

14. STORMWATER DISCUSSION

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STAFF REPORT \_\_\_\_\_

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QUESTIONS FROM COUNCIL ON STAFF REPORT \_\_\_\_\_

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DISCUSSION \_\_\_\_\_

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ACTION TAKEN \_\_\_\_\_

NOTES:



# CITY OF PULLMAN

## Administration/Finance

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### MEMORANDUM

TO: Mayor and City Council  
FROM: John Sherman, City Supervisor  
RE: Background Information on Stormwater Issues  
DATE: May 23, 2008

The following is a brief summary of stormwater issues. As you will note from this information, there have been numerous public discussions of the stormwater issue. The City Council has also taken numerous definitive actions to address the issue.

The city of Pullman recognizes the importance of addressing stormwater issues in a fair and reasonable manner. The city currently has design standards that require erosion and sediment control plans be submitted and approved with new development and require stormwater detention and biofiltration when certain thresholds have been met. The city already addresses high risk land uses such as car washes, auto repair/maintenance shops, etc. with special requirements. The city also requires enhanced detention in one particularly sensitive sub-basin within the city (Hatley Canyon). With new construction, the city dye tests the sewer connections to verify the sanitary sewer lines are not inadvertently connected to the storm drain system. Thus, far from ignoring stormwater concerns, we have many procedures already in place.

However, when the proposed Phase II stormwater permit was proposed to include Pullman, we actively opposed our inclusion under the terms of the Phase II permit. The city of Pullman, Washington State University and Schweitzer Engineering Labs, Inc. officially requested that Pullman not be included in the Phase II program during the comment period that ended on May 19, 2006. The following statement was made within our city of Pullman letter in support of our request for not being included under the Phase II stormwater permit:

Pullman and the surrounding area are characterized by rolling hills, steep slopes and highly erodable soils. The relative impermeability of the soil virtually eliminates the use of infiltration for stormwater treatment, which results in close to 100% runoff. Agriculture is the primary land use in the

surrounding area, and results in highly turbid runoff far outweighing contributions from the city stormwater system. Benchmarks such as the 25 NTU threshold in the Construction Stormwater General Permit are essentially impossible to meet at times, and quite frankly wouldn't matter much because the contribution from agricultural land is so much higher, both in quantity and turbidity levels.

The stormwater issue has been addressed in depth at numerous previous City Council meetings. On September 26, 2006, a public meeting was held on the stormwater issue. Dave Duncan, from the Water Quality Program of the Washington State Department of Ecology, stated that "...Pullman has perhaps the most difficult situation in the whole state with regards to soils." Representatives from WSU and SEL spoke at the City Council meeting and raised concerns about the proposed Phase II regulations. At the conclusion of the stormwater discussion, the City Council voted to table motions authorizing a stormwater consultant agreement and the acceptance of a Department of Ecology stormwater grant.

At the Town Hall Meeting on December 6, 2006, the stormwater issue was discussed in depth with our 9<sup>th</sup> District State legislators. Representatives from the Washington State Department of Ecology were also present to address the stormwater issue. Later in December our 9<sup>th</sup> District State legislators were able to meet with the Director of the Department of Ecology and convinced him to delay the proposed December implementation of the Phase II permit until January. However in January 2007, the Department of Ecology issued the new Phase II permits that included Pullman.

On January 23, 2007, the City Council discussed the decision of the Department of Ecology to include Pullman in the implementation of the Phase II stormwater permit. The City Council discussed the option of joining an appeal of the Department of Ecology decision.

On February 6, 2007, the City Council voted to join the appeal of the Phase II regulations. Because the Department of Ecology opted to include Pullman under the requirements of the Phase II regulations, the City Council also voted to approve the stormwater consultant agreement and accept the Department of Ecology stormwater grant.

On February 16, 2007, the NPDES Phase II Permit became effective. The minimum measures required under this Phase II stormwater permit are:

- Public education and outreach
- Public involvement and participation
- Illicit discharge detection and elimination
- Controlling runoff from development
- Pollution prevention for municipal operations.

