PugetSoundPartnership
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STATE OF WASHINGTON

February 3, 2012

Mr. Ted Sturdevant, Director
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comments on the Draft Municipal NPDES Phase I Stormwater Permit and Draft Municipal NPDES Phase II Stormwater Permit for Western Washington

Dear Ted:

Thank you for the opportunity to comment on the department's Draft Municipal National Pollutant Discharge Elimination System (NPDES) Stormwater Phase I Permit and Phase II Permit for western Washington. Our detailed comments are enclosed with this letter.

The Puget Sound Partnership supports the department's efforts to reissue these stormwater permits with new elements designed to better protect surface water quality, aquatic species, habitat, public health and our quality of life from the adverse effects of urban stormwater runoff.

The Puget Sound ecosystem is a local and national jewel – a sensitive and complex ecosystem that is pressed on many sides by the consequences of housing so many of us. Stormwater runoff from developed lands is perhaps the greatest among these threats. The evidence of harm from urban stormwater is well documented: salmon threatened with extinction due to stormwater runoff and habitat loss; restricted harvesting of historically productive shellfish beds; significantly higher incidence of cancerous lesions on bottomfish; and contaminated or re-contaminated sediments in urban bays. The department's recent report assessing loadings of toxic compounds to the Sound states that surface runoff contributes the greatest loads of toxic chemicals to the Sound.

The Puget Sound Partnership was established in 2007 to lead the effort to reverse these trends and the recovery efforts targeted toward the Puget Sound region. To ensure the Sound is healthy and resilient in the future, our region must continue to improve management of urban stormwater. As a region, we cannot expect to reach our 2020 recovery goal for Puget Sound if we delay the effort to address stormwater management.

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The Partnership suggests that Ecology, working with local governments, consider how best to ensure adequate stormwater management and protection of beneficial uses in designated urban growth areas not proposed to be covered by these permits. These areas are expected to experience significant growth in the future. One of the key strategies of the draft Action Agenda calls for more compact growth in designated urban growth areas – if the permits do not cover these areas, it will make it more difficult to be adequately protective.

I am acutely aware of the economic situation facing local governments. The economic downturn has led to extensive staff layoffs throughout the region, and local governments face greater permit requirements and expectations with fewer staff to do the work. I hear the legitimate concerns that have been raised on this issue. For these reasons, I encourage the department to continue its dialogue with local governments to develop a stormwater solution that is affordable as well as protective.

The *Draft Puget Sound Action Agenda, December 9, 2011* contains several near-term actions directly targeted at providing additional resources to help local governments implement permit programs, remove legacy pollutant loads from stormwater systems, and better control sources of pollution. Since 2007, when the legislature created the Partnership, federal investment in Puget Sound has totaled more than $130 million. Support continues with $30 million in the President's next budget for our partners throughout Puget Sound to implement priorities in the Action Agenda. I remain committed to working with you and our partners to identify methods to help local governments meet the costs of improved stormwater management.

Thank you for considering our comments on this important work.

Sincerely,

Gerry O'Keefe
Executive Director

Enclosure

cc: Marc Daily, deputy director, PSP
Chris Townsend, planning & policy director, PSP
Michael Grayum, director of public affairs, PSP
Bruce Wulkan, stormwater program manager, PSP

ATTACHMENT 1

The Partnership has divided our comments into those relating to the Draft Municipal Phase I Permit and the Draft Municipal Phase II Permit for western Washington. For each permit, comments are further divided into areas of support; suggestions for improvement; and other comments. Attachment 2 contains suggestions for improving the Public Education and Outreach sections of the two permits.

