



B A S M A A

**Board of Directors
Regular Meeting**

**March 28, 2019
Meeting Minutes**

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, March 28, 2019 at the offices of EOA, Inc., Oakland, California. This regular meeting was called by Jim Scanlin, 2019 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:

Officers of the Corporation Present	
Jim Scanlin	Chair of the Board and Director
Matt Fabry	Vice-Chair and Director
Jamison Crosby	Treasurer and Director
Kevin Cullen	Secretary and Director
Directors Present	
Kevin Booker - phone	Director
Rob Carson	Director
Jennifer Harrington	Director
Adam Olivieri	Director
Officers and Directors Absent	
None	
Staff Present	
Geoff Brosseau	Executive Director
Others Present	
Jill Bicknell - phone	SCVURPPP / EOA
Jennifer Kaiser - phone	PI/P Committee Chair / VFWD
Jon Konnan	EOA
Keith Lichten	Regional Water Board
Sandy Mathews	LWA
Trish Mulvey - phone	CLEAN SouthBay
Courtney Riddle - phone	CCCWP
Chris Sommers	MPC Vice-Chair / EOA
Shannan Young - phone	Development Comm. Chair / City of Dublin

Quorum and Call to Order

Call to Order

With 6 of the 8 Directors present at the time, a quorum was established and Chair Jim Scanlin called the meeting to order at 10:05 a.m.

- 20 **Introductions, Announcements, and Disclosures (Agenda Item 1).** (Jim Scanlin)
- 21 • Announcements – CASQA released its Call for Nominations for the 2019 CASQA Awards.
22 Nominations are due by 5 PM, Monday, April 8. [Nomination and submittal instructions](#).
- 23 • Disclosures – Director Adam Olivieri disclosed that he is an “interested person” and has a
24 “financial interest” (as defined in the Policy and Procedure: *Conflict of Interest*) in Agenda
25 Items 7 and 8, and would be recusing himself from each of those items by leaving the
26 meeting before the Board of Directors starts each item and returning no sooner than after
27 the Board of Directors completes each item.

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

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31 **Approval – Consent Calendar: Board of Directors meetings minutes – January 24, 2019**
32 **(Agenda Item 3).** (Jamison Crosby) The Board of Directors was asked to approve the Consent
33 Calendar.

- 34
- 35 Vote: Director Matt Fabry made a motion that the Board approves the Consent Calendar.
36 Director Kevin Cullen seconded the motion and the Board approved it unanimously.

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38 **Election – Director (Agenda Item 4).** (Geoff Brosseau) The Board of Directors was asked to
39 elect a Director to serve for one (1) year or until the next annual meeting of Director(s).
40 BASMAA Bylaws Section 4.04 Election, Designation, and Term of Office of Director(s). states
41 “The Director(s) for the Corporation shall be elected at an annual meeting of the Director(s) by
42 the majority vote of the member(s) of the Board then in office. Eight of the 2018 Directors were
43 elected Directors for 2019 at the annual meeting on January 24, 2019.

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45 BASMAA Bylaws Section 4.04 goes on to state: “...if any such successor Director(s) is/are not
46 elected at an annual meeting, they may be elected at any special meeting of the Board held for
47 that purpose or by unanimous written consent of the Board.”

- 48
- 49 Vote: Director Rob Carson made a motion that the Board elects Courtney Riddle to serve
50 as the Director from the Contra Costa Clean Water Program (CCCWP) for one (1) year or
51 until the next annual meeting of Director(s). Director Jamison Crosby seconded the motion
52 and the Board approved it unanimously.

53

54 **Executive Session (Agenda Item 5).**

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

- 58
- 59 • PCB survey / abatement contractor / trainer concerns – Directors discussed the status,
60 issues, and schedule of development of the PCBs Demolition project in preparation for a
61 lunch meeting with some contractor / trainer / trade group representatives that have raised
62 practical concerns regarding the scope and implementation of the PCBs Demolition project,
63 asking for it to go beyond the requirements in the MRP.

64

- 65 • MRP 3.0 – Directors discussed the status, issues, and schedule of development of the next
66 permit, in particular, provision C.10 Trash Reduction as it relates to the statewide Trash
67 Amendments, including targets / goals, equivalency, and credits.
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69 The Executive Session was adjourned.
70