At the City Council meeting on March 6, 2007, the City Council passed a resolution authorizing the city of Pullman to join a coalition of 33 cities and counties for

the purpose of appealing provisions of the Municipal Stormwater Permit. In his staff report to the City Council, Public Works Director Mark Workman wrote:

The Department of Ecology (DOE) has issued the Phase II National Pollutant Discharge Elimination System (NPDES) Permit under the provisions of the Federal Clean Water Act. The permit applies to several cities in Washington, including the city of Pullman. It is the opinion of many of the affected cities that DOE has exceeded the requirements of the Clean Water Act to the extent that significant and unwarranted financial burdens will be placed on these municipalities and the citizens residing therein, and subject the municipalities to costly legal challenges. Several Washington cities, including Pullman, committed to combine resources to appeal the permit to the Pollution Control Hearings Board and to Superior Court in Snohomish County.

On May 15, 2007, the appellants filed the proposed list of legal issues before the Pollution Control Hearings Board.

At the annual Association of Washington Cities (AWC) conference on June 14, 2007, a workshop was held on stormwater issues. The major point of the workshop discussion was that, regardless of the legal challenges to the Phase II stormwater permit, it is still in effect and we have a requirement to comply. The June 2007 AWC Stormwater fact sheet that was distributed at the conference stated:

The permit's requirements must be addressed in increments over the next five years and will be costly to implement for both public and private interests. Cities that have extensive stormwater programs and stormwater utilities in place may be meeting some of the requirements of the permit. Cities that have not developed stormwater programs or developed a stormwater utility will face a much greater challenge.

On June 26, 2007, the City Council requested that the options of retaining a consultant to aid in compliance and to retain a full-time stormwater program employee be brought back for consideration at a later date.

At the City Council meeting on August 17, 2007, the City Council authorized the creation of the city of Pullman stormwater manager position. The following are excerpts from the minutes of the City Council meeting:

Councilmember Bloom stated he concurred with the staffing needs for stormwater compliance, stated that the stormwater issue was an unfunded mandate and the citizens would have to find a way to pay for it, and that compliance would involve high volumes of work.

Councilmember Heath stated she agreed with Councilmember Bloom's comments that this was a complex issue and that the City should stay within the minimum standards and not go beyond that.

At the City Council meeting on October 23, 2007, a discussion took place concerning the stormwater issue. John Knutson of Otak, Inc., the city's stormwater consultant gave a detailed presentation on stormwater regulations, the city's options, and new annual stormwater funding needs. He recommended the establishment of a stormwater utility. Public Works Director Mark Workman stated that the city was behind in the stormwater compliance process and that we needed to establish and collect fees by mid-year 2008.

On December 11, 2007, the issue of stormwater was again raised with our 9<sup>th</sup> District State Legislators. The first issue of interest to the city of Pullman in the Town Hall Meeting was that the state should provide for reasonable and achievable stormwater standards. We requested that the legislature act to ensure that reasonable and achievable stormwater standards are applied that do not exceed federal requirements and that take into consideration the unique provisions of various geographic areas within the state.

At the City Council meeting on January 22, 2008, the stormwater issue was again addressed in depth. Four resolutions were passed by the City Council addressing various stormwater issues. The first resolution adopted a public participation policy for the development and implementation of an enhanced city stormwater management program. The second resolution provided more funding of the cost of litigating the stormwater appeal. The third resolution provided an addendum to the Otak, Inc. agreement for the purpose of performing the stormwater planning and funding project. The final resolution accepted a local stormwater grant from the Washington State Department of Ecology. Rob Buchert was formally introduced at the meeting as the city of Pullman's Stormwater Services Program Manager.

On April 17, 2008, we attended an AWC forum on stormwater that was held in the Spokane City Council Chambers. The agenda for the meeting and a copy of the latest AWC information on stormwater are attached.

On April 28, 2008, the city of Pullman, the Pullman Chamber of Commerce and the Pullman League of Women Voters co-sponsored a public forum on the stormwater issue. This was a very informative and well attended forum. Panelists included representatives from the city of Pullman, Otak, Inc., WSU, and the Washington State Department of Ecology.

Numerous meetings have been held to explain to various businesses and entities the impact that the proposed stormwater utility would have upon them.

At the City Council meeting on June 3 we will again be conducting a discussion on the stormwater issue. Representatives of the city of Pullman, Otak, Inc., and the Washington State Department of Ecology will all participate in the discussion.



