

STORMWATER WORK GROUP

Wednesday, October 13, 2010 9:10 AM – 3:00 PM
Tacoma CTP Visitor Center
2201 Portland Avenue, Tacoma

Draft Summary

OF THE MEETING'S KEY DISCUSSIONS, DECISIONS AND AGREEMENTS

ATTENDEES:

Work Group Members and Alternates, and the organizations or groups they represent:

Neil Aaland* (WA Assn of Counties), Local Governments; **Mark Biever** (Thurston Co.), Local Governments; **Allison Butcher** (MBA King/Snohomish Co), Business Groups; **Jay Davis** (USFWS), Federal Agencies; **Dana de Leon** (Tacoma), Local Governments; **Jonathan Frodge** (Seattle), Local Governments; **Dick Gersib** (WA Dept. of Transportation), State Agencies; **Heather Kibbey** (Everett), Local Governments; **DeeAnn Kirkpatrick** (NOAA Fisheries), Federal Agencies; **Julie Lowe*** (WA Dept. of Ecology), State Agencies; **Bill Moore** (WA Dept. of Ecology), State Agencies; **Andy Meyer*** (Assn. of WA Cities), Local Governments; **Kit Paulsen** (Bellevue), Local Governments; **Tony Paulson** (U.S. Geological Survey), Federal Agencies; **Jim Simmonds** (King Co.), Local Governments and the Work Group's Chair; **Carol Smith** (WA Conservation Commission), Agriculture; **Bruce Wulkan** (Puget Sound Partnership), State Agencies.

* not voting today

Work Group Staff: **Karen Dinicola** (Ecology), Project Manager

Others in Attendance: **Joyce Nichols****, Bellevue.

** morning only

WORK GROUP VOTES ON "PAY-IN OPTION" RECOMMENDATIONS

The work group voted on the recommendations discussed at our last meeting. One change in the information presented on September 22 was that the board of the Stormwater Technical Resource Center (STRC) has reversed its earlier decision and is now interested in pursuing stormwater monitoring and coordination as a separate line of business within the center.

The work group members came to consensus on the following recommendations:

1. The administrative entity should have the following key characteristics:
 - a. Can ensure that funds collected are dedicated to monitoring and cannot be redirected to other activities.
 - b. Allows for the future expansion of the coordinated monitoring to other geographic areas, other types of permits, other types of organizations (*e.g.*, NGOs, tribes, etc.).
 - c. Is able to demonstrate that it is accountable and credible with transparent processes.
 - d. Has the capacity to manage contracts and funds in an efficient manner following all appropriate rules and laws.
2. If the monitoring is funded by local municipalities, then the pay-in option will be implemented via contractual arrangements between each municipality and the administrative entity.
3. Create a pay-in option for the NPDES Municipal Stormwater Permit monitoring requirements.
4. Require all municipal stormwater permittees to pay-in for infrastructure (SOPs and data bases for all three categories of monitoring (status and trends, source identification, and effectiveness), literature reviews, analyses).
5. Require all municipal stormwater permittees to pay-in for status and trends monitoring.

6. The permit should be written in a manner that states that participating in the pay-in option (entering into the contractual arrangement and paying the invoices) would satisfy the requirements in section S8 (monitoring) in the permit.
7. There should be an independent review of the administrative entity in advance of the 2017-2022 permit cycle; the review should include a survey of participants as to their satisfaction with Ecology as a service provider, and an evaluation of the readiness of another organization to serve as the entity.
8. If the administrative entity is Ecology, then AWC and WSAC should pass resolutions endorsing this option.
9. The administrative entity should leverage existing capacities, including capacities at local municipalities and of other organizations, to conduct the monitoring.
10. Regardless of the final selection of the administrative entity, an oversight board should be created with broad representation to oversee the financial and technical aspects of the monitoring conducted. We further recommend that the Stormwater Work Group serve in this role.

The work group endorsed but did not come to consensus on the following recommendations:

11. Allow a “go it alone” option for permittees to conduct effectiveness studies.
The discussion about members’ reservations included beliefs that Ecology should require this as part of creating a regional monitoring program. On the other side, it might be more strategic to give permittees the option because the costs seem reasonable and folks are likely to participate. There is ample opportunity for contracting, and for paying back out within the framework.
12. If the permit reissuance schedule remains as currently anticipated, then Ecology should serve as the administrative entity for the 2012-2017 permit term. If the schedule is extended, then other options should be reevaluated and reconsidered.
The votes for this recommendation were: 7 for, 4 against, and 3 abstained.
Ecology was the only option of four administrative entities identified by the subgroup (the others are STRC (WSU-Puyallup), Urban Waters (UW Tacoma), Assn. of Washington Cities) that the committee members unanimously agreed was viable for this permit term. None of these entities is currently staffed up to perform these tasks. The STRC is not really up and running yet; it could be later in the permit cycle but members unanimously agreed that it is not viable to set the permit up with a mid-cycle switch from Ecology to another entity. Ecology is ready now and provides a very workable entity for this upcoming permit term. There remains uncertainty about UW’s overhead, the UWT/Urban Waters – UW Seattle campus relationship, the lab/research capacity of Urban Waters, and the perception that contractual issues are something to work around in that option, their interest in participating being more in analysis than administration. Some members stated that if we think there is a best long-term option (other than Ecology) then we should go with them now and help them get going.
Vote on viability of serving as the entity from the outset of the permit term:
unanimous yes for Ecology; 8 yes, 4 no, 2 abstain for Urban Waters/UWT; 6 yes, 7 no, 1 abstain for STRC/WSU- Puyallup (from outset); and unanimous no with several abstentions for Ecology transitioning to another entity mid-permit cycle.
Vote on committee members’ preference for the entity:
5 for Ecology; 4 for STRC/WSU-Puyallup; 3 for Urban Waters/UWT; 0 for AWC; 2 abstained.
Phase II jurisdictions are largely okay with Ecology taking on this role, but the perception issue will not go away even with good answers to the questions. Writing a permit requirement to send money to Ecology puts the agency in a difficult situation, and some committee members still consider it an unpalatable means to pool local government and other resources. It will work as part of the larger ecosystem monitoring program. Members voiced concern that this weak recommendation might compromise the implementation of a pay-in option. AWC/WSAC resolutions and letters from permitted jurisdictions will help. We still need to figure out the mechanics of both sides of handling the money.

WORK GROUP VOTES ON RECOMMENDATIONS FOR PERMIT MONITORING ELEMENTS AND CONTEXT

The PMEC subgroup brought new recommendations to today's meeting. There is more clarity about the regional monitoring permittees are expected to pay for. A scaled-back regional status and trends monitoring program for small streams was endorsed. The committee came to consensus on the following recommendations for monitoring requirements to be included in the 2012-2017 NPDES municipal stormwater permits:

Overall:

1. Permittees who conduct monitoring themselves should be required to apply all QAPPs, SOPs, reporting methods, etc. associated with SWAMPPS. The purpose of this requirement is to provide standardization and consistency, and to facilitate regional understanding of stormwater management impacts and effectiveness of management actions.

Status and trends monitoring in small streams:

1. The permit should allow three years to conduct ramp-up activities (site selection, QAPP development, training, equipment purchases, etc.) in preparation for full implementation of the monitoring program in the fourth and fifth years of the permit. In year 1 of the permit cycle, permittees will not be required to contribute funding for these activities; although Ecology and others will likely conduct ramp-up activities to move the monitoring program forward without permittee funding support. In years 2-3 of the permit cycle, all permittees should contribute equitably to ramp-up costs. No status and trend monitoring is conducted during the ramp-up period.
2. During years 4-5 all permittees should contribute equitably to implementation of status and trends monitoring at the 100 randomly selected sites in wadeable Puget Sound lowland streams. Monitoring is expected to be conducted at the frequency recommended in the 2010 Strategy for the entirety of the following permit term. This program follows the 2010 Strategy's recommendations with the following modifications:
 - a. The number of sites for the Puget Sound regional status and trends program should be expanded from 30 to 100, with 50 located inside UGAs and 50 outside UGAs. This is based on a precision table published by EPA that determines how accurately you can see change over five year period given a certain number of sites ([EPA reference here](#)).
 - b. WRIA-scale status and trends monitoring (390 sites distributed across 13 sub-watershed areas) should not be implemented at this time because resources are limited and we want to see SWAMPPS move forward to successful implementation. We will answer our most important status and trends questions at the regional scale. Our goal is still to move toward the WRIA scale in the future, and other funding sources could be pursued to implement this more detailed design in one or more WRIs at any time.
 - c. It might be reasonable to scale back the water column parameter list and increase the frequency to provide a better connection between instream conditions and stormwater inputs. We support Ecology facilitating these discussions prior to finalizing the sampling design and associated QAPPs.
 - d. Sediment sampling should occur once every five years. The timing of this sampling event should coincide with the state's EMAP sample collection schedule.
 - e. Habitat data are a necessary element of site characterization for stream benthos sampling, and therefore permittees should be required to collect this information.
 - f. Fish monitoring will not occur unless funding becomes available from another source.
 - g. Continuous flow monitoring might not be conducted. An analysis is needed to determine to what extent questions about loading, stream flashiness, etc. relevant to stormwater management can be answered with existing data, and to recommend what existing gages need to be maintained and

6. Permittees should pay into a collective analysis of initial data during the permit cycle. Permittees should plan to continue data evaluation at appropriate intervals in future permit cycles.

