



**OCTA**

## ***Minutes***

### ***Measure M2 Environmental Cleanup Allocation Committee***

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***Committee Members Present:***

*Keith Linker, Vice Chair.  
Jeff Kuo, Cal State Fullerton  
Grant Sharp, County of Orange  
Jeff Thompson, Rancho Mission Viejo  
Alex Waite, City of Tustin  
Marwan Youssef, City of Westminster*

*Orange County Transportation Authority  
550 South Main Street, Conf. Room 09  
Orange, California  
February 13, 2020 at 10:30 a.m.*

***Committee Members Present via Conference Call:***

*Helen Yu, San Diego Regional Water Quality Control Board*

***Committee Member(s) Absent:***

*Garry Brown, Chair  
Marc Brown, Santa Ana RWQCB  
William Hunt, Orange County Water District  
Jill Ingram, City of Seal Beach  
Hector B. Salas, Caltrans  
Mark Tettermer, Irvine Ranch Water District  
Laurie Walsh, San Diego RWQCB  
Dennis Wilberg, City of Mission Viejo*

***Orange County Transportation Authority Staff Present:***

<i>Joseph Alcock, Section Mgr, Local Programs</i>	<i>Alfonso Hernandez, Sr. Transp. Funding Analyst</i>
<i>Alison Army, Principal Transportation Analyst</i>	<i>Charlie Larwood, Transp. Planning Mgr.</i>
<i>Marissa Espino, Principal Community Rel. Spec.</i>	<i>Dan Phu, Environmental Programs Mgr.</i>

**1. Welcome**

Vice Chair Keith Linker (KL) welcomed everyone to the quarterly Measure M Environmental Cleanup Allocation Committee (ECAC) meeting. He asked for everyone to introduce themselves. Vice Chair Linker said the committee does not have quorum, but can give an advisory vote on Item 3 on the agenda. He said Garry Brown asked him to inform the committee that he endorses the recommendations in Item 3. Vice Chair Linker also announced the retirement of William Hunt of the Orange County Water District (OCWD). His position will be filled during the next cycle of membership.

## 2. Approval of August 8, 2019 Minutes

Vice Chair KL asked if there are any additions or corrections to the August 8, 2019 meeting minutes. There are no additions or corrections at this time. Approval of the minutes will be tabled until the next meeting.

## 3. Tier 1 Guidelines Revisions and Call for Projects

Alison Army (AA) presented revisions to the 2020-21 Tier 1 Guidelines. She said overall the guidelines changes were minimal. AA went over some of the changes which included the following:

- Page 11-5 applicants must notify OCTA to *any* changes in scope,
- Page 11-6 includes a reorganization of the application questions and the assigned value. No changes to the point values.

AA said with the ECAC approval staff will go to OCTA's Regional Planning and Highways Committee on March 2, 2020 and the OCTA Board of Directors on March 9, 2020 for approval of the guidelines and release of the call for projects. The Tier 1 Call for Projects will be released on March 9, 2020 and last for 60 days (May 7, 2020). On April 23, 2020 there will be an application workshop at the NPDES General Permittee meeting. She said staff is always available for any questions about the application.

The committee had the following discussion points regarding the Guidelines:

- It was questioned whether OCTA staff has the authority to declare changes are reasonable and would not need to be taken back to ECAC. AA said if the changes are administrative, they can be approved at staff level.
- Page 11-1, second line: there is an extra space near "transportation generated." Also, towards the bottom of the page, there could be a better word for "leaching." And, it was questioned that pesticides are implied to be an organic compound.
- Page 11-13: Are design costs covered? Dan Phu (DP) said these projects are so small that Tier 1 does not cover design. The committee asked if there is something that precludes design from funding – maybe have a limit to the percentage of cost. DP said Tier 2 is close to releasing a call and any program with considerable design would fall under that call for projects. He said Tier 1 calls are for projects under \$500,000 or 20% match and questioned would agencies want to eat into that funding for design?
- Page 11-3, Objectives: the intent is for projects that are ready to go quickly and would probably not allow time for design. DP said that very early on in the program, the ECAC crafted this objective.
- Vice Chair KL asked staff and the committee if design should be precluded. AA suggested the ECAC could include design under the 15% allowed for construction management. DP said it can be a recommendation from the ECAC. The committee suggested waiting until next year to add this element in order to get the approval needed for this item and get the Tier 1 Call for Projects out as scheduled.

