BMP installation
- Digital project site photos
- A project master schedule
- Preliminary agreements with joint and/or third party entities if part of the funding application
- A city council resolution. If a final resolution is not provided with the application, the lead agency must provide the date the resolution will be approved by the city council. (Exhibit 12-2)

For the Tier 1 Grant Program, an unbound original and three copies (total of four) of the completed application form and supporting documentation are to be submitted, plus a CD/DVD copy of the complete application. Use separate sheets of paper if necessary.

There is no maximum length for proposals. All pages must be numbered and printed on 8 1/2 x 11 sheets of white paper. Maps and drawings can be included on 11 x 17 sheets, folded into the proposal. *The original proposal should be left unbound for reproduction purposes.*



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Exhibit 12-2 (Tier 1 Sample Resolution)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL/BOARD OF THE CITY/COUNTY OF _____ AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR

(NAME OF PROPOSAL) PROJECT.

WHEREAS, Orange County Local Transportation Ordinance No.3, dated July 24, 2006, and is known and cited as the Renewed Measure M Transportation Ordinance and Investment Plan makes funds available through the Environmental Cleanup Program to help protect Orange County beaches and waterways from transportation-generated pollution (urban runoff) and improve overall water quality.

WHEREAS, the Environmental Cleanup, Tier 1 Grant Program consists of funding purchases and installation to catch basins with Best Management Practices, such as screens, filters, inserts, and other "street-scale" low flow diversion projects.

WHEREAS, OCTA has established the procedures and criteria for reviewing proposals; and

WHEREAS, (ADMINISTERING AGENCY) possesses authority to nominate water quality improvement projects that have a transportation pollution nexus to finance and construct the proposed project; and

WHEREAS, by formal action the (GOVERNING BODY) authorizes the nomination of (NAME OF PROPOSAL), including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the (ADMINISTERING AGENCY) to act in connection with the nomination and to provide such additional information as may be required; and

WHEREAS, the (ADMINISTERING AGENCY) will maintain and operate the equipment acquired and installed; and

WHEREAS, the (ADMINISTERING AGENCY) will give OCTA's representatives access to and the right to examine all records, books, papers or documents related to the funded Tier 1 Grant Project; and

WHEREAS, the (ADMINISTERING AGENCY) will cause work on the project to be commenced within a reasonable time after receipt of notification from OCTA and that the project will be carried to completion with reasonable diligence; and

WHEREAS, the (ADMINISTERING AGENCY) will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the American with Disabilities Act, and any other federal, state, and/or local laws, rules and/or regulations;

WHEREAS, the (ADMINISTERING AGENCY) must include all projects funded by Net Revenues in the seven-year Capital Improvement Program as part of the Renewed Measure M Ordinance eligibility requirement.

WHEREAS, the (ADMINISTERING AGENCY) authorizes a formal amendment to the seven-year Capital Improvement Program to add projects approved for funding upon approval from the Orange County Transportation Authority Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the City/County of _____, hereby authorizes (NAME OF AGENCY REPRESENTATIVE) as the official representative of the (ADMINISTERING AGENCY) to accept funds for the Environmental Cleanup, Tier 1 Grant Program for (NAME OF PROPOSAL).

BE IT FURTHER RESOLVED that the City/County of _____, agrees to fund its share of the project costs and any additional costs over the identified programmed amount.



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Eligible Expenditures

- ECP funds must be for capital improvement. Construction management and project management cannot exceed 15 percent of the total construction costs. Eligible jurisdictions may use in-kind services to meet all or part of the matching funds requirement. These services can include salaries and benefits for employees of the eligible jurisdiction who perform work on the project or programs. Only those employees' salaries and benefits working directly on the project will be considered for the matching requirement.
- ECP funds can only be used for facilities that are in public ownership for public use; however, water quality improvements on private property, which are connected to municipal separate storm sewer systems, are eligible. (For example, a homeowner association can apply for funding through an eligible agency if the proposed project is connected to a public facility.)
- Reducing volume of surface flows is an integral factor of improving water quality, therefore, projects that have water-saving features (i.e., drip systems) are eligible for funding considerations.

Ineligible Expenditures

- Operations and maintenance plans are not eligible expenditures. However, up to 10 years of ongoing operations and maintenance costs can be utilized as in-kind services as a source of matching funds.
- ECP funds are not to be used for planning.
- Expenditures prior to the grantee executed letter agreement date cannot be considered eligible for funding or match.
- Landscaping installation and replacement are not eligible for funding consideration.
- Capital equipment purchases related to regular on-going street maintenance efforts, including, but not limited to: trash receptacles, vacuum trucks and/or equipment, street sweepers, signage, etc.)

Reporting and Reimbursement

Chapter 10 of the CTFP Guidelines outlines the process and requirements regarding reimbursements and reporting for the Tier 1 Grant Program. A final report must be filed within 180 days of the project being completed with information as shown in Form 10-16.

Additionally, an exception to Precept #36: Agencies may appeal to the ECAC and the OCTA Board on any issues that the agency and OCTA cannot resolve, as such are the approving bodies for this program.



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Technical and/or Field Review

Once an agency submits a final report for a project, OCTA shall review the report for compliance with the CTFP guidelines and may conduct a field review. OCTA will use the project cost estimate forms submitted with the application and revised where appropriate, project accounting records and the final report as the primary items to conduct the review. Agencies must maintain separate records for projects (i.e., expenditures, interest) to ensure compliance. Only CTFP eligible items listed on a project's cost estimate form will be reimbursed. See Chapter 11 for independent audit requirements beyond the technical and/or field review.

Additional Information

Completed applications and questions regarding these procedures and criteria should be directed to:

By mail:

Dan Phu
Orange County Transportation Authority
P.O. Box 14184
Orange, CA 92863-1584
Tel: (714) 560-5907
Fax: (714) 560-5794

In person:

Orange County Transportation Authority
600 South Main Street
Orange, CA 92863-1584