



# CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

City Council Chambers

Thursday, June 3, 2021 - 3:00 PM

## ***Water Quality/Coastal Tidelands Committee Members:***

**Council Member Duffy Duffield, Chair**  
**Council Member Noah Blom, Vice Chair**  
**Peter Belden, Member**  
**Curtis Black, Member**  
**Louis Denger, Member**  
**Charles Francher, Member**  
**Lawrence Houston, Member**  
**Richard McNeil, Member**  
**George Robertson, Member**

## **Staff Members:**

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

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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](mailto: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 (5 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)**

[Water Quality Draft Minutes 05062021](#)

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

(a) **Committee Goals/Objectives (John Kappeler) (10 min)** Review and status update on the committee's goals and objectives.

Recommendation: Committee Discussion

(b) **Food Service Ware Ordinances (Hoiyin Ip/Jeremy Jung) (30 min)** Update on the four ordinances for the committee's review/approval.

Recommendation: Committee Review/Approval

(c) **Urban Water Management Plan (Mark Vukojevic) (15 min)** Update and presentation on the key elements of the plan.

Recommendation: Committee Review/Approval

6) **ON-GOING BUSINESS (10 min)**

(a) **Bay and Ocean Bacteriological Test Results (John Kappeler) (10 min)** Review and discussion of recent water quality test results within Newport Bay and along the ocean shoreline.

Recommendation: Receive and File

7) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) (5 min)**

(a) Trash Interceptor Public Outreach Plan

(b) Fecal Coliform Time Schedule Order (TSO)

(c) Balboa Island Drainage Plan

(d) Shellfish Monitoring

(e) Orange County Sanitation District Micro-Plastics

(f) City of Newport Beach Street Sweeping Program

(g) City of Newport Beach Sustainability Plan

(h) University of California Irvine (UCI) Beach Dynamics Study

(i) Orange County Sanitation District (OCSD) Coordination

(j) Ocean Kelp Project

(k) IRWD Siphon Reservoir Project

(l) Sediment Removal (Dredging) Project

8) **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.*

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

*Recommendation: July 1, 2021*

10) **ADJOURNMENT**

**Date:** May 6, 2021  
**Time:** 3:00 p.m.  
**Location:** Meeting held via Zoom  
**Meeting Minutes prepared by:**

**1. Call meeting to order**

The meeting was called to order at 3:01 p.m. by Councilmember/Chair Duffield

**2. Roll Call and Introductions**

**Committee Members Present:**

Councilmember/Chair Duffy Duffield  
Councilmember/Vice Chair Noah Blom  
Peter Belden  
Curtis Black  
Louis Denger  
Charles Fancher  
Tom Houston  
Richard McNeil  
George Robertson

**Committee Members Absent:**

None

**Guests Present:**

Nancy Gardner, Orange Coast River Park  
Hoiyin Ip, Sierra Club  
Bill Lane  
Jim Mosher, Resident  
Monica Mazar, Resident  
Randall English, Newport Bay Conservancy  
Michelle Giron, Surfrider Foundation  
Nancy Skinner, Still Protecting Our Newport (SPON)  
John Wadsworth, Surfrider Foundation  
Chace Warmington, University of California Irvine (UCI)

**Staff Present:**

Paul Blank, Newport Beach Harbormaster  
Shane Burckle, Water Conservation Coordinator  
Karen Gallagher, Administrative Assistant  
John Kappeler, Senior Engineer  
Jeremy Jung, Deputy City Attorney  
Bob Stein, Assistant City Engineer  
Dave Webb, Public Works Director

**3. Public Comment on Agenda Items**

None

#### 4. Review and approval of minutes

Motion. Chair Duffield moved to approve the minutes as presented; Committee Member Robertson seconded; motion approved unanimously.

#### 5. Current Business (50 min)

- (a) Committee Goals/Objectives (John Kappeler) (5 min) Review and status update on the committee's goals and objectives.

**Recommendation: Committee Discussion**

Senior Engineer Kappeler provided a brief overview of the Committee Goal setting process. He explained the Committee adopts goals which are mainly projects that range from short-term, medium-term, and long-term in length. He suggested the Committee agendaize reviewing the goals in the next few months to determine if any of them need to be revised. Committee Member Black requested the Committee Goals be emailed to the Committee after the meeting.

