

Local Jurisdictional Caucus (LJC) feedback on:

DRAFT Recommendations for future implementation of and changes/improvements to Municipal Stormwater NPDES Permit Special Condition S8 Monitoring and Assessment and the Regional Stormwater Monitoring Program (RSMP) funded by permittees (SWG, Jan 2016)

LJC feedback is provided in three parts: Part I (this document) addresses comments/recommendations pertinent to the structure of S8 Monitoring and Assessment of the NPDES Municipal Permit.

Part II addresses comments/recommendations about the future implementation of the RSMP, and Part III addresses the purpose/goals/structure of the SWG. Parts I and II, currently in draft form, will be finalized and provided separately at a later date.

NOTE: This feedback represents ONLY those opinions and statements of the 24 attendees (representing 18 cities and counties and 2 consulting firms) at the March 4, 2016, LJC meeting. It does not represent opinions or feedback from those jurisdictions that did not attend or have submitted feedback through other avenues.

PART I: Comments/recommendations regarding changes/improvements to Municipal Stormwater NPDES Permit Special Condition S8 Monitoring and Assessment

First three (3) introductory paragraphs:

1. First paragraph, second sentence should read, “The RSMP leverages state and federal monitoring programs and is currently conducted by local, private, state, and federal *monitoring programs* coordinated by the RSMP Coordinator.”
2. Third paragraph should read, “The RSMP was implemented as recommended. Overall, SWG members agree that generally the shift from the jurisdictional-based concept to a regional approach has been a successful improvement over previously uncoordinated efforts. The SWG offers Ecology the following recommendations for continuing to improve the RSMP, and for communicating to others about the RSMP:” [Original second sentence is an opinion or value statement and is not appropriate. Remove.]

RSMP Funding and Administration:

#2 – Should read, “Maintain a strong, *but not exclusive*, incentive for permittees to participate in pay-in options as the means of funding the *permit-related specifics* of the RSMP.” [The understanding here is that the RSMP represents a collaborative, comprehensive, regional strategy. There are several other sources of stormwater and pollution impacting Puget Sound, and the LJC permittees should not be the only entities funding the RSMP.]

#2a – Should read, “The S8.B Status and Trends Monitoring Option 2 (do-it-yourself option) in the current permit should be continued.” [Refer to Discussion Point #2 in the *S8.B Status and Trends Monitoring* section below for a detailed discussion around the use of the term “opt-out” which is neither reflective of, nor in keeping with, current permit language and RSMP approach to data collection and inclusion.]

#4 – Should read, “Continue to maintain funds for each RSMP component in separate accounts.” [Do not refer to *number* of components as this may change (e.g., may drop SIDIR)]

#6 – No change to language, but there is some consensus to revisit the PRO-Committee Charter (see Part III below).

#7 – Should read, “Increase the percentage of total budget allocated for administering the RSMP from 5% to 6% or 7% as *recommended* by the PRO-Committee.” [Same reference to comments in Part III below regarding Pro-Committee; general approval for this increase if it results in more timely release of guidance, QAPPs, and contracting process.]

#8 – No consensus as to whether to continue with current SWG model of subgroups and division of responsibility for setting priorities, modifying parameters, and approving expenditures; most agreed that we need to await results of this first round of RSMP before making any changes (Again, see Part III below for particulars relating to the structure/purpose/goals of the SWG).

RSMP Fee Reduction Alternatives:

#13 – The LJC has two positions:

Majority position: Need to wait for initial assessment (such as small streams status and trends assessment which will specifically look at data compatibility between local, targeted programs and RSMP) before evaluating.

Minority position: Need to explore whether we can effectively leverage locally collected data into the RSMP efforts (such as small streams status and trends assessment which will specifically look at data compatibility between local, targeted programs and RSMP) [Majority position LJC members have concern about impacts of this position to RSMP funding.]

#14 – Though most attendees recognize that current lack of participation is due to “burn out” and demanding workloads with little time for extracurriculars, the majority agreed it would be difficult to administer a credit or reimbursement. Who and how would we document, track, and establish value of participation which may include everything from simply providing feedback to occasionally attending meetings to full participation on subgroups or the SWG?

S8.B Status and Trends Monitoring:

“Context” paragraph

1. Remove first sentence. What the SWG membership felt in 2010 is not relevant. Focus on how the current caucuses and the current SWG membership (which is much different) feels.
2. Second sentence should read, “SWG members agree that the current Option 2 permit requirements need to be modified.” [Most LJC meeting attendees felt that the current requirements were excessively onerous.]

