



# B A S M A A

## Board of Directors Regular Meeting

August 28, 2014  
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, August 28, 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>	
Daniel Apt	RBF Consulting / Caltrans
Beth Baldwin	CCCWP
Jill Bicknell	SCVURPPP / EOA, Inc.
Dan Cloak	Dan Cloak Consulting / CCCWP
Arleen Feng - phone	ACCWP / Monitoring/POCs Comm. Chair
Jon Konnan	CW4CB Project Manager / EOA, Inc.
Constantine Kontaxis	Caltrans Headquarters
Scott McGowen	Caltrans Headquarters
Tom Mumley	Regional Water Board Asst. EO
Peter Schultze-Allen	EOA, Inc.
Chris Sommers	Trash Committee Chair / EOA, Inc.
Tim Swillinger - phone	PI/P Committee Chair
Hardeep Takhar	Caltrans District 4

**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 12:15 p.m.

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

- Audit – BASMAA’s “A-133” or “single audit” continues. The “A-133” audit is a much more significant audit than a regular financial audit, in that grant requirements and procedures as well as transactions are reviewed. Such audits are required in any year that an organization receives \$500,000 or more in federal funds, a criterion that BASMAA met for the first time in FY 12-13 from the EPA Clean Watersheds for a Clean Bay grant. BASMAA also met this trigger in FY 13-14 and expects to meet the trigger in FY 14-15 and FY 15-16 because of the \$5 million to be received from the same grant by 2016. BASMAA initially tried to conduct the FY 12-13 and FY 13-14 audits at the same time, but found information for FY 13-14 would not be ready in time, so completion of the FY 13-14 audit has been postponed until the week of October 6.
  - Action: Executive Director Geoff Brosseau will send out a request for information for the FY 13-14 audit and regional accounting in early September.
  - Action: Directors will ensure staff have time to respond to the request on time so the FY 13-14 audit may proceed on time and budget.
- Water reclamation research needs – The State Water Board is hosting a water reclamation research needs meeting on October 29 at SCCWRP, and is looking for 4-6 stormwater program managers to attend. The State Water Board is concerned about getting sufficient northern California stormwater representation. Only Director Adam Olivieri was aware of this effort, having been involved in an advisory capacity so he would have a perceived conflict.

**Changes to Agenda (Agenda Item 2). (Matt Fabry) None.**

**Approval of Board of Directors meeting minutes – July 24, 2014 (Agenda Item 3). (Terri Fashing)**

- ☒ Vote: Director Olivieri made a motion that the Board approves the Consent Calendar. Director Kevin Cullen 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
  - Update / Discussion – Directors were briefed on the status of and the potential implications of delays of two Clean Watersheds for a Clean Bay retrofit construction projects: Ettie St. (Alameda County) and Nevin Ave. (Richmond).

- Action: CW4CB Project Manager Jon Konnan will follow-up with the managers of the Areawide Programs for these locations.
- Discussion – Proposed change to Alternative Approach to monitoring: Directors discussed the status of requests proposing a change to the POC and Long Term Trends monitoring; moving to a more applied monitoring scheme (see Agenda Item 7).
- Update – SFEI/RMP: Directors received an update on the change in RMP Program Manager (the new Program Manager will attend the September BASMAA Board of Directors meeting), change in the SFEI/RMP fiscal year, consideration of the annual percentage increase to be used for the next three years starting in 2016, and resource allocation requests for 2015 through 2018.
- Update – Amicus brief on Los Angeles Unfunded Mandates test case: Directors received updates on plans for submitting amici briefs.
- Permit issues - MRP 2.0
  - Preparations for September 4 Steering Committee meeting – Directors discussed the need for a higher level of coordination between the green infrastructure and POCs / Monitoring elements.

