

**Industrial Stormwater General Permit Initiative
Work Group Meeting One – September 8, 2008**

WORK GROUP ATTENDEES

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PUBLIC ATTENDEES

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This meeting summary was prepared by Nick Spang and Kate Snider. It is based on notes and transcriptions of the flip charts used during the meeting to document the discussion.

MEETING OBJECTIVES

This is the first full Work Group meeting to discuss Ecology's next iteration of the Industrial Stormwater General Permit (ISWGP). The intent of this meeting is for Work Group members to come to an agreement on Work Group membership issues, ground rules, a program of work, and to begin discussing some important topics, such as discharges to impaired water bodies.

The primary goals of the meeting are to:

- Establish Work Group ground rules.
- Determine whether the Work Group should solicit another member who can represent the needs and interests of small to medium sized businesses across multiple business sectors.

- Develop a work program for the Work Group.
- Discuss creative ideas for an implementation support structure (outreach, education, technical assistance, etc) for permit compliance.
- Provide input to Ecology in developing their response to the legislature regarding management of discharges to impaired waters.

WORK GROUP MEMBERSHIP & DESIGNATING ALTERNATES

Bill Moore contacted city and county government representatives, including the Association of Washington Cities, to identify an individual who could represent their interests on the Work Group, but he has not received interest yet. Bill will ask again soon, now that summer is coming to an end.

AWB recommends adding an additional member to the Work Group because it is difficult for one person to represent the multiple business sectors under the permit.

- Another representative of small to medium-sized business who can speak to the technical needs and constraints would make the permit better and provide Ecology as wide a view as possible.
- It would be ideal to have someone who can also represent the East side of Washington, but it is hard to find someone from the East side who can commit to meetings on the West side.
- Potentially this need could best be met by inviting a consultant to the Work Group who has a good range of experience working with small to medium-sized businesses across the state.
- The Work Group can also invite consultants or other knowledgeable people who can provide input at specific meetings, by topic.

It was decided that the Work Group would proceed to identify a consultant who could join the Work Group to represent the interests of small to medium-sized businesses. Floyd|Snider will solicit input from Work Group members about consultants to consider, will contact those consultants regarding interest and qualifications, and will work with the Work Group members to select. This process will be completed to support the new member's attendance at the 9/29 meeting.

Work Group members should designate alternates to participate in their place when they must miss a meeting, for the sake of continuity.

KEY ISSUES: TOPICS AND HOMEWORK FOR REMAINING MEETINGS

The Work Group identified key issues to be prioritized for discussion in this Work Group process.

Following identification of key issues, they were grouped into primary topic areas. The Work Group then made decisions about how to sequence the topic areas for the future meetings, to create a “Work Plan” for the remainder of the Work Group process.

A summary of the discussion on key issues, how they fit together conceptually, and the order with which the Work Group will discuss them, has been captured in the “Work Program” document, which is available on the Ecology website at:

<http://www.ecy.wa.gov/programs/wq/stormwater/industrial/workgroupdocs/WorkPlan.pdf>

It was decided that the future meetings would be structured as follows:

9/29/08 – Standards and Performance Measures

10/17/08 – Enforcement, Compliance and Adaptive Management

11/13/08 – Permit Coverage and Administrative Issues

12/12/08 – Assistance to Permittees (Implementation Support Structure)

IMPLEMENTATION SUPPORT STRUCTURE

Implementation support structure ideas were discussed during a working lunch. These ideas are incorporated into the Work Plan document referenced above, for further discussion in the December Work Group Meeting.

To assist this discussion, Ken Johnson had worked with the AWB constituency to prepare a handout of ideas, which he handed out during the last meeting as is available on the Ecology website at <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/advcomm.html>.

DISCHARGES TO 303(D) LISTED (IMPAIRED) WATER BODIES

RCW 90.48.555 requires that Ecology develop appropriately derived water quality based numeric limits for discharges regulated by the ISWGP to 303 (d) listed waters. The legislation required that the Department report to the legislature specifying how the numeric effluent limitation would be implemented. In preparation for today’s Work Group Meeting, Bill had distributed a draft of potential recommendation options that could be made to the legislature. This document is available on the Ecology website at :

<http://www.ecy.wa.gov/programs/wq/stormwater/industrial/workgroupdocs/options303dappdix4.pdf>

Work Group members provided feedback to the potential recommendation options. The Work Group members were in agreement that they would support a modified Option 1. In this approach, permittees would establish site-specific water quality based numeric effluent limits using a reasonable potential analysis.

Modification suggestions from the Work Group included the following:

- 1) Simplify the list of 303(d) list parameters that would trigger permittee establishment of site-specific water quality based numeric effluent limits. The recommendation was that the list be simplified by removing fecal coliform, temperature and Dissolved Oxygen/Biological Oxygen Demand (D.O./B.O.D.) as triggering parameters. The primary rationale for removing these parameters as triggering parameters for Industrial permittee discharges is that these parameters are rarely directly associated with, or under the control of industrial operators. They relate more closely to general area land use and bird usage, for example.
- 2) Where sediment bioassays are the parameter causing 303(d) listing, it was recommended to tie discharge compliance to measurement of Total Suspended Solids (TSS) as a surrogate, with a TSS criteria that could be used across the board without site-specific evaluation
- 3) For the remaining parameters that do require a site-specific effluent limit, it was recommended that permittees acquire data quickly for a pragmatic reasonable potential analysis, recognizing the constraints of time and data. This could include data linking the pollutant to the site, evaluating upgradient vs. downgradient concentrations, judgment regarding likely impact, dilution analysis, receiving water study input.
- 4) It was agreed that resultant numeric effluent limits would acknowledge dilution.

There was also significant discussion of the list and number of dischargers that would be affected by this requirement. Concerns about the list include:

- In 2008, EPA will update the 303(d) list, which will be much larger and in place by next summer.
- Many water bodies are listed for chemical exceedences based on lab quantitation limits. These should not trigger permittee response.

Better evaluation needs to be done to be able to understand how many permittees would be effected if this recommended option was implemented.

The compliance schedule for these requirements is important to clarify.

The process that will be used to address violations of site-specific effluent limits needs to be defined.