

Environmental Cleanup Allocation Committee Meeting Minutes

January 8, 2009

Committee Members Present:

Chairperson, Garry Brown, Orange County Coast Keeper
Vice-Chair Mary Anne Skorpanich, County of Orange-Watershed and Coastal Resources Program
John Bahorski, City of Cypress
Karen I. Baroldi, Orange County Sanitation District
Tim Casey, City of Laguna Niguel
Gene Estrada, City of Orange
Joe Parco, City of Santa Ana
Hector B. Salas, Caltrans
James Smith, San Diego Water Quality Control Board
Sat Tamaribuchi, Environmental Consultant
Dick Wilson, City of Anaheim

Committee Members Absent:

Mark Adelson, Santa Ana Regional Water Quality Control Board
Paul D. Jones, Irvine Ranch Water District
William Cooper, UCI

Orange County Transportation Authority Staff Present:

Ellen Burton
Marissa Espino
Janice Kadlec
Hal McCutchan
Monte Ward

Guests:

David Hunt, Willdan Engineering,
Katie Wilson, Willdan Engineering
Wallace Walrod, Orange County Business Council

Members of the Public

No one from the public attended

1. Welcome

Chairperson Brown welcomed committee members and started the meeting at 10:10 a.m. Chairperson Brown introduced a new committee member to the ECAC – Gene Estrada City of Orange's NPDES Coordinator, who is representing the 3rd Supervisorial District.

2 Approval of the December 11, 2008 Meeting Minutes

Chairperson Brown asked if there were any corrections or changes to the December 11, 2008 Meeting Minutes. A motion was made by Committee member Dick Wilson and seconded by Committee member Hector Salas to approve the December 11, 2008 ECAC meeting minutes as is. The motion passed unanimously

3. Watershed-Related Focus Via MS4 Permits

Chairperson Brown indicated that Orange County stakeholders have been actively meeting with the Santa Ana Regional Water Quality Control Board (RWQCB) in regards to revising the draft Orange County MS4 permit on a watershed planning basis instead of a "one rule fits all." Meetings between the Orange County stakeholders are to be held on a weekly basis to draft the proposed changes prior to the Jan. 30 deadline for comments.

Chairperson Brown expanded on that varying areas of the County have differing watershed problems. As such, cost beneficial decisions can be made now and in the future if enhanced planning occurred.

Committee member Sat Tamaribuchi, who is also involved in the Santa Ana RWQCB discussions, indicated that an opportunity exists for water quality regulations to be match-up on a case-by-case basis via the specific watersheds. In order to obtain a commitment, the permit needs to be "workable" for the cities and County who will strive to meet the provisions.

Committee member Tamaribuchi indicated that he would advocate a watershed basis permit as a model for the San Diego region and rest of the state to adopt. San Bernardino and Riverside counties are actively participating in the discussions as they are within the Santa Ana Regional Board area and subsequently will be involved with drafting their own MS4 permits. Committee member Tamaribuchi indicated that the Environmental Protection Agency is not set on the five percent effective impervious area (EIA) as they advocate a measurable performance standard.

Committee member James Smith indicated that Region 9 has regulations in place and does not prescribe to a one-size-fits-all approach. He said the requirement number of three to five percent seems to be what everyone wants to accept. The NRDC and USEPA have said they will accept nothing less in any permits right now and San Diego is already on board with this. Committee member Smith also indicated that the US EPA has been calling for more measurable benchmarks in the MS4 permits, but if you want to know what they are recommending; very little feedback is provided. He agreed there are other matrixes, inclusive of EIA need to be considered when addressing hydromodification.

Vice-Chair Mary Anne Skorpanich said the next level of the master plan discussion would be to create permit language to evolve the permit into a new format. Committee member Smith said he agreed there needs to be a better job of planning into the future. It has been the expectation that the permits would respond to the data available either via quality monitoring or program feedback. For us to dictate what those priorities are might not be appropriate because of the expertise available at the local level. That being said, it could be useful to add a requirement for fixed planning and prioritization to the MS4 permit for everything from redevelopment and/or retrofitting and identification of high priority areas.