71 Actions
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73 **Approval – FY 18-19 MRP Annual Report forms (Agenda Item 6).** (Jill Bicknell) The Board
74 of Directors was asked to approve the FY 18-19 MRP Annual Report form as final and ready for
75 transmission to the Regional Water Board by April 1. MRP provision C.17.b requires permittees
76 “collaboratively develop a common annual reporting format for acceptance by the Executive
77 Officer by April 1, 2016. The resulting Annual Report Form, once approved, shall be used by all
78 Permittees. The Annual Report Form may be changed by April 1 of each year for the following
79 Annual Report, to more accurately reflect the reporting requirements of Provisions C.1 – C.16,
80 with the agreement of the Permittees and by the approval of the Executive Officer.”
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82 In its December 7, 2018 Board of Directors meeting, SCVURPPP offered to draft the template
83 for reporting on the MRP for FY 18-19 according to the following schedule:

- 84 • Draft template – December
85 • Committees review – January
86 • Template revision – February
87 • Final draft template – March
88 • BASMAA Board of Directors approval – March 28, 2019
89 • Submit to Regional Water Board – by April 1, 2019
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91 A PDF of the final draft Annual Report Form sections for FY 18-19 was provided to the MRP
92 Program Managers on March 13. The changes relative to last year’s form were shown in
93 underline / strikethrough. The sections were reviewed by the relevant BASMAA Committees
94 and their comments incorporated. The final draft was distributed to MRP programs’
95 Management or Stormwater Committee for review and approval. Following approval by the
96 BASMAA Board of Directors, both the underline / strikethrough version and the ‘clean’ version
97 with the underline / strikethrough edits accepted will be transmitted to the Regional Water Board
98 by April 1.
99

- 100 Vote: Director Fabry made a motion that the Board approves the FY 18-19 MRP Annual
101 Report Form as final and ready for transmission to the Regional Water Board by April 1.
102 Director Jennifer Harrington seconded the motion and the Board approved it unanimously.
103
104 ➤ Action: Executive Director Brosseau will transmit the final FY 18-19 MRP Annual Report
105 Form to the Regional Water Board on March 29, 2019.
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107 Director Olivieri left the meeting.
108
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110 **Approval – PCBs from Electrical Utilities in San Francisco Bay Area Watersheds: Stressor**
111 **/ Source Identification (SSID) Project Work Plan (Agenda Item 7).** (Geoff Brosseau) The
112 Board of Directors was asked to approve a project deliverable as a final BASMAA product. In
113 December 2018, BASMAA initiated the two-year project: *Regional SSID Project Work Plan and*
114 *Implementation*. The project budget is \$95,000 (FY 18-19 - \$20,000 and FY 19-20 - \$75,000).
115 A BASMAA Project Management Team (PMT) is overseeing the consultant EOA. The work
116 plan needs to be submitted with the Urban Creeks Monitoring Reports to the Regional Water
117 Board by March 31, 2019 and the project completed by the end of the MRP term (i.e., December
118 2020).

119
120 BASMAA’s Policy and Procedure: *Project Management and Project Deliverable Approval*
121 requires a four-step process for finalizing BASMAA products. The subject product has
122 undergone steps 1 and 2 and is at steps 3 and 4. The Project Management Team has reviewed
123 earlier drafts of the document and its comments and edits have been incorporated. At its March
124 6, 2019 meeting, the PMT agreed to recommend to the BASMAA Board of Directors that it
125 considers approving the subject product at its March 28, 2019 meeting.

126
127 **Vote:** Director Cullen made a motion that the Board approves the *PCBs from Electrical*
128 *Utilities in San Francisco Bay Area Watersheds: Stressor / Source Identification (SSID)*
129 *Project Work Plan* as a final BASMAA product. Director Fabry seconded the motion and
130 the Board approved it unanimously.

131
132 ➤ **Action:** Executive Director Brosseau will submit the final work plan to the Regional Water
133 Board on March 29, 2019.

134
135 **Approval – Five-Year Bioassessment Report (Agenda Item 8).** (Geoff Brosseau) The Board of
136 Directors was asked to approve a project deliverable as a final BASMAA product. The MRP
137 requires biological assessment (bioassessment) monitoring and creek status monitoring to assess the
138 chemical, physical, and biological impacts of urban runoff on receiving waters. This monitoring is
139 conducted on behalf of permittees through the areawide MRP Programs and coordinated through
140 the BASMAA Regional Monitoring Coalition (RMC). In August 2017, BASMAA initiated the
141 *Five-Year Bioassessment Report* project to compile and interpret data collected by the MRP
142 Programs. The project budget is \$50,000 (FY 17-18). A BASMAA PMT is overseeing the
143 consultants EOA (lead) and Applied Marine Sciences. The report needs to be submitted with the
144 Urban Creeks Monitoring Reports to the Regional Water Board by March 31, 2019.

145
146 The subject product has undergone steps 1 and 2 of BASMAA’s four-step Policy and Procedure:
147 *Project Management and Project Deliverable Approval* and is at steps 3 and 4. The Project
148 Management Team has reviewed earlier drafts of the document and its comments and edits have
149 been incorporated. The PMT received the draft final report on March 5 and has agreed to
150 recommend to the BASMAA Board of Directors that it considers approving the subject product
151 at its March 28, 2019 meeting.

