

Measure M 2 Environmental Cleanup Allocation Committee

September 22, 2011, Meeting Minutes

Committee Members Present:

Vice Chair Garry Brown, Orange County CoastKeeper
John Bahorski, City of Cypress
Tim Casey, City of Laguna Niguel
William Cooper, UCI
Gene Estrada, City of Orange
Chad Loflen, San Diego Water Quality Control Board
Joe Parco, City of Santa Ana
Tom Rosales, General Manager, South Orange County Wastewater Authority
Hector B. Salas, Caltrans
Sat Tamaribuchi, Environmental Consultant
Dick Wilson, City of Anaheim

Committee Members Absent:

Mark Adelson, Santa Ana Regional Water Quality Control Board
Chair Mary Anne Skorpanich, County of Orange-Watershed & Coastal Recourses Program

Orange County Transportation Authority Staff Present:

Marissa Espino, Senior Community Relations Specialist
Janice Kadlec, Public Reporter
Charlie Larwood, Planning & Analysis Section Manager
Dan Phu, Project Development Section Manager
Monte Ward, OCTA Consultant

Guests

Ken Susilo, Geosyntec
Wallace Walrod, Orange County Business Council

1. Welcome

In the absence of Chair Mary Anne Skorpanich, Vice Chair Garry Brown chaired the meeting. He welcomed everyone and began the meeting at 10:00 a.m.

2. Approval of the September 8, 2011 Meeting Minutes

No additions or corrections to the September 8, 2011 Meeting Minutes were requested. A motion was made by Tim Casey, seconded by Sat Tamaribuchi and carried unanimously to approve the September 8, 2011 Meeting Minutes.

Dan Phu noted on Page 7 of the September 8, 2011 meeting minutes, Item 4 M2 ECAP Funding, he made a presentation on the funding outlook for the Program. There was no official vote on the Action Recommendation. A motion was made by

Tim Casey and seconded by Dick Wilson to approve staff's recommendation to identify future funding opportunities for the Environmental Cleanup Program concurrent with the completion of the funding allocations for the two-tiered program. The motion passed unanimously.

3. Tier 2 Study Update and Policy Discussion

Funding Guidelines Policy Recommendations and Funding Scoring Methodology:
Ken Susilo presented the Funding Guidelines Policy Recommendations and Funding Scoring Methodology.

Dick Wilson asked about the BMP performance relative to cost effectiveness. Is this part of the Project Sustainability? Ken Susilo said yes, and the Project Sustainability will be talked about more to see if everyone agrees on the metrics.

John Bahorski said his concern was with the MPAH total lane miles catchment area listed in the Scoring Criteria under transportation nexus, what happens if there is a really sensitive area not impacted by a lot of lane miles. Ken Susilo said when this is broken down he will walk the Committee through it again to make sure everyone is comfortable.

John Bahorski asked about Drainage Capacity, his concern was people would think this was a way of solving their drainage problems if this was a criteria when the intent was to deal with water quality. Ken Susilo said this is a fair question; he suggested tabling this issue and revisiting the question later along with several other questions that need to be discussed as far as weighting. Monte Ward said there is a three to one ratio currently in terms of weighting so it is unlikely this would be a determinate of a project prevailing over another project that has much greater water quality benefits.

William Cooper said in the Proposed Scoring Allocation (Draft) under Project Sustainability with a 15 point maximum if proposed project has no ability to maintain (-10 points) but they can leverage funding (+ 5 points) and the project is ready (+10 points) it would result in the 15 point maximum score but they are not going to be able to maintain the project. Ken Susilo said there are other eligibility requirements which would offset this such as the ability to have an O&M Plan. Monte Ward said Ability to Maintain is something that should be addressed as an eligibility issue not a scoring issue.

Gene Estrada said he agreed maintenance is very critical to a project and suggested deleting Ability to Maintain from the Proposed Scoring Allocation. He also would not have Multi-Jurisdictional Regional scored at only 5 points; it should at least be 10 points since everyone agrees this is a big focus for Tier 2.

Monte Ward said the stipulation for reviewing this is we would be requiring some commitment to maintain as part of eligibility (yet to be defined). He asked, with this stipulation should there be a scoring metric here for Ability to Maintain. Tim Casey

said it did not seem necessary to have scoring for something that was an eligibility requirement.

