

Measure M 2 Environmental Cleanup Allocation Committee

November 18, 2013
Meeting Minutes

Committee Members Present:

Chair Mary Anne Skorpanich, O.C. Watersheds
Vice Chair Garry Brown, Orange County Coastkeeper
Gene Estrada, City of Orange
Mark Tettemer, Irvine Ranch Water District
Hector B. Salas, Caltrans
Jean Daniel Saphores, UCI
Dennis Wilberg, City of Mission Viejo
Dick Wilson, City of Anaheim
Marwan Youssef, City of Westminster

Committee Members Absent:

Mark Adelson, Santa Ana Regional Water Quality Control Board
John Bahorski, City of Cypress
Scott Carroll, Costa Mesa Sanitary District
Chad Loflen, San Diego Water Quality Control Board
Sat Tamaribuchi, Environmental Consultant

Orange County Transportation Authority Staff Present:

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

Nancy Palmer, Environmental Programs Manager, City of Laguna Niguel
David Rogers, City of Laguna Niguel

1. Welcome

Chair Mary Anne Skorpanich began the Environmental Cleanup Allocation Committee (ECAC) meeting at 10:05 a.m. and welcomed everyone.

2. Approval of the August 8, 2013 Meeting Minutes

A motion was made by Mark Tettemer, seconded by Gene Estrada, and carried unanimously to approve the ECAC August 8, 2013 meeting minutes as presented.

3. Tier 2 Call for Projects Status Update

Dan Phu gave a status update on the latest Tier 2 Call for Projects. He said they cannot share the project scores at this time because they are still being worked on. He did share with the committee members the 17 projects submitted for this Tier 2 Call for Projects and gave a brief description of the project along with the funds being requested. The projects submitted were from 11 agencies, the four projects that did not get funding from the first call for projects were submitted for this round.

Chair Mary Anne Skorpanich asked if the Cameo Shores Newport Beach project had mentioned copper in it. Dan Phu said he did not see any mention of copper in the project description but will double check and get back to her.

A committee member asked how much money is being asked for and how much money is available. Dan Phu said there is a total of the 17 projects from 11 jurisdictions and the total project cost is approximately \$28.5 million and the total asked from the Water Quality pot is \$16.5 million. He reminded the committee members there is also approximately \$25.3 million left for the second round of funding.

Gene Estrada said previously the ECAC determined they would only approve projects for funding which were actual water quality projects. In looking over the projects on the current list, he sees several non water quality projects asking to be funded. Dan Phu said later in the agenda (Item 5) they are going to talk about this. There will be a discussion on Tier 1 and what makes sense in going forward and encouraging the project applicants to look at the Tier 1 pot for some projects not geared toward the larger regional scale.

Chair Mary Anne Skorpanich asked if the Tustin Legacy Development project (from last year) is for treating the existing development or for new development. Dan Phu said it is for existing and future development. Mary Anne Skorpanich said she would think there would be a discussion on which part gets the money. Dan Phu said yes.

4. Tier 2 2012/13 Policy Discussion

Dan Phu said when the project evaluators looked at the Laguna Niguel J03P01 Channel Entry Improvements project they had questions regarding the different parts of the project and how they tied in with water quality. This happens often in the evaluation process. This particular project is looking for construction of a bridge to alleviate some existing water quality problems.

Nancy Palmer gave an overview of the J03P01 Channel Entry Improvements Project.

Gene Estrada asked if the wetland would receive the runoff from the sediment basin. Nancy Palmer said all the water will be coming out of the pipe and will be pretreated. Gene Estrada asked where the water from the wetland would end up. Nancy Palmer said currently the water runs through a narrow dirt channel. This project will create a

diversion which will capture most of the runoff (not all of it) and run it to the top of the treatment wetland so about two thirds of the water will run through the wetlands and then be discharged. They did not want to entirely rob the system of water because there is an existing riparian canopy.

