

A view from the helm...

By Sue Joerger

This morning as I walked down the dock on my way to work, I saw a baby harbor seal resting on the surface of the water just a few feet in front of me. Her breathing was labored. She seemed sluggish and dull;



unaware of my presence; not quite right. I'm worried about her, like I worry about the future of Puget Sound.

State agencies have been planning to save Puget Sound since 1987, when the first Puget Sound Management Plan was published by the Puget Sound Water Quality Authority. In December 2008, three state agencies and several recovery plans later, the latest plan to save Puget Sound called the "Action Agenda – Protecting and Restoring the Puget Sound Ecosystem by 2020" was published by the latest state agency in charge of saving the Sound, the Puget Sound Partnership.

Have any of the plans to save Puget Sound worked?

Let's be honest. No. Since the first plan was published in 1987, Puget Sound Chinook salmon and Puget Sound Steelhead populations have plummeted causing both species to be listed as threatened under the Endangered Species Act. Southern Resident Orca whale populations have dropped so precipitously that they are now listed as endangered. And, the number of impaired waters in Washington State, that are no longer safe to drink, swim or fish in, has risen from 675 in 1996 to 3718 in 2008.

Why haven't these plans worked?

The basic issue is that in spite of the best effort of thousands of people, organizations and governments, adherence to the plans have been voluntary, and the agencies in charge of developing the plans are not accountable if the plans fail.

Will the new Action Agenda save Puget Sound?

No. Although, the Action Agenda is much improved over prior plans, it has the same fatal flaws. It is described as a "statement of common purpose" and a "set of unified actions," but its implementation is voluntary and the Puget Sound Partnership is not accountable if the Agenda fails. In August 2008, the Puget Soundkeeper convinced the Pollution Control Hearings Board (PCHB) that the Department of Ecology (Ecology) should "require" rather than "allow" the implementation of low impact development (LID) techniques "where feasible" to protect water quality. Priority C of the Action Agenda states "Assist local governments with revisions to regulations so that all jurisdictions in Puget Sound require the use of LID where feasible, as soon as possible." Ecology does not intend to implement the full PCHB decision for at least another 12 months. Is this as soon as possible?

The most troubling claim in the Action Agenda:

The most troubling claim is that it builds "on the Puget Sound region's award-winning work to recover species and polluted waters." Puget Sound lost 7 Southern Resident Orca whales last year and Chinook salmon are no better off today than when they were listed in 1999, according to the 2005 NOAA status review. To date our "award-winning work" has not stopped the tide of species headed towards extinction.

Who is accountable and are voluntary efforts really going to save Orca whales?

If we want to recover Puget Sound, we can not rely on unaccountable state agencies and solely on voluntary efforts. As citizens we have to step in and take charge. And that is precisely what we do at the Puget Soundkeeper Alliance. We enforce the Clean Water Act; challenge illegal pollution discharge permits; patrol by boat to document and report illegal pollution; and partner with businesses, boaters and individuals who want to clean up trash, reduce hazardous waste streams and install the latest stormwater treatment technology.

It may be too late for the baby harbor seal swimming at my dock, but we can help her brothers and sisters if we hold the Puget Sound Partnership's feet to the fire. Remember, they work for us!



Winter 2009

Inside this Issue:

- A View from the Helm
- The Docket
- Clean Boating Outreach
- Clean Marina Update
- Waterfront Cleanups!
- Coming Events



Soundkeeper's Review

The Docket

By Katie Kolarich

PCHB Issues Ruling on Municipal Phase I Appeal

Puget Soundkeeper Alliance (PSA) and People for Puget Sound (People) appealed two permits last year regulating municipal stormwater discharges from cities and counties around Puget Sound. The hearings on the Municipal

Phase I Permit were held at the Pollution Control Hearings Board (PCHB) in April and May 2008. PSA and People were represented by Jan Hasselman and Todd True of Earthjustice, with Richard Smith of Smith & Lowney as co-council.

