



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Crystal Cove room (Bay 2D)

Thursday, February 6, 2025 - 3:00 PM

Water Quality/Coastal Tidelands Committee Members:

Councilmember Michelle Barto, Chair
Mayor Joe Stapleton, Vice Chair
Peter Belden, Member
Curtis Black, Member
Charles Fancher, Member
Craig Hudson, Member
George Robertson, Member
John Wadsworth, Member
Vacant, Member

Staff Members:

Jim Houlihan, Deputy Public Works Director/City Engineer
John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant

The Water Quality/Coastal Tidelands Committee meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Water Quality/Coastal Tidelands Committee agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Water Quality/Coastal Tidelands Committee. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact John Kappeler, Water Quality Enforcement Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3218 or jkappeler@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Public Works Department 24 hours prior to the scheduled meeting.

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL AND INTRODUCTIONS**
- 3) **PUBLIC COMMENTS ON AGENDA ITEMS (10 min)**

Public comments are invited on agenda items. Speakers must limit comments to five minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 4) **REVIEW AND APPROVAL OF MINUTES (5 min)**

[WQCT Minutes 01/09/2025](#)

- 5) **CURRENT BUSINESS (55 min)**

(a) Committee Goal/Objectives Workshop (Bob Stein) (55 min) Update on construction of the Newport Bay Trash Interceptor.

Recommendation: Committee Discussion/Approval

6) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) (10 min)**

(a) San Gabriel River Trash Interceptor Project (March - John Wadsworth)

(b) Coastal Resiliency (March 2025 - Charles Fancher)

(c) Total Maximum Daily Load for Copper (Cu) (April 2025 - TBD)

(d) Newport Beach Trash Interceptor Public Outreach Campaign (Spring 2025 - John Pope)

7) **PUBLIC COMMENTS ON NON-AGENDA ITEMS (5 min)**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

8) **SET NEXT MEETING DATE (5 min)**

Recommendation: March 6, 2025

9) **ADJOURNMENT**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the [Board/Committee/Commission]. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The [Board/Committee/Commission] has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

Date: January 9, 2025
Time: 3:00 p.m.
Location: Crystal Cove Conference Room, Newport Beach Civic Center
Meeting Minutes prepared by:

1. Call meeting to order

The meeting was called to order at 3:00 p.m.

2. Roll Call and Introductions

Committee Members Present:

Councilmember Michelle Barto
Mayor Joe Stapleton
Committee Member George Robertson
Committee Member Peter Belden
Committee Member Charles Fancher
Committee Member John Wadsworth

Committee Members Absent:

Committee Member Curtis Black
Committee Member Craig Hudson

Staff Present:

John Kappeler, Senior Engineer
Bob Stein, Assistant City Engineer
David Webb, Director of Public Works
Paul Blank, Harbormaster
Rudy Svrcek, Harbor Commissioner
Ellis Peterson, Public Works

Guests Present:

Jim Mosher, Resident
Nancy Gardner, Orange Coast River Park
Charles Klobe, SPON
Nancy Scarbrough, SPON, Resident
Nancy Skinner, SPON
Virginia Anders-Ellmore, Newport Shores Resident

3. Public Comment on Agenda Items

Chair Stapleton called for public comments. Hearing none, public comments were closed.

4. Review and approval of minutes

No December meeting was held. Chair Stapleton thanked staff for putting their December field trip together which was conducted in lieu of a meeting.

5. Current Business

- a. Newport Bay Trash Interceptor Project Update (Bob Stein) (20 min)
Update on construction of the Newport Bay Trash Interceptor.
Recommendation: Committee Discussion

Assistant City Engineer Bob Stein provided a detailed update, noting questions from the public and committee members have increased, particularly following an article in the Daily Pilot. He reported the project was first presented to the committee 10 years ago making the committee among the first supporters and the committee's prioritization of the project played a critical role in its advancement.

