

# Water Quality Partnership March 21, 2023

Welcome & Program Updates	Vince McGowan	10:00 - 10:10	
6PPD	Madison Bristol	10:10 - 10:35	
General Permit updates	Lucienne Banning	10:35 – 11:00	
Grant and Loan updates	Jessica Schwing	11:00 - 11:20	
Watershed Management Updates	Bryson Finch, Melissa Gildersleeve, Hannah Coe	11:20 - 11:40	
Roundtable	All	11:40 - 11:55	
Wrap up	Colleen Keltz	11:55 – 12:00	





## **Welcome and Updates**

Vince McGowan





## **6PPD: Stormwater Management of Toxic Tire Chemicals**

Water Quality Partnership March 21, 2024 Madison Bristol



## Agenda

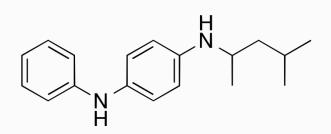
- Ecology's agency strategy
- Stormwater best management practices (BMP) effectiveness research and funding
- Highlighting collaborative actions: 6PPD Action Plan



## 6PPD and 6PPD-quinone

#### 6PPD

*N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine* 



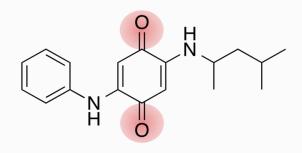


ozone and tire wear particles



#### 6PPD-quinone

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## **Ecology's Agency Strategy**

- Reducing sources of 6PPD and evaluating safer alternatives
- Mapping and monitoring to support stormwater planning
- Researching and implementing stormwater best management practices
- Beginning to evaluate tire recycling and disposal impacts











# Stormwater Best Management Practices (BMPs)





Washington State Department of Ecology

### STORMWATER TREATMENT OF TIRE CONTAMINANTS BEST MANAGEMENT PRACTICES EFFECTIVENESS

Final Report | June 2022



















## Completed Project: Osborn & Evergreen StormH20 Consulting

- Researched and conducted a literature review on how effective current BMPs are at addressing tire contaminants
- Published a report describing the potential effectiveness of:
  - Source Control BMPs
  - Flow Control BMPs
  - Runoff Treatment BMPs

## **Ongoing Projects**

- King County Testing 4 High Performance Bioretention Soil Mixes (HPBSM) testing
- UW-Tacoma Comparing the contaminant capture of engineered medias, commercial sorbent components, and simplified soils

Photo: Shelby Giltner

## **Ongoing Projects**

- King County Environmental Lab mixed highway & residential stormwater characterization study
- Herrera testing influent and effluent with TAPE devices for removal of 6PPD-q in Seattle and Portland
- New studies Embankments, decant facilities, native plants & floating wetlands

Photo: King County Environmental Lab



#### **Stormwater Action Monitoring Program**

- Permittee-driven research to improve the effectiveness of municipal stormwater management programs
- Research with 6PPD-q as a parameter:
  - WSU-Puyallup longevity of bioretention media
  - **Redmond** street sweeping effectiveness
  - WA Stormwater Center Street sweeping research synthesis
  - Seattle Public Utilities Street sweeping load reductions
  - King County HPBSM at full-scale facility
  - City of Tacoma Monitoring contaminants of emerging concern



#### Funding for 6PPD BMP Effectiveness Research

DETAILS	6PPD IAAs	Stormwater SIL RFP	
Qualifying Applicants	Tribal Nations and public organizations as defined by <u>RCW</u> <u>39.34.020</u>	Public or non-profit organizations or Tribal Nations around Puget Sound	
Available Funding	\$500,000	\$1.5 million	
Number of Awards	5 to 15 awards	3 to 15 awards	
<b>Duration of Projects</b>	Until June 2025*	Until December 2027	
Solicitation Opens	Proposals considered on a rolling basis	March 20, 2024	
Application Deadline	Proposals considered on a rolling basis	May 22, 2024	