In August, the PCHB issued a ruling requiring that Phase I cities and counties around Puget Sound take significantly more aggressive steps to reduce stormwater runoff. The Board concluded that the permit's focus on traditional

engineered stormwater management facilities like detention ponds was inadequate to protect Puget Sound and meet the law's requirements and that greater use of "low impact development" techniques is required to meet the governing legal standards. The Department of Ecology (Ecology) must now reissue the permit.

The PCHB hearings on the Municipal Phase II Permit were held in late October. The PCHB's final order is expected in early 2009.

Industrial Stormwater General Permit Enforcement

Since June, PSA has settled cases against the following industrial stormwater permittees as part of its ongoing Industrial Stormwater General Permit (ISGP) enforcement campaign: Airport Auto Wrecking, Ace Galvanizing, Brown-Minneapolis Tank, Darigold Inc., Davis Wire Corporation, Metso Paper, RSA Micro Tech, Shultz Distributing, Tacoma Metals, Trident Seafoods Corporation, Urban Accessories and Z Recyclers.

PSA was represented in these cases by Bridget Baker-White and Brian Knutsen of Smith & Lowney and Rick Poulin of SCOPE Law Firm.

The ISGP regulates industrial facilities that discharge stormwater into surface waters and storm sewers. It targets runoff from industrial activities, materials and loading docks and covers a wide array of industry sectors. The permit covers approximately 1,150 industrial facilities across the state. Approximately 70 percent of permit holders discharge stormwater in the 12 counties that border Puget Sound.

These lawsuits generated \$474,250 in penalties, which go to fund work that improves or protects the water quality of Puget Sound. Projects proposed by the following organizations received funding:

- Association of Washington Business
- Citizens for a Healthy Bay
- Environmental Coalition of S. Seattle
- Georgetown Community Council
- Friends of the Hylebos
- Hood Canal Fisheries Enhancement Group
- Mercer Slough Environmental Education Center (Pacific Science Center)
- Mid-Puget Sound Fisheries Enhancement Group
- Padilla Bay Foundation
- Nature Conservancy
- Nooksack Salmon Enhancement Association Stewardship Partners
- People for Puget Sound
- Puyallup Tribe
- University of Washington School of Aquatic and Fisheries Sciences
- Wild Fish Conservancy

PSA does not receive any money from these settlements.



Three members of the Boatyard Stormwater Treatment Technology Pilot Project: Soundkeeper Sue Joerger, project manager Dean Shaughnessy and NW Marine Trade Association president Michael Campbell

Boatyard General Permit Update

The draft modification of the Boatyard General Permit was issued on November 19 for public comment. This draft is the result of negotiations between PSA, the Northwest Marine Trade Association, and Ecology and incorporates the settlement of the Boatyard Permit appeal and information learned from the Boatyard Stormwater Treatment Technology Pilot Project.

Construction Stormwater Permit Appeal

The Thurston County Superior Court issued its decision on the Construction Stormwater Permit appeal in September. The Building Industry Association of Washington and Associated General Contractors had appealed the PCHB rulings on this permit. The Court agreed with PSA and Ecology and ruled that the PCHB's statement regarding use of dilution factors was not intended to set a precedent or overturn the ruling in the Boatyard Permit Appeal. The Court also affirmed the PCHB's ruling that Ecology must use the formal permit modification procedures when it approves new manuals or guidance documents. Brian Knutsen and Richard Smith of Smith & Lowney represented PSA in this appeal.

On the Horizon

Washington State Department of Transportation Municipal Stormwater Permit

The long-awaited final Washington State Department of Transportation (WSDOT) Permit is expected to be issued in early February. PSA will review the WSDOT Permit to ensure its compliance with the Clean Water Act.



Solution-Oriented Partnerships Update

Volunteers “Walk the Docks” for Clean Boating Awareness

By Chris Wilke



It is not a national holiday and it is probably not on your calendar, but the 2nd Saturday in August is National Marina Day. On this day every year, marinas and communities across the country celebrate “America’s Gateways to Boating.”

