



# B A S M A A

## Board of Directors Regular Meeting

April 23, 2015  
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, April 23, 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:

Officers of the Corporation Present	
Matt Fabry	Chair of the Board and Director
Jim Scanlin	Vice-Chair and Director
Jamison Crosby - phone	Treasurer and Director
Terri Fashing	Secretary and Director
Directors Present	
Lance Barnett	Director
Kevin Cullen	Director
Tom Dalziel	Director
Pat Gothard - phone	Director
Adam Olivieri	Director
Officers and Directors Absent	
None	
Staff Present	
Geoff Brosseau	Executive Director
Others Present	
Beth Baldwin	CCCWP
Jill Bicknell	SCVURPPP/EOA, Inc./Dev. Comm. Chair
Dan Cloak	Dan Cloak Consulting / CCCWP
Arleen Feng - phone	ACCWP / Monitoring/POCs Comm. Chair
Jon Konnan	EOA, Inc. / SMCWPPP
Keith Lichten	Regional Water Board
Lucile Paquette	CCCWP
Peter Schultze-Allen	EOA, Inc. / SMCWPPP
Chris Sommers	Trash Committee Chair / EOA, Inc.

## 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 10:15 a.m.

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

- Central Valley RMP – The Central Valley Regional Water Board is considering starting an RMP-like monitoring program for the Delta. Comments are due May 8, with adoption of an order amending (MS4) Waste Discharge Requirements to allow participation in a Regional Monitoring Program planned for June 4-5. The proposed new program could affect 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. (Tom Dalziel)
- SMCWPPP released an RFQ for On-Call Technical Support. SOQs are due May 8. (Matt Fabry)
- Prop 218 vote – VSFCD continues to conduct a Prop 218 vote to raise fees. Votes are due May 5 and will be counted May 6. There has been a 30% return rate to-date. (Lance Barnett)

**Changes to Agenda (Agenda Item 2).** (Matt Fabry) Agenda Item 3. Consent Calendar was pulled to give more time to review March 26, 2015 meeting minutes.

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

The BASMAA Board of Directors and staff discussed the following regarding MRP 2.0:

- PCBs load reductions – Sources and accounting
- Coordination with Green Plan-IT – reasonable potential analysis
- Trash load reductions – Assessment and accounting

#### **Actions**

**Approval – FY 2014-15 Annual Report Form-C.10 Trash Load Reduction (Agenda Item 5).** (Chris Sommers) The Board of Directors was asked to approve the FY 14-15 MRP Annual Report Form for provision C.10 Trash Load Reduction. In its January and February meetings, the Board of Directors discussed and planned the production of revised FY 14-15 MRP Annual Report forms. In its March meeting, the Board of Directors approved the MRP Annual Report form for FY 14-15, as well as to its submittal to the Regional Water Board by April 1. The report form for provision C.10 Trash Load Reduction was not included in the March Board of Directors approval or the April 1 submittal because of ongoing review and discussion with the Regional Water Board about needed changes for reporting on the trash provision for FY 14-15.

The Draft Final FY 14-15 Annual Reporting Format for provision C.10 - Trash Load Reduction is very similar to the FY 13-14 format, but includes slight modifications made in attempts to address Regional Water Board staff's review/evaluation conducted late last year, comments made by Save the Bay during the December 2014 Regional Water Board Workshop, and comments on the reporting format made subsequently by USEPA who helped Regional Water Board staff with their evaluation.

A draft version of the reporting format was distributed to the BASMAA Trash Committee in late February and again in mid-March. Due to the time needed to review and comment on the MRP 2.0 Administrative Draft, the draft format was tabled and not reviewed at these Trash Committee meetings. A special meeting to review the format was held on April 13. The group reviewed

and slightly modified the proposed format and agreed on the draft final format. Due to the need to get the format finalized, submitted and approved by Regional Water Board staff, and distributed to Permittees as soon as possible, the draft final format is recommended for approval by the Board today for submittal to the Regional Water Board as soon as possible.

☑ Vote: Director Kevin Cullen made a motion that the Board approves the FY 14-15 MRP Annual Report Form for provision C.10 Trash Load Reduction as final and ready for transmission to the Regional Water Board. Director Tom Dalziel seconded the motion and the Board approved it unanimously.

