

**AGENDA**  
**NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE**

September 19, 2018  
1:30 – 3:30 p.m.

Irvine Ranch Water District  
15600 Sand Canyon Avenue  
Irvine, CA 92618

**Peer Swan, Chair**  
Irvine Ranch Water District

**Andrew Do, Vice Chair**  
County of Orange

**Melissa Fox**  
City of Irvine

**Dr. Allan Bernstein**  
City of Tustin

**William von Blasingame**  
Santa Ana Regional Water Quality Control Board

**Marshall Duffield**  
City of Newport Beach

**Fuad Sweiss**  
City of Santa Ana

**Allan Mansoor**  
City of Costa Mesa

**Scott Voigts**  
City of Lake Forest

**Dean Kirk**  
The Irvine Company

**Carla Navarro**  
California Department of Fish and Wildlife

Meeting information available at  
<http://ocwatersheds.com/programs/ourws/wmaareas/wmacentraloc/nbexeccomm>

*The Newport Bay Watershed Executive Committee welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. No action shall be taken on any items not appearing in the following agenda except as otherwise provided by law. Any member of the public may ask the Executive Committee to be heard on the following items, as those items are called. To speak on an agenda item, please provide a speaker request card to the Committee Staff. To speak on a matter not appearing in the agenda, please provide a speaker request card to the Committee Staff indicating Public Comments.*

## Welcome and Pledge of Allegiance

- ITEM # 1. ACTION MINUTES OF THE JUNE 20, 2018 MEETING**  
Recommended Action: Approve the action minutes of the June 20, 2018 meeting  
Public Comment on Action Item #1
- ITEM # 2. CONFIRM DATE OF DECEMBER 2018 MEETING**  
Presented by: Amanda Carr, County of Orange  
Recommended Action: Provide direction
- ITEM # 3. EXECUTIVE COMMITTEE LETTER OF SUPPORT FOR REQUESTS TO OWOW STEERING COMMITTEE REGARDING THE OC PLAN**  
Presented by: Amanda Carr, County of Orange  
Recommended Action: Review, comment and provide direction
- ITEM # 4. COPPER (CU) TMDLS AND ACTION PLANS FOR ZINC (ZN), MERCURY (HG), ARSENIC (AS) AND CHROMIUM (CR) FOR NEWPORT BAY STATUS UPDATE**  
Presented by: Jayne Joy, Santa Ana Regional Water Quality Control Board  
Recommended Action: Receive and File
- ITEM # 5. OVERVIEW OF THE SANTA ANA DELHI DIVERSION PROJECT**  
Presented by: Tyrone Chesanek, City of Santa Ana  
Recommended Action: Receive and file
- ITEM # 6. OVERVIEW OF THE CITY OF NEWPORT BEACH EEL GRASS MANAGEMENT PLAN**  
Presented by: Chris Miller, City of Newport Beach  
Recommended Action: Receive and file
- ITEM #7. REPORT ON THE FECAL COLIFORM TMDL STAKEHOLDER PROCESS AND NEXT STEPS**  
Presented by: Amanda Carr, County of Orange  
Recommended Action: Receive and file
- ITEM # 8. EXECUTIVE OFFICER REPORT**
- ITEM # 9. EXECUTIVE COMMITTEE MEMBER COMMENTS**
- ITEM # 10. PUBLIC COMMENTS**
- ITEM # 11. ADJOURNMENT**

Meeting information, including presentations, is available upon request.

To obtain copies, contact Maria Tamez at (714) 955-0603 or [Maria.Tamez@ocpw.ocgov.com](mailto:Maria.Tamez@ocpw.ocgov.com)

AGENDA STAFF REPORTS  
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE  
SEPTEMBER 20, 2018

**DISCUSSION CALENDAR, ITEMS # 1 - 2**

**ITEM # 1. MINUTES OF THE JUNE 20, 2018 MEETING**

Date and Location: June 20, 2018; 1:32 - 2:38 p.m.  
Irvine Ranch Water District  
15600 Sand Canyon Avenue  
Irvine, CA 92618

*\*\*Audio recording for the June 20<sup>th</sup> meeting will be available [here](#). Recording times noted in the minutes correspond to that item on the recording\*\**

**Welcome and Pledge of Allegiance (Recording: 00:00:09)**

**Roll Call/ Self-Introductions (Recording: 00:44)**

Peer Swan, Chair	Irvine Ranch Water District
Matt Haines, <i>Alternate for Andrew Do, Vice Chair</i>	County of Orange
William von Blasingame	Santa Ana Regional Water Quality Control Board
Duffy Duffield	City of Newport Beach
William Galvez	City of Santa Ana
Dean Kirk	The Irvine Company
Scott Voigts	City of Lake Forest
Amanda Carr, Executive Officer	County of Orange

**1) Approval of Minutes (Recording: 00:01:09)**

The minutes of the June 20, 2018 meeting were presented to the Executive Committee.

