

Measure M2 Environmental Cleanup Allocation Committee

October 13, 2011, Meeting Minutes

Committee Members Present:

Chair Mary Anne Skorpanich, County of Orange-Watershed & Coastal Resources Program
Vice Chair Garry Brown, Orange County Coastkeeper
Tim Casey, City of Laguna Niguel
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:

Mark Adelson, Santa Ana Regional Water Quality Control Board
John Bahorski, City of Cypress
Chad Loflen, San Diego Water Quality Control Board
Tom Rosales, General Manager, South Orange County Wastewater Authority

Orange County Transportation Authority Staff Present:

Alison Army, Senior Transportation Analyst
Marissa Espino, Senior Strategic Communications Specialist
Janice Kadlec, Public Reporter
Charlie Larwood, Planning & Analysis Section Manager
Abbe McClenahan, Manager of Programming
Dan Phu, Project Development Section Manager

Guests

Richard Boon, County of Orange
Keith Linker, City of Anaheim
Ken Susilo, Geosyntec

1. Welcome

Chair Mary Anne Skorpanich welcomed everyone and began the meeting at 10:05 a.m.

2. Approval of the September 22, 2011 Meeting Minutes

No additions or corrections to the September 22, 2011 Meeting Minutes were requested. A motion was made by William Cooper, seconded by Garry Brown, and carried unanimously to approve the September 22, 2011 Meeting Minutes.

3. Tier 1 Status Update

Dan Phu gave a status update on the Tier 1 Program. He said 34 projects were funded from 24 agencies. A total of 8 of the 24 agencies have submitted executed letter agreements.

Gene Estrada said he is holding off doing any work until he gets the letter of agreement back signed by the Board. Dan Phu said the letters did not need to go back to the OCTA Board because the Board has already approved the expenditures; it is strictly an administrative matter at the staff level. Alison Army said they have obtained all three required staff signatures but was unsure the letters were sent out with the signatures. Dan Phu said he will send a copy of the staff signed document to the City of Orange. Gene Estrada said he will return the signed document once he receives a copy of the staff signed document.

4. Tier 2 Study Update and Policy Discussion

CTFP Funding Guidelines: Charlie Larwood gave an overview of Chapter 12 of the CTFP guidelines. He explained each section of the document and asked the Committee to come back with their comments at the next meeting.

Chair Mary Anne Skorpanich asked if the second call for projects will be one year after the first call. Dan Phu said if the first call for projects is pushed out then the second call would be pushed out, too.

William Cooper suggested one point that needed to be clarified in the Matching Funds section (Potential to reduce matching funds up to 15%) – is it 15% of the 50% or 15% of the total cost. Dan Phu said it is 15% of the 50% match requirement. Abbe McClenahan said it reduces the match requirement from 50% to 35%. William Cooper said this needs more clarification.

Gene Estrada asked about the definition of Cash Contribution. Is there a minimum? Dan Phu said a clear definition of Cash Contribution is needed. Gene Estrada said the definition of Sufficient Documentation also needed to be clearly defined.

Chair Mary Anne Skorpanich asked if all the matching funds needed to be in cash and not in in-kind service to qualify for the 15% reduction. Abbe McClenahan explained how the Regional Capacity Program (RCP) works. In order to get the reduction of match, one hundred percent of matching funds must not be turnback or fairshare funds. It can be in-kind services provided it is not Operation and Maintenance (O&M) and/or not from work done on a prior phase. This does not mean O&M cannot be part of the matching funds, it just means O&M cannot be part of what is used to get the 15% reduction.

Chair Mary Anne Skorpanich suggested including a section that describes eligible project expenses. Abbe McClenahan said this is in the guidelines but it could also be included in the Chapter 12 CTFP Guidelines.

The Committee discussed different scenarios for matching funds and possible reductions to the matching funds. Abbe McClenahan said it could be structured differently but it seems pretty straight forward. Charlie Larwood said, based on the comments from the ECAC, staff will put together some examples at the next meeting and there will also be a pre-application meeting for the cities.

Tim Casey said the Scoring Criteria Project Readiness seemed a little subjective. Dan Phu said these are really concepts that need more thought behind them and further discussion. For instance, what does Project Readiness mean?

Chair Mary Anne Skorpanich said when looking at the timelines on page 5 everything needs to be in line when applying for the grant. Gene Estrada said the deadlines seem hard to meet. Chair Skorpanich asked the ECAC members, when contemplating their comments for the next meeting, to think about the smaller Tier 1 projects that had a 60-day call for projects – how long will it take for the larger Tier 2 applications.

Charlie Larwood asked – keeping in mind the Tier 2 Implementation Timeline on page 5 “OCTA is seeking applications for projects, which can start construction no later than June 30, 2013” – when applicants apply for projects within Comprehensive Transportation Funding Program (CTFP) do the funds need to be used within the fiscal year. Abbe McClenahan said the way it works in the RCP Program is a contract needs to be awarded (the grantee needs to award the contract) in the year the application is applied for. The applicant then has three years to complete the project. The RCP Program has a three-year programming window and currently the ECAC has only a one-year window. She said the ECAC may want to look at this.

Tim Casey said there is merit in considering changing the programming window to three years instead of one year. Charlie Larwood said they will have to get back to the Committee after talking with other OCTA staff. Abbe McClenahan said she would recommend picking the programming year. Specify the money will be needed in fiscal year 2012/13 or fiscal year 2013/14 and make it consistent with all the other OCTA delay policies. The applicants could pick one fiscal year or another and complete their project within three years.

