

Environmental Cleanup Allocation Committee

June 10, 2010, Meeting Minutes

Committee Members Present:

Vice-Chair Mary Anne Skorpanich, County of Orange-Watershed and Coastal Resources Program

John Bahorski, City of Cypress

William Cooper, UCI

Gene Estrada, City of Orange

Joe Parco, City of Santa Ana

Hector B. Salas, Caltrans

Sat Tamaribuchi, Environmental Consultant

Dick Wilson, City of Anaheim

Committee Members Absent:

Chairperson, Garry Brown, Orange County Coastkeeper

Mark Adelson, Santa Ana Regional Water Quality Control Board

Tim Casey, City of Laguna Niguel

Paul D. Jones, Irvine Ranch Water District

Chad Loftin, San Diego Water Quality Control Board

Tom Rosales, Manager of the Southern California Wastewater Authority

Orange County Transportation Authority Staff Present:

Marissa Espino, Senior Community Relations Specialist

Janice Kadlec, Public Reporter

Charlie Larwood, Planning & Analysis Section Manager

Jim Sterling, Strategic Planning GIS Section Manager

Monte Ward, Measure M Consultant

Guests

Ryan Hansen, Parsons, Inc.

Veronica Seyde, Parsons, Inc.

1. Welcome

In the absence of Chairman Garry Brown, Vice Chair Mary Anne Skorpanich welcomed everyone, and began the meeting at 10:10 p.m.

2. Approval of the March and April 2010 Minutes

Vice Chair Mary Anne Skorpanich asked if there were any additions or corrections to the March 11, 2010 or the April 8, 2010 meeting minutes. Marissa Espino said there is a correction to the April 8 minutes. Page 3, paragraph 5, first sentence: "*Sat Tamaribuchi asked when the \$19.5 million would be available for the Tier-2 Tier 1 Program.*" There were no other changes to the meeting minutes.

A motion was made by William Cooper and seconded by Gene Estrada to approve the March 11, 2010 or the April 8, 2010 meeting minutes as corrected. The motion passed unanimously.

3. Transportation 2020 Committee/Board of Directors Presentations Update

Monte Ward reported the items approved by the ECAC and forwarded to the Transportation 2020 Committee (T2020) and OCTA Board of Directors (Board) were approved as presented. They endorsed the two tier funding approach including the recommended funding plan and timeline. They also approved the program funding guidelines for Tier 1 and they approved and authorized proceeding with the Tier 2 program. They did have one minor caveat – the funding plan assumes there will be some type of financing to carry the Tier 2 Program and this was not anticipated when the M2 Early Action Plan was approved. This portion of the funding plan will be taken to the OCTA Finance Committee for concurrence but it is not anticipated there will be any objection from this Committee.

Gene Estrada asked if there were any further approvals needed for the program to go forward. Monte Ward said not for the Tier 1 Program. John Bahorski asked to have this information forwarded to the Public Works Directors. Monte said yes, and asked Marissa Espino for an overview of the public outreach for this program.

Marissa Espino said after final approval by the Finance Committee on June 17, OCTA will send a letter out to all jurisdictions. The letter will be an update on the progress of the program and talk about the upcoming call for projects. Charlie Larwood said as part of the call for projects there would be a training session open to everyone.

John Bahorski said because of the downturn in the economy there has been major shifts in personnel in the local jurisdictions. It would help to have sufficient lead time for any project. Monte Ward said they would put together a schedule of who is being contacted and get this out to the ECAC members and receive feedback if there are others that need to be contacted.

John Bahorski asked for an update on how the unified bid process was developing. Vice Chair Mary Anne Skorpanich said with the approval from the OCTA Board the County is in discussions with OCTA on how the program would work. John Bahorski said considering the personnel cutbacks in the cities this would be an attractive option for them. Vice Chair Mary Anne Skorpanich said she anticipates the County will set up a website for this project. Charlie Larwood said OCTA staff will be developing the data base over the next couple of months and can give the ECAC an overview of how it will work.

4. Tier 2 Grant Program Scope of Work

Monte Ward gave an overview of the Draft Scope of Work for the Renewed Measure M Environmental Cleanup Program's Tier 2 Grant Program. He said it is a very important and time sensitive document. Feedback from the ECAC is needed in order to get the document approved and to move it forward. Monte said the SOW provides

a framework for the Tier 2 Program and some baseline information which would allow the Tier 2 Program to meet the requirements of the intent of the M2 Ordinance.