Contact: madison.bristol@ecy.wa.gov



## Collaboration

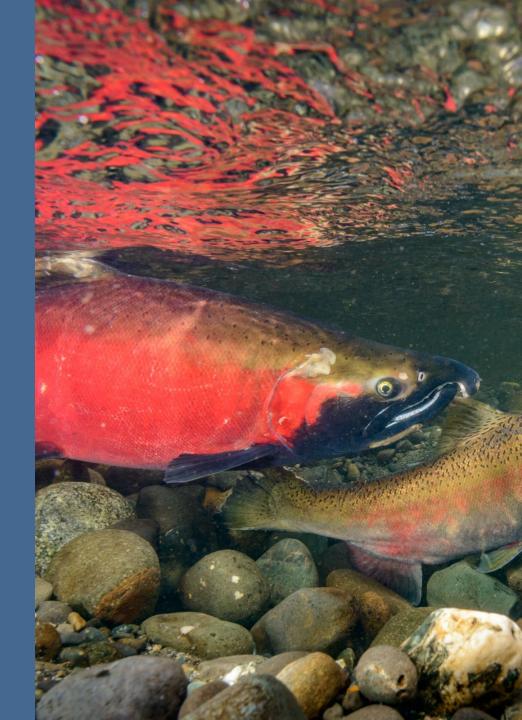
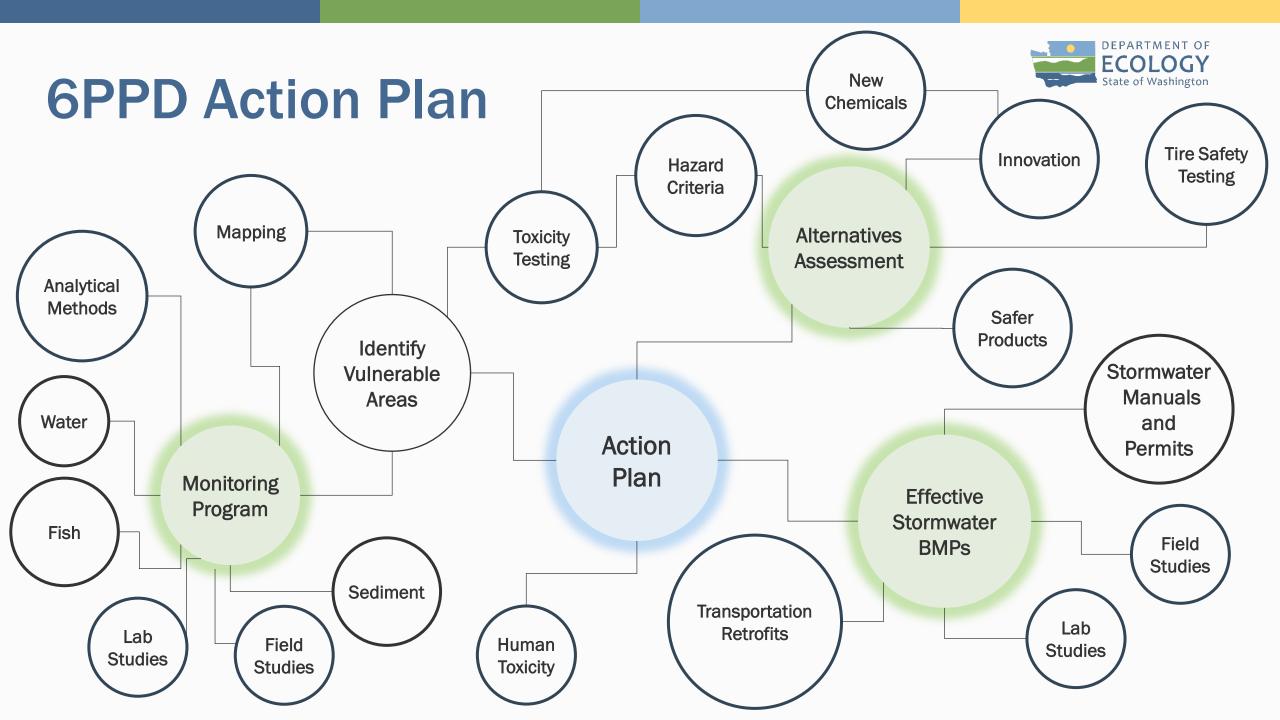


Photo: Eiko Jones





#### **6PPD Action Plan**

- Not a Chemical Action Plan (CAP)
  - Will follow WAC 173-333 Advisory Committee, environmental justice review, human health and environmental impacts
- Advisory Committee February to April 2024
  - 6PPD research needs, data gaps, and budget requests to the Legislature
  - Over 75 participants, including 12 Tribal representatives
- Review of report and publication May to December 2024







### **Key Takeaways**

- Ongoing research is helping fill the many knowledge gaps surrounding 6PPD and informing sound policy and technical decisions
- Stormwater BMPs help us act now to reduce or prevent ongoing harm from 6PPD
- Collaborative actions, like the 6PPD Action Plan, allow us to research and implement 6PPD solutions that are timely, equitable, and effective.

#### **Questions?**





#### **ADA Accessibility**

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at <a href="mailto:ecyadacoordinator@ecy.wa.gov">ecy.wa.gov</a>. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit <a href="mailto:Ecology's website">Ecology's website</a> for more information.

#### For more information:

Madison Rose Bristol
6PPD Stormwater Planner
madison.bristol@ecy.wa.gov





## **General Permit Update**

Water Quality Partnership Meeting Thursday, March 21, 2024 Lucienne Banning



# Activities First Quarter 2024

Vessel Deconstruction General Permit



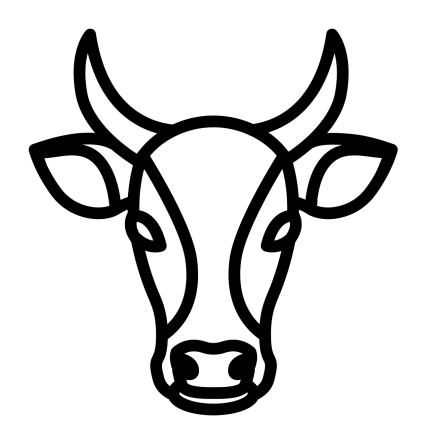
# Activities First Quarter 2024 - Cont'd

