



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Crystal Cove Conference Room

Thursday, November 3, 2022 - 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 Fancher, 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

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 Draft Minutes 10062022](#)

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

(a) **Committee Goals/Objectives (Bob Stein) (5 min)** Review and status update on the committee's goals and objectives.

Recommendation: Committee Discussion

(b) **Newport Harbor Vessel Pump-out Program (John Kappeler) (15 min)** Committee approval to send a letter to the State of California's Division of Boating and Waterways on the effectiveness of the "particle separator".

Recommendation: Committee Review/Approval

(c) **Newport Beach/Bay Water Quality Sampling (Peter Belden) (15 min)** Update on a proposed pilot program to perform additional water quality sampling after rain events.

Recommendation: Committee Discussion/Approval

(d) **Lower Newport Bay Copper TMDL Hearing (John Kappeler) (20 min)** Update on the status of the draft Copper TMDL for Newport Bay, and the Santa Ana Regional Water Quality Control Board hearing scheduled for Friday, December 2, 2022.

Recommendation: Committee Discussion

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

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) **Newport Beach Trash Interceptor Public Outreach Campaign (February 2023)**

(b) **IRWD Siphon Reservoir Project (February 2023) - Objective 18**

(c) **Balboa Island Drainage Plan (March 2023) - Objective 12**

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: February 2, 2023

10) **ADJOURNMENT**

Date: October 6, 2022
Time: 3:00 p.m.
Location: Newport Beach Civic Center, Crystal Cove Conference Room
Meeting Minutes prepared by:

1. Call meeting to order

The meeting was called to order at 3:05 p.m. by Chair Duffield

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Chair Duffy Duffield
Louis Denger
Charles Fancher
Tom Houston
George Robertson

Committee Members Absent:

Councilmember/Vice Chair Noah Blom
Peter Belden
Curtis Black
Richard McNeil

Guests Present:

Nancy Gardner, Orange Coast River Park
Hoiyin Ip, Sierra Club
Monica Mazur, Resident
Jim Moser, Resident
Nancy Scarbrough, Resident
Nancy Skinner, SPON
Jon Wadsworth, Surfrider Foundation
Charles Klobe, SPON

Staff Present:

Paul Blank, Harbormaster
Karen Gallagher, Administrative Assistant
John Kappeler, Senior Engineer
Chris Miller, Administrative Manager
Casey Parks, Utilities Superintendent
John Pope, Public Information Manager
Steve Scully, Newport Beach Harbor Commission
Mark Vukojevic, Utilities Director

3. Public Comment on Agenda Items

None

4. Review and approval of minutes (5 min)

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

5. Current Business (50 min)

- (a) Lower Newport Bay Dredging Project (Chris Miller) (20 min) Update on the Lower Newport Bay Dredging Project.

Recommendation: Informational Only

Administrative Manager Chris Miller presented a brief overview of the Lower Newport Bay Dredging Project. He reported it is an Army Corps of Engineers Dredging Project as it is their responsibility to maintain the harbor. Reviewing the map of the project location in Lower Newport Harbor he advised that everything that is not in color is at the authorized depth for the harbor. He noted everything highlighted in blue is dredged material that is suitable for the open ocean disposal in an Environmental Protection Agency (EPA) approved area known as LA-3 which is 6 miles offshore. He explained the areas highlighted in yellow are materials that are not suitable for open ocean disposal. He explained that the material has passed all of the toxicity tests however the EPA is concerned that it is incrementally over the levels they use for open ocean disposal.

Administrative Manager Miller reported when the US Army Corps of Engineers (USACE) runs into an issue with dredged material it turns to the local sponsor, in this case, the City, to determine a way to manage the material. He advised the City has been working over the past several years to find a solution. He explained the concept at this point to develop a Confined Aquatic Disposal Facility (CAD) and presented a photo of typical dredging equipment from 2012. He advised that some of the blue material would be disposed of at LA-3, but the materials used to build the CAD would be disposed of in the nearshore zone along the ocean beaches which will replenish the City's beaches.

