

AGENDA
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE

June 19, 2019
1:30 – 3:30 p.m.

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

Peer Swan, Chair
Irvine Ranch Water District

Michelle Steel, Vice Chair
County of Orange

Farrah N. Khan
City of Irvine

Dr. Allan Bernstein
City of Tustin

William von Blasingame
Santa Ana Regional Water Quality Control Board

Duffy Duffield
City of Newport Beach

Fuad Sweiss
City of Santa Ana

Katrina Foley
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/nbexecomm>

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 MARCH 20, 2019 MEETING**
Recommended Action: Approve the action minutes of the March 20, 2019 meeting
- ITEM # 2. IRWM STATUS FOR NORTH AND CENTRAL ORANGE COUNTY**
Presented by: Beatrice Musacchia, County of Orange
Recommended Action: Recommend approval of agreement to County of Orange, Orange County Water District, and Orange County Sanitation District
- ITEM # 3. TIME SCHEDULE ORDER FOR FECAL COLIFORM TMDL**
Presented by: Terri Reeder, Santa Ana Regional Water Quality Control Board
Recommended Action: Receive and File
- ITEM # 4. UPDATE ON REGIONAL BOARD WORKSHOPS ON PROPOSED COPPER TMDL AND ACTION PLANS FOR ZINC, MERCURY, ARSENIC, AND CHROMIUM FOR NEWPORT BAY**
Presented by: Terri Reeder, Santa Ana Regional Water Quality Control Board and Dave Webb and John Kappeler, City of Newport Beach
Recommended Action: Receive and file
- ITEM # 5. EXECUTIVE OFFICER REPORT**
- ITEM # 6. EXECUTIVE COMMITTEE MEMBER COMMENTS**
- ITEM # 7. PUBLIC COMMENTS**
- ITEM # 8. 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

AGENDA STAFF REPORTS
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE
JUNE 19, 2019

ITEM # 1. MINUTES OF THE MARCH 20, 2019 MEETING

**ACTION MINUTES
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE**

Date and Location: March 20, 2019; 1:42 - 3:13 p.m.
Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618

Audio recording for the September 19th meeting will be available [here](#). Recording times noted in the minutes correspond to that item on the recording

Welcome and Pledge of Allegiance (Recording: 00:00:16)

Roll Call/ Self-Introductions (Recording: 00:42)

Peer Swan, Chair	Irvine Ranch Water District
Natalie Neev, <i>Alternate for Michelle Steel, Vice Chair</i>	County of Orange
Thomas Lo, <i>Alternate for Farrah N. Khan</i>	City of Irvine
Dr. Allan Bernstein	City of Tustin
William von Blasingame	Santa Ana Regional Water Quality Control Board
Duffy Duffield	City of Newport Beach
Katrina Foley	City of Costa Mesa
Scott Voigts	City of Lake Forest
Carla Navarro	California Department of Fish and Wildlife
Amanda Carr, Executive Officer	County of Orange

ITEM # 1 Approval of Minutes (Recording: 00:02:50)

The minutes of the December 19, 2018 meeting were presented to the Executive Committee.

Recommended Action: Approve the minutes of the December 19, 2018 meeting

Motion: Approve minutes
First/Second: Duffy Duffield/Peer Swan
Outcome: Approved unanimously
Abstain: Natalie Neev, Katrina Foley

ITEM # 2 Election of Officers (Recording: 00:03:23)

Amanda Carr, County of Orange

Ms. Amanda Carr informed the Committee that the members that were nominated for Chair were Peer Swan and Supervisor Steel as Vice-Chair.

Recommended Action: Elect Chair and Vice-Chair for 2019-2021 (2 year term)

Outcome: Approved unanimously

ITEM # 3 IRWM Regional Acceptance Process Status for North and Central Orange County and Continued Discussion of Governance Models (Recording: 00:5:37)

Amanda Carr, County of Orange

Chair Swan, Irvine Ranch Water District, provided a brief summary of the negotiations that have transpired with SAWPA.