- Mosquito Response to Comments
- Winery Response to Comments
- Water Treatment Plants
   Public Comment Period



## GENERAL UPDATE

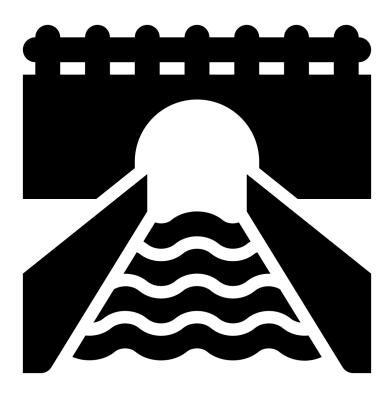
CAFO General Permit



# Ongoing GP Activities 2024

Irrigation System
Aquatic Weed Control
General Permit

Appeal and implementation



## Ongoing GP Activities 2024

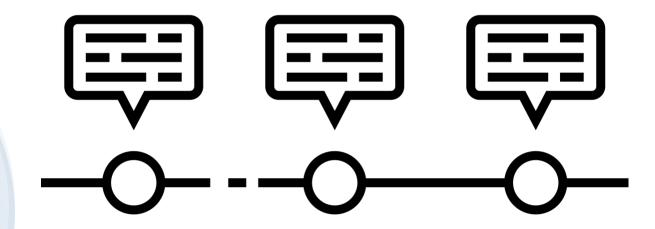
Industrial Stormwater General Permit

Reissuance and Listening Sessions



### Ongoing GP Activities 2024 – Cont'd

- Noxious Weed
- Municipal Stormwater
- Puget Sound Nutrient







## **Grant and Loan Updates**

Jessica Schwing Sarah Ponte





## SFY25 Offer List Overview

March 21, 2024

Jessica Schwing



#### SFY25 Offer List Timeline

Feb 14

**Public Meeting** 

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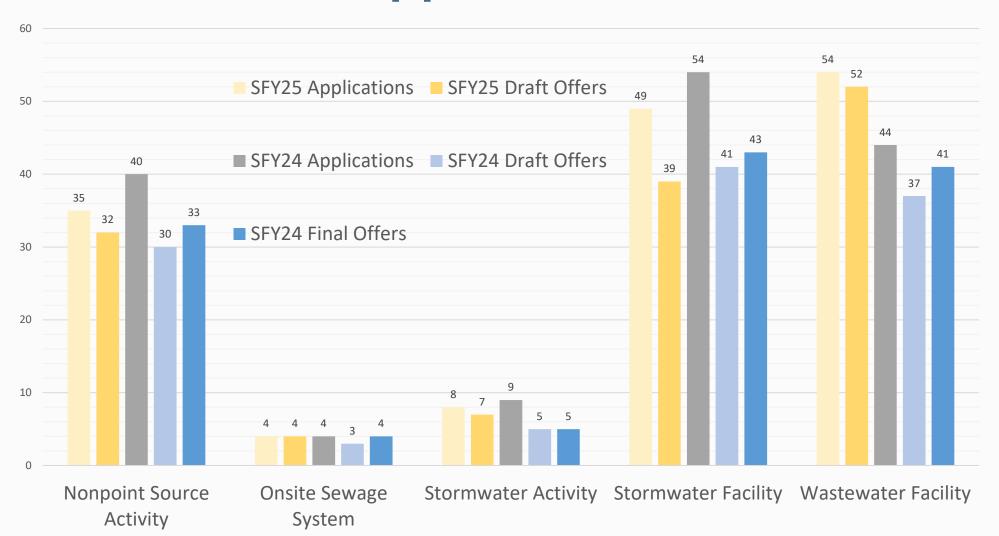
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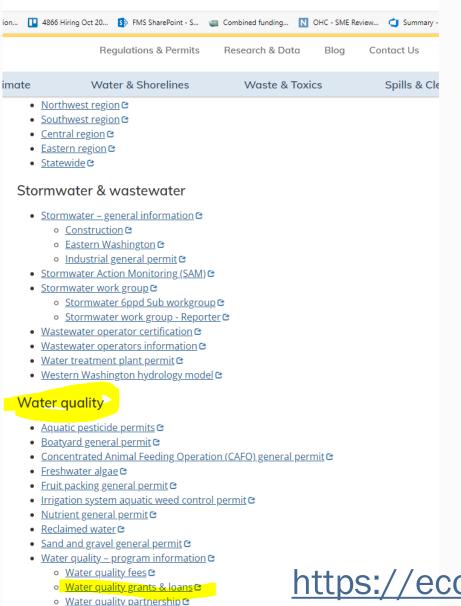
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Interactive Map of all Ecology-Funded Projects

