

**Industrial Stormwater General Permit Initiative  
Initial Conceptualization Meeting – July 11, 2008**

**ATTENDEES**

Bill Moore	WA Dept. of Ecology	bmo0461@ecy.wa.gov
Jeff Killelea	WA Dept. of Ecology	jkil461@ecy.wa.gov
Ken Johnson	Weyerhaeuser, representing AWB	ken.johnson@weyerhaeuser.com
Sue Joerger	Puget Soundkeeper Alliance	sue@pugetsoundkeeper.org
Gary Smith	Independent Business Association	iba@isomedia.com
Kate Snider	Floyd Snider (facilitation)	kate.snider@floydsnider.com
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This meeting summary was prepared by Nick Spang and Kate Snider. It is based on notes and transcriptions of the white board and flip charts used during the meeting to document the discussion.

**MEETING OBJECTIVES**

This was an initial small group meeting to discuss Ecology's proposed next steps on the Industrial Stormwater General Permit (ISWGP). Ecology has proposed formation of a stakeholder work group to collaboratively start with a clean slate, to discuss revised permit terms and an overall implementation structure to improve performance for industrial stormwater quality.

The primary goals of the meeting were to:

- Reach an agreement that this effort is worthwhile.
- Assess stakeholder's overall perspectives about the potential path forward.
- Determine who should be involved.
- Determine the general structure and timeline of the effort.
- Discuss the interim approach for existing and new permittees while the work group effort is underway and the permit is under revision.

**INTRODUCTION**

Bill Moore provided an overview of his thoughts: The fundamental problem is how to improve environmental performance in stormwater management. We spend a lot of time arguing about words on paper but end up spending little time on pragmatic solutions. This effort represents a clean slate both internally and externally for the issuance of a revised ISWGP.

Ecology would like to produce a revised, clearly written permit and also focus on additional key aspects for success – an implementation structure with roles for all parties – Ecology, permittees, non-profits. Ecology sees the need for an overall structure – a package of support to accompany the “words on paper” of the permit, which aid in the overall implementability and practicality of the permit.

For the implementation support structure, Ecology sees four primary focus areas, including:

1. Outreach & Education
2. Technical Assistance
3. Research & Development (to provide permittees with understanding of real solutions)
4. Enforcement/Compliance (compliance must be a competitive advantage)

Ecology acknowledges that they need to be able to consider internal restructuring and resource allocation as part of this initiative.

Bill's goal is to form a Work Group that can discuss/develop creative solutions. The process is based on assumption that all parties have a vested interest in a successful permit “system,” which is more than the words on paper. Think more broadly about roles for all parties involved. Bill acknowledged that the 2007 advisory committee process was not successful, or organized in a manner to stimulate real dialogue.

The Work Group organizational concept is a “small table within a large room” – a committed and consistent group of knowledgeable individuals representing various stakeholder interests. Work Group members would have the ability to communicate with their ‘constituencies’ between meetings, and bring their input to the work group discussions. Open meetings would be held structured such that all meeting attendees could provide input and Q&A during defined times in each agenda. Work Group deliberations would be transparent and meeting summaries available.

The outcome of the Work Group would be recommendations and draft language on key permit revision issues and recommendations for the larger implementation structure. These recommendations would be used by Ecology in their development of the next draft of the permit. The Work Group will be facilitated and documented by Floyd|Snider for Ecology. Bill Moore will lead this work for Ecology, and Jeff Killelea, permit writer for the revised ISWGP will participate as well.

## **DISCUSSION REGARDING WORK GROUP CONCEPT AND OBJECTIVES**

The following points were raised by participants during the meeting. They do not reflect a consensus on these issues among the work group. Rather, the points below emerged from the conversation on important concepts and objectives for the work group as they move forward, and will likely be revisited in upcoming meetings.

- Has Ecology researched other state's efforts at formulating and implementing similar permits? Would be good to do research/benchmarking about what has worked in other states.

