

City of Newport Beach

Water Quality/Coastal Tidelands Committee Minutes

Date: April 10, 2014
Time: 3:00 p.m.
Location: Newport Coast Conference Room, 2nd Floor, Bay E

1. Welcome/Self Introductions

Committee Members present:

Chairwoman/Council Member Nancy Gardner
Council Member Mike Henn
Dennis Baker
Carl Cassidy
George Robertson
Tom Houston
Lou Denger
Michael Melby

Guests present:

Jim Mosher, resident
Jeff Coffman, Clean Green Technology
Michelle Nidever, O.C. Coastkeeper
Darrel Ferguson, Surfrider Foundation
Greg Goran, Surfrider Foundation
Philip Bettencourt, Bettencourt & Associates
Ray Heimstra, O.C. Coastkeeper
Adam Gale, Anchor QEA
Shelly Anghera, Ph.D., Anchor QEA

Staff present:

Dave Kiff, City Manager
John Kappeler, Water Quality Manager
Shane Burckle, Water Conservation Coordinator
Shari Rooks, Public Works Specialist
Bob Stein, Assistant City Engineer
Chris Miller, Harbor Resources Manager

The agenda for the Water Quality/Coastal Tidelands Committee was posted at 4:05 pm on April 3, 2014, in the binder located in the entrance of the Council Chambers at 100 Civic Center Drive.

2. Approval of Previous Meeting's Minutes

The February 13, 2014 and the March 13, 2014 meeting minutes were approved.

3. Old Business

a. Bay and Ocean Bacteriological Test Results

John Kappeler reviewed recent water quality test results within Newport Bay and along the ocean shoreline.

b. 2014 Committee Goals and Priorities

Nancy Gardner advised Committee that Council voted to move the Irvine Avenue medians to the top of the committee's recommended list for turf removal locations so that the median work can be incorporated in the upcoming Irvine Avenue capital improvement project.

- Several of the Homeowner's Associations have been contacted regarding street sweeping and catch basin cleaning.
- The 3rd week of May and the 3rd week of June are expected to have extreme low tides so those times are targeted for the "Arches" drain dry weather sampling project.
- We have grant money for wet weather sampling, but we may not have any more wet weather between now and the end of June when **John Kappeler** brings the testing results to the committee.

4. New Business

a. Chris Miller introduced **Shelly Anghera, Ph.D.** from Anchor QEA and she gave an overview on the **Proposed Newport Bay Copper Total Maximum Daily Load (TDML)** for Newport Bay. Please see attached presentation.

- The City is at the stage in the TMDL process where we are developing an implementation plan.
- In order to be de-listed from the Copper TMDL the Regional Board requires that 90% of the data that we collect is below the numeric target of 3.1 µg/L. Currently we do not know if 3.1 is the right number – it is a very conservative, over-protective number.
- What we have learned from the results of 4 tests done by Anchor QEA and 20 tests done by Orange County Coast keeper is that no copper toxicity was observed in the water samples in Newport Bay – however there is observed toxicity in the sediment.
- **Ray Heimstra** noted that Coastkeeper's tests of copper toxicity estimated 5,000 pounds per year came from storm drains, 7,000 pounds per year came from mid-channel and 50,000 pounds per year came from boats.
- We need to find out what the implementation plan will say and how the Regional Board will enforce the copper limits.
- Non-Voluntary Actions to meet TMDLs should include reducing the number of boats with copper boat paint; implementing a monitoring program; add permit compliance requirements and support the Department of Pesticide Regulation for antifouling paint limit of 9.5 µg/L.
- Voluntary Actions to meet TMDLs should include developing site-specific copper criteria; public education and outreach; and implementing best management practices.
- City needs to evaluate the effectiveness of developing a new water quality criteria for Newport Bay that would demonstrate that 5.0 µg/L is protective and represents 80% of the bay. This could take up to a year of negotiations with the Regional Board and the Environmental Protection Agency at a cost of \$150,000.
- City should work together with other cities and counties to share data and consider doing some initial testing using the less expensive Biotic Ligand Model (BLM) alongside the expensive Water Effects Ratio (WER) to demonstrate that results from the BLM tests are accurate.

