

Governor Gregoire
416 Sid Snyder Ave SW, Suite 200
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Olympia, WA 98504-0002

December 17, 2010

Dear Governor Gregoire,

We represent a broad coalition concerned about the health of Puget Sound and other water bodies in the state. We are deeply concerned about the growing threat posed by stormwater to both water quality and ecosystem health.

First, we would like to thank you. The vision you have laid out for Puget Sound recovery is both bold and tenacious, and the actions your administration has taken have started us down a path to Puget Sound recovery by 2020.

As you know, one of the cornerstones of the Puget Sound cleanup has been the state's stormwater programs. Stormwater from urbanized areas has been identified as the main threat to Puget Sound, contributing up to 75% of the toxic materials flowing into it. Stormwater problems not only threaten the Puget Sound ecosystem but also tribal, commercial, and recreational shellfish beds and fisheries and the jobs that they support. The primary means we have of controlling this huge source of pollutants is through the NPDES Stormwater General Permits.

In recent months, the Association of Washington Cities and the Washington State Association of Counties have argued that the state should delay or suspend the scheduled and legally mandated reissuance in 2012 of the NPDES Municipal Stormwater General Permits. They argue that the permits would unfairly burden local governments at a time when local resources are limited. While we recognize the challenges posed by local government in the current fiscal environment, we strongly disagree with their position on this issue.

First, it is clear that the state is under a legal obligation to update these permits and local governments are required to implement the new requirements. This program is not discretionary. The Pollution Control Hearings Board has directed the state to update the Phase I permit during the current permit term to require Low Impact Development (LID) where feasible. The ruling also made clear that the PCHB had an expectation that this requirement would extend to Phase II jurisdictions with the permit renewal in 2012. In addition, the federal Clean Water Act states specifically that permit terms shall be no longer than five years, at which time they must be re-assessed and renewed.

Second, it is important to recognize that significant resources are available to update local programs. While obtaining new sources of state funding is critical to addressing our state's long term stormwater needs, local governments do have the ability to make, in most cases, fairly modest adjustments in local utility rates to cover obligations under the envisioned updates to the permits. During the past several months, several jurisdictions in the region have adjusted their fees to cover new costs associated with their stormwater programs. While not a solution to the broader stormwater challenge, such fee increases can pay for the obligations that will be incurred under the 2012 permits. Moreover, robust and meaningful stormwater requirements drive the availability of funding. For example, some state and local funding has been made available to assist local stormwater programs. Last year the state legislature, recognizing the need, provided fifty million dollars to assist local governments with stormwater programs and projects. Additional federal

dollars may be available to assist local governments in this area. We will continue to seek additional funding from the legislature and EPA for this purpose.

In addition, the areas of the permit most likely to be updated, including requirements for LID and provisions relating to regional monitoring, have been subject to extensive stakeholder processes which allowed for a great deal of input from local governments. In the case of regional monitoring, the permit update could actually reduce local obligations in this area over time. The discussion in the two LID advisory committees leads us to conclude that development and implementation of strong local LID programs can be conducted in an efficient manner that does not overly burden locals.

Finally, revision of the Phase I and II Municipal Stormwater General Permits is absolutely critical for the health of Puget Sound and the waters of the state. With salmon runs, southern resident orca whales, and other species teetering on extinction, we need to employ the best methods possible to control stormwater. The PCHB, after reviewing extensive evidence on the subject, concluded that LID, on both the subdivision and watershed levels, is a key element in correcting stormwater related problems. Traditional best management practices, such as retention ponds, have failed on their own to meet clean water and habitat objectives. Similarly, our existing monitoring system for stormwater is, according to all parties, broken. Without good monitoring data, we are "shooting in the dark" when it comes to local management of the problem. All parties agree that we need a more cost effective and holistic approach to monitoring and that this should be captured in the terms of the updated stormwater permits.

For these reasons, we strongly urge you to move forward in an expeditious manner with scheduled updates of both the Phase I and II Municipal Stormwater permits in 2012. We have invested several years in cooperative stakeholder negotiations over both LID and monitoring requirements. Additional discussion will occur over the next year. Further delay beyond that point is simply unacceptable.

We must adopt an integrated holistic approach to stormwater management. Improved, timely permits are one of our best means for stemming the decline of Puget Sound. They can be implemented with a minimum of cost and will more than pay for themselves with reduced stormwater infrastructure costs, increased efficiency with better monitoring, and measurable improvement to the health of Puget Sound.

We stand ready to work with you and with all the stakeholders as we move forward in this area.

Sincerely,

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People For Puget Sound

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Puget Soundkeeper Alliance

Bill Dewey
Taylor Shellfish Company

John Lentz
Chelsea Farms

Darcy Nonemacher
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