## NPDES Phase II Regional Forum Presentation Summary

### Introduction

- Team introduction... all from local government
- Neutral forum to provide program overview, discuss issues and ask questions.
- Focus on education not compliance
- Overview of today's objectives... what are the requirements and choices
- Field the tough questions... what is expected of your community

### Part 1 – Background

- Lead with benefits – positive aspects of stormwater management; tie-ins with other regional issues and goals... Puget Sound health, salmon restoration efforts... graphic from Puget Sound Partnership
- Where does NPDES Phase II come from – 1973 Clean Water Act (federal)
- What are the five plus two minimum measures
- History – 1970-80's biggest industrial polluters and municipal sewage treatment, 1990's bigger jurisdictions (Phase I), 2000's smaller jurisdictions (Phase II)

### Solicit Agenda Additions from Audience

### Part 2 – NPDES Phase II

- What is NPDES Phase II – major components
- Minimum measures (perhaps low impact development standards and application)
- Ecology issues the permit

### Part 3 – Stormwater Management Program

- Assessment process
  - o Inventory existing conditions and facilities
  - o Gap analysis – what is your jurisdiction doing and not doing
  - o Project development program
  - o Annual review – monitoring and reporting and updating program
- Stormwater Management Elements & Determining Costs

### Questions & Answers

### Break

### Part 4 – Timelines & Milestones

- Phasing, ordinance, and budget requirements for this year and next year
- SWMP deadlines – Feb 2008 available to the public – Aug 2009 adopted
- Appeal status – permit was not stayed during the appeal, i.e. it is still in effect

#### Part 5 – Policy Planning & Implementation

- Local choices - role of elected officials – get to choose how
- Example and model ordinances
- Multi-jurisdictional and joint efforts – shared resources

#### Questions & Answers

#### Part 6 – Resources

- Funding options
  - State/Federal funding – grants, loans, no future allocation promised
  - Local funding – General Fund, Street Fund, Stormwater Utility
- Ecology – submittal assistance (if can't meet deadlines), technical assistance (if can't afford consultants)
- Sources for information on NPDES Phase II
- Interagency partnership (shared resources)
- Consultants
- Websites with stormwater information – AWC, PSP, EPA, PSRC, etc.

#### Break

#### Part 7 – Risk Analysis

- Technical risk management – willful and negligent standards
- Liabilities – penalties and third party lawsuits
- Responsibilities – even if contracted out
- Insurance – WCIA, AWC/RMSA, other carriers, and self insured – consultation and policy limitations
- Political risk management – what is the minimum – acceptance of SWMP

#### Part 8 – Closure

- The challenge
- Good news
- Checklist to success
- AWC consultations

#### Final Questions & Answers

- Contact information
- Evaluations



# Cities And Counties Face New Stormwater Management Requirements

**AWC initiates new outreach and assistance efforts**

In January of 2007 the Department of Ecology (Ecology) issued two new "NPDES Phase II" municipal stormwater permits that affect many cities and some counties in Washington. Ecology issued one permit for eastern Washington and a separate permit for western Washington, under its delegated authority to implement requirements of the federal Clean Water Act (CWA). The National Pollutant Discharge Elimination System (NPDES) permitting program is one of the primary mechanisms for achieving the goals of the CWA. The stormwater permits cover municipal storm sewer systems that discharge to surface waters and are not part of a combined sewer system.

## How were these new requirements developed?

In 1987 Congress amended the CWA to address stormwater through NPDES permits issued in two phases. Phase I addressed the largest municipalities. In Washington, the Phase I permit was issued in 1995 to the cities of Seattle and Tacoma, as well as King, Pierce, Snohomish and Clark (in 1999) counties. A new Phase I permit for all these jurisdictions was also reissued in January.

Ecology issued the new Phase II permits in January 2007 which apply to 98 cities and 12 counties across the state.

The Phase II permits have been under development for more than five years. AWC has been part of the team that worked collaboratively with Ecology in developing the permits. In the end, most of the affected jurisdictions supported many of the permit requirements, but there are challenges ahead.

The permit's requirements phase in over the next five years and will be costly to implement for both public and private interests. Cities that have extensive stormwater programs and stormwater utilities in place are already meeting some of the permit requirements. Cities that have not developed stormwater programs or developed a stormwater utility will face a much greater challenge. Planning and budgeting to meet

future deadlines will be important, as some permit components such as new ordinances, can take more than a year to develop and adopt.

