# Structural Stormwater Control

# Policy Advisory Committee

November 15, 2022

1:00-4:00 p.m.

## Meeting Notes

### Welcome – Jim Nelson (1:02)

#### Reviewed PAC Purpose, Ground Rules, & Meeting Agenda

* See Jim’s PPT for details.

### Sub-Workgroup Report Out (1:11)

#### Phase II (1:13)

**Jenny Gaus shared Phase II Retrofit workgroup document on screen.**

The group tried to include the concept of providing SSC compliance flexibility for Phase IIs. To that end, they tried to create a wide range of compliance pathway options Phase II could work from, and introduce the idea of LOE being scaled based on a jursidiction’s capacity, and compliance timeline when requirements kicked in.

Document lays out different possibilities for what the requirement could be, then details different ways Phase II’s could implement each possible requirement. Lists points of consideration at the end that should be incorporated into any Phase II requirements.

Phase II’s are even more diverse than Phase I’s, and requirement expectations should reflect that.

#### Simplified Metrics (1:19)

**Merita shared the Simplified Metrics workgroup document on screen.**

Group generally agreed on many things, but not everything. Talked about three main topics:

* **Simplified Overall Metric**

Considered reporting acreage, but details are tricky and didn’t conclude on a definitively better solution. Details recorded in workgroup document. Offered an alternative sweeping reporting method.

* **Simplified Points for Small Projects**

Group supports that small projects (triggering MR 1-5), should get a set amount of points. Workgroup document provides example modelling.

* **Retrofit vs. Maintenance Project Points**

Difference of opinion exist among the group on this topic. Potential methods of approach recorded in workgroup document.

#### Multipliers (1:32)

**Ingrid shared the Multipliers Workgroup document on screen.**

\*Note: Bill Leif was unable to participate in this workgroup.

Workgroup grouped the different environmental factors into the following groups:

* AADT & Land Use
* LID Projects
* Small Projects
* Flow Control Exempt Receiving Water Bodies

Recommended unique multipliers for each environmental factor group, except for Small Projects. No recommendations for this group. Recommendation details provided in workgroup document.

#### Collaboration (1:44)

**Blair shared the Collaboration Workgroup document on screen.**

Group catalogued ideas related to the notion that the permit should have a mechanism to distribute points among permittees for collaborative projects. Contributing ideas and resulting recommendations are available in the workgroup document.

#### PAC Discussion (1:53)

**Ingrid:** I really appreciate everyone’s work on these. I know they take a lot of time and effort.

For the simplified metric, I love the concept, but it’s tough to create a unified metric that’s truly flexible enough for all the different permittees.

I thought the Collaboration group had a lot of really good ideas. The joint funding pool concept makes me nervous, especially if it becomes required like it has for SAM.

**Blair:** On the simplified metric, was there any discussion on the level of rigor/modelling required to drive the equivalent area? Does it have to be based on WWHM, or could it use some other method?

**Rod:** We didn’t get into that level of detail, specifying how ECY would require permittees to calculate the area.

**Peter:** It would be good if you could carry points over from one permit cycle to another if you complete a very big project within a single permit cycle.

**Bill:** This gets back to a discussion from 2018 when we realized that each Phase I had a different palette of projects they completed, that weren’t strategically designed to fit into any kind of point system. You don’t want a point system that disincentivizes the most important project because of their size.

**Abbey:** Is the concern that a permittee would complete a single project from start to finish within one permit cycle that exceeds their point requirements for the cycle?

**Peter:** Yes.

**Aaron:** I think the idea of using acres as an LOE metric allows the “amount you have done” to indicate “how much you have left”. Seeing the “how much you have left” number go down over time seems like an ideal goal. Would love to see future discussion on this after the PAC concludes.

#### Ecology Feedback (2:09)

**Abbey:** Thank you for this additional feedback. It really helps clarify some of the initial feedback from the survey results.

We’ve had a chance through this initial information, and here are some of our initial thoughts:

**Phase II**

Appreciated hearing the group’s support for an SSC-type requirement for Phase II’s separate from SMAP.

We are definitely still figuring out the best way to scale requirements that captures the wide diversity of Phase IIs.