152
153 **Vote:** Director Cullen made a motion that the Board approves the *BASMAA Regional*
154 *Monitoring Coalition Five-Year Bioassessment Report: Water Years 2012 – 2016* as a final

155 BASMAA product. Director Fabry seconded the motion and the Board approved it
156 unanimously.

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158 ➤ Action: Executive Director Brosseau will submit the final report to the Regional Water
159 Board on March 29, 2019.

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161 Director Olivieri returned to the meeting.

162

163 **Lunch – Working: Discussion of Industry Concerns regarding PCBs Demo Guidance** (Jon
164 Konnan) The Board of Directors met with some contractor / trainer / trade group representatives
165 that have raised practical concerns regarding the scope and implementation of the PCBs
166 Demolition project, asking for it to go beyond the requirements in the MRP. The group reviewed
167 the background behind the permit requirement, raised and discussed the major comments from
168 the industry representatives, and agreed the comments could be sorted into two categories –
169 those that were relatively minor or mistakes and those that were relatively major and would take
170 more time and funding to address. The group agreed to continue working together to try to
171 address both categories of comments.

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Reports

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175 **Report – Financials (Agenda Item 9).** (Geoff Brosseau) The Board of Directors received a
176 report on BASMA’s finances as of February 28, 2019. Of note:

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- 178 • A/R Aging Summary – The very large accounts receivable BASMAA had been carrying
179 since December was somewhat reduced by the end of February as a result of one member
180 agency finally being able to pay its membership dues and project contributions for FY 17-
181 18. That member agency as well two other large member agencies were encouraged to
182 make their FY 18-19 payments as soon as possible.

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184 **Update / Direction – Committee Reports / BASMAA Representatives (Agenda Item 10).**

185 The Board of Directors received committee reports and discussed next steps.

186

- 187 • **Development Committee** (Shannan Young) – The Committee met February 7 – see
188 Committee meeting summary for details on items not covered here or elsewhere in this
189 Board of Directors meeting minutes. Key items of interest to the Board of Directors
190 included: assembling a green infrastructure commitment toolkit, discussing Plans /
191 schedules for new and ongoing participation in processes to promote GI, and C.3.j.iv.
192 tracking progress of green infrastructure implementation, including connected and
193 disconnected impervious area. The Committee is now on a bi-monthly meeting schedule,
194 so the next Committee meeting is scheduled for April 4.
- 195 • **Monitoring / POCs Committee** (Chris Sommers) – The Committee met March 6 – see
196 Committee meeting summary for details on items not covered here or elsewhere in this
197 Board of Directors meeting minutes. Key items of interest to the Board of Directors
198 included: oversight of Committee projects (e.g., Regional SSID Project), updates and input
199 on others’ regional (e.g., SFEI STLS) and statewide efforts (e.g., State Water Board
200

201 Biostimulatory / Biointegrity Program). The Committee is now on a bi-monthly meeting
202 schedule, so the next Committee meeting is scheduled for May 1.

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204 • **Municipal Operations Committee** (Geoff Brosseau) – The Committee had not met since
205 the last Board of Directors meeting. BASMAA and CASQA continue to await the State
206 Water Board’s release and adoption of Water Conservation / Prohibited Water Uses
207 regulations.

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209 • **Phase II Committee** (Rob Carson) – The Committee met March 26 – see Committee
210 meeting summary for details on items not covered here or elsewhere in this Board of
211 Directors meeting minutes. Key item of interest to the Board of Directors was the Regional
212 Water Board’s interest in including Phase II permittees in the MRP.

213

214 • **Public Information / Participation Committee** (Jennifer Kaiser) – The Committee is on a
215 quarterly meeting schedule and had not met since the last Board of Directors meeting. The
216 next Committee meeting is scheduled for April 24.

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218 • **Trash Committee** (Geoff Brosseau / Chris Sommers for Kirsten Struve) – The Committee
219 met February 26 – see Committee meeting summary for details on items not covered here or
220 elsewhere in this Board of Directors meeting minutes. Key items of interest to the Board of
221 Directors included: outlining the report on the trash receiving water monitoring program and
222 discussing an update on the Caltrans Cease and Desist Order. The Committee is now on a
223 bi-monthly meeting schedule, so the next Committee meeting is scheduled for April 23.

