Newport Bay Fecal Coliform TMDL
Stakeholder Group Meeting

Date and Time: Jan. 18, 2016, noon – 3 p.m.
Location: 3535 Harbor Blvd., Suite 110, Costa Mesa, CA 92626
Southern California Coastal Water Research Project
Large Conference Room

Stakeholder Group Members Present

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Amanda Carr</td>
<td>County of Orange</td>
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<td>Garry Brown</td>
<td>Orange County Coastkeeper</td>
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<td>Colin Kelly</td>
<td>Orange County Coastkeeper</td>
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<td>Thomas Lo</td>
<td>City of Irvine</td>
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<td>John Kappeler</td>
<td>City of Newport Beach</td>
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<td>Mark Grey</td>
<td>Building Industry Association of Southern California</td>
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<td>Wade Kerley</td>
<td>Newport Dunes Resort/Marina</td>
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<td>Dean Kirk</td>
<td>The Irvine Company</td>
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<td>Sean Bothwell</td>
<td>Coastkeeper Alliance</td>
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<td>Ray Hiemstra</td>
<td>Sierra Club</td>
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<tr>
<td>Terri Reeder</td>
<td>Santa Ana Regional Water Quality Control Board</td>
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<td>Hope Smythe</td>
<td>Santa Ana Regional Water Quality Control Board</td>
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<td>Barbara Barry</td>
<td>Santa Ana Regional Water Quality Control Board</td>
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<td>Chris Crompton (Alternate)</td>
<td>County of Orange</td>
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<td>Devin Slaven (Alternate)</td>
<td>City of Lake Forest</td>
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<td>Susan Paulson (Alternate)</td>
<td>Exponent, Inc.</td>
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Supporting Roles

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<th>Name</th>
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<tr>
<td>Lewis Michaelson</td>
<td>Katz &amp; Associates</td>
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<td>Bree Robertoy</td>
<td>Katz &amp; Associates</td>
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<tr>
<td>Steve Weisberg</td>
<td>Southern California Coastal Water Research Project</td>
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Introductions and Background

Lewis Michaelson, facilitator, welcomed attendees and asked stakeholder group members and observers to introduce themselves. L. Michaelson then provided an overview of the stakeholder group mission statement, principles of participation, and the collaborative problem-solving approach the group intends to use.

Chris Crompton reviewed the chronology of Newport Bay recreation and shellfish standards to provide background and context for the stakeholder process. Stakeholder group members received binders containing the chronology and other background documents, to which documents will be added over the course of the project. An online information repository will also be established and shared with members.
Stakeholder Process Success

Stakeholder group members made the following comments when asked how to define the success of the stakeholder group process:

- A. Carr: I would like the stakeholder group members to come away with a common understanding and evaluation of the water quality in Newport Bay and the level of impairment. Then, the next steps of what can and should be done will become clearer. I would also hope to recognize all issues that affect quality. As dischargers, we feel as though we need to solve all issues, but we would like recognition of what we can address and what is beyond our capabilities. Then we can come up with a program to move forward.

- H. Smythe: I would like to reach an understanding of the scientific basis of bacteria standards and how we move that forward. From a regulatory perspective, if we get to a point where we have a new TMDL, I would hope to agree on that. I would also hope we’re standing before the regional board with consensus. The problem is that we recognize fecal coliform may not be an appropriate indicator. How do we get to a protective indicator?

- T. Reeder: I would define success as understanding the science and what is reasonable and practical to do. I’m hoping for an understanding of natural background (i.e., uncontrollable sources of bacteria). There is only so much we can control. Solutions should be practicable and tied to science, and should protect beneficial uses to the maximum degree possible, especially considering climate change and drought. It’s really important to have the science down before looking at implementation options.

- J. Kappeler: Once the science is figured out, there will have to be a list of implementation projects.

- T. Lo: I would want to have the data and a common understanding of sources, especially what is and is not controllable. It’s put upon us to come up with solutions, but they need to be practical. There are large costs involved.

- D. Kirk: It is vital that we clearly understand the problems. As we look at science and regulations, I’m hoping for reasonable and achievable outcomes and to address sensitive receptors. The results should improve and have some benefit to the community.

- W. Kerley: I would hope to come away with an understanding of how we contribute.

- C. Kelly: We understand there are better indicators (e.g., enterococcus). We have a commitment to protecting and improving the shellfish population. We have questions about the background of uncontrollable sources. The fact that natural sources are conveyed into Newport Bay by manmade alterations is being ignored and should be addressed. We understand the holistic nature of the system, but from our perspective there needs to be a more narrow definition of uncontrollable sources. We’re interested in BMPs implemented that may have cross over. We will seek to reach consensus on most issues.

- M. Grey: I’m not sure I know what success looks like.

