

**Industrial Stormwater General Permit Initiative  
Work Group Meeting – January 15 & 22, 2008**

**WORK GROUP ATTENDEES**

Bill Moore	Washington Department of Ecology (Ecology)	b moo461@ecy.wa.gov
Jeff Killelea	Washington Department of Ecology	jkil461@ecy.wa.gov
Ken Johnson	Weyerhaeuser, for the Assn of WA Bus (AWB)	ken.johnson@weyerhaeuser.com
Sue Joerger	Puget Soundkeeper Alliance	sue@pugetsoundkeeper.org
Marilyn Guthrie	Washington Public Ports Association (WPPA)	gutherie.m@portseattle.org
Heather Kibbey	City of Everett, Association of Washington Cities	hkibbey@ci.everett.wa.us
Cal Noling	StormwaterRx Consultants	caln@stormwaterx.com
Gary Smith	Independent Business Association	iba@isomedia.com
Nathan Graves	Kennedy Jenks Consultants	nathangraves@kennedyjenks.com
Kevin Burrell	Environmental Coalition of South Seattle	kevin@ecoss.org
Kate Snider	Floyd Snider (Facilitation)	kate.snider@floydsnider.com
Nick Spang	Floyd Snider (Facilitation)	nick.spang@floydsnider.com

**PUBLIC ATTENDEES** (Name<sup>A</sup> = only attended 1/15, Name<sup>B</sup> = only attended 1/22)

Mel Oleson	Boeing	mel.oleson@boeing.com
Alan Sugino	Boeing	alan.k.sugino@boeing.com
Katie Kolarich	Puget Soundkeeper Alliance	katie@pugetsoundkeeper.org
Rebecca Cushman	Sound Environmental Strategies	rcushman@soundenvironmental.com
Kris Holm	Water Resources Northwest, with Boeing	krisholm@comcast.net
Paul Fendt	CDM	fendtps@cdm.com
Ross Dunning	Kennedy Jenks Consultants	rossdunning@kennedyjenks.com
Joy Michaud <sup>A</sup>	Herrera Environmental	jmichaud@herrerainc.com
John Lenth <sup>A</sup>	Herrera Environmental	jlenth@herrerainc.com
Marc Pacifico <sup>A</sup>	Ecology – S.W. Regional Office	mpac461@ecy.wa.gov
Steve Eberl <sup>A</sup>	Ecology – S.W. Regional Office	sebe461@ecy.wa.gov
Gary Bailey <sup>A</sup>	Ecology	gbae461@ecy.wa.gov
Dewey Weaver <sup>A</sup>	Ecology	duwe461@ecy.wa.gov
Ayn Generes <sup>B</sup>	StormwaterRx Consultants	ayng@stormwaterrx.com

These meeting summaries were prepared by Nick Spang and Kate Snider. They are based on notes and transcriptions of the flip charts used during the meetings to document the discussions. *Notes, as well as agendas and other background material are available on the Ecology webpage at <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/advcomm.html>.*

## MEETING OBJECTIVES

- Review Herrera's Reasonable Potential Analysis (RPA) for stormwater effluent concentrations that exceed [Water Quality Standards](#)
- Discuss the results of Work Group rankings of potential recommendations from previous meetings, and prioritize items for discussion in the remaining Work Group meetings
- Define the context for providing recommendations and how Ecology will use them
- Discuss the high priority key issues and potential recommendations
- Discuss the process forward and participation of the Work Group in reviewing the Draft Permit

## HERRERA PRESENTATION ON STORMWATER EFFLUENT CONCENTRATIONS THAT HAVE A REASONABLE POTENTIAL TO EXCEED WATER QUALITY STANDARDS

John Lenth, at Herrera Environmental Consultants, started the meeting by giving a [presentation on a Risk Analysis](#) to evaluate copper, lead, and zinc target values. Herrera was engaged by Ecology to do this work to support the development of the new permit draft. The presentation followed up on the 'straw dog' permit numbers provided by Ecology during the [October 17, 2008 Work Group meeting](#).