Regarding annexations for Phase II counties, are annexations planned in advance?

**Larry:** No. It can be spurred by development, initiated by a landowner or jurisdiction, or a number of other factors. Our region does not have an annexation plan. The County has run into situations where cities resist annexation unless public infrastructure (including utilities) are upgraded at the County’s (or it’s ratepayers) expense. We want to remove this barrier, and incentive collaboration of these transitional areas.

**Multipliers**

We are still grappling with the recommendation that Flow Control Exempt projects get more

points.

**Doug:** Why are you spending your money on a flow control device for a flow control exempt basin? Why not spend that money on treatment?

**Ingrid:** I agree. My concern is if you build bioretention in the Duwamish vs. a creek, you’ll automatically get more points for the creek. In the case of a creek, it’s eligible for treatment and flow control points. Is there a way to make points for treatment projects to flow control exempted water bodies that are high priority areas get enough points to balance out the lack of eligibility for flow control points?

**Doug:** That would be addressed by additional multipliers on the treatment side.

**Merita:** We would appreciate more clarity about what the items in the table mean and how to apply them to permittees.

**Doug:** We can try to add training on it in the future.

**Amy:** We are currently looking at the definitions of “high pollution generating” in that table for review.

**Ingrid:** If you’re doing an LID BMP, will you automatically get credit for flow control?

**Doug:** It depends, you have to run the numbers. You certainly could get credit for it.

**Merita:** We all say we want LID, but does the SSC framework adequately incentivize it enough? The infeasibility requirement seems to be a hindrance to this.

**Doug:** The infeasibility requirement only applies to MR5. There are lots of projects that aren’t impacted by the infeasibility requirement.

**Simplified Reporting**

This is a really tough topic, and we appreciate how far this group got in suggesting recommendations.

The idea around points for small projects also intrigues us. We also like this idea. Were the limits that were selected chosen because that’s the range where projects tend to be cost-ineffective? Are projects larger than one acre typically cost effective?

**Emma:** Those numbers were really just a starting point. We were trying to solve a few problems:

* How to make it easy to report those projects to ECY?
* Projects over that half-acre threshold tend to get that engineering/evaluation anyway, so didn’t necessarily need to have a set value.

**Doug:** If Ecology came up with a project size threshold and said “all projects below this size don’t need to calculate equivalent area, you just get credit for the number of acres.” would that be helpful?

**Blair:** Yes, that would be helpful. Just a matter of determining what threshold to set.

### BREAK (2:42)

**Return at 2:52 PM**

### Ecology Feedback Cont’d (2:52)

**Collaboration**

These are great thoughts. This is a very tough piece to incorporate in a permit.

The idea of a collaborative regional retrofit fund seems like something that’s beyond our capacity for this reissuance, but perhaps has merit in the future (possibly in coordination with NEP).

Appreciate the ideas about how points could be shared. Also like the idea of using cost as a mechanism/option for distribution.

### Key Recommendations for Ecology (2:55)

**Blair**

* The level of retrofit needed in the PS Basin is so vast, we should remove barriers to collaboration so large-scale projects for the health of these waterbodies can be accomplished.
* Simplified reporting is important.

**Emma**

* Agree with Merita about being mindful of how much we change.
* Agree with Bill that it would be good to be mindful about SSC-related data collection and the usefulness of that data in the future. Want to design the data we get from our program in a way that it can be used later to refine the SSC framework.

**Ingrid**

* We are very diverse permittees (Phase I’s, and Phase II’s even more so). Given that, I think that maintain flexibility is paramount. Give people as many tools as possible to meet their goals.
* Don’t let the LOE requirement drive jurisdictions that already have well-developed programs that are getting things done.
* I think the suggestions we’ve made to improve/refine the permit are worthwhile.
* Looking at the Phase II’s, it’s so important that any requirement that’s developed considers their diversity and capacity (especially the ones who can’t be here at the table).

**Sean**

* Our thoughts have been put into writing through many forms throughout this process.
* At the end of the day, there are WQ goals that need to be met. If there’s ever a time to try and get something done that is planned and intentional for great benefit, it’s now.
* Everybody’s got concrete, everybody has an impact. Glad folks are digging it up and doing it better.

