

**Comments on “Initial Discussion Draft Water Quality Topic Forum”
Puget Sound Environmental Caucus, Water Quality Committee, April 23, 2008**

The Puget Sound Environmental Caucus appreciates the work that went into the “Initial Discussion Draft Water Quality Topic Forum” paper. Our comments are meant to assist the authors flesh out the paper with additional information from the large body of work that has been undertaken over 30 years to understand and solve the many water quality problems that threaten Puget Sound.

The PSP paper contains a number of important recommendations. We commend the authors, for example, for their understanding that current water quality standards may not be protective enough, especially in the area of toxics, and that the standards should be evaluated in this light. The paper also provides good recommendations on the need to develop a stronger linkage between land use planning and water quality. We support the recommended near-term strategies, and many of them are indeed priorities, such as of retrofits of impervious surfaces and the general recommendations regarding on-site septic systems.

Having said that, we have many concerns with the paper, not the least of which is the overall format for the document, which leads to redundancies and makes it difficult to follow. Water quality is an enormous issue and probably would have benefited from being separated into several different issue papers. It was difficult, we are sure, to address all the issues in one paper.

More important than format challenges, however, we found major gaps in the analysis, conclusions, and recommendations. In numerous important areas, important sources of pollution and the current regulatory programs associated with them are not identified and described. There are few, if any, recommendations for improvement in these areas, many of which are enumerated below.

Obviously, simply filling the gaps will not be enough if the goal is to restore the Sound to health by 2020. The paper should recommend important new strategies for improving the health of Puget Sound. We have recommendations for new strategies on all the gaps we have identified that we hope will be incorporated in the next draft. These recommendations are the **management benchmarks** in the Caucus water quality paper. In addition, we will be providing more detailed comments regarding specific recommendations in these and other areas in advance of the May 28, 2008 synthesis workshop.

Major Gaps in PSP Water Quality Issue Paper

1. **The “Limitations of existing programs” section (beginning on page 22) ignores the four major problems** of (a) lack of full funding, implementation and enforcement of existing federal, state and local regulatory programs; (b) lack of adequately protective permit language and clean up plans; (c) lack of political will and attention to existing institutional barriers, public outreach and education by

governments, including the legislature; and (d) an over-reliance on mitigation, which several local studies have shown to fail more often than succeed.

2. **Lack of recommendations for stormwater LID** (low impact development standards). While LID is addressed on page 17, instituting LID Soundwide is not included in the recommendations section of the paper. LID is widely accepted among experts in Puget Sound water quality as the most important strategy for solving stormwater problems in the region. King County and several other jurisdictions around the Sound have adopted LID. The 2007-09 Puget Sound Conservation and Recovery Plan states, “ To protect Puget Sound, state and local governments and increasing numbers of developers are placing greater emphasis on innovative low impact development (LID) practices and other cost-effective solutions for new development, and on retrofitting outdated stormwater facilities” (page 21). The state of Maryland passed legislation several years ago mandating LID, and research on other jurisdictions taking this approach would be very useful. Instead, the paper suggests that LID is an unproven strategy (page 17, lines 11-12) that and we should stick to the "the known" strategies (page 28, last 2 bullets), which would imply we simply continue use of retention pond and other BMP's which are "known.” Unfortunately, the reality is that they are known to be ineffective. The single most effective and necessary strategy going forward is to institute the use of low impact development standards immediately Soundwide, and this clearly should be included in the paper’s recommendations as a top priority.
3. **Lack of analysis and detailed recommendations on agricultural waste.** While this is clearly a major source of pollution in the Puget Sound basin, the paper includes only brief references to agricultural waste issues, and includes only a general recommendation. The 2007-09 Puget Sound Conservation and Recovery Plan states on page 27, “Livestock and pet wastes contribute to nutrient and pathogen pollution when they are not properly managed. Some commercial livestock operations are covered under the state dairy nutrient management program or the water quality permit program. Thousands of small-acreage operations are not regulated and may lack effective waste management practices. In addition, fertilizers that are applied in agriculture, forestry, or landscaping includes nutrients that are carried to streams and marine waters in surface and stormwater runoff. Some nutrients infiltrate to reach groundwater and can impair drinking water supplies.” The state Department of Ecology has developed a CAFO NPDES permit, which is administered by the state Department of Agriculture. Conservation Districts also play a role, providing technical assistance in this area.
4. **Lack of analysis and recommendations on oil spills.** There is reference to the need for "funding" for the rescue tug, but no real analysis of the current regulatory system and areas that require improvement. Both Ecology and the Oil Spill Advisory Council have developed a great many materials on the effects of oil spills on Puget Sound and on spill prevention, preparedness and response

programs, as well as the changes that must be instituted to strengthen them. The Coast Guard also has authority in these areas.

5. **Lack of analysis and recommendations on other boater related wastes.** The paper recognizes boater waste as a problem and describes the cruise ship MOU, but the treatment is limited, and there are no recommendations. The paper seems to suggest that we know nothing about ballast water discharge, which is incorrect. The state Department of Fish and Wildlife administers a program in this area and has conducted a fair amount of monitoring over the years. Boater-related waste represents a significant problem to the marine waters of the Sound. Washington State Parks administers a program in this area as well and the Washington Recreation and Conservation Office has done extensive work in this area as well. EPA has materials on line that may be of benefit.
6. **No real analysis and recommendations on industrial sources of pollution.** The paper seems to suggest that we have "solved" the problem of industrial pollution and that the real issue is cleanup of contaminated sediments, which is primarily a legacy of historical mismanagement of these sources (see p. 11, Industrial and Commercial Practices). Mixing zones, for example, are not addressed other than being identified under wastewater treatment section as an area for which the authors seek more information. The paper should provide a much more detailed analysis of the range of sources and how they are managed under NPDES permits.
7. **Water quality problems stemming from contaminated sediment problems** are addressed in one of two ways in the paper: 1) there are very few sites that violate standards; therefore, presumably, the problem is really not that serious (see p. 6, *sediment quality*); or 2) we really don't have a good understanding of these issues and we need to revise the standards, which currently may not be adequate to protect ecosystems (see p.32, *evaluate the role of sediment in water quality issues*). We agree, to some extent, with the second statement, but there should be a complete description of the regulatory programs and areas that require improvement. Both the 2007-09 Puget Sound Conservation and Recovery Plan and Ecology's website address contaminated sediments in detail. Any review in this area should contain a description of the sediment standards, relationship to source control programs, and extensive description of both MTCA and CERCLA, and issues associated with dredging at a minimum.
8. **Lack of recommendations on air deposition from land and marine-based sources.** While the document identifies air borne pollution as an issue, it contains no information on regulatory and other programs, such as "Green Port" initiative and controls on vessel emissions.
9. **Lack of attention to the tool of Outstanding Resources Water,** in the federal (and state) Clean Water Act, which can be used effectively to **prevent** degradation of currently pristine waters.