**Recommended Action:** Approve the minutes of the June 20, 2018 meeting

*Motion: Approve minutes*

*First/Second: Duffy Duffield/Melissa Fox*

*Outcome: Approved unanimously*

**2) City of Newport Beach Request: Executive Committee Letter of Support for Lower Newport Bay Dredging (Recording: 00:01:52)**  
**Amanda Carr, County of Orange**

Ms. Amanda Carr, County of Orange presented the draft letter of support for the dredging of Lower Newport Bay to the Committee for approval. She informed the Committee that the initial draft was developed by the City of Newport Beach and it was then approved by the

Newport Bay Management Committee. She asked for comment and/or recommendations to have Chair Swan sign the letter.

Mr. William Von Blasingame, Santa Ana Regional Water Quality Control Board abstained due to being a regulator.

Chair, Swan asked Mr. Duffy Duffield, City of Newport Beach what the recommendations were, Mr. Duffield responded that time was of the essence. Per Chair Swan motion proceeded and the Committee (except for Mr. Von Blasingame) cast their votes in favor.

**Recommended Action:** Review, comment and provide direction

*Motion: Approve language as is for signature by Chair*

*First/Second: Duffy Duffield/Melissa Fox*

*Abstained: William von Blasingame*

**3) Review of the 2016-17 Sediment TMDL Annual Report Findings and Updates on the Progress of the 405 to 405 Freeway Sediment Removal Project in San Diego Creek (Recording: 00:4:33)**  
**Jamie Habben, County of Orange**

Ms. Jamie Habben, County of Orange provided an update and overview of the 2016-17 Sediment TMDL Annual Report, as well as the 405 to 405 Freeway Sediment Removal Project, which will remove sediment from San Diego Creek. The Annual Report, which was submitted to the Santa Ana Regional Board on February 27, 2018, includes information on rainfall, basin capacities, suspended sediment discharge totals at each monitoring station, sediment removal activities conducted in the Watershed and a discussion of sediment control initiatives that are occurring and about to occur. The Sediment TMDL program has been in compliance since its initiation ten years ago, even though there was a significant amount of rain in 2017. The ten-year running average of sediment loading to Newport Bay is 29,230 tons, representing a 77% reduction and surpassing the initial 50% target reduction. Ms. Habben stated that the 405 to 405 Sediment Removal Project is expected to remove 200,000 cubic yards of sediment. The project is expected to begin at the end of July or early August.

**Recommended Action:** Receive and File

*Motion: Receive and file*

*Objections: None*

*Outcome: Received and filed*

**4) Review of the First Full Year Performance of the Peters Canyon Channel Water Capture and Reuse Pipeline Project (Recording: 00:31:02)**  
**Ian Swift, Irvine Ranch Water District**

Amanda Carr, County of Orange, provided a brief background of the Project, which was a result of joint efforts from City of Irvine, City of Tustin, Caltrans, County of Orange, Orange County Flood Control District, IRWD, and the Orange County Sanitation District (OCSD) as the ultimate receiver of the diverted water. The project captures selenium and nitrogen laden groundwater and urban runoff, and transports it to OCSD and ultimately to the Orange County Water District for the Ground Water Replenishment System (GWRS).

Mr. Ian Swift, Irvine Ranch Water District, noted that the project was partially funded by Measure M2 and Prop 84 grants. The project targets the three main discharge points in Peters Canyon that have the highest level of selenium and nitrogen. Mr. Swift stated that, to date, 26,000 pounds of nitrogen and 80 pounds of selenium have been removed by the project.