Sat Tamaribuchi asked if it made sense to have more points if a project was going to last longer than 10 years. Ken Susilo said he was hearing from the Committee to remove Ability to Maintain and replace with something about project life.

Sat Tamaribuchi questioned having the Ability to Leverage Funding in the Scoring Metrics. Monte Ward said the reason for this is to reward overmatch. Sat Tamaribuchi said, it seemed to him, in order to accommodate the Ability to Leverage Funding then there has to be some sort of minimum similar to what was talked about with Maintenance in Sustainability. Monte Ward said there is a minimum and if you can offer more than the minimum you can get more points.

Tim Casey said he thought the scoring was too light for a project with Multiple Benefits whether drainage is included or not. Also the scoring is too light for Multi-Jurisdiction Regional. He suggested the allocation for M2 Required Scoring Matrices should be 70% and Additional Scoring Matrices should be 30% with 10 points each for Multiple Benefits, Project Sustainability, and Policy.

Vice Chair Garry Brown suggested Transportation Priority Index should be an eligibility. The Ordinance just states there shall be a transportation nexus – how complicated the ECAC wants to make it is up to the Committee.

Vice Chair Garry Brown asked what was the anticipated range or variance within the 65 points. Would it be all over the board or would it be something that 90% of the people would be qualified for so the winning or losing would occur in the Additional Scoring Metrics. Ken Susilo said he believes the opposite because the scoring can be broken up so that perfect scores would be rare. Monte Ward said the early mapping seen from the SBPAT certainly counters the concern Garry Brown was raising. He said the ECAC will find significant differences.

Tim Casey asked when the modeling is done, are catchment or drainage areas found in Orange County that are more intent than others in respect to arterial highway miles and is any correlation found between those areas and the most significant water quality issues identified by the Regional Board. Ken Susilo said they have not done the analysis on the index yet but the suspicion is it would line up.

Dick Wilson said he agreed with Garry Brown regarding eliminating Transportation Priority Index from the scoring criteria. Although he could see volume (of water or contaminants) being an issue but this would have to be done on a cost basis. A small volume that costs a little is more cost effective than a large volume that costs a lot – so the volume and the cost must go together.

Monte Ward gave some background on the Transportation Priority Index issue. When this issue was brought forward the original thinking was that it should be a 'yes' or 'no' scoring. It was staff's experience going through the policy boards that there may be some risk. The Ordinance and the Plan are very clear about having a transportation nexus. On the other hand, there are projects in Orange County which have significant water quality benefits and are not very strongly related to transportation. This is why the Transportation Priority Index appears in the Scoring Metrics

Vice Chair Garry Brown said projects without a transportation nexus should be declared ineligible.

Sat Tamaribuchi said he is rethinking his previous position on Ability to Leverage Funding. He is now thinking the number should be 15 points. It seems to him as much leverage as possible should be encouraged beyond the minimum. Monte Ward said from a programming stand point this seems right but when it is weighted more highly there is push back from people less financially able.

The Committee discussed the pros and cons of rearranging the scoring percentages and points.

Vice Chair Garry Brown asked how accurate it is to give BMP Performance such a high rating. Ken Susilo said the way it is being proposed is very accurate but not very precise. There are fairly representative data stats but the data stats are not very precise.

Vice Chair Garry Brown said he noticed under Project Sustainability it gives points for Project Readiness but says nothing about Project Completion. Monte Ward said the programming process commitments are made for eligibility and there is also monitoring of the project and expenditures.

Tim Casey said he was starting to think the Transportation Priority Index is skewed toward the heavily developed and urbanized areas of Orange County; they are likely to have more arterial highway miles than South County. As he recalls, the program is suppose to try to fund the best transportation related projects within the three watershed management areas of the County. Should some thought be given to sub-allocating funding within Tier 2 so the best projects in each watershed management area are being touched on? Monte Ward said it is a legitimate debate but needs to happen down the line a little more. Tim Casey said he would hate to see the Committee create a scoring system that skews one way or the other. If the ECAC has funds to make water cleaner, they should try and make sure there is some balance between the three watershed management areas. He does agree it is a discussion for later, but it is a discussion that should happen.