## Is my jurisdiction affected by the new permits?

The list of all affected cities and towns is provided on page 3 of this fact sheet. The Phase II permits regulate cities and towns located within, or partly within an urbanized area as defined by the 2000 federal census. Ten other cities with a population greater than 10,000 were also added based upon an evaluation by the Department of Ecology.

For Phase II counties, unincorporated areas within Urban Growth Areas (as designated under the state Growth Management Act) and census defined urbanized areas are also subject to the permit.

## What are the requirements of the permit?

Cities and counties subject to the new permits are required to adopt a stormwater management program. Compliance deadlines for implementation of all the program requirements are spread over a period of five years from the date the permit was issued. The permit requirements are specific and detailed. The management program must include, the following components:

- A process for involving the public in the initial and on-going development of the stormwater management program.
- A public education and outreach program to educate the public, businesses and others about reducing stormwater pollution.
- Adoption of ordinances to control runoff from new development, redevelopment and construction activities. At a minimum this must include a permitting process

*continued*



for projects that disturb one acre or more, or projects of less than one acre that are part of a larger common development plan.

- An illicit discharge detection and elimination program to identify and remove improper discharges into the storm sewer system.
- An operation and maintenance program to reduce pollutant runoff from municipal operations

The Phase II permits also require detailed record keeping and reporting for evaluating and assessing compliance with the permit and program effectiveness. Permittees need to file annual reports with the Department of Ecology, with the first report due in March 2008.

### **Is there legal liability?**

Cities and counties covered by the permit are legally obligated to implement them. There are consequences for a failure to comply with permit requirements. While Ecology's primary approach to compliance will be technical assistance, the Clean Water Act allows individual citizens to take legal action against municipalities for failure to comply with the permit. Violators may be subject to penalties of up to \$32,500 per day per violation.

### **Didn't a group of governments appeal this permit?**

Both the eastern and western Washington Phase II permits were appealed by a number of different parties, including a coalition of 33 cities and counties. The initial appeal goes through the Pollution Control Hearings Board and the appeal hearings are currently scheduled to begin in April of 2008. The ultimate outcome of the appeals may not be known for many months. The permits are still valid and in effect while under appeal, and require that you implement a stormwater management program with specific components.

### **For more information:**

To assist affected cities and counties with the Phase II NPDES program, Ecology funded AWC to conduct an outreach and technical assistance effort. As a start, AWC is developing a resource section on our website with key information on the NPDES Phase II program, Top Ten FAQ's, as well as links to information from Ecology and others.

At AWC, Phase II NPDES stormwater questions or concerns should be directed to Andy Meyer, Special Project Coordinator at (360) 753-4137.

### **Where can my jurisdiction get help?**

Since the permits were issued, Ecology provided a series of overview and technical workshops throughout the state, including a two-day workshop jointly sponsored with EPA, AWC and WSAC this past October in Tacoma. The state Legislature also provided funding for many cities and counties to support their efforts to implement the permits. Additional Ecology trainings are scheduled for 2008.

Links to the permits, materials from the workshops, and an upcoming training event schedule are on the Ecology website at [www.ecy.wa.gov/programs/wq/stormwater/index.html](http://www.ecy.wa.gov/programs/wq/stormwater/index.html) and will also be posted on AWC's website shortly.

Beginning in early 2008, AWC will also sponsor a series of regional workshops funded by Ecology and targeted to councilmembers, commissioners, mayors, city managers, administrators and public works directors. The workshops will help cities, towns and counties implement the Phase II municipal stormwater permits. Workshop announcements will be sent to all Phase II jurisdictions shortly.

All Phase II jurisdictions are also encouraged to request more specific and detailed assistance through individualized consultations with stormwater and management experts working through AWC. This service should also be available in early 2008.

