

Stormwater Funding Program Stakeholders Work Group



Ecology Headquarters
Room ROA-05
May 21, 2014

DEPARTMENT OF
ECOLOGY
State of Washington

Draft May 2014 Meeting Summary

vc	Andy	Rheume	City of Redmond	x	Jessica	Schwing	Ecology
vc	Anne	Dettelbach	Ecology	vc	Jon	Morrow	City of Ellensburg
X	Bill	Moore	Ecology		Laura	Merrill	Washington State Association of Counties
x	Bruce	Wulkan	Puget Sound Partnership		Pat	Brommer	Ecology
p	Carl	Schroeder	Association of Washington Cities		Rebecca	Ponzio	Washington Environmental Council
x	Darcy	Nonemacher	Washington Environmental Council		Rick	Romero	City of Spokane
	Dave	Tucker	Kitsap County Public Works	p	Ron	Wierenga	Clark County
x	Dawn	Anderson	Pierce County		Russ	Connole	Spokane County
vc	Bill	Lief	Snohomish County	x	Gerry	O'Keefe	Washington Public Ports Association
vc	Nancy	Aldrich	West Richland	x	Marcia	Davis	City of Spokane
x	Jeff	Nejedley	Ecology		Denise	Clifford	Ecology
x	Doug	Howie	Ecology		Jodi	Gearon	Ecology

Stormwater Funding Program Stakeholder Work Group

May 21, 2014
12:30 to 3:30

Meeting Notes

Housekeeping –introductions if necessary, check in with VC participants.

- Spokane Trip on the 17th – Andy, Dawn will not attend, Bill L, Carl, Darcy will attend
- Updates to April notes- clarification needed on wording for use of Ecology funds – Ecology can pay to treat run-off from existing development that will be treated in a BMP that is for new or re-development.
- Update from Darcy on funding discussions with the legislature.
 - Looking to bonds to provide funding in the future as they provide a more reliable funding source
 - Bonds will have less flexibility
 - Bond funding source will require that the duration of the benefit exceed the bond timeframe- this could pose an issue for funding activities

Begin Review of unresolved key issues for 2014 Guidelines.

Activities

Define a limited set of activities or wait until long-term program for all activities?

Suggested Activities: Project Specific Planning and Design, Enhanced Maintenance, IDDE, Ed and Outreach.

- The group agreed to continue to try and incorporate a limited set of activities into the 2014 program to help gauge the level of interest among grantees. We will also be in a better position to fund activities projects if we end up with a mix of funding types supporting the program.

Project Specific Planning and Design

- Approximately \$3 Million Available
- Competitive
- Only available to permittees
- Maximum grant amount \$250,000
- 25% match required
- Proposed projects must employ LID techniques; if two projects are included in the proposal LID is not required for the secondary project.
- Deliverables will be the same as the 2013 pre-design funds.
- This set-aside is designed to assist applicants that cannot provide match for design and construction projects within the same grant cycle. Applicants may not receive funds from the design only set-aside and construction funds for the same project in the same grant cycle. Design/construct funds will still be available as part of the \$66M construction funds.
- Will help to get projects lined up for future grant programs.

There was a question as to why LID would be required- this is because the funding source comes from the 2013 proviso which provided up to \$15M for project specific planning and design (the 120k grants to permittees). Ecology anticipates that roughly \$3M of the \$15M will be available for 2014/15 and the funds will be subject to the requirements/limitations of the proviso.

Enhanced Maintenance Activity:

What are the criteria?

Proposal will include Submittal of Enhanced Maintenance Plan or IDDE Plan

Plan must include sufficient detail to allow Ecology grant administration staff to clearly discern if an activity is “above and beyond” that which is required by the permit or described in the permittees stormwater management plan. Plan shall include the following elements:

- Maintenance/IDDE activities committed to as part of the Stormwater Management Plan and why proposal should be considered “enhanced.”
- Specifics as to what type of maintenance activity will be performed, where and when.

