

**2008 Clean Water Commission
Annual Report**

July 13, 2009

Clark County Clean Water Commission Members

Mr. Art Stubbs, Chair

6804 NE 86th Court
Vancouver, WA 98662

Mr. Don Moe, P.E., Vice Chair

Address Withheld
Vancouver, WA 98685

Mr. David Morgan

33112 NW Lancaster Road
Ridgefield, WA 98642

Ms. Patty Page

12807 NW 20th Avenue
Vancouver, WA 98685

Mrs. Susan Rasmussen

30101 NE 58th Avenue
La Center, WA 98629

Ms. Virginia van Breemen

P.O. Box 559
4106 NE Stoughton Road
La Center, WA 98629

Mr. David Darby

P.O. 110
Amboy, WA 98601

Ms. Nancy Olmsted

14206 NE 10th Ct.
Vancouver, WA 98685

Vacant (current date to 2/28/20011)

Former 2008 CWC Members:

Mr. Bill Owen, P.E.

12713 NW 21st Avenue
Vancouver, WA 98685

Mr. Robert Even

14300 NE 20th Avenue, D102
Vancouver, WA 98686

Former 2009 CWC Members:

Mr. Carl Keller

12802 NE 182nd Avenue
Brush Prairie, WA 98606

Executive Summary

In 2008, the Clean Water Commission was involved in several public input and outreach activities. For instance, several commissioners participated actively in the Stakeholders Advisory Committee and the Technical Advisory Committee as county staff worked to develop new rules and manuals to comply with the new NPDES permit requirements. Several also participated in the 2008 Stormwater Capital Improvement Program Involvement Team (SCIPIT) to prioritize future Clean Water Program (CWP) capital projects. Additionally, the commission initiated dialog with *The Columbian* reporter, Michael Andersen, to provide additional perspective to his reporting on clean water issues.

For 2009, the Clean Water Commission has chosen to focus on the following goals from a long list of possible priorities:

- GOAL 1: Help the county figure out how to treat different property types differently AND fairly while adequately funding the Clean Water Program's effort to maintain and improve water quality. In the process, explore relationships among current and potential fee structures, fee reduction incentives, LID practices, funding of NPDES-required stormwater facilities, and new vs. existing development. Document our findings and share them with the BOCC.
- GOAL 2: Promote Low Impact Development practices in Clark County.
- GOAL 3: Link neighborhood groups and organizations with the CWP and its education programs.

The Commission makes the following recommendations for consideration to the Board of Clark County Commissioners:

- Vigorously pursue full compliance with NPDES permit.
- Support county efforts to remove barriers to Low Impact Development practices.
- Support the Clean Water Commission as it works on its first goal, above.
- Call for a set of independent scientific metrics for judging the effectiveness of the Clean Water Program.

2008 Annual Report
Clark County Clean Water Commission

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Part 1 – REVIEWING THE PAST YEAR

Role of the Clark County Clean Water Commission

The nine-member, citizen-based Clean Water Commission (CWC) serves principally as an advisory board to the Clark County Board of Commissioners (BOCC) on matters relating to effective management of stormwater runoff. A key responsibility of the CWC is to serve as a link between the Clean Water Program staff, the public, and the BOCC. The CWC meets on the first Wednesday evening of each month. The public is invited to attend and share their concerns about water quality in the county. County staff and other public and private sector professionals are often invited to present current information on associated topics relating to water quality in Clark County.

2008 CWC Accomplishments

- Several commissioners participated actively in the Stakeholders Advisory Committee and the Technical Advisory Committee as county staff worked to develop new rules and manuals to comply with the new NPDES permit requirements.
- Several commissioners participated in the 2008 Stormwater Capital Improvement Program Involvement Team (SCIPIT) to prioritize future CWP capital projects.
- The Commission sent a letter in support of the Public Health Department's grant to provide no-interest loans for septic system repairs.
- Commissioners met with various Clean Water Program staff to offer input on budget matters which resulted in modest changes.
- Commissioners initiated dialog with *The Columbian* reporter, Michael Andersen, to provide additional perspective to his reporting on clean water issues.

Status of the Incentive Program

- The current residential Clean Water Fee is too low to offer a monetary incentive to motivate homeowners to incorporate stormwater best management practices (BMPs) on their property. When the fees are increased, then encouraging BMPs by offering fee reductions could be implemented simultaneously.
- Clean Water fees levied on commercial properties, on the other hand, can be more significant and therefore could offer stronger motivation to businesses to incorporate best management practices. This possibility merits further study.
- In both cases, any incentives should be planned in a way that does not reduce revenue generation.

