STORMWATER WORK GROUP

Wednesday, September 22, 2010 10:00 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:
Fred Bergdolt (WSDOT), State Agencies; **Shayne Cothern*** (WA Dept. of Natural Resources), State Agencies; **Dana de Leon** (Tacoma), Local Governments; **Rich Doenges** (Thurston Co.), Local Governments; **Jonathan Frodge** (Seattle), Local Governments; **Dick Gersib** (WA Dept. of Transportation), State Agencies; **Nathalie Hamel*** (Puget Sound Partnership), 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; **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

Others in Attendance: **Joel Baker*,** UW-Tacoma; **Mark Biever,** Thurston Co.; **Scott Collyard****,** Ecology; **Scott Tobiason,** Windward Environmental; **Phyllis Varner,** Bellevue.

* morning only
** afternoon only

MEETING START DELAYED BY ACCIDENT ON INTERSTATE 5

Numerous work group members were caught in southbound traffic detouring around a highway closure. The committee delayed the meeting's beginning and covered updates and Ecology's schedule for updating the municipal NPDES permits before going on to the rest of the planned agenda items.

WORK GROUP DISCUSSES RECOMMENDATIONS OF "PAY-IN OPTION" SUBGROUP

This subgroup was charged with recommending specifics to establish the pay-in option and allocate and prioritize costs by the end of October so that Ecology can realistically include the pay-in option in the next cycle of permits. The subgroup focused on the pay-in option and did not work on refining or prioritizing cost estimates.

The subgroup generated a list of 30-40 possible entities to administer the pay-in option and evaluated them as to their readiness to provide the needed services for the 2012-2017 NPDES municipal stormwater permit cycle: accountability for money collected, contracting services, and expansion to other permits and scalable beyond Puget Sound. A data repository, data analysis, and synthesis also need to be done but could be contracted; assuring these responsibilities are assigned is a separate conversation from establishing the pay-in option.

The subgroup narrowed the options down to three and believes that any of the three could work; but recommended that Ecology serve as the entity *initially*. Ecology seemed to the subgroup to be most likely to succeed in starting up the pay-in option and then moving these tasks elsewhere. Ecology has administrative capacity at low overhead, a data management infrastructure, and is willing to serve in this transitional role – but needs to be formally asked to do so by the city and county associations. OFM provides exceptions to hiring freezes for utilizing money from other sources (*i.e.*, not for state money, but for federal or local money).

In addition to going through the draft report provided to work group members in advance of the meeting, the committee heard new information about the interests of the new Stormwater Technical Resource Center (STRC) and the University of Washington Center for Urban Waters in serving as the entity to administer a pay-in option for NPDES permittees to meet monitoring requirements.

The advisory board of the STRC decided that the task of taking on this administrative role could be a diversion from their key role of supporting the business community. They support the pay-in option concept and recommend that it be established elsewhere. The STRC, WSU-Puyallup, and Urban Waters at UW-Tacoma will continue to collaborate on stormwater issues regardless of where the administrative tasks are housed.

Joel Baker of UW-Tacoma described how the entity might be established as part of the Center for Urban Waters in Tacoma. Urban Waters is a collaborative program of UW-Tacoma, the Puget Sound Partnership, and the City of Tacoma. It is a non-profit research center of the university, with a separate board of directors. The Puget Sound Institute (PSI) is a program within Urban Waters, a partnership of EPA and UW to coordinate and disseminate research. The pay-in option for SWAMPPS is envisioned as a program that will be separate and distinct from PSI, but also within Urban Waters. Because UW-Tacoma and Urban Waters do not have personnel that administer grants and contracts, the pay-in administration tasks would be housed at the UW's Seattle campus. The overhead rate is about 26% and negotiable, to provide offices space and contracting; there are no administrative charges on top. Urban Waters' main interest in participating in SWAMPPS is in analyzing and synthesizing data and findings. They would contract out all of the data collection. How data would be stored and managed is an open question; Urban Waters might use Ecology's system.

The Association of Washington Cities (AWC) wants success for its members and is interested in ensuring that there is a viable option in place. AWC is able to oversee contracts but not science activities; it also has a lower, negotiable overhead. Their board has not yet discussed this issue.

Based on this discussion, the option of having UW serve as the administrative entity will be added to the subgroup's report and recommendations. The figure in the report showing inputs and outputs of the administrative entity will be revised to include in addition to "conduct monitoring": (1) data management and (2) data analysis and synthesis. The administrative entity may not be the entity that conducts monitoring, manages data, or analyzes data; organizations interested in conducting these crucial tasks might respond to RFPs.

A cost comparison will be needed so that permittees can decide whether to pay in or conduct their own monitoring. There might be too great of an administrative burden on Ecology (QAPP review, etc.) if many permittees to decide to conduct their own monitoring. Ecology prefers that all permittees participate in a well-defined regional program that has a direct nexus to their other permit requirements to manage stormwater.