In advance of National Marina Day 2008, PSA trained four volunteer teams of “Dockwalkers” to conduct clean boating outreach. These teams participated in Soundkeeper Volunteer trainings with PSA staff which provided them with information on boating and the environment.

On last year’s National Marina Day, August 9th, these teams traveled the docks at four participating marinas to educate boaters in how to protect the environment while enjoying their usual boating activities. The volunteers included longtime PSA volunteers, Shilshole Bay Marina liveboards, as well as several teams of Beachwatchers who had graduated from a volunteer program offered by Washington State University–Extension.

A total of 260 boaters completed a Clean Boating Awareness Survey and received free Clean Boating Kits to help them protect water quality while aboard their boats. These kits contained PSA’s acclaimed *Sound Information: A Boater’s Guide* and a special oil absorbent pad (absorbs oil and not water) as well as a number of other boater safety items.

Marinas hosting the events included Deer Harbor Marina, Friday Harbor Marina, Islands Marine Center and Shilshole Bay Marina.

Throughout the summer, another 325 boaters received kits through booths at five marina events: the Port Townsend Wooden Boat Festival, Bell Harbor Marina’s Clean and Safe Boating Day, Shilshole Marina’s National Night Out Celebration, Des Moines Marina’s Safety on the Sound and the Oak Harbor Marina Fair.

All of the participants in the program were very pleased with the effort and PSA plans to build upon the program next year.



Join Us on the Water!


PSA is on the water every week in the Soundkeeper boat and in kayaks cleaning up trash and scouting for pollution violations. Come join us!

Contact the PSA office:

206.297.7002 or volunteer@pugetsoundkeeper.org



Marinas Recognized

In September and October 2008, The Clean Marina Washington Program certified three marinas and recognized their leadership in pollution prevention. Hood Canal Marina, the City of Oak Harbor Marina and Port of Seattle’s Fisherman’s Terminal all share in their commitment to improve their facilities and practices in order to protect the Sound. In addition, Fisherman’s Terminal earned a 5-star EnviroStars rating from King County. The total number of certified marinas is now 39. Puget Soundkeeper Alliance is the lead organization in this statewide effort. 

More Waterfront Cleanups!

In 2008 PSA conducted a total of 17 volunteer events and mobilized 857 volunteers to Clean Puget Sound shorelines. In the last issue we reported on an expanded program of volunteer beach and waterway cleanups throughout the summer and wanted to add the rest of them to the list.

Dash Point State Park

On July 23, PSA partnered with a team from Danielson, Inc. to clean the beaches of Dash Point State Park, near Tacoma and Federal Way.

Skookum Inlet and Hamersley Inlet

During two Fridays in August, PSA volunteers along with employees from Advanced Clinical Software dedicated an entire day to clean several beaches in South Puget Sound’s Skookum Inlet and Hamersley Inlet. Taylor Shellfish Farms donated staff time, a workboat and their local knowledge to allow the teams to clean litter and debris from 9.5 miles of shoreline. The events were sponsored by MudUP, a volunteer promotion and organization effort from the Alliance for Puget Sound Shorelines.

Everett Waterfront

On September 12th, PSA helped lead a Jetty Island volunteer cleanup on the Everett waterfront as part of the United Way Day of Caring in Snohomish County. The event was sponsored by Stilly Snohomish Fisheries Enhancement Task Force, the Snohomish Camano Nearshore Cooperative, REI and MudUP. A total of 120 volunteers from the Navy, Edmonds Community College and other organizations participated in the cleanup and restoration of the shoreline.

Seattle Waterfront

On October 16th, PSA conducted a waterfront cleanup with a team of Safeco employees at Myrtle Edwards Park on the Seattle waterfront. This location is a magnet for floating trash and debris. Even though another volunteer group from Safeco cleaned up the same area in April, there was plenty of trash to be gathered along the beaches and riprap banks of the park.



Sounder

Winter 2009

A Publication of
Puget Soundkeeper Alliance

Our Mission

To protect and preserve
Puget Sound by stopping the
discharge of pollutants into the
waters of the Sound.