**Merita**

* Whatever we develop needs to be implementable.
* Also agree flexibility is paramount.
* It’s important to think what is already being added to the permit. Sweeping is already going to be a huge LOE.
* Also, not every permittee’s budget cycle lines up with the new permit cycle, and sometimes we just don’t get more money for permit implementation.

**Bill**

* Don’t constrain project opportunism. We feel like the system still allows for opportunism.
* Improve the existing point system.
* Try to find ways to value projects that are currently outside the SSC scope.
* Metrics
  + Make the SSC-related data “pool-able” between Phase I and II permits. We don’t want the datasets to be so different they can’t be compared and iterated upon.

**Jenny**

* Flexibility for Phase II’s is especially important. Building in projects from a variety of sources that are all stormwater-related would be super helpful (e.g., data gathering and analysis vs. building vs. planning). The need is so great, it’s hard to see any effort being “wrong.” We want to encourage them to do whatever they are capable of doing. Whatever we come up with needs to be implementable.

**Jason**

* Having a lot of flexibility is paramount. Being able to work outside of our permit area (for Phase II counties) and get points for that would be huge. We have a lot of locations outside the permit areas that could use some attention.
* Am unclear about the nexus of fish passage and SSC points, but if there’s any room to award points for that we would benefit greatly.

**Peter**

* Also agree flexibility is paramount.
* We want a permit that “lifts all boats” as it were, but we don’t want it to punish anyone who is trying to do more, or go above and beyond.
* It’s really important to look at the cumulative effort across all the requirements. People are feeling stretched thin between programs.

**Sheena**

* From the WSDOT perspective, collaboration is the key with funding out there being inconsistent. In writing and reissuing the permit, it would be good if ECY could break down barriers and predict where disincentives will occur (e.g., projects discharging to Flow Control Exempted waterbodies).
* We need to remember the human aspect of this. How is this going to affect our ratepayers/communities? If we add elements that require more funding, are we expecting to raise taxes/rates? At what point does that affect peoples’ ability to pay and impose disproportional impact?

**Rod**

* Agree with the importance of being implementable.
* Support keeping the language between the Phase I and Phase II permits very similar.
* Incentivizing certain types of projects over others takes away a permittee’s ability to prioritize what they think is most important for them.

**Aaron**

* The need for retrofits right now is pretty immense. They are new and a burden, but they are necessary. There’s an urgency to rise to this challenge in big ways.
* Separate out things that aren’t really SSC vs. true SSC projects would help prevent confusion. We need to focus on true SSC retrofits to really achieve net ecological gain.
* Better data is important. If we all have metrics on the true state of things, we can begin to use that as a driver for our efforts to make the most impact.

**Maureen**

* My overall experience of this process is that it’s really complicated, there’s a lot of detail we didn’t get to.
* Ecology, don’t change too much. We aren’t there yet.

**Larry**

* The voices that you’ve heard from on the PAC are only some of them. There are many jurisdictions that don’t have the capacity to engage in this kind of process. It’s easy for them to become invisible.
* Phase II’s permittees have different abilities and challenges from Phase I’s. They should have different requirements, can’t be treated the same as Phase I’s.
* Be careful that we don’t create a framework where we end up chasing points instead of effective actions.

### Next Steps and Close – Jim Nelson (3:35)

**Ingrid:** There are two deliverables already, the survey results with comments and the sub-workgroup papers we’ve developed.

I think the one thing that might be a good addition is a way for respondents to add comments to their survey responses.

**Bill:** I would like to have ECY come forth at the last meeting and tell us where they’re at. What they can and can’t do in the next permit cycle. What are their thoughts on these ideas that we’ve been sharing?

**Abbey:** That does sound like a satisfying way to wrap up this process. We will provide feedback the best we can within the limited timeframe we have between now and our next meeting.

**Jim:** We would love to have some PAC members volunteer to help the facilitation team compile the work done here into a single document.

**Ingrid:** I would be hesitant to synthesize this too much. It might be ok to summarize a few key concepts (flexibility, implement ability), but I wouldn’t try to synthesize everything we’ve covered into a single report.

#### Call for Public Comments

No members of the public present.

### Adjourn (3:47)