



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Crystal Cove Conference Room

Thursday, June 2, 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)**

Recommendation: Approve minutes as presented

[WQCT Draft Minutes 05052022](#)

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

(a) Fecal Coliform Time Schedule Order (TSO) (John Kappeler) (10 min)
Update on the Regional Water Quality Control Board's Fecal Coliform Time Schedule Order.

Recommendation: Committee Discussion

(b) City of Newport Beach Sustainability Plan (Nancy Gardner) (30 min)
Review and update on the City of Newport Beach's Sustainability Plan.

Recommendation: Committee Discussion

(c) City of Newport Beach - Beach Erosion (Dave Webb) (15 min) Review and Update on the City of Newport Beach's Beach Erosion Plan.

Recommendation: Receive and File

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) Trash Interceptor Public Outreach Plan (July 2022) - Objective 19

(b) NASA Study - Sea Level Rise (July 2022) - Objective 5

(c) Shellfish Monitoring (September 2022)

(d) City of Newport Beach Street Sweeping Program (September 2022) - Objective 3

(e) IRWD Siphon Reservoir Project (Fall 2022) - Objective 18

(f) Balboa Island Drainage Plan (Winter 2022) - Objective 12

(g) City of Newport Beach Foodware Service Ordinance (Winter 2023) - Objective 3

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 7, 2022

10) ADJOURNMENT

City of Newport Beach
Water Quality/Coastal Tidelands Committee Meeting Minutes

Date: May 5, 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 3:04 p.m. by Chair Duffield

2. Roll Call and Introductions

Committee Members Present:

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

Committee Members Absent:

Councilmember/Vice Chair Noah Blom

Guests Present:

Nancy Gardner, Orange Coast River Park
Larry Honeybourne, Retired, County of Orange Health Care Agency
Charles Klobe, SPON
Monica Mazur, Resident
Jim Mosher, Resident
Dr. Steven Weisberg, Southern California Coastal Water Research Project Authority (SCCWRP)

Staff Present:

Shane Burckle, Water Conservation Coordinator
Karen Gallagher, Administrative Assistant
John Kappeler, Senior Engineer
Steve Scully, Newport Beach Harbor Commission
Bob Stein, Assistant City Engineer
David Webb, Director of Public Works

3. Public Comment on Agenda Items

None

4. Review and approval of minutes (5 min)

Committee member Louis Denger asked that the OC Public Works Water Quality Monitoring Data Report FY20-21 he provided for the Committee members be mentioned on March 3 meeting minutes.

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

5. Current Business (50 min)

- (a) Bacteriological Rapid Testing Methods (Steve Weisberg) (25 min) Review and update on bacteriological rapid testing methods.

Recommendation: Committee Discussion

Dr. Steven Weisberg, Southern California Coastal Water Research Project Authority (SCCWRP), presented on the advances in Rapid Testing Methods. He provided a brief background of SCCWRP and the member organizations. He explained that Quantitative Polymerase Chain Reaction (QPCR) looks at genetic materials and obtains answers for beach events in two hours. He compared QPCR results to the Enterolert and EPA 1600 test results to demonstrate the correlation between the testing methods. He reported the PCR methods are transferrable and noted that SCCWRP has trained 20 laboratories statewide.

Dr. Weisberg provided a brief overview of historical reasons the rapid testing methods were not adopted including chemical inhibition, cost, and testing speed. He explained digital PCR methods have overcome the chemical inhibition issue.

Committee Member Curt Black inquired which chemicals lead to inhibition. Dr. Weisberg advised tannic and humic acids found in plant decay material can cause inhibition.

Dr. Weisberg reported cost is one of the biggest factors for adoption as set up costs to purchase the equipment and set up the laboratory are \$250,000. He advised the biggest concern for adopters is speed. He explained that while the test itself takes two hours, collection, and notifications add several hours to the process of notifying swimmers to stay out of the water.

Committee Member Peter Belden inquired about the cost per test. Dr. Weisberg advised the filter is \$10.