The analysis was based on a [Monte Carlo statistical evaluation](#) of risk to water quality, to determine what stormwater effluent concentrations of copper, lead, and zinc would have an approximately 90% chance of protecting [water quality standards](#) (a 10% risk of exceedence). The analysis utilized dilution factors of both one and five, with a dilution factor of one being equal to no dilution, and a dilution factor of five equal to four parts receiving water to one part stormwater effluent. The model was based on evaluating potential target values, not actual effluent data. The model is only applicable to freshwater receiving water bodies. Different model runs were conducted for receiving waters East and West of the Cascade Mountains. Data for receiving water quality came from Ecology's ambient water quality study data from their [Environmental Information Management \(EIM\) system](#).

This Reasonable Potential Analysis (RPA) was conducted to assist Ecology in evaluating potential target values to use in the new permit. Herrera had previously conducted a similar analysis to support The Revised Code of Washington Section 90.48.555 ([RCW 90.48.555](#)). For that work, they evaluated the risk of exceeding water quality standards for specific effluent concentrations at different levels dilution, whereas in this analysis effluent concentrations were derived by establishing desired risk and dilution levels and running the analysis.

## Variables in the analysis included:

- [Hardness](#)
- [Translator Values](#) for estimating dissolved metals concentrations from total metals
- Receiving Water Quality
- Probability of Exceeding Water Quality Standards
- Dilution Factors

## ISSUE PRIORITIZATION AND CONTEXT

Following the [December 12, 2008 Work Group meeting](#), Floyd|Snider developed a matrix of proposed recommendations that allowed the Work Group members to rank which emerging recommendations were most relevant and a high priority to discuss. At the start of this discussion, Floyd|Snider provided a [summary of recommendations](#) that the Work Group scored highest in terms of priority for discussion. These items are proposed for priority discussion in the January meetings.

After reviewing the summary, the Work Group also asked to see what potential recommendations scored high in relevancy but lower in priority – there may be items where the group is in consensus but did not prioritize discussion. In addition, the Work Group wanted a chance to revisit recommendations that some members felt were interpreted differently than they intended during the recommendations review process.

Recommendations and suggestions made by the Work Group are provided to Ecology for consideration in the development of a Draft Permit and associated implementation support structure. Many of the recommendations are relevant to the actual permit language, but a portion of the recommendations are also relevant to the effort to put in place a structure for technical assistance and implementation support that is separate from the actual permit language. The Work Group will have an opportunity to review and comment on a preliminary draft permit before it is revised for issuance for public comment. In conjunction with issuance of a Draft Permit, the Work Group recommends that Ecology publish a proposed approach regarding implementation support.

## GENERAL THEMES OF AGREEMENT BETWEEN ALL WORK GROUP MEMBERS

Before discussing contentious issues, the Work Group articulated and documented those general areas where the full work group is in agreement. **These are clear recommendations that the Work Group is, in consensus, making to Ecology:**

- 1. Tell permittees very clearly what to do and what is required for compliance.**
- 2. For the majority of facilities under the permit, simplify the permit, make the permit less confusing.**
  - The path between benchmarks and action levels is very confusing to permittees.
  - Switching to one set of target numbers could assist in reducing confusion.
  - Put all SWPPP information in one place in the permit.

**3. For more complex facilities, switch to streamlined individual permits or something similar.**

- Simplify the permit appropriately for 80% of the permittee population even if it makes it not applicable for the other 20%.
- Remove more complex facilities from general permit.
- Create a simplified process or template for establishing individual permits.
- Consider sector/group-based permit templates, draft could be developed by industry sector, for review by Ecology and public.

**4. Significantly increase technical assistance.**

- Provide more technical assistance and increased opportunities to learn about the permit.
- Consider training/certification as a permit requirement.
- Establish a permit requirement for annual training to start soon after the permit is issued.
- If permittees are below a level 3 response, vary training requirements by facility type and size.

**5. Address and supplement Ecology resources for permit implementation and technical assistance.**

- Supplement Ecology resources with increased partnerships with municipalities, non-profits, business organizations.

**6. Remove barriers to effective enforcement.**

- Use 'ticket books' and streamline enforcement transaction processes.
- Implement automated responses to the non-submittal of DMRs.
- Use electronic Discharge Monitoring Reports (eDMRs).

