AGENDA
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE

November 20, 2013
1:30 – 3:30 p.m.

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

John M. W. Moorlach, Chair
County of Orange

Peer Swan, Vice Chair
Irvine Ranch Water District

Fred Ameri
Santa Ana Regional Water Quality Control Board

Allan Bernstein
City of Tustin

Nancy Gardner
City of Newport Beach

Sandra Genis
City of Costa Mesa

Beth Krom
City of Irvine

Michele Martinez
City of Santa Ana

Kathryn McCullough
City of Lake Forest

Carla Navarro
California Department of Fish and Wildlife

Sat Tamaribuchi
The Irvine Company

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, Introductions, and Pledge of Allegiance

ITEM # 1. MINUTES OF THE MAY 15, 2013 MEETING

Recommended Action: Approve the minutes of the May 15, 2013 meeting

ITEM # 2. SCHEDULE OF DATES FOR 2014 MEETINGS

Recommended Action: Approve the dates for the 2014 calendar year

ITEM # 3. SEDIMENT MANAGEMENT REGULATORY UPDATE

Recommended Action: Receive and File

ITEM # 4. VECTOR CONTROL CHALLENGES AT BIG CANYON POND

Recommended Action: Receive and File

Consent Calendar, Items 5-6

The Staff Report contains written updates on projects. All matters are approved by one motion unless pulled by a Board Member for discussion for separate action. At this time, any member of the public may ask the Board to be heard on any item on the Consent Calendar.

ITEM # 5 PETERS CANYON WASH CHANNEL WATER CAPTURE AND REUSE PIPELINE UPDATE

ITEM # 6 SANTA ANA DELHI CHANNEL DIVERSION PROJECT UPDATE

Recommended Action: Receive and File Items # 5 and 6.

ITEM # 7 EXECUTIVE OFFICER REPORT

ITEM # 8. EXECUTIVE COMMITTEE MEMBER COMMENTS

ITEM # 9. PUBLIC COMMENTS

ITEM # 10. ADJOURNMENT

Next meeting date: February 19, 2014 (Tentative)

AGENDA STAFF REPORTS
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE
NOVEMBER 20, 2013

DISCUSSION CALENDAR, ITEMS # 1 - 4

ITEM # 1. MINUTES OF THE MAY 15, 2013, MEETING

Recommended Action: Approve the minutes of the May 15, 2013 meeting as follows.

Date and Location: May 15, 2013, 1:35 p.m. - 3:08 p.m.
Irvine Ranch Water District
15600 Sand Canyon Avenue, Irvine, CA 92618

Participants: John M. W. Moorlach, Chair, County of Orange
Peer Swan, Vice Chair, Irvine Ranch Water District
Allan Bernstein, City of Tustin
Nancy Gardner, City of Newport Beach
Sandra Genis, City of Costa Mesa
Beth Krom, City of Irvine
Michele Martinez, City of Santa Ana
Kathryn McCullough, City of Lake Forest
Carla Navarro, California Department of Fish and Wildlife
Sat Tamaribuchi, Irvine Company

Agenda Item 1 – Minutes of the February 20, 2013 Meeting

The minutes of the February 20, 2013 meeting were presented to the Executive Committee.

Motion: *Approve minutes for February 20, 2013*
First/Second: *Ms. McCullough/Dr. Bernstein*
Outcome: *Approved*

Agenda Item 2 – Fecal Coliform Report Update

Mr. Crompton presented an update on a report entitled *Recommended Revisions to the Newport Bay Fecal Coliform TMDL* (2013) that will soon be finalized for submission to the Santa Ana Regional Board. Finalization has been delayed due to the need to incorporate additional data through 2012 and to assess new Recreational Water Quality Criteria issued by USEPA in

November 2012. The report includes an evaluation of trends in long-term data, comprising over 31,000 fecal coliform samples as well as over 22,000 enterococci samples collected from January 1986 through December 2012. Results show that average fecal coliform concentrations have decreased substantially throughout the Bay over this time period. This report also integrates and evaluates studies required by the TMDL and recommends revisions to the fecal coliform TMDL and the 303(d) List of Water Quality Limited Segments. This report will be submitted to the Santa Ana Regional Water Quality Control Board.