#### Actions

**Approval – FY 13-14 Regional Annual Reports (Agenda Item 5).** (Geoff Brosseau) The Board of Directors was asked to approve: 1) FY 13-14 regional annual reports as final and 2) their transmission to the Regional Water Board by September 15, 2014. The reports provide information on regional or statewide projects and programs developed and implemented through BASMAA on MRP Permittees behalf.

- Regional Supplement for Training and Outreach – Includes information on provisions:
  - C.5.d Control of Mobile Sources
  - C.7.b Advertising Campaign (includes final report from SGA)
  - C.7.c Media Relations – Use of Free Media (includes report from O'Rorke)
  - C.7.d Stormwater Point of Contact
  - C.9.h.i Point of Purchase Outreach (includes reports on Our Water, Our World, Got Ants, Greener Pesticides for Cleaner Waterways)
- C.9.e Track and Participate in Relevant Regulatory Processes – References and includes FY 13-14 annual report of the CASQA Pesticides Subcommittee, through which work is being conducted
- C.13.c Vehicle Brake Pads (not to be transmitted; instead content to be incorporated into Programs' annual reports) – Content reports on work conducted primarily through CASQA Watershed Management and Impaired Waters Subcommittee

Drafts of these documents were provided to the Board of Directors on Monday this week. Final drafts including attachments were provided late Wednesday.

- 110  
111 ☒ Vote: Director Olivieri made a motion that the Board approves: 1) FY 13-14 regional  
112 annual reports as final – pending comments received by September 5, 2014 and 2) the  
113 transmission of the regional reports to the Regional Water Board by September 15, 2014.  
114 Director Cullen seconded the motion and the Board approved it unanimously.  
115

116 **Approval – CW4CB Work Orders (Agenda Item 6).** (Geoff Brosseau) The Board of  
117 Directors was asked to approve agreements related to the Clean Watersheds for a Clean Bay  
118 project. The proposed agreements were two work orders for the monitoring contractor team  
119 (AMS/ADH/SFEI) and a change order request for the study design team (Geosyntec/CSUS-  
120 OWP) to perform the following:

- 121 • BASMAA-AMS/ADH/SFEI Work Order #15: Task 5 Stormwater Treatment Retrofit Pilot  
122 Studies: Stormwater monitoring during the 2014-2015 rainy season for the following three  
123 projects: 1) PG&E Substation Project at 1<sup>st</sup> and Cutting (Richmond), 2) Nevin Avenue  
124 Green Streets (Richmond), AND 3) PG&E Substation Catch Basin Media Filter (Vallejo)
- 125 • BASMAA-AMS/ADH/SFEI Work Order #16: Task 5 Stormwater Treatment Retrofit Pilot  
126 Studies: QA/QC Review and Data Management for Work Order #15 monitoring data.
- 127 • BASMAA-Geosyntec/CSUS-OWP Study Design Services for Task 5-Budget Change Order  
128 Request (Addendum #6) - Ongoing monitoring support for the 2014-2015 wet season.  
129

130 The remaining funds allocated for Task 5 monitoring are sufficient to cover these three work  
131 orders, which are the final work orders needed to cover all monitoring and data quality review  
132 for the Task 5 BMP effectiveness evaluation. All monitoring and data quality review for all  
133 other Task 5 retrofit projects were included in previous work orders. The proposed scope of  
134 work and budget was sent to the PMT for final review and comments last week.  
135

- 136 ☒ Vote: Director Jim Scanlin made a motion that the Board approves execution of the  
137 following BASMAA agreements:
- 138 • BASMAA-AMS/ADH/SFEI Work Order #15: Task 5 Stormwater Treatment Retrofit  
139 Pilot Studies: Stormwater Monitoring (\$319,694)
  - 140 • BASMAA-AMS/ADH/SFEI Work Order #16: Task 5 Stormwater Treatment Retrofit  
141 Pilot Studies: QA/QC Review and Data Management (\$56,915)
  - 142 • BASMAA-Geosyntec/CSUS-OWP Study Design Services for Task 5 - Budget  
143 Change Order Request (Addendum #6) (\$22,392)