Evaluation of Clean Water Program Effectiveness

The Clean Water Commission (CWC) chose to use a SWOT analysis (Strengths, Weaknesses, Opportunities, and Threats) as its evaluation tool of the Clean Water Program’s 2008 activities. The chart below captures the thoughts offered.

| | Capital Program | Education & Tech. Assistance | Monitoring | NPDES Permit Coordination | Program Administration | Applicable to entire CWP |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Strengths | <ul style="list-style-type: none"> • Stormwater Capital Improvement Program Involvement Team (SCIPIT) is a good systematic approach to prioritize capital projects • Good public involvement in SCIPIT • Low Impact Development pilot sites built | <ul style="list-style-type: none"> • Using partnerships for general education & outreach • Giant leap forward with the public attitudes and knowledge survey • Technical Assistance program is excellent • School-based education • Collaboration with others to promote clean water education | <ul style="list-style-type: none"> • Stormwater Needs Assessment Program (SNAP). The Gee Creek Committee has been using the Gee Creek SNAP Report extensively. • Using students and volunteers to help monitor water quality. Identify successes & deficiencies. | <ul style="list-style-type: none"> • Low Impact Development allowed in adopted ordinance (CCC 40.385) • Stormwater ordinance adopted by the county • Inspector erosion control training • Spent more time inventorying assets than before | <ul style="list-style-type: none"> • Fee going onto tax statement • BOCC mentioned potential of increasing or restructuring fee | <ul style="list-style-type: none"> • Dedicated staff |

| | Capital Program | Education & Tech. Assistance | Monitoring | NPDES Permit Coordination | Program Administration | Applicable to entire CWP |
|-------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Weaknesses | <ul style="list-style-type: none"> • Need to expand list of capital opportunities to more watersheds | <ul style="list-style-type: none"> • Public perception is that water quality is not improving despite dollars spent • Public engagement is insufficient to clean up the water • Public participation in CWC meetings is lacking | <ul style="list-style-type: none"> • Limited efforts to distribute water quality information to interested parties | <ul style="list-style-type: none"> • Condition assessment records of facilities could use improvement • Concept of risk to water quality not embedded in program (e.g. when a stormwater pond failed, the county did not know how sensitive the affected stream area was.) • Endangered Species Act (ESA) program should not be funded by the Clean Water Program. • County did not adopt an ordinance equivalent to the WDOE's manual, and has not been entirely approved by DOE • Status of stormwater and erosion control ordinance • Enforcement lacks teeth | <ul style="list-style-type: none"> • Incentive program still not developed and implemented • County inaction in adjusting the stormwater fee to reflect additional costs required by the NPDES permit and cost of inflation • Clean Water Fee insufficient to fund capital improvements | <ul style="list-style-type: none"> • Insufficient staff to properly complete work required by the NPDES permit • Limited coordination with neighboring jurisdictions on watershed health. |

| | Capital Program | Education & Tech. Assistance | Monitoring | NPDES Permit Coordination | Program Administration | Applicable to entire CWP |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Opportunities | <ul style="list-style-type: none"> Local interest in green building, including Low Impact Development Expand list of potential capital projects to other watersheds | <ul style="list-style-type: none"> Target education to water quality issues Low impact development (LID) sites are an opportunity for education. CWC to promote LID Education opportunity for signage on detention ponds Connect water quality data with improvement actions on a local scale. Connect cause & effect. Use Clark College as an education partner | <ul style="list-style-type: none"> More water quality data will allow for trend analysis Stormwater Needs Assessment Program (SNAP). The Gee Creek Committee has been using the Gee Creek SNAP Report extensively. | <ul style="list-style-type: none"> Spent more time inventorying assets than before. Still room for improvement. Better inventory helps identify areas of county that could benefit from water quality and water quantity control | <ul style="list-style-type: none"> LID might be an opportunity to tailor the fee to the impact of the area Opportunity to examine the relationship between ESA and CWP. A fee increase could help. | <ul style="list-style-type: none"> Would additional staff result in greater water quality? Do more coordination with neighboring jurisdictions on watershed health. |
| Threats | <ul style="list-style-type: none"> Budget limits program scope & imagination Lack of funding for future capital projects if the fee not adjusted | | | <ul style="list-style-type: none"> Uncertainty of WDOE approving the stormwater and erosion control ordinance, etc. | <ul style="list-style-type: none"> Not enough \$ to meet NPDES requirements – not adjusting the fee | <ul style="list-style-type: none"> The public may expect the county alone to clean up the water, when it must be a collaborative effort. |

Summary of Clean Water Program Expenditures

The CWC reviews the CWP budget periodically. Appendix A shows the 2007-2008 budget status as of January 29, 2009. The CWC makes the following observations and comments based on the budget and other information:

- Regulation and Enforcement consumed nearly 200% of its budget. The CWC evaluation last year noted concern about the monies spent outside of direct CWP supervision. This has been addressed by a new MOU between the CWP and Community Development, which provides for more direct oversight by CWP.
- The structure of the enforcement fines needs review as the fines are currently too low and cost the County more in administrative costs than the fines bring in.
- Funds for capital improvements will run out by 2011.
- As the new requirements for the NPDES permit start to come due several items will need budget review. Already we see that the reviewed changes to the NPDES permit as appealed will result in major expenditures. The CWC wishes to point out that the program has been unable to accomplish all its goals in previous years. Next year's project list is ambitious for the program but is expected to be very small in comparison to the project list anticipated by the appeal of the NPDES permit.
- The CWC repeats its opinion that it is a misuse of Clean Water Fees to spend them to support or defend any rules or decisions that would result in non-compliance with the NPDES permit.

