



# B A S M A A

## Board of Directors Regular Meeting

May 24, 2018  
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, May 24, 2018 at the offices of EOA, Inc., Oakland, California. 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
Matt Fabry	Vice-Chair and Director
Jamison Crosby	Secretary / Treasurer and Director
<b>Directors Present</b>	
Rob Carson	Director
Jennifer Harrington – phone	Director
Adam Olivieri	Director
Courtney Riddle	Director
<b>Officers and Directors Absent</b>	
Kevin Cullen	Director
Sonoma County Water Agency - vacant	Director
<b>Staff Present</b>	
Geoff Brosseau	Executive Director
<b>Others Present</b>	
Reid Bogert	MPC Chair / SMCWPPP
Jennifer Kaiser – phone	PI/P Committee Chair / VFWD
Jon Konnan	MPC Vice-Chair / EOA
Keith Lichten	Regional Water Board
Michele Mancuso – phone	Trash Committee Vice-Chair / CoCoCounty
Peter Schultze-Allen	Development Committee Vice-Chair / EOA
Doug Scott	Vallejo Flood & Wastewater District
Chris Sommers	SCVURPPP
Robert Tillotson – phone	Sonoma County Water Agency

### 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 12:30 p.m.

20 **Introductions and Announcements (Agenda Item 1).** (Jim Scanlin)

21 • Grants

- 22 ○ Caltrans Adaptation Planning Grant – C/CAG of San Mateo County was awarded a  
23 grant of almost \$1 M for its proposed project: *Calm Before the Storm: San Mateo*  
24 *Countywide Sustainable Streets Master Plan*. For two-years starting in October  
25 C/CAG will work with its 21 member agencies and Caltrans to develop the master  
26 plan to prioritize locations for integrating green stormwater infrastructure into  
27 roadways to capture, treat, and infiltrate stormwater runoff to better adapt the  
28 transportation network to precipitation-based climate change impacts while  
29 simultaneously helping local agencies achieve state mandates for treating runoff.  
30 Project deliverables include a master plan, GIS data layers, model policies, project  
31 concepts, public outreach, and web-based implementation tracking tools. (Matt Fabry)

32

- 33 ➤ Action: Director Fabry will provide more information to the Board of Directors.

34

35 • Events

- 36 ○ SFEP Implementation Committee meeting ([May 23](#)) – Presentation of interest:  
37 Operational Landscape Units: Using Nature’s Jurisdictions to Plan for Sea Level Rise  
38 (Task 14-2); Wetland RMP is forming.  
39 ○ [Bay Smart Communities for a Sustainable Future](#) events  
40 ▪ [May 11](#)  
41 ▪ [May 24](#)  
42 ○ POC Steering Committee meeting, 9-12, May 30.

43

44 **Changes to Agenda (Agenda Item 2).** (Jim Scanlin)

- 45 • Change Item 8 from Approval – FY 18-19 Projects Budget to Update – FY 18-19 Projects  
46 Budget (Geoff Brosseau)  
47 • Add Item 8.a Request – Supplemental Funding: *Managing PCBs-Containing Materials and*  
48 *Wastes during Building Demolition - Phase I: Developing an Implementation Framework,*  
49 *Guidance Materials, and Tools for Permittees (C.12.f)* (Jon Konnan)

50

51 **Approval – Consent Calendar: Board of Directors meeting minutes – April 26, 2018**

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

54

- 55  Vote: Director Rob Carson made a motion that the Board approves the Consent Calendar.  
56 Director Courtney Riddle seconded the motion and the Board approved it unanimously.

57

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

59

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

62

- 63 • C.3 Green Infrastructure expectations – Articulation  
64 • C.10 Trash reduction requirements – Regional Water Board Cease and Desist Orders  
65 (CDOs)

- 66 • MRP 3.0 – Pre-planning, including identifying regional or statewide-scale programs /  
67 projects at negotiation stage.  
68

69 The Executive Session was adjourned.  
70

71 **Actions**  
72

73 **Approval – BASMAA Products: Trash Amendments Planning (Agenda Item 5).** (Geoff  
74 Brosseau / Rob Carson) The Board of Directors was asked to approve the following Trash  
75 Amendments Planning project deliverables as final BASMAA products:

- 76 • Memo #2 – Technical memo on ‘Full Trash Capture System Equivalency Approach’  
77 • Trash Reduction Implementation Plan template  
78 • Full Capture O&M Verification Program template and guidance  
79 ○ HDS O&M Standard Operating Procedures (SOPs)  
80 ○ Small Full Capture O&M SOPs  
81