## NPDES Phase II Stormwater Cities, Towns, and Counties

### Eastern Cities

Asotin  
Clarkston  
East Wenatchee  
Ellensburg  
Kennewick  
Moses Lake  
Pasco  
Pullman  
Richland  
Selah  
Spokane  
Spokane Valley  
Sunnyside  
Union Gap  
Walla Walla  
Wenatchee  
West Richland  
Yakima

### Western Cities

Aberdeen  
Algona  
Anacortes  
Arlington  
Auburn  
Bainbridge Island  
Battle Ground  
Bellevue

Bellingham  
Black Diamond  
Bonney Lake  
Bothell  
Bremerton  
Brier  
Buckley  
Burien  
Burlington  
Camas  
Centralia  
Clyde Hill  
Covington  
Des Moines  
DuPont  
Duvall  
Edgewood  
Edmonds  
Enumclaw  
Everett  
Federal Way  
Ferndale  
Fife  
Fircrest  
Gig Harbor  
Granite Falls  
Issaquah  
Kelso  
Kenmore

Kent  
Kirkland  
Lacey  
Lake Forest Park  
Lake Stevens  
Lakewood  
Longview  
Lynnwood  
Maple Valley  
Marysville  
Medina  
Mercer Island  
Mill Creek  
Milton  
Monroe  
Mount Vernon  
Mountlake Terrace  
Mukilteo  
Newcastle  
Normandy Park  
Oak Harbor  
Olympia  
Orting  
Pacific  
Port Angeles  
Port Orchard  
Poulsbo  
Puyallup  
Redmond

Renton  
Sammamish  
SeaTac  
Sedro-Woolley  
Shoreline  
Snohomish  
Steilacoom  
Sumner  
Tukwila  
Tumwater  
University Place  
Vancouver  
Washougal  
Woodinville

### Eastern Counties

Asotin County  
Chelan County  
Douglas County  
Franklin County  
Spokane County  
Walla Walla County  
Yakima County

### Western Counties

Cowlitz County  
Kitsap County  
Skagit County  
Thurston County  
Whatcom County



**City of Pullman**  
Public Works Department  
**MEMORANDUM**

**TO:** Mayor and City Council  
**FROM:** Mark Workman, Public Works Director MW  
**RE:** Stormwater  
**DATE:** May 26, 2008

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In the late 1960s and early 1970s, pollution was so bad in America that rivers were actually catching on fire. Various environmental groups were formed and brought pressure on Congress to do something about it. In 1972, the Clean Water Act was passed and steps were taken to address the pollution of rivers and streams. This was successful in that rivers and streams are no longer catching on fire and I think everyone would agree this is a good thing. A major component of the Clean Water Act was the treatment of municipal sewage which was still in a rather primitive state in 1972. To address this issue, the federal and state governments took our money and gave it back to us in the form of grants (a funded mandate) to construct more advanced sewage treatment systems. By the mid 1980s, most wastewater treatment plants had been upgraded. However, environmental groups were already moving on to new issues and were pressuring Congress to include stormwater in the Clean Water Act, which was accomplished in 1987. In 1990, the Phase I stormwater regulations were promulgated for most urbanized areas over 100,000 population. In 1999, the Phase II stormwater regulations were promulgated for urbanized areas over 50,000 population and densely populated areas over 10,000 population that met other specific criteria, such as Pullman. In January 2007, a municipal stormwater permit was issued for Pullman which became effective in February 2007.

Now that we are under the Phase II stormwater permit and are trying to set up a stormwater program and a stormwater utility, there is a tendency to look for someone to blame. In actuality and as noted above, this is the result of approximately 40 years of sustained pressure by environmental groups on Congress to continuously raise the bar of the Clean Water Act. Over that period of time Congress, the Environmental Protection Agency, State agencies such as the Department of Ecology, and now municipalities such as Pullman along with over 100 other cities in Washington and thousands of cities across

the nation have been pressured under threat of fines and third party law suits to enact and enforce increasingly far reaching environmental regulations including now the Municipal Phase II Stormwater Permit. Over that 40 year period we have gone from trying to keep our rivers and streams from catching on fire to trying to limit pollution to extremely small amounts, parts per quadrillion and more in some cases (a quadrillion is a 1 followed by 15 zeros). In many cases, technology and measuring techniques are not even yet available to address the environmental limits imposed. However, it is important to remember the genesis of this situation. It is not the City of Pullman, the Department of Ecology, the Environmental Protection Agency, or the Federal Government but rather it all goes back to the environmental groups. So, anyone who has ever belonged to or donated money to or purchased a hemp grocery bag or a tee shirt from an environmental group with a name like The Sierra Club, People for the Protection of America's Natural Resources, or Puget Sound Water Alliance, you can either congratulate or condemn yourself for the Municipal Stormwater Permit we now find ourselves under.