Administrative Manager Miller presented an example of CAD construction which identified the Army Corps of Engineers' area of responsibility and the City's area of responsibility. He advised the City is required to have silt curtains along with reporting and surveys during the process. He reported the California Water Resources Control Board (Water Board) issued the permits last week. He provided an overview of the fill responsibilities of the CAD.

Nancy Gardner inquired about the material used for the interim cover. Administrative Manager Miller reported it would be comprised of sand.

Administrative Manager Miller continued the presentation and reported the interim cover would not be touched for two years to allow City residents to dispose of materials that need management. He advised during the two years, residents and marinas would be allowed to apply for permits to dispose of their materials in the CAD.

Ms. Gardner inquired about the kind of material that can be placed in the CAD. Administrative Manager Miller explained it could not be material from the Rhine Channel but could be from other locations in the harbor. He explained the material has already been tested so residents will not need to retest it.

Administrative Manager Miller continued the presentation and reported the Final Cap which represents the green layer in the rendering. He explained the tan slide slips in the rendering are higher than the green layer to allow the City to plan for the future. He reported there have been some

questions about the water quality issues and the amount of testing that has gone into it. He advised all of this has been tested, vetted, and approved by federal, state, local agencies, and regulatory agencies including the EPA.

Administrative Manager Miller reported the City received the Water Board permit last Friday, will be meeting with the California Coastal Commission (CCC) next Friday, and expects the USACE permit to be issued shortly after that. He anticipates the USACE to go out for bid in November 2022 with notice to proceed in January or February 2023.

Ms. Gardner inquired if this is the first CAD that has ever been done. Administrative Manager Miller reported there are CADs in Long Beach and Port Hueneme. He advised the California Coastal Commission finds a CAD acceptable to manage sediment.

Charles Klobe reported the activists have had an ex-parte with Steve Padilla and asked if Administrative Manager Miller has also had ex-parte communications with Mr. Padilla. He inquired if Administrative Manager Miller could provide any feedback from his meeting with Mr. Padilla. Administrative Manager Miller reported Mr. Padilla only listened to the entire meeting and provided no insight.

Ms. Gardner expressed concern regarding persuasion from the other side. Administrative Manager Miller explained the USACE turns to the City to find solutions and noted the yellow material will not be dredged by USACE and would probably only dredge up to the yellow areas if the City does not obtain approval from the CCC. He noted the yellow material is ok to stay where it is located now.

Committee Member Charles Fancher inquired if the beach-ready sand is significant. Administrative Manager Miller advised that 270,000 cubic yards is highly significant. Chair Duffield clarified it was equivalent to 9000 dump trucks worth of sand.

Committee Member Fancher inquired if the natural order of the water would move the materials in the nearshore zone to the beach. Administrative Manager Miller reported there were countless examples of near-shore disposal up and down the west and east coast that show it is a proven technique.

Administrative Manager Miller recommended committee members reach out to the California Coastal Commissioners for comments this evening so they can be seen tomorrow. He reported comments are welcome during the meeting as well.

Committee Member Fancher inquired if it was on the Coastal Commission website. Administrative Manager Miller explained Committee members could go to the CCC website, select the tab labeled Friday, and go to Item No. 17.

Chair Duffield inquired if any of the yellow materials is toxic. Administrative Manager Miller confirmed the materials were not toxic or hazardous.

Chair Duffield explained the EPA was recently able to measure parts per million for mercury, lead, copper, and other materials. He advised the EPA came up with what they believe to be safe numbers. He explained the highest number for yellow materials is 1.5 parts per million. Administrative Manager Miller reported the City negotiated to go from 1.0 to 1.5 parts per million with the EPA.

Resident Jim Mosher noted that one of the main concerns from the opposition is that the CAD will leak. He inquired if concerns could be alleviated by making the area deeper and making the Final Cap

thicker or if the CAD was as deep as it can be. Administrative Manager Miller advised the CAD is not as deep as it can be but the accepted modeling and leaching modeling was considered by all of the agencies.

Mr. Mosher inquired if the City could indicate it is addressing the problem by offering six feet instead of three feet on top. Administrative Manager Miller advised that was a possibility but would take a redesign but the modeling suggests everything is correct. Chair Duffield reminded the Committee the materials do not have to be removed and jokingly noted it was leaching now.

