

STORMWATER WORK GROUP

Wednesday, June 9, 2010 9:00 AM – 3:00 PM
USGS Conference Room
934 Broadway, 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; **Fred Bergdolt** (WSDOT), State Agencies; **Alison Chamberlin**** (Mason Co.), Local Governments; **Jay Davis** (US Fish and Wildlife Service), Federal Agencies; **Dana de Leon** (Tacoma), Local Governments; **Mindy Fohn** (Kitsap Co.), Local Governments; **Jonathan Frodge** (Seattle), Local Governments; **Nathalie Hamel*** (Puget Sound Partnership), State Agencies; **Heather Kibbey*** (Everett), Local Governments; **DeeAnn Kirkpatrick** (National Marine Fisheries Service), Federal Agencies; **Julie Lowe** (WA Dept. of Ecology), State Agencies; **Mel Oleson** (Boeing), Business Groups; **Andy Meyer** (Assn of WA Cities), Local Governments; **Mel Oleson*** (The Boeing Co.) Business Groups; **Kit Paulsen** (Bellevue), Local Governments; **Tom Putnam** (Puget Soundkeeper Alliance), Environmental Groups; **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.

Work Group Staff: **Karen Dinicola** (Ecology), Project Manager; **Leska Fore** (Statistical Design), Facilitator

Others in Attendance: **Steve Britsch**, Snohomish Co.; **Rich Doenges***, Thurston Co.; **Phyllis Varner**, Bellevue.

* morning only

** afternoon only

WORK GROUP DISCUSSES STAKEHOLDER COMMENTS ON APRIL 30, 2010 REVISED DRAFT STRATEGY

The work group members shared the questions and concerns they heard at the May 19 workshop in Renton and also discussed the issues raised in written comments. The issues that were raised at the workshop fell into a few broad categories:

Relationship to permit requirements

- How does the strategy fit with permits? How do non-permitted areas fit in? Is this beyond the legal purview of the Clean Water Act? How does the strategy affect my permit?
- This is a great idea, but why are you putting it in the permit?
- How is this stormwater? Aren't you stretching the definition of stormwater? How does status and trends sampling at ambient sites relate to stormwater?
- What are the next steps? Who are the next people to involve? How does the strategy fit into Ecology's timeline for permits?
- How does the strategy relate to TMDLs?
- How does the strategy relate to industrial permits?

Cost and roles/responsibilities

- This is too expensive. How will you pay for implementing the strategy? How will you allocate funding responsibility among levels of government, among regions, and among monitoring types?
- How will the regional plan incorporate existing programs? Will people lose their jobs?
- Why do locals pay for status and trends? This should be the state.
- What is the regional scope? How do the agencies fit together? What is the new entity? Who does what?

Framework and Design

- How do the parts of the monitoring program (effectiveness, status and trends, and source ID) interact with each other? How do the parts feed back into the adaptive management framework?
- How should we balance probabilistic sampling and targeted sampling? At what point along the continuum of monitoring do we switch from looking for problems vs. taking care of ones we already know about?
- Is it appropriate to include fish in status and trends?
- Should we have agriculture and forestry too? Opinion seems to be running about 50/50.

The comment compilation subgroup (Jim Simmonds, Jonathan Frodge, Mindy Fohn, Heather Kibbey, and Tom Putnam) prepared summaries of ALL of the written comments on: costs and the pay in option; status and trends; source identification; effectiveness; and “other.” The subgroup members also prepared suggestions for changing the key recommendations in our report. These summaries and recommendations were shared in advance of the meeting. A document summarizing all of the comments and recommendations was prepared from these summaries and was distributed in paper copies at the meeting.

The work group began working through these comments and suggested changes, and agreed to several changes (indicated in the next section, below). Members noted how few comments we received on indicators. Work group members recognized that, in general, our stakeholders raised the difficult questions we in our subgroups have been and still are wrestling with, and we cannot resolve these issues in the few weeks we have before our deadline at the end of this month.

WORK GROUP AGREES TO CHANGES AND SCHEDULE FOR JUNE 30TH FINAL STRATEGY

The work group members decided that most of the substantive changes to the strategy will need to be made through subcommittee work over the summer. However, a few key changes will be made to the document prior to delivering it to the Partnership and Ecology:

Plain talk edit: The work group **agreed** to make the recommended organizational and editorial changes to the strategy to make it easier for readers to absorb the content. Care will be taken to indicate which details moved to the appendices have a higher level of agreement than others.

Costs, pay-in, roles, and responsibilities: The work group **agreed** to include refined cost estimates and roles and responsibilities in the final strategy. New/revised key recommendations include:

1. The Partnership should include a preliminary annual cost estimate of \$xxxx to implement the proposed regional stormwater monitoring and assessment program as part of the Action Agenda. By September 2010, the SWG will provide a more detailed and prioritized cost estimate and recommend the means to meet and sustain the overall funding needs of this proposed regional stormwater monitoring and assessment program via contributions from local, state, and federal governments, private sources, and others. The SWG will also provide the start-up costs to establish the program.
 - a. The new monitoring program should be conducted using efficiently coordinated existing capacities to the extent possible and strategically adding new capacities to fill the remaining need.
 - b. Monitoring costs should be reasonably shared between participating entities. The proportions may be different for each category of monitoring. The SWG will propose recommendations to allocate costs by September.
2. In the next four months, the SWG will identify and recommend to Ecology the means to create an independent entity to administer a fund dedicated to stormwater-related monitoring and assessment activities. The SWG will task a subgroup to address the following topics and present a proposal to the SWG in September. The SWG will make a final recommendation to Ecology in October.
 - a. The fund overseen by this independent entity will provide a “pay-in option” for entities covered under municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits that:

- i. Allows permittees flexibility to meet requirements by either paying into the fund, or conducting monitoring activities themselves.
 - ii. Ensures that permittees' contributions are spent exclusively on stormwater-related monitoring and assessment activities.
 - iii. Is managed by an independent entity whose budget is permanently dedicated to monitoring and cannot be re-appropriated to other purposes by any legislative body.
- b. The independent entity will allow and encourage all entities in the region to contribute to and participate in coordinated regional monitoring and assessment activities.
 - c. The independent entity will provide businesses and other NPDES permittees with a future pay-in option.

