# Structural Stormwater Control

# Policy Advisory Committee

December 7, 2022

1:00-4:00 p.m.

## Meeting Notes

### Welcome – Jim Nelson (1:03)

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

* See Jim’s PPT for details.

###  Review of SSC PAC draft final report (1:10)

**Report provided to PAC members on December 5th, 2022. Is included on Outlook invitation for today’s meeting.**

**Summary of Contents -**

1. Cover summary
2. SSC PAC Survey from OCT
3. 4 subgroup papers
	1. [Phase II sub-workgroup](https://docs.google.com/document/d/1xqPwlx0vnoDdDMA0gU0OQWObg-hId4useK0-S7ZaKVM/edit?usp=sharing)
	2. [Multipliers](https://docs.google.com/document/d/1zN_PWuS2EV4B0B-sma9Jna8OjTfkoptF4roEZh1hGWs/edit?usp=sharing)
	3. [Simplified reporting](https://docs.google.com/document/d/1oZL5mx044-e4-YhJWZSPWt_TrP6X1mZNH0_DlsD31Xk/edit?usp=sharing)
	4. [Collaboration](https://docs.google.com/document/d/1ZfP4lCJHeWMRJMdiGqFvEOHom6160CqWIBIaIBkCz9A/edit?usp=sharing)
4. Nov meeting notes
5. Charter

### PAC feedback on draft report (1:14)

**Bill:** Thought the report was well done. Good job.

**Ingrid:** Did not have a chance to review the report. Was there an executive summary?

 **Jim:** No, we didn’t think it was necessary.

 **Ingrid:** Makes sense. The report is for Ecology, and they have been involved in the whole process.

**Ingrid:** I do think it would be valuable for the PAC to have the opportunity to add comments to the survey results and final report.

**Jim:** PAC members do have the opportunity to submit comments on these work products if they would like to. You can enter your comments directly as Track Changes in the Word document Abbey sent out to the PAC.

**Blair:** I agree that more cleanup on these work products/results could be done to make this more useful, if desired. Is there any other follow up that Ecology needs to understand all the information provided from the PAC?

**Abbey:** Totally willing to accept comments and clarification. The tricky part is that we need to have preliminary drafts out by February of next year (at the latest). There is very little time for back and forth in January. Hope is to have some discussion today, and then receive feedback through notes on the report.

We also expect to collect feedback during listening sessions during the informal comment period.

**Jim:** If PAC members can quickly (by **COB on December 16th**) add comments in the collaboration Word document that Abbey emailed to the PAC, you can send your feedback to Amy and Jim, who will incorporate it into the final product.

**Abbey will send out two emails after meeting. One with the meeting evaluation, and the second with the final report and deadline for feedback.**

### Ecology shares ideas for preliminary permit drafts (1:28)

Thank you to all of the PAC for your energy and time in this process. You have given us a lot to consider, and things may look different by the time we get to the end, but these are some of our initial thoughts, organized by topic.

#### Project Types

We are still thinking/grappling with “shall and should” projects. There’s a difference of opinion about how to deal with this. We plan to come back to this for more discussion with PAC members. We acknowledge the value of including more project types, and we want to figure out how to do that in a way that incentives SSC retrofits.

#### Sweeping

We are thinking of changing the way we give credit for sweeping going forward. Thinking of using the “credit by acreage” approach proposed by the PAC, and putting limits on the points that can be gained through this method.

#### Watershed Collaboration

Considering this from multiple perspectives. Lots of aspects to consider. Perhaps we make it a project type? Considering inter-local agreements or dedicated funding sources for this.

#### Multipliers

Appreciate the feedback we’ve received, and we are still considering how to move forward on this and plan to use the recommendations the PAC provided to clarify or update the multipliers.

#### Points/LOE

We have not made a determination on this topic yet. The formal drafts will be informed by annual reports (due in March 2023), but the preliminary draft will only have the interim reporting for the basis. We do expect to see a shift in the ratio of design/planning points vs. construction points.

Also want to come up with a better way to credit small projects and collaboration and will be further considering the ideas from the PAC.

#### WW Phase II Retrofit Approach

We do plan to propose a requirement that includes implementation, not just reporting. We are thinking about the best way to scale this and offer a range of options to meet the requirement.

We acknowledge that this requirement needs to be flexible and easy to report. We will rely on annual reports to inform our final draft.