A motion was made by Tim Casey and seconded by William Cooper for the following:

- Decrease the M2 Required Scoring Metrics allocation from 75% to 70% by taking 5 points from the Transportation Priority Index.
- Increase the Additional Scoring Metrics from 25% to 30% by increasing the Multiple Benefits from 5% to 10%, reducing the Project Sustainability from 15% to 10%, and increasing the Policy from 5% to 10%.
- Eliminate Ability to Maintain from the Additional Scoring Metrics.
- Increase Ability to Leverage Funding from 5% to 10%.

Gene Estrada amended the motion to:

- Add five points to Multi-Jurisdictional to make a total of 10 points.

A committee member observed there would then be nothing defining Project Lifetime. Tim Casey said his thinking on this is a 10-year maintenance period is already being obligated and this is a fairly lengthy amount of time.

The motion passed unanimously as amended.

Specific Analysis Parameters (SBPAT): Ken Susilo presented the SBPAT

William Cooper asked if a great deal of organic chemicals are found in any of the identified waters. Vice Chair Garry Brown said they are found in these waters. William Cooper said they don't seem to be captured in the information. Ken Susilo said they are captured in the second part of the information.

Tim Casey asked if the figures had been presented to the Committee's local Regional Water Board representative to see if they agree with the figures. Ken Susilo said he has run these figures past the Los Angeles Water Board and has a meeting set up with the San Diego Board. Tim Casey said the target is to use the funds prudently to attack the pollutants of concern. The regulators are the definers on this. There needs to be some correlation between these figures, the basin plans, and what everyone is being encouraged and/or required to do. He would like to see their input to see if this makes sense to them.

Tim Casey asked if there was a rationale for a higher multiplier for a TMDL than a 303(d) pollutant of concern since absent improvement one is going to turn into the other sooner or later. Ken Susilo said the rationale for the default values is there was a greater urgency for one over another.

Gene Estrada asked how the presented numbers were going to add up to the 30 maximum scoring points of the SBPAT. Gene Susilo said the presented information lead to an index of one to five. All the scores will be normalized.

Vice Chair Garry Brown said he is unsure about the Volume; on a water quality project, the Volume seems far less important in comparison to the other items because it is controlled, hopefully, somewhere else. Ken Susilo said the trash data is not really useful but Volume may be the lesser of all evils when doing a load reduction.

Sat Tamaribuchi said earlier it was mentioned there are ways to deal with 'low flows'. Ken Susilo said it does not fit in yet. Sat Tamaribuchi asked where it would fit. Ken Susilo said the "low flows" would fit into load reductions and also in the monitoring data reflected in 'land use'.

William Cooper said Heavy Metals are a bigger issue. Vice Chair Garry Brown said he would like to see higher point scores for this.

Sat Tamaribuchi asked if a storm water project can be weighted much higher than a 'low flow' project. Ken Susilo said in order to see the amount of pollutants there would be a dry weather and wet weather component.

Tim Casey asked what the difference was between the default value chart and the subcommittee defined chart. Ken Susilo said the driver is the amounts of metal.

Dick Wilson said it is not going to be perfect for all situations, there must be compromise on some things and this seems like a pretty reasonable compromise.

A motion was made by Vice Chair Garry Brown and seconded by Gene Estrada to accept the table with the modification of increasing the weight of Total Metals to 15 and reducing the Sediment weight to 5. The motion passed unanimously.

Gene Estrada asked if monitoring data should be scored as a 10. Monte Ward said, in his opinion, this was not a fatal flaw; there are areas where there are significant problems and these areas have monitoring. They will make good projects to be submitted. If a situation is found where there is no monitoring it will be corrected with monitoring data in the future.

A motion was made by William Cooper and seconded by Dick Wilson to accept the Monitoring Prioritization Scheme. The motion passed unanimously.

The scheduled discussion on Funding Guidelines was tabled until the next ECAC meeting.

4. Public Comments

There were no public comments.

5. Committee Member Reports

There were no committee member reports.

6. Next Meeting – October 13, 2011

The next meeting of the ECAC will be October 13, 2011 in the OCTA offices.

7. Adjournment

The meeting adjourned at 12:10 p.m.