Ryan Hansen and Veronica Seyde from Parsons, Inc. gave detailed explanations of each phase of the SOW document and Monte Ward encouraged the ECAC members to ask questions and raise concerns about the document.

John Bahorski asked how the proprietary information asked for in the document would be maintained. Monte Ward said the tools in the document will be fully documented and able to be used by OCTA or anyone else. The data will be owned by OCTA, updated periodically and made available for use with this program. William Cooper asked who would be able to share the data. Monte said OCTA will share the information with other jurisdictions.

John Bahorski said some of this work is to “reduce road and freeway run-off impact”. Is this going to have crossover benefit with the Freeway Mitigation Program and could some of the funds be used to fund the study? Monte Ward said no funds would be used to fund the study. The only crossover possibility would likely have to do with Freeway Mitigation Program Restoration funding; there could potentially be compounded benefits. A water quality improvement could be approved that may include some restoration being involved but the rules are different. Restoration credit needs to be tied to the impact of Freeway projects. On the other side if a project is designed and put together for a Freeway widening that will have impact on water quality it has to be built into the project but the project would pay for these improvements.

Gene Estrada said on page three the paragraph four the Scope of Work talks about the Consultant attending “*up to twenty (20) meetings with OCTA staff, ECAC and/or their respective Ad Hoc Subcommittee...*” It seems like there will be more than 20 meetings required. Mary Anne Skorpanich suggested the language should say 20 meetings in addition to the task specific meetings.

John Bahorski said in Task 2 where it talks about “*Displays initial Tier 2 Projects*”, are we not limiting ourselves; is this just to identify the first cut. Monte Ward said this identifies the initial first cut and also helps look at how the system works.

Gene Estrada asked in the listing of “*spatial data may be required*” on page four *Contaminated Soil or ‘Brown Fields’* should be added.

Gene Estrada had questions about the third bullet point in Task 2 regarding evaluating structural treatment BMPs. Ryan Hansen said there should be a range of BMPs for the area. Charlie Larwood said they need to make sure the deliverables are listing those portions in the approach that are discussed. He confirmed with Gene Estrada to make sure there will be a list of best industry BMPs for each strategic area.

Sat Tamaribuchi suggested there should be a section which lists all available data. Charlie Larwood said on page five, first paragraph there is a section that says the *“Consultant is not limited to using only the datasets listed”*. If there are other datasets or models available they can be used if available. Monte Ward said there is some risk; if in the SOW all the models and data are listed and something important is missed - they own the problem. Sat Tamaribuchi said he does not want to pay for something un-needed. John Bahorski said the ECAC as a core group should be able to come up with everything needed.

Dick Wilson asked what happens when the areas are ranked and the top ten projects are identified but nobody wants to do them. Monte Ward said then the ECAC makes a policy decision. The policy decision can go one of two ways – either a decision is made to only allocate money to a certain class of projects to use as a standard and not give out the money until there are better projects or acknowledge there are substantial reasons why projects cannot be proposed and less substantial projects will need to be funded because that is all there is.

Mary Anne Skorpanich said the members need to keep in mind this is a thirty year program and this may be an interim process. Priority area water problems today may be different fifteen years from now.

Mary Anne Skorpanich said there are two tasks: 1) Identify the problem areas, and 2) Once this is done and all the pieces are identified, then as the grant applications come in the projects are ranked.

Monte Ward said if the projects are being developed other than along the lines of correcting the most serious water quality issue, then there will be a disparity between what the tools show and what the projects are. He considered this an appropriate policy issue to examine and determine to bring before the T2020 and the Board on how this should be resolved. Monte said if the decision is to take a project submitted by the local jurisdiction which has gone through some type of evaluation and is lacking valuable information to the Board; it is not going to be approved because it does not meet the requirement of the M2 Ordinance as it was written.

Charlie Larwood suggested putting together a listing the of BMPs with a description and relative cost. Mary Anne Skorpanich said her understanding of this work effort is it will do two things: 1) It will do some of the preliminary analysis and work for applicants that they would have to do anyway in developing a proposal, and 2) Once the applications are in this will be yet another piece of information to help rank projects. John Bahorski said if this tool is used as the initial model it will help shape the guidelines. Monte Ward said this is correct; currently there is a lack of information to develop good guidelines and this may help.