Public Comments

Clean Water Program Citizen-Initiated Contacts

Citizen calls to the Clean Water Program in the weeks following the mailing of the Clean Water Fee billing increased slightly in 2008, but those requiring follow-up continued to decrease significantly. As we did last year, we surmise that this is due to heightened public awareness about environmental matters in general, and to the effectiveness of the CWP education and outreach efforts.

Calls where the caller's questions are satisfied in a single contact are tallied but not categorized by issue type. Calls that require follow-up are assigned to a single issue. If more than one issue is raised, the call is assigned to the most important issue. A request for an Appeal Form trumps all other issues. Six Appeal Forms were requested; two were submitted; and the Director of Public Works denied both.

The table below shows the history of citizen-initiated contacts for the last four years.

| <i>Issue Type</i> | 2005 | 2006 | 2007 | 2008 |
|------------------------------------------|-------------|-------------|-------------|-------------|
| Address, addressee error | 8 | 8 | 5 | 1 |
| Billing math: error corrected | 23 | 16 | 3 | 1 |
| Billing math: found not in error | 100 | 36 | 15 | 6 |
| Calculation criteria: error corrected | 11 | 11 | 11 | 2 |
| Calculation criteria: found not in error | 0 | 5 | 11 | 7 |
| CWP questions | 52 | 14 | 6 | 2 |
| Comments only | 2 | 0 | 2 | 0 |
| Drainage issues | 4 | 4 | 2 | 1 |
| General complaint | 52 | 11 | 3 | 3 |
| Request for appeal form | 3 | 5 | 1 | 6 |
| Request Hardship/Senior exemption | 3 | 5 | 0 | 0 |
| Request for information | 6 | 4 | 0 | 0 |
| Fee structure, rate, tax | 0 | 0 | 8 | 5 |
| Other | 20 | 4 | 3 | 2 |
| Subtotal – all issues | 284 | 123 | 70 | 36 |
| Resolved in first call, not categorized | 75 | 250 | 143 | 199 |
| Total public-initiated contacts | 359 | 373 | 227 | 235 |

Summary of Public Comments in 2008 Meetings

The bulk of public comment centered around the process of developing stormwater code to meet requirements of new Phase I NPDES Permit, including: concern about the delay in beginning the process and thus missing the February 15 deadline; limited opportunities for public input; too much influence “in the hands of the building council”; insufficient watershed protection in the proposed code that leaves Clark County liable for penalties and vulnerable to third-party lawsuits. Further, there has been no progress in increasing Clean Water Fees in order to fund more capital projects.

Discussion about other NPDES permittees put the Clark County permit situation into a broader context for the Clean Water commissioners. This included information about Memoranda of Understanding with neighboring permittees, and co-permittees which have been created in some jurisdictions but not yet in Clark County.

Another frequently mentioned concern relates to the impact of failing septic systems, inadequate inspections to identify failing systems, the burdensome expense of connecting to public sewer system, and the lack of a county plan to deal with the situation, the inability or unwillingness of any county agency to take the lead in addressing the problem.

Questions were raised about the protocol for citizens to report spills and stormwater rule abuses. As a result, several changes were made to make it easier for citizens to file such reports by phone.

Concerns were expressed about lack of adequate enforcement of current code.

A detailed log of Public Comments from monthly CWC meetings can be found in Appendix B.

Part 2 – LOOKING AHEAD TO 2009

2009 Action Plan

- GOAL 1: Help the county figure out how to treat different property types differently AND fairly while adequately funding the Clean Water Program's effort to maintain and improve water quality. In the process, explore relationships among current and potential fee structures, fee reduction incentives, LID practices, funding of NPDES-required stormwater facilities, and new vs. existing development. Document our findings and share them with the BOCC.
- GOAL 2: Promote Low Impact Development practices in Clark County.
- GOAL 3: Link neighborhood groups and organizations with the CWP and its education programs.

Recommendations to the Board of County Commissioners

- Vigorously pursue full compliance with NPDES permit.
- Support county efforts to remove barriers to Low Impact Development practices.
- Support the Clean Water Commission as it works on its first goal, above.
- Call for a set of independent scientific metrics for judging the effectiveness of the Clean Water Program.