- Rationale for selection of location/timing for enhanced maintenance/IDDE activity.
- Requires concurrence from Ecology Permit Manager.
- Required maintenance/IDDE must be completed prior to reimbursement for enhanced maintenance activities.
- Enhanced Maintenance Activities will be limited to street sweeping, drop inlet/conveyance system cleaning, and sediment removal.

To start the discussion Jon presented the idea of a NGO wanting to put together a grant proposal to perform maintenance of stormwater BMPs on private property. Marcia and Nancy also brought up street sweeping as an example of something that did not have a specified frequency spelled out in the permit. Bill M. described examples such as scheduling maintenance more frequently, and cleaning out the pipes themselves. Jon pointed out that whole systems must be cleaned by 2017 and Bill L explained that Phase I and Phase II permits allow for different maintenance options that may include more frequent cleanings.

The group discussed the challenges of dealing with a 5 year permit term that may or may not coincide with the grant term. Several people voiced concerns that communities would be able to “game the system” and defer maintenance until it became grant eligible. The group did not want to punish communities that were taking initiative to routinely maintain their systems. Some members of the group were against the idea of having Ecology permit managers weigh in on eligibility in case there was a bias.

Andy brought up the idea of hot spot sweeping programs, and Darcy indicated that she would be open to discussions about the purchase/use of top of the line sweepers assuming that we had a mix of funds that would allow us to do that. The conversation would have to include discussions of long-term benefit and also how the match would work. Bruce was also supportive of enhanced maintenance activities such as increased street sweeping. Bill L. would like to see the terminology changed from street sweeping to pavement sweeping.

Gerry is still looking for more information about how we could fund enhanced maintenance since grant programs generally can't pay for maintenance.

Bruce explained that most of the places we are taking about are dealing with legacy pollutants in very old stormwater systems that were not necessarily deferred maintenance – as was the case in the Tacoma model.

The group spent some time discussing the Tacoma project. Key points included:

- This was a targeted effort- not system wide.
- Targeted efforts were generally thought to be more appropriate for a grant program.
- “System” cleaning as referred to in the permit does not mean the cleaning everything within the jurisdiction.
- It would be on the applicant to make the case for cleaning conveyance systems wide.

- Darcy wanted to know if replacement/repair would be included in enhanced maintenance- answer- depends on the level required- if it is past design life repair/replace might be a capital project.
- Group agreed that we did not want to fund deferred maintenance.
- Bill L.- complying with the permit should be the standard, likes the discussion about targeted areas, felt testing and disposal costs should be eligible.
- Darcy likes the idea conceptually, wants to know how many dollars this might cannibalize/scale of need, and reiterated the need to show long-term benefit and to understand the political realities of funding this type of project.
- Bill M. – permits provide lots of options and getting to what is within and what is beyond the permit is not a simple task. Bill will provide some additional information about permit maintenance requirement to the group and will work with the permit managers to get a better idea of what types of projects might be beyond the permit requirements.
- Jon listed post-inspection deficiencies and maintenance on private property as potentially eligible items.
- Nancy liked the idea of getting the permit managers involved and also had some concerns about the potential for gaming the system, and agreed with Jon that disposal costs should be eligible.
- Bruce, Bill M. and Carl all spoke to the importance of getting the regional offices involved when considering if maintenance is enhanced and also felt that if we were funding these types of activities they should be clearly identifiable as enhanced and should be hot-spot based.

Action Item: Bill will provide maintenance focus sheets and work with permit managers to refine the idea of enhanced maintenance.

Break

Education and Outreach

If this is included in 2014 Program suggested sideboards include:

- Education messaging must be stormwater- specific.
- Scope of work must include program evaluation.
- Proposal must include the number of citizens who will receive the intended message.
- Proposal must include a mechanism for follow-up such as a survey to assess the effectiveness of the program.
- No more than 5% of the total eligible education and outreach task costs may include give-aways such as water bottles, stickers, magnets, etc.