Committee Member Belden inquired if San Diego purchased their equipment. Dr. Weisberg confirmed San Diego purchased their equipment and worked with SCCWRP for training and the development of a statewide laboratory accreditation policy. He explained that once the PCR is set up, other information, such as viruses can be detected easily. He noted the genetic signatures within fecal matter can identify if it is human or animal-sourced.

Assistant City Engineer Bob Stein inquired if a water sample or salt sample is used. Dr. Weisberg explained a source identification usually uses water but other material can be used.

Assistant City Engineer Stein also inquired if bird viruses can be identified from water samples. Dr. Weisberg explained the test would look for the fecal material to identify that enterococcus concentrations came from a bird.

Dr. Weisberg provided a brief overview of Droplet Digital PCR which is now more sensitive than the more traditional methods.

Committee Member Fancher inquired about the timeline between traditional testing methods and the PCR method. Dr. Weisberg advised in the traditional method would provide results the next day at noon whereas the PCR method could provide results by 3:00 p.m. the day of testing. He noted digital

signs were used in the pilot shorten the notification timeline. Mr. Weisberg advised there was also a website available during the pilot program.

Senior Engineer John Kappeler inquired about inhibition in certain locations. Dr. Weisberg could not recall the locations but noted with digital PCR inhibition is no longer an issue.

Recreation Supervisor Carissa Macias inquired if the testing could be programmed to test for wildlife. Dr. Weisberg confirmed it could be programmed for wildlife. He advised the Public Health Department is using this method for other testing.

Senior Engineer Kappeler inquired if San Diego is using this testing for all 70 miles of their beaches and about their notification timeline. Dr. Weisberg advised they are using PCR at all of their testing sites but is unsure if they are doing same-day notifications.

Director of Public Works, Dave Webb questioned why the testing is not done late at night so notification can be made first thing in the morning. Committee member George Robertson noted sampling is better in the afternoon as ultraviolet (UV) light kills bacteria. He noted testing at night will indicate a buildup of bacteria because no UV is present to kill the bacteria. Dr. Weisberg advised scientists are working on automating the process. He confirmed they prototyped a mobile testing lab but there was not a market to move forward with developing it.

Director Webb inquired if the mobile labs could test the samples while driving between test sites. Dr. Weisberg confirmed the prototype he built could handle that scenario.

Committee Member Tom Houston inquired if there is similar interest in this type of testing in the rest of the country. Dr. Weisberg advised there are not as many municipalities outside of Southern California that are doing as much beach monitoring. He advised that SCCWRP has worked with the Environmental Protection Agency (EPA) and approved the methodology for national use in 2013. He advised the EPA does the testing mainly on freshwater and SCCWRP was their counterpart for testing seawater. He noted freshwater testing is mainly looking for *Escherichia coli* (E. coli).

Councilmember Duffy thanked Dr. Weisberg for the excellent presentation.

Committee Member Belden inquired where the City stands on using the PCR testing method and volunteered to be part of any pilot program. Senior Engineer Kappeler expressed concern about the testing timeline but noted a pilot could occur with a few locations. Committee Member Belden recommended testing at River Jetties, 56th Street, and Blackies.

Senior Engineer Kappeler inquired if Assembly Bill 411 requires an automatic 72-hour closure of the beach. Larry Honeybourne, retired Assistant Director for the County of Orange Health Care Agency's Environmental Health Division clarified that beach closures started in the late 1980s when the Department of Public Health determined bacteria levels can remain elevated for up to 72-hours after a rain event. He noted that SCCWRP agreed on the 72-hour closure and the policy was adopted along the California coast. He agreed a small study could prove useful but noted that SCCWRP conducted an epidemiology study on surfers following rain events and found a correlation between illness and rain events. He encouraged the City to use caution with their communication and take a close look at the logistics.

Dr. Weisberg advised PCR testing could be useful to provide data on how proactive the City would need to be in the event of a large sewage spills

There was no further action taken on this item.

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

Recommendation: Committee Discussion

Assistant City Engineer Bob Stein provided a brief overview of the Big Canyon Phase 3 Project and noted it is being led by the Newport Bay Conservancy. The plan is to remove the freshwater lake and create an estuary for daily tidal flushing. He believes construction will realistically start in 2024. He reported the Trash Interceptor is well underway and provided a brief overview of how it works and renderings of the proposed location. He advised the City will decide to move forward with the project once it receives the cost estimate. He noted if it moves forward construction could start in January 2023 but that seems optimistic.