Appendix A
Summary of 2008 Clean Water Program Expenditures

2007-08 Clean Water Program Budget

as of January 29, 2009
(period expended = ~100%)

| Object Code | Program Element | Budget | % of Total Budget | Expenditures | % Spent | Budget Remaining | Comments |
|--------------------------------------------|--------------------------------------------------------|---------------------|-------------------|---------------------|----------------|--------------------|----------|
| Capital Improvements | | \$4,437,030 | 28.97% | \$2,863,826 | 64.54% | \$1,573,204 | |
| 100s | Salaries | \$168,052 | 1.10% | \$273,816 | 162.94% | -\$105,764 | |
| 200s | Benefits | \$58,865 | 0.38% | \$83,253 | 141.43% | -\$24,388 | |
| 300s | Supplies | \$1,700 | 0.01% | \$9,994 | 587.88% | -\$8,294 | |
| 400s | Outside Services | \$322,600 | 2.11% | \$238,450 | 73.92% | \$84,150 | A |
| 600s | Capital Outlay | \$3,870,000 | 25.26% | \$2,216,810 | 57.28% | \$1,653,190 | A |
| 900s | Ser. by County Agencies/Dept. | \$15,813 | 0.10% | \$41,503 | 262.46% | -\$25,690 | A |
| Capital Planning & Infra. Mgmt. | | \$1,104,594 | 7.21% | \$1,236,462 | 111.94% | -\$131,868 | B |
| 100s | Salaries | \$401,583 | 2.62% | \$427,021 | 106.33% | -\$25,438 | |
| 200s | Benefits | \$145,684 | 0.95% | \$129,044 | 88.58% | \$16,640 | |
| 300s | Supplies | \$35,425 | 0.23% | \$15,430 | 43.56% | \$19,995 | |
| 400s | Outside Services | \$139,126 | 0.91% | \$274,714 | 197.46% | -\$135,588 | C |
| 600s | Capital Outlay | \$0 | 0.00% | \$7,482 | | -\$7,482 | |
| 900s | Ser. by County Agencies/Dept. | \$382,776 | 2.50% | \$382,771 | 100.00% | \$5 | |
| Monitoring | | \$2,796,952 | 18.26% | \$1,640,835 | 58.67% | \$1,156,117 | |
| 100s | Salaries | \$497,615 | 3.25% | \$497,206 | 99.92% | 409 | |
| 200s | Benefits | \$188,170 | 1.23% | \$146,713 | 77.97% | 41,457 | |
| 300s | Supplies | \$219,100 | 1.43% | \$39,815 | 18.17% | 179,285 | |
| 400s | Outside Services | \$1,725,200 | 11.26% | \$691,378 | 40.08% | 1,033,822 | C |
| 600s | Capital Outlay | \$0 | 0.00% | \$169 | | -169 | |
| 900s | Ser. by County Agencies/Dept. | \$166,867 | 1.09% | \$265,554 | 159.14% | -98,687 | |
| Public Education and Outreach | | \$1,562,414 | 10.20% | \$1,144,610 | 73.26% | \$417,804 | |
| 100s | Salaries | \$520,454 | 3.40% | \$325,635 | 62.57% | \$194,819 | |
| 200s | Benefits | \$158,560 | 1.04% | \$95,273 | 60.09% | \$63,287 | |
| 300s | Supplies | \$12,400 | 0.08% | \$13,457 | 108.52% | -\$1,057 | |
| 400s | Outside Services | \$427,057 | 2.79% | \$286,699 | 67.13% | \$140,358 | D |
| 500s | Inter-Governmental Services | \$363,784 | 2.37% | \$238,265 | 65.50% | \$125,519 | D |
| 600s | Capital Outlay | \$0 | 0.00% | \$81 | | -\$81 | |
| 900s | Ser. by County Agencies/Dept. | \$80,159 | 0.52% | \$185,200 | 231.04% | -\$105,041 | D |
| Regulation and Enforcement | | 1,177,747 | 7.69% | 2,266,055 | 192.41% | -1,088,308 | |
| 100s | Salaries | | 0.00% | 131,553 | | -131,553 | E |
| 200s | Benefits | | 0.00% | 43,928 | | -43,928 | E |
| 400s | Outside Services | 2,500 | 0.02% | \$366,963 | | -364,463 | E |
| 900s | Ser. by County Agencies/Dept. | 1,175,247 | 7.67% | \$1,723,611 | 146.66% | -548,364 | F |
| Operations and Maintenance | | \$2,396,060 | 15.64% | \$2,350,179 | 98.09% | \$45,881 | |
| 100s | Salaries | \$0 | 0.00% | \$38,559 | | -38,559 | G |
| 200s | Benefits | \$0 | 0.00% | \$13,963 | | -13,963 | G |
| 400s | Outside Services | \$0 | 0.00% | \$4,673 | | -4,673 | G |
| 900s | Ser. by County Agencies/Dept. | \$2,396,060 | 15.64% | \$2,292,984 | 95.70% | 103,076 | H |
| Administration & Coordination | | \$1,310,916 | 8.56% | \$744,247 | 56.77% | \$566,669 | |
| 100s | Salaries | \$409,729 | 2.67% | \$253,800 | 61.94% | \$155,929 | |
| 200s | Benefits | \$127,002 | 0.83% | \$70,724 | 55.69% | \$56,278 | |
| 300s | Supplies | \$12,000 | 0.08% | \$5,347 | 44.56% | \$6,653 | |
| 400s | Outside Services | \$233,470 | 1.52% | \$89,570 | 38.36% | \$143,900 | I |
| 900s | Ser. by County Agencies/Dept. | \$528,715 | 3.45% | \$324,806 | 61.43% | \$203,909 | J |
| Transfers Out | | \$492,950 | 3.22% | \$190,000 | 38.54% | \$302,950 | |
| 550s | Support to Clark County Endangered Species Act Program | \$210,000 | 1.37% | \$190,000 | 90.48% | \$20,000 | K |
| 550s | Transfers Out to CC Fair Ground | \$20,000 | 0.13% | | | \$20,000 | L |
| 551 | Interfund Subsidy (to Roads for NPDES) | \$262,950 | 1.72% | \$0.00 | 0.00% | \$262,950 | M |
| Misc. Items | | \$39,794 | 0.26% | \$148,649 | 373.55% | -\$108,855 | |
| 997 | Reduction in Fund Balance | \$0 | 0.00% | \$19,419 | | -\$19,419 | |
| 992 | Depreciation | \$0 | 0.00% | \$135,071 | | -\$135,071 | |
| 997 | Contingency | \$39,794 | 0.26% | \$0.00 | 0.00% | \$39,794 | |
| 455 | Dept. 632: 455 Machinery & Equip | \$0 | 0.00% | -\$5,841 | | \$5,841 | N |
| Total | | \$15,318,457 | | \$12,584,863 | 82.15% | \$2,733,594 | |