Mr. Stein shared historical context, starting with a presentation made to the committee ten years ago, illustrating Newport Bay's evolution from a dead-end estuary with clear waters to a mudflat following the 1969 connection of San Diego Creek and its sedimentary flows leading to trash issues. He applauded the roles of Jack and Nancy Skinner among commendable volunteer efforts from others but added they have proved insufficient to combat the volume of debris. He reported the idea for the trash interceptor originated around 2014 or 2015 when Pat Fuscoe, MiOcean suggested a facility like Baltimore's floating trash wheel.

Mr. Stein presented the operational details on the Newport Beach site and noted that the project is nearing operational status with the canopy frame scheduled for assembly and solar panels to follow in February. He explained that initial operations will rely on a portable generator and emphasized the pilot nature of the project means lessons learned would guide future improvements. He explained that the interceptor is intended as a temporary solution until upstream sources of trash are better managed.

Committee Member Fancher raised questions about energy efficiency in the wheel-based model and inquired if the gears could be powered by batteries alone if the water currents did not cooperate. It was noted that there are benefits to having the wheel particularly since peak trash inflow will happen during rainstorms potentially limiting access to solar energy while increasing water flow.

Mr. Stein announced that Bill Leutbecher of Newport Beach's Public Works Department will serve as the Facility Manager and provided an overview of his duties. He noted that data collected by the trash interceptor will also contribute to better source control measures.

The committee discussed a standard procedure for quantification. Mr. Stein reported staff will assess the volume of trash versus debris over the course of the first year of operation, monitoring seasonal variations, and comparing annually. He agreed a standardized procedure would be beneficial and noted he has been asked to present before the Orange County Coastal Commission.

Councilmember Barto inquired if Artificial Intelligence helps with quantification. Mr. Stein stated Artificial Intelligence (AI) is a step beyond what the City is currently looking at now. The committee agreed that incorporating AI into the analysis of debris collected is becoming an increasingly popular option for groups like the Orange County Sanitation District.

Nancy Gardner emphasized the trash interceptor should continue to be billed as a temporary solution to their inland neighbors. Mr. Stein noted that partners will be invited to follow the interceptor's progress and results and acknowledged the interceptor only collects surface-level trash without addressing smaller pieces of underwater trash. Ms. Gardner identified the Newport Bay Watershed Executive Committee as being critical to the trash interceptor's success.

In response to multiple questions about cameras and security, Mr. Stein confirmed there will be security fencing and cameras around the facility, including a camera installed by the Newport Beach Police Department. He advised that there have been a few issues during construction and noted that the homeless encampments beneath the bridge have not caused problems.

Mr. Stein reported that the expectation is to have the booms up in two weeks, weather permitting, making it operational with a portable generator as the solar panels will not be installed until February with a potential mid-February ribbon-cutting date to be determined soon.

Committee Member Fancher encouraged the City to remain vigilant against other municipalities upstream in encouraging them to not dump trash into the waterways feeding Newport Bay.

There was no further action or discussion on this matter.

b. Newport Dunes Water Quality Improvement Project
Update on the proposed Newport Dunes Water Quality Improvement
Project Recommendation: Committee Discussion

Senior Engineer John Kappeler reported a city-owned storm drain runs through the catch basin and empties into the bay. He added the storm drain is equipped with a diversion system redirecting water flow to the sewer system in coordination with the Orange County Sanitation District (OCSD) but new diversion requirements from OCSD would make it costly to upgrade the system. He added four smaller storm drains that service the parking lots at the dunes currently utilize inflatable plugs to block the flow allowing water to collect and then be pumped onto grassy areas, but this system is no longer sufficient to meet OCSD requirements.

Mr. Kappeler stated the proposed solution involves installing infiltration galleries to sink water directly into the sand as has been achieved successfully by the City of Huntington Beach and in private developments around Newport Beach. He advised that OCSD approved a \$450,000 grant to the City to implement these galleries.

Mr. Kappeler reported, that upon further inspection, it was discovered that the city storm drain was broken underwater, introducing additional considerations. He added residents have long-sought dune dredging to remove sediment with the sand being used to replenish the beach. He noted the County maintains a \$3 million sediment Total Maximum Daily Load (TMDL) Reserve Fund for dredging-style projects in Newport Bay, to which Newport Beach and other cities have contributed. He reported the City has approached the County and project partners for \$750,000 from this fund.

