

# STORMWATER WORK GROUP

Wednesday, April 28, 2010 9:00 AM – 2:45 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; **Allison Butcher** (Master Builders Assn of King and Snohomish Co); **Alison Chamberlain** (Mason Co.), Local Governments; **Shayne Cothorn** (WA Dept of Natural Resources), State Agencies; **Jay Davis** (US Fish and Wildlife Service), Federal Agencies; **Dana de Leon** (Tacoma), Local Governments; **Tim Determan** (WA Dept of Health), State Agencies; **Mindy Fohn** (Kitsap Co.), Local Governments; **Jonathan Frodge** (Seattle), Local Governments; **Dick Gersib** (WSDOT), State Agencies; **Nathalie Hamel** (Puget Sound Partnership), State Agencies; **Heather Kibbey** (Everett), Local Governments; **DeeAnn Kirkpatrick** (National Marine Fisheries Service), Federal Agencies; **Bill Moore** (WA Dept. of Ecology), State Agencies; Mel Oleson (Boeing), 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; **Heather Trim** (People for Puget Sound), Environmental Groups.

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

*Others in Attendance:* **Bill Taylor**, Taylor and Associates; **Phyllis Varner**, Bellevue.

### WORK GROUP ASSESSES THE CURRENT DRAFT STRATEGY

The committee began the discussion by offering overall opinions as to what individual members like about the revised draft strategy. These included: the underlying theme of a regional design; conceptual shift to more holistic monitoring that individual efforts can feed into; overall document organization with up-front recommendations endorsed by the committee and a hierarchy of organization that includes subgroup work and ideas not necessarily agreed upon; honest about difficulties and decisions; shows an impressive effort, remarkable progress, and multi-party conversations and agreements; provides context for funding discussions.

Work group members discussed their overall satisfaction with the document: the overwhelming majority of the work group members were about 70% or more satisfied with the progress we've made and are willing to promote the strategy to their caucuses and others, and to elicit feedback to continue to improve it. The business representatives noted that there is a lot of diversity of opinion in their caucus, and note that the strategy does not address their issues, but they will likely be called upon to fund its implementation.

Karen will try to have an Ecology "plain talk" editor to conduct a review during the public comment period. Our goal is to have a comprehensive but simplified and accessible document for our audience.

### WORK GROUP DISCUSSES SIX TOPICS TO ADDRESS BEFORE REVISED DRAFT STRATEGY GOES PUBLIC

The work group members generated a list of things that need to be addressed before the document is released for public comment and decided to discuss six issues. The detailed on-screen edits and notes on the April 21 draft document were sent to work group members following the meeting and are posted on our webpage. Here is a summary of the decisions we made:

For Outfall Characterization: The work group did not agree to make recommendations for ongoing outfall monitoring; the recommendations on p. 41 lines 7-16 in the April 21 draft (and repeated the appendix) were ideas

generated for earlier tee-up discussions but not discussed by the work group; they are not consistent with our agreements about the role of outfall characterization in the strategy (see “Categories of Monitoring” discussion, p. 25 lines 19-26). Shayne Cothorn shared his disappointment that outfall characterization is not included in the strategy because the data would help WDNR manage liability for contamination of aquatic lands. The work group **agreed**:

1. To remove the specific recommendations from Volume 1 and the Appendix.
2. That we should use status-and-trends indicators to inform source identification efforts over time.

For Agriculture: The group discussed how best to represent a comprehensive, holistic, watershed-based approach while recognizing our limited capacity to get the right people to the table to address agriculture and other land uses. There are more topics we have not addressed (e.g., other permits, forestry). We want to include this recommended study of agricultural BMPs but not be so presumptuous as to recommend that it be the focus for a broader effort to assess impacts of and BMPs for agricultural land uses. Carol Smith will provide estimates and recommendations in time for the workshop for funding the agriculture effort. The work group **agreed** (with abstentions from the two business representatives):

1. That Key Recommendation #47 is not relegated to future work; it also needs to be broader – addressing other permits, not just agriculture. Sub-point a. will point out the proposed initial agricultural BMP study.
2. To add a specific implementation plan recommendation that the WA Conservation Commission, Ecology, and others define a broader effort to assess stormwater impacts from agriculture and BMP effectiveness.

For Source Identification Permit Requirements: Key Recommendations #39-40 (proposed prioritization process and requirements to conduct a certain number source identification investigations every 5 years) in the April 21 draft document need tweaking. The group understands that final decisions on permit requirements will take place in a different context: Ecology plans to release a preliminary draft permit this fall for stakeholders to react to; the final draft permit will be out in about a year. The work group **agreed**:

1. That we need to differentiate between local and regional priorities; a framework is needed for both.
2. That there will not be a single approach to funding these efforts that will work in all watersheds.
3. To replace Key Recommendation #40 with a reader box in the implementation plan to get stakeholder input on how to prioritize, fund, and implement these investigations across the region.