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Water quality improvement @



## GovDelivery

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#### Comments

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### Questions

Eliza Keeley

Eliza.keeley@ecy.wa.gov

(360) 628-1976





## Stormwater Community-Based Public-Private Partnership (CBP3) Program

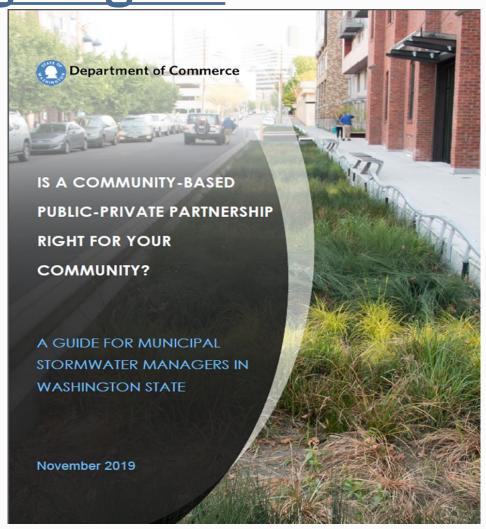
03/21/2024

Sarah Ponte

Stormwater Community-Based Public-Private Partnership (CBP3) Funding Program

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Source: CBP3 Guidebook for WA State

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#### **April 2024**

Development of Grant Program Guidelines

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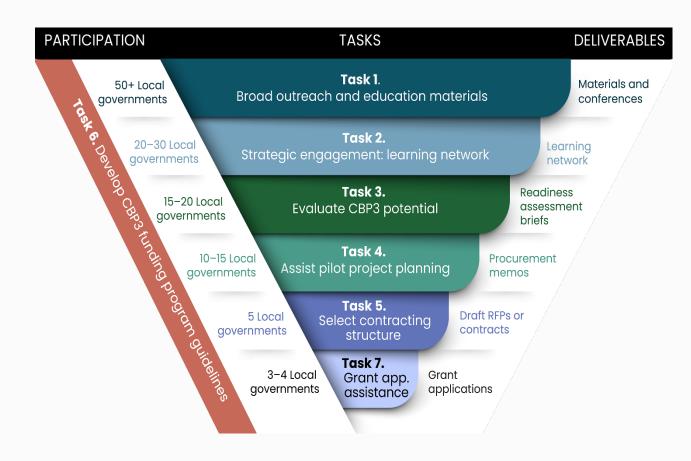
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#### July 2025 – July 2029

Pilot Projects
Planning and
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# Phase I: Outreach and Technical Assistance Services to Local Governments

This Program provides technical assistance to Washington state local governments to identify and advance stormwater projects using alternative procurement mechanisms.



#### CBP3 Learning Network Collaboration Site

# February 2024



Meeting Recording



Meeting Mural





#### Stormwater CBP3 Learning Network Meeting #3:

	Applying CBP3 at Multiple Scales
Logistics	
Date and Time	Wednesday, February 28th, 10:00 am – 11:30 am  Optional Mural practice, 9:45 – 10:00 am
Location	Virtual (Mural and Zoom)
Goal	
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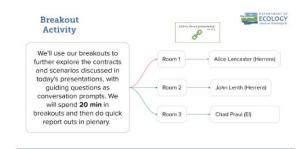
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delivery and develop a targeted funding program from the state

Explore how to apply CBP3 at multiple scales, including smaller-scale CBP3s and other performance contracts, to help Washington communities achieve their stormwater goals.

#### **Detailed Agenda**

Agenda Item	Lead	Time	Objectives		
OPTIONAL Pre-meeting Mural Practice	Gabe Kiritz, Environmental	9:45-10:00a	Optional Mural practice for those who would like to familiarize themselves with the platform.		



#### Meeting Mural (PDF format)



#### Request for Technical Assistance Form



### Request for Technical Assistance - Washington Stormwater CBP3 Project

#### Who should complete this form?

Any municipality, local government, or other entity interested in receiving technical assistance from the Stormwater CBP3 project team to advance a community-based public-private partnership (CBP3) or alternative procurement project.

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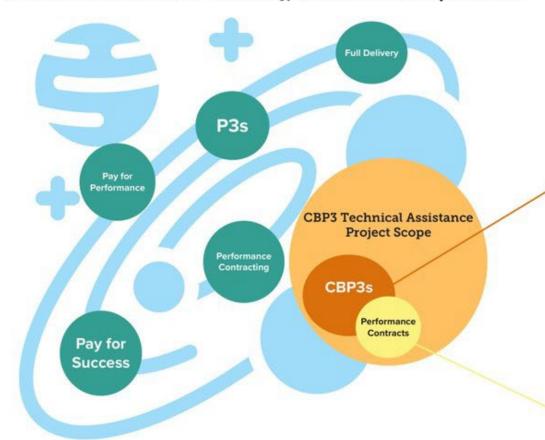
#### How will this form be used?

- · To identify technical assistance needs
- · To identify potential projects
- · To inform future Learning Network topics
- To inform the development of future funding programs

Please refer to the <u>Washington CBP3 Guidebook</u> or contact Sarah Ponte at sarah.ponte@ecy.wa.gov | (564) 669-4701 or Gabriel Kiritz at gkiritz@enviroincentives.com | (858) 284-4075 for assistance completing this form.

#### **Defining Alternative Procurement**

There is a whole universe of terminology around alternative procurement





A Community-based Public-Private Partnership (CBP3) is a type of P3 that (Guidebook definition)

- creates a partnership between a municipality and a private entity;
- measures benefits beyond stormwater that are valuable to the community; and
- develops green stormwater infrastructure.

