

Measure M2 Environmental Cleanup Allocation Committee

July 10, 2014
Meeting Minutes

Committee Members Present:

Vice Chair Garry Brown, Orange County Coastkeeper
Scott Carroll, Costa Mesa Sanitary District
Gene Estrada, City of Orange
Mark Tettermer, Irvine Ranch Water District
Dennis Wilberg, City of Mission Viejo
Marwan Youssef, City of Westminster
Stephen Mayville, Santa Ana Regional Water Quality Control Board (candidate)
Keith Linker, City of Anaheim (candidate)

Committee Members Absent:

Chair Mary Anne Skorpanich, Orange County Watersheds
Adam Fischer, Santa Ana Regional Water Quality Control Board
Chad Loflen, San Diego Water Quality Control Board
Hector Salas, Caltrans
Jean Daniel Saphores, UCI
Sat Tamaribuchi, Environmental Consultant
Dick Wilson, City of Anaheim

Orange County Transportation Authority (OCTA) Staff Present:

Alison Army, Senior Transportation Analyst
Marissa Espino, Senior Strategic Communications Officer
Janice Kadlec, Public Reporter
Charlie Larwood, Manager of Planning and Analysis
Roger Lopez, Senior Analyst, Programming
Dan Phu, Project Development Strategic Planning Section Manager

Guests:

Brad Fowler, City of Dana Point
Lisa Zawaski, City of Dana Point
Keith Linker, City of Anaheim
Nancy Palmer, City of Laguna Niguel
Stephen Mayville, Regional Board

1. Welcome

Vice Chair Garry Brown began the Environmental Cleanup Allocation Committee (ECAC) meeting at 10:00 a.m. He introduced Keith Linker who will be taking the place of Dick Wilson from the City of Anaheim and Stephen Mayville who will

represent the Santa Ana Regional Water Quality Control Board (Region 8). He asked the attendees present at the meeting for self-introductions.

2. Approval of the February 27, 2014 ECAC Meeting Minutes and Approval of the May 8, 2014 ECAC Meeting Minutes.

Garry Brown indicated since there was not a quorum present to take an action on the meeting minutes, the February 27, 2014 and May 8, 2014 ECAC Meeting Minutes will be received and filed.

3. Tier 2 Status Update and Presentations

Dan Phu provided a Tier 2 Status update and introduced presenters for Tier 2 projects.

A. San Juan Creek LO1SO2 Trash Removal and Dry Weather Diversion Project:
Brad Fowler presented this project.

Since the project scope has changed, Gene Estrada inquired about the original diversion or Best Management Practice (BMP) measure. What did it consist of and what are they looking to replace it with now? Brad Fowler said they have a partial concept design (approximately 35%) for revised diversion measure. This would take the water and pump it up from the coastal area and across the Creek to a treatment plant. Most of the pipe needed is in place.

Marwan Youssef asked how long of an extension is being asked for. Brad Fowler said they are asking for a 2-year extension.

Garry Brown asked what Brad Fowler thinks causes the most contribution of bacteria; leaking sewer lines or homeless people. Brad Fowler said the South Coast Water District and San Juan Capistrano Sewer District have both gone in and investigated the lines that are contributing to most of the downstream portion of the project. Although the 183 tests for human fecal matter does not tell exactly how much, there is a range determination made. The fact that it is neither constant nor high would tend to indicate it is not a sewer problem.

Garry Brown observed any diversion project to a Publicly Owned Treatment Works (POTW) requires a fee. Is he surprised at the fee or is he surprised at the extent of the fee? Brad Fowler said going in they knew they had a flow and a fee. Originally the County showed them the pipes and infiltrating water. It looked like they could go up stream and find the pipe and seal the pipe and take care of the excess ground water easily. This turned out to not be the case.

Gene Estrada said at the beginning of the presentations it seemed like Dana Point had a lot of partners but now it sounds like Dana Point is funding the project by itself. Brad Fowler said the County of Orange took on some of the initial costs; which was helpful with the monitoring. Monitoring at this point is

being handled by Dana Point. They have not received funds from any other partners and at this time they have no agreements with anyone.

Gene Estrada asked if the project called for an agreement with other parties to move forward with the project. Is this the problem keeping the project from moving forward? Brad Fowler the project would not require an agreement to move forward but we would. It is just not fair for Dana Point to cover the entire cost. They are trying to come up with a solution to this problem.

Garry Brown said there are three basic parts to a project and what the ECAC is being told is two of those parts – budget and cost – are going to change. The only thing that will not change is the circumstances. At what point does the ECAC decide it is a new project. Brad Fowler said they are not ready to throw in the towel yet. There is one or two of the three locations where the ground water can be reduced and they have a meeting coming up on July 27 with potential partners to present options. He asked for the ECAC keep the project open until they decide on the options.

Garry Brown asked how long it would take the City of Dana Point to decide whether or not they had a project during the 2-year delay of the project. Brad Fowler said he will know more after the meeting on July 27th or by the next calendar year.