#### PAC Reactions

**Blair:** Many permittees only report what is required for the current threshold. Can you share more about how annual reports are useful towards developing future requirement thresholds?

**Abbey:** We have been seeing reports of point totals above the required 300. The reports have also included project types that have been completed. We understand that not all eligible projects are being reported. We hope making reporting easier will improve the accuracy of reporting in the future.

**Peter:** Do you have any additional insights on how you’ll approach the PH II requirements?

**Abbey:** It really is too early to say. We are still discussing and considering. We are considering the approaches suggested by the PAC, as well as other potential metrics. We plan to make a suggestion in the preliminary draft and use feedback on that to inform our formal draft.

**Larry:** When you mentioned using acreage as a measure for sweeping, would that be proportional based on the size of the county?

 **Abbey:** I was referring to the crediting approach offered by the PAC, not as an assignment of acreage.

**Larry:** Will the ratio change described be applied to Phase II’s, or only Phase I’s?

**Abbey:** We were specifically thinking about Phase I’s ratio of planning to construction points that are required. We will scale appropriately for the Phase II’s as we develop the program/requirement.

**Larry:** Is the vision for the Phase II requirement identical to Phase I, or do you expect differences?

**Abbey:** We aren’t sure yet. We want to build on what we’ve learned from Phase I program, but Phase II’s are different, and we will need to account for those differences and variability.

**Bill:** Detailed statements about the various opinions around the requirements for detailed reporting were provided to Ecology. I trust that Ecology will thoroughly consider those and make a sound judgment from them.

**Merita:** Will Ecology consider how new requirements will affect each jurisdiction’s ratepayers? This is something Ecology needs to consider. Also need to differentiate the impacts of different types of projects on ratepayers. Not all projects impact equally.

**Abbey:** Your point is well taken. We are considering these impacts, and are trying to use the resources we have available to make these requirements effective and attainable. We are still at a general level of consideration.

### BREAK (1:54)

**Return at 1:59**

### Ecology Questions for the PAC (1:59)

**Abbey:** What are good ways to incentive Phase I stormwater retrofit projects?

**Ingrid:** Why does Ecology think that those tools are so much more valuable that they should be incentivized instead of other tools in the toolbox? Given all that we don’t know about 6ppd yet, retrofits may not be the best answer. When City of Seattle did our analysis, we determined that Sweeping was a better answer. Why does Ecology think retrofits are better?

 **Abbey:** This was a perspective that other PAC members brought to the table so we are working through those considerations. Some may argue that that more flow control, runoff treatment, LID is needed.

**Blair:** I think that the way collaboration shows up in the permit is a way to get retrofits done. Collaborative projects can accomplish more than siloed projects.

**Merita:** If you want more structural things, you have to bump up the multiplier. At the end of the day, it comes down to budgets and economics. Looking at our past projects, we get more “bang for our buck”, doing things besides retrofits. Highly urbanized areas have a hard time finding space to retrofit.

**Larry:** I agree with what Merita says. The cost of land acquisition in ultra-urbanized jurisdictions can be astronomical.

 **Abbey:** Thank you. These are all great thoughts.

**Abbey:** How can we address collaboration better? We are currently thinking through having collaboration as a project type where you get a set amount of points for milestones, or a multiplier for regional facility collaborations.

**Blair:** Any of those (or combination of them) could be viable options. In the Google doc, there is some discussion around the agreements jurisdictions could come to. That level of flexibility is important to really make the approach viable.

**Larry:** I agree with Blair. Meaningful incentivizing is important, and may require a combination. I like making collaboration a project type, and then adding a multiplier on top makes sense. Jurisdictions take on risk when collaborating with others, but the benefits can be really high. Need to provide meaningful incentives to compensate for the risk.

**Amy:** Also considering the idea of providing some time flexibility.

**Blair:** I like that idea. In thinking about requirements for Phase II, we don’t want to make them so different as to discourage collaboration between Phase I and II permittees.

**Abbey:** What do you think of not requiring an exact replica of the Phase I for the Phase II’s, but designing something that would leverage the Phase II SMAPs?

**Larry:** Perhaps implementing SMAP could be one of the routes to compliance options. My colleagues have found a wide variance in the relevance of SMAP. Making it one path would benefit some jurisdictions, but making it the sole path could be harmful.