82 In July 2016, BASMAA initiated the Trash Amendments Planning project. The Phase II  
83 Committee oversaw the consultant team led by EOA, and including Geosyntec Consultants.  
84 The project was conducted in four major tasks: 1 – Compliance Framework and Full Capture  
85 Equivalency Approach, 2 – Baseline Trash Generation Maps, 3 – Optimal Full Capture System  
86 Locations, and 4 – Implementation Planning Tools. The project budget of \$161,266 was funded  
87 by the Phase II members of BASMAA and the North Bay Watershed Association.  
88

89 BASMAA’s Policy and Procedure: *Project Management and Project Deliverable Approval*  
90 requires the following regarding final BASMAA products:

91 *Review and approval of project deliverables*

92 *The following procedure will be used:*

- 93 1. *The draft deliverable(s) is sent to the Board, or committee members for review and*  
94 *subsequent revisions, as determined necessary by the committee.*  
95 2. *If in committee, once the committee determines that the draft deliverable(s) is ready for*  
96 *higher-level review and approval, the final draft deliverable(s) is sent to the BASMAA*  
97 *Chair and Executive Director.*  
98 3. *The BASMAA Chair and Executive Director ensure the final draft deliverable(s) is*  
99 *provided to the Board of Directors.*  
100 4. *The Board of Directors reviews and considers approval of the final draft deliverable(s),*  
101 *and in the case of final project deliverables, considers approval of the project as complete.*

102 The subject document has undergone steps 1 and 2, and is at steps 3 and 4.  
103

104  **Vote:** Director Jamison Crosby made a motion that the Board approves the following Trash  
105 Amendments Planning project deliverables as final BASMAA products:

- 106 • Memo #2 – Technical memo on ‘Full Trash Capture System Equivalency Approach’  
107 • Trash Reduction Implementation Plan template  
108 • Full Capture O&M Verification Program template and guidance  
109 ○ HDS O&M Standard Operating Procedures (SOPs)  
110 ○ Small Full Capture O&M SOPs

111 Director Carson seconded the motion and the Board approved it with Director Adam  
112 Olivieri abstaining.

113  
114 **Authorization – Opposition to AB 3014 (Agenda Item 6).** (Geoff Brosseau) The Board of  
115 Directors was asked to authorize advocacy on legislation. AB 3014 (Quirk) – Brake friction  
116 materials: copper limits: high performance road and track capable vehicle exemption is sponsored  
117 by the Alliance of Automobile Manufacturers. This bill would exempt high performance road-  
118 and-track capable vehicles, and the vehicles’ brake friction materials, from the requirement from  
119 SB 346 that brake friction materials contain no more than 5% copper by weight by January 1,  
120 2021.

121  
122 SB 346 phased-in the sales bans on various types of brake pads. In 2014, SB 346 banned brake  
123 pads containing more than trace amounts of heavy metals and asbestos. In 2021, brake pads  
124 containing more than 5% copper will no longer be allowed to be sold in California, and by 2025,  
125 the law reduces the amount of copper allowed to almost zero.

126  
127 High performance road-and-track capable vehicles are cars that can legally drive on the road but  
128 also have the power to perform on a race track. These cars have engines and brakes that are  
129 different than typical vehicles. The sponsor said that due to technological challenges,  
130 manufacturers had not yet been able to develop brake pads for these high-performance road-and-  
131 track capable vehicles that were able to meet the copper reduction limits (no more than 5%  
132 copper) by the 2021 deadline.

133  
134 The sponsor said the bill would provide a “narrow” exemption from the 2021 deadline, but  
135 continue to require these vehicles to meet the 2025 deadline that limits the amount of copper in  
136 brakes to almost zero. However, to-date there was no clear definition of the word “narrow” and  
137 a theoretical analysis shows, depending on the definition, the number of vehicles could range  
138 from relatively few to a significant portion of vehicles. So, BASMAA’s position hinged on the  
139 definition of narrow and the average copper content of brake pads for vehicles meeting the  
140 definition.

141  
142 The sponsors committed to providing two items by about May 10:

- 143 • Number of vehicles seeking exemption and their brake pad copper content – To-date,  
144 little useful data had been provided.
- 145 • Proposed legal definition for exempted vehicles – The definition, provided May 17, was  
146 incomplete, vague, and unenforceable.