In response to Vice Chair Blom's inquiry, Senior Engineer Kappeler recommended the Committee review the goal list in detail to revise them, remove them due to completion, and/or add new goals to the list.

The item will be brought back to the next formal meeting of the WQCT for discussion.

- (b) Food Ware Services Ordinances (John Kappeler/Jeremy Jung) (30 min) Update on the five ordinances previously reviewed and approved by the committee.

**Recommendation: Committee Discussion**

Senior Engineer Kappeler advised that over a year ago the Committee was tasked to review the City's existing environmental ordinances and refine them. He reported the Committee reviewed and approved four ordinances which were to be reviewed by the City Attorney's Office and then to be presented to City Council for consideration. He advised that due to the COVID-19 pandemic, most of the Committee's meetings were canceled except in September, October and November. He explained the Committee revisited the ordinances to make sure they still made sense and did not impact restaurants that have already been impacted by the pandemic. He advised staff recommended the Committee review the changes and provide the opportunity for new Committee Members to weigh in.

Ms. Ip reported single-use plastic consumption has tripled since the beginning of the pandemic. She provided a summary of the Committee's actions and the related state regulations. She reported this year residents will receive a green bin for compost to comply with Senate Bill (SB) 1383: landfill diversion and minimizing contamination, such as plastics and pesticides. She reported the California State Water Resources Control Board issued Trash Provisions in 2017 which mandate agencies significantly reduce trash in the waterways. In the prior year, the City spent \$755,000 on litter control, storm drain maintenance and street sweeping. The trash provisions require significantly more money for compliance. The Committee formed a Plastics Subcommittee to investigate a plastics ban and provide a variety of public education programs with much help from the Chamber of Commerce.

Senior Engineer Kappeler explained the State of California approved Trash Provisions and cities have 10 years to comply and place trash control devices in the City's catch basins and storm drains. He noted the majority of the trash control devices have been procured through grants and the City has

completed approximately 40-45% of the installations. He explained the staff will be asking the Committee for support to install the devices and applying for grants to pay for them over the next three years.

Ms. Ip reported that 2018 began with big momentum for limiting the use of single-use plastic straws although the Committee felt that limiting straw use was not enough. The Committee developed a set of restaurant outreach documents including a serve-on-request and bring-your-own sign for eight single use food ware items. She contacted the Newport Beach Restaurant Association for feedback and they were supportive. In parallel, staff applied for and received a \$1.68 million grant from the Ocean Protection Council (OPC) to install a Trash Interceptor in San Diego Creek to capture the trash from upstream. Staff reported to the OPC that the City had just begun source reduction efforts.

Later in 2018 and 2019, Assembly Bill (AB) 1884 (plastic straws serve on request) and AB 619 (bring your own cups and containers) were signed into law. She reported to the City Council that local restaurants could have gained good publicity if the City had adopted a policy based on the restaurant outreach program. The Committee was given the green light to begin drafting the Trash and Toxics Reduction ordinance.

Ms. Ip reported in December 2019 the Santa Ana Regional Water Quality Control started to explore integrating Per- and Polyfluoroalkyl Substances (PFAS) into the National Pollutant Discharge Elimination System (NPDES) permits. She advised PFAS is commonly called a “forever chemical” that creates a water quality and public health problem and is particularly bad in Orange County. She advised California only has PFAS food ware bans by cities and counties, but some other states have statewide bans on PFAS food ware.

Ms. Ip reported the City Council in 2020 approved adding \$225,000 to the Trash Interceptor design costs and awarded a \$200,000 annual contract for Beach Trash Container Collection. She reported the State of California is requiring cities to add additional housing units (the 6<sup>th</sup> cycle of Regional Housing Needs Assessment) and expressed concern that Irvine is required to add over 20,000 new homes which will result in more trash. She noted source control is more important than ever.