Nancy Palmer said the question is do the project circumstances make it appropriate to use Tier 2 funds for a bridge or not. She reminded the committee that this is a road in the bottom of the channel and Laguna Niguel proposes to take it out of the channel. By doing this, they are enabling implementation of some very cost effective regional treatment BMPs. They feel the bridge is necessary for re-establishing critical existing functions.

Jean Daniel Saphores asked what cost effective methods did she refer to. Nancy Palmer said last year Laguna Niguel was awarded a grant for the Oso Creek Multiuse Trail Project. It scored pretty well and the benefitting drainage area was approximately four acres. The current proposed Laguna Niguel project is 1200 acres but the value of the grant is not much different. She felt for water quality purposes the grant proposed this year is a much better grant.

Chair Mary Anne Skorpanich said Nancy Palmer was looking at the cost effectiveness of the grant amount but what about the total project amount. Nancy Palmer said the current project has other benefits other than water quality.

Garry Brown said he has been an evaluator on the applications since the program started. Part of his role as being an evaluator is looking at policy. He is not taking positions, he feels the Laguna Niguel project is a very good project and Nancy Palmer is a terrific grant writer. He has requested other projects brought before the ECAC for policy discussion. When he saw this project, he felt it was a very good project but the policy issue came up in his mind, predominantly taking OCTA funds and paying for a span bridge – this is a policy decision. It is important the ECAC take the time and make an appropriate decision. He brought up the bridge in this project and also the parking lot. Even though the parking lot is permeable, should OCTA be building parking lots? He isn't objecting, he just feels it qualifies for a committee policy decision.

Jean Daniel Saphores asked what decision needed to be made about parking lots in this project. Nancy Palmer said the parking lots currently do not exist. The parking lots would have permeable paving replacing areas which currently have irrigated turf grass. Jean Daniel Saphores asked if they could ask in the grant for the difference between a permeable and un-permeable parking lot. Nancy Palmer said they could do that. She is open to playing with the numbers.

Marwan Youssef asked if there was a secondary road into the park. Nancy Palmer said there is no secondary road but there is a trail that can provide the way out if needed.

Marwan Youssef asked what type of bridge is being proposed. Nancy Palmer said their intention was to do it as a curved span bridge and develop the bottom for habitat connectivity.

Marwan Youssef asked how much were they requesting for the bridge portion of the project. Nancy Palmer said for the bridge structure they are asking for \$567,000. Marwan Youssef asked if the rest of the money was city funds. Nancy Palmer said yes, it will be general funds.

Jean Daniel Saphores asked what was the rationale for the 50 percent on the bridge. Nancy Palmer said she needed a number and did not know if there was any policy direction about relative benefits. She said the overall cost of the project was \$7 million and the grant request is \$1.8 million.

Hector Salas asked if the bridge is not approved can a water quality BMP, the wetland, the biofiltration, etc. be installed. Nancy Palmer said she could attempt to redesign the plan but as it stands now a great deal of the water quality benefits would not be able to be done.

Gene Estrada said he agrees this is a great project and it has a lot of features he would support, but he is troubled by the bridge. The reason is the bridge does not need to be built. The bridge would be built for flooding purposes and you don't have to do it. Just leave the crossing where it is or reposition it and try and get some road funding or flooding to improve it.

Jean Daniel Saphores said the problem is you are trying to replace a road that should not be there.

Chair Mary Anne Skorpanich said she can see removing the crossing helps the stream but she is not sure she sees a nexus with water quality in terms of flow reduction. Nancy Palmer said they were trying to do a dry weather treatment system and a wet weather benefit in the same area.

Marwan Youssef asked if the maintenance road could be made wider to provide adequate access. Nancy Palmer said they did look into that and the geotechnical engineer said in order to widen the road without impacting the riparian habitat would cost over \$1 million.