147  
148 Under an existing contract with CASQA, TDC Environmental was prepared to calculate whether  
149 the amount of extra copper pollution would be negligible as the sponsors claim. But absent  
150 sufficient data to work with, a meaningful analysis had not been possible.

151  
152 AB 3014 passed out of two Assembly committees as well as the full Assembly (May 3) and was  
153 in the Senate, expected to be heard by the Environmental Quality Committee on June 6. Letters  
154 were due 12 days before a Committee meeting (i.e., May 25). Organizations that might have  
155 opposed the bill initially stayed neutral pending the analysis of its potential impact. Once it  
156 become clear that the sponsors were not being responsive and useful data was not forthcoming,

157 those organizations concerned about the bill have made the decision that they cannot afford to  
158 remain neutral and in fact do not have any other choice than to oppose the bill to protect the  
159 integrity of SB 346. Those organizations include CASQA, Sustainable Conservation, about six  
160 environmental groups, and a growing number of cities and counties.

161  
162 Sending an opposition letter and potentially encouraging others to do so would be considered  
163 advocacy under the 501(c)(3) IRS rules so the decision to conduct any of those activities goes  
164 beyond the policy issues of the bill to BASMAA's policy regarding advocacy and its tax-exempt  
165 status. The Board of Directors' policy on advocacy has generally been a default position of no  
166 advocacy, but a willingness to consider advocacy on a case-by-case basis. In any case, to  
167 maintain its tax-exempt status, BASMAA must not spend a significant amount of resources  
168 advocating. "Significant" is not defined but has been suggested by legal advisors to nonprofits to  
169 be 5–20% of an operating budget.

170  
171 At the moment, the level of advocacy the Board of Directors was asked to consider (i.e., letter(s))  
172 would require an insignificant amount of resources relative to BASMAA's annual budget, and  
173 therefore would not cause a concern regarding BASMAA's 501(c)(3) non-profit status.

174  
175  Vote: Director Matt Fabry made a motion that the Board authorizes advocacy opposing AB  
176 3014. Director Riddle seconded the motion and the Board approved it unanimously.

177  
178 **Election – FY 18-19 Management-Administration Budget (Agenda Item 7).** (Geoff  
179 Brosseau) The Board of Directors was asked to approve the FY 18-19 Management-  
180 Administration Budget.

181  
182 • Dues allocation – The member agencies' dues allocations for FY 18-19 are based on  
183 updated population estimates from the State of California Department of Finance, E-1  
184 Report, which was released May 1, 2018. The allocations in the Management-  
185 Administration Budget that was tentatively approved in December have been updated and  
186 adjusted slightly by the new estimates in the May 2018 E-1 Report. The dues are proposed  
187 to be the same as the last eight years – essentially no increase since FY 10-11, producing  
188 \$250,000 in revenue.

189  
190 • Management-Administration Budget – This budget shows only management and  
191 administrative expenditures and revenues'. The sources of the expenditures and revenues  
192 can fall into two groupings – BASMAA/organizational-related and grant-related, although  
193 no grant revenue or expenses are expected for FY 18-19. BASMAA/organizational  
194 expenditures are based on previous years' actual costs and projections for FY 18-19.

195  
196 The expenditures in the budget are general management / administrative, with no  
197 contingency. The majority of the expenditures are contracted for through the Executive  
198 Director / Association Management contract with the rest paid via other contracts or  
199 invoices. The revenues in the budget are exclusively from annual membership dues.

200

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† The "Projects Budget" is a separate budget funded by contributions from member agencies (and others) that are separate from dues. Only project and programmatic expenditures are included in the Projects Budget.

201 In its December meeting, the Board tentatively approved the FY 18-19 Management-  
202 Administration Budget of \$250,075 with a plan to approve the budget in late spring 2018  
203 after confirming outcomes of member programs' budget approvals.  
204

205  Vote: Director Olivieri made a motion that the Board approves the FY 18-19 Management-  
206 Administration Budget of \$250,075. Director Fabry seconded the motion and the Board  
207 approved it unanimously.  
208

### 209 Reports

210  
211 **Update – FY 18-19 Projects Budget (Agenda Item 8).** (Geoff Brosseau) The Board of  
212 Directors was asked to receive an update on the FY 18-19 Projects Budget. The Projects Budget  
213 is a separate but complementary budget to the Management-Administration Budget (see Item 7).  
214