Mr. Kappeler reported the infiltration gallery system filters water through the sand, allowing bacteria and other contaminants to break down naturally before the water reaches the bay. He noted that the approach is cost-effective and environmentally sustainable, noting OCSD is considering a partnership.

Mr. Kappeler noted several challenges remain and others need to be convinced this is the right approach, including the County. He encouraged project-supportive Committee Members to message County officials and Board Members listed on a contact sheet. He emphasized that this would be a good and comprehensive project for the dunes.

The committee could start a writing campaign highlighting reasons to support the project and added names of important County officials to lobby for support, including County Supervisor Katrina Foley. He listed locations of private developments in the City with infiltration galleries. He agreed that the California Coastal Commission should see this proposal and agreed it will likely be approved. He noted that this proposal is the least expensive process staff could come up with, lauding sand's ability to serve as a filter.

Mr. Stein explained this is an older diversion and is completely manual in operation so this would be an improvement to OCSD. He noted that it is a 20-year-old property and needs some cleanup. He clarified this is a very small amount of water compared to the volumes OCSD generally works with and the City has data about how much better the dunes' water quality is when the diversion is operational. He explained that it could make sense to dredge the dunes at the same time as this project is going forward while City staff is working in the area, but cautioned the local call for dredging is unrelated to this matter.

Committee members were encouraged to have anyone involved (including the City Council) advocate County officials for the project's funding and approval but to not do it with an easily

ignorable form letter and it was encouraged to keep the letters in a simplistic bullet point format. It was noted this process should begin with communication between City and County staff.

Mr. Kappeler reported there is a set timeline to complete this project from the Orange County Transportation Authority providing an impetus to get the project in motion. He explained that, excluding dredging, this is a \$1 million project with the City possibly contributing \$150,000. He reported staff has \$450,000 in grant funds and is additionally asking OCSD and Orange County for \$150,000 each. He noted dredging would add \$750,000 but that money exists in the TMDL Reserve Fund the City has been contributing to for many years. He confirmed the dredging component can be separated from the rest of the proposal.

Chair Stapleton agreed on starting the discussions between City and County staff members with Supervisor Foley being copied in.

Mr. Kappeler confirmed that a similar project rejected by the California Coastal Commission was declined for several reasons irrelevant to Newport Beach such as a narrower beachfront.

Chair Stapleton reported the California Coastal Commission recently presented before the City Council and was impressed with the projects being worked on by the Water Quality and Coastal Tidelands Committee, including the trash interceptor.

Chair Stapleton called for public comments. Hearing none, he closed public comments.

There was no further action or discussion on this matter.

c. Monsanto Class Action Settlement

Update on the City of Newport Beach's class action settlement with Monsanto.

Recommendation: Committee Discussion

Mr. Kappeler reported 3-4 years ago the City of Long Beach sued Monsanto Company for releasing polychlorinated biphenyls (PCB), dichlorodiphenyltrichloroethane (DDT), and other chemicals into the environment over many years. He advised that several cities joined the lawsuit, leading to a settlement in which Monsanto allocated \$500 million to a competitive application fund and \$50 million to a separate fund. He reported the City received \$2 million in the settlement about a year and a half ago.

Mr. Kappeler reported the fund has \$50 million remaining to specifically address PCB issues which remain an issue in the Rhine Channel. He noted that the City applied for \$3.5 million and received \$460,000 a month ago. He clarified that the funds are not tied to specific conditions and will be deposited into the General Fund. He advised that these funds are particularly significant given the City's prior investments, including \$4.5 million for addressing issues in the Rhine Channel and the settlement funds help offset costs associated with these efforts. It was reported that the City has partnered with consultants from Townsend Public Affairs, Inc. for grant writing assistance.

Public Works Director Webb briefly updated the committee on the south bay, clarifying that while the city initially utilized a Confined Aquatic Disposal (CAD) site for sediment disposal, alternative arrangements have been made to dispose of the material in the City of Long Beach. He advised that several lawsuits were filed in the meantime in which the City prevailed. He reported Public Works Administrative Manager Chris Miller coordinated with Long Beach Harbor to secure a private pier project that requires sediment for construction. This alternative has become the primary disposal plan, with the CAD site now serving as a backup and the City Council is scheduled to finalize an Agreement with Long Beach Harbor on February 14. He emphasized that the harbor cannot be dredged without a disposal site.