Ms. Ip reported there has been good movement statewide on source control in 2021. She advised the OPC approved to assist local governments in implementing ordinances that are based on reusables and single-use reduction. She reported AB 1276: Serve-on-Request & Reusables for Dine-In and AB 1200: PFAS-Free Food Packaging have been introduced to the California legislature. She reported that studies have shown that charging \$0.25 for a single-use item is the threshold for behavior change and most restaurants would support a law that requires them to charge a fee for disposable food ware

Ms. Ip reported the Committee approved the draft Trash and Toxics Reduction Ordinance in January 2020 which was updated in October 2020 to account for COVID-19 impacts. She provided a brief overview of single-use items and recommended reduction and/or bans. Single use food ware would need to be PFAS-free certified compostable or made of natural fiber. She advised restaurants are encouraged to charge \$0.25 for cups, lids, straws, utensils, chopsticks. She reported the City would require the fee for a utensil packet and a lid plug. She reported the City adopted a Styrofoam food ware ban in 2008 but noted some items were omitted. She advised the Committee recommended the ban of styrofoam egg cartons, coolers, and ice chests along with styrofoam packaging for food prepared outside the City. She advised they also recommend a \$0.10 fee for the use of a carryout bag for all retailers including restaurants. She also advised the Committee recommends banning the release of latex balloons citywide, banning foil and latex balloons and polystyrene foam from beaches, piers, parks, and the harbor.

Ms. Ip inquired if the Committee would like to include reusable ware for dine-in in the draft ordinance and provided references to other cities that have adopted such ordinances. She suggested that if the Committee recommends adding it in, it should be rolled out in a phased approach.

In response to Committee Member Houston's inquiry, Ms. Ip explained the fees collected are kept by the retailer. Committee Member Houston advised he will not support continued regulation and expenses for restaurants that are trying to get back on their feet. He recommended the Committee back off on all the regulations that impact the foodservice industry until they have an opportunity to recover.

Chair Duffield recommended bringing back the draft ordinance for additional review and approval for the benefit of new Committee Members considering so much has changed. Committee Member Robertson commented that single-use plastics are not going away and the City will need to address the issue at some point in time. He noted the City is bearing clean-up costs, and if more money is needed for cleanup, taxes will need to be raised. He recommends addressing source reduction as it is easier and cheaper than cleaning up the beaches. He reported the Break Free from Plastic Pollution Act of 2021 (BFFPPA) is being introduced that will include a ban on single-use plastic food ware items.

Vice Chair Blom reported the hospitality field is getting away from single-use plastics and noted it is great that there are alternatives, but those supply chains are broken and alternative products are not available. Councilmember Diane Dixon picked up a takeout with ecofriendly packaging from his restaurant, but the food leaked over the seat in her car. He thought the feasibility of reusables is questionable. He explained that napkins and utensils are provided upon request at his restaurant. He remarked the Committee is here to look at real solutions but feels that the fee will not be an active deterrent for people. He noted the food industry cannot afford the alternatives at this time, regulation is not needed, the hospitality industry cares about perception.

In response to Committee Member Fancher's inquiry, Chair Duffield confirmed the ultimate goal is to receive approval of the ordinance by the City Council. Committee Member Fancher believes the ordinance warrants further review. He remarked the City needs to recover costs to the greatest degree possible while creating incentives and deterrents to achieve the overarching objective. He suggested creating a solution that allows the customer to pay a fee for receiving single-use food ware with half of the fee passed back to the government for cleanup and thus not placing the financial burden on the retailer.

Senior Engineer Kappeler reported there were no public comments received for this item.

The item will be brought back to the next formal meeting of the WQCT for discussion.

(c) Urban Water Management Plan (Mark Vukojevic) (15 min) Presentation and update on the Peters Canyon Diversion Project.

**Recommendation: Committee Discussion/Comments**

Senior Engineer Kappeler reported Utilities Director Mark Vukojevic would be unavailable due to a last-minute emergency. He advised Water Conservation Coordinator Shane Burckle would provide a brief update on the Urban Water Management Plan (UWMP) and would bring back Utilities Director Vukojevic at a future meeting to go through the details. He noted this is a plan the Committee will want to review and approve before sending it City Council.

