

Pooled Resources Oversight Committee

May 24, 2022 - Review of Administrative Entity for Stormwater Action Monitoring

I. Introduction

Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) permittees throughout Western Washington contribute to a Pooled Fund dedicated to conduct the Stormwater Action Monitoring (SAM) program. The SAM components and priority activities are defined by the Stormwater Work Group (SWG), a formal group of stakeholders. The Pooled Resources Oversight Committee (PRO-C) was chartered and launched by the SWG to oversee Ecology's service as the SAM Administrative Entity. The purpose of the PRO-C is to provide transparency, efficiency, and accountability of the expenditure of the SAM Pooled Fund. Per the SWG-approved Charter, the PRO-C is charged with:

- Conducting a review and assessment of Ecology's performance as the administrative entity for the Pooled Fund twice per NPDES permit term.
- Reviewing its own performance and making specific recommendations to the SWG as to further need for safeguards, checks and balances on the permittee majority composition; and
- Reviewing and reassessing the adequacy of the Charter and recommending to the SWG any changes deemed appropriate.

A history of these reports is as follows:

- [2016 – Administrative Entity Report Card](#)
- [2019 – Administrative Entity Report Card](#) - All recommendations were implemented

II. Primary Functions of the SAM Administrative Entity and the PRO-C

Washington Department of Ecology (Ecology) in its role as the SAM Administrative Entity:

1	Function, per the PRO-C Charter	Grade	Comments	Recommendations
1.1	Administers the implementation of the SAM according to the scope of work of the cost-sharing agreements between Ecology and permittees	Meets Expectations	The SAM Coordinator has been implementing SAM per the cost-sharing agreements.	
1.2	Considers the collective recommendations of the stakeholders represented by the SWG and its subcommittee	Meets Expectations	Decisions related to schedule, scope, and budget have been brought to the PRO-C for discussion and direction. Other decisions have been brought to the SWG and/or its subcommittees. SAM Coordinator has been generally good at implementing the direction provided by the PRO-C and the SWG. A recent example includes the SAM Coordinator taking the extension of the Tree Hydrology Study (Phase II) to SWG for approval on request of the PRO-C.	Include guidance on this process in the PRO-C Best Practices document.
1.3	Ensures that the execution of the program and the awarded contracts to conduct SAM activities meet the requirements set forth in cost-sharing agreements with the permittees	N/A	The SAM Coordinator has been executing programs and awarding contracts for the SAM per the cost-sharing agreements as personnel and resources allow.	Revise charter to reflect the absence of cost sharing agreements.
2	Key Services Provided as SAM Administrative Entity	Grade	Comments	Recommendations
2.1	Review of scopes of work, timely review and coordination with PRO-C	Meets Expectations	The SAM Coordinator has reviewed and processed scopes of work and scope amendments in a timely manner. They have been shared with the PRO-C via email in an effort to provide useful feedback in a timely manner.	Ensure that appropriate timelines for work are defined in the updated PRO-C charter.

			In addition, Ecology staff managed to be adaptable and flexible in a way that accommodated the SAM studies during the COVID Pandemic.	
2.2	Review and Processing of Contracts	Meets Expectations	The SAM Coordinator has reviewed and processed contracts in a timely manner. Contracts have been shared with the PRO-C via email in an effort to provide useful feedback in a timely manner.	Ensure that appropriate timelines for work are defined in the updated PRO-C charter.
2.3	Project Invoicing	Meets Expectations	Invoices have been processed in a timely manner.	Consider developing a simple survey to collect feedback from SAM project managers about the level of service from Ecology Staff. Define “timely manner” in the Charter or Best Practices document.
2.4	SAM Revenue and Accounting	Meets Expectations	A key service Ecology provides is revenue collection for SAM. This involves preparing invoices, establishing protected accounts, depositing funds, and producing receipts. Ecology invoices permittees well in advance of permit due dates and enters receipts on their behalf to PARIS for compliance records.	
2.5	Cash Flow Management	Meets Expectations	The SAM Coordinator has tracked each project and how much is obligated and how much is available throughout the permit cycle. SAM continues to operate with enough	

			of a budgetary cushion for unanticipated needs without reserving excessive funds. The sunseting of the Source ID account has gone well, with little confusion, and this is due to the organization of the SAM staff.	
2.6	Administrators Properly Spend Funds	Meets Expectations	All SAM funds have been spent in accordance with the PRO-C's recommendations.	