The Municipal Stormwater Permit has several aspects to it that have an overriding goal of cleaning our municipal stormwater, which is not necessarily a bad thing. Municipal stormwater is known to contain petroleum products, metals, fecal coliform, and sediment, among other pollutants. The requirements of the Municipal Stormwater Permit are many and are relatively detailed. The current five year permit cycle is a start-up permit that ramps up its requirements over the permit period. To get us started, the consulting firm of Otak, Inc. was hired to help us through the process. The work that Otak has completed includes a detailed gap analysis that identifies the tasks to be accomplished and programs to be implemented in order to comply with the minimum requirements of the permit and attaches an estimated cost to those activities. The estimated budget for the current five year permit is \$4,432,200, which is down from an initial estimate of \$5,770,700 as a result of staff review and modification and deferring certain expenses to future permit cycles. Otak has also worked with us to develop a means of funding this program, a stormwater utility based on impervious surface area.

Implementing the stormwater program to comply with the Municipal Stormwater Permit is beyond the capabilities of current city staff. As a first step to addressing this deficiency, the City hired Rob Buchert as its Stormwater Services Program Manager the first of this year. Rob comes to us from ten years as the District Manager for the Palouse Conservation District and with extensive experience with water quality issues from heading up the South Fork of the Palouse River Watershed Planning Process and participating in various TMDL processes. Rob has taken to his new job with the enthusiasm and expertise that I knew he would. He has quickly come up to speed on the various issues, worked closely with Otak and others in developing our stormwater program, developed an extensive stormwater page on our web site, and met with several interested groups and individuals. A short summary of activities accomplished by Rob and the Stormwater Division is attached for your further information.

The next two significant milestones in the development of our stormwater program are the adoption of a stormwater utility ordinance and the adoption of a stormwater utility rate schedule or some other means of reliable funding. A draft stormwater ordinance is

attached for Council's consideration. This draft ordinance has been reviewed and revised several times by staff and is thought to now be ready for scrutiny by the Council and the public. It is presented at this time for information and discussion purposes only. The goal is to adopt a stormwater ordinance at one of the next Council meetings. Public comment should also be a part of this process and it is suggested that, with the Mayor and Council's concurrence, public comment be routed to Rob Buchert and that public comment be accepted at one or more Council meetings.

As has been previously presented to Council, the most common funding strategy for a stormwater program is a stormwater utility based on impervious surface area. To that end, Otak has measured the impervious area of a representative sample of single family residential, duplex, triplex, and quadplex properties. In addition, the impervious surface of all other property has been measured. A stormwater utility rate schedule is proposed based on an Equivalent Residential Unit (ERU) whereby single family residences are charged for 1 ERU; duplexes, triplexes, and quadplexes are charged at the rate of 0.5 ERU per unit; and all other property is charged based on actual impervious surface area. Through the representative sample measurements, it was determined that a single family residence has an average of 3,500 square feet of impervious surface, equated to 1 ERU. The analysis performed to date indicates that a charge of \$7 per ERU per month will be required to fund the current 5 year permit cycle. A reliable funding source is critical. To date, the expenses have been relatively small consisting primarily of costs for our consultant and personnel costs. We have been able to partially fund the consultant costs with grants from the Department of Ecology. All other costs have been from the Street Fund. Grant money is unreliable and continued funding from the Street Fund will have serious detrimental effect on our ability to provide basic street services such as snow and ice control and will likely eliminate our Accelerated Street Maintenance Program through which streets are resurfaced. This year we are resurfacing West Main from State to Wawawai and two sections of Turner Drive at an estimated cost of a little over \$500,000. As I have presented to Council before, and as you can easily see for yourselves, the condition rating of our streets is already well below that of most other comparable communities. We actually need to spend more on this program, not less.

Following the preparation of impervious surface measurements and likely costs for stormwater customers, targeted meetings were held with several of the larger customers including WSU, Schweitzer, Pullman-Moscow Airport, Pullman Regional Hospital, Pullman School District, Living Faith Fellowship, Dissmores, KIP, and Chipman and Taylor. As was expected, the response was never favorable, but most at least were able to understand the mandate and the process and logic of the utility. Others were not. Two meetings have been held with WSU and while we have offered a 20% discount to acknowledge that they are also a secondary permittee, they have countered with arguments that they should be charged little, if any at all. Schweitzer has also been particularly outspoken with us in opposition to the stormwater program and utility.