Committee Member Louis Denger inquired if parts per million were correct. Chair Duffield confirmed it was parts per million (ppm) but copper is parts per billion (ppb).

Ms. Gardner inquired which metals were trying to be mitigated. Chair Duffield advised they were trying to mitigate mercury, lead, and copper.

Ms. Gardner inquired if she would be correct in reporting that those metals were not toxic to those swimming in Newport Bay. Chair Duffield confirmed that this is correct.

Senior Engineer John Kappeler reported the Water Board has delisted mercury, lead, and copper from the new Total Maximum Daily Load (TMDL).

There was no further action taken on this item.

(b) Committee Goals/Objectives (Bob Stein) (10 min) Review and status update on the committee's goals and objectives.

Recommendation: Committee Discussion

Senior Engineer Kappeler provided a brief overview regarding the status of the Trash Interceptor. He reported the City obtained a permit from Orange County Public Works yesterday. He noted a little more money will be needed for the project but the City is ready to go.

Committee Member Tom Houston commented the project was a home run.

Committee Member Fancher inquired if the City needs to provide additional funds. Senior Engineer Kappeler advised staff is currently writing grant proposals.

There was no further action taken on this item.

(c) City of Newport Beach Street Sweeping Program (Mark Vukojevic) (30 min) Update on the City of Newport Beach's Street Sweeping Program, including private streets.

Recommendation: Committee Discussion

Utilities Director Mark Vukojevic provided information regarding Newport Beach Street Sweeping. He reported it has been contracted since 2010. He advised that 40% of the streets are time posted by the Police Department and the routes coordinate with refuse pickup.

Ms. Gardner inquired if 40% of the streets referenced are along ocean areas. Utilities Director Vukojevic confirmed they were but would discuss them later in the presentation.

Utilities Director Vukojevic reported residential and major streets are swept weekly and noted most cities are every two weeks like Huntington Beach and Costa Mesa.

Hoiyin Ip reported that streets are swept weekly in South County.

Utilities Director Vukojevic reported alleys being swept twice per month using a different contractor with business areas being swept more frequently. He advised parking lots, trails, and boardwalks are swept three times per week. He reported a new ten-year contract was approved in 2020 with new street sweepers, powered by Natural Gas. He advised there are 5 sweepers running every single day in the City. He noted a new 5-year contract was approved in 2021 to sweep alleys every 2 weeks. He reported the City does have a sweeper for backup and emergencies.

Mr. Jon Wadsworth inquired if the City tracks what it finds while sweeping. Utilities Director Vukojevic advised it is tested but is not sorted.

Utilities Director Vukojevic reported staff responsibilities include customer service, program management, cleaning and dumping, special postings and sweeping, and reporting.

Ms. Gardner noted that some routes are not time posted but are still swept such as Ocean Boulevard. Utilities Director Vukojevic advised areas such as Corona Del Mar and the Peninsula are time posted. He noted Newport Heights is not time-posted.

Committee Member Fancher inquired if 100% of the City Streets and alleys are covered. Utilities Director Vukojevic reported that 100% of all City streets are covered but there are many private streets.

Committee Member Fancher inquired if this is related to water quality by keeping 3,000 to 4,000 tons of waste out of the drains per year. Utilities Director Vukojevic explained the greatest benefit now is water quality protection.

Committee Member Fancher inquired if 100% of curbside drainage goes to the ocean. Utilities Director Vukojevic reported all catch basin materials end up in the harbor or the ocean. He further explained there are many trash control and trash capture devices within those systems.

Ms. Gardner inquired about Pacific Coast Highway (PCH) and MacArthur Boulevard. Utilities Superintendent Casey Parks reported that PCH and MacArthur Boulevard are swept twice per week. Utilities Director Vukojevic noted an extra 10% of routes are completed from Memorial Day to Labor Day.

Utilities Director Vukojevic reported the budget for the Street Sweeping Program is approximately \$1 million annually which comes out of the General Fund. He reported street sweeping is approximately \$825,000, alley sweeping is approximately \$80,000, and dump fees are approximately \$125,000.