Phase I Permit Comments

Areas of Support

S5. Stormwater Management Program for Permittees

a. Support changes requiring a stormwater management program report, that it be updated annually, and be written for and available to the public (pp. 11-12).
b. Support requirement that permittees not repeal existing local requirements that go beyond the permit (p. 12). This will prevent the permit from inadvertently weakening strong elements of local programs.
c. Support new mapping as detailed under C2b (p. 15). Mapping these additional connections will provide a more complete picture of permittees' MS4 systems, and should aid in identifying and correcting illicit connections and correcting other stormwater-related problems. We recommend Ecology add language to the permit clarifying this section is intended to ensure that this section is intended to ensure that the other half of mapping begun under the 2007 permit be completed during this permit term, as per the fact sheet.
d. Support applying the local program adopted under this permit to all project applications submitted after Jan 1, 2015 and projects approved prior to that date that haven't started construction by Jan 1, 2018 (C5aiii, 18). This provides a transition to the local program requirements while still providing a reasonable level of certainty to project applicants.
e. Support requirement to submit draft enforceable requirements, technical standards and manual to Ecology by Dec 31, 2013 C5aiii, 19). This is a reasonable time frame.
f. Support requirements for LID code-related requirements (C5bi, 20-21). Sufficient review and revision of codes and standards are needed to successfully integrate low impact development (LID).
g. Support organizing description of amendments undertaken according to the three sections (measures to minimize impervious surface; measures to minimize loss of native vegetation; and measures to minimize SW runoff) (bii, 21). This captures objectives of LID well.
h. Support annual training of staff for Source Control (b.v, p. 28) and illicit discharges (c.iii, p. 32).

S8. Monitoring

a. We support the status and trends monitoring as proposed (C.1.a, page 64).

Appendix 1 – Minimum Technical Requirements

a. We support the new section (#13) in Section 4.2 on protecting LID best management practices (BMPs) – this is critical to BMP functioning.

<u>Suggestions for Improvement</u>

S5. Stormwater Management Program for Permittees

a. In A3, we recommend that the items listed (e.g., number of inspections, types of public education activities used) also be available to Ecology upon request, similar to A2 (p. 12). This is valuable information to track and share, and can be used to improve future local programs and permits.
b. In S5, we recommend adding measures that direct compact growth to existing growth areas and protect working agricultural and forest lands, and non-working tracts of native vegetation, to cii(5), list of required elements of the watershed-scale stormwater planning requirements (cii, p. 21-22).
c. S5, C6, Structural Stormwater Controls, remains overly broad, with little real substance. While there is new reporting required in this permit, there are no performance standards for *how many* projects to undertake, or *how much* to expend on structural controls (as there is for maintenance and monitoring). If we are to recover Puget Sound and meet 2020 ecosystem recovery targets, significant additional effort is needed to address polluted runoff from existing development. This directly relates to 2020 ecosystem recovery targets such as insects in small streams, freshwater quality, shellfish harvest, marine sediment quality, and toxics in fish. We appreciate that developing performance standards for structural controls is quite difficult. As a step forward, we recommend requiring, at a minimum, annual reporting on projects undertaken above a certain budget, benefits projected or observed, other outcomes, and total budget expended. This should help capture current level of effort, benefits and outcomes of projects, and rationale for increased future funding (from state, federal and local sources) and effort.
d. In S5, p. 21, line 1, regarding LID we suggest stating that permittees shall "seek to minimize impervious surfaces…" rather than "identify opportunities to…" Rationale: This is a more accurate objective for LID project designers: seek to minimize impervious surfaces, loss of vegetation, and runoff.
e. We support C7, Source Control Program, and C8, Illicit Connections and Discharges, but we question the long time frames provided to update the necessary ordinance(s) and other regulatory mechanisms (Feb. 2, 2018), especially given the much shorter time frames provided to update other ordinances, standards, and stormwater manual (7.bi, p. 26 and 8b, p. 29). We recommend making these timelines consistent.
f. We support the minimum performance measures under C9, Operation and Maintenance Program, but we question why denial of access is considered beyond the permittees' control (C9a.ii(3), p. 36). Section b.i (p. 36) requires permittees to evaluate

and update, as necessary, existing ordinances or other enforceable documents that require maintenance of all SW facilities regulated by the permittee. Given that, under what circumstances would the permittee be denied access to inspect and maintain facilities? We recommend clarifying under b.i that revised ordinances shall include authority for municipal staff to inspect all permanent facilities, as necessary. Also, we recommend providing a deadline to update ordinances or other regulatory documents – currently there is none.

