



# B A S M A A

## Board of Directors Regular Meeting

May 28, 2015  
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, May 28, 2015 at the offices of EOA, Inc., Oakland, California. This regular meeting was called by Matt Fabry, 2015 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
Jamison Crosby - phone	Treasurer and Director
Terri Fashing	Secretary and Director
<b>Directors Present</b>	
Kevin Cullen	Director
Tom Dalziel	Director
Pat Gothard - phone	Director
Adam Olivieri	Director
<b>Officers and Directors Absent</b>	
Lance Barnett	Director
Jim Scanlin	Vice-Chair and Director
<b>Staff Present</b>	
Geoff Brosseau	Executive Director
<b>Others Present</b>	
Lisa Austin	Geosyntec Consultants / CCCWP
Beth Baldwin	CCCWP
Jill Bicknell	SCVURPPP/EOA, Inc./Dev. Comm. Chair
Dale Bowyer	Regional Water Board
Dan Cloak	Dan Cloak Consulting / CCCWP
Arleen Feng - phone	ACCWP / Monitoring/POCs Comm. Chair
Jon Konnan	EOA, Inc. / SMCWPPP
Tom Mumley	Regional Water Board Asst. EO
Lucile Paquette	CCCWP
Chris Sommers	Trash Committee Chair / EOA, Inc.

## Quorum and Call to Order

### **Call to Order**

With 5 of the 9 Directors present at the time, a quorum was established and Chair Matt Fabry called the meeting to order at 10:14 a.m.

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

- Prop 218 vote – VSFCD’s Prop 218 vote to raise fees passed.
- Central Valley RMP – The Central Valley Regional Water Board’s consideration on June 5 of an order amending MS4 Waste Discharge Requirements to allow participation in a regional monitoring program will not include the WDRs for five permittees in eastern Contra Costa County. These CCCWP co-permittees currently participate in the San Francisco Bay RMP, and provide about 20% of CCCWP’s contribution to the RMP or about \$30,000.
- State of the Estuary Call for Poster Abstracts – Due: June 17; 12<sup>th</sup> Biennial – September 17-18; BASMAA will consider sponsorship as part of approval of FY 15-16 budget.

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

**Approval of Consent Calendar: Board of Directors meetings minutes – March 26, 2015 and April 23, 2015 (Agenda Item 3).** (Terri Fashing)

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

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

The BASMAA Board of Directors and staff discussed the following regarding the MRP 2.0 Tentative Order (TO):

- Schedule – Steering Committee – 6/4; Hearing – 6/10; Board of Directors meeting – 6/25; Hearing – 7/8; Comments due – 7/10; Adoption – 10/14
- Content review / comments – Identification of most significant issues / recommendations
  - Approach
  - Details
- Action: Executive Director Geoff Brosseau will develop a BASMAA comment letter by June 15 focused on the most significant issues.
- Next steps
  - Agenda – 6/4 Steering Committee
  - Agenda – 6/10 Regional Water Board Hearing

**Actions**

**Approval – BASMAA Product: Preliminary Erosion Potential Modeling Analysis (Agenda Item 5).** (Jill Bicknell) The Board of Directors was asked to approve the Preliminary Erosion Potential Modeling Analysis as a final BASMAA product. BASMAA’s Policy and Procedure: *Project Management and Project Deliverable Approval* includes the following process for review and approval of BASMAA project deliverables:

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

The Technical Memo: Preliminary Erosion Potential Modeling Analysis was reviewed and finalized based on Development Committee comments. The Development Committee agreed in its April 7 meeting to recommend the final draft to the Board of Directors as a final BASMAA product.

- ☒ Vote: Director Cullen made a motion that the Board approves the Technical Memo: Preliminary Erosion Potential Modeling Analysis as a final BASMAA product. Director Terri Fashing seconded the motion and the Board approved it unanimously.

**Approval – BASMAA Product: Program Effectiveness Assessment and Improvement Plan for Marin, Napa, Solano, and Sonoma Counties (Agenda Item 6).** (Terri Fashing) The Board of Directors was asked to approve the BASMAA Program Effectiveness Assessment and Improvement Plan for Marin, Napa, Solano and Sonoma Counties (BASMAA PEAIP) as a final product. The BASMAA Phase II Committee completed the BASMAA Program Effectiveness Assessment and Improvement Plan for Marin, Napa, Solano and Sonoma Counties (BASMAA PEAIP) with assistance from Larry Walker Associates, Inc. (LWA) and a grant of \$30,000 from the North Bay Watershed Association (NBWA). The Committee worked through NBWA's Joint Technical Committee to propose the project and the NBWA Board approved the funds in 2014.

