



B A S M A A

Board of Directors Regular Meeting

July 24, 2014
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, July 24, 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:

Officers of the Corporation Present	
Matt Fabry	Chair of the Board and Director
Tom Dalziel	Vice-Chair and Director
Jamison Crosby	Treasurer and Director
Directors Present	
Lance Barnett	Director
Kevin Cullen	Director
Pat Gothard	Director
Jim Scanlin	Director
Officers and Directors Absent	
Terri Fashing	Secretary and Director
Adam Olivieri	Director
Staff Present	
Geoff Brosseau	Executive Director
Others Present	
Jill Bicknell	SCVURPPP / EOA, Inc.
Dan Cloak	Dan Cloak Consulting / CCCWP
Arleen Feng - phone	ACCWP / Monitoring / POCs Comm. Chair
Gary Grimm - phone	Law Office of Gary Grimm
Jon Konnan	CW4CB Project Manager
Tom Mumley	Regional Water Board Asst. EO
Lucille Paquette	CCCWP Staff
Peter Schultze-Allen	EOA, Inc.
Chris Sommers	Trash Committee Chair

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 10:21 a.m.

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

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

Add AB 2403 to Item 7. Update – Statewide and National Items (Tom Dalziel)

Approval of Board of Directors meeting minutes – June 26, 2014 (Agenda Item 3). (Terri Fashing)

- ☒ Vote: Director Kevin Cullen 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
 - Coordination of BASMAA / CASQA annual reporting
- Permit issues - MRP 2.0
 - Discussion of green infrastructure strategy – Directors critically discussed the prospects of the emerging multi-decadal green infrastructure focus in the bigger context of: availability of funding, likelihood of involvement of ‘right’ drivers (e.g., drought, water supply, transportation) and agencies, barriers to building green infrastructure (e.g., utilities in rights-of-way), multi-pollutant approach, and multiple-benefits. See Agenda Item 8 for follow-up.
 - Green Infrastructure Program – Directors continued discussions from previous meetings about aspects of a GI Program proposal, and discussed plans and a schedule for bringing the proposal forward for review and discussion with permittees, the BASMAA Board of Directors, and MRP Steering Committee.
 - Follow-up on actions from June 5 MRP Steering Committee meeting
 - Preparations for August 7 Steering Committee meeting – Directors determined there may not be sufficient reason or information for a meeting on that date; agreed to confer with Regional Water Board AEO Tom Mumley. [Note: meeting was subsequently cancelled]
 - Proposed change to Alternative Approach to monitoring – Directors discussed the status of Programs’ consideration of an emerging concept of proposing a change to the POC and Long Term Trends monitoring; moving to a more applied monitoring scheme.

Actions

Approval – Formation of Finance Committee and Audit Committee (Agenda Item 5).

(Geoff Brosseau) The Board of Directors was asked to form two Board Committees and to approve the appointment of members to serve on each. The Non-Profit Integrity act of 2004 requires an audit committee when revenues are over \$2 million/year, which BASMAA is approaching, primarily because of expenditures through the CW4CB grant. BASMAA’s new audit firm, Robert Lee & Associates (RLA) highly suggests an audit committee, a finance committee, and a governance committee. The IRS suggests all three and the tax return includes a

governance question regarding committees. At a minimum, RLA is recommending BASMAA form a Finance Committee and an Audit Committee.

The Board of Directors reviewed roles and responsibilities, as well as make-up information for both types of committees:

Finance Committee

The finance committee should consist of three to five Board members and may include non-Board members with expertise in financial matters. The Board Treasurer generally chairs the finance committee.

Audit Committee's Role

The audit committee usually includes three to five directors, none of who are employees of the not-for-profit organization. Unlike the finance committee, the Treasurer does generally not chair the audit committee.

Based on this information, Board Chair Matt Fabry and Executive Director Geoff Brosseau made recommendations for members to be appointed, and Directors suggested additional nominations.

- ☒ Vote: Director Scanlin made a motion that the Board approves the formation of a Finance Committee and an Audit Committee, and the following general make-up and specific appointments to the subject committees:

- Finance Committee
 - Make-up – Chair = Treasurer; at least 3 members, including the Vice-Chair
 - Appointments = Treasurer Jamison Crosby, Vice-Chair Tom Dalziel, and Director Scanlin
- Audit Committee
 - Make-up – Chair = Board Chair; at least 3 members, including the Treasurer
 - Appointments = Board Chair Fabry, Treasurer Crosby, and Director Adam Olivieri

Director Cullen seconded the motion and the Board approved it unanimously.

Approval – BASMAA Post Construction Manual – Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties:

A Low Impact Development approach to implementing Provision E.12 of the Phase II Small MS4 General Permit (Agenda Item 6). (Terri Fashing / Jamison Crosby) The Board of Directors was asked to approve the BASMAA Post Construction Manual. The BASMAA Phase II Committee completed the manual (E.12 Manual) with a grant of \$30,000 from the North Bay Watershed Association (NBWA). The Phase II Committee worked through NBWA's Joint Technical Committee to propose the project and the NBWA approved the funds in 2013. The objective of the project was to assist North Bay Phase II municipalities, counties, and countywide programs to comply with the Post-Construction Storm Water Management Program requirements (Section E.12) of the 2013 Phase II Stormwater Municipal Permit.

Development professionals and municipal staff working on projects subject to the E.12 requirements in the North Bay will use the E.12 Manual. The E.12 Manual will also be posted to

BASMAA's website. The NBWA funds will also be used to hold three ½-day training workshops on how to use the E.12 Manual in October 2014 (in Marin, Napa and Sonoma).