g. We question why inspections and maintenance of stormwater facilities must only be conducted until 90% of the lots are constructed (b.iv., p. 37). Isn't it important to continue these practices until all lots are constructed, and the completed project can be approved?
h. We support ongoing training for staff on operation and maintenance, inspections, and other key aspects, but find the language confusing (f, p. 41). At one point, the permit requires ongoing training and in the same paragraph it requires follow-up training as needed. Recommend striking "as needed" and retain ongoing training annually or every other year.
i. In S8 Monitoring, The total expected amount for effectiveness studies, if all phase I permittees participate in the cooperative program, is $833,710 per year for four years. The Stormwater Monitoring Work Group, charged with developing recommendations for monitoring in these permits, was divided on the level of effort and investment that should be required of permittees for effectiveness studies. We continue to question whether the proposed level of effort in the permit is sufficient for the region to adequately assess practices and programs and adaptively manage. The proposed amount would only pay for about two studies each year. Given the growing understanding of the stormwater problem, the Puget Sound 2020 ecosystem recovery targets, the increased resources being focused on Puget Sound recovery, and the need to allocate these resources wisely, is it sufficient to conduct two studies per year to assess and evaluate our practices and programs? We recommend Ecology carefully consider all these factors as they make decisions on a final permit.
j. In S8 Monitoring, permittees are required to notify Ecology which option for monitoring they choose to undertake by December 1, 2013, yet their first payment for the cooperative monitoring option is due by October 15, 2013. This appears incongruous, and we recommend Ecology move forward the date for permittees to decide if they'll participate in the cooperative monitoring to October 1, 2013, just before their first payment is due (C.1.a.i, page 64).
k. In Mandatory List #2, element #3 essentially prohibits project applicants from using bioretention if the short-term native infiltration rate is <.3 inches/hour. We see no need to prohibit the use of this technique, even on slow-infiltrating soils, as bioretention is currently being used widely around the region, often on sites with very slow-draining soils (Meadow on the Hylebos, WSU Puyallup, Lotus Medical Center in Olympia). Using underdrains on tighter soils can be very helpful. We recommend revising this language to provide greater flexibility to permittees to use bioretention, but retaining language that underdrains should be used. Further, we understand the difficulty in selecting any

specific number in this section (and the Feasibility Criteria), as bioretention is highly site-specific. Yet if a number must be selected, we feel .3”/hour is overly conservative and not supported by national and regional experience (see note above re: local projects). We recommend using .2”/hour or .25”/hour and including language that raised under drains be used.

Appendix 1

a. Under definitions, it’s unclear why there is a definition for pollution-generating hard surface, as there is already a definition for pollution-generating impervious surface and pollution-generating pervious surface (p. 4). The definition for this term simply refers the reader to the surfaces listed under pollution-generating impervious surface.
b. We support language in Section 4.1 requiring stormwater site plans that will retain native vegetation and minimize impervious surfaces. However, rather than requiring them to do this “to the extent feasible,” (which seems to relate to the Feasibility Criteria, yet there is no criteria for these elements), we recommend changing this to “to the maximum extent practicable (MEP).” This would strengthen this section and make it far more consistent with the overall objective of the permit, which is to “reduce the discharge of pollutants to the *maximum extent practicable* (MEP)” (S4C, Compliance with Standards, page 9 of the permit). This would also make this section more consistent with others, such as Section 4.4.
c. While we support protecting LID BMPs from sedimentation (new element #13, Section 4. 2, see support comment above), we question why LID BMPs are specifically called out (as opposed to any infiltration facility). All infiltration facilities must be protected from sedimentation, not just LID techniques. We recommend revising this section to read: “Protect Infiltration Facilities.” We further recommend revising the section to include “all infiltration facilities” in addition to bioretention and permeable pavement. We further recommend adding language to (c) permeable pavements re: how to restore them if sediment is introduced. This is crucial, and is consistent with the description of bioretention in subsection (a).
d. For the first paragraphs under Mandatory List #1 and Mandatory List #2, we support language clarifying that the project applicant must use the BMPs in the order listed. These BMPs should be used first, as they are both effective and cost-effective. However, is it Ecology’s intent that the project applicant use the first BMP(s) listed to the fullest extent feasible *before* using the next BMP(s) lower down on the list? We support this idea – this would result in greater utilization of a highly cost-effective BMP (full dispersion) before using engineered facilities. If this is Ecology’s intent we recommend adding language clarifying this. This would also clarify that if detention requirements are satisfied with the first BMP(s) used, no further BMPs are required.
e. The table on page 23 states that the LID Performance Standard is required only for projects five acres and larger. We completely agree that this standard is difficult or impossible to meet on smaller sites (<1 acre) without the use of rainwater harvesting. However, we feel the five-acre threshold may be overly large, as there are sites with far

greater constraints where the combination of native vegetation, bioretention and/or permeable pavement has resulted in virtually zero surface runoff (e.g., Meadow on the Hylebos, WSU Puyallup, Lotus Medical Center). We recommend applying the LID Performance Standard on sites smaller than five acres – perhaps on sites greater than two or three acres.