It was reported that the U.S. Army Corps of Engineers is expected to advertise the project for bidding shortly, with dredging anticipated to begin in April. He added the dredging will cover the main channel, Balboa Island, Turning Basin, and the Rhine Channel, removing unsuitable sediments to

improve tidal flows and water quality. He reported the unsuitable material will be transported to Long Beach, avoiding the use of the CAD site. A Committee Member noted that this process involved City staff traveling to the City of Washington, District of Columbia to meet with lobbyists, Congressmen, the Environmental Protection Agency, and the U.S. Army Corps of Engineers. It was reported the dredging would permit access to larger vessels and improve circulation in the channel. Harbormaster Paul Blank advised that this allows for larger sailboats and club access.

6. COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

- a. Total Maximum Daily Load for Copper (Cu) (November 2024 – John Kappeler)
- b. Coastal Resiliency (November 2024 – Charles Fancher)
- c. Newport Beach Trash Interceptor Public Outreach Campaign (Winter 2024 – John Pope)

Chair Stapleton reported recently meeting with Committee Member Fancher, Committee Member John Wadsworth, and Councilmember Barto to discuss committee objectives. He noted the City's water quality has improved to where the committee has morphed into many broader matters not specific to water quality such as coastal resiliency and sustainability. Committee Member Fancher suggested that the committee members develop a list of objectives over the next month to ensure continued progress and success. He recommended that the next meeting feature collective brainstorming of future objectives with email communications in the interim.

Committee Member Fancher discussed restricting itself to only 2-3 focused objectives as it already had too many priorities. He added Councilmember Barto should also be part of the process.

It was noted that long-term, mid-term, and short-term objectives must work in tandem. While three short-term goals may be a reasonable target, the final list will likely include additional long-term objectives. The committee discussed forming a temporary subcommittee consisting of up to three voting committee members, along with Councilmember Barto, who would participate in a non-voting capacity. Harbormaster Blank confirmed the Harbor Commission also has a subcommittee to determine potential objectives before they are brought to the Harbor Commission. He agreed this list includes both long and short-term, projects.

The committee agreed that a better format would be to hold a workshop at their next meeting so everyone could bring ideas without communication leading to an accidental serial meeting occurring in the interim and three people not dictating the commission's entire direction. There was agreement on the committee's scope not overlapping with other City Commissions, citing sand replenishment and coastal sustainability as areas clearly under this Committee's purview. There was discussion on how to approach other jurisdictions whose trash flows downstream to Newport Beach through the Santa Ana River, San Diego Creek, and other waterways.

Committee Member Wadsworth reported serving on a working group for the San Gabriel River where interceptor technology is being explored and is currently at the Environmental Impact Report (EIR) stage. It was reported that the next update will come later in January and working with the San Gabriel River and Santa Ana River's upstream jurisdictions should be on this Commission's list of long-term projects. He agreed to make a presentation about the EIR at the next meeting. He clarified this working group is made up of the "guilty parties" looking for a solution. He agreed this could be a mid-term objective with a presentation to the Commission in March.

The opening of the new oceanfront Lido House Hotel was recognized, and it was recommended that a committee objective be developed to find ways for the City to celebrate oceanfront hotels and restaurants. It was recommended to get all the objectives on paper so Councilmember Barto can better work with them on the City Council level. Committee Member Fancher agreed to coordinate with Mr. Kappeler to get people to report to the Commission on the coastal resiliency listed in Item No. 06.

There was no further action or discussion on this matter.

7. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chair Stapleton called for public comments. Hearing none, he closed public comments.

8. SET NEXT MEETING DATE

Recommendation: February 6, 2025

The next meeting was set for February 6, 2025.

9. ADJOURNMENT

The meeting was adjourned at 4:06 p.m.

Chair / Joe Stapleton

DRAFT