



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Thursday, January 9, 2020 - 3:00 PM

Water Quality/Coastal Tidelands Committee Members:

Council Member Jeff Herdman Chair
Council Member Duffy Duffield, Vice Chair
Dennis Baker, Member
Carl Cassidy, Member
Louis Denger, Member
Fred Galluccio, Member
Lawrence Houston, Member
Richard McNeil, Member
George Robertson, Member

Staff Members:

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 (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)**

[Meeting Minutes - December 5, 2019](#)
- 5) **CURRENT BUSINESS (50 min)**

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

Recommendation: Committee Discussion

(b) Lower Newport Harbor Flood Protection (Bob Stein) (20 min) Presentation and update on flood protection for Lower Newport Harbor.

Recommendation: Committee Discussion/Comments

(c) Disposable Food Service Ware Ordinance (Fred Galluccio/Hoiyin Ip) (20 min) Presentation on proposed Municipal Code revisions.

Recommendation: Committee Discussion/Comments

(d) Santa Ana Delhi Diversion Project (John Kappeler) (5 min) Discussion on date and time to schedule the field trip.

Recommendation: Committee Discussion

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) (10 min)

(a) Big Canyon Creek Water Testing (February 2020)

(b) City of Newport Beach Water and Sewer Master Plans (February 2020)

(c) Shellfish Monitoring (February 2020)

(d) Santa Ana Delhi Diversion Project Field Trip (February 2020)

(e) Orange County Sanitation District Micro-Plastics (March 2020)

(f) Vessel greywater discharge limitations (Winter 2020)

(g) City of Newport Beach Sustainability Plan (Winter 2020)

(h) Public Education Plan - Phase II (Winter 2020)

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 6, 2020

10) **ADJOURNMENT**

Date: December 5, 2019

Time: 3:00 p.m.

Location: Crystal Cove Conference Room, 100 Civic Center Drive, Newport Beach, CA 92660

Meeting Minutes prepared by:

1. Call meeting to order

The meeting was called to order at 3:00 p.m. by Councilmember/Chair Herdman

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Chair Jeff Herdman

Councilmember/Vice Chair Duffy Duffield

Dennis Baker

Louis Denger

Tom Houston

George Robertson

Committee Members absent:

Carl Cassidy

Fred Gallucio

Richard McNeil

Guests present:

Nancy Gardner, Orange Coast River Park

Hoiyin Ip, Sierra Club

Daniel Langhorne, Newport Beach Independent

Peter Belden, Resident

Jim Mosher, Resident

Nancy Skinner, Still Protecting our Newport (SPON)

Shane Coons, 4 Blue Waves

Staff present:

John Kappeler, Senior Engineer

Chris Miller, Administrative Manager

Karen Gallagher, Administrative Assistant

2. Public Comment on Agenda Items - None

3. Review and approval of minutes

Motion. Committee Member Dennis Baker moved to approve the minutes; Committee Member George Robertson seconded; motion approved with Committee Members Cassidy, Gallucio and MacNeil, absent.

4. Current Business (50 min)

- (a) Committee Goals/Objectives (John Kappeler/Bob Stein) (5 min) Review and status update on the committee's 2017/18 goals and objectives.

Recommendation: Committee Discussion

Senior Engineer Kappeler reported the Santa Ana Regional Water Quality Control Board will adopt a Time Schedule Order for the Fecal Coliform Total Maximum Daily Load (TMDLs) which includes the Hoag Drain and Arches diversion project, the Newport Bay bilge pump installation, the East Costa Mesa Channel diversion, Santa Isabel Channel diversion, and additional BMP projects for Newport Dunes. He provided an update on all projects.

Nancy Gardner expressed concern regarding project funding and Regional Housing Needs Allocation (RHNA) numbers which may impact the projects. Senior Engineer Kappeler clarified funding sources for each project and noted that grant funding is being explored.

There was no further action taken on this item.

- (b) Lower Newport Harbor Channel Dredging and Confined Aquatic Disposal Construction (Chris Miller) (15 min) Presentation and discussion relative to the committee sending a letter of support for the project.

Recommendation: Committee Chair to Send a Letter of Support

Administrative Manager Chris Miller presented a draft copy of the Letter of Support to the committee.

Motion. Committee Member Dennis Baker moved to send the Letter of Support to City Council; Committee Member George Robertson seconded.

Chair Herdman open public comments.

Jim Mosher expressed concern the committee was taking a premature position on the item, given it has not received or reviewed the Environmental Impact Report (EIR). Ms. Gardner clarified the Letter of Support is to record the support from a committee that advises the City Council. Administrative Manager Miller clarified the project will certainly promote better water quality in the Harbor.

Chair Herdman closed public comments.

There was no further action taken on this item.

- (c) Newport Bay Eel Grass (Chris Miller) (15 min) Presentation and update on eel grass, including caulerpa in Newport Bay.

Recommendation: Committee Discussion

Administrative Manager Chris Miller presented an update on Eel Grass in Newport Bay and noted the City in its fourth year its Eel Grass plan. He provided a brief description of Eel Grass, its benefits and Regulatory Requirements. He noted the City is required to provide an Eel Grass a biennial survey and reported that Eel Grass growth is strong. He highlighted the requests for residential dredging under the Regional General Permit 54 (RGP 54) program. He noted program amendments include omitting the requirement for Caulerpa surveys, the alignment of dredging operations plan requirements between permits, and addressed inconsistencies in reporting requirements and other permit details between California Coastal Commission, Corps and the Water Board. Vice-Chair Duffield noted the dredging is very expensive and noted the City has identified a local contractor that can provide low-cost dredging for some projects which should reduce costs significantly. Administrative Manager

Miller advised the current RGP 54 permit expires in December of 2020.