**7. Even the playing field for permittees through consistent enforcement and permitting.**

**8. Permit unpermitted facilities.**

**9. Focus on a successful transition from the old to the new permit.**

- In the transition, address the current compliance problems surrounding the non-submittal of sampling results.
- Move permittees into a parallel status for the transition, do not let them go backward or gain additional time for compliance.

## DISCUSSION OF HIGH PRIORITY KEY ISSUES AND POTENTIAL RECOMMENDATIONS

The Work Group discussed the high priority potential recommendations, to discuss viewpoints and potential points of agreement for each.

### Compliance Based on Permittee Actions vs. Monitoring Results

We started by discussing the most controversial issue, regarding the definition of compliance under the permit. All Work Group members agree that clarity regarding what defines compliance with the permit is very important. However, a key and controversial issue is whether permittee compliance is defined based on consistent implementation of BMPs (compliance based on actions), or through monitoring results of effluent concentrations (compliance based on outcomes). Clarification of the adaptive management process is very important for permittees. Many of the primary potential recommendations listed in the potential recommendations matrix relate to this issue.

The Work Group clarified viewpoints on this issue, and talked it through in order to determine whether there are common recommendations that Ecology can consider in development of the Draft Permit.

### Viewpoint Regarding Permittee Actions and Adaptive Management:

- [RCW 90.48.555](#) states that Ecology will use narrative effluent limits that require the implementation of BMPs.
  - \* The report also states that compliance with water quality standards shall be presumed unless site specific information demonstrates a violation
  - \* If a violation is determined, then a site-specific process is used to develop a site-specific effluent limitation.
- The process should be that Ecology and permittees define the right BMPs and rigorously implement them with documentation of implementation.
  - \* There is a presumption of compliance if permittees properly apply and maintain BMPs.
- [RCW 90.48.555](#) also has an enforceable adaptive management mechanism.
  - \* The adaptive management process includes implementation of BMPs, documentation of implementation, monitoring relative to benchmarks and action levels as goals, upgrading BMPs as necessary, reporting results and following through with enforcement
  - \* Benchmarks and action levels are goals - permittees continue to maintain and upgrade BMPs in an attempt to continuously get better at meeting these goals.
  - \* Implementation of the right set of BMPs is supposed to equate to AKART (all known, available, and reasonable treatments) for the prevention and control of pollution
  - \* When requiring permittees to upgrade BMPs, provide enough time to budget for BMP implementation, construct BMPs and monitor for effectiveness before moving to next level of corrective actions.

## Viewpoint Regarding Monitoring Outcomes and Numeric Criteria

- A measured, numeric outcome from the ISWGP is required because history has not demonstrated progress towards industrial permittees meeting benchmarks.
- Ecology should monitor what is coming off of individual sites, and if there is a reasonable potential to exceed water quality standards, then set numeric or narrative effluent limits.
  - \* Ecology can't assume that just maintaining BMPs brings permittees into compliance with water quality standards.
  - \* Determination of compliance requires monitoring.
  - \* In setting stormwater regulations a primary concern is what is happening in the receiving environment.

## Points of General Agreement and Recommendations - Actions vs. Outcomes

- There needs to be more specificity in the definition of required BMPs as well as frequent and strong enforcement relative to their implementation
  - \* Define use of stormwater management manuals
- Routine documentation of BMP implementation and inspection should be required and made a more important part of the DMRs.
- Ecology should make more bright-line decisions on what equals compliance.
- Greater clarity and technical assistance should be given to how to select a suite of BMPs that will result in a reasonable assurance of water quality protection in different receiving environments.
  - \* How to make the connection between BMPs and water quality outcomes?
  - \* What is the most appropriate target value for pollutant concentrations in stormwater?
- Make sure regular facilities under permit are really applying and maintaining BMPs and see how much water quality improves.
- Ecology should look hard at sector specific permits for the definition of BMPs and requirements.
- See the additional discussion on SWPPP Templates and SWPPP approval below.

## **Target Values**

The Work Group discussion turned to whether Ecology should potentially define one set of target values, instead of both Action Levels and Benchmarks, in order to increase the clarity of the permit. It was also noted that an inherent tension exists between setting targets that meet water quality standards and setting targets that are reasonably achievable by permittees.