144 Director Olivieri seconded the motion and the Board approved it unanimously.  
145

146 **Approval – Proposed change to Alternative Approach to POC and Long Term Trends**  
147 **Monitoring (Agenda Item 7).** (Tom Dalziel) The Board of Directors was asked to approve  
148 proposing a change to the Alternative Approach to the MRP Pollutant of Concern (POC) and  
149 Long-Term Trends Monitoring. MRP provision C.8.e includes the requirements for POCs and  
150 Long-Term Trends monitoring. Provision C.8.a includes language allowing the Permittees to  
151 pursue an Alternative Approach to such monitoring and also incentivizing the Permittees  
152 creating a regional monitoring collaborative to conduct such monitoring. In 2010, the MRP  
153 Permittees all agreed to participate in a regional monitoring collaborative (the Regional  
154 Monitoring Coalition (RMC)), and collectively they pursued an Alternative Approach to POC  
155 and Long-Term Trends monitoring.  
156

Over the last year or more the BASMAA Monitoring / POCs Committee and more specifically, the Small Tributaries Loading Strategy Work Group, which includes Regional Water Board representatives and staff of the four large stormwater programs responsible for POC Loads Monitoring, has been discussing the utility of further POC Loads Monitoring in addressing the priority management questions stated in the MRP. The MRP Programs have conducted such monitoring over the last couple of years and upon analyzing the data, are determining the data often do not provide significant new information or information that can be used in adaptive management. Meanwhile, Programs are identifying needs for data that is more specific and tied more directly to sources and management actions taken for pollutants of concern.

The BASMAA Board of Directors discussed this in July – focusing on the status of Programs’ consideration of proposing a change to the POC and Long Term Trends monitoring. Much of the impetus for considering proposing a change came from the Contra Costa Clean Water Program and their data analyses. That Program’s assessment progressed to the point that it submitted a letter to the two Regional Water Boards that oversee the Program formally proposing a change in the Program’s POC and Long-Term Trends Monitoring. Recent communication from the San Francisco Bay Regional Water Board pointed out that because the monitoring is being conducted as part of the RMC, the Regional Water Board cannot consider the proposed revisions to the existing monitoring program absent concurrence from the other BASMAA Regional Monitoring Coalition participants.

- ☑ Vote: Director Olivieri made a motion that the Board conditionally approves proposing a concept change to the Alternative Approach to the MRP POC and Long-Term Trends Monitoring – contingent upon confirming each Programs’ language describing their specific proposed changes in their FY 13-14 annual reports is consistent with the concept change. Director Scanlin seconded the motion and the Board approved it unanimously.

### Reports

**Discussion – Collaboration with Caltrans (Agenda Item 8).** (Board / Caltrans representatives)  
The Board of Directors, representatives from Caltrans headquarters and District 4 (Oakland), and Regional Water Board AEO Tom Mumley discussed the following:

- Caltrans statewide permit – Caltrans representatives provided basic information on their funding sources and the crediting and prioritization scheme, as well as opportunities for collaborative implementation on TMDLs in the form of Cooperative Implementation Agreements and Cooperative Implementation Grants included in the [statewide permit](#).
- Green infrastructure – BASMAA representatives discussed the MS4s’ increasing interest in green infrastructure, which includes a significant transportation component in the form of “active transportation” and “green or complete streets”, and an interest in how Caltrans has internally integrated stormwater quality and transportation as well as opportunities for MS4s and Caltrans to collaborate.
- Agreements – Representatives discussed the prospects for cooperative agreements and grants in the Bay Area – potentially as pilots for how Caltrans would design and conduct such agreements and grants elsewhere in the state. Representatives recognized there may be several examples of similar agreements to review, including the private-public partnership for Doyle Drive in San Francisco and a regional agreement in the Santa

Margarita watershed in Riverside County, and District 4's soon-to-be-released proposal for trash control in the Bay Area in compliance with Attachment V of the Caltrans permit, which could include a "municipal coordination plan."