Mr. Swift stated since the inception of the Peters Canyon Project there has been an overall 22% reduction in selenium concentrations downstream of the project, which is impressive considering the pipeline was shut down for about four weeks in February and March, 2017 due to rain and OCSD diversion operation requirements.

**Recommended Action:** Receive and file

*Motion:* Receive and file

*Objections:* None

*Outcome:* Received and filed

**5) Executive Officer Report (Recording: 00:46:05)  
Amanda Carr, County of Orange**

Ms. Amanda Carr, Orange County provided an update regarding the North/Central IRWM Plan, known as The OC Plan. She stated that following the recommendation from the Executive Committee at their March 21 meeting, the Plan was adopted by the Orange County Water District at their April 18, 2018 meeting. The Sanitation District will take the Plan to their Board in July, and the County Board of Supervisors will review the Plan at their meeting on September 11, 2018. The Plan will be presented by Ms. Carr to SAWPA One Water One Watershed (OWOW) Steering Committee in July.

Ms. Carr informed the Committee that August 23<sup>rd</sup> will be the last meeting for the Fecal Coliform TMDL Stakeholder Process. A final report will be presented to the NBWEC at the September meeting.

Ms. Carr thanked Carla Navarro and the Department of Fish and Wild Life for allowing the OC Environmental Resources All Hands Meeting to take place at the Back Bay Science Center. She also congratulated Diana Pena of Orange County Coastkeeper for her presentation and informed the Committee of all the engaging activities that are available at the Center.

**Recommended Action:** Receive and file

*Motion:* Receive and file

*Objections:* None

*Outcome:* Received and filed

**6) Executive Committee Members Comments (Recording: 00:50:27)**

Mr. Duffy Duffield, City of Newport Beach reiterated that it is very difficult to obtain funds to dredge the harbor. He stated that the City of Newport Beach has been to Washington D.C. twice, but that they do not qualify for funding because there are not enough vessels with large tonnage as they have in San Diego or Long Beach Harbor. Mr. Duffield added that when they

presented the request for \$70 million they received a counteroffer of \$35 million and that the \$400,000 that were requested to run the study for the dredging project was denied.

Ms. Melissa Fox, City of Irvine reiterated her support to the City of Newport Beach and said that Irvine is dedicated to the mitigation, particularly to selenium and the dangers it represents to the system and the animals. Ms. Fox said that actions are underway to notify residents about the 405 to 405 Project and that she is very excited to see the project begin.

7) **Public Comments (Recording: 00:54:06)**

Chair Swan opened the floor for public comment, and Ms. Hoiyin Ip presented trash removal strategies information on behalf of the Sierra Club.

8) **Adjournments (Recording: 01:06:14)**

Meeting adjourned at approximately 2:38 p.m. The next regular meeting is scheduled for September 19, 2018.

Non-Committee Attendees:

Alex Waite	City of Tustin
Craig Foster	City of Santa Ana
Devin Slaven	City of Lake Forest
Doug Shibberu	Santa Ana Regional Water Board
Mark Tettemer	Irvine Ranch Water District
Terri Reeder	Santa Ana Regional Water Board
Tyrone Chesanek	City of Santa Ana
Mark Vujokevic	City of Newport Beach
Ted Von Bitner	Amec Foster Wheeler
Carl Cassidy	
James Fortuna	County of Orange

**Committee Staff:** Amanda Carr, Christy Suppes, Iris Corpus and Maria Tamez

**ITEM # 2. CONFIRM DATE OF DECEMBER 2018 MEETING**

Presentation by: Amanda Carr, County of Orange

**Recommended Action:** Provide Direction

At the December 13, 2017 meeting, the Committee approved the following meeting dates for 2018:

- March 21
- June 20
- September 19
- December 19

Chair, Swan proposed that the dates be approved as presented with flexibility to alternate dates for December. An alternate date of December 12 has also been reserved. Direction regarding the final date for the December meeting is sought.

**ITEM # 3. EXECUTIVE COMMITTEE LETTER OF SUPPORT FOR REQUESTS TO OWOW STEERING COMMITTEE REGARDING THE OC PLAN**

Presentation by: Amanda Carr, County of Orange

**Recommended Action:** Review, Comment and Provide Direction

On July 13, 2018, OCWD, OCSD, and the County of Orange (collectively the Regional Water Management Group (RWMG) for The OC Plan for IRWM in North and Central OC) sent a joint letter to the One Water One Watershed (OWOW) Steering Committee with specific requests related to incorporation of The OC Plan into the OWOW Plan. Those requests are:

1. Allocation of 38% of total available grant funds;
2. Incorporate The OC Plan as a separate chapter within the OWOW Plan; and
3. Allow for Orange County projects to be ranked and prioritized for IRWM funding through The OC Plan process.