In response to Committee Member Houston's inquiry, Administrative Manager Miller noted there was a formula that was followed to come to the one (1) acre California Eelgrass mitigation plan. Committee Member Houston expressed his concern regarding the fees and convoluted permit process for the residents who apply for a dredging permit.

Chair Herdman open public comments.

In response to Jim Mosher's inquiry, Senior Engineer Kappeler advised there is not a direct obligation harbor-facing homeowners to dredge.

Chair Herdman closed public comments.

There was no further action taken on this item.

(d) Disposable Food Service Ware Ordinance (Fred Galluccio/Hoiyin Ip) (15 min) Presentation on proposed Municipal Code revisions.

Recommendation: Committee Discussion/Comments

Hoiyin Ip presented the report and displayed a PowerPoint presentation on proposed Municipal Code revisions relative to single use plastics, Styrofoam and single use balloons. She noted the state banned the release of foil balloons, and she encouraged the City to ban the sale of foil balloons and the release of latex balloons. She also suggested making bags a chapter by itself. Unlike other food service ware, the proposal doesn't ban plastic bags, but reduces consumption of bags. She provided an update on comparable cities' single-use practice trends and regulations, and suggested a public education campaign before the effective date of the ban, which could be Earth Day. Chair Herdman provided a brief recap on the history of the item. He clarified the items that are defined within the revisions and noted it was very comprehensive.

Chair Herdman advised that the public comments would be taken after each individual motion.

Jim Mosher questioned why Chapter 11.08 needed to be changed since it seems to be a duplicate of Chapter 11.04. Ms. Ip clarified that piers is not included in 11.04.

Motion. Committee Member Houston moved to approve the corrected revisions in Chapter 11.08 forward to the City Attorney for review, seconded by Committee Member Baker. Motion approved with Committee Members Cassidy, Gallucio and MacNeil, absent.

Motion. Committee Member Baker moved to approve the corrected revisions to include the word "pier" in Chapter 11.04 and forward to the City Attorney for review, seconded by Committee Member Houston. Motion approved with Committee Members Cassidy, Gallucio and MacNeil, absent.

Jim Mosher clarified if significant items are being changed they must be included within the text of the code. He noted that headings in the Municipal Code have no legal significance.

Motion. Committee Member Baker moved to approve the addition of Chapter 6.26 (balloons) in the Municipal Code and forward to the City Attorney for review, seconded by Committee Member Houston. Motion approved with Committee Members Cassidy, Gallucio and McNeil, absent.

Committee Member Houston expressed concern on how the rules would be enforced. The committee ensued in a discussion on enforcement.

Ms. Skinner encouraged a comprehensive public education phase-in period. Nancy Gardner also expressed her support for public education.

Jim Mosher clarified that sky lanterns were banned based upon the regulations in the California Health and Safety Code and the California Fire Code.

Motion. Committee Member Baker moved to approve the revision of Chapter 6.05 in the Municipal Code and forward to the City Attorney for review, seconded by Committee Member Houston.

Shane Coons, co-founder of 4 Blue Waves, commended the committee for including the marine degradable products to the revisions. He noted there are currently no true marine degradable products on the market. He cautioned the committee to look at the timing of the marine degradable requirement. Chair Herdman expressed concern regarding forwarding changes to City Council that cannot actively be enforced.

In response to Committee Member Barker, Mr. Coons noted there will be true marine degradable products within the next year. He suggested in addition to marine degradable, allow recyclable and compostable. Ms. Ip clarified that the committee decided not to address recyclable for now as the definition is fluid, marine degradable is being enforced in Santa Monica and the City website has a list of distributors.

Committee Member Houston withdrew his motion to approve the revision of Chapter 6.05. The item was postponed to the next committee meeting.

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

Senior Engineer Kappeler presented details of the test results. He noted there were some small violations but overall the results were very good.

Chair Herdman opened the public comments.

In response to a resident's inquiry, Senior Engineer Kappeler advised that sampling takes a day and it takes 24-hours to incubate the sample and it takes 48-hours at a minimum to provide results.

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

- (a) Big Canyon Creek Water Testing (December 2019)
- (b) City of Newport Beach Water and Sewer Master Plans (December 2019)
- (c) City of Newport Beach Eel Grass (December 2019)
- (d) Shellfish Monitoring (January 2020)
- (e) Orange County Sanitation District Micro-Plastics (January 2020)
- (f) Santa Ana Delhi Diversion Project Field Trip (February 2020)
- (g) Vessel greywater discharge limitations (Winter 2020)
- (h) City of Newport Beach Sustainability Plan (Winter 2020)

(i) Public Education Plan – Phase II (Winter 2020)

No items were discussed.

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

Ms. Gardner advised the committee on the General Plan. She also suggested that regular reports should be received from the Newport Bay Watershed Executive Committee and Management Committee.

Ms. Ip informed the committee that she would possibly give harbor commission a presentation in Jan. to propose a Styrofoam free harbor, and would like to ask for their support for water quality committee's proposed plastic ordinance once done.

Chair Herdman addressed the lack of attendance by Committee Members Carl Cassidy and Rick McNeil. He advised the committee will move forward with filling Carl Cassidy's vacancy. Committee Member McNeil will be asked if he can continue on the committee.

9) Set Next Meeting Date (5 min)

Recommendation: January 2, 2020

Motion. Committee Member Robertson moved to set the next meeting date to January 9, 2020, seconded by Committee Member Baker. Motion approved with Committee Members Cassidy, Gallucio and MacNeil, absent.

10) Adjournment

The meeting was adjourned at 5:03 p.m.

Chair / Jeff Herdman _____