Ms. Gardner inquired if that counts towards the City's trash mandates. Utilities Director Vukojevic confirmed it is part of the City's trash that is sent to the landfill.

Utilities Director Vukojevic presented a sample routing map for the Committee's review and explained how the routes work. He showed the Committee how to look for the street-sweeping routes on the City's website.

Utilities Director Vukojevic reported there are approximately 75 private communities or Home Owner's Associations (HOAs) of which more than 75% are regularly swept weekly, biweekly or monthly.

Committee Member Fancher inquired if the private communities are required by ordinance to street sweep. Utilities Director Vukojevic clarified they are not required by ordinance to street sweep.

Utilities Director Vukojevic advised private streets seem to be clean, landscape maintenance may be covering sweeping in those areas, and advised some communities simply sweep as needed.

Utilities Director Vukojevic provided a brief overview of potential street sweeping improvements which include posting sweeping parking restrictions in non-posted neighborhoods, requiring street sweeping in private communities and HOAs, an additional public information campaign to HOAs, collecting further information and data on the private side, making additional observations, and considering situations and location-specific actions or improvements.

Ms. Nancy Scarbrough inquired about tying street sweeping to construction permits and requiring construction trucks to be moved on street sweeping days. She explained it is a problem in Newport Heights with all of the homes under construction in the area. Ms. Gardner reported it happens in Corona Del Mar.

Utilities Director Vukojevic advised Newport Heights has no time posting for street sweeping but agreed there are many homes under construction. Mr. Charles Klobe reported most residents relocate their cars for street sweeping but the contractors do not. He also noted street sweeping has been moved to mid-day due to schools being open and that is when the contractors are there.

Committee Member Fancher inquired if private sweeping is required as part of the construction permit. Utilities Director Vukojevic explained a construction permit for a home requires the homeowner to do their part to keep the street clean.

Committee Member Fancher inquired if the City's ordinances had teeth. Utilities Director Vukojevic confirmed it is enforceable but noted one option is the residents would have to sweep it themselves. He advised he would investigate tying it to the permit.

Ms. Scarbrough noted that construction trucks do not need to be cited every week but intermittent enforcement may help send the right message.

Committee Member Fancher reported he lives in a larger HOA and noted there is no street sweeping but the streets are relatively clean. He expressed concern about a regulation being imposed on a private community that has no impact on the City's street sweeping costs. He agreed that the HOA's gutters cannot go into the ocean in that scenario.

Ms. Gardner advised that goes back to the catch basins. She inquired if the catch basin cleaning was ever-expanding. Utilities Director Vukojevic reported some communities have private catch basins and are cleaning them once or twice per year.

Ms. Gardner reported the Committee was exploring at one time recommending to the City Council that catch basin cleaning be required.

Senior Engineer Kappeler reported the California Water Resources Control Board requires the City clean 80% of its catch basins annually, and noted there is no requirement for private communities.

Mr. Klobe inquired if a private community can piggyback the City's contract for street sweeping. Utilities Director Vukojevic confirmed they can but those communities will get a better rate if they

contract directly.

Mr. Mosher referenced Ms. Gardner's previous comments about street sweeping on PCH and noted the City voluntarily sweeps those. He inquired who is responsible for the trash that accumulates on PCH on the CalTrans sidewalks, especially the Bay Bridge.

Utilities Director Vukojevic reported that he did not know off hand but sidewalks and arterials are usually cleaned when there is landscaping involved. He does not believe the City is doing anything other than the main gutter on both sides.

Chair Duffield reported his community has French drains. He explained since his community is almost directly at sea level, they have to drill large holes and fill them with heavy gravel for drainage. He inquired if there were any other communities in the City that had French drains.

Utilities Director Vukojevic noted there are a few French drains in the City because there is no other method available. He referenced an earlier inquiry about what is in the City's street sweeping debris and advised it consists of vegetation, sand, rocks, and trash including plastic and disposables.

Committee Member Houston added dog waste to the list as he has witnessed many residents who do not pick up after their pets.

Utilities Director Vukojevic reported the next steps would be to gather more information, identify private communities in the City that do and do not sweep, investigate further into the private catch basins, and start doing some inspections.