The OWOW Steering Committee will be considering these requests at their September 27 meeting. The RWMG requests that the Newport Bay Watershed Executive Committee consider endorsing their Plan incorporation requests in the form of a letter of support addressed to the OWOW Steering Committee. A draft letter is included for consideration by the Executive Committee, as well as the July 13<sup>th</sup> letter from the RWMG to the OWOW Steering Committee, for reference.

**CONSENT CALENDAR, ITEMS #4-7**

**ITEM # 4. COPPER (CU) TMDLS AND ACTION PLANS FOR ZINC (ZN), MERCURY (HG), ARSENIC (AS) AND CHROMIUM (CR) FOR NEWPORT BAY STATUS UPDATE**

Presentation by: Jayne Joy, Santa Ana Regional Water Quality Control Board

**Recommended Action:** Receive and File

Aquatic life beneficial uses in Newport Bay are impaired due to dissolved Cu exceedances of the California Toxics Rule (CTR) chronic criterion in the Upper and Lower Bay; therefore, Cu TMDLs are required. The predominant source of Cu to the Bay is Cu antifouling paints (AFPs) on boats. Regional Board staff have developed proposed Cu TMDLs, and these TMDLs require the responsible parties to develop their own implementation plan(s) and schedule(s) for Regional Board approval that include strategies to achieve the TMDLs “as soon as possible but no later than 12 years”. Action Plans have been developed for Zn, Hg, As and Cr, due to exceedances of sediment guidelines by Zn and Hg, and fish tissue guidelines by Zn, As and Cr. Continued monitoring and evaluation are required for the TMDLs and Action Plans.

The Regional Board hearing for adoption of the Cu TMDLs and Action Plans for Zn, Hg, As, Cr is scheduled for October 19, 2018. TMDL documents, including the Notice of Hearing, revised Basin Plan Amendments (BPAs) 2018, revised Supplemental Environmental Document 2018 and Supplemental Staff Report were posted on the Regional Board website ([https://www.waterboards.ca.gov/santaana/water\\_issues/programs/tmdl/tmdl\\_metals.html](https://www.waterboards.ca.gov/santaana/water_issues/programs/tmdl/tmdl_metals.html)) on July 10, 2018. Written comments were accepted until August 24, 2018, 9:00am. The full Response to Comments document will be posted shortly after the close of the comment period.

The Supplemental Staff Report explains:

- (I) the major points regarding the TMDLs and Action Plans,
- (II) the key comments from stakeholders and Board staff responses, and
- (III) revisions to the proposed TMDLs and Action Plans.

The most important revisions to the proposed TMDLs/Action Plans BPAs include the following:

1. The compliance language in the Cu TMDLs now states that the Cu TMDLs will be considered to be achieved if the CTR criterion (3.1µg/L) is consistently met (per the State Listing Policy), even if the Cu allocation for boats is not yet met.
2. The Cu loading calculations were revised, including the reduction of the number of boats/slips to 5,000 (from 10,000), and the reduction of the margin of safety to 10% (from 20%); these revisions resulted in an increased Cu allocation for boats and a revised percent reduction to 60%.
3. The compliance schedule was reduced to 12 years (from 15 years) since the percent reduction of Cu discharges from boats (Cu AFPs) was reduced to 60% (from 83%). This gives responsible parties 12 years to achieve a 60% reduction of Cu discharges. (The initial schedule required a 70% reduction in 11 years, and an 83% reduction in 15 years.)
4. Sediments are no longer considered to be impaired; and monitoring and evaluation of sediments (rather than remediation) is required.
5. Numeric targets for sediments have been revised to the sediment quality objectives (SQOs).