- 215 • Funding – The Projects Budget is voluntarily funded by contributions from member  
216 agencies (and others) that are separate from dues. In general, each contributor's allocation  
217 to a project would be based on its population relative to the populations of all the  
218 contributors to that project. Populations are based on the latest E-1 Report (May 2018).  
219 Only project and programmatic expenditures are included in the Projects Budget.  
220
- 221 • Projects – Thirteen projects are proposed for FY 18-19 following the Annual Budgeting  
222 and Work Planning portion of the Policy and Procedure: *Budgeting and Work Planning*.  
223 The proposed projects are described in Project Profiles / Concepts or Agreements scopes in  
224 the case of multi-year projects. Two of the thirteen proposed projects have placeholder  
225 budgets and are in need of Project Concepts:
  - 226 • Planning Conference (GI Plans, SRPs, RAAs, Funding Roadmap) (MRP section ?)  
227 \$30,000
  - 228 • Trash Control Plan (13267 Order) \$20,000  
229

230 In its December 2017 meeting, in accordance with the Policy and Procedure: *Budgeting and*  
231 *Work Planning*, the Board of Directors tentatively approved the FY 18-19 Projects Budget of  
232 \$461,258 with a plan to approve the budget in late spring of 2018 after confirming outcomes  
233 of member programs' budget approvals. Since the tentative approval, there has been no  
234 change in the number of proposed projects or their budgets, or in the total proposed budget.  
235 The Project Concepts have been revised or developed new for the following projects:

- 236 • QA/QC Data Checker Tool (MRP section C.8.f) – new
- 237 • Regional SSID Project Work Plan (C.8.e)
- 238 • Redesign of Bioassessment Monitoring Program (C.8.h)
- 239 • Refined Source Control Load Reduction Accounting for RAA (C.11.d/C.12.d)
- 240 • Preliminary and Final Reports on Trash Receiving Water Monitoring Program Plan  
241 and Related Tasks (C.10.b.v /)
- 242

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· The "Management-Administration" Budget is for management and administrative expenditures and revenues. Expenditures in the budget are either general management / administrative or are grant administration related, plus a contingency. Revenues in the budget are primarily from annual membership dues, plus temporary revenues from grants.

243 Final Project Concepts are expected for all of the proposed projects in time for the Board of  
244 Directors to consider approving the FY 18-19 Projects Budget at their June meeting.

245

246 **Request – Supplemental Funding: *Managing PCBs-Containing Materials and Wastes during***  
247 ***Building Demolition - Phase I: Developing an Implementation Framework, Guidance***

248 ***Materials, and Tools for Permittees (C.12.f) (Agenda Item 8.a).*** (Jon Konnan) The Board of  
249 Directors was asked to consider a request for additional funding for the “PCBs Demo” project.  
250 Over the course of the project, certain out-of-scope tasks have been requested by MRP Permittee  
251 staff or Regional Water Board staff. The BASMAA Steering Committee for the project  
252 reviewed these requests at its May 11, 2018 meeting and recommended that the Board of  
253 Directors consider funding the following two tasks totaling \$24,600:

- 254 1. Add rubber gaskets to protocol for pre-demolition building survey (\$4,903).
- 255 2. Develop information about costs to demolition permit applicants associated with the new  
256 PCBs management program (\$20,247).

257

258 It was noted that although this item was added to the agenda at the beginning of the meeting, not  
259 all of the Directors were present and therefore notified of a possible action.

260

- 261 ➤ Action: The Board of Directors will attempt to conduct a vote by email regarding task 1.
- 262 ➤ Action: The request for funding will be brought to the June 28 Board of Directors meeting.

263

264 **Update – Statewide and National Items (Agenda Item 9).** (Geoff Brosseau) The Board of  
265 Directors received and discussed updates on the following statewide and national items:

266

267 State

- 268 • SB 231 – The Working Group last met on April 9. The group is focused on identifying  
269 cities interested in being test cases, with a few candidates starting to emerge. Overtures are  
270 being made to the candidates about being test case cities.

271

- 272 • Trash Amendments

- 273 ○ BMPs – CASQA representatives continue to work with State Water Board staff on  
274 revisions to the information sheets for “multi-benefit” treatment control BMPs (e.g.,  
275 bioretention, media filters) published by the State Water Board on the [State Water  
276 Board Trash Implementation Program website](#). The information sheets provide  
277 specifications for multi-benefit BMPs to be considered Full Capture Systems as  
278 defined by the Trash Amendments. State Water Board staff have accepted CASQA’s  
279 comments, except regarding the specification of the volume of water to be treated by  
280 volume-based BMPs. CASQA recommended the volumetric sizing criteria that  
281 already exists in the MS4 permits. State Water Board staff accepted this specification  
282 but is concerned in some parts of the state it may be less than the volume equivalent  
283 of the specification for flow-based BMPs of the peak flow rate from a one year, one  
284 hour storm. So, the information sheets contain both volume specifications.