>>Turn page to see comments>>

2007-08 Clean Water Program Budget

as of January 29, 2009
(period expended = ~100%)

| Comments: The activates listed below represent two years of work. | |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. | <i>Dollars for additional capital improvements, such as construction of the Curtin Creek Enhancement Project (~\$3.2 Million); design of several stormwater facilities at NE 152nd/NE 20th Avenue, Quail Park/NW 3rd Court, etc.; implementation of low impact development pilot projects near Jorgenson Park and behind the Clark County Public Service Center, etc.</i> |
| B. | <i>This is for scoping stormwater capital improvements, such as retrofitting defective stormwater facilities, low impact development projects, general stormwater engineering support, stormwater inventory tracking, etc.</i> |
| C. | <i>The Stormwater Needs Assessment Program needs outside services to perform riparian, physical habitat, geomorphology, hydrology and hydraulic assessment, etc. This will cost an estimated \$600,000 (\$350,000 from 4420...245 and \$250,000 from 4420...203).</i> |
| D. | <i>Living Streams: Teach grade school level kids about health watersheds (\$20,000) ; Post Contests: Allow elementary through high school students to participate submit a poster about environmental protection (\$50,000); Contract with the City of Vancouver water quality monitoring program to teach students and teachers about water quality protection at specific streams in unincorporated Clark County; in partnering with WSU Extension and Clark Conservation District, the Clean Water Program through Watershed Stewards, allows interested citizens to learn about watershed protection (learn how to improve the watershed in which they live, use rain water wisely, learn about using nontoxic products in daily activities, etc)(\$182,500);</i> <i>The Clean Water Program in partnership with WSU Extension and Conservation District also manage the Small Acreage Landholders Outreach that teaches rural land owners how to manage their land and livestock to minimize water quality pollution(\$111,200); The Clean Water Program in partnership with the school districts, and city of Vancouver, Washington Department of Fish and Wildlife, Public Works Solid Waste Program, etc., students (K-16) learn about environmental protect while at the Columbia Spring facility and they take at information back to their respective schools where they continue to study environmental protection issues.</i> |
| E. | <i>This cost is attribute to Clark County updating its Stormwater and Erosion Control (CCC 40.380) and Water Quality (CCC 13.26A) codes, and associated manuals (Stormwater Pollution Control Manual, Best Management Practices for Business and Government Agencies, and Stormwater Facility Maintenance Manual) to meet state NPDES Permit (stormwater management) requirements.</i> |
| F. | <i>The Department of Community Development is implementing enforcement of county stormwater, erosion control, and water quality protection codes.</i> |
| G. | <i>This cost is the result of a new state law that requires the county identify and register with state, underground injection control wells (e.g., large cement wells that allow stormwater to drain into the ground), determine the condition of each well, and implement retrofit actions as necessary.</i> |
| H. | <i>Public Works Operations implements maintenance and operations of the county stormwater infrastructure.</i> |
| I. | <i>\$27,000 for professional services to facilities public meetings to address NPDES permit issues; \$12,000 cost for printing the flyer (or insert) explaining the fee and accompanying the CWP fee statement; \$27,000 for mailing the Clean Water Program Service fee; \$25,000 for temporary services to assist in answering CWP fee calls; Washington Department of Ecology will receive about \$76,000 to administer the Phase I NPDES Permit; ~\$6,000 for legal services in Hearing Examiner cases, etc.; and about \$10,000 to appeal NPDES permit Special Conditions 4, 7, and 8 as requested by the BOCC, etc.</i> |
| J. | <i>~\$377,000 for the Treasurer's Office to collect and process the CWP fee; \$34,000 in county indirect; \$43,000 in GIS support for the fee; \$36,000 in county land and Building rental cost; \$14,200 in computers and supplies, etc.</i> |
| K. | <i>Transfer of dollars to the ESA program: a) ESA staff assigned to writing SNAP subbasin reports, b) assist with Stormwater Management Program Plan and Stormwater Code development and implementation, c) finish Water Resources Inventory Area planning and implementation process as required by Ecology and NOAA Fisheries.</i> |
| L. | <i>This the reimbursement for the overcharge of the CWP Service Fee to CC Fair Ground.</i> |
| M. | <i>Public Works Operations hired Ground Maintenance staff and purchased equipment to implement NPDES work.</i> |
| N. | <i>Miscoding to the Clean Water Fund (Fund 4420).</i> |

