



April 2, 2014

**Clean Water Program Fee Waiver to Schools and
Washington State University-Vancouver Campus**

Clark County Clean Water Commission

By Director Benton, Clark County
Department of Environment Services

Summary

The history showed that Clark County and Battle Ground, Evergreen, and Vancouver School Districts had discussions on how a more accountable fee waiver restructuring could take place. The basis for the discount/waiver at the time, included:

- **Stormwater-related Best Management Practices (BMPs)**
- **Stormwater facility compliance (both required by County Code)**
- **Requirement to participate in the Washington Green Schools program**

This was communicated via e-mail but no formal agreement or understanding was ever executed.

The previous Director of Environmental Services (Kevin Gray) received approval from the former County Administer (Bill Barron) to proceed with the restructured fee waiver.

No formal Board of County Commissioner (Board) action occurred.

A new Director of Environmental Services (Don Benton) was hired in May 2013.

It soon became clear that the funding for the Clean Water Program was not sustainable:

- The current fee program based on \$33 by equivalent residential unit ERU brings in approximately \$5.2 million)
- Program spending was cut from \$9.0 million to \$6.5 million in 2013, a 28 percent reduction in spending
- A recent required legal settlement payment of \$3.6 million to be paid out over six years has compounded the problem (\$600,000 in litigation fees to paid in 2014)



Few schools have taken advantage of this program and it is costly for Clark County to administrate

It is no longer feasible to waive school fees in light of this structural deficit

Given the short turn-around time for our Department of Geographical Information System (GIS) to prepare billing information for spring 2014 property taxes, the Director issued a *letter* to the school districts in January 2014 alerting them of the change in policy

History – *This is not an Unilateral Decision*

The school stormwater fee waiver issue arose in a Clean Water Commission (CWC) meeting in mid-2010 and was discussed in length at their meeting in August 2010 and again in January 2011.

The CWC Motion #2011-02-02, Recommends keeping the Clean Water Program (CWP) fee reduction for schools. The CWC took input from the following public school districts:

- November 3, 2010 – Battle Ground Schools- Mary Beth Lynn, Denise Harvey
- January 5, 2011 - Vancouver Schools - Allison Brands, Jennifer Halleck
- February 5, 2011 - Lynn Valenter, Kevin Crowley, WSUV; Todd Horenstein, Vancouver Schools; Sue Steinbrenner, Evergreen Schools; Joe Comstock, Hockinson Schools

April 27, 2011

The CWC had a work session with the Board of County Commissioners (Board) to review their annual report.

During the work session the following was memorialized:

- Commissioner Mielke said the Clean Water Program fee should go to educate the fee payers and those who are adding to stormwater pollution; schools already receive educational funds from the state.
- Commissioner Boldt suggested that schools educate their students about stormwater facilities on school property with students maintaining them. Mr. Gray, former director, stated CWP is looking into implementing more modules like the Washington State Green School Program that produce quantifiable results.

(continued)

- Commissioner Mielke said he would support an effort that generates *quantifiable* results.
- Commissioner Stuart suggested that staff develop a more formal process that includes a thorough review of School District stormwater activities and education efforts, before providing a waiver or refund of clean water fees. This provides schools an incentive and treats them equal to other fee payers.

Fall 2011

Department of Environmental Services (DES) staff drafted a structured, quantifiable process for the waivers with defined criteria.

December 19, 2011

Schools were sent emails with (draft) stormwater fee waiver criteria and potential funding implications.

January 4, 2012

Work Session with the Board on the school stormwater fees cancelled and never rescheduled.

Phased in Stormwater Fee Waiver Program*

***Schools must be complete all of the criteria listed to receive a Clean Water Program fee waiver**

2012-13 School Year

July 31, 2013

Best Management Practice (BMP) trainings (to be conducted annually)

July 31, 2013

All stormwater facilities located on school property pass an inspection conducted by Clark County Environmental Services. Any deficiencies noted in the inspection shall be corrected within a timeframe designated with the inspection.

2013-14 School Year (and subsequent years)

July 31, 2014

Best Management Practice (BMP) trainings (to be conducted annually)

July 31, 2014

All stormwater facilities located on school property pass an inspection conducted by Clark County Environmental Services. Any deficiencies noted in the inspection shall be corrected within a timeframe designated with the inspection.

This message was sent with High importance.

From: DuBois, Pete
To: 'jjones@esd112.wednet.edu'; 'patsy.boles@ridge.k12.wa.us'; 'david.newman@ridge.k12.wa.us'; 'diane.nielsen@ridge.k12.wa.us'; 'maggie.bates@hock.k12.wa.us'; 'Joe Comstock'; 'tom.archer@evergreenps.org'; 'sue.steinbrenner@evergreenps.org'; Jennifer Halleck; 'todd.horenstein@vansd.org'; 'jolma.kevin@bgsd.k12.wa.us'; 'harvey.denice@bgsd.k12.wa.us'; 'Lynn, Mary Beth'
Cc: Largent, Anita; Armstrong, Cary; DuBois, Pete; Schattenkerk, Henry; Kaler, Dan; 'John Weber'; 'chuck.saylor@vansd.org'; 'david.tudor@washougalsd.org'; 'joe.steinbrenner@washougalsd.org'
Subject: RE: New School Stormwater Fee Waiver Requirements

Greetings and happy first day of summer.

