

Measure M 2 Environmental Cleanup Allocation Committee

January 23, 2014
Meeting Minutes

Committee Members Present:

Chair Mary Anne Skorpanich, O.C. Watersheds
Vice Chair Garry Brown, Orange County Coastkeeper
Gene Estrada, City of Orange
John Bahorski, City of Cypress
Scott Carroll, Costa Mesa Sanitary District
Hector B. Salas, Caltrans
Mark Tettemer, Irvine Ranch Water District
Dick Wilson, City of Anaheim
Sat Tamaribuchi, Environmental Consultant
Marwan Youssef, City of Westminster

Committee Members Absent:

Mark Adelson, Santa Ana Regional Water Quality Control Board
Chad Loflen, San Diego Water Quality Control Board
Jean Daniel Saphores, UCI
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
Charlie Larwood, Manager of Planning and Analysis
Roger Lopez, Senior Analyst, Programming
Dan Phu, Project Development Strategic Planning Section Manager

Guests

Stacy Luell, Geosyntec
Aubrey Dugger, Geosyntec

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 November 18, 2013 Meeting Minutes

Chair Mary Anne Skorpanich asked if there were any additions or corrections to the November 18, 2013 meeting minutes. Gene Estrada asked for a correction on page

2, paragraph 4, last sentence: *There will be a discussion on Tier 1 and what makes since sense in going forward....*

A motion was made by Gene Estrada, seconded by Mark Tetteimer, and carried unanimously to approve the ECAC November 18, 2013 meeting minutes as corrected.

3. Tier 2 Call for Projects Status Update

Dan Phu gave a status update on the Laguna Niguel project which was the subject of discussion at the last ECAC meeting. He said at this point the Laguna Niguel project seems to be ready to move forward.

Dan Phu said he invited Geosyntec here today to discuss the evaluation process specifically as it relates to the dry weather calculation. He said they need to collect the additional information for the dry weather calculations. OCTA sent an email out consisting of a spreadsheet created by Geosyntec for the applicants to fill in information. It is a much more simplified version of what is needed. They will also offer to have teleconferences with the applicants.

Dick Wilson observed that Keith Linker, City of Anaheim's Public Works said he received the information request. Basically it consists of information they do not have at hand and getting the information is not free. It could become quite costly. Dan Phu said they had discussions with Garry Brown on the need for the data. OCTA needs to be absolutely sure of the validity of the data because the program is supposed to be competitive and demonstrate water quality benefits. Without the benefit of the requested data, OCTA would be unable to verify that the proposed projects are indeed consistent with the intent of M2.

Charlie Larwood asked if the intent of the additional data is to help verify the effectiveness of the Best Management Practices (BMPs) for dry weather. He thinks the evaluation committee was concerned that, because these are taxpayers' dollars, we are able to verify. Garry Brown made the point that if they are going on this course over the long term they need to establish some means of identifying how they come up with the information.

Gene Estrada asked what data they were looking for. A Geosyntec consultant gave a high-level recap of what data they were looking for. Gene Estrada asked if they were looking for effectiveness in removing pollutants. The Geosyntec consultant said yes, and that several of the cities have not provided this information. They simply say that whatever water enters the BMP is being treated 100%. The additional request for information is asking for data to support such claims by comparing it to the water quality standards.

Gene Estrada said this is going to be difficult to do because they know that the BMPs do not get you down to water quality standards for allowed pollutants. This is a

problem; if they are going to ask for this they will not get many projects. What they should be looking for is the relative effectiveness of removing some of the pollutants which could vary from 30% up to 100%. Dan Phu said this is what they are trying to get the supporting documentation for: support for removing the percentage of pollutants claimed.

Chair Mary Anne Skorpanich asked if there is something built into the model that identified types or categories of BMPs; for example wetlands treatment. This made certain assumptions about load reductions. Are we not using this? Are we asking applicants to provide the same information? A Geosyntec consultant said this was information Geosyntec pulled from a standard database so the applicant has the same option. In fact, the spreadsheet has links to this database. Geosyntec also referred the applicants to a BMP data manual which provides excellent qualities for BMPs. It is pretty standard and available online.

John Bahorski said they are asking the applicant to do a literature search of what is out there. They are not being asked to do pre-monitoring. A Geosyntec consultant said that is correct. Some cities have their own data and they could use this.

