How do we deal with stormwater runoff? A panel discussion and public forum
Wednesday, March 23, Noon-1:15 p.m.
Conference room B/C, John Cherberg Building
Capitol Campus, Olympia

Panelists:
- Josh Baldi, special assistant to the director, Washington Department of Ecology
- Grant Nelson, Association of Washington Business, Government Relations
- William Ruckelshaus, former two-time administrator, U.S. Environmental Protection Agency, and founding chair of the Puget Sound Partnership Leadership Council

Panel of questioners:
- Brandon Houskeeper, Policy Analyst, Center for the Environment, Washington Policy Center, www.washingtonpolicy.org
- Robert McClure, Chief Environmental Correspondent, InvestigateWest, www.invw.org
- Lisa Stiffler, Journalism Fellow, Sightline Institute, www.sightline.org

<u>NOTES FROM THE FORUM, TAKEN BY LISA STIFFLER</u> (these notes are NOT for quoting directly, but are intended to give a sense of the questions and answers)

Opening statements: Where do we stand with stormwater protection in Washington?

Bill Ruckelshaus

Trying to summarize the problem and funding for stormwater work

One of the problems that we've got that is under addressed is governance. There are so many diff levels of governments… engaged in trying to deal with this problem. Coordinating all that activity … is a terribly important function and it's terribly difficult to do without some governance structure that allows some reasonable priorities to be set.

We've got to be sure that we're poised to make the right decisions so we get the biggest bang for our buck.

Josh Baldi

Initially there was an inability of the Clean Water Act to address non-point sources of pollution (which is another way to say stormwater runoff)

1987 amended the Clean Water Act to address stormwater, it's really coming of age now.

Heard Carol Browner, head of the EPA, talking 10 years ago, making the pitch for the need to transition from point source (factories, sewage plants, etc.) to non-point source, need to emphasize that

First 30 years CWA was point source, the next 30 was going to be about non-point sources. We are definitely into it now.

Grant Nelson

This is going to take our combined and collaborative efforts.

This is going to be a team effort, this isn't going to be a process of finger pointing… it's going to take our collective effort to get a handle on it.

They (AWB) are working with phase out of copper and breaks and boat point, common vision of restoring health of Puget sound

QUESTION: Brandon Houskeeper: What is the stormwater problem that we face today? If we could drill a little bit deeper into what the pollution is, who is behind it.

BR

We've got a problem where, what do we do about it? The environmental efforts at the government level … were aimed primarily at point sources. Those sources have been greatly reduced in the overall scheme of things.
Used to be back when the Clean Water Act was passed that the pollution was 85% point sources, 15% non-point sources (namely stormwater runoff)
The current estimate is just reversed. (now 85% of the pollution comes from stormwater while 15% is from factories, sewage plants, etc.)

It's everybody else. It's urban runoff that runs off impervious surfaces that carries contaminants from the transportation system and the way we live.

Sources:

Combined sewer overflows (CSOs), when treatment plants are overwhelmed, sewage and stormwater runs right into the Sound without treatment of the sewage

New development where construction is taking place, need to be contained

It comes from suburbs, rural and farm areas, when the use of the land is not controlled by the landowner or regulations that ensure the protection of the water when storms occur.

Suburbs and farms

Forested areas too, when forest cover is removed for development or the taking of the forest itself.

All of these things cause different kinds of problems that need to be addressed.

JB

Stormwater runoff: It's not just an urban problem. It certainly is exacerbated by urban areas.

It's also a flow problem of flashy flows that scour salmon beds.

Who's behind stormwater? It's all of us.

Like litter, fixing it will require a social movement, a transition that's needed

GN

We need to all be participants in it.

Kind of pollution, it depends on what kinds of land you're talking about.

Ag lands, pesticide and bacteria; highway and parking lots, auto issues and petrol and leaky issues; bacteria from pet waste, There's clearly not just one source.

QUESTION: Robert McClure: This is a tough year financially. There have been plans for three years, first two were shot down, to create a funding source for paying for stormwater solutions. What can be done now and in the future to make a difference: What's your plan?

JB

I would characterize the work that Ecology is doing along three lines: (first) investments, the second is management of the problem, and third is prevention.

The state's actually invested more than $100 million in this issue over the past two biennium.

More is in the governor's budget right now; it reflects this administration's … seriousness about addressing this issue.