- G. Brown: Using good science, I would want to see achievable standards, have buy-in and actually accomplish compliance. As technical as it is, success would be reaching these conclusions in two years as opposed to seven or eight. We can disagree and have energized conversations but still treat each other with respect. I’d like to have a document at the end that can and will be enforced. We’ve lost our way with a lot of these processes, but I would like to get back on track and establish a model for future processes.
S. Boswell: I would define success as having clear and achievable standards with a clear, enforceable timeline. I think sources should have been thought out before the TMDL was developed. I’m curious about that process and what the science really is. Defining background will be helpful. I’d like to come up with innovative ideas for BMPs to resolve issues and a model for state-wide changes to the TMDL.

B. Barry: I want to ensure water quality objectives are achieved and we have a pathway forward.

S. Weisberg: Success would be achieved if agreement is developed on a scientific basis for the status (i.e., existing condition), sources (studies were done years ago and techniques have improved) and solutions (e.g., how effective, how many/much are solutions).

Meeting Schedule

The stakeholder group agreed to set aside the fourth Thursday of every month. Meetings may occur less frequently, depending on the need. The meeting time will likely be adjusted to accommodate the potential for longer meetings, but for now assume noon to 3 p.m. as the minimum.

Meeting Topics

The following were identified as initial topics for stakeholder group meetings:

- Regulatory framework definition and requirements
- Current TMDL background
- Existing water quality criteria and options
- Impairment and status measurement
- Data availability and validity
- Measurement type, process and location
- Potential impacts to other TMDLs

Discussion then followed regarding the process of covering initial topics:

- A. Carr: We should start with the regulatory framework (i.e., what is the framework we’re working under and its obligations? What are the existing TMDL, existing requirements and directions?) Then, we should work into what are we trying to measure and how.
- T. Reeder: If we’re talking about regulatory framework, we need to understand criteria, scientific framework and options, especially EPA’s 2012 criteria and intent for its application. Maybe we can get someone from the state board to present this information.
- C. Kelly: It’s probably wise to have someone other than the parties to the action talk about regulatory framework. This may need to be a discussion directly between the facilitator and State Board.
- H. Smythe: I agree regulatory framework is something the State Board could handle.
- G. Brown: For the second half of the meeting, maybe have S. Weisberg provide an overview of the science and identify any voids.
- S. Weisberg: Impairment status implies gathering data; that is a very time consuming and expensive process. We can start with a list of possible things you may want to gather data about. We would lay out a range of options and what the basis and flaws are for each status measure. Then, someone can be charged to gather the data.
C. Kelly: Does anyone know of other data sets that could be reviewed? We want to make sure we have all pertinent data incorporated.
  - S. Weisberg will provide a qualitative assessment of available data.
D. Kirk: I suggest we move forward with the BPA agreement to extend the SHELF deadline.
  - G. Brown: Our response has been to let this stakeholder group process guide the extension. I hope that through this process we can understand if there is a better indicator for compliance.

### Stakeholder Group Process Questions

Stakeholder group members made the following comments when asked what questions should be answered by the stakeholder group process:

- C. Kelly: Is Newport Bay impaired? If not, are areas of the Bay impaired?
- T. Reeder: How is impaired defined and measured according to the REC-1 TMDL?
- A. Carr: How are attainment and compliance measured?
- H. Smythe: The process should define reasonably achievable methods of compliance.
- C. Kelly: What is the end date for compliance?
- C. Kelly: Are sources controllable, and are they human? It will be a source of tension to discuss controllable versus non-controllable and human versus non-human sources. There may be natural sources that are controllable (e.g., if you have a channelized tributary and the water becomes stagnant and therefore a source of bacteria, is it a human or non-human source?).
- G. Brown: What are the best indicators to use?
- T. Reeder: How do we balance this with other uses and benefits in the watershed? What is the best we can do with the watershed in its current condition? This question may not be resolved in this process, but it needs to be kept in mind. This is not happening in a vacuum.
- A. Carr: What efforts are possible (e.g., keeping birds away from upper Newport Bay could be a solution for water quality, but that area is an ecological reserve)?
- G. Brown: What are we trying to accomplish with the TMDL, especially given the issues upstream of Newport Bay?

### Public Comment

Observers had the opportunity to make a comment before the conclusion of the meeting. One comment was given from K. Berchtold expressing support for this process and gratitude to the stakeholder group for participating.

### Action Items and Next Steps

- Stakeholder group members were invited and encouraged to attend the Beach Water Quality Workgroup meeting on Feb. 22, 2017.
- L. Michaelson will discuss content of the next meeting with S. Weisberg and the Water Board.
- Katz & Associates will implement an online information repository and distribute access information to stakeholder group members.