The PRO-C:

3	Function, per the PRO-C Charter	Grade	Comments	Recommendations
3.1	Provides ongoing review and recommendations to the SWG on Ecology's administrative implementation of SAM. This review is intended to provide feedback to Ecology through the SWG regarding the schedule, scope, budget, and quality of the program's deliverables and to provide accountability	Meets Expectations	PRO-C has worked closely with the SAM Coordinator to ensure that projects stay on schedule and within budget, and if necessary, contracts are amended.	
3.2	Verifies implementation of the contracts.	Meets Expectations	PRO-C can verify that the SAM Coordinator is implementing contracts for the SAM. Please continue to have every completed project present findings at a SWG meeting and posted on the SAM website.	For project that extend beyond a "typical" timeframe consider requiring the development of interim updates at a SWG meeting and interim factsheets posted

				on the SAM website.
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III. Evaluation of Ecology’s Performance as SAM Administrator

This section provides an evaluation of each charter-specific task that Ecology as service provider has been charged with providing to the PRO-C, SWG, and broader stakeholder community:

4	Function, Per the PRO-C Charter:	Grade	Comments	Recommendations
4.1	<p>Ecology shall provide quarterly status reports to the Committee on the implementation of SAM. The reports shall include the following information:</p> <ul style="list-style-type: none"> • A summary of accomplishments, key decisions, and budget expended by task and contractor for the previous quarter, • A summary of planned accomplishments, key decisions, and budget expenditures by task and contractor for the next quarter, • A description of contracts and agreements awarded in the previous quarter, • A description of contracts and agreements planned to be awarded in the next quarter, • A description of deliverables received as part of SAM in the previous quarter, • A description of outstanding issues to be resolved, and Ecology’s plan for resolving the issues, • A description of topics for which input and advice from the SWG and/or the Committee is desired. 	Meets Expectations	The SAM Coordinator has prepared and distributed quarterly budget and progress reports and has posted them to the SAM webpage.	Update Charter with timeline on posting quarterly reports and identify how they will be distributed (and where) in the Best Practices document.
4.2	<p>Ecology shall provide annual status reports to the Committee on the implementation of SAM. The reports shall include the following information:</p> <ul style="list-style-type: none"> • A summary of annual revenues and expenditures for the SAM by task. 	Meets Expectations	The SAM Coordinator has prepared and distributed the annual reports on schedule. There were no fiscal or material issues listed, and the reports	Update the Charter with a specific timeline either a deadline or timeframe (e.g. June of the following year,

	<ul style="list-style-type: none"> • A summary of annual expenditures by Ecology and its contractors. • A work plan for the next year by task. • Any fiscal or material issues raised by the most recent quality control review, or peer review, or by any inquiry or investigation, and any steps taken to deal with any such issues, for all of the contracted work. 		include specific work plan items for following year.	or within the first half of the following year)
4.3	In cases in which Ecology for any reason chooses not to or is unable to implement the SWG’s recommendations, Ecology will explain to the Committee in a timely fashion the reasons for this decision. The SWG and Ecology will use a standard conflict resolution process to work together to resolve any disagreements.	Meets Expectations	To date, there have been no issues in the area. The SAM Coordinator has been able to implement SWG and PRO-C recommendations.	
4.4	Ecology retains direct responsibility for the appointment, compensation, retention and oversight of the work of the contractors (including resolution of disagreements between Ecology and the contractors) for the purpose of preparing its quarterly report or related work, who shall provide reports to the Committee. The Committee will have an opportunity to review Requests for Proposals and Scopes of Work and compile comments on in order to support Ecology’s contracting role.	Exceeds Expectations	<p>The SAM Coordinator has done an excellent job of seeking, gathering, and summarizing the PRO-C members’ input on contracting decisions and reporting on Ecology’s contracting actions.</p> <p>PRO-C appreciates how SAM staff have continued to set up issues for the PRO-C to allow for constructive discussion and processing through careful curation and guidance. SAM coordinator has also been very creative about finding and presenting solutions to issues.</p>	

IV. Evaluation of PRO-C Performance in Oversight Role

5	Function, Per the PRO-C Charter:	Grade	Comments	Recommendations
5.1	The Committee will review Ecology’s quarterly and annual reports.	Meets Expectations	The PRO-C has reviewed all SAM budget and progress reports to date. Since the initial reporting system was put in place	