#### **ITEM # 5. OVERVIEW OF THE SANTA ANA DELHI DIVERSION PROJECT**

Presentation by: Tyrone Chesanek, City of Santa Ana

**Recommended Action:** Receive and File

The cities of Santa Ana, Newport Beach, and Costa Mesa, the County of Orange, the Irvine Ranch Water District (IRWD), and the Orange County Water District (OCWD) are funding partners on the Santa Ana-Delhi Channel Diversion Project. The project consists of a unique in-channel diversion system that will divert low-flow to the sanitary sewer for treatment by the Orange County Sanitation District (OCSD) and reuse via OCWD's Groundwater Replenishment System (GWRs). The total cost of the project is approximately \$9.4 million, which includes \$2.573 million from an OCTA Tier 2 Environmental Cleanup Program (ECP) grant and \$1 million for the 20-year maintenance period.

This project is paramount to the Newport Bay watershed as it will reduce pollutant loads to Newport Bay and will help achieve compliance with multiple Total Maximum Daily Loads (TMDLs) that have been established by the Santa Ana Regional Water Quality Control Board. Additionally, this project will remove significant amounts of trash and debris from Newport Bay and will increase local water supplies.

Construction of the project began in April 2017 and is currently 95% complete. The diversion structure and the trash and debris capture system are complete. The three pumps still need to be installed and construction of a 500 ft section of sewer force main under the SR-55 freeway is still awaiting approval of a Caltrans Encroachment Permit. Construction on the entire project is



expected to be complete in the fall and after testing of the pumps, the diversion system is anticipated to be on-line in the winter. The City of Santa Ana will be hosting a ribbon cutting ceremony to celebrate completion of the project in the fall.

#### **ITEM # 6. OVERVIEW OF THE CITY OF NEWPORT BEACH EEL GRASS MANAGEMENT PLAN**

Presentation by: Chris Miller, City of Newport Beach

**Recommended Action:** Receive and File

The City of Newport Beach will update the Committee on the City's Eelgrass Protection and Mitigation Plan in Lower Newport Harbor. After nearly three years, the program has been successful in balancing the harbor's eelgrass population through an ecosystem based approach while also satisfying the dredging needs of the waterfront community.

#### **ITEM # 7. REPORT ON FECAL COLIFORM TMDL STAKEHOLDER PROCESS AND NEXT STEPS**

Presentation by: Amanda Carr, County of Orange

**Recommended Action:** Receive and File

In 2017, a stakeholder process was initiated to address bacterial water quality regulations in Newport Bay with respect to recreational Water Contact (REC-1) and Shellfish Harvesting (SHEL) beneficial uses. The process was part of legal settlement terms between the County of Orange/Orange County Flood Control District and Orange County Coastkeeper and its objective was to engage in focused dialogue to develop and submit recommendations to the Santa Ana Regional Water Quality Control Board regarding the adoption of a revised Newport Bay Fecal Coliform Total Maximum Daily Load (TMDL) and/or alternative regulatory options/programs for the protection of the REC-1 and SHEL beneficial uses in Newport Bay. It was further recognized that the recommendations would form the technical foundation for the development of action plans and/or management practices to address the bacteria levels from the Newport Bay watershed. The Stakeholder Group met eleven times over the course of a year and a half to discuss a wide range of issues and review associated policy and technical analyses as they related to the protection of REC-1 and SHEL beneficial uses.

A technical memorandum summarizing the work completed by the Stakeholder Group, the key findings of that work, and the resulting recommendations from the Stakeholder Group to the Regional Water Board is included in this agenda packet. While several pathways and regulatory mechanisms were discussed, consensus on the desired features of the regulatory pathway include the following:

- Dischargers need a regulatory mechanism for compliance while Best Management Practices (BMPs) are being implemented.
- There needs to be assured means for enforceability and interim milestones.
- A reasonable timeframe needs to be provided for studies, which may include a time extension to the TMDLs.
- A BMP-approach needs to be allowed to attain wet weather goals.

- There should be a finite versus open-ended timeframe for BMP implementation.

While much progress was achieved by the stakeholder group, additional discussions and work to implement the recommendations will be necessary. The stakeholder group will continue to meet and updates on progress will be brought back to the Newport Bay Executive Committee.

**ITEM #8. EXECUTIVE OFFICER REPORT**

**ITEM # 9. EXECUTIVE COMMITTEE MEMBER COMMENTS**

**ITEM # 10. PUBLIC COMMENTS**

**ITEM # 11. ADJOURNMENT**

Next Meeting date: December 19, 2018