These elements are beneficial when applied where relevant, but not all of them will be required for grant eligibility.

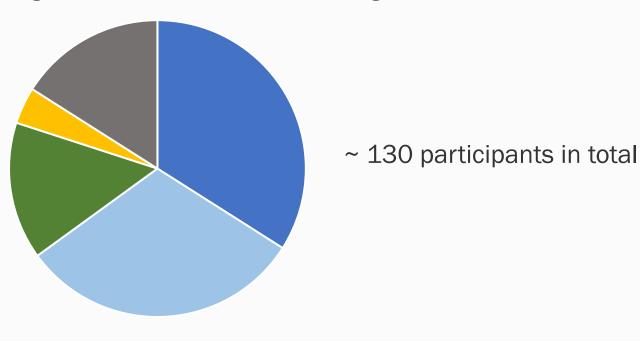
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### **Learning Network Participation**

#### **Learning Network Kickoff Meeting**



- Stormwater Program Managers
- Private Sector
- None of the above

- Other local government staff
- Non-profit/CBO

#### Do Now:



#### **Defining Success**

Ecology embraces the 'C' in CBP3 and explicitly defines program 'success' with value metrics beyond water quality widgets

Support to jurisdictions on building their business case from the public side... knowing their guardrails for a high public value per unit price of WQ mngmnt, before entering into negotiations with a private partner

Meet and greet with a full range of firms working in this space, particularly as prospective P3 Primes... but also engagement and technical subs... including but not limited to Corvias. Build a robust WA State ecosystem of P3 private partners. Avoid optics of 'king making' by platforming only three firms via the TA team. wonderful as those 3 are.

Explicitly address how to structure any kind of P3 so the economic benefits accrue to local firms, MBEs, and community-based organizations, not only to large regional or national engineering or planning firms, likely exclusively white/white led.



Understand better how this will benefit our economic development strategy

We have a common understanding

We start to put a finer point on what is possible

We learn about how this process might be expanded outside GSI only

Have a few local case studies with contacts to follow up with

Explicitly address how this work supports community wealth building in communities historically pushed to the economic margins in government contracts due to structural racism

Ecology will have received dozens of applications for any RFP related to CBP3 programs

Our team will have one

or a few solid project

ideas to flush out and

be ready for funding

We develop a smaller working group with folks who want to work independently together

we know what is

fundable in the grant

Show how this would work with smaller scale projects and what types of projects this would work for

Understanding of the

program purpose,

goals, and structure

₫ 1

**Ecology understands** community needs.

Gain better

understanding of

eligible projects.

At the end of this Learning Network series, how will you know that we've been successful?

Help us identify desired outcomes and metrics of success for this community.

Common definition on eligible projects (scope) and roles/ responsibilities between all parties; Community, Public, and Private Sector.

Ongoing workgroup or support for CBP3

Seeing projects realized that the community values and uses

public trust role in structuring any kind of P3, to ensure a 'good buy' for the public and prevent simple privatization of public sector roles

esp in SW WA

Ecology knows what they need to do to lower barriers for participation by nonprofits in publicfacing CBPs in WA

Municipalities understand the

We have created a P3 and executed a project successfully

Leverage CBP3 for developing stormwater parks

Address different approaches to project sourcing.

How to 'find' projects

♡1

Would really love a session for jurisdictions to brainstorm/dream big together on the kinds of community benefits and associated metrics that can be included in P3s, beyond what has already been codified into KPIs in the handful of existing programs... It's still very early days in these models... LET'S SHOOT FOR THE MOON ON PUBLIC

# Current needs and knowledge gaps of learning network participants

- Establishing per unit price benchmarks to determine public benefit
- Developing metrics to assess water quality and community benefits
- What do contracts require regarding verification, monitoring, and maintenance?
  - Template for third party verification contracts
  - Addressing unknown challenges in contracting within respective jurisdictions
- CBP3 scalability



### What is coming next?

- Deadline to complete the CBP3 Request for Technical Assistance Form: March 31, 2024
- Next Learning Network Workshop: June 2024
- Stormwater Application Workshop: August 13, 2024
- SFY26 WQC Application: mid-August to mid-October 2024
- Technical Assistance until June 2025
  - Readiness Assessment
  - Procurement Plans
  - Contract Structure
  - Grant application assistance