Mr. Crompton highlighted important issues contained in the report. One such issue is that the indicator for bacteria is changing from fecal coliform to enterococcus. The second is the influence that natural sources have on fecal indicator bacteria. In the Bay there are many natural sources, as supported by UCI researcher Dr. Stan Grant. Newer TMDLs adopted by the Los Angeles and San Diego Regional Boards exclude natural sources from those that dischargers are responsible to control. A third issue is the need to revise the TMDL and the monitoring plan. This TMDL was one of the first adopted by the state and does not distinguish between wet or dry weather conditions and other criteria as do later TMDLs. Finally, there is uncertainty with respect to the shellfish standard that was included in the TMDL. Mr. Crompton indicated that the report will go out for review one more time to the TMDL partners before finalizing for the Regional Board.

Ms. Gardner addressed the Regional Board regarding delisting. She expressed her concern with having a shifting finish line and that we need to be able to declare victories, especially because of all the work that the stakeholders in the Newport Bay Watershed have accomplished.

Ms. Navarro inquired whether the sampling sites from area north of Pacific Coast Highway Bridge should be eliminated since that area is now part of Marine Conservation Area where shellfish harvesting is not legally allowed anymore.

Agenda Item 3 – Selenium Program Update

Ms. Skorpanich presented a brief history of the Nitrogen Selenium Management Program (NSMP) in the Newport Bay Watershed. Selenium is essential for all life but in large amounts can be harmful. In the Newport Bay Watershed selenium originates in the natural marine layers of the geology and is mobilized by water moving the selenium into the groundwater. The Regional Board issued a groundwater discharge permit addressing selenium at which time the NSMP was established with twenty dischargers working with the Santa Ana Regional Board, OC Coastkeeper, and Stop Polluting Our Newport. She highlighted the high degree of cooperation among dischargers, regulators, and stakeholders

A comprehensive work plan was developed that monitors water quality, bird eggs, and fish tissue as well as pilot testing of treatment technologies. Efforts were focused on developing the new TMDL and site-specific objectives that reflected the local conditions. Approximately six months before permit expiration we were informed that we would not be in compliance upon

regional Board adoption of a new TMDL. This required a change in plans, and the Regional Board issued a Time Schedule Order for Compliance (TSO) in December of 2009. The TSO had a number of actions required by the dischargers as soon as possible, but no later than December 2014. The dischargers continued to move forward with special studies, monitoring of water and fish tissue to evaluate the sources and movement of selenium.

Continuing these efforts, two feasibility studies were completed for implementation projects to reduce selenium. These two projects involve multiple partners who have secured grants. On a side note Ms. Skorpanich wanted to acknowledge the City of Newport Beach on their extensive efforts in the Big Canyon Wash Watershed, noting that Big Canyon Wash is outside the area of the existing TMDL and TSO. Throughout the watershed the focus continues on priority implementation areas. In the last 2.5 years the regulatory framework for a new TMDL that conform to state and federal regulatory has also been explored.

Underlying the NSMP is the strong desire of dischargers for a regulatory structure and compliance program that is regional since selenium since over 80% of selenium comes from groundwater and 14% from all other sources. It is very important to have a program where we could reduce selenium in "hot spots" and offset discharges elsewhere. The two implementation projects divert flows from Santa Ana Delhi Channel and Peters Canyon Wash Channel to sewer. The Orange County Sanitation District will be reviewing their policy and fees on diversions next week.

Agenda Item 4 –Executive Officer Report

Agenda Item 5 – Executive Committee Member comments
None

Agenda Item 6 – Public Comments
None

Agenda Item 7 – Adjournment

Attendees:
Alex Waite, City of Tustin
Amanda Carr, City of Irvine
Devin Slaven, City of Lake Forest
Kurt Burchtold, Santa Ana Regional Water Quality Control Board
Mark Tettemer, Irvine Ranch Water District
Robert Stein, City of Newport Beach
Pamela Newcomb, County of Orange
Patrick Bauer, City of Costa Mesa
Paul Cook, Irvine Ranch Water District
Phil Jones, County of Orange

Stuart Goong, County of Orange
Susan Given, County of Orange
Tom Wheeler, City of Lake Forest
Tyrone Chesanek, City of Santa Ana
Wanda Cross, Santa Ana Regional Water Quality Control Board

Committee Staff, County of Orange:

Mary Anne Skorpanich, County of Orange
Chris Crompton, County of Orange
Beatrice Musacchia, County of Orange

ITEM # 2. SCHEDULE OF DATES FOR 2014 MEETINGS

The proposed dates for the 2014 calendar year are as follows:

February 19
May 21
August 20
November 19.

