



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

https://zoom.us/webinar/register/WN_Y5RDj5vyRa-

Thursday, May 6, 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

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)**

Recommendation: Approve minutes as presented

[WQCT Draft Minutes 11092020](#)

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

Recommendation: Committee Discussion

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

Recommendation: Committee Discussion/Comments

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**

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: June 3, 2021

10) **ADJOURNMENT**

Date: November 9, 2020
Time: 3:00 p.m.
Location: Civic Center Community Room
Meeting Minutes prepared by:

1. Call meeting to order

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

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Vice Chair Duffy Duffield
Dennis Baker
Louis Denger
George Robertson

Committee Members Absent:

Councilmember/Chair Jeff Herdman
Fred Galluccio
Lawrence Houston
Richard McNeil
Carl Cassidy

Guests Present:

Hoiyin Ip, Sierra Club
Jim Mosher, Resident
Nancy Gardner, Orange Coast River Park
Ian Swift, Irvine Ranch Water District

Staff Present:

John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant
Jeremy Jung, Deputy City Attorney
Marie Lindeman, Administrative Assistant Public Works
Shane Burckle, Water Conservation Coordinator

3. Public Comment on Agenda Items

None

4. Review and approval of minutes

Committee Member Robertson moved to approve the minutes of October 1, 2020 as presented. Committee Member Baker seconded the motion, which carried unanimously, with Committee Members Herdman, Galluccio, Houston, McNeil and Cassidy absent. *Please note: There was not a quorum for this meeting; please refer to your legal counsel as to whether the motion and vote stand to approve the minutes. Minutes to be approved at next meeting.*

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

Shane Burckle, Water Conservation Coordinator, provided a recap of the Newport Harbor Waste Oil Collection Program. He reported a used oil recycling receptacle is located at the Balboa Yacht Facility and a second is being proposed for the Harbor Marina. He advised the new facility will be open daily from 7:00 a.m. to 4:00 p.m. managed by City staff and noted a secondary containment unit will be provided within the structure.

In response to Committee Member Baker's inquiry, Water Conservation Coordinator Burckle confirmed a manifest of the recycled solid waste will be reported back to the City. He also reported there will be a report on the amount of oil recycled annually across the City of Newport Beach.

Vice Chair Duffield expressed his support for the program.

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

There was no further action taken on this item.

- (b) Peters Canyon Diversion (Ian Swift) (20 min) Presentation and update on the Peters Canyon Diversion Project.

Recommendation: Committee Discussion/Comments

Ian Swift, Irvine Ranch Water District, provided a brief overview of the Peters Canyon Diversion Project and noted it was a partnership between the City of Irvine, City of Tustin, County of Orange, CalTrans and Irvine Ranch Water District (IRWD) to remove urban runoff from three (3) channels that have high levels of selenium and nitrogen along Peters Canyon Wash Channel.

Mr. Swift reported approximately 77 pounds of Selenium and 19,000 pounds of Nitrogen have been removed from the total flow from July 2019 through June 2020 but noted it was a slightly higher than average rain year. He advised the Peters Canyon Diversion needs to be turned off after a storm until Orange County Sanitation District (OCSD) confirms the sewage plant can run appropriately with the diversion turned on. Lastly, he reported approximately 212 pounds of Selenium and 60,000 pounds of Nitrogen have been removed from the lifetime total flow from September 2016 through June 2020.

Mr. Swift reported the project is going well overall. He noted debris such as sticks and leaves pass into each of the basins and the intake grates need to be cleaned nearly every day. He reported the filtration system has been upgraded and that has helped filter out the debris.

In response to Committee Member Denger's inquiry, Mr. Swift reported there is data to show that selenium levels have decreased downstream but noted there has been a downward trend in selenium levels over the past 10 years and Peters Canyon may be the

precipitous but will forward that information to the WQCT Committee. He noted there is an 18-19% reduction in flow into San Diego Creek as a result of the Peters Canyon Diversion.

In response to Senior Engineer Kappeler's inquiry, Mr. Swift advised OCSD provides a formal notification via phone call or email if there is 20% chance of rain. Additionally, if a rain gauge is tripped or a wet well is surged, it will automatically shut off the pumps.

In response to Committee Member Denger's inquiry, Mr. Swift reported the annual cost to run the three (3) diversions is \$186,000 in operating costs which is mainly electricity. He noted although it is expensive, it is a successful program. He advised approval for receiving credits for selenium removal is working its way through the formalized program but has not been approved yet.

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

There was no further action taken on this item.

