



# B A S M A A

## Board of Directors Regular Meeting

July 26, 2018  
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, July 26, 2018 as a teleconference. This regular meeting was called by Jim Scanlin, 2018 Chair of the Board, with notice of said meeting given to all Directors by electronic mail. The following Officers of the Corporation, Directors, and others were present:

<b>Officers of the Corporation Present</b>	
Jim Scanlin	Chair of the Board and Director
Jamison Crosby	Secretary / Treasurer and Director
<b>Directors Present</b>	
Rob Carson	Director
Kevin Cullen	Director
Jennifer Harrington	Director
Adam Olivieri	Director
Courtney Riddle	Director
<b>Officers and Directors Absent</b>	
Matt Fabry	Vice-Chair and Director
Sonoma County Water Agency - vacant	Director
<b>Staff Present</b>	
Geoff Brosseau	Executive Director
<b>Others Present</b>	
Reid Bogert	MPC Chair / SMCWPPP
Jon Konnan	EOA
Chris Sommers	MPC Vice-Chair / EOA
Kirsten Struve	Trash Committee Chair / SCVWD
Robert Tillotson	Sonoma County Water Agency
Shannan Young	Development Committee Chair / Dublin
Walter Yu	Caltrans

### Quorum and Call to Order

#### **Call to Order**

With 7 of the 9 Directors present at the time, a quorum was established and Chair Jim Scanlin called the meeting to order at 10:03 a.m.

19 **Introductions, Announcements, and Disclosures (Agenda Item 1).** (Jim Scanlin)

- 20 • Announcements – None.
- 21
- 22 • Disclosures – Director Adam Olivieri disclosed a financial interest in item 6.5, and recused  
23 himself by not being present in the meeting for that item.
- 24

25 **Changes to Agenda (Agenda Item 2).** (Jim Scanlin) None.

26

27 **Approval – Consent Calendar: Board of Directors meeting minutes – June 28, 2018**

28 **(Agenda Item 3).** (Jamison Crosby) The Board of Directors was asked to approve the Consent  
29 Calendar.

30

- 31  Vote: Director Rob Carson made a motion that the Board approves the Consent Calendar.  
32 Director Adam Olivieri seconded the motion and the Board approved it unanimously.
- 33

34 **Executive Session (Agenda Item 4).**

35

36 The Board of Directors requested an executive session of just the Board of Directors and  
37 BASMAA and member program staff to discuss the following (Votes and Actions noted):

38

- 39 • BASMAA as an organization – Agreed to continue and complete the discussions of this  
40 item by the December Board of Directors meeting.
- 41 • Green infrastructure expectations letter – Discussed status of pending Regional Water  
42 Board letter.
- 43

44 The Executive Session was adjourned.

45

46 **Actions**

47

48 **Disclosures / Annual statements signing – Policy and Procedure: *Conflict of Interest***

49 **(Agenda Item 5).** (Geoff Brosseau) The Board of Directors was asked to implement the Policy  
50 and Procedure: *Conflict of Interest* by:

- 51 • Making disclosures of financial interest and determining and addressing any conflicts of  
52 interest (using *Statement of Financial Interests* form)
- 53 • Reviewing and signing annual affirmation statements (using *Conflict of Interest Policy*  
54 *Statement* form)
- 55

56 Directors started to provide the necessary signed statements; statements from the rest of the  
57 Directors will be collected after the meeting.

58

- 59 ➤ Action: Executive Director Geoff Brosseau will provide Directors with copies of their  
60 previous Statement of Financial Interests form and the annual affirmation statements  
61 regarding the *Conflict of Interest* Policy for signing as appropriate, and returning to the  
62 Executive Director.
- 63

64 **Approval – External Communication: RMC 5-year Bioassessment (Agenda Item 6).** (Geoff

65 Brosseau) The Board of Directors was asked to approve an external communication – a

66 presentation regarding the BASMAA RMC 5-year Bioassessment project. BASMAA's Policy  
67 and Procedure: 6 - *External Communication Authorization, Development, Review, and Approval*,  
68 governs BASMAA's external communications, including presentations, papers, and articles  
69 about BASMAA projects or programs. The Board of Directors reviewed the approved abstract.  
70