Recommended Action: Approve the dates for the 2014 calendar year.

ITEM # 3. SEDIMENT MANAGEMENT REGULATORY UPDATE

A cooperative compliance program for the sediment Total Maximum Daily Load (TMDL) is founded on a partnership comprising the County, Orange County Flood Control District, the Cities of Irvine, Lake Forest, Newport Beach and Tustin, and the Irvine Company. The partners have been engaged in discussion with the Regional Board to make modifications to the TMDL. A request was formally transmitted to the Regional Board on January 15, 2013 that also requested consideration of delisting. Board staff identified six changes that could be implemented in the short term because they impact only the Monitoring and Reporting Program (MRP).

Based on that feedback, the partners submitted a follow up letter in September that revised and clarified the requests to the following:

- Discontinue the Sand Canyon and Marshburn sediment monitoring stations.
- Discontinue the Santa Ana-Delhi and Bonita Creek sediment monitoring stations but, to the extent flow data is still collected for other programs, continue to quantify annual loading based on existing sediment transport curves.
- Discontinue scour studies and available capacity requirements for Marshburn Retarding Basin.
- Revise the rainfall trigger for foothill retarding basin scour surveys to 150% mean basin rainfall.
- Revise the monitoring schedule for bathymetry and vegetation studies in the Bay to at least every 5 years.
- Remove the sediment phosphorous monitoring requirements for San Diego Creek and Newport Bay.

In addition, the letter deferred the request to delist the watershed as impaired by sediment from the 303(d) list.

On October 9, 2013, Regional Board staff responded to the letter with a proposed revised MRP and noted that the Executive Officer has the authority to modify the MRP. As such any modifications to the MRP do not require Regional Board approval, although in the event there are objection it could be placed on the agenda. Having the Executive Officer authorize modifications to the MRP without having to go before the Board or require a Basin Plan Amendment provides quick resolution to the issues and therefore greater flexibility.

Based on review of the proposed revised MRP, all submitted requests listed above have been accepted. In addition to the modifications, Regional Board staff is proposing two additional items to the monitoring program:

- A new monitoring station to be located on Borrego Canyon Wash to monitor the open space contribution of suspended sediments.
- Survey requirements for the Jeffrey sediment Basin located within San Diego Creek just upstream of Jeffrey Road

The TMDL partners are in the process of providing comments back to the Regional Board on the revised MRP.

Recommended Action: Receive and File.

ITEM # 4. VECTOR CONTROL CHALLENGES AT BIG CANYON POND

The Orange County Vector Control District (OCVCD) has been conducting mosquito management throughout the Newport Bay Ecological Reserve for decades. During that time, vector control staff has worked cooperatively with the California Department of Fish and Wildlife (CDFW) reserve managers on source reduction solutions, access issues, and coordination of mosquito control product applications, as necessary. Several areas within the reserve require routine mosquito control work due to their topography and habitat. In recent years Big Canyon Pond located at the mouth of Big Canyon Creek on the east side of the bay has become a chronic mosquito breeding source. The pond is owned by CDFW.

Big Canyon Pond, which was once an open water pond, has become silted in and nearly completely covered by emergent cattails and bulrush. Effective treatment of developing mosquitoes is impossible due to the ten-foot high emergent vegetation and the thick layer of dead vegetation covering much of the water's surface. Exhausting all other resources and control efforts, OCVCD must now use ultra-low volume fogging treatment methods to suppress the adult mosquito population. These measures are considered necessary in order to protect members of the public who live and recreate in the area, as well as the local wildlife. The mosquito species most commonly associated with the site is the tule mosquito, *Culex erythrothorax*, which is a prolific biter at dawn and dusk and is capable of transmitting the deadly West Nile virus.

OCVCD hopes to permanently ameliorate conditions that are conducive to mosquito production, eliminate the disproportionate treatment costs that total to many thousands of dollars annually, reduce pesticide use, and protect the public's health. This will be accomplished by raising awareness among stakeholders in the watershed so that we may begin exploring viable solutions that meet the shared goals of protecting the public and protection of natural resources. Ideally, this would include restoring the pond to an open water habitat without exacerbating the existing water quality constraints.

