

Environmental and natural resources problems rarely respect political boundaries. Pollution, for example, affects whole ecosystems—not just a single jurisdiction. Different levels of government need to work together across jurisdictional lines to address these kinds of problems, and they need processes to do so. Environmental and natural resources issues also affect the health and well-being of all citizens. Collaborative processes provide effective ways to include citizens voices in forming and implementing public policies.

Below is a case that illustrates different ways collaborative approaches can be used to address environmental issues.

Negotiating to Meet Water Quality Standards for a Washington River

Problem

When the Puyallup River Watershed in Western Washington began experiencing economic growth, water quality issues became a key concern for the region. Primary polluters in the region included cities—whose wastewater treatment plants and street runoff affect the river—and industries such as microchip processors and paper mills. Under the federal Clean Water Act program, these entities held discharge permits allowing for specific amounts of pollutants.

In 1994, the Department of Ecology (Ecology) prepared a Total Maximum Daily Load (TMDL) assessment for the Puyallup River. TMDL calculations determine the maximum amount of pollution a water body can receive and still meet water quality standards. The TMDL assessment concluded that the river had surplus, or 'reserve capacity.' In other words, the river could withstand additional pollution and still be considered safe under U.S. Environmental Protection Agency (USEPA) regulations.

After USEPA's approval of the TMDL assessment, several permitted dischargers learned of the reserve and came to Ecology to request portions of it. Ecology realized that allocating portions of the reserve would be a highly contentious issue. Rather than making unilateral decisions, Ecology decided to try mediation.

Process

Ecology hired an independent mediator who began the process by determining whether mediation was appropriate. During this assessment, the mediator learned that USEPA had previously delegated to the Puyallup Tribe the authority to adopt water quality standards in the stretch of the Puyallup River within the tribe's reservation. The state already was in the process of negotiating a Memorandum of Understanding with the tribe on water quality issues. (Their cooperative relationship was confirmed in a MOU signed in January 1997.)

Based on the assessment, the mediator reported that in order to be successful, the mediation would have to be sponsored jointly by Ecology, the Puyallup Tribe, and USEPA, since they held final decision making authority to allocate the reserve. After some deliberation, the parties agreed to this approach.

The three sponsors convened a mediation committee made up of stakeholders from along the watershed. These included representatives of two tribal governments, federal and state agencies, local governments, municipal and industrial discharge permittees, conservation, agriculture, and business interests.

The Committee's purpose was to determine whether the reserve capacity existed and, if it did exist, to seek consensus on how to manage it in the future to both protect water quality and address the needs of the watershed's inhabitants.

The first step in the mediation process was to develop a common base of information. This entailed a review of the TMDL process and the



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“State government needs to take the lead in the use of creative problem solving and dispute resolution. These tools, used appropriately, have proven to be more effective and efficient ways to address many of the difficult issues that citizens and government face.”

1994 Puyallup River TMDL. An armchair tour of the watershed proved to be an effective way for parties to educate one another about their respective needs and interests. Other information included the history and uses of the river, treaty rights, legislative mandates, natural river processes and hydrology, background water quality, and point and non-point sources of pollution.

At the end of this phase, the Committee agreed there was reserve capacity that could be allocated. The process then shifted to negotiating agreements on which entities should be eligible to receive a portion of the reserve capacity, what size allocation each should receive, for what purposes, and under what circumstances.

Results

After more than a year of negotiations among the caucuses, who worked in both full and small group sessions, the Committee reached consensus on allocation of the reserve and established processes and principles to guide the use of reserve capacity in the future.

In June 1998, the agreement was signed by all the parties to the mediation. In addition to the specific allocations to permittees, at the suggestion of the tribes and environmentalists, five percent of the TMDL reserve capacity was set aside as a water quality buffer to demonstrate the parties' commitment to water quality and habitat enhancement. This amount was in addition to the margin of safety used in the TMDL, and the two tribes' commitments to set aside 10 percent of their portion of the TMDL reserve for fish habitat and water quality enhancement.

The group acknowledged that with the reserve capacity allocated, future demands for handling municipal discharge, direct industrial discharges, or other discharges to the river would have to be met in other ways—i.e., improving water treatment, reducing other loads, or trying effluent trading models.

Lessons Learned

- It is important to identify and recruit ALL potential stakeholders involved in an issue and make sure that they are willing and able to participate.
- Collaborative processes take time, but the agreements that are reached are often enduring and can help parties form relationships that are essential for working together in the future.

For more information on this case contact:

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