- Target values in the permit should provide for an escalation of requirements based on data review and increasing BMPs until an agency determination that a permittee has consistently avoided violations by achieving benchmarks.
- If there is a single target value for stormwater pollutant concentrations in the new permit, it should function like an action level triggering escalating regulatory requirements.
  - \* BMP escalation: operational BMP upgrades > Structural BMP upgrades > Treatment BMPs. Then if there is a determination of water quality violation, likely off-ramp to an individual permit
  - \* One target number in the permit would be good for simplicity.
    - Ideally, the target value should be achievable by permittees while protective of water quality.
    - Dilution factors of five and ten are commonly used in other jurisdictions in the development of target values determined to be protective of water quality standards.
  - \* Ecology should acknowledge the concern about the Pollution Control Hearing Board (PCHB) ruling on the Boatyard permit regarding dilution factors for establishing benchmark values.
- The target number should not be set so low that all industrial facilities would require stormwater treatment.
  - \* Good implementation of structural BMPs should be able to meet targets.
  - \* This is related to how AKART is defined, and the “reasonableness” test.
- Ecology needs to figure out how to focus on large and problematic dischargers.
  - \* For small and less problematic discharges, set goals so good implementation of structural BMPs can meet target values.
  - \* Mass-based targets should be available under individual permits.
- If a permittee is treating stormwater as part of level 3 corrective actions under the current permit, would they be grandfathered into the same compliance status under the new permit even if the target number changed?

## **TSS vs. Turbidity**

Consider use of total suspended solids (TSS) instead of turbidity for stormwater concentration targets.

- Current benchmarks and action levels use turbidity as a target
- Work Group members representing permittees believe that TSS would be more appropriate.
- Ecology’s rationale is that turbidity is what is written into the State’s water quality standards.
- TSS is mass-based, and has direct relationship to treatment design and BMP performance.

## Tiering

Consider tiering of permit requirements based on facility characteristics.

- If removing most complicated facilitates to streamlined individual permits, the remaining facilities still likely fall into tiers relative to significance of impact and associated requirements
  - \* The group in the lowest tier of regulatory requirements should have small average discharges plus a low likelihood of impacts to water quality.
  - \* Tiers might be most appropriately defined based on industry sector
  - \* Potentially evaluate mass loading of contaminants being discharged to trigger tiered permit requirements.
- Tiers could be used to:
  - \* Define required BMPs.
  - \* Reduce sampling frequency or eliminate sampling requirement.
- Continue development of the discharge and site characterization model initiated by Kennedy-Jenks.
  - \* Could be utilized to ID priority facilities based on probability to exceed water quality standards.
  - \* Could be used to assist in determining where facilities fit in tiered system.
  - \* Could be used to set site-specific effluent limits for streamlined individual permits.
- Consider development of permit options or different requirements based on:
  - \* Eastern versus Western Washington facilities.
  - \* Receiving water types, for example the Puget Sound.
  - \* Industry sectors.
  - \* Site activities.
- Similarity to municipally managed sites
  - \* Municipalities use a checklist of activities to predict likely impacts from stormwater.
  - \* Municipalities, like Tacoma and Pierce Counties, employ a customized list of BMPs based on facilities' characteristics and activities.
- 'No-exposure' certification checklists could go further to help define tiers.
- The current permit already has tools for tiering SWPPP requirements.
- The ISWGP should make the rules clear for tiering opportunities to be possible.
- Permittees would need a very clear understanding of how tiering works.
  - \* Ecology should use flow charts/tools to better understand the system.

## Background Concentrations

Acknowledge aerial deposition and assumed background concentrations in target levels.

- Background concentrations due to general urban conditions including aerial deposition are not under permittee control and may not allow permittees to achieve target levels.
  - \* Potentially add something to the level 3 process to acknowledge aerial deposition and background, like a level 3 waiver request relative to background concentrations
  - \* Consider practicability of benchmarks and action levels given background conditions.
  - \* Also consider fugitive, upgradient, and historical sources in level 3 corrective action responses.

## Level 3

Evaluate specific industries or business sectors for whether they should go straight to Level 3 corrective actions. Consider individual permit offramp following Level 3.