			<p>and the format finalized, Ecology has completed and provided these reports to the PRO-C and the PRO-C has reviewed and discussed these reports following their release and publication on the webpage.</p> <p>The PRO-C established the format for Ecology's quarterly reports in 2016 and the process is for Ecology to send final quarterly reports to the PRO-C and publish them on Ecology's webpage. Few changes have been requested by PRO-C. When an error is discovered, the SAM Coordinator provides a revised report.</p>	
5.2	The Committee will provide quarterly reports to the SWG.	Meets Expectations	<p>These are verbal briefings to complement the SAM Coordinator's published quarterly reports. The PRO-C has a standing SWG meeting agenda item devoted to this business need. The PRO-C Chair (or Vice Chair) typically reports on process and outcomes. The SAM Coordinator briefs SWG on status of SAM implementation, recent study results and findings, and related information at each SWG meeting.</p> <p>Please continue to discuss large SAM developments and deliverables at SWG meetings; continue to delve into details of project management at the PRO-C meetings.</p>	
5.3	The Committee will provide routine feedback to Ecology on the information provided in the quarterly and annual reports.	Meets Expectations	The PRO-C provides feedback to Ecology not only on the quarterly and annual report contents but on the other issues raised by the SAM Coordinator and SWG Project Manager. As part of ongoing	

			implementation of the SAM, the SAM Coordinator has continued to implement the lessons learned.	
5.4	The Committee will forward to the SWG any findings or recommendations for addressing any identified issues with implementation of SAM, including recommendations for addressing any cost overruns	Meets Expectations	<p>The PRO-C has been adaptable, flexible, supportive, and diligent in overseeing SAM.</p> <p>The PRO-C has continued to review SAM component-level budget estimates and priorities and reviewed the SWG’s strategy for identifying the next round of SAM effectiveness studies, to guide and direct Ecology’s contracting actions.</p> <p>For all SAM work, both the SAM Coordinator’s workload and the pace of income to the SAM accounts need to be considered and the PRO-C has taken this balance into account in its decision-making process.</p> <p>The PRO-C directed the SAM Coordinator to identify project liaisons to provide technical review in addition to Technical Advisory Committee members, and oversight for each SAM effectiveness study. The project liaisons review contract scopes of work and provide the SAM Coordinator with review on large deliverables prior to approval and payment. The SAM Coordinator is implementing this approach differently as needed and appropriate for the various types of projects. Some liaisons are more deeply involved and some projects need more oversight than the liaison can provide.</p>	<p>Continue to ensure that each project has the right amount of oversight. Establish the roles and expectations for either the liaison or TAC for each project. Continue to ensure SAM Coordinator workload and pace of income to SAM accounts is considered in scheduling approved studies and making contracting decisions.</p> <p>Being more specific about the difference between liaison and TAC member. Consider including language in the Best practices document.</p> <p>Lessons learned for the liaison vs a technical committee</p>

			<p>The PRO-C has communicated recommendations to the SWG related to project amendments and proposed budget changes, and acceptable overhead rates.</p> <p>The PRO-C has continued to be adaptable, flexible, supportive, and diligent in responses for the monitoring program management responsibilities at Ecology.</p> <p>For all SAM work, both the SAM Coordinator workload and the pace of income to the SAM accounts need to be considered and the PRO-C has taken this balance into account in its decision making process.</p> <p>The PRO-C allows SAM Staff in coordination with the project lead to decide between a project liaison vs technical advisory committee to provide additional technical review and oversight for each SAM effectiveness study. To date most studies have opted for a TAC model.</p>	<p>should be discussed for future SAM project management, applied to individual projects as appropriate, and included in the PRO-C Best Practices document</p>
5.5	<p>All Committee votes will be taken in a manner that allows for all members to confer with their caucuses and, if necessary, to receive feedback from the SWG’s technical subgroups. Voting may be conducted by email following discussion at a regular PRO-C meeting in order to allow for this to be done in a timely fashion. All Committee votes will be posted on the website for openness and transparency.</p>	<p>Meets Expectations</p>	<p>The PRO-C holds regular “votes” and thus far has operated by consensus. Where more information and/or a collective stakeholder decision has been needed to reach a decision, input from the SWG has been sought. In order to conduct its business efficiently and in a way that allows more external input to the process, the PRO-C has decided to</p>	<p>Describe appropriate expectations for PRO-C members’ participation in email discussions and voting, i.e., establish a quorum for making decisions</p>