For including appropriate permittees: Beyond local jurisdictions, WSDOT also has a role in implementing this strategy but that is not evident from the key recommendations as currently written. The work group **agreed**:

1. To recognize that WSDOT and ports are included as permittees in municipal stormwater NPDES permits and they have roles and responsibilities, and should have access to the pay-in option.
2. To replace “local governments” or “local jurisdictions” with “municipal stormwater NPDES permittees” in occurrences where this change is appropriate.

For including other groups of permittees in making future work group recommendations: The strategy lacks implementation recommendations for the business community, who are not convinced that the work group will meet their future needs. The recommendations in this strategy document were driven by municipal stormwater permit schedule. The discussion of Key Recommendation #5 (ongoing role of the work group) in the April 21 draft document resulted in committee consensus that this group should continue and that we should impress upon authorizing entities the up-front investment in creating such a group and getting it up and running and functional. The work group **agreed**:

1. To recommend that Ecology and the Partnership review the work group charter, bylaws, and representation and make modifications as needed for the work group to be better able to perform its functions.

For funding: The strategy lacks a “whole package” summary and does not yet articulate a realistic plan to fund it. We plan to compile better cost estimates to share and discuss at the public workshop. The document needs to be up front and honest about which pieces have been identified and which have not, and propose a mechanism by which to fill gaps. The work group **agreed**:

1. To better articulate and define the three programs referred to in the strategy: (1) the ecosystem monitoring program that the Partnership is currently charged with creating; (2) the regional stormwater monitoring and assessment program we are proposing; and (3) an independent entity to oversee funds, in particular a pay-in option, and other aspects of implementing (2) the strategy.

2. To add an overarching funding section to volume 2 – the pay-in option is a piece of this.
3. To complete two handouts to share at the May 19 workshop with enough context for participants to get an idea of how much the whole effort will cost and what each entity is expected to pay:
  - a. Table with a range of cost estimates that we have so far.
  - b. Summary of roles and responsibilities for Ecology, the Partnership, local governments, and others, including cost-share proposals that we have so far.
4. To take the detailed cost-share example out of the key recommendations and move it to volume 2.

The group also discussed:

- The rationale for focusing status and trends on 13 watersheds instead of 19 WRAs: the 13 are local salmon recovery areas (WRAs and combinations of WRAs) and do provide Sound-wide coverage.
- Key Recommendation #14b should be moved to volume 2 with “other” ongoing efforts to be continued.
- That emerging technologies should include fecal and metals as an example, not a focus.

Karen will make all of these edits and send the document out to everyone on the afternoon of April 30<sup>th</sup>.

### **LOCAL GOVERNMENT CAUCUS MEMBERS TO MEET WITH ECOLOGY PERMIT WRITERS MONDAY MAY 3<sup>RD</sup>**

Kit Paulsen announced that members of the local government stormwater caucus will meet with Ecology’s permit writers on Monday to discuss details of monitoring requirements in the upcoming municipal stormwater NPDES permits.

### **WORK GROUP CONTINUES TO PLAN THIRD PUBLIC WORKSHOP**

Discussions at the May 19 workshop will focus on what we’re recommending be done now. Each discussion will follow a brief presentation and will focus on 2-3 questions provided by the chapter leads. Speakers have been confirmed with the exception of a possible lunchtime speaker. A dry run by Jim, Karen, Jon, Mindy, and Carol will be scheduled for May 13 or 14. The workshop’s facilitator, Margaret Norton Arnold, joined the group to discuss the plans for our workshop and the work group members’ roles and responsibilities as facilitators. Kit noted that some Tribes have expressed interest in our efforts and are expected to attend and comment. Work group members need to register for the workshop at <http://swgworkshop3.eventbrite.com/>

### **PUBLIC COMMENT PERIOD ON STRATEGY WILL END MAY 28<sup>TH</sup> – THE FRIDAY BEFORE MEMORIAL DAY**

We will try to create an on-line comment form to make it easy to compile the comments we receive, but recognize that some entities will choose to write letters with their comments. A subgroup was assigned the task of organizing the comments between Memorial Day and our next work group meeting on June 9<sup>th</sup>. Similar to what was done in December, the subgroup will tee up issues for work group discussion, focused on major issues we need to address (things we need to do/agree on, including edits, new sections, etc.). The subgroup members are: Mindy Fohn, Jon Frodge, Heather Kibbey, Jay Davis, Tom Putnam, Bruce Wulkan, Karen Dinicola, Jim Simmonds, and Leska Fore.

### **OUR THIRD PUBLIC WORKSHOP WILL BE:**

Wednesday, May 19<sup>th</sup> from 9am-3pm at the Renton Community Center

All work group members need to register for the workshop at <http://swgworkshop3.eventbrite.com/>

### **THE WORK GROUP’S NEXT SCHEDULED MEETINGS ARE:**

Wednesday, June 9<sup>th</sup> from 9am-3pm at the USGS Office in Tacoma (brown bag lunch)

Wednesday, June 30<sup>th</sup> from 9am-3pm at the USGS Office in Tacoma (brown bag lunch); *casual gathering to follow*