Ms. Amanda Carr, County of Orange provided a brief summary of the inception of OWOW and the issues that have surfaced due to low grant fund allocations for Orange County. The County of Orange asked to renegotiate the terms and requested 38% of future grant funds for priority projects identified in The OC Plan. The OC Plan will be incorporated as a separate chapter within the OWOW Plan; and the projects within North and Central Orange County will be prioritized through The OC Plan criteria for funding. As a result the Ad Hoc Committee agreed revise the terms to 30% of Integrated Regional Water Management (IRWM) funds to priority projects identified in The OC Plan, allocate 60% of IRWM fund to upper watershed projects in Riverside and San Bernardino Counties, and allocate 10% of IRWM funds to regional projects that benefit the entire watershed.

Chair Swan thanked Ms. Carr and all staff that have worked diligently to come to an agreement that will benefit all parties.

Recommended Action: Support the agreement terms proposed by the Orange County representatives and SAWPA.

First/Second: Scott Voigts/Allan Bernstein

Outcome: Approved unanimously

ITEM # 4 Review of the 2017-18 Nutrient TMDL Annual Report Findings (Recording: 00:23:20)

Kelvin Liu, County of Orange

Mr. Kelvin Liu, County of Orange presented the finding of the 2017-18 Nutrient TMDL Annual Report which constitutes the fourth year of monitoring, analysis, and nutrient loading record computation since the TMDL RMP was revised.

Mr. Scott Voigts, City of Lake Forest, requested algae historical data from 2012-15. Ms. Carr stated that ever since the TMDL was established the watershed permittees have been in compliance with targets.

Ms. Carla Navarro, California Department of Fish and Wildlife, asked to clarify that the algae continues to exist in the Newport Bay, but it has not been observed in the sampling site the County of Orange monitors. Ms. Navarro requested that sampling sites be considered along the Lower Newport Bay to reflect areas that are vulnerable. Mr. Liu will send the report to Ms. Navarro and her suggestions will be further discussed at the Management Committee Meeting.

Recommended Action: Receive and file

Motion: Receive and file

Objections: None

Outcome: Received and filed

ITEM # 5 Review of the 2017-18 Sediment TMDL Annual Report Findings and Updates on the Progress of the Two Sediment Removal Projects in San Diego Creek (Recording: 00:45:58)
Jamie Habben, Larry Walker Associates

Ms. Jamie Habben, Larry Walker Associates, provided the findings of the 2017-18 Sediment TMDL Annual Report which constitutes the nineteenth year of monitoring, analysis, and sediment record computation efforts since the TMDL was approved. Due to extremely low water flows the suspended sediment loading was one of the lowest totals on record.

As of February 2019 approximately 75,000 cubic yards of sediment had been removed for the 405 to 405 Sediment Removal Project. A second sediment removal project along the San Diego Creek had 50,500 cubic yards of sediment removed.

Mr. Duffy Duffield, City of Newport Beach, stated that Newport Beach has dredging issues in the lower Bay and the problem is where to place the excavated material. The city needs 22 million dollars to dredge the harbor. Mr. Duffield is confident that all the outreach to congress members in Washington will pay off within the next year and half due to all the hard work that is being performed, which is preventing more sediment from going into the Bay.

Recommended Action: Receive and file

Motion: Receive and file

Objections: None

Outcome: Received and filed

ITEM # 6 Executive Officer Report (Recording: 01:09:31)
Amanda Carr, County of Orange

Ms. Amanda Carr provided an update on trash control activities by the cities in the watershed. The main trash control activities that the cities have been focusing on are adapting the catch basin inserts to capture trash down to a five millimeter size through connector pipe screens. Other actions being taken are inlet filters where retrofitting with pipe screens is not feasible, increased street sweeping, and the installation of hydrodynamic separators which are capture devices that retain trash in the middle that can be removed once the water passes through. Cities have gotten a head start, but the ten year compliance timeline does not officially begin

until the provisions are incorporated into the MS4 Permit. At this time the City of Tustin is at 98% compliance.