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

Recommendation: Committee Discussion/Comments

Senior Engineer Kappeler provided a brief recap of the approval process for the five (5) ordinances.

Deputy City Attorney Jeremy Jung provided a brief overview of his comments on 6.0.5.022 - Single-Use Reduction for discussion and noted Ms. Ip had previously clarified his marked-up comments.

Deputy City Attorney Jung provided a brief overview of his comments on 6.0.5.030 – Exemptions and noted he struck out the portion in part A for Exemptions as he found this to be redundant in the way “prepared foods” is defined within the City. He addressed Mr. Mosher's written comments on 6.05.020 – Prohibited Food Service Ware Paragraphs A and C. He advised that he understood those items to be prohibiting anything that was non-compostable which is why he made the edits. Mr. Mosher clarified that the Committee's intent might have been to prohibit any disposable food ware services that is expanded polystyrene, but compostable products are allowed, however, small items such as straw, stirrer's, and lid plugs would be entirely prohibited. Ms. Ip advised there are different levels of compostable items and recommends retaining “(2) any straw, stirrer, lid plug, pick or skewer made with plastic, including compostable, bio- or plant-based plastic” in 6.05.020.

Ms. Ip clarified that in food prepared within the City is not allowed to use Styrofoam, but food prepared outside the City is allowed the exemption. Deputy City Attorney Jung noted he was clear on the absolute Styrofoam intention.

Mr. Mosher commented on Ms. Ip had suggestion regarding some COVID-19 changes and Mr. Jung advised he had incorporated that language for the distinction between dine-in and carry out into the code.

Deputy City Attorney Jung provided a brief overview of his comments on 6.27 – Carryout

Bags. He clarified there is state law regarding carryout bags and charging infractions would not be available against some of the stores since they are already meeting state law. He clarified the ordinance would cover whatever is not covered under state law. He clarified the definition of a “carryout bag” in the ordinance covers every conceivable bag available.

Deputy City Attorney Jung provided a brief overview of his comments on 6.26 – Balloons. He clarified the ordinance is very similar to state law and noted state law has an exemption for government or research projects. Ms. Ip supports allowing an exemption for government or research projects. Mr. Mosher suggested the language in 6.26.020 – D should include prohibiting “any balloons” and not just “latex” balloons. Ms. Ip suggested using the language “single-use balloons.” It was agreed to remove the word “latex” from the language in order to cover all balloons.

Deputy City Attorney Jung provided a brief overview of his comments on 11.04 – Parks, Park Facilities and Beaches. Committee Member Baker clarified his suggestion was to add the word “pier” to the title for Chapter 11.04.

Deputy City Attorney Jung eliminated the prohibition of balloons because it is covered in its own Chapter and revised the language for the expanded polystyrene products.

Deputy City Attorney Jung provided a brief overview of his comments on 11.08 – Conduct on Beaches and Piers and noted he had no recommended changes but noted some redundancy.

Committee Member Baker moved to forward the item to City Council for review and Committee Member Robertson seconded it, all unanimously in favor but due to the lack of quorum, the Committee was unable to vote.

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

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 provided a brief review of the Bay and Ocean Bacteriological Test Results. He reminded the Committee that this is the time of year there are migratory birds which may skew the results at the Dunes and Little Corona Beach. He reported Newport Blvd. Bridge had a normal hit but should receive different results once the Hoag Diversion is complete. He advised the Arches Diversion is halfway through construction. He advised there is a small problem on Balboa Island on the south side which looks to be some pet waste issues and the City has made announcements on social media regarding pet waste education.

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) Trash Interceptor Public Outreach Plan (Dec 2020)
- (b) Fecal Coliform Time Schedule Order (TSO) (Dec 2020)

- (c) Balboa Island Drainage Plan (Dec 2020)
- (d) Shellfish Monitoring (Jan 2021)
- (e) Orange County Sanitation District Micro-Plastics (Feb 2021)
- (f) City of Newport Beach Street Sweeping Program (Winter 2021)
- (g) City of Newport Beach Sustainability Plan (Spring 2021)
- (h) University of California Irvine (UCI) Beach Dynamics Study (Spring 2021)
- (i) Orange County Sanitation District (OCSD) Coordination (Spring 2021)
- (j) Ocean Kelp Project (Spring 2021)

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

Committee Member Baker reported seeing sea turtles by the cottages offshore.

9) Set Next Meeting Date (5 min)

Recommendation: December 3, 2020

Vice Chair Duffield set the next meeting for December 3, 2020.

10) Adjournment

The meeting was adjourned at 4:05 p.m.

Acting Chair / Duffy Duffield