➤ Action: Executive Director Geoff Brosseau will transmit the FY 14-15 MRP Annual Report Form for provision C.10 Trash Load Reduction to Regional Water Board staff ASAP [Ed. April 24, 2015].

**Approval – Funding: CW4CB Project Report (Agenda Item 6).** (Geoff Brosseau) The Board of Directors was asked to approve the final piece of funding for the CW4CB Project Report. The scope of work for developing the Clean Watersheds for a Clean Bay (CW4CB) Project Report was budgeted at about \$142,500. The proposed funding plan included \$10,000 of the \$142,500 funded by SCVURPPP directly to EOA, Inc. under a separate contract. Funding for the remaining \$132,500 was proposed as follows:

\$80,500 – ACCWP

\$10,000 – VSFCD

\$42,000 – BASMAA project funded by MRP Programs

\$132,500 – Total

At the February Board of Directors meeting, the Board was asked to approve: 1) the funding for the CW4CB Project Report and 2) two agreements to develop the Project Report. The Board approved the scope, budget, and funding plan for the first \$90,500 (ACCWP and VSFCD contributions) of the \$142,500 budget, and authorized agreements with two firms, subject to the amount of funding available. Also, Executive Director Brosseau was to agendize the proposal to fund the additional \$42,000 for the March Board of Directors meeting, provide the Directors with options for allocating the additional \$42,000, including the default population-based formula and a re-balanced-based option, and provide the project timeline.

In the March meeting, Executive Director Brosseau recommended using the default population-based formula to allocate the final piece of funding. The reasons for not recommending that a re-balance option be considered related to CW4CB projects previously not being counted in the regional accounting. Including a CW4CB project would be a change in the accounting scheme that would affect programs' over or under 'even-steven' position and could have unforeseen unintended consequences. On the other hand, it was noted MRP programs' 2015-16 budgets did not account for this project so allocations on a population-based contribution basis would likely not work for all MRP programs. It was also noted the project would be conducted primarily in FY 15-16 so a significant portion of the funding would not need to be provided until after July 1.

Executive Director Brosseau researched further using a re-balanced based option, including the potential allocations; pointed out to the three Programs that were under-pledged the opportunity to fund a project with cash and bring their balance closer to "even-steven" relative to the other MRP

Programs; and brought that information back to the Board of Directors as one of the options for allocating the final \$42,000 portion of the project budget. Director Jim Scanlin volunteered that ACCWP would provide the remaining funding.

- ☑ Vote: Director Dalziel made a motion that the Board approves the remaining funding of \$42,000 being provided by ACCWP. Director Cullen seconded the motion and the Board approved it with Director Adam Olivieri abstaining.

### Reports

**Update – Finance Committee (Agenda Item 7).** (Jamison Crosby) The BASMAA Finance Committee is addressing the items raised during the audits that require management responses. To do so in a timely way, the Finance Committee is meeting monthly. The BASMAA Finance Committee met a fifth time this fiscal year on April 21, 2015. Once the items are all addressed, the Committee expects to move to a quarterly meeting schedule with the meetings timed to coincide with significant points in BASMAA's budgeting and work planning processes.

Based on the Board of Directors direction in March, the following schedule has been set with BASMAA's audit and tax return preparation company for handling the FY 14-15 audit and tax return filing:

- Early July (after FY ends) file for an extension of the regular tax return filing deadline of November 15 to a date well into 2016. The argument for extending the tax return filing deadline is that November 15 comes at the end of a busy time of the year – coinciding with annual reporting, conferences, and potentially MRP 2.0 commenting and adoption; and compiling, organizing, reviewing, and providing information for the single audit (required because of the annual spending level under the federal grant) is time-consuming. Proactively extending the deadline could time the exercise for a less busy time of the year (late in calendar year/early next year), allow more time for information gathering, including allowing information to be gathered through the end of the federal fiscal year (September 30) at the same time as through the municipal fiscal year (June 30), allow BASMAA's accounting firm to provide a 10% discount of their fees, and apparently, statistically reducing the odds of an IRS review. The tax return would be done shortly after the audit is complete—likely January.
- Conduct the audit during the first two weeks of December, starting Monday, November 30. The audit is due nine months after the end of the fiscal year – or the end of March 2016.