- \* The National Academy of Sciences is working on a report addressing the challenges of managing stormwater, but nothing is available until the final product is released.
- \* We could look at technical assistance and R&D models for topics other than stormwater, and from other jurisdictions. Good models for technical assistance to small businesses exist, and it would be helpful to look at what has worked elsewhere.
- \* Washington State is ahead of the curve in managing stormwater and there are not many precedents for many of the key issues.
- A non-profit, sponsored by the State of Washington and other stakeholders, could be effective to manage outreach and technical assistance for businesses. The Environmental Coalition of South Seattle (ECOSS) currently does this. California uses this approach too.
- Should use data collected in WA NPDES program since 2002 to identify what is working, what is not, identify where there is environmental damage, assist in determining priorities.
- If this group jointly develops a package that the full group can support, it would be helpful if all parties made a commitment to give it a chance to work by allowing it to be implemented without challenge.
- Group members would need to operate in good faith, based on the assumption that a solution could be reached. Need to recognize that nobody will get everything they want.
- Is this an advisory council or negotiated rule making? In other words, is Ecology another stakeholder or a decision maker in this process?
  - \* Ecology is a stakeholder in the process and is committed to working collaboratively to a solution that all parties can support. Ecology is also responsible for developing a permit that complies with all the relevant legal requirements.
  - \* Within the Work Group, the goal is to identify, work through and document proposed resolutions to key permit concerns, as well as discuss recommendations for the implementation support structure
  - \* It needs to be understood that the resultant permit language must fit within the NPDES authorizing statutes
  - \* Following the Work Group effort, Ecology will use the recommendations developed within the group to write and issue the revised permit and authorize a system for implementation.
  - \* The revised permit will go through a subsequent formal public comment process.
- This group is a forum for understanding and determining what will really work. The permit must be grounded in ability to implement, not just a paper exercise.
- It would make sense to use Ecology's four proposed focus areas for the implementation support structure as a starting point.

- We need to place high expectations on the Work Group participants for digging into issues, bringing thoughtful work to the table, and completing work between Group meetings, in communication with constituencies.

## **WORK GROUP STRUCTURE AND PARTICIPATION**

The following points met with general agreement among the work group as they discussed who should be involved, the nature of the commitment, and other important factors for the group to consider.

- All parties present are supportive of this process and will make a commitment to participate in the Work Group.
- There should be representation of the primary permittee categories.
- 15 people sounds too large, but small businesses should be well-represented, as well as potentially environmental consulting firm presentations or other forms of input, perhaps a scrap metal yard should be represented.
- Small business owners could be concerned about participating based on potential exposure to enforcement actions following disclosure to the group.
- ECOSSE would be good to include, to bring ideas on providing technical assistance.
- Sue believes that she can effectively coordinate with People for Puget Sound.
- Ports and local governments should be represented. It was agreed that Bill Moore would reach out to WPPA to identify a Port representative, and would also work to identify a local government rep.
- Eight to Ten people would be best, based on idea that Work Group participants would communicate between meetings with their colleagues and constituencies.
- AWB will communicate to eastern Washington constituency
- The group recognizes overlap with stormwater concerns of the Puget Sound Partnership. Through Ecology, material or ideas from the Work Group that could be helpful to the PSP will be communicated. It is assumed that the PSP will not have a staff representative on the work Group due to resource constraints.
- Desirable characteristics of Work Group members:
  - \* Committed to the process, ability to provide continuity in participation.
  - \* Educated about the ISWGP and associated issues.
  - \* Committed to the process and reaching a successful outcome.
- Structure meetings so that other interested parties can observe and provide input at structured opportunities. Consider incorporating environmental consultant presentations when appropriate, as special meetings, or at structured times during meeting agendas.