### Thank you!

#### Sarah Ponte

Stormwater Public-Private Partnership Planner

sarah.ponte@ecy.wa.gov

(546) 669-4701

#### Jessica Schwing

Stormwater Financial Assistance Unit Supervisor

jessica.schwing@ecy.wa.gov

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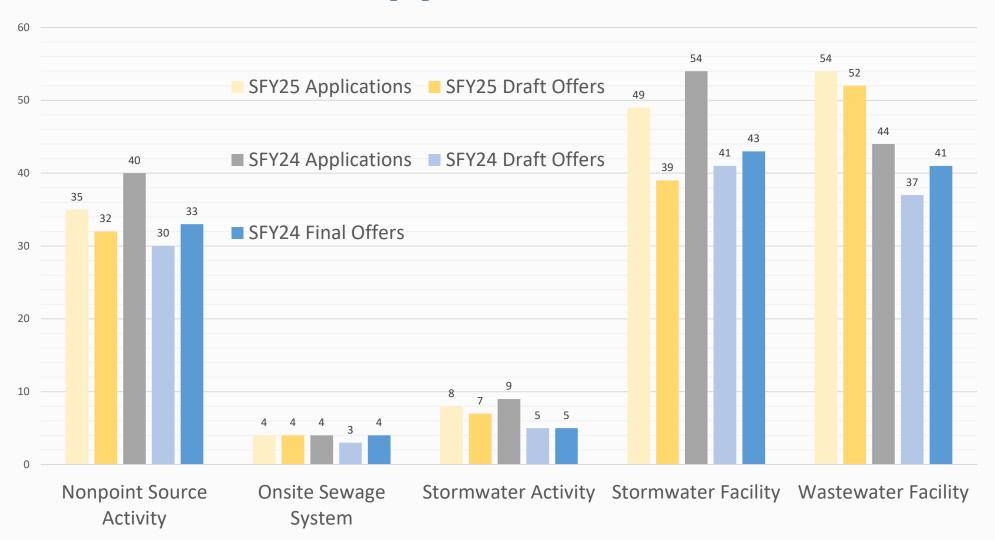


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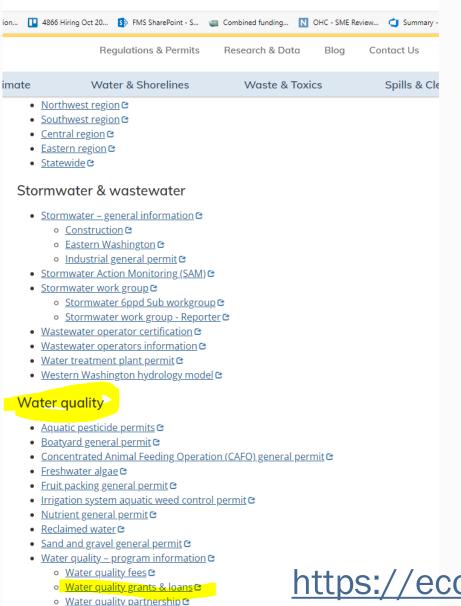
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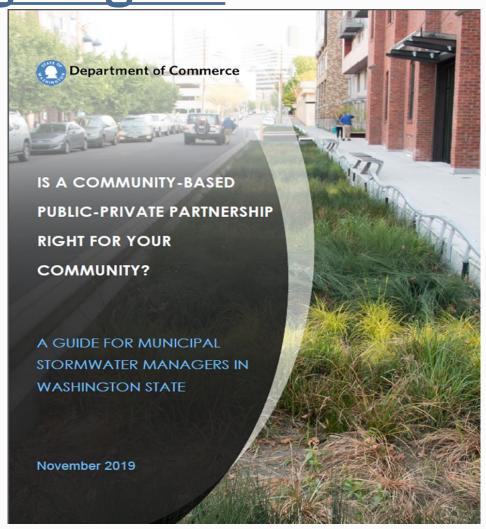
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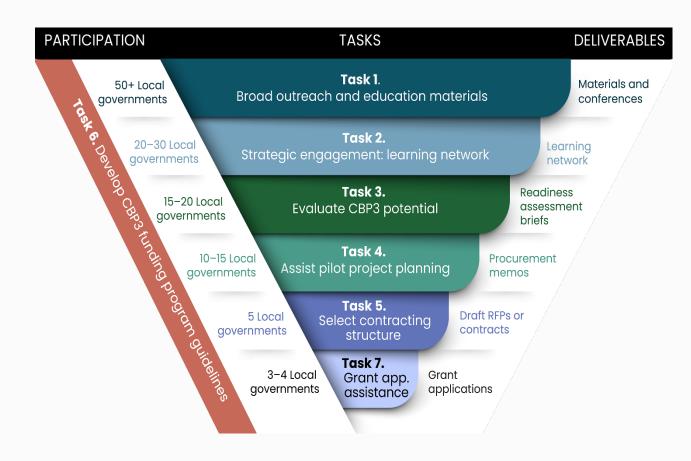
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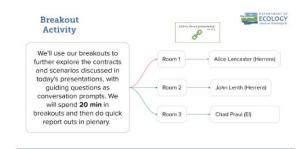
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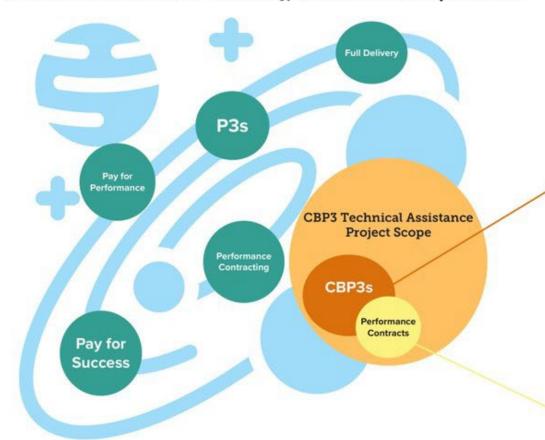
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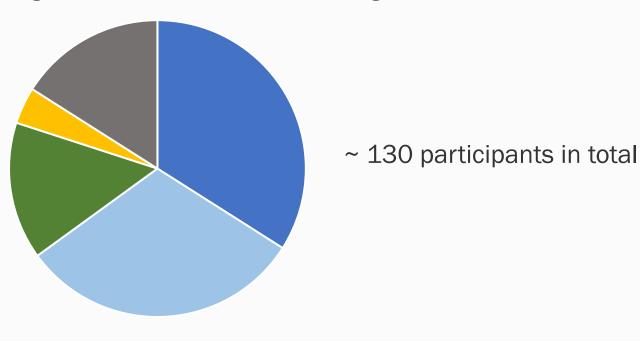
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or a few solid project ideas to flush out and be ready for funding