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

- Trash Amendments (State Water Board) – The Draft Amendments and Staff Report were released December 31, 2014 with no written comment period. The Response to the August 5, 2014 Comments was released March 26, 2015 (was scheduled for end of January). CASQA was in communication with municipal stormwater permittees around the state and compiled their significant comments. CASQA representatives met with State Water Board staff on March 30, before the hearing, to convey key issues and recommended changes. BASMAA's remaining issues were included in these efforts. The State Water Board issued

a change sheet on Saturday, April 4 that addressed some of the MS4's concerns. The State Water Board adopted the proposed statewide amendments on April 7 basically as is with the support of the environmental groups and chemical industry. That action is followed by a review by OAL within 20 days of adoption; and then onto EPA. The amendments provide two basic compliance tracks – 1) Full trash capture or 2) full suite of BMPs plus assessment showing full trash capture equivalence. The amendments to statewide water quality control plans are not self-implementing – provisions will need to be added to stormwater permits to implement the amendments. It was noted legislation has been introduced – AB-1454, likely sponsored by industry, that is linked to the trash amendments and designed to continue to challenge prohibitions of the provision of single-use carryout bags by select store types.

- 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 latest information is an interest in adding to AB-1362 the ability to have conservation pricing. Tiered rates to encourage conservation were found illegal under Prop. 218 in a recent California court case (*Capistrano Taxpayers Association v. City of San Juan Capistrano*)
- BASMAA/CASQA meeting with Region IX EPA – BASMAA Chair Matt Fabry, CASQA Vice-Chair Jill Bicknell, and Executive Director Brosseau were invited by EPA staff to discuss challenges and opportunities faced by stormwater programs. EPA staff indicated it had some resources that could be made available to help. See separate memo for highlights of the discussion.

**Discussion – Collaboration with Regional Water Board (Agenda Item 9).** (Board / Keith Lichten) The Board of Directors and Regional Water Board Watershed Management Supervising Engineer Keith Lichten discussed the following item:

- MRP 2.0 – Schedule
  - May 11 – Public notice Tentative Order; 60 day comment period
  - 2 workshops
    - June 10 – All provisions, except C.10 – trash
    - July 8 – C.10 – trash
  - October 14 – Adoption

**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 April 7 – 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 continued focus on providing and reviewing information for MRP 2.0. The Committee also will be recommending a new erosion potential modeling regarding as a final BASMAA product and soil media specifications review/revision as a new BASMAA project for FY 15-16.

- **Monitoring / POCs Committee (MPC)** (Arleen Feng) – The Committee did not need to meet in April. Committee Chair Arleen Feng noted the focus of the Committee through its POCs work group continues to be identifying approaches to MRP 2.0 language for provisions C.8.e POC Loads and C.11/12 POCs – in particular PCBs as they relate to GI and a POC monitoring framework from Regional Water Board staff.
- **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 April 21 – 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 primary concerns with the proposed Trash Amendments and well as its development of a framework for permittees to use to develop their Program Effectiveness Assessment and Improvement Plans (PEAIPs). The Committee expects to bring the PEAIP framework to the Board of Directors for approval in May.
- **Public Information / Participation Committee** (Geoff Brosseau for Tim Swillinger) – The Committee did not need to meet in April. 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 did not need to meet in April. Committee Chair Chris Sommers highlighted the Committee’s focus on providing comments on the Administrative Draft MRP 2.0. Additionally, BASMAA and Caltrans representatives met April 6 to discuss ways to collaborate on trash. Caltrans’ proposed providing resources for trash control in high trash generation areas / freeway segments with existing operations and maintenance agreements between Caltrans and local agencies. BASMAA agencies provided comments to help ensure the highest trash generation areas are identified and to address the necessary balance between capital and O&M resources. Follow-up meetings are planned.

**Information Items.** None.

**Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is scheduled to be held on May 28, 2015, at the offices of EOA, Inc., Oakland, California. Directors will be notified of this meeting via e-mail.

**Adjournment.** The meeting was adjourned at 2:15 p.m.

Terri Fashing



Secretary, BASMAA

Approved: May 28, 2015 ###