The main document text should put the costs into context (compare them to the current investment) and describe the improved value of the information proposed to be collected. It should also include a discussion of the work that will be done this summer and, in particular, the subgroup needs to recommend:

- How the independent fund will be overseen by a multi-stakeholder board that ensures that all contractual decisions and project selection/funding decisions are made fairly and objectively. The oversight and selection of studies and contractors will not be conducted by the independent administrative entity. Options to be considered for an oversight board include the SWG.
- A well-defined scope, function, responsibilities, accounting mechanisms, and legal details for the independent administrative entity.
- Whether a small fee should be required of all municipal NPDES permittees to support these regional functions.

Issues Discussion Paper: The work group agreed that we should edit the combined comment summary document, with the suggestions posed by the comment compilation subgroup, as an "issues discussion paper." The purpose of the paper is to serve as the current response to comments, indicating outstanding issues to we have not yet reached conclusions in our work to date. The paper will inform subgroup work over the summer. Among these issues, some are for clarification; some are for work this summer, and others are for future work. Reader boxes in the text of the strategy should indicate what work will be going on in July-October 2010.

Letter to PSP and Ecology: The work group **agreed**: that we need to communicate clearly to both the Partnership and Ecology what we are asking them to do to support our work and implement our recommendations, and the schedule by which we will provide further necessary information to them. All work group members will be listed on the first page of the letter which needs to address how far we got, key issues remaining, and work ahead:

- Our current cost estimates.
- Our current plan to continue working on specific topic areas this summer, and to deliver the next set of documents in October. Our timeline is intended to address:
 - Ecology's specific requests for information.
 - The Partnership's need to provide OFM with prioritized costs estimates for implementing the Action Agenda.
 - Others' needs to better understand their roles and responsibilities in implementing the strategy.
- Our request that both agencies procure and advocate for future state and federal funding of this effort.

Action items: Jim Simmonds will draft the cover letter based on the outline above. Jim will also update the cost information and write supporting text for the revised document. Karen Dinicola will edit the "issues discussion paper" based on today's discussions and send it to the compilation subgroup for them to make additions or clarifications. Karen will make all of the document edits and send the strategy and issues discussion paper out to everyone before June 23rd. We will approve the letter, issues paper, and document at our meeting on June 30th.

WORK GROUP WILL TASK SEVERAL SUBGROUPS TO CONTINUE WORK THIS SUMMER

The work group **agreed** that we need to accomplish several things on the timeline offered by Ecology in the agency's comment letter. At our next meeting on June 30th the work group will assign at least four subgroups to:

1. Recommend specifics to establish the pay-in option and allocate costs by the end of October so that Ecology can realistically include the pay-in option in the next cycle of permits.
2. Provide more technical detail and implementation specifics about the status and trends monitoring, including the nearshore design, overall balance of targeted vs. probabilistic sampling, and cost-sharing.
3. Provide more detail and specifics about how local and regional aspects of source identification monitoring are envisioned to fit into the permits.
4. Provide more detail and specifics about the process for selecting effectiveness studies and how this process is envisioned to fit into the permits.

The subgroup work is not envisioned to result in changes to the strategy (i.e., we will not issue a new, updated version of our report). Instead, the subgroups will write a series of new, smaller reports that provide details of specific proposals and next steps.

In order for work group members to be adequately prepared to discuss the recommendations, draft subgroup reports must be delivered no later than September 15. Two meetings in September may be needed to provide sufficient time for the work group and its caucuses to discuss the proposals, which must be approved at the meeting in October. The work group **agreed** to schedule a second meeting in September as a placeholder.

OTHERS TO BE BRIEFED ON THE WORK GROUP'S PROGRESS AND RECOMMENDATIONS

Yesterday Jim, Karen and Nathalie Hamel briefed the Puget Sound Science Panel. Next Wednesday June 16th, Jim will participate in a panel discussion at the WSAC conference; and Jim, Karen, and Nathalie will brief the Washington Forum on Monitoring on our progress and recommendations. Possible briefings of the Ecosystem Coordination Board and Leadership Council may take place in July.

WORK GROUP THANKS OUR FACILITATOR, LESKA FORE

Leska will be on a long-scheduled family vacation on June 30th and we hope that she will join us again in September. Work group members expressed their appreciation for Leska's efforts to guide us through the difficult process of making hard decisions while maintaining meaningful participation and broad support.

THE WORK GROUP'S NEXT SCHEDULED MEETINGS ARE:

Wednesday June 30 from 9am-3pm at the USGS office in Tacoma (brown bag lunch);
casual gathering to follow

Subgroup meetings over the summer to be scheduled as needed

Wednesday September 22 from 9am-3pm at USGS office in Tacoma (brown bag lunch)

Wednesday September 29 from 9am-3pm at USGS office in Tacoma (brown bag lunch)

Wednesday October 27 from 9am-3pm at USGS office in Tacoma (brown bag lunch)