**Jason:** Speaking specifically for my jurisdiction, we took on some risk with our SMAP, and being locked in to doing this project would put us in a tough spot. We would welcome it as an option from a menu of choices though.

### Wrap up with PAC round robin (2:20)

**Arthur:** Thank you for the hard work of the well run meetings and transparency in this process.

I am concerned about things coming to a conclusion at this point. This process started many years ago and a lot of energy was invested into research on this topic. We would like to see more effort put into developing the science behind this to develop solid program steps.

**Ingrid:** Thank you Ecology for being willing to listen and learn with us. Thank you PAC for sharing thoughts in a constructive way.

My parting thought is on flexibility. It means different things for different jurisdictions. For Phase I’s, it might mean having flexibility to pursue our well thought out priorities, while for Phase II’s it might mean flexibility to get programs off the ground.

**Jason:** I agree with the previous comments, and thank you to everyone. I also think flexibility is the most important for us. Not being highly urbanized, some of our work looks a little bit different, but very impactful, and flexibility will honor that.

**Larry:** I agree with previous comments, and feel that folks were heard during this process. It is greatly appreciated.

I also appreciate how much we covered in such a short period of time. One of my concerns was that we had to do some triage. We should recognize that some of the things that were put aside warrant attention and consideration.

I think often we compartmentalize our looks at the LOE requirements (maintenance, E&O, etc.). It is overdue to look at the permit as a whole in terms of cumulative requirements. It’s quite a lot taken as a whole.

**Bill:** Thank you to everyone. We started talking about this with Ecology for decades. We have all been trying to learn about this and communicate for a long time, and we can’t cover it all at once. We will continue the conversation in a few months when preliminary drafts come out. We will never stop learning, but we are making progress.

**Sheena:** Thank you to everyone for the participation and opportunity to discuss. It really helps to have everyone at the table with different perspectives and hear from each other.

**Maureen:** Thank you Ecology for supporting this process. Thank you all from your participation. I learned a lot from hearing other people’s perspectives and hearing the reasons why. I look forward to staying engaged in the work ahead.

**Blair:** Thank you to everyone for the whole process. I agree with what’s been said already. The candid back and forth after hearing Ecology’s initial thinking was extremely valuable. Is there a future role for the PAC to engage in candid back and forth after prelim drafts come out, and at other stages of the process?

**Aaron:** I am grateful to everyone for sharing and hearing perspectives. Really appreciate everyone’s respectful demeanor and transparency throughout. As these regulations come into place and these questions of collaboration come up, we are here to help. We want to help see our shared goals accomplished.

Collected data on non-required/above and beyond projects would be a big asset. Reporting data we already have in a way that lets us create overlays/broader perspectives is super valuable.

**Merita:** Thank you all for the process. Based on everything I’ve seen so far with the new permit language and this process, I’m concerned about Tacoma’s ability to meet this permit. We will also get an EPA permit, and I have some pretty deep concerns about meeting our permit obligations.

I would say that when pushing for more things, don’t forget what was learned at Phase I of this process. They looked carefully at what things were truly most beneficial and designed the program to suit. We need a solid scientific foundation, and flexibility to support true implementation. We don’t want expensive projects that don’t provide significant benefit.

**Peter:** Thank you to those who made this possible, and special thank you to those who stepped up and did extra work.

I think anytime we have this opportunity to all get together and collaborate, it is really valuable. I benefitted a lot from hearing other people’s perspectives.

I think finding a suitable requirement that will really work for the whole scope of Phase II diversity will be a really big challenge. Ecology has their work cut out for them. May want to consider allowing for some grace or experimentation as you get a handle on just how difficult this is going to be.

**Rod:** I really appreciate Ecology doing the prelim language process, including the PAC. I think this step is really important.

**Nate:** Phase II differences need to be considered.

**Emma:** What a great group of individuals. I can’t speak to it enough.

I encourage Ecology to reach out if there are any questions or need for clarification. We are all happy to offer feedback.

### Public Comments and Close – Jim Nelson (2:45)

**No public comments**

**Please return your responses to the meeting evaluation by this Friday** (it’s very short).

**Please provide your feedback on the draft report by COB December 16th.**

**Abbey’s final comments:**

Thank you everyone. The discussion in this process has been really helpful. There is certainly more to talk about. I’m hoping the preliminary draft will help further this conversation.

We will certainly consider re-convening the PAC after preliminary drafts are out.

### Adjourn (2:50)