WORK GROUP DISCUSSES RECOMMENDATIONS OF PERMIT MONITORING ELEMENTS AND CONTEXT (PMEC) SUBGROUP

This subgroup was charged with providing more technical detail and implementation specifics about the experimental designs and approaches; costs, cost allocations, and priorities; and how the strategy is envisioned to fit into the permits. The group focused on level of effort and implementation timelines for recommended monitoring requirements in the 2012-2017 NPDES municipal stormwater permits. They did not address costs.

For **stream status and trends**, the subgroup recommends a probabilistic design focused on Puget Sound lowlands and comparing urban and rural areas (inside/outside UGA). Recommendation #2 in the draft subgroup report suggests that 390 sites will be included in the status and trends monitoring; however the subgroup has only agreed that a minimum of 50 sites are needed. The subgroup did not come to agreement on how to respond to the comments on the May 2010 draft strategy that the status and trends program is too much, too expensive, and shouldn't be paid for by permittees. There is disagreement about how to provide a watershed approach that is statistically valid, affordable, and answers important questions about stormwater management. The subgroup agreed *not* to pursue targeted status and trends sampling, but to retain a probabilistic approach. The subgroup will meet between now and our next committee meeting to agree on the question to be answered and the scope of the stream status and trends monitoring program in which permittees will be expected to participate.

For **marine nearshore status and trends**, the subgroup did not provide additional specificity about the sampling design but identified more questions that need to be addressed.

For **source identification**, the subgroup recommended not having a regional source identification program but to design and build a database structure that will support regional analyses in future permit cycles.

For **effectiveness**, the subgroup recommended a timeline based on the current permit requirements for Phase I and II jurisdictions to submit ideas for effectiveness studies in their annual reports, due to Ecology at the end of March 2011. Ecology needs to review these proposed ideas and perhaps solicit other ideas. A process by which Ecology will select the studies that will be funded by pay-in needs to be identified and defined for the permit. The studies do not need to be selected and designed in advance of the draft permit release.

For all pay-in components, the detail about what will be monitored does not need to be in the permit; it needs to be in a companion document that describes the monitoring program that will be implemented with the funds.

Prior to the next work group meeting, the PMEC subgroup needs to refine its recommendations per today's committee input. Specifically, for stream status and trends, options need to be laid out for comparison, including the number of sites and power of each approach. After defining the program, the role of the permittees can be defined. It is also noted that no money can be allocated by permittees until about a year after the permit is issued.

Work Group Updated on Ecology's Schedule to Issue NPDES Municipal Stormwater Permits

The current permits expire in January 2012. Due to resources and work load (staff have been diverted to provide capacity to manage a new state grant program), it will be difficult to meet the schedule to issue the permits in time and the schedule is likely to slip a few months. A new schedule has not yet been developed. The SWG schedule cannot slip; those pieces are still needed per the prior schedule. Ecology is not planning to delay permit issuance by two years as cities and counties have requested.

Work Group Discusses Possible Future Funding for SWG

The Stormwater Work Group currently has a staff person but no funding for facilitation. The Puget Sound Partnership has a small amount of money available for facilitation this fall and needs a viable mechanism for contracting with Leska; the Clean Water Coalition might provide such a means, or perhaps AWC could do it. The Partnership has allocated about $35K/year for future SWG facilitation. The current funding proposals are for process and capacity; future proposals will request funds for monitoring activities.

Launch Committee Formed for Puget Sound Ecosystem Monitoring and Assessment Program

The Partnership's Launch Committee has met twice. They are focused on developing the charter for the new ecosystem monitoring program, developing its initial framework, and providing rationale for selecting the first topical work groups. They are following the SWG model and building on the Monitoring Consortium's recommendations. Their recommendations are due to the Leadership Council in February 2011. The SWG is expected to nest within the new ecosystem monitoring program.

Others Briefed on the Work Group's Progress and Recommendations

Chris Townsend (Puget Sound Partnership staff) included talking points about the SWAMPPS strategy in a broader stormwater session at the Ecosystem Coordination Board (ECB) meeting on July 15th; and a written briefing for their meeting on September 10th. The ECB decided at the September meeting to form a Stormwater Work Group. They are very interested in funding for stormwater permit implementation and retrofits.

Jim and Karen briefly updated the Leadership Council on July 30th; the council members were mostly interested in the total cost of the proposed monitoring program and how SWAMPPS and the SWG fit into the Ecosystem Monitoring Program.

WORK GROUP CHANGES MEETING SCHEDULE TO ALLOW SUBGROUPS MORE TIME TO FINALIZE REPORTS

Our meeting scheduled for Wednesday September 29 is postponed until Wednesday October 13th to give the subgroups more time to work on their recommendations to Ecology and PSP. Our meeting scheduled for Wednesday October 27th has been changed to Tuesday October 26th to avoid a conflict with the South Sound Science Symposium.

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

Wednesday October 13, 2010 (approve subgroup recommendations).
Tuesday October 27, 2010 (approve subgroup reports).
In January we will tee up selection of a chair and vice-chair, to take place at the February meeting.

All meetings are from 9am-3pm; if the USGS conference room in Tacoma is unavailable, Karen will send out a notice to members of the alternate meeting location. Please bring a brown bag lunch.