Chair Mary Anne Skorpanich asked how the question is currently being asked on the application in terms of load reduction. A Geosyntec consultant said they ask for volume of water treated to water quality standards.

Chair Mary Anne Skorpanich asked if the question was the same as in the previous round. A Geosyntec consultant said yes. Chair Mary Anne Skorpanich asked if difficulties were encountered in the previous round. A Geosyntec consultant said after the first round they realized they needed to investigate closer in the second round.

Gene Estrada went over a wetlands BMP with the Geosyntec consultant. He said it seems doable but even with wetlands you are not going to get down to water quality standards. The intent was to *improve* water quality not meet water quality standards.

Garry Brown said another issue is consistency. They have gone to great lengths to develop a model so there is consistency in evaluating the applications when they come in. The problem is there is no consistency in the applications. Few cities provided all the data required and most cities did not. They will work with the cities and get the information in so they can be consistent.

4. Tier 1 Call for Projects

Dan Phu introduced Roger Lopez who gave a background history of the work done on the Tier 1 Guidelines and explained why certain changes were made.

John Bohorski asked if bioswales and bio-retention systems would now be allowed. Roger Lopez said yes, as long as they stay in the cap. He clarified the cap would be

the control where the work can be done up to the cap, otherwise the project becomes a Tier 2 project.

John Bohorski asked if someone could then take a Tier 1 and a Tier 2 project and merge them together. Roger Lopez said these are competitive projects and they can be repackaged and submitted again if they were not selected the first time. This is the purpose of having two tiers.

John Bohorski asked why this was taken out on page 10 under "Application Process Long Term Sustainability." Roger Lopez said the evaluators thought long term sustainability was already built into the application process with the operations and maintenance requirement.

Mark Tettermer asked if there was ever a thought to have a criterion about the life of the project. Roger Lopez said this was a consideration at one time but they are already capped at \$200,000 and assigning a scale to this would be problematic.

The ECAC had a discussion on the timing of future Tier 1 and Tier 2 projects. Charlie Larwood said they would come back to the ECAC with different options for them to consider.

John Bohorski suggested contracting with someone to determine if the screens are being maintained, if they are as effective as the manufacturer claims and to do a study of the existing BMPs. Dan Phu said he had been concerned about this for a number of years because there is a provision in the M2 Ordinance that states projects must "demonstrate effectiveness." A year ago Geosyntec developed a spreadsheet and formulas to calculate a rough order of magnitude load reduction of the Tier 1 projects. In the spreadsheet they were able to get a rough order magnitude amount of tonnage of trash removed.

The ECAC discussed the different ways they could measure effectiveness of BMPs.

Sat Tamaribuchi suggested asking Geosyntec to come back with a preliminary proposal and the ECAC can build from there.

Sat Tamaribuchi asked for a listing of which cities have received funding and the amount funded for the projects and which cities have not received funding. He felt the goal of the program was to make sure every city received part of the money. Dan Phu said so far all cities have applied for money for projects and three cities have not received any money – La Habra, Placentia, and Los Alamitos. He will get the detailed information to the committee members.

Dick Wilson said the Tier 1 project limit was raised to \$200,000 for a purpose. He believed this did not work. What they got were applications with twice as many screens. This prevented other cities from getting money because there were fewer

awards. He would like to correct this. If the project is just for screens maybe the cap should be \$100,000.

Gene Estrada said the reason the cap was raised was because of the increase of cities wanting hydrodynamic separators. These units cost \$100,000. The idea was to try to accommodate cities that wanted two. Unfortunately some cities got squeezed out but maybe they can do something in the next round to help these cities. He feels \$200,000 is a good level to max out at for Tier 1.

Sat Tamaribuchi asked why one of the cities who had not received funding applied and was still turned down. Charlie Larwood said they did not answer the questions on the application. Roger Lopez said these programs are competitive programs. It is a disservice to taxpayers to award funds to a city for the mere fact that they haven't yet received money. Some of the applications that come in show no effort made on them. Giving points to applicants who have not gotten funds in the past is not the intent of a competitive program; it is to give the funds to the most competitive projects that will benefit water quality most.