Appendix B
Log of Public Comments at 2008 Clean Water Commission Meetings

January 2, 2008

Mr. McConathy expressed disappointment in the amount of time for public comment on the draft code. The process easily could have been started much earlier, which would have allowed more time for public participation. At SAC meetings, public comment is limited to three minutes per person, and the public may not participate in committee discussions.

Mr. McConathy presented gifts to Mr. Owen, Mr. Moe and Mr. Crawford for their hard work.

Mr. Stubbs shared a tidbit from “10 Best Scientific Discoveries of 2007” in *Time* magazine. Absurdly, when scientists discovered a 405 year old clam believed to be world’s oldest living animal, they killed it to discover the number of rings in its shell.

February 6, 2008

Mr. McConathy updated the group on Vancouver Lake Partnership plans and accomplishments. The Army Corps of Engineers is conducting a bathymetric survey of the topography of the lake bottom and soil conditions. WSU will finish a one year study in July of plankton, bluegreen algae, and zooplankton. The Partnership is working with SOLV to organize several cleanups; the first will be held in mid-May.

March 5, 2008

Mr. McConathy thanked staff for publishing the meeting announcement in *The Columbian*.

Mr. McConathy stated that the Board of County Commissioners (BOCC) is at fault for missing the February 15 permit deadline for draft stormwater code. The process could have been started much sooner than it was, and he can’t see why it wasn’t started last February.

Mr. McConathy expressed disappointment at the BOCC ignoring the Clean Water Commission. He hoped that more decisions about the Clean Water Program and NPDES compliance will be submitted to the CWC in advance. Last year, none of the BOCC attended a CWC meeting. He stated that one example is the decision to do nothing to raise the Clean Water Fee at this time even though staff has repeatedly notified them about the increased cost of meeting permit requirements and reduced funding for capital projects. Mr. Owen stated that he would address this more later, but generally agreed that the CWC needs to be more proactive in approaching BOCC.

April 2, 2008

Mr. McConathy chastised the county for excluding urban and suburban unincorporated areas in the open house and outreach schedule. Mr. Moe stated that many public meetings had been held, and the public had been invited to all. Mr. McConathy replied that the previous meetings disenfranchised people by not allowing for adequate public involvement due to restrictions on the comment period. Mr. Rowell noted that the four scheduled open houses are throughout the county and are being advertised in *The Reflector*, *The Columbian* and on the Web. In addition, mailers

will go to all neighborhood associations in unincorporated Clark County. Topics on discussion will be how the updates might effect both urban and rural folks.

Mr. McConathy stated that the Clean Water Commission's evaluation of the Clean Water Program, Part III is missing the following weakness: lack of communication between the BOCC and CWC, which isolates the CWC and has resulted in decisions made unilaterally without prior submission to the CWC.

May 7, 2008

Mr. McConathy voiced concern about the impact of failing septic systems on water quality. He recently discovered from Mr. Gonzales at Public Health that the county is getting only 50% compliance on inspections. Of inspected systems, 35% fail. He also discovered that Clark Regional Wastewater District does not have a plan to accelerate sewerage of areas identified in the 1995 Legacy Plan within the Salmon Creek basin. He stated that at the current rate, it will take 1,000 years to convert the 35,000 septic tanks in greater Clark County to sewer. He also discovered that the Soil Conservation District is seeking funding through a percentage addition to the sales tax, as recently allowed by the state legislature. He felt that the Soil Conservation District is not qualified to lead the septic conversion issue.

Mr. McConathy explained that no single agency in the county is taking the lead on water quality issues from failing septic systems. Mr. Owen agreed that the county has focused on very specific tasks and some water quality issues are falling through the cracks. For instance, the Clean Water Program is focused solely on NPDES permit requirements, and the county draws the line for the program there. He would like to see an expanded stormwater utility in the county that would be involved in other non-point issues such as septic.

The group discussed the frequency and efficacy of septic inspection schedules. Currently there is no consequence for a failed inspection. Mr. McConathy urged the Clean Water Commission to continue to push the county to take responsibility for advancing septic conversions. The group asked the county to send some information regarding findings of recent septic inspections and then meet again with the Commission.