Committee Member Houston expressed concern about how long the project is taking given the support it has received. Assistant City Engineer Stein explained it has the full support of residents and the City Council. He explained those who have the power to push the project ahead are the California Department of Fish and Wildlife (CDFW), the Army Corps of Engineers, and the California Coastal Commission (CCC). He noted the City has no leverage in getting them to move any faster.

Chairman Duffield echoed Committee Member Houston's comments and expressed concerns about the bureaucracy. Assistant City Engineer Stein explained many of the City's projects are under the regulatory process of the State and noted it is hard to get projects through.

Senior Engineer Kappeler noted if the CCC can issue a permit by June it may help move along the other agencies involved.

Assistant City Engineer Stein provided a brief overview of the selenium levels in Fish Tissue at Big Canyon Nature Park. He advised the goal is to get to 8 parts per million and the current level is 24 parts per million.

Chair Duffield opened public comments and hearing none, closed public comments.

There was no further action taken on this item.

- (c) City of Newport Refuse Update (Dave Webb) (20 min) Update on the City's refuse program.

Recommendation: Committee Discussion

Director of Public Works David Webb provided a brief overview of the historical changing laws regarding Solid Waste Collection, Recycling, and Disposal. He noted the most current law Senate Bill (SB) 1383 required all homes and businesses to recycle organic waste by January 1, 2022. He reported a City Council Working Group started looking at the contracts. He provided an overview of the service issues that are being addressed in the new contract. He reported there is a new Waste 3-cart Collection System which includes a blue recycling cart for clean dry recyclables, a green organics cart for yard trimmings and food scraps, and a black trash cart for all other trash. He noted there are new collection trucks to service the organics route and new split body collection trucks for collecting both organics and recycling in one pass in space confined areas. He reported Bulky Item Pick-up has been refined to include five free pick-ups per household per year. He noted the definition of a free Black trash cart is limited to a 96-Gallon per household limit. He advised residential collection day routes were changed to increase efficiency. He reported the organic carts have been rolled out and are currently in the Right-Sizing phase where residents can select a cart that best fits their needs.

Director of Public Works Webb provided a brief overview of new customized Ancillary Services that are now available including an extra cart charge, a non-containerized charge, and a valet service charge. He advised that CR&R Environmental Services extended the start date for Ancillary Services to July 1, 2022, due to supply chain delays and the need for additional communication with residents. He presented the results of a recent Contamination Audit and found a 35% contamination of trash, a 35% contamination of recyclables, and a 24% contamination of organics. He noted the State goal is less than 25% in each stream.

Committee Member Fancher requested clarification on contamination. Director of Public Works Webb clarified it means there is mixed-use in a single bin. He advised Code Enforcement will start tagging carts to help get the message out to residents.

Director of Public Works Webb closed the presentation with a list of items for residents to remember and start doing with the new system.

Committee Member Fancher commented that Public Works and CR&R are doing a great job in this area.

Committee Member Belden noted the education piece will be a tough battle.

Chair Duffield opened public comments.

Ms. Mazur inquired if the black containers are going to the dirty material recovery facility (MRF). Director of Public Works Webb confirmed it will continue going to the dirty MRF for a short while and then will go straight to the landfill. Ms. Mazur expressed her support for the changes.

Director of Public Works Webb explained the City's green waste currently goes to Yuma, Arizona which is inefficient but noted the State needs to do its part by providing more composting centers closer to Orange County.

Committee Member Denger inquired how certified disabled residents apply for the Valet Service exemption. Director of Public Works Webb explained they simply need to show their disabled placard to obtain the service. Committee Member Denger noted when he set up his online account it showed how many trash containers CR&R thought he had. Director of Public Works Webb advised this is a pain point and CR&R has tried to conduct an inventory of the carts.

Committee Member Houston noted the City has some kind of ordinance unique to Balboa Island and the Peninsula that trash cans in the alley have to be behind the owner's structure and inquired if the rule is on the books. Director of Public Works Webb noted the cans can be out on trash day but are required to be out of the alley on non-pickup days as part of the Municipal Code. He is unsure if the City will allow the cans to be left out regularly but will need to work with residents on that issue.