Water Conservation Coordinator Shane Burckle explained the UWMP covers potable water as well as recycled water that can be used on landscapes. He reported the City must adopt the UWMP every

five years ending in zero and five and is a comprehensive water plan that gives the City action items that trigger water supply reliability from import as well as the City's well water basin. He advised this year the City is directed to create a Water Shortage Contingency Plan which provides direction if water shortage conditions arise and speaks to Chapter 14 in the Municipal Code which gives the City legal authority to enforce the plan.

Water Conservation Coordinator Burckle provided a brief overview of the contents of the UWMP which include service area and facilities, sources and supplies, use by customer type, demand management, reliability, planned projects, shortage contingency, recycled use, per capita use, SBx7-7 compliance, and an implementation plan. He reported California's water precipitation and snowpack levels fluctuate which impacts supply conditions. He provided a brief overview of the State's Water Supply Conditions Report and noted overall there does not need to be concern regarding the water supply. He noted the majority of California was starting to creep into Extreme Drought conditions.

Water Conservation Coordinator Burckle reported local water use in 2020 was approximately 15,005 acre-feet of water (one acre-foot is approximately 326,000 gallons of water). He reported the City has 10 miles of water distribution pipe for recycled water and noted many of the City's golf courses use recycled water along with median strips, city-owned parks, and most recently the East Bluff Village Shopping area. He reported the City had 26,765 municipal water connections or meters in 2020. He noted under the UWMP projection of populous is required and reported total water demand is projected to increase 4.3% between 2020 and 2045.

Water Conservation Coordinator Burckle provided an overview of water demands and reported actual water use was 14,492 acre-feet of water not including recycled water. He advised the use types include single-family homes, multi-family homes, commercial, institutional/governmental, landscape, water losses, and other potable water. He presented the 5-year projections and noted water demand is not projected to increase much as the population increases.

Water Conservation Coordinator Burckle reported the Water Conservation Act of 2009 (Senate Bill X-7) mandates a 20% reduction by the year 2020 and reported the target was 207 gallons per day per capita per person (GPCPD). He advised the City's actual 2020 consumption is 160 GPCPD which is within compliance and no further action is needed other than reporting.

Water Conservation Coordinator Burckle reported that one way to mitigate water loss is to track it as real-time as possible. He advised that Public Works has been investing in an Advanced Metering Infrastructure (AMI) Program since July 2020 and has been replacing all meters under two inches with AMI infrastructure which largely consists of multi-family and single-family homes. He reported if the AMI identifies a consistent leak it will notify the customer as well as Newport Beach Utilities for investigation. He advised this allows the City to identify leaks at a much more rapid pace along with providing the customer with some understanding of how they use their water and in turn hopes this will increase the level of water consciousness.

Water Conservation Coordinator Burckle reported demand reduction includes water conservation outreach, update existing the Chapter 14 ordinance including permanent restrictions and water supply contingency (Levels 1-4) in the event of a water shortage declaration, leak detection, impacts to revenue, and customer service. He advised the UWMP will be going to a public hearing with City Council on May 25th, with a second reading of the plan on June 22nd, and once submitted to the Department of Water Resources for inclusion the City will be in compliance for this cycle.

Chair Duffield opened public comments.



Committee Member Belden reported the City of Huntington Beach recently approved the Poseidon Desalination Project. In response to Committee Member Belden's inquiry, Water Conservation Coordinator Burckle does not see the water projections changing due to the project. He noted the City has been included in those discussions and does not believe the City will need to purchase the water generated by the plant. He noted the City would be able to tap into the system should there be a disaster situation.

In response to Ms. Gardner's inquiry, Water Conservation Coordinator Burckle reported the population usage numbers include the new Regional Housing Needs Assessment (RHNA) numbers.

Committee Member Black referenced Water Conservation Coordinator Burckle noting reservoirs in Central and Northern California tend to be lower than some of the Southern California reservoirs and inquired if that would change the way the City acquires and purchases water over time or is that more of a problem for cities in Central California.