71  Vote: Director Jim Scanlin made a motion that the Board approves a presentation  
72 consistent with the approved abstract regarding the BASMAA RMC 5-year Bioassessment  
73 project as an external communication at to be made at SETAC North America 39<sup>th</sup> Annual  
74 Meeting in Sacramento, November 7, 2018. Director Olivieri seconded the motion and the  
75 Board approved it unanimously.  
76

77 Director Olivieri left the meeting.  
78

79 **Approval – BASMAA Products: PCBs Demo Project (Agenda Item 6.5).** (Geoff Brosseau /  
80 Jon Konnan) The Board of Directors was asked to approve a PCBs Demo project deliverable as a  
81 final BASMAA product. In March 2017, BASMAA initiated the three-year project: *Managing*  
82 *PCBs-Containing Materials and Wastes during Building Demolition - Phase I: Developing an*  
83 *Implementation Framework, Guidance Materials, and Tools for Permittees (C.12.f)* (PCBs  
84 Demo project). A BASMAA Steering Committee is overseeing the consultant team led by EOA,  
85 and including LWA, Geosyntec Consultants, Stephanie Hughes, and David J. Powers and  
86 Associates. The two-year project budget is \$329,001 and the project is completing its second  
87 fiscal year.  
88

89 Last month, the Board of Directors approved five products from the project as final BASMAA  
90 products. An additional material (rubber window gaskets) was added to the scope of an  
91 additional product – this *Protocol for Evaluating Priority PCBs-Containing Materials before*  
92 *Building Demolition* so the product was not ready for consideration as final until this month.  
93 The BASMAA Steering Committee for the project was asked to review the product and there  
94 were no comments.  
95

96 BASMAA's Policy and Procedure: *Project Management and Project Deliverable Approval*  
97 requires the following regarding final BASMAA products:

98 *Review and approval of project deliverables*

99 *The following procedure will be used:*

- 100 1. *The draft deliverable(s) is sent to the Board, or committee members for review and*  
101 *subsequent revisions, as determined necessary by the committee.*
- 102 2. *If in committee, once the committee determines that the draft deliverable(s) is ready for*  
103 *higher-level review and approval, the final draft deliverable(s) is sent to the BASMAA*  
104 *Chair and Executive Director.*
- 105 3. *The BASMAA Chair and Executive Director ensure the final draft deliverable(s) is*  
106 *provided to the Board of Directors.*
- 107 4. *The Board of Directors reviews and considers approval of the final draft deliverable(s),*  
108 *and in the case of final project deliverables, considers approval of the project as complete.*  
109

110 The subject product underwent steps 1 and 2, and is at steps 3 and 4.  
111

- 112      Vote: Director Scanlin made a motion that the Board approves the following PCBs Demo  
113     project deliverable as final BASMAA product:  
114         • *Protocol for Evaluating Priority PCBs-Containing Materials before Building*  
115         *Demolition*  
116     Director Kevin Cullen seconded the motion and the Board approved it, with Director  
117     Olivieri recused.  
118  
119     ➤ Action: Jon Konnan will work with Executive Director Brosseau to finalize and post the  
120     final products.  
121

122 Director Olivieri returned to the meeting.

### Reports

126 **Update / Direction – Committee Reports / BASMAA Representatives (Agenda Item 9).** The  
127 Board of Directors received committee reports and discussed next steps.  
128

- 129     • **Development Committee** (Shannan Young) – The Committee canceled its July meeting  
130     because of vacations. Regional Water Board staff met with BASMAA representatives after  
131     the June Board of Directors meeting to discuss a planned “expectations letter” regarding  
132     the green infrastructure plans that Regional Water Board staff was preparing to send.  
133  
134     • **Monitoring / POCs Committee** (Reid Bogert) – The Committee met July 11 – see  
135     Committee meeting summary for details on items not covered elsewhere in this Board of  
136     Directors meeting minutes. Key items of interest to the Board of Directors included:  
137     managing RMC communications, developments from referrals, and a potential change in  
138     the scope of the FY 18-19 project: *Redesign of Bioassessment Monitoring Program* to  
139     include creeks monitoring, based on Regional Water Board staff feedback.  
140  
141     • **Municipal Operations Committee** (Geoff Brosseau) – The Committee did not meet since  
142     the last Board of Directors meeting. BASMAA and CASQA continue to await the State  
143     Water Board’s release and adoption of Water Conservation / Prohibited Water Uses  
144     regulations.  
145  
146     • **Phase II Committee** (Rob Carson) – The Committee met July 24 – see Committee  
147     meeting summary for details on items not covered elsewhere in this Board of Directors  
148     meeting minutes. Key items of interest to the Board of Directors included: reviewing  
149     proposed changes to the E.12 Post Construction Manual.  
150  
151     • **Public Information / Participation Committee** (Geoff Brosseau for Jennifer Kaiser) – In  
152     its June 27 meeting, the Committee agreed to meet quarterly on its regular meeting day (4<sup>th</sup>  
153     Wednesday afternoon) starting in October with one of the four meetings being in person.  
154  
155     • **Trash Committee** (Geoff Brosseau for Kirsten Struve) – The Committee met July 24 – see  
156     Committee meeting summary for details on items not covered elsewhere in this Board of  
157     Directors meeting minutes. Key items of interest to the Board of Directors included: release  
158     of a RFP for the FY 18-19 project: *Preliminary and Final Reports on Trash Receiving*