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225 **Update – Statewide and National Items (Agenda Item 11).** (Geoff Brosseau) The Board of
226 Directors received and discussed updates on the following statewide and national items:

227

228 State

229 • **NPDES Permit Fees** – The State Water Board held a Water Quality Fees Stakeholder
230 meeting on March 14. This was the first meeting of the annual cycle of meetings focused
231 on the upcoming fiscal year’s fees. The State Water Board convenes the Fees
232 Stakeholder group at the beginning of the cycle to give permittees an early indication of
233 the upcoming fiscal year’s likely fees. Initial projections for FY 19-20 are that the State’s
234 stormwater revenue will be higher than its stormwater program budget, which if those
235 projections hold, would result in an approximate discount of -2.7% for all stormwater
236 permittees (i.e., construction, industrial, and municipal). Stormwater and Land Disposal
237 are the only two of the eight fee payer categories projected to receive a discount. The
238 next two meetings of the Water Quality Fees Stakeholder group are scheduled for June 11
239 and August 5. At each successive meeting, more certain projections will be released.
240 The State Water Board is scheduled to vote on the FY 19-20 permit fees In September.

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242 • **State Water Board Initiatives** – According to the latest Executive Director’s Report, the
243 State Water Board has the following planned:

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Initiative	Target Release Public Comment	Target Board Meeting
Toxicity Amendments	October 19, 2018	July 2, 2019
Triennial Review: Ocean Plan (Bacteria)	May 1, 2019	October 15, 2019
Urban Pesticides Reduction Amendment	Summer 2019	December 2019
Construction General Permit	August 29, 2019	October 2, 2019
Caltrans Permit	November 1, 2019	April 1, 2020
Phase II General Permit	May 13, 2020	February 9, 2021
Biostimulatory / Biointegrity Project	April 15, 2021	December 15, 2021

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National

- WOTUS – On February 1, 2019, EPA and the Army Corps of Engineers published a new definition of “waters of the United States” (WOTUS) that attempts to “clarify the federal authority under the Clean Water Act”. The proposal would limit waters of the United States to those that are “physically and meaningfully” connected to traditional navigable waters. CASQA has been tracking WOTUS developments and is in the process developing comments, which are due April 15. CASQA comments are likely to focus on further clarifying:
 - MS4s are not WOTUS
 - ephemeral versus intermittent surface flows, particularly in the semi-arid West
- Legislation – Tracking the following national bills:
 - HR 1497 – Water Quality Protection and Job Creation Act of 2019 – would invest in infrastructure, including stormwater treatment / capture and use
 - HR 1764 – NPDES Terms – would allow terms for state or municipal permits of up to 10 years (current limit is 5 years)

Update – Collaboration with Caltrans (Agenda Item 12). (Hardeep Takhar, Caltrans) [Ed. Note: Caltrans staff was not able to attend the meeting but provided the following update by email on April 2:

“1. For MS4s proposals for regional trash control projects that can treat Caltrans right of way, email contacts are:

- Constantine Kontaxis at Constantine.kontaxis@dot.ca.gov
- Tom Rutsch at tom.rutsch@dot.ca.gov
- Wilfung Martono at wilfung.martono@dot.ca.gov
- Hardeep Takhar at hardeep.takhar@dot.ca.gov

2. Caltrans is continuing to refine [its] database to identify sheds that drain to MS4s, and plans to distribute this information to MRP permittees in June to begin identifying partnering opportunities for regional treatment systems that also address trash.

3. Are there additional or remaining high and moderate trash generation areas that MRP permittees need to address through structural measures? [Caltrans] would like to actively pursue regional treatment system opportunities in those areas that also treat Caltrans right of way.”

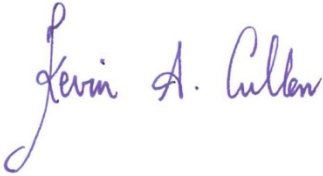
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282 **Discussion – Collaboration with Regional Water Board (Agenda Item 13).** (Board / Regional
283 Water Board staff) The Board of Directors and Regional Water Board staff discussed the
284 following items.

- 285
- 286 • Caltrans
 - 287 ○ April 11 budget hearing
 - 288 ○ Need process to identify projects
 - 289 ○ Need to facilitate / ease process
 - 290
 - 291 • Trash – 80:20 rule; law of diminishing returns; need to tell complete story
 - 292
 - 293 • Industrial / Commercial – Regional Water Board staff will be focusing on:
 - 294 ○ Mobile cleaner program (MRP provision C.5) inspections
 - 295 ○ Non-filers
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297 **Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is
298 scheduled to be held on Thursday, April 25, 2019, as a teleconference. Directors will be notified
299 of this meeting via e-mail.

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301 **Adjournment.** The meeting was adjourned at 3:00 p.m.

302
303 Kevin Cullen



304
305 Secretary, BASMAA

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307 Approved: April 25, 2019 ###

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