Our team will have one

we know what is fundable in the grant Understanding of the program purpose, goals, and structure

Gain better understanding of eligible projects.

Common definition on eligible

Ongoing workgroup or support for CBP3

Seeing projects realized that the community values and uses

♡1

Municipalities understand the public trust role in structuring any kind of P3, to ensure a 'good buy' for the public and prevent simple privatization of public sector roles

We have created a P3 and executed a project successfully

Address different approaches to project sourcing. How to 'find' projects

Leverage CBP3 for developing stormwater parks

Would really love a session for jurisdictions to brainstorm/dream big together on the kinds of community benefits and associated metrics that can be included in P3s, beyond what has already been codified into KPIs in the handful of existing programs... It's still very early days in these models... LET'S SHOOT FOR THE MOON ON PUBLIC

Ecology knows what they need to do to lower barriers for participation by nonprofits in publicfacing CBPs in WA esp in SW WA

# Current needs and knowledge gaps of learning network participants

- Establishing per unit price benchmarks to determine public benefit
- Developing metrics to assess water quality and community benefits
- What do contracts require regarding verification, monitoring, and maintenance?
  - Template for third party verification contracts
  - Addressing unknown challenges in contracting within respective jurisdictions
- CBP3 scalability



### What is coming next?

- Deadline to complete the CBP3 Request for Technical Assistance Form: March 31, 2024
- Next Learning Network Workshop: June 2024
- Stormwater Application Workshop: August 13, 2024
- SFY26 WQC Application: mid-August to mid-October 2024
- Technical Assistance until June 2025
  - Readiness Assessment
  - Procurement Plans
  - Contract Structure
  - Grant application assistance



### Thank you!

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### Watershed Management Update

Bryson Finch

Melissa Gildersleeve

Hannah Coe



### Water Quality Standards rules

- Chelan UAA waiting federal action
- Salmon Spawning waiting federal action
- Outstanding Resource Waters approval from EPA on March 8, 2024
- Aquatic Life Toxics Criteria Draft rule package out for public comment
- Natural Conditions Working on draft rule package for spring roll out





### Water Quality Assessment

- Current count is 90 million pieces of data
- Finishing the analysis for external review
  - Tribal review spring 2024
  - Public review summer 2024



### Litigation (not permit)

EPA Litigation related to Washington Programs

- 1. 303(d) Pace Case
  TMDLs
  303d list
- 2. Puget Sound Nutrient TMDLS
- 3. Spokane PCB TMDL
- 4. Toxics Aquatic Life Criteria rule petition



### **Aquatic Life Toxics Rulemaking**

#### Purpose:

 Update protective values for aquatic life (fish, invertebrates, and plants) from exposure to toxic pollutants

#### History:

- Last major update in 1992, last minor update in 2007
- Planned to wait until Idaho and Oregon underwent their updates before WA initiated rulemaking
- Currently EPA litigation regarding WA aquatic life criteria



### **Proposal Overview: Aquatic Life Toxics**

- Highlights:
  - Updating 16 of 28 existing pollutants
  - Adding 14 new pollutants to water quality standards
  - Not adopting EPA recommendations for 3 pollutants
  - Proposing state-specific 6PPD-q criterion
  - PFOA/PFOS proposed but do not plan to adopt if EPA does not finalize draft recommendations



### **Proposal Details: Aquatic Life Toxics**

#### 1. Some criteria were not changed (58 criteria)

Meeting EPA recommendations and no ESA concerns

#### 2. Propose to adopt EPA criteria recommendations (51 criteria)

 WA existing criteria differs from EPA and there are no known endangered species concerns

#### 3. New criteria (36 criteria)

EPA added pollutants to their recommendations since WA last updated their criteria

#### 4. Updated criteria based on new science only (12 criteria)

 A likely to adversely affect (LAA) or jeopardy determination in Idaho or Oregon for a similarly listed species in WA