Phone: 206.297.7002
Fax: 206.297.0409
Pollution Hotline: 800.42.PUGET
Web: www.pugetsoundkeeper.org

Puget Soundkeeper Alliance is a member of:

Earth Share of Washington
Waterkeeper Alliance
Washington Environmental Council
Duwamish River Cleanup Coalition



♻️ Printed on 100% post consumer waste
recycled paper

Puget Soundkeeper Alliance

5309 Shilshole Avenue NW
Suite 215
Seattle, Washington 98107

PUGET
SOUNDKEEPER®
ALLIANCE



Non-Profit Organization
US Postage
PAID
Seattle, Washington
Permit Number 2138

Puget Soundkeeper Alliance

Board of Directors

Tom Diller, *President*
Kate Pflaumer, *Vice President*
Marilyn Heiman, *Secretary*
Mike Mondello, *Treasurer*
Peter Ackroyd Penny LeGate
Thomas Bayley Lee Moyer
Ross Chambers Carol Padelford
Andy Foster Tom Putnam
Jim Frush Glen Sims
Sue Gebhardt

Advisory Council

Thomas Bayley, *Chair*
Suzie Burke Tim Seifert
Jim Compton Ron Sims
Delphine Haley Maryanne
Greg Nickless Tagney-Jones
Shelly Rolfe

Staff

Sue Joerger,
Puget Soundkeeper & Executive Director
Chris Wilke, *Pollution Prevention Director*
Betsy Moyer, *Development Director*
Katie Kolarich, *Program Coordinator*
Paul Fredrickson, *Program Assistant*
Margy Wallace, *Manager*
Erica Slotkin, *Administrative Assistant*

Thanks to Our Supporters

5th Annual "Salute to the Sound" Raised Over \$40,000!

Thanks to all who joined us in
celebrating Puget Soundkeeper
Alliance's negotiation of \$1
million in settlement funds
to support over 50 projects
facilitating on-the-ground
solutions for clean water and
restoration of Puget Sound.

Sumptuous fare was presented
at the event by Cynthia Lapp
of Bacchus & Arianna Catering
and chef Xinh Dwelley of Xinh's
Clam and Oyster House and
Beth Young of Honey I'm Home
catering, with able assistance
from their staff. Fresh
Virginicus oysters were shucked
and presented by Bill and
Betsy Taylor to hungry guests
who were happy to see oysters
return to our fall event.

2008 Volunteer Support

51 Volunteers working at special events
19 Volunteers working at the 10th Annual Waterkeeper Conference
21 Volunteers working booths at shows
186 Volunteers patrolling our waters
872 Volunteers working at clean up events

Partnering Sponsors

Brown Bear Car Wash
Nucor Steel Seattle, Inc.
Sterling Savings Bank
Taylor Shellfish Farms

Sound Sponsors

Lopez Islander Resort
Martha Kongsgaard & Peter Goldman
Smith & Lowney, PLLC

In-Kind Contributors

Bacchus & Arianna Catering
Fish Brewing Co.
Gai's Bakery
Jensen's Smokehouse
Latent Image
Firesteed Winery
Starbucks Coffee Company
Taylor Shellfish Farms
Xinh's Clam and Oyster House

Coming Events

■ Second Annual Community Oyster Roast

Sunday, April 26, 2009
2 Seatings:
2:00-4:00pm & 5:00-7:00pm
Golden Gardens Bathhouse
Enjoy fresh roasted oysters,
live music and the beach.
Tickets are available at
pugetsoundkeeper.org or by
calling 206.297.7002.

■ "The Sweep '09" Lake Union & Portage Bay Cleanup

Saturday, May ?, 2009
Time?
Lake Union Park?
The largest clean up event of
the year. For information or
to volunteer, contact Chris
Wilke: 206.297.7002 or
chris@pugetsoundkeeper.org

■ Soundkeeper Volunteer Trainings

Please see our web page
for our next training:
pugetsoundkeeper.org