I recently received direction from our new Environmental Services Director Don Benton to remind the School Districts of the end of July deadline for having your annual stormwater baseline (see e-mail dated 10/18/12 below) done. I will need documentation of the BMP training for custodial, maintenance and fleet maintenance staff (conducted during the 2012-2013 school year) **by July 31, 2013** to qualify for the stormwater fee reduction. If this is something you need to still schedule and need assistance please reply to myself and Cary Armstrong (cc:ed) ASAP.

Also note that by then end of next school year (2013-14) schools in the county will need to also certify in the Water Category administered by the WA Green Schools Program.

Finally I will be working with our GIS department to pull stormwater facility inspection reports to document which if any facilities did not pass inspection.

You can expect to receive notice of each school's stormwater fee reduction by the end of September 2013. Any fees not reduced will be reflected in your 2014 stormwater fee billing. We appreciate the school district partnerships developed over the years as we work together for clean water in Clark County.

Sincerely,

Peter DuBois

Clark County
Department of Environmental Services
Sustainability & Outreach
Program Coordinator

- No notice of fee reduction sent September 2013
- Full fees charged for 2014 stormwater fee billing

Conclusion

The current Clean Water Program budget can no longer afford to offer fee waiver to schools. While this goes counter to the previous discussions with the school districts, the reality is Clark County is now operating under a new set of *principles* including:

- A new Board of County Commissioners
- Federal Court ordered settlement payment
- An operational deficit in the Clean Water Program budget
- New Washington State mandates that Clark County implement actions to comply with the National Pollutant Discharge Elimination System (NPDES) permit
- Schools' lack of interest in the fee waiver program

School Districts/ WSU-V	Clark County Clean Water Assessment	Stormwater Fee Assessment by Cities	
Battle Ground	\$22,743	\$89,902	City of Battle Ground
Camas		\$18,000	City of Camas
Evergreen	\$25,668	\$196,783	City of Vancouver
Green Mountain	\$580		
Hockinson	\$9,784		
Ridgefield	\$1,329	\$14,920	City of Ridgefield
Vancouver	\$43,539	\$167,185	City of Vancouver
WSU-V	\$15,755		
Washougal		\$30,000	City of Washougal
Total	\$119,398	\$516,790	

Where Are We Now?

Director of the Department of Environmental Services is reviewing three formal appeals:

- Battle Ground Public Schools
- Evergreen Public Schools
- Vancouver Public Schools

Schools have provided the county with limited information on how they are implementing the *three* requirements in order to qualify the fee waiver program



Questions?

Do you have questions?



End

January 28, 2014

Don Benton
Director of Environmental Services
Clark County
P.O. Box 9810
Vancouver, WA. 98666-9810
RE: Stormwater Fee Waiver Program



Imagine what you can learn!

Dear Mr. Benton:

I received your letter dated January 6, 2014 regarding the change in County policy pertaining to the Stormwater Fee Reduction Partnership Program currently in place with Vancouver Public Schools.

Although you are probably aware, it may be helpful to review previous conversations between County and district staff that lead to a 3-year plan to preserve the fee waiver. On May 8, 2012 County and district staff discussed a County proposed 3-year phased in stormwater fee reduction program. It was agreed that the stormwater fee waiver program provides benefits to the County, School District, and the community. The plan was initiated in school year 2011-12 and is to be fully implemented by the end of the 2013-14 (current) school year. The plan includes Best Management Practice training, maintenance inspections for all onsite school stormwater facilities, and County schools verified as a Washington Green Schools Level-1 or better. The school district has worked diligently on the plan elements to ensure compliance by July 2014 as prescribed by the plan. Attached are copies of correspondence related to the fee waiver program.

The partnership program was designed, in part, to sustain active participation in environmental stewardship by approximately 12,000 Vancouver Public School/Clark County students and their families. It will be most difficult for the County's environmental education efforts to have the same widespread impact without school district participation. This sudden change in County policy is contrary to our joint efforts to promote environmental stewardship, comply with the state and national regulations, and preserve the fee reduction.

It is unfortunate that the notice by the County lacked prior conversations regarding the abrupt change in policy. The decision also imposes a significant cost to the School District well into our fiscal year, providing no opportunity to plan appropriately for this added expense.

I request that prior to a unilateral change to this valuable partnership that we have an opportunity to discuss the merits of maintaining the fee reduction program. I am available to meet at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Horenstein".

Todd Horenstein, Assistant Superintendent
Facility Support Services

Vancouver Public Schools
2901 Falk Road - Vancouver, WA 98661
PO Box 8937 - Vancouver, WA 98668-8937
Phone: 360-313-1000 - Fax: 360-313-1001 - www.vansd.org

At a Glance

50% fee waiver from the city of Vancouver for the Evergreen Public Schools would....

- ✓ Pay Clark County fee 100%
- ✓ **Fully fund a new teacher**

Over the last 5 years in stormwater fees

Evergreen Public Schools paid Vancouver \$983,000

Vancouver Public Schools paid Vancouver \$835,000

Both paid Clark County \$0.00