- Action: Executive Director Brosseau will work with Caltrans Chief Environmental Engineer Scott McGowen to convene a work group of Caltrans and BASMAA representatives to further explore collaborative implementation.

**Discussion – Collaboration with Regional Water Board (Agenda Item 9).** (Board / Tom Mumley) The Board of Directors and Regional Water Board AEO Mumley discussed the following item:

- Pesticides Workshop – At the suggestion of CASQA, the State Water Board and Regional Water Board have started planning a workshop with DPR on pesticides and surface water quality, scheduled for November 4. The purpose 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.
- Trash Workshop – The Regional Water Board is considering hosting another workshop.
- MRP 2.0 – The conceptual design of the next permit is pretty clear at this point, so Regional Water Board staff are preparing to develop the Administrative Draft.

**Update – Statewide and National Items (Agenda Item 10).** (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 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. On August 5, Executive Director Brosseau and Chair Matt Fabry met with finance staff to go over details of the stormwater fees. At the meeting, staff stated that because of higher than expected revenues from stormwater permittees, staff was planning to propose a one-time 8.2% discount of the FY 12-13 permit fee levels for FY 14-15. This was welcome news but noting it was one-time and the cause of the long-term overcharging of stormwater permittees was a systemic problem, driven by work plans, Executive Director Brosseau and Chair Fabry discussed with staff how MS4s may be able to get involved in the Water Boards' stormwater work planning. The FY 14-15 fee Adoption Meeting is scheduled for September 23.
  - Action: Executive Director Brosseau will draft a letter expressing appreciation for the discount and making the case for it, and share the letter with MS4s.
  - Action: Member agencies should develop and submit similar letters when the State Water Board opens the comment period for the fees.
- [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 the week of September 8.

- [Stormwater Strategy Initiative \(SWSI\)](#) (State Water Board) – State Water Board staff conducted a focused (i.e., single-interest) invitation-only stakeholder meeting for the Bay Area MS4s on 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 was held on August 5, but no action was taken at that meeting. Comments were due NOON the same day, August 5. BASMAA did submit comments. A Hearing to consider adoption of the amendments 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 and August 5 Public Meeting. After the August 5 meeting, Executive Director Brosseau discussed BASMAA’s comments with State Water Board Chief Deputy Director Jonathan Bishop. Directors agreed it would behoove BASMAA to discuss its comments in more detail with State Water Board staff.

- Action: Trash Committee Chair Chris Sommers will contact State Water Board staff to set up a meeting.

**Update / Direction – Committee Reports / BASMAA representatives (Agenda Item 11).**

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

- **Development Committee** (Jill Bicknell) – The Committee met August 7 – 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 responding to the Regional Water Board’s comments on the Green Street pilot Project Summary report, LID White Paper project, and areas of agreement between BASMAA and Regional Water Board regarding green infrastructure.
- **Monitoring / POCs Committee (MPC)** (Arleen Feng) – The Committee met August 5 – 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.
- **Phase II Committee** (Terri Fashing) – The Committee met August 26 – 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 PAEP plans.

- **Public Information / Participation Committee** (Tim Swillinger) – The Committee met August 27 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Tim Swillinger highlighted developments regarding BetheStreet, Regional Media Relations and social media, and Our Water, Our World.
- **Trash Committee** (Geoff Brosseau for Chris Sommers) – The Committee canceled its August meeting to accommodate annual reporting and the first meeting of the monitoring Technical Advisory Committee (TAC) of the Tracking California’s Trash project on August 20.

**Information Items.** None.

**Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is scheduled to be held on September 25, 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 4:15 p.m.

Terri Fashing



Secretary, BASMAA

Approved: September 25, 2014 ###