The BASMAA PEAIP is modeled after the California Stormwater Quality Association (CASQA) document *A Strategic Approach to Planning for and Assessing the Effectiveness of Stormwater Programs* (February 2015). The PEAIP outlines the approach that the Permittees will use to adaptively manage their stormwater programs to improve their effectiveness at reducing the identified high priority POCs, thereby achieving the maximum extent practicable (MEP) standard and protecting water quality. This PEAIP addresses the requirements in Provisions E.14 and F.5.h of the Phase II Permit.

In April 2015, Regional Water Board staff reviewed the final draft PEAIP. The Committee worked with LWA to edit the plan based on Regional Water Board staff's comments. The Committee unanimously approved the BASMAA PEAIP at the April 28, 2015, Phase II Committee meeting and agreed to one additional change requested by staff at the meeting.

- ☒ Vote: Director Olivieri made a motion that the Board approves the Program Effectiveness Assessment and Improvement Plan for Marin, Napa, Solano and Sonoma Counties as a final BASMAA product with the recognition that the product is relevant to the Phase II members of BASMAA and the State Water Board's Small MS4 General Permit and is not related to the Municipal Regional Permit or necessarily relevant to the Phase I members of

BASMAA. Director Tom Dalziel seconded the motion and the Board approved it unanimously.

### Reports

**Review – Proposed Revisions to Policies and Procedures (Agenda Item 7).** (Jamison Crosby) The Board of Directors was asked to receive information on the review / revision of policies and procedures, and provide comments and direction as appropriate. Prompted by the FY 2012-13 and FY 2013-14 Audit Findings and Management Responses to those findings, the Finance Committee initiated a review and revision process of select BASMAA policies and procedures related to accounting, funding, contracting, and management that resulted in new or proposed revisions to the following BASMAA policies and procedures:

- Budgeting and Work Planning
- Committee Leadership
- Conflict of Interest
- Consultant Selection and Contracting
- Federal Grant Administration
- Funding and Accounting for BASMAA Efforts
- Project Management and Project Deliverable Approval

After receiving comments / direction from the Board of Directors, the policies and procedures would be revised as appropriate, and brought back to the Board of Directors in June for adoption.

Directors discussed the timing and schedule for review of the policies and procedures – noting it overlapped with a busy period of MRP 2.0 negotiations, and asked that only the most critical policies and procedures be put into review for consideration of approval at the June Board of Directors meeting, leaving the others to be taken up after June.

- Action: Executive Director Brosseau will identify the time-critical policies and procedures, and send those out to the Board of Directors by May 29 with a mid-June review deadline in time for the Finance Committee to review and address any comments before the June 25 Board of Directors meeting.

**Update – Statewide and National Items (Agenda Item 8).** (Geoff Brosseau) The Board of Directors received and discussed updates on the following statewide items:

- Receiving water limitations (State Water Board) – The State Water Board is using the petition process on the Los Angeles MS4 permit to consider a few issues raised in the petitions, including the receiving water limitations language that appears in MS4 permits. A revised draft order was recently released with comments due June 2 and an adoption hearing June 16. CASQA has been following the issue closely for years and will be commenting and testifying.
- Proposition 218 constitutional amendment legislation – An informal coalition of environmental groups, government and business associations, and agencies is sponsoring legislation to clarify Proposition 218 regarding stormwater and flood control. Executive Director Brosseau has been participating in the coalition on behalf of CASQA. The

coalition's legislative efforts have slowed with changing circumstances. A recent court case challenging the ability to use pricing tiers to promote water conservation has become a major new focus for 'modernizing' Proposition 218. Meanwhile, how best to ensure stormwater is part of the exceptions to Proposition 218 has become less clear. A poll is being conducted to address the latter. AB-1362, which would define stormwater for the purposes of Proposition 218 has been made a two-year bill in response to the slow down. And its planned bill – the constitutional amendment bill is being rethought to potentially focus on conservation pricing while also addressing stormwater and baseline rates.