#9 – 12 The LJC provides the follow discussion points and recommendation:

Discussion Points:

1. When providing proposals specifically from individual caucuses, need to identify which caucus(es) made the proposal(s). Therefore, need to identify which caucus(es) proposed/supported each of these recommendations.
2. The SWG, caucuses, subgroups, and PRO-Committee need to cease using the term “opt-out” where not appropriate. There is no “opt-out” option for status and trends in the current permit. The current permit language refers to an Option 1 which is a direct pay-in option and an Option 2 which is a do-it-yourself option. Option 2 requires those who choose to do-it-yourself to use RSMP randomly-selected sites, sampling methods, and QAPPs, and the data are used as part of the final assessment. Therefore, both options represent participation in the RSMP. Use current permit language when referring to Option 1 or Option 2.
3. Again, remove all reference to what the previous SWG and/or caucuses thought or recommended in the past; not relevant to current recommendations.
4. Regarding input/feedback on listed proposals, the LJC provides the following:
 - a. #9 – there is no “opt-out” alternative in the current permit (see discussion point #2 above).
 - b. #10 – strongly disagree with first sentence of the “context”; as Option 2 requires use of RSMP randomly-selected sites, sampling methods, and QAPPs, and the data are used as part of the final assessment, this option does provide substantive meaning to the regional analysis.
 - c. #11 – strongly disagree. Again, as Option 2 requires use of RSMP randomly-selected sites, sampling methods, and QAPPs, and the data are used as part of the final assessment, this option does provide substantive meaning to the regional analysis. Further, Option 2 selectees spend 4-5 times more in collection and providing these data for the regional analysis, so they are already contributing more than their fair share.
 - d. #12 – As no particular alternatives are listed here, there is no context on which to comment.

Recommendation:

Majority position: Retain current Option 2 (do-it-yourself) in the permit. Option 2 would remain participatory in the sense that it requires those who choose to do-it-yourself to use RSMP randomly-selected sites, sampling methods, and QAPPs, and the data are used as part of (and provide substantive meaning to) the regional analysis.

Minority position: Offer a true “opt-out” which would be *non*-participatory in the sense that those who choose this option would select sites of particular interest to their jurisdiction (targeted vs. random), may or may not sample same parameters/matrix/frequency as the RSMP, use Ecology-approved sampling methods and QAPPs (which may be different from RSMP), and whose data would provide direct adaptive stormwater management feedback to the jurisdiction (though these data may or may not provide substantive meaning to the regional analysis). [Majority position LJC members felt that this true “opt-out” option would negatively impact the ability to fully fund the RSMP.]

S8.C Effectiveness Studies: Other than #2b under the *RSMP Funding and Administration* section above, draft document did not specifically call out any recommendations for this section to which the LJC could comment.

Recommendation – Keep current options (both pay-in and “opt out”) in the permit.

S8.D Source Identification and Diagnostic Monitoring (SIDIR):

“Context” paragraphs

1. Remove historical references. What the SWG membership felt in 2010 is not relevant. Focus on how the current caucuses and the current SWG membership (which is much different) feels about the current approach to SIDIR.
2. This context is inappropriately justifying one of the proposals (#1) over the other three. Remove judgement calls from context.

#1 – 4 The LJC provides the follow discussion points and recommendation:

Discussion Points:

1. When providing proposals specifically from individual caucuses, need to identify which caucus(es) made the proposal(s). Therefore, need to identify which caucus(es) proposed/supported each of these recommendations.
2. Regarding input/feedback on listed proposals, the LJC provides the following:
 - a. #1 – disagree
 - b. #2 – 3 – Nearly unanimous consensus of attendees (all, but one) to eliminate SIDIR from RSMP and the permit, or redirect SIDIR funding to Effectiveness Studies as current approach to SIDIR is an effectiveness approach and these activities should, therefore, compete for effectiveness monitoring funds.
 - c. #4 – No feedback

Recommendation: Eliminate SIDIR from the RSMP and the permit or redirect SIDIR funding to Effectiveness Studies as current approach to SIDIR is an effectiveness approach and these activities should, therefore, compete for effectiveness monitoring funds and/or Status and Trends for stream gaging.