Ms. Carla Navarro, noted that Costal Clean Up Day is held every year and Newport Bay Conservancy has also been doing regular clean up events. Ms. Navarro stated that over 15, 000 pounds of trash have been removed and their biggest problem is styrofoam containers. The reason is that it bakes in the sun and it becomes fragile, and as soon as you pick it up it disintegrates into many pieces and the Bay continues to look trashed regardless of the amount of trash that is removed. Ms. Carr will provide information regarding this on her next Executive Officer Report.

Recommended Action: Receive and file

ITEM # 7 Executive Committee Member Comments (Recording: 01:23:21)

Dr. Allan Bernstein suggested that funds should be invested in educational curriculum so that children are aware of the need to protect the environment. Ms. Carr informed Dr. Bernstein that educational programs are already part of the NPDES permit and curriculum that meets the California science standards has been developed to educate children and young adults. Ms. Carr also informed Dr. Bernstein that there is a field trip that elementary students take to attend the Water Festival at UCI which provides information booth with activities for children. Ms. Carr will put together a summary of education focused public outreach, and present to the Executive Committee at the June 19 meeting.

ITEM # 8 Public Comments (Recording: 01:29:26)

Chair Swan opened the floor for public comment, there were not public comments.

ITEM # 9 Adjournments (Recording: 01:31:29)

Meeting adjourned at approximately 3:13 p.m. The next regular meeting is scheduled for June 19, 2019.

Non-Committee Attendees:

Alex Waite	City of Tustin
Bart Mejia	City of Costa Mesa
Craig Foster	City of Santa Ana
Dave Webb	City of Newport Beach
Devin Slaven	City of Lake Forest
Doug Shibberu	Santa Ana Regional Water Board
Mark Tettemer	Irvine Ranch Water District
Marsha Westropp	Orange County Water District
James Fortuna	County of Orange
Kelvin Liu	County of Orange
Liz McNabb	Cottie Petrie Norris's Office, California State Assembly
Jamie Habben	Larry Walker Associates

ITEM # 2. IRWM STATUS FOR NORTH AND CENTRAL ORANGE COUNTY

Presentation by: Beatrice Musacchia, County of Orange

Recommended Action: Recommend approval of IRWM cooperative agreement to County of Orange, Orange County Water District, and Orange County Sanitation District

Cooperative Agreement with SAWPA

In July 2018, a request was made by Orange County Water District, Orange County Sanitation District, and the County of Orange (Orange County representatives) regarding incorporation of The OC Plan into the One Water One Watershed (OWOW) Plan managed in the Santa Ana River Watershed IRWM funding area by the Santa Ana Watershed Project Authority (SAWPA). The requests were:

- 38% of total available future grant funds be allocated to priority projects identified in The OC Plan;
- The OC Plan be incorporated as a separate chapter within the OWOW Plan; and
- Projects within the North and Central Orange County Watershed Management Areas (WMAs) be ranked and prioritized for Proposition 1 IRWM funding through the process developed in The OC Plan.

In response to the above requests and subsequent conversations, the SAWPA Commission formed an Ad Hoc Committee to determine whether a compromise solution could be reached. The Ad Hoc Committee and the Orange County representatives have since met and developed a Cooperative Agreement that allows projects in North/Central Orange County to be rated and ranked based on the criteria in The OC Plan and allocates IRWM funds for the Region as follows:

- 30% of IRWM funds to priority projects identified in The OC Plan
- 60% of IRWM funds to upper watershed projects in Riverside and San Bernardino Counties
- 10% of IRWM funds to regional projects that benefit the entire watershed

As part of the agreement, Orange County representatives agreed to withdraw their Regional Acceptance Process (RAP) application to become an independent IRWM Region, which was submitted to the Department of Water Resources (DWR) on November 21, 2018. The Cooperative Agreement was approved by the SAWPA Commission at their May 21 meeting, and will be considered by each of the Orange County representative agencies in the coming months.