Management: permits, 5 general and some individual, construction, municipalities, etc.

They require basic best management practices.

Mapping system, where pipes are, to understanding where discharges are occurring in the system, where sewage is discharged into sewer system

Needing public education coming from local government, trying to make a social change; are 80 municipalities working with the Puget Sound Partnership, collective outreach to public

our permits are a big part and a controversial part of what we do, but they are also at the foundation of addressing stormwater issues

Prevention

Prevention is the best way to get at these issues. (keep the pollution out of the environment in the first place)

NW Marine Trade Association has been working on getting legislative approval for a phase out of copper paint for boats

Trying to approve bans chemical by chemical is a lousy way to get there. We need to design products at the front end that don't cause these problems.

Need behavior change to reduce runoff

Working with local governments to manage haz waste, there's a variety of source control, source prevention strategies.

Are doing cleanup as well

BR

Funding: This is a big cost item, particularly in urban areas. We're not going to make a lot of progress unless there's a lot of money available.

Whose responsibility is it to pay for what happens.

Has talked to state and local and federal officials, everyone points a finger at everyone else

We need some way of deciding… who is responsible for what level of pollution.

It's three sets of tax payers we're talking about.

Remembers a program for building sewage treatment plants decades ago that was based on matching funds: EPA had 75% federal dollars for sewage plants, 15% state coffers, 15% local taxes

That's a very good way to do it.

Stopped in the late 1970s because worked so well; that might not be the percentages you'd want for stormwater projects, but that was an example that worked

Then went to a loan program, it's been helpful, but not near as much at the matching program.

we need that kind of decision on all levels of government on who's responsible for what in dealing with these problems

Lots of money into CSOs and fixing, but the ones left are not as bad as some of the of the other problems associated with stormwater, highlights the need to get sequence and priorities of projects established

Are spending $100 million on Puget Sound recovery each year, a lot of these pots of money that exist have restrictions on how that money should be spent

Not flexibility to spend it where it would be best used, all levels of government are going to have to work together and coordinate what they're doing.

It's very important for us, to try to be very clear about allocating this money where it's going to do the most good.

Puget Sound, Pam Bisonette report, was out last week, is about $100 million as amount being spent

GN

Stormwater permits that Ecology issues, AWB helps in development of them, they are some of the most stringent (permits) on the planet.

Before we think about new things, we need the public to realize that this isn't going to happen overnight.

AWB is working with PSB and Ecology, committed to two stormwater conferences in Spokane and Olympia, will help small biz comply with permit requirements

Are involved in the ECB, PSP stormwater campaign and efforts, we need to also make sure that we're looking at product substitutions.

Banning lead wheel weights, copper in brakes and paint, it's going to lead to long-term improvements in water quality.

QUESTION: BH: What are the funding sources for cleaning up stormwater, what resources are available today?

JB

Stormwater utilities, management fees at local level to pay for stormwater and flood control

That is the most robust funding source, different jurisdictions charge fees at different levels

State has committed more than $100 million in the past 2 biennium, which came from general nd toxics funds (Model Toxics Control Act), there is a robust debate about the use of those funds.

Are limited federal dollars, can't use federal money to comply with permit conditions, but can do stormwater generally; and the dollars are limited and will be more limited in the future

This region has been working hard… to bring additional money to the region to address PS recovery and stormwater is part of that.

QUESTION: BH: What efforts are made to prioritize?

BR

There is prioritization going on, are governments trying to spend wisely.

Pollution is a problem you have to stay ever-lasting at.

Point sources are reduced, but are still an issue, have permits that have to be complied with and monitored for

What I've become convinced of is governance is the screaming need here.

Look at all the sources, can decide if spending as wisely if we can

QUESTION: BH Ecology is doing 3rd phase of toxics loading report; have been talks about how to use the reports, how have reports changed thought processes?

JB

Will be released here at some point, are doing national peer review process right now

the study was designed to understand what are the sources and what are the loadings into PS

it comes from Ecology and the PSP, it's a multi agency effort

PSP will use for pollution prevention strategies for PS recovery

It's affirming that the bulk of the pollution is coming from nonpoint sources, it has affirmed that phasing out the use of copper in brake pads was a good idea

Top threats: Petrol, copper, PAHs (wood stoves, creosote) zinc; in that order

Lower loads do not necessarily mean less harm.