- Potentially specific business sectors should move right to level 3 corrective actions.
  - \* Some work group members believe that the direct placement into level 3 should be driven by DMRs.
- If facilities haven't sampled, should they start at Level 2?
- Give permittees who do not consistently achieve an action level following Level 3 corrective actions the option between moving to an individual permit or the Level 4 response as proposed by Ecology.

## SWPPP Templates, Review & Approval

Provide SWPPP templates, prescriptive BMPs, BMP technical assistance/video and inspector checklists.

- The current ISWGP's SWPPP section is geared to more complex facilities with a lot of complicated detail
- Ecology should provide a base set of BMPs with the ability to substitute according to site-specific conditions.
- Define prescriptive BMPs by industry sector in the stormwater manual or model SWPPP, consider sector or Standard Industrial Classification (SIC) specific manuals
- Consider development of model SWPPPs for small business and/or certain industry types, which would be a "fill in the blank" approach or option. Provide video examples of BMPs (see technical assistance below)
- There should be clear definition of mandatory BMPs
  - \* Routine field inspections of BMP implementation should be a permit requirement – permittees must have an inspection checklist, and must document inspections.
- There should be a permit requirement for accountable person, responsible for BMP implementation and documentation

- Permittees should specify BMPs in their SWPPP. Consider having Ecology or certified third party review and approve SWPPPs, and follow up with inspections to ensure appropriate BMP usage.
- The approval of customized SWPPPs can give permittees certainty regarding compliance.
  - \* Consider making formal SWPPP approval a requirement for non-compliant permittees, in order to focus resources and expenditures on most important facilities, and to provide permittee incentive for compliance.

## **Certification**

Consider creation of a 3rd party assessor program – to define “Certified Stormwater Permit Assessors.” The program could be similar to the [Certified Erosion and Sediment Control Lead \(CESCL\)](#) certification program.

Require permittees to have someone on staff with a current certification to manage/oversee SWPPP and stormwater BMP implementation and documentation.

- A person who is accountable for fulfilling permit requirements should be identified as part of the requirements for coverage under the ISWGP
- As a permit requirement, within first year of receiving coverage under the ISWGP, permittees should be required to send someone for certification as a ‘Certified Stormwater Permit Assessor.’
  - \* This requirement could be a hardship for small businesses but will be potentially cheaper than non-compliance.
    - Employee turnover is a consideration.
  - \* Consider making this requirement mandatory only if a facility is over numerical targets.
  - \* Remember that the certified individual may not have the corporate authority to make changes – discriminate certification from accountability.
  - \* This requirement could be implemented as a pilot program in a neighborhood.
    - Ecology could measure the results of the policy change.

## **ERP**

Focus on BMPs that address multiple media (air, water, etc) that are prescriptive for business types like the Environmental Results Program’s (ERPs).

- Link to the [Environmental Results Program \(ERP\)](#) multi-media management approach.

## **Technical Assistance**

Increase resources for technical assistance, and training through increased Ecology resources and external partnerships

- Create external partnerships with non-profits, municipalities and industry associations

- Decouple technical assistance and enforcement.
  - \* Enforcement by government
  - \* Additional non-governmental technical assistance resources
- Permittees should have a 'no foul' opportunity to get technical assistance.
- Permittees should have the ability to have assistance early on
  - \* They should be able walk the site with someone who is knowledgeable to understand their pollution-creating activities and receive advice and assistance regarding requirements.
- Stimulate and empower third-party non-profit resource centers, who can:
  - \* Understand the permit from a permittees perspective
  - \* Provide unthreatening technical assistance
  - \* Walk the site with the permittee
  - \* Review and provide comment on SWPPPs
  - \* Point to other resources, such as a BMP marketplace, etc.
- Establish a funded position at Ecology to coordinate providing technical assistance and developing a training curriculum for permittees.
- Establish grant-making authority and funding at Ecology and the Puget Sound Partnership to fund non-profits to provide technical assistance and training to permittees.
- Technical assistance and training for permittees should include:
  - \* Providing support for understanding the new 2009 ISWGP requirements and the impacts of the transition from the previous permit to new permit coverage.
  - \* Outreach to unpermitted entities requiring a permit to clarify permit requirements and initiate permit coverage.
  - \* Information specific to facilities, such as assistance on reviewing facility characteristics for developing SWPPPs and selecting BMPs.
  - \* Information on how to successfully implement BMPs at facilities over time.
  - \* Training in recognizing sources of industrial stormwater pollution, understanding the impacts of stormwater on the environment, and the importance of maintenance, routine monitoring, and reporting for managing stormwater pollution.
  - \* Training on real world solutions based on technology and treatment devices.
- Also provide technical assistance info on web-based resource hub
- Technical Assistance and Training are Needed Because:
  - \* Industrial stormwater is a significant source of pollution in the Puget Sound and other waters of Washington State, as documented by the Puget Sound Partnership.