- Stormwater Strategic Initiative (State Water Board) – State Water Board staff is preparing to release the next, more detailed version of this work planning document. A draft was shared with CASQA earlier this month. A public release is planned for mid-June with a comment period and a State Water Board workshop in August. CASQA is planning development of its comments.
- SB 985 Guidelines (State Water Board) – The Governor has recently challenged the State Water Board to move more quickly in dispersing bond funds, especially to help address the drought. As a result, the State Water Board must develop guidelines for implementation of SB 985, which requires development of a "Stormwater Resource Plan" to receive grants for "stormwater and dry weather runoff capture projects" from a bond act approved after January 1, 2014. In his "May revise" the Governor moved \$100 million of the \$200 million in Proposition 1 for multi-benefit stormwater projects that benefit water supply into the FY15-16 budget. The State Water Board must also develop Proposition 1 grant guidelines.

Directors discussed that: 1) green infrastructure plans should be eligible to be stormwater resource plans in part or in whole, and 2) it was important the guidelines being developed by the State Water Board not restrict eligibility for grants to stormwater projects for water supply, leaving out all of the other funding needs of a stormwater program.

➤ Action: Executive Director Brosseau will arrange to meet with the State Water Board.

- EPA
  - WOTUS rulemaking – EPA released the final rule of this highly controversial rulemaking regarding Clean Water Act jurisdiction. The news for stormwater is generally favorable. The rule does not change the regulation of waters in MS4s and is intended to encourage the use of green infrastructure.
  - Phase II rulemaking - EPA is initiating a rulemaking to modify the Phase II MS4 regulations in response to the Environmental Defense Center vs. EPA court ruling from the Ninth Circuit from 2003 and the more recent petition to the Ninth Circuit by EDC in December 2014. The Ninth Circuit ruled that EPA failed to require review of Notices of Intent (NOIs), which are the functional equivalents of permits under the Phase II General Permit option, and EPA failed to make NOIs available to the public or subject to public hearings.
  - Electronic reporting – EPA is expected to release its final NPDES electronic reporting rule in the next few months. CASQA is tracking and submitted comments in December 2013 and January 2015 in response to solicitations.

**Discussion – Collaboration with Regional Water Board (Agenda Item 9).** (Board / Tom Mumley / Dale Bowyer) The Board of Directors and Regional Water Board staff Tom Mumley and Dale Bowyer discussed the following items regarding MRP 2.0 Tentative Order (released May 11):

- June 4 Steering Committee meeting – Agenda; speakers.
- June 10 Hearing – Item schedule and organization, presentations, etc. A request will be made to give BASMAA a slot of time after staff presentations to provide an overview of the most significant issues and some context for permittee comments to follow.
- Provisions – Directors and Regional Water Board staff briefly discussed the status of several provisions and how best to provide comments.

**Update / Direction – Committee Reports / BASMAA representatives (Agenda Item 10).** (Committee Chairs) The Board of Directors received committee reports and discussed next steps.

- **Development Committee** (Jill Bicknell) – The Committee met May 18 and May 27 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Bicknell noted the Committee’s focus on providing and reviewing information for the MRP 2.0 Tentative Order. The Committee has also scoped out a soil media specifications review roundtable/update project for FY15-16.
- **Monitoring / POCs Committee (MPC)** (Arleen Feng) – The Committee met May 6 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Arleen Feng noted the Committee’s focus on providing and reviewing information for the TO. The Committee has also scoped out projects for FY15-16.
- **Municipal Operations Committee** (Geoff Brosseau) – The Committee has not met since the last Board of Directors meeting. Work is focused on the identification of required tasks and their costs for the Enhanced Mobile Cleaners project.
- **Phase II Committee** (Terri Fashing) – The Committee met May 26 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Fashing highlighted the Committee’s focus on developing a scope of work and request for proposals for a project to address the Trash Amendments when those are incorporated into the Small MS4 General Permit.
- **Public Information / Participation Committee** (Geoff Brosseau for Tim Swillinger) – The Committee met May 27. Work continues on assuming management of the *Be the Street* program elements and a graphics makeover of the *Our Water, Our World* program.
- **Trash Committee** (Chris Sommers) – The Committee met May 26 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Chris Sommers highlighted the Committee’s focus on providing and reviewing information for the TO. Additionally, the Committee reviewed the draft FY14-15 Annual Report form.

251 **Information Items.** None.

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253 **Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is  
254 scheduled to be held on June 25, 2015, at the offices of EOA, Inc., Oakland, California.  
255 Directors will be notified of this meeting via e-mail.

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257 **Adjournment.** The meeting was adjourned at 3:34 p.m.

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259 Terri Fashing



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261 Secretary, BASMAA

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263 Approved: June 25, 2015 ###