- Page 11-13: Committee asked who manages a project in a homeowner association. AA said the applicant would manage the project, and the applicant would need to be an “eligible applicant” (a city or the County of Orange). On a related note, the committee asked about water district eligibility. DP said water districts are eligible as long as they get sponsorship from one of the cities or the County of Orange. The committee asked about private agencies and the same is true, they would need sponsorship.
- Page 11-5: The committee questioned the definition of “applicant” if there is a joint city project. DP said OCTA would ask that one agency take the lead and the funding would be capped at \$500,000 for that project and that applicant. AA said the maximum for any project is \$500,000 regardless of how many agencies are involved. AA said if agencies are involved in multiple projects with multiple agencies that agency is capped at \$500,000 for whichever project they are the lead. An agency could get more than \$500,000 benefit if they are not the lead on projects, but that really does not happen. AA suggested changing “applicant” to “eligible agency.”
- Page 11-2: A question was raised regarding “some upgrades and expansions may be eligible” and added language says with “appropriate justification.” Staff said if there is a feature already in place that is past the useful life then OCTA staff could make the decision. DP said on the front end it would be the evaluation committee who would make the determination. On the back-end staff would look over these items to determine eligibility.
- Page 11-3: the sixth item from the bottom the word “sedimentation” is used improperly because it is a process, not a pollutant to be captured. AA stated that it would be changed to “sediment.”

A motion was made by Alex Waite, seconded by Grant Sharp to unanimously (with six members present) recommend an endorsement for approval of the revised Environmental Cleanup Program Tier 1 Comprehensive Transportation Funding Programs Guidelines and the recommendation to issue the fiscal year 2020-21 call for projects for the Tier 1 Grant Program.

#### **4. Environmental Cleanup Allocation Committee Membership**

Marissa Espino said three-year terms are coming to an end. She will survey current ECAC members to see if they are interested in continuing on the committee and if not, recruitment will start to fill those positions. Marissa said OCTA realizes that members may retire, have a job changes, etc. – but discouraged members from being deterred from remaining with the committee if they are in the appropriate position.

The committee asked about the total number needed for quorum. Marissa Espino explained the committee needs seven voting members for quorum and the two RWQCB members are not voting members of this committee.

#### **5. Public Comments**

There were no public comments.

## **6. Committee Member Reports**

AA mentioned the Consolidated Vendor Agreement being conducted by the County of Orange. This vendor agreement allows cities to preclude their own procurement process and utilize the vendors that have been established by the County of Orange. In March, the current vendor agreement will come to an end and the County of Orange Public Works has been kind enough to conduct a new procurement. On January 31, 2020 they released an RFP. AA said she will be on the evaluation panel and by April there should be new list of established vendors that can be used by the next group of Tier 1 grantees.

Grant Sharp said the State Water Resources Control Board has put out some draft language for the Phase 2 small MS4 permit for smaller communities and small dischargers (i.e., universities, colleges, military bases) that will incorporate statewide trash provisions. He said comments are due later in February. He said this is a landmark decision to add language of this kind to the permit. Helen Yu said Region 3 recently adopted the provision into their permit as well.

Jeff Thompson asked when Tier 2 Project will have a call. DP said OCTA is currently updating the cashflow. If it holds true to projections, the call will be in Fiscal Year 2020/2021. Staff will look to see if there are enough projects for a meaningful Tier 2 call in the \$6-\$8M range. The ECAC agreed to not bond against future revenue and to use the money as it becomes available. This will be discussed at the next ECAC meeting. Vice Chair KL said at a previous meeting, the ECAC discussed whether there are meaningful projects ready for a Tier 2 call and staff was instructed to look into it on a regular basis.

## **7. Next Meeting – May 14, 2020**

The meeting was adjourned at 11:25 a.m.