Sat Tamaribuchi said he disagreed, he felt one of the criteria when they started the Tier 1 program was to spread the money out between all the cities recognizing that some cities do not have the resources that other cities have. He feels there is a minimum standard of making sure the money is well spent. If the city says they are going to put in catch basins and answer the questions they should be funded.

Garry Brown said this is the key – “did they answer the question properly?” A point system has been developed that everyone agreed to as a way to evaluate the applications. If questions are not answered or if they take the same exact worded answer and use it for three different questions a score of zero is applied. Either throw out the point system for everyone or apply it equally.

Sat Tamaribuchi asked if the evaluators could sit down with the applicants, interview them and put the response in the application. Charlie Larwood said they will reach out to the cities (especially the cities who have not received funding) and offer to meet with them.

Sat Tamaribuchi said it is one thing if a city does not apply but if a city who has never gotten a project applies for something like catch basins they should be given more leeway. Roger Lopez said if during the process OCTA finds a question is not answered correctly or sufficiently they do not throw the application out. They send emails to the project managers saying please provide additional information or answer more clearly. One of these cities was told specifically what to put in answer to the question and still did not do it. OCTA is a steward to the public funds and cannot give money to someone who cannot answer a question as simple as “How are you going to maintain the project?” He also questions if they are capable of implementing the project.

Chair Mary Anne Skorpanich said there may be something going on at the city that OCTA is unaware of. There may be a Public Works Director who does not want to do the project and is feeling pressure to submit an application. We do not know all the complexities.

Dan Phu said OCTA has seen a common denominator with the three cities that have not been given funds. In the past when they have reached out to them under round one they have indicated they hesitate to apply because they lack the resources. There is a danger in handing out the money and having the project canceled.

Chair Mary Anne Skorpanich asked if anyone had any additions or corrections to the proposed action recommendations.

Dick Wilson said he would still like to see the Tier 1 project cap reduced to \$100,000. The ECAC discussed what type of project they foresaw coming in for Tier 1. Gene Estrada suggested to leave it the way it is for the present and if it doesn't work out revisit it at a later date.

Chair Mary Anne Skorpanich said she would like to discuss the language on page 2 of the revised guidelines. Specifically the second sentence: ...if a project has components already in place to comply with an existing order,... There are all sorts of regulations that could be considered an existing order. It seems too broad and would prohibit funding anything. Dan Phu said the second to the last sentence in the paragraph was built in to cover the above broad statement: The eligibility of the project and its components will be determined during the evaluation process.

Chair Mary Anne Skorpanich suggested a way to clarify this is to either list examples of obligations or orders of what can be funded or list those things that cannot be funded.

After discussion the following change was made to Page 2, Paragraph 3, Sentence 2: *In other words, if a project has components already in place to comply with an existing order, if a project has components which will replace features already in place or fulfill project-specific mitigation requirements, then those components will not be eligible for M2 funding consideration.*

Sat Tamaribuchi asked for clarification on question three of the Guidelines. *List the waterway(s) associated with this project, including applicable 303(d) listing.*

Chair Mary Anne Skorpanich said to delete that sentence and replace it with the following: *List the applicable 303(d) listing and associated water bodies.*

A motion was made by Garry Brown, seconded by Gene Estrada, and carried unanimously to endorse the following recommendations as amended.

- A. Endorse the approval of the revised Tier 1 Comprehensive Transportation Funding Programs Funding Guidelines.
- B. Endorse the recommendation to issue the fiscal year 2014-15 call for projects for the Tier 1 Grant Program to be considered for approval by OCTA's Executive Committee and Board of Directors.

5. BMP Vendor Fair and Consolidated Vendor Agreements

Alison Army and Charlie Larwood gave an update on the Consolidated Purchasing Agreement with previous BMP vendors.

Marwan Youssef asked if the vendors competed on price. Charlie Larwood said yes. Chair Mary Anne Skorpanich said the idea was the cities would get some kind of volume discount.

Marissa Espino said the Vendor Fair will be held on February 26 after the Technical Advisory Committee meeting.

6. Public Comments

There were no public comments.

7. Committee Member Reports

There were no committee member reports.

8. Next Meeting – February 13, 2014

The next regular scheduled meeting of the ECAC will be February 13, 2014 in the OCTA offices.

9. Adjournment

The meeting adjourned at 11:45 p.m.