- Both **Shelly Anghera** and **Ray Heimstra** referenced the study done by Leigh T. Johnson and Jamie A. Gonzalez of the University of California in 2007 describing the effects on invasive species and the ecosystem by the potential statewide ban of copper-based antifouling paints in California. See link below to view the study: http://www.csc.noaa.gov/cz/CZ07_Proceedings/PDFs/Monday_Abstracts/3360.Gonzalez.pdf

b. Adopting a natural Source Exclusion

Committee discussion on the status of the Fecal Coliform TMDL and adopting a natural source exclusion. The way the current TMDL is written, we are currently meeting our bacteria TMDL everywhere except one spot – the Newport Boulevard Bridge and unless the Regional Board revises the TMDL the City will not be able to comply by the deadline at the end of this year. The City has installed a bioswale, CDS units and trash skimmers, but we are still exceeding the limits. **John Kappeler** met with some people from UCLA and will be doing the two dry weather sampling events in May and June so they can be speciated and DNA typed to determine if it is plant-based bacteria, natural bacteria or if it is a human sewage bacteria. The results of the dry weather study will be presented to the Regional Board.

- Santa Monica Bay's Natural Source Exclusion allows them a certain number of days (16) that they are permitted to exceed the limit.
- If the City wants to convince the Regional Board that no swimming or water contact occurs at the Newport Boulevard Bridge site it will be necessary to document that fact using cameras similar to the procedure used by O.C. Coastkeeper – taking pictures every 15 minutes for a period of 6 months.

ACTION: Look into having someone from Santa Monica come to a meeting and explain what process they followed to be granted a Natural Source Exclusion.

c. Orange County Transportation Authority (OCTA) Tier I Grant Program Submittals

- **Surfrider** would like to partner with the City on the median turf replacements, specifically the median across from the Crab Cooker near the Newport Pier as the site for an Ocean Friendly garden and educational signage.
- **Mike Henn** noted that Council may approve new landscaping down the peninsula that would tie in with the plant palette used for new landscape on Balboa Boulevard and asked that the plant palette for the median at Newport Pier be similar.

d. OCTA Tier II Grant Program Awards

- Bayview Heights Restoration/Mitigation Project – Total Project: \$485,000, Grant Funds \$305,000, Match \$180,000 (Match funds will be paid for by the two private property owners and the County of Orange.)
- Corona del Mar Water Quality Improvement Project – Total Project: \$360,000, Grant Funds \$250,000, Match \$110,000 (Some of the Match funds can be written off on staff time so the actual cost to the General Fund will be close to \$80,000.)
- Big Canyon Restoration/Wetlands Project – Total Project: \$2,275,400, Grant Funds \$1,592,780, Match \$682,620 (Match funds will be provided by the Irvine Company and Defend the Bay – no impact to the General Fund.)

5. Public Comments on Non-Agenda Items

- Newport Beach Surfrider has teamed up with Orange County Public Works in the past to get into the Santa Ana River Channel twice a year to clean up the trash. One of the difficult parts of this cleanup is the layer of silt built up just south of Talbert Avenue and north of the 405 Freeway. **Darrel Ferguson** would like to work on a BMP to remove the silt. The next cleanup of this area will be April 26th and the crews will gather at Talbert Avenue.

6. Topics for Future Agendas

- (a) Bacteriological Dry-Weather Runoff Gutter Study (Phase III)
- (b) Prop 84 ASBS Grant Program
- (c) Senate Bill – SB 1447
- (d) Eelgrass Program
- (e) Trash Project for Storm Drains
- (f) Harbor Commission Copper Report
- (g) Orange County Coastal Regional Sediment Management Plan
- (h) Sediment Quality Objectives (SOQs)
- (i) NPDES Fifth Term Draft Permit
- (j) Adopting a Natural Source Exclusion
- (k) Banning Ranch
- (l) Grey Water

7. Set Next Meeting Date

The next meeting date was set for May 8, at 3 PM in the **Newport Coast Conference Room, Bay E, 2nd Floor.**

8. Adjournment

The meeting was adjourned at 4:50 pm.

Chairwoman / Nancy Gardner