June 4, 2008

Mr. McConathy learned that the Columbia Riverkeeper volunteer monitoring program now complies with the Oregon Department of Environmental Quality (DEQ) AA standard for quality control. It allows DEQ and EPA to accept information about violations of NPDES Permits and 303(d) listings uncovered by volunteer monitors. One difference is that two times during the monitoring season the professional staff take a tandem sample with the volunteers then analyze and compare the sets. He urged Clark County to pursue the same standard for its volunteer monitoring programs.

Mr. Schnabel: Columbia Riverkeeper frequently uses county equipment for its volunteer monitoring program. He expressed confidence in the county's quality control protocols for volunteer-collected data. The county volunteer's monitoring results have been used in enforcement actions and in stream health reports. If Washington Department of Ecology comes up with a similar certification, the county likely would train volunteers to that standard.

Mr. McConathy invited Clean Water Commissioners to a meeting of the Vancouver Lake Partnership on July 9 from 4:00 – 6:00 p.m. at Port of Vancouver. The agenda includes the final reports from the WSU microinvertebrate study and from Army Corps of Engineers.

Mr. McConathy stated that based on preliminary investigations finding PCBs, the Environmental Protection Agency (EPA) has re-opened the Vancouver Lake-Alcoa Superfund site for internal review. The investigation will take one year.

Mr. Winters commended the Phase II entities in Cowlitz County for cooperating on an area-wide survey of citizen knowledge of water quality, stormwater, and water pollution. Ms. Page asked if the survey had been designed yet. Mr. Winters: yes. Mr. Winters: it would be difficult to work so closely in Clark County because it is not so close. Ms. Richards asked if grants are available to Phase I permittees. Mr. Rowell: we obtained a \$75,000 grant that we are using for monitoring efforts. Phase II and Puget Sound entities are receiving a lot more monies than others. He hoped Ecology and the legislature would begin to provide more funding for fast-growing areas like Clark County.

July 2, 2008

Mr. Wastler complained that the county is not effective in responding to clean water issues, and over the years aquatic life in Shanghai Creek has been decimated. He gave an example of a 2-mile oil slick along his road, which he contacted the county about, but never saw any follow-up. He gave another example of a newer development upstream from him that uses too much fertilizer.

He also complained about lack of enforcement of tree-removal and erosion codes. His property is suffering from increased stormwater flows because of development uphill. He does not blame people for wanting to build houses, but he would like the county to prevent the removal of trees and explain to people that tree-removal causes erosion below. Travis Goddard of Clark County Community Development told him that the county does have regulations about keeping trees and controlling stormwater, but does not have the funding to enforce compliance. Also, there is a back door with a permit from the state for harvest, so they don't have to follow the county code.

Mr. Keller asked what the standard protocol is for contacting the county about spills. Mr. Rowell: Clark County has a 24-hour Hotline. Mr. Wastler: the average person would not know that. When you call the county or other agency, you get passed from department to department. Mr. Stubbs: the information officer must direct the calls to the right people. Mr. Rowell: Ecology responds to large spills; we respond to smaller spills. He recommended calling 911. Mr. Wastler: he always calls the county switchboard at 397-2000 to get connected; the switchboard operators should be well-informed about where to direct callers. Mr. Moe: your point emphasizes the need for outreach that informs citizens about who to contact for contaminants.

Mr. Even said that Ms. Boe Richards has been educating new homeowners in places where the developer and builder have already left to let them know about keeping up BMPs until landscaping is installed.

Mr. Schnabel asked if the 24-hour water quality hotline is advertised on the Clean Water Fee bills. It is not. Mr. Morgan suggested that the number be prominent displayed in the phone book. Mr. Rowell replied that it is difficult to highlight numbers in the phone book. Mr. Even: it takes 5 years to get moved to the front of Dex.

August 6, 2008

Mr. McConathy wondered if any Clean Water Commissioner had asked Mr. Gonzales at the July meeting about achieving only 50% compliance for septic inspections. Ms. Kobluskie stated that that topic was not discussed. Mr. Owen suggested that Mr. McConathy contact Mr. Gonzales again to discuss the compliance rate.

Mr. McConathy urged Clean Water Commissioners to look at the submittal of the draft stormwater and erosion control ordinance documents. He stated that they were insufficient. He stated that policy-makers are in the hands of the building council.

Mr. Keller asked what problems Mr. McConathy saw with the submittal. McConathy: the draft does not comply with the requirement to base flow control upon the forested condition. The state did an exhaustive study to arrive at the standard. Stormwater impacts are increasing, and the county has not taken a strong stand on controlling it. County Commissioners did this on their own without consulting the Clean Water Commission.

Mr. Owen disagreed about consultation, stating that the Clean Water Commission had been apprised of TAC and SAC work on those ordinances through the process, and then the submittal of drafts to the Board of County Commissioners (BOCC). After that, it was in the BOCC's hands.