159 *Water Monitoring Program Plan and Related Tasks* and continued discussions regarding  
160 concerns from Regional Water Board staff with observations of specific full capture system  
161 devices without overhead covers that are located in inlets in such a way that trash can fall  
162 directly into the middle of the unit, bypassing the filter. Representatives from the device  
163 manufacturer explained the reasons for the set-up of concern (vector control) and offered to  
164 work with any of the involved agencies to try to resolve conflicting interests.  
165

166 **Update – Statewide and National Items (Agenda Item 10).** (Geoff Brosseau) The Board of  
167 Directors received and discussed updates on the following statewide and national items:  
168

169 State

- 170 • Bacteria Objectives: Despite CASQA concerns, State Water Board will add 1986 fecal  
171 coliform objectives back into the Ocean Plan but recognizes the numbers may not reflect  
172 latest science or California conditions, so will add the issue as a high priority to address  
173 via the 2019 triennial review of the Ocean Plan. State Water Board staff may add  
174 language recognizing potential for scientific rigor of non-TMDL approaches in  
175 establishing reference reaches. Staff will not make a change regarding definition of  
176 freshwater and threshold for use of Enterococci.  
177
- 178 • Permit Fees – The Water Quality Fees Stakeholder Group met on June 14. Based on the  
179 latest revenue and expense projections, State Water Board staff is now proposing either a  
180 1.6% fee increase or a 0% fee increase for all stormwater permittees, depending on which  
181 of two budgeting options the State Water Board chooses for FY 18-19. In the previous  
182 stakeholder group meeting in February, State Water Board staff were considering a 2.9%  
183 increase for stormwater permittees. The State Water Board will make a final decision  
184 and adopt fees for FY 18-19 in their meeting during the third week of September.  
185

186 National

- 187 • WOTUS Repeal – EPA and the Corps are seeking clarification on whether the 2015  
188 WOTUS Rule should be repealed in its entirety and whether the scope of Clean Water  
189 Act jurisdiction currently in effect should be recodified. CASQA previously filed  
190 comments on the 2015 Rule on November 14, 2014 and on the proposed repeal of the  
191 2015 Rule on June 19, 2017. CASQA does not plan to take a position on whether the  
192 2015 Rule should be repealed in its entirety. CASQA has commented that EPA and the  
193 Corps codify and make clear, in whatever form a rule is adopted, that certain stormwater  
194 control features be excluded as Waters of the United States, including, but not limited to  
195 the following:
  - 196 ○ MS4 conveyance facilities
  - 197 ○ Detention and settling basins
  - 198 ○ Stormwater treatment systems
  - 199 ○ Infiltration facilities
  - 200 ○ Bioswales / Bioretention Systems
  - 201 ○ Groundwater recharge facilities
  - 202 ○ Green infrastructure projects

203  
204 CASQA has also requested that EPA and the Corps make clear that man-made flood  
205 control channels, or MS4s, as defined at 40 C.F.R. 122.26(b)(8), cannot be classified as

206 Waters of the United States, and that such channels cannot be deemed to be tributaries to  
207 receiving waters based on the “tributary rule.”  
208

209 **Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is  
210 scheduled to be held on Thursday, August 23, 2018, at the offices of EOA, Inc., Oakland,  
211 California. Directors will be notified of this meeting via e-mail.  
212

213 **Adjournment.** The meeting was adjourned at 10:50 a.m.  
214



215  
216 Secretary, BASMAA  
217

218 Approved: August 27, 2018 ###  
219