Source identification and diagnostic monitoring:

1. Permittees should continue existing source identification and diagnostic monitoring as required in the current permits, particularly in the sections S7 (TMDLs), S5.C.6 (IDDE, with appropriate modifications per discussions being held elsewhere), and S4.F (water bodies impaired due to stormwater).
2. For the 2012-2017 permit term, the 2010 Strategy should provide a guidance tool for other permit requirements, but not result in stand-alone monitoring requirements. Local monitoring needs vary from place to place. When impairments are discovered, prioritization of local problems will allow for effective allocation of resources to address issues. A coordination function for local jurisdictions should still be considered.
3. SWAMPPS will contribute standard methods and tools, analysis of existing information and dissemination of lessons learned. SWAMPPS status and trends data will be a credible data source for informing Compliance with Standards investigations of problems identified by other monitoring.
4. In the 2012-2017 permit term, permittees should contribute funding to: conduct a literature review, develop a QAPP library with DQOs and report templates, build a repository for information to evaluate current source identification programs, and design a database and reporting requirements to support Puget Sound scale analyses to identify problems that can be addressed by regional source control initiatives.
5. The information and tools created during the 2012-2017 permit term should result in improved approaches to source identification and diagnostic monitoring in future permits, particularly in connecting this category of monitoring to status and trends monitoring and effectiveness studies. Findings should be shared broadly.

WORK GROUP POSTPONES VOTING ON FOUR RECOMMENDATIONS FOR EFFECTIVENESS STUDIES

The work group members were in general agreement about the following three recommendations but did not formally vote on them:

1. The Stormwater Work Group should articulate a recommended process and criteria by which studies will be selected from among those ideas submitted by Phase I and Phase II jurisdictions in their annual reports due March 31, 2011 along with other ideas submitted by members of the caucuses of the Stormwater Work Group. This process should be informed by the findings of the literature review. The process is envisioned to be ongoing in order to learn and adapt and continue to select and conduct future studies.
2. Once the studies are selected, a list of needed SOPs should be identified and developed.
3. Permittees should plan to continue to fund effectiveness studies in future permit cycles.

Work group members discussed the following recommendation at length, and agreed it would be best to postpone voting on this topic until members have a chance to think about the both level of effort needed and the appropriate burden to place on permittees with regard to effectiveness studies.

4. Permittees should contribute somewhere between a minimum of \$1M/year up to about \$6M/year in years 2-5 of the 2012-2017 permit term to support effectiveness studies, a literature review, and associated development of SOPs.

\$7M/yr for effectiveness studies is the amount recommended in the 2010 Strategy; it represented about half of the total annual SWAMPPs program costs and was not anticipated to be fully funded by permittees. The revised cost estimate for permit-required recommended monitoring is about \$11M for 4 years. The Phase I permittees are conducting between 22 and 28 effectiveness studies during the current permit term. Only about 11 studies would be conducted for \$1M/year for 4 years by all Phase I and Phase II permittees under the current proposal by local governments. The committee will take up this issue again at our next meeting and decide what to recommend to Ecology.

NEW MEMBERS AND ALTERNATES NAMED TO SWG

The local government caucus of the SWG has selected Mark Biever of Thurston County as an official alternate representative of their caucus. Mark takes the place of Alison Chamberlin of Mason County, who passed away this summer.

Earlier this summer, Rich Doenges of Thurston County was selected by the local government caucus to replace Mindy Fohn who resigned from her seat as a representative.

Tony Paulson reported that Gary Turney might return as a representative of the U.S. Geological Survey as part of the federal agency caucus.

The updated list of SWG caucus representatives will be posted at <http://www.ecy.wa.gov/programs/wq/psmonitoring/swworkgroup.html>

LAUNCH COMMITTEE PROGRESS ON PUGET SOUND ECOSYSTEM MONITORING AND ASSESSMENT PROGRAM

The Partnership's Launch Committee is developing the charter for the new ecosystem monitoring program, developing its initial framework, defining its committee structure and representation, and providing rationale for selecting the first topical work groups. Their recommendations are due in February 2011. The SWG and the "pay-in" option are expected to nest within the new ecosystem monitoring program.

WORK GROUP WILL NOT MEET IN NOVEMBER OR DECEMBER 2010

Our next meeting on Tuesday October 26 will be our last this year. At that meeting we will assign two subgroups to: (1) write a work plan for 2011 and beyond, and (2) define the criteria and process for selecting effectiveness studies that will be conducted as part of the regional stormwater monitoring program. We will meet again in January, on a specific date to be decided at our next meeting.

THE WORK GROUP'S NEXT SCHEDULED MEETINGS AND MAJOR DISCUSSION TOPICS ARE:

Tuesday October 26, 2010 from 9am-3pm at the Tacoma CTP Visitor Center at 2201 Portland Avenue, Tacoma WA, 98421. We will vote on our last 4 recommendations and finalize our report to Ecology. Please bring a brown bag lunch.

In January we will tee up selection of a chair and vice-chair, to take place at the February meeting. We will also discuss our future work plan, and discuss the criteria and process for selecting effectiveness studies.