



# B A S M A A

## Board of Directors Regular Meeting

September 25, 2014  
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, September 25, 2014 at the offices of EOA, Inc., Oakland, California. This regular meeting was called by Matt Fabry, 2014 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>	
Matt Fabry	Chair of the Board and Director
Tom Dalziel	Vice-Chair and Director
Jamison Crosby	Treasurer and Director
Terri Fashing	Secretary and Director
<b>Directors Present</b>	
Kevin Cullen	Director
Adam Olivieri	Director
Jim Scanlin	Director
<b>Officers and Directors Absent</b>	
Lance Barnett	Director
Pat Gothard	Director
<b>Staff Present</b>	
Geoff Brosseau	Executive Director
<b>Others Present</b>	
Jill Bicknell	SCVURPPP / EOA, Inc.
Dan Cloak	Dan Cloak Consulting / CCCWP
Bonnie de Berry	SMCWPPP / EOA, Inc.
Arleen Feng - phone	ACCWP / Monitoring/POCs Comm. Chair
Jim Kelly	SFEI
Jon Konnan	CW4CB Project Manager / EOA, Inc.
Tom Mumley	Regional Water Board Asst. EO
Lucile Paquette	CCCWP
Peter Schultze-Allen	EOA, Inc.
Chris Sommers	Trash Committee Chair / EOA, Inc.
Tim Swillinger - phone	PI/P Committee Chair
Melody Tovar - phone	City of Sunnyvale
Phil Trowbridge	SFEI

**Quorum and Call to Order**

**Call to Order**

With 7 of the 9 Directors present at the time, a quorum was established and Chair Matt Fabry called the meeting to order at 10:18 a.m.

**Introductions and Announcements (Agenda Item 1).** (Matt Fabry)

- Award – The *Be the Street* campaign was recognized with the 2014 CASQA Award for Outstanding Regional Stormwater News, Information, Outreach and Media Award at last week's CASQA 10th Annual Stormwater Conference.

**Changes to Agenda (Agenda Item 2).** (Matt Fabry)

Add Item 10: Update – FY 13-14 Audit / Regional accounting (Geoff Brosseau)

**Approval of Board of Directors meeting minutes – August 28, 2014 (Agenda Item 3).** (Terri Fashing)

- ☒ Vote: Director Adam Olivieri made a motion that the Board approves the Consent Calendar. Director Jim Scanlin seconded the motion and the Board approved it unanimously.

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

The BASMAA Board of Directors and staff discussed the following:

- Permit issues - MRP 1.0
  - Discussion – Position regarding Alternative Compliance Approach for pesticides; November 4 State Water Board Workshop. Directors expressed their support for the workshop with DPR on pesticides and surface water quality; the purpose of which is to be both a review of the history, status, and accomplishments of efforts to-date to address urban pesticides pollution as well as a primer on the current strategy so that all are aware of the strategy and their roles and responsibilities in implementing the strategy.
- Permit issues - MRP 2.0
  - Update / Discussion / Next steps – PCB/Mercury framework – Directors were briefed on the proposed framework.
  - Preparations for October 2 Steering Committee meeting – Directors discussed the planned agenda, which is primarily a presentation by Regional Water Board staff on a proposed framework for MRP 2.0, and what information could be provided by BASMAA to support the presentation.
    - Action: Committee Chairs and program staff will provide key issues and rationale for changes in provisions to Director Olivieri by September 29.

**Actions**

**Authorization – DPR-BASMAA Agreement: IPM Focus on Multi-Unit Housing (\$199,927) (Agenda Item 5).** (Geoff Brosseau) The Board of Directors was asked to authorize the signing of an agreement with the Department of Pesticide Regulation (DPR) for the Pest Management Alliance grant: *IPM Focus on Multi-Unit Housing*. BASMAA led an effort to secure DPR Pest Management Alliance grant funding and was successful for the second time (*IPM Advocates for Retail Stores* was the first project). The BASMAA-led proposal *IPM Focus on Multi-Unit Housing* is scheduled to start in October, runs about 2.5 years to May 2017, and includes a number of types of tasks, most important to BASMAA are tasks implementing IPM for outdoor structural pest control.

- ☒ **Vote:** Director Tom Dalziel made a motion that the Board authorizes the Executive Director to sign the agreement with DPR for the Pest Management Alliance grant: *IPM Focus on Multi-Unit Housing*. Director Olivieri seconded the motion and the Board approved it unanimously.

**Reports**

**Update – Statewide and National Items (Agenda Item 6).** (Geoff Brosseau) The Board of Directors received and discussed updates on the following statewide items:

- [Water Quality Permit Fees – FY 14-15](#) (State Water Board) – The State Water Board adopted permit fees for FY 14-15 at a hearing on September 23. As reported previously, Likely for the first time in the history of stormwater permit fees, the State Water Board not only did not raise fees on stormwater permittees (construction, industrial, and municipal) but the Board also approved a one-time 8.9% discount<sup>1</sup> for stormwater permittees only.
- [Waters of the US Proposed Rule](#) (EPA) – US Army Corps and USEPA proposed the rule on April 21, 2014. The comment deadline was originally July 1, postponed to July 21, and then extended to October 20, 2014. CASQA is developing a comment letter, likely in coordination with NAFSMA and NACWA, and potentially others. The CASQA letter should be available in draft by October 2.
- **Unfunded Mandate Test Claim: Los Angeles (California Supreme Court)** – CASQA continues to follow this test case, and plans to submit an Amicus curiae brief when the process allows for such documents to be filed, which appears to be about November 13. The current next step is Los Angeles County submitting a reply brief to the State's response brief by October 14.
- **Proposition 218 constitutional amendment** – Buoyed by the recent success of the passage of AB-2403 (Rendon) Local government: assessments, fees, and charges (2014) that clarified the definition of the water exemption in the proposition includes a system of public

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<sup>1</sup> To be applied at the time of invoicing to the fees shown in the adopted fee schedule. Also note, the 21% "surcharge" for SWAMP that in previous years through FY 13-14 was a surcharge on top of the "program fee" is now included in the program fee. This year, for the first time, there will be no surcharge added to the program fee; the program fee will be the total fee.

improvements for water supply from any source, including stormwater; an informal coalition of environmental groups and associations is exploring sponsoring legislation to further clarify Proposition 218 regarding stormwater and likely flood management.

