

## **Measure M 2 Environmental Cleanup Allocation Committee**

**April 11, 2013**

### **Meeting Minutes**

#### **Committee Members Present:**

Vice Chair Garry Brown, Orange County Coastkeeper  
John Bahorski, City of Cypress  
Scott Carroll, Costa Mesa Sanitary District  
Gene Estrada, City of Orange  
Dick Wilson, City of Anaheim  
Marwan Youssef, City of Westminster

#### **Committee Members Absent:**

Chair Mary Anne Skorpanich, O. C. Watersheds  
Mark Adelson, Santa Ana Regional Water Quality Control Board  
Chad Loflen, San Diego Water Quality Control Board  
Tom Rosales, General Manager, South Orange County Wastewater Authority  
Hector B. Salas, Caltrans  
Jean-Daniel Saphores, UCI  
Sat Tamaribuchi, Environmental Consultant  
Dennis Wilberg, City of Mission Viejo

#### **Orange County Transportation Authority Staff Present:**

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

#### **Guest(s)**

Keith Linker, City of Anaheim

#### **1. Welcome**

Vice Chair Garry Brown began the Environmental Cleanup Allocation Committee (ECAC) meeting at 10:00 a.m. and welcomed everyone. He reported Chair Mary Anne Skorpanich was at the MS4 meeting in San Diego and he would Chair the meeting.

#### **2. Approval of the March 14, 2013 Meeting Minutes**

Due to lack of a quorum, approval of the March 14, 2013 ECAC meeting minutes was tabled until the next ECAC meeting.

### 3. Tier 1 Status Update

Marissa Espino reported OCTA staff has successfully met with all cities who have not participated in Tier 1 or have not had a project funded by Tier 1. Three workshops have taken place and one-on-one meetings have been set up with the Cities of Irvine and Newport Beach. OCTA staff will continue to perform one-on-one meetings upon request.

Marwan Youssef asked if raising the dollar limit on Tier 1 projects meant that not every city will receive project approval. Dan Phu said it depends on the amount the applicants request. If everyone came in with a project for the maximum dollar amount available there would be less projects funded. Monte Ward said applicants can still designate top priority projects for the 15 point advantage over other projects they are applying for.

### 4. Tier 2 Status Update

Dan Phu presented the FY 2012-13 Guidelines Summary of Changes and indicated where the changes were made in the Guidelines and in the Application.

John Bahorski asked what the impact would be of the changes in #1 if an applicant has an experimental project. Dan Phu said the first thing to find out would be if the experimental project is a regional water requirement. If it is, then the obligation would be whether or not it is a pilot project to begin with.

Gene Estrada questioned number 1. Under **Existing Water Quality Expenditures** it says *does not supplant funding from other sources of transportation related water quality projects and programs*. Why can Tier 2 funding not supplant funding only for transportation water quality expenditures? Dan Phu said if it wasn't transportation related, then the eligibility of the project would be questioned to begin with because it has to meet the transportation nexus.

Monte Ward said this is similar to other parts of the Guidelines where a sidewalk or a pathway would not be eligible for funding as part of a larger project with water quality benefits. Certain components of the project would not be eligible but overall a water quality improvement project is being funded. This change is identifying if there is already a system in place to meet a requirement where you have elements of the system that will be carried forward in the larger project, subtract these out from what gets grant funded by the Water Quality Program.

John Bahorski asked what if a Regional Board permit requirement would be was an existing order. Monte Ward said if an investment has already been made to satisfy the order and you basically want to refund the project this would be a problem. John Bahorski said if a permit (not an order) was required for a project could a city come in and apply? Monte Ward said yes. The problem is if the project has already been done, applicants cannot ask for money to redo it. The Water Quality Program will pay

for improvements on the project, expansion, or adding other components but it won't pay for redoing it.

Dick Wilson suggested adding an explanation to this section stating "expansion or improvements may be eligible for funding, contact OCTA for further information."

Gene Estrada said the basic premise is to not use the money to replace existing structures.

The ECAC gave input on the following Tier 2 Guidelines Summary of Changes:

- Partnerships (#2)
- Third-party agreements (#3)
- Delete 70 point minimum (#4)
- Matching Funds (#5)
- Expenditures (#6)
- Reducing Match (#7)
- O&M match reduction (#8)
- Ineligible Expenditures (#9)
- Overmatch (#10)
- Transportation nexus (#13)
- Load reduction benefit (#15)
- Community support (#16)
- Eligible project costs (#17)

Even though they did not have a quorum present at the meeting, Garry Brown requested a motion be made showing the ECAC's support for the proposed Guidelines changes.

A motion was made by Gene Estrada, seconded by John Bahorski, and passed unanimously to support the approval of the revised Combined Transportation Fund Programs Tier 2 Funding Guidelines as amended and support the recommendation to initiate the Tier 2 call for projects in the June/July time frame. The motion passed unanimously.

## **5. Public Comments**

There were no public comments.

## **6. Committee Member Reports**

Marissa Espino gave two updates on ECAC membership. Tom Rosales has officially resigned from the ECAC and recruitment for a water agencies member will be initiated. Jean-Daniel Saphores just started the new semester at UCI and now has a class at the same time the ECAC meets. Marissa said they are looking for another alternate.

Dan Phu handed out a spreadsheet showing the scoring for the twelve 2012 Environmental Cleanup Program projects. He indicated scores for Questions 1 through 3c were generated as a result of the Geosyntec study and model and could not be influenced by how the application was filled out or by the discretion of the evaluations committee. Question 4a – 6b required some sort of discretion on the part of the evaluators. Dan Phu also indicated the four applicants who did not get funded.

Garry Brown asked the members to take the information home return to the next meeting with any questions about the scoring.

**7. Next Meeting – May 9, 2013**

The next regular scheduled meeting of the ECAC will be May 9, 2013 in the OCTA offices.

**8. Adjournment**

The meeting adjourned at 11:15 p.m.