Garry Brown said the demolition of the existing road across the river is part of the funding requested and there is absolutely no objection to this. All the water quality amenities are certainly within the grant jurisdiction. It just comes down to replacing the road with a span bridge. When this is looked at closely with a narrow definition this is to circumvent a flooding issue and has nothing to do with water quality control or water quality treatment. He would rather find other parts of this project they could

fund more. Garry Brown said if the committee is not unanimous maybe the challenge is to go back and work with Nancy on some of the numbers.

Charlie Larwood said Project X is part of the Comprehensive Transportation Funding Program (CTFP) and it might be a good idea to look at how things are managed in some of the other funding programs. He introduced Roger Lopez who gave an example of some of the funding decisions made on CTFP projects.

Roger Lopez commented on how some of the other OCTA funding programs are looked at. As an example, he used the Regional Capacity Program, which is specifically about improving capacity and as part of those projects there are eligible components which have nothing to do with capacity. They contain things like storm drains, water quality control, soundwalls, etc. and this can be up to 25% of the project. These elements are just part of doing business. Do they impact capacity? No, but they are essential components of a mid-block widening or an intersection improvement.

Roger Lopez said when OCTA originally looked at the Laguna Niguel J03P01 Channel Entry Improvements project they looked at it the same way – does it directly impact water quality? No. Is it an essential component of the project? Jean Daniel Saphores said yes.

Dennis Wilberg said he agreed. The benefit is removing the road from the channel. If this is a benefit then how do you provide access to the park? The only way to provide access is what is being proposed. Personally, he could support almost 100% of the cost; the city is only asking for 50%. He does not see it as precedent setting because this is a unique situation. In terms of the parking lot, he would agree with the previous comment what should be funded is the difference between standard asphalt and the cost of providing permeable pavement. Dennis Wilberg said he supported to propose a grant with the stipulation about the pavement.

Marwan Youssef asked if they priced the cost of a two-span bridge and the cost of pipes or a culvert. Nancy Palmer said she did not price it. One of the things happening with this project is it is quite political. The opportunity of getting a significant water quality grant is what is driving the city's political willingness to do these other things.

David Rogers, of City of Laguna Niguel, said if they do not get the amount of money they are looking for, the council still wants to do something, but it will definitely be scaled back. If they do not get the general buy off from the committee and the general funding they figure it may change fairly dramatically.

The committee members discussed previous requested funding for projects, which were denied – landscape projects (actual plants were denied funding) and the Brookhurst South Project (swale bridge denied).

Chair Mary Anne Skorpanich asked if the Laguna Niguel Bridge would be eligible for Measure M2 funding from one of the road programs. Staff said no. Chair Mary Anne Skorpanich asked if turn back money could be used and staff said yes.

Mark Tetteimer asked if the acreage being credited here is the entire development or just the roadway. Nancy Palmer said it is the entire development area because the entire development drains to the roadway. Mark Tetteimer asked what the nexus to M2 was, is it someone's backyard. Are we there to address these water quality issues too? It appears to be a slight over statement in terms of the acreage and he is worried about the long time viability over time.

Mark Tetteimer said in reference to the parking lot, there is no parking lot there today and they want to change the pervious area into an impervious parking lot and they want us to pay for it. This seems like it is going the wrong way.

Mark Tetteimer said in reference to the bridge option, if the project sponsors would give us the least cost option for this bridge then maybe the Program could give them the money for it and then they could seek funding from somewhere else to put in the type of bridge they want.

Chair Mary Anne Skorpanich said she shared Mark Tetteimer's observations on the parking lot situation. They would be going to a less pervious situation by putting in a state of the art parking lot. Nancy Palmer pointed out the infiltration rate of the clay soil is a tenth of an inch an hour where the infiltration rate of a permeable parking lot is closer to 10 inches an hour.

Mark Tetteimer asked what OCTA's prior policies were for something like this. Dan Phu said they do try to maintain a level of consistency between the start of the program and now. However, they acknowledge at the conclusion of each call for projects there are always lessons learned.