f. In Mandatory List #2, element #5 offers an option, and if a vegetated roof is not chosen, then a cost analysis is required to claim infeasibility. This is overly vague: Which costs need be included – construction only or construction plus reduced stormwater detention requirements? Or these factors plus estimated energy savings? Or greater roof longevity? Vegetated roofs offer multiple benefits – we recommend specifying the elements that must be included in the cost analysis.

g. We support many of the Feasibility Criteria in Section 8. The use of LID techniques is highly site-dependent, and soils, slope, proximity to steep slopes, historic land use, groundwater levels and other factors must be taken into account. The criteria on page 36 are good examples. However, we feel some of the criteria are overly broad, and may inadvertently result in an unnecessary slowing of LID implementation. For example:

    1. Please see our comment above for our recommendations re: bioretention in the Feasibility Criteria.
    2. Choosing the same initial infiltration rate (<.3" per hour) as the threshold for requiring permeable pavement is overly conservative. Unless large amounts of stormwater are directed to permeable pavement, this pavement collects and infiltrates water in a very distributed manner – far more distributed than bioretention. Permeable pavement has been used successfully in our region on very tight soils (WSU Puyallup, Wilson Motors in Bellingham). This would argue for a lower threshold infiltration rate for permeable pavement than bioretention. We recommend using, at most, .2"/hour for permeable pavement.
    3. Some of the criteria appear subjective and redundant to the other criteria. We recommend the department revise these criteria as follows:
        a. Two criteria (under Bioretention and Permeable Pavement) allows a geotechnical engineer to recommend against use of LID. With the complete list of criteria to determine feasibility, many of which are quantitative, what else would a geotechnical engineer use in determining feasibility? We recommend either eliminating this criterion as being redundant, as a geotechnical engineer would presumably use the other quantitative criteria in determining feasibility, or, if retained, add language requiring the engineer to substantiate their decision using the other quantitative criteria.
        b. One criterion states that LID is considered infeasible when it's not compatible with the existing drainage system. LID techniques, such as bioretention and permeable pavement, have been used in ultra urban, urban, residential, commercial and industrial settings.

While there always needs to be proper consideration paid to tying in new facilities to an existing system, we're unsure under what scenarios LID would not reasonably be able to be connected to an existing system, given regional, national and international experience with LID.

c. One criterion states that bioretention is not feasible if there isn't usable space at redevelopment sites. Bioretention and/or rain gardens are extremely flexible and can be sized from only a few square feet to a city block long (or more). Given this inherent size flexibility, regional and national success at using this technique on new development and redevelopment sites, and the subjective nature of this criterion, we wonder how this criterion could be reasonably used, unless other quantitative feasibility criteria are applicable (in which case this criterion would be rendered redundant).

Other Comments

a. In S5, under iii, page 18, there appears to be a missing word ("than").
b. In Appendix 1, there appears to be a typo (missing words) in Section 4.2, under General Requirements.
h. In Appendix 1, there is a typo in the first line of Section 4.3.

Phase II Permit Comments

Areas of Support

S1. Permit Coverage

a. We support adding the urban growth areas (UGAs) for Port Angeles (in Clallam) and Oak Harbor (in Island).
b. We support adding the Lake Whatcom watershed.
c. We support adding the cities of Lynden and Snoqualmie.

S5. Stormwater Management Program for Permittees

a. We support requiring that program reports be targeted to the general public and updated annually (page 17).
b. We support removing the one-acre threshold (under New Development, page 29). By doing so, the phase I and II permits, and the Stormwater Management Manual for Western Washington, all have consistent thresholds. This creates an equitable, fair, and level playing field for all permittees and project applicants in the region. This also ensures that stormwater runoff from smaller project sites is adequately treated.

c. We support setting limits for how long projects can remain in "application approved" status before construction begins.
d. We support requiring permittees to demonstrate how, through code revisions, they will reduce impervious surfaces, native vegetation loss, and stormwater runoff. These are three key tenets of LID and provide a good framework for organization and for demonstrating an appropriate level of LID integration (page 35).
e. We support the requirement that phase II permittees participate in watershed planning processes led by phase I counties. This is critical coordination (page 35).
f. We support adding in proper application of fertilizers, pesticides and herbicides to the list of activities to be addressed (page 38). Collectively, these can represent significant pollution sources.

