

Industrial Stormwater General Permit Initiative Overview DRAFT 8/14/08 FOR WORK GROUP REVIEW

THE ORIGINS OF THE INDUSTRIAL STORMWATER GENERAL PERMIT INITIATIVE

In late 2007, Ecology issued a draft revised Industrial Stormwater General Permit (ISWGP) under the NPDES program. During the public comment period the draft received significant critique from a full range of stakeholders and it became apparent that all parties were likely headed for several years of litigation with very little environmental benefit. In April 2008, Ecology decided to delay issuance of a revised permit and implement the ISWGP Initiative by convening a Work Group comprised of key stakeholders to fully re-evaluate the ISWGP and find practical solutions for managing industrial stormwater discharges for improved environmental results.

ISWGP INITIATIVE OBJECTIVES

The ISWGP initiative is designed as an open and structured dialog on how to improve industrial stormwater quality management, in which Ecology is a participant. The outcome of the ISWGP initiative will be a list of recommendations and draft language on key permit revisions and recommendations for a new structure to support implementation of the revised ISWGP. The group is charged with looking comprehensively at the overall implementation system from a practical point of view, and not just the "words on paper" of the permit. These recommendations will be used by Ecology to develop the next draft of the permit. Besides developing a revised ISWGP, this initiative will identify other elements and activities that are necessary for a more effective industrial stormwater permit program.

Ecology sees four primary focus areas for the initiative, including Outreach & Education, Technical Assistance, Research & Development (to provide permittees with understanding of real solutions), and Enforcement/Compliance, with the idea that compliance must be a competitive advantage to businesses as opposed to a liability. The goal is to develop revised permit requirements and a more effective and comprehensive approach to industrial stormwater that is supported by industry, Ecology and non-governmental organizations; reducing litigation and dispute.

Ecology, the Puget Sound Partnership, and the full range of stakeholders involved in the Partnership's Action Agenda process will likely be re-thinking broad stormwater goals for the Puget Sound region over the next year as well. Creative ideas for stormwater management coming out of this ISWGP initiative will be communicated to Ecology and Puget Sound Partnership management as input to that process.

WORK GROUP MEMBERS AND THE GENERAL PUBLIC

The Work Group is comprised of approximately ten members who represent all of the primary permittees and interest groups relative to the ISWGP, including large and small industry, Ports, City and County industrial permittees, and environmental non-governmental organizations, who

can as a group think broadly about how industrial stormwater should be managed to achieve best performance for water quality. Members invited include representatives from the Association of Washington Businesses, the Independent Business Association, the Puget Soundkeeper Alliance, the Environmental Coalition of South Seattle, local government, and the Washington Public Ports Association. Work Group members were invited based on their knowledge of the ISWGP, participation during comment periods on previous draft permits, and the expectation that they will provide a unique insight into the needs and constraints of the groups they represent.

The general public is also a key stakeholder throughout the process. All meetings will be open to the public and documentation from the meetings will be publicly available. Members of the general public will have an opportunity to ask questions and raise points at defined times on meeting agendas, and the public will have an opportunity for formal comment once the newly revised permit is submitted to the public record for review.

WORK GROUP PROCESS

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, working within a public forum. The intent is for the Work Group to discuss ways in which the permit and accountability process could be re-imagined to be as effective as possible, with the understanding that all parties own a part of the solution. These creative ideas will be discussed, debated and refined by the group, and then provided to Ecology for input to Ecology’s decision-making regarding permit revisions and re-structuring of Ecology resources.

Ecology will be a stakeholder in the Work Group process and is committed to working collaboratively to a solution that all parties can support. Within the Work Group, the goal is to identify key issues, work through and document proposed resolutions to key permit concerns, as well as discuss recommendations for the implementation support structure. 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.

The purpose of the Work Group is for members to work together in a collaborative environment where ideas are shared openly, problem solving and development of recommendations are openly brainstormed, and recommendations are reached by consent, if not consensus. This working environment can be achieved through understanding that this is not a decision-making body.

ISWGP INITIATIVE TIMELINE

Work Group meetings will be held between August 2008 and February 2009, approximately monthly. During the September meeting, the Work Group will define discussion topics and the sequence of discussion. For the October through December meetings, the Work Group will participate in a sequential discussion of the identified topics, with “homework” to foster constructive discussion. The January and February meetings will involve a comprehensive

review of each topic and their compilation into a recommendations document for Ecology program management. A state mandate requires industrial stormwater dischargers into impaired water bodies to meet effluent limits by May 1, 2009, at which time Ecology wants to have an approved revised permit. In order to provide adequate time for public comment, the revised permit must be submitted for public review by January 31, 2009.

Proposed Ground Rules for the ISWGP initiative Work Group

1. We commit to being advocates for the Work Group process and objectives.
2. We commit to focus on the project subject area, listen carefully, ask questions, and explain clearly.
3. We commit to being individually responsible for making sure our issues and concerns are communicated; and to commit as a group to address issues raised by each member and to look for opportunities for progress and consensus.
4. We commit to open discussion and the right to disagree, and to respecting each other as colleagues.
5. We commit to read meeting summaries and to edit them as appropriate in order to assure an accurate (but not necessarily verbatim) record of meeting decisions and progress is maintained.
6. We agree to make every effort to attend meetings and acknowledge that consistent attendance by the named representative for each Work Group member organization is critical to project success.
7. We commit to seeking advice from outside the group as necessary and to inform our constituents promptly on progress.
8. We commit to work in-between meetings as agreed to by the group.
9. We commit to refrain from characterization of others' views to the media.
10. We agree to have the Work Group meetings be led by a neutral facilitator.