The ECAC discussed previous policy decisions made by the committee.

Chair Mary Anne Skorpanich said her original impression was they could not approve funding for a bridge, but after discussions she sees there is some nexus in it. By going from a dip crossing to a bridge, a footprint area is provided when they do the water quality treatment. By the nature of doing a water quality treatment you have to move the grouted riff raff supporting the dip crossing.

Chair Mary Anne Skorpanich said in reference to the parking lot, by increasing the imperviousness beyond the natural condition, she could see a justification for this part of the project also.

Marwan Youssef said if the crossing was done as an Reinforced Concrete Bridge (RCB) or a culvert, and the ECAC knew the cost and compared to the two-span bridge they could fund the RCB portion and the ECAC could fund the rest.

Dick Wilson said the ECAC made a decision awhile back on a City of Irvine project. They had a treatment system that was not sustainable and they wanted to put in a new one. The ECAC said they already had a treatment system and would not fund it. This is a precedent. He believed this road/access falls under this precedent. He agreed with Marwan Youssef, the culvert would be the cheapest solution and if they want to upgrade from this it is their responsibility.

Dan Phu said there is language in the M2 Ordinance that states OCTA will not fund projects under this program which will supplant any existing requirements. In this particular case there is no argument about supplanting.

Hector Salas asked if the parking lot would be carried as a new development or a redevelopment under the County of Orange's NPDES Permit. Nancy Palmer said the cutoff has to do with the square footage of the project and the permeable surface. The purpose of making the parking lot impervious was to not reach that cutoff. If they tried to build the parking lots under new parking lots they would trigger that threshold.

Chair Mary Anne Skorpanich suggested the following be brought back to the next ECAC meeting.

- A) Ask Nancy Palmer to submit an alternative to the span bridge, and
- B) Ask Staff to develop a recommendation or a corollary to the transportation grant for what might be secondary and partially funded and how it affects match and eligibility.

Chair Mary Anne Skorpanich asked if it would be possible to bring back the scoring for this project in terms of pollutants priority areas and pollutant reduction. Dan Phu said they should have that information by the next meeting.

Jean Daniel Saphores asked what the rationale was for building the parking areas. Nancy Palmer said the park is overcrowded and needs more parking. Jean Daniel Saphores asked if there were water quality problems with the lack of parking. Nancy Palmer said the intention with the parking lot was to get people to park and not drive deep into the park. They are trying to divide up the parking capacity to both increase the capacity and have less congestion.

5. Tier 1 Updates/Proposed Revision for 2014

Dan Phu gave an update of Tier 1 and the proposed revisions for 2014. He said Chair Mary Anne Skorpanich wanted to have a discussion on the language on "supplanting" similar to the previous discussion on the transportation nexus. Chair

Mary Anne Skorpanich said this was correct and she was also a little concerned about the work being done by the State of California on a new trash policy. Dan Phu proposed staff come back to the next ECAC meeting with language on what supplanting means and how to integrate it into the Tier 1 and 2 guidelines.

Garry Brown said some of the applications on this round of Tier 2 do not adhere to what the ECAC wants to accomplish with Tier 2. They are basically expensive Tier 1 projects. We need to look at the parameters put on Tier 1 and if that includes raising the amount of money they can apply for then maybe this should be looked at. He said four or five of the Tier 2 submitted projects are really Tier 1 projects.

6. BMP Vendor Fair and Consolidated Vendor Agreements

Dan Phu gave an overview of the BMP vendor fair and the current need for new vendors with new technology.

Marissa Espino discussed having the new vendor fair in January or February 2014.

7. Public Comments

There were no public comments.

8. Committee Member Reports

There were no committee member reports.

9. Next Meeting – December 12, 2013

The next regular scheduled meeting of the ECAC will be December 12, 2013 in the OCTA offices.

10. Adjournment

The meeting adjourned at 11:55 p.m.