Directors discussed the name, content, presentation of the manual. Concerns were expressed that the name "BASMAA Post Construction Manual", although attractively simple, connoted the manual was applicable to all BASMAA member agencies when it is specific to the Phase II members. Additionally, concerns were expressed that Appendix C Technical Criteria for Non-LID Facilities was based on an approach counter to that previously vetted and agreed to by the BASMAA Development Committee.

- ☑ Vote: Director Dalziel made a motion that the Board approves the *BASMAA Post Construction Manual – Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties* as a final BASMAA product conditioned on it being referred to by its full name, and provided with Appendix C as a separate document. Director Cullen seconded the motion and the Board approved it unanimously.

- Action: Executive Director Brosseau will work with the BASMAA web designer to create a new Phase II Committee web page on the BASMAA site, and have the manual posted.

Reports

Update – Statewide and National Items (Agenda Item 7). (Geoff Brosseau) The Board of Directors received and discussed updates on the following statewide items:

- [Stormwater Strategy Initiative \(SWSI\)](#) (State Water Board) – State Water Board staff started this effort earlier this spring – see [presentation](#) at CASQA meeting / webcast in Oakland on May 8 for detail. The State Water Board scheduled and organized a series of focused (i.e., single-interest) invitation-only stakeholder meetings to be held across the state this summer. The Bay Area MS4 meeting is Thursday, July 31.
- [Trash Amendments](#) (State Water Board) – The State Water Board released proposed Trash Amendments to statewide Water Quality Control Plans (Ocean Plan and Inland Surface Waters, Enclosed Bays, and Estuaries Plan) on June 10, 2014. A Public Workshop was held on July 16 at which State Water Board Members were present and heard testimony from some Bay Area MS4s as well as CASQA, and others. A Public Meeting is scheduled for August 5, but no action will be taken at that meeting. Comments are due NOON the same day, August 5. A Hearing to consider adoption would come later. The approach to trash management in the MRP, to which "track 2" of the proposed amendments is similar, received significant criticism and skepticism from some commenters at the July 16 Workshop.

Directors discussed some of the key comments to make from a BASMAA perspective; including support for track 2, the need for an alternative land use prioritization method, and full capture device certification.

- Action: Chris Sommers will produce draft comments by July 28.

- [Water Quality Permit Fees – FY 14-15](#) (State Water Board) – The State Water Board held a Fee Stakeholder Group meeting on June 20 on proposed permit fees for FY 14-15. An average 10.5% percent increase, including the SWAMP fee, was proposed across all stormwater permit types – construction, industrial, and municipal. Executive Director Brosseau had a long discussion with the Deputy Director after the meeting, and along with Chair Fabry and CASQA Vice-Chair Jill Bicknell is scheduling a meeting with staff as soon as possible to go over details of the stormwater fees. The Adoption Meeting is scheduled for September 23.
- [Proposed Statewide Drinking Water Systems Discharge Permit](#) (State Water Board) – The State Water Board released a proposed statewide permit on June 9, 2014. The initial schedule has changed to: Comments are due NOON August 19. Public Hearing and Adoption Meeting scheduled for August 5 and September 23, respectively. With the release of a proposed permit by the State Water Board, Regional Water Board 2 has postponed consideration of its similar permit pending the results of the State Water Board effort.
- [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.
- [AB-2403 \(Rendon\)](#) – The bill was signed by the Governor on June 28, well before the end of the legislative session. AB-2403 amends Section 53750 of the Government Code to clarify the definition of the water exemption under Prop. 218. The bill clarifies that stormwater management activities that benefit or enhance local water supplies can be included in water service fees. The July 7 CASQA NewsFlash provides a short summary and links to additional information.
- Mercury Amendment – The State Water Board has started holding a series of focused stakeholder meetings to discuss the developing [Statewide Mercury Program](#). This program includes the development of: (1) statewide mercury water quality objectives; and the (2) Statewide Mercury Control Program for Reservoirs.

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:

- Green Infrastructure Program – BASMAA’s GI Program work group is continuing to flesh out details of the Program concept. Directors and AEO Mumley discussed the concept in general terms, focusing on questions of what constitutes early implementation and what would be a definition of success.
 - ❖ Meeting: Directors and AEO Mumley will continue this discussion in a special meeting on August 4; 1:30-3:30.

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

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

- **Development Committee** (Geoff Brosseau for Jill Bicknell) – The Committee did not meet this month.
- **Monitoring / POCs Committee (MPC)** (Arleen Feng) – The Committee met July 2 – 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 continues on several aspects of the Enhanced Mobile Cleaner Recognition Program – BMPs review/development and training / outreach program. Interestingly, the State's emergency drought regulations include prohibitions of water uses that directly affect mobile cleaners. These [regulations](#) go into effect August 1, and prohibit use of potable water to wash "sidewalks or driveways," and by inference, plazas. In addition, the State Water Board will be putting up a reporting website where water suppliers and municipal staff empowered to enforce the regulations will be required to post information about water conservation progress on a monthly basis. The regulations will be in effect for 270 days unless repealed or extended.
- **Phase II Committee** (Terri Fashing) – The Committee met July 22 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Terri Fashing noted the July 9 PAEP Workshop, and three post-construction (E.12 manual) workshops planned for October.
- **Public Information / Participation Committee** (Geoff Brosseau) – The Committee did not meet this month.
- **Trash Committee** (Chris Sommers) – The Committee postponed its July meeting one week to July 29, to accommodate vacations.

Information Items. None.

Next Meeting of the Board of Directors. The next meeting of the Board of Directors is scheduled to be held on August 28, 2014, at the offices of EOA, Inc., Oakland, California. Directors will be notified of this meeting via e-mail.

Adjournment. The meeting was adjourned at 3:28 p.m.

Terri Fashing



Secretary, BASMAA

Approved: August 28, 2014 ###