In response to Committee Member Black's inquiry, Water Conservation Coordinator Burckle reported many of those reservoirs are largely drawn upon by the agricultural businesses which have water rights to take the water first. He noted Newport Beach was able to invest in the groundwater replenishment system in the early 1990s and the water take is 75% which has recently increased to 92%. He advised the City's water portfolio is balanced to where the water is cheaper because it does not take as much infrastructure and distance to get it to the City. He advised there always been balanced when it comes to imported water which will always be needed and reported the groundwater replenishment is being expanded. He noted the water take could be less than 70% if non-city-owned wells need rehabilitation due to PFAS. He advised he does not anticipate any of the City's wells needing to be rehabilitated due to PFAS. Lastly, he explained the water take from the State Water Project will always be there with the City's need being greater some years than others but noted it is important to take from local resources first.

Chair Duffield closed public comments.

There was no further action taken on this item.

## 6) On-Going Business (5 min)

- (a) Bay and Ocean Bacteriological Test Results (John Kappeler) (5 min) Review and discussion of recent water quality test results within Newport Bay and along the ocean shoreline

**Recommendation: Receive and File**

Senior Engineer Kappeler explained the weekly testing process for new Committee Members. He reported Newport Boulevard Bridge typically fails testing protocols. He reported this should go away soon as the City Council has approved a \$1 million project to divert this water which is 95% complete.

Senior Engineer Kappeler provided a brief review of the Bay and Ocean Bacteriological Test Results. He reported Via Genoa Beach had an enterococcus violation of 170 with the state standard being 104 and was likely due to a natural cause such as birds. He noted it is important to know that the test results are very clean. He reported Upper Newport Bay and Newport Bay Tributaries are tested separately. He reported Newport Dunes has four testing sites due to the amount of recreation and noted there is a large storm drain that empties into the dunes which is diverted to the Sanitation District and is treated. He reported the Dunes diversion has been off due to a permitting issue but has been turned on temporarily while the permitting issues are being sorted. He reported a minor

violation at Bayshore Beach which is also largely due to something natural such as birds. Lastly, he advised the Orange County Sanitation District's portion also has clean reports.

Chair Duffield noted lack of rain helps the numbers and the Committee is unlikely to see such a clean report after a storm.

Vice Chair Duffield opened public comments and seeing no speakers, closed the public comments.

There was no further action taken on this item.

**7) Committee Announcements on Matters which Members would like placed on a future agenda for discussion, action or report (Non-Discussion Item) (10 min)**

Senior Engineer Kappeler explained the future agenda list has gone out of order since there have been no meetings due to COVID-19. He explained the Committee typically identifies a topic and it will be placed on the next agenda. He reported the Shellfish Monitoring Report is completed and suggests the Committee review it in the next month or two.

In response to Committee Member Robertson's inquiry, Senior Engineer Kappeler reported the Shellfish Monitoring Report includes sampling completed by the City and SCCWRP.

Senior Engineer Kappeler inquired if the Committee would be receiving an update on the Syphon Reservoir being built by Irvine Ranch Water District (IRWD) as the City has made some concessions to take reclaimed water in Newport Bay if they were not able to handle it. He also inquired regarding the status of sediment removal in the channels. Senior Engineer Kappeler advised he will add the two items to a future agenda item.

- (a) Trash Interceptor Public Outreach Plan
- (b) Fecal Coliform Time Schedule Order
- (c) Balboa Island Drainage Plan
- (d) Shellfish Monitoring
- (e) Orange County Sanitation District Micro-Plastics
- (f) City of Newport Beach Street Sweeping Program
- (g) City of Newport Beach Sustainability Plan
- (h) University of California Irvine (UCI) Beach Dynamics Study
- (i) Orange County Sanitation District (OCSD) Coordination
- (j) Ocean Kelp Project (Spring 2021)

**8) Public Comments on Non-Agenda Items (5 min)**

None

**9) Set Next Meeting Date (5 min)**

Recommendation: June 3, 2021

Vice Chair Duffield set the next meeting for June 3, 2021. In response to Committee Member Belden's inquiry, Senior Engineer Kappeler explained the City Manager's Office recommended this meeting be held via Zoom. He will check with the City Manager's Office in a few weeks to determine if COVID-19 protocols will allow the meeting to be held in person.

**10) Adjournment**

The meeting was adjourned at 4:12 p.m.

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Chair / Duffy Duffield