Senior Engineer Kappeler inquired if the City cleans all of the CalTrans catch basins. Utilities Superintendent Parks reported the City cleans some of CalTrans catch basins.

Committee Member Houston reported he believes street sweeping since its inception in the City has worked phenomenally. He noted his hat is off to the City for getting organized and keeping debris from entering the harbor or the ocean.

Committee Member Fancher recommended exploring cleaning requirements of the private community's catch basins. Committee Member George Robertson noted that the City staff is doing a great job and has no recommendations.

Utilities Director Vukojevic reported he would like to go back and get additional information on the private community's catch basins.

Ms. Gardner inquired if the City is still providing pet waste bags. Utilities Director Vukojevic confirmed the City is providing free bags.

Mr. Klobe noted when the City awarded the contract to the primary vendor, the losing vendor made a big fuss publically that they could not make it work at this price. He inquired if there is any indication that the primary contractor is frustrated with the current contract. Utilities Superintendent Parks reported the vendor is not trying to back out of their contract although there have been discussions about fuel costs.

Mr. Klobe noted no one did it as well as City staff but noted the vendor is doing a good job.

Utilities Director Vukojevic reported the vendor has been profitable enough to have been bought out

by a larger company.

Monica Mazur echoed Mr. Klobe's remarks about City staff being the best when it came to street sweeping, she noted that 15th Street gets missed every time.

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 reviewed the current report. Committee Member Robertson inquired about Enterococci in Lower Bay. Senior Engineer Kappeler believes it was birds.

Senior Engineer Kappeler reported he spoke with Orange County Public Health Care Agency yesterday. He explained when there is an exceedance and the sign goes up, they are supposed to do the recheck but have had staffing issues. He reported he volunteers to do the testing so the sign can go down the next day. He reported the Upper Bay was fine except for Vaughn's Launch due to the ducks. He advised the Newport Dunes have been pretty clean and noted the Dunes diversion was on and Mid Big Canyon opened on Monday and will be on until the end of the year. He advised the ocean looks as clean as can be.

The item was received and filed.

7) Committee Announcements on Matters which Members would like placed on a future agenda for discussion, action, or report (Non-Discussion Item) (5 min)

- (a) Newport Beach Trash Interceptor Public Outreach Campaign (November)
- (b) City of Newport Beach Water Quality Rapid Testing (November)
- (c) IRWD Siphon Reservoir Project (Fall 2022) – Objective 18
- (d) Balboa Island Drainage Plan (Winter 2022) – Objective 12

Committee Member Fancher reported Mr. Klobe, SPON, and himself and working with Utilities Director Vukojevic are going to meet with the Irvine Ranch District to discuss recycled water. He advised he will report back at the December meeting.

Committee Member Fancher requested Harbor Commissioner Steve Scully provide a brief update on the floating restrooms.

Harbor Commissioner Scully reported it was brought up to the entire Harbor Commission and advised they are going to do more work to determine what is truly available and take it from there. He advised it is not a closed subject and that they will continue to work on it.

Senior Engineer Kappeler reported the City and the California Department of Pesticide Regulation conducted the biennial copper samplings last week and offered to bring the results to a future meeting. He also reported Committee Member Peter Belden had expressed interest in taking water samples after a rain advisory and reported they went to the County Health Lab two weeks ago to investigate a pilot program. He reported Committee Member Belden requested that the item be agendaized.

Senior Engineer Kappeler reported the State Pump-Out Inspector was out last week to inspect the pump-outs and is interested in the filter Mr. George Hylkema designed. He encouraged the Committee to draft a letter to the State that reports how well the filters have worked for the City of Newport Beach.

8) Public Comments on Non-Agenda Items (10 min)

Nancy Skinner inquired if the global rising sea is being handled by this committee. Ms. Gardner advised it is being handled by the Harbor Master in the General Plan.

9) Set Next Meeting Date (5 min)

Recommendation: November 3, 2022

Chair Duffield set the next meeting for November 3, 2022.

10) Adjournment

The meeting was adjourned at 4:11 p.m.

Vice Chair / Noah Blom