Prop. 1, Round 1 IRWM Grant Funding

The County of Orange issued a Call for Projects for Prop. 1, Round 1 IRWM grant funding from January 4 to February 15, during which seven project proposals were received. On April 22, DWR released final guidelines for the grant program. The final guidelines included significant changes over the draft guidelines, such as extending the requirement for CEQA completion from within 6 months of award date to within 12 months of award date. Due to these changes, the County of Orange issued a second Call for Projects from May 3 to May 22. An additional 15 project proposals were received. The County of Orange will facilitate review of the submitted

projects by The OC Plan Ad-Hoc Committee, North/Central Orange County stakeholders, and Regional Water Management Group (Orange County representative agencies) in June, with the final slate of projects to be submitted to SAWPA in early July.

ITEM # 3. TIME SCHEDULE ORDER FOR FECAL COLIFORM TMDL

Presentation by: Terri Reeder, Santa Ana Regional Water Quality Control Board

Recommended Action: Receive and File

The Santa Ana Regional Water Quality Control Board has released a draft Time Schedule Order (TSO) for Fecal Coliform Waste Load Allocations (WLAs) to Newport Bay. The TSO is an enforcement order intended to provide the County and the watershed cities with additional time (up to 5 years) to comply with the fecal coliform WLAs for water contact recreation in Newport Bay while the Fecal Coliform TMDL is revised to reflect new water quality objectives approved by the State Water Resources Control Board. As currently written, the draft TSO includes a schedule of compliance, including interim effluent limitations, and would require the County and the cities to submit a Pollution Prevention Plan and install, implement, and maintain a set of specific best management practices and control measures. These measures would focus on three main drainage areas: drains to the Newport Dunes; Costa Mesa Channel; and, Santa Isabel Channel; and also require a human source reduction strategy to be developed and implemented.

The Regional Board will have considered the matter at its June 14 meeting and the outcomes will be presented at the meeting.

ITEM # 4. UPDATE ON REGIONAL BOARD WORKSHOPS ON PROPOSED COPPER TMDL AND ACTION PLANS FOR ZINC, MERCURY, ARSENIC, AND CHROMIUM FOR NEWPORT BAY

Presentation by: Terri Reeder, Santa Ana Regional Water Quality Control Board

Recommended Action: Receive and File

On May 9 and 10, 2019, the Santa Ana Regional Water Quality Control Board held two public workshops to obtain public comments regarding proposed amendments to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to incorporate Total Maximum Daily Loads (TMDLs) for copper and Non-TMDL Action Plans for zinc, mercury, arsenic, and chromium in Newport Bay.

Copper TMDLs are proposed for Upper and Lower Newport Bay, and copper antifouling paints (Cu AFPs) are the largest source of copper to the Bay. The copper TMDLs require dischargers to submit proposed implementation plan(s) to achieve the reduction of copper discharges from boats. The plans must include monitoring and evaluation of water, sediments, and tissue, and must consider best management practices (BMPs) for hull cleaning, diver certification/ education programs, and incentives to convert boat hulls using Cu AFPs to non-Cu AFPs. (The Department of Pesticide Regulation has also issued a regulation that leach rates for Cu AFPs on recreational boats must not exceed 9.5 ug/cm²/d.) Final compliance with the TMDLs must occur no later than 12 years from the effective date (i.e. US EPA approval) and the TMDLs require a 60% reduction of copper discharges from boats using Cu AFPs to meet the dissolved copper California Toxics Rule (CTR) chronic criterion of 3.1 ug/L in both Upper and Lower Newport

Bay. If the CTR criterion is achieved before the 60% reduction is met, no further reductions in copper discharges are required. (If, however, the allocation is met but not the CTR criterion, further revisions to the TMDL may be considered.)

The proposed action plans for zinc, mercury, arsenic and chromium do not include allocations or compliance schedules, but do require monitoring and evaluation. The monitoring and evaluation may indicate the need for TMDLs or other requirements. The zinc action plan is expected to replace the 2002 US EPA Zinc TMDL for Newport Bay.

ITEM #5. EXECUTIVE OFFICER REPORT

ITEM # 6. EXECUTIVE COMMITTEE MEMBER COMMENTS

ITEM # 7. PUBLIC COMMENTS

ITEM # 8. ADJOURNMENT

Next Meeting Date: September 18, 2019