Committee Member Houston noted it is shocking that many younger residents have pre-made food delivered to their homes and it generates a lot of recycling due to the abundance of boxes that will not fit in one recycling box. He noted in spring and summer there are many flies because the lids do not seal.

Director of Public Works Webb acknowledged with the advent of Amazon, there has been a significant increase in the number of boxes residents are recycling. He believes this can be mitigated through education. He noted staff argued the need for green waste carts on Balboa Island but lost

the battle with the State.

Chair Duffield closed public comments.

There was no further action taken on this item.

6) On-Going Business (5 min)

- (a) No 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

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) City of Newport Beach Sustainability Plan (June 2022) - Objective 9
- (b) Fecal Coliform Time Schedule Order (TSO) (June 2022)
- (c) Trash Interceptor Public Outreach Plan (Summer 2022) - Objective 19
- (d) NASA Study - Sea Level Rise (Summer 2022) - Objective 5
- (e) Shellfish Monitoring (Summer 2022)
- (f) Balboa Island Drainage Plan (Fall 2022) - Objective 12
- (g) IRWD Siphon Reservoir Project (Fall 2022) - Objective 18
- (h) City of Newport Beach Street Sweeping Program (Fall 2022) - Objective 3
- (i) City of Newport Beach Foodware Service Ordinance (Winter 2022) - Objective 3

Committee Member Fancher inquired about Steve Scully's role at the Newport Beach Harbor Commission. Commissioner Scully advised he is the Harbor Commission Secretary. Committee Member Fancher reported he and Committee Member Black attended a meeting with Harbormaster Paul Blank and the Harbor Commission to open dialogue between the committees for topics of heightened awareness. He advised at that meeting they expressed concerns about the need for floating restrooms in Harbor and inquired about what was being done about the problem.

Commissioner Scully reported the Harbor Commission is addressing the need for floating restrooms in the Harbor and agreed it is a good idea. He advised they will report back when it is in place.

Committee Member Fancher reported there is a red algae bloom problem at Newport Pier that may be problematic for birds. He recommended the City investigate how to proactively address the problem.

Committee Member Black requested an update about the medium and long-term strategy of the City regarding beach erosion. Director of Public Works Webb agreed to provide an update at a future meeting. He advised there is some concern regarding erosion at the Balboa Pier area and is trying to get the Army Corp of Engineers to bring in the sand. Committee Member Black requested additional information on what residents can do to push the item.

Senior Engineer Kappeler announced Heal the Bay will release its annual Beach Report Card in the middle of June. He advised they will be listing Bonds Launch in Bay Canyon as part of their beach bummer list. He reported staff met with Heal the Bay and is unsure if they will remove it from the list. He reiterated it is not a beach and has no public access.

Committee Member Rick McNeil recommended agendaizing discussing the report at the next committee meeting so the City's efforts in that area can be captured in the minutes.

Committee Member Denger inquired if the Big Canyon Phase 3 project will impact the area. Senior Engineer Kappeler confirmed the project will impact the area.

Committee Member Fancher requested a water conservation discussion be added as a future agenda item. Public Works Director Webb reported Utilities Director Mark Vukojevic will be making a water conservation presentation to City Council on June 28, 2022. Committee Member Fancher requested the Water Quality/Coastal Tidelands Committee consider the topic again.

Director of Public Works Webb advised he does not think water conservation policy is under the purview of the committee but agreed they are welcome to make comments to the City Council.

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

Charles Klobe, Still Protecting Our Newport (SPON) announced the Trust for Public Lands appeared before the California Coastal Conservancy for the second to last meeting for the grant request to purchase Banning Ranch. He advised they were awarded \$11.5 million instead of the \$5 million they requested based on letters of support. He believes the purchase will go through.

9) Set Next Meeting Date (5 min)

Recommendation: June 2, 2022

Chair Duffield set the next meeting for June 2, 2022.

10) Adjournment

The meeting was adjourned at 4:40 p.m.

Chair / Duffy Duffield