Marwan Youssef asked if granting the extension violated any of the program guidelines. Dan Phu said no, in the Comprehensive Transportation Funding Program (CTFP) guidelines, there are provisions for a 24-month delay.

B. Brookhurst Street South Project: Keith Linker presented the project.

Gene Estrada asked how many homes were bought for the project. Keith Linker said approximately forty homes were bought for the project.

Marwan Youssef asked what the funding source for the widening project was. Keith Linker said the funding source for the widening was CTFP (streets and road program).

Marwan Youssef asked if the center portion of the project was going to be a park. Keith Linker said it was going to be a linear park with swales and a walking path.

Marwan Youssef asked if the \$1.2 million from OCTA covered only the swales. Keith Linker said it was used for swales and storm drains.

Gene Estrada said one of the slides showed a number of watersheds. Are they having swales at different locations or just within the linear park? Keith Linker

brought up the slide where he showed the ECAC the different locations where the swales would be. They would be used mostly for surface run off.

C. Oso Creek Multi Use Trail: Nancy Palmer presented the project.

Marwan Youssef asked if a roadway was eliminated and replaced with the project. Nancy Palmer said the entire roadway was not eliminated. North Fork Road was excessively wide. Marwan Youssef asked if the roadway was being used in the same way it was being used before. Nancy Palmer said it will be used a little differently because there will be high-density housing close to it.

Marwan Youssef asked if the main reason for the requested delay of this project was a power pole needed to be removed by Edison. Nancy Palmer said yes because it is in the middle of the bikeway. Marwan Youssef asked if the permit has been filed to remove the power pole. Nancy Palmer said yes.

Gene Estrada asked if Nancy Palmer has asked for a time extension. Nancy Palmer said she asked for a full 2-year extension. She asked for the extension when in November 2013 it became clear PG&E was not able to accommodate the City's project schedule to remove the power poles.

Gene Estrada asked about a slide which showed important bullet points. Nancy Palmer explained about the important construction bullet points on this slide.

Dennis Wilberg noted the City of Mission Viejo has had problems similar to the City of Laguna Niguel. He was wondering if OCTA could do a survey through the Technical Advisory Committee (TAC) and find out if other cities are having problems and if they are meet with PG&E to try and resolve them. Garry Brown said it was worth a try.

Nancy Palmer explained future Tier 1 and Tier 2 projects she is putting forward.

4. Tier 1 Call for Projects Recommendations

Alison Army gave an update of the Tier 1 Call for Projects.

The ECAC had a discussion on whether or not to endorse staff's recommendation to fund the Tier 1 for projects selected without a majority of the members in attendance.

Charlie Larwood said there is a concern with scheduling. The Regional Planning and Highways Committee and the Executive Committee typically meet only once a month and the idea behind the Tier 1 Projects is to get the money out quickly, make it easy, and keep the money flowing. It's not absolutely a fatal flaw if we had to wait a month but since the Committees meet once a month, the project will not go to the OCTA Board until after September or later. The recommendation of the

OCTC Planning Department is for the ECAC to recommend approval of the projects and send them forward unless there is some overwhelming reason for them not to go forward.

Garry Brown said he was not aware of any controversy regarding the projects selected and he would feel comfortable sending the projects forward.

Gene Estrada agreed with Garry Brown but had some questions about the some of the projects.

Gene Estrada asked why the Newport Beach project was disqualified. Garry Brown said this was because 80% of their project was for plants and the Tier 1 Program does not buy plants.

Scott Carroll noted La Habra and Placentia were funded for the first time and asked if all cities have now received funds. Alison Army said all cities have been funded except the City of Los Alamitos and they did not apply for funding this time.

Action Recommendation: Although they did not have a quorum it was the consensus of the ECAC Members present to endorse staff's recommendation to fund 18 projects totaling \$2,834,361 for the Measure M M2 Environmental Cleanup Program Tier 1 funding program. The following ECAC members were present and unanimously agreed to forward the staff's recommendation for Board approval:

- Vice Chair Garry Brown, Orange County Coastkeeper
- Scott Carroll, Costa Mesa Sanitary District
- Gene Estrada, City of Orange
- Mark Tettermer, Irvine Ranch Water District
- Dennis Wilberg, City of Mission Viejo
- Marwan Youssef, City of Westminster
- Stephen Mayville, Santa Ana Regional Water Quality Control Board (candidate)
- Keith Linker, City of Anaheim (candidate)

5. Tier 1 Consolidated Vendors Agreement Update

Alison Army gave an update of the Tier 1 Consolidated Vendors Agreement.

Charlie Larwood said last year three firms were approved on the Vendor's Agreement and one went out of business. All three firms were for the adjustable retractable devices. Was there a look by the county to approve more? Alison Army said this scope of work is much more general this time. They have outlined six Best Management Practices (BMP) types but will not be limited to just six types.

6. ECAC Memberships Status

Marissa Espino gave an ECAC membership status. There are five seats available on the ECAC.

7. Public Comments

There were no Public Comments

8. Committee Member Reports

There were no Committee Member Reports

9. Next Meeting – August 14, 2014

10. Adjournment

The meeting adjourned at 11:20 a.m.