- \* Ecology is issuing a new permit in the summer of 2009 with a goal of significantly improving industrial stormwater by clarifying requirements and increasing enforcement.
- \* A collaborative stakeholder Work Group, representing business, municipalities, and environmental interests, formed in the fall of 2008 to work with Ecology and improve the permit.
- \* The Work Group has found that compliance with the existing permit by businesses is poor due to the general lack of understanding about the permit, its monitoring requirements, and how to be in full compliance.
- \* A general permit must be effective for a large number of different business types in variable operating environments, and is therefore complicated and difficult for permittees to distill for specific situations.
- \* Early technical assistance for businesses is important for establishing expectations and the comprehension that become the basis for compliance.
- \* There are few existing resources for technical assistance and consultant assistance is costly. Permittees are reluctant to ask Ecology inspectors for help due to the risk of inviting enforcement action.
- \* Ecology inspectors are burdened by the need to provide technical assistance. Qualified 3rd party technical assistance and training for permittees would remove that burden so Ecology could implement a more comprehensive inspection and enforcement program.
- \* Ecology staff and non-profit organizations are ready to provide more technical assistance but do not have the funding to do so.
- \* Widespread compliance with the ISWGP would have a significant effect on the quality of Puget Sound and other waters of Washington State.
- \* Widespread compliance with the ISWGP would help level the playing field for the businesses that are currently in compliance but economically “penalized” as long as their competitors are not in compliance.
- Consider multiple funding options: legislation adding to Ecology’s budget, user/voluntary fee for service for technical assistance, potential vehicle stormwater fee, materials handling fee, all of which could assist in funding technical assistance throughout the state, and funding provided from Puget Sound Partnership focused on implementation and technical assistance within the Puget Sound basin.

## **Tools for Technical Assistance**

Consider making technical assistance, enforcement, and anonymous reporting cheaper and more effective through web-integrated information centers – could lead to large gains in compliance with cost that would be quickly recouped.

- Implement a resource center/hot line for permittees.
- An information hub, where permittees could enter in facility characteristics and activities and get an output of required BMPs and resources would be of great help to permittees.
  - \* Making information as industry specific as possible is better

- \* Consider formation of a working group of technical suppliers and engineers, with good peer review, to document performance and cost data for BMPs and make that available to permittees and Ecology in a “BMP Marketplace.”
- Ecology should employ a variety of routes for assistance such as the web, paper-based tools, and person-to-person support.
- Develop an e-reporting system and the ability for DMR, potentially with permittee information to be displayed on an interactive map.

## **Enforcement**

- Increase resources for enforcement and effectiveness of enforcement
- Conduct joint training with inspectors from other Ecology programs
- Enforcement is high priority in addition to resources for technical assistance.
  - \* For the 200 - 300 entities that are not in compliance due to lack of sampling and reporting.
  - \* Enforcement should be prioritized by SIC code.
  - \* Ecology will have to be prepared to respond to many phone calls when the new requirements come out.
    - Will Ecology have the ability to refer out for technical assistance?
- Cross-training within Ecology to increase capacity for inspection - cross training of stormwater and hazardous substances inspectors is underway.
- Cross-training with municipal inspectors, and coordination so that municipal inspectors can be resource to inspect ISWGP compliance
- Ecology also needs resources for data management.
- eDMR process
- Requesting that businesses submit SWPPPs would aid compliance.

## **Delinquent Permittees**

- Forcefully and immediately address facilities that are not sampling or reporting.
- Need more effective enforcement of the permit for facilities that are not sampling or reporting.
  - \* One option is to fine them.
  - \* Ecology needs to go after them now.
  - \* Enforcement is important sooner rather than later.
- Another option is public pressure through mapping non-compliant facilities and making that information available to the public.
- Ecology should reprioritize a special task force of inspectors to jump on non-compliance.