Ms. Page hoped that Ecology would find the draft ordinance not sufficient, and tell the county to comply with its permit. Mr. Owen believed that was a strong possibility. Ms. Page suggested writing a disapproving letter to the BOCC. Mr. Keller would want to have sound reasons for the disapproval before writing. Ms. Page said that it would be difficult to get the information because those who depend on the BOCC for their jobs would have to provide it. Mr. Owen suggested that Ms. Page draft a letter and circulate it to the members; then it can be decided at the next meeting. Mr. Moe advocated waiting to hear Ecology's position since that agency must approve the rules. He thought there were reasons behind what the county submitted.

Mr. Gray stated that the county tried to engage the CWC in the process. Mr. Moe and Mr. Stubbs each were involved in SAC, and CWC members were invited to attend work sessions with the BOCC. He advocated raising concerns through that process. He asked for suggestions for better engagement if it was not adequate.

Mr. McConathy stated that the process was not inclusive or well-developed, and he believed that Mr. Stubbs felt the same way. The public had limited participation opportunities. Mr. Moe disagreed; there was a public comment period at each SAC meeting. Mr. McConathy stated that three minutes for comments is insufficient.

Ms. Page wondered if staff recommendations about meeting Ecology's requirements were diluted to meet the BOCC's wishes. Mr. Gray replied that staff's intent was to reflect the wide-ranging interests of the community, and the draft documents reflect that process. Mr. McConathy: environmental groups were not included. Ms. Page: were county staff 100% happy with the results? Mr. Gray replied that nobody was 100% happy with the results. It's a compromise. Mr. Moe replied that there was a lot of disagreement on the SAC; overall the BOCC had a broader perspective than anybody on SAC – balancing GMA and urban growth boundary. The final result did not meet everybody's goals or preferences.

Mr. Owen requested staff to forward Ecology's comments on the draft documents if received prior to the next meeting. Mr. Rowell agreed to it.

Mr. Owen suggested Ms. Page draft a letter to bring to the next meeting.

September 3, 2008

Mr. McConathy said that the permit requires Memoranda of Understanding with neighboring permittees. He requested the county to create MOUs with drainage districts and sewer providers because they impact storm waters within the county's jurisdiction. He stated that many drainage districts operate in ways that are not beneficial to water quality.

Mr. Rowell replied that the county is still defining "co-permittee". If drainage districts were co-permittees would their roles be flood control or water quality control? Do they have money? Mr. McConathy stated that their operations must mesh with the permit.

Mr. Rowell: the sewer district is not a co-permittee. Mr. McConathy: the permit can be read to include sewer districts as co-permittees, and lack of septic conversions concerns the Clean Water Program. Mrs. Rasmussen noted that drainage ditching districts were introduced by farmers to drain the land for production. It was the thing to do 50+ years ago. Mr. Owen: is the county still discussing this? Mr. Rowell: yes. Mr. Winters: Cowlitz County, Kelso, and Longview have an MOU together with the Consolidated Diking and Drainage District.

Mr. McConathy stated that the Vancouver Lake Partnership heard the Army Corps of Engineers report on its hydrology study of the lake. One finding is that flushing will not be an effective water quality management technique for the lake. Even increasing the flushing volume by a factor of eight in models, residency did not decrease. Another finding is that Salmon Creek and Lake River have a more significant impact on the lake's water quality than previously believed. Both the county and Vancouver will need to help fund clean-up. The Partnership's TAC and a technical advisor with experience in shallow lake management will make recommendations.

October 1, 2008

Mr. McConathy stated that the income limitations for the new septic elimination assistance program are too low. Even people in economic distress do not qualify. He requested the CWC to ask Public Health and Clark Regional Wastewater District to change the income limitations to match the more generous guidelines used for the septic repair assistance program.

Mr. McConathy complimented Department of Ecology on its informative web site, which contains numerous useful databases. In particular, he recommended the blue-green algae database on Vancouver Lake, which has four years of species-level data. He asked Clark County link to it from the Clean Water Program web site.

November 5, 2008

Mr. Winters stated that Cowlitz County intends to form a utility covering only the urban unincorporated areas. They have held two Hearings, and one remains. They've seen very little public dissent.

Mr. Stubbs asked what rate the utility will charge. Mr. Winters: a single-family residence will be \$54/year (\$4.50 on the monthly utility bill). For business properties, the ESU (equivalent service unit) will be 3,900 square feet.

Mrs. Rasmussen asked if they could lawfully exclude the non-urban unincorporated areas. Mr. Winters: yes, and the urban areas covered by the Phase II permit are delineated on Ecology's Web site.

December 3, 2008

Mr. Winters stated that he will attend the adoption hearings mentioned previously.

Mr. Stubbs asked for an update on Ecology's opinion of the ordinance. Mr. Winters replied that the county already knows that Ecology does not agree with some of the provisions in the drafts. Ecology will take no action until the ordinances are actually adopted; then higher-ups in Ecology will make some decisions.

Mr. Owen asked about Snohomish County. Mr. Winters replied that Ecology required substantial revisions to Snohomish County's proposed manual.

Mr. Moe stated that City of Vancouver is holding hearings to adopt new stormwater standards in advance of the NPDES Phase II deadline.