The fact of the matter is that we are under the Municipal Stormwater Permit and we either need to fund the program and comply or we will likely need to be looking for funds to pay fines levied by the Department of Ecology and to defend against third party

lawsuits from environmental groups. This is also somewhat of a zero sum scenario where financial burden is never really eliminated but rather simply shifted from one customer to another. For example, WSU has 27% of the total impervious surface in Pullman. If WSU were granted a total exemption, the amount charged per ERU would increase from \$7 per ERU to \$9.69 per ERU. Establishing a stormwater utility is a delicate balance between being fair and equitably sharing the financial responsibility for addressing this community problem, which is admittedly programmatic in nature when compared to other utilities where you pay based on a more tangible basis such as gallons of water or kilowatts of electricity used. There are still a few details to be resolved, but my goal would now be to finalize a rate schedule for implementation this fall.

Two guest speakers have been invited to address Council. First, David Knight from the Department of Ecology will further address the Municipal Stormwater Permit and the consequences of noncompliance. Next, John Knutson from Otak, Inc. will present more detailed background on the stormwater utility. Both will then be available for questions along with Rob and me. Council concurrence on the direction we are taking with this controversial issue is then sought or direction on how to otherwise proceed.



# MEMORANDUM

## Stormwater Services Division

**To:** Mark Workman

**From:** Rob Buchert  
Stormwater Services Program Manager

**Date:** May 27, 2008

**RE:** Information Requested for June 3<sup>rd</sup> Council Meeting

In order to meet the requirements of the NPDES Phase II Municipal Stormwater Permit, the Stormwater Services Division has been engaged in the following activities since January 1, 2008.

### **Program Administration & Development**

- Submitted 1<sup>st</sup> Annual Report before deadline to Ecology, which was well received.
- Worked with Otak, Inc. on developing draft stormwater utility ordinance.
- Worked with Otak, Inc. to complete impervious surface area (ISA) measurements.
- Worked with Finance Dept. on developing draft stormwater utility database.
- Attended several Phase II Permit related workshops held by AWC (1) and Ecology (2).

### **Public Education & Outreach**

- Conducted multiple (8) local media interviews and issued one press release.
- Participated in April 5<sup>th</sup> Pullman Stream Clean-up (PCEI & Pullman Civic Trust).
- Coordinated April 28<sup>th</sup> Stormwater Information Forum (Chamber of Commerce & League of Women Voters).
- Responded to multiple requests from public for stormwater related information.
- Coordinated with IT Dept. to create and launch new Stormwater Services website.

### **Public Involvement**

- Invited (via mail, phone calls & in-person) the anticipated top 20 commercial and multi-family rate payers to attend informational workshops.
- Coordinated April 29<sup>th</sup> Key Stakeholder Workshops.
- Conducted follow-up meetings with several large stakeholders.

- Attended May 9<sup>th</sup> Chamber of Commerce–Government Affairs Committee: Stormwater Q&A session.
- Developed list of interested parties for potential Stormwater Advisory Committee.
- Coordinated meetings with WSU.

#### **Illicit Discharge Detection & Elimination (IDDE)**

- Completed initial inventory of storm drain system.
- Continued coordination with Engineering of mapping storm drain system and conversion to digital format (AutoCAD).
- Responded to and investigated several stormwater/illicit discharge related complaints.

#### **Construction Site Runoff Control**

- Attended training & secured CESCL certification.
- Made outreach materials available to developers and builders.
- Responded to several construction related complaints.
- Participated in Site Plan Review of new construction.
- Coordinated with Planning Dept. on wetlands issue.
- Accompanied Building Inspections Division staff on erosion control inspections.

#### **Post-Construction Stormwater Management**

- Continued coordination with Engineering staff to inventory all detention ponds and other public & private stormwater facilities.
- Accompanied Ecology staff on a site visit to evaluate several large detention ponds in Pullman.
- Researched viable stormwater BMP options for Pullman.

#### **Pollution Prevention & Good Housekeeping – Municipal Operations**

- Communicated permit requirements to other Public Works Divisions & City Departments via staff meetings and individual interaction.
- Received street sweeper, vector truck and underground camera operation orientation from M&O.
- Gave stormwater presentation at Dept. Head meeting.