Scoring Metrics: Dan Phu and Ken Susilo introduced the revised Tier 2 Funding Scoring Metrics to the Committee. Charlie Larwood said the Scoring Metrics is a reflection of the ECAC consensus but the details will be how they are defined. They asked the Committee members to get back to them with any input on the Scoring Metrics.

Draft Meeting Schedule: Charlie Larwood reviewed the Draft Meeting Schedule with the Committee.

Catchment Prioritization: Ken Susilo gave a presentation on the catchment prioritization material gathered so far.

Tim Casey asked what would make a catchment area super pink as opposed to light blue. Ken Susilo said the bright pink would indicate the area that had an impairment or a high bacteria count of some kind.

Garry Brown asked where the data was coming from. Ken Susilo said it was a combination of land use coverage and a combination of data from Los Angeles County and Ventura County.

Garry Brown asked if they validated it by using the Huntington Harbor Watershed Study. Ken Susilo said the County monitoring data had been looked at. The problem with the validation is, looking at extreme samples, it is a reality check but it is not actionable data.

Chair Mary Anne Skorpanich said the scoring is for the catchment area and the driver for ranking is whether there is an impairment.

Sat Tamaribuchi said, in dry weather, one of the things that needed to be accounted for is high ground water. Ken Susilo agreed this definitely needed to be taken into consideration. Sat Tamaribuchi said there is a problem combining wet weather and dry weather and coming up with a number because in some watersheds the problem is just the dry weather. Ken Susilo said they have not run the numbers on this. The advantage of doing a split is you could do whatever you wanted to do with wet weather by loading specific constituents or volume and not have the same with dry weather. However, they would still need to know how to split this. Sat Tamaribuchi asked if they could deal with this by identifying the problem in a particular area – if it is dry weather, focus on dry weather problems, if it is both, focus on both. The problem is the volume is so large in the winter. The concentration is low, but that low will go out and have no impact. Ken Susilo said, ultimately, the effect will be on what the BMP catchment treatment will be.

Tim Casey observed if the calculations shown are correct. It begs the question of whether a differential between areas is being forced because a transportation nexus needed to be found. The calculation in the presentation material suggests everything is equal. Ken Susilo said he needed to go over the information to see if the calculation was correct.

Gene Estrada asked if the vehicle miles per area calculation was looking at arterial miles per area. Charlie Larwood said the vehicle miles per area being looked at are those within the Master Plan of Arterial Highways.

Chair Mary Anne Skorpanich asked if it was possible to put in all public streets. Charlie Larwood said this may be able to be done and staff will look into it. Chair

Skorpanich said a metric which includes miles of city streets as a process of pollutant loading may prove to be a more accurate way to measure use.

Keith Linker suggested if lane miles per catchment area is being used rather than lane miles per square mile, it seems the result would be inappropriately allocating the concentration of traffic to the smaller catchment areas.

Garry Brown asked when a decision could be made to either normalize the study by watershed or by County. If it was to be normalized by County, wouldn't it dilute the purpose of looking at watersheds? Ken Susilo said it does take away the watershed focus.

Chair Mary Anne Skorpanich asked the Committee members what they thought would be the most useful tool in helping allocate the funding.

Charlie Larwood asked Ken Susilo to give an example of how a watershed would score higher in a countywide normalization rather than on a catchment normalization. Ken Susilo used the Santa Ana River as an example.

Garry Brown said it really comes down to where it is politically feasible and where the real need is. He believed there is no prerequisite and the money should be equally distributed. He believed the money should go where it is most needed.

Gene Estrada said he assumed for the purpose of assigning scores to a certain concentration of pollutants, if they exist, that it would get a number associated with its land use. Ken Susilo indicated this is not the case; the scores for all the catchment areas are absolute numbers. The question is how they should be put on the map. He gave two examples of putting them on the map.

Chair Mary Anne Skorpanich asked if it was possible to de-link the loading from the Total Maximum Daily Load (TMDL). Ken Susilo said yes. Chair Skorpanich said she believed a great deal of the pollutants were being washed out by saying the pollutant will only be counted if there was an impairment in the watershed for that pollutant.

Ken Susilo confirmed he would come back with two maps. One looking at prioritization impairment versus what to prioritize versus land uses and linking them to scoring.

Garry Brown said before Ken Susilo goes to the trouble to de-link from the TMDLs or 303d, the Committee needs to decide if it needs to be done because they disagree with the way the map looked. From a funding standpoint why de-link it because if a project is in a TMDL or 303d it should be a priority.

Sat Tamaribuchi suggested they try to get a more accurate linkage; the linkage with the TMDL impairment might not be just stormwater and might not be constituents that

are apparently in the model. In order to get a more accurate linkages, other constituents need to be considered and including the impact of low flows. The actual impairment may be primarily due to low flows. Ken Susilo said the suggestion would be to leave the model as is with the linkage to stormwater and impairments and do a supplemental evaluation based just on the impairments.

Chair Mary Anne Skorpanich said her concept of the big picture approach was if dealing with reducing loads of pollutants, a point is awarded. Also, if there is an impairment involved, more points are awarded. Do you still get points if no impairment is present? Ken Susilo said you will get fewer points if there is no impairment.

5. Public Comments

There were no public comments.

6. Committee Member Reports

Charlie Larwood and Ken Susilo reported they made a presentation on SBPAT at the California Stormwater Quality Association conference in Monterey. There was a great deal of interest.

Marissa Espino said she will send an email of the funding guidelines out to the Committee members, acknowledging today's discussion. She would like comments back by October 27, 2011.

7. Next Meeting – November 10, 2011

The next meeting of the ECAC will be November 10, 2011 in the OCTA offices.

8. Adjournment

The meeting adjourned at 12:10 p.m.