Recommended Action: Receive and File.

CONSENT CALENDAR, ITEM # 5-6

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CONSENT CALENDAR
ITEM # 5. PETERS CANYON WASH CHANNEL WATER CAPTURE AND REUSE PIPELINE UPDATE

The Peters Canyon Wash Channel Water Capture and Reuse Pipeline project is a cooperative effort by the City of Irvine, City of Tustin, Irvine Ranch Water District, County of Orange, Orange County Flood Control District, and California Department of Transportation. The pipeline will capture selenium and nitrogen-laden flows from two storm drains and a side channel that currently discharge into Peters Canyon Channel as well as flows from the Caltrans Groundwater Treatment Facility at Walnut Avenue. The Pipeline will be placed below the Peters Canyon Wash bike trail on the east side of the channel and extend from Walnut Avenue approximately 17,600 feet and terminate at the Orange County Sanitation District sewer located near the intersection of Main Street and San Diego Creek Channel.

On October 4, 2013, the project was approved by the Executive Officer of the Santa Ana Regional Water Quality Control Board as an offset program pursuant to the City of Irvine groundwater dewatering permit (Order No. R8-2005-0079) and Time Schedule Order No. R8-2009-0070 was amended to allow for the use of the project as a compliance alternative by the City of Irvine. Additionally, the Regional Board Executive Officer anticipates that an offset trading program, including opportunities for permit R8-2009-0030 compliance using removal credits, will be an important element of the Total Maximum Daily Load implementation plan ultimately proposed for adoption by the Regional Water Board.

The project partners have developed a funding agreement to share the costs of design, permitting, construction, operation, and maintenance of the project. The agreement will be taken to the respective Councils and Boards for consideration and approval during the month of November. IRWD has completed a Request for Proposals for project design and environmental permitting; once the agreement has been finalized, IRWD anticipates awarding the contract.

CONSENT CALENDAR
ITEM # 6. SANTA ANA DELHI CHANNEL DIVERSION PROJECT UPDATE

On February 25, 2013 the Orange County Transportation Authority approved funding for the Santa Ana Delhi Channel under the Environmental Cleanup Program.

The City of Santa Ana, in association with the Cities of Newport Beach and Costa Mesa, OC Flood Control District, and the County of Orange continue working a conceptual engineering plan for a proposed urban runoff diversion facility. The proposed diversion facility will be located in the downstream portions of the Santa Ana Delhi Channel system, north of the intersection of Mesa Drive and Irvine Avenue adjacent to the Newport Beach Golf Course. The proposed project is intended to capture and divert urban discharge low-flow into the sanitary sewer system. This method addresses potential urban surface water quality issues associated with discharges to the Newport Bay.

The primary impetus of developing the proposed project is not only to address current Total Maximum Daily Loads (TMDLs), but also to address other current and potential future TMDLs including bacteria, trash, toxics, metals, and nutrients by removing the low-flow runoff, treating the runoff and discharging to the sanitary sewer system. It is estimated that an average of 100 tons of trash and debris are removed from Newport Bay tributaries on an annual basis. The proposed diversion system has the ability to essentially prevent low-flow discharges to Newport Bay and, therefore, eliminate the threat of pollutants.

The proposed facility will operate as a multi-stage clarifier for the removal of trash and debris. Two operational regimes are planned for addressing both the dry and wet weather conditions.

During dry-weather operations, the in-channel diversion structure hold back flows, then pumped into the OCSD trunk sewer for further treatment and disposal. The system may include an option to use those flows for irrigation on nearby properties.

During the wet-weather operations, the system will remove gross solids to an offline trash capture device then re-introduce flows back into the channel. It can accommodate flows up to 250 cubic feet per second.

The estimated construction costs for the Santa Ana Delhi Channel Diversion Project are approximately $3.7M and anticipated to start construction as early as Fall 2014.

Recommended Action: Receive and File Items #5 and 6.

DISCUSSION CALENDAR, CONTINUED

ITEM # 7. EXECUTIVE OFFICER REPORT

ITEM # 8. EXECUTIVE COMMITTEE MEMBER COMMENTS

ITEM # 9. PUBLIC COMMENTS

ITEM # 10. ADJOURNMENT

Next meeting date: February 19, 2014 (tentative)