Committee member Gene Estrada asked if the discussion evolves one permit or several. Vice-Chair Mary Anne Skorpanich said it would be one permit as it will be the permittee to articulate their master plan. Chair Brown said the group is trying to develop a permit where the requirements are much more specific than they are now and the process easier for implementation.

Committee members John Bahorski and Tim Casey requested that information on these discussions be circulated to the cities as there are 25 incorporated cities within the Santa Ana region. Committee member Bahorski suggested sending an e-mail to the city manager offices updating them on what has been done and to provide them with a meeting schedule.

Committee member Tamaribuchi suggested Chairperson Brown distribute to the cities related papers that have been drafted involving infiltration, hydromodification, and interim provisions involving development and redevelopment until the master plan is done.

4. Funding Guidelines

David Hunt and Katie Wilson of Willdan Engineering and Dr. Wallace Walrod of the Orange County Business Council presented a Draft Project Management Plan for the Environmental Cleanup Program Funding Guidelines. The Project Management plan included the scope of work, schedule, budget controls, team organization chart, and contact list. During the month of January 2009, the program prerequisites will be developed.

Committee member Smith suggested priority settings should be one of the first things created as the number one prerequisite is for people to follow the priorities set and established. Willdan's Katie Wilson indicated project priorities as well as the metric priorities will be incorporated, ensuring that the guidelines will be designed to be flexible enough for implementation.

Committee member Bahorski indicated that the ECAC has discussed that the guidelines should reflect the OCTA Road Project Guidelines. In addition, it was indicated that the guidelines incorporate credits for cities that have incorporated

BMPs into their storm water programs. Monte Ward, OCTA Special Projects Director, said he expected this to be one of the most challenging aspects, it will be one of the most divergent views of what is fair in the maintenance of effort portion.

5. Updated ECAC Work Plan

Hal McCutchan, OCTA Environmental Programs Manager, provided on the 2009 Work Plan timeline related to Tier 1 Projects. The Funding Guidelines that are being developed by Willdan Engineering will be completed in June 2009, where a report and recommendations will then be presented to the T-2020 Committee and OCTA's Board of Directors, respectively in July 2009 and August 2009. If the Board of Director's approve the recommendations, then a "Call for Projects" can be issued in September 2009.

OCTA staff will determine if funds from the Early Action Plan can be utilized or if allocation of funds would occur in 2011 when M2 funding is available.

6. Economic Stimulus – Water Quality Projects

Vice-Chair Mary Ann Skorpanich, Co-Chair of the ECAC gave an update on the Economic Stimulus – Water Quality Projects in Orange County.

7. Water Quality Priorities – Consolidated Grants Program

Hal McCutchan presented a synopsis of the Statewide, Regional, and Partner Agency Priorities (2005-06 Consolidated Grants Program Guidelines), where multiagencies listed their priorities for grant funding related to watershed protection, water management, urban stormwater, and nonpoint source pollution control. The purpose of the "Guidelines" was to evaluate projects on a multi-agency level and enhance the integration of obtaining water-related goals on a statewide and regionwide basis. Water quality priorities based on the transportation pollution nexus definition were listed, which may further be utilized in the development of the Environmental Cleanup Allocation Program's funding guidelines.

8. Public Comments

There were no comments from the public.

9. Next Meeting – February 12, 2009

10. Committee Member Reports

Chairperson Brown asked if discussion points involving the funding guidelines from the onset of the ECAC meetings could be compiled for the Committee. Willdan's

Katie Wilson indicated that they have revised the previous meeting minutes involving funding guidelines and will forward the relevant discussion points for dissemination.

11. Adjournment

The meeting adjourned at 11:15 a.m.