**Anticipated Work Group Members**

Entity	Number	Note
Ecology	2	Bill and Jeff
AWB	1	Ken
IBA	1	Gary – coordinate with legislative commitment
PSA	1	Sue through November, Sue to define replacement during sabbatical
ECOSS	1	Kevin Burrell
City/County	1	To be determined
Ports/WPPA	1	Marilyn Guthrie

**INTERIM APPROACH AND EFFECT ON WORK GROUP SCHEDULE**

The existing permit expired in May. An approach is required for permit coverage of existing and new permittees during the period of Work Group deliberations, until a revised permit is issued. Decisions on the interim approach will help define the Work Group schedule.

As the interim approach, Ecology recommends re-issuance of the existing permit, the one that existing permittees are currently operating under. New applicants would then also get coverage under this permit.

- The meeting attendees agreed with this approach, with the caveat that extension of the existing permit is not acceptable after May of 2009; the deadline for permittees discharging to impaired water-bodies to meet effluent limits.
- Ecology will move forward with the process to re-issue the existing permit. Public notice will be published in the State Register on the first Wednesday in August.
- When a revised permit is prepared, it will require a minimum of 3 months for public comment and the administrative process to issue. Therefore, for the revised permit to be in place in May 2009, the Work Group process must be complete by mid-January.
- Therefore, the Work Group effort will be a 5-6 month process, beginning in August. This is a short period of time, and will require significant commitment during that period.

**CONCLUSION**

The meeting attendees are supportive of creation of an Industrial Stormwater General Permit Work Group, conceptualized as a small, less than 10 person, group of people who represent all of the primary permittees and interest groups relative to the industrial stormwater general permit. They will work together in a fairly intense and focused effort from September through February, with a first meeting likely in the end of August.

The attendees of this meeting have made a commitment to participate on the work group. They would like to augment the group with a Port representative, someone representing City/County industrial general permit discharges, and Kevin Burrell from ECOSS. The participants will

commit to a relatively intense effort (at least 1 all day meeting once a month for the next 5-6 months, with homework and constituency communications between meetings). The first Work Group meeting will likely be held in late August or very early September. The meetings will likely be held between Tacoma and Seattle.

The objective of the effort is to start with a clean slate, to discuss an overall structure to improve performance for industrial stormwater quality. This will include both a clearly written revised industrial stormwater general permit, as well as new creative changes to the larger support structure for permit implementation, including technical assistance, outreach/education, R&D, enforcement/compliance, and other key aspects for success...to look comprehensively at the overall system from a practical/real world point of view, not just the "words on paper" of the permit.

It is meant to be an open, structured dialogue, in which Ecology is a participant. Recommendations and draft language developed by the work group will feed into Ecology's formal process for permit re-issuance, with a revised permit expected to be in place by May 2009. The idea is that the working group will work as a "small table within a big room" - holding their meetings in a way that others (community, consultants, other permittees, etc) can observe and have a time at each meeting for input. Meeting summaries would be made broadly available.

In the interim, the existing permit will be reissued and extended through May 2009.

### **NEXT STEPS**

- Bill will work on identifying Port and local government representatives to the Work Group, and will confirm participation with ECOSSE. Ecology will formally extend invitations to all Work Group participants.
- Floyd|Snider will develop a draft document identifying Work Group structure, objectives and ground rules for group review.
- Floyd|Snider will coordinate with participants to schedule Work Group meetings.
- Floyd|Snider and Ecology will draft a press release for Ecology to use in notifying the community of this process. The goal will be to release the press release concurrent with the notice of existing permit re-issuance in early August.
- Floyd|Snider will develop an agenda for the first meeting, and identify homework to be completed in advance, based on suggestions from the group, this will likely include:
  - \* Asking participants to prepare input regarding the identified key areas of an implementation support structure. Ken suggested having everyone prepare five ideas in each of the four areas that Bill identified.
  - \* Identification of key concerns regarding the permit to use to structure the agendas for Work Group discussion. Sue's examples included SWPPPs and BMPs in the permit, use of adaptive management.
- Jeff will review the 2007 comments received on the draft, and prepare a "top ten list" of key issues to suggest for discussion.

- Bill/Jeff will determine how Ecology's existing data on permit compliance can be evaluated to assist with evaluating what's working and what's not.