Some things are low level but very toxic

Final loadings report will have charts for loads and sources

Copper sources, creosote and PAH -- maybe target piling removal

Are sources and then what are the secondary effects of certain types of pollutants (what kind of harm do they cause), what are the fairness issues associated with reducing the pollutants

there has been e a lot of emphasis on this study informing that debate; it should be used to inform more debate

GN

Not seen new phase, It will show how much we're still learning about stormwater.

There will be some new numbers and lower numbers on the levels of petrol in the water .. due to a computational error.

Will be 99% reduction in petrol (Rob Duff from Ecology says that figure is wrong)

If that is big reduction, should that action agenda be relooked at for the Puget Sound Partnership because of new numbers

That is something that we will all be very interested in.

Maxed out on return on investment for some industrial stormwater permits; they are yielding less, more costly, less return on water quality

Need to look at other sources

Are 8-9 months behind or so on the source study

BR

For cost effectiveness, sometimes removing those (polluted) sediments can make great gains.

When polluted, like Thea Foss in Tacoma, was a good removal project, can be more cost effective

QUESTION: BH: Critical on action agenda being based on phase 1 and phase 2 of loading analysis, are getting comments on science plan right now, should PSP consider the new report before finishing plan?

JB

When PSP started was a lot of belief that science will show the way

Science is very rarely clear. If you are waiting for specific numbers to drive policies such as who should pay, you're not going to get them.

Good example was the Gulf spill from BP; was debate over volumes released

Think about what we're trying to do with this study. There are 1000 or 100,000 of sources contribute to stormwater. This is going further than any region so far in trying to figure out the sources

Are using real monitoring data, are testing the waters, we're trying to improve our understanding.

This informs policy makers, but… this one piece of important information for them to consider. They need to look at other issues and secondary impacts of the chemicals such as petroleum.

We stand behind this study. Even with changing numbers, that means they're doing the science right, is part of the process that the data improve

BR

Need to make decisions before perfect science is available

GN

Appreciate Ecology's revisions and closer look at the study, is good that the numbers are getting real monitoring data

QUESTION: Lisa Stiffler: Will Ecology's proposed rules for increasing the use of low-impact development (LID) be sufficiently protective of salmon to facilitate their recovery?

JB

The short answer is no. You can have the best LID practices possible but there are still people driving cars that drip copper from their brake pads and people spreading too much fertilizer on their lawns.

126,000 dogs in snohomish county, they create 20 tons of poop, that matches a city of 32,000 people (confirm numbers before using!)

a lot of it is they we live and the way we develop, are to blame

People all understand the toxic legacy we've been cleaning up for decades. (at say superfund sites)

People don't often think about the impervious surfaces as our stormwater legacy. It' s going to require major replumbing.

Need to get into that legacy

Salmon who move through a lot of places, forestry ag, etc, climate change

Salmon have to contend with a lot. LID is an important part of the solution but not the only answer.

QUESTION: LS: Do we understand the technology and application of LID well enough to require it's widespread use?

JB

We think so

Are soil conditions that limit application, there are some leaders like Kitsap County that have been finding that it works and it saves money.

are other jurisdictions, state been funding LID demonstrations to learn what is working and what is not

the challenge is to get social changes in how people behave

that includes local ordinances that want wide streets for fire trucks, how does the person at the local permit counter deal with LID, will be a lot of people just understanding that this works and how to permit

Need to be at the front of the permit process, with new municipal permits, that will help

We'll be relying on the leadership in the communities.

QUESTION: Rep Mary Helen Roberts, D, Lynnwood: wants citizen participation, wants something for people to do in her area; hears about litter, dog waste, do we talk to mechanic about brakes, wants top 10 things to do and not do

JB

Puget Sound Starts Here is interactive web site, is oriented to action you can take

Can give more if they need it

BR

The more people are engaged and feel there is something they can do to contribute to the solution, the more they're going to contribute to the solution of the problem.

Need to make sure what we're saying they can do will actually help

If you give assignments that are not beneficial can permanently alienate then.
We've got to get the people of Puget Sound to take control of their own place.

What is it we need to do to make sure the Sound's health is protected. For this generation and the next

GN

Goes back to resource issue and spending money well, we support that type of education process.

it really points to all of the things we can do collectively.

QUESTION: Joy, an activist and with Sustainable West Seattle: want $20,000 for a public presentation on how individuals can reduce stormwater pollution, working on Poop Free Puget Sound; are doing presentation

QUESTION: Darlene Schanfald, Olympic Environmental Council: worries about rising tides and stormwater system in Port Angeles; wants to know what Ecology will do about it?