S6. Stormwater Program for Secondary Permittees

a. We support changes to D1, Public Education (pages 41-42). The changes (striking percentages of inlets that must be labeled) reflect the fact that secondary permittees have been implementing permit for 5 years already. Also applicable on c-f (page 45) – we support these changes.

S8. Monitoring

a. We support the new cooperative monitoring program in the phase II permit. This new monitoring effort is very much needed – it will provide critical information regarding the relative effectiveness of practices and programs, and status and trends of key indicators in receiving waters. This will not only inform, it will help us adaptively manage/improve our region's management programs.

<u>Suggestions for Improvement</u>

S1. Permit Coverage

a. We recommend the department consider how best to ensure adequate stormwater management in urban growth areas not currently proposed for permit coverage. These areas will experience significant growth – how does the department plan to ensure protection of shellfish harvest beaches and other beneficial uses within and adjacent to these areas as new development occurs? We specifically question:
    1. City of Lynden UGA (while the city is proposed to be covered, the surrounding UGA of the city is not).
    2. Urban growth areas in Mason County. These areas are particularly important due to shellfish growing areas in lower Hood Canal, Case Inlet and Oakland Bay that are currently degraded by stormwater runoff, and low dissolved oxygen problems in Hood Canal.
    3. Urban growth areas in Whatcom County near Birch Bay and Cherry Point. These areas warrant consideration due to shellfish harvest beaches in Birch Bay and herring spawning areas adjacent to Cherry Point.
    4. Urban growth area for Kingston in Kitsap County (due to its adjacency to Puget Sound).

S5. Stormwater Management Program for Permittees

a. While we support setting limits for how long projects can remain in "application approved" status before construction begins, the timeline shown in S5.C4, page 29 (August 1, 2021) is confusing. This is longer than five years from the permit effective date, more than five years from when ordinances are required to be updated (12/31/15), and far longer than the date in the phase I permit (January 1, 2018). We question the rationale for this difference, and recommend making the dates consistent across the permits (1/1/18).
b. We support the operation and maintenance requirements; however, it's unclear why permittees, with existing, very similar requirements, are given until 12/31/15 to develop a verification program. Shouldn't this activity be ongoing? In many other cases, the permit clearly describes ongoing activities (e.g., page 32, 2nd paragraph, under c).
c. The timeline to revise codes for LID (3.5 years, until 12/31/16, page 34) appears overly long, not consistent with recommendations made by the LID advisory committees, and not consistent with the phase I permit. We recommend making this timeline consistent with the phase I permit. Permittees have had since 2009-10 to prepare for this and have had the benefit of extensive assistance provided.
g. We question whether allowing a permittee to clean its entire system within a given circuit is equivalent to cleaning all catch basins within the permitted area every two years (page 37). They appear to be very different activities with presumably different benefits. We question the fate of potential pollutants emanating from catch basins that are not regularly inspected and maintained. We believe all stormwater systems should be regularly inspected and maintained, as per our region's direction on on-site sewage systems.

S6. Stormwater Program for Secondary Permittees

a. In 3bii, page 44, conditionally allowable discharges, we recommend adding in the public education qualifier that's present in other paragraphs to reduce release of swimming pool and spa discharges. Citizens, without education, may not know if releases are allowable (.1 ppm or less).

<u>Other Comments:</u>

S7. TMDLs

a. There is a typo in the first paragraph, on page 49.

ATTACHMENT 2

The following comments are suggestions for improving the Education and Outreach sections of both the draft Phase I and Phase II western Washington permits. The strikeout/underlined text that follow refer to the Phase I permit but are relevant to the Phase II permit as well.

Suggestions for Improvement:

1. **The permit requirements should be defined first by locally and regionally prioritized problems, then by the specific audiences and behaviors that can address those problems.** The current language contains a static list of audiences and practices. It blends requirements for public awareness building with objectives for behavior change (creating ambiguities which we address in comment 2 below). Suggested language to address this is included in the markup version of the permit language below. The suggested language allows for local or regional priorities, based on water quality needs, frequency, and ability to affect change given the range of methods available to the permittee. It also allows for changing program priorities as emerging issues rise in importance.

2. **The permits should more clearly distinguish between requirements to build general public awareness and requirements to achieve behavior change.** Both are important, but they each have different objectives and different methods and should be separately defined. The objective of the behavior change requirements should explicitly be to change behaviors (e.g., social marketing), and not to just provide public information about behaviors. Suggested language to address this is included in the markup version of the permit language below.

3. **The permits should more clearly delineate thresholds of compliance for education and outreach requirements.** This matter is not captured in the markup version of the permit language below, however PSP is ready and willing to meet with Ecology to explore ways to define clear, measurable, and equitable thresholds of compliance. Since the issuance of the 2007 permits, what constitutes compliance has been an ongoing question. This ambiguity has encouraged reduced funding and commitment for education and outreach programs, since compliance is entirely subjective.

4. **The permits should offer incentives to participation in regional Education and Outreach programs.** The permits currently allow for locally based programs and for participation in regional programs. Locally based programs are important and we believe these should continue. Collaborative regional programs are equally important for many reasons (consistent public messages, consistent BMP promotion, reduced program costs, shared resources, etc.) and these should be encouraged as well. Collaborative regional programs are only as effective as the commitment of the collaborators. Permit based incentives (e.g., explicit credit toward permit compliance) would increase permittee commitment to regional programs, would increase the number of collaborating permittees, and would ultimately provide a stronger regional foundation for local programs. This matter is not captured in the markup version of the permit language below, however PSP is ready and willing to meet with Ecology to explore ways

to permit based incentives to encourage and reward collaboration.

PHASE I PERMIT [Page 41]

S.5.C.10. Education and Outreach Program

The SWMP shall include an education program and outreach program designed to change behaviors that contribute to adverse stormwater impacts. The program shall address a set of behaviors that are locally or regionally prioritized based on their significance to water quality (intensity), how frequently they occur (frequency), and the likelihood of achieving change (potential). The program shall target a set of audiences based on, and appropriate to, each selected behavior. Each Permittee shall develop its program locally or participate in a collaborative regional program and implement locally.

Minimum Performance Measures:

a. Each Permittee shall implement or participate in an education and outreach program that uses targeted methods to reduce stormwater impacts. Possible audiences and topics are listed below. Approaches, audiences and management practices should be directed to address local stormwater issues. The outreach program shall be designed to increase public awareness of stormwater problems as well as foster specific behavior changes in targeted audiences.

b. General awareness-building:
    i. Examples of target audiences include but are not limited to: general public, including school-age children, residents, businesses, elected officials, policy makers, planning staff and other employees of the Permittee.
    ii. Examples of topics include but are not limited to: importance of the stormwater problem; importance of adequate, stable local funding to address problems; sources of contaminants and their environmental effects; impacts from impervious surfaces; stormwater regulations and enforcement; opportunities to participate in volunteer activities such as storm drain marking, monitoring, riparian plantings; and education activities.

c. Impact reduction and behavior change:
    i. Examples of target audiences include but are not limited to urban landowners, rural landowners, homeowners, dog owners, gardeners, septic system owners, residents and managers of multi-family dwellings, service contractors, mobile businesses, etc.
    ii. Examples of targeted behaviors include but are not limited to fertilizer use, pesticide use, improved infiltration, pet waste management, vehicle and equipment maintenance, home maintenance, residential car washing, septic system maintenance, tree retention, disposal of toxins, erosion control, dumpster maintenance, Low impact development, stormwater treatment and facility management, etc.

d. No later than February 2, 2015, each Permittee shall:
    i. Identify a set of specific targeted behaviors and their justification, including the pollutants they address, and the specific audiences to be targeted, strategies chosen and method(s) for evaluation in the education and outreach plan..
    ii. Identify awareness-building strategies chosen, their justification, and method(s) for evaluation.
    iii. Each Permittee shall implement or participate in an effort to measure adoption of the targeted behaviors by the targeted audiences. The resulting measurements shall be used to direct education and outreach resources most effectively as well as to evaluate changes in adoption of the targeted behaviors.
    iv. Permittees may meet these requirements individually or as a member of a regional group.