- \* Volunteer assistance could help, if properly trained.
- eDMR associated software that can flag non-compliance and generate communications automatically could help with this.

## Incentives

- Build compliance incentives into the permit requirements
- Most important to ISWGP is focus on technical assistance, enforcement, and clear permit requirements.
- Instead of an award program, incentives within the ISWGP should include things such as:
  - \* If a permittee is in compliance then that permittee would not have requirements to send in their SWPPP, or get their person certified
  - \* Incentive is the ability for the permittee to save money by having reduced requirements
  - \* Also potentially if a permittee documents consistent successful compliance they would be able to engage in less monitoring.
- An Envirostars type program could be useful but is a lower priority for consideration.
- Potential tiering of permit requirements would also build incentives for reducing discharge volumes, covering work areas, etc.

## ECOLOGY PERMIT REVISION STATUS

Bill Moore described the current issues that Ecology is addressing in permit revisions.

- Make the permit less complex.
- Having the permit on auto pilot or based on self implementation is not working
  - \* Need to increase technical assistance, enforcement, and getting facilities into compliance.
- There will be a struggle regarding the transition.
  - \* Especially for permittees without enough data.
    - A big question is how to move forward with facilities that are not submitting any or only a few DMRs.
    - There must be an affirmative statement to each permittee regarding their starting point.
- Ecology realizes that the agency must be able to track the data.
- Ecology is looking at using a single effluent target number, but is still working on how to derive, how it will be used, and how to account for variables.
- Ecology wants to simplify compliance levels a bit, and clearly define:
  - \* Operational BMPs

- \* Structural BMPs
- \* Treatment BMPs
- \* Compliance Level 4, requiring individual facility assessments or off-ramp to individual permit
- \* One way to address level 4 would be to use tools like the Kennedy/Jenks model for site specific requirements
- Remove “qualifying storm event” criteria for sample collection to reduce excuses.
- Create disincentives for the non-submittal of DMRs, clear penalties.
- Establish clearer expectations regarding ‘representative sampling’ to drive BMPs on facilities as a whole.
- Clarify minimum BMP requirements
  - \* Although there is concern that that may cut both ways.
- A [CESCL](#)-like program (used to manage stormwater at construction sites) is difficult to implement, but Ecology is considering it.
- The Work Group could help justify grant programs to assist in:
  - \* Permit-required training
  - \* An Ecology-developed standard curriculum for the training
    - Multiple organizations could provide training
    - Should Ecology require it in the permit?
    - Ecology could make it required if permittees can’t meet benchmarks.
- Ecology is focused on providing clear deadlines and case by case use of waivers for extensions.
- Level 2 adjustment – permittees would make changes on-site and then submit an adjusted SWPPP.
  - \* But need to be able to track what revisions were made.
- Ecology does not want to try to make this permit do everything.
  - \* Considering how to move more complex facilities to individual permits.

## PROCESS FORWARD

- There will be an internal process within Ecology’s stormwater management team and the agency’s senior management.
- A preliminary draft will be ready for the Work Group – target is by the end of February
  - \* Likely to include specific questions and a request for input.
  - \* There will not be a fact sheet then.
  - \* Ecology plans to schedule an early March meeting with the Work Group to discuss the preliminary draft.

- The goal is a formal public review draft will be ready late April
  - \* Another Work Group discussion then would be helpful.
- There may be a separate piece regarding the implementation support structure and technical assistance.
- It would be useful for the Work Group to maintain an advisory role and meet quarterly.
- The formal final permit issuance target date is September.
- For new dischargers to impaired water bodies, permittees will have to demonstrate that they will not discharge pollutants of concern above water quality criteria (mirroring EPA requirements).
  - \* For existing dischargers to impaired water bodies, the change will be made with issuance of new permit.
- The Work Group requested that if there are significant new issues raised during management review of the preliminary draft, the Work Group be informed
- The Work Group requested a briefing by Ecology when the Preliminary Draft is available, followed by a meeting to discuss Work Group feedback on the preliminary draft.