			<p>meet more often as needed and to conduct some of its business reviewing and approving contract scopes of work via email. This meets the SAM Coordinator’s need to move contracts through Ecology’s system in a timely fashion. Where voting indicates consensus, the SAM Coordinator implements the decision reached in this manner. Where comments are in conflict or when questions are raised and a decision cannot be reached via email, action on the topic is delayed to the next PRO-C or SWG meeting as appropriate.</p> <p>The PRO-C has had a number of members turn over and should remind the caucuses to fill seats. The PRO-C has held few “votes” and thus far has operated by consensus. Where more information and/or a collective stakeholder decision has been needed to reach a decision (as for determining priorities for the Status and Trends Monitoring expenditures), input from the SWG has been sought. In order to conduct its business efficiently and in a way that allows more external input to the process, the PRO-C has decided to meet only as needed and to conduct much of its business reviewing and approving contract scopes of work via email. This helps SAM Staff move contracts through Ecology’s system in a timely fashion. Quorum participation on email votes is working, as is recusal for conflict of interest. Where voting</p>	<p>and have members “reply all” in email chains to ensure transparency.</p> <p>SWG should discuss whether additional reporting on PRO-C votes is desired. Ecology expects the PRO-C to actively communicate SAM expenditures and determine, with SWG input, how any funds left in the accounts will roll forward for the next permit cycle. SAM anticipates periodic buildup in funds because revenue and expenditures do not exactly match each year, particularly for the Receiving Waters accounts.</p> <p>The recommendation is to capture this concern and include guidance in the best practices document.</p>
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			indicates consensus, the SAM Coordinator implements the decision reached in this manner. Where comments are in conflict or when questions are raised and a decision cannot be reached via email, action on the topic is delayed to the next PRO-C or SWG meeting as appropriate.	PRO-C doesn't have representation from all caucuses, so either the PRO-C charter needs to be revised or PRO-C needs to allow for complete representation from all caucuses in the SWG.
5.6	If the Committee is unable to reach consensus on recommendations or findings, then majority and minority opinions may be presented, with notation as to which caucuses are represented by each opinion.	Meets Expectations	On occasion, some PRO-C members have expressed concerns about decisions but not to an extent that consensus could not be reached. So far, the PRO-C has not needed to document majority decisions and minority concerns, but will do so in the future should the need arise. To date the PRO-C has follow a quorum consensus model of decision making.	Update charter to clearly define the voting process
5.7	Any Committee member associated with an applicant for any proposal must recuse himself/herself from all recommendations relating to award and review of that contract, and oversight of the work performed if the application is selected.	Meets Expectations	The PRO-C members associated with contracts under discussion have recused themselves from decisions. It has been helpful to have members who participate in conducting the monitoring to help other members understand issues as they arise.	
5.8	At Ecology's request, the Committee may assist in hearing appeals on contract award decisions.	Not Applicable	Ecology has not requested any assistance of this type.	
5.9	The Committee shall review and discuss any findings of the State Auditor pertinent to administration of this program as found in the course of their regular audits of Ecology.	Not Applicable	The PRO-C has not received any reports from the State Auditor.	

V. Additional SAM Administrator Roles

6	Additional SAM Administrative Services	Grade	Comments	Recommendations
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6.1	Coordination and Management for Streams Monitoring	Exceeds Expectations	The SAM Coordinator and SAM scientist revised the methodology for Streams monitoring. This was done for a number of reasons that were intended to maintain the integrity of the study, allow for sampling from a broader array of sites and work within the budget available. SAM staff did a great job communicating these changes to the SWG.	
6.2	Coordination with Labs	Exceeds Expectations	The SAM Coordinator has coordinated with several labs to meet holding time requirements for time sensitive testing as well as for inter-calibration comparisons.	
6.3	Manage SAM Communications (web, support contract, symposium, etc.)	Meets Expectations	<p>The SAM Coordinator and staff have done an excellent job (with the help of a contractor) at conducting both internal as well as external communications on behalf of SAM.</p> <p>The SAM Coordinator and staff have incorporated factsheets into project deliverables, which have been useful in summarizing large reports for elected officials.</p>	Consider providing contact information for SWG, PRO-C, and Subgroup chairs to help connect permittees to peers involved in this work.
6.4	Develop and lead Effectiveness Study workshop(s) for input and prioritization	Meets Expectations	The SAM Coordinator and staff have done a great job of organizing workshops to solicit input on future Effectiveness Study topics for the upcoming permit cycle	