Sat Tamaribuchi said the model will be very helpful to everyone. He considers this the best way to communicate with the Regional Board and get them to look at what is realistic and what is really important.

John Bahorski said this will also drive the fairness question. If his understanding of Tier 2 is correct with the focus on regional projects, it seems like South County with all the available land will be better off. Mary Anne Skorpanich said she supposed geographic distribution will end up being a consideration just for the fairness issue. This is why she was in favor of not ranking the strategically affected areas because otherwise those with the most TMDLs win and everybody else gets nothing. This is not the intent of the ECAC.

Charlie Larwood said staff brings a recommendation before the Board they will ask is it transparent, is it fair, is it competitive, is it effective, and is it consistent. Once the jurisdictions see a scoring and ranking system they believe the ECAC has worked on that is fair, transparent, and have had an opportunity to participate in, even if they do not like it they are aware of what is going on. From staff's perspective this is a good foundation.

John Bahorski asked if meetings will be able to shift if needed to accommodate development of the funding guidelines. Monte Ward said the number of meetings can shift. Mary Anne Skorpanich suggested there may be a need for a Public Outreach meeting. Veronica Seyde said in Task 2.1 page 6 there is a paragraph about Public Outreach. Monte Ward said OCTA will have its own Outreach program over and above what is described in the SOW.

John Bahorski asked if in case this requires some land acquisition, how will OCTA handle this. Mary Anne Skorpanich asked if this Grant Program can accommodate land acquisition. Monte Ward said it depends on how the Committee chooses to handle it. This would need to be spelled out in the guidelines and criteria. OCTA does not have criteria for this.

Sat Tamaribuchi asked if when the GIS map is created will it be updated as the process goes along. Mary Anne Skorpanich said this SOW is just for a limited amount of time and a consultant will come in and do the analysis, create the tools, and then hand it over to OCTA. There will be discussions on whether eventually the County or OCTA will own it. Monte Ward said OCTA is specifying something it can manage as well as the County. There will be a decision for water quality purposes what is the appropriate public entity with management responsibilities for this tool and for the overall program.

John Bahorski asked if they could ask the consultant to provide a cost estimate to maintain it because GIS is always evolving. Mary Anne Skorpanich said maybe there is another entity OCTA may contact to house the model and keep it up. William Cooper said Irvine University has a Hyper Wall which could accommodate something like this.

Monte Ward asked if Jim Sterling had any perspective on this issue. Jim Sterling said it seems to be a standalone product that can either be maintained internally or however method is preferred. It is a little early to ask for information on cost and what

is the best way to handle it because it is really unknown specifically what will happen in a year or two.

A motion was made by William Cooper and seconded by Sat Tamaribuchi to approve Renewed Measure M Environmental Cleanup Program's Tier 2 Grant Program Scope of Work with the changes suggested by the ECAC Committee. The motion passed unanimously.

Vice Chair Mary Anne Skorpanich said if anyone wanted to be on the ECAC's Ad Hoc Subcommittee for issues pertaining for the Tier 2 Grant Program SOW to contact OCTA staff.

Mary Anne Skorpanich asked if the Ad Hoc Subcommittee should consist of only ECAC members or can they come from the staff of the ECAC members. Hector Salas said he thought it should be opened up especially for people involved in modeling. Monte Ward said as long as the people tie back to membership on the Committee it would be appropriate.

William Cooper suggested scheduling an ECAC meeting at Irvine University and get a presentation on the Hyper Wall and from some of their GIS experts.

5. BMP Field Trip

Marissa Espino said the BMP Tour will be on July 8 from 8:00 a.m. to 12:00 p.m. The tentative itinerary is to visit four different locations. She will email the members with information.

6. Public Outreach

Marissa Espino said a letter will be sent out at the end of June letting the general public know about the Environmental Cleanup Program. A more specific targeted letter will be sent out to the local jurisdictions when more detail is available. Also in this letter there will be Speakers Bureau information.

Next week June 15, there will be an Outreach presentation to the Taxpayer's Oversight Committee.

7. Next Meeting – July 8, 2010

The next meeting of the ECAC will be on July 8 and consist of a BMP Field Trip.

8. Committee Member Reports

There were no Committee Member reports.

9. Adjournment

The meeting was adjourned at 12:00 p.m.