**Update – Regional Monitoring Program (Agenda Item 7).** (Phil Trowbridge, SFEI) New RMP Manager Phil Trowbridge provided a presentation to the Board of Directors, which was followed by a discussion that included the following:

- RMP vis-à-vis stormwater – Directors appreciated the presentation but noted the ongoing lack of knowledge and appreciation for what the RMP means to stormwater permittees.
  - Action: RMP Manager Trowbridge will consider making presentations to the areawide programs.
- RMP vis-à-vis SWAMP – Likewise, Directors wondered how coordinated these two efforts were, and although those that participate in or track both felt the level of coordination was relatively high in the Bay Area, they agreed a review was in order to ensure as much coordination as possible was taking place.
- RMP budget plan – The RMP Steering Committee will be considering the budget plan for 2016-2018 soon, so BASMAA should track and comment when appropriate to do so.
- Key documents – Directors were encouraged to read the Pulse, and be familiar with the multi-year RMP plan, and attend the annual RMP meeting (October 14) if possible.

**Discussion – Collaboration with Regional Water Board (Agenda Item 8).** (Board / Tom Mumley) The Board of Directors and Regional Water Board AEO Mumley discussed the following item:

- MRP 2.0 October 2 Steering Committee agenda – Directors discussed AEO Mumley's plans for presenting a proposed framework for MRP 2.0 at this next meeting of the Steering Committee, including some of the likely permit design themes:
  - Base provisions (C.2, C.4, C.5, C.6) – No major changes expected; instead refinements. Need to dedicate a meeting soon to these provisions.
  - Newer provisions (TMDLs, Trash) – Test provisions for likely water quality benefit.
  - C.7 Public Information and Outreach – Open to permittees proposals.
  - C.15 Exempted and Conditionally Exempted Discharges – Track State Water Board's proposed Drinking Water Systems General Permit.
  - Reporting – Need to dedicate significant time to address across all provisions, possibly over 3-4 meetings, a couple of provisions each meeting.
- Long-term Trash Management Plans
  - Reviews – Regional Water Board staff is reviewing the information submitted by September 15 in the permittees FY 13-14 annual reports with a focus on percent of areas managed. Across the 76 permittees, there is a wide range of estimated percent reductions.
  - Enforcement – Regional Water Board will likely enforce against one permittee that has missed several annual reports and plan submittal deadlines.

**Update / Direction – Committee Reports / BASMAA representatives (Agenda Item 9).**

(Committee Chairs) The Board of Directors received committee reports and discussed next steps.

- **Development Committee** (Jill Bicknell) – The Committee met September 9 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Jill Bicknell noted the Committee’s focus on providing and reviewing information for MRP 2.0 discussions.
- **Monitoring / POCs Committee (MPC)** (Arleen Feng) – The Committee met September 3 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Arleen Feng noted the focus of Committee continues to be identifying approaches to MRP 2.0 language for MRP 1.0 provisions C.8.c Creek Status, C.8.e POC Loads, and C.11/12 POCs.
- **Municipal Operations Committee** (Geoff Brosseau) – The Committee did not meet this month. Work is focused on review of BMPs for the Enhanced Mobile Cleaner Recognition Program.
- **Phase II Committee** (Terri Fashing) – The Committee met September 23 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Terri Fashing highlighted developments regarding SMARTS / annual reporting and a focus on the new post-construction manual and workshop.
- **Public Information / Participation Committee** (Tim Swillinger) – The Committee met September 24 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Tim Swillinger highlighted developments regarding *Be the Street*, Regional Media Relations and social media, and Our Water, Our World. Directors discussed the *Be the Street* work group’s interest in continuing the project beyond the current maintenance level effort that ends in October. Directors noted that most if not all the participating programs had not budgeted additional funds for the project in FY 14-15. Directors recognized that an update of the regional accounting may identify funds that could be reprogrammed to support the *Be the Street* project.
- **Trash Committee** (Geoff Brosseau for Chris Sommers) – The Committee postponed its September meeting one week to next Tuesday – September 30.

**Update – FY 13-14 Audit / Regional accounting (Agenda Item 10).** (Geoff Brosseau) The Board of Directors was alerted to the impending start of the audit for FY 13-14, and the need for program staff and consultants to provide timely responses to requests for financial information and documentation. The audit is scheduled for the week of October 13, and if BASMAA member agencies are not responsive, it would need to be postponed until the audit firm’s next available window of time in mid-December, and would also affect BASMAA’s ability to file grant-related reports on time.

- Action: Executive Director Geoff Brosseau will be sending a request for financial information for specified projects by tomorrow–September 26.
- Action: Program staff and consultants should respond by the deadline in the request.

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200 **Information Items.** None.

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202 **Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is  
203 scheduled to be held on October 23, 2014, at the offices of EOA, Inc., Oakland, California.  
204 Directors will be notified of this meeting via e-mail.

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206 **Adjournment.** The meeting was adjourned at 3:07 p.m.

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208 Terri Fashing



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210 Secretary, BASMAA

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212 Approved: October 23, 2014 ###