285

- 286 ○ Mosquito concerns – The Mosquito and Vector Control Association of California  
287 (MVCAC) has raised concerns with the State Water Board and CASQA regarding the  
288 increasing number of trash Full Capture Systems being installed throughout the state,

289 particularly those designs that tend to contain standing water and provide insufficient  
290 access for pesticidal treatments. The State Water Board invited manufacturers to the  
291 MVCAC's next quarterly meeting (April 27; South Lake Tahoe). Chris Sommers and  
292 Dale Bowyer attended in person, Executive Director Brosseau attended by phone.  
293 The different types of parties (districts, Water Boards, manufacturers, MS4s) shared  
294 their interests and concerns. The districts agreed to provide information on the new,  
295 highly problematic species of mosquito that is prompting their renewed concerns.  
296 Manufacturers agreed to review their designs to try to minimize the creation of  
297 breeding habitat and provide sufficient access for inspection and abatement.

298  
299 **Discussion – Collaboration with Regional Water Board (Agenda Item 10).** (Board / Keith  
300 Lichten, Regional Water Board) The Board of Directors and Regional Water Board staff  
301 discussed the following items.

- 302  
303 • MRP provision C.3 – Regional Water Board staff and BASMAA representatives are  
304 scheduling a meeting to discuss expectations for the green infrastructure plans.  
305
- 306 • MRP provision C.10 Trash Reduction – Regional Water Board staff will soon be issuing  
307 tentative Cease and Desist Orders to 7 permittees (6 MS4s + Caltrans) for the June  
308 Regional Water Board meeting.  
309
- 310 • MRP 3.0 reissuance – Start planning for meetings beginning November / December.  
311

312 **Update / Direction – Committee Reports / BASMAA Representatives (Agenda Item 11).**  
313 The Board of Directors received committee reports and discussed next steps.

- 314  
315 • **Development Committee** (Peter Schultze-Allen for Shannan Young) – The Committee  
316 met May 3 – see Committee meeting summary for details on items not covered elsewhere  
317 in this Board of Directors meeting minutes. The focus of the meeting was three  
318 presentations on sustainable landscaping programs (Bay-Friendly Landscaping, Resilient  
319 Landscapes, and South Bay Green Gardens and Santa Clara Valley Green Gardener  
320 Programs), and updates on the *Urban Greening Bay Area* grant, Green Infrastructure  
321 Facility Sizing, and *UrbanSim* projects, and Alternative Compliance discussions.  
322
- 323 • **Monitoring / POCs Committee** (Reid Bogert) – The Committee met May 2 – see  
324 Committee meeting summary for details on items not covered elsewhere in this Board of  
325 Directors meeting minutes. The focus of the meeting was on updating Project Concepts /  
326 Profiles, and updates on reporting topics, referrals, regional project planning, and RMP  
327 topics.  
328
- 329 • **Municipal Operations Committee** (Geoff Brosseau) – The Committee did not meet since  
330 the last Board of Directors meeting. BASMAA and CASQA continue to track the State  
331 Water Board's development of Water Conservation / Prohibited Water Uses regulations,  
332 and are awaiting a rescheduling of an adoption hearing after the February 20 hearing was  
333 postponed.  
334



- 335 • **Phase II Committee** (Rob Carson) – The Committee did not meet this month but did send  
336 out an email update of Committee business and projects.  
337
- 338 • **Public Information / Participation Committee** (Jennifer Kaiser) – The Committee did  
339 not meet this month. BASMAA conducted a major printing of the *Our Water, Our World*  
340 materials to re-stock its inventory.  
341
- 342 • **Trash Committee** (Michele Mancuso for Kirsten Struve) – The Committee did not meet  
343 this month.  
344

345 **Information Items.** None.  
346

347 **Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is  
348 scheduled to be held on Thursday, June 28, 2018, at the offices of EOA, Inc., Oakland,  
349 California. Directors will be notified of this meeting via e-mail.  
350

351 **Adjournment.** The meeting was adjourned at 3:19 p.m.  
352



353 Secretary, BASMAA  
354

355 Approved: June 28, 2018 ###  
356  
357