Darcy was supportive of the idea of funding Ed and Outreach that directly relates to a capital project, such as educational signage as part of the 2014 program. Anne pointed out that this type of project doesn't not really create behavior change. The group continued to discuss ways to do both.

Key point of the discussion included:

- Concerns about the “squishiness” of the term Ed and outreach- it isn’t just folks handing out stickers.
- Anne expressed concern that a two year grant cycle (current capacity grant cycle) is not enough time to carry out and evaluate an ed and outreach project.
- Projects like the vehicle leaks detection program make a difference.
- Public Education has great benefits, but things like water bottles, vests, lip balm etc are hard to justify.
- Ed and outreach is not a great fit for capital budget dollars, hard to defend to legislature.
- There is a misconception out there that this will be the only place to get Ed and outreach money, this is not true - ed and outreach is eligible for 319 and Centennial funding as long as it is outside permit requirements.

The group agreed that because of the difficulty in using capital budget for activities, the challenge of determining what is part of the permit and what is beyond permit requirements, and the political realities of this interim program, funding for ed and outreach for 2014 would be limited to the addition of a task within a capital project for educational signage for the project being built or other outreach directly related to the project.

Ecologic Benefit

This has been discussed in several meetings but there were multiple comments that indicate some ambiguity as to if the term “ecologic benefit” expands eligibility to projects such as habitat restoration, or flood control. Notes from the March meeting indicate that “High Water Quality or Ecologic Benefit” refers to cost effective projects that deal with permitted or listed contaminants, and in March the group re-affirmed that flood control and salmon restoration projects would not be eligible.

Based on these comments should this term be included in guidance documents or does it lead to confusion?

The group discussed how to balance the need to prevent further “silos” among funding sources while preventing these funds from being diverted away from the purpose of addressing municipal stormwater quality problem. Bill L. pointed out that the Phase I perm allows stream restoring and land acquisition as one of the stormwater management tools and he opposes excluding these things categorically. (EDIT TO NOTES – Anne clarified that this is not allowed as a management tool under the Phase I permit- this is restoration vs mitigation) Andy pointed out that piecemeal stream restoration does not equal stream restoration and that picking certain key stream in an important part of the WIRA 9 plan. Darcy noted that there has been tension around the idea of “writing off” certain areas as less important to restore. The group continued to discuss the importance of watershed based planning and characterization. Ron and Jeff pointed out that we have multiple funding sources for stream restoration.

Doug and Bruce provided additional information about the definition of water quality. It includes beneficial uses and BIBI and is generally very broad. Stormwater projects could have multiple benefits and there was support by the group for scoring projects that show multiple benefits higher. Given this

broader definition of water quality, Darcy was ok with taking the term “ecologic benefit” out of the guidelines in the interim program.

Review funding distribution in past programs.

Anne put forth a proposal to limit the number of proposals to 5/Jurisdiction, with a maximum grant request of \$5M/proposal and a maximum grant award of \$5M/community. This idea was well-received by the group. Marcia, Andy, Nancy, and Ron felt that funding bigger projects while keeping the maximum the same would help the bigger jurisdictions without jeopardizing funding for smaller communities. Dawn was concerned that larger counties with multiple departments would be concerned about the 5 project limit. Doug notes that we typically don't receive more than 2 or 3 proposals each from the larger communities. The group decided to change the limit for 2014 as proposed with the option to re-evaluate that decision in 2015.

Hardship Criteria

There was strong support among the group for including some type of hardship assistance and the preferred means of assistance was a reduced match requirement rather than additional points since the 2013 planning and design money should have helped the smaller communities prepare more complete project applications. A match requirement of 10 or 15 percent was suggested to make sure that hardship communities still had “skin in the game.” The group agreed that the best route was to use the existing criteria developed for State Revolving Loans.

1. The existing Residential population of the service area for the proposed project is 25,000 or less at the time of application. AND
2. The MHI for the proposed service area is less than 80 percent of the state MHI.

In the case of stormwater projects, the service area would be defined as the recipient community.