### **Proposal Details: Aquatic Life Toxics**

#### 5. Increased protection of criteria and reviewed new science (8 criteria)

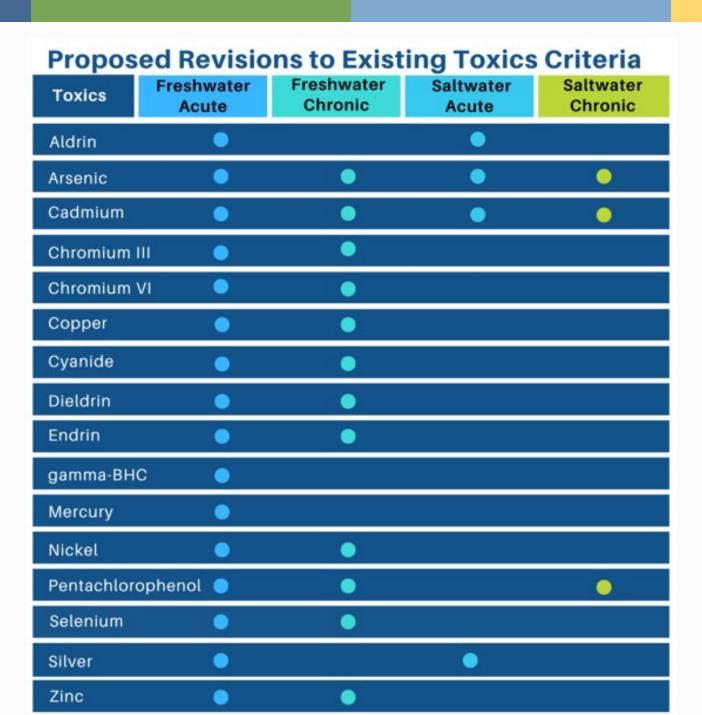
 There was a jeopardy determination for these criteria in Idaho or Oregon for a similarly listed species in WA. Updating criteria using new science alone was not protective of endangered species

#### 6. Propose to <u>not</u> adopt EPA criteria recommendations (7 criteria)

Lack of scientific support or high natural variability of pollutant throughout the state

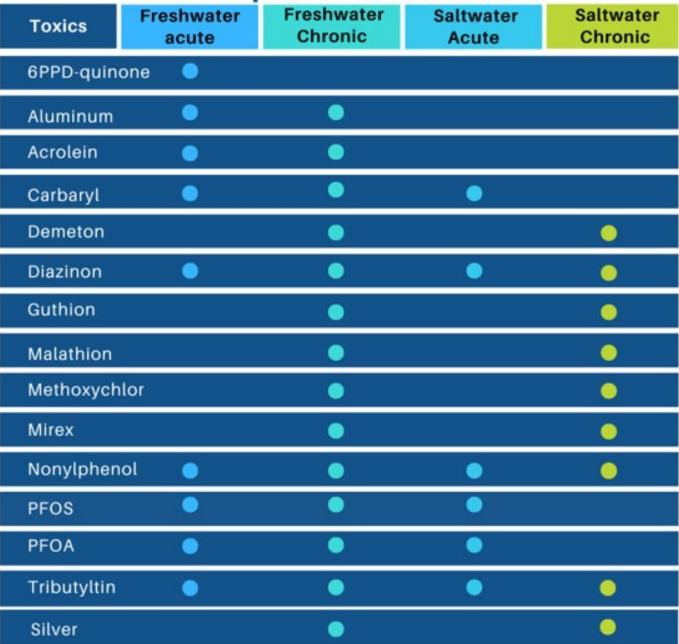
#### 7. Developed state-specific criteria (5 criteria)

• State-specific direction was most appropriate for emerging chemicals (e.g., 6PPD-q), or new science and tools were available (e.g., silver and copper)





#### **New Proposed Toxics Criteria**





### **Timeline**

Aquatic Life Toxics Criteria Rulemaking



June 2022

Announced start of rulemaking process.
Gathered information to develop rule.

### Series of Webinars

Oct. 2022–Oct 2023
Held 3 part series of
webinars discussing rule
scope, methods, and
strategy

### Filed CR-102 & Public Hearings

Feb. 15 – April 17<sup>th</sup>, 2023 Public Review period

March 26<sup>th</sup>
Workshop for Q&A

**April 4**<sup>th</sup> and **10**<sup>th</sup> Public Hearings

#### Finalize Rule

April to June 2024
Respond to

comments and finalize changes

**File CR-103** 

Summer 2024

Decision on rule adoption

### 2025 Nonpoint Plan

- Outlines the state's approach for addressing nonpoint pollution
- Ensures eligibility for grant and loan funding
- Due to EPA by December 31, 2025
- Remaining 8 CWG chapters due with 2025 NP Plan



Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution

**Water Quality Program** 

Washington State Department of Ecology Olympia, Washington

December 2022, Publication 22-10-025



### 2025 Nonpoint Plan Strategy

- To develop the Plan we are:
  - Responding to changing conditions, addressing emerging challenges, and adapting strategies
  - Incorporating lessons learned from previous Plans
  - Engaging early and often with Tribes and Tribal organizations
  - Listening to partners and communities engaged in nonpoint work



### **2025 Nonpoint Plan Timeline**

**Early 2024** 

Early Tribal
Engagement

Mid 2024

State Agency Collaboration Late 2024

Ongoing Stakeholder Engagement **Early 2025** 

Comment Periods
Note: Pre-public
Tribal Consultation
and Review





### Roundtable





### Wrap up

Colleen Keltz



### Next meeting date

June 13



### Thank you