JB

Will follow up

QUESTION: Eric Smith, WA State Wire reporter: Stormwater bill being debated, was based on phase 1 study from Ecology on toxic loading; now Ecology is saying don't base policy decisions on our studies

JB

We'll still have millions of gallons of toxics flowing into Puget Sound each year. (when phase 3 is released, that is what it will show)

Can't give an exact number for amount of pollution, what they do provide, it informs the discussion. While the loads have come down (from earlier estimates), the amounts are very significant… we would maintain that this is a very important, credible piece of information.

They were trying to prioritize the chemicals and prevent them from getting into PS

GN

It feels like we're going to back pedal from the original numbers and emphasis on using them to directly inform policy

Was the case that phase 1 and phase 2 were going to guide, maybe after phase 3, it feels like Ecology is saying, not so much

QUESTION: Mo McBroom, policy expert with Washington Environmental Council: What kind of job creation can you expect with increased use of LID?

GN

It always boils down to what parts of the economy are going to potentially benefit and what parts are going to be potentially impacted.
construction job growth is possible, but taxes and fees on products used for ag is jobs lost

It's hard really (to say what the effect will be) without taking a look at what specific projects are going to be funded.

There can be benefits to economy

Ag would be hit hard with current proposal, prices for fertilizers would go up; are competing on a global market, have to absorb the costs themselves, are competing with other countries who sell the same products, fewer costs with regulations, healthcare, etc.

QUESTION: Bob Jacobs, former mayor of Olympia? Focus has been on pollution and not flow, that is important. Research shows that 65% of forest cover needed to prevent stormwater damage, will new regulations require that kind of forest protection?

JB

Big question, land management and clean water have an intersection, some of these issues transcend power of the permit to get to this matter

Will have draft out May 2

Haven't made determinations exactly on land use and protection requirements for trees, vegetation

A big question is how much can Ecology do through a stormwater permit? I don't disagree with the science and I don't disagree with the impacts.

QUESTION: RM: Should developers be required to leave most of the site untouched? Should that be a mandate?

GN

LID is probably the subject I know the least about. The majority of the development that occurred in the PS happened before the current requirements, and flow control requirements.

Can look at LID for retrofits, but in many cases that is cost prohibitive

BR

Pointing fingers at the past probably is not worth much because it isn't going to get you where we need to go and probably isn't fair.

People didn't develop to kill fish or hurt the Sound, was no regulation to prevent it

As we do realize what can happen with the creation of more impervious surfaces, the principal ought to be let's not do any additional harm.

Protecting the environment is what we have to commit ourselves to.

LID is a way to do that

QUESTION: Chris Wilke, Puget SoundKeeper Alliance: Stormwater is a ubiquitous problem, lots of emphasis on permits, are many that are out of compliance, 80% of industrial facilities are not in compliance with permits, many don't have permits at all; municipalities have had unenforceable permits; how can Ecology better enforce permits?

JB

Long running debate on better implementation of law and permits, don't expect what you don't inspect.

Are complex permits, more complex with litigation around them

how much can we expect permits to get the job done?

Need more inspection, etc.

We spend an awful lot of time in court, and awful lot of money on attorneys.

Policy makers need to help them figure out how to do this better

GN

Permittees have a hard time complying with the permits, are lots of shalls which is opportunity for violation and suits

Violations of discharge monitoring reports has gone down

In 2009, HB 2222, WA Stormwater Center, effort of UW and WSU, Ecology, PSP, and they are in support as well

Hopefully that center will lead to greater compliance

CLOSING STATEMENTS

BR

non-point source pollution, is a nationwide problem.

Most of the approaches we've used haven't worked very well to solve the problem

We need to try different things. There is pending in this session a plan to deal with farm sources of pollution while still keeping prosperous, are unique solutions, need to get funding to see if they help out

Also helps for Chesapeake, everywhere else

JB

Thanks for organizers and participants, there are plenty of policy decisions that are yet to be made Stormwater is fundamentally a land use problem.

Need lawmakers to help figure that out

GN

Thanks

This is going to take all of our effort to fix a problem that is too big for any one of